



PUBLIC MEETING

April 14, 2015

MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on April 14, 2015, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Chairman Andy Hunthausen called the meeting to order at 9 a.m.

Commissioner Susan Good Geise and Commissioner Mike Murray were present. Others attending all or a portion of the meeting included Eric Bryson, K. Paul Stahl, George Theborge, Matt Heimel, Nancy Everson, Keith Hatch, Greg McNally, Lindsay Morgan, Kim Smith, Jake Gruber, Jana Gruber, Al Knauber, and Nichole Nisbet, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Resolution 2015-60 Ordering a Refund of Taxes/Fees/Assessments Paid by Clifford & Betty Hiatt in the Amount of \$544.68. (Cheryl Green)

- b. Resolution 2015-56 Declaring County Property Surplus Property. (Amy Reeves)

- c. Resolution 2015-57 Declaring County Property Surplus Property. (Amy Reeves)

Eric Bryson reported on the consent action items 2 a-c and recommended approval.

No public comment was received.

A motion to Approve was made by Commissioner Murray and seconded by Commissioner Good Geise, and the motion result was Passed with a vote of 3-0

Resolution 2015-59 To Authorize the Issuance of a \$815,000 Principal Amount Search & Rescue Facility Bond. (Nancy Everson)

Nancy Everson, Finance Director, presented Resolution 2015-59, amending Resolution 2014-84 which authorized the issuance of \$815,000 Search and Rescue Facility Revenue Bond. The loan would not be finalized until the subdivision was complete. The County now intends to borrow \$730,000 payable over eight years, instead of the \$815,000 payable over nine years, as described in Resolution No. 2014-84.

Commissioner Hunthausen asked for clarification on the changes to the loan.

Nancy Everson stated the cost has not changed on the building just date of issuance of the bond.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0

Independent Contractor Agreement between Lewis & Clark County and Triple S Construction & Irrigation Co., LLC. (Keith Hatch)

Keith Hatch, Fairgrounds Manager, presented the contractor agreement between Lewis & Clark County and Triple S Construction & Irrigation Co. to complete the replacement of the waterline to the West Arena with the contract not to exceed the amount of \$8,786.93. The waterline is outdated and has been leaking. Work will be completed by May 1, 2015.

No public comment was received.

A motion to Approve was made by Commissioner Murray and seconded by Commissioner Good Geise, and the motion result was Passed with a vote of 3-0

Resolution 2015-58 Abandoning Two Public Access Easements Located Southwest of the Junction of North Montana Avenue and John G. Mine Road, and Lying South of and Adjacent to John G. Mine Road. (Matt Heimel)

Matt Heimel, Special Districts Planner, presented Resolution 2015-58, abandoning two public easements located southwest of the junction of North Montana Avenue and John G. Mine Road, and lying south of and adjacent to John G. Mine Road. Two of three conditions have been met, one being that a certificate of survey should be submitted and the other being that a certificate of title should be submitted. The final outstanding requirement is to have the resolution adopted.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0

Proposed Minor Subdivision to be known as the Antelope Hill Subdivision. (Applicant: Jake & Jana Gruber) (Planner: Matt Heimel)

Greg McNally, Planner II, presented the proposed 2-lot minor subdivision to be known as Antelope Hill Subdivision. The property is located southwest of and adjacent to Birdseye Road, just opposite of the intersection of Birdseye Road and Seabiscuit Drive. The applicant is proposing to divide the existing two and a half acre lot into two single family residential lots. Access to the subdivision will be off of Birdseye Road. The property is undeveloped with the exception of an existing well and pump house that serves properties to the south. There are no zoning restrictions or covenants that govern the property and today's meeting was noticed and letters were sent to adjacent property owners. There has been no written public comment received. The lot line will place a 1 acre lot on Lot 2 and a 1.53 acre lot on Lot 1. There is a 100 foot radius for the well to meet the separation requirements for the drain fields. There is an existing 30 foot wide gas line easement, there is also a waterline easement for the well and pump house. The preliminary plat does not show an area for fire protection as the applicant is proposing to utilize an existing offsite source for fire protection. That source is located along Birdseye Road, about three quarters of a mile away. This system was tested by Ryan Casne of Casne and Associates and Larry Koehler of the Birdseye Fire Department and it performed at 467 gallons per minute. Staff did not identify any major issues with this proposal however the impacts of offsite roads will be addressed. As proposed the subdivision will have an impact of Birdseye Road, the current findings do identify Birdseye Road a major collector. The ADT on this road is less than those on a major collector as classified in the County Subdivision Regulations. Points of clarification for the findings of fact and conditions of approval include changes to ensure that the ADT on Birdseye Road reflect the local road or a minor collector, depending on the location and that the percentage of impact goes towards the functional classification of Birdseye Road based on ADT. Another point of clarification is in regards to fire protection. The amount of traffic is important to mention and in consideration of the offsite fire source, although it functions as a major collector, it does not carry the amount of traffic a major collector does at 3,500 trips per day or more. Because it carries less it is an acceptable road for the fire department to drive on and to access the offsite water source and come back to the subdivision. Greg McNally clarified that the amendments have been shared with the applicant as well.

Commissioner Murray asked about Condition 9.d. on page 4, does the waiver for the right to protest apply if there is an RID for all of Birdseye.

Greg McNally stated that the waiver would not apply to any improvement district to improve Birdseye Road but would apply for a maintenance district.

Commissioner Hunthausen asked if the applicant has received a copy of the staff report.

Jake Gruber, 10 Wallace Road, the applicant, stated that they have had time to review but there are a few things they do not understand. The area of concern is Number 8 as Birdseye Road has been a poor condition road for many years. The cost to upgrade the road would be very large. The applicant did hire Bob Abelin to do a traffic impact study. The applicant feels the cost to upgrade this road may be upwards of many millions of dollars. The applicant feels that the cost to get Antelope Hill to standard at 1.5% is a large amount of money and far exceeds the cost of the land.

Commissioner Hunthausen asked the applicant if Number 8 is their only concern at this time.

Jake Gruber, the applicant, stated that yes that is the only one they see to be an issue.

Commissioner Hunthausen asked the applicant, if he was concerned about the cost that number 8 would be for the project and that the project will have an impact on the road.

Jake Gruber, the applicant, stated that yes if you add a house to a road you will be impacting the road in some manner as you are adding trips to town. The problem they see is that the standards of 1.2% and 1.5% are taken off a broad standard. The cost of the road based on the length and severity is going to increase the cost to the applicant.

Commissioner Geise asked the applicant if they are in agreement with the method or the average daily trips.

Jake Gruber, the applicant, stated he does not argue the findings from Mr. Abelin. He does feel they will impact the road but he does not feel their impact will be at the cost of \$100,000.

Commissioner Geise stated for clarification that the applicant may be worried about 1.5% of "x amount", however they do not know what "x amount" is.

Jake Gruber, the applicant, stated yes.

Commissioner Murray stated that Birdseye Road is a chip seal road and is in terrible condition at the moment; however when the hot mix plant opens up again the intention is to fill all the gravel spots in the road. The question Commissioner Murray has in on 9d. was that one of the options the County has is to create an RID for everyone who uses Birdseye Road as one way of putting another fix on the road.

Jake Gruber, the applicant, asked if they agreed to 9d. and did not pay the impact fee then the waiver would not be in place, correct.

Greg McNally stated that in the percentage of impact, when you pay your proportional share for your offsite roads, you have been deemed to have made a contribution. If there was a RID for improvements to the road, you would not be required to be a participant of that RID for those improvements. However, if it was an RID for maintenance of the road you would be required to be a part of the RID.

Commissioner Murray asked if the existing well and pump house are in the utility easement.

Greg McNally stated that there is no utility easement at that location. There is a 30 foot easement for the gas line but the existing well is not within the easement.

Commissioner Geise stated there is a meeting tonight with the Birdseye folks and asked for clarification on what the plan is for Birdseye from Mr. Bryson.

Eric Bryson stated that Public Works has looked and will continue to look for a variety of different funding sources for improvements on Birdseye Road. The County recognizes, the Commission understands and the staff knows there needs to be significant improvements but what we've struggled with in the past is finding appropriate funding to do those significant improvements. We can continue to maintain it the best we can. The long term plan is to try and identify funding sources that would add to longevity and capacity and structural integrity of that road. A professional engineering report was done in 2010 that gave a baseline foundation information about what would be required to bring the road into current County Standards. We are encouraged that the legislature may have provided some funding for road improvements and maintenance that can be looked at as an option. In the long term, a discussion for an RID for maintenance may be appropriate as well as continuing to look at funding sources we can find to put money into this road.

Commissioner Geise asked the applicant about his comment about his contributions to the improvement of Birdseye Road might exceed the value of the property. Do you want to stand by your statement that the 1.2 or 1.5 percent of "x" might be more than what your property is worth?

Jake Gruber, the applicant, stated that the cost is far more than his property is worth. The applicant asked if Mr. Bryson knew what the figure was in 2010 to upgrade Birdseye Road.

Eric Bryson stated that he does not know the cost is to improve the road off the top of his head. Jake Gruber, the applicant, stated that lots for sale in the area are listed for \$42,000, that's \$84,000 with the 2 percent. The possibility of having the exorbitant cost could eliminate their future plans.

Commissioner Murray stated that the 2010 study was based on asphalt mat road. Last year only a couple of thousand dollars was invested. Given our budget I do not see the County doing anything different but they do want to keep their options open.

Jake Gruber, the applicant, stated the road is very severe and very long. Other people use the road other than the residents.

Commissioner Hunthausen stated that the intent of the County regulations is to be fair. Your percentage of impact is based on what it would take to rebuild the road and bring it to standard. If the legislature does do something this year that would allow us to apply for money, this road does not meet a lot of funding criteria. This road is all on the County taxpayer or resident which is a difficulty for the County.

Commissioner Murray stated that in there is an article in the paper today on the bill in the legislature.

Jake Gruber, the applicant, stated that if the Commission would like, he has no problem asking for this to be revisited or to file a variance.

Commissioner Hunthausen stated that the proposal before us today is not for the variance so the proposal will need to be followed by the current regulations.

Commissioner Geise asked if she can ask if the applicant would like to table the item this at this time so that the applicant can have the time to request the variance.

Jake Gruber, the applicant, stated that would be great to table this and apply for a variance.

Commissioner Murray stated that if they table this today it would need to be tabled to a date specific.

Eric Bryson stated that if the applicant is interested in applying for variance there is a whole new process that will need to be followed. The applicant will need to write a letter to the Planning Department requesting a variance. You can table indefinitely pending the receipt of the application for a variance.

Commissioner Hunthausen stated that if we change the proposal by adding a variance it will be advertised again and a new notice will be given.

Commissioner Geise how long do you think it will take to notice the item before it can be before the Commission again.

Greg McNally stated that this is a first minor subdivision so there is no public hearing associated with the application nor would a public hearing be associated with a variance request.

Commissioner Murray stated that per the advice of the County Attorney, tabling requires a date specific.

Paul Stahl, Deputy County Attorney, advised the Commission to follow their usual procedure and table this until Thursday and at that time you can begin a new process or to find a new date to table the item to.

Commissioner Geise stated she would rather have a minimum of a week.

Commissioner Hunthausen asked the applicant if next week would be fine to take up the item again.

A motion was made by Commissioner Murray to table the item until the regularly scheduled meeting on Thursday, April 23, 2015 and seconded by Commissioner Geise, and the motion result was Passed with a vote of 3-0.

Greg McNally stated that the review period for the application will expire on April 27th and you would be required to make a decision next week.

Commissioner Hunthausen asked if the applicant would like to extend the review period can that can be requested by the applicant.

Greg McNally stated yes.

Board Appointments. (Eric Bryson)

Eric Bryson presented the board appointments and recommended the appointment of Dave Chadwick as an at large member to a 3-year term on the Open Lands Advisory Committee that expires 6/30/17. Mr. Bryson recommended the appointment of Gary Ellingson as a representative of Timber/Forest Interests to a 3-year term on the Open Lands Advisory Committee that expires 6/30/17. Mr. Bryson recommended the appointment of Robert (Bob) Martinka as an at large member to a 3-year term on the Open Lands Advisory Committee that expires 6/30/17.

No public comment was received.

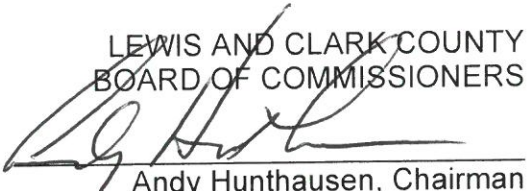
A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0

Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.

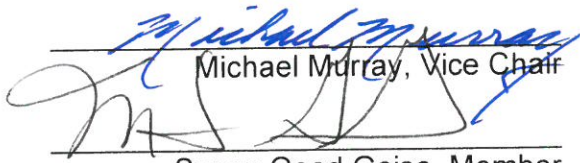
Adjourn

There being no further business, the meeting adjourned at 9:53 am.

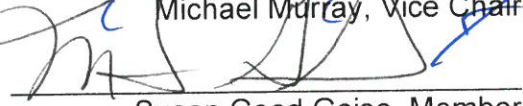
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chairman

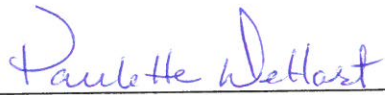


Michael Murray, Vice Chair



Susan Good Geise, Member

ATTEST:



Paulette DeHart, Clerk of the Board