

**PUBLIC MEETING  
SEPTEMBER 2, 2014  
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, September 2, 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, Michele Peterson-Cook, Curt Chisholm, Connie Cole, Sumner Sharpe, Helen Fandrich, Brian Johnson, Pam Attardo, Debbie Havens, K. Paul Stahl, Chet French, Dean Retz, Malissa Williams, Helen Amundson, Frank Rives, Matt Heimel, Marsha Davis, Nancy Everson, Dan Tunison, Alan Smith, Al Knauber, Andy Baur, Andrea Silverman, Nichole Nisbet, and Misty Edwards Recording Secretary.

Pledge of Allegiance. Everyone recited the pledge.

Proclamation Declaring September 3, 2014 as Curt Chisholm Day.

The Commissioners will consider the proclamation.

Commissioner Hunthausen read the proclamation honoring Curt Chisholm for his work at Rocky Mountain Development Council.

Public Comment –

Brian Johnson, Executive Director of United Way, stated that Curt Chisholm has been a big mentor to him during his time in Helena.

Consent Action Items. (Eric Bryson)

No consent items.

Agreement Number MT-14-SP-027 between Lewis and Clark County and Montana State Historic Preservation Office in the amount of \$5,000. (Pam Attardo)

The Commissioners will consider the agreement in the amount of \$5,000 for metal conservation of the Archie Bray brick kilns. The agreement is effective August 1, 2014 through August 1, 2015.

Pam Attardo, Historic Preservation Officer, presented the grant with Montana State Historic Preservation Office in the amount of \$5,000. The grant will assist with the conservation of metals at the Archie Bray site kilns. The kilns are unique in that they are in the best shape of any kilns in the entire nation. The grant money will be used to secure an additional \$5,000 from the National Trust for Historic Preservation.

No public comment was received.

Commissioner Murray moved approval of Agreement Number MT-14-SP-027 in the amount of \$5,000.

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

Scope of Requested Services with Community Link Consulting in the amount of \$1,540.

(Malissa Williams)

The Commissioners will consider the scope of requested services in the amount of \$1,540 for completion of all standard budget and compliance forms.

Malissa Williams, Finance Coordinator at CHC, presented the annual statement of work with Community Link Consulting. CHC federal grant revenue is approximately 30% of their total revenue every year depending on the year so it is critical that this federal grant is maintained. One of the requirements to retain this grant is the annual statement of work and compliance forms and Community Link provides the service to complete the statement and forms.

No public comment was received.

Commissioner Hunthausen moved approval of the scope of requested services with Community Link Consulting.

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

Lewis and Clark County Levies for Schools 2014-2015. (Marsha Davis)

The Commissioners will consider adopting the levies for Fiscal Year 2015.

Dr. Marsha Davis, County School Superintendent, presented the school levies for the 2014-15 school year. Dr. Davis reported that school districts in the county have adopted their budgets for the upcoming school year and that state statute requires that County levies be presented to the Commission for review and approval. The county wide levy breakdown is as follows: elementary levy 33 mills; elementary retirement 31.93 mills; high school levy 22 mills; school transportation 4.88 mills; high school retirement 15.64 mills for a total of 107.45 mills. This total is less than last year even though the total taxable value has been reduced.

Dr. Davis added that as a result of the transportation audit that was done a few years ago, all school districts are now required to do background and finger print checks on all bus drivers which has increased the expenses in that line.

Dr. Davis illustrated the trends in actual dollar amounts that school districts require. We do not mill for the actual dollar amount because of various offsets like block grants, ending cash balances in each fund and returns from the state equalization system. For the 2014-15 school year, the elementary retirement fund is going to require \$6,054,148, the high school retirement fund requires \$3,401,167 and the transportation fund will require \$820,531.

Commissioner Murray asked why we are still charged both a Vo-Tech fee and a University fee since the University System assumed responsibility of the Vo-Tech. K. Paul Stahl stated it remains there because having the Vo-Tech in Helena is a convenience for Lewis and Clark County residents. Dr. Davis will research the issue.

No public comment was received.

Commissioner Murray moved to approve the recommended school levies for the 2014-15 year as presented.

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

Public Hearing. Proposed Buildings for Lease or Rent to be Known as Star Court. (Applicant: Chet French) (Planner: Frank W. Rives) The Commissioners will consider a proposed Buildings for Lease or Rent for 8 manufactured homes for 1 single-family dwelling located approximately 620 feet east of the intersection of Star Road and Applegate Drive.

Frank Rives, Planner, presented the Star Court buildings for lease or rent project. This is the first buildings for lease or rent project since the new regulations were adopted. The project is located on Star Road and proposes to place 8 single-family manufactured homes on the 9 acre parcel, with 4 shared domestic wells and 4 shared wastewater systems. The homes will access Star Road from a shared driveway with a cul-de-sac at the end. Star Road does not have any traffic count data but the daily counts would be well below 400 using the 8 to 10 vehicle trips per unit. The proposal would need an approach permit to access Star Road.

The parcel is currently undeveloped with cacti and native bunchgrass. The Weed Department has recommended a weed management plan prior to any development being done on the property. Frank added that he did not detect any noxious weeds during his site visit.

The proposed project is in the West Valley Fire District and the station is located 2.5 miles from the parcel. The nearest fire suppression supply is a fire hydrant located in the Northstar Subdivision, approximately 1 mile away.

There are 5 criteria to consider for a BLR application and those are located on page 2 of the staff report.

Commissioner Hunthausen explained the difference between subdivision statutes and buildings for lease or rent (BLR) statutes and the authority the Commission has over each. State statute does not give the Commission authority to require improvements to roads with a BLR regardless of the impact. The Commission does not have the authority to require for approval from the Fire District for fire suppression or any standard for internal roads with a BLR. BLR applications are subject to a much looser review than a subdivision and are streamlined for a quicker response. Once an application is submitted and deemed complete, the County has 60 days to process and review.

Public Comment –

Dean Retz, applicant's representative, stated that concerns regarding drain fields and wells have been addressed and that any placement of drain fields will be subject to review and approval by the Department of Environmental Quality. Mr. Retz added that the applicant concurs with the weed management plan and will submit the paperwork for the approach permit onto Star Road. He also recommends that condition number 4 be added to include address plaques on all 8 of the residences.

Dan Tunison, 625 Star Road, commented that Star Road is a privately maintained road and he has concerns about more traffic on the road. He also has concerns about fire hydrants. He would also like trees planted on the southern end for sound barriers.

Alan Smith, 676 Star Road, has concerns about the number of wells being added to the area. He is worried that water supply will decrease with an increase in wells and demand. He also asked if the manufactured homes would be placed on permanent foundations.

Mr. Retz replied that Star Road is not a private road, it is a public road and that placing the homes on a permanent foundation is entirely up to the applicant.

Commissioner Murray moved to render a decision at the regular public meeting on Thursday, September 9<sup>th</sup>.

Commissioner Hunthausen seconded the motion. The public hearing has been closed.

The motion to render a decision on September 9, 2014 passed 3-0.

Ten minute recess.

Public Hearing. Johnston Conservation Easement Project. (Matt Heimel)

A request for funding in the amount of \$324,000 from the Open Space Bond Funds has been made for a conservation project on 507 acres to be known as the Johnston Conservation Easement Project. The project site is located approximately 30 miles northwest of Helena and 4 miles west of Sieben on Chevallier Drive.

Matt Heimel, Special Districts Planner, presented the Johnston Conservation Easement Project. The project will place a conservation easement on 507 acres and will allow for one future split of approximately 200 acres. The property is owned by Donald Johnston and the applicant for the project is Prickly Pear Land Trust. Prickly Pear will hold the conservation easement. The property is currently used for traditional ranching and agricultural operations. There will be 3 building envelopes on the property as part of the easement; 2 are currently in place and one future envelope to be agreed upon by the property owner and Prickly Pear Land Trust. The property is adjacent to the Rocking Z Ranch, which has a conservation easement already on it, and the Seiben Ranch. The property has the confluences of Little Prickly Pear Creek and Big Sheep Creek.

Matt added that the application does meet all of the minimum requirements of the Open Lands program. It also meets 4 of the 6 bond objectives listed in the bond measure: conserve working farms and ranches; protect habitat for fish and wildlife; protect water resources and water quality; and, preserve open lands and natural areas.

The Open Lands Citizens Advisory Committee voted 10-0 on August 20<sup>th</sup> to recommend the project to the Commission.

Andrea Silverman, Land Protection Coordinator with Prickly Pear Land Trust, presented the application to the Commission. The property is a significant due to the fact that it is 1 of only 3 ownerships in the Little Prickly Pear valley. Andrea added that the appraised value of the conservation value is \$360,000. The owner proposes to donate 10% of that value for \$36,000 making their request of the Open Space bond money \$324,000.

No public comment was received.

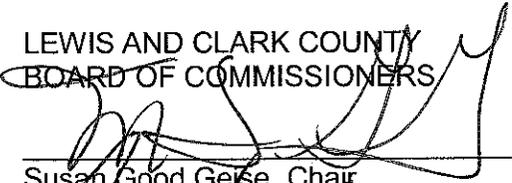
Commissioner Hunthausen moved to open a 30-day public comment period for the Johnston Conservation Easement Project.

Commissioner Murray 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.

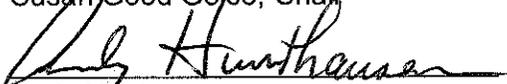
There being no further business, the meeting adjourned at 10:41.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS



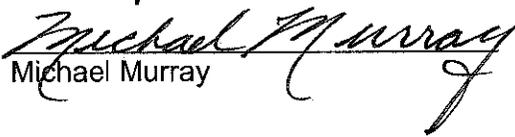
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Susan Good Geise, Chair



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Andy Hunthausen



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Michael Murray

ATTEST:



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Paulette DeHart, Clerk of the Board