

**PUBLIC MEETING  
AUGUST 6, 2013  
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, August 6, 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, Lindsay Morgan, Eric Griffin, Kathy Moore, Christal Ness, Nancy Everson, Jack Walsh, Al Knauber, Anita Fasbender, Mike Chouinard and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Board of Investments, State of Montana, Certificate of Appropriation for Fiscal Year 2014. (Nancy Everson)
- b. Pledged Securities as of June 30, 2013. (Nancy Everson)
- c. Understanding of Audit Services Provided By Anderson ZurMuehlen & Co. for Year Ended June 30, 2013. (Nancy Everson)
- d. Resolution 2013-73 Declaring Certain County Property Surplus Property. (Amy Reeves)
- e. Cultural Trust FY2012-13 Final Report – Musikanten, Inc. (Nunc Pro Tunc) (Kerry Krebill)

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

No public comment was received.

Commissioner Good Geise moved adoption of the Consent Action Items, as outlined by Staff. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Independent Contractor Contract Between Lewis & Clark County and Helena Sand & Gravel, Inc. (Eric Griffin) The Commissioners will consider the contract for placement of 4,000 cy of millings and 30,680 sy of reclamite on the Crestwood Subdivision internal roads at a cost of \$57,020.00. Contract period is August 6 – August 12, 2013.

Eric Griffin, Public Works Director, presented the contract with Helena Sand & Gravel for a total sum not to exceed \$57,020.00. The Scope of Work was reviewed.

No public comment was received.

Commissioner Hunthausen moved approval of the Independent Contractor Contract Between Lewis & Clark County and Helena Sand & Gravel, as presented. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Contract #514004 Between Lewis & Clark City-County Health Department and Montana Dept. of Environmental Quality. (Kathy Moore) The Commissioners will consider the Air Pollution Contract in the amount of \$23,578.00 for the period July 1, 2013 – June 30, 2014.

Kathy Moore presented the Contract between the City-County Health Department and the Montana Dept. of Environmental Quality for our Air Quality Control Program in the amount of

\$23,578.00 for the monitoring of outdoor air at the Rossiter School air quality monitor, and administering the Outdoor Air Quality Ordinance for Fiscal Year 2014.

Commissioner Good Geise inquired about the Forest Service smoke monitor in Augusta, installed as a result of the Red Shale fire, how information could be disseminated, and what measures might be implemented in the Lincoln area related to air quality monitoring.

Kathy Moore offered to contact the Forest Service to obtain additional information.

No public comment was received.

Commissioner Good Geise moved acceptance of Contract #514004 Between Lewis & Clark City-County Health Department and the Montana Dept. of Environmental Quality. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Professional Services Contract Between Lewis & Clark County and Jamison Law Firm. (Eric Bryson) The Commissioners will consider the contract for the Establishment Phase of Resort Area and Imposition of Resort Tax in Wolf Creek, Montana, at the rate of \$150/hr. not to exceed \$8,000 for the period July 29, 2013 through August 1, 2014.

Eric Bryson presented the Professional Services Contract with Jamison Law Firm related to establishing a Resort Tax in Wolf Creek, Montana. The contract was not to exceed \$8,000 ending August 1, 2014. Ms. Jamison had previously assisted with the Craig Tax Resort process. This was a citizen-initiated process that would potentially fund a centralized wastewater system in Wolf Creek. If the initiative proved unsuccessful, residents would either have to replace systems as they failed or seek variances from the Board of Health. Staff recommended approval of the contract.

No public comment was received.

Commissioner Hunthausen moved approval of the Professional Services Contract Between Lewis & Clark County and Jamison Law Firm, as presented. Commissioner Good Geise seconded the motion. The motion carried 3-0.

Public Hearing. Proposed Right-of-Way Abandonment for Cyr Road. (Applicants: Frederick and Jean Cyr) (Planner: Lindsay A. Morgan) Applicants have petitioned for abandonment of a portion of County Road ROW for Cyr Road, located one mile west of Lincoln, Montana. The proposed abandonment lies approx. 435 – 725 feet west of South Beaver Creek Road, adjacent to the Zimbelman Subdivision No. 1.

Lindsay Morgan, Planner, presented the Staff Report on the proposed abandonment. A petition had been submitted by Frederick and Jean Cyr to abandon an area approx. 290 feet by 60 feet wide of undeveloped county road right-of-way for Cyr Road along the southern boundary of Lots 11 and 12 of the Zimbelman Subdivision No. 1. A cabin, constructed in 1958, exists in the right-of-way. An aerial photo of the area was viewed. The abandonment would allow for a boundary line relocation between Lot 11 and the Cyr property located south of the County road right-of-way. A 30-foot-wide private access and utility easement was proposed for Lot 12. Lot 12, Lot 12A and Lot 12B each abut Hwy 200 on the north. Property photos were viewed.

Anita Fasbender, 2415 Buckboard Drive, East Helena, daughter of LeRoy and Jean Cyr, provided background on the subdivision done in the 1050's by her grandfather. Mike Chouinard, the buyer, was also present during today's meeting, and had been involved in the

process and was in agreement with the abandonment request. Ms. Fasbender had received the draft Conditions, stating most had already been addressed, and preferred to move ahead without the Conditions to hasten the process and avoid additional expense.

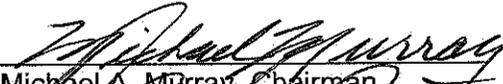
No public comment was received.

Commissioner Hunthausen moved approval of the proposed road abandonment for a segment of County Road Right-of-Way for the Cyr Road near Lincoln, Montana, Zimbelman Subdivision No. 1 as presented, and acceptance of the Conclusions of Law, and Findings of Fact, and Draft Conditions of Approval, as presented. Commissioner Good Geise seconded the motion. The motion carried 3-0.

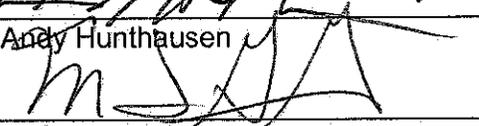
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no other business and the meeting adjourned at 9:40 a.m.

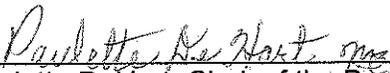
LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Michael A. Murray, Chairman

  
Andy Hunthausen

  
Susan Good Geise

ATTEST:

  
Paulette DeHart, Clerk of the Board