

**PUBLIC MEETING  
JANUARY 28, 2014  
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, January 28, 2014, at 9 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 9 a.m.

Commissioner Andy Hunthausen and Commissioner Mike Murray were present. Others attending all or a portion of the meeting included Eric Bryson, George Theborge, Katie Jerstad, Frank Rives, Lindsay Morgan, Bob Fusie, Mike Gurnett, Greg Pace, Phil Porrini, Keith Hatch, Jim Cottrill, Dean Retz, Pam Attardo, Jack Walsh, Nancy Everson, Allen Cormany, Rick Hays, Joyce Evans, Jon Satre, Elaine Marcielle, Steve Krause, Jim Erickson, Steve Tennant, Mark Menke, Scott McHugh, Tom Glendenning, Bob Anez, Donna Barer, Kevin Tenney, Linda Lubke, Tatelynne Waddell and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

a. Public Meeting Minutes for Jan. 9 & Jan. 14, 2014. (Rita Cortright)

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

No public comment was received.

Commissioner Murray moved approval of the consent action item a.

Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Ground Lease and Easement Agreement Between Wirth Ranch Company, LLC, Lewis and Clark County and Montana Dept. of Justice, Highway Patrol. (Eric Bryson) A tract of land 50x50 feet presently utilized as a Communications Site, located in the NW ¼ of Sec. 3, T14 N, R4W, located on a ridge near the existing Western Wireless site. Lease term: Oct. 1, 2013 – Sept. 30, 2018. Base Rent: \$9,460.00/year.

Eric Bryson presented the draft Ground Lease and Easement Agreement between Wirth Ranch Company, the County, and MT Dept. of Justice, Highway Patrol for an existing infrastructure utilized by County Emergency Services and Response staff, negotiated by the Highway Patrol. The Sheriff had stated comfort with the proposed lease of \$9,460 per year, and the appropriate escalation price for the next five years; the costs are shared by the Highway Patrol and Sheriff's Office. Staff recommended approval of the lease and agreement.

No public comment was received.

Commissioner Hunthausen moved approval of the Ground Lease and Easement Agreement between the Wirth Ranch Company LLC, Lewis and Clark County and the Montana Dept. of Justice, Highway Patrol, as presented.

Commissioner Murray seconded the motion. The motion carried 3-0.

Public Hearing. Proposed Variance Request for the Tryan Lot 1A Amended Minor Subdivision. (Applicant: David Anaya) (Planner: Frank Rives) The applicant requests a variance from Ch. XI.1.2 and Appendix J.3.5 of the Lewis and Clark County Subdivision Regulations to allow a second approach to the property for access to a barn and agricultural improvements. Proposed access is  $\frac{3}{4}$  of a mile east of the Frontage Road and north of Munger Road, adjacent to Buoy Blvd. The Subdivision is located in the SW  $\frac{1}{4}$  of Sec. 4, T10N, R3W, P.M.M. Lewis & Clark County. (Tabled from 1/21/2014.) Decision.

Frank Rives, Planner, on behalf of the Applicants David and Terri Anaya, presented a Proposed Variance Request for the Tryan Lot 1A Amended Minor Subdivision, tabled from Jan. 21, 2014, to today's agenda for a decision. The third approach was requested to provide field access and avoid crossing their septic system. Staff's memo of January 24, 2014, provided both a draft motion and condition for Commission consideration; the applicants had confirmed their comfort with the Condition and its requirements via Mr. Rives.

No public comment was received.

Commissioner Hunthausen moved approval of the Variance from Chapter XI.1.2 and Appendix J.3.5 to grant a third approach to Buoy Boulevard, subject to the applicants receiving approval from the County Public Works for the requested approach and the existing agricultural approach, and that installation and proper drainage for the two approaches are in accordance with the approved approach permits, and the Condition, as recommended by Staff.

Commissioner Murray seconded the motion.

Discussion –

Commissioner Hunthausen stated his reasons for supporting the variance request: the variance will not create any public health or safety issues; and there was a hardship to the owner if not approved. There was no public cost incurred and approval would not place the subdivision out of compliance with adopted Chapter XI. Zoning Regulations.

Commissioner Murray stated his support, noting the variance allowed access for hay from the applicant's hayfield to be hauled and stored in their barn without crossing the drainfield. The Condition included in the motion provided for review and approval of the approach permits by the County Road Dept.

Commissioner Good Geise requested the record reflect that the third access would enhance fire protection capabilities in the area.

The motion carried 3-0.

Proposed Part I Special Zoning District. (Planner: Lindsay A. Morgan) Lewis & Clark County received a petition to create boundaries for a proposed zoning district to be located north of Fantasy road, east of Collins Drive, south of Snowdrift Road, and west of Ferry Drive in the NE Helena Valley. On Dec. 19, 2013, the Commission approved creation of the boundaries as petitioned, subject to a 30-day protest period. That 30-day protest period has ended. The Commissioners will consider adopting Resolution 2014-13 to establish boundaries for the proposed District. If the resolution is adopted, the Commissioners will also consider whether to appoint the existing Planning and Zoning Commission or a new Planning and Zoning Commission to administer the zoning.

Lindsay Morgan, Planner, presented the landowners' petition to the Commission to create a Part I Special Zoning District of approx. 644 acres, bounded by Fantasy Road, Collins Drive, Snowdrift and Ferry Drive. Sec. 76-2-101, MCA, required a minimum of 60 percent of affected landowners; approx. 61 percent had signed the petition. Public meetings had been held on Dec. 17 and 19, 2014, regarding creation of the district boundaries. On Dec. 19, the Commission voted unanimously to create the district boundaries as proposed by the petition, initiating a 30-day protest period. During the protest period 20 protests were received; 3 were later withdrawn. Landowners representing 47 percent of the titled property ownership within the district protested establishment of the district; a minimum of 50 percent was required to successfully protest establishment of the district. The Commission now had the option of adopting a Resolution to Establish District Boundaries, and either create a Planning and Zoning Commission with citizen representation from the new district or appoint the current Planning and Zoning Commission to administer the new district. The Commission also had the option of directing Staff to move forward with Steps 2 and 3 of the Part I Zoning Process; Step 2 being the adoption of a neighborhood or development plan, and Step 3 being adoption regulations for implementing either a neighborhood or development plan. Adopting the draft Resolution would also direct Staff to move forward with Steps 2 and 3. Public input from residents of the district would be equally considered in developing the neighborhood or development plan.

Public comment –

Steve Krause, 18 Kurt Allen Court, Helena, property owner on Snowdrift with Covenants that allowed subdivision to 5-acre parcels, said the proposed Resolution was regressive and would deny landowners the ability to subdivide into 5-acre parcels. He urged denial of creation of the district boundaries based on what he saw as four significant defaults; therefore, the original petition was invalid as it did not meet the 60 percent requirement for landowner signatures.

Steve Tennant, 2376 Tea Road, Helena, had circulated the protest petition. He noted difficulty with identifying and obtaining signatures of property owners in the area and supported the current Covenants that allowed for subdividing into 5-acre parcels.

Joyce Evans, 2276 Tea Road, had circulated the original petition supporting zoning and obtained addresses through the Clerk & Recorder's Office; possibly some were incorrect. She expressed concern that inaccurate information has circulated regarding "permissible uses." Her intention was to retain 20-acre parcels, 25-foot setbacks from boundaries and 25-foot building heights. Current uses would be grandfathered and she urged support for the Zoning District.

Lindsay Morgan stated that all petition signatures had been verified and the original petition did not require a date; however, protest petition signatures required a date. Legal Staff was consulted regarding two properties on the petition that had an incorrect property address; it was determined that both property owners were landowners in the District and could be counted. Each person that owns property was considered individually as a landowner in the district; therefore, all owners of a piece of property were not required to sign the original petition.

Commissioner Good Geise clarified that by approving the Resolution today, Steps 2 and 3 would be set into motion. Step 2 would allow ample time for formation of a development or neighborhood plan by district landowners.

Commissioner Murray moved to render a final decision on the Zoning District on Thursday, January 30, 2014, at the regularly scheduled public meeting.

Commissioner Hunthausen seconded the motion. The motion carried 3-0.

## 5-Minute Break.

### Acceptance of Recommendation from Fair Board on Fairgrounds Plan. (Eric Bryson)

The Commissioners will consider the recommendation.

Keith Hatch, 6185 Glass Drive, Fairgrounds Manager, delivered a brief history on the Exhibit Hall and Entry Hall opened in November 2008, and the growth in revenues resulting from use of the new facilities. Data showed an increase from 200 day uses to more than 650 day uses, resulting in customers not being given their preferred event dates and times. Staff did not support raising rates and serving only those who could afford dramatic price increases. Fairgrounds Staff shared and discussed their data with the Fair Board in the fall of 2012. A tabloid was displayed, recounting the past 10 years of Fairgrounds history, that had been published in the Jan. 15, 2014, *Independent Record*. The purpose of today's meeting was to discuss the future of the Fairgrounds.

Bob Fusie, 108 Jefferson Street, Helena, and Chair of the Fairgrounds Footprint Committee, had been tasked by Fair Board Chairman Jim Cottrill to begin an evaluation of the 160-acre Fairgrounds and report findings by Dec. 31, 2013. The committee's research took them to 5 western states and 15 fairgrounds. Mr. Fusie presented and reviewed a 42-page PowerPoint presentation on the Fairgrounds, including revenue comparisons, current events, the condition, use and proposed improvements to existing buildings, grounds and parking areas, and proposed new facilities and trail construction. Estimates and detailed plans for each recommendation were included. The Committee identified the advantages of a reduced, permanent mill levy as the best method of funding \$17 million in future improvements. A 6.5 mill levy would result in a \$9 annual increase on a house valued at \$100,000. Mr. Fusie projected an increase in events from 600 to 723, taking the attendance population from 153,000 to 300,000 annually, and generating \$39,304,725 in annual revenue as a result of the proposed improvements contained in the Fairgrounds Plan.

Jim Cottrill, 1912 E. 6<sup>th</sup> Avenue, Helena, Chairman of the Fair Board, recognized Mr. Fusie for doing an admirable job as Chairman of the Footprint Committee. He stated the need for a Fairgrounds Plan that would ensure viability into the future, citing 10% of the 160-acre Fairgrounds was currently being utilized. Today's plan was the culmination of two years of work, where every possibility had been discussed with public input. Mr. Cottrill provided a history of his experience with the Fairgrounds dating back to 1949, including past and current uses, and the need for facility upgrades to keep the Fairgrounds competitive and available for booking by a wide variety of event promoters. On behalf of the Fair Board, he thanked the Commission and Eric Bryson for their work and support and offered to answer questions.

#### Public comment –

Doug Tapper, 6050 Willow Creek Road, Helena, noted the improvements made to the Fairgrounds in the past 8 years, and supported future improvements; however, he did not support the permanent levy and requested the Commission consider alternative funding before establishing the permanent levy or raising taxes.

Tatelynne Waddell, 3425 Vienna Drive, East Helena, 8-year member of 4-H, supported building a dirt-floor arena, noting the Multi-Purpose Building was too small to accommodate the standard pattern for barrel racing.

Elaine Marcielle, 2111 Winne Ave., Helena Building Industry Association Executive Officer, cited their use of the Exhibit Hall since 2009 for the annual Homebuilders Show, an event that draws

attendees from many surrounding communities who spend on average \$130 per day in the Helena community. The HBIA supported placing the mill levy on the ballot.

Tom Glendenning, 4250 Wolverine Drive, Helena, commended the Fair Board on past improvements and supported placing the levy on the ballot; however, he voiced strong personal opposition to a permanent levy, fearing taxpayers would have limited access and input in the future. The Fairgrounds permanent maintenance bond generated about \$400,000 annually, and use fees about \$900,000 in income, for a total of \$1.3 million annually. The potential \$41 million school bond and \$24 - \$40 million jail facility were noted.

Pam Attardo, 433 Clarke Street, Historic Preservation Officer for Helena and L&C County, supported the Fairgrounds Plan as a sensible progression for improvement, noting additional amenities would increase revenues and allow the Fairgrounds to better serve the community by offering a range of affordable venues. She expressed support for the mill levy.

Mike Gurnett, 1200 University, Helena, volunteer Chairman of the Last Chance Stampede Rodeo Committee, stated the Committee's enthusiasm for the economic opportunities resulting from the Fairgrounds Plan, and pledged support for the mill levy ballot.

Phil Porrini, 1221 Le Grande Cannon, member of the Fairgrounds Footprint Committee, urged support for placing the mill levy on the ballot.

Rick Pyfer, 534 Diehl Drive, Helena, expressed appreciation for the work of the Fair Board in completing improvements over the past several years. He supported the Fairgrounds Plan, stating the improvements would pay for themselves in increased revenues, and with proper management, the interests of the taxpayer would be protected.

Donna Barer, 301 N. Park Avenue, Helena, a Great Falls native who recently relocated to Helena, acknowledged the Fair Board and Footprint Committee for their expertise in developing the Fairgrounds Plan, and for being proactive and providing vision. She supported placing the levy on the ballot and pledged her support.

Mark Menke, 1122 Garfield, Helena, noted his involvement in developing the Fairgrounds Plan. His background was in finance, and he stated the plan was financially on solid ground. He supported placing the levy on the ballot and intended to vote in support.

John Satre, 2028 Le Grande Cannon Blvd., Helena, thanked the Fair Board and Footprint Committee for their work, stating it was an excellent plan and he fully supported the method of financing.

Rick Hays, 504 Dearborn, Helena, supported the Fairgrounds Plan, based on two things; pride in the past investments made at the Fairgrounds; and a proven track record of delivering on their promises. He hoped the additional tax burden could be offset by improvements and growth in the community.

Allen Cormany, 3759 Travertine Way, Helena, member of the Footprint Committee, supported placing the levy on the ballot and letting the voters decide. His observation of other fairgrounds was that they were only utilized one month of the year; this Plan would allow the Fairgrounds to be utilized year round, maximizing the return for county taxpayers.

The public comment was closed.

Discussion –

Commissioner Murray asked if there was a plan in place to provide progress reports to the community on implementation of the Fairgrounds Plan.

Bob Fusie said the Fair Board's monthly meetings were open to the public, and annual status reports would be provided upon request by the Commission.

Commissioner Good Geise asked Nancy Everson, Financial Officer, to come prepared at the next meeting to address questions related to the permanent levy and early pay off options.

Commissioner Hunthausen moved to direct Staff to prepare a resolution in regard to the Fairgrounds Plan prepared by the Fair Board and Footprint Committee, and that we hold a hearing on that resolution on February 18, 2014, at the regularly scheduled public meeting.

Commissioner Murray seconded the motion.

Discussion --

Commissioner Good Geise stated her intention to present amendments addressing benefits of having the facility in Helena, for people living in more remote parts of the County, and to request additional Commission oversight of implementation of the Fairgrounds Plan and Mill Levy.

The motion carried 3-0.

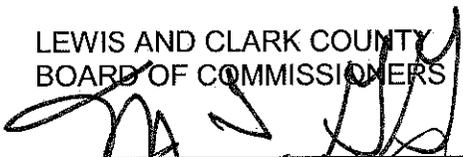
Unexploded Ordinance Presentation and Briefing. (Sundi West, UXO Program, Fort Harrison.)  
The Commissioners will be presented with an update.

Commissioner Good Geise stated that Sundi West, presenter, was stranded in Glendive; therefore the presentation would be rescheduled.

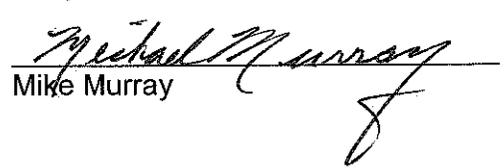
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no further business and the meeting adjourned at 10:59 a.m.

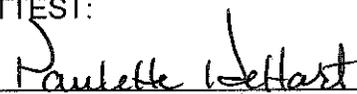
LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Susan Good Geise, Chair

  
\_\_\_\_\_  
Andy Hunthausen

  
\_\_\_\_\_  
Mike Murray

ATTEST:

  
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Paulette DeHart, Clerk of the Board