

**PUBLIC MEETING  
AUGUST 13, 2013  
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, August 13, 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 9:00 a.m. Commissioner Andy Hunthausen and Commissioner Susan Good Geise were present. Others attending all or a portion of the meeting included Eric Bryson, Cheryl Green, Greg McNally, Audra Zacherl, Rocky Haralson, Linda Sather, Jan Bahnsen, Jack Walsh, Sharon Haugen and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Public Meeting Minutes for July 30, Aug. 1, 2013 (Rita Cortright)
- b. Cultural Trust FY2012-13 Final Report – Helena Clay Arts Guild (Nunc Pro Tunc) (Gene Hickman)
- c. Cultural trust FY2012-13 Final Report – Helena Symphony Society (Nunc Pro Tunc) (Pat Harper)

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

Commissioner Good Geise moved approval of the consent action items as proposed by Staff. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Request Consideration of Refunding Taxes/Fees/Assessments Paid by the Salvation Army in the Amount of \$8,789.89. (Cheryl Green)

Cheryl Green, Delinquent Tax Specialist, presented the request by the Salvation Army for a refund of \$8,789.89 on Geo-Code 1888-07-1-14-17-0000. The property was being charged for taxes and specials for tax years 2009-2012. They applied for exemption on April 22, 2013; the deadline of March 1 had passed. The Dept. of Revenue agreed to grant them exemption for tax year 2014; they were seeking exemption for 2009-2012 and a refund from the Commission. Statute allows refunding back five years.

Rocky Haralson, Dept. of Revenue Regional Manager, stated the agency's official stance was to recommend not granting the refund, as the statute was very clear. This was not a case of erroneous assessment. The property was purchased mid-year and the owner had opportunity to make application by March 1, but did not. Specials were considered a kind of use tax; they were typically applied to entities that do get the general tax exemption. The Salvation Army owns many properties and was aware of the process.

Eric Bryson stated the problem with waiving Specials was they were based on a formulary based on the taxable assessment. If waived there would be no way to calculate the assessment.

Jan Bahnsen, 718 Maynard Road, Helena, stated the Salvation Army's main office was in California and the Northwestern Division was headquartered was in Seattle; both would be aware of the rules; however, the local officers in charge at the time were not aware. Once it

was discovered the building qualified as a parsonage, the officer brought the matter to the attention of headquarters in Seattle and the application was made.

No public comment was received.

Commissioner Good Geise moved to defer action on the Request for Consideration of Refunding Taxes/Fees/Assessments Paid by the Salvation in the Amount of \$8,789.89 until the Aug. 20<sup>th</sup> regular meeting. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Independent Contractor Contract Between Lewis & Clark County Public Works and CAP Paving, Inc. (Audra Zacherl) The Commissioners will consider the contract for crack sealing of County Roads as listed in Exhibit A, in an amount not to exceed \$28,292.00 for the period August 13 thru August 31, 2013.

Audra Zacherl, Finance Coordinator, presented the contract with CAP Paving, Inc. for the 2013 crack sealing project that generally consists of crack sealing approximately 20,957 linear feet on various county roads and RID's. Staff recommended approval of the contract.

No public comment was received.

Commissioner Hunthausen moved approval of the Independent Contractor Contract Between Lewis & Clark County Public Works and CAP Paving, as presented. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Request for Extension of Preliminary Subdivision Approval for a Major Subdivision known as Lakeside Village on Hauser Lake Lot 2A Amended. (Merritt and Marie, LLC (Conrad & Cheryl Hale)) (Planner: Greg McNally) The Commissioners will consider a request for extension of the preliminary subdivision approval for 6 recreational vehicles spaces to be located on Lot 2A of the Lakeside Village on Hauser Lake Subdivision located east of and adjacent to York Road and west of and adjacent to Hauser Lake. This subdivision was granted preliminary approval June 25, 2009, with 12 conditions and expired 7/31/13. The Commissioners will receive any associated public comment related to the proposed extension.

Greg McNally, Planner, presented the request for extension of Preliminary Subdivision Approval for Lakeside Village on Hauser Lake Lot 2A Amended. Preliminary Approval was granted June 25, 2009, with 12 Conditions of Approval to create 6 recreational RV spaces for seasonal use on an existing 1.04 acre tract currently used as a marina with boat launch and a marine fueling facility. Preliminary approval was for three years. On Aug. 23, 2012, the Commission granted an extension until Nov. 23, 2012, in an effort to gain compliance on some issues and included a requirement that the applicant make application for the establishment and licensure of an RV Park with the Dept. of Health and Human Services. That application has been made; the license has not yet been issued. All of the RV's were to be removed from the 50-foot setback, which has been done. Re-vegetation of 25 percent of the 30-foot buffer from Hauser Lake has been done and would be inspected. On December 13, 2012, the Commission granted a second extension until July 31, 2013, and the applicants have been proceeding with the completion of their Conditions. To date they have not received their DEQ approval. They made application and one of their six recreational vehicle spaces is located too close to the public water system. The applicant was requesting a one-year extension until July 31, 2014.

No public comment was received.

Commissioner Hunthausen moved approval of the Request for Extension of Preliminary Subdivision Approval for a Major Subdivision known as Lakeside Village on Hauser Lake Lot 2A Amended, as presented. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Board Appointments. (Eric Bryson)

a. Consolidated Planning Board

David Cole will complete his first term Sept. 1, 2013; he is not seeking reappointment.  
Allan Brainard will complete his first term Sept. 1, 2013; he is seeking reappointment.

Two new applications were received: Russell Alm and Shaun Moore.

No public comment was received.

Commissioner Hunthausen moved to appoint Allan Brainard to a second 3-year term on the Consolidated Planning Board through September 1, 2016. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Commissioner Good Geise moved appointment of Shaun Moore to the Consolidated Planning Board, and additionally, that because Russell Alm had also been interviewed, that he be appointed to the next vacancy. Commissioner Hunthausen seconded the motion.

Discussion –

Commissioner Murray questioned making an appointment as a vacancy had not yet occurred.

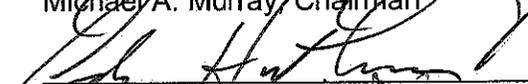
Commissioner Good Geise rescinded her motion and moved that Shawn Moore be appointed to the Helena/Lewis & Clark Co. Consolidated Planning Board. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

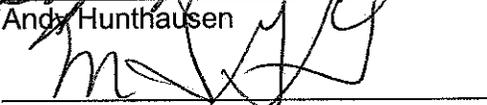
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no further business and the meeting adjourned at 9:30 a.m.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Michael A. Murray, Chairman

  
Andy Hunthausen

  
Susan Good Geise

ATTEST:

  
Paulette DeHart, Clerk of the Board