



PUBLIC MEETING

May 7, 2020
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, May 7, 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, Peter Italiano, Dan Karlin, Charles Lane, Nicho Hash, Christian Lehnert, Audrey McCue, Greg McNally, Audra Zacherl, Ron Bartsch, Jessica Makus, Jeni Garcin, Jeff Buscher, Eric Griffin, Nadine McCarty, and Misty Edwards, Recording Secretary. All attendees were present via Zoom.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

There were no consent action items.

Bid Award. 2020 Crack Seal. (Audra Zacherl)

Audra Zacherl, Public Works Assistant Director, presented the bid award for the 2020 Crack Seal project. On April 28, 2020 a bid opening was held for the 2020 Crack Seal project and two bids were received. The project generally consists of routing, cleaning (including using a vegetation sterilant) and sealing cracks in asphalt pavement that 1/4 inch wide or wider on various county roads and in some Rural Improvement Districts. After a review of the bids by the selection committee, staff recommends awarding the bid to the low bidder, Cap Paving, Inc. of East Helena, Montana for the base bid per linear foot amount of \$1.52 and a lump sum mobilization cost of \$1,500.

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.

Agreement Between Lewis and Clark County and Sussex Development, Inc. (Dan Karlin)

Dan Karlin, Engineer, presented the agreement with Sussex Development, Inc. for improvements to Eames Lane with a cost share to the County of approximately \$146,000 with work to be completed no later than December 31, 2020. This agreement stems from Public Works working with Sussex Development and their consultants to come to an understanding as to how to fulfill their subdivision improvements agreement, particularly condition of approval number 22 that states: "The segment of Eames Lane from Canyon Ferry Road to Kier Lane is to be improved to a pavement standard in accordance with an engineered plan to be reviewed and approved by the County."

Condition 22 was developed during February 2012 commission meetings. This was a time of transition in offsite road construction requirements. Due to the February commission meetings, the way in which the remainder of condition 22 was written, and the environment of the overall development situation in 2012, there was some disagreement as to how the improvements to Eames Lane would look and be paid for when Sussex approached Planning and Public Works to begin the process of satisfying condition 22. Public Works and Sussex Development held a series of meetings to form a consensus on what would be considered a pavement standard, approvable by Public Works. Sussex Development provided plans for Public Works that have been approved for construction. However, due to the significant disagreement regarding what was thought to be originally required and the cost, the decision was made a collaborative effort would be necessary to move forward with the project. Public Works agreed to administer the project, supply some materials while Sussex agreed to construct the project, either with Sussex crew or to hire another contractor.

The agreement is the result of such efforts and outlines responsibilities of all parties. The end result will be 1.5 miles of well-built asphalt road that will give Lewis and Clark County residents a significantly upgraded piece of infrastructure that will require less annual maintenance over the life of the roadway. Staff recommends approval of the agreement with Sussex Development, Inc.

Greg McNally, Planner III, stated that this project came about as a result of off-site road improvement policy changes. This is a unique solution that allows improvements to proceed.

PUBLIC COMMENT -

Ron Bartsch, Sussex Development 16 Wapiti Lane, thanked the Commission and County staff for the collaboration to bring this forward so the road improvements can be completed.

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

Grant Application to the Bureau of Land Management. (Christian Lehnert)

Christian Lehnert, Weed Coordinator, presented the grant application to the Bureau of Land Management (BLM) for invasive and noxious plant management in the amount of \$50,000 over 5 years with at least 10% in-kind match of \$6,250. This would be \$10,000 annually with a minimum of \$1,000 in-kind match per season over the 5 years. The purpose is to help reduce noxious weed infestations on BLM lands within Lewis and Clark County. The funds will be focused on public roads in the North Hills Fire area as well as other public roads adjacent to BLM property. Staff recommends approval grant application submittal to the Bureau of Land Management.

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.

Board Appointment. (Audrey McCue)

Audrey McCue, Elections Supervisor, presented the board appointment to the East Clark St. Water/Sewer Board of Directors. The election was canceled pursuant to 13-1-502, MCA because the number of candidates that filed was less than the number of positions to be filled. When an election is canceled and there are no regular or declared write-in candidates for a position, the Board of County Commissioners shall fill the position by appointment.

Heath Mason requested appointment to the remaining position on the East Clark St. Water/Sewer Board of Directors. The elections office has verified that he is eligible to serve as a Director of the Board. The recommendation is to appoint Heath Mason to a four-year term on the East Clark St. Water/Sewer District Board of Directors.

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.

Board Appointment. (Audrey McCue)

Audrey McCue, Elections Supervisor, presented the board appointment to the York Fire Service Area Board of Trustees. Geri Semmens, a Trustee on the York Fire Service Area Board of Trustees, resigned her position with a term to expire May of 2021. On April 23, 2020 the Board of County Commissioners appointed Jason J. Kreth to fill the vacancy until he is declared elected by acclamation to the position he filed as a candidate for.

Shauna Smith requested appointment to the remaining one-year term of this position on the York Fire Service Area Board of Trustees. The elections office verified that she is eligible to serve as a Trustee of the Board. The recommendation is to appoint Shauna Smith to a one-year term on the York Fire Service Area Board of Trustees.

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.

Board Appointment. (Audrey McCue)

Audrey McCue, Elections Supervisor, presented the board appointment to the Lincoln Hospital District Board of Trustees. The election was canceled pursuant to 13-1-502, MCA because the number of candidates that filed was less than the number of positions to be filled. When an election is canceled and there are no regular or declared write-in candidates for a position, the Board of County Commissioners shall fill the position by appointment.

Tracy K. Daniel requested appointment to the remaining position on the Lincoln Hospital District Board of Trustees. The elections office verified that Tracy K. Daniel is eligible to serve as a Trustee of the Board. The recommendation is to appoint Tracy K. Daniel to a two-year term on the Lincoln Hospital District Board of Trustees.

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.

Declaring Fire District and Fire Service Area Candidates Elected by Acclamation.
(Audrey McCue)

Audrey McCue, Elections Supervisor, presented the candidates to be elected by acclamation for the Fire District and Fire Service Area Trustee positions. Pursuant to 13-1-502, MCA, the elections for the following districts were canceled because the number of candidates was equal to or less than the number of positions to be filled at the election: Augusta Fire Service Area, Augusta Volunteer Fire District, Baxendale Volunteer Fire District, Birdseye Volunteer Fire District, East Helena Valle Volunteer Fire District, Lincoln Fire District, West Helena Valley Fire District, Wolf Creek/Craig Fire Service Area, and York Fire Service Area. When an election is canceled candidates shall be declared elected to the position by acclamation by the Board of County Commissioners. The recommendation is to declare Fire District and Fire Service Area Boards of Trustees elected by acclamation to the positions listed on attached "Candidates to be Declared Elected by Acclamation to a Fire District or Fire Service Area Board of Trustees."

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.

Declaring County Water and/or Sewer District Candidates Elected by Acclamation.
(Audrey McCue)

Audrey McCue, Elections Supervisor, presented the candidates to be elected by acclamation for the County Water and/or Sewer District Director positions. Pursuant to 13-1-502, MCA, the elections for the following districts were canceled because the number of candidates was equal to or less than the number of positions to be filled at the election: Augusta Community Water/Sewer District, Craig Water/Sewer District, East Clark Street Water/Sewer District, Lincoln/Lewis and Clark Sewer District, Northstar Water and/or Sewer District, Ten Mile Creek Estates Pleasant Valley Water/Sewer District, Treasure State Acres County Sewer District, and West Canyon Ferry County Water/Sewer District. When an election is canceled pursuant to 13-1-502, MCA, candidates shall be declared elected to the position by acclamation by the Board of County Commissioners. The recommendation is to declare candidates for County Water and/or Sewer District Boards of Directors elected by acclamation to the positions listed on attached "Candidates to be Declared Elected by Acclamation to a County Water and/or Sewer District Board of Directors."

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.

Declaring Hospital District Candidates Elected by Acclamation. (Audrey McCue)

Audrey McCue, Elections Supervisor, presented the candidates to be elected by acclamation for the Hospital District Trustee positions. Pursuant to 13-1-502, MCA, the election for the Lincoln Hospital District was canceled because the number of candidates was equal to or less than the number of positions to be filled at the election. When an election is canceled pursuant to 13-1-502, MCA, candidates shall be declared elected to the position by acclamation by the Board of County Commissioners. The recommendation is to declare candidates for the Lincoln Hospital District Board of Trustees elected by acclamation to the positions listed on attached "Candidates to be Declared Elected by Acclamation to a Hospital District Board of Trustees."

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.

Declaring Community Council Candidates Elected by Acclamation. (Audrey McCue)

Audrey McCue, Elections Supervisor, presented the candidates to be elected by acclamation for Community Councilmember positions. Pursuant to 13-1-502, MCA, the election for the Upper Blackfoot Valley Community Council was canceled because the number of candidates was equal to or less than the number of positions to be filled at the election. When an election is canceled pursuant to 13-1-502, MCA, candidates shall be declared elected to the position by acclamation by the Board of County Commissioners. The recommendation is to declare candidates for the Upper Blackfoot Valley Community Council elected by acclamation to the positions listed on attached "Candidates to be Declared Elected by Acclamation to a Community Council."

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.

Declaring Park District Candidates Elected by Acclamation. (Audrey McCue)

Audrey McCue, Elections Supervisor, presented the candidates to be elected by acclamation for Park District Trustee positions. Pursuant to 13-1-502, MCA, the election for the Treasure State Acres Park District was canceled because the number of candidates was equal to or less than the number of positions to be filled at the election. When an election is canceled pursuant to 13-1-502, MCA, candidates shall be declared elected to the position by acclamation by the Board of County Commissioners. The recommendation is to declare candidates for the Treasure State Acres Park District elected by acclamation to the positions listed on attached "Candidates to be Declared Elected by Acclamation to a Park District Board of Trustees."

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.

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

Greg McNally, Planner III, presented the preliminary amended plat approval of the First Amendment of Heron Creek Subdivision for Phases 1,2, and 3. On April 21, 2020 the City/County Consolidated Planning board held a public hearing regarding the proposed amended plat, to be known as the First Amendment of the Heron Creek Subdivision. After considering the staff report, the presentation by staff and the applicant and public testimony, the Planning Board recommended unanimous approval, 7-0 of the application for the proposed amended plat based on the findings of fact and conditions of approval in the staff report.

Th project is located east of Eames Lane, south of Kier Lane north of Canyon Ferry Road within Phase 1-3 of the Heron Creek Subdivision. The properties included in the proposed amended plat are either vacant, include a single family dwelling, or include a single family dwelling under construction. The lots are served by an internal road network, shared wells, a public wastewater treatment system, and utilities. Additional infrastructure includes stormwater retention pond, trail, and an open pond connected to two fire hydrants for fire protection.

The applicant is seeking six modifications to the conditions of approval. Those include a boundary line relocation involving lots 9, 12-14, 17, 18, 25, 26, 38-46, 49 and Lot 4P; vacation of a 10-foot wide side-lot and 10-foot wide rear lot Utility on Lot Nos. 9, 12-15, 17, 18, 28-36, 38-47, 50-59, and 4P ; vacation of the Utility and limited public access easements on Lot Nos. 61-64 and vacation of 5-feet of a 30-foot wide utility and limited public access and irrigation easement on Lot 56 ; reducing existing 10-foot wide side-lot setbacks to 8-foot wide setbacks on Lot Nos. 27-30, 36 and 37; and, adding an 8-foot wide setback to the side-lot lines in Lot Nos. 9, 1-14, 17, 18, 28-36, 38-48, and 50-59. Staff recommends approval of request numbers 1-4 and denial of requests 5-6. The existing setbacks on these lots do not allow any part of a structure, including eaves, to encroach into the setback.

Mr. McNally noted that all lot-owners other than the applicant have signed off on the amended plat and its proposed modification requests. Additionally, all utility and local agencies have had the opportunity to comment on the proposed project. Comments that were received are included in the public record.

Ron Bartsch, Applicant, stated this originally started as a way to clean up boundary lines. All lot owners that are effected by this proposal are in support as their lots will increase in size.

Commissioner Geise expressed concern over the fact that the encroachments have already occurred and these requests are being made after the fact.

A motion was made by Commissioner Hunthausen to take the staff report and applicant comment under consideration and make a decision at the May 14th regular public meeting. The motion was seconded by Commissioner McCormick. The motion Passed 3-0.

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

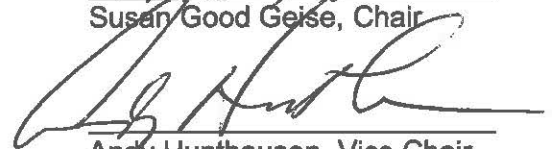
Adjourn

There being no further business, the meeting adjourned at 10:24 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