

**PUBLIC MEETING
April 16, 2013
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, April 16, 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 a.m. Commissioner Andy Hunthausen was present. Others attending all or a portion of the meeting included Eric Bryson, George Theborge, Carrie Severson, Frank Rives, Mike Fasbender, Nancy Everson, Larry Hoffman, Patty Dahl, Al Knauber and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Resolution No. 2013-36 Relating to a Project on Behalf of Carroll College and the Issuance of Revenue Bonds to Finance the Costs of a Campus Housing Project and Refund Outstanding Revenue Bonds Payable by Carroll College Under Montana Code Annotated, Title 90, Chapter 5, Part 1, as Amended; Granting Preliminary Approval Thereto and Calling a Public Hearing Thereon. (Nancy Everson)

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

No public comment was received.

Commissioner Hunthausen moved approval of Consent Action Item 2.a. Commissioner Murray seconded the motion. The motion carried 2-0.

Bid Award – Warren School Trail Construction. (Audra Zacherl) (Laura Erikson) The project consists of construction of an asphalt trail and concrete sidewalk connecting Warren School to the Leisure Village Subdivision along Tizer Road and York Road. Work includes, but is not limited to: excavation and embankment, asphalt concrete pavement, concrete sidewalks, new drainage culverts, new signage, and other miscellaneous items.

Laura Erikson, in Audra Zacherl's absence, requested the item be tabled until April 25, 2013.

No public comment was received.

Commissioner Hunthausen moved to table the item until April 25, 2013, at the regularly scheduled meeting. Commissioner Murray seconded the motion. The motion carried 2-0.

No public comment was received.

Public Hearing. East Helena Valley Rural Fire District Petition to Annex and Resolution 2013-34 Annexing Land into the East Helena Valley Rural Fire District. (Carrie Severson)

Carrie Severson, Special Districts Coordinator, reported on the request by a property owner off of Reservoir Lane who has petitioned to remove his property from the Tri-Lakes Fire Service Area and annex into the East Helena Valley Rural Fire District for the purpose of better response time. The property is located north of Canyon Ferry road off of Danny Kay Drive. A petition, circulated in Feb. 2013, and containing the signatures of both property owners, and

letter of approval from the Board of Trustees for East Helena Valley Rural Fire District had been received. The public hearing had been noticed.

Public Hearing –

No public comment was received and the public hearing was closed.

Commissioner Hunthausen moved approval of Resolution 2013-34, as presented.
Commissioner Murray seconded the motion. The motion carried 2-0.

Public Hearing. Canyon Creek Rural Fire District Petition to Annex and Resolution 2013-35 Annexing Land into the Canyon Creek Rural Fire District. (Carrie Severson)

Carrie Severson, Special Districts Coordinator, reported on the request by property owners seeking annexation from Lewis & Clark County Fire Service area into the Canyon Creek Rural Fire District. Portions of some of the properties included in the petition were currently located in the Canyon Creek Rural Fire District area. The petition began circulation on July 30, 2012 and met the requirement of Sec. 7-33-2125, MCA, requiring a petition by the owners of 40% or more of the real property within the proposed area, and 40% or more of the taxable value of property within the proposed area to be annexed. An aerial of the properties was viewed. The Board of Trustees for the Canyon Creek Fire District reviewed and approved the annexation and both fire chiefs agreed the properties would be better serviced by the Canyon Creek Fire District.

Public hearing –

Roseva Guest, 8937 Lincoln Road, expressed support for the annexation in an effort to place their entire ranch under one district.

The public hearing was closed.

Commissioner Hunthausen moved approval of Resolution 2013-35, as presented.
Commissioner Murray seconded the motion. The motion carried 2-0.

Proclamation Declaring April 14-20, 2013, as the "Week of the Young Child" was read by Dr. Marsha Davis, County Superintendent. A class and instructors from Rocky Mountain Development Council's Head Start Program were introduced.

Request to Consider the Modification of Conditions of Approval for County Court Minor Subdivision. (Applicant: Donna Tenneson) (Planner: Frank Rives) The applicant requests the County Commissioners reconsider two conditions of the preliminary subdivision approval to allow proposed Lot 2 to be developed for a duplex rather than for a two-unit mobile home park.

Frank Rives, Planner, presented the Staff Report. The applicant submitted a letter requesting modification of the preliminary subdivision approval and the conditions of approval for the County Court Minor Subdivision, which was approved for two lots, one for a single-family use and one lot for a two-unit mobile home park. The subdivision has 10 conditions of approval. The applicant no longer desires to have the 2-unit mobile home lot, and instead requests approval for a duplex on Lot 2. The Planning Director and Staff reviewed the request and concluded it did not constitute a substantial modification of the subdivision application and preliminary subdivision approval. Therefore, the applicant would not need to submit a new application and go through the entire subdivision review process a second time. This would be considered a modification of the original approval. If approved, Condition 2 would be removed

and Condition 7.1 would reflect the change in the covenants.

Public hearing –

No public comment was received and the public hearing was closed.

Commissioner Hunthausen moved to allow reconsideration of the applicant's request for modification of the subdivision approval for County Court Minor Subdivision, as requested. Commissioner Murray seconded the motion. The motion carried 2-0.

Craig-Wolf Creek Mosquito District Bylaws. (Larry Hoffman)

Larry Hoffman, Weed District Coordinator, presented the Craig-Wolf Creek Mosquito District Bylaws for approval, noting they had been approved by the Mosquito District Board at a previous meeting.

Commissioner Hunthausen moved approval of the Craig-Wolf Creek Mosquito District Bylaws. Commissioner Murray seconded the motion. The motion carried 2-0.

Independent Contractor Contract Between Craig-Wolf Creek Mosquito Control District of L&C County and JHS, Inc. (Larry Hoffman) The Commissioners will consider the contract for mosquito control in an amount not to exceed \$9,420.00 for the period May 1 – Dec. 31, 2013.

Larry Hoffman presented the current spray season contract with JHS, Inc. which had previously been reviewed and approved by the Mosquito Board.

No public comment was received.

Commissioner Hunthausen moved approval of the Independent Contractor Contract Between Craig-Wolf Creek Mosquito Control District and Lewis and Clark County and JHS, Inc., as presented. Commissioner Murray seconded the motion. The motion carried 2-0.

Independent Contractor Contract Between Helena Valley Mosquito Control District of L&C County and JHS, Inc. (Larry Hoffman) The Commissioners will consider the contract for mosquito control in an amount not to exceed \$184,750.00 for the period April 1 – Dec. 31, 2013.

Larry Hoffman presented the current spray season contract with JHS, Inc. for which had previously been reviewed and approved by the Mosquito Board.

No public comment was received.

Commissioner Hunthausen moved approval of the Independent Contractor Contract Between Helena Valley Mosquito Control District of Lewis and Clark County and JHS, Inc., as presented. Commissioner Murray seconded the motion. The motion carried 2-0.

Board Appointment. (Eric Bryson)

Augusta Solid Waste Management District Board – Ronald Joers has completed his first term. There were no other applications for the position.

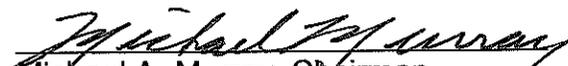
No public comment was received.

Commissioner Hunthausen moved to appoint Ronald Joers to a second term on the Augusta Solid Waste Management District Board contingent upon his acceptance of the appointment. Commissioner Murray seconded the motion. 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 9:40 a.m.

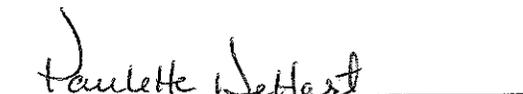
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael A. Murray, Chairman


Andy Hunthausen

(Vacant)

ATTEST:


Paulette DeHart, Clerk of the Board