

**PUBLIC MEETING
AUGUST 28, 2014
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, August 28, 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 Jeremy Gersovitz, Lindsay Morgan, Marni Bentley, Christal Ness, Sherrel Rhys, Crystal Crane, Al Knauber, Misty Edwards, Recording Secretary.

Pledge of Allegiance. Everyone recited the pledge.

Consent Action Items. (~~Eric Bryson~~) (Marni Bentley)

a. Vendor Claims Report for the Week of August 25, 2014. (Marni Bentley)

Marni Bentley reported on consent action item 2a and recommended approval.

No public comment was received.

Commissioner Murray moved approval of consent action item 2a.

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

Disposal Agreement between Lewis and Clark County Augusta Solid Waste Management District and Montana Waste Systems for the period of July 1, 2014 through June 30, 2019. (Sherrel Rhys)

The Commissioners will consider the disposal agreement with Montana Waste Systems to transport solid waste to their High Plains Sanitary Landfill and provide three 45 cubic yard containers at the site.

Sherrel Rhys presented the contract between Augusta Solid Waste District and Montana Waste Systems. This is a contract renewal and it has been approved by the Augusta Solid Waste Management District. The contract contains an annual cost of living increase and is good for 5 years.

No public comment was received.

Commissioner Murray moved to table the item to September 12, 2014 to be heard at the Augusta Government Day meeting.

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

Independent Contract for Waste Hauling and Container Site Attendant between Lewis and Clark County Lincoln Solid Waste Management District and Montana Waste Systems for the period of July 1, 2014 through June 30, 2019. (Sherrel Rhys)

The Commissioners will consider the contract with Montana Waste Systems to transport solid waste for waste hauling to their High Plains Sanitary Landfill. Montana Waste Systems will also

provide a site attendant at the Lincoln container site that will be responsible for monitoring customers and the condition of the site.

Sherrel Rhys presented the contract between Lincoln Solid Waste Management District and Montana Waste Systems. This is a contract renewal and is good through June 30, 2019. The contract includes an annual cost of living increase and is for both waste hauling to Great Falls and providing a site attendant at the Lincoln container site.

No public comment was received.

Commissioner Murray moved to table the item to September 5, 2014 to be heard at the Lincoln Government Day meeting.

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

Public Hearing. Zoning Variance from SZD No. 34 Regulations. (Applicants: John and Alanna Conlee) (Planner: Lindsay A. Morgan) The Applicants are requesting a variance from the minimum lot size requirement of ten acres for property located at 5564 Ferry Drive. If approved, two adjacent ten-acre parcels will be allowed to do a boundary line relocation with each other to reduce the acreage of one parcel to 5 acres and to increase the acreage of the other parcel to 15 acres.

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

Lindsay Morgan presented the variance request. The applicants are requesting a variance from the SAG 10 zone of Special Zoning District 34 to allow for boundary line relocation between two existing 10 acre parcels that will reduce the acreage of their parcel to 5 acres and increase the adjacent parcel to 15 acres. The property is located at 5564 Ferry Drive and was created through subdivision in July 2004. The family has recently relocated to Utah for work and so far has been unable to sell their parcel due to the size, thus the request. The company that Mr. Conlee works for has a relocation benefit in which they will purchase five acres of property from an employee in the event of relocation. This company benefit is set to expire in October so if the Conlee's are to take advantage of the benefit, they need to reduce the size of their parcel before the company will purchase it. If they are not granted the variance, they will no longer have the relocation benefit option available to them. The adjacent property owner to the north, who also owns 10 acres, has agreed to purchase the remaining 5 acres from the Conlee's.

The criteria for evaluating the request are a literal enforcement of the zoning regulations will result in an unnecessary hardship to the applicants or the variance is not contrary to the public interest. If the variance is granted, neither property can be further divided. If the variance is denied, the property must remain a minimum of 10 acres in size.

A public hearing for the application was held by the Planning and Zoning Commission at their August 27th meeting. The Planning and Zoning Commission voted in a 5-0 recommendation that the County Commission approve the variance request.

Commissioner Geise asked for a definition of hardship. Lindsay replied that typically when zoning is reviewed, there are more criteria than what is under Part 1 zoning. In this particular district, however, they didn't adopt any additional criteria than what state statute lists. In this case it states a literal enforcement of the zoning will result in an unnecessary hardship to the applicant. Michele Peterson-Cook stated that a hardship typically exists with the land and financial hardships are not typically considered when granting a variance.

Commissioner Murray moved the public record from the August 27th Planning and Zoning Commission meeting be incorporated into the public record for this meeting.

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

No public comment.

Commissioner Murray stated that he has not had time to hear the public record that was established at the Planning and Zoning Commission meeting so he will not vote on the item at this time.

Commissioner Hunthausen moved to leave the public hearing open and postpone a decision on the variance request until the Tuesday, September 9, 2014 public meeting.

Commissioner Murray seconded the motion.

Commissioner Murray will listen to the Planning and Zoning meeting tape before then so he can vote at the September 9th meeting. Legal counsel will also have a chance to define hardship.

The motion to table the item until September 9th carried 3-0.

Resolution 2014-97 Removing an Agricultural Covenant pursuant to Resolution 186-55.

(Christal Ness)

The Commissioners will consider the resolution.

Christal Ness, Project Planner, presented the resolution and gave a brief history of the project. The property was created in 1984 and had an agricultural covenant placed on it at that time. The covenant was filed simultaneously at the same as the certificate of survey. The covenant has the County's agricultural covenant language stating that it can only be revoked by mutual consent of the owners of the parcel and the governing body. The covenant was an add on to the certificate of survey and was not done in the normal scope of how surveys are recorded.

No public comment was received.

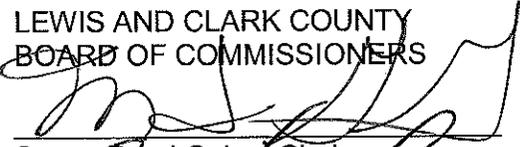
Commissioner Hunthausen moved to approve Resolution 2014-97 removing the agricultural covenant.

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

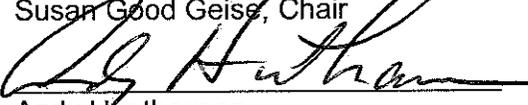
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.

There being no further business the meeting adjourned at 9:29.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Susan Good Geise, Chair

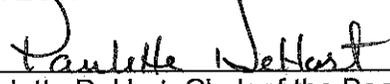


Andy Hunthausen



Michael Murray

ATTEST:



Paulette DeHart, Clerk of the Board