



PUBLIC MEETING

August 14, 2018
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, August 14, 2018, at 9:00 AM in Commission Chambers Room 330.

Roll Call

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

Commissioner Jim McCormick and Commissioner Susan Good Geise were present. Others attending all or a portion of the meeting included Roger Baltz, Bob Drake, Nicho Hash, Peter Italiano, Greg McNally, Lindsay Morgan, Sam Neill, Art Pembroke, Spencer Starke, Harold Krei, Jason Sorenson, Al and Camilla McKenney, Janet Wall, Chip Weidemann and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

There were no consent action items.

Agreement Between Lewis and Clark County and Information Technology Core. (Art Pembroke)

Art Pembroke, Director of Information Technology and Services, presented the annual support agreement with Information Technology Core for project specific services for emergency and project support for active directory systems as well as VMware. The agreement period is July 1, 2018 through June 30, 2019. Staff recommends approval of the agreement with Information Technology Core.

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 3-0 vote.

Agreement Between Lewis and Clark County and Integrated Information Solutions, Inc. (Art Pembroke)

Art Pembroke, Director of Information Technology and Services, presented the annual agreement with Integrated Information Solutions for system support and emergency services on the iSeries system. The system houses all the payroll, finance, purchases, Human Resources data, and

property tax information. The funds for the agreement have been approved for the FY19 budget. Staff recommends approval of the agreement with Integrated Information Solutions.

Mr. Pembroke noted that a quarterly backup disk is created and sent to a secure vault in Missoula supported by this contract. Mr. Pembroke gave a brief overview of the disaster recovery test.

Mr. Pembroke explained the agreement is with a vendor located in Missoula and not a governmental entity. It also provides periodic upgrade and maintenance assistance with the iSeries box.

No public comment was received.

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

Agreement Between Lewis and Clark County and Montana Internet Corporation. (Art Pembroke)

Art Pembroke, Director of Information Technology and Services presented the annual agreement with Montana Internet Corporation in the amount not to exceed \$10,000. The agreement will facilitate the upgrade and maintenance of the Wide Area Wireless Network infrastructure for fiscal year 2019. The amount is included in the FY19 budget. Staff recommends approval of the agreement with Montana Internet Corporation.

No public comment was received.

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

Agreement Between Lewis and Clark County and CompuNet, Inc. (Art Pembroke)

Art Pembroke, Director of Information Technology and Services, presented the annual agreement with CompuNet, Inc. in an amount not to exceed \$10,000. The agreement will provide emergency contact telecommunications support to the City of Helena and Lewis and Clark County. The agreement will also provide limited consulting services in case of any areas of operation that the Information Technology Services staff are unfamiliar with. The funds have been included in the FY19 budget. Staff recommends approval of the agreement with CompuNet, Inc.

No public comment was received.

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

Final Plat Application for Amended Plat of Lot 8 – Broadwater Estates Subdivision and the Corrected Plat of Broadwater Estates Subdivision. (Applicant: Gabe Nistler) (Planner: Greg McNally)

Greg McNally, Planner III, presented the final plat application for the Amended Plat of Lot 8 within the Broadwater Estates Subdivision and the Corrected Plat of Broadwater Estates Subdivision. The preliminary approval is for an amended plat which extinguishes a portion of a utility easement and creates new utility easements. Lot 8 is located northwest of the intersection of Old Broadwater Lane and Ten Mile View Road.

Mr. McNally gave an overview of the five conditions of approval and a description of compliance for each condition. The amended plat is in substantial compliance with the Lewis and Clark County Subdivision Regulations. All conditions have been met and/or otherwise addressed by the Applicant. Staff recommends approval of the final plat application.

Mr. McNally gave an overview of Lot 8 platted with a significantly large utility easement that was supposed to be there and was found not to be in the easement. The amended plat would provide a 20-foot utility easement to accommodate the line and an additional 10 feet for utilities.

Commissioner Good Geise asked if the easements affect any other lots that have been under review. Mr. McNally stated this proposal only deals with the easements on Lot 8.

Mr. McNally stated the conditions were met to address the concerns of the hot springs and their access: DEQ approval of the location of the utility line; additional easement of 10 feet; and then an additional 10 feet easement along the roadways. He also noted the property owner will be bound by the restrictive covenants.

No public comment was received.

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

Buildings for Lease or Rent for Self-Storage on Green Meadow Road. (Applicant: Chip Weidemann) (Sam Neill)

Sam Neill, Planner I, presented the proposed buildings for lease or rent to be known as the Self-Storage on Green Meadow Road, located east of and adjacent to Green Meadow Drive and approximately 0.40 miles south of Lincoln Road. If approved, the existing 3.72 acre tract of land will be built-out in three phases. The completed project will have 23 new storage structures, averaging 16 units per building for a total of 360 units. The proposed structures will not require water or wastewater. A well exists on the property and will be used for landscaping purposes only. The existing approach will be improved upon with a culvert installed to mitigate drainage. Direct access will be onto Green Meadow Drive. A new storm water detention pond and outfall structure is proposed to be constructed on the southeast boundary of the property. A system of rain gutters, directing to the center driving aisle and earthen v-shaped gutters will direct storm water to the detention pond. The proposed development will have to go through a review from the Department of Environmental Quality for existing/proposed water, wastewater, and storm water.

Based on the findings of fact, staff recommends conditional approval of the building for lease or rent application. The following draft conditions are recommended: approved five-year weed management and revegetation plan; address plaque installed prior to any property disturbance; obtain a Montana Pollution Discharge permit; storm water drainage plan, wastewater plan and water supply plan submitted to Montana Department of Environmental Quality and the Lewis and Clark Public Health Department, Environmental Services Division; gain full compliance with septic tank abandonment regulations with Lewis and Clark Public Health, Environmental Services Division; and obtain an approval for an approach on to Green Meadow Drive from Montana Department of Transportation. All adjacent property owners were notified and no objections were received.

Commissioner McCormick asked about the existing structures and Ms. Neill explained there were structures on the property but they no longer exist.

Chip Weidemann, Ranch View Road, stated there is one septic tank that has been pumped, but not completely abandoned as of yet. The plan is to landscape the front of the property and the reason for the well. Perimeter fencing is planned. The development will go in phases with no more than one acre disturbed at a time. The first phase consists of four buildings. There has been an approach design agreed to by MDT.

No public comment was received.

A motion was made by Commissioner Good Geise to conditionally approve the building for lease or rent and seconded by Commissioner McCormick.

Commissioner Good Geise reviewed the findings of fact for condition A: weed management plan, address plaque, pollution discharge permit, and stormwater detention plan. Public Works had no comments, nor did the County Road supervisor or NorthWestern Energy.

A motion was made by Commissioner Good Geise to approve the findings of fact as submitted and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

A motion was made by Commissioner Good Geise for approval of the conclusion of law that the proposed buildings for Lease or Rent can be brought into compliance and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

Commissioner Good Geise reviewed the findings of fact for condition B: adequate water, no solid waste disposal facility, there is an existing water right and well to be used only for landscaping, no existing wastewater treatment facility in operation, submission of a joint application to DEQ addressing all setback requirements, and full compliance with septic tank abandonment regulations.

A motion was made by Commissioner Good Geise to approve the findings of fact as presented and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

A motion was made by Commissioner Good Geise to adopt the conclusions of law as presented and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

Commissioner Good Geise reviewed the findings of fact for condition C: adequate access to the site with one driveway onto Green Meadow Drive.

A motion was made by Commissioner Good Geise to approve the findings of fact and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

A motion was made by Commissioner Good Geise to adopt the conclusions of law as presented and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

Commissioner Good Geise reviewed the findings of fact for Condition D: Adequate Emergency, Medical, Fire and Law Enforcement Services.

A motion was made by Commissioner Good Geise to approve the findings of fact and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote

A motion was made by Commissioner Good Geise to adopt the conclusion of law as presented and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

Commissioner Good Geise reviewed the findings of fact for Condition E: comply with floodplain regulations.

A motion was made by Commissioner Good Geise to approve the finding of fact and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

A motion was made by Commissioner Good Geise to adopt the conclusion of law as presented and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

Commissioner Good Geise reviewed the draft conditions of approval: weed management plan, address plaque order form, obtain pollution discharge permit, storm water drainage plan, full

compliance with septic tank abandonment regulations, obtain approach permit onto Green Meadow Drive.

A motion was made by Commissioner McCormick to approve the draft conditions of approval and seconded by Commissioner Good Geise. The motion Passed on a 3-0 vote.

Commissioner Hunthausen stated an overall motion is on the table to approve the proposed building for lease or rent and he asked if they would like to amend the motion to include the approved findings of fact, the conclusions of law and draft conditions of approval.

A motion was made by Commissioner McCormick to approve the proposed building for lease or rent for self-storage on Green Meadow to include the approved findings of fact, the conclusions of law, and the draft conditions of approval and seconded by Commissioner Good Geise. The motion Passed on a 3-0 vote.

Agreement to Extend Preliminary Subdivision Approval for the Amended plat of Lot A-5 of Clark Minor Subdivision. (Applicant: GMH Field, LLC) (Planner: Sam Neill)

Sam Neill, Planner I, presented the request to extend the preliminary subdivision approval for the Amended Plat of Lot A-5 of Clark Subdivision until August 14, 2019. The Subdivision was granted a three-year preliminary approval under a Settlement Agreement on June 25, 2015, which expired on June 25, 2018. The property is located northwest of and adjacent to York Road, east of Helberg Drive, and is 4.98 acres.

The preliminarily approved Subdivision will create five lots, each for one single-family dwelling to be served by individual wells, onsite wastewater treatment systems, and utilities. Three of the proposed wells will be included within a well access and maintenance easement that will serve Lots A-5C, A-5D, and A-5E. Access to the lots is off of York Road via a proposed internal access road, a continuation of Cupid Drive.

According to the Applicant's extension request application form all requirements have been completed or are included in a proposed subdivision improvements agreement, with the exception of the final plat revisions. To date, the following have yet to be completed: weed free certification, sign schedule update, installation of mailbox and traffic signs.

Ms. Neill stated Planning has been working with the applicant to gather all the items needed. The Applicant is not in attendance. Ms. Neill noted the installation of the mailbox and traffic signs were not financially guaranteed in the agreement so they are to be installed prior to final plat approval.

No public comment was received.

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

Resolution 2018-70 Levying and Assessing a Tax Upon Benefited Property within the Lorac Rural Improvement District No. 2017-13. (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner III, presented the resolution to levy and assess a special assessment of \$196.88 upon benefited properties within the Lorac Rural Improvement District located northeast of the junction of Fantasy Road and Collins Drive for road maintenance. Legal notice of the public hearing was published and mailed to benefited properties and as of August 8, 2018 no comments were received.

No public comment was received.

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

Resolution 2018-71 Levying and Assessing a Tax Upon Benefited Property within the Garden Valley Rural Improvement District No. 2016-3. (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner III, presented the resolution to levy and assess a special assessment of \$290.49 for the Garden Valley Rural Improvement District located southwest of the junction of John G Mine Road and North Montana Avenue for road maintenance and stormwater improvements. Legal notice was published and mailed to all property owners within the district and as of August 8, 2018 and no comments were received.

Ms. Morgan stated there is a Subdivision Improvements Agreement with the County to complete some improvements that includes road improvements. The paving is not completed.

PUBLIC COMMENT -

Janet Wall, 7071 Garden Valley Drive, asked what the money will be going to and who directs the work.

Al McKenney, 1105 Tiller Court, asked if the streets will be plowed in the winter and will there be speed limit signs posted as there are none at the time.

Camilla McKenney, 1105 Tiller Court, stated there are speed limit signs posted. She stated they pay regular taxes that does not include road service and would there be a breakdown between regular taxes and this assessment.

Commissioner Hunthausen stated there is a section in the regular taxes that goes toward road maintenance for the roads that cannot be attributed to a certain subdivision. Then there are the subdivision roads pertaining to only the property owners within the subdivision.

Ms. Morgan gave an overview of what the annual assessment will cover which includes: snowplowing, culvert cleaning, crack sealing, chip sealing, stormwater maintenance, mailbox replacement and other miscellaneous items such as weed spraying. Regarding the snowplowing, there would be a designee within the subdivision to notify County Public Works when the subdivision needs to be plowed and it would occur up to five times a year.

Commissioner Good Geise noted that chip seals usually last 7 to 10 years and the fee saves for future needs. The funds can be reviewed and the funds are only for the property owners within the subdivision.

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

Resolution 2018-63 Levying and Assessing a Tax Upon Benefited Property within the Canyon Ferry Crossing Rural Improvement District No. 2017-7. (Tabled 7-31-18) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner III, presented the resolution to levy and assess a special assessment of \$318.86 annually upon benefited properties within the Canyon Ferry Crossing Rural Improvement District (RID). Two public hearings have been held regarding the proposed assessment.

The developer has verbally requested the amendment be delayed as he has not sold any of the properties within the Canyon Ferry Crossing Subdivision No. 5. Following the July 31, 2018 hearing staff and legal council discussed the request. Staff recommends that no assessment occur this year and that staff revisit the RID in the future.

Commissioner McCormick stated the resolution addressed the snowplowing so that the fire department could have access to the fire pick point and is separate from this one. Ms. Morgan stated on July 26, 2018 the Commission approved the RID for the fire protection system and asked to look at the specifics of road plowing assessments.

On July 31, 2018 staff prepared two separate line items indicating if Eagle View Road was just snowplowed all the way through or also snowplow Soren Court to assess that individually. It was discussed and staff recommends assessing nothing as opposed to breaking the RID apart.

Ms. Morgan stated if the properties are not assessed now Chief Drake would have to find a way to plow the road to access the fire system.

Commissioner Hunthausen suggested the resolution assessment be lowered to cover just the cost of snowplowing. Ms. Morgan stated the concern is benefiting properties since there are no structures on any of these properties.

Peter Italiano, Community Development and Planning Director, stated the issue for staff is a fee that would be assessed on vacant lots, and is it rational to apply a fee for the protection of wildfire in the middle of winter for snowplowing. This cistern site is used elsewhere where there are structures.

Commissioner Good Geise stated the fire department needs to be able to access the fire system. The lots may not have structures developed now but has some infrastructures that will gain some value.

Nicho Hash, Deputy County Attorney, stated the discussion is how to provide access to the fire department in order to use the fire cistern for other places not just this subdivision. This RID addresses road maintenance and improvement and not fire suppression.

Commissioner Good Geise stated while there might not be a residence on the lots, there is other property on the location which could be damaged by fire. Commissioner Hunthausen commented that empty lots do benefit from making the road accessible.

Mr. Hash stated what staff and legal has brought up is the benefit that would be derived by the plowing of the roads would be used to suppress fires offsite and not benefit the lots.

Commissioner Hunthausen agrees that asking the \$318.86 is too much but a lesser amount is reasonable for those lots.

Commissioner McCormick stated an option would be to postpone the RID and reimburse the fire department for keeping that road open.

Commissioner Good Geise asked Chief Drake if there is any benefit to the empty properties by keeping the roads plowed that would come from fees accessed to them.

Bob Drake, Fire Chief of Tri-Lakes Fire, feels too much talk is on the snowplowing and noted the roads are there and they deteriorate from the environment. In those units there is less wear and tear on the roads but the roads still need maintenance. Chief Drake stated he does see value to the empty lots but the road still needs to be maintained. If there is no money being accumulated the roads cannot be maintained.

Commissioner Good Geise stated while it is true the water source serves other areas, but that does not mean that it does not benefit the areas in this RID. The empty parcels benefit from the roads being open and maintained.

No public comment was received.

Mr. Italiano stated after listening to Chief Drake at this point the environmental factors will degrade the road system and the primary purpose of the RID is to maintain the road system.

A motion was made by Commissioner Good Geise to approve the resolution with the amendment that the assessment be \$100 annually and seconded by Commissioner McCormick.

Commissioner Good Geise stated when development is built the \$318 is probably going to be the correct amount but because the roads are deteriorating daily there is need for maintenance.

Commissioner McCormick asked if this resolution can be revisited when the lots are sold.

Commissioner Hunthausen noted the assessment fee can be reconsidered anytime.

Commissioner Hunthausen stated there is a motion on the table. The motion Passed on a 2-1 vote with Commissioner Hunthausen opposing.

Wildfire Outlook Briefing. (Bob Drake)

Bob Drake, Fire Chief of Tri-Lakes Fire Department, gave a briefing on the current wildfire outlook. As of August 13, 2018 there have been 46 days without moisture. The Shellrock fire stalled when it moved from heavy timber to the grass as the grasses are still green in the higher elevations. The good nightly humidity recoveries are helping with the fire. Fire activity has not yet peaked. Normal precipitation for August is 1.20 inches and we have gotten zero. The current drought areas in Montana are expanding. Lewis and Clark County is not under a drought watch. The energy release component fell due to the increase in humidity.

Commissioner Hunthausen asked about the containment level of the Shellrock fire. Since it started in heavy timber and moved to the grass they are confident it will be contained in the meadow.

The local forecast for the next few days with Friday night and Saturday has 50% chance of thunderstorms. The decision today was to hold off on the Stage 1 Fire Restrictions to see if the forecasted moisture occurs on Friday and Saturday. The 8 to 14 day temperature outlook remains the same with the precipitation outlook at normal. We are still expecting above normal temperatures through October. With the lower temperatures coming, and if freezing temperatures occur in the mountains the fuel will cure quickly and dry out the ground vegetation causing a potential longer fire season. It is recommended no fire restrictions this week.

Commissioner Good Geise asked about the diminishing resources. Chief Drake stated the seasonal resources hired by the Forest Service and the Department of Natural Resources & Conservation are college kids and as school starts the firefighting falls more to the volunteers. When there are no houses in the vicinity of a fire less resources will be put toward those fires.

Chief Drake made a plea to be extra careful with campfires, even not have one, don't throw out cigarettes, avoid dragging chains that cause sparks and sparks from vehicles in dry grasses all can start fires.

Consideration to Opt in to Payment in Lieu of Taxes Lawsuit. (Roger Baltz)

Roger Baltz, Chief Administrative Officer, presented the official notice regarding a class action lawsuit regarding the right to recover additional sums under the Payment in Lieu of Taxes (PILT) Act for FY15, FY16 and FY17. Commissioners are requested to consider opting in to the lawsuit. A class action opt-in notice form must be approved and signed by September 14, 2018.

Over 1,957 counties were mailed this formal notice. Legal fees would be deducted from any success in this matter. The Montana Association of Counties indicates \$95,712 is the rough estimate made of the underpayment.

Commissioner Good Geise commented that the county would receive about \$60,000. Mr. Baltz agreed and restated it is an estimate.

PUBLIC COMMENT -

Bob Drake, Fire Chief of the Tri-Lakes Fire Department, stated district population doubles on weekends with people enjoying the wilderness. Please consider the agencies that are providing some of the services that the payment in lieu of taxes is for.

Commissioner McCormick stated he reviewed the provided documents and there appears to be confusion and a misunderstanding of the calculation to determine how much PILT money should be paid. This step is to put Lewis and Clark County on the list as a benefiting county.


A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner McCormick. 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 11:59 am.

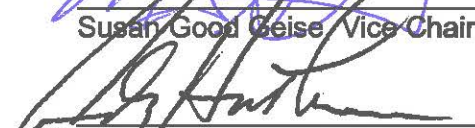
**LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS**



Jim McCormick, Chair

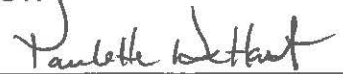


Susan Good Geise, Vice Chair



Andy Hunthausen, Member

ATTEST:)



Paulette DeHart, Clerk of the Board

