

**PUBLIC MEETING
SEPTEMBER 19, 2013
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, September 19, 2013, at 10 a.m. in Commission Chambers Room 330 of the City-County Building, 316 North Park Avenue, Helena, Montana.

Chairman Mike Murray called the meeting to order at 10 a.m. Commissioner Andy Hunthausen and Commissioner Susan Good Geise were present. Others attending all or a portion of the meeting included Eric Bryson, Eric Griffin, Lindsay Morgan, Carrie Severson, Greg McNally, Frank Rives, Maria Penna, Tony Prothero, Ryan Casne, Randi Triem, Kim Smith, Lucy St. Onge, Dean Retz, James Combs, Danielle Bolan, Marvin Lundman, Steve Tennant, Tim Bramblett, Mark Floerchinger, Mark Keller, Tom Nicholls, Bruce Armstrong, Joyce Evans, M.C. Beeby and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Proclamation Declaring Sept. 29 – Oct. 5, 2013, “Childhood Cancer Awareness Week.”

Commissioner Murray read the Proclamation Declaring Sept. 29 – Oct. 5, 2013, “Childhood Cancer Awareness Week.”

Consent Action Items. (Eric Bryson)

Eric Bryson reported there were not consent action items on the agenda.

Resolution 2013-89 Levying an Assessment Upon Customers of the Scratch Gravel Solid Waste Management District Owning Real Property in the District and Owing a Pay-As-You-Throw Program Charge After August 31, 2013. (Maria Penna)

Maria Penna, Accounting Technician, presented Resolution 2013-89 Levying an Assessment Upon Customers of the Scratch Gravel Solid Waste Management District Owning Real Property in the District and Owing a Pay-As-You-Throw Program Charge After August 31, 2013. Exhibit A contained a list of property owners and outstanding balances to be placed on tax bills.

No public comment was received.

Commissioner Hunthausen moved approval of Resolution 2013-89 Levying an Assessment Upon Customer of Scratch Gravel Solid Waste Management District Owning Real Property in the District and Owing a Pay-As-You-Throw Program Charge After August 31, 2013. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Resolution 2013- 90 Levying An Assessment Upon Customers of the Scratch Gravel Solid Waste Management District Owning Mobile Homes as Personal Property in the District and Owing a Pay-As-You-Throw Program Charge After August 31, 2013. (Maria Penna)

Maria Penna, Accounting Technician, presented Resolution 2013-90 Levying an Assessment Upon Customers of the Scratch Gravel Solid Waste Management District Owning Mobile Homes as Personal Property in the District and Owing a Pay-As-You-Throw Program Charge After August 31, 2013. Exhibit A contained a list of property owners and outstanding balances to



be placed on tax bills.

No public comment was received.

Commissioner Hunthausen moved approval of Resolution 2013-90 Levying an Assessment Upon Customers of the Scratch Gravel Solid Waste Management District Owning Mobile Homes as Personal Property in the District and Owing a Pay-As-You-Throw Program Charge After August 31, 2013. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Public Meeting. Proposed First Minor Subdivision to be known as Saddle Rock Subdivision. (Applicant: Mark Floerchinger) (Planner: ~~Greg McNally~~) (Lindsay Morgan) The Commissioners will consider a proposed four-lot Subdivision located approximately 2 miles north of Lincoln Road and east of Collins Road, adjacent to Tea Road and a variance request from the requirements of Chapter XI: H.3 pertaining to determining costs directly attributable to the Subdivision. (Cont'd from 9/12/13.)

Lindsay Morgan, Planner, noted the two previous public meetings, Sept. 10 and 12, on the proposed Saddle Rock Subdivision, a 4-lot single-family residential subdivision located south of and adjacent to Tea Road, tabled to today's meeting. The applicant has extended the review period until October 12. Staff reviewed the Variance Request from Subdivision Regulations Ch. XI:H.3. In lieu of the required PER, the applicant proposed paying a proportional share of the cost for off-site road improvements based on an Engineer's Estimate for bringing segments of Tea Road and Collins Drive up to County Standards. The Staff Memo dated Sept. 12, 2013, recommended amending Draft Condition 6 to reflect the corrected percentage of impact calculation for Collins Drive, from Tea Road to Fantasy Road, and provided percentages for both the TIS and ITE Standards.

Tony Prothero, 3196 Brow Tine, Helena, addressed the following three points: 1) At the Sept. 12 meeting, the applicant requested additional time to consider off-site road improvements and propose a plan. Therefore, the applicant proposed amending the Conditions of Approval to allow the developer to either pay the pro rata share of improvements, as written now based on an Engineer's Estimate, if the variance was approved, or to submit a plan to be reviewed and approved by Public Works and the Planning Department, to complete those improvements to Tea Road based on the pro rata share. 2) Because there is an existing house, well and drainfield on the property that was unoccupied at the time traffic counts were taken, the proposed traffic volume would be based on 3 new houses. The existing traffic volume would be bumped up by either 7.1 or 9.57 ADT to account for the present development right and determine the correct pro rata share of impacts to roads. 3) Regarding fire protection, the applicant proposed utilizing a fire protection water source located within the West Valley Fire District and owned by the District, located approx. 2 miles from the property. The one-mile rule of thumb was not a hard and fast rule; the Pate Amended Subdivision was approved with a water source 1.7 miles from the subdivision.

Discussion –

Commissioner Murray supported the 1-mile standard established with the Planning Board and the Fire Council, and encouraged the Commission to not deviate from it. Because he thought a 30-day window of time was in place to consider additional comment on Tea Road, he had not yet reviewed the minutes from previous meetings, and expressed his intent to abstain from the vote. The Commissioners concurred there was time to consider proposed changes.

Public comment –

Lucy St. Onge, 2275 Snowdrift Road, Helena, referred to Protective Covenants dated Oct. 15, 1991, under Land Use that read, "No tract shall be subdivided so that any residential site contains less than 5 acres." Because 5-acre parcels were proposed that included a roadway, she questioned whether the resulting lots would be under the 5-acre restriction.

No other public comment was received and the public hearing was closed.

Eric Bryson clarified that the road easement to be placed, if this preliminary plat and final plat is granted, would not eliminate the ownership rights of that property; therefore the lot sizes were not minimized. The result would be a private property owner with a public easement, a county road through the property, with the owner being assessed the full property value of the underlying area of the road. State Statute does not allow the County to own roads in fee title; it allowed the County to maintain roads over private property for public use.

Commissioner Hunthausen moved to render a final decision on Saddle Rock Subdivision at the regularly scheduled meeting on Oct. 1, 2013. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Public Meeting. Proposed Major Subdivision to be known as Buckboard Meadows Subdivision. (Applicant: Kim Smith) (Planner: Frank W. Rives) The applicant proposes a 29-lot subdivision located ¼ mile north of John G. Mine Road, and ¼ mile east of Applegate Drive, and requests a variance from the requirements of Chapter XI.H.3 pertaining to g. Adjacent and Off-Site Road Improvements. (Tabled from 9/17/13) Decision.

Frank Rives, Planner, noted the item had been tabled from the Sept. 17, 2013 meeting. Staff provided a Memo dated Sept. 18, 2013, regarding proposed Amendments to Draft Conditions of Approval 10 and 14, resulting from discussions during the previous meeting. The applicant's representative had received and reviewed the memo. Condition 10.d., e. and f. were consolidated into a new Condition 10.d. and 10.j. was added. Condition 14 had been revised.

Commissioner Murray asked if the variance was denied, was a method in place to keep the applicant from paying into a subdivision that had excellent roads.

Eric Bryson provided history on the roads in Frontier Village; the County allowed for roads to be installed that didn't meet current standards through a variance process. Now the Staff is faced with what to do if an exaction was required for those off-site roads to an adjacent subdivision that technically don't meet standards, but likely met some equivalency standards because they were new roads and there was an RID associated with on-going maintenance. Denying the variance would require further analysis about what to do with any contribution, if a contribution were required.

Ryan Casne, the applicant's engineer, stated their agreement with the three amendments to the Conditions and requested the opportunity to discuss the Variance request, noting their analysis of the road condition supported Mr. Bryson's comments.

Commissioner Murray asked Commissioner Good Geise to assume the Chair, and moved to deny the variance. Commissioner Hunthausen seconded the motion.

Discussion –

Commissioner Murray, in proposing to deny the variance, agreed the applicant should be excluded from paying into an RID, based on the fact that the roads were in new condition; the Conditions of Approval were the appropriate means of addressing the situation.

Commissioner Hunthausen supported the variance request, stating the applicant's proposal was reasonable.

The motion carried 2-1; Commissioner Hunthausen voted no.

Commissioner Murray assumed the Chair.

Commissioner Hunthausen moved approval of the preliminary plat for Saddle Rock Subdivision, noting denial of the variance request. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Commissioner Hunthausen moved approval of Condition 10 d., Condition 10.j. and Condition 14, as presented in the Staff memo dated Sept. 18, 2013. Commissioner Good Geise seconded the motion.

Discussion –

Commissioner Hunthausen stated the Commission was, in addition to approving the Preliminary Plat of the Subdivision, accepting the Draft Findings of Fact and the Conclusions of Law, as presented, knowing future amendments might be necessary.

The motion carried 3-0.

Mr. Bryson recapped the Commission's deliberations that Staff was directed to come up with any changes to the original Conditions that might be impacted by the denial of the variance, draft clear Findings of Fact related to the expectations for improvements that might be applicable to Bootlegger and Frontier Drive, present them to the applicant for review, and then to the Commission for signature.

MT Dept. of Transportation S-270 and S-453 Special Speed Study Presentation. (Eric Griffin & James Combs) The Commissioners will consider the Speed Study for S-270 - Lincoln Road West and for S-453 - Lincoln Road East.

Eric Griffin reported the Special Speed Study resulted from a request by constituents on Lincoln Road East; a number of whom signed a petition. The Commission subsequently made a request of MT Dept. of Transportation who conducted the Speed Study. Two letters were entered into the record; one from Orlene Cate and one from Dave Rau. Jim Combs and Danielle Boland, with MDOT, were introduced.

Jim Combs, Great Falls District Traffic Engineer, MDOT, confirmed the agency received a request from the Commission to conduct a Speed Study, based on a petition requesting a lower speed limit on Lincoln Road east of the I-15 Interchange. The process of collecting data was explained, as was the rationale for setting speed limits based on the 85th percentile speed to encourage an environment where as many vehicles as possible traveled at the same speed. The following speed limit recommendations were made: Green Meadow Drive to the Interstate

– no change. From 1,500 feet east of I-15 to Hauser Dam Road – validating the existing 45 mph. From the end of that zone to 400 feet east of Glass Drive – 55 mph. From that point to 300 feet west of Derby Drive – 70 mph. From that point to the intersection of Hauser Dam Road – 55 mph. Mr. Combs requested a letter from the Commission stating their position. If they concurred, the letter would be forwarded to the Transportation Commission, the ultimate authority on approving speed zones. If the Commission disagreed, they were asked to provide as much detail as possible substantiating their reasons by Oct. 1, which would then be considered by MDOT and forwarded to the Transportation Commission for action.

Commissioner Murray asked for rationale for not starting the 55 mph zone by Mountain Heritage.

Danielle Bolan, Traffic Operations Engineer, MDOT, explained that speed statistics didn't support extending the 55 mph speed limit to the intersection with Mountain Heritage, as the terrain was more open. The conditions would be more appropriately addressed by consideration of a left-turn lane at the intersection.

Commissioner Hunthausen asked why the speed transition was not made to the east of Glass Drive, rather than at the intersection. Jim Combs responded that data collection did not support the 45 mph speed limit; the data supported a 55 mph speed limit 400 feet east of Glass Drive.

Commissioner Hunthausen referred to the passage of Senate Bill 161, which stated that MDT did not have to solely rely on its traffic study to determine speeds in school zones. Part of the rationale for requesting the speed study was to address the area in front of Jim Darcy School, and he asked if the School District had been included in the process.

Danielle Bolan explained that during school hours a variable speed limit was imposed that reduces the speed limit from 45 to 35 mph. A flashing light with a time clock was installed that operates during school hours to reflect the reduction in the speed limit. The School District would be contacted and encouraged to provide further testimony to the Transportation Commission.

Commissioner Good Geise asked for clarification on Mr. Combs' comment regarding posted speed limits. Mr. Combs confirmed that speed limit signs generally had little influence on travel speeds; the public traveled at speeds they were comfortable with based on the environment. Danielle Boland added that the agency attempted to set realistic speed limits with signage in special speed zones to aid law enforcement in enforcing speed limits. Setting an artificially low speed limit was counter-productive for law enforcement.

Commissioner Good Geise suggested that since the current speed standard was established 14 years ago, prior to the present-day development, that added population should be considered. Ms. Bolan explained that when conditions changed the agency conducted speed studies; thus the different speeds through this corridor based on varying road conditions.

Public comment –

Marvin Lundman, 2293 Lincoln Road East, Helena, agreed with Commissioner Geise that over the past 10 years the population and traffic volumes had greatly increased. Wait times to enter Lincoln Road were longer. Speed and weather conditions were a particular safety concern in the area of the S-curve. He requested consideration of lowering the 70 mph to 55 mph.

M.C. Beeby, 1620 Townsend, Helena, chair of the Helena Safe Routes to School Committee, thanked the Commission for requesting the speed study. She was concerned about the speed limits around Jim Darcy School. The Committee encouraged walking and biking to school; however, the safety of students in the area was in question. She requested consideration of lowering the limit at the school to 25 mph.

Mark Keller, 2828 Lincoln Road East, Helena, a resident ¼ of a mile east of the S-curve supported speed restrictions on Lincoln Road, in particular, a 55 mph limit from the Interstate to Hauser, citing several near traffic accident misses.

Tom Nicholls, 5680 Collins Drive, Helena, area resident for 34 years, stated traffic had increased 10-15 fold, and supported the 55 mph speed limit.

Eric Griffin presented the petition and copies of written comments to the Commission.

Commissioner Hunthausen said the Commission would consider today's testimony and direct Eric Bryson to draft a letter to the Transportation Commission.

Commissioner Good Geise stated her opposition to the recommended 70 mph speed limit in the area of the S-curves, based on the increased population in the area, the presence of farm traffic, deer crossings and the age variations of the traveling public.

Commissioner Murray voiced his preference to review the comments, study the MDOT recommendations and draft a letter to the Highway Commission by the October 1 deadline. Copies of the letter would be provided to members of today's audience.

Commissioner Hunthausen concurred with Commissioner Murray.

Commissioner Murray closed public comment.

Board Appointments: (Eric Bryson)

- City-County Park Board
- Airport Authority Board

Commissioner Hunthausen moved to reappoint Jane Kollmeyer to a second term on the Parks Board, for a 3-year term to end September 30, 2016. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Commissioner Hunthausen moved to appoint David Payne to a 2-term on the Parks Board to end Sept. 30, 2015, replacing Art Butler. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Commissioner Hunthausen instructed Staff to retain the application from Robin LeNeve on file for consideration when future openings occurred on the Park Board.

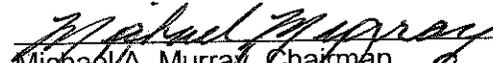
Commissioner Hunthausen moved to reappoint Howard Skjervem to a second term on the Airport Authority Board, a 3-year term to end Sept. 1, 2016. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Commissioner Hunthausen instructed Staff to retain the two other applications on file for consideration when future openings occurred on the Airport Authority Board.

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

There was no other business and the meeting adjourned at 11:38 a.m.

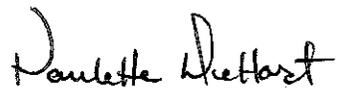
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael A. Murray, Chairman


Andy Hunthausen


Susan Good Geise

ATTEST:


Paulette DeHart, Clerk of the Board