



PUBLIC MEETING

April 5, 2016
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, April 5, 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, Michele Peterson-Cook, K. Paul Stahl, Kevin Hamilton, Lindsay Morgan, Matt Heimel, Laurel Bulson, Nancy Everson, Pam Attardo, Tammy Potter, Brian Obert, Keith Allen, John Gordon, Scott Hudson, Todd Byrne, Jeff Claassen, Wiley Barker, Mike Green, Chuck Rolling, Al Knauber, and Nichole Nisbet, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Public Meeting Minutes: March 15, 17, 22, 24, 29 and 31, 2016. (Nichole Nisbet)

Eric Bryson reported on the consent action item 2a 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.

Contract Between Lewis and Clark County and Benefis Spectrum Medical, Inc. (Laurel Bulson)

Laurel Bulson, Operations Manager at the LCSO Detention Center, presented the contract with Benefis Spectrum Medical in the amount of \$256,985 to provide professional medical services to Lewis and Clark County inmates. The contract includes service seven days a week and includes a full-time and a part-time nurse as well as a physician's assistant. The contract period is July 1, 2016 through June 30, 2017.

No public comment was received.

Commissioner Geise asked about opportunities for other providers to provide medical services.

Eric Bryson stated that there is an option that PureView could provide medical services to the detention center and noted that the County is currently looking into medical liability coverage and recommended the Commission table the item for a month to give staff time to look at all options.

A motion was made by Commissioner Hunthausen to table the item until the regularly scheduled meeting on May 5, 2016 and seconded by Commissioner Geise. The motion Passed on a 3-0 vote.

Contract Between Lewis and Clark County and Montana State Historic Preservation Office. (Pam Attardo)

Pam Attardo, Heritage Preservation Officer, presented the grant agreement with the Montana State Historic Preservation Office in the amount of \$5,500. This is an annual contract and funding will be used for the Heritage Preservation Officer's salary. The contract begins April 8, 2016 through March 31, 2017.

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.

Tax Abatement Request for Tax Years 2017-2016 for Green Meadow Solar, LLC. (Nancy Everson)

Nancy Everson, Director of Finance, presented the tax abatement request for Green Meadow Solar, LLC. Green Meadow Solar, LLC is requesting a tax abatement for the tax years 2017-2026 for the installation of a qualifying solar facility on approximately 25 acres of land west of Green Meadow Drive near Silver Creek. The estimated value of the abatement over ten years is \$142,473. The equipment is scheduled to be installed by the end of 2016. If the abatement is granted, would run from tax year 2017 through tax year 2026. Ms. Everson provided the qualifying criteria for reviewing a tax abatement application for a new or expanding industry. The project is expected to create approximately 45 temporary construction jobs and is expected to result in one ongoing employment position related to asset management and operations and maintenance.

Commissioner Murray asked if the one position is subject to claw-back provisions.

Nancy Everson stated that the provision was not included in the language.

Wylie Barker, 900 N. Last Chance Gulch Ste. 200, representative of the client, stated his support of the application and reviewed the intent of the project. It was noted that property tax revenues are expected to come in as early as 2017 and would continue into the future.

Commissioner Geise asked Mr. Barker if has been out to look at the property where the intended project is to be located.

Wylie Barker stated he has not been to the specific site but to the general area.

Commissioner Geise asked if there are residences near the proposed site if the applicant would consider offering screening to the resident's property lines that may be affected by the installation of solar panels.

Wylie Barker stated that his understanding is there are no residences abutting the property and did not anticipate any of the structures being located close to a residence.

Commissioner Hunthausen asked Mr. Barker about the nature of the 45 temporary construction jobs that are expected to be created.

Wylie Barker stated it is his understanding that the jobs will be installation, assembly and light construction jobs.

Commissioner Murray asked Mr. Barker how will the jobs will be advertised.

Wylie Barker stated the applicant may put it out for a public bid or use an existing contractor they already have a relationship with.

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Brian Obert, Executive Director of MBAC, stated his support of this tax abatement as it is an opportunity for our community to attract business. He noted there are a lot of properties that do not generate taxable

value and this proposal will generate taxable value in the County. Helena will be an area to attract and retain the jobs created by the proposal and through the future of solar farms.

Commissioner Hunthausen asked Mr. Barker about the timeline of the development.

Wylie Barker stated the anticipated date for installation will be by the end of the year.

Keith Allen, 110 N. Warren, Member of the International Brotherhood of Electrical Workers Local 232, stated the member's support for the proposal for the job creation, long term growth and expansion benefits from the project. He noted that the jobs will require a licensed electrical contractor or licensed electricians.

Chick Rolling, County Resident, stated the project may yield immediate value to the properties in the proposed project area. Mr. Rolling asked about the financial history of the company.

Upon no further testimony or comment, Commissioner Hunthausen stated that the public comment is now closed.

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

Petition To Create The Red Fox Meadows Water and Sewer District. (Matt Heimel)

Matt Heimel, Special Districts Planner, presented the petition to create the Red Fox Meadows Water and Sewer District which was submitted from an authorized signatory on behalf of the Hamlin Family Revocable Living Trust and Hamlin Construction and Development Co. to create the Water and Sewer District. The public hearing has been tentatively scheduled for April 19, 2016 at that time the Commission at which time a vote shall be held to determine the petition's statutory compliance, boundaries, and creation. An election will not be required because the petition has been signed by the sole non-resident, corporate property owner within the proposed district boundaries where there are no other registered voters.

No public comment was received.

A motion was made by Commissioner Geise to set a public hearing date for April 19, 2016 and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

Extension Request - Street Abandonment in Eagle Heights Subdivision. (Applicants: David and Julie Ageson) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner II, presented the requested extension of preliminary approval until October 23, 2016 for the street abandonment in the Eagle Heights Addition located north of Castles Road and south of Hauser Lake. The street discontinuances were granted preliminary approval on October 23, 2014. According to the applicant's extension request letter, they have applied for the five-year weed management plan however the property has not been certified as weed free, the applicants have prepared the quitclaim deeds for the property and a surveyor has prepared and submitted the draft Certificate of Survey.

No public comment was received.

A motion was made by Commissioner Hunthausen to grant the extension request until October 23, 2016 and was seconded by Commissioner Geise. The motion Passed on a 3-0 vote.

Amended Plat of Lot 2B - Ries Tract 2 Subdivision. (Applicants: Todd and Kari Byrne) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner II, presented the request to remove a portion of a utility easement that lies along the north property boundary of Lot 2B in the Ries Tract 2 Subdivision located at 6875 Scratchgravel Drive. The subject property is one acre in size and is approved as a single-family

residential lot, and is currently developed with a single-family residence, an attached garage, and a detached shop. As a requirement of preliminary approval for the Ries Tract 2 Subdivision, 10 feet of a shared 20-foot wide utility easement was placed along the south property boundary of Lot 2A and along the north property boundary of Lot 2B when the Subdivision was final platted on May 24, 2001. Since the time of preliminary approval for this Subdivision, the regulations regarding utility easement dedications have changed. As a result of these amendments to the Subdivision Regulations, utility easements are no longer required along all property boundaries, only in places where easements are necessary; and according to the utility locations shown on the preliminary plat there are no utilities lying within the easement located along the north property boundary of Lot 2B. In addition, all properties adjacent to this Lot abut a public access and underground utility easement, which means that these lots will still have access to utilities off of Hannah Lane, Scratchgravel Drive, and Fieldcross Lane. Based on these factors, as well as the fact that the on-site, detached shop was constructed within a portion of this easement, the applicants are seeking to amend the filed final plat to eliminate this half of the easement. According to the covenants placed on the Ries Tract 2 Subdivision during the subdivision review process, there are no provisions regarding the location of utility easements and there are no private covenants placed on this property. One comment was received from an adjacent property owner in favor of the proposal and comments received from NorthWestern Energy and County Public Works stated no comment. Ms. Morgan noted that the applicant stated they did receive an encroachment agreement prior to the construction of the shop.

Commissioner Hunthausen asked about the comments received from NorthWestern Energy.

Lindsay Morgan stated that NorthWestern Energy did not provide comment and noted that the plat does not appear to show utilities in the easement. Commissioner Hunthausen stated a concern for the properties behind or to the north of the property that may be affected by the amendment of the plat.

Lindsay Morgan stated that the properties all have access to utilities.

Commissioner Geise asked about the date on the final plat reading February 5, 2016 and asked why the shop is listed as "proposed" on the plat.

Lindsay Morgan stated the application also stated the shop was listed as proposed but at the time of the staff's inspection the shop was constructed.

Todd Byrne, the applicant, stated in September of 2016 he approached the County to obtain an encroachment agreement to build the shop, which he did obtain. He noted a mis-communication between him and the surveyor was the reason for the survey stating it was a proposed shop.

Commissioner Geise asked about the permission Mr. Byrne received to obtain the encroachment.

Todd Byrne stated the encroachment was approved by the County and that he can provide the documents needed to show the approval.

Commissioner Hunthausen asked the applicant if the Commission could table the item for a week to clarify the information.

Todd Byrne stated a week is fine.

No further public comment was received. Commissioner Murray stated that the public hearing will remain open.

A motion was made by Commissioner Geise to table the item until the regularly scheduled meeting on April 12, 2016 and seconded by Commissioner Hunthausen. 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.

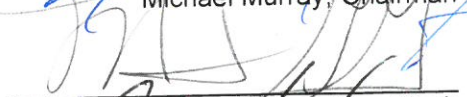
Adjourn

There being no further business, the meeting adjourned at 10:04 am.

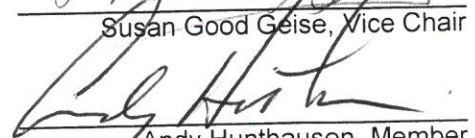
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Michael Murray, Chairman

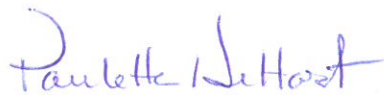


Susan Good Geise, Vice Chair



Andy Hunthausen, Member

ATTEST:



Paulette DeHart, Clerk of the Board