

**PUBLIC MEETING
FEBRUARY 14, 2013
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, February 14, 2013, at 9 a.m. in Commission Chambers Room 330 of the City-County Building, 316 North Park Avenue, Helena, Montana.

Chairman Mike Murray called the meeting to order at 9 a.m. Commissioner Andy Hunthausen was present. Others attending all or a portion of the meeting included Eric Bryson, Kyle Thomas, Carrie Severson, Audra Zacherl, Marni Bentley, Laura Erikson, Emily Post, Gene Dykman, Tammy Potter, Shane Hildenstab, Skeeter Baertch, Roger LaVoie, Ryan Casne, Glenn Hays, 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 February 11, 2013. (Marni Bentley)

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

No public comment was received.

Commissioner Hunthausen moved approval of the consent action items. Commissioner Murray seconded the motion. The motion carried 2-0.

Public Hearing. Resolution No. 2013-12 Levying and Assessing a Tax Upon All Benefitted Property Within the Big Sky Subdivision Rural Improvement District Number 2012-3. (Carrie Severson)

Carrie Severson, Special Districts Coordinator, reported on the Resolution 2013-12. The Resolution of Intent was passed on Nov. 7, 2012; notice was published and mailed, and a protest period held. No properties protested the creation of the District. Then, Resolution 2013-4 Creating the District was approved by the Commission on January 15, 2013. Notice had been published and mailed to property owners within the District. Today's public hearing was to consider the amounts to be levied and assessed on properties in order to fund the improvements and maintenance of the Rural Improvement District 2012-3, located at the corner of Mill and McHugh. No new information had been presented; therefore estimates presented during the creation process remained the same. Ms. Severson displayed a map indicating the roads to be improved and maintained through the RID. Improvements included a 2-inch layer of asphalt topped with a chip-seal. Maintenance included a future chip-seal, as well as other maintenance provisions. The budget was developed in coordination with the Public Works Dept. and affected property owners.

Public hearing –

No public comments were received.

Commissioner Murray closed the public hearing.

Commissioner Hunthausen moved approval of Resolution 2013-12 Levying and Assessing a Tax Upon All Benefitting Properties Within Big Sky Subdivision Rural Improvement District No.

2012-3, as presented. Commissioner Murray seconded the motion.

Commissioner Hunthausen and Commissioner Murray expressed appreciation to the residents of the Big Sky Subdivision for bringing the neighborhood together to accomplish establishing the RID. The motion carried 2-0.

InterCap Loan Application for Big Sky Subdivision Rural Improvement District in the Amount of \$194,737. (Carrie Severson) The Commissioners shall consider signing the application for funding of the District Improvements.

Carrie Severson, Special Districts Coordinator, presented the InterCap Loan Application for the Big Sky Subdivision RID in the Amount of \$194,737, noting the loan application process could now proceed based on approval of Resolution 2013-12. Funding of the improvements is generally through a loan or bond, and in this case an InterCap Loan through the Montana Board of Investments Program was being proposed. Once the Board of Investments approved the funding, a bid package would be prepared and the bid awarded for the necessary work. Staff requested approval of the loan application, noting the interest rate of 4.5 percent.

No public comment was received.

Commissioner Hunthausen moved approval of the InterCap Loan Application for Big Sky Subdivision Rural Improvement District in the Amount of \$194,737.00 as presented. Commissioner Murray seconded the motion. The motion carried 2-0.

Professional Services Contract Between Barbara Beck, dba Beck Consulting and Lewis & Clark County. (George Theborge) (Eric Bryson) The Commissioners will consider the contract for consultant services for completion of the Proposed Regional Parks, Recreation, and Trails District Project in an amount not to exceed \$29,900 for the period 2/1/13 – 7/31/13.

Eric Bryson presented the Contract with Beck Consulting, which was the result of the Parks Board and the Parks Board's subcommittee's continuing evaluation of a metropolitan or regional parks district. The Parks Board, County Planning, City Planning and City Parks decided to do a Request for Proposals for a consultant to complete a feasibility study. Three deliverables were identified in the Scope of Services: 1) an Inventory and Analysis of Facilities and Services; Existing and Projected Use of Facilities and Services; and a Feasibility and Financial Analysis. The cost would be split between the City and the County and Staff recommended approving the contract.

No public comment was received.

Commissioner Hunthausen moved approval of the Professional Services Contract Between Barbara Beck, Beck Consulting and Lewis & Clark County, as presented. Commissioner Murray seconded the motion. The motion carried 2-0.

Community Transportation Enhancement Program Application for the City-County Health Department Sidewalk Project. (Kyle Thomas) The Commissioners will consider the application in the amount of \$142,236 for design and construction of 430 feet of ADA accessible sidewalks, retaining wall and storm water drain on 11th Avenue. Local match is \$19,759 from CHC Capital Dev. project funding.

Kyle Thomas, Ast. Director of Public Works, introduced Laura Erikson, Grants Coordinator, who presented the CTEP Application for sidewalk construction on the south side of 11th Avenue,

adjacent to the Health Department and Valley Bank. Currently, no sidewalk existed there, and if funded, the project would include constructing 430 feet of ADA-accessible sidewalks; build a retaining wall along the new Health Dept. parking lot; and redirect the stormwater. The local match was available and this would be the last year of CTEP funding as the program was being discontinued.

No public comment was received.

Commissioner Hunthausen moved approval of the Community Transportation Enhancement Program Application for the City-County Health Department Sidewalk Project, as presented. Commissioner Murray seconded the motion. The motion carried 2-0.

All-Wheel Drive Tractor Lease with Option to Purchase Proposal Award. (Audra Zacherl)

Audra Zacherl, Finance Coordinator for Public Works, presented the proposed lease, explaining that in January, Public Works put out a Request for Proposals for a Lease with the Option to Purchase an all-wheel drive tractor to pull the PTH Crusher that was purchased a year ago. The RFP process had been utilized by Public Works in the past for projects; however, this was the first use of the process for procurement of equipment. State Statute allows the use of this procurement method for unique reasons. A scoring process was developed and proposals were solicited from vendors that contained best options for warranty, lease purchase terms and conditions. A committee scored and ranked six proposals on Feb. 7, 2013, during an advertised public meeting, and the top-ranked proposal was from Churchill Equipment of Manhattan, Montana. They proposed a brand new 2013 Massey Ferguson model 8680 AWD Tractor with a delivery date prior to July 1st. The scoring results were provided in the meeting packet; all 6 were scored; one proposal did not meet basic equipment specifications and was not scored. An error was made in the initial scoring of the proposals; proposals were rescored as a result, which did not change the initial ranking of vendors. Staff recommended awarding the proposal for a three-year lease with payments of \$31,443.16 annually for a total lease amount of \$94,329.48, with the option to purchase at the end of the lease period to Churchill Equipment of Manhattan, Montana, and authorizing the Chair to sign all applicable contract documents. The first payment would be due at the time of delivery. Public Works did not have budget authority in the current fiscal year for this lease agreement, so by awarding the proposal, the Commission would be agreeing to early purchase authority in the amount of \$31,443 for the FY14 budget.

Commissioner Hunthausen asked Ms. Zacherl to explain the purpose and use of the PTH Crusher. Ms. Zacherl explained it was a very heavy piece of equipment pulled by a specific type of tractor at less than one mile per hour, and digs into native soil of a gravel road pulling up the large stones and rushing them into gravel. This equipment will lessen the County's need and expense of hauling dump-truck loads of gravel to the far reaches of the County. The PTH Crusher was tested prior to the bid process and has been used since on the Benchmark Road. Ms. Zacherl pointed out there was only a \$3,000 difference between purchasing the tractor outright, as compared to the 3-year lease agreement.

Public comment –

Gene Dykmam, Churchill Equipment, Churchill, Montana, provided some background information on his company, stating they had been in business for well over 55 years, doing business with both private and government customers. Their goal was to provide reasonably priced services. Mr. Dykmam reviewed the specifications of the tractor: a 2013 Massey Ferguson with a total of 275 PTO horsepower, capable of traveling 25 mph or as slow as 60 feet per minute due its electronically controlled, constant-variable transmission. Their company was

well supplied with parts; their well-trained technicians were capable of diagnosing and servicing their products.

Kyle Thomas thanked Audra Zacherl and the Selection Committee for their work on this challenging project, noting they did an excellent job determining the best option for the County.

Commissioner Hunthausen moved approval of the Staff recommendation to award the proposal for a three-year lease with payments of \$31,443.16 annually for a total lease amount of \$94,329.48 with the option to purchase at the end of the lease period to Churchill Equipment of Manhattan, Montana. Commissioner Murray seconded the motion. The motion carried 2-0.

Independent Contractor Contract Between Nate Condron and Lewis & Clark County. (Emily Post) The Commissioners will consider the contract for website redesign for the "Don't Waste Montana" campaign in an amount not to exceed \$2,800 for the period 2/14/13 – 9/31/13.

Emily Post, Sustainability Coordinator, presented the Contract, explaining that in 2012, the County was awarded a USDA Grant in the amount of \$75,000 to reduce waste in the rural communities of Jefferson, Broadwater and Lewis & Clark Counties. The "Don't Waste Montana" program includes a contractor budget of about \$27,000, and this particular contract for \$2,800 would be to update and add content to the existing website.

No public comment was received.

Commissioner Hunthausen moved approval of the Independent Contractor Contract Between Nate Condron and Lewis & Clark County, as presented. Commissioner Murray seconded the motion. The motion carried 2-0.

MT Board of Crime Control Subgrant Application by Lewis & Clark County Sheriff's Office. (Tammy Potter) The Commissioners will consider the application in the amount of \$83,230 in support of the STOP Violence Against Women Act. Grant funds requested: \$62,422; matching funds: \$20,808.

Tammy Potter, Finance Coordinator, presented the Montana Board of Crime Control Subgrant application by the Sheriff's Office for grant funds to support the salary of a deputy to work solely on cases regarding violence against women, which includes assaults, rapes and stalking. The grant also provides money for cell phone, travel, training, fuel and other minor supplies to support the position. The total grant request was \$62,422; the Sheriff's Office match was \$20,808, for a total cost of \$83,230.

No public comment was received.

Commissioner Hunthausen moved approval of the Montana Board of Crime Control Subgrant Application by Lewis & Clark County Sheriff's Office for \$62,422, as presented. Commissioner Murray seconded the motion. The motion carried 2-0.

Commissioner Hunthausen announced that today was International Stop Violence Against Women and Girls Day. One billion people worldwide would rise today to try and bring attention to stopping violence against women and girls. An event was planned on the State Capitol steps at 12:30 p.m. in addition to an evening reception at the Placer Center.

MT Board of Crime Control Subgrant Application by Lewis & Clark County Sheriff's Office. (~~Tammy Potter~~) (Shane Hildenstab) The Commissioners will consider the application in the

amount of \$16,014 for the purchase of two (2) ANT OTS-32 Flear Systems, (2) flip-up goggle kits, and (2) helmet mounts.

Shane Hildenstab, Deputy in the Sheriff's Office, presented the grant through the Montana Board of Crime Control for the purchase of two Flear Systems, also known as thermal imaging systems, two helmet mounts and two flip up goggle kits. The purpose of the thermal imaging equipment was to assist the Sheriff's Dept. personnel in safer apprehension of suspects in night-time situations, by providing a thermal image. It would also enable officers to more quickly locate someone lost in the cold or during the nighttime.

No public comment was received.

Commissioner Hunthausen moved approval of the Montana Board of Crime Control Subgrant Application by Lewis & Clark County Sheriff's Office in the Amount of \$16,016, as presented. Commissioner Murray seconded the motion. The motion carried 2-0.

Request for Consideration of Modification of Conditions of Approval for Timberworks Subdivision, Phases II & III. (George Thebarge)

George Thebarge, Planning Director, presented the Request for Consideration of Modification of Conditions of Approval for Timberworks Subdivision, Phases II & III. The project's final plat application had been submitted and was currently being processed. The project received preliminary subdivision approval in March of 2011. It was modified twice previously, in March and September of 2012. The applicant was requesting four additional changes to what was previously approved: 1) Removal of the 15-foot setback around the perimeter of the project; 2) Eliminating the use specifications that were imposed at preliminary approval, in lieu of the zoning that has been adopted which controls the uses; 3) Eliminating non-used utility easements; and 4) Elimination of a turn-lane at the southerly project entrance on North Montana Avenue. The Subdivision Regulations provide two options for making changes to the preliminary approval. The first is in Section 3.B.12 which is the standard process that asks the Commissioners to consider whether they were convinced of the need for the change. Then there is a voting process on the proposed changes, as modifications to the preliminary approval conditions. The second option is contained in Section 3.C.5. "The governing body may approve a final plat which in their determination has been modified to reflect improvements in design or changes which have occurred in the natural surroundings and environment since the time of subdivision application review and approval." The applicant had submitted a memo explaining their reasons for the four changes and why they felt those changes fit within that language allowing changes at final plat.

Mr. Thebarge said there was Staff consensus that the first two changes clearly make sense as this practice had created problems for the County and for property owners, where there were encroachments into these side-line and rear-line utility easement. He was considering proposing amendments to the current language in the next round of Subdivision amendments. He personally felt that Section 11.Q, gave some authority to the Commissioners and the utility companies to determine where they should be placed. The last requested change was elimination of the turn-lane on North Montana Avenue. The Traffic Impact Study provided by the applicant and reviewed by the Commission and Planning Board had a turn-lane installed for traffic mitigation. Apparently, now the Montana Dept. of Transportation had expressed concern with the installation of that turn-lane because of the future plan for a round-about at the intersection of North Montana and Lincoln Road. Therefore, the applicant proposed that MT DOT won't allow the turn-lane to go in. If the traffic engineer for the project, the Department of Transportation and Public Works all agreed that the turn-lane should not go in because it will

create more problems than it will solve, then he urged the Commission to defer to those experts on that opinion. Decisions on the four requests were not needed today; however, Staff was seeking direction for how the changes would be considered. Two options were presented: Direct the applicant to go through the standard preliminary approval modification; or allow all four changes to be considered at final plat. Mr. Thebarga confirmed that public notice for the Feb. 28th meeting and notice to all abutting properties had been provided.

Eric Bryson explained that because the Applicant had made a request to do what could be considered substantial changes from preliminary to final plat, Mr. Thebarga wanted to ensure the public's right to participate was not infringed upon if the Commission decided to make changes at final plat.

Commissioner Hunthausen moved to allow the four items to be addressed at Final Plat as requested by the applicant. Commissioner Murray seconded the motion. The motion carried 2-0.

Board Appointments – Fair Board (Eric Bryson)

Eric Bryson reported on four terms that were expiring on the Fair Board. Jim Cottrill completed his 4th term as of December 31, 2012. Caroline Hudnall completed her first term as of December 31, 2012. Deb Matteucci completed her unexpired term of April through December, 2012, and requested appointment to her first full term. Galen Hollenbaugh completed his second term as of December 31, 2012, and indicated he would prefer appointment as a non-voting, ex-officio member. Vacancies were advertised in the *Independent Record* on January 23 and 30, 2013, resulting in applications from Michael Beattie, Allen Cormany, Barry Damschen, Scott McHugh, who is currently an ex-officio member, Mark Menke, Charles Smith and Gary Spaeth. The Commission had four appointments to make: Jim Cottrill, Caroline Hudnall and Deb Matteucci, as the currently expiring members, all requested reappointment, leaving one vacancy to fill.

Commissioner Hunthausen asked if Joe Dooling was also being considered. Eric Bryson said it was unclear if Mr. Dooling had submitted an application, although as an ex-officio member, he had expressed interest in being appointed to a voting member position. Commissioner Murray confirmed the receipt of an e-mail from Mr. Dooling.

Commissioner Hunthausen moved to appoint Jim Cottrill, Caroline Hudnall, Deb Matteucci and Joe Dooling to a new 3-year term expiring December 31, 2015, as voting members of the Fair Board. Commissioner Murray seconded the motion. The motion carried 2-0.

Commissioner Hunthausen moved to appoint Galen Hollenbaugh, Michael Beattie, Allen Cormany, Barry Damschen, Mark Menke, Charles Smith and Gary Spaeth to the Fair Board as non-voting members to terms expiring December 31, 2015. Commissioner Murray 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. None.

There was no further business and the meeting adjourned at 9:50 a.m.

ATTEST:



Paulette DeHart, Clerk of the Board

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Michael Murray, Chairman



Andy Hunthausen

(Vacant)