

**PUBLIC MEETING
SEPTEMBER 17, 2013
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, September 17, 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, Laura Erikson, Melanie Reynolds, Frank Rives, K. Paul Stahl, George Theborge, Art Pembroke, Mike Henderson, Randi Triem, Ryan Casne, Laura Erikson, Kim Smith, Steve Netschert, Jeff Larson, Pat Trammelle, Pete Bulthuis, Kathy Macefield, Zach Adkins, Jack Walsh and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Proclamation Declaring Saturday, September 21, 2013, as "Habitat for Humanity Day." (Art Pembroke)

Art Pembroke, IT&S Director, introduced Patrick Trammelle, president of the Helena Area Habitat for Humanity Group.

Commissioner Murray read the Proclamation declaring Saturday, September 21, 2013, as "Habitat for Humanity Day."

Consent Action Items. (Eric Bryson)

- a. Resolution 2013-87 Ordering a Refund of Taxes/Fees/Assessments Paid in the Amount of \$496.43 by Family Promise of Greater Helena. (Cheryl Green)
- b. Resolution 2013-88 Declaring County Property Surplus Property (Amy Reeves)

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

No public comment was received.

Commissioner Hunthausen moved approval of the consent action items, as presented. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Amendment No. 1 to Contract Dated March 24, 2011, Between Lewis & Clark County and Tetra Tech, Inc. (Laura Erikson) The Commissioners will consider the amendment extending the completion date from 9/30/13 to 3/30/14 and increasing the contract amount from \$277,045 to \$289,785.

Laura Erikson, Grants Coordinator, presented Amendment No. 1 to the Contract Dated March 24, 2011, between the County and Tetra Tech, Inc. Projects previously completed with the EPA Brownfield Grant Funds from 2010, were noted. The \$12,740 increase would be directed toward a Phase II assessment in the Sixth Ward Park, planned for redevelopment into an orchard park. The Contract completion date was extended to March 30, 2014.

No public comment was received.

Commissioner Good Geise moved adoption of Amendment No. 1 to Contract Dated March 24,

2011, Between Lewis & Clark County and Tetra Tech, Inc., as outlined by Staff. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Independent Contractor Contract Between Lewis & Clark City-County Health Dept. and Cheryl Ronish, LCPC. (~~Melanie Reynolds~~) (Mike Henderson) The Commissioners will consider the contract providing for Year Round Parenting from the Heart education and support groups in the amount of \$3,220 for the period 9/17/13 – 6/30/14.

Mike Henderson presented the Independent Contractor Contract between the City-County Health Dept. and Cheryl Ronish, LCPC, for her participation and co-facilitation of ongoing parenting classes and a parenting support group in the amount of \$3,220.

No public comment was received.

Commissioner Hunthausen moved approval of the Independent Contractor Contract between Lewis & Clark City-County Health Dept. and Cheryl Ronish, as presented. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Independent Contractor Contract Between Lewis & Clark City-County Health Dept. and Catholic Social Services. (~~Melanie Reynolds~~) (Mike Henderson) The Commission will consider the contract for on-site child care for the Year Round Parenting from the Heart Group and Circle of Security Parenting Classes in an amount not to exceed \$2,000 for the period 9/17/13 – 6/30/14.

Mike Henderson, Division Administrator, presented the Independent Contractor Contract between the City-County Health Dept. and Catholic Social Services for on-site child care for the Year Round Parenting from the Heart Group and Circle of Security Parenting Classes in an amount not to exceed \$2,000. The contract period is 9/17/13 – 6/30/13.

Commissioner Good Geise requested that Mr. Henderson confirm that persons working under the contract had received VIRTUS training.

No public comment was received.

Commissioner Hunthausen moved approval of the Independent Contractor Contract Between Lewis & Clark County City-County Health Department and Catholic Social Services, as outlined. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Amendment No. 3 to Task Order 13-07-5-31-032-0 to the Unified Govt. Master Contract Between Lewis & Clark County and MT Dept. of Health and Human Services. (Melanie Reynolds) The Commissioners will consider the amendment providing for enhanced community collaborations, conducting assessments, and planning for a comprehensive system of early childhood services in the amount of \$40,709, and extending the contract date to 9/29/14.

Melanie Reynolds, Health Officer, presented Amendment No. 3 to Task Order 13-07-5-31-032-0, the MIECHV Grant that provided services for the County to work with the Early Childhood Coalition and other community stakeholders to enhance home visiting. The contract period would extend to Sept. 29, 2014; the additional grant funds totaled \$40,709.

No public comment was received.

Commissioner Hunthausen moved approval of Amendment No. 3 to Task Order 13-07-5-31-

032-1 Between Lewis & Clark City-County Health Dept. and MT Dept. of Health and Human Services. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Task Order 14-07-5-21-012-0 to the Unified Govt. Master Contract between Lewis & Clark County and MT Dept. of Health and Human Services. (Melanie Reynolds) (Mike Henderson) The Commissioners will consider the Task Order for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) in the amount of \$190,415 for the period 10/1/13 – 9/30/14.

Mike Henderson, Division Administrator, presented Task Order 14-07-5-21-012-0, a renewal of the contract for the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) between MT DPHHS and Lewis and Clark County to continue providing nutrition education and food coupons, breastfeeding support and coupons for purchase of fruits and vegetables at the Farmer's Market for the period 10/1/13 – 9/30/14 in the amount of \$190,415.

No public comment was received.

Commissioner Good Geise moved approval of Task Order 14-07-5-21-021-0 to the Unified Govt. Master Contract between Lewis & Clark County and MT Dept. of Health and Human Services for the WIC Program. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Task Order 14-07-5-01-075-0 to the Unified Govt. Master Contract Between Lewis & Clark County and MT Dept. of Health and Human Services. (Melanie Reynolds) The Commissioners will consider the Task Order for implementing the evidence based home visiting model, Nurse Family Partnership, in the amount of \$88,380 for the period 9/15/13 – 6/30/14.

Melanie Reynolds, Health Officer, requested tabling the Task Order to allow Staff coordination with two other sub-contracts.

Commissioner Hunthausen moved to table Task Order 14-07-5-01-075-0 to the Oct. 1, 2013, public meeting. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Public Hearing. Proposed Removal of a Condition Placed on the Preliminarily Approved Abandonment of a Portion of Missoula Avenue. (Applicant: Jeff Larson) (Planner: Frank W. Rives) The Commissioners will consider the proposed removal of Condition #3 as required under the preliminary approval for the Missoula Avenue abandonment located in Blocks 16, 17 and 21 and the east half of Block 20, Boyce Addition.

Frank Rives, Planner, presented a Staff memo dated Sept. 10, 2013. On July 16, 2013, the Commission held a public hearing regarding the petition to abandon a segment of Missoula Avenue, approx. 705 feet long and 70 feet wide, located in Blocks 16, 17 and 21 and the east half of Block 20, in the SW ¼ of Sec. 28, T10 N. R3W, Lewis & Clark County. The Commission voted approval of abandonment of this segment of Missoula Ave. and preliminary approval was subject to four conditions. On Sept. 5, 2013, Staff received a request from Jeff Larson for the Commission to consider removing Condition No. 3, as the city of Helena would not allow the water and sewer easements required in the Condition to be filed until the construction of the mains was completed. Extension of City water and sewer services west of the road abandonment was a condition imposed by the City of Helena Commission for annexation of the property. The utility easements would be created prior to annexation. Staff recommended removal of Condition No. 3, stating it would not adversely affect the road abandonment because the utility easement would be required by the City of Helena.

Jeff Larson, 28 Antler Ave., Clancy, the Applicant's representative, stated it was their intention to meet Condition No. 3; however, timing was an issue. Missoula Street needed to be vacated and the area aggregated with other lots to be developed. The plat could then be filed allowing for a closing to take place, followed by construction.

Public Hearing –

No public comment was received and the public hearing was closed.

Commissioner Hunthausen moved approval of the Proposed Removal of Condition No. 3 Placed on Preliminarily Approved Abandonment of a Portion of Missoula Avenue, as presented in the Staff memo dated Sept. 10, 2013. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Public Meeting. Proposed Major Subdivision to be known as Buckboard Meadows Subdivision. (Applicant: Kim Smith) (Planner: Frank W. Rives) The applicant proposes a 29-lot subdivision located ¼ mile north of John G. Mine Road, and ¼ mile east of Applegate Drive, and requests a variance from the requirements of Chapter XI.H.3 pertaining to g. Adjacent and Off-site Road Improvements.

Frank Rives., Planner, presented the Staff Report. This was a Public Meeting for the Proposed Major Subdivision to be known as Buckboard Meadows Subdivision, creating 29 lots, located ¼ mile north of John G. Mine Road, and ¼ mile east of Applegate Drive. Staff proposed 16 Conditions of Approval. A vicinity map and the proposed Preliminary Plat were viewed. The lots will directly access either Cypress Road, Bootlegger Drive or Frontier Drive. The applicant requested a variance from the Subdivision Regulations from Ch. XI.H.3(b) Adjacent Roads and Off-Site Road Improvements, to not be required to pay the percentage of impact on Frontier Drive and Bootlegger Drive, located in the Frontier Village Estates Subdivision. The developer of Frontier Village Estates was permitted to construct the subdivision roads not to the Typical Section No. 2, which is our paved section, but rather Typical Section No. 1 with a double-shot chip-seal surface. Without the variance, the applicant is required to contribute a percentage of impact for upgrading those roads to the County Paved Standard. The Traffic Impact Study indicated about 50 percent of the traffic will head north to Lincoln Road. The applicant used a trip generation study from the nearby Goettler Subdivision. The ITE Standard was 9.57 ADT; the applicant's TIS indicated 8.05 ADT. Fire protection is located in the West Valley Fire District. The applicant is requesting to meet the fire protection requirements through an agreement with Frontier Village Estates to share their hydrant located on Lot 3. The applicant proposed \$10,500 cash-in-lieu of parkland dedication, which was approved at the August Park Board meeting. The Planning Board met on and recommended approval of both the subdivision and the variance. As part of the applicant's DEQ Stormwater Drainage Plan, detention ponds will be constructed on Lot 23, 24, 26 and 29 of Buckboard Meadows Subdivision.

Ryan Casne, Casne & Associates, the applicant's engineer, confirmed receipt of the Staff Report and willingness to move forward. Amended language was offered to clarify the location of the irrigation ditch noted in Condition 10.I. Previous flooding in the back of Lots, 1, 2, and 3 of Frontier Village Estates was the result of a failed headgate at the intersection of Oxford and Cypress; the updated Grading and Drainage Plan was intended to mitigate the situation. The variance request was restated. Mr. Casne noted the roads within Frontier Village Estates were chip-sealed on Sept. 12, 2013, and would enhance the longevity of the roads. The Conditions of Approval allowed for a choice by the developer to either create a new RID for the subdivision or join the Frontier Village Estates RID; no decision had yet been made.

Discussion –

Commissioner Hunthausen inquired as to the route for pedestrian traffic from the subdivision to the Goettler Subdivision. He asked for Mr. Casne's assessment of the Condition of Cypress in terms of the County Standard, and questioned whether the length of the cul-de-sac met County Regulations.

Ryan Casne agreed to look at the walking path route and access. Regarding Cypress, a 3" asphalt mat had been applied since 2008; some widening past the Oxford intersection was needed to meet the 24-foot County Standard. The cul-de-sac could be 1,000 long if continuous easement was provided through for future expansion, which had been done.

Commissioner Good Geise asked Mr. Casne to justify applying the 8.05 ADT as opposed to using the ITE standard of 9.57. Ryan Casne noted the 8.05 ADT was based on a traffic study this year in the Goettler II Subdivision (aka Applegate Major) at the intersection of Applegate and Lincoln Road. Another study had been done by Bob Abelin on Ranchview Estates on North Montana, resulting in 7.1 ADT. In his opinion, good local data was more accurate than using a national average. Frank Rives noted the general policy of applying the ITE Standard of 9.57, in an effort to apply fair treatment.

George Thebargé referenced the Aug. 6, 2013, Robert Peccia & Associates report containing a statement by Scott Randall that noted a discrepancy in trip numbers between the ITE and TIS of about 100 ADT. Mr. Thebargé was concerned that the record needed to be reconciled between the testimony of the applicant and their traffic engineer, and the peer review done by RPA.

Commissioner Good Geise asked Deputy Co. Attorney Stall for guidance on applying consistency. Paul Stahl recommended adhering to the practice of applying consistency; people needed to be treated the same unless there was significant evidence and study that suggested deviating from the practice.

Ryan Casne noted three different numbers were proposed: Abelin's Traffic Impact Study resulting in 233 ADT; 277 from the Conditions of Approval based on 9.57 ADT recommended by the ITE Standard; and the RPA number of 333 based on 11.48 ADT. Condition of Approval 4 provided the applicant the opportunity of gathering and presenting additional data at Final Plat.

Kim Smith, 7510 Applegate Drive, Helena, supported application of the ITE Standard of 9.57 ADT; however, he agreed additional data might be gathered and presented at Final Plat.

Public Hearing –

Pete Bulthuis, 7150 Frontier Drive, Frontier Village Estates, Helena, expected significantly increased traffic on Frontier Drive and Bootlegger Drive resulting from the subdivision and recommended denying the Variance Request.

Kim Smith addressed the Variance Request, noting the roads had been double-shot chip-sealed, and chip-sealed a second time and were in good condition.

The Public Hearing was closed.

Commissioner Hunthausen moved to take testimony and information received at this meeting under advisement and render a decision at the public meeting on Sept. 19, 2013.

Commissioner Good Geise seconded the motion.

Discussion –

George Thebarge offered to provide amended language for Draft Conditions 10.I and 14.

The motion to render a decision on Sept. 19, 2013, carried 3-0.

Break – 5 minutes.

Statement of Qualifications List for Planning Related Activities. (George Thebarge)

George Thebarge, Planning Director, provided a handout of his memo of Sept. 3, 2013, regarding Contracted Services and Potential Consultants. The recently completed process for soliciting "Statements of Qualifications" for planning consultant services resulted in seven responses. The six categories of services listed in the request were noted. Each of the six specific long-range planning projects under discussion over the past year were noted and discussed in detail: Helena Valley Growth Policy; Zoning Ordinance; Subdivision Regulations; Parks District; Urban Standards Boundary and Off-Site Road Improvements. Lack of funding has slowed progress on 4 of the 5; the Parks District was the exception. Mr. Thebarge recommended the most effective use of available funds would be to hire consultants to perform as an extension of staff on specific project components. Based on his analysis and review of the submitted SOQ's, Mr. Thebarge proposed approval of planning and engineering consultants as the approved contractor list for land use planning projects conducted by the County for 2013-2015. The Commissioners were asked to prioritize the listed projects. Mr. Thebarge would contact each of the five firms to explain the process and solicit their input on proceeding with each of the long-range planning projects. Those interviews would help determine the selection of consultants for the respective projects; the Commission was invited to sit in on discussions.

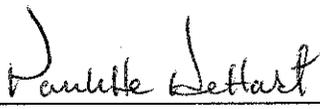
No public comment was received.

Commissioner Hunthausen moved acceptance of the proposal and Statement of Qualifications List for Planning Related Activities, as presented by Mr. Thebarge. 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 10:41 a.m.

ATTEST:

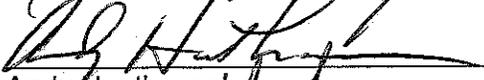


Paulette DeHart, Clerk of the Board

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Michael A. Murray, Chairman



Andy Hunthausen



Susan Good Geise