



PUBLIC MEETING

July 25, 2019
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, July 25, 2019, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Chairman Jim McCormick called the meeting to order at 9 a.m.

Commissioner Susan Good Geise was present. Commissioner Andy Hunthausen was out of the office. Others attending all or a portion of the meeting included Roger Baltz, Marni Bentley, Peter Italiano, Charles Lane, Eric Merchant, Spencer Starke, Kevin Wright, Tony Prothero, Tyler Manning, Bob Drake and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

a. Vendor Claims Report for Week Ending July 26, 2019. (Marni Bentley)

Roger Baltz reported on consent action item 2 a and recommended approval.

No public comment was received.

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

Grant Award to Lewis and Clark Public Health from the Montana Department of Public Health and Human Services. (Eric Merchant)

Eric Merchant, Disease Control and Prevention Division Administrator, presented the grant award from the Montana Department of Public Health and Human Services in the amount of \$303,921 for public health emergency preparedness through planning, assessment and development of preparedness and response activities. For the services Lewis and Clark Public Health will receive \$101,307 for fiscal year 2020. Contractual obligations under the 5-year plan have been amended to facilitate outcomes of activities outlined in the public health emergency preparedness and response capability guidelines. The 15 capabilities funded by the amended grant includes community preparedness, community recovery, fatality management, mass care, medical counter measures, medical surge, non-pharmaceutical interventions and things of that nature. The grant period is July 1, 2019 through June 30, 2022. Staff recommends approval of the task order and grant award.

Mr. Merchant stated a medical surge could include something like a measles outbreak that would require support.

Commissioner Good Geise asked about the capability of responder safety and health. Mr. Merchant gave an overview of the roles of Public Health and who are the local responders for the emergency and do they have the proper safety equipment and plans.

Commissioner McCormick asked if the grant funds could be used for disaster and emergency services and Mr. Merchant stated there is a surge fund for those kind of incidents and there is a mutual aid agreement between Lewis and Clark, Jefferson, and Broadwater counties that they will support each other in an emergency.

No public comment was received.

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

Proposed Country Winds Subdivision SUBD2019-006. (Applicant: Watford City Investments LLP) (Planner: Spencer Starke)

Spencer Starke, Planner I, presented the proposed minor subdivision to be known as Country Winds Subdivision. The proposed subdivision is located north of Lincoln Road and east of and adjacent to Applegate Drive and would divide an existing 270 acre tract into four, single-family residential lots, each containing approximately 25 acres, leaving an exempt remainder parcel of 170 acres. Each lot would have direct driveway access onto Applegate Drive with no internal roads proposed. The Applicant plans to implement a fire system consisting of a 250 gallon per minute well and pump connected to a hydrant. All proposed lots will be served by individual wells, individual on-site wastewater treatment systems, and utilities. Drainage easements run north and south.

Mr. Starke reported on the existing land use and project issues. The project issues include: wastewater; ephemeral drainage and storm water; wildlife; and the water is susceptible to contamination and depletion over time.

Staff analysis found the proposed subdivision is not subject to any zoning regulations, there are no protective covenants applicable to the property; with adoption of the recommended approval conditions, the subdivision would be in compliance with the County Subdivision Regulations; the subdivision lies within a Rural Growth Area (RGA) and is compatible with the maximum density, 1 unit/10 acres supported under the RGA.

Notice was posted on the property, published in the Independent Record, and sent to adjacent landowners. As of July 19, 2019 no public comment was received. Mr. Starke reported on comments received from referral agencies to include: Frank Preskar, Sanitarian of Lewis and Clark Public Health, Environmental Services stating parcels greater than 20 acres are not subject to the Sanitation in Subdivisions Act. Staff recommends conditional approval subject to the conditions outlined.

Commissioner Good Geise noted the concerns from the hydrologist on the availability of water and the need for deep wells.

Tony Prothero, J Bar T Engineers, addressed the water concerns and noted the land is fractured bedrock. Mr. Prothero stated the first step would be to ensure septic systems meet county standards; as deep as practical depends upon affordability for the owner. There are decent wells currently on the property with one being an artisan well and the others range between 40 and 100 gallons per minute. Mr. Prothero noted this is a responsible way of developing the four lots.

Commissioner Good Geise asked about the recommended well monitoring and Mr. Prothero thinks the lot size of 25 acres would be sustainable. He added the monitoring would be on a voluntary basis and the data would be appreciated.

Kevin Butten, Watford City Investments, stated he is here for questions and the Commissioners did not have any questions.

Mr. Starke explained building envelopes which is a demonstration on a plat that visibly shows on the lot where structures can be placed and where buildings are not permitted. Building envelopes address concerns raised by Fish, Wildlife and Parks about movement of wildlife in the area.

Commissioner McCormick asked how the building envelope would affect future landowners wanting to divide the lots further and Mr. Starke stated the envelopes would be in effect. They can request for the envelopes to be removed.

Mr. Prothero stated the Applicant is proposing covenants that restrict further subdivision.

PUBLIC COMMENT -

Richard Grounds, lives at the end of Applegate, stated his concern is that the subdivision is on a road that the County does not maintain and would like the County to start maintaining the road.

Peter Italiano, Community Development and Planning Director, stated Eric Griffin, Public Works Director has been working on a road matrix analysis to review which roads are going to continue to be maintained.

A motion was made by Commissioner Good Geise to table the item to August 6, 2019 and seconded by Commissioner McCormick. The motion Passed on a 2-0 vote.

Approval to Purchase Property Located at 310 East Broadway. (Roger Baltz)

Roger Baltz, Chief Administrative Officer, presented the request to purchase property located at 310 East Broadway. When property in the vicinity of the Courthouse comes up for sale, it is in the best interest of the County to explore the possibility of obtaining the property. The property was maintained as a legal office, it is a stand-alone structure consisting of a two story above grade office building with a basement. Estimate market value is \$346,000. Staff recommends approval of the request to purchase the property and to move forward with presenting an offer to purchase the property at 310 East Broadway.

Mr. Baltz presented a slide presentation showing the appraisal completed by Elkhorn Appraisal Services. He added the annual maintenance cost is estimated at \$46,000 per year and the property taxes being at \$3,994. Mr. Baltz stated funds for a purchase such as this has been accounted for in the FY20 budget.

Mr. Baltz explained the intent of the space is to move the Civil Division and the County Attorney's office to the building creating more space in the Courthouse.

Charles Lane, Deputy County Attorney, stated the County Attorney's office is very congested and having a building that is already configured as a law office is of great value to the County Attorney's office giving them the ability to meet with clients in a private setting.

Commissioner McCormick asked if there is a variance needed for commercial use and Mr. Baltz will look in to it.

No public comment was received.

A motion was made by Commissioner Good Geise to authorize the chair to sign any agreements and documents as needed to negotiate and purchase the property located at 310 East Broadway for a price not to exceed the appraised value of \$346,000. The motion was seconded by Commissioner McCormick. 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.

Bob Drake, Fire Chief of Tri-Lakes Fire Department, reported on the current fire conditions. The natural curing of the grasses is occurring. The county is currently under a red flag warning until 9:00 pm July 25, 2019. The warning area is very large. Debris burning is closed in all four zones of Lewis and Clark County until widespread moisture is received. Chief Drake gave an overview of precipitation amounts; expected weather conditions, and the explanation of high level Haines Index to do with the atmospheric conditions. Chief Drake reviewed the short term expected conditions, the 3 to 4 weeks expected conditions, and the next three months expected conditions.

Chief Drake reported on the fire restriction weekly discussions with neighboring counties reports increases in wildland fires. More man caused then lightening caused. No call for restrictions at this time. They will continue with weekly calls. Chief Drake added heightened public awareness needs to occur when there has been 14 days or more of no moisture. He noted when a control burn gets out of control the landowner is responsible for damages.

Chief Drake gave an overview of Stage 1 fire restriction which allows no campfires outside of designated areas, and Stage 2 fire restrictions which allows no combustion engines in fields, chainsaws, combines, etc. He added fireworks are never allowed on state and federal lands.

Adjourn

There being no further business, the meeting adjourned at 10:57 am.

LEWIS AND CLARK COUNTY
BOARD OF OMISSIONERS


Jim McCormick, Chair


Susan Good Geise, Vice Chair


Andy Hunthausen, Member

ATTEST:


Paulette DeHart, Clerk of the Board