

**PUBLIC MEETING  
AUGUST 20, 2013  
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, August 20, 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, Audra Zacherl, Greg McNally, Mark Simonich, Jack Walsh and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Public Meeting Minutes for July 9, 2013. (Rita Cortright)
- b. Equitable Sharing Agreement and Certification for the Missouri River Drug Task Force Equitable Sharing Fund – FY 2013 (Amy Glass)

Eric Bryson reported on the Consent Action Items and recommended approval.

No public comment was received.

Commissioner Hunthausen moved approval of Consent Action Items 2.a. and b. and authorized the Chair to sign. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Request Consideration of Refunding Taxes/Fees/Assessments Paid by the Salvation Army in the Amount of \$8,789.89. (Cheryl Green) (Eric Bryson) (Tabled from 8/13/13)

Eric Bryson reported that this item was tabled from the August 13, 2013 public meeting to allow for further consideration by the Commissioners. No additional testimony was expected. The request was for a 5-year tax abatement based on the Salvation Army's request in the amount of \$8,789.89. They applied for and received tax exempt status for 2014. The Commission previously discussed how taxes were assessed for 'specials' that would not be included if this tax refund were granted.

No public comment was received.

Commissioner Hunthausen moved approval of the Request for Consideration of Refunding Taxes/Fees/Assessments Paid by the Salvation Army in the Amount of \$8,789.89, as requested. Commissioner Good Geise seconded the motion. The motion carried 2-1. Commissioner Murray voted no.

Independent Contractor Contract Between Lewis & Clark Co. Public Works and Western Emulsions. (Audra Zacherl) The Commissioners will consider the contract for providing and placing 64 tons of concentrated asphalt rejuvenating agent, split between the Fairgrounds and Crestwood Subdivision, in an amount not to exceed \$70,000 for the period August 20 – 31, 2013.

Audra Zacherl, Finance Coordinator, presented the Contract with Western Emulsions to provide and place 64 tons of a concentrated asphalt rejuvenating agent that will be used at the Lewis &

Clark County Fairgrounds and the Crestwood Subdivision for a total not to exceed \$70,000. Staff recommended approval of the contract.

No public comment was received.

Commissioner Hunthausen moved approval of the Contract Between Lewis & Clark County Public Works and Western Emulsions, as presented. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Public Hearing. A Draft Resolution and Regulations for the Application and Review of Buildings for Lease or Rent. (Greg McNally) The Commissioners will receive public testimony and consider adoption of the regulations for the application and review of buildings for lease or rent.

Greg McNally, Planner, presented the Draft Resolution and Draft Regulations for the Application and Review of Buildings for Lease or Rent, the result of Senate Bill 324, sponsored by Matthew Rosendale, SD19, from the 63<sup>rd</sup> Legislature. The bill was signed by the Governor on May 1, 2013, with an effective date of Sept. 1, 2013, and revised subdivision laws related to lease or rent, requiring the Commission to adopt Regulations for Buildings for Lease or Rent. Today's Public Meeting had been duly noticed in the paper and posted 30 days prior to today's public hearing in at least five places as required by the bill. The bill also required that public comment received must be addressed before adoption of the regulations; no public comment had been received to date.

The seven segments of Draft Regulations were reviewed: Purpose, Authority & Administration, Applicability, Definitions, Requirements for Buildings for Lease or Rent, Application & Review of Building for Lease or Rent, and Enforcement and Penalties. The documents were based on a model resolution and model regulations prepared by the Montana Dept. of Commerce Community Development Division in conjunction with the Montana Association of Counties, and differed in two areas: No language which abrogates prior subdivision approvals; and no procedure for the issuance of a "certificate of compliance" for exempt buildings. Types of building that would be exempt and those subject to review under the proposed regulations, but only for sanitation review, were discussed.

The application process, review, the Commission's decision, and appeal process were reviewed. It was noted that upon a majority vote, the Commission may increase the minimum number of buildings created for lease or rent that are subject to review under Section 6. The Commission may elect to increase the minimum number subject to review for all buildings for lease or rent or may limit the increase to specific types or uses. Upon a supermajority vote, the Commission may adopt additional regulations for the purposes of reviewing four or more buildings for lease or rent that the Commission considers necessary to protect public health, safety, or the general welfare.

Discussion –

Commissioner Good Geise asked if the non-compliance penalty of \$500 was a one-time penalty. Mr. McNally was not able to answer how the penalty would be applied.

Commissioner Hunthausen felt the Draft Regulations were a step in the right direction, but hoped the next Legislature would revisit the issue and clean it up and make it more user-friendly.

Commissioner Murray directed Mr. Bryson to contact the County Attorney's Office and request that a civil attorney be available at the Commission's public meetings.

Public Hearing –

Mark Simonich, Helena Association of Realtors, complimented the County for bringing draft regulations forward in a timely manner to meet the Sept. 1 deadline for implementation, and for closely following the intent of the legislation.

Jack Walsh, government affairs person, HBIA, thanked the County for bringing the draft regulations forward and recapped the events leading to the Legislature's action. The bill was not perfect, but could be addressed in the next Legislative Session.

No other public comments were received.

Commissioner Hunthausen moved to leave the record open and take the Draft Regulations and Draft Resolution under advisement until the 27<sup>th</sup>, at our regularly scheduled meeting; take any further public comment and testimony at that time, and render a final decision on the Regulations on the 29<sup>th</sup> at our regularly scheduled meeting. 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. None.

There was no other business and the meeting adjourned at 9:49 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