

**PUBLIC MEETING**  
**February 20, 2007**

Chairman Mike Murray called the meeting to order at 9 a.m. Commissioners Tinsley and Hunthausen were present. Others attending all or portion of the meeting included Ron Alles, Frank Rives, Eric Spangenberg, Eric Griffin, Mike Henderson, Greg McNally, Larry Kline, Lindsay Morgan, Tom Lythgoe, Dan Frasier, and Maria Penna-Recording Secretary.

Pledge of Allegiance. Everyone recited the pledge.

Consent Items. Ron Alles reported on the consent items and recommended approval.

- a. New Contract. Health Department and Betty Gutman, Licensed Social Worker for Mental Health Screening in High Schools. Contract Amount \$5,500. (Mike Henderson)
- b. Nunc Pro Tunc. GIS Fiscal Year 2008 MT Land Information Act Grant. Grant is for \$90,000 with a match of \$20,000 from L&CC Local MLIA Funds. (Eric Spangenberg)
- c. Proclamation. Peace Corps Day, March 1, 2007.

Commissioner Hunthausen moved approval of the consent items and authorized the Chair to sign. Commissioner Tinsley seconded the motion and it carried unanimously.

Public Hearing. South Hills Rural Special Improvement District Agreement. (Eric Griffin) (tabled from 2/15/07) The agreement is for improvements and maintenance to a portion of South Hills Drive from Saddle Drive south to Lewis and Clark County.

Commissioner Tinsley said the agreement states, "Jefferson County will bear sole responsibility for any debt or claims incurred in RSID No. 2503." A concern regarding this road is the potential for liability for Lewis and Clark County and this statement appears to make it sound as if the county would not be liable for any thing or any claims that may be incurred as a result of this RSID. He asked Eric Griffin whether this language had been discussed with the County Attorney and what are his thoughts on the waiver of future liability pertaining to another county paying for and maintaining the road.

Eric Griffin responded the draft agreement was sent to the County Attorney's office and he did not receive any comments that seemed to be pertinent language for that section of this agreement.

Commissioner Tinsley referred to the 5<sup>th</sup> paragraph which reads, "Whereas the improvements consist of widening, shaping, and base course reconstruction of South Hills Drive from Saddle Drive to South Hills Road, drainage improvements and applying a hard surface which consist of a double shot chip seal." How far does this work deviate from Lewis and Clark County current standards, what is a base course, how would the hard surface be applied, drainage improvements, etc.?

Eric Griffin stated Great West Engineering would construct the existing road to obtain a 24 foot width, deal with the drainage, and put a double shot chip seal on the road. Jefferson County indicated they would not do the total reconstruction on the hill.

Commissioner Murray said there will be increased traffic due to development in Jefferson County and encouraged staff to renegotiate the agreement to include a mat and base through the curve to Lewis and Clark County in accordance with our road standards.

Commissioner Tinsley moved to table a decision on this agreement and requested staff to meet with Jefferson County and provide clarification on the specifics before this Commission makes a decision. Commissioner Hunthausen seconded the motion.

Commissioner Hunthausen stated his concern is the potential for future development at the top of that hill because it is going to be a main access point for both communities. He would like to work out a compromise where we can come closer to our standard with the 3" mat and the base required in Lewis and Clark County.

Commissioner Tinsley stated Exhibit A shows a small portion of this road includes the City of Helena and asked if the city had an opportunity to comment on this.

Eric Griffin stated the city is aware that 200-250 feet of the road to the center line on the east side of the road is in the city limits.

The motion carried unanimously.

Commissioner Tom Lythgoe stated Jefferson County and Lewis and Clark County have been looking at the road for more than two years to see just what can be done to make it a safer road that would not be cost prohibitive. He felt Jefferson County came up with a plan that could be acceptable by both commissions. Indications throughout these discussions, recognizing there was no formal decision, one with another, with individual commissioners, believed they were on the right track and what we proposed as being a solution for this problem was in theory an all right solution. He was dismayed that the rules appeared to change in middle of the game. He said there are three other ways into the South Hills area and this is not even the most popular road to use. Jefferson County is willing to maintain the road without Lewis and Clark County's participation and without the participation of those folks that live on the road. The other potential is to do just the portion in Jefferson County with a double shot chip seal, put in the drainage, widen the surface, and crown the hill. This would make it a much safer road than it is now and because that is what they can afford to do.

Commissioner Murray informed Commissioner Lythgoe "if you build in Lewis and Clark County you will build to Lewis and Clark County standards. A double shot chip seal is not adequate for the traffic in our county."

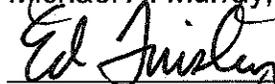
Commissioner Tinsley said there are no specifics regarding the construction in the agreement. Proper road construction would affect future generations and we need to make sure what we do is as close to the right thing as we can determine with the information given.

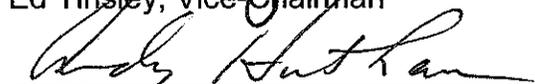
Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no other business and the meeting adjourned at 9:28 a.m.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Michael A. Murray, Chairman

  
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Ed Tinsley, Vice-Chairman

  
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Andy Hunthausen, Member

ATTEST:

  
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Paulette DeHart, Clerk of the Board