

**PUBLIC MEETING
MARCH 7, 2013
MINUTES**

The Lewis and Clark County Commissioners Public meeting was held on Thursday, March 7, 2013 at 9 a.m. in Commission Chambers Room 330 of the City-County Building, 316 North Park Avenue, Helena, Montana.

Interim Chairman Andy Hunthausen called the meeting to order at 9 a.m. Commissioner Murray was in Washington, D.C. and participated via teleconference. Others attending all or a portion of the meeting included Eric Bryson, K. Paul Stahl, Helen Amundson, Carrie Severson, Michael McHugh, Cheryl Green, Fred Rice, Kari DesRosier, Laura Erikson, Glenn Hayes, Dean Retz, Gilda Clancy, John Jakes, Randi Triem, Helen Amundson, Kim Smith, Tom Rolfe, Brian Solan, Josh Routzahn, and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Eric Bryson explained that based on previously adopted Rules of Procedure, Section C.1. a Commission quorum could be convened telephonically. This procedure was implemented today as Commissioner Murray was held over in Washington, D.C. due to weather conditions.

Consent Action Items.

- a. Resolution 2013-15 Declaring County Property Surplus Property (Amy Reeves)
- b. ~~Resolution 2013-17 Amendment to Resolution 2003-22 Establishing Daily Rates for Incarceration in the Detention Facility. Nunc pro tunc as of January 1, 2013. (Eric Bryson)~~

Eric Bryson reported on the consent action items, and recommended only approving item a.

No public comment was received.

Commissioner Murray moved approval of consent action item a. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Consideration of County Commission Applicants. (Eric Bryson) (Continued from 2/26/13.)

Without objection, the Commission entered into the record a recommendation for one of the applicants received via email by Commissioner Murray.

No public comment was received.

Commissioner Murray moved to request three additional names for the County Commission position. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Memorandum of Agreement Between the Cooperative Health Center and the Montana Primary Care Association. (Kate Melvor) (Helen Amundson)

Helen Amundson, CHC Clinical Programs Director, presented the Memorandum of Agreement and recommended approval.

No public comment was received.

Commissioner Murray moved approval of the Memorandum of Agreement Between the Cooperative Health Center and the Montana Primary Care Association. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Resolution 2013-18 to Amend Timberworks Estates Rural Improvement District Number 2011-13. 2011-3. (Carrie Severson)

Carrie Severson, Special Districts Coordinator, presented the amendment to District 2011-3 which was created October 4, 2011, through Resolution 2011-164. The District is located at the northwest corner of Lincoln Road West and North Montana Avenue. The amendment addressed inclusion of maintenance for parkland into the Scope of Service, supported by all property owners within the District. The annual cost of maintenance was estimated at \$1,000 per year, for an estimated total of \$23,269 to maintain all public infrastructure within the District. The applicant was seeking to Final Plat Phases II and III; dedication of three lots for parkland would come in Phase III. The subdivision would create 105 privately owned lots; each lot would provide \$221.61 per year. Ms. Severson requested amending the Resolution, noting a Resolution to Levy and Assess would reflect monetary changes on the properties as they were developed and assigned geo codes.

No public comment was received.

Commissioner Murray moved approval of Resolution 2013-18 to Amend Timberworks Estates Rural Improvement District Number 2011-3. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Commissioner Murray requested entering into the record an e-mail of concern about the condition of the walking trail on N. Montana Ave. Ms. Severson noted that portion of the trail was not within the RID and would be addressed at Final Plat.

Final Plat Approval for Timberworks Estates Subdivision, Phases II-VIII. (Applicant: Frontier Builders, Inc.) (Planner: Michael McHugh) The applicant has requested four changes to the Conditions of Preliminary Plat Approval. The subject property is located in the SE 1/4 of Sec. 18, T11N, R03W, P.M.M., Lewis and Clark County, west of and adjacent to N. Montana Ave. and north of and adjacent to Lincoln Road. (Tabled from 2/28/13)

Michael McHugh, Planner, stated this meeting was scheduled for the Final Plat and amendments to the original Conditions of Approval. Some bonding requirements were necessary for completion. The applicant had provided Letters of Credit from the First Community Bank of Helena to cover the asphalt chip-seal on the internal roads, and the requirement for off-site road improvements in the amount of \$51,000. To date, County Planning Staff had not received any financial guarantees reflecting the costs totaling \$6,750 associated with a punch list for the associated roads. A separate punch list also required a separate bonding instrument in the amount of \$11,968.75 for some earthwork internal to the subdivision. Also, a financial instrument in the amount of \$133,290.63 was needed to guarantee the improvements for fire protection. In addition, two encumbrances placed by the IRS and State of Montana, Department of Labor and Industry, were noted on the Title Report dated December 27, and received by County Planning Staff on January 28. On March 6, at 9:30 a.m. the applicant's consultant provided documentation that the holder of that encumbrance did not object to the subdivision. At 11:54 a.m. the applicant delivered to Planning Staff a copy of a personal check that had been delivered to the IRS, and on the copy it indicated it was proof of delivery only – not an official receipt. Therefore, Mr. McHugh said the County did not have formal

documentation that the encumbrance had been removed from the property, and did not feel they were prepared to move forward on Final Plat.

Randi Triem, Casne and Associates, representing Glenn Hayes of Frontier Builders, stated the remaining items were the encumbrance, which they believed had been taken care of, but would work with Mr. McHugh to resolve; and the three financial guarantees which would be in the form of certified checks. It was her intention to bring the checks today but did not have the checks drawn as the Commission would not render a decision today. She agreed to deliver the checks totaling \$133,000.00 either on Friday or Monday.

No public comments were received.

Commissioner Murray moved to table the Final Plat for Timberworks Estates Subdivision, Phases II-III to Tuesday, March 12, 2013. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Tax Deed Property. (Cheryl Green) The Commissioners will consider setting the sales price of \$1,525.00 for tax deed property located in Helena Townsite Block 75 TR east of and adjacent to Lot 7, Sec. 36, T10N, R4W, Lewis and Clark County.

Cheryl Green, Delinquent Tax Specialist, reported that on Jan. 31, 2012, the County was issued tax deed on property. Section 7-8-2301, MCA, provides the process for setting the sales price for tax deed property. The current appraisal price from MT Dept. of Revenue was \$24,290. Taxes owed, penalty, interest, advertising and other miscellaneous costs totaled \$1,522.25; therefore, staff recommended setting the sale price at \$1,525.00 and setting the auction date for March 28, 2013.

No public comment was received.

Commissioner Moved moved to set the auction date of March 28, 2013, for the property in the amount of \$1,525.00 minimum bid. Commissioner Hunthausen seconded the motion. The motion carried 2-0. Deputy County Attorney Paul Stall agreed to determine the appropriate location for the auction.

Tax Deed Property. (Cheryl Green) The Commissioners will consider setting the sales price of \$3,575.00 for tax deed property described as Parcel No. 1 located in the SW ¼ of Sec. 27, T10N, R3W, P.M.M., Lewis and Clark County.

Eric Bryson requested tabling the item as more time was needed to evaluate the ownership and history of the parcel.

No public comment was received.

Commissioner Murray moved to table the Tax Deed Property until April 18, 2013. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Acceptance of Investment Grade Audit Report Prepared by Ameresco. (Eric Bryson)

Eric Bryson presented the Investment Grade Audit Report Prepared by Ameresco. Just over two years ago the County began evaluating whether to move forward with an energy service company contract for energy efficiencies in County buildings. Acceptance of this Audit Report

provided the foundation work for the Scope of Service. The next procedural step, which was the next item on the agenda, would be consideration of the Contract with Ameresco for the actual energy efficiency improvements. Mr. Bryson recommended approval and acceptance of the Investment Grade Audit.

No public comment was received.

Commissioner Murray moved to adopt the Staff recommendation on the Ameresco Investment Grade Audit Report. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Contract Between Ameresco and Lewis & Clark County for Energy Performance Contracting at County Building Facilities in the Amount of \$1,624,815.00. (Eric Bryson)

Eric Bryson presented the Contract with Ameresco, noting the County's capital reserves allowed for consideration of self-financing energy efficiency upgrades in County buildings, with a guaranteed payback in decreased energy usage. Two responses were received as a result of a solicitation; Ameresco Energy Services was selected to move forward with the Investment Grade Audit, a detailed evaluation of County facilities. The Scope of Work was developed by County Public Works in consultation with Ameresco, who has worked extremely well with Staff in evaluating facilities and developing recommendations for systems improvements. The advantage of the contract was guaranteed savings; if not met during the 15-year evaluation period, after install, the County will receive the difference between projected and actual savings.

Brian Solan with Ameresco Energy Services expressed his appreciation to the Commission, noting his pleasure in working with County Staff. He briefly reviewed the project and provided a quick work summary that included: lighting upgrades at virtually all County buildings; water fixture renovations, basically water conservation measures; building envelop improvements which involved seals on windows and doors; retro-commissioning buildings such as the Fairgrounds and Courthouse to improve operations efficiencies; ventilation upgrades; a new boiler system at the Law Enforcement Facility (LEC) and several other smaller facilities; domestic hot water upgrades and HVAC upgrades at the LEC; and window replacement at the Courthouse. He confirmed that by law, they were required to guarantee the energy savings for a minimum of three years in the contract price of \$1.624 million. He said without a change in the Scope of Service, Ameresco guaranteed the "not to exceed" maximum price; there would be no change orders.

No public comment was received.

Commissioner Murray moved approval of the Contract Between Ameresco and Lewis and Clark County for Energy Performance Contracting at the City-County Building Facilities in the Amount of \$1,624,815.00. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

Proposed Amendments to Lewis & Clark County Personnel Policy Manual. (Fred Rice)

Fred Rice presented the proposed amendments to the Lewis & Clark County Personnel Policy Manual, that reflected the Wellness Program, and the addition of sections required by Statute related to tobacco free worksites, and support of breastfeeding employees. The Policy Manual was available through the Personnel Office, on the Webpage, and the updated version would be distributed to County employees.

No public comment was received.

Commissioner Murray moved approval of the proposed amendments to the Lewis & Clark County Personnel Policy Manual, as presented by staff. Commissioner Hunthausen seconded the motion. The motion carried 2-0.

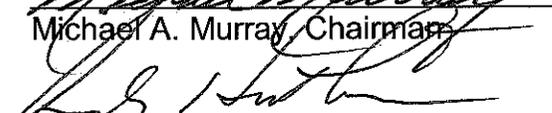
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.

There was no further business and the meeting adjourned at 9:48 a.m.

LEWIS AND CLARK COUNTY

BOARD OF COMMISSIONERS


Michael A. Murray, Chairman


Andy Hunthausen

(Vacant)

ATTEST:



Paulette DeHart, Clerk of the Board