

**PUBLIC MEETING
JANUARY 30, 2014
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, January 30, 2014, at 9 a.m. in Commission Chambers Room 330 of the City-County Building, 316 North Park Avenue, Helena, Montana.

Chair Susan Good Geise called the meeting to order at 9 a.m. Commissioner Andy Hunthausen and Commissioner Mike Murray were present. Others attending all or a portion of the meeting included Eric Bryson, Paul Stahl, Lindsay Morgan, Carrie Severson, Patti Jacques, Cheryl Green, Marni Bentley, Thea Sperline, Joyce Evans, Steve Tennant and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Vendor Claims Report for the Week of January 27, 2014. (Marni Bentley)
- b. Resolution 2014-15 Ordering a Refund of Taxes/Fees/Assessments Paid by Charles E. Duthie in the Amount of \$48.40. (Cheryl Green)

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

No public comment was received.

Commissioner Murray moved approval of Consent Action Items a. and b.

Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Proposed Part I Special Zoning District. (Planner: Lindsay A. Morgan) Lewis & Clark County received a petition to create boundaries for a proposed zoning district to be located north of Fantasy road, east of Collins Drive, south of Snowdrift Road, and west of Ferry Drive in the NE Helena Valley. On Dec. 19, 2013, the Commission approved creation of the boundaries as petitioned, subject to a 30-day protest period. That 30-day protest period has ended. The Commissioners will consider adopting Resolution 2014-13 to establish boundaries for the proposed District. If the resolution is adopted, the Commissioners will also consider whether to appoint the existing Planning and Zoning Commission or a new Planning and Zoning Commission to administer the zoning. (Tabled from 1/28/14) Decision.

Lindsay Morgan, Planner, presented the landowners' petition to the Commission to create a Part I Special Zoning District of approx. 644 acres, bounded by Fantasy Road, Collins Drive, Snowdrift and Ferry Drive. Sec. 76-2-101, MCA, required a minimum of 60 percent of affected landowners; approx. 61 percent had signed the petition. Public meetings had been held on Dec. 17 and 19, 2014, regarding creation of the district boundaries. On Dec. 19, the Commission voted unanimously to create the district boundaries as proposed by the petition, initiating a 30-day protest period. During the protest period 20 protests were received; 3 were later withdrawn. Landowners representing 47 percent of the titled property ownership within the district protested establishment of the district; a minimum of 50 percent was required to successfully protest establishment of the district. The Commission now had the option of adopting a Resolution to Establish District Boundaries and either create a Planning and Zoning Commission with citizen representation from the new district or appoint the current Planning and Zoning Commission to administer the new district. The Commission also had the option of directing Staff to move

forward with Steps 2 and 3 of the Part I Zoning Process; Step 2 being the adoption of a neighborhood or development plan, and Step 3 being adoption regulations for implementing either a neighborhood or development plan. Adopting the draft Resolution would also direct Staff to move forward with Steps 2 and 3. The item was tabled from the January 28, 2014, public meeting for a decision today.

Discussion –

Commissioner Good Geise requested Ms. Morgan review concerns raised on January 28, related to petition signatures.

Lindsay Morgan stated two signatures were next to incorrect addresses. Planning and Legal Staff verified that both petitioners resided in or owned property in the district. Dates were not required on the petition to initiate zoning; however, they are required on a protest petition.

Commissioner Murray moved approval of Resolution 2014-13 to Create the Boundaries of a Part I Special Zoning District (East of I-15 and North of Lincoln Road) and to ask Staff to start implementing steps 2 and 3, and ask the present Planning and Zoning Commission to administer the district.

Commissioner Hunthausen seconded the motion.

Discussion –

Commissioner Hunthausen stated support for the motion based on Ms. Morgan's explanation relative to signatures and dates on the petitions, and said the current Planning and Zoning Commission would suffice. The protest percentage was not sufficient; a majority of the property owners supported forming the Zoning District.

Commissioner Murray concurred that the existing Planning and Zoning Commission was adequate to administer the district.

Commissioner Good Geise stated if the motion approving the Resolution passed, that in implementing Steps 2 and 3, the people who brought the petition forward would have an equal voice with those who were not in favor of forming the District. Robust discussion was welcomed as the process moved forward with an honest exchange of ideas between neighbors.

The motion carried 3-0.

Resolution 2014-14 to Amend American Bar Road Rural Improvement District No. 2013-2.
(Carrie Severson) The Commissioners will consider establishing intent to amend the District.

Carrie Severson, Special Districts Coordinator, presented Resolution 2014-14 to Amend American Bar Road Rural Improvement District No. 2013-2. Current boundaries and the portion of road easement within the current Scope of Service, and a portion of easement to be amended and included within the Scope of Service, were viewed. Background information contained in Ms. Severson's memo of Jan.23, 2014, was presented. The District had been created on Dec. 12, 2013. The current request brought by Patti Jacques was to change the Scope of Service to include an approx. 1/3 of a mile on to the east portion of American Bar Road, in addition to the portion of the road currently serviced by the District. Ms. Jacques had contacted area property owners via email and received emails in support; no emails in protest were received. Jim Kehr stated support of this change during the January 7, 2014 public

meeting. Ms. Jacques provided emails in support from Robert Martin, Patrice and Rick Holloway and David Brown, and stated she represented support on behalf of Will and Margaret Stelter. County policy allowed for relaxing the required petition containing 60 percent representation. A protest period and public hearing would be required in order to amend the Scope of Service if the Commission initiated intent. No additional taxpayers would result. The assessment amount was not expected to change with addition of the 3/10 of a mile of road.

Public comment --

Patti Jacques, 8560 Blackburn, Helena, thanked the Commission for considering inclusion of the 3/10 of a mile of road that was accidentally left out of the District.

Commissioner Hunthausen moved approval of Resolution 2014-14, as presented.

Commissioner Murray seconded the motion.

Discussion --

Commissioner Hunthausen stated his support for inclusion of the additional 3/10 of road into the Rural Improvement District.

Commissioner Murray asked if a road homeowners' association has been formed, and if a contact person was identified for Public Works.

Patti Jacques stated she was the current chairperson of the road committee within the subdivision, and asked to be considered as the contact.

The motion carried 3-0.

Board Appointments. (Eric Bryson)

Eric Bryson listed the boards with vacancies and suggested addressing them one member and one applicant at a time.

Compensation Board

Commissioner Murray moved to appoint Donald Meek to replace Dan Flynn on the Compensation Board.

Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Library Board

Commissioner Hunthausen moved to appoint Helen McCaffrey to a second 5-year term on the Library Board that expires Dec. 31, 2018.

Commissioner Murray seconded the motion.

Discussion --

Commissioner Good Geise stated Ms. McCaffrey was an exceptionally good board member.

The motion carried 3-0.

Fair Board

Commissioner Murray moved to reappoint Bob Fusie to the Fair Board and appoint Dave Duffie to the Fair Board as an at-large member.

Commissioner Hunthausen seconded the motion.

Discussion –

Commissioner Murray acknowledged Mr. Fusie's leadership role in developing the Fairgrounds Plan and the need for his continued participation at this time.

Commissioner Hunthausen concurred, stating Mr. Fusie was an excellent board member and his participation was crucial at this stage of the process with the Fairgrounds Plan.

No public comment was received.

The motion carried 3-0.

Augusta Solid Waste District Board

Commissioner Hunthausen moved to appoint Ivy Baker to a term on the Augusta Solid Waste Board expiring Dec. 31, 2016, and Larry Atchison and Ann Mihalovich to serve until replacements were found.

Commissioner Murray seconded the motion. The motion carried 3-0.

Planning & Zoning Commission

Commissioner Murray moved to reappoint Joey Jorgensen to a second 2-year term on the Planning and Zoning Commission.

Commissioner Hunthausen seconded the motion. The motion carried 3-0.

East Helena Planning Board

Commissioner Hunthausen moved to appoint Jean Riley to the East Helena Planning Board for a 3-year term through June 30, 2016.

Commissioner Murray seconded the motion. The motion carried 3-0.

Scratch Gravel Solid Waste District Board

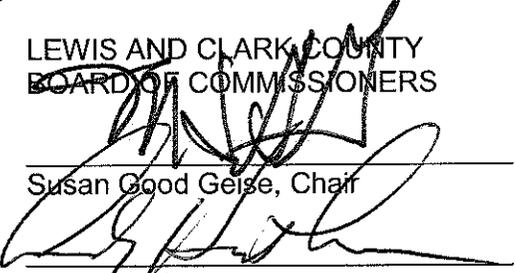
Commissioner Murray moved to reappoint Bill Michalson to a second term on the Scratch Gravel Solid Waste District Board.

Commissioner Hunthausen seconded the motion. The motion carried 3-0.

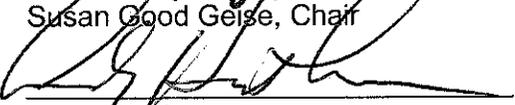
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no other business and the meeting adjourned at 9:26 a.m.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Susan Good Geise, Chair

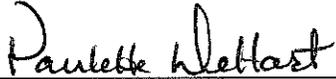


Andy Hurthausen



Mike Murray

ATTEST:



Paulette DeHart, Clerk of the Board