



PUBLIC MEETING

April 5, 2018

MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, April 5, 2018, at 9:00 AM in Commission Chambers Room 330.

Roll Call

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

Commissioner Jim McCormick and Commissioner Susan Good Geise were present. Others attending all or a portion of the meeting included Roger Baltz, Marni Bentley, Connie Cole, Matt Heimel, Dan Karlin, Dan Kuchty, Joe McMillan, Karen McMillan, Greg McNally, Marvin Olaf, John Tarr, Jeremy Wilde, Tony Protheroe, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

a. Vendor Claims Report for Week Ending April 6, 2018. (Marni Bentley)

Roger Baltz reported on the consent action item 2 a and recommended approval.

No public comment was received.

A motion to Approve was made by Commissioner McCormick and seconded by Commissioner Good Geise. The motion Passed on a 3-0 vote.

Request to Amend the Subdivision Improvements Agreement for the Amended Plat of Bridge Creek Estates Major Subdivision. (Applicant: Phil and Judy Wirth) (Planner: Greg McNally)

Greg McNally, Planner II presented the request to amend the Subdivision Improvements Agreement for the Amended Plat of Bridge Creek Estates Major Subdivision. The applicant's engineer, Tony Protheroe, indicated that he has received the staff report and is ready to proceed.

The amended plat is located east of and adjacent to North Montana Avenue and approximately one quarter of a mile north of Lincoln Road. The current SIA requires the installation of a bike/pedestrian trail within an existing Helena Valley Irrigation District (HVID) easement and to install fencing along the easements for the irrigation laterals. The applicant requests that the requirement be reduced to coincide with a Special Use Permit issued by HVID. The applicant will also construct a crosswalk at Stetson Road across North Montana Avenue connecting the

trail with the existing path on the west side of North Montana Avenue. The applicant is looking to culvert the irrigation canal taking away the safety issue and proposes to eliminate fencing required along the irrigation lateral.

On September 23, 2006 the applicant filed the Bridge Creek Estates Major Subdivision plat to include 101 lots for single-family residential development and one lot, 5.52 acres dedicated to parkland for the subdivision. An amended plat was filed on September 18, 2013 reducing the total number of residential lots to 88 lots. The amended plat also vacated a portion of Ropers Road. The subdivision is at or near full build out; however, on September 17, 2015 the applicant was given preliminary conditional approval to subdivide Lots 9A, 11A, and 101A into 50 single-family residential lots.

As of March 29, 2018 six letters of public comment have been received. In addition, comments were received from the following agencies: Helena Valley Irrigation District, the West Valley Fire Chief, and the Flood Plain Coordinator and the County Engineer.

Staff recommends approval of the request to amend the SIA subject to conditions of approval. The current SIA has a completion date of May 7, 2018 with the letter of credit expiring on June 7, 2018.

Mr. Prothero stated he wanted to remind everyone of a little more history. The reason the bike path has never been completed is because the the HVID easement was incorrectly depicted on the plat. HVID was not in support of putting the pedestrian path inside their easement. Mr. Prothero stated that the applicant is eager to complete the project. Mr. Protheroe added that there will likely be existing landscaping by lot owners that will be effected by the path but Mr. Wirth is required to build the path so there is really no way to avoid those conflicts. They will try to minimize those conflicts as much as possible.

Mr. McNally stated even though the amount of path is being reduced, the full length of easement would remain.

Mr. Prothero explained the applicant has not completed the fencing because the area in question has not been developed. If the property is further developed and lots are sold, then the applicant would finish the fencing. Mr. Prothero would like to meet with HVID and see if there is a fencing scheme that can work for all parties. Other items in the SIA include a chip seal of Powder River Court and that has been completed. Also, a storm water pond is to be constructed and that has been done. Mr. Prothero added that the expiration date of May 7, 2018 for the SIA is not realistic to get the plans created and completed so they will have to come back for an extension.

Dan Karlin, County Engineer stated that the proposed sidewalk will be in an area with a posted speed limit of 45 with just over 6,000 daily trips. Mr. Karlin gave an overview of the rapid flashing beacon that uses a non-consistent flashing light to warn motorists of a pedestrian in a crosswalk. There have been studies done on the use of such beacons, which is a newer technology, and the results have stated that the rapid flash beacon increases the stop rate of motorists by 63%.

PUBLIC COMMENT -

Dan Kuchtyn, 1206 Lucchese, stated they bought their home in 2007. At that time the subdivision was very sparse. Shortly after the purchase when school started, the children from his neighborhood were able to come and go. He always wondered why there was not some type of walkway and he feels a pedestrian path is imperative.

John Tarr, 1209 Lucchese, has been in the subdivision for nearly six years. The irrigation ditch needs to be fenced and quickly; the kids walk along that ditch all the time. He believes the priority is the fences along the ditch and the crosswalk.

Jeremy Wilde, 1248 Powder River Court, referenced the path to the north of Powder Court and it is a path to nowhere, there is no connectivity. He would like to make the changes tie into the crosswalk at Angus Drive. Mr. Wilde also noted the proposed width of the path is four feet and he would advise the County verify that 4 feet is wide enough.

Mr. McNally stated the Public Works manual does allow for the four feet path that has been proposed.

Karen McMillan, 1306 Lucchese Road, stated she feels like she is in favor, however the residents would like the projects done before school starts in the fall. This has been a request for five years.

A motion was made by Commissioner McCormick to table the item to the regularly scheduled public meeting on April 10, 2018. The motion was seconded by Commissioner Good Geise. The motion passed 3-0.

Resolution 2018-8 to Adopt the Recommendation of the Citizens Advisory Committee for the Lewis and Clark County Open Lands Program Guide. (Tabled 2-27-18) (Planner: Matt Heime)

Matt Heime, Special Districts Planner presented the resolution to adopt amendments to the Open Lands Program Guide as recommended by the Open Lands Citizens Advisory Committee (CAC). The CAC recommended that the Board of County Commissioners adopt amendments on December 5, 2017 that would provide for two project application review processes. On December 21, 2017 a 30-day public comment period was opened. Comments from Christian Dietrich of Montana Land Reliance were received that requested the inclusion of provisions for conditional approval. These comments were considered by the Commission during a public hearing on January 23, 2018. The Commission voted to return the document to the CAC for further amendments that reflect provisions for conditional approval in the new standard review process. On April 3, 2018 the CAC voted unanimously to recommend that the Commission adopt amendments to the program guide with additional edits by county staff as necessary to clarify requirements on appraisal information. Time will be needed for the Planning Department and the County Attorney's Office to look over the comments and additional edits.

Charles Lane, Deputy County Attorney stated the CAC has approved the concept of the two tract approval processes however, there will need to be additional review and revisions by the County Attorney's Office to make sure the guide is consistent and legal with respect to public participation with both tracts.

Mr. Heime gave an overview of the current program guide that was last amended and approved in 2014. That guide included a process where there was only one approval process and required that all application materials be submitted up front. The proposed amendment would include both a standard review process as well as a new expedited review process.

PUBLIC COMMENT -

Connie Cole, Chair of the CAC concurs with Mr. Heime's presentation and stated that they are 99 percent finished and are just awaiting legal review and approval.

A motion was made by Commissioner McCormick to keep the public hearing open and table the item to the regular public meeting on May 3rd. The motion was seconded by Commissioner Good Geise. The motion passed 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 10:47 am.

**LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS**



Jim McCormick, Chair



Susan Good Geise, Vice Chair



Andy Hunthausen, Member

ATTEST:



Paulette DeHart, Clerk of the Board