

**PUBLIC MEETING  
February 19, 2013  
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, February 19, 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, George Theborge, Pat McKelvey, Eric Griffin, Todd Kuxhaus and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Rental Agreement for Use of Myrna Loy Center Auditorium and Lobby for One-Time Showing of "Addiction Incorporated" on Feb. 21, 2013. (Karen Lane)
- b. Public Meeting Minutes for Feb. 28, March 1, 6, 8, 13 & 15, 2012. (Rita Cortright)

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 and the motion. The motion carried 2-0.

Professional Services Contract Between Lewis & Clark County and Paul M. Putz Historic Preservation Works LLC. (~~Pam Attardo~~) (Eric Bryson) The Commissioners will consider the contract for heritage tourism preservation and development services in an amount not to exceed \$5,500 for the period Feb. 20, 2013 – Dec. 31, 2013.

Eric Bryson presented the contract in Ms. Attardo's absence. The \$5,500 contract would allow the former Historic Preservation Officer, Paul Putz, to work on a contractual basis assisting with the Heritage Tourism events planned for this spring and summer. Work would commence February 20, 2013 and end by December 31, 2013. Staff recommended approval of the contract.

No public comment was received.

Commissioner Hunthausen moved approval of the Professional Services Contract between Lewis and Clark County and Paul Putz as presented. Commissioner Murray seconded the motion. The motion carried 2-0.

Independent Contractor Contract Between Lewis & Clark County and Smith Logging, Inc. (Pat McKelvey) The Commissioners will consider the contract for Wildland Fuel Mitigation Projects in Lewis & Clark, Jefferson and Broadwater Counties at a rate of \$1,000 per acre. Contract period is according to the Landowner Plan.

Pat McKelvey reported on the Independent Contractor Contract Between Lewis & Clark County and Smith Logging, Inc., an Indefinite Delivery – Indefinite Quantity contract for mitigation projects that allowed payment to Smith Logging if the work was completed according to the

Landowner Plan.

No public comment was received.

Commissioner Hunthausen moved approval of the Independent Contractor Contract Between Lewis & Clark County and Smith Logging. Commissioner Murray seconded the motion. The motion carried 2-0.

Independent Contractor Contract Between Lewis & Clark County and Cat Tracks, Inc. (Pat McKelvey) The Commissioners will consider the contract for Wildland Fuel Mitigation Projects in Lewis & Clark, Jefferson and Broadwater Counties at a rate of \$1,300 per acre. Contract period is according to the Landowner Plan.

Pat McKelvey reported on the Independent Contractor Contract Between Lewis & Clark County and Cat Tracks, Inc. for Wildland Fuel Mitigation Projects on private land adjacent to Forest Service lands.

No public comment was received.

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

Federal Lands Access Program Match Agreement Between US DOT Federal Hwy. Admin. – Western Fed. Lands Hwy. Division and Lewis & Clark County. (Eric Griffin) The Commissioners will consider the agreement in the amount of \$10,980,000 for Project MT PFH 98-1(1), Rimini Road. County match: \$222,772.

Eric Griffin presented the Agreement for reconstruction of the Rimini Road and read the following highlights from the agreement: "The purpose of this agreement is to document the intent of Lewis and Clark County to meet the match requirement for the subject project as authorized under the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21)." The program requirements changed as of October 1, 2012, requiring the county to match 13.42 percent of funds that were not obligated prior to that date. The program authorizes FHWA to provide funding for specific projects that are selected by a Project Decision Committee, and this project received funding for construction in FY2012. There was some cash carryover from MOU's signed prior to October 1<sup>st</sup>. Mr. Griffin stated the estimated match at that time, was \$222,722.00, with \$22,227 as administrative soft match. Payments were scheduled for August 1, 2013, January 1, 2014, and January 1, 2015. He pointed out that the carryover amount was \$9,200,000 for construction and over \$120,000 that the Count still had was not subject to match

No public comment was received.

Commissioner Hunthausen moved approval of the Federal Lands Access Program Match Agreement Between US DOT Federal Highway Admin. – Western Federal Lands Highway Division and Lewis and Clark County, as presented. Commissioner Murray seconded the motion. The motion carried 2-0.

Public Hearing. Proposed Subsequent Minor Subdivision to be known as Elvbakken Commercial and Variance Request from Ch. XI.H. (Applicant: Matt Elvbakken) (Planner: Frank Rives) (George Theborge) A proposed subdivision for rent or lease. The Applicant is requesting a subsequent minor subdivision to allow two non-residential uses (a store and a 26-

unit self-storage facility) and a single-family residence on a 3.07-acre parcel. The Applicant also requests a variance from the L&C County Subdivision Regulations for the following requirement: Chapter XI.H.3. (Adjacent and Off-Site Road Improvements). The proposed subdivision lies in the NE1/4 of Sec. 11. T10N, R3W. P.M.M., Lewis & Clark County, north of and adjacent to Leisure Village and south of and adjacent to York Road.

George Theborge, Planning Director, explained that a communication had been received from the applicant on February 14, 2013, indicating the applicant would be amenable to extending the review period to March 15, 2013. He suggested tabling the item until that date.

No public comment was received.

Commissioner Hunthausen moved to extend the deadline through March 15<sup>th</sup>, but to hear the proposal on March 12<sup>th</sup> at our regularly scheduled meeting. Commissioner Murray seconded the motion. The motion carried 2-0.

Memorandum of Understanding Between Lewis & Clark County, Cooperative Health Center, and the City/County Board of Health. (Eric Bryson) The Commissioners will consider the MOU outlining expectations of the parties in management and operation of programming delivered by the CHC and Health Dept. under the general supervision of the L&C County Commission.

Eric Bryson presented the Memorandum of Understanding, noting it was the result of numerous meetings and a collaborative working relationship between the entities. Underlying documents were referenced that defined the relationship between the CHC and the Health Department; however, issues remained regarding the exact roles and authorities among the three entities. The MOU was developed in conjunction with the County Attorney's Office, legal counsel for the CHC, a small number of board members of each group, Mr. Bryson, the Health Officer Melanie Reynolds and Executive Director of the CHC Kate McIvor. The County would act as fiscal agent for each of the entities as in the past, and both these entities will follow any adopted Board of County Commissioner policy for review and adoption of fiscal issues. The budget will be subject to review and approval of the Commission. The County will act as a personnel agent for each entity which meant both the Executive Director and Health Officer, even though they report to separate boards, would be responsible for ensuring compliance with personnel policies as adopted by the Commission. A consultation provision ensured the County would keep both entities involved in any conversations that may change policy and procedures or fiscal policy. The final provision reviewed was that the Executive Director of the CHC and the Health Officer were responsible for coordinating internally, which recognized the need to keep each other's boards in mind when taking on new initiatives or discussing changes in daily practices. The final over-arching clause in the MOU was that all parties acknowledged there were other outside agreements that might trump the MOU; however, for the time being, all agreed to work within the constraints of this MOU and act from the MOU to ensure that all parties were doing what was necessary for the benefit of clients and the organizational structure this created. Staff requested the Commission sign the MOU which already contained signatures of the other two entities.

No public comment was received.

Commissioner Hunthausen moved approval of the MOU Between Lewis & Clark County, the Cooperative Health Center, and the City/County Board of Health as presented. Commissioner Murray seconded the motion. The motion carried 2-0.

Board Appointment – Mental Health Local Advisory Council. (Eric Bryson)

Eric Bryson reported on the board appointment to the Mental Health Local Advisory Council. A vacancy occurred in the position filled by a representative from St. Peter's Hospital when Yvonne Kirk left their employ. Heather O'Hara was recommended by St. Peter's to represent the hospital on the LAC.

Commissioner Hunthausen moved to appoint Heather O'Hara as the St. Peter's representative on the Mental Health Local Advisory Council. Commissioner Murray seconded the motion. The motion carried 2-0.

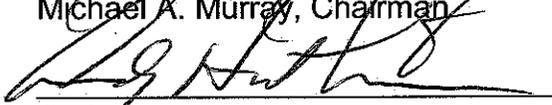
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

Commissioner Murray announced Calendar Meeting to be held immediately following the public meeting.

There was no further business and the meeting adjourned at 9:24 a.m.

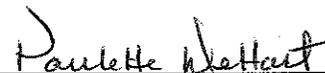
LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Michael A. Murray, Chairman

  
Andy Hunthausen

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(Vacant)

ATTEST:

  
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Paulette DeHart, Clerk of the Board