

**PUBLIC MEETING
JULY 29, 2014
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, July 29, 2014, at 9 a.m. in Commission Chambers Room 330 of the City-County Building, 316 North Park Avenue, Helena, Montana.

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

Commissioner Andy Hunthausen and Commissioner Mike Murray were present. Others attending all or a portion of the meeting included Eric Bryson, George Theborge, Katie Jerstad, Lindsay A. Morgan, Nancy Everson, Kyle Thomas, Matt Heimel, Rick Bell, Audrey Dufrechoe, Dave Sather, Connie Reben, Shauna Wenger, Dick Weschenfelder, Lee Ponder, Lynn Ponder, Craig Schnur, Ryan Casne, Jill Downing, Marla Swanby and Anne Todd, Recording Secretary.

Pledge of Allegiance.

Consent Action Items. (Eric Bryson)

- a. Equitable Sharing Agreement and Annual Certification Report for Missouri River Drug Task Force (Amy Glass)
- b. Resolution 2014-82 Declaring County Property Surplus Property (Amy Reeves)

Eric Bryson presented consent agenda items 2a and 2b and recommended approval.

Commissioner Murray moved approval of consent action items 2a and 2b.

Commissioner Hunthausen seconded the motion. Motion carried 3-0.

Eric Bryson requested the Commissioners make a motion to reorganize the agenda and move action item number 5 above item number 6.

Commissioner Hunthausen moved to rearrange the agenda and address item number 6 prior to item number 5 on the agenda.

Commissioner Murray seconded the motion. Motion carried 3-0.

Resolution 2014-80 to Budget Additional Property Tax Revenue. (Nancy Everson)

The Commissioners will consider the resolution.

Nancy Everson presented Resolution 2014-80 and reported Section 15-10-420 MCA authorizes the property tax levy increase of one half of the average rate of inflation for the prior three years based upon the Consumer Price Index. That average increase was 2.06 % and one half of that is 1.03 %. A public hearing for the increase was held on July 22.

No public comment was received. Staff recommended approval of this resolution and authorized Chair to sign all documents.

Commissioner Murray moved approval of Resolution 2014-80 as presented.

Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Resolution 2014-81 Adopting the Final Operating Budget and Setting Appropriation Authority for the Fiscal Year Beginning July 1, 2014 and Ending June 30, 2015. (Nancy Everson)

The Commissioners will consider the resolution.

Nancy Everson presented Resolution 2014-81 Adopting the Final Operating Budget and Setting Appropriation Authority for the Fiscal Year Beginning July 1, 2014 and Ending June 30, 2015 and stated this resolution authorized the spending authority for the county, set the overall budget authority at the fund level for each fund and established a management direction within the resolution. Staff recommended approval of this resolution and authorized Chair to sign all documents as presented.

Commissioner Hunthausen moved approval of Resolution 2014-81, a Resolution Adopting the Final Operating Budget and Setting Appropriation Authority for the Fiscal Year Beginning July 1, 2014 and Ending June 30, 2015 as presented.

Commissioner Murray seconded the motion. Motion carried 3-0.

Final Plat and SIA Southridge Estates Subdivision (a.k.a. York Meadows).

(Applicant: Southridge Properties, LLC) (Planner: Lindsay A. Morgan) The Applicant is requesting final approval of the 32-lot residential subdivision located north of and adjacent to York Road and east of and adjacent to Floweree Drive. The Applicant is also seeking to enter into a Subdivision Improvements Agreement (SIA) with Lewis and Clark County for remaining improvements.

The Commissioners will consider the final plat and SIA.

Lindsay Morgan presented the application for final plat approval of Southridge Estates Major Subdivision stating that preliminary approval for this subdivision was granted on January 22, 2009 subject to 35 conditions. Approval was modified at the request of the applicant on April 29, 2014, subject to 36 conditions. After Lindsay Morgan reviewed the application and subsequent submittals, her report stated that 15 conditions of the approval had only been partially met by the applicant. The County has received the pro rata share check from the Mylar's in the required amount. There is a signature block on the plat for Montana Department of Transportation for the public access easement across the right of way. It has not been signed by MDoT but it is no longer necessary for them to sign it because it's based on an easement across an existing right of way. She also stated that the County Attorney's Office and the Commission have not reviewed or signed the plat. Lindsay Morgan discussed the requirements and conditions of approval for the utility companies. Northwestern Energy has provided an email stating that their utilities have been installed and Century Link and Charter have both installed conduit pipe but have not installed cables.

The Commission has not had a chance to review the Subdivision Improvements Agreement and will need to do that prior to final approval.

Discussion --

Ryan Casne the consulting engineer for the applicant stated that the gate and lock was inspected and approved by the fire district. He read an email from Gary Flathers at Charter regarding the utility issues for the record and told the Commission that he would have in writing statements from the utility companies verifying the conditions for future property owners and their expected expenses.

Eric Bryson recommended the public hearing remain open until Thursday, July 31, 2014 for the acceptance of information that may come in so the applicant or staff could verify the information.

Commissioner Hunthausen moved to leave the public hearing open until Thursday, July 31, 2014 at our regularly scheduled meeting.

Commissioner Murray seconded the motion. Motion carried 3-0.

Public Hearing. Resolution 2014-83 to Create the Southridge Estates Subdivision Rural Improvement District No. 2014-3. (Matt Heimel)

The Commissioners will consider the creation of the District.

Matt Heimel presented the Resolution 2014-83 to create the Southridge Estates Subdivision Rural Improvement District No. 2014-3. He stated the maintenance assessment will bring the total cost yearly to \$6,838.48 per year or \$213.70 per parcel per year. The general character of the maintenance included snow plowing, grading, culvert cleaning, signs, weed control, public access easements and public trail easements including roadways, cul-de-sacs, mailbox turnouts and trails within the districts. Staff recommended Commission to approve the resolution as presented.

No public comment was received.

Commissioner Murray moved approval of Resolution 2014-83 to create the Southridge Estates Subdivision Rural Improvement District No. 2014-3.

Commissioner Hunthausen seconded the motion. Motion carried 3-0.

Discussion –

George Thebarg stated for the record the resolution 2014-83 contained a typographical error and the Commission was presented with the correct version.

Final Plat. Amended Plat of Lots 1, 16-43 – Glacier Point Subdivision (Phase II).

(Applicants: Matt and Evelyn Davis) (Planner: Lindsay A. Morgan) The Applicant is requesting final approval of the amended plat to remove the 20-foot wide rear-yard utility easement from the plat for Lot 24 of the Glacier Point Subdivision located at 5366 Glacier Point Loop.

The Commissioners will consider the final plat.

Lindsay Morgan presented the application for final approval of Phase II of the Amended Plat of Lots 1, 16-43 – Glacier Point Subdivision stating it is a preliminarily approved subdivision that removed the 20-foot wide, rear-yard utility easements on Lot 24 of the Glacier Point Subdivision, which is located at 5366 Glacier Point Loop. Preliminary approval was granted for this subdivision on June 5, 2012 subject to three (3) conditions. All conditions of this approval were addressed by the applicants. Staff recommended Commission to approve the final plat.

Commissioner Hunthausen moved approval of the Amended Plat of Lots 1, 6-43 – Glacier Point Subdivision (Phase II) as presented by Ms. Morgan.

Commissioner Murray seconded the motion. Motion carried 3-0.

Public Hearing. Alterations to the Approved Site Plan for Commercial Storage Units on Lot 85 of the Glacier Point Subdivision. (Applicant: Rick Bell) (Planner: Lindsay A. Morgan) The Applicant is requesting alterations to the approved site plan for commercial storage units on Lot 85 of the Glacier Point Subdivision located at 1494 Valley Speedway Drive. The proposed changes are specific to the landscaping, paving and signing aspects of the plan.

The Commissioners will hold a public hearing and then consider the request.

Lindsay Morgan presented Rick Bell's request for alterations to the commercial site plan Lot 85 of the Glacier Point Subdivision with regard to the landscaping, parking and signage. Under the new proposal the applicant planned to install single story storage unit buildings they are assuming approximately 300 to 400 units that would be accessed by the outside, along with spaces of storage of RV's, trailers, boats other types of vehicles and no on-site office. Landscaping relocated to the east side of the retention pond, instead of locating it on the west side of that pond and additional vegetation that would still provide for the same type of actual screening along with an automatic drip irrigation system. The applicants are also seeking to remove the specified sign requirements under the commercial law.

Comments –

The City – County Health Department, Environmental Division stated the impervious service area if it's increased beyond what was currently approved by the DEQ; it will have to go back to DEQ for a new approval.

NorthWestern Energy states that they have no objections to the proposed alterations and comments from neighboring property owners in Glacier Point Subdivision.

Included was a petition with signatures of property owners within the subdivision that are in opposition to the construction of storage units in general on this property.

Discussion -

Commissioner Hunthausen asked questions about the Commission's authority and if from the onset of the plat, was it planned to be storage units in Lot 85 and if final platted for a storage unit from the beginning, the Commission has no authority but to decide on three items: landscaping, parking and signage and Commission have no authority to change the site plan.

Lindsay Morgan agreed with Commissioner Hunthausen.

Public Comment –

Several homeowners shared their concerns and comments in opposition of this storage facility being constructed with other concerns such as: safety of children and pets, road conditions & maintenance, the entrance to the facility only being accessed through the subdivision and decreasing property values.

Eric Bryson stated for the record the hearing is closed, no additional comment will be accepted and Commission can not engage in conversations between now and July 31st at the next regularly scheduled meeting.

Matt Heimel did confirm an RID of the subdivision and reported owners of Lot 85 are currently assessed and do participate at the same rate as the other lots in the subdivision.

Commissioner Hunthausen moved to close the hearing and table this item until July 31, 2014 at the regularly scheduled meeting.

Commissioner Murray seconded the motion. Motion carried 3-0.

Petition for Appointment (Audrey Dufrechou)
Tri-Lakes Fire Service Area

Audrey Dufrechoe presented the request to appoint Mark Meyer to the Tri-Lakes Fire Department Board of Trustees to serve a term until the next regular election, May 2015.

Commissioner Hunthausen moved the appointment as presented.

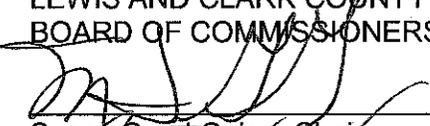
Commissioner Murray seconded the motion. Motion carried 3-0.

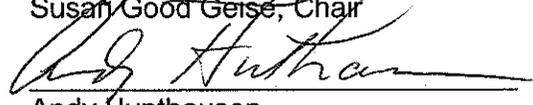
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.

No public comment was received.

There was no other business and the meeting adjourned at 10:58 a.m.

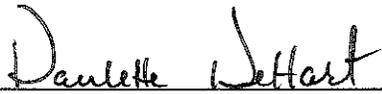
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Susan Good Geise, Chair


Andy Hunthausen


Mike Murray

ATTEST:


Paulette DeHart, Clerk of the Board