



PUBLIC MEETING

July 7, 2015

MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, July 7, 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, Kevin Hamilton, Connie Cole, Nancy Everson, Lindsay Morgan, Greg McNally, Jeanne Underhill, Sharon Haugen, Dustin Ramoie, Rob Bartsch, Al Knauber, P.J. McHugh, Anna Hoffman, Mike McHugh, Delrene Rasmussen, Debbie Arneson, Jeremy Fadness, and Nichole Nisbet, Recording Secretary.

Pledge of Allegiance

Consent Action Items

Presentation of York Gulch Open Lands Project Plaque. (Connie Cole)

Connie Cole, member of the Open Lands Citizens Advisory Committee presented the Commission a York Gulch Open Lands Project Plaque. The Commission was acknowledged for the open space grant that helped acquire the York Gulch property.

Presentation of Lewis & Clark County's Proposed Budget for Fiscal Year 2016. (Nancy Everson)

Nancy Everson, Finance Officer, presented the County's proposed budget for Fiscal Year 2016. Today is a presentation of the preliminary budget for fiscal year 2016. The Commission sets goals and directs the departments to incorporate these goals in building the budget. The Commission goals are to develop and maintain a culture of customer service, engage in effective long range planning, improve communication between departments, community partners and the public and to efficiently and effectively manage public resources. The final budget will be adopted in late July. The overall FY16 expenditures amount to \$81,212,278 which is 1.7% over the FY15 Budget, things noted were the debt service being at 1.3% and capital outlay being at 19%. FY16 revenue is \$69,020,648 which decreases County reserves by \$12,332,942 and is normal. Total revenue increased by \$370,264 or .5% compared to FY15. Total expenses are \$11,860,900 which is a decrease of \$401,715 or 3.3% compared to FY15. The total revenue for the all purpose fund is \$10,562,565. The total revenue decreased by \$586,860 or 5.2% compared to FY15. The inflationary increase tax is at \$141,870 or .67%. The \$237,174 increase is due to new growth-tax and the year end operating and capital reserves is left at a County wide reserve of 26% of budgeted expenditures and all purpose funds reserves are 28% of budgeted expenditures and capital reserves is at \$5,676,281. The all purpose fund is at \$11,860,900 which include the following departments: Commission, Administration, Treasurer/Clerk & Recorder, County Attorney, Justice Court, Superintendent of Schools, Public Works and Bridges, Coroner, Weed, Senior Citizens and Human Services. Special revenue funds includes 18 special tax levies, 25 grant or restricted funds, 23 Health Department grants and 87 RID (maintenance districts). Debt service funds are at \$874,654 and include

the newly remolded health department center, open space bonds, the search and rescue building and RID debt. The Capital Projects Funds which include the capital improvement fund and other capital funds such as RID projects, CTEP and federal projects and road and bridge infrastructure. The enterprise funds include the Fairgrounds and Solid Waste. Internal service funds account for centralized services provided to other County operations such as IT, building and equipment maintenance and liability and healthy insurance. The budget also includes a 1.6% cost of living increase and the addition on one position. The operations and maintenance budget include two initiatives, the public safety facility and contingency funding. The budget maintains a low debt ratio of less than 2% of budgeted expenditures and the department's commitment to saving for capital purchases/projects. A public hearing is scheduled for July 21, 2015.

No public comment was received.

A motion to adopt the preliminary budget for Fiscal Year 2016 and set the public hearing for July 21, 2015 was made by Commissioner Murray and was seconded by Commissioner Geise. The motion Passed on a 3-0 vote.

Contract Amendment No. 3 between Lewis & Clark Public Health and the State of Montana Department of Public Health and Human Services, Senior and Long Term Care Division. (Jeanne Underhill)

Jeanne Underhill, Program Manager for the Big Sky Home & Community Based Program, presented the contract amendment no. 3 between Lewis & Clark Public Health and the State of Montana Department of Public Health and Human Services for the Montana Big Sky Home Community Based Services Case Management program. The amendment extends the contract period one year to June 30, 2016. The program serves 120 people in the Tri-County region and reimburses the County \$10.81 per day per person. There are 40 people currently on the waiting list.

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.

Amended Plat of Lot G1A - McHugh Subdivision No. 2 (Applicant: McHugh Land and Livestock Co.) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner II, presented the proposed two lot, subsequent minor subdivision located west of and adjacent to McHugh Lane, north of and adjacent to Road Runner Street, and northeast of and adjacent to Cooney Drive. The applicant proposes to divide the existing tract of land into two non-residential lots: proposed Tract G1A-1 will be used for a church facility and proposed Tract G1A-2 will remain vacant. The lots will range from 20.142 acres to 20.282 acres in size. Proposed Tract G1A-1 will be served by a public water system, a public wastewater treatment system and utilities. Direct access to the lots will be off of McHugh Lane. Because both lots are over 5 acres in size and will be used for non-residential purposes, there is no requirement to dedicate parkland. The subject property is currently vacant and past gravel mining operations on site have resulted in large cuts and material piles located throughout the project site. No structures exist on the subject property. The proposed subdivision is located in Special Zoning District No. 2 and is zoned limited commercial and light manufacturing. According to the regulations for the LCLM, a church is allowed subject to the issuance of a Conditional Use Permit. The applicant has request a variance from the proposed Lot GA1-2 as Chapter XI:F:I states that each lot shall contain a satisfactory building site that is based on topography and conforms to County Health Department, zoning and subdivision regulations. According to the application, proposed Lot G1A-2 has historically been utilized for gravel mining operations and because extensive fill material and grading would be necessary in order to establish a developable building site on this lot, the applicant is

seeking a variance to allow the lot to remain vacant. Comments were received from the City of Helena after the staff report was created and were included in your packet. Jeremy Fadness, the applicant, stated that the goal is to develop the land into something useful. The church had been working with the City of Helena to get the property annexed into the City for access to City water and sewer and was pre-approved for annexation as well as zoning. Due to the cost to make transportation improvements based upon the traffic impact study and requirements of the City the applicant has brought this to the County. There are no plans to further develop the land other than the church proposal as stated in the application.

Commissioner Hunthausen asked for clarification on the existing zoning in the area and if the property is in the Urban Growth Boundary Area.

Lindsay Morgan stated this property is located in the Urban Growth Boundary Area and the property is zoned for light commercial and light manufacturing and is subject to a conditional use permit, which would allow for a worship facility. Commissioner Hunthausen asked if the Planning Staff from the City would come speak to the requirements.

Dustin Ramoie, Planner with the City of Helena, stated that when the City reviewed the annexation proposal there was not a subdivision proposal brought to the City. The City recognizes some of the hardships associated with large lots and the impacts associated with developing those. The traffic analyses have been changed to incorporate some of the higher and lower uses that are allowed according to the zoning.

Commissioner Hunthausen asked Mr. Ramoie if the application did include both the annexation and the subdivision proposal if the Traffic Impact Study be more specific to the impacts of the subdivision.

Dustin Ramoie stated that the Traffic Impact Study was based on the highest use based on the zoning in that district as they look at uses allowed by zoning, not specific to a church for example. They have to account for all the potential uses in their zoning districts.

Commissioner Murray asked Mr. Ramoie if the property has been annexed.

Dustin Ramoie stated that the property has not been annexed. There was a resolution of intention to annex the property into the City however the conditions were not met set forth in the resolution.

No further public comment was received.

Commissioner Hunthausen stated that the memorandum of understanding we have with the City and this area will probably be within the City of Helena at some point in the near future. The goal is to have like infrastructure and common standards to anticipate future growth in those areas within the Urban Standards Boundary.

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

Proposed Fire Protection Measures for Lot A-1A Amended of the H.W. Smith Minor Subdivision. (Heron Creek, Phases I-VI) (tabled 7/2/15) (Applicant: Ron Bartsch) (Planner: Greg McNally)

Greg McNally, Planner II, presented the proposed the fire protection measures for Lot A-1A Amended of the H.W. Smith Minor Subdivision. The subdivision was granted preliminary approval in September 18, 2007. Before you is a proposal of the applicant to meet the condition of approval in regards to fire protection measures. Three additional findings of fact were incorporated into the decision template.

Commissioner Hunthausen stated that the Commission has reviewed the staff report and its attachments, the proposed Fire Condition Agreement and hearing the staff presentation, the applicant's presentation, public comment, and draft findings of fact, is anyone prepared to make a motion on

whether to accept the proposed Fire Condition Agreement as meeting the condition of approval No. 9 in Phase I and conditions of approval Nos. 7 in Phase II-VI of the preliminary approval for Lot A-1A Amended of the H.W. Smith Minor Subdivision.

A motion was made by Commissioner Geise that after reviewing staff report and its attachments, the proposed Fire Condition Agreement, the presentations by staff and the applicant, public comment, and the draft findings of fact, to accept the proposed Fire Condition Agreement as meeting the conditions of approval Lot A-1A Amended of the H.W. Smith Minor Subdivision. The motion was seconded by Commissioner Murray.

Commissioner Hunthausen stated that the Commission now has a motion on the floor for approval for the fire condition agreement. We will first consider whether or not to approve draft findings of fact.

Commissioner Geise stated that she has reviewed the draft findings of fact for the Fire Condition Agreement. Those draft findings touch on the following information: date and type of original preliminary approval, dates and types of approved modifications to the preliminary approval, the conditions of approval requiring fire protection measures, the basis for establishing conditions of approval for fire protection measures, the subdivision is in the Tri-Lakes Fire Service Area, the engineered plans for fire protection are for all 6 phases of the subdivision, the supplemented information that was later attached to the engineered plans for fire protection, the fire protection measures will provide 1,000 gpm at a minimum of 20 psi continuously for a minimum of two hours with two hydrants within 1,000 feet of each home and will include a dry hydrant, the proposal for an Home Owners Association to maintain the fire suppression system, the fire suppression system will be tested jointly by Casne and Associates and the Tri-lakes Fire Service Area, third party peer reviews were provided by Fire Out Consulting, PLLC and DOWL, the review by Fire Out Consulting, PLLC indicates that the fire suppression system appears to be in compliance with the conditions of approval, the review by Fire Out Consulting, PLLC recommends standard fire service connections reviewed and approved by Tri-lakes Fire Service Area, the review by DOWL indicates that the fire suppression system is appropriate and adequate to supply a sufficient and reliable fire protection water facility for the subdivision, comments were requested from Northwestern Energy and the Fire Chief of Tri-lakes Volunteer Fire Department, Northwestern Energy had no comments, comments from Bob Drake indicate that the proposals reliability is as high as it can be but he cannot protect the center of the subdivision at its current density, the conditions of approval require the fire protection improvements to be included in an RID for maintenance, the system has to be publically owned to be included in an RID and Bob Drake has vocalized concerns to Planning Staff about the liability, complexity, and cost of insurance to own and maintain an open water fire suppression storage and delivery system, the applicant indicates that the private covenants include requirements to install sprinklers in the homes in Phase II of the subdivision and that two houses currently under construction are being built with fire sprinklers, the County cannot consider the applicant's provision for fire sprinklers as proposed mitigation to meet his conditions of approval and Bob Drake has indicated that fire sprinklers in the homes on lots Nos. 66-109 in Phase II of the subdivision will be needed to adequately provide fire protection to the homes.

A motion was made by Commissioner Geise that after reviewing the draft findings of fact for the proposed Fire Condition Agreement, to approve the findings as submitted. The motion was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

A motion was made by Commissioner Geise that after reviewing the adopted findings of fact for the proposed Fire Condition Agreement, to approve a conclusion of law that the proposed Fire Condition Agreement will minimize the risk of fire and will permit the effective and efficient suppression of fires. The motion was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

A motion was made by Commissioner Geise that after reviewing the adopted findings of fact and our conclusion on the requested Fire Condition Agreement, to accept the proposed Fire Condition Agreement as submitted by Staff. The motion was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

Commissioner Hunthausen stated that the Commission has now adopted findings of fact and a conclusion of law and we made a determination that the adoption of the Fire Condition Agreement will minimize the risk of fire and will permit the of effective and efficient suppression of fires. Is the Commission prepared to act on the motion on the floor to approve the Fire Condition Agreement as meeting the condition of approval No. 9 in Phase I and conditions of approval Nos. 7 in Phase II-VI of the preliminary approval for Lot A-1A Amended of the H.W. Smith Minor Subdivision. The motion Passed on a 3-0 vote.

Board Appointment

Eric Bryson presented the appointment of Steven Mullenbach to the Canyon Creek Rural Fire District as a trustee until the next regular election in May 2016.

No public comment was received.

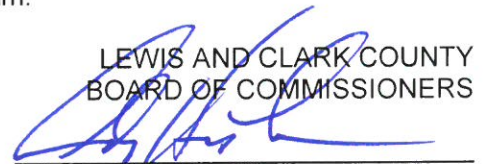
A motion to Approve was made by Commissioner Murray and seconded by Commissioner Good Geise. The motion Passed on a 3-0 vote.

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 10:05 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