

**PUBLIC MEETING
JANUARY 21, 2014
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, January 21, 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 Thebarger, Lindsay Morgan, Carrie Severson, Nancy Everson, Michael Fasbender, Parker Heller, Kyle Thomas, Charles Gilmore, Frank Rives, David and Terri Anaya, Ryan Casne, Al Knauber, and Misty Edwards, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Pledged Securities as of December, 2013. (Paulette DeHart)
- b. Public Meeting Minutes for Dec. 31, 2013 and Jan. 2, 2014. (Rita Cortright)
- c. Resolution 2014-12 Declaring County Property Surplus Property (Amy Reeves)
- d. Lease Agreement between Cooperative Health Center and Downey Family Investments for Retail Space at 1302 Prospect Ave, Suite E, Helena. (Ben Tiller)

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

No public comment was received.

Commissioner Hunthausen moved approval of consent action items 2.a. – d, as presented.

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

Zoning Variance Request. (Applicant: Alex Schroader) (Planner: Lindsay A. Morgan) Applicant requests a variance from the R-2A regulations of Special Zoning District No. 33, to allow for an existing house and garage located at 985 Mallard Court (Skyview Subdivision), to continue encroaching into the setbacks from the east and west property boundaries. In addition, the Commission will receive any associated public testimony related to the request. (Tabled from 1/16/14) Decision.

Lindsay Morgan, Planner, reviewed information on the applicant's variance request noting the item had been tabled from the January 16, 2014, public meeting for a decision today.

Commissioner Murray moved to incorporate the record from the Planning and Zoning Commission into the record of today's Commission meeting.

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

Commissioner Hunthausen moved to approve both variance requests, as recommended by the Planning and Zoning Commission.

Commissioner Murray seconded the motion.

Discussion –

Commissioner Hunthausen stated the following reasons for supporting the motion to approve the two variance requests: There was an undue hardship on the homeowner; granting the request was not contrary to the public interest; the County changed the practice of automatically establishing utility easements around created lots and instead now encouraged developers and utility companies to develop a utility plan that only required necessary easements. Processes were now in place to encourage realtors, developers and owners to review their property and documents prior to development to avoid future encroachment issues.

The motion carried 3-0.

Intercap Loan Application to Board of Investments for Settler's Cove Rural Improvement District. (Carrie Severson) The Commissioners will consider the loan application in the amount of \$109,533.00.

Carrie Severson, Special Districts Coordinator, presented the Intercap Loan Application to the Board of Investments for the Settler's Cove Rural Improvement District in the amount of \$109,533.00. The term of the loan was 15 years. Borrowed funds would be used to make road repairs in the 2014 construction season. The necessary documentation had been provided to the Board of Investments substantiating that the statutory process was sufficiently completed.

No public comment was received.

Commissioner Hunthausen moved approval of the Intercap Loan Application to the Board of Investments for Settler's Cove Rural Improvement District, as presented.

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

Change Order #1 to Contract between Lewis and Clark County and Golden Eagle Construction, Inc. for the Journey Home Project. (Kyle Thomas) The Commissioners will consider the Change Order that cumulatively results in a deductive cost change of (\$5,969.00) and adds five additional contract days due to severe weather conditions.

Kyle Thomas, Ast. Public Works Director, presented Change Order #1 to the Contract between the County and Golden Eagle Construction, Inc. for the Journey Home Project. During the permit review, the city requested plan modifications which resulted in additive and deductive changes to the project. Cumulatively, the changes resulted in a deductive change totaling \$5,969.00, as outlined in Proposal Request #1 submitted by Golden Eagle Construction, Inc., and the addition of five construction days due to weather. Staff recommended approval of Change Order #1, the addition of five contract days, and authorization for the Chair to sign all applicable documents. Handicap parking requirements were reviewed and found adequate.

No public comment was received.

Commissioner Hunthausen moved approval of Change Order #1 to the Contract between Lewis and Clark County and Golden Eagle Construction, Inc. for the Journey Home Project, as presented.

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

Memorandum of Agreement between MT Dept. of Transportation and Lewis and Clark County for Air Quality Equipment – UPN 6744, CFDA #20.205. (Kyle Thomas) The MOU sets forth terms and conditions for the MDT to acquire and then transfer title of one flush truck to Lewis and Clark County. MDT MACI Funds (86.58%) \$151,110.74; L&C Co. Non-Fed. Match (13.42%) \$23,422.34 for a total of \$174,533.08.

Kyle Thomas, Ast. Public Works Director, presented the Memorandum of Agreement between MT Dept. of Transportation and the County for Air Quality Equipment – UPN 6744, CFDA #20.205. The County had been awarded a flush truck to assist with street cleaning through the Montana air Quality Congestion Initiative. The funding sources were noted: \$151,110.74 of MDT MACI Funds and \$23,422.34 of L&C County Non-Federal Match, for a total of \$174,533.08. Staff recommended approval of the agreement and authorization for the Chair to sign all applicable documents.

No public comment was received.

Commissioner Murray moved approval of the Memorandum of Agreement between MT Dept. of Transportation and Lewis and Clark County for Air Quality Equipment – UPN 6744, and authorized the Chair to sign all appropriate documents.

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

Amendment No. 1 to Contract Dated July 9, 2013, between Lewis and Clark County and Kadrmas Lee & Jackson Inc. for Fairgrounds Parking Lot Improvements. (Kyle Thomas) The amendment covers additional items not part of the original scope of work in the amount of \$2,000 and includes the striping design for the east parking lot, additional survey required for final grading of the east parking lot, and ordering materials and reviewing material submittals for the construction of the storm drain installation by the county road crew.

Kyle Thomas, Ast. Public Works Director, presented Amendment No. 1 to the Contract Dated July 9, 2013, between the County and Kadrmas Lee & Jackson Inc. for Fairgrounds Parking Lot Improvements totaling \$2,000.00 for additional engineering work on the parking lot drainage design. Staff recommended approval of Amendment to the Professional Services Contract with KLJ in the amount of \$2,000, and authorization for the Chair to sign all applicable documents.

No public comment was received.

Commissioner Murray moved approval of Amendment No. 1 to the Contract Dated July 9, 2013, between the County and Kadrmas Lee & Jackson for the Fairgrounds Parking Improvements; however, he voiced displeasure with the contractor's delay that resulted in disturbance of a portion of the new parking lot surface.

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

Statewide Land Mobile Radio System Contract between State of MT DOA, State Information Technology Services Division, Public Safety Services Bureau and Lewis and Clark County. (Charles Gilmore) The contract is for upgrades to hardware and software associated with the statewide Motorola ADRO25 trunked land mobile radio system in the amount of \$1,600,000. Contract period is Dec. 16, 2013 – Dec. 31, 2015.

Charles Gilmore, System Manager, presented the Statewide Land Mobile Radio System Contract between the State's Information Technology Services, Public Safety Services Bureau

and the County for upgrades to hardware and software associated with the statewide mobile radio system in the amount of \$1,600,000. The contract period runs Dec. 16, 2013 through Dec. 31, 2015. The upgrade would expand coverage to a series of radio sites, all inter-linked via microwave, for communications capability for first responding agencies.

Commissioner Murray moved approval of the Statewide Land Mobile Radio System Contract between the State of Montana DOA, State Information Technology Services Division and Public Safety Services Bureau, Lewis and Clark County.

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

Public Hearing. Proposed Variance Request for the Tryan Lot 1A Amended Minor Subdivision. (Applicant: David Anaya) (Planner: Frank Rives) The applicant requests a variance from Ch. XI.1.2 and Appendix J.3.5 of the Lewis and Clark County Subdivision Regulations to allow a second approach to the property for access to a barn and agricultural improvements. Proposed access is $\frac{3}{4}$ of a mile east of the Frontage Road and north of Munger Road, adjacent to Buoy Blvd. The Subdivision is located in the SW $\frac{1}{4}$ of Sec. 4, T10N, R3W, P.M.M. Lewis & Clark County.

Frank Rives, Planner, presented the Applicant's Variance Request for the Tryan Lot 1A Amended Minor Subdivision, from Ch. XI.1.2 and Appendix J.3.5 of the County's Subdivision Regulations to allow a second approach to the property for access to a barn and agricultural improvements. The proposed access was three-quarters of a mile east of the Frontage Road and north of Munger Road, adjacent to Buoy Blvd., and would provide access to a barn located in the northeastern portion of the property. Two approaches currently existed onto Buoy Blvd.; one a driveway and the second accessed an irrigated hayfield, which was present when the applicants purchased the property; however, it was not a permitted approach. An aerial and photos of the property were viewed. Staff recommended requiring two approach permits; one for the existing unpermitted approach and one for proposed new approach.

Public hearing –

Terri Anaya, 4095 Buoy Blvd., Helena, stated the reason for their variance request for the second approach was to avoid driving over their septic system to gain access to the field. A fence and landscaping were involved; however, crossing the septic system was the main issue.

David Anaya, 4095 Buoy Blvd., Helena, referred to the overhead and indicated the location of the house, two septic tanks, and the lack of access through the existing approach to bring in stock trailers and haying equipment. Mr. Anaya confirmed the existence of the unpermitted approach when they purchased the property.

Mike Fasbender, 3930 Buoy Blvd., supported the variance request. His concern was that culverts would be required in granting the approach permits. He referred to a copy of a court order provided by Frank Rives that stated the road was not private; therefore, the "private road" signs would be removed.

The public hearing was closed.

Commissioner Hunthausen moved to take today's information under advisement and render a decision on Tuesday, January 28, 2014, at the regularly scheduled public meeting.

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

Contract Extension Request – Southridge Estates Major Subdivision. (Applicant: Southridge Properties, LLC) (Planner: Lindsay A. Morgan) The preliminarily approved subdivision will create thirty-two (32) residential lots located north of and adjacent to York Road and east of and adjacent to Floweree Drive.

Lindsay Morgan, Planner, presented the applicant's Contract Extension Request for Southridge Estates Major Subdivision, a 32-lot residential subdivision 92.04 acres in size, located north of and adjacent to York Road and east of and adjacent to Floweree Drive. Subject to a Settlement Agreement, the subdivision was granted preliminary approval on January 22, 2009. Staff provided copies of the Applicant's Extension Request Application Form, the Conditions of Approval and a draft Amended Agreement to Extend Preliminary Approval. The Applicant's Application stated that utilities had been installed; onsite roads were 70 percent complete; stormwater drainage was complete, and the Tizer Drive extension was 50 percent complete. All items requiring DEQ approval had been submitted, and the preliminary surveying and engineering for the off-site road improvements to Floweree Drive were complete. Planning Staff was only able to verify installation of utilities, the start of construction for both on-site roads and the Tizer Drive Extension, submission of the preliminary surveying and engineering for Floweree Drive improvements to the County for review, and submission of the DEQ application for review. The Applicant's engineer confirmed last week the receipt of DEQ approval for the preliminarily approved subdivision. Three options were presented for Commission action.

Ryan Casne, Casne & Associates, the applicant's engineer stated their preference for Option 2, the standard 3-year extension; however, the applicant intended to Final Plat the Subdivision this spring.

Commissioner Hunthausen questioned the "standard 3-year extension" timeframe reference. Ms. Morgan stated her understanding of granting the new standard 3-year extension. George Theborge, Director of Planning, confirmed the suggested policy of granting a standardized 3-year Preliminary Approval Extension; however, a Resolution had not yet been adopted by the Commission establishing the policy.

No public comment was received.

Commissioner Murray moved approval of a 3-year Extension of Preliminary Plat Approval until January 22, 2017.

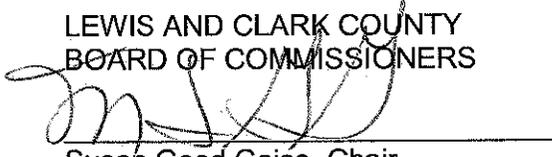
Commissioner Hunthausen seconded the motion. The motion carried 3-0.

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

Eric Bryson announced cancelation of the Thursday, January 23, 2014, public meeting.

There was no further business and the meeting adjourned at 9:53 a.m.

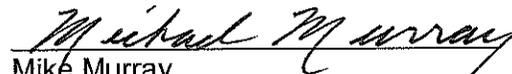
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Susah Good Geise, Chair

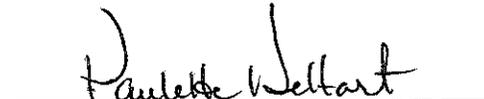


Andy Hunthausen



Mike Murray

ATTEST:



Paulette DeHart, Clerk of the Board