

**PUBLIC MEETING
MAY 9, 2013
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, May 9, 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, Nancy Everson, Pam Attardo, Kyle Thomas, Lindsay Morgan, Dean Retz 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 May 6, 2013. (Marni Bentley)
- b. Public Meeting Minutes for Jan. 1, 3, 8, 10 & 12; Feb. 21; March 5; and May 2, 2013. (Rita Cortright)
- c. Public Meeting Minutes for Jan. 1, 6, 8, 13, 15, 20, 22, 27, 29; Feb. 3, 5, 12; March 12, March 3; April 9; May 21; July 9, 23, 30; Sept. 10, 22, 24; Oct. 13, 27; Nov. 5, 17, 26, and Dec. 3, 2009; and Adm. Staff Mtg. Minutes Nov. 26, 2009. (Rita Cortright)
- d. Public Meeting Minutes for March 22, May 8, 10, 29, June 12, 14, July 3, Aug. 2, 21, Admin Staff Aug. 23; Oct. 4, 9, 14, 16, 25, Nov. 6, 20, 22, 27, 29, Dec. 4, 6, 11, 13, 18, 20, 25 & 27, 2007. (Rita Cortright)

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. and authorized the Chair to sign. Commissioner Murray seconded the motion. The motion carried 2-0.

Amendment No. 1 to Contract No. MT-13-020 Between Lewis & Clark County and Montana Historical Society, SHPO Office. (Pam Attardo) The Commissioners will consider the contract amendment reducing funding from \$5,500 to \$5,252; thus reducing required match from \$3,670 to \$3,209, and adding 2 technical provisions to the contract.

Pam Attardo, Preservation Officer, reported on the amendment to the annual Certified Local Government Contract signed with the State Historic Preservation Office. The customary amount of \$5,500/year had been reduced by 5 percent, resulting in \$5,225. Two technical provisions were included: 1) the addition of a CFDA number that is now required in connection with grants; and addition of an audit requirement only applicable for grantees receiving \$500,000 or more.

No public comment was received.

Commissioner Hunthausen moved approval of Amendment No. 1 to Contract No. MT-13-020 Between Lewis and Clark County and the Montana Historical Society, as presented. Commissioner Murray seconded the motion. The motion carried 2-0.

Professional Services Contract Between Lewis & Clark County and DACO Facility Development, LLC. (Kyle Thomas) The Commissioners will consider the contract providing for

construction administration services relating to the CHC Clinic Remodel in an amount not to exceed \$75,000. Contract period: May 1, 2013 – January 1, 2015.

Kyle Thomas, Ast. Public Works Director, reported on the Contract with DACO Facility Development to provide Owner/Representative services for the CHC Clinic remodel project in an amount not to exceed \$75,000. The fee proposal was outlined in Exhibit C of the contract.

No public comment was received.

Commissioner Hunthausen moved approval of the Professional Services Contract Between Lewis & Clark County and DACO Facility Development, LLC, as presented. Commissioner Murray seconded the motion. The motion carried 2-0.

Statewide Air Quality Equipment Purchase Application - Montana Air and Congestion Initiative (MACI). (Kyle Thomas) The Commissioners will consider the application for purchase of a flush truck to support road sweeping operations.

Kyle Thomas, Ast. Public Works Director, reported on the application in the amount of \$172,400 for purchase of a flush truck to replace the current 1995 model with 645,000 miles. Previously, funding was granted for two mechanical broom-type sweepers. The County's match of 13.42% was included in the FY2014 Budget. Staff requested approval of the application.

No public comment was received.

Commissioner Hunthausen moved approval of the Statewide Air Quality Equipment Purchase Application – Montana Air and Congestion Initiative, as presented. Commissioner Murray seconded the motion. The motion carried 2-0.

Preliminary Plat Approval for Jamvar Minor Subdivision. (Applicant: Robert S. Utick) (Planner: Michael McHugh) Applicant proposes to create four, 5-plus-acre parcels for single-family residential development on an existing 20.13-acre parcel. The subject property is located approx. two miles north of the intersection of Lincoln Road with Collins Drive and ¼ mile east of Collins Dr., north of and adjacent to Fantasy Road. Proposed Lots C and D are to be served by individual wells. Proposed Lots A and B would be served by a shared well. All lots would be served by individual on-site wastewater treatment systems. Access is proposed via an internal road intersecting with Fantasy Road. Road improvements would be required to provide standard legal and physical access. (Tabled from 5/7/13) Decision.

Michael McHugh, Planner, provided a brief overview of the May 7, 2013, Staff Report, noting today was decision day. The applicant had requested a variance from County Subdivision Regulations Ch. Xi.H.3.c. requesting he not be required to prepare a Preliminary Engineering Report, and in lieu proposed to pay a proportional share of the costs of the off-site road improvements based on engineers estimates for the required improvements to bring a segment of Fantasy Road and Collins Drive up to County Road Standards.

Commissioner Hunthausen moved approval of the Jamvar First Minor Subdivision with the 11 Conditions, as presented by Staff, and acceptance of the Draft Findings of Fact. Commissioner Murray seconded the motion.

Variance 1 – Requiring a Preliminary Engineering Report. Commissioner Hunthausen moved to approve the variance, stating it met criteria established in Chapter II of the County's Subdivision Regulations. Commissioner Murray seconded the motion. The motion carried 2-0.

The motion to approve the Jamvar First Minor Subdivision, as amended, carried 2-0.

Proposed Amended Plat of Lot 44-E2 – Big Valley Subdivision. (Applicant: Rob George) (Planner: Michael McHugh) The Applicant proposes to create two parcels; one approx. 2.93 acres in size and one 2.0 acres in size. Each parcel is proposed for a single-family residential use. Each parcel is proposed to be served by individual well and on-site wastewater treatment system. Access to both parcels is proposed via individual private driveways intersecting with Applegate Drive. The subject property is located approx. 2.5 miles north of the intersection of Lincoln Road with Applegate Drive, west of and adjacent to Applegate Drive. (Tabled from 5/7/13) Decision.

Michael McHugh, Planner presented the Staff Report for the Proposed Subsequent Minor Subdivision to be known as Amended Plat of Lot 44-E2 – Big Valley Subdivision, located about 2 miles north of Lincoln Road, west of and adjacent to Applegate Drive. The applicant has requested two variances. The first variance was from Chapter XI.5 Appendix K. Fire Protection Standards 18-4 to not be required to provide the following: "At a minimum, every Class I or II subdivision shall be provided with a water supply, either on-site or off-site, for the purpose of fire fighting, meeting the requirement of 18-4." The applicant requested to be able to utilize the water source located within the Northstar Subdivision, located 0.8 miles east of the subject property. If the applicant obtained written permission from the owner of the water source and from the West Valley Fire Department for its use as stated in Condition 4, the requirement to install onsite fire protection improvements would be removed

The second variance was from Chapter XI.F.7. "No lot shall have an average length greater than three times its average width." The applicant's design indicated a 60-foot-wide portion extending along the southeastern portion of the property that would provide access.

Commissioner Hunthausen moved to approve the Proposed Amended Plat of Lot 44-E2 – Big Valley Subdivision with 11 Conditions of Approval, and accept the Draft Findings of Fact. Commissioner Murray seconded the motion.

Variance 1. – Average Length to Average Width Ratio. Commissioner Hunthausen moved to approve the variance request as represented, and noted the variance criteria from the Subdivision Regulations, Chapter II had been met. Commissioner Murray seconded the motion. The motion carried 2-0.

The motion to approve the Amended Plat of Lot 44-E2 – Big Valley Subdivision, as amended, carried 2-0.

Resolution No. 2013-42 to Create Rural Improvement District 2013-1 for Panoramic Meadows Subdivision. (~~Carrie Severson~~) (Lindsay Morgan)

Lindsay Morgan, Planner, in the absence of Carrie Severson, read the following prepared statement: "Tuesday night the Tri-Lakes Fire Service Area Board of Trustees considered acquiring the fire improvements internal to Panoramic Meadows Subdivision. Because a portion of the utilities were located outside of public easements, the service area has requested for everyone to wait until after the easement is made public, thereby ensuring access to all components of the system in the future. A surveyor was onsite on Wednesday and the applicant's representative stated that the easement would be established and recorded shortly. After the easement is recorded, the Fire Service Area will approve and sign the transfer of the improvements from the private owner; therefore, making them public. The intention of the RID

is to include all public infrastructure, including the fire improvements.” Ms. Severson had requested tabling the item until Thursday, May 16, to allow for the improvements to be included.

No public comment was received.

Commissioner Hunthausen moved to table the item until Thursday, May 16, at the regularly scheduled meeting. Commissioner Murray seconded the motion. The motion carried 2-0.

Public Hearing. Proposed Project for Carroll College and the Issuance of Revenue Bonds for the Project and of Refunding Revenue Bonds Under Montana Code Annotated, Title 90, Chapter 5, Part 1, as Amended, to Finance or Refinance the Costs Thereof. (Nancy Everson)

Nancy Everson, Director of Finance, noted that on April 16, at the request of Carroll College, the Commission approved a resolution authorizing the County and Carroll College to move forward with the project. The County was lending its tax exempt status to Carroll College to allow Carroll College to obtain a more favorable financing rate for the proposed project, a process allowed under the Montana Code Annotated. The County was authorizing two issues: up to \$4.5 million in new bonds to finance the construction of apartment housing at Carroll College; and at the same time, Carroll College proposed to refinance some 2002 bonds in the approximate amount of \$12,500,000 to obtain a more favorable financing rate. Next Tuesday’s agenda would include the Resolution to move forward with the project. Ms. Everson noted the County, in issuing the bonds, had no responsibility to repay the debt in the event Carroll College defaulted; nor did the issuance affect the County’s bond capacity.

Lori Peterson, Vice President of Finance, Carroll College, spoke briefly about the \$5.5-\$6 million project and provided color renderings of the planned student housing; 36 separate apartments in two separate buildings adding 96 bedrooms on campus. Carroll requested \$4.5 through a bond issuance through the County; the remaining funds would be from their endowment. Construction would start the end of May; completion was expected in May of 2014. The second part of the request was to redeem the \$12.5 million bond issuance from 2002.

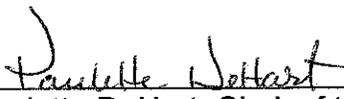
Public hearing –

No public comment was received.

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.

ATTEST:

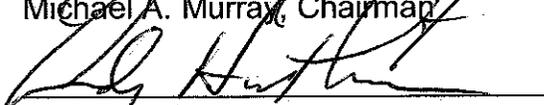


Paulette DeHart, Clerk of the Board

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Michael A. Murray, Chairman



Andy Hunthausen

(Vacant)