

**PUBLIC MEETING
OCTOBER 1, 2013
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, October 1, 2013, at 9 a.m. in Commission Chambers Room 330 of the City-County Building, 316 North Park Avenue, Helena, Montana.

Chairman Andy Hunthausen called the meeting to order at 9 a.m. Commissioner Susan Good Geise was present. Commissioner Mike Murray was away attending a NACo Conference in Colorado. Others attending all or a portion of the meeting included Eric Bryson, George Thebarger, K. Paul Stahl, Larry Hoffman, Art Pembroke, Audra Zacherl, Lindsay Morgan, Carrie Severson, Tony Prothero, Mark Floerchinger, Joyce Evans, Thea Sperline, Steve Tennant, Luba Solonenko, Brett Friede, Kim Smith, Nancy Everson, Randi Triem, Drenda Niemann, Chris Shove, Jack Walsh, Lucy St. Onge, and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

a. Resolution 2013-91 Declaring Certain County Property Surplus Property (Amy Reeves)

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

No public comment was received.

Commissioner Good Geise moved adoption of the Consent Action Items, as outlined by Staff. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Noxious Weed Trust Fund Project Supplemental Agreement MDA 2012-039G, Flood Recovery From Noxious Weeds Between MT Dept. of Agriculture and Lewis & Clark County. (Larry Hoffman) (Eric Bryson) The Commissioners will consider the supplemental agreement extending the contract period from 10/31/13 to 10/31/14.

Eric Bryson reported on the Noxious Weed Trust Fund Project Supplemental Agreement for Flood Recovery from Noxious Weeds between the County Weed District and Montana Dept. of Agriculture, extending the grant period through Oct. 31, 2014.

No public comment was received.

Commissioner Good Geise moved adoption of the Noxious Weed Trust Fund Project Supplemental Agreement MDA 2012-039G, Flood Recovery from Noxious Weeds Between Montana Dept. of Agriculture and Lewis & Clark County. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Independent Contractor Contract Between Lewis & Clark County and Information Technology Core. (Art Pembroke) The Commissioners will consider the contract for network and related support services in an amount not to exceed \$7,500 for the period Sept. 1, 2013 – June 30, 2014.

Art Pembroke, IT&S Director, presented the Contract between the County and Information Technology Core, a renewal of the annual contract for network support and services.



No public comment was received.

Commissioner Good Geise moved adoption of the Independent Contractor Contract Between Lewis & Clark County and the Information Technology Core, as outlined by Staff. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Change Order to Contract Between Lewis & Clark County and Pavement Maintenance Solutions. (Audra Zacherl) The Commissioners will consider the Change Order to the Contract for 2013 Chip Seal Surfacing of County Roads and Rural Improvement Districts to include chip-seal surfacing of all roads in the Crestwood Green Estates, excluding Norris Road, in the amount of \$50,008.40.

Audra Zacherl presented the Contract Change Order No. 1 to the 2013 Chip Seal Surfacing Project awarded on July 16 to Pavement Maintenance Solutions, Columbia Falls. The Change Order, in the amount of \$50,008.40 provided for an additional 30,680 yards of chip seal in the Crestwood Green Estates Subdivision. Staff recommended approval.

No public comment was received.

Commissioner Good Geise moved adoption of Change Order to the Contract Between Lewis & Clark County and Pavement Maintenance Solutions, as outlined by Staff. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Task Order 14-07-5-01-075-0 to the Unified Govt. Master Contract Between Lewis & Clark County and MT Dept. of Health and Human Services. (~~Melanie Reynolds~~) (Drenda Niemann) (Tabled from 9/17/13) The Commissioners will consider the Task Order for implementing the evidence based home visiting model, Nurse Family Partnership, in the amount of \$88,380 for the period 9/15/13 – 6/30/14.

Drenda Niemann, Division Administrator, presented the Task Order for implementing the Nurse Family Partnership evidence-based home visiting model in the amount of \$88,380; the amount of \$51,020 in the FY14 budget would be adjusted to reflect the increase. The contract period runs Sept. 15 through June 30, 2014. A partnership between Missoula, Yellowstone, Hill and Lewis & Clark counties will provide ongoing data collection for evaluation statewide. This program collaborates with the Early Childhood Coalition to assist at risk families with children 0-5 years of age.

No public comment was received.

Commissioner Good Geise moved adoption of Task Order 14-07-5-01-075-0 to the Unified Govt. Master Contract Between Lewis & Clark County and the MT Dept. of Health and Human Services, as recommended by Staff. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Standard Agreement CTS #107280 Between Lewis & Clark County and Montana Dept. of Transportation for Selective Traffic Enforcement Program (STEP) Grant Funds. (~~Tammy Potter~~) (Brett Friede) The Commissioners will consider the agreement providing funds for officer overtime to conduct traffic patrols to deter impaired driving and occupant restraint violations in the amount of \$12,000 for the period Oct. 1, 2013 – Sept. 30, 2014.

Brett Friede, Training Sgt., presented the STEP Grant that provided \$12,000 for officer overtime to conduct traffic patrols for the period Oct. 1, 2013 – Sept. 30, 2014, in an effort to deter

impaired driving and occupant restraint violations. Seatbelt enforcement was the primary focus on state highways where fatality and injury rates were the highest. The State has eased the restrictions on 4-hour overtime shifts, and allowed for coverage of local events.

Commissioner Good Geise cited Augusta as an example of a small community where Main Street was a highway, and asked about the enforcement process as it related to DUI and increased enforcement. The concern was with local people who over-indulged on a regular basis and traveled the roads.

Brett Friede cited the need for probable cause and justification for making a traffic stop; officers must observe the offense and have probable cause to make an arrest and would respond if specific information were provided. The DUI arrest rates this year were higher than in past years; STEP shifts were scheduled on Friday nights, and DUI Task Force Shifts were scheduled on Saturday nights.

No public comment was received.

Commissioner Good Geise moved adoption of the Standard Agreement CTS #107280 Between Lewis & Clark County and Montana Dept. of Transportation for Selective Traffic Enforcement (STEP) Grant Funds, as outlined by Staff. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Proposed First Minor Subdivision to be known as Saddle Rock Subdivision. (Applicant: Mark Floerchinger) (Planner: ~~Greg McNally~~) (Lindsay Morgan) The Commissioners will consider a proposed four-lot Subdivision located approximately 2 miles north of Lincoln Road and east of Collins Road, adjacent to Tea Road and a variance request from the requirements of Chapter XI: H.3 pertaining to determining costs directly attributable to the Subdivision. (Cont'd from 9/19/13.) Decision.

Lindsay Morgan, Planner, noted the previous public meetings held, Sept. 10, 12 and 19 on the proposed Saddle Rock Subdivision, a 4-lot, single family residential subdivision south of and adjacent to Tea Road. Today was scheduled for a decision; the applicant approved extending the review period until October 12. The variance request from Chapter XI.H.3.C. of the County Subdivision Regulations to not be required to prepare a Preliminary Engineering Report, was noted. The applicant proposed paying a proportional share of the costs for off-site road improvements based on an engineer's estimate for bringing segments of Tea Road and Collins Drive up to County Road Standards. Staff's memo of Sept. 12 was presented that contained amendments to Condition No. 6 reflecting revised percentage of impact calculations for Collins Drive between Tea Road and Fantasy Road. Staff provided a memo dated Oct. 1 recommending that Draft Finding 2.kk. be amended to reflect a revised percentage of impact calculation for Collins Drive, between Tea Road and Fantasy Road, either 18.79% from the applicant's TIS, or 23.90%, based on ITE Standards; the Commission would determine which of the two percentages to apply.

Tony Prothero, 3196 Brow Tine Road, the applicant's representative, confirmed awareness of the changes in impact calculations presented at the last meeting.

Commissioner Good Geise moved approval of Saddle Rock Subdivision with the amended Draft Condition 6, indicating the corrected trip generation numbers. Commissioner Hunthausen seconded the motion.

Commissioner Good Geise moved approval of the variance request to not require a Preliminary Engineering Report.

Discussion –

Commissioner Geise stated the reason for granting the variance was that the percentage of impact was minimal. The granting of the variance allowed for a more sensible method of estimating off-site road improvements. This is a 4-lot minor subdivision, and the costs associated with preparing a full PER is not required so long as the applicant's engineer can prepare an estimate of required improvements to bring Tea Road and Collins Road up to County Standards. The variance would not cause substantial harm to public costs because the proportional share of calculation will be based on an Engineer's Estimate. The variance will not place the proposed subdivision in non-conformance with Zoning Regulations or the Comprehensive Plan. Support for the variance was based on Commissioner Geise's review of the Findings of Fact in the request for variance, and the testimony provided by the applicant. Commissioner Hunthausen seconded the motion.

Commissioner Good Geise moved to amend Finding of Fact 10 in the variance for Saddle Rock Subdivision to coincide with percentage changes to Condition 6. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

The motion to approve the variance from Ch. XI.H.3.c. carried 2-0.

Commissioner Good Geise moved to apply the ITE standard in calculating the percentage of impact to roads. Commissioner Hunthausen seconded the motion.

Discussion –

Commissioner Good Geise supported using the ITE standard as it was based on research.

Commissioner Hunthausen concurred that the ITE standard was a proven method.

The motion carried 2-0.

Commissioner Good Geise moved adoption of Draft Finding to kk. to be amended to reflect a revised percentage of impact calculation for Collins Drive between Tea Road and Fantasy Road, utilizing the ITE Standard. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Commissioner Good Geise moved approval of Saddle Rock Subdivision as amended to include amended Draft Condition 6, approval of the variance request, and use of the ITE standard for impacts to roads. Commissioner Hunthausen seconded the motion.

Discussion –

Commissioner Good Geise stated the 4-lot subdivision substantially complied with current Subdivision Regulations. The Conditions suggested by Staff provided reasonable mitigation for the impacts of this subdivision on the surrounding area. The applicant will be required to contribute their proportional share to the cost of road improvements. The proposed subdivision would not have adverse impact on agricultural lands and agricultural operations. The Conditions have been designed to mitigate the adverse effect to public roads and to the natural environment. The application did not pose adverse impacts on wildlife or wildlife habitat.

Conditions have been drafted to mitigate impacts on public health and safety, and were in conformance with the current regulations. There were no impacts on cultural or historical resources, and utilities and access have been addressed throughout the application.

Lindsay Morgan addressed the applicant's request to use an off-site fire protection source located two miles distant at the junction of Collins and Lincoln Road. As currently drafted, the Conditions of Approval allowed for either an off-site source approved by the Commission, or an on-site source that met the gallon per minute requirement.

Discussion on Off-site Water Source –

Commissioner Hunthausen cited the location and surrounding conditions of the subdivision, and felt the off-site source would be adequate for the subdivision. Improvements to Tea Road and potential improvements to Collins Road would accommodate emergency vehicles. It was noted the Commission had not been consistent in the past regarding off-site fire protection sources.

Commissioner Good Geise was inclined to apply consistency by following the Fire Chief's 2-mile distance requirement from the subdivision to the off-site water source.

George Theborge, Director of Community Dev. & Planning, clarified that the Subdivision Regulations included a standard for fire protection based upon a flow rate and duration of that flow rate; there was no regulation on distance between the source and the subdivision. The Regulations provided for acceptance of off-site sources, and directed the Commission to consult with the fire authority having jurisdiction. One Commissioner was agreeable to considering an off-site source; one was not. The Draft Conditions of Approval provided for the option of an off-site water source that was found acceptable, or putting in an on-site source. The applicant would have the option in the future of requesting a Modification of the Preliminary Approval of Conditions related to the fire protection issue.

Upon further discussion, the Commission agreed to move forward without identifying the water source at this time.

The motion and second to approve the proposed First Minor Subdivision known as Saddle Rock Subdivision, as amended with the variance approval included, carried 2-0.

Public Hearing. Petition and Resolution No. 2013-92 Calling for an Election to Create a County Water and Sewer District for Bridge Creek Estates. (Carrie Severson) The Commissioners will hold a hearing and consider a resolution to accept the petition and call for an election.

Carrie Severson, Special Districts Coordinator, presented Resolution No. 2013-92, containing Exhibit A, the proposed boundaries, and Exhibit B, the petition containing the appropriate number of signatures for incorporating a county water and sewer district in the Bridge Creek Estates Subdivision, located north of Lincoln Road, between Montana Avenue and Interstate 15. All properties within the boundaries were private with the exception of a County Park Property.

Public Hearing –

No public comment was received and the hearing was closed.

Commissioner Good Geise moved adoption of the Petition and Resolution No. 2013-92 Calling for an Election to Create a County Water and Sewer District for Bridge Creek Estates. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Resolution No. 2013-93 to Amend Frontier Village Estates Rural Improvement District No. 2011-4. (Carrie Severson) The Commissioners will consider establishing the intent to amend the District.

Carrie Severson, Special Districts Coordinator, presented Resolution No. 2013-93 to Amend Frontier Village Estates Rural Improvement District No. 2011-4, created in 2011 to maintain public infrastructure at a cost of \$346 per parcel per year. The District was also located within the Applegate RID that funds road improvements for Applegate, John G. Mine and portions of Norris Road. In addition, Buckboard Estates Subdivision, located north of Frontier Village Estates, had been granted preliminary approval, and proposed amending the Frontier Village Estates District to include properties within the Buckboard Estates Subdivision. The Scope of Service remained unchanged; however, with addition of 65 parcels the cost would change from \$346 to \$275.44 per parcel per year.

No public comment was received.

Commissioner Good Geise moved adoption of Resolution No. 2013-93 to Amend Frontier Village Estates Rural Improvement District No. 2011-4, as recommended by Staff. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Presentation and Request for Input on Comprehensive Economic Development Strategy Required by the U.S. Economic Development Administration. (Chris Shove) The Commissioners will hear the presentation and consider the request.

Chris Shove, Executive Director, Montana Business Assistance Connection, delivered a presentation and requested input from the Commission on the Five-year Comprehensive Economic Development Strategy required by the U.S. Economic Development Administration. Separate meetings were planned with Meagher, Broadwater and Lewis & Clark counties. A request for a letter of support for MBAC's economic development activities could be expected in the near future. MBAC's primary focus was job creation and encouraging private-sector investment in the regional economy. MBAC has a very active loan portfolio program providing two types of loans; business loans, and loans to homeowners to address energy efficiency upgrades, in addition to providing direct technical assistance on economic development. MBAC's partnership with the Montana Brownfields Coalition was noted.

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

Commissioner Good Geise asked Mr. Bryson to address the Federal Government shutdown and its implications for Lewis & Clark County.

Eric Bryson cited the budgeting process adopted annually in July by the Commission that guided operations for the Fiscal Year. The inability of the Federal Government to produce a yearly operational budget forced counties to deal with Continuing Resolutions, and as of today, he was not able to predict implications of a government shutdown.

Kim Smith, 7510 Applegate Drive, Helena, expressed his appreciation to the Commission for their intention to address standardizing fire protection requirements. Secondly, he encouraged the County Road Department to consider alternatives for building roads, citing Gallatin County's experience with mixing concrete and RAP, recycled asphalt pavement, which was reportedly working very well. He had experience with crushing asphalt, and proposed a test section on a

road. Recycled materials would reduce the amount of materials sent to the landfill.

There was no other business and the meeting adjourned at 10:38 a.m.

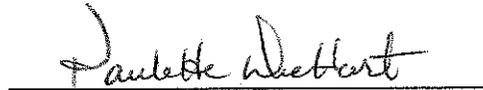
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BOARD OF COMMISSIONERS


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Andy Hunthausen


Susan Good Geise

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