



PUBLIC MEETING

August 25, 2020
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, August 25, 2020, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Chair Susan Good Geise called the meeting to order at 9 a.m.

Commissioner Jim McCormick was present. Commissioner Andy Hunthausen was out of the office. Others attending all or a portion of the meeting included Nancy Everson, Nicho Hash, Peter Italiano, Dan Karlin, Greg McNally, Spencer Starke, Kara Tangedal, Dave Schmitz, Kirsten Faubian, Kevin Wright, Ted Culbertson, Harry Culbertson, Mike Ronning, Jeremy Fadness and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

There were no consent action items.

Contract Between Lewis and Clark County and Montana Ridgeline Construction, LLC. (Dan Karlin)

Dan Karlin, County Engineer, presented the contract with Montana Ridgeline Construction, LLC to replace the roof on the detention center building. The contract is to provide materials and labor to replace the existing shingles, damaged OSB, drip edge, vents, ridge caps, and pipe jacks. The total cost is not to exceed \$49,000 with work to be completed no later than 45 days from contract execution. Budget authority for the project is in the fiscal year 2021 building's capital budget. Staff recommends approval of the contract with Montana Ridgeline Construction, LLC.

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 2-0 vote.

Agreement Between Lewis and Clark County and Helena Civic Television. (Nancy Everson)

Nancy Everson, Chief Financial Officer, presented the agreement with Helena Civic Television to operate, maintain, administer and manage a public access cable television channel that cable casts regularly in the public interest for the benefit of the community of Lewis and Clark County. They primarily broadcast the County public meetings and an additional 48 hours of other broadcasting as requested by

the County. The contract is paid through franchise fees that are received from Spectrum. The agreement is effective July 1, 2020 through June 30, 2022 at which time it may be extended on an annual basis through 2025. Staff recommends approval of the agreement with Helena Civic Television.

Kirsten Faubian, Helena Civic Television Executive Director, stated that the meetings are now viewable at any time via streaming through their website. Ms. Faubian gave an overview of the services that they provide to the community.

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 2-0 vote.

Agreement Between Lewis and Clark County and Montana State University Extension. (Nancy Everson)

Nancy Everson, Chief Financial Officer, presented the agreement with Montana State University Extension for FY21 Extension services. This is an annual agreement where MSU hires the Extension employees and Lewis and Clark County provides the space. The agreement period is July 1, 2020 through June 30, 2021. Staff recommends approval of the agreement with Montana State University Extension.

Kara Tangedal, Extension Agent, stated they currently have three agents and an administrative assistant in the office and Ms. Tangedal gave an overview of the different duties of the agents, noting that she works mainly with the 4-H program and youth development. The County has over 400 4-H members with over 100 adult volunteers.

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 2-0 vote.

Buildings for Lease or Rent: Ronning Commercial Development. (Applicant Ronning Development, LLC.) (Planner: Spencer Starke)

Spencer Starke, Planner I, presented the Ronning Commercial Development Building for Lease or Rent (BLR) application on two existing tracts of land. The development is located south of Canyon Ferry Road, east of and adjacent to Spokane Creek Road. If approved, the BLR will create seven storage structures, one for RV storage, three for boat storage, and three for personal storage for a total of 151 units. Also being proposed is an office building, RV dump, and RV wash bay to service the complex, which will utilize a newly installed well. Access will be onto Spokane Creek Road via an existing shared approach. Stormwater will be diverted to 2 stormwater ponds on the northwestern and northeastern portions of the property. The applicant is in the process of applying for a septic permit. Mr. Starke noted the development is adjacent to the flood plain. It has been determined no floodplain permit will be required but that the Floodplain Manager will do a follow-up inspection. Staff recommends conditional approval of the BLR.

Jeremy Fadness, WAC Engineering, stated the 100-year floodplain area has been flagged to prevent the developer from going into the floodplain. The site has been graded and fill was brought in to address concerns about stormwater runoff, thus design and placement of the retention ponds. At the end of the project, the stormwater will be certified. There have also been discussions with EPA regarding the Class 5 injection well. The injection well is in consideration of the RV wash station; the RV wash will drain into a sand/oil separator that will treat any oils or grit and then discharge to the stormwater pond. They have received approval from Lewis and Clark Environmental Health for the septic system and the contractor is currently installing that.

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Harry Culbertson, 3130 Spokane Creek Road, stated he sold the property to the Ronning's about one year ago and added that they are doing a wonderful job and supported the project.

A motion was made by Commissioner McCormick to approve the Building for Lease or Rent and seconded by Commissioner Good Geise.

Commissioner McCormick reviewed the conclusion and findings of fact that the proposed BLR will comply with BLR regulation and all other applicable regulations. A motion was made by Commissioner McCormick to accept the conclusion and findings of fact as written and discussed and seconded by Commissioner Good Geise. The motion Passed on a 2-0 vote.

Commissioner McCormick reviewed the conclusion and findings of fact that adequate water, wastewater, and solid waste facilities will be available to serve the proposed BLR if the recommended conditions of approval are imposed and then satisfactorily completed or otherwise addressed. A motion was made by Commissioner McCormick to approve the conclusion and findings of fact and seconded by Commissioner Good Geise. The motion Passed on a 2-0 vote.

Commissioner McCormick reviewed the conclusion and findings of fact that adequate access to the site is provided to serve the BLR. A motion was made by Commissioner McCormick to accept the conclusion and findings of fact and seconded by Commissioner Good Geise. The motion Passed on a 2-0 vote.

Commissioner McCormick reviewed the conclusion and finding of fact that the proposed BLR will have adequate emergency medical, fire, and law enforcement services available. A motion was made by Commissioner McCormick to approve the conclusion and findings of fact and seconded by Commissioner Good Geise. The motion Passed on a 2-0 vote.

Commissioner McCormick reviewed the conclusion and findings of fact that the proposed BLR will comply with any applicable floodplain regulations. A motion was made by Commissioner McCormick to approve the conclusions and findings of fact and seconded by Commissioner Good Geise. The motion Passed on a 2-0 vote.

Commissioner McCormick addressed the recommended the conditions of approval including that there will be an approved 5-year weed management plan; prior to renting or leasing the BLR an address plaque will be installed; prior to lease or rent the storm water facilities will be certified; if one or more acres of ground disturbance is planned, the applicant will contact DEQ to obtain a Montana Pollution Discharge Elimination System permit; prior to renting or leasing the BLR, the applicant shall either receive a Class IV injection well from EPA or demonstrated exemption from the Class V injection well regulations; and, the applicant shall submit plans for wastewater treatment and water supply systems to Lewis and Clark Public Health Environment Health for review and approval.

Commissioner McCormick moved to approve the recommended conditions of approval. The motion was seconded by Commissioner Good Geise. The motion Passed on a 2-0 vote.

Commissioner Good Geise stated that there is a global motion of approval on the floor. The motion Passed 2-0.

Acknowledgement of Lien Satisfaction and Release of Lien by Agreement for Properties within the Amended Plat of Lot A-1A of the H.W. Smith Minor Subdivision, Document No. 3049709 known as the Heron Creek Subdivision Phases 1, 2, and 3. (Applicant: Sussex Development, Inc.) (Planner: Greg McNally)

Greg McNally, Planner III, presented the request from the Applicant Sussex Development, Inc. (Sussex) for the Commission to acknowledge satisfaction of a Lien by Agreement claimed by

Lewis and Clark County against the Heron Creek Subdivision in an amount not to exceed \$500,000 as security for improvements to Eames Lane from Canyon Ferry to Kier Lane. The terms of the lien by agreement have been satisfied by both parties and Sussex has requested the release of the lien from all properties within the Heron Creek Subdivision.

On February 2, 2018, the County and Sussex entered into the agreement to establish a lien for off-site improvements on the amended plat of Lot A-A1 of the H.W. Smith Minor Subdivision, known as Heron Creek Subdivision Phases 1, 2, and 3, and a lien by agreement. The agreement and lien were established to comply with the preliminary conditions of approval in each of the first three phases and included improvements to off-site road known as Eames Lane, specifically the segment of Eames Lane from Canyon Ferry Road to Kier Lane to be improved by pavement standard. At the closing of the sale of any lot, Sussex deposited the sum of \$10,000 into an interest-bearing reserve account held by the County, strictly for off-site road improvement. The County holds a lien on all lots until completion and certification of the off-site road improvements in an amount not to exceed \$500,000. The County shall file a lien release for each lot sold at the closing of any such lot, contingent upon the deposit of funds in the County account. The Applicant shall notify the County Commission when the 32nd lot is sold. The Applicant is to complete the off-site road improvement within twelve months of the sale of the 32nd lot or the commencement of platting of Phase IV of the Subdivision.

Since February 2, 2018, the County received a total of \$170,000 and 17 lots have been released from the lien. The County also received an engineered plan to improve Eames Lane which was approved by County Public Works on April 28, 2020. Sussex and County Public Works proceeded to complete those improvements over the summer. At the request of Sussex and in compliance with the agreement the County did release \$142,527.82 on May 26, 2020.

Staff recommends approval of an Acknowledgement of Lien Satisfaction and Release of Lien by Agreement.

Commissioner McCormick asked if Eames Lane was or was not included in the original platting and Mr. McNally noted that in 2007, the initial subdivision request included a desire to improve Eames Lane but it was not a condition of approval.

Dan Karlin, County Engineer, stated that there is a formula that was used that determined each lot would add 10 estimated daily trips to the road and with 200 lots, that equated to 2,000 additional daily trips on Eames Lane. The developer made the request that the road be improved and has contributed \$490,000 to achieve that improvement while the County has contributed \$145,000 to date with the chip seal still needing to be completed.

No public comment was received.

A motion was made by Commissioner McCormick to approve the acknowledgement of lien satisfaction and release the lien by agreement. The motion was seconded by Commissioner Good Geise. 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 10:16 a.m.

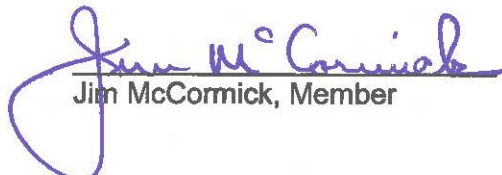
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Susan Good Gelse, Chair



Andy Hunthausen, Vice Chair



Jim McCormick, Member

ATTEST:



Amy Reeves, Clerk of the Board