



PUBLIC MEETING

July 22, 2021
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, July 22, 2021, at 9:00 AM in Commission Chambers, Room 330.

Roll Call

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

Commissioner Tom Rolfe was present. Commissioner Jim McCormick was out of the office. Others attending all or a portion of the meeting included Roger Baltz, Marni Bentley, Peter Italiano, Charles Lane, Jessica Makus, Ann McCauley, Lindsay Morgan, Christal Ness, Jeff Hagener, Earl O'Leary, Brian Coplin, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Public Meeting Minutes for April 8; May 25; June 3; July 9, 2021. (Nadine McCarty)

Roger Baltz, Chief Administrative Officer, presented the consent action item and recommended approval.

No public comment was received.

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

Resolution 2021-62 Levying Assessments upon Benefited Property Within Rural Improvement Districts. (Jessica Makus)

Jessica Makus, Special Districts Program Coordinator, presented the resolution to levy and assess an annual special assessment upon benefited properties within the following Rural Improvement Districts (RID): Fox Crossing, the Grass Land Estates, Gruber Minor, Panoramic Meadows, Ryan Minor and Valley View Farms RIDs.

Letters have been sent to all property owners within each of the listed RIDs that included background information, specific improvements and maintenance outlined in the resolutions that created them, legal notice of the public hearing, and the FY22 special assessment rate. All of the RIDs will see a reduction or stop to the annual special assessment for road improvement and maintenance. Annually, staff reviews each RID budget and each of these RIDs have amassed a balance that is higher than

necessary to complete annual maintenance items included with the resolutions that created each RID. The six RID reductions are Fox Crossing from \$290.45 to \$170; Grass Land Estates from \$190.44 to \$100; Gruber Minor from \$545 to \$0; Panoramic Meadows from \$396.35 to \$250; Ryan Minor from \$256 to \$0; and Valley View Farms from \$989.81 to \$650. Staff recommends approval of the resolution. Ms. Makus explained the large reductions, the annual reviews and long-term maintenance costs.

PUBLIC COMMENT -

Jeff Hagener, 2588 Hearthside Ct. located in the Valley View Farms RID, stated they appreciate the reduction. They have owned the property for four years and in that time there has been no needed road grading, no mag chloride, no needed maintenance on signs or culverts as the road is in good shape. Snow plowing has occurred three times.

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

Request for Approval of Projects for the American Rescue Plan Act Minimum Allocation Funding. (Ann McCauley)

Ann McCauley, Grants Administrator, presented the request for approval for two projects seeking American Rescue Plan Act (ARPA) funds through the State's minimum allocation program. Montana House Bill 632 passed by the 2021 Legislature directed \$150 million of the coronavirus state fiscal recovery funds to be used to provide minimum allocation grants to local governments for water and sewer infrastructure projects. Lewis and Clark County's allocation amount through the program is \$2,380,376 and requires a 1:1 match. The County is the only eligible applicant, however, can apply on behalf of both public and private entities in the County for eligible projects.

Two entities Eastgate Village Water and Sewer Association, and Elk Creek Colony, Inc. have requested access minimum allocation funds for eligible water and/or sewer projects. The Eastgate Village project is to update aging and failing water supply infrastructure for 2,000 residents and 600 hookups for \$750,000. The Elk Creek Colony project is also for water system upgrades for \$60,000. Both entities are able to provide the 1:1 match requirement and have applied for the state's Competitive Grant Program. Staff recommends approval of the requests for Eastgate Village and Elk Creek Colony.

Ms. McCauley explained overall the Eastgate Village project is a \$1.5 million project, they have reserves for maintenance and ongoing operation costs for the system. They have applied for state revolving fund dollars, but as a water/sewer association, they do not rank very high in the process.

No public comment was received.

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

Zoning Variance Requests - O'Leary (Applicant: Kim O'Leary) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner III, presented two zoning variance requests from the R-1 regulations of Special Zone District No. 22 for property located at 680 E. Lewis Street near East Helena, MT in the La Casa Grande Estates Subdivision. The requests are to allow for a reduction in both the side-yard and front-yard setbacks. The R-1 regulations were adopted in 1977 with front-yard setbacks for this District at 35 feet and side-yard setbacks at 10 feet from property boundaries. The applicant purchased the property February of 1991. It is approximately 0.459 acres and currently developed with a single-family house, attached garage, a detached shed, deck and fence. The 10-foot utility easement on the west side of the property has no existing utilities. According to the property record card, the house was constructed in 1977. The development plans indicate the house was to have been built 30 feet from both the front-yard and west side property boundaries, with the attached garage not shown on the

plans. Construction of the garage occurred in its current location prior to the applicant's purchase of the property. It is located 6 feet from the west side property boundary and 28 feet from the front-yard property boundary.

The two variance requests are to allow for a reduction in the side-yard setback on the west side from 10 feet to 6 feet and the front-yard setback from 35 feet to 28 feet. Because the house portion actually lies within 30 feet from the front property boundary, the recommendation is for the reduction to be 30 feet not 28 feet. It would allow the structure to remain in the current location and not allow for future expansion of it towards the front property boundary. The applicants plan to relocate the shed outside of the easement or the setback. Letters were sent to adjacent property owners with no comments received. Requests for comments were sent to agencies and comments were received from the City-County Health Department, Environmental Division and the County Floodplain Manager with no concerns.

The Planning and Zoning Commission (P&ZC) held a public hearing on July 14, 2021 regarding the requested variances with no public testimony received. The P&ZC recommended approval of both variance requests on a 5-0 vote. Staff recommends approval of both zoning variances.

A motion was made by Commissioner Rolfe to bring the Planning and Zoning Commission record forward to this meeting and seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

No public comment was received.

Commissioner Hunthausen reviewed the front-yard setback variance request. A literal enforcement of the zoning regulations would result in an unnecessary hardship to the applicant. The variance is not contrary to the public interest; the house and attached garage will remain in their current location.

A motion was made by Commissioner Rolfe to approve the front-yard setback variance with consideration of the criteria and seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

Commissioner Hunthausen reviewed the side-yard setback variance request. The garage does encroach into the 10-foot setback; there are no utilities in the easement. A literal enforcement of the zoning regulations would result in an unnecessary hardship to the applicant. The variance is not contrary to the public interest; the house and attached garage will remain their current location.

A motion was made by Commissioner Rolfe to approve the side-yard setback variance and that the criteria has been met. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

Contract and Encroachment Agreement Between Lewis and Clark County and Kyle and Bailey Kaskie. (Christal Ness)

Christal Ness, Development Services Supervisor, presented the utility easement contract and encroachment agreement with Kyle and Bailey Kaskie, the new owners of the property located at 680 East Lewis Street, East Helena in the La Casa Grande Subdivision. This is for the portion of the 2-car garage that is over the utility easement, of which there are no utilities located in the easement. The garage predated the O'Leary's and now the Kaskie's.

Ms. Ness explained more of these scenarios are being seen with the new closings, as they require these inspection exhibits. The agreement alleviates the mark on the title report. The easement remains and if ever needed it could be required that the garage be scaled back. There will probably never be a need for use of this easement. Staff recommends approval of the contract and encroachment agreement with Kyle and Bailey Kaskie.

No public comment was received.

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

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

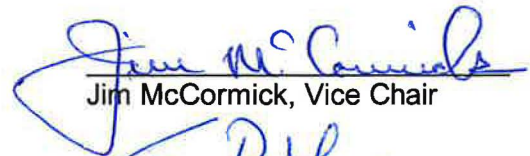
Adjourn

There being no further business, the meeting adjourned at 9:39 am.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chair



Jim McCormick, Vice Chair



Tom Rolfe, Member

ATTEST:



Amy Reeves, Clerk of the Board