

**PUBLIC MEETING
OCTOBER 9, 2014
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, October 9, 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 was present. Commissioner Mike Murray was excused for personal business. Others attending all or a portion of the meeting included Eric Bryson, Michele Peterson-Cook, Katie Jerstad, George Theborge, Frank Rives, Marni Bentley, Matt Heimel, David Knoepke, Elisa Prescott, Al Knauber, John Tietz, Connie Cole, Haendel Zepeda, Jerry Davis, Andy Baur, Andrea Silverman, Grant Bronk, Mike Bishop, Stan Frasier, Elisa Frasier, Patti Wirth and Nichole Nisbet, Recording Secretary.

Pledge of Allegiance. Everyone recited the pledge.

Consent Action Items. (Eric Bryson)

- a. Vendor Claims Report for the Week of October 6, 2014. (Marni Bentley)
- b. Resolution 2014-107 A Resolution 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 to approve consent items 2a-b.

Commissioner Geise seconded the motion. The motion carried 2-0.

Memorandum of Agreement Between Lewis and Clark County, the City of Helena, The City of East Helena and the State of Montana Department of Transportation. (David Knoepke)

The Commissioners will consider the Memorandum of Agreement for continuing transportation planning in the Helena area.

David Knoepke presented the Memorandum of Agreement between Lewis and Clark County, the City of Helena, the City of East Helena and the State of Montana Department of Transportation. The agreement came about with the 2010 Census and the urban boundary being expanded to incorporate East Helena, which allows them to take part in the Transportation Coordinating Committee and would have the ability to have highway funds available to them. The Memorandum would recognize East Helena as a member of the TCC. The TCC did also recommend membership for the City of East Helena.

No public comment was received.

Commissioner Hunthausen moved to approve the memorandum of agreement.

Commissioner Geise seconded the motion. The motion carried 2-0.

Decision. Proposed Road Vacation of Segments of Grand Aerie Boulevard and Eight Avenue

and Vacation of Alleys in Block 17 and 18 of Eagle Heights Addition to Leslieton. (tabled from 10/7/14). (Applicant: Julie Aageson, Planner: Frank Rives)

The Commissioners will consider the proposed road vacation of segments of Grand Aerie Boulevard and Eight Avenue and vacation of alleys in the Block 17 and 18 of the Eagle Heights Addition to Leslieton.

Frank Rives addressed the questions regarding Castles Road from the public meeting held on October 7, 2014. There is no information on whether Castles Road is a private or public road. The road does pass primarily through the southern end of the applicant's property as well as across driveways and drainages. The right-of-way that provides access to further properties but is not the right-of-way the applicant wishes to abandon. There are several conditions recommended by staff including a new certificate of survey, quick claims for the right-of-way and a weed management plan.

Commissioner Hunthausen addressed his concerns about access to Castles Road for those who live at the end and that they will have access to their property and would like to add a condition to guarantee access to Castles Road as it appears legal access to those properties beyond would be cut off if this were to move forward. We need to ensure that we are not eliminating public access to these roads.

Deputy County Attorney, Katie Jerstad, advised that before a vote to approve the abandonment or vacating of a road or street, the Commission needs to make a finding that by doing so you will not be cutting off access to private properties. We cannot rely on the current property owners to work it out on the private roads that exist; we have to trust that by abandoning these public roads, we are not cutting off access to any private properties. This is just about the public right-of-ways.

Commissioner Geise would like to have a meeting in place with the attorneys, Katie Jerstad and Michele Peterson-Cook, the planner, Frank Rives and George Thebarg the Planning Department's head to address and satisfy the Commission's concerns.

No public comment was received.

Commissioner Hunthausen moved to render a final decision at the regularly scheduled public meeting on Thursday, October 16.

Commissioner Geise seconded the motion. The motion carried 2-0.

Cooperative Agreement between U.S. Environmental Protection Agency and Lewis & Clark County. (Elisa Prescott)

The Commissioners will consider the agreement for environmental workforce development and job training in the amount of \$200,000. The contract period is October 1, 2014 through September 30, 2017.

Elisa Prescott presented the cooperative agreement between U.S. Environmental Protection Agency and Lewis and Clark County for environmental workforce development and job training. The job training program will focus on training unemployed and underemployed workers in environmental work. The goal is to enroll 50 participants each year. The plan is to place 28 graduates into environmental jobs within 6 months of graduation and another 10 graduates pursuing further education and training.

No public comment was received.

Commissioner Hunthausen moved to approve the cooperative agreement.

Commissioner Geise seconded the motion. The motion carried 2-0.

Resolution 2014-108 Resolution to Adopt the Recommendations of the Citizens Advisory Committee for the Lewis & Clark County Open Lands Program Bylaws. (Matt Heimel) John Tietz
The Commissioners will consider the Resolution.

John Tietz presented the Resolution 2014-108 to adopt the recommendations of the Citizens Advisory Committee for the Lewis & Clark County Open Lands Program Bylaws. The CAC undertook a review of the current program to look for ways to increase its effectiveness. Bill Long was hired as a conservational professional to look at the program and recommend improvements. His two recommendations included two factors that were negatively affecting the program which were the makeup of the committee itself as it didn't represent the broader County, Augusta or Lincoln areas and was perceived as a City of Helena or Helena Valley organization. The second factor was the long and laborious review process that discourages applicants. The two changes recommended by the consultant have been endorsed by the CAC and include the representation of rural land owners and rural interests. In August 2009, the bylaws were adopted which required 13 members at large. In August, CAC voted to recommend amendments to the bylaws to add more structure to the composition of the board. The amendment includes adding a definition of planning areas and having the thirteen members broke down to one from each of the County planning areas, four members representing farming, ranching, timber and stakeholders in land conservation and the remaining members would be at large.

No public comment was received.

Commissioner Hunthausen moved to render a final decision at the regularly scheduled public meeting on Tuesday, October 14.

Commissioner Geise seconded the motion. The motion carried 2-0.

Resolution 2014-109 Resolution to Adopt the Recommendations of the Citizens Advisory Committee for the Lewis & Clark County Open Lands Program Guide. (Matt Heimel)
The Commissioners will consider the Resolution.

Matt Heimel presented the Resolution 2014-109 to adopt the recommendations of the Citizens Advisory Committee for the Lewis & Clark County Open Lands Program Guide. The origin of the program guide was to go through the bond expenditure for open lands program money. The program guide established 7 criteria in order for a project to get approval for funding to proceed. In the updated program guide the criteria has not changed but the time in which it takes for a project to be processed is the main change. The main goal is to reduce project time from 9-12 months to 2-4 months. New program would include 5 steps versus 7 steps to help expedite the process. With the new process the project sponsors would need to bring the application materials and due diligence documentation at the beginning of the process opposed to how it is set up now where they review it in subsequent stages. The review process would not start until the planning staff and County attorneys determine all documentation is in order. The CAC unanimously recommended bringing this forward to the Commission. There should be no significant change in staff resources or additional staff needed with the proposed changes.

Commissioner Geise questioned if additional staff will be needed from the planning staff or the County Attorney's office.

Katie Jerstad, Deputy County Attorney, noted that the time it takes for their office to review the due diligence is not affected by these proposed changes.

PUBLIC COMMENT-

Elisa Frasier, member of the Citizens Advisory Council, wanted to thank the staff and in particular, George Theborge, the Attorneys and Eric for their work in trying to improve this program.

Commissioner Hunthausen moved to render a final decision at the regularly scheduled public meeting on Tuesday, October 14.

Commissioner Geise seconded the motion. The motion carried 2-0.

Public Comment. Proposed Johnston Conservation Easement. (Matt Heimel)

The Commissioners will consider public comments on the proposed Johnston Conservation project and consider moving the application into due diligence.

Matt Heimel presented the proposed Johnston Conversation Easement for public comment and to move the project into the next phase which is due diligence. The funding requested is \$324,000 to establish an easement on 507 acres located approximately 30 miles Northwest of Helena. The staff report found that the application met all minimum requirements of the Open Lands Program application and the proposal also appears to meet four of the six criteria. The 30 day public hearing period was closed on October 2nd. Seven comments were received, five were in opposition and two are in support. The purpose of today's hearing is for the Commissioners to consider the public comments and moving the project to the due diligence phase. The project can only proceed towards a closing date when the County is satisfied with results. During this phase all assumptions are information from the application will be needed to be confirmed.

Andy Baur, Prickly Pear Land Trust, stated this project is an excellent fit for the open space bond criteria and they have been working closely with the land owner and neighbors to consider their needs and appreciate the comments on the public. There is a misunderstanding of the program and its intent and one misunderstanding is the public access issue. The easement would not shut off any existing public access; it would remain in control on the land owner. The habitat quality has undergone an analysis for the entire area for the quality of habitat and the Johnston property ranks among the highest for habitat quality for wildlife and fish as it does for agriculture land. For developable land, presumably roads could be built in the less steep terrain along with lots being flag poled with creek access for each lot. There is access for fishing downstream of the Johnston property. The easement would increase the conserved area by 50% as it joins an existing conservation easement.

Andrea Silverman, Prickly Pear Land Trust, clarified that there is no public access proposed in this project and the County road crossing is upstream from the Johnston property. A section of state land offers access and several pull outs located within the right of way of Chevalier Drive. The landowner and his neighbors are open to having public asking for permission to access their land however the owner is not comfortable having permanent access.

PUBLIC COMMENT-

John Tietz, Chair of the Citizens Advisory Council for Open Lands, stated that the committee looked at this project and half of the committee visited the site and feels it does have development value and there is pressure to develop the land. The committee was unanimous in their support of the project without access. History to the bond language and elements is that it

came from the Heritage Lands Working Group was put together by the County, City of Helena, Prickly Pear Land Trust, L&C Conservation District and was comprised of members from each district, land owners from Augusta, Lincoln, Canyon Creek. The bond language was presented to the Boards (it included the 7 criteria currently used) and access was a specific issue but it was the land owners who did not want access to be a threshold issue. The landowners wanted to be able to retain that and not have to require access to get funding. There is value to having open lands without having access. The bond initiative was to be for working lands, farms and ranches to maintain their character and conserve this land. There is still access through the stream access law.

Connie Cole, 640 Ferry Drive, Citizens Advisory Council member, stated her support of the project as this project meets the criteria for the open space bond.

Mike Bishop, Citizens Advisory Council member, feels that as a member of the CAC, they are the eyes and ears on these issue and they take the criteria very seriously and wanted to show his support for this project.

Jerry Davis, stated that as a sportsman he supports this project. The critical part of the program is to protect the habitat and to protect the heritage we have in Montana which is to preserve farming and ranching.

Stan Frasier, a representative of Hunters and Anglers, stated he still questions access and feels that we are contributing to the commercialization of hunting wildlife through selling access to wildlife being as an outfitter. The group is interested in preserving habitat and access would be nice but their main concern is contributing money to commercialized hunting.

Patti Wirth, 2020 Chevalier Drive, owns the dude ranch next to the Johnston property and wanted to clarify that they do not sell hunting or fishing. They are not a commercial outfitting business, they are a dude ranch. They sell horseback riding and teach how to ride horses in order for her clients to enjoy Montana. They do allow hunting and fishing by permission only.

Commissioner Geise asked County Attorney's for guidance on the next step.

Katie Jerstad, County Attorney, stated the process set forth provides for a public hearing today and then a decision on whether or not the project moves to due diligence phase. If you vote in favor of due diligence phase there are at least 2 opportunities for additional public comment during public hearings with the Citizens Advisory Council and again with the County Commissioners.

No further public comment was received.

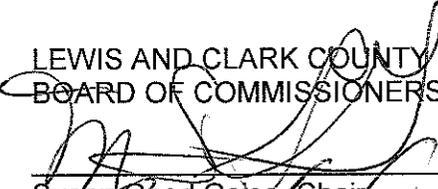
Commissioner Hunthausen moved to approve the application into due diligence and close the public hearing.

Commissioner Geise 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 being no further business, the meeting adjourned at 10:36 am.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Susan Good Geise, Chair



Andy Hunthausen



Mike Murray

ATTEST:



Paulette DeHart, Clerk of the Board