



PUBLIC MEETING

January 23, 2018
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, January 23, 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 Phil Atera, Roger Baltz, Mike Bishop, Connie Cole, Christian Dietrich, Matt Heimel, Neal Levang, Glenn Marx, Rich Whitney, Audra Zacherl, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Proclamation Declaring January 25, 2018 as Pat McKelvey Day and Marking the Beginning of the 2018 Fire Fuel Mitigation Season.

Commissioner Hunthausen recognized Thursday, January 25, 2018 as Pat McKelvey Day and marked the beginning of the 2018 fire mitigation season. The proclamation will be read on Thursday, January 25th at the Capitol rotunda during the special recognition.

Consent Action Items

There were no consent action items.

Owners Construction Representative Consultant for the Detention Center Remodel Project Proposal Award. (Audra Zacherl)

Audra Zacherl, Assistant Director of Public Works, presented the recommended proposal. A request for qualifications (RFQ) was conducted to contract and work with the project team and provide customary owners construction representative services on the Detention Center Remodel project. The services would be for the pre-construction, construction and post occupancy phases of the Detention Center Remodel Project. Two consultant firms submitted proposals reviewed by a five-member committee on January 11, 2018. After the review and scoring using the criteria outlined in the RFQ, the committee recommends entering into contract negotiations with Hulteng CCM, Inc. of Billings, Montana.

Ms. Zacherl stated they would be assisting with all aspects of the project to include scheduling, due to the complexity of the project and having to keep one floor a working jail during the

remodel; procurement and contract negotiations with other consultants and contractors; and, attending meetings for coordination.

Roger Baltz, Chief Administrative Officer, stated this is the beginning of the process. He referenced the feasibility study done just over two years ago; it will be taken to the point where actual construction documents can be produced and bid out. The remodel working group has been researching methods for the project delivery.

Rich Whitney, Product Manager of Hulteng CCM, Inc., stated two individuals, Eric Hulteng and Shane Swandal, own the company. Shane was unable to attend today; he will take the lead on the project if their services are chosen. He gave an overview on the various clients they have or are currently working with, including the Helena Public Schools. The process they use focuses on the owner, what the owner wants and getting the best value for the owner in terms of schedule and costs.

Commissioner Good Geise confirmed with Mr. Whitney that the representative would coordinate negotiations on appropriate fees and the scope of work with each team; provide guidance to the county on change orders; and manage the contract on the County's behalf.

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.

Resolution 2018-8 to Adopt the Recommendation of the Citizens Advisory Committee for the Lewis and Clark County Open Lands Program Guide. (Planner: Matt Heimel)

Matt Heimel, Special Districts Planner, presented the resolution to adopt the recommendations of the Open Lands Citizens Advisory Committee (CAC) to amend the Open Lands Program Guide. A 30-day public comment period was opened on December 21, 2017. On December 5, 2017, the CAC voted 9-0 to recommend these amendments for adoption. The primary reason for implementation of these changes is due to feedback received from project sponsors that having some flexibility in the application process to have a preliminary indication of where the County is before the applicant would be required to submit all of the application materials up front.

A brief overview of the sections of the program guide to be amended was given of which two application processes were introduced: expedited review, the current process in which all materials are required upfront; and the new standard review. The new review, would allow submission of a basic level two application, opening of the public process, and submission to the County Commission for opinion prior to submitting the due diligence materials. Both tracks will continue to include multiple CAC meetings, a site visit, county staff review of the proposal and due diligence materials, multiple opportunities for public comment and a thorough review. Also added was a new project evaluation matrix, this will serve as the qualitative basis for the CAC recommendation on a project.

At the beginning of the public comment period, the document was posted to the website and the CAC reached out to the Montana Association of Land Trusts for comment; since then three comments have been received.

Connie Cole, 6040 Ferry Drive, Chair of the CAC, stated she has spoken with several sponsors and they support the changes submitted. Ms. Cole stated the Open Lands Program has been very successful in Lewis and Clark County. They want to encourage landowners to think positively about coming forward with projects and helping the sponsors make the process easier for everyone.

Commissioner McCormick referenced the expedited track streamlines the process and how it helps cut costs for all parties. Ms. Cole explained it gives more options to landowners as to when the expensive decisions are made such as mineral or land appraisals.

Hugh Zackheim, Open Lands CAC member worked with the Committee on the revised draft and stated the key thing is the feedback received stating that process requires a landowner to pay a lot of money upfront with uncertainty of the outcome. He referenced George Theborge's suggestion of having two tracks leaving it up to the landowner and the project sponsor as to how fast of a response they would like. The additional track will prolong the project, and will allow the landowner to work with the sponsor, receive feedback from the CAC and the Commission and not have to spend the serious money until the feedback is received.

Ms. Cole explained the project matrix is the committee's opportunity to discuss with the Commission the internal machinations on the various benefits of the projects. Allowing the ratings of high, medium and low rather than a numerical rating of how they view each of the criteria is a way of showing the level of merits with a narrative at the end being another way of communicating with the Commission.

Commissioner Good Geise referenced one qualitative aspect, when a project comes before the CAC, is how many partners are there, how much financial buy-in is there from the landowner and the sponsors; and that projects are not all the same. Ms. Cole explained they help sponsors and landowners understand the importance of leveraging funds through a spreadsheet that provides detailed information on the amount of money being requested along with the amount of money from other funding sources. Mr. Zackheim added that different projects would have different fits depending on how much funding can be leveraged. Others projects more dependent upon the county for funding would probably go through the process where they receive feedback prior to spending the money.

Ms. Cole stated another aspect is the issue of public access. There is no requirement that a conservation easement has to provide public access, but as a committee, they are interested in exploring options with landowners and sponsors.

PUBLIC COMMENT –

Christian Dietrich, Montana Land Reliance (MLR), stated just before this meeting MLR did submit written public comment. This has been a great process to address some of the landowner concerns about incurring significant expenses prior to the outcome. Mr. Dietrich commended County staff, Commissioners, members of the CAC and all involved in establishing the two-track concept. They have been hearing from private landowners that they will remain hesitant to participate in the program if the preliminary approval envisioned by the standard review process does not provide greater certainty regarding the projects requested funding. Funding request levels are the defining feature of a project proposal from a landowner perspective.

Mr. Dietrich added that MLR recommends the program guide be slightly modified before it is finalized. He stated that the conditional approval envisioned by the standard review process really is approval of the projects terms, including its funding levels so long as the required due diligence steps are successfully completed. Included in those steps is an appraisal confirming that the County is not paying more than fair market value. These potential changes would be to Section F, paragraphs five and nine.

Mr. Dietrich added that the CAC would make a recommendation to the Commission as to whether or not the project should be advanced. If the Commission does provide a favorable opinion then at that point the landowner will have the certainty of the amount they will receive from the Commission if due diligence is met.

Commissioner Hunthausen stated the Commission would still be making a decision regarding funding in the standard review process but they would be making it an earlier in the process than normal.

Mr. Dietrich added that if feedback from the Commission regarding funding on a project could be had prior to the landowner incurring the due diligence costs, it would be beneficial to the program and the landowner.

Commissioner McCormick stated landowners having a desire to conserve land have a process for doing that and added the taxpayers are willing to participate in that given it is done correctly, effectively, and for the right decisions. He added that he is concerned about putting a dollar amount on a project before the Commission has all of the information to make a decision.

Glenn Marx, 2031 Sky Drive, Executive Director Montana Association of Land Trusts (MALT), complimented the proposed two-track review process. Mr. Marx stated that options for landowners for are good for the program and for everyone involved. More certainty earlier in the process is good for the process and decision making. Mr. Marx added that Open Lands bond programs are great tools for communities. Mr. Marx added that the recommendations presented today by Mr. Dietrich of the MLR be taken under serious consideration. Generally these open lands programs try to run a streamline process where as much certainty can be afforded as early as possible. He would propose that action not be taken today on the program amendments but have the CAC work with the land trust community and MLR to discuss the suggestions that were offered today.

Ms. Cole stated that the program is aware of the issue that Mr. Dietrich discussed. They are willing to work with MLR and other land trusts to further this amendment.

Commissioner Good Geise stated that this is a good time for the CAC to address the issue as she does not want them as volunteers to be responsible for trying to put a value on a project

A motion was made by Commissioner Good Geise that the item be tabled to February 27, 2017 at the regularly scheduled public meeting to allow the CAC to address the suggestions made today. The motion was seconded by Commissioner McCormick. 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.

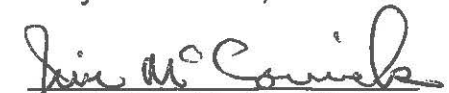
Adjourn

There being no further business, the meeting adjourned at 10:22 am.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chair



Jim McCormick, Vice Chair



Susan Good Geise, Member

ATTEST:



Paulette DeHart, Clerk of the Board