

**PUBLIC MEETING  
FEBRUARY 18, 2014  
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, February 18, 2014, at 9 a.m. in Commission Chambers Room 330 of the City-County Building, 316 North Park Avenue, Helena, Montana.

Chairman 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, K. Paul Stahl, Keith Hatch, Carrie Hahn, Nancy Everson, Jim Wilbur, Keith Hatch, Bob Fusie, Greg Pace, Jack Walsh, Donna Barer, Allen Cormany, Mike Fasbender, Jim Cottrill, Joe Dooling, Tom Bourns, Tom Glendenning, Jim Campbell, Mark Annas, Stacy and Carter Sommer, Sundi West, Tara Chaffee, Megan Burns, Mark Menke, Sally Nyland, and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

a. Commission Assignments - 2014. (Eric Bryson)

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

No public comment was received.

Commissioner Murray moved approval of consent action item 2.a.

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

Modification 1 to Contract No. 212062 between Lewis and Clark County Water Quality Protection District and Montana Dept. of Environmental Quality. (Jim Wilbur) The Commissioners will consider the modification extending the contract period one year to June 30, 2015.

Jim Wilbur, Water Quality District Coordinator, reported on Modification 1 to Contract No. 212062 that provided grant funding to the WQPD to conduct the Helena Valley Non-point Source Assessment project. Goals of the project included characterizing nutrient loading and water quality impacts from agriculture and septic systems in residential areas in order to develop appropriate best management practices to reduce non-point nutrient loading to water resources. The modification extended the contract period to June 30, 2015.

No public comment was received.

Commissioner Hunthausen moved approval of Modification 1 to contract No. 2122062 between Lewis and Clark County Water Quality Protection District and Montana Dept. of Environmental Quality, as presented.

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

Resolution 2014-19 to Increase the Number of Members and Establish Board Terms for the Weed District Board. (Larry Hoffman) The Commissioner will consider the resolution.



Larry Hoffman, Weed District Coordinator, presented Resolution 2014-19 to Increase the Number of Members and Establish Board Terms for the Weed District Board. The current board of 7 members would increase to 8, with appointment terms beginning January 1.

No public comment was received.

Commissioner Murray moved approval of Resolution 2014-19, a Resolution to Increase the Number of Members and Establish Board Terms for the Weed District Board.

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

Public Hearing. Proposed Subsequent Minor Subdivision to be known as the Amended Plat of Lot 2B - Bleskin Subdivision. (Applicant: Monte and Julie Weeden) (Planner: Lindsay A. Morgan) The Commissioners will consider an amendment to the plat (removal of 400-foot building line setback from Holter Lake) and the removal of four restrictive covenants (Nos. 4, 7, 9, and 15) placed on the property located west of and adjacent to Beartooth Road, directly across from the entrance to Old Doc Road. In addition, the Commissioners will consider three variance requests from the requirements of Chapter XI.C.5. Building sites are prohibited on slopes greater than 30%; Chapter XI.W.3.a.i. Structures and uses prohibited under the setback and buffer standards: any type of building and accessory structure related to residential uses; and Chapter XI.W.3c. The buffer is required on 75% of the linear footage along the affected water body. In addition, the Commissioners will receive any associated public testimony related to the proposed amendments to the plat and covenants, and all three variance requests. (Cont'd. from 12/17/13 and 2/11/14-Canx Meeting.)

George Theborge, Director of Community Dev. and Planning, noted concerns were raised on Dec. 17, 2013, when this application was before the Commission for amendment. The applicant contacted the State DNRC and the Army Corps of Engineers for input; both had strong concerns related to the proposal. An on-site visit resulted in the applicant's request to withdraw their application to allow for drafting a new plan that addressed concerns of the outside agencies.

No public comment was received. The application was withdrawn.

Draft Resolution Calling for an Election on Permanent Funding for the Lewis and Clark County Fairgrounds. (Eric Bryson) The Commissioner will consider the draft resolution.

Eric Bryson. Presented the Draft Resolution Calling for an Election on Permanent Funding for the County Fairgrounds that contained sample ballot language. Under the Commission's annual budget adoption procedure the Fair Board would present their budget for the Fairgrounds, which would be wrapped into the County's budget. If the draft resolution was adopted by the Commission and the voters approved of the permanent levy, execution of the levy amount would be determined annually by the Commission.

5- Minute Break to make and distribute copies of the draft resolution to the audience.

Commissioner Good Geise reconvened the meeting and stated her intention to present two amendments to the resolution: 1) A request that 10% of the total revenues generated by the fairgrounds levy from taxpayers living 25 miles or more from Helena would be set aside to benefit residents of Lincoln, Augusta and Wolf Creek in utilizing the Fairgrounds; and 2) A request that the Fair Board provide an annual report to the Commission at a publicly scheduled meeting detailing expenditures and intended uses of revenues generated by the mill levy.

Bob Fusie, Chairman of the Fairgrounds Footprint Committee, was called on to provide an overview of his presentation of the Fairgrounds Plan on January 28, 2014, and to respond to Commissioner Good Geise's suggested amendments to the resolution. The Plan, developed over 13 months through 90 public gatherings, called for \$17,600,000 for the construction of an 80,000 sq. ft. dirt floor arena, a 100-stall horse barn, a hard surfaced parking area on the West Parking Lot, remodeling the 24,000 sq. ft. Multi-Purpose Building, completing the clean-up that included placing power and irrigation services underground, remodeling the Picnic Park Playground area, expanding the Promenade and adding a 2-mile trail throughout the grounds. Projections called for 25 years to pay off the cost of improvements. Doubling the attendance through improvements was projected by the University of Montana to generate \$39 million in revenue. The proposal called for cutting the current mill levy from 8.18 and establishing a permanent 6.5 mill levy. The Fair Board had invested \$60,000 in improvements this past year through their foundation. Mr. Fusie supported the amendment requiring an annual report; however he declined to address the 10% revenue set aside issue.

#### Discussion –

Commissioner Hunthausen noted the increased operating costs associated with expanded facilities and asked Mr. Fusie to address the benefits of a permanent levy.

Bob Fusie stated the permanent 6.5 mill levy would reduce the tax burden on the public and eliminate the need for any future mill levies for the Fairgrounds.

#### Public comment –

Tom Bourns, 2108 East Broadway St., Helena, noted the meeting time was not included in the public notice. He expressed skepticism with the projected \$37 million in revenue against the \$17 million in costs, and asked for assurances that once construction was completed, additional funds would not be required for ongoing operational costs.

Joe Dooling, 3165 York Road, Helena, the Fair Board member tasked with researching for a new arena. The proposal was for an 80,000 sq. ft. arena with seating for 3,000 spectators at a projected cost of \$8 million; air conditioned, heated, bathrooms and concessions. The parking lot proposal was an additional \$1 million. The current Multi-Purpose building was no longer adequate for events such as the Last Chance Stampede; safety was a main concern. Three arenas, one in Kalispell and two in Wyoming, had been toured in an effort to determine the safest, most diverse, cost-effective arena design. The proposed 6.5 mill levy would bring Lewis & Clark County in line with mills in Yellowstone and Gallatin counties.

Tom Glendenning, 4250 Wolverine Drive, Helena, was opposed a permanent mill levy, but supported the request for an annual report from the Fair Board. County taxpayers could be faced with a \$100 million bond for schools and a \$20-\$50 million bond for a new jail; people needed to prioritize where to spend tax revenues. The current permanent Fairgrounds maintenance mill levy generates \$400,000 annually. The Fair Board was commended on producing an excellent plan for the future.

Mark Annas, 2520 Teakwood Lane, Helena, applauded the efforts of the Fair Board; however, stated that placing a permanent mill levy before the voters was premature. He questioned the use of the dirt-floor arena for sporting events such as soccer, and cited research that provided ballpark estimates for a similarly sized arena at a cost of \$1.3 million, compared to the proposed \$10 million cost. He did not see how the general public would benefit equally with groups that

currently utilize the Fairgrounds and as a taxpayer, wanted to see how the \$39 million revenue projection was developed. He did not want to see the proposed trail system and picnic area improvements cut in an effort to reduce costs, as they were the least expensive and would benefit the most citizens. He also questioned why the principle of funding equity was not being considered.

Stacy Sommer and son Carter, 3306 Tizer, Helena, spoke about the playground project, stating the current playground did not meet accessibility standards. This was an opportunity to build a "destination" playground, accessible to children, as well as adults, that would draw visitors from other communities and enhance tourism revenue in Helena.

Greg Pace, 902 Tara Court, Helena, Fair Board member, reviewed the proposed list of needed improvements; however, the new arena would actually generate the most revenue. The funding request would jump-start the process. Research from other communities substantiated that a dirt-floor arena would serve well for many types of events, not just equestrian uses.

Jim Campbell, 18 S. Harrison Ave., Helena, requested denying the resolution based on the expected mill levy requests for schools and the jail, and the possible loss of \$2 million of PILT funds. The Fair Board and Footprint Committee were commended for doing a terrific job of developing the Fairgrounds Plan. Issuing revenue bonds to cover improvements was suggested.

Charles Smith, 3992 Fawn Meadow Drive, Helena, at large member of the Fair Board, said the decision on the future of the Fairgrounds rested with the citizens of Lewis & Clark County. He urged support of the resolution.

Jim Cottrill, 1912 E. 6<sup>th</sup> Ave., Helena, Chairman of the Fair Board, thanked the Commission for their commitment and support over the past 2-3 years as the Fairgrounds Plan was developed. Many of the annual events hosted at the Fairgrounds were noted; a new dirt-floor arena would be compatible with past uses. The present Multi-Purpose building, constructed in 1959, was now too small; the Exhibition Hall was booked almost every weekend. Upgrades were needed on the playground and picnic area. The current rodeo arena and covered grandstands was one of the best in the Northwest. The Fairgrounds' publication, "A Promise Made," was referenced. Mr. Cottrill said if provided the mill levy authority, the Fair Board would be accountable to the Commission, resulting in one of the finest Fairgrounds in the Northwest.

The public hearing was closed.

Discussion –

Commissioner Hunthausen asked Mr. Fusie to clarify that the \$39 million was economic impact to the community, and not revenue generated by the Fairgrounds.

Bob Fusie stated the bottom line was the new structures would bring in every year another \$830,000 into the revenues of the Fairgrounds.

Keith Hatch, Fairgrounds Manager, 6185 Glass Drive, Helena, addressed the level of use, the need and how the requests for space and dates for Fairgrounds events was being handled. June – August was not prime rental time; the remainder of the year's weekends were booked at capacity. Renovation of the Multi-Purpose Building for smaller events would free up 30 event days in the Exhibit Hall. College rodeo and other equine events were no longer booked at the Fairgrounds due to insufficient stall space. It would require time to promote and book additional

events such as sporting events, banquets, and concerts in a new dirt-floor arena, but could be accomplished in a relatively short timeframe. New buildings would result in increased operations costs, but increased bookings would cover most of the costs; however, ongoing public support would be required to operate the 160-acre facility.

Commissioner Hunthausen moved to take public comments and testimony under advisement and render a decision Thursday, Feb. 20, at the regularly scheduled meeting.

Commissioner Murray seconded the motion.

Discussion –

Commissioner Murray stated that if the Resolution passed placing the mill levy to a vote and the voters approved the fairgrounds mill levy, the mill levy could not go up without a vote of the people.

The motion carried 3-0.

5-Minute break.

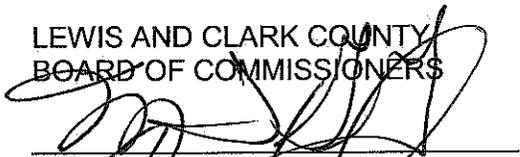
Unexploded Ordinance Presentation and Briefing. (Sundi West, UXO Program, Fort Harrison.)  
The Commissioners will be presented with an update.

Sundi West, UXO Program Manager, MTARNG, presented a briefing on the remediation work on 11 sites in the North Helena Valley, Scratchgravel Hills and Fort Harrison. Since 1997, over 4,000 acres in the North Hills and Helena Valley had been surveyed; over 160 UXO items recovered at a cost of \$20 million, with no injuries or fatalities. Approximately 1,000 acres remained to be searched.

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 11:02 a.m.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Susan Good Geise, Chair

  
Andy Hunthausen

  
Mike Murray

ATTEST:

  
Paulette DeHart, Clerk of the Board