

**PUBLIC MEETING
DECEMBER 2, 2014
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, December 2, 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 was present. Others attending all or a portion of the meeting included Eric Bryson, K. Paul Stahl, Michele Peterson-Cook, George Theborge, Eric Griffin, Sherrel Rhys, Lindsay Morgan, Frank Rives, Glen Hayes, Randi Roghlie, Tony Prothero, Cheryl Green, Al Knauber, and Nichole Nisbet, Recording Secretary.

Pledge of Allegiance. Everyone recited the pledge.

Consent Action Items. (Eric Bryson)

- a. Public Meeting Minutes: October 28, 30, November 6, 13, 18 and 27, 2014 (Nichole Nisbet)
- b. Resolution 2014-130 Ordering a Refund of Taxes/Fees/Assessments Paid by Sunshine Investments, LLC in the amount of \$504.09. (Cheryl Green)
- c. Resolution 2014-131 Ordering a Refund of Taxes/Fees/Assessments Paid by Sunshine Investments, LLC in the amount of \$1,581.50. (Cheryl Green)
- d. Resolution 2014-132 Ordering a Refund of Taxes/Fees/Assessments Paid by Sunshine Investments, LLC in the amount of \$637.38. (Cheryl Green)

Eric Bryson reported on the consent action items 2 a-d and recommended approval.

No public comment was received.

Commissioner Murray moved to approve consent items 2 a-d.

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

Resolution 2014-128 Rescinding the License Fee Collected for An All-Beverages, Beer, or Beer and Wine License. (Eric Bryson)

The Commissioners will consider the Resolution.

Eric Bryson presented resolution rescinding the license fee collected for an all-beverages, beer, or beer and wine licenses. On June 7, 1937 Lewis and Clark County Commission adopted a resolution requiring retail liquor dealers to purchase licenses and pay fees. Under The old set of statutes it was the County's responsibility to issue licenses and essentially supervise commercial businesses engaged in the sale of alcoholic beverages. The fee was adjusted in 1942 and in 2011 the County adjusted the fees for the first time since 1942. The Commission engaged in the adopted resolution that called for a one third increase over 3 years. The Commission called into question whether there was a necessity to continue issuing County liquor licenses since 1937 to present day the whole system has changed and the supervision of on-site and off-site sales for alcohol beverages have shifted and is now the responsibility of the



State. This resolution rescinds previous resolutions and says that the County will no longer engage in issuing County beverage licenses to commercial entities in Lewis and Clark County. The County does not supervise the licenses and any violations are handled by the State as the Department of Revenue issues the licenses and violations are handled by the Department of Justice.

Commissioner Hunthausen stated that there is no obvious or regulatory reason to engage in collecting these fees or giving County licenses as it is covered by the State of Montana.

No public comment was received.

Commissioner Hunthausen moved to approve the resolution.

Commissioner Geise seconded the motion.

Commissioner Murray opposes the resolution as the County is now relying on the State for adequate supervision for commercial alcohol sales. He stated that alcohol is an enforcement issue with people under the influence of alcohol. The little authority that is given to us is being given back to State and for that reason he is opposing the motion.

The motion carried 2-1.

Acceptance of the Blue Ridge Services Efficiency Study of The City of Helena and Lewis and Clark County Solid Waste System. (Eric Griffin)

The Commissioners will consider accepting the study.

Eric Griffin presented the study that Blue Ridge Services completed to analyze our efficiencies in solid waste in the County, the Landfill, the Scratch Gravel Landfill District and the City of Helena. The study looked at picking garbage up in the alley of the City of Helena, taking it through the process at the transfer station, delivering it to the landfill and properly burying it at the land fill. The executive summary for the overall system included: one manager, one accounting system, sharing of equipment, sharing of administrative, management and mechanic staff, combining engineering services, reducing compacting hours, eliminating composite operations, eliminating weekend operations and modifying liter control operations. The Scratchgravel board met on November 20th and approved the efficiency study to move forward to implement these recommendations. The board also identified the following changes to Appendix G: Eliminate compost operations or charge a tipping fee, eliminate weekend operations, consolidate loads and direct haul to the landfill, eliminate blue bag recycling program and do a detailed look at how the space at the transfer station can be utilized to provide a most cost-effective support for recycling. Staff recommends acceptance of the study to move forward to implementation of the study to use it as a guideline to more efficiently do business in the future.

Commissioner Geise asked for clarification on acceptance of the study versus adopting the study.

Commissioner Murray stated that the County does not have a blue bag program as it is a policy decision the City would have to make. He also stated that some of the recommendations of the report will require us to go to the State and ask for the allowance of changes in our licenses.

Eric Bryson stated that the suggested changes in the document that relate to City and County

operations blend policy changes and operations changes and in order to go through the recommendations that have impacts on both of the entities the intention would be to create a committee between the City and County, private enterprise and other interested parties to start going through the significant policy changes. They are going to start a pilot project to close the landfill on the weekends to see what impact can be on the City. The City is currently working on what they can do on enhanced recycling and the committee will talk about the consequences the policy decisions that we will make at certain jurisdictions. Changes have already been implemented that will save significant amounts of money in the future. Some operational changes need to be made right away.

No public comment was received.

Commissioner Hunthausen moved to accept the study.

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

Proposed Modifications to the Preliminarily Approved Major Subdivision known as Timberworks Estates, Phases IV-VIII. (Applicant: Frontier Builders, Inc.) (Planner: Greg McNally) Presenter: Lindsay Morgan

The Commissioners will consider the proposed modifications to the preliminarily approved Subdivision known as Timberworks Estates, Phases IV-VIII located north of and adjacent to Lincoln Road and west of and adjacent to North Montana Avenue.

Lindsay Morgan presented the variance request and proposed modifications to the preliminary approved major subdivision known as Timberworks Estates, Phases IV-VII. Preliminary approval was granted on March 1, 2011 for 106 lots to be completed in 8 phases: 80 lots for single-family dwellings each, 25 lots for one non-residential use each and 1 lot to be dedicated as County parkland. Phases 1-3 have been final platted. The three goals of the proposed modifications are 1. To reduce the number of phases from five to three as a more economical way to install the infrastructure for the next phase which would alter the order and number of lots platted from the original plan. 2. To aggregate 4 lots into 1 lot as the proposed lot will have additional frontage beyond a corner lot with frontage of three roads and will require a variance request. 3. To remove the requirements for the installation of a sidewalk along the internal road network as the sidewalks constructed in the first three phases do not appear to be used and pose a high cost to maintain. Comments received included one public from Tom Kilmer who is in opposition to the removal of the installation of the sidewalks. The applicant will leave the easement so that a homeowner may install a sidewalk at a later date. According to the application for the variance the applicant would incur an undue hardship if the variance was not granted for marketing purposes. The original approval for phases 1- 3 have been granted final approval, with the applicant's request of reducing the 5 remaining phases to 3 which would leave 6 phases total for the subdivision.

Randi Roghlie of Casne and Associates, stated that the planning staff recommendations for changes is acceptable however the one comment they have is in the conditions of 15 phases 4, 5 and 6 states, suggested wording would need to include along one side of the County road easement as that was in the original agreement. The hardship that the applicant would incur would be for marketing purposes as the purchaser wants to purchase the one lot that is proposed to be aggregated. There was no comment or response given by them to the public comment that was received.

Commissioner Murray asked for an explanation on the an undue hardship will occur if the

variance is not granted.

Commissioner Hunthausen asked for confirmation that the compromise would be to not install the sidewalk but to leave the easement there so the owner may install a sidewalk at a later date.

Commissioner Murray asked for clarification on the total number of phases.

Commissioner Geise asked Ms. Roghlie if the public comment was received and if the comment was responded to or if she would like to comment.

Deputy County Attorney Michele Peterson-Cook stated that you are able to close the public hearing and make a decision today.

The public hearing is now closed.

Commissioner Hunthausen moved to render a final decision at the regularly scheduled meeting on Thursday, December 4th.

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

Request for Final Plat Approval - Lakeside Village on Hauser Lake Lot 2A Amended Subdivision. (Tabled from 7/31/14) (Applicant: Merritt and Marie, LLC) (Planner: Greg McNally)
Presenter: Frank Rives

The Applicant is requesting final approval of the site plan adding a 5 unit recreational vehicle park to lot 2A of the Lakeside Village on Hauser Lake. The lot is located adjacent to York Road and Hauser Lake and is north of and adjacent to the Lakeside Bar and Restaurant.

The Commissioners will consider the request.

Frank Rives presented the request for final plat approval of Lakeside Village on Hauser Lake Lot 2A amended subdivision. The Commission extended approval on July 31, 2014 to December 31, 2014. The applicant has preliminary approval to create 6 RV spaces on an existing 1.04 acre tract that currently is being used as a marina with a boat launch and marine fueling facility/bait shop. Approval was received from DEQ for five spaces for recreational vehicles however the license for the RV park has not yet been issued. An inspection by Environmental Health was completed last week and confirmed that a license can be issued. A cash in-lieu is required at time of final approval and a check from the applicant is ready. The fees have also been paid for the RV park.

Commissioner Murray stated that the regulations says that the check has to be received prior to approval.

Tony Prothero provided the check to the County and stated that they have until the 31st of December to receive the license.

No public comment was received.

Commissioner Hunthausen moved to render a final decision at the regularly scheduled meeting on Thursday, December 4th.

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

Board Appointments. (Eric Bryson)

- Scratchgravel Solid Waste District Board

The Commissioners will consider making the appointments.

No public comment was received.

Commissioner Hunthausen moved to approve the board appointment.

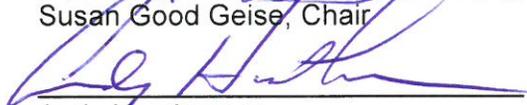
Commissioner Murray seconded the motion. The motion carried 3-0.

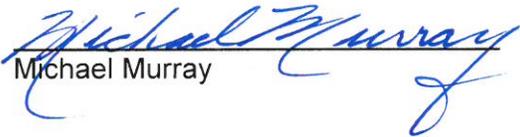
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.

There being no further business, the meeting adjourned at 10:02 am.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS

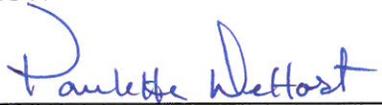


Susan Good Geise, Chair

Andy Hunthausen

Michael Murray

ATTEST:



Paulette DeHart, Clerk of the Board