

**PUBLIC MEETING  
JANUARY 3, 2013  
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, January 3, 2013, at 9 a.m. in Commission Chambers Room 330, 316 North Park Avenue, Helena, Montana.

Chairman Andy Hunthausen called the meeting to order at 9 a.m. Commissioner Murray was present. Others attending all or a portion of the meeting included Eric Bryson, Mike Henderson, Marni Bentley, Eric Griffin, Art Pembroke, Carole Byrnes, Christal Ness, Jack Walsh and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Vendor Claims Report for the Week of December 31, 2012. (Marni Bentley)
- b. Resolution 2013-1 to Establish Regular Meeting Dates of the Lewis and Clark County Commission and to Describe Procedures for Public Participation. (Eric Bryson)
- c. Resolution 2013-2 Establishing Hours of Operation for All Lewis and Clark County Offices. (Eric Bryson)

Eric Bryson recommended approval of the consent action items.

No public comments were received.

Commissioner Murray moved approval of consent action items. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Independent Contractor Contract Between L&C City-County Health Department and Karen Filipovich. (Mike Henderson) The Commissioners will consider the contract for deliverables identified in the Maternal Infant Early Childhood Home Visiting Infrastructure Development Grant in an amount not to exceed \$4,401 for the period Jan. 1, 2013 – March 29, 2013.

Mike Henderson reported on the contract with Karen Filipovich covering deliverables identified in the Maternal Infant Early Childhood Home Visiting Infrastructure Development Grant. These federal funds will provide for improved infrastructure for delivery of health services and social services to the Maternal and Child Health population. The Health Department holds the contract and assists in the facilitation of a community coalition to guide how these services are structured. The first part of the contract completed last year was an assessment of Maternal Child Health Services and Health Conditions in the community and this contract in an amount not to exceed \$4,401 for the period Jan. 1, 2013 – March 29, 2013, will build on the assessment to develop a strategic plan for delivery of services.

No public comment was received.

Commissioner Murray moved approval of the contract. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Independent Contractor Agreement Between Lewis & Clark County and Montana Internet Corporation. (Art Pembroke)

Art Pembroke reported on the contract with Montana Internet Corporation to provide wireless infrastructure support services to the City of Helena and Lewis & Clark County in an amount not to exceed \$10,000 for the period January 3, 2013 – June 30, 2013. The contract was already in place – this was a request to extend the contract end date through the end of the Fiscal Year.

No public comment was received.

Commissioner Murray moved approval of the contract extension. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Right-of-Way Agreement Between Charles F. and Susan M. Melaney and Lewis and Clark County for a .10 Acre Easement for a Total Compensation of \$500.00 on Parcel 4 of the Stearns – Augusta Bridge Designation Project. (Eric Griffin)

Eric Griffin reported that the agreement was related to the bridge project on Stearns-Hall over the Middle Fork of the Dearborn River, north of Hwy 200 on Hwy 434. The new bridge was being designed and constructed by Western Federal Lands Highways Division in Vancouver, Washington. The County was responsible for negotiating and acquiring the necessary right-of-way and temporary construction easements allowing for a detour route during bridge construction; in this case a .10 of an acre for the minimum amount of \$500.00.

No public comment was received.

Commissioner Murray moved approval of the right-of-way agreement. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Right-of-Way Agreement Between Charles F. and Susan M. Melaney and Lewis and Clark County for a .29 Acre Easement for a Total Compensation of \$500.00 on Parcel 5 of the Stearns – Augusta Bridge Designation Project. (Eric Griffin)

Eric Griffin reported that the agreement was related to the bridge project on Stearns-Hall over the Middle Fork of the Dearborn River, north of Hwy 200 on Hwy 434. The new bridge was being designed and constructed by Western Federal Lands Highways Division in Vancouver, Washington. The County was responsible for negotiating and acquiring the necessary right-of-way and temporary construction easements allowing for a detour route during bridge construction; in this case a .29 of an acre for the minimum amount of \$500.00.

No public comment was received.

Commissioner Murray moved approval of the right-of-way agreement. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Right-of-Way Agreement Between Ingersoll Ranch FLP and Lewis and Clark County for a .06 Acre Easement for a Total Compensation of \$500.00 on Parcel 6 of the Stearns – Augusta Bridge Designation Project. (Eric Griffin)

Eric Griffin reported that the agreement was related to the bridge project on Stearns-Hall over the Middle Fork of the Dearborn River, north of Hwy 200 on Hwy 434. The new bridge was being designed and constructed by Western Federal Lands Highways Division in Vancouver, Washington. The County was responsible for negotiating and acquiring the necessary right-of-way and temporary construction easements allowing for a detour route during bridge construction; in this case a .06 of an acre for the minimum amount of \$500.00.

No public comment was received.

Commissioner Murray moved approval of the right-of-way agreement. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Right-of-Way Agreement Between Ingersoll Ranch FLP and Lewis and Clark County for a .21 Acre Easement for a Total Compensation of \$500.00 on Parcel 7 of the Stearns – Augusta Bridge Designation Project. (Eric Griffin)

Eric Griffin reported that the agreement was related to the bridge project on Stearns-Hall over the Middle Fork of the Dearborn River, north of Hwy 200 on Hwy 434. The new bridge was being designed and constructed by Western Federal Lands Highways Division in Vancouver, Washington. The County was responsible for negotiating and acquiring the necessary right-of-way and temporary construction easements allowing for a detour route during bridge construction; in this case a .21 of an acre for the minimum amount of \$500.00.

No public comment was received.

Commissioner Murray moved approval of the right-of-way agreement. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Eric Griffin reported that work could now commence with CenturyLink to move phone lines, which would be incorporated into the project, and Western Federal Lands Highways Division would start their bid process for the project.

Contract and Encroachment Agreement Between Lewis & Clark County and Jacob A. and Aimee M. Myles, Owners. (Christal Ness) The fence encroaches approx. 5.5 feet for a distance of 67.5 feet, and the west side of the existing garage encroaches approx. 3 feet for a distance of 26 feet, both into the dedicated Park Land of Lot 4, Block 15, Eastgate Village, also known as 3836 Buttercup Street, East Helena, and described as the NW ¼ of the SW ¼ of Sec. 29, T10N, R2W, East Helena, Lewis & Clark County, Montana.

Christal Ness, Permit Coordinator, presented the staff report. The property is located in the Eastgate Subdivision as indicated by the displayed vicinity map and aerial photo. Also displayed was the page of the final plat for the Eastgate Subdivision filed in 1978 and an enlargement of that portion addressed in the meeting. There is a dedicated park area to the south of this property and linear parks that run north, south, east and west in the blocks in Eastgate Village. The subject property was the park in Block 15 of Lot 4 and the encroachment into that linear park runs north and south. The homeowner's association had installed infrastructure, including a sidewalk and picnic area in the triangle in the inter section of these two parkland bands. A fence encroaches approximately 5.5 feet for a distance of 67.5 feet, and the Myles' garage encroaches approximately 3 feet along the western edge for a total length of 26 feet. Ms. Ness provided an Encroachment Survey that showed the encroachments into this parkland and noted that the Contract and Encroachment Agreement had been modified to reflect that the homeowner's association maintains the parkland in Eastgate and was responsible for those improvements. Paragraph 7 of the contract stated that the encroachment shall not interfere with the use of the parkland either by the County or the Eastgate Village Homeowner's Association. So, we've given the Homeowner's Association a little bit of latitude relative to this encroachment and possibly making some decisions if the encroachment interferes with this actual parkland out here in this subdivision. In the future if the encroachment does interfere, 60-day notice would be given to either alter or remove the encroachment.

No public comment was received.

Commissioner Murray moved to approve the Contract and Encroachment Agreement. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Board Appointments. (Carole Byrnes)

Weed Board – Carole Byrnes stated that Steve Johns' term expired Dec. 31, 2012. He has served longer than the 2-term period as stated in the County Board Policy, but would like to remain on the board for another term. There were no other applications for the position.

No public comment was received.

Commissioner Murray moved to adopt the Staff recommendation to appoint Steve Johns to continue serving until a replacement was found. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Tim Tew's term expired Dec. 31, 2012. He was not seeking appointment to another term, but expressed his willingness to serve until a replacement was found.

Greg Eby's term expired Dec. 31, 2012. He was not seeking appointment to another term, but expressed his willingness to serve until a replacement was found.

No public comment was received.

Commissioner Murray moved to appoint Tim Tew and Greg Eby to continue serving until replacements were found. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Board of County Commission Chair & Vice-Chair Designations for Calendar Year 2013.

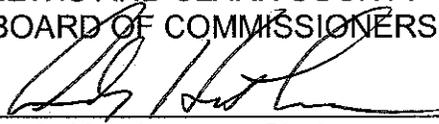
Commissioner Hunthausen moved to elect Commissioner Murray as Chair for calendar year 2013. Commissioner Murray seconded the motion. No public comment was received. The motion carried 2-0.

Commissioner Murray nominated Commissioner Hunthausen as Vice-Chair. Commissioner Hunthausen seconded the motion. Commissioner Murray explained that normally the Vice-Chair position would rotate to the Commission position that was currently vacant. No public comment was received. The motion carried 2-0.

Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no other business; the meeting adjourned at 9:26 a.m.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Andy Hunthausen, Chairman

  
\_\_\_\_\_  
Michael Murray

\_\_\_\_\_  
(Vacant)

ATTEST:

  
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Paulette DeHart, Clerk of the Board