

**PUBLIC MEETING  
JANUARY 16, 2014  
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, January 16, 2014, at 10 a.m. in Commission Chambers Room 330 of the City-County Building, 316 North Park Avenue, Helena, Montana.

Chair Susan Good Geise called the meeting to order at 10 a.m.

Commissioner Andy Hunthausen was present. Commissioner Mike Murray was excused from the meeting to attend an Area IV Agency on Aging meeting. Others attending all or a portion of the meeting included Eric Bryson, Katie Jerstad, Marni Bentley, Cheryl Green, Paulette DeHart, Kathy Moore, Al Knauber, Melanie Reynolds, George Theborge, Kyle Thomas, Lindsay Morgan, Parker Heller, Jason Grimmis, Patrick McDuffie, Jayson Zander, Tracie Kiesel, Fred Rice and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

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

Commissioner Good Geise invited Melanie Reynolds, County Health Officer and Kathy Moore, Div. Administrator for Environmental Health Services, to address the situation at C.R. Anderson School that resulted from the recent discovery of lead contamination in the building.

Melanie Reynolds, County Health Officer, explained she received a call from Supt. Kent Kultgen, Supt. Helena School Dist. #1, regarding the discovery of lead contamination in C.R. Anderson School. A press release was developed and released to the public. St. Peter's Hospital was contacted regarding the need to conduct testing of students, faculty and staff; testing would be available next week. A Health Alert Network message was sent to all area medical providers alerting them to the situation. A Frequently Asked Questions handout was developed and circulated at a public meeting held at the Capital High School gym, where a presentation was made to parents, students and other interested people regarding signs of lead contamination and the testing procedures. County Health staff also attended the Tuesday evening School Board meeting to respond to questions. Subsequently, it was learned the contamination was much more contained than originally thought.

Kathy Moore, Division Administrator, explained that air sampling of the entire C.R. Anderson building should be completed today. Results would be evaluated and recommendations made regarding the need for lead testing. Mitigation and cleanup crews planned to begin work today in the basement. Test results were expected to show that contamination was contained to the basement area; the basement will remain closed pending clean test results. Pending those results, classes would resume on Tuesday. The Health Dept. planned to use those sample results to create a recommendation for whom should get blood lead screening. St. Peter's Hospital was working with the School District to prove sampling at a reduced cost; normal cost was \$70.00. Health Dept. Staff, with the assistance of a toxicologist, would continue to provide support, assistance and information to the District and C.R. Anderson students and parents with health-related questions.



Consent Action Items. (Eric Bryson)

- a. Vendor Claims Report for the Week of January 13, 2014. (Marni Bentley)
- b. Resolution 2014-11 Ordering a Refund of Taxes/Fees/Assessments Paid by Sally Shortridge in the Amount of \$950.29. (Cheryl Green)

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

No public comment was received.

Commissioner Hunthausen moved approval of consent action items a. and b., as presented.

Commissioner Good Geise seconded the motion. The motion carried 2-0.

Resolution 2014-10 Approving the Use of Additional Polling Places in Existing Precincts.  
(Paulette DeHart)

Paulette DeHart, Treasurer, Clerk and Recorder, presented Resolution 2014-10 Approving the Use of Additional Polling Places in Existing Precincts. Affected areas of the county were Precincts 33 and 16.

No public comment was received.

Commissioner Hunthausen moved approval of Resolution 2014-10 Approving the Use of Additional Polling Places in Existing Precincts, as presented.

Commissioner Good Geise seconded the motion. The motion carried 2-0.

Professional Services Contract between Lewis and Clark County and Paul M. Putz Historic Preservation Works LLC. (Pam Attardo) (George Theborge) The Commissioners will consider the contract an amount not to exceed \$3,500 for heritage preservation and development services for the period Jan. 20, 2014 – June 30, 2014.

George Theborge, Planning Director, in Pam Attardo's absence, presented the Professional Services Contract between the County and Paul M. Putz Historic Preservation Works LLC to continue work on the County Clerk and Recorder's map digitizing project, in an amount not to exceed \$3,500 for the period Jan. 20 – June 30, 2014.

No public comment was received.

Commissioner Hunthausen moved approval of the Professional Services Contract between Lewis and Clark County and Paul M. Putz Historic Preservation Works LLC, as presented.

Commissioner Good Geise seconded the motion. The motion carried 2-0.

Amendment to General Contractor/Construction Manager Guaranteed Maximum Price Contract between Lewis & Clark County and Dick Anderson Construction. (Kyle Thomas) The Commissioners will consider the contract amendment for the CHC-Clinic Remodel HRSA Grant No. C8ACS23709 in the amount of \$4,441,920.15 covering the period Jan. 16, 2014 – March 31, 2015.

Kyle Thomas, Ast. Public Works Director, reported on the Amendment to General Contractor/Construction Manager Guaranteed Maximum Price Contract between the County and Dick

Anderson Construction for the CHC-Clinic Remodel Project in the amount of \$4,441,920.15. The contract period runs Jan. 16, 2014 – March 31, 2015. The project will add approximately 10,000 sq. ft. and renovate approximately 11,500 sq. ft. of the existing Clinic located at 1930 9<sup>th</sup> Avenue, Helena. Project groundbreaking was held January 13, 2014, and demolition began yesterday. Staff recommended approval of the contract and authorization for the Chair to sign all applicable documents. The contract was contingent on final approval and acceptance from the federal funding authority/project manager at HRSA.

No public comment was received.

Commissioner Hunthausen moved to approve and sign the General Contractor/Construction Manager Contract Amendment with Dick Anderson Construction Inc. in the amount of \$4,441,920.15 for the construction and remodel of the County Health Clinic building and name Public Works as the owner's representative in the process. The CHC would remain open and operational throughout the entire process

Commissioner Good Geise seconded the motion.

Discussion –

Commissioner Hunthausen recognized Senator Baucus and Staff for their assistance in securing the \$5 million grant to fund remodel of the CHC, and thanked Health Dept. Staff and patients for their willingness to persevere through the disruption and relocation resulting from the construction remodel project.

Commissioner Good Geise also extended gratitude to Senator Baucus, noting without his assistance the remodel project would not have been possible, and encouraged the public to avail themselves of the services provided by the CHC.

The motion carried 2-0.

Public Hearing. Zoning Variance Request. (Applicant: Alex Schroader) (Planner: Lindsay A. Morgan) The Commission will consider a variance request from the R-2A regulations of Special Zoning District No. 33, to allow for an existing house and garage located at 985 Mallard Court (Skyview Subdivision), to continue encroaching into the setbacks from the east and west property boundaries. In addition, the Commission will receive any associated public testimony related to the request.

Lindsay Morgan, Planner, noted the Planning and Zoning Commission held a public hearing January 15, 2014, to consider a request for two variances from the R-2A regulations of Special Zoning District No. 33 for a property located in Lot 10, Block 10 of Phase IV-B of the Skyview Subdivision (COS#3066587) in the NE ¼ of Sec. 7, T11N, R3W, P.M.M., Lewis & Clark County, also known as 985 Mallard Court. The applicant purchased the property in October 2004, following construction of the single-family dwelling in 2004; the garage was built in 2010.

Variance request number one was for a 2-foot variance from the setback requirements for the existing house eave to that it may continue encroaching 1.8 feet into the 8-foot side-yard setback from the west property boundary.

Variance request number two was for a 6-foot variance from the setback requirements for the existing, two-car garage and its eave, so that together, they may continue encroaching 5.5 feet into the 8-foot side-yard setback from the east property boundary.

No comments were received from adjacent property owners. The West Valley Volunteer Fire District Chief stated his strong opposition to both variances, stating properties were already too close together and approving the encroachments would make it even more difficult to contain a potential fire from spreading.

The Planning and Zoning Commission evaluated both variance requests using the following two criteria: 1) A literal enforcement of the zoning regulations will result in an unnecessary hardship to the Applicant, (passed 7-0); and 2) The variance is not contrary to the public interest, (passed 6-1). Planning Staff provided three options for Commission consideration and action.

Public hearing –

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

Commissioner Hunthausen moved to bring the record from the Planning and Zoning Commission meeting of January 15, 2014, forward into today's record.

Commissioner Good Geise seconded the motion. The motion carried 2-0.

Commissioner Hunthausen moved to postpone the decision until the January 21, 2014, public meeting.

Commissioner Good Geise seconded the motion. The motion carried 2-0.

Lewis & Clark County DUI Task Force Annual Report for Fiscal Year 2013. (Patrick McDuffie, Jayson Zander, Tracie Kiesel) The Commission will consider the annual report presentation.

Deputy Patrick McDuffie with the Lewis & Clark County Sheriff's Office, and also Chairman for the DUI Task Force, Sgt. Jason Zander, Helena Police Dept. and also co-Chair of the DUI Task Force, Sgt. Jay Nelson, MT Highway Patrol, and Task Force member, and Tracie Kiesel, DUI Task Force secretary, were introduced and welcomed.

Deputy Patrick McDuffie stated the goal of the Lewis & Clark DUI Task Force was: To assist law enforcement with investigating, arresting impaired driving offenses; to provide training and equipment; and also to educate the public on the problem with impaired driving. A variety of strategies were employed to educate the public, including the "domino strategy." The Helena Police Department, Lewis & Clark County Sheriff's Office, and Montana Highway Patrol for the County received \$5,000 annually and the East Helena Police Dept. received \$1,000 annually to provide extra patrols and equipment needed to effectively investigate DUI's.

Tracie Kiesel delivered an in-depth review of the FY 2013 Annual Report, including DUI and other alcohol related violation statistics for calendar year 2012, DUI Task Force activities, and ongoing challenges.

Commissioner Hunthausen suggested the team of presenters post their information on the webpage and take the presentation to venues such as Home Town Helena or to other service groups in the area.

Commissioner Hunthausen moved acceptance and approval of the Lewis & Clark County DUI Task Force Annual Report, as presented.

Commissioner Good Geise seconded the motion.

Discussion –

Commissioner Good Geise commended the DUI Task Force members for their efforts to change the hearts and minds of people in Lewis & Clark County related to drinking and driving, and addressed the “Train the Trainer” program that provides training in outlying areas for people who either sell or serve alcohol.

No public comment was received. The motion carried 2-0.

Memorandum of Agreement Between Lewis and Clark County and Lewis & Clark County Sheriff Employees’ Association. (Fred Rice) The Commissioners will consider the memorandum of agreement.

Fred Rice, Human Resources Director, presented the Memorandum of Agreement between the County and Sheriff Employees’ Association, establishing a Labor Management Committee.

No public comment was received.

Commissioner Hunthausen moved approval of the Memorandum of Agreement Between Lewis and Clark County and the Lewis and Clark County Sheriff Employees’ Association, as presented.

Commissioner Good Geise 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 further business and the meeting adjourned at 11:00 a.m.

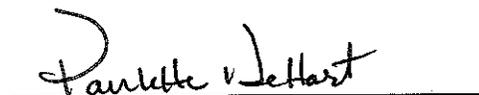
LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
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Susan Good Geise, Chair

  
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Andy Hunthausen

  
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Mike Murray

ATTEST:

  
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Paulette DeHart, Clerk of the Board