

**PUBLIC MEETING  
MAY 28, 2013  
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, May 28, 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, Carrie Severson, Frank Rives, Michael McHugh, Kathy Moore, Jennifer McBroom, Gilda Clancy, Patrick Faber, Nancy Everson, Steve Bostrom, Dan Wickens, Tom Rolfe, Dean Retz, Randy Triem, Dallas and Karen Cox, Mike Ruppert, Melissa Anderson, Eliza Wiley, Greg Lemon, Jill Jagelski, and Misty Edwards, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

a. Resolution 2013-45 Declaring County Property Surplus Property. (Amy Reeves)

Eric Bryson reported on the consent agenda item and recommended approval.

No public comment was received.

Commissioner Hunthausen moved approval of Consent Action Item 2.a. Commissioner Murray seconded the motion. The motion carried 2-0.

Selection of District 2 Commissioner. (Eric Bryson)

Commissioner Hunthausen delivered brief comments and moved to nominate Susan Good Geise to fill the open County Commission seat through the election in 2014. Commissioner Murray seconded the motion and also delivered brief comments, noting it was an extremely difficult decision, and that Ms. Geise will represent both rural and urban interests. Ms. Geise was currently out-of-state, but would be present next Tuesday to be sworn in in the Chambers prior to the start of the public meeting when she would be seated as the new County Commissioner. Mr. Bryson was charged with making arrangements for the swearing in ceremony.

Commissioner Hunthausen agreed it was a difficult decision. He noted the public comment received on the selection process and cited Ms. Geise's rural perspective and experience in making his decision. He thanked the other five candidates for their participation in the process. The motion carried 2-0.

Modification No. 1 to Contract 211072 Between Lewis & Clark County Water Quality Protection Dist. and MT Dept. of Environmental Quality. (~~Kathy Moore~~) (Jennifer McBroom) The Commissioners will consider the modification adding \$1,870 in grant funds for purchase of water from BOR for continuation of Prickly Pear Creek Re-watering Project

Jennifer McBroom, Outreach Coordinator for the Water Quality Protection District, reported on the contract modification in the amount of \$1,870 to purchase water from the Bureau of Reclamation for continuation of the Prickly Pear Creek Re-watering Project.

No public comment was received.

Commissioner Hunthausen moved approval of Modification No. 1. to the Contract Between Lewis & Clark County and the Water Quality Protection District and Montana Dept. of Environmental Quality, as presented. Commissioner Murray seconded the motion. The motion carried 2-0.

Resolution No. 2013-42 to Create Rural Improvement District 2013-1 for Panoramic Meadows Subdivision. (Carrie Severson) (Tabled from 5/16/13)

Carrie Severson, Special Districts Coordinator, presented Resolution 2013-42 to Create Rural Improvement District 2013-1 for the Panoramic Meadows Subdivision, for the purpose of funding local improvements and maintenance of internal public infrastructure. The subdivision is located just north of Lake Helena off of Lincoln Road, adjacent to Mountain Heritage Drive. The internal access is public; there are public trail easements, a mailbox structure and easement, as well as a fire protection easement and improvements. The fire protection had recently been completed and transferred into public ownership. A vicinity map was presented and reviewed that indicated the various easements. Each lot, parcel or tract would be assessed an equal amount on a yearly basis in the amount of \$396.35 according to the Resolution. Staff recommended a chip-seal of internal roads in five years. A Resolution to Levy and Assess would follow later that would provide an opportunity for public input. No objections had been received as of today's meeting because the properties have waived their right to protest. The Resolution was corrected to reflect \$34,223.90 annually or \$433.21 per parcel per year

No public comment was received.

Commissioner Hunthausen moved to approve Resolution 2013-42, as corrected. Commissioner Murray seconded the motion. The motion carried 2-0.

Public Hearing. Resolution No. 2013-44 to Amend Rural Improvement District No. 2007-2 Known as Hauser Lake Estates RID. (Carrie Severson) (Tabled from 5/16/13)

Carrie Severson, Special Districts Coordinator, presented Resolution 2013-44 to Amend Rural Improvement District No. 2007-2, Hauser Lake Estates, created in 2007. Upon staff review, it appeared one additional property, created via family transfer, currently accessed Malibu Loop, and may have become a benefitting property. A subsequent notice and hearing on an assessment would follow today's action to amend the District.

No public comment was received.

Commissioner Hunthausen moved approval of Resolution 2013-44 to Amend Rural Improvement District 2007-2 for the Hauser Lake Estates Subdivision. Commissioner Murray seconded the motion. The motion carried 2-0.

Proposed Major Subdivision to be known as the Amended Lot 1 & 2 Paradise Valley Subdivision. (Applicant: W. Wayne Wilson) (Planner: Frank W. Rives) The Commissioners will consider a proposed 7-lot Subdivision located north of Norris Road and east of and adjacent to Applegate Drive, and a variance request from the requirements of Chapter: XI.H.3.c. to utilize an engineer's estimate for Applegate Drive instead of a PER to determine the cost to maintain the Level of Service directly attributable to 2 of the 7 lots within the Subdivision that will access directly onto Applegate Drive. In addition, the Commissioners will receive any associated public comment related to the proposed Subdivision and variance request. (Tabled from 5/14/13)

Frank Rives, Planner, stated today was decision day, as the application deadline would expire May 30. Mr. Rives referenced his memo dated May 22, 2013, and a letter from Casne and Associates related to proposed changes to Conditions. During the public meeting on May 14, there was discussion on two different methods of determining the percentage of impact for roads in the subdivision's traffic impact corridor. Following that meeting, Mr. Bryson and Mr. Casne met and discussed language to modify Condition 5, and that was contained in Casne and Associates' letter. Mr. Rives presented new language for Condition 11 and for Condition 12.b. to include the paving of the turnout for Applegate Drive. The variance request from Chapter XI.H.3.c. was reviewed.

Randi Triem, Casne and Associates, confirmed their approval of Mr. Rives' proposed changes for the traffic study, which was already underway by Abelin Traffic Services, and the mailbox turnout off of Applegate Drive.

Commissioner Hunthausen moved approval of the Amended Plat of Lots 1 & 2 of Paradise Valley Subdivision, including the recommended amendments in the May 22<sup>nd</sup> memo by Mr. Rives, that included the following language; "Conducted by a certified traffic engineer," in the locations that are already brought up. Commissioner Murray seconded the motion.

Commissioner Hunthausen moved approval of the variance request for the applicant not to have to do a PER, rather an Engineer's Estimate, as requested. Commissioner Murray seconded the motion. Commissioner Hunthausen addressed the variance criteria, stating the variance met the requirements of Section II of our Subdivision Regulations. The motion carried 2-0.

Commissioner Hunthausen asked that the motion include approving the Findings of Facts and that those Findings of Fact would need to be amended to reflect the amendments in the Conditions.

Commissioner Hunthausen moved to approve the subdivision, as amended. Commissioner Murray seconded the motion. The motion carried 2-0.

Request for an Extension of the Preliminary Approval for a Subsequent Minor Subdivision known as the Amended Plat of Lot 5 Tillerson Minor Subdivision. (Applicants: Karen and Dallas Cox) (Planner: Michael McHugh) The Commissioners will consider a request for an extension of the preliminary plat approval for the three-lot subdivision located north of and adjacent to Tilly Court, and east of and adjacent to Pioneer Park Drive. This Subdivision was granted preliminary approval on May 18, 2010, with 20 conditions and will expire on May 18, 2013. In addition, the Commissioners will receive any associated public comment related to the proposed extension.

Michael McHugh, Planner, presented the Request for Extension of the Amended Plat of Lot 5, Tillerson Minor Subdivision. Preliminary approval was granted on May 18, 2010. The applicant's letter stated several of the Conditions were partially completed and requested a 1-year extension of approval. The necessary fees had been paid.

Dallas Cox, 3851 Pioneer Park Drive, the applicant, confirmed he had been working on the subdivision for three years, and at the point of putting in roads and utilities they ran short of funds and the weather conditions prohibited further work. He now had the necessary funds and planned to complete the improvements by the end of July, and would request Final Plat approval. The bonding for parkland needed to be paid, and proof that the taxes had been paid.

No public comment was received.

Commissioner Hunthausen moved approval of the Preliminary Approval Extension of the Amended Plat of Lot 5 of the Tillerson Minor Subdivision until May 18, 2014. Commissioner Murray seconded the motion. The motion carried 2-0.

FY2014 DUI Plan. (~~Sgt. Andrew Knapp~~) (Eric Bryson) The Commissioners will consider the plan for the period July 1, 2013 – June 30, 2014.

Eric Bryson reported on the FY 2014 DUI Task Force Plan in Sgt. Andrew Knapp's absence. Highlights of the plan included objectives for the current 2013-2014 Plan.

No public comment was received.

Commissioner Hunthausen moved approval of the FY2014 DUI Plan, as presented. Commissioner Murray seconded the motion. The motion carried 2-0

County Chemical Dependency Plan Update – FY 2014. (~~Eric Bryson~~) (Mike Ruppert) The Commissioners will consider the updated plan prepared by Boyd-Andrew.

Mike Ruppert, the CEO of Boyd Andrew Community Services, presented the County Chemical Dependency Plan Update for Fiscal Year 2014. Updates were presented yearly with a new plan required on a 4-year cycle. The Plan's guideline and procedures are provided by the State of Montana, and Mr. Ruppert proposed a meeting, six months prior to when the next 4-year plan was due, to discuss ways to expand the State's requirements and make them more meaningful for everyone involved. No substantial changes were noted this year, compared to last in the report, and Mr. Ruppert requested approval of the report.

No public comment was received.

Commissioner Hunthausen moved approval of the Boyd-Andrew Community Services County Plan Update FY2014, as presented. Commissioner Murray seconded the motion. The motion carried 2-0.

Resolution 2013-46 Ordering the Cancellation of Personal Property Taxes That Have Been Delinquent for 10 Years or More in the Total Amount of ~~\$1,363.53.~~ \$1,363.53 (~~Cheryl Green~~) (Eric Bryson)

Eric Bryson presented Resolution 2013-46 Ordering the Cancellation of Personal Property Taxes that have been delinquent for 10 years or more in the total amount of \$1,363.53. The Commission was required by statute to evaluate the list of delinquent properties and write off those determined to be uncollectable. Staff recommended approval of the personal property tax delinquency list and write off.

No public comment was received.

Commissioner Hunthausen moved approval of Resolution 2013-46, as presented. Commissioner Murray seconded the motion. The motion carried 2-0.

Resolution 2013-47 Ordering the Cancellation of Real Property Taxes That Have Been Delinquent for 10 Years or More in the Total Amount of \$1,208.38. (~~Cheryl Green~~) (Eric Bryson)

Eric Bryson presented Resolution 2013-47 Ordering the Cancellation of Real Property Taxes that have been delinquent for 10 years or more in the total of \$1,208.38. The Commission was required by statute to evaluate the list of delinquent real property taxes and write off those determined to be uncollectable. Staff recommended approval of the real property tax delinquency list and write off.

No public comment was received.

Commissioner Hunthausen moved approval of Resolution 2013-47, as presented.  
Commissioner Murray seconded the motion. The motion carried 2-0.

Resolution 2013-48 Ordering the Cancellation of Personal Property Taxes That Have Been Delinquent for 5 Years in the Total Amount of \$1,235.43. (Cheryl Green) (Eric Bryson)

Eric Bryson presented Resolution 2013-48 Ordering the Cancellation of Personal Property Taxes that have been delinquent for 5 years totaling \$1,235.42. The Commission was required by statute to evaluate the list of delinquent personal property taxes and write off those determined to be uncollectable. Staff recommended approval of the personal property tax delinquency list and write off.

No public comment was received.

Commissioner Hunthausen moved approval of Resolution 2013-48, as presented.  
Commissioner Murray seconded the motion. The motion carried 2-0.

Board Appointments: (Eric Bryson)

- a. Emergency Medical Services (Ambulance) Board
- b. Heritage Pres. & Tourism Dev. Council
- c. Open Lands Citizens Advisory Council
- d. Tax Appeal Board
- e. ~~Scratch Gravel Solid Waste Landfill Dist. Board~~
- f. Augusta Fire District – Appointment
- g. Augusta Fire District - Acclamation
- h. Augusta Fire Service Area – Acclamation
- i. Baxendale Fire District – Acclamation
- j. Birdseye Vol. Fire District – Appointment
- k. Canyon Creek Rural Fire District - Acclamation
- l. Eastgate Volunteer Fire District - Acclamation
- m. East Helena Valley Fire District – Acclamation
- n. Lincoln Rural Fire District - Acclamation
- o. Tri-Lakes Fire Service Area - Acclamation
- p. West Helena Valley Volunteer Fire District - Acclamation
- q. Wolf Creek/Craig Fire Service Area - Acclamation
- r. York Fire Service Area – Acclamation

Emergency Medical Services or Ambulance Board –

Dr. Andy Coil's joint appointment to a 2-year term on the Emergency Medical Services Board was recommended by the City Commission.

Commissioner Hunthausen moved appointment of Dr. Andy Coil to the Emergency Medical

Services Board, (Ambulance Board) to fill a 2-year term to expire on December 31, 2015. Commissioner Murray seconded the motion. The motion carried 2-0.

L&C Heritage Preservation and Tourism Development Council –

Hal Jacobson will have completed his first term June 30, 2013; seeking reappointment.

No new applications were received.

Commissioner Hunthausen moved to appoint Hal Jacobson to the Lewis & Clark County Heritage Preservation and Tourism Development Council to a 3-year term to expire June 30, 2016. Commissioner Murray seconded the motion. The motion carried 2-0.

Open Lands Citizens Advisory Council –

Eric Grove will have completed his second term June 30, 2013; not seeking reappointment.

Wilbur Rehmann will have completed his second term June 30, 2013; seeking reappointment.

Eliza Frazer will have completed her second term June 30, 2013; seeing reappointment.

Jerry Wells currently is currently serving his first term set to expire June 30, 2015; seeking replacement.

Commissioner Hunthausen moved to reappoint Wilbur Rehmann to a 3-year term to expire June 30, 2016; reappoint Eliza Frazer to a 3-year term to expire June 30, 2016; appoint Mike Bishop to fill Charlie Hester's unexpired term to expire June 30, 2015, and appoint Eric Grove to serve until a replacement is found, and Jerry Wells until a replacement is found, and John Wilson until a replacement is found. Commissioner Murray seconded the motion. The motion carried 2-0.

Tax Appeal Board –

Mike Noble will have completed his second term June 30, 2013; seeking a 1-year reappointment.

No new applications were received.

Commissioner Hunthausen moved to appoint Mike Noble to a 1-year term to expire June 30, 2014, on the County Tax Appeal Board. Commissioner Murray seconded the motion. The motion carried 2-0. The Oath of Office will be administered at their next meeting.

Volunteer Fire Departments –

Eric Bryson presented the list of appointments to various Volunteer Fire Departments as noted by the Elections Office Memorandum of May 15, 2013.

Commissioner Hunthausen moved to approve by acclamation and appointment the candidates for the fire departments as presented in the May 15, 2013, memo (Augusta Fire District, Augusta Fire Service Area, Baxendale Fire District, Birdseye Volunteer Fire District, Canyon Creek Rural Fire District, Eastgate Volunteer Fire District, Mount Helena Valley Fire District, Lincoln Rural Fire District, Tri-Lakes Fire Service Area, West Helena Valley Vol. Fire Dist., Wolf Creek/Craig Fire Service Area and the York Fire Service Area). Commissioner Murray

seconded the motion. The motion carried 2-0.

Scratch Gravel Solid Waste Landfill District Board –

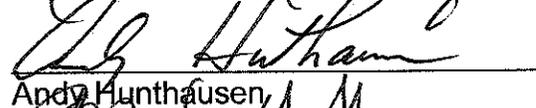
Vacant positions were advertised and no applications were received; no action was taken.

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 9:58 a.m.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Michael A. Murray, Chairman

  
Andy Hunthausen

  
(Vacant)

ATTEST:

  
Paulette DeHart, Clerk of the Board