



PUBLIC MEETING

October 27, 2020
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, October 27, 2020, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Chair Susan Good Geise called the meeting to order at 9 a.m.

Commissioner Andy Hunthausen and Commissioner Jim McCormick were present. Others attending all or a portion of the meeting included Roger Baltz, Connie Dedrick, Nicho Hash, Peter Italiano, Ann McCauley, Greg McNally, Kathy Johnson, Brian Obert, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Memorandum of Understanding Between Lewis and Clark County, the City of Helena, and the City of East Helena. (Roger Baltz)

Roger Baltz reported on consent action item 2a and recommended approval.

No public comment was received.

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

Letter of Commitment to Montana Business Assistance Connection. (Ann McCauley)

Ann McCauley, Grants Administrator, presented the letter of commitment to Montana Business Assistance Connection (MBAC) to participate as a member of the proposed Boulder Batholith Coalition. The Coalition will serve as an assessment coalition for the U.S. Environmental Protection Agency's (EPA) Brownfields Program. The program provides funding and technical assistance to governments and community partners to assess, cleanup and redevelop contaminated properties.

The initial step in the program is to assess properties for contamination and develop cleanup plans which can be funded through an EPA Assessment Grant. An option under the grant program is to conduct a community-wide assessment of multiple properties by creating an assessment coalition of three or more members from unique jurisdictions. Advantages of forming the coalition are that multiple sites can be identified within the target area and more funding up to

\$600,000 can be accessed for the assessment work within the target area. In contrast to conducting individual property assessments for cleanup of just that property, the goal of the coalition is to provide for planning and new development opportunities at the region-wide scale.

The target area is the northern part of the Boulder Batholith region, a geologic region that runs from Helena south to Butte with the southern boundary being around the Basin area. The area has a strong history of mining throughout and many of the old properties within southern Lewis and Clark County and northern Jefferson County are impacted. Five priority areas have been identified for the assessment so far with three in Lewis and Clark County and two in Jefferson County. Under the grant the coalition expects to conduct many more assessments.

MBAC will be the lead applicant and administrator of the EPA Assessment Grant. Membership in the coalition will allow Lewis and Clark County an equal stake in the development and implementation of the Coalition's processes for identifying potential sites, distributing funds, and implementing the assessment work. There is no required financial match. Staff recommends approval of the letter of commitment to MBAC to join and participate in the Boulder Batholith Coalition.

Commissioner McCormick explained the Boulder Batholith is a mineral rich huge rock that emerges up to the earth surface from Butte, Montana to Euclid Avenue in Helena, Montana. It is like a blister in the earth.

Brian Obert, Montana Business Assistance Connection, Executive Director, recognized the Lewis and Clark County staff and is impressed by their work. They have been doing targeted brown field assessments, Memorial Apartments and the old bus barn that just sold. The hope is to get 24 phase 1s, 16 hazardous material investigations, 8 phase 2s, and 2 cleanup plans. There is interest in the heart of Helena again with a lot of the worst sites already been investigated. The old buildings having lead and asbestos in different places. He gave an example of the old building having lead and asbestos remediation. They are aiming for a larger grant to look at a lot of smaller sites. Redevelopment plans change when the cost of clean up is estimated. Looking at more sites gives a global look at how to be more efficient in remediation. MBAC will be the better fit due to overarching on the County border.

Commissioner Hunthausen stated the main theme is giving a better idea of what is there and what it will take to develop sites. If folks know what is there and what it will cost them, it will help them determine if they want to develop the property and look for funding to help clean it up.

Commissioner McCormick asked about the many Brownfields projects and funding for clean up and asked for an overview of an EPA. Mr. Obert explained the two-step opportunity with an EPA, one for assessments and one for revolving loan funds. MBAC and Lewis and Clark County are members of the Brownfield Central Montana Coalition housed in Lewistown. The revolving loan fund is up to 1.2 million dollars and up to half of it can be granted if meeting certain requirements. They have asked for supplements three times and are up to 3.6 million dollars at this time to rotate through the area for several projects.

The Brownfield revolving loan fund takes pressure off the Montana Petroleum Board, where they did a dig out after gaining more information on an old petroleum site. They have done some additional sites where they have cleaned up after a gas station.

Memorial Apartments are set to tear down the property and clean up after the asbestos to make it a developable property.

Commissioner McCormick commented that he an MBAC Board member and officer, in full disclosure.

No public comment was received.

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

Johnson Subsequent Minor Subdivision and Variances. (Tabled 10-22-20) (Applicant: Mark and Kathy Johnson) (Planner: Connie Dedrick)

Connie Dedrick, Planner I, presented the application for the proposed Subsequent Minor Subdivision known as Johnson Subsequent Minor Subdivision that was heard on October 22, 2020. The development currently exists with three residents. There are current wells and septic systems existing. There are two variances requested. One for a waiver for the length/width ratio for the lots and the fire protection greater than one mile.

Commissioner McCormick was not present at the October 22, 2020. Ms. Dedrick did have an opportunity to speak with Commissioner McCormick on the matter to get him up to speed.

The Commissioners had no new questions from the previous meeting.

No public comment was received.

A motion was made by Commissioner McCormick to approve the Johnson Subsequent Minor Subdivision and seconded by Commissioner Hunthausen.

Commissioner Hunthausen reviewed the variance related to fire protection and the conclusions of law that included: granted variance will not be detrimental to public health safety or general welfare to adjoining properties, because of particular physical surrounding, shape, or topographical conditions of the property, undue hardship to the owner would result if these regulations were enforced. The approval of the variance will not place the subdivision in noncompliance with any zoning regulations.

The findings related to the conclusions: they are subdividing property that has already been developed and there is no adverse impact on public or adjoining properties. They have worked with the local fire chief and there are a couple water sources within a couple miles and are adequate.

A motion was made by Commissioner Hunthausen to approve the variance and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

Commissioner Hunthausen reviewed the variance requesting the width/length ratio be waived. It is an old mining claim and is long and narrow. The granted variance will not be detrimental to public health safety or general welfare to adjoining properties, because of particular physical surrounding, shape, or topographical conditions of the property, undue hardship to the owner would result if these regulations were enforced. The approval of the variance will not place the subdivision in noncompliance with any zoning regulations. The variance is supported by County Engineer since the approaches are of adequate spacing of ¼ mile apart.

A motion was made by Commissioner Hunthausen to approve the variance based on conclusions and findings as discussed. The motion passed on a 3-0 vote.

Commissioner Hunthausen reviewed the conclusions and findings of facts. Conclusions will not have adverse impacts on services if the conditions of approval are imposed and addressed by the applicant. Subject property is already developed with on site water treatment system with 3 wells existing for 3 single family lots. Permits are pre-existing. Traffic impact study was completed and there is not significant impact on traffic. There are no adverse impacts on natural environment if the conditions of approval are imposed and addressed by the applicant. There must be a 5-year

weed management plan, there will be no adverse effects on public health. There is a wildfire protection plan and revegetation plan. The owners have already done mitigation for the wildfire protection plan. There are 9 recommended conditions of approval, some of which are: getting approach permits for the driveway and built to standard, weed control, notices around radon, lighting and are all standard and need to be addressed. The applicant must show they own the property, and the taxes are paid. Conditions must be completed in a 3-year time frame and may come back for extension if needed.

Commissioner Good Geise pointed out the applicant approached their neighbors and submitted approval documents.

Commissioner Good Geise stated there is a global motion and a second on the table. The motion Passed on a 3-0 vote.

Board Appointments. (Roger Baltz)

Roger Baltz, Chief Administrative Officer, presented the board appointments for the Forestvale Cemetery Board and the Forestvale Cemetery Historic Preservation Committee. Staff recommends the appointment of Richelle Depew to the Forestvale Cemetery Board to a term that expires August 31, 2023, and the appointment of Jeannene Maas to the Forestvale Cemetery Preservation Committee to complete a term that expires August 31, 2022.

No public comment was received.

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

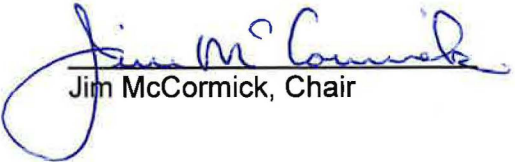
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.

Adjourn

There being no further business, the meeting adjourned at 9:46 a.m.

Meeting minutes approved on 11-15-22

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Jim McCormick, Chair


Tom Rolfe, Vice Chair


Andy Hunthausen, Member

ATTEST:



Amy Reeves, Clerk of the Board