



PUBLIC MEETING

May 14, 2020
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, May 14, 2020, at 9:00 AM in Zoom Meeting <https://zoom.us/j/5669454978>.

Roll Call

Chair Susan Good Geise called the meeting to order at 9 a.m.

Commissioner Andy Hunthausen and Commissioner Jim McCormick were present. Others attending all or a portion of the meeting included Roger Baltz, Christal Ness, Peter Italiano, Charles Lane, Reese Martin, Greg McNally, Nancy Everson, Christina Kranich, Nicho Hash, Jessica Makus, Ron Bartsch, Jeff Buscher, Jeni Garcin, and Nadine McCarty, Recording Secretary. All attendees were present via Zoom.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Vendor Claims Report for Week Ending May 15, 2020. (Marni Bentley)
- b. Public Meeting Minutes for January 2; March 12, 17, 19, 24, and 26, 2020. (Nadine McCarty)
- c. Resolution 2020-22 Request for Prosecutorial Assistance. (Leo Gallagher)

Roger Baltz 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 Hunthausen and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

Termination of the Contract Between Lewis and Clark County and the Helena YMCA. (Reese Martin)

Reese Martin, Disaster & Emergency Services Coordinator, presented the current contract with Helena YMCA for the consideration of terminating the contract. The contract is for the use of Camp Child for the non-congregate sheltering of homeless families. The effective date of the

termination will be May 21, 2020 with the intent that the Commission will enter into a grant agreement to continue to provide services for temporary emergency shelter needs.

No public comment was received.

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

Possible Letter of Support for a Conservation Easement. (Christal Ness)

Christal Ness, Development Services Supervisor, presented the request from the United States Forest Service (USFS) for a letter of support for the creation of a Conservation Easement for property located at the headwaters of Austin Creek. The USFS secured a funding grant from the Montana Fish and Wildlife Conservation Trust and in order to receive non-federal funds they require a partner. The Rocky Mountain Elk Foundation (RMEF) is working with the USFS on the project and will present the project to the Board of Directors for consideration and possible approval on May 19, 2020. Letters of support are important for RMEF consideration for partnership. Therefore, the USFS has requested the Board of County Commissioners to review the project and consider writing a letter of support for the project prior to the RMEF Board meeting.

Property owner Michael Larum asked RMEF and the USFS to help him conserve their approximately 166-acre Mullan Pass property. This inholding of the Helena-Lewis and Clark National Forest (HLCNF) is a high priority for the USFS to acquire. The property contains recreation opportunities, elk and wildlife habitat. The landowner is motivated to sell and under a possible imminent threat of subdivision, as it is located in a very popular hunting and recreation area.

The Mullan Pass-Austin Creek property is located approximately 14 miles northwest of Helena, Montana on the Helena Ranger District of the HLCNF. It consists of two mining claims owned by Michael Larum and is surrounded on all sides by the HLCNF, with the exception of the southeast tail of the Placer Mining Claim, which is bordered by a private inholding to the south. The only evidence of mining observed on the property was several small exploratory pits.

The property is currently accessible by a county road. Austin road traverses the northeast edge of the property and then turns into Mullan Pass Road which traverses through the middle of the property and exits out the southwest edge. Ms. Ness gave a brief overview of the historic Mullan Road, with some sections still visible on the ground, and noting it was the first wagon road to cross the Rocky Mountains to the Inland of the Pacific Northwest. The property encompasses the headwaters of Austin Creek, which lies just east of the Continental Divide. The proposed project will protect and conserve approximately 2 acres of riparian forested wetlands and 1 acre of riparian scrub-scrub wetlands along Austin Creek in this area. The property is located within an important linkage zone for grizzly bears and lynx, both listed as threatened species under the Endangered Species Act (ESA). It also provides connectivity for wolverines, a proposed species under the ESA. All three species have been detected in the general vicinity of Mullan Pass. Non-game species to include a variety of birds, amphibians, and small mammals are also present on the property.

Once complete, the project will enhance public hunting opportunities for elk, deer, mountain lions, bear, and other game species in Hunting District No. 343. In 2019, Montana Fish, Wildlife and Parks observed 1,695 elk in Hunting Districts 339 & 343. Elk numbers are just slightly higher than the objective for these hunting districts, which is set at 1,100 - 1,680 elk.

The Continental Divide Trail, a very popular trail, enters the south corner of the property, and continues south to Priest Pass and MacDonald Pass; acquisition of this property would secure permanent access to the trail.

Acquisition of the property would prevent further development of the Austin Creek drainage. There are many available building sites on the property that could potentially be developed. There is currently a cement foundation on the property, and old shop that is in disrepair, and several abandoned vehicles, all of which would be cleaned up prior to the HLCNF acquiring the land.

The project is viewed as a project with immense value to be protected through the Conservation Easement process, and seeks a letter of support from the Board of County Commissioners. Once the RMEF makes their decision and the proposed Conservation Easement will go to the Planning Board for comment.

No public comment was received.

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

Preliminary Amended Plat Approval of the First Amendment of Heron Creek Subdivision (Phases 1, 2, and 3), SUBD2019-011. (Tabled 5-7-20) (Applicant: Ron Bartsch) (Planner: Greg McNally)

Greg McNally, Planner III, presented the amended preliminary plat of the first amendment of Heron Creek Subdivision Phases 1, 2, and 3, SUBD2019-011. The item was heard and considered by the Commission on May 7th. The applicant is requesting 6 variances including boundary line relocations as well as the vacation of utility easements.

Ron Bartsch, applicant, stated he has read and reviewed the staff report and recommendations and supports the conditions of approval.

No public comment was received.

A motion was made by Commissioner McCormick to approve the amended preliminary plat of the first amendment of Heron Creek Subdivision Phases 1, 2 and 3. The motion was seconded by Commissioner Hunthausen.

A motion was made by Commissioner Hunthausen to adopt the finding of fact as presented.

The motion was seconded by Commissioner McCormick. The motion Passed 3-0.

Commissioner Hunthausen discussed the findings of fact including 10 foot setbacks and the elimination of some utility easements. All of findings of fact from the prior approval of the subdivision remain in place.

A motion was made by Commissioner Hunthausen to adopt a conclusion that the proposed first amendment of Heron Creek Subdivision, Phases 1, 2 and 3 will have adverse impacts on the impact criteria. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

A motion was made by Commissioner Hunthausen to adopt a conclusion that the adverse impacts of the proposed first amendment of Heron Creek Subdivision, Phases 1, 2 and 3 can be mitigated through the conditions of approval as recommended by the City and County

Consolidated Planning Board. The motion was seconded by Commissioner McCormick. The motion passed 3-0

Commissioner Hunthausen discussed the conditions of approval including addressing the boundary line issues on the plat and survey; 10 foot setback; vacation of utility easements; and adhering to covenants. Property owners should hire a surveyor prior to commencing on-site construction to determine the location of all setbacks, easements and existing utilities so as to avoid any encroachments.


Commissioner Hunthausen stated there is a global motion on the floor to approve the amended plat of the first amendment of Heron Creek Subdivision, Phases 1, 2 and 3 that the motion now includes the findings of fact and the conclusion of law. The motion Passed 2-1, with Commissioner Geise voting against.

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 9:39 a.m.

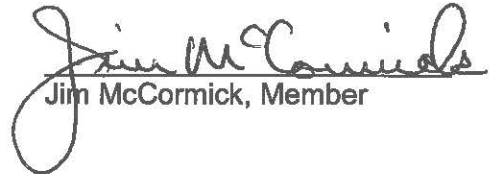
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Susan Good Geise, Chair




Andy Hunthausen, Vice Chair



Jim McCormick, Member

ATTEST:



Paulette DeHart, Clerk of the Board