



## **PUBLIC MEETING**

August 3, 2017  
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, August 3, 2017, at 9:00 AM in Commission Chambers Room 330.

### **Roll Call**

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

Commissioner Andy Hunthausen and Commissioner Jim McCormick were present. Others attending all or a portion of the meeting included Roger Baltz, Brian Coplin, Paulette, DeHart, Nicho Hash, Jim Henry, Charles Lane, Dan Karlin, Greg McNally, Lindsay Morgan, Rodger Nordahl, Randi Rognli, Brent Colbert, and Nadine McCarty, Recording Secretary.

### **Pledge of Allegiance**

Everyone recited the pledge.

### **Special Fire Restrictions - Stage I**

Brent Colbert, Lewis and Clark County Sheriff's Office Captain, presented the proclamation asking that Stage I Fire Restrictions be implemented. The following acts are prohibited: building, maintaining, attending or using a fire or campfire unless noted in the exemptions. Also restricted is smoking, excepting within an enclosed vehicle or building, a developed site or while stopped in an area at least three feet in diameter that is bare of all flammable materials. The restrictions are to start on August 5, 2017 and will be enforced until further notice.

Commission Good Geise read the proclamation.

A motion was made by Commissioner McCormick to approve the proclamation. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

### **Consent Action Items**

- a. Certificate of Appropriation for INTERCAP Loans, US Bank. (Paulette DeHart)
- b. Investments as of June 30, 2017 Pledged Securities. (Paulette DeHart)
- c. Public Meeting Minutes for November 15, 2016; May 30; June 6, 8, 20; July 4, 6, and 20, 2017. (Nadine McCarty)

Roger Baltz reported on the consent action items 3 a-c and recommended approval.

No public comment was received.

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

**Bid Award. Fairgrounds Roofing Project. (Dan Karlin)**

Dan Karlin, Engineer, presented bid award for the Fairgrounds roofing project. Three bids were received with bids ranging from \$107,695 to \$147,350. This project is to remove and dispose of the existing galvanized roofing on five barns at the Fairgrounds, replace with new galvanized roofing, including flashing, and some site restoration. Funding for this project is through an insurance claim filed when a micro-burst damaged the existing roofs.

After a review of the bids, staff recommends awarding the bid to the low bidder, Christman Roofing, Inc. of Montana City for a total bid amount of \$107,695.

No public comment was received.

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

**Bid Award. Valley Drive Paving Project. (Dan Karlin)**

Dan Karlin, Engineer, presented the bid award for the Valley Drive Paving Project. One bid was received for the project in the amount of \$124,985. This project is to pave approximately 1/2 mile on Valley Drive from Howard Road to approximately .4 miles south of Ayden Road. Paving will consist of a 3-inch thick, 24-foot wide asphalt roadway surface and approach aprons. County crews will prepare and shape the base course prior to paving operations. The contractor will be responsible for traffic control, waterborne paint striping and quality control testing.

After a review of the bid, staff recommends awarding the bid to the lowest bidder, Helena Sand & Gravel, Inc. of Helena, Montana for a total bid amount of \$124,985.

No public comment was received.

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

**Resolution No. 2017-86 to Create the Applegate Meadows Rural Improvement District No. 2017-10. (Planner: Lindsay A. Morgan)**

Lindsay Morgan, Planner II, presented Resolution 2017-86 to create the Applegate Meadows Rural Improvement District (RID) 2017-10 for maintenance of the internal road network for the Amended Plat of Lot A - Guettler Subdivision No. 2, also known as Applegate Meadows Subdivision. Creation of the Applegate Meadows RID is proposed to correct a situation where the creation of the RID to fund internal roadway maintenance was not completed in 2008 when the Subdivision received its final approval. The estimated costs stated in the resolution have been structured to compensate for this situation.

The resolution of intention to create the Applegate Meadows RID was adopted on June 29, 2017 and no protests have been received. The maintenance activities for the proposed District include snow plowing, crack sealing, culvert cleaning, street sweeping and savings toward a future chip seal. Maintenance costs have been estimated to cost \$14,329.83 per year or \$210.73 per benefited lot.

Staff recommends approval of the resolution.

No public comment was received.

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

**Request for Preliminary Conditional Approval for the Proposed Harvest Acres First Minor Subdivision and Variance Requests. (Tabled 8/1/17) (Applicant: Shawn and Catherine Toney) (Planner: Jim Henry)**

Jim Henry, Planner I, presented the proposed First Minor Subdivision to be known as Harvest Acres; a 5-lot subdivision located north of U.S. Hwy 12, adjacent to the northeast end of Prairie Nest Drive. The applicant proposes to subdivide a 20.44 acre tract of land into five lots, each with one single-family dwelling. The lots will range in size from 3.78 acres to 4.7 acres. This subdivision application was originally presented to the Commission on August 1, 2017 and tabled to today to address public concerns and questions.

Upon hearing no further public comment, the public hearing was closed.

A motion was made by Commissioner Hunthausen to preliminarily and conditionally approve the subdivision request with conditions of approval needed to mitigate the adverse impacts or bring the project into compliance with regulations. The motion was seconded by Commissioner McCormick.

A variance request from Chapter XI.F.9 has been received. The applicant is requesting a variance to allow for one double fronted lot. As proposed, Lot 1 will front one of the proposed internal access roads (Long Bow Court) as well as the recorded access easement that runs along the eastern property line of Lot 1.

A motion was made by Commissioner Hunthausen to approve the findings of fact for the Variance Request from Chapter XI.F.9. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

A motion was made by Commissioner Hunthausen to adopt a conclusion of law that based on the findings of fact the granting of the variance would not be detrimental to public health or safety; that because of the particular physical surrounding, shape or topographical conditions of the specific property involved, an undue hardship would result if the regulations were enforced; that granting of the variance would not cause a substantial increase in public costs; and that the approval of the variance would not place the subdivision in non-compliance with adopted regulations. After reviewing the four variance criteria, a conclusion of law be adopted that the Applicant has demonstrated that the requested variance meets all four of the standard in the Subdivision Regulations. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

A motion was made by Commissioner Hunthausen to adopt a conclusion of law that compliance with the variance criteria requires that the following conditions of approval be applied: the final plat shall be prepared in accordance with applicable State survey requirements with a no access restriction placed along the western property line of Lot 1 and a no access restriction be placed along the northern boundary of the proposed 60-foot wide County road easement located along the southern section of Lot 1; and ,that the book and page reference to the restrictive covenants shall be indicated on the face of the plat. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

A motion was made by Commissioner Hunthausen that after reviewing the findings of fact, conclusions of law, and conditions of approval, the requested variance be approved. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

A variance request from Chapter XI.H.4 has been received. The applicant is requesting a variance from the requirement that all roads shall connect to other roads within the neighborhood. Only one ingress-egress route is required for a proposed first minor subdivision and emergency services will have access to the proposed subdivision by way of Remington Street, which creates a non-significant amount of time and distance for the drivers.

A motion was made by Commissioner Hunthausen to approve the findings of fact for the Variance Request from Chapter XI.H.4. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

A motion was made by Commissioner Hunthausen to adopt a conclusion of law that based on the findings of fact the granting of the variance would not be detrimental to public health or safety; that because of the particular physical surrounding, shape or topographical conditions of the specific property involved, an undue hardship would result if the regulations were enforced; that granting of the variance would not cause a substantial increase in public costs; and that the approval of the variance would not place the subdivision in non-compliance with adopted regulations. After reviewing the four variance criteria, a conclusion of law be adopted that the Applicant has demonstrated that the requested variance meets all four of the standard in the Subdivision Regulations. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

A motion was made by Commissioner Hunthausen that after reviewing the four variance criteria, a conclusion of law be adopted that the Applicant has demonstrated that the requested variance meets all four of the standards named the Subdivision Regulations. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

A motion was made by Commissioner Hunthausen that after reviewing the findings of fact and conclusions of law the requested variance be approved. The motion was seconded by Commissioner McCormick. The motion pass 3-0.

A variance request from Chapter XI.H.16 has been received. Chapter XI.H.16 requires that when county road easements are extended to exterior property boundaries within a subdivision for a future road connection, the roadway shall be constructed in accordance with County road standards. According to the application, there are no adjacent properties that would benefit from the construction of the extension of either Long Bow Court or Long Shot Court. The applicant proposes to establish a 60-foot wide County Road easement from the eastern edge of the cul-de-sac on Long Shot Court east to provide for a future connection east and they also propose to establish a 60-foot wide County Road easement for the future extension of Long Bow Drive to Prairie Nest Drive.

A motion was made by Commissioner Hunthausen to approve the findings of fact for the Variance Request from XI.H.16. The motion was seconded by Commissioner McCormick. The motion was approved 3-0.

A motion was made by Commissioner Hunthausen to adopt a conclusion of law that based on the findings of fact the granting of the variance would not be detrimental to public health or safety; that because of the particular physical surrounding, shape or topographical conditions of the specific property involved, an undue hardship would result if the regulations were enforced; that granting of the variance would not cause a substantial increase in public costs; and that the approval of the variance would not place the subdivision in non-compliance with adopted regulations. After reviewing the four variance criteria, a conclusion of law be adopted that the Applicant has demonstrated that the requested variance meets all four of the standard in the Subdivision Regulations. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

A motion was made by Commissioner Hunthausen that after reviewing the findings of fact and conclusions of law the requested variance be approved. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

The draft findings of fact were discussed. Those findings include the impacts on agriculture and agricultural water user facilities; impacts on local services; impacts on the natural environment; impacts on wildlife and wildlife habitat; impacts on public health and safety; impacts on cultural resources; findings on subdivision regulations; compliance with survey requirements; provision of adequate utilities; provision of adequate access; and, findings on zoning and other regulations. The property is not currently used for agricultural purposes and the history and deed for the property indicate that there are no surface water rights associated with the property. The proposed lots are subject to DEQ review for water and wastewater system and each lot will be served by individual water wells. Commissioner Geise emphasized that there is a trucking company nearby and that future lot owners and residents need to be aware of that. Legal access will be provided to each lot via Remington Street and the proposed internal road network; primary access to Lot 1 shall be obtained via Long Bow Drive while primary access to Lots 2, 3, 4 and 5 will be obtained via Long Shot court.

A motion was made by Commissioner Hunthausen to add finding of fact number 74 that the applicant has provided documentation indicating that Remington Street was dedicated as a public access easement. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

A motion was made by Commissioner Hunthausen to approve the findings of fact as amended to include finding number 74. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

A motion was made by Commissioner Hunthausen to adopt a conclusion of law that the proposed subdivision will have adverse impacts on the review criteria and will not be in compliance with regulations. Commissioner Hunthausen further moved to adopt a conclusion of law that adoption of the conditions of approval as presented in Exhibit A will mitigate the impacts and bring the project into compliance with regulations. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

The conditions of approval were discussed. These included the mitigation of impacts on agriculture and agricultural water user facilities; mitigation of impacts on local services; mitigation of impacts on the natural environment; mitigation of impacts on wildlife and wildlife habitat; mitigation of impacts on public health and safety; mitigation of impacts on cultural resources; compliance with subdivision regulations; compliance with survey requirements; provision of adequate utilities; provision of adequate access; and, compliance with zoning and other regulations. Commissioner Hunthausen stated that the final plat will show all of the easements and restrictions. Condition number 12 was highlighted as it waives the right to protest joining a Rural Improvement District.

A motion was made by Commissioner Hunthausen to eliminate Conditions of Approval Numbers 19, 20, 21 and 22 as those were addressed with the approval of the third variance request. The motion was seconded by Commissioner McCormick. The motion was approved 3-0.

A motion was made by Commissioner Hunthausen to approve the amended conditions of approval. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

Commissioner Hunthausen stated that after staff presentations, hearing public comment, acting on the adopted findings of fact, the conclusions of law and the conditions of approval that the subdivision request be conditionally approved subject to the adopted conditions of approval. The motion was seconded by Commissioner McCormick. The motion passed 3-0.

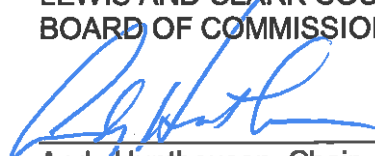
**Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.**


Brian Coplin, Helena, stated he is here today to begin the process to create the mechanisms needed to address the needs of mentally disabled person. He has been working on creating a help desk that is connected to all of the facilities that can help people get the services they need. He is proposing a help center to have a front door where people can be sent. A location is needed for centralizing the services and Mr. Coplin is working on finding that location. Mr. Coplin is also hoping to collaborate with City, County, State and Federal agencies.

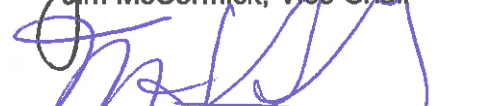
**Adjourn**

There being no further businessm the meeting adjourned at 10:19 am

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Andy Hunthausen, Chair

  
\_\_\_\_\_  
Jim McCormick, Vice Chair

  
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Susan Good Geise, Member

ATTEST:

  
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Paulette DeHart, Clerk of the Board