



PUBLIC MEETING

July 14, 2015
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, July 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 was present. Commissioner Mike Murray was excused on County business. Others attending all or a portion of the meeting included Michele Peterson-Cook, K. Paul Stahl, Drenda Niemann, Matt Heimel, Lindsay Morgan, Frank Rives, George Theborge, Kevin Hamilton, Dean Retz, Kim Smith, Doyle Davis, James Schell, Paul Didrikson, and Nichole Nisbet, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

No consent agenda item.

Contract between Lewis & Clark Public Health and Florence Crittenton Home and Services. (Drenda Niemann)

Drenda Niemann, Community Health Promotion Division Administrator, presented the contract between Lewis & Clark Public Health and Florence Crittenton Home and Services to implement Parents as Teachers home visiting services in the amount of \$44,750.04. The program focuses on pregnant and parenting teens, military families and is a long term evidence based home visiting program. The contract begins July 1, 2015 and ends June 30, 2016.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

Contract between Lewis & Clark Public Health and Florence Crittenton Home and Services. (Drenda Niemann)

Drenda Niemann, Community Health Promotion Division Administrator, presented the contract between Lewis & Clark Public Health and Florence Crittenton Home and Services to implement SafeCare home visiting services in the amount of \$21,916.68. The program focuses on families who are at risk for child abuse or neglect and training is provided to those families. The contract begins July 1, 2015 and ends June 30, 2016.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

Contract between Lewis & Clark Public Health and AWARE Inc. (Drenda Niemann)

Drenda Niemann, Community Health Promotion Division Administrator, presented the contract agreement between Lewis & Clark Public Health and AWARE Inc. to implement SafeCare home visiting services in the amount of \$43,833.36. The program focuses on families at risk for child abuse and neglect and training is provided to those families. The contract begins July 1, 2015 and ends June 30, 2016.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

Resolution 2015-98 to Create a Rural Improvement District for the South Foresvale No. 2 Subdivision District No 2015-7. (Matt Heimel)

Matt Heimel, Special Districts Planner, presented resolution 2015-98 to create a rural improvement district for the South Forestvale No. 2 Subdivision. The applicant has preliminary approval to create nineteen lots with improvements that require future maintenance. The applicant has requested the creation of a rural improvement district to satisfy the conditions of approval. The general character of the maintenance includes, but is not limited to: Snow plowing, road grading, culvert cleaning, fence maintenance, and miscellaneous work as needed. The estimated cost for said maintenance is \$2,636.38 per year or \$138.76 per parcel per year.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

Final Plat Request for South Forestvale No. 2 Subdivision. (Applicant: Valley Construction of Helena, LLC)
(Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner II, presented the final plat request for South Forestvale No. 2 Subdivision. The applicant has submitted an application for final approval of the South Forestvale No. 2 Subdivision, a preliminarily-approved subdivision that will create twenty lots: nineteen single-family residential lots and one lot for the community water supply system. The property is located north of and adjacent to Mill Road, south of and adjacent to Scribner Road and east of and adjacent to Green Meadow Drive. Preliminary approval of this subdivision was granted on December 28, 2006 subject to 21 conditions. At the request of the applicant, this approval was modified on April 28, 2015 and is now subject to 20 conditions. All conditions of this approval have been met either through completion of requirements or through a financial guarantee with a Subdivision Improvements Agreement. The final plat is in compliance with the County Subdivision Regulations. The Subdivision Improvement Agreement is in the amount of just under \$75,000 and covers 125% of the cost for completing the remaining improvements. The following is being guaranteed, the water supply system, seeding of the storm water detention ponds, the asphalt seal coats and the asphalt matting for the approaches onto Scribner and Mill roads, a portion of the internal road improvements which a portion have been approved and certified by Public Works, signage in the subdivision, address plaques, the mailboxes and fencing along the east side of the irrigation canal.

Commissioner Hunthausen asked how long the applicant will have to complete the remaining improvements.

Lindsay Morgan stated that the SIA requires the developer by May 19, 2016 and the guarantee the County has is good through June 19, 2016.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

Request to Close and Vacate Can Am Court in the Brownlee Minor Subdivision. (Applicant: Dean Retz) (Planner: Frank Rives)

Frank Rives, Planner I, presented the request to close and vacate Can Am Court, a road serving the Brownlee Minor Subdivision. A new staff report was given to the Commission to reflect changes to the conditions of approval. The Brownlee Minor Subdivision is adjacent to and south of Lincoln Road and east of Applegate Drive. The request to close and vacate Can Am Court, the Applicants are proposing a boundary line relocation, which will aggregate Lots 1 and 4 and Lots 2 and 3 to create two lots, Lots 1A and 2A. The utility easements platted for the Brownlee Minor Subdivision will remain intact, because removal of the utility easements would require the amended plat process. The new aggregated lots would use a shared driveway for access. Lots 1 and 4 of Brownlee Minor Subdivision are owned by Mountainside Mini Storage LLC, and Lot 1 is developed with three mini-storage buildings. One of the storage units, utilities and a chain-link fence are within the public access and utility easement. Lot 4 is currently undeveloped. City-County Address Coordinator Jason Danielson commented on the proposed closure and vacation of Can Am Court. He said, if the closure and vacation was approved, the lots in the subdivision would be readdressed for Lincoln Road addresses, Public Works would need to be notified to remove the Can Am Court road sign and updated address plaques should be installed near the entrances of each property.

Commissioner Geise asked about the encroachment and if a structure would be built within the area that had been designated as an encroachment and asked how the building was built in the easement.

Frank Rives stated that typically you would not build in an easement, utilities could be placed in that easement but fences and buildings are not allowed.

Commissioner Hunthausen asked about the placement of the utility box and if it serves the lot or the gate and whether or not it is determined if they are built in a right-of-way or in a utility easement.

Frank Rives stated that in this case the utility box is placed in the middle of the right-of-way however the utilities could have been placed in the easement.

Commissioner Hunthausen asked if the County has any safe guards in place to ensure building does not occur in an easement or public right-of-way.

George Theborge, Director of Community Development and Planning, stated that lots are approved with the expectation that whoever builds or sells lots will make notice to the purchaser of the survey of the lots with where boundary lines or easements are located. The County does not have a system of building permits. If you had building permit system each lot owner would be required to submit a site plan with their building permit that would show where the building would be on the lot. That would ensure the building is properly located. You would also have inspections with the permit and that would help ensure the building is properly located. Currently we do not have a building permit system in place.

Commissioner Geise asked how long has it has been in statute that you do not build a structure in a public road.

Michele Peterson-Cook, Deputy County Attorney, stated that it is a legal concept that if you have such a restriction on a plat or an easement filed in the Clerk and Recorder's Office, you cannot build within that area. She further noted that today's request is to abandon a road or easement as staff noted in their report, you are not abandoning the underlying utility easement. The structure would still encroach within that utility easement.

Commissioner Geise asked whose responsibility is it to know where you are building, the owner or the developer.

Michele Peterson-Cook stated that it is incumbent on the property owner to know if they are building within the proper area.

Commissioner Hunthausen asked if the request is approved and the road is abandoned would the applicant need to have an encroachment agreement.

Michele Peterson-Cooke stated that is correct, it would be added in the condition of approval to apply for an encroachment agreement but noted that it is not guaranteed.

Frank Rives stated that NorthWest Energy did comment that the proposal will not affect their operations or plans, and they have no objection to the proposal.

Dean Retz, applicant's representative, stated that a surveyor did go out and marked the area. There are no utilities for the storage units in this easement. The applicant would like to build another building in the next few years and that has brought this request forward.

Commissioner Hunthausen asked Mr. Retz where they are in the process in aggregating the lots.

Dean Retz stated that this is the first step and if approved they will do a "buildings for lease or rent".

Commissioner Hunthausen asked Mr. Rives if they aggregate the lots is apart of the conditions of approval.

Frank Rives stated that it is included in condition no. 2.

Commissioner Hunthausen asked Mr. Retz if he had any objection to the Commission including a condition of approval to aggregate the lots.

Dean Retz stated he does not object to that condition.

No public comment was received.

A motion to table the item until the regularly meeting scheduled on July 28, 2015 was made by Commissioner Geise and seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

Request to Close and Vacate a Segment of Townsend Street in the Hewins Addition. (Applicants: Doyle Davis and D&D RV Storage, LLP) (Planner: Frank Rives)

Frank Rives, Planner I, presented the request to close and vacate a segment of Townsend Street in Blocks 1 and 6 of the Hewins Addition. The segment of road proposed to be closed and vacated is approximately 354 feet in length and 70 feet in width. The proposed closure and vacation will not close or vacate approximately 71.5 feet of Townsend Street in the North Pacific Second Addition, which is located within the City limits of Helena. The Hewins Addition was platted in 1988. The closure and vacation of Townsend Street between Stanley Street and the City of Helena boundary would allow D & D RV Storage LLP to consolidate their parcels north and south of Townsend Street. The segment of the proposed vacated streets provides no access to other land owners. Access could become an issue if the property owners chose to sell individuals lots in the future. The Centennial Trail A segment of the County portion of the Centennial Trail is located approximately 130 feet west of the proposed road vacation.

Commissioner Hunthausen asked if the current fence is encroaching.

Frank Rives stated he does not believe the fence encroaches.

Commissioner Hunthausen stated on both sides of the street the parcel is split into multiple lots. The lots could be sold independently from the others. If a lot was sold they would not have street access with this abandonment.

Frank Rives stated the lots could be sold independently and access would be restricted.

Michele Peterson-Cook stated that the Commission cannot abandon a road if that road serves a certain number of properties and if those properties are not provided access any other way.

Doyle Davis, the applicant, stated that he has not received the Staff report as of this morning. The applicant stated the land is used for storage and is willing to consolidate the lots prior to the road closure since there would still be access off of Stanley Road.

Commissioner Hunthausen asked the applicant if his needs would be met by an encroachment agreement to use that right-of-way.

Doyle Davis stated that he would consider that option to have an encroachment agreement and stated that he would be willing to pay for the abandoned road property.

No public comment was received.

A motion to table the item until the regularly meeting scheduled on July 28, 2015 was made by Commissioner Geise and seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

Commissioner Hunthausen stated that the public comment period will be held open to allow for the applicant to receive the Staff report and have time to comment.

Request to Close and Vacate a Segment of Townsend Street in Blocks 2 and 5 of the Hewins Addition. (Applicant: Eastside Storage, LC) (Planner: Frank Rives)

Frank Rives, Planner I, presented the request to close and vacate a segment of Townsend Street in Blocks 2 and 5 of the Hewins Addition. The segment of road proposed to be closed and vacated is approximately 416.5 feet long and 70 feet wide and is located adjacent to Lots 9-16 of Block 2 and Lots 1-8 of Block 5 of the Hewins Addition. The applicant stated the necessity and advantage of abandoning the road is to close the road to connect the two properties. The applicant owns property north and south of the segment of Townsend Street requested to be closed and vacated. No streets in the Hewins Additions have been closed and vacated, but three alleys have been closed and vacated. Access could become an issue is property owners owning continuous lots choose to sell individual lots for their holdings. This property is located within the Greater Helena Area Transportation Plan from 2004. The road segment of Townsend Street between Stanley Street and Market Street is an undeveloped right-of-way used to park heavy equipment. The segment of road right-of-way proposed to be closed and vacated has native grasses and noxious weeds.

Commissioner Hunthausen stated the same issues exist with the individual lots having future access.

James Schell, the applicant's representative, stated that applicant would be willing to pay for property through an abandonment.

Commissioner Hunthausen stated the applicant could consider an encroachment agreement.

Commissioner Geise asked Mr. Schell if any spraying has occurred to contain the noxious weeds.

James Schell stated that the applicant has not sprayed for weeds however the properties to the south are built out and the properties to the north including the County property have not been sprayed to his knowledge. The applicant's purpose is to expand his business to the north and connect the property from the south in order to do this. The applicant intends to develop this land and not let it sit.

No public comment was received.

A motion to table the item until the regularly meeting scheduled on July 28, 2015 was made by Commissioner Geise and seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

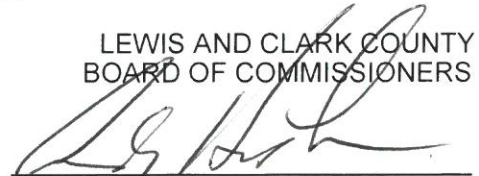
Commissioner Hunthausen stated that the public comment period will be held open.

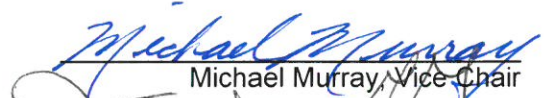
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.

Adjourn

There being no further business, the meeting adjourned at 10:23 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