



## **PUBLIC MEETING**

October 31, 2019  
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, October 31, 2019, at 9:00 AM in Commission Chambers Room 330.

### **Roll Call**

Chairman Jim McCormick called the meeting to order at 9 a.m.

Commissioner Susan Good Geise was present via telephone and Commissioner Andy Hunthausen were present. Others attending all or a portion of the meeting included Roger Baltz, Marni Bentley, Misty Edwards, Peter Italiano, Charles Lane, Lindsay Morgan, Jacki Pierson, Audra Zacherl, Jerry Hamlin, Barb Hamlin, Trevor Taylor, Darci Olson, Robin Bare, Dean Retz, and Nadine McCarty, Recording Secretary.

### **Pledge of Allegiance**

Everyone recited the pledge.

### **Consent Action Items**

- a. Vendor Claims Report for Week Ending November 1, 2019. (Marni Bentley)
- b. Resolution 2019-99 Declaring County Property Surplus Property. (Amy Reeves)

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

No public comment was received.

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

### **Detention Center Renovation Update. (Audra Zacherl)**

Audra Zacherl, Public Works Assistant Director, gave an update on the Detention Center renovation project. As of the last update, the CMU block wall construction was completed on the lower level and continues on the main level. Framing has been completed on both levels. New water and waste lines have been installed for the showers and locker room. In the coming weeks the CMU block wall construction will be completed on the main floor and drywall will begin to go up. Once the drywall is up, the ceilings will be framed-in in the program rooms and medical clinic areas. In the next month, the new cooler will be installed and the first shipment of security doors and window frames will arrive.

During the last update a question was asked of Ms. Zacherl about when the transition from the upper floor to the lower floors would begin. Ms. Zacherl noted planning for the transition has begun with anticipation of it taking place in April 2020, allowing the renovation of the upper floor to begin in May. Those renovations will include splitting the exercise area in two, changes to the visitation area, minor changes to a couple pods, and plumbing and security upgrades.

Construction is expected to continue through August 2020 and will transform all three floors of the Law Enforcement Center into detention space with approximately 156 beds. Funding for the renovation is from the voter approved \$6.5 million general obligation bond, with additional funding provided from capital savings, bond premium and bond interest for a total project budget of \$8.4 million. The expenditures to date total \$2,135,625 with the breakdown of: architecture \$527,149; Owner's rep \$243,957; Sletten Construction \$1,163,369; and miscellaneous \$201,151, testing, Builder's Risk, electric reroute, and Bond related expenses.

Ms. Zacherl noted information is continuously being updated on the website.

**Contract Between Lewis and Clark County and Montana Waste Systems, Inc. (Misty Edwards)**

Misty Edward, Finance Coordinator, presented the contract renewal with Montana Waste Systems, Inc. to provide sanitation services for the Lincoln Solid Waste District. Services included in the contract include monitoring the condition of the containers and insuring ample room is available for waste disposal, hauling containers from the Lincoln transfer station and disposing trash and providing transfer site attendant services. Site attendants are responsible for checking in and directing customers, keeping the site clean, operating the recycling center, and monitoring the wood and metal piles. The contract period is July 1, 2019 through June 30, 2024 with the option to renew for an additional 5 years upon mutual agreement of all parties. The contract was reviewed and approved by the Lincoln Solid Waste Board of Directors at their August board meeting and also by the County legal staff. Staff recommends approval of the contract renewal with Montana Waste Systems, Inc.

No public comment was received.

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

**Contract Between Lewis and Clark County and Montana Waste Systems, Inc. (Jacki Pierson)**

Jacki Pierson, Landfill Administrative Assistant presented the contract renewal with Montana Waste Systems, Inc. to provide sanitation services for the Augusta Solid Waste District. Services included in the contract include transporting solid waste from Augusta to the landfill in Great Falls and keeping the container bay are clean of debris. The initial contract rate is \$28.75 per ton with annual CPI adjustments to be calculated July 1 of every year. The contract period is July 1, 2019 through June 30, 2024 with the option to renew for an additional 5 years upon mutual agreement of all parties. The contract was reviewed and approved by the Augusta Solid Waste Board of Directors at their August board meeting and also reviewed by County legal staff. Staff recommends approval of the contract renewal with Montana Waste Systems, Inc.

No public comment was received.

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

**Amended Plat of Lot 125 - Big Valley Subdivision (Covenants) (Tabled 10-24-19) (Applicant: Trevor Taylor) (Planner: Lindsay A. Morgan)**

Lindsay Morgan, Planner III, presented the request for consent to allow an amendment of Covenant No. 13 of the Amended Plat of Lot 125 of the Big Valley Subdivision to allow pot-bellied mini pigs

that are raised as pets. This is a continuation of the public hearing from October 24, 2019 for. At the last meeting placing a limit on the number of pigs was discussed and staff has reservations with the idea of adding a limitation on the number of pigs. Staff believes the limitation would be better suited through a zoning regulation as there is nothing in the subdivision regulations that contemplates limiting the number of animals on properties going through subdivision review. Staff recommends approval of the amendment request.

Charles Lane, Deputy County Attorney, stated the correct action today would be consenting or not consenting to the proposed change by the applicants to the private covenants.

Commissioner Good Geise wanted to know the number of pets being considered, if they might consist of a breeding pair, and if they are spayed or neutered.

Ms. Morgan explained the perspective buyer and the owner of the pot-bellied pigs is going to purchase the property and has reservations about the purchase if pot-bellied pigs are not allowed.

Dean Retz, Realtor for the seller, stated Trevor Taylor is the current property owner. Mr. Retz noted the written comment received at the last meeting was not from an adjacent land owner. Mr. Retz read from Ms. Olson's letter presented on September 4, 2019 where Ms. Olson stated the pot-bellied pigs would only be considered as pets and not compared to livestock as they are not being raised for commercial purposes nor are they the size of swine/livestock.

Commissioner McCormick asked if there has been any communication with any agriculture agencies regarding the difference of the pot-bellied pig and swine considered as livestock.

Ms. Morgan stated under state law all swine are considered to be livestock. She spoke with a department head from the Montana State Extension Office that stated pot-bellied pigs are not considered as the livestock production system and would be considered more of a pet.

Mr. Lane clarified the covenants were placed on the property by the landowners and are controlled by the landowners. There is a provision that requires the consent of the Commission to change the covenants. He added he understands it is unanimous by the landowners to change the covenants. It is the responsibility of the landowners to make the changes.

#### PUBLIC COMMENT -

Darci Olson, proposed lot purchaser and owner of the mini pigs, addressed the questions of Commissioner Good Geise. She noted she currently has ten pigs as pets. Her intent is to rescue and re-home mini pigs. They are all spayed or neutered and there is no intent to breed the pigs. She cannot give a definite number, it would fluctuate, but it would not be an extreme amount. Ms. Olson noted the pigs are clean, not destructive and quiet. Ms. Olson intends to have an enclosed structure if the pigs are outside. She added the manure can be disposed of at Helena Sand & Gravel or Valley Sand & Gravel compost piles.

Mr. Lane stated there are other county avenues to protect neighboring landowners that come into effect such as community decay.

Ms. Morgan read Covenant No. 13 and noted the proposed change is to add the following: with the exception of pot-bellied mini pigs that are raised as pets.

A motion was made by Commissioner Hunthausen to close the public hearing and consent to the applicant's request to amend the covenants. The motion was seconded by Commissioner Good Geise for the purpose of discussion.

Discussion was had between the Commissioners that these are private covenants and the landowners' responsibility, the people directly involved having no issue with the change, and potential future issues.

Commissioner McCormick stated there is a motion on the table to consent to the request. The motion Passed on a 3-0 vote.

**Resolution 2019-100 to Create Red Fox Meadows Road Rural Improvement District No. 2019-03. (Petitioner: Hamlin Construction and Development Co, Inc.) (Planner: Lindsay A. Morgan)**

Lindsay Morgan, Planner III, gave a brief overview of the Red Fox Meadows Subdivision that was granted preliminary approval under a settlement agreement on September 17, 2014 and the seven agenda items that will be addressed at this time. Ms. Morgan presented the resolution to create a Rural Improvement District (RID) for the purpose of maintaining road improvements within the Red Meadows Subdivision. The petition was signed by the sole owner of property to be included within the District; therefore the Resolution of Intention is not required. If the proposed District is created, a public hearing to formalize implementation of the assessments upon benefited properties within the District will be held prior to September of 2020. The property is located east of and adjacent to Lake Helena Drive, south of and adjacent to Canyon Ferry Road.

The creation of the RID will satisfy Condition No. 11 of the preliminary plat approval of the Red Fox Meadows Subdivision and will also provide for annual maintenance of all internal roads, to include snow plowing, weed control within the road right-of-way, street signage maintenance, culvert cleaning (excludes private driveways), street sweeping, storm drain maintenance within the right-of-way, mailbox operations and maintenance, crack sealing, and future chip-sealing. Staff recommends approval of the resolution.

Ms. Morgan explained that Condition No. 11 is part of the settlement agreement where the Applicant is required to create RIDs to maintain improvements.

No public comment was received.

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

**Resolution 2019-101 to Create Red Fox Meadows Stormwater Rural Improvement District No. 2019-04. (Petitioner: Hamlin Construction and Development Co, Inc.) (Planner: Lindsay A. Morgan)**

Lindsay Morgan, Planner III, presented the resolution to create a Rural Improvement District (RID) for the purpose of maintaining stormwater improvements within the Red Fox Meadows Subdivision. The petition was signed by the sole owner of the property to be included within the District; therefore the Resolution of Intention process is not required. If the proposed District is created, a public hearing to formalize implementation of the assessments upon benefited properties within the District will be held prior to September of 2020. The property is located east of and adjacent to Lake Helena Drive, south of and adjacent to Canyon Ferry Road.

The creation of the Stormwater RID will satisfy Condition No. 11 of the preliminary approval for the Red Fox Meadows Subdivision and will also provide for annual maintenance of the stormwater ponds and drainage ditches. Staff recommends approval of the resolution.

No public comment was received.

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

**Resolution 2019-102 to Create Red Fox Meadows Trails Rural Improvement District No. 2019-05. (Petitioner: Hamlin Construction and Development Co, Inc.) (Planner: Lindsay A. Morgan)**

Lindsay Morgan, Planner III, presented the resolution to create a Rural Improvement District (RID) for the purpose of maintaining trail and fencing improvements within the Red Fox Meadows Subdivision. The petition was signed by the sole owner of the property to be included within the District; therefore a Resolution of Intention process is not required. If the proposed District is created, a public hearing to formalize implementation of the assessments upon benefited properties within the District will be held prior to September of 2020. The property is located east of and adjacent to Lake Helena Drive, south of and adjacent to Canyon Ferry Road.

The creation of the Trails RID will satisfy Condition No. 11 of the preliminary approval for the Red Fox Meadows Subdivision and will also provide for annual maintenance of on-site trails and fencing along the canal. Staff recommends approval of the resolution.  
No public comment was received.

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

**Resolution 2019-103 to Create Red Fox Meadows Fire System Rural Improvement District No. 2019-06. (Petitioner: Hamlin Construction and Development Co, Inc.) (Planner: Lindsay A. Morgan)**

Lindsay Morgan, Planner III, presented the resolution to create a Rural Improvement District (RID) for the purpose of maintaining the fire protection system for the preliminarily approved Red Fox Meadows Subdivision. As the system lies both within and outside of the Red Fox Meadows Subdivision the petition was signed by representatives for both properties to be included within the District. Since the petitioners are representing 100% of the lands within the proposed RID, the Resolution of Intention process is not required. If the proposed District is created, a public hearing to formalize the implementation of the assessments upon benefited properties with the District will be held prior to September 2020. Both properties are located east of Lake Helena Drive, south of and adjacent to Canyon Ferry Road.

The creation of the Fire System RID will satisfy Condition No. 11 of the preliminary approval for the Red Fox Meadows Subdivision and will also provide annual maintenance of the fire system, make contractual payments for the use of the water, and set aside money to be used towards an electrical power demand charge when the system is turned on. Staff recommends approval of the resolution.

Ms. Morgan stated her understanding is the water source is located in the Holmberg Village Subdivision located northeast of Red Fox Meadows. They currently have a water line that goes into the Canyon Ridge Subdivision for fire protection and are proposing the same for Red Fox Meadows Subdivision. She added the Fire Chief for Tri-Lakes Fire has been working with them on the project and noted Red Fox Meadows and the property between Canyon Ridge and Red Fox Meadows are within the East Valley Fire District and have been working with them as well. The components of the fire protection system in Canyon Ridge has been deeded to the Tri-Lakes Fire Service Area and once the components enter the East Valley Fire District they are deeded to that District for Red Fox Meadows. She added everyone is in agreement with the setup.

No public comment was received.

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

**Resolution 2019-104 to Create a Flood Control Detention Pond Rural Improvement District No. 2019-07. (Petitioner: Hamlin Construction and Development Co, Inc.) (Planner: Lindsay A. Morgan)**

Lindsay Morgan, Planner III, presented the resolution to create a Rural Improvement District (RID) for the purpose of maintaining a flood control detention pond located on property south of the preliminarily approved Red Fox Meadows Subdivision. The petition was signed by representatives for both properties to be located within the District. Since the petitioners represent 100% of the lands within the proposed RID, the Resolution of Intention process is not required. If the proposed District is created, a public hearing to formalize implementation of the assessments upon benefited properties within the District will be held prior to September of 2020. Both properties are located east of Lake Helena Drive, south of and adjacent to Canyon Ferry Road.

The creation of the Flood Control Detention Pond RID will provide for annual maintenance of the flood control detention pond located on Tract 3A-1A-1 of Certificate of Survey No. 3339439, which is a requirement of the Floodplain Development Permit approval for Case No. FLDP2019-016. Staff recommends approval of the resolution.

Ms. Morgan explained the location of the flood control detention pond.

No public comment was received.

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

**Memorandum of Agreement Between Lewis and Clark County and Hamlin Construction & Development Co, Inc. (Planner: Lindsay A. Morgan)**

Lindsay Morgan, Planner III, presented the memorandum of agreement with Hamlin Construction & Development Co., Inc. The purpose of the MOA is to financially guarantee the flood control detention pond improvements on Tract 3A-1A-1 as shown on Certificate of Survey No. 3339439. This is also identified in the Floodplain Development Permit approval for Case No. FLDP2019-016. Staff recommends approval of the MOA with Hamlin Construction & Development Co., Inc.

No public comment was received.

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

**Final Plat and Subdivision Improvements Agreement for the Red Fox Meadows Subdivision. (Applicant: Hamlin Construction and Development Co, Inc.) (Planner: Lindsay A. Morgan)**

Lindsay Morgan, Planner III, presented the final plat and Subdivision Improvements Agreement (SIA) for the Red Fox Meadows Subdivision that contains 127 lots on approximately 165 acres. Preliminary approval was granted under a Settlement Agreement on September 17, 2014 subject to 22 conditions of approval of which all conditions have been satisfactorily met. The property is located east of and adjacent to Lake Helena Drive, south of and adjacent to Canyon Ferry Road. Of those lots: 110 are proposed for one single-family dwelling; 5 lots as open space; 8 lots to be used for 125 condominium units, 46 duplexes and 11 triplexes; 3 lots for commercial purposes, storage units and a gas station; and 1 lot that had been contemplated for a public wastewater treatment system. Since the preliminary plan approval, the applicant chose to abandon the concept of the on-site system and instead opt-in to an agreement with the City of East Helena for sewer services. It is anticipated that at some time in the future the applicant may submit a request to amend that lot for new use.

The Applicant requested the SIA to ensure successful completion of the following improvements: the remaining internal road network; raising of the sewer manholes; the remaining stormwater

improvements; remaining sewer improvements; the fire protection system; installation of signage, the street identification signs and traffic control signs; installation of two mail boxes; installation of the fencing along the canal; construction of the bicycle/pedestrian trail along the canal; and a few miscellaneous items noted in the SIA. Ms. Morgan added the applicant has provided a Letter of Credit to guarantee the improvements.

Jerry Hamlin, Hamlin Construction & Development, LLC, stated the numbers for the condominium unit are different. He added during the DEQ approval process for the number of condominium units he originally submitted a plat showing triplex units instead of duplex units and was informed by DEQ the methodology would have to change and have a commercial water system. They changed triplex units to duplex units and the final DEQ report shows 134 units instead of 125.

Ms. Morgan stated her numbers came from the Settlement Agreement.

Discussion was had regarding the number of condominium units and Ms. Morgan noted the number of units are actually 124, one less than approved in the Settlement Agreement.

Mr. Hamlin confirmed the condominium units and noted he made a mathematical error, it should have been 124 and noted the 125 units from the Settlement Agreement is fine.

Mr. Lane noted there is substantial compliance with the Settlement Agreement.

No public comment was received.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner Good Geise. 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 10:47 am.


LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Jim McCormick, Chair

  
Susan Good Geise, Vice Chair

  
Andy Hunthausen, Member

ATTEST:

  
Paulette DeHart, Clerk of the Board