

**PUBLIC MEETING  
SEPTEMBER 3, 2013  
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, September 3, 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 a.m. Commissioner Andy Hunthausen and Commissioner Susan Good Geise were present. Others attending all or a portion of the meeting included Eric Bryson, Katie Jerstad, Marsha Davis, Cheryl Green, Art Pembroke, Audra Zacherl, Kathy Moore, and Misty Edwards, Recording Secretary.

Pledge of Allegiance. Everyone recited the pledge.

Consent Action Items. (Eric Bryson)

- a. Resolution 2013-79 Requesting Prosecutorial Assistance in State v. Nooney. (Leo Gallagher)
- b. Resolution 2013-80 Ordering a Refund of Taxes/Fees/Assessments Paid by Thomas and Eileen Anderson in the Amount of \$7,569.98. (Cheryl Green)
- c. Public Meeting Minutes for Aug. 22 and Aug. 27, 2013. (Rita Cortright)

Eric Bryson reported on the Consent Action Items and recommended approval.

No public comment was received.

Commissioner Good Geise moved adoption of the Consent Action Items, as requested by Staff. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Independent Contractor Agreement Between Lewis and Clark County and Montana Internet Corporation. (Art Pembroke) The Commissioners will consider the agreement for wireless site upgrades and maintenance in an amount not to exceed \$10,000 for the period July 1, 2013 – June 30, 2014.

Art Pembroke, Director if IT&S, reported on the agreement, a renewal of a contract with Montana Internet Corporation for tower work and wireless work for the Wide Area Network.

No public comment was received.

Commissioner Good Geise moved adoption of the Independent Contractor Agreement Between Lewis and Clark County and Montana Internet Corporation. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Independent Contractor Agreement Between Lewis and Clark County and the City of East Helena. (Art Pembroke) The Commissioners will consider the agreement to allow the East Helena Police Dept. access to the public safety system in the Law Enforcement Center.

Art Pembroke, Director of IT&S reported on the agreement that allows East Helena Police to access the County's criminal justice network through a wireless connection and security software provided to them by the County.



No public comment was received.

Commissioner Hunthausen moved approval of the Independent Contractor Contract Between Lewis and Clark County and the City of East Helena, as presented. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Independent Contractor Contract Between Lewis and Clark County and Valley Sand & Gravel, LLC. (Audra Zacherl) The Commissioners will consider the contract in the amount of \$75,088.00 for grading, placing pit run and road mix on Prairie Road and Woodland Hills Road, and drainage correction at the intersection of Prairie Road and Diamond Springs. Contract period: 9/3/13 – Oct. 31, 2013.

Audra Zacherl, Finance Coordinator presented the contract with Valley Sand & Gravel, Inc. for road maintenance work in the Big Valley Rural Improvement District, in an amount not to exceed \$75,088. Staff recommended approval of the contract and authorizing the Chair to sign.

No public comment was received.

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

Lewis and Clark County Levies for Schools 2013-2014. (Dr. Marsha Davis)

Dr. Marsha Davis, County Superintendent, reported on the County Levies for Schools for the 2013-2014 school year, noting all school districts had now adopted their budgets. A chart containing each school district and the breakout by fund category was reviewed. The number of mills required was based on the taxable value of each district, as well as their adopted budget. Each district was required to have 1.5 mills for Vo-Tech, 6 mills for the University System, 40 mills for State Equalization and 110.13 mills for the County-Wide Levy. The dollar requirement for Transportation was up slightly over last year, from \$734,000 to \$812,000. The County Wide Levy totaled \$110.13, with 33.81 mills for Elementary retirement, 15.97 mills for High School retirement, the Elementary levy of 33.00 mills, the High School levy of 22.00 mills and 5.35 mills for school transportation. A chart indicating County Retirement and Transportation Dollar Requirements was viewed. Elementary retirement totaled \$6,390,883; High School retirement totaled \$3,415,902; large increases were due in part to a fix passed by the Legislature that required districts to increase both the employer and employee contribution. Dr. Davis requested approval of the levies and authorization for the Chair to sign each individual school district budget.

Commissioner Good Geise asked for an explanation of how transportation costs were computed, in particular, bus mileage expenses and reimbursements.

Marsha Davis explained that most districts had either a bus route or an individual transportation contract. Parents can apply for a transportation contract if they reside more than three miles from school; less than 6 miles round trip at 35 cents/mile. Bus routes varied based on the size of the bus. The 84-passenger bus rate was \$1.80 per mile; the 49-passenger bus rate was 95 cents per mile and reimbursement rates were set by the State.

Commissioner Good Geise noted perceived pressure on smaller districts to utilize larger than necessary buses resulting in an increased reimbursement rate, and cited Augusta as an example where large busses had a negative impact in terms of operating costs, on the

environment, and especially to the road surfaces. She intended to vote in opposition to the motion as an expression of frustration with the transportation reimbursement structure.

Marsha Davis cited the transportation audit conducted last year, where county superintendents and district people were interviewed regarding the size of buses being utilized to obtain the higher mileage reimbursement. She confirmed that was not the case in Lewis & Clark County, but it could be in other counties, and felt that superintendents would be more closely scrutinizing transportation contracts in the future. Bus routes are approved yearly in June at the Transportation Committee meeting.

No public comment was received.

Commissioner Hunthausen moved approval of the Lewis and Clark County Levies for Schools 2013-2014 School Year, as presented. Commissioner Good Geise seconded the motion. The motion carried 2-1. Commissioner Good Geise voted no.

Public Hearing. Second Reading of Proposed Ordinance No. 2013-1 to Control Litter within Lewis and Clark County and Establishing Procedures for Its Enforcement. (Katie Jerstad) The Commissioners will consider the ordinance on second reading.

Katie Jerstad, Deputy County Attorney, presented the Second Reading of Proposed Ordinance No. 2013-1 to Control Litter within Lewis and Clark County and Establishing Procedures for Its Enforcement. First reading of the Ordinance took place on August 22, 2013; the effective date would be 30 days from today's date. Once again, all parts of the Ordinance were reviewed. In particular, the Jurisdictional Area was discussed. The ordinance applies to the whole of Lewis & Clark County, except in Helena, East Helena, and any other incorporated municipalities that have ordinance making powers. The Litter Control Program may request assistance from the Sheriff's Office in carrying out duties set forth in the Ordinance, pursuant to Sec. 50-2-120, MCA.

No public comment was received.

Commissioner Hunthausen moved approval of Ordinance 2013-1, An Ordinance to Control Litter Within Lewis and Clark County and Establish Procedures for It's Enforcement, as presented. Commissioner Good Geise seconded the motion. The motion carried 3-0.

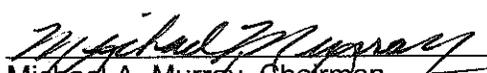
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

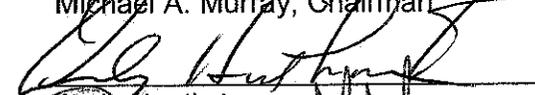
There was no other business and the meeting adjourned at 9:58 a.m.

ATTEST:

  
Paulette DeHart, Clerk of the Board

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Michael A. Murray, Chairman

  
Andy Hunthausen

  
Susan Good Geise