



**PUBLIC MEETING**  
October 13, 2016

MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, October 13, 2016, at 9:00 AM in Commission Chambers Room 330.

**Roll Call**

Chairman Mike Murray called the meeting to order at 9 a.m.

Commissioner Susan Good Geise and Commissioner Andy Hunthausen were present. Others attending all or a portion of the meeting included Eric Bryson, K. Paul Stahl, Audra Zacherl, Keith Hatch, Nancy Everson, Kathy Moore, Matt Heimel, Kevin Hamilton, Angie Sparks, Bill Gehring, Rose Gehring, Becky Beard, Bonnie Jo Geier, Rob McDonough, Richard Grady, Nate Kopp, Connie Cole, Hal Harper, Christine Kaufmann, Dan Olson, Mary Hollow, Jim McCormick, Helen Riels, Andrea Silverman, Patty Wirth, Laura Nicolai, Linda Reynolds, Jay Erickson, Doug Bouma, Sally Shortridge, David Olsen, Linda Reynolds, Jim McCormick, and Jennifer McCullough, Recording Secretary.

**Pledge of Allegiance**

Everyone recited the pledge.

**Consent Action Items**

There were no consent action items.

**Change Order No. 1 Between Lewis and Clark County and Helena Sand and Gravel, Inc. (Audra Zacherl)**

Audra Zacherl, Public Works Assistant Director, presented change order number 1 to the original July 7, 2016 contract with Helena Sand and Gravel. The change order will increase the contract by \$35,153.29 for additional chip sealing. After the original contract was awarded, the City of East Helena and a representative of the Treasure State RID requested adding Valley Drive and roads within the RID to the chip seal project. The additional work of \$40,454.29 will be reimbursed by the City of East Helena and paid for with Treasure State RID funds respectively. Also included in the change order is a decrease in the estimated quantity of striping paint used on various county roads. The credit of \$5,301 will be to the mill levy fund. Staff recommends approval of the change order.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

**Modification to Agreement Between Lewis and Clark County and the USDA Forest Service (Audra Zacherl)**

Audra Zacherl, Public Works Assistant Director, presented the modification to the USDA Forest Service agreement to provide weed spraying along the Beaver Creek/Favorite Gulch corridor. The Forest Service received the funding for this project from the Yellowstone Pipeline and Northwestern Energy. The original agreement is for a period of 5 spray season ending in 2021. This modification will increase the funding provided by the Forest Service by \$6,000 bringing the total project funding to \$18,000. Staff recommends approval of the Agreement Modification..

No public comment was received.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner Good Geise. The motion Passed on a 3-0 vote.

**Contract Between Lewis and Clark County Fairgrounds and Helena Sand and Gravel. (Keith Hatch)**

Keith Hatch, Lewis and Clark County Fairgrounds Manager, presented the contract with Helena Sand and Gravel. The contract is for removing approximately 300 tires and hauling them to the Lewis and Clark County Landfill and is for \$250 per load for an amount not to exceed \$5,000. The Fairgrounds Foundation is covering the costs of this project. Staff recommends approval of the contract.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

**Montana Board of Crime Control Violence Against Women Grant Award. (Tammy Potter)**

Nancy Everson, Chief Financial Officer, presented the grant award with Montana Board of Crime Control for the Violence Against Women grant. The grant award is for \$38,560 with a local match of \$57,175. The funds will be used towards the salary and expenses associated with the Sheriff's Office deputy assigned to work VAWA cases. The grant period is through June 30, 2017. Staff recommends approval of the grant award.

No public comment was received.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner Good Geise. The motion Passed on a 3-0 vote.

**Cooperative Agreement Between Lewis and Clark County and US Environmental Protective Agency (Kathy Moore)**

Kathy Moore, Environmental Health Division Administrator, presented the Cooperative Agreement with the US Environmental Protection Agency. The agreement will provide funding in the amount

of \$71,638 to implement institutional controls in the Upper Tenmile Creek Mining Area Superfund project. The EPA declared this area a superfund site in 1994 and they have been doing soil removals and remediation in the area ever since then. A portion of the funding will be used for education and outreach directed at residents of the Upper Tenmile Area. The grant period is through June 30, 2019. Staff recommends approval of the cooperative agreement.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

**Open Lands Program Shoco Ranch Conservation Easement Project (Sponsor: Montana Land Reliance) (Planner: Matt Heimel)**

Matt Heimel, Planner I, presented the Shoco Ranch Conservation Easement project. This project is for a conservation easement to be placed on 836 acres located west of and partly adjacent to Highway 435 and south of Smith Creek Road, near Augusta, Montana. The property is bisected by Smith Creek and is currently utilized for livestock grazing and management, agricultural land stewardship, irrigated hay/grass/alfalfa meadows, and offers private hunting, fishing, hiking, horseback riding, cabin lodging, and recreation reservations. A level 2 application was submitted to the Open Lands CAC on September 27, 2016 by the sponsoring organization, Montana Land Reliance, on behalf of property owner Sally Shortridge. The applicant is requesting \$729,000 from the Open Space bond. The Open Lands CAC recommended the project for consideration at their October 4, 2016 meeting with a 10-0 vote.

Jay Erickson, Montana Land Reliance, provided a video presentation on the ranch and provided the Commissioners with letters of support for the project. The property has good habitat for both grizzly bears and elk. Smith Creek has been fenced from cattle grazing to provide good habitat for fish in the creek. The conservation easement is restrictive in that there are only 2 building envelopes. The character of the property will remain the same as it is now. The property is currently valued at over \$2.2 million and the value of the conservation easement is \$810,000. The applicant is seeking \$729,000 or 90% of the appraised value of the conservation easement from the Open Space bond and will provide a donation of \$81,000 or 10% of the appraised value. The project does not propose allowing any public access; however, the ranch is surrounded by 21,000 of acres of state land and bordered north and south by 2 bridges which would provide legal access to Smith Creek.

**PUBLIC COMMENT -**

Sally Shortridge, Shoco Ranch landowner, spoke to the historic significance of the ranch stating that Lewis and Clark did come through the property in July of 1806. Ms. Shortridge is the fourth generation on the ranch. Ms. Shortridge stated that she also sells bird hunting trips on the ranch to raise additional revenue in order to keep the ranch viable.

Rob McDonough, Augusta area rancher and also a member of the Open Lands CAC, commented that he personally supports this project and that he has concern for subdivision growth in the area of the Shoco Ranch. Placing a conservation easement on the Shoco Ranch would help manage that growth.

Alan Beck, Fairfield, spoke in support of the Shoco Ranch conservation easement. Mr. Beck stated that he grazes his cattle on the Shoco Ranch in the summer.

Doug Bouma, Fairfield, spoke on the natural heritage and ranching significance of the property. He added that he strongly supports this project.

Connie Cole, 6040 Ferry Drive Helena an Chair of the Open Lands CAC, spoke personally in support of the project. However, Ms. Cole added that the Open Lands CAC struggled with a lack of leveraged funding provided by any other agency as well as the request for coverage of transactional costs. The project is consistent with many of the purposes of the Open Space bond but as a member of the public she urged the Commission compare the costs of this project with the costs of other projects that the Commission is currently considering.

Laura Nicolai, 4232 Nicolai Lane in Lincoln, commented in support of the conservation easement. Ms. Nicolai would like to see the property maintain its current operation as a ranch and not be subdivided in the future. Maintaining the property will also maintain habitat and a viable ecosystem for wildlife that use the property.

Linda Reynolds, Bozeman, stated that she has visited the Shoco Ranch many times in the past 30 years and supports the project.

Jay Erickson provided closing comments on securing additional partners for the project. He reminded the Commission that in the 8 years since the Open Space bond passed voter approval, the Commission had spent less than 20% and that they should look at funding all projects that meet the goals of the bond. Mr. Erickson added that he will seek additional support and partners for the project.

Commissioner Geise suggested returning the project to the Open Lands CAC for 30 days to allow the sponsoring organization and landowner time to garner more leverage for the project. Chariman Murray and Commissioner Hunthausen agreed with this suggestion.

A motion was made by Commissioner Geise to remand the application back to the Open Lands CAC for 30 days. Chairman Murray seconded the motion. The motion passed 3-0.

**Open Lands Program Gehring Ranch Conservation Easement (Sponsor: Prickly Pear Land Trust) (Planner: Matt Heimel)**

Matt Heimel, Planner I, presented the Gehring Ranch Conservation Easement Project. The project is for a 2,888 acre property, all of which will be included in the proposed conservation easement. The property is located west of and adjacent to Lincoln Road and approximately 4 miles west of Green Meadow Drive and includes portions of Silver Creek and Threemile Creek. A level 2 application was submitted by the sponsoring organization, Prickly Pear Land Trust, to the Open Lands CAC on August 16, 2016. The applicant is requesting \$1,000,000 from the Open Space bond for the purchase of the conservation easement.

Nate Kopp, Project Associate for Prickly Pear Land Trust, provided a presentation of the project highlights. Nate pointed out that the subject property has been in the Gehring family for over 150 years and was homesteaded in 1864. The property is an important corridor for wildlife as it connects public lands to the south in the Scratchgravel Hills to open ranchs lands in the north. The property has also become important winter range for elk in recent years. The project meets 5 of the 7 Open Space bond criteria: conserves working farms and ranches; protects habitat for fish and wildlife; protects water resources and water quality; preserves open lands, natural areas and

historic value; and, manages growth and development. The applicant is proposing to donate 55% of the value of the easement or almost \$1.21 million. Additionally, Rocky Mountain Elk Foundation will be providing \$7,500 and the Travelers for Open Lands will provide \$2,500 for the project. Mr. Kopp added that while public access will not explicitly be granted with this conservation easement, the landowner does currently allow public access for hunting on the northern 1,200 acres through the Fish, Wildlife and Parks Block Management Program.

Mary Hollow, Executive Director for Prickly Pear Land Trust, spoke to critical need and appreciation of Lewis and Clark County's Open Space Bond.

#### PUBLIC COMMENT -

Bill Gehring, Gehring Ranch, commented on the importance of preserving the property as a working ranch. He thanked the Commission for their consideration.

Helen Reitz, Artist, offered support for the project and stated that she has been out on the property painting the landscape of the ranch. She feels that the property is part of our legacy of the disappearing west and should be protected.

Patty Wirth, Rocking Z Ranch in Wolf Creek, stated that her family has placed a conservation easement on their ranch and she is excited that the Gehring family is placing one on theirs.

Pam Attardo, Historic Preservation Officer for Lewis and Clark County, commented on the historical significance of the property and added that the ranch has been nominated for placement on the National Historical Register. The ranch has about 25 contributing structures for placement on the register dating from the 1870's through the 1920's including the barn, the farmhouse and bunkhouses. Ms. Attardo added that the applicant has done a wonderful job of maintaining these structures.

David Olsen, York, stated that he was an original member of the Heritage Preservation Committee that preceded the Open Space CAC. This project is the exact type of project the Heritage Preservation Committee was thinking of and he fully supports the project.

Connie Cole, 6040 Fairy Drive, Chair of the Open Lands CAC. Connie reported that the Open Lands CAC voted unanimously to recommend this project to the Commission for funding. It is an important piece of property and she thanked the Commissioner for considering the project.

Becky Beard, Elliston, spoke in support of the project.

Senator Christine Kaufmann, 825 Breckenridge Street, spoke in support of the project. This project is high quality and is exactly why she voted for the Open Space bond.

Representative Hal Harper, 1608 Gold Rush, supports the project. This project is a great example of preserving a natural landscape.

Richard Grady, Canyon Creek, supports the project. Mr. Grady added that the Fish, Wildlife and Parks Region 3 Citizen's Advisory Committee has reviewed this project and supports it as well.

Rose Gehring, Gehring Ranch, thanked the Commissioners for their consideration.

Commissioner Hunthausen asked what the next steps were in the process. Mr. Heimel stated that the next step is to open a 30 day public comment period. Staff will then post the project on the County website seeking public comment. After the 30 day public comment period, the project will be presented again for consideration of funding.

A motion was made by Commissioner Hunthausen to open a 30 day public comment period for the Gehring Ranch Conservation Easement Project. The motion was seconded by Commissioner Geise. The motion passed 3-0.

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

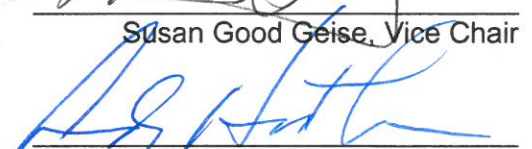
**Adjourn**

There being no further business, the meeting adjourned at 11:13 a.m.

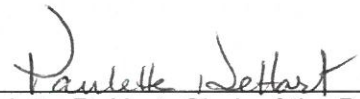
LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Michael Murray, Chairman

  
Susan Good Geise, Vice Chair

  
Andy Hunthausen, Member

ATTEST:

  
Paulette DeHart, Clerk of the Board