

**PUBLIC MEETING
APRIL 1, 2014
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, April 1, 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, Katie Jerstad, Kyle Thomas, Tamrah Chatriand, Beth Norberg, Greg McNally, Frank Rives, Carrie Severson, Al Knauber, Kim Smith, Dean Retz, Jerry Christison, Mark Menke, Amy Reeves, Roy Jones, Patti Jacques, Jim Kehr, Jack Walsh and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Public Meeting Minutes – Febr. 25, & 27, March 4, 6, 11, 18, 25 & 27, 2014. (Rita Cortright)
- b. Resolution 2014-35 Requesting Prosecutorial Assistance in the Case of *State of Montana vs. Inland Empire Carnival*. (Leo Gallagher)

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.

Bid Award – Lewis and Clark Search and Rescue Building. (Kyle Thomas) The Commissioners will consider awarding the bid.

Kyle Thomas, Ast. Public Works Director, requested the Commission table the item until April 10, to allow more time to review bids and funding sources.

No public comment was received.

Commissioner Hunthausen moved to table the Bid Award – Lewis and Clark Search and Rescue Building, until April 10, 2014, as requested.

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

Resolution 2014-36 Canceling Uncalled Warrants Drawn on US Bank of Helena with a Date of Issuance Between July 1, 2012 and December 31, 2013 from the Sheriff's Commissary Fund #703, Pursuant to Section 7-6-2607, MCA. (Tamrah Chatriand) The Commissioners will consider the resolution.

Tamrah Chatriand, Accounting Clerk, presented Resolution 2014-36 Canceling Uncalled Warrants Drawn on US Bank of Helena with a Date of Issuance between July 1, 2012 and December 31, 2013 from the Sheriff's Commissary Fund #370 Pursuant to Section 7-6-2607, MCA, in the amount of \$1,710.99.

Commissioner Murray asked Staff to attempt to contact William Gordon regarding the warrant in the amount of \$349.64.

No public comment was received.

Commissioner Murray moved approval of Resolution 2014-36, A Resolution Canceling Uncalled Warrants Drawn on US Bank of Helena with a Date of Issuance between July 1, 2012 and December 31, 2013 from the Sheriff's Commissary Fund #703.

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

Professional Services Contract between Montana Business Assistance Connection, (MBAC) and Lewis and Clark County. (Beth Norberg) The Commissioners will consider the contract allowing for MBAC to administer low-interest loans for the repair or replacement of failed or malfunctioning septic systems to qualified homeowners whose property lies within Lewis & Clark County, including the Lake Helena Watershed, from the County's Wastewater Revolving Loan Program Fund. MBAC's compensation will be retention of the \$50 loan origination fee, 2% loan origination fee (\$250 min.) charged to borrowers, and any collected late fees. Contract period: 3/27-12/31/14.

Beth Norberg, Env. Health Specialist, presented the Professional Services Contract between Montana Business Assistance Connection, (MBAC) and the County for the Wastewater Revolving Loan Program. The fund balance of \$149,690.84 was available for low-interest loans administered by MBAC to property owners with failed septic systems. MBAC's compensation included a \$50 loan origination fee and a 2% loan origination fee (\$250 min.) and any collected late fees, paid by the borrowers. Some funds were utilized last year to provide \$100 pumping vouchers. Loans ranged from \$4,000 to \$9,600.

Mark Menke, MBAC loan officer, explained the \$50 origination fee covered their underwriting costs. The loan origination fee covered the credit report and initial loan processing and servicing, about 60-90 minutes of staff time. Reporting and correspondence was also included. The fee was justified by comparing it to the program MBAC also administered for MT Dept. of Environmental Quality their alternative energy loans.

No public comment was received.

Commissioner Hunthausen moved approval of the Professional Services Contract between Montana Business Assistance Connection and Lewis and Clark County, as presented.

Commissioner Murray seconded the motion. The motion carried 2-1. Commissioner Good Geise voted no.

Amended Plat of Lot A – Guettler Subdivision No. 2. (Applicant: Larry Kim Smith) (Planner: Greg McNally) The Applicant is requesting an amendment to Exhibit "B" of the Subdivision Improvements Agreement in which he would no longer be required to make upgrades to Applegate Drive, and would instead be allowed to use all remaining funds held by the County under the current financial guarantee toward improvements to Griffin Road. In addition, the Applicant is requesting to be allowed to provide an off-site fire protection source for the Subdivision to be located in Grand Valley Estates. (Tabled from 3/20/14) Decision.

Greg McNally, Planner, noted today was decision day. On March 20, Mr. Kim Smith had a request before the Commission for amendments to the Subdivision Improvements Agreement for the Amended Plat of Lot A – Goettler Subdivision No. 2 seeking to amend two conditions under Exhibit B of his Subdivision Improvements Agreement. Condition 6 regarded the requirement to install an on-site water supply system for fire suppression capable of delivering 1,000 gpm at 20 psi for 120 minutes. The applicant was requesting an off-site system. Condition 12 required the improvement of a segment of Applegate drive to the specifications required by the County Subdivision Regulations. The applicant proposed removal of that condition and instead proposed to improve Griffin Road which provides access to the subdivision.

No written public testimony was presented to the Commission on March 20. Following the close of the meeting it was discovered the Planning Dept. FAX machine had malfunctioned. Communications stored in the machine were presented to the Commission; a letter signed by 10 property owners in support of the applicant's proposed amendments. Staff's memo provided options for Commission consideration.

Commissioner Murray asked if the public hearing should be re-opened to receive the letter delayed by the FAX machine. Katie Jerstad stated it was sufficient to acknowledge the letter would have been received prior to the public hearing, had the FAX machine been working.

No public comment was received.

Commissioner Hunthausen moved approval of the amendments to the Subdivision Improvements Agreement, as presented, amending 6. to identify the water source for fire protection located in Grand Valley Estates Subdivision, an off-site fire protection source, and eliminating Condition 12.

Commissioner Murray seconded the motion.

Discussion –

Commissioner Murray asked if documentation would be necessary guaranteeing access to the off-site water source.

Greg McNally noted the water source in Grand Valley Estates was currently being developed in conjunction with completing the improvements for Grand Valley Estates, as well as the necessary fire protection requirements for Timber Works Estates. The intention was to ensure access prior to completing the fire protection source as addressed in the Conditions of Approval. The applicant would have to demonstrate compliance before being released from financial guarantee.

The motion carried 3-0.

Request for Extension - Amended Plat of Lot A – Guettler Subdivision No. 2. (Applicant: Larry Kim Smith) (Planner: Greg McNally) The Applicant is requesting an extension of the completion date listed under the Subdivision Improvements Agreement until January 27, 2015, and an updated financial guarantee to ensure the completion of all remaining improvements that will expire on February 27, 2015. (Tabled from 3/20/14) Decision.

Greg McNally, Planner, on behalf of the Applicant, Larry Kim Smith, presented a Request for Extension of the Subdivision Improvements Agreement to January 27, 2015. The attached

Letter of Credit would expire on February 27, 2015. Staff provided the Commission with options to consider. Exhibit B would need to be amended to include specificity for installation of the fire protection source in Grand Valley Estates, covered in the motion on the previous agenda item.

Kim Smith, 7510 Applegate Drive, Helena, confirmed his request for a 1-year extension.

No public comment was received.

Commissioner Hunthausen moved approval of the Extension Request to January 27, 2015, for the Subdivision Improvements Agreement as presented, recognized the amendments made to Condition 6 and Condition 12 in the Subdivision Amended Plat of Lot A – Goettler Subdivision No. 2.

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

Proposed Modifications to Conditions of Preliminarily Approved Fox Trot Estates Subdivision – II. (Applicant: Jerry and Genevieve Christison) (Planner: Frank Rives) The Applicant is requesting modifications to both the preliminary plat and conditions of preliminary approval. The Applicants are also requesting a variance from Ch. XI.H.1 of the 2005 County Subdivision Regulations. (Tabled from 3/20/14) Decision.

Frank Rives, Planner, noted the Proposed Modifications to Conditions of Preliminarily Approved Fox Trot Estates Subdivision – II, and a Variance Request from Ch. XI.H.1 of the 2005 County Subdivision Regulations was heard on March 20, and tabled for a decision today.

No public comment was received.

Commissioner Hunthausen moved approval of the Proposed Modifications to Condition of Preliminarily Approved Fox Trot Estates Subdivision – II, as presented in the Staff memo.

Commissioner Murray seconded the motion.

Commissioner Hunthausen moved approval of the Variance Request from Ch. X.H.1 of the County Subdivision Regulations to allow Typical Section 3, Peccia to be used for the road.

Commissioner Murray seconded the motion.

Discussion –

Commissioner Hunthausen addressed the Findings of Fact presented in the Staff Memo of March 14, 2014, stating the applicant's request met the variance requirements for Sec. 2.B.1 of the Lewis and Clark County Subdivision Regulations, and added the acceptance to his motion.

The motion carried 3-0.

Commissioner Hunthausen added recognition of the variance approval to the motion to approve.

The motion carried 3-0.

Request for Extension of Preliminary Approval for a Minor Subdivision known as Baxendale. (Applicant: Mountain West Home Sales) (Planner: Frank Rives) The applicant requests an extension of the preliminary plat approval for the 5-lot subdivision located west of Helena, adjacent to Baxendale Road. Preliminary approval was granted March 27, 2008, with 21 Conditions, and will expire March 27, 2014.

Frank Rives, Planner, noted the Request for Extension of Preliminary Approval for a Minor Subdivision known as Baxendale was heard on March 20 and tabled to today for a decision.

No public comment was received.

Commissioner Murray moved approval of the applicant's request to move the final plat to March 26, 2015.

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

Public Hearing. Resolution 2014-34 to Amend the Scope of Service for American Bar Road, Rural Improvement District Number 2013-2. (Carrie Severson) The Commissioners will receive public comment and consider the resolution.

Carrie Severson, Special Districts Coordinator, presented Resolution 2014-34 to Amend the Scope of Service for American Bar Road, Rural Improvement District No. 2013-2, adding 1/3 of a mile of gravel road. No protests had been received.

Public Comment --

Jim Kehr, 21 South Hills Drive, Clancy, requested support for the Resolution extending the RID by 1/3 of a mile.

Patti Jacques, 1957 University St., Helena, stated this section of road was their only legal access and urged support for the Resolution.

The public hearing was closed.

Commissioner Hunthausen moved approval of Resolution 2014-34, as presented.

Commissioner Good Geise seconded the motion.

Discussion --

Commissioner Hunthausen noted the district had been established; this was an extension of 1/3 of a mile, and no protest had been made.

Commissioner Murray stated the portion of road left off needed to be included in the RID.

The motion carried 3-0.

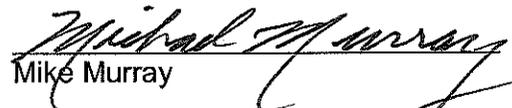
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no other business and the meeting adjourned at 9:48 a.m.

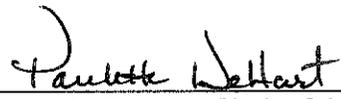
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Susan Good Geise, Chair


Andy Hunthausen


Mike Murray

ATTEST:


Paulette DeHart, Clerk of the Board