



PUBLIC MEETING

October 25, 2016

MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, October 25, 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, Chad Day, Matt Heimel, Kevin Hamilton, George Thebarga, Tammy Potter, Andrea Silverman, Roque Wardell, Grant Kier, Vickie Edwards, Glenn Marx, Mary Hollow, Al Knauber, Nadine McCarty, and Misty Edwards, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Resolution 2016-95 Declaring County Property Surplus Property. (Amy Reeves)
- b. Resolution 2016-97 Declaring County Property Surplus Property. (Amy Reeves)

Eric Bryson reported on the consent action items 2 a-b and recommended approval.

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.

Grant Application to the Montana Department of Agriculture Noxious Weed Trust Fund. (Audra Zacherl)

Audra Zacherl, Public Works Assistant Director, presented the grant application to the Montana Department of Agriculture Noxious Weed Trust Fund. The program is designed to help counties and reservations accomplish specific weed control activities and/or capital improvement projects that are beyond the scope of a normal weed control budget. The Lewis and Clark County Weed Department is proposing to use bio-control insects and herbicides on a cost share basis with residents in the Dearborn, Canyon Creek and Helena areas and purchase an iPad with software to use in the field. The grant application is in the amount of \$7,500 and is for the period of April 1, 2017 through November 30, 2017. Staff recommends approval of the grant application.

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.

Grant Award to Lewis and Clark County from the US Department of Justice. (Chad Day)

Chad Day, Lewis and Clark County Evidence Technician, presented the grant award with the US Department of Justice for the Paul Coverdell Forensic Science Improvement Grant in the amount of \$45,366. The funds will be used for digital evidence training, continual education training for the crime scene team, Nikon cameras and fingerprint and crime scene kits. The purpose of the grant is to continue to build forensic capabilities and expand digital evidence. The grant period is January 1, 2017 through December 31, 2017. Staff recommends approval of the grant award.

Commissioner Geise asked what advice Mr. Day had for a first responder to a crime scene. Mr. Day responded that they should immediately remove themselves from the area and call 9-1-1.

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.

Petition to Establish County Road Easements and Abandon/Vacate those Easements (Applicant: Roque Wardell) (Planner: Matt Heimel)

Matt Heimel, Special Districts Planner, presented a petition to establish two existing access easements as county road easements and then abandon those easements located on Tract A, Block 11 of the Mountain Heritage Tracts Subdivision. The easements are located southwest and adjacent to Lakeview Drive. The proposal will not alter the access or utility easement for the water system.

PUBLIC COMMENT -

Roque Wardell, 5980 Lakeview Drive and applicant, stated that the easements were located within his property boundary and that the easements did not effect any of the neighboring landowners. He also stated that all of the neighboring property owners signed the petition.

Commissioner Hunthausen stated that all of the easements are contained on the applicant's property and that they do not serve any purpose. Approving the abandonment does not impede the county's ability to maintain services in the area.

A motion was made by Commissioner Hunthausen to approve the proposed petition and include the findings of fact and the draft conditions of approval. The motion was seconded by Commissioner Geise. The motion passed 3-0.

Resolution 2016-98 Approving Funding of the Open Lands Program Lincoln Community River Park Acquisition Project (Sponsor: Five Valleys Land Trust) (Planner: Matt Heimel)

Matt Heimel, Special Districts Planner, presented Resolution 2016-98 approving funding of the Open Lands Program Lincoln Community River Park Acquisition Project. On August 2, 2016 the Open Lands CAC voted 9-0 to recommend approval of the project to the Board of County

Commissioners. On August 8, 2016 the Commission opened a 30 day public comment period and on October 7, 2016 to project was presented at the Lincoln Government Day meeting.

The project will acquire 9.455 acres in Lincoln on the Blackfoot River and the land will be conveyed to Five Valleys Land Trust for management and monitoring. Five Valleys Land Trust is seeking the full appraised value of the land, \$85,000 plus additional funds to help cover ancillary costs and a stewardship fee.

Commissioner Murray asked Deputy County Attorney K. Paul Stahl about providing funding beyond the appraised amount of the purchase price or the conservation easement to include providing funding for ancillary costs. Mr. Stahl responded that the language in the bond does not authorize for the payment of ancillary costs. Commissioner Hunthausen stated that there are essentially two different questions: does the bond allow for the payment of ancillary costs and can the bond be used to provide funding above the appraised value of a project. Mr. Stahl will prepare a memo for the Commission answering these questions.

PUBLIC COMMENT -

Grant Kier, Executive Director of Five Valleys Land Trust, stated that this project has been worked on by multiple agencies and he commended the partnerships formed. This project is different than typical projects that FVLT does in that it is a fee acquisition and not a conservation easement. Mr. Kier added that the people of Lincoln strongly support this project. Mr. Kier spoke to the 3 different types of appraisals that are done on projects and that the cost based appraisal could be used for this type of project. Using this type of appraisal would include all of the ancillary costs that are in question.

Vickie Edwards, Conservation Project Manager with Five Valleys Land Trust, stated that this project would acquire a 9.455 acre parcel along the Blackfoot River and would be managed as a public park. The property is located .6 miles from the center of Lincoln. This acquisition will allow for the only safe access to the river for the community. They are requesting \$102,887 which is more than the appraised value of the parcel and that the increase is to help cover the costs associated with the project; \$85,000 to acquire the property and \$17,887 to cover project costs. The newest request is a little lower than their original funding request because they were able to raise some matching funds. Five Valleys Land Trust will be the long term owner and manager of the property. They would manage the property as a public park for public benefit. Conservation values associated with the purchase of the property include public access, fish and wildlife habitat, open space and and natural areas, protection of water resources, and manage growth and development. Ms. Edwards added that this project is a grass roots effort that started with Lincoln residents, not with a land trust.

Commissioner Geise asked about the stewardship fee. Ms. Edwards stated that the fee is a one time fee and is set aside in an account to manage and monitor the land in perpetuity.

Commissioner Hunthausen asked if Ms. Edwards had worked with the Missoula County Open Lands program and if so did they cover costs associated with projects. Ms. Edwards responded that Missoula County will cover those costs associated with easements and acquisitions, including the stewardship fee.

Mary Hollow, Executive Director of Prickly Pear Land Trust, stated that they have also been involved in this project. She offered support fo the project and added that acquiring this parcel would provide a safe way to access the Blackfoot River. Ms. Hollow added that she was a member of the original Heritage Working Group that worked on the bond and that the funding for ancillary costs was contemplated as part of what the bond would cover. She felt that those costs would have

been supported by the original group. She thanked the Commission for their consideration of the project.

Glenn Marx, Executive Director of Montana Association of Land Trusts (MALT), stated that they were created 10 years ago by the land trust community to work with landowners and land trusts all over Montana to protect land. Mr. Marx stated that MALT supports this project and commended both the community of Lincoln and the land trust partners for creating a park that will provide a community service. Land trusts do not typically work to create community parks. The park has potential to grow the local economy by providing a safe way for all to access the Blackfoot River.

A motion was made by Commissioner Hunthausen to keep the public comment period open and table the item until the regularly scheduled November 10, 2016 public meeting. 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 10:15 am.

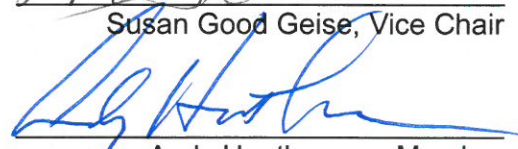
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Michael Murray, Chairman

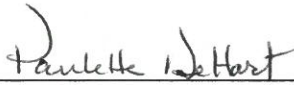


Susan Good Geise, Vice Chair



Andy Hunthausen, Member

ATTEST:



Paulette DeHart, Clerk of the Board