

**PUBLIC MEETING  
NOVEMBER 18, 2014  
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, November 18, 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 was present. Others attending all or a portion of the meeting included Eric Bryson, Jeremy Gersovitz, Michele Peterson-Cook, Kyle Thomas, George Thebarge, Liz Burke, Andy Turner, Ryan Seyler, Tom Rygg, Nancy Everson, Frank Rives, Michael Cloninger, Leonard Cloninger, Gary Hopkins, and Nichole Nisbet, Recording Secretary.

Pledge of Allegiance. Everyone recited the pledge.

Consent Action Items. (Eric Bryson)

- a. Resolution 2014-124 Ordering a Refund of Taxes/Fees/Assessments Paid by Robert Peccia & Associates in the amount of \$6,180.73. (Cheryl Green)
- b. Crosscurrents Settlement Agreement. (Eric Bryson)

Eric Bryson reported on the consent action items 2 a-b and recommended approval.

No public comment was received.

Commissioner Murray moved to approve consent items 2 a-b.

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

Youth Forest Monitoring Program Presentation. (Liz Burke)

Liz Burke, program manager of the Youth Forest Monitoring Program presented two students, Andy Turner, a senior at Capital High School and Ryan Seyler, a senior at Helena High School. Andy and Ryan are a part of the vegetation team that has researched and monitored vegetation in the Helena National Forest. The team's objectives are monitoring vegetation, observing and documenting their influence on the forest and to provide recommendations to the Forest Service and other audiences. The two sites presented were the Charter Oak Mine Site and the Helena Ridgeline Trail. An example of the program's success was on the lower portion of Helena Ridgeline Trail as it was sprayed in 2012 and their findings this year have shown a decrease in noxious weeds in the area.

Business Associate Agreement between Lewis and Clark County and Anderson Zurmuehlen & Co. (Nancy Everson)

The Commissioners will consider the revised Business Associate Agreement between Lewis and Clark County and Anderson Zurmuehlen & Co. which would supersede the BAA dated October 19, 2010.

Nancy Everson presented the business agreement between Lewis and Clark County and



Anderson Zurmuehlien & Co. The agreement is an update to reflect the regulations that are required by HIPPA and states that the auditors may access to personal health information while an audit is being performed.

No public comment was received.

Commissioner Hunthausen moved to approve the business agreement.

Commission Murray seconded the motion. Motion carried 3-0.

Change Order Number 1 with Helena Sand and Gravel for Original Contract Dated August 7, 2014. (Kyle Thomas)

The Commissioners will consider the change order that removes item No. 114 (small retaining wall) from the project.

Kyle Thomas presented the change order No. 1 with Helena Sand and Gravel for the original contract dated August 7, 2014 which is a no cost change order and removes item No. 114 (a small retaining wall) from the project.

No public comment was received.

Commissioner Murray moved to approve the change order.

Commission Hunthausen seconded the motion. Motion carried 3-0.

Change Order Number 2 with Helena Sand and Gravel for Original Contract Dated August 7, 2014. (Kyle Thomas)

The Commissioners will consider the change order in the amount of \$24,756.50 for additional paving for the new parking lot at the CHC building.

Kyle Thomas presented the change order No. 2 with Helena Sand and Gravel for the original contract dated August 7, 2014 which is for the paving of the new parking lot at the CHC building in the amount is \$24,756.50 due to grading issues they encountered.

No public comment was received.

Commissioner Hunthausen moved to approve the change order.

Commission Murray seconded the motion. Motion carried 3-0.

Public Hearing. Proposed Closure and Abandonment of North Meadow Road Located Within Lot 23 of The Bridge Creek Estates Subdivision and Lot 1 of the Wirth-Brown Subdivision. (Applicant: Michael Cloninger) (Planner: Frank W. Rives)

The Commissioners held a public hearing on the proposed closure and abandonment of North Meadow Road located within Lot 23 of The Bridge Creek Estates Subdivision and Lot 1 of The Wirth-Brown Subdivision.

Frank Rives presented that the applicant is requesting to facilitate a boundary line relocation for Lot 1 and Lot 23, as part of that action, the applicant has requested the following 4 items: the

proposed closure and abandonment of North Meadow Road located within Lot 23 of The Bridge Creek Estates Subdivision and Lot 1 of The Wirth-Brown Subdivision, the proposed closure and abandonment of access and utility easement located on Lot 23 of The Bridge Creek Estates Subdivision, the proposed creation of a public access/utility easement to provide access to Lot 2 of the Wirth-Brown Subdivision located on the western property line of the proposed Lot 23A of the Bridge Creek Estates Subdivision and the proposed amended plat of Bridge Creek Estates and the Wirth-Brown Subdivisions located east of and adjacent to North Montana Ave and adjacent to and north of Ropers Loop. With the proposed creation of a public access/utility easement the applicant is requesting to build a 30 foot access/utility easement instead of a 60 foot access/utility easement required by statute. The access/utility agreement would be held as a contingency for future access and would not be constructed at this time. The conditions of approval would include a driveway easement to ensure that Lot 2 will always have access to the driveway. The proposed boundary line relocation would make Lot 1A become a part of Wirth-Brown Subdivision and that Lot 23A would become part of Bridge Creek Subdivision conveyance. Lot 3 is accessed from North Meadow Road, which would remain via a driveway easement, a public access easement on the Southwest portion of Ropers Loop Road and a temporary unconstructed access easement from the Eastern portion of Lot 3 that connects with Ropers Loop. Lot 3 currently physically accessed their lot from the ditch rider's access road for the Helena Valley irrigation District.

#### PUBLIC COMMENT-

Michael Cloninger and Leonard Cloninger, the applicants stated that they are trying to resolve issues including the house being built on the easement through these proposals.

Commissioner Hunthausen stated that his only concern would be the use of the current driveway since both lots use it for access as it's being requested to be abandoned. A driveway easement would help ensure both lots have future access.

Tom Rygg, Resident of Ropers Road, questioned which subdivision the proposed Lot 23A would be a part of and expressed concerns of whether or not the driveway would be paved or gravel.

Gary Hopkins, buyer of Lot 3 of the Wirth-Brown Subdivision, stated that he has no objections to the proposals.

Commissioner Murray moved to incorporate the public testimony to be included in the record and to close the public hearing and render a decision at the Thursday, November 20<sup>th</sup> public meeting.

Commission Hunthausen seconded the motion. Motion carried 3-0.

Public Hearing. Proposed Closure and Abandonment of an Access and Utility Easement located on Lot 23 of The Bridge Creek Estates Subdivision. (Applicant: Michael Cloninger) (Planner: Frank W. Rives)

The Commissioners held a public hearing on the proposed closure and abandonment of an access and utility easement located on Lot 23 of The Bridge Creek Estates Subdivision.

Commissioner Murray moved to incorporate the public testimony to be included in the record and to close the public hearing.

Commission Hunthausen seconded the motion. Motion carried 3-0.

Commissioner Hunthausen moved to render a final decision at the regularly scheduled meeting on Thursday November 20, 2014.

Commissioner Murray seconded the Motion.

The motion carried 3-0.

Public Hearing. Proposed Creation of a Public Access/Utility Easement to Provide Access to Lot 2 of the Wirth-Brown Subdivision Located on the Western Property Line of the Proposed Lot 23A of The Bridge Creek Estates Subdivision. (Applicant: Michael Cloninger) (Planner: Frank W. Rives)

The Commissioners held a public hearing on the proposed creation of a public access/utility easement to provide access to Lot 2 of the Wirth-Brown Subdivision located on the western property line of the proposed Lot 23A of the Bridge Creek Estates Subdivision. Commissioner Murray moved to incorporate the public testimony to be included as the public hearing and to close the public hearing.

Commissioner Murray moved to incorporate the public testimony to be included in the record.

Commission Hunthausen seconded the motion. Motion carried 3-0.

Commissioner Hunthausen moved to close the public hearing and render a final decision at the regularly scheduled meeting on Thursday November 20, 2014.

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

Public Hearing. Proposed Amended Plat of a Subdivision to be known as the Amended Plat of Lots 1 and 2 of the Wirth-Brown and Lot 23 of The Bridge Creek Estates Subdivision. (Applicant: Michael Cloninger) (Planner: Frank W. Rives)

The Commissioners held a public hearing on the proposed amended plat of Bridge Creek Estates and the Wirth-Brown Subdivisions located east of and adjacent to North Montana Ave and adjacent to and north of Ropers Loop. In addition, the Commissioners will receive any associated public comment related to the proposed Amended Plat.

Commissioner Murray moved to incorporate the public testimony to be included in the record.

Commission Hunthausen seconded the motion. Motion carried 3-0.

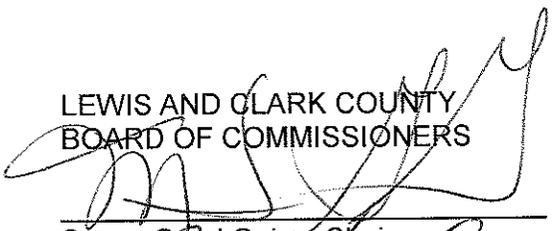
Commissioner Hunthausen moved to close the public hearing and render a final decision at the regularly scheduled meeting on Thursday November 20, 2014.

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

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

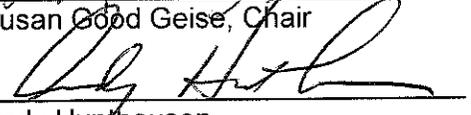
There being no further business, the meeting adjourned at 10:02 am.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS



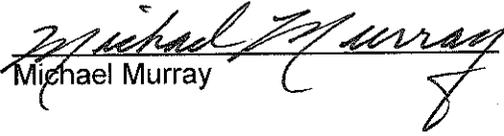
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Susan Good Geise, Chair



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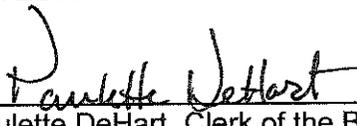
Andy Hunnhausen



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Michael Murray

ATTEST:



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Paulette DeHart, Clerk of the Board