



## **PUBLIC MEETING**

March 8, 2018

### **MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, March 8, 2018, at 9:00 AM in Commission Chambers Room 330.

#### **Roll Call**

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

Commissioner Jim McCormick and Commissioner Susan Good Geise were present. Others attending all or a portion of the meeting included Gale Anderson, Rod Applegate, Roger Baltz, Marni Bentley, David Coey, Nancy Everson, Nicho Hash, Walter Hanley, Debbie Hoyrup, Chris Irey, Lori Ladas, Charles Lane, Beth Lindsay, Kathy Marks, Kellie McBride, Tim McCauley, Mike Murray, and Nadine McCarty, Recording Secretary.

#### **Pledge of Allegiance**

Everyone recited the pledge.

#### **Proclamation Declaring Thursday, March 8, 2018 as Walter Hanley Day.**

Mike Murray, former Commissioner read the proclamation declaring Thursday, March 8, 2018 as Walter Hanley Day. The Commissioners and others recognized Walt for his 33 years of service to the Rocky Mountain Development Council and the community.

#### **Consent Action Items**

- a. Vendor Claims Report for Week Ending March 9, 2018. (Marni Bentley)
- b. Intercap Loan Application to the Montana Board of Investments. (Nancy Everson)

Roger Baltz reported on the consent action items 2 a-b and recommended approval.

Nancy Everson, Chief Financial Officer gave a brief overview of the Intercap loan.

No public comment was received.

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

#### **Grant Award to Lewis and Clark County from Office of Court Administrator. (Kellie McBride)**

Kellie McBride, Director of Restorative Justice and Court Services presented the grant award from the Office of Court Administrator in the amount of \$130,000 to establish a pretrial services

program. The grant period is March 1, 2018 through June 30, 2019. It is a partnership with the State of Montana, endorsed by the Criminal Justice Coordinating Counsel (CJCC), and inline with the voter approved levy.

Ms. McBride gave an overview of the Office of the Court Administrator that is through the Supreme Court. The Supreme Court chose to pilot a pretrial services program with Lewis and Clark County being one of the five counties selected. Part of the agreement will be to have two pretrial officers assigned to the program and they will collect a variety of data on the offenders.

Commissioner Good Geise stated the CJCC has heard numerous times the lack of data collection has been a big concern and seems to be a key part of any solution. She also gave an overview of the members of the CJCC.

No public comment was received.

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

**A Request by Mr. Hamlin to Consider Whether a Flood Plain Development Permit is Required to Develop in a Flood Plain. (Charles Lane)**

Charles Lane, Deputy County Attorney stated he does not see a representative for Mr. Hamlin in the room. His recommendation is to proceed on the information that Mr. Hamlin presented, discuss and make a motion.

Commissioner Hunthausen stated information was received from Mr. Hamlin regarding the request of the Commission for them to consider whether or not a flood plain development permit is required.

No public comment was received.

A motion was made by Commissioner Good Geise to table the item until after the Court's ruling has been issued. The motion was seconded by Commissioner McCormick.

Mr. Lane stated the county is presently involved in a declaratory judgment action with Mr. Hamlin to clarify that Mr. Hamlin does in fact need a flood plain permit to develop in a flood plain. The questions surrounding the request had to do with a settlement agreement with Mr. Hamlin from 2014 for the subdivision. The legal issues are being litigated with a decision to be made in District Court. He recommends tabling the item as the judicial system will make the decisions.

The motion on the table is to table the item until after the Court's ruling has been issued. The motion Passed on a 3-0 vote.

**Consider a Claim Against the County. (Charles Lane)**

Charles Lane, Deputy County Attorney stated Mr. Hamlin submitted a demand letter against the County stating legal reasons why the county should compensate him for necessary mitigation on his property in order to build the subdivision. He is not present to provide testimony validating the claims. Mr. Lane recommended denial of the claim on its merits. It is anticipated this will also be a further lawsuit.

No public comment was received.

A motion was made by Commissioner Good Geise to deny the claim against Lewis and Clark County as it appears to have no merit. The motion was seconded by Commissioner McCormick.

Mr. Lane stated the item was put on the agenda at the request of Mr. Hamlin and he was given notice of such. He had been working with Mr. Hamlin's attorney to place both this item and action item No. 5 on the agenda.

Mr. Lane stated since they are involved in litigation he has been working with Mr. Hamlin's attorney who drafted the claim against the county.

Commissioner Good Geise referenced action item No. 5 how it seemed the question was does Mr. Hamlin even need to get a flood plain permit. And this item the letter from Mr. Dyrud where he describes the devastating affects of floods. She was hoping they would be in attendance to clarify their position. Commissioner McCormick also does not understand their position.

Commissioner Hunthausen stated putting this on the agenda was in courtesy to Mr. Dyrud and Mr. Hamlin by their request. As the Chair of the Commission he does not anticipate that he will agenda this item again. This was their opportunity to discuss. Any further communication about these issues would be most appropriately addressed through the County Attorney's Office. This does not have to come before the Commission until there is something within the authority of the Commission and a decision needs to be rendered.

Mr. Lane stated the legal department will respond to the claim by Mr. Hamlin's attorney.

It is a claim against the county making a specific demand for monetary compensation or specific action on behalf of the County and follows it with legal reasoning for why he is entitled to the damages. Claims against the county can only be denied by the Commission; he does not anticipate the claim being made again.


There is a motion on the table to deny the claim. 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.**

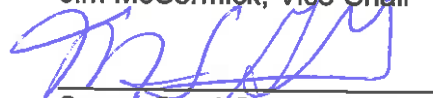
**Adjourn**

There being no further business, the meeting adjourned at 9:39 am.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
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Andy Hunthausen, Chair

Jim McCormick, Vice Chair

  
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Susan Good Geise, Member

ATTEST:

  
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Paulette DeHart, Clerk of the Board