

**PUBLIC MEETING
FEBRUARY 28, 2013
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, February 28, 2013, at 9 a.m. in Commission Chambers Room 330 of the City-County Building, 316 N. Park Avenue, Helena, Montana.

Chairman Mike Murray called the meeting to order at 9 a.m. Commissioner Andy Hunthausen was present. Others attending all or a portion of the meeting included Eric Bryson, Marni Bentley, Eric Griffin, Laura Erikson, Pam Attardo, Michael McHugh, Glenn Hayes, Kim Smith, Bob Abelin, Randi Triem, Ryan Casne, Al Knauber and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items.

a. Vendor Claims Report for the Week of February 25, 2013. (Marni Bentley)

Eric Bryson reported on the consent action item and recommended approval.

No public comment was received.

Commissioner Hunthausen moved approval of the consent action item. Commissioner Murray seconded the motion. The motion carried 2-0.

Professional Services Contract Between Lewis & Clark County and Stahly Engineering & Associates, Inc. (Laura Erikson)

Laura Erikson, Grants Coordinator, presented the contract in an amount not to exceed \$31,750 for project management services for the YWCA rehabilitation project. Funding for the rehabilitation project came from the Community Development Block Grant and HOME programs. Three proposals were received, reviewed and scored by the selection committee, resulting in the recommendation to award the contract to Stahly Engineering.

No public comment was received.

Commissioner Hunthausen moved approval of the Professional Services Contract Between Lewis & Clark County and Stahly Engineering, as presented. Commissioner Murray seconded the motion. The motion carried 2-0.

SHPO Certified Local Government Contract Application by Lewis & Clark County Heritage Tourism Council. (Pam Attardo)

Pam Attardo, Heritage Preservation Officer, presented the annual application in the amount of \$5,500 for operations support for the Heritage Preservation and Tourism Development Council.

No public comment was received.

Commissioner Hunthausen moved approval of the SHPO Certified Local Government Grant Application by Lewis & Clark County Heritage Tourism Council, as presented.

Commissioner Murray seconded the motion. The motion carried 2-0.

Resolution 2013-16 - Montana Dept. of Transportation Secondary Route No. 280 (West of York.) (Eric Griffin)

Eric Griffin, Public Works Director, presented the resolution relating to the safety project with the Montana Dept. of Transportation on Secondary Route No. 280 west of York, Montana. The project included new signing and delineation on Hwy. 280 from the York Bridge to the turnoff at Jim Town Road. Once improvements were in place the County would provide ongoing maintenance.

No public comment was received.

Commissioner Hunthausen moved approval of Resolution 2013-16 with the Dept. of Transportation Secondary Route No. 280 (West of York), as presented. Commissioner Murray seconded the motion. The motion carried 2-0.

Public Hearing. Final Plat Approval for Timberworks Estates Subdivision, Phases II-VIII. (Applicant: Frontier Builders, Inc.) (Planner, Michael McHugh)

Michael McHugh, Planner, presented four issues associated with the Timberworks Major Subdivision Conditions of Approval relating to specifications for land use: 1) To graphically show utility easements on the Final Plat only where they are located, versus along all property lines; 2) To remove the 15-foot setbacks from all property lines and instead reference applicable Zoning Regulations; 3) To remove the prescribed commercial uses in the County-mandated Covenants in lieu of those allowed by Special Zoning District 48; and 4) To remove the requirement for the applicant to install a left-turn deceleration lane on North Montana Avenue at the southernmost access to King Post Loop. He then outlined four actions: 1) To delete the specific uses on each one of the lots in the commercial area and just amend that to say that all uses on these properties must be in compliance with the Special Zoning District requirements. 2) Regarding the elimination of 15-foot setbacks, a Condition could be placed stating that all construction on the property must comply with the Zoning Regulations of Special District No. 48. 3) Regarding utility easements, the Condition would read that all installed utilities must be shown on the Final Plat. And, 4) Regarding the request for the elimination of turn-lane on North Montana, Condition 12, would be totally deleted from the Conditions of Approval. Mr. McHugh noted for the record that there were some other Conditions of Approval that still needed to be met prior to Final Plat of this proposed subdivision.

Ryan Casne, the applicant's engineer, recapped the four Conditions of Approval they were requesting to modify as part of the Final Plat Application. He felt the first three were housekeeping items; but more fully discussed the requirement for the applicant to install a left-turn lane on North Montana Avenue. He requested removal of the requirement for the applicant to install a left-turn deceleration lane on North Montana Avenue at the southernmost access to the King Post Loop, stating they felt their request was extremely well substantiated through the provided documentation from the applicant's Traffic Engineer Bob Abelin, Lewis & Clark County Public Works Kyle Thomas, and the Montana DOT. Mr. Casne quoted pertinent sections of the referenced communications. He also recapped a conference call with Darcy O'Dell, MDOT, in which Mr. Odell pointed out that the DOT's conceptual round-about at the intersection of Lincoln Road and North Montana was designed with all the surrounding properties and impacts considered, including Bob's Valley Market. The design included a full turning movement

approach at the intersection of King Post Loop and North Montana Avenue, not including any right in, right out median channelization. Similar to the Timberworks Estates approaches, both of the Bob's Valley market approaches were full turn movement approaches. Mr. Casne noted that Timberworks Estates has three different approaches onto North Montana Avenue. Finally he noted the developer had made a substantial donation to the State of Montana to make future construction of the round-about possible with a 0.51-acre dedication of land.

No public comment was received.

Commissioner Hunthausen asked for clarification on procedure related to taking action on the four items prior to considering action on Final Plat.

Eric Bryson recapped that on Feb. 14, 2013, the following item appeared on the agenda: "Request for Consideration of Modification of Conditions of Approval for Timberworks Subdivision, Phases II-III." At that time the Commission heard a request from the applicant to go through modification process, and the Commission by a vote of 2-0 decided that the changes that were proposed by the applicant at that time could be better addressed at Final Plat. Today's agenda item read, "Public Hearing. Final Plat Approval for Timberworks Estates Subdivision, Phases II-VIII," in an effort to provide the developer with options; to either go through a formal modification process or make changes at Final Plat based on today's meeting. He stated that today the applicant was not ready to make a request for Final Plat because there were financial guarantees and bonding that were not yet in place and recommended tabling the item until the applicant was ready to proceed.

Mr. McHugh also confirmed the applicant was not prepared to file Final Plat, as there were other Conditions of Approval that were not met. He suggested directing Staff to draft language reflecting today's discussion that would be presented at the time that the Final Plat that would include a Subdivision Improvements Agreement to bond for all the necessary improvements that have not been done in conjunction with the Conditions of Approval for Phases II and III.

Commissioner Hunthausen requested Mr. McHugh recap the Conditions that were not yet completed. Mr. McHugh referenced Greg McNally's memo of Feb. 13, 2013, that was presented to the Commission on Feb. 14, listing all the Conditions of Approval and the status of each one. Commissioner Hunthausen did not have the memo and requested a brief update. Mr. McHugh noted some patching repairs to the walking path, seeding of the borrow ditch, finish grading and compaction on the walking path, issues with culvert installation at Hammer Beam Road and North Montana, and fire protection installation and operational capacity. The applicant's estimate was approximately \$133,000 to complete the necessary improvements, which they would be required to bond for; fire protection improvements, plus 25 percent.

Commissioner Murray noted the Commission had approved two previous subdivision that intended to use this same fire protection system, and stated his intention to not approve a third subdivision without a plan of action that included completion dates for the well and a date when the system would be available for use by the West Valley Fire Dept.

Michael McHugh related his telephone discussion with Chief Jerry Shepherd yesterday, in which Chief Shepherd indicated he would approve the use once the system was in and operational. Mr. McHugh suggested the Commission could add a condition that stated that no occupancy of any buildings may be permitted until completion and certification of all fire improvements.

Ryan Casne reviewed a list of financial guarantees that would be forthcoming: \$22,000 for chip-sealing roads this next construction season; \$51,000 for off-site road improvements; \$7,000 for the roadway punch list, including seeding of the ditches, some finish grading, and finish compaction on the walking paths; \$5,000 for miscellaneous paving items related to the walking path along N. Montana Ave.; and \$133,000 for the fire protection system. He addressed the fire protection system and acknowledged the Commission's hesitancy as the system had been approved for two other subdivisions, and apparently no progress had been made on it to date. Mr. Casne provided history on the water tank, noting when he became involved with it, it was not water-tight. The installing contractor sand-blasted and applied an epoxy resin to the interior of the tank, and after retesting, it appeared to only lose ½ inch per 48 hours. He has developed an engineered plan for a wet well to be constructed beside the tank with a submersible pump and has obtained quotes for its installation. NorthWestern Energy had been contacted last fall to install power and a \$17,000 check issued; however the work was not done. NWE refunded the \$17,000 and issued a new estimate of \$19,500 a couple weeks ago. He said it was the intent of the applicant, in cooperation with Mr. Kim Smith, to have the system completed last fall or early winter, which has not been possible. Now, Cretex West has the plan and will build the system, which would hopefully be operational in the next couple of months. The pipeline from the wet well structure to the piping in Timberworks Estates still needed to be constructed.

Commissioner Hunthausen asked if the fire suppression system would be operational before any additional homes were occupied and Glenn Hayes confirmed that was the case. Commissioner Hunthausen proposed language to that effect.

Michael McHugh suggested the County should have some form of documentation from NorthWestern Energy that provided a timeframe for installation of power and Commissioner Murray agreed. Commissioner Murray asked Mr. Casne when he wished to be on the agenda again and Mr. Casne indicated next Thursday would work.

Commissioner Hunthausen thanked Mr. Hayes for his land donation to facilitate the intersection on North Montana Avenue. He then moved to leave the public hearing open and continue this item until Thursday, March 7, 2013. Commissioner Murray seconded the motion.

Public Comment –

Kim Smith, 7510 Applegate Drive, stated the reason for the delay in completing the fire protection system was due to the West Valley Fire Department's desire to have only one fill station, rather than multiple locations in the area. He pointed out there were two fill stations just south of his subdivision; one within a mile that was operable. He noted it would be easier and less expensive to locate the well in his gravel pit, but he was attempting to meet the needs of the Fire Department and work toward a solution. He had been contracted and compensated to install the system, and noted the Fire Department's desired to assume operation in the future. He was ready to move forward once NorthWestern Energy installed power.

Commissioner Murray addressed Mr. Smith, stating the hold-up was not Mr. Smith's fault, but a matter of circumstance.

No further public comment was received.

The motion carried 2-0.

Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no further business and the meeting adjourned at 10:05 a.m.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Michael A. Murray, Chairman



Andy Hunthausen

(Vacant)

ATTEST:



Paulette DeHart, Clerk of the Board