

**PUBLIC MEETING
JUNE 25, 2013
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, June 25, 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 and Commissioner Susan Good Geise were present. Others attending all or a portion of the meeting included Eric Bryson, Pam Attardo, Ryan Armstrong, Audra Zacherl, Mike Henderson, Laura Erikson, Frank Rives, Michael McHugh, Dean Retz, Keith Harris, Dave Duffy, Larry Koehler, Cliff Ulmer, Jeremy Fadness, Jack Walsh and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Resolution 2013-63 Declaring County Property Surplus Property. (Amy Reeves)
- b. Public Meeting Minutes for Feb. 26 and 28, and March 7, 2013. (Rita Cortright)
- c. Board of County Commissioner Assignments – 2013. (Eric Bryson)

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

Commissioner Good Geise moved adoption of the consent action items, as reported by Staff. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Introduction of HTC Intern, Ryan Armstrong. (Pam Attardo)

Pam Attardo, Heritage Preservation Officer, introduced Ryan Armstrong, Heritage Tourism Council intern from Carroll College, who will concentrate on creation of a website for the Heritage Tourism Council.

Task Order 14-07-6-11-028-0 to Lewis & Clark Co. Unified Master Contract That Covers the Period of July 1, 2012 – June 30, 2019. (Mike Henderson) The Commissioners will consider the Task Order between MT Dept. of Public Health & Human Services and Lewis & Clark County for Public Health Emergency Preparedness in the amount of \$82,707.00 for the period July 1, 2013 – June 30, 2014.

Mike Henderson, Division Admin., presented the Task Order, a renewal of the DPHHS Contract to allow the Health Dept. to maintain its response capacity to emergency events that impact the public's health. Activities included planning, community assessment, development of bio surveillance and mitigation, information management and ability to manage a surge in demand for services. Mr. Henderson requested approval of the Task Order.

No public comment was received.

Commissioner Hunthausen moved approval of the contract, as presented. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Independent Contractor Contract Between Lewis & Clark County and Spur Studio, LLC. (Emily Pest) (Laura Erikson) The Commissioners will consider the contract for the design of education and outreach materials for the "Don't Waste Montana" campaign in an amount not to exceed \$24,000 for the period June 25 – Sept. 30, 2013.



Laura Erikson, Grants Coordinator, presented the Contract in Emily Post's absence, a continuation of the education and outreach campaign for "Don't Waste Montana," covering the tri-county area of Broadwater, Jefferson and Lewis & Clark County, aimed at reducing the amount of solid waste produced in rural areas, thus, reducing the cost of transportation. The contract also included information on safe disposal of prescription drugs. A separate contract was in place for creation of curriculum materials for use in the School District. Commissioner Good Geise suggested producing campaign materials in the future that would be better utilized and not add to waste production. Commissioner Murray expressed concern with 140 hours dedicated to brand development of a billboard.

No public comment was received.

Commissioner Hunthausen moved to approve the Independent Contractor Contract Between Lewis & Clark County and Spur Studios, LLC, as presented. Commissioner Good Geise seconded the motion, and asked if the Commission wished to review the contract and reduce the 140 hours. She offered a substitute motion to table the item until next Tuesday's public meeting. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Project Agreement Between Community Transportation Association of America and Lewis & Clark County. (Laura Erikson) The Commissioners will consider the agreement for the HATS Inclusive Coalition Building project in an amount not to exceed \$19,455 for the period June 25 – Nov. 30, 2013.

Laura Erikson, Grants Coordinator, presented the agreement for the, "Helena Area Transit System Inclusive Coalition Building Project", that included seniors and those with disabilities, in the planning effort.

Public Comment –

Larry Koehler, 4845 Echo Drive, Helena, asked how far from the City Limits the County extension would go.

Laura Erikson said the intention was expand the service area into the Helena Valley.

Commissioner Hunthausen moved approval of the Project Agreement Between Community Transportation Association of America and Lewis & Clark County, as presented. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Independent Contractor Contract Between Lewis & Clark County and Arrow Striping and Manufacturing, Inc. (Audra Zacherl) The Commissioners will consider the 30-day contract for pavement markings to include double center line striping and shoulder striping on approx. 53.6 miles of county roads as listed in the Contract's "Exhibit A" in an amount not to exceed \$59,000.

Audra Zacherl, Finance Coordinator, presented the contract for applying road striping on approximately 53.6 miles of county roads. Public Works performed a limited solicitation requesting quotes from four vendors; two quotes were received. Staff recommended awarding the road striping contract to Arrow Striping and Manufacturing, Inc. for a total contract amount not to exceed \$59,900.

No public comment was received.

Commissioner Good Geise moved approval of the Independent Contractor Contract Between Lewis & Clark County and Arrow Striping and Manufacturing, Inc., as described by Staff. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Agreement Between Lewis & Clark County and CAP Paving, Inc. (Audra Zacherl) The Commissioners will consider the agreement for placement and compaction of two inches of PG 58-28 bituminous pavement for roads within the Big Sky Subdivision in accordance with the Contract Documents.

Audra Zacherl, Finance Coordinator, presented the agreement for asphalt paving of the interior roads in the Big Sky Subdivision. On June 3, the Commission awarded the bid for this project to CAP Paving for a total contract price not to exceed \$135,972.11. A pre-construction meeting for interested parties was scheduled for June 27, 9 a.m. at the Public Works Complex.

No public comment was received.

Commissioner Hunthausen moved approval of the Agreement Between Lewis & Clark County and CAP Paving, as presented. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Public Hearing. Proposed Request for Modification of a Subsequent Minor Subdivision to be known as County Court Subdivision. (Applicant: Donna Tenneson) (Planner: Frank W. Rives) The applicant requests amending Condition 2 and Condition 7(l) to allow a duplex dwelling on proposed Lot 2 and to replace the approval for the 2-unit mobile home park on proposed Lot 2 with an approval for a duplex instead, located in the So. ½ of Sec. 6, T10N, R2W, P.M.M., Lewis & Clark County, Montana. The proposed subdivision is adjacent to York Road, approx. ½ mile west of Lake Helena Drive.

Frank Rives, Planner, presented the Modification Request for the Preliminary Plat of County Court Minor Subdivision. A vicinity map and the preliminary plat, approved June 25, 2013, were reviewed. Today's hearing pertained to Lot 2, originally approved for a 2-unit mobile home park. Subsequently, in February the applicant decided to remove the two mobile homes, and desires instead to build a duplex. If approved, Condition 2 and 7(l) that pertained to the mobile home park and covenants that the subdivision was approved for one single-family residential lot and one mobile home lot, would need to be amended. The remaining 9 Conditions would continue in force. In April, when the applicant's request was received, Planning Staff considered two items: 1) whether or not the requested change in conditions was substantial enough to require the applicant to again go through the subdivision process; and 2) whether the impacts if changing from a mobile home park to a duplex were substantial. Staff determined there were no substantial changes, and the impacts were very similar; therefore, the Modification of Conditions of Approval process was recommended to the applicant.

George Theborge, Planning Director, reviewed the Planning Department's application process and timeline to complete projects.

Dave Duffy, 3311 Violet Drive, Helena, the applicant's representative confirmed that project delays were due to the changes requested by the applicant.

No public comment was received.

Commissioner Good Geise moved approval of the Request for Modification of a Subdivision Approval for the County Court Minor Subdivision, including Staff's proposed changes. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Public Hearing. Proposed Subsequent Minor to be known as Tract G-1-A-2 Gruber Amended Subdivision. (Applicant: Birdseye Vol. Fire Dept.) (Planner: Michael McHugh) The applicant requests a proposed change to the approved use from single-family residential to nonresidential use, Volunteer Fire Dept. Station, located one mile north of the junction of Austin Road and Birdseye Road, west of and adjacent to Birdseye Road in the SW ¼ of Sec. 30, T11N, R4W,

P.M.M., Lewis & Clark County, Montana; and two variance requests: from the requirements of Ch. XI.F.5. Driveway Access to Birdseye Road, and Ch. XI.Y.5 Non-Residential Screening.

Michael McHugh, Planner, presented the applicant's request to amend the original Conditions of Approval for a single-family residential use, and instead permit a 9,000+ sq. ft. fire hall to be developed on the northwest portion of the property. A paved parking area was proposed to the northeast and to the south of the proposed building. The Minor Subdivision was approved in 2005 for two single-family residential lots. A vicinity map was viewed. Adjacent properties were predominantly single-family residential with some associated agricultural use. Direct access onto Birdseye Road was proposed. Traffic impacts were reviewed; the impact to Birdseye Road would be less than 1 percent increase. A variance from Ch. XI Sec. F.5 was requested for driveway access to Birdseye Road from Tract G-1-A-2. A second variance from Ch. XI Sec. Y.5 was requested for screening of the proposed facility.

Jeremy Fadness, WWC Engineering, provided background by stating that part of the agreement for Stallion Ridge was to donate this lot to the Fire Dept. as their fire protection contribution for Stallion Ridge. The lot was inadvertently platted for single-family residential instead of commercial.

No public comment was received.

Commissioner Hunthausen moved to take the proposal under advisement and make a decision at Thursday's public meeting. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Request for Extension of the Completion Date for Subdivision Improvements Agreement for a Major Subdivision known as Panoramic Meadows. (Applicant: Panoramic Meadows LLC) (Planner: Michael McHugh) The applicant requests an extension of the Subdivision Improvements Agreement for the Panoramic Meadows Subdivision located north of Lincoln Road East and east of Mountain Heritage Drive. The SIA was granted Oct. 2006 and will expire June 10, 2015.

Michael McHugh, Planner, presented the applicant's request for extension of the completion date for the SIA for Panoramic Meadows Subdivision, a 79-lot major subdivision granted preliminary approval in October, 2006. Subsequent extensions had been granted through June 2015. The previous SIA and Letter of Credit is set to expire in July 2013. The applicant has increased the amount of bonding from approx. \$600,000 to in excess of \$981,000 for improvements to internal roads in the northern portion of the subdivision, Mountain Heritage Drive north of Gable Estates. The roads will be improved to a paved standard from a gravel standard, in addition to installation of the left-turn lane at the intersection of Mountain Heritage Drive and Lincoln Road. The applicant will be required to provide an additional update of the Letter of Credit in June of 2014.

Dean Retz, 155 All Sports Court, the applicant's project manager, reported that the contract was let the first of June with Gruber Excavating for the road improvements. All mail boxes were in for the 79 lots. The no-left-hand turn-lane on the corner of Derby Drive and Lincoln Road west was installed previously, as required by MDOT.

No public comment was received.

Commissioner Hunthausen moved approval of the request for extension of the completion date for the Subdivision Improvements Agreement for the Major Subdivision known as Panoramic Meadows and acceptance of the new Letter of Credit. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Request for Extension of the Subdivision Improvements Agreement for a Major Subdivision Known as Timberworks Estates Phase 1. (Applicant: Frontier Builders) (Planner: Michael McHugh) The applicant requests an extension of the Subdivision Improvements Agreement for the Timberworks Estates Phase 1, a 106-lot subdivision located west of N. Montana Ave. and north of and adjacent to Lincoln Road. This subdivision was granted final plat approval Oct. 18, 2011, with an improvements agreement and a financial guarantee. This agreement will expire on May 22, 2014.

Michael McHugh, Planner, presented the request for extension of the Subdivision Improvements Agreement to May 2014.

No public comment was received.

Commissioner Good Geise moved to accept the request for Extension of the Subdivision Improvements Agreement for the Major Subdivision known as Timberworks Estates Phase 1, as presented by Staff. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Approval of L&C County Flood Mitigation Master Plan for the Helena Valley. (Eric Griffin) (Tabled from 4/25/13) The Commissioners will consider approving the Plan.

Eric Bryson requested a 7-day continuance of the Commission's approval or acceptance of the Flood Mitigation Plan. The Valley Flood Committee requested the continuance to allow time to consolidate survey responses and prepare their official recommendations to the County.

No public comment was received.

Commissioner Hunthausen moved to table the item for 7 days. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.

There was no other business and the meeting adjourned at 10:09 a.m.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael A. Murray, Chairman


Andy Hunthausen


Susan Good Geise

ATTEST:


Paulette DeHart, Clerk of the Board