



PUBLIC MEETING

June 9, 2015

MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, June 9, 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, Michele Peterson-Cook, K. Paul Stahl, Nancy Everson, Audra Zacherl, Jim Wilbur, Matt Heimel, Greg McNally, Frank Rives, Cheryl Green, Rachel Brewster, Tanner Graham, Dallas Cox, Matt Witkos and Nichole Nisbet, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Public Meeting Minutes: May 14, 19, 2015 and June 2, 2015. (Nichole Nisbet)
- b. Resolution 2015-80 Ordering a Refund of Taxes/Fees/Assessments Paid by Marysville Gold Mining Company in the Amount of \$1,226.51. (Cheryl Green)
- c. Resolution 2015-79 Declaring County Property Surplus Property. (Amy Reeves)
- d. Resolution 2015-78 Requesting Prosecutorial Assistance in the Case of State of Montana vs. Joseph Campbell. (Leo Gallagher)
- e. SNAP-Ed Support Agreement between MSU Extension and Montana Department of Public Health and Human Services. (Eric Bryson)

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

No public comment was received.

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

Memorandum Of Understanding between Lewis and Clark County, the USDA APHIS Wildlife Services Program and the Montana Wool Growers Association. (Nancy Everson)

Nancy Everson, Finance Director, presented the MOU for the continued operation of the protection of sheep from destructive animals in the amount of \$1,521 for the period of July 1, 2015 to June 30, 2016. The tax is levied at the request of the sheep producers at \$.60 head and the tax is then remitted to the Montana Wool Growers Association for predatory control.

No public comment was received.

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

Memorandum Of Understanding between Lewis and Clark County, the USDA APHIS Wildlife Services Program and the Montana Department of Livestock. (Nancy Everson)

Nancy Everson, Finance Director, presented the MOU for the continued operation of the protection of cattle from destructive animals in the amount of \$21,205 for the period of July 1, 2015 to June 30, 2016. The tax is levied to the cattle producers at \$1.00 per head and then is remitted to the Department of Livestock for predatory control.

No public comment was received.

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

Professional Services Contract between Lewis & Clark County and Great West Engineering. (Audra Zacherl)

Audra Zacherl, Interim Assistant Public Works Director, presented the contract with Great West Engineering in the amount of \$25,000 to provide project design, bidding and construction administration on the Birdseye Road Thin Lift Overlay project. This project will repair six miles of roadway between Barrett Road and Raven Road. The repair will consist of placing a thin asphalt overlay of two inches or less in order to extend the pavement life until reconstruction funding can be obtained. This will be completed prior to the chip seal. Total cost of the project is estimated at \$260,000 and budget authority is in the FY16 road infrastructure fund budget using road mill levy funding.

No public comment was received.

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

Modification No. 3 to the Contract Between Lewis & Clark County Water Quality Protection District and DEQ Contract No. 211072. (Jim Wilbur)

Jim Wilbur, Coordinator of the Water Quality Protection District, presented the modification to the contract between Lewis & Clark County Water Quality Protection District and the Montana Department of Environmental Quality to extend the end date of contract No. 211072 from June 30, 2015 to December 31, 2015. The survey work and engineering work will be completed once the water level drops in the streams.

No public comment was received.

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

Agreement between Lewis & Clark County Water Quality Protection District and Prickly Pear Water User Association. (Jim Wilbur)

Jim Wilbur, Coordinator of the Water Quality Protection District, presented the agreement between the Lewis & Clark County Water Quality Protection District and the Prickly Pear Water User Association to provide the means for the 2015 Prickly Pear Creek Re-Watering project to be implemented. The project is located among the Prickly Pear Creek as stream channels has been dewatered by irrigation diversions which has caused water quality problems and fish and wildlife habitat. The goal of the project is to maintain stream flow in the creek during the summer. The agreement begins June 1, 2015 through October 1, 2015.

No public comment was received.

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

Contract Agreement between Lewis & Clark County Water Quality Protection District and US Bureau of Reclamation. (Jim Wilbur)

Jim Wilbur, Coordinator of the Water Quality Protection District, presented the contract between Lewis & Clark County Water Quality Protection District and the US Bureau of Reclamation for the purchase of 2,000 acre-feet of water from Canyon Ferry Reservoir for the 2015 Prickly Pear Creek Re-Watering Project in the amount of \$1,720. The contract period is effective immediately through December 31, 2015.

No public comment was received.

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

Water Service Agreement between Lewis & Clark County Water Quality District and Helena Valley Irrigation District. (Jim Wilbur)

Jim Wilbur, Coordinator of the Water Quality Protection District, presented the agreement between Lewis & Clark County Water Quality Protection District and the Helena Valley Irrigation District for the delivery of 2,000 acre-feet of water purchased from the Bureau of Reclamation in the amount of \$12,000. The agreement begins June 20, 2015 through September 30, 2015.

No public comment was received.

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

Contract between Lewis & Clark County Water Quality Protection District and Bonneville Environmental Foundation. (Jim Wilbur)

Jim Wilbur, Coordinator of the Water Quality Protection District, presented the contract between Lewis & Clark County Water Quality Protection District and the Bonneville Environmental Foundation for implementation of the 2015 Prickly Pear Creek Re-Watering Project in the amount of \$10,000, provided by Coca-Cola. The contract period began May 1, 2015 and ends on December 31, 2015.

No public comment was received.

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

Resolution 2015-77 Resolution of Intention to Create The Emerald Ridge Rural Improvement District No. 2015-5. (Matt Heimel)

Matt Heimel, Special Districts Planner, presented the resolution to establish the intention to create the Emerald Ridge RID. The Homeowner's Association for the Emerald Ridge Subdivision and vicinity has requested that the County Commissioners create a Rural Improvement District for the purpose of improving and maintaining public access and County road easements. No petition has been circulated as 98.66% of property owners have waived their right to protest. The general character of improvements includes, but is not limited to: chip seal and crack seal. The estimated cost for funding said improvements is \$95,000.76, to be funded by a debt service assessment of \$180.95 per parcel per year levied for a period of seven (7) years. There will also be a maintenance assessment of \$58.28 per parcel per year and would include activities such as street sweeping, culvert cleaning, savings toward a future chip seal, crack seal and miscellaneous work as necessary to preserve roadways.

No public comment was received.

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

Proposed Hayfield Estates III Major Subdivision. (Applicant: Doug Sparrow) (Planner: Greg McNally)

Greg McNally, Planner II, presented the proposed 33 single-family lot subdivision to be known as Hayfield Field Estates III Subdivision which is located south of York Road and east of Valley Drive. The applicant proposes to divide the existing lot into 33 single-family residential lots. The proposed lots will range in size from 1.3 acres to 6.75 acres. Each proposed lot will be served an individual wells, an individual wastewater treatment system, and utilities. Access to the development would be provided through either Kase Road or Ayden Road onto Valley Drive. The subject property is undeveloped and currently being utilized for agricultural purposes. No zoning has been adopted on-site or on adjacent properties. There are subdivision restrictions for the property that were filed with Hayfield Estates I and II Subdivisions and both sets of covenants apply to the proposed subdivision along with any new subdivision restrictions being placed upon the property. A legal ad for the public hearing and meeting was published and letters were sent to adjacent landowners and the appropriate agencies notifying them of the proposed subdivision. A public notice sign was also posted on the property and as of May 12, 2015, no public comments have been received. The applicant is proposing to use offsite fire protection as it was established with Hayfield Estates I Subdivision and is used for Hayfield II Subdivision. One of the project issues as noted in the staff report is the Traffic Impact Study (TIS). The County Subdivision Regulations require an analysis of projected traffic distribution and assignment on adjacent and off-site roads within the traffic impact corridors. This traffic distribution analysis was not completed as a component of the TIS and will need to be completed prior to final plat approval in order to determine the proportionate share of the costs for improving all roads/road segments within the Subdivision's traffic impact corridor. One of the draft conditions of approval regarding the proportionate share of the impacts on the subdivision to offsite roads does include conditional language regarding the determination of a distribution analysis to assess what that percentage will be. Another issue is the 100-Year Flood Plain on the property which lies in the eastern portion of the subject property. A no disturbance easement was established as a component of the Hayfield Estates I Subdivision. The site plans for the proposed Subdivision depict a storm water retention pond located within these areas, and the County Subdivision Regulations state that no new structures shall be located in the 100-year floodplain. In order to mitigate impacts, the Applicant shall either relocate the proposed storm water retention pond, or reclassify the no disturbance drainage easement. A Floodplain Development Permit must be obtained for the storm water retention pond. There are also some transmission lines in the southeast corner of the subject property and the easements need to be shown on the final plat for the subdivision. The Helena/Lewis and Clark County Consolidated Planning Board (Board) held a public hearing on the proposed Hayfield Estates III Subdivision On May 19, 2015. Deliberation was continued on May 26, 2015 and the Planning Board recommended approval with the draft findings of fact and subject to the amended conditions of approval in the staff report and staff memorandums dated May 19, 2015 and May 26, 2015. In the transmittal memo there are two errors. On page 2 there was a reference to the second memo, one dated May 19, 2015 and it actually was dated May 26, 2015. The other error is on page 2, in the summary of decision stating that Board made a motion to adopt a finding of fact regarding impacts on agriculture however it was not a finding that was adopted by the Board. The memo dated May 19, 2015 includes staff proposed amendments to the draft conditions including Condition No. 3 and Condition No. 16. These amendments were accepted by the Planning Board. Draft Condition No. 3 is regarding the storm water detention pond to reclassify the disturbance easement as an option for the applicant. That was stated to go through the amended plat process and was changed to the final plat process. If the applicant wanted to go with this option it would be handled through a final plat consideration. The applicant and his representative have reviewed the condition and seemed in agreement. Draft Condition No. 16 is regarding the language that all existing and proposed utility easements (including a 5' wide x 5' wide utility easement in the corner of each lot and a utility easement for the major transmission lines on the

southeast corner of the subject property. Based upon comments received from NorthWestern Energy and the applicant's concerns about needing an utility easement on every corner of each lot, the language was changed to include having a utility easement at the front corner of each lot where utilities are installed and needed for future extension for service. At the May 26 Planning Board meeting, Greg McNally responded to questions of the Planning Board regarding clarification on water body setbacks, water wells and waste water siting, set back and buffer areas which was the amendment to Draft Condition No. 17c. One public testimony was received which included questions about the adjacent phase to Hayfield Estates and if they would join the existing RID and existing homeowners association, as well as where the mailboxes would be installed. The applicant's representative stated that they will be a part of the RID and homeowners association and that the mail boxes will be constructed next to the existing ones.

Commissioner Geise asked for clarification on the no disturbance easement and the impacts of it. Greg McNally stated that the no disturbance easement was established with Hayfield Estates I Subdivision in 2003. The conditional of approval was put on the plat to delineate that no development would occur in the drainage easement. The no disturbance easement could be adjusted to go around the detention pond.

Greg Wirth, the applicant's representative with Stahly Engineering, stated that this is a logical progression of Hayfield Estates and the final stage of the subdivision. The storm water retention pond was originally proposed in the no disturbance easement so it could fit in with the natural contours. The amendment to the disturbance easement would be prepared and addressed at final plat. Commissioner Geise asked Mr. Wirth if they have seen all of the conditions that have been proposed and if they are in agreement with them.

Greg Wirth stated that there are a couple of amendments including amending the easement upon final plat as well as allowances having NorthWestern Energy putting transformers in the corner of one shared lot rather than in a corner of each lot.

No public comment was received.

A motion to table the item until the regularly scheduled meeting to be held on June 16, 2015 was made by Commissioner Geise and seconded by Commissioner Murray. The Motion Passed on a 3-0 vote.

Request for Extension of the Preliminary Subdivision Approval for the Amended Plat of Lot 5 of Tillerson Minor Subdivision. (Applicant: Dallas and Karen Cox) (Planner: Frank Rives)

Frank Rives, Planner I, presented the applicants request to enter into an Amended Agreement to Extend Preliminary Subdivision Approval for the Amended Plat of Lot 5 - Tillerson Minor Subdivision with Lewis and Clark County. Typically the extensions are given at a period of one year and should be adequate in this case.

Dallas Cox, the applicant, stated that the extension is being requested until October 1, 2015 to allow for completion of the road, submitting of the final plat and submitting the title and taxes.

Commissioner Hunthausen stated that a year extension would be preferable and asked the applicant if there are people living in this subdivision that may be affected by the condition of the road.

Dallas Cox, the applicant, stated that the road that leads to the subdivision is fine and the road that is pending completion is considered an extension of Tilley Court.

A motion to approve the extension request May 18, 2016 was made by Commissioner Geise and seconded by Commissioner Murray. The Motion Passed on a 3-0 vote.

Board Appointment. (Eric Bryson)

Eric Bryson presented the Marysville Fire District appointment as Colin Misenaar's term as a trustee on the board for the Marysville Volunteer Fire District expired in May of 2015. He did not intend to seek re-election, but the board was unable to recruit a new member to file for the position. As a result, Colin agreed to an appointment to the board of trustees.

A motion to approve the appointment was made by Commissioner Geise and seconded by Commissioner Murray. The Motion Passed on a 3-0 vote.

Eric Bryson presented the board appointments and recommended the appointment of Tim Wheel to complete a 3 year term on the Investment Committee that expires on 12/31/2016. The reappointment of Peter Rudd to a 3 year term on the Heritage Preservation & Tourism Development Council that expires on 6/30/18. The reappointment of Troy Lutton to a 3 year term on the Heritage Preservation & Tourism Development Council that expires on 6/30/18 and the reappointment of Jeff Noonan to a 3 year term on the Tax Appeal Board that expires on 6/30/18.

A motion to approve the appointments was made by Commissioner Geise and seconded by Commissioner Murray. The Motion Passed on a 3-0 vote.

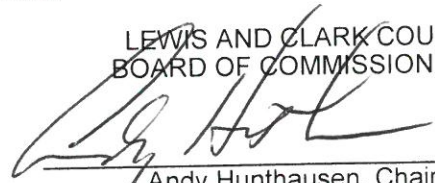
No public comment was received.

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 10:13 am.

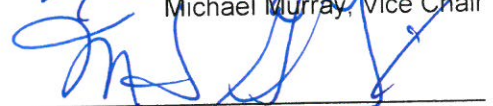
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chairman



Michael Murray, Vice Chair



Susan Good Geise, Member

ATTEST:



Paulette DeHart, Clerk of the Board