

**PUBLIC MEETING  
MARCH 11, 2014  
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, March 11, 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, K. Paul Stahl, Lindsay Morgan, Mike Fasbender, Ryan Casne, Roger LaVoie, Skeeter Baertsch and Rita Cortright, Recording Secretary.

**Pledge of Allegiance.**

**Consent Action Items.** (Eric Bryson)

- a. Resolution 2014-26 Requesting Prosecutorial Assistance in the case of *State of Montana vs. Inland Empire Carnival*. (Leo Gallagher)
- b. Resolution 2014-27 Declaring County Property Surplus Property (Amy Reeves)

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

No public comment was received.

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

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

**Request for Permission to Submit Modifications to the Preliminarily Approved Southridge Estates Major Subdivision (a.k.a. York Meadows) and Request for Waiver of Modification Process Fee.** (Applicant: Southridge Properties, LLC) (Planner: Lindsay Morgan)

Lindsay Morgan, Planner, reviewed the Staff Memo of March 6, 2014, that outlined the request for permission to submit modifications to the Southridge Estates Major Subdivision, preliminarily approved Jan. 22, 2009, resulting from a Settlement Agreement between the County and the applicant. The 32-lot residential subdivision, 92.04 acres in size, is located east of and adjacent to Floweree Drive. Lots will be served by individual wells, individual on-site wastewater treatment systems and utilities, with access via a series of proposed internal access roads that connect to either Floweree Drive or an extension of Tizer Drive. The applicant sought to modify 16 Conditions of Approval, and requested the \$400 fee for the modification process be waived. In addition, four new Conditions were proposed by the applicant. Copies of the applicant's request, the proposed modifications as prepared by the applicant's engineer, the Settlement Agreement with the Conditions of Preliminary Approval, a vicinity map and draft plat were included in the meeting packets. Staff identified various options for the Commission for both the modifications and the fee.

Commissioner Murray asked if new information was available on why the Conditions should be reviewed. Ms. Morgan referred to page 3 of the Applicant's Request dated Feb. 5, 2014, that contained the three questions typically asked when a modification was proposed, and included the applicant's response to the questions.



Commissioner Hunthausen asked Mr. Casne to address Condition #2, that the bus stop, covered shelter and mailboxes count towards overall parkland dedication.

Ryan Casne, Casne & Associates, the applicant's representative and engineer, stated he had not prepared a detailed presentation for today, in anticipation of the Commission's decision. He noted this was his first proposal with a dedicated bus stop, and he was not aware of a County policy either written or unwritten addressing the topic; however, it was not a major issue for the applicant.

Commissioner Good Geise proposed considering the request as two separate issues; the request for modification was separate from the request to waive the \$400 fee.

No public comment was received.

Commissioner Murray moved to render a decision on the request to modify conditions of approval on March 18, 2014.

Commissioner Hunthausen seconded the motion.

Discussion –

Commissioner Murray stated the abundant evidence as cited by Ms. Morgan and provided by the applicant, was the reason for tabling the item until March 18, 2014.

Commissioner Hunthausen concurred with Commissioner Murray's comments and motion to table for one week.

Commissioner Good Geise cited the Commission's recent decision to table complex agenda items for one week to allow for time to fully consider the request and materials.

The motion carried 3-0.

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

Roger LaVoie, 512 Stadler Road, Helena, addressed the Commission regarding the recent flood event and its impact on the Big Sky Subdivision, stating the floodwaters ran much the same as in 2011. Area people were scared; some were angry as they believed the flood conditions were much the same as in 2011, but did not see any significant or noticeable improvements to conditions in spite of the County developing and adopting a Master Flood Plan. The County's stated intention to complete improvements as funds and time allowed was noted; however, residents were hopeful that ditch and culvert work along Mill Road, Edgerton, Stadler and Forestvale could be addressed this summer.

Commissioner Good Geise noted the County's emergency declaration of last Thursday. The County was in negotiations with involved parties and she was confident that progress would be made this summer to alleviate the potential for flood conditions.

Eric Bryson addressed improvements to McHugh, stating utility companies were noticed last year with a request to relocate utilities to the farthest west edge of the right-of-way edge and easement along the west side of McHugh in anticipation of improvements to the drainage ditch

all the way to the Forestvale Pond. Completion of the relocation work was expected this spring. Final negotiations were underway with Forestvale about the route for water from McHugh to the Forestvale Pond. Permission was granted this week from the Trap Club to breach their dyke and allow floodwaters to flow away from the Rossiter School and intersection into the pond. Considerable work had been done to the ditch on the south side of Forestvale Road to improve carrying capacity, as well as to improve culverts in the area. The area around Stadler remained problematic; the solution was tied to a long-term solution for the Trap Club and Forestvale Pond. Work was in process; it was slow and expensive, but had been ongoing since 2011, with expenses totaling over \$100,000 to-date.

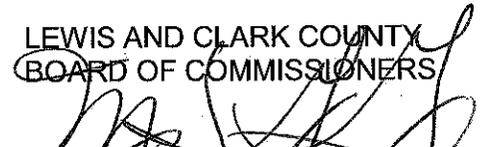
Commissioner Hunthausen added that the intersection of Forestvale Road and McHugh Lane was slated for redesign by MDOT, and coordination was required for the underlying culvert.

Eric Bryson referenced Resolution 2014-28, adopted by the County Commission on March 7, 2014, declaring a state of emergency. The County would remain in a state of emergency at least through the week; conditions were being monitored and sandbags were available to the public at several locations.

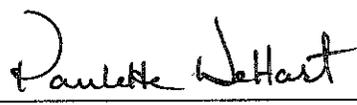
Commissioner Good Geise expressed appreciation to everyone for working to keep their property and neighboring properties safe. Everyone was doing their best in a difficult situation and much work remained to be accomplished this summer.

There was no other business and the meeting adjourned at 9:24 a.m.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Susan Good Geise, Chair  
Andy Hunthausen  
Mike Murray

ATTEST:

  
Paulette DeHart, Clerk of the Board