

**PUBLIC MEETING
AUGUST 27, 2013
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, August 27, 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, Jim Wilbur, Laura Erikson, George Theborge, Eric Griffin, Lindsay Morgan, Marni Bentley, Jack Walsh, Al Knauber, Harold Blattie, Sharon Wilson, Andy Baur, George Bettis, Greg Ferris, Kerry Bartlett, Andrea Silverman and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Public Meeting Minutes for June 27, July 2, 16, 18, 25, Aug. 6, 13, 15 & 20, 2013. (Rita Cortright)

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

No public comment was received.

Commissioner Good Geise moved acceptance of the Consent Action Items as delineated by Staff and thanked Rita Cortright catching up the minutes. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Contract Between Lewis & Clark County Water Quality Protection District and PPL, Montana, LLC. (Jim Wilbur) The Commissioners will consider the contract in the amount of \$7,000 for delivery of purchased water by the Helena Valley Irrigation District, administrative assistance and monitoring requirements for the project. Contract period: 8/26-12/31/13.

Jim Wilbur, WQD Coordinator, presented the Contract with PPL Montana providing funding to continue the Prickly Pear Creek Rewatering Project in the amount of \$7,000. Water would be purchased from the Bureau of Reclamation, transported by the Helena Valley Irrigation District, and supplied to the Prickly Pear Water Users' Association in the Helena Valley for agricultural use, thereby allowing for their water right diversion from Prickly Pear Creek to remain in the creek. Additional contributions from CocaCola, the Bonneville Environmental Foundation and Montana Dept. of Environmental Quality were noted.

No public comment was received.

Commissioner Hunthausen moved approval of the Contract Between Lewis & Clark County Water Quality Protection District and PPL Montana LLC, as presented. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Grant Agreement No. RITP-14-0073 Between Lewis & Clark County and MT Dept. of Natural Resources and Conservation. (Laura Erikson) The Commissioners will consider the grant agreement in the amount of \$32,500 for preparation of a redevelopment plan for the State superfund and Brownfield cleanup property at the Fairgrounds for the period 8/27/13 – 9/30/14.

Laura Erikson, Grants Coordinator, reported on the Grant Agreement with the Montana Dept. of Natural Resources and Conservation in the amount of \$32,500 to bring a planning team together for development of a long-range plan for the 9-acre parcel recently acquired from the State of Montana located between the Ryan Park Ball Fields and the Fairgrounds.

No public comment was received.

Commissioner Hunthausen moved approval of the Grant Agreement Between Lewis & Clark County and the Montana Dept. of Natural Resources and Conservation, as presented. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Independent Contractor Contract Between Lewis & Clark City-County Health Dept. and Classic Ink Creative. (Melanie Reynolds) The Commissioners will consider the contract in the amount of \$15,000 for development and implementation of a comprehensive communications plan, including product development and media purchases. Contract period: 8/27/13 – 9/30/14.

Eric Bryson, at the request of the Health Officer, asked the Commission to table the item as a funding source had not been secured for the contract.

Commissioner Good Geise moved to table the item to the October 22nd public meeting. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

York Gulch Open Lands Program Acquisition. (Planner: Lindsay A. Morgan) A request for funding in the amount of \$205,000 from the Open Lands Bond Fund to aid in the funding of a conservation project in which 14 contiguous mining claims in the York Gulch area, which total 286 acres in size, can be conveyed from the Montana Fish, Wildlife and Parks Foundation to the Helena National Forest. The project site is located approximately 18 miles northeast of the City of Helena and two miles east of York on Black Bear Road. (Cont'd. from 7/16/13.)

Lindsay Morgan, Planner, provided an overview of the \$10 million Land, Water and Wildlife Bond measure approved by the voters of Lewis & Clark County in November 2008, a recap of the Open Lands Program and its project selection criteria, and the Commission-appointed Citizens Advisory Committee on Open Lands. Today's action was whether or not to approve funding for an application in the amount of \$205,000 for the York Gulch Land Acquisition. Staff found the application met all minimum application requirements, and four of six objectives listed in the bond measure. On July 2, 2013, the CAC voted 8-1, with one abstention, to recommend this project as a priority for funding and to proceed into the due diligence phase with the condition that the road access issues for Black Bear Road be resolved before final approval. On Tuesday, July 16, the Commission held the public hearing regarding the proposal and at the conclusion of the hearing, a opened a 30-day comment period which ended at 5 o'clock p.m. on August 15th. Copies of all comments received were submitted to the Commission. Representatives from Prickly Pear Land Trust, the Helena National Forest, and the Montana Fish, Wildlife and Parks Foundation were present.

George Bettis, Executive Director, Montana Fish, Wildlife and Parks Foundation, stated the private foundation was founded 12 years ago, tasked with raising private funds for Fish, Wildlife and Parks' projects throughout Montana. The Foundation had funded about \$1.5 million in Montana projects and Mr. Bettis reviewed a list of some of those projects.

Commissioner Hunthausen moved approval of funding \$205,000 of Open Space Bond money for the York Gulch Project, as presented, and moving into the due diligence phase.

Commissioner Good Geise seconded the motion for purposes of discussion.

Discussion –

Commissioner Hunthausen supported the project as it met the criteria of the Open Space Bond funding and was overwhelmingly supported by the Citizens Advisory Council, who recommended moving forward with the project. There was a strong collaborative partnership, and the majority of public comments received were positive.

Commissioner Good Geise opposed the project and the transfer of more land into National Forests. Based on budget information, in particular, that Forest Service budgets and staffing levels had been frozen for a long time, the Forest Service was unable to adequately care for lands currently under their ownership and supervision.

Commissioner Murray supported the motion based on the Citizens Advisory Council's finding that the application met the long-established criteria and their recommendation to approve and move the project to the due diligence phase. The motion carried 2-1. Commissioner Good Geise voted 'no.'

Resolution 2013-75 Levying and Assessing a Tax Upon All Benefitted Property Within the Lime Kiln Road Rural Improvement District No. 1993-3 (Marni Bentley) The Commissioners shall consider the levy and assessment upon properties within the District.

Marni Bentley, Budget Coordinator, presented the resolution. Staff had reviewed the \$350 per lot assessment levied in 1993 and determined it to be too high and recommended lowering the assessment to \$220 per lot per year. No written protests were received within the protest period. Staff recommended approval of the resolution.

Public comment –

Greg Ferris, 2205 Lime Kiln Road, Helena, expressed his appreciation for the good work and responsiveness of the Public Works Staff in reviewing the assessment.

Commissioner Hunthausen moved approval of Resolution 2013-75 Levying and Assessing a Tax Upon the Benefitting Property within the Lime Kiln Road Rural Improvement District No.1993-3, as presented. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Resolution 2013-76 Levying and Assessing a Tax Upon All Benefitted Property Within the Crestwood Green Estates Rural Improvement District No. 2010-2. (Marni Bentley) The Commissioners shall consider the levy and assessment upon properties within the District.

Marni Bentley, Budget Coordinator, presented the resolution allowing for placement of millings on the roads within the Crestwood Green Estates Subdivision. The County would obtain a 10-year Intercap Loan with an estimated repayment of \$13,718 per year. All properties within the district would be assessed an equal amount based on that total cost, or \$361 per lot per year. The Maintenance Levy was ongoing at \$328.27 per lot per year. No written protests were received within the protest period. Staff recommended approval of the resolution.

Public comment –

Harold Blattie, board member of the Crestwood Green Estates Homeowners Association,

expressed his appreciation for the County Staff involved in the process. A poll of association the 38 members received a majority vote in support of the RID.

Commissioner Hunthausen moved approval of Resolution 2013-76 Levying and Assessing a Tax Upon the Benefitting Property within the Crestwood Green Estates Rural Improvement District No. 2010-2, as presented. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Draft Resolution and Regulations for the Application and Review of Buildings for Lease or Rent.
(Greg McNally) (Cont'd from 8/20/13)

Greg McNally, Planner, noted the Draft Resolution and Regulations for the Application and Review of Buildings for Lease or Rent was continued from the August 20 public meeting. He responded to Commissioner Geise's question from that meeting regarding Section 7 Enforcement and Penalties, specifically, the frequency of the penalty, and stated it was applicable once per violation.

No public comment was received.

Commissioner Hunthausen moved to take the item under advisement and render a decision on August 29 at the regularly scheduled public meeting. Commissioner Good Geise seconded the motion. The motion carried 3-0.

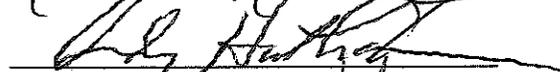
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.

Andy Baur, Executive Director of the Prickly Pear Land Trust, conveyed his appreciation to the Commission for their role in the Aspen Trails Site, recently approved and funded by the Open Space Bond. This 36-acre site on Prickly Pear Creek was currently being developed as a fishing access site.

There was no other business and the meeting adjourned at 9:38 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