



PUBLIC MEETING

November 10, 2015

MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, November 10, 2015, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Chairman Andy Hunthausen called the meeting to order at 9 a.m.

Commissioner Susan Good Geise and Commissioner Mike Murray were present. Others attending all or a portion of the meeting included Eric Bryson, Michele Peterson-Cook, K. Paul Stahl, Katie Jerstad, Matt Heimel, Ron Alles, Alan Davis, Andrea Silverman, Mary Hollow, Amy Teegarden, Brad Langsather, and Nichole Nisbet, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Public Meeting Minutes: September 29, 2015 and November 3, 2015. (Nichole Nisbet)
- b. Resolution 2015-155 Declaring County Property Surplus Property. (Amy Reeves)
- c. Resolution 2015-156 Declaring County Property Surplus Property. (Amy Reeves)

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

No public comment was received.

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

South Hills Habitat and Open Space Acquisition Project. (Matt Heimel)

Matt Heimel, Special Districts Planner, presented the South Hills Habitat and Open Space Acquisition Project. The applicant has requested \$260,000 from the County Open Space Bond Fund purchase property to be conveyed to the City of Helena for inclusion in the adjacent Mt. Ascension Natural Park. The appraised value of Lot 21A is \$186,500, and the appraised value of Lot 21-A-1 is \$206,000. Both lots are currently vacant, with a portion of the Entertainment Trail, a component of the South Hills Trail System, crossing the northern portions. The application meets all minimum requirements of the Open Lands Program. The Level Two Application received on August 26, 2015 specifies a funding request of \$260,000. On November 2, 2015, PPLT submitted an amended request in the amount of \$13,303.72, stating that these are project and administrative costs and are non-staff expenses for the transfer of these parcels to the City and would increase the project funding request to \$273,303.72. On November 3, 2015, at a meeting of the CAC, the CAC voted on two motions regarding the South Hills project. The first motion was to recommend to the Commission that the project receive priority funding of \$260,000 for

Lot 21A and Lot 201-A-1, subject to the City and County agreeing on deed language. On the first motion, the CAC voted affirmatively on the first motion, with a vote of 11-0. The second motion was to recommend the Commission approve priority funding for an additional funding request of \$13,303.72 for non-staff expenses related to the transfer of the parcels. On the second motion, the CAC voted affirmatively, with a vote of 8-1-2, with one CAC member voting no and two CAC members abstaining from the vote.

Andrea Silverman, PPLT, stated the features of the project that include the location and size of the lots and noted that the project provides critical elk wintering habitat and will protect the last unsecured section of the Entertainment Trail. She further noted if successful the parcels would be transferred to the City of Helena to be incorporated into their open lands.

Alan Davis, Chairman of Open Lands Advisory Committee, stated the organization voted unanimously to support this project and urged the Commission to act soon as the seller will not extend any dates. He further noted the increase in funding for the additional administrative needs was due to the non-staff expenses incurred.

Brad Langsather, City of Helena Open Lands Manager, stated this acquisition would allow the City of Helena to continue to manage the park and the trail would no longer cross private property.

Commissioner Murray asked if the City has open space money to purchase the property.

Brad Langsather stated they have funds to manage the property but not to purchase property.

Amy Teegarden, Director of Parks for the City of Helena Parks, asked for the public hearing to be held December 10, 2015 as that would allow them to take this before the City Commission before the end of the year.

Andrea Silverman stated that Montana Fish Wildlife and Parks has awarded the project a grant of \$100,000 and a total of \$32,500 of land value was donated by a private landowner.

Commissioner Geise asked legal counsel for their opinion on the additional funds being requested for the administrative costs.

Katie Jerstad, Deputy County Attorney, stated she does not believe the bond funds can be spent on staffing another agency and further stated the additional funding for administrative costs are outside the scope of the bond. During the CAC meeting PPLT described the additional funding request as legal costs however she noted she has not seen an itemized list describing the expenses.

Commissioner Hunthausen asked if administrative costs are included in the bond language.

Katie Jerstad stated that is correct.

Commissioner Hunthausen stated it seems unrealistic to ask a third party agent to assist with projects but not to fund the costs associated with the project.

Katie Jerstad stated that the County incurs administrative costs as well and her reading of the bond includes administrative costs such as the expense for bond council, consultants and staff training. In her opinion, the County should not pay for the legal costs associated with a buy/sell agreement or a phase one assessment if requested.

Mary Hollow, Director of PPLT, stated the costs they are asking to be funded are the land transaction costs incurred by PPLT including legal fees, closing costs, a mineral search and phase one for acquisitions.

Commissioner Hunthausen asked why the administrative costs are not included in the total cost of the project.

Mary Hollow stated going forward the costs will be included in the overall costs. In the context of revising the bond and making the process more consistent in covering costs assumed.

Alan Davis stated the costs are what other organizations are incurring on behalf of the County to obtain these easements.

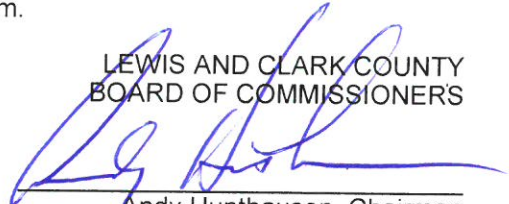
A motion was made by Commissioner Geise to open the 30 day public comment period and hold a hearing on the regularly scheduled meeting on December 10, 2015 and was seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

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

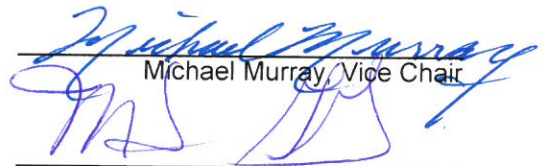
Adjourn

There being no further business, the meeting adjourned at 9:45 am.

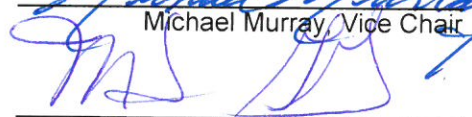
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chairman



Michael Murray, Vice Chair



Susan Good Geise, Member

ATTEST:



Paulette DeHart, Clerk of the Board