

**PUBLIC MEETING
JANUARY 15, 2013
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, January 15, 2013 at 9 a.m. in Commission Chambers Room 330 of the City-County Building, 316 North Park Avenue, Helena, Montana.

Chairman Mike Murray called the meeting to order at 9:02 a.m. Commissioner Hunthausen was present. Others attending all or a portion of the meeting included Eric Bryson, Christal Ness, Carrie Severson, Judy Hart, Suzanne Schwichtenberg, Karen Dobson, Skeeter Baerstch, Roger LaVoie, Ralph Peck, Jim Skinner, Carole Byrnes and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Proclamation Proclaiming February 1-28, 2013, as The Big Read Under the Big Sky VI. Commissioner Murray and Commissioner Hunthausen shared the reading of the proclamation.

Commissioner Hunthausen moved to make the proclamation effective Jan. 15, 2013. Commissioner Murray seconded the motion. The motion carried 2-0.

Judy Hart, Lewis and Clark County Librarian, introduced Suzanne Schwichtenberg, Adult Services Librarian and acknowledged Suzanne's work in securing the National Endowment for the Arts Grant. Ms. Hart recognized other community partners in Helena, and recapped upcoming programs and events related to The Big Read Under the Big Sky VI. Carole Byrnes was introduced and recognized for her service on the Library Board.

Consent Action Items. (Eric Bryson)

- a. Right-of-Way Agreement Between Lewis & Clark County and City of Helena for Rimini Road Project – Parcel 1 in the Amount of \$16,650.00. (Eric Griffin)
- b. Task Order 13-07-4-51-009-0 to Unified Govt. Master Contract Covering 7/1/12 – 6/30/19 for HIV Prevention Services in the Amount of \$25,573.00. (Melanie Reynolds)

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

No public comment was received.

Commissioner Hunthausen moved approval of the consent action items and authorized the Chair to sign. Commissioner Murray seconded the motion. The motion carried 2-0.

Public Hearing. Resolution No. 2013-4 Creating the Big Sky Rural Improvement District Number 2012-3. (Carrie Severson)

Carrie Severson recapped the Resolution of Intent to Create the District that was passed by the Commission in November, 2012. The lots to be included and roads to be serviced in the District were indicated on an overhead map. Funding authority for the district was established based on working with the property owners of the area. A protest period was held after notices were both mailed and published to the property owners affected by the Resolution of Intent. As of today's meeting, no written comment or protest was received. Today's public hearing was an opportunity to make comment on the Resolution to Create a Rural Improvement District for the

Big Sky Subdivision Number 2012-3. The possible actions by the Commission, as outlined in Ms. Severson's memo, were referenced.

Public Hearing –

Roger LaVoie, 512 Stadler Road, Helena. Expressed his pleasure with the progress being made, noting the 83 percent support for Creation of the District, with no expressed opposition. He briefly addressed Figure 4 from the draft Master Flood Plan that outlined a series of ditches and culverts along the south side of Mill Road, McHugh Lane, Stadler Road and Edgerton Road that ultimately would convey floodwater to a retention pond at the Trap Club. Mr. LaVoie noted completion of this ditch and culvert system would help protect the subdivision and preserve the roads and sustain planned improvements. His concern was that newly improved roads would be dug up to install culverts and requested consideration of installing culverts underneath Stadler and Edgerton by early next summer, before the roads were improved.

Commissioner Murray said the Commission planned to implement the Floodplain Master Plan as funding allowed, piece at a time. He announced the January 24, 2013 meeting at West Valley Fire Department where the Master Plan would be presented. If roads were disturbed, they would be restored to their original condition.

Commissioner Hunthausen said FEMA grants had been applied for to improve the pond at the Trap Club, noting the County's match could be as much as \$150,000. To date, he noted \$100,000 had been expended on Forestvale. The Commission shared Mr. LaVoie's concerns and enthusiasm for completing improvements, but priorities needed to be set and work completed based on available funding.

Ralph Peck, 650 Stadler Road, Helena. Spoke in support of the Big Sky Subdivision road proposal that was before the Commission and thanked them for the road patching work done this year. Mr. Peck supported Mr. LaVoie's request to consider installing the culverts before additional road work was completed.

Jim Skinner, 645 Stadler Road, Helena. and I'm also the owner of Stadler Lake during the flood issues. But, if you look at the piece of paper that Roger handed out about the south side of Mill, for that culvert there, or that ditch, that's probably pretty imperative because the water comes through Skeeter's property and there is a culver that actually runs it right down into that property we have where Stadler Lake forms. And, if that ditch isn't put in there, the water will eventually pile up there against Stadler Road and then it goes over top of Stadler Road and it literally erodes Stadler Road right there. So, I think that's also very important right there. And, granted, the ones on McHugh are, but the one that's outside of Mill is real important, also.

Commissioner Hunthausen moved approval of Resolution 2013-4, a Resolution to Create a Rural Improvement District for Big Sky Subdivision No. 2012-3 and authorized the Chair to sign. Commissioner Murray seconded the motion. The motion carried 2-0.

Commissioner Murray announced a meeting, Thursday, January 24, 2013, 6:00 p.m. at the West Valley Fire Station, devoted solely to the Flood Plan for the Helena Valley, and encouraged people to attend and provide input.

Rapley Family Exemption Appeal Decision. (Eric Bryson) The Commission will consider rendering a decision.

Commissioner Murray noted the hearing on this item by the Commission held on Thursday,

January 10, 2013, at 1:30 p.m. where they agreed to render a decision at today's Public Meeting.

Commissioner Hunthausen moved the record forward from the January 10th hearing into today's Public Meeting record. Commissioner Murray seconded the motion. The motion carried 2-0.

Commissioner Hunthausen moved to support the recommendation from the Survey Review Committee to deny the request for a family transfer by the Rapleys. Commissioner Murray seconded the motion.

Discussion on the Rapley Family Exemption Appeal decision.

Commissioner Hunthausen based his decision on whether the property met the criteria for division through a family transfer, and stated, according to the evidence accumulated by the Survey Review Committee, their recommendation, our Legal Department, as well as the Attorney General's Opinion, he did not believe it met the criteria for family transfer. He listed the following reasons for basing his decision: The property had been previously divided through exemption; the proposed transfer would become one of three or more parcels that were subdivided from the original tract without review for impacts; the proposed transfer would violate the Attorney General's Opinion that the criteria and the circumstance for consideration of the family transfer would be construed narrowly; and the proposed division of land and transfer would fit a pattern of land division and transfers already happened. For those reasons and based on the County Subdivision Regulations, the direction from the Attorney General's Opinion, as well as the recommendation of the survey committee, he felt the property was not eligible for a family transfer and would need to go through the Subdivision process for those lots to be divided off.

Commissioner Murray concurred with Commissioner Hunthausen's documentation and basis for denial of the Family Transfer. 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 and the meeting adjourned at 9:35 a.m.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael A. Murray, Chairman


Andy Hunthausen

(Vacant)

ATTEST:



Paulette DeHart, Clerk of the Board