

**PUBLIC MEETING
OCTOBER 3, 2013
MINUTES**

The Lewis and Clark County Commissioners Public Meeting will be held on Thursday, October 3, 2013, at 9 a.m. in Commission Chambers Room 330 of the City-County Building, 316 North Park Avenue, Helena, Montana.

Chairman Andy Hunthausen called the meeting to order at 9 a.m. Commissioner Susan Good Geise was present. Commissioner Murray was away at a NACo meeting in Colorado. Others attending all or a portion of the meeting included Eric Bryson, George Theborge, Katie Jerstad, Carrie Severson, Eric Griffin, Patti Jacques, Paul Spengler, Nancy Everson, Paulette DeHart, Rodger Nordahl, Amy Reeves, Mike Henderson, Jason Grimmis, Tammy Potter, Kyle Thomas, Dennis Olson, Matt Komac, DiAnne Mantz, Frank Pollard, Bill and M. Anderson, Jim and Mildie Kehr, Tom and Joanne Taylor, Mike and Terry Kochman, Jerry Butcher, Jason Butcher, J. Mitchell and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Petition to Add the Land Described as Geocode 05-2445-35-3-04-50-0000, in Sec. 35, T15N, R4W, COS #267849 (M&B Tract) to the County Water and Sewer District of Wolf Creek. (Carrie Severson)
- b. Bahny Settlement Agreement. (Eric Bryson)

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 outlined by staff. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

18th Certificate of Achievement for Excellence in Financial Reporting Presented to Lewis and Clark County, Montana. (Paulette DeHart)

Nancy Everson, Director of Finance, reported on the 18th Certificate of Achievement for Excellence in Financial Reporting earned by staff in preparation of the Comprehensive Annual Financial Report. The Government Finance Officers Association, after extensive review, determines qualifying entities. County staff, and in particular, the Treasurer's Office and Accounting Department, were recognized for their excellent work.

Paulette DeHart, Treasurer, Clerk and Recorder, introduced Roger Nordahl, Amy Reeves and Nancy Everson and credited them with making Lewis and Clark a model county in Montana.

2013 COPS Hiring Program Grant #2013UMWX-200 Award. (Tammy Potter) (Jason Grimmis)
The Commissioners will consider the grant award in the amount of \$125,000 in federal funds and a matching funds requirement of \$100,424 to hire or rehire officers laid off or scheduled to be laid off due to local budget cuts for the period Sept. 1, 2013 – Aug. 31, 2016.

Jason Grimmis, Sheriff's Office Patrol Captain, reported on the 2013 COPS Hiring Program Grant Award of \$125,000, a community-oriented policing services grant for a 3-year period through August 31, 2016. The required match for the 3 years totaled \$125,000, representing 45

percent of the funding for hiring a full-time Sheriff's Office deputy. In addition, the Sheriff's Office was required to fully fund the position for an additional 12 months past the end of the granting period. The 45th sworn officer position would allow for better services to outlying communities in the county and increased patrols in the Helena area.

Eric Bryson requested tabling the item until October 8, to allow staff analysis of projected growth of the tax base and the public safety mill levy to ensure adequate support and sustainability for the 45th officer position.

No public comment was received.

Commissioner Good Geise moved to table the 2013 COPS Hiring Program Grant to Oct. 8. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

FFY13 Emergency Management Performance Grant (EMPG) Application to Montana Dept. of Military Affairs. (Paul Spengler) The Commissioners will consider the grant application in the amount of \$51,311 for the period Oct. 1, 2013 – Sept. 30, 2014.

Paul Spengler, DES Coordinator, reported on the Federal Fiscal Year 2013 Emergency Management Performance Grant Application to MT Dept. of Military Affairs in the amount of \$51,311. This annual grant provided for half of the expenses for salary and administrative costs for the DES Coordinator position. Quarterly reports were required summarizing activities of the office on a reimbursable basis.

No public comment was received.

Commissioner Good Geise moved adoption of the FFY13 Emergency Management Performance Grant (EMPG) Application to Montana Dept. of Military Affairs, as recommended by Staff. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Application for a Variance from Flood Plain Hazard Management Regulations 6.1 Floodway. (Paul Spengler) The Commissioners will consider the variance application for a garage on property located at 865 Rosemary Road, Sewell #4 Subdivision, owned by Dennis and Jean Zimmerman Olson.

Paul Spengler, County Flood Plain Administrator, presented the Dennis and Jean Olson's Application for a Variance from Flood Plain Hazard Management Regulations. Mr. Olson was constructing a new garage on the footprint of the previous building, located within the 100-year floodplain. According to DEQ, Water Rights Bureau, Mr. Olson could apply for a permit that, if denied by Mr. Spengler, would allow for the Olsons to pursue a variance application. The new construction would include 8 flood vents that would function based on hydrostatic pressure, allowing floodwater to flow through the building, in addition to steel siding and the electrical utility outlet 3.5 feet above grade. Neighbors had signed a statement in support of the building improvements.

Dennis Olson, 865 Rosemary Road, Helena, stated he was unaware of the permit requirement to remodel in the flood plain and was nearly finished with the garage when Mr. Spengler notified him. He requested approval of the variance allowing him to complete the construction.

No public comment was received.

Commissioner Good Geise moved to approve the Application for Variance of Flood Plain Hazard Mitigation Regulations for Mr. Olson at 865 Rosemary Road, as presented by Staff. Commissioner Hunthausen seconded. The motion carried 2-0.

Independent Contractor Agreement Between Lewis & Clark City-County Health Dept. and Wolf Creek School District No. 13. (Mike Henderson) The Commissioners will consider the contract for School Nurse Services for the 2013-14 School Year in the Amount of \$1,920.00. .

Mike Henderson, Division Administrator, presented the Independent Contractor Agreement between the County Health Department and Wolf Creek School District No. 13 in the amount of \$1,920 for school nursing services, including coordination of dental screening, immunization records review and health screening and education.

No public comment was received.

Commissioner Good Geise moved adoption of the Independent Contractor Agreement Between Lewis and Clark City-County Health Dept. and Wolf Creek School District No. 13 in the amount of \$1,920, as recommended by Staff. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Independent Contractor Agreement Between Lewis & Clark City-County Health Dept. and Lincoln School District No. 38. (Mike Henderson) The Commissioners will consider the contract for School Nurse Services for the 2013-14 School Year in the Amount of \$1,440.00.

Mike Henderson, Division Administrator, presented the Independent Contractor Agreement between the County Health Department and Lincoln School District No. 38 in the amount of \$1,440 for school nursing services.

No public comment was received.

Commissioner Good Geise moved adoption of the Independent Contract Agreement Between Lewis and Clark City-County Health Dept. and Lincoln School District No. 38, as recommended by Staff. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Independent Contractor Contract Between Lewis & Clark City-County Health Dept. and Trinity School District No. 4. (Mike Henderson) The Commissioners will consider the contract for School Nurse Services for the 2013-14 School Year in the Amount of \$1,440.00.

Mike Henderson, Division Administrator, presented the Independent Contractor Agreement between the County Health Department and Trinity School District No. 4 in the amount of \$1,440 for school nursing services.

No public comment was received.

Commissioner Good Geise moved adoption of the Independent Contractor Contract between Lewis and Clark City-County Health Dept. and Trinity School District No. 4, as presented by Staff. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Lease Agreement Amendment No. 1 to Lease Agreement Dated 7/1/13 Between Lewis & Clark County City-Co. Health. Dept. and John C. Taylor, Trust. (Kyle Thomas) The Commissioners will consider the amendment allowing for painting of office space located at 2001 11th Avenue, Helena, MT.

Kyle Thomas, Ast. Director of Public Works, reported on the Amendment to the Lease dated 7/1/13 between Lewis and Clark City-Co. Health Dept. and John C. Taylor, Trust. Space was leased from Mr. Taylor to house staff displaced during the Clinic Remodel project. The Amendment clarified language allowing the County to paint the leased office space, and agreeing to return the space to the original color of white once vacated at the end of the lease.

No public comment was received.

Commissioner Good Geise moved approval of the Lease Agreement Amendment No. 1 to Lease Agreement Dated 7-1-13 Between Lewis & Clark City-County Health Dept. and the John C. Taylor Trust, as recommended by Staff. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Lease Agreement Amendment No. 2 to Lease Agreement Dated 9/26/13 Between Lewis & Clark County City-Co. Health Dept. and John C. Taylor, Trust. (Kyle Thomas) The Commissioners will consider the amendment for monthly rent of Rooms 14 & 15, Building A, 2001 11th Avenue, Helena, MT, in the amount of \$550/month commencing 10/1/13.

Kyle Thomas, Ast. Director of Public Works, presented Amendment No. 2 to the Lease Agreement dated 9/26/13 with John C. Taylor for leasing two additional rooms in Building A, 2001 11th Avenue, in the amount of \$550/month. Additional space was needed to house CHC administrative staff during the remodel project, and would be covered by the project budget.

Commissioner Good Geise. Mr. Chairman, I move that the Lewis & Clark County Commissioners accept the Lease Agreement Amendment No. 2 to Lease Agreement dated 9-26-13 Between Lewis & Clark County Health Dept. and John C. Taylor Trust, as recommended by Mr. Thomas. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Consultant Services Agreement Between Stahly Engineering and Associates, Inc. and Lewis & Clark County. (Kyle Thomas) The Commissioners will consider the agreement for the Cooperative Health Clinic – 11th Avenue CTEP Project STPE 5899(47) in the amount of \$22,653.00 for design and construction management.

Kyle Thomas, Ast. Director of Public Works, presented the Consultant Services Agreement with Stahly Engineering and Associates, Inc. in the amount of \$22,653.00 for design and construction management related to the Cooperative Health Clinic Remodel project. CTEP funding through the MT Dept. of Transportation was being used to expand the parking lot, fill in the stormwater ditch on the north and install a sidewalk. The Consultant Services Agreement covered design and construction management on the project.

No public comment was received.

Commissioner Good Geise moved approval of the Consultant Services Agreement Between Stahly Engineering and Associates, Inc. and Lewis & Clark County and authorization for the Chair to sign all appropriate documents. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Federal Lands Access Program Match Agreement Between L&C County and US DOT Fed. Highway Admin, Western Federal Lands Highway Division. (Audra Zacherl) (Kyle Thomas) The Commissioners will consider the agreement in the amount of \$546,597 in matching funds for Beartooth Road Resurfacing Project from MP 0.0 to MP 8.7.

Kyle Thomas, Ast. Director of Public Works, presented the Federal Lands Access Program Match Agreement between the County and the US Dept. of Transportation, Federal Highway Admin., Western Federal Lands Highway Division, for the Beartooth Road Resurfacing Project in the amount of \$546,597. The project involved asphalt leveling and overlay on 6 miles of roadway, reconditioning and aggregate surfacing and pullout improvements on 2.7 miles and safety improvements, including guardrail, signage, delineators and pavement markings on Beartooth Road. Construction was planned for Fiscal Year 2015 at a total cost of \$4,073,000. The County's match was 13.42 percent of the project total, or \$546,597/ The Beartooth RID would contribute \$150,000 for hard match; Public Works would provide a \$15,000 in-kind administrative services match, and the remainder would come from the County Mill Levy.

Eric Griffin, Public Works Director, provided background on the Forest Highway Program, which was now the Public Lands Highway Discretionary Program for roads that access public lands. The Beartooth Road was an attractive project; \$500,000 of investment would result in a \$4 million improvement to the County.

No public comment was received.

Commissioner Good Geise moved approval of the Federal Lands Access Program Match Agreement Between L&C County and the US Dot Fed. Highway Admin., Western Federal Lands Highway Division Agreement, as outlined by Staff. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Resolution of Intent No. 2013-94 to Create a Rural Improvement District for American Bar Road Number 2013-2. (Carrie Severson) The Commissioners will consider the petition request and the draft resolution of intent.

Carrie Severson, Special District Coordinator, presented the Resolution of Intent No. 2013-94 to Create a Rural Improvement District for America Bar road Number 2013-2. A petition, in circulation since 2010, was received in July 2013, representing 60 percent of the parcels within the proposed district, to initiate creation of the RID in the American Bar area. A map was viewed indicating the district boundaries, and the road that could be serviced utilizing the RID funds collected through taxes. The annual maintenance was estimated at \$11,000; \$100/per lot per year, and could be amended. Following passage of the Resolution of Intent, a 30-day protest period would begin, followed by a public hearing in the creation of the RID. If more than 50 percent protest creation, the Commission would not move ahead with creation. Staff recommended the Commission consider establishing an Intent to Create the District based on the petition representing 60 percent of the parcels.

Public comment –

Matthew Komac, 1818 Highland Street, Helena, owned a second home on American Bar. Mr. Kehr was congratulated on the great job on the petition; however, Mr. Komac had not signed the petition and did not support creation of the RID, citing his taxes were already high enough. The fire of 5-6 years ago was cited, and due to the condition of Beartooth Road, the Forest Service determined to not bring their trucks into the area until the road was improved. Public Works subsequently graded the road which took two days, and the condition remained good for a year. The road needed improvement; he did not agree, however, with the \$100 per year assessment.

Mildie Kehr, 8530 American Bar Road, Helena, supported the resolution, citing the condition of the road was a safety issue.

Jim Kehr, 8530 American Bar Road, Helena, supported the resolution creating the RID, and also cited the safety aspects of the road. The County and US Forest Service were each responsible for segments of the road and he urged passage of the resolution. Carrie Severson was recognized and thanked for her role in assisting residents with the process.

Patti Jacques, 8560 Backburn Road, Helena, owned two lots on American Bar. She signed the petition, and assisted personally in the past with maintenance of the road. Safety concerns were cited, and a request made to amend the service area to include the B-1 road.

Tom Taylor, 8550 American Bar Road, Helena, purchased his property in 2005, and shortly thereafter addressed the Commission regarding the poor condition of the road and was advised that forming an RID was the best solution. The road was deemed substandard and unsafe during the forest fire and received maintenance at the request of the Sheriff. He supported the resolution and agreed a safety issue existed.

Jason Butcher, 439 Stendal Road, Lewistown, owned two lots on American Bar. He thanked Carrie Severson for her assistance; however, he opposed forming the RID and said increased taxes would be a burden. Regarding safety, he proposed slowing the traffic on the road.

Bill Anderson, 8430 American Bar Road, Helena, agreed with comments by Jason Butcher and Matthew Komac. He did not support paying for improvements to Beaver Creek Road down to the Missouri River fishing access.

Marjorie Anderson, 8430 American Bar Road, Helena, owned two lots on American Bar. She suggested considering the cost to owners of multiple lots.

Frank Pollard, 8387 Ordway Drive, Helena, agree with comments by Matthew Komac, Bill Anderson and Jason Butcher. He did not support paying more to improve the road for hunters, fishermen and other non-residents.

Patti Jacques, 8560 Backburn Road, withdrew her earlier recommendation to include Lower Beaver Creek Road.

Mike Kochman, 2360 Pompey Road, Helena, did not sign the petition, citing there were too many variables proposed. He traveled the road daily and agreed the biggest safety concern was the rate of speed; improvements would only encourage drivers to travel faster.

Carrie Severson clarified that any portion of road served by an RID had to be deemed public. The portion north of the "Y" was private; the portion to the south was public. The subdivision had not gone through review and the road was not deemed public. Once the Commission moved forward with the Resolution of Intent, the Scope of Service, or the district boundaries could be amended based on public testimony. The assessment could be changed once per year prior to the first Monday in September.

Eric Griffin, Public Works Director, noted the miles of roads maintained by the County currently in the area. The Forest Service had paid for grading the 1812 road.

The public comment period was closed for today; further comment could be provided through Carrie Severson or directly to the Commission Office during the 30-day comment period.

Commissioner Good Geise moved adoption of Resolution of Intent No. 2013-94 to Create a Rural Improvement District for American Bar Road No. 2013-2, as recommended by Staff. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

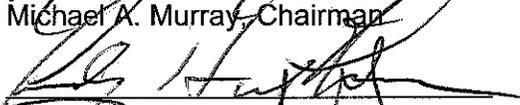
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.

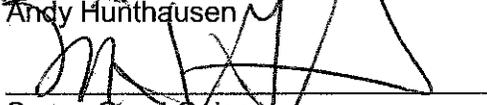
Patti Jacques, 1957 University Street, Helena, addressed the funding needed to complete the Journey Home Crisis Center. As a member of the Center for Mental Health Foundation Board, she and offered assistance in finding the additional \$200,000. She encouraged discussions between the City and County in the hope that the City might allocate funding for the project.

There was no other business and the meeting adjourned at 10:39 a.m.

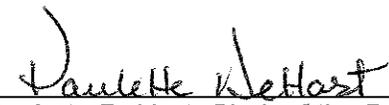
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael A. Murray, Chairman


Andy Hunthausen


Susan Good Geise

ATTEST:


Paulette DeHart, Clerk of the Board