



PUBLIC MEETING

November 17, 2020
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, November 17, 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, Nancy Everson, Emily McGlenn, Eric Griffin, Nicho Hash, Peter Italiano, Rick Richetti, Dave Schmitz, Leo Dutton, Greg McNally, Kim Smith, Audra Zacherl, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Announcement

- a. Employee Recognition Dave Schmitz. (Eric Griffin)
- b. Employee Recognition Rick Richetti. (Eric Griffin)

Eric Griffin, Public Works Director, recognized Public Works employees for all their years of service. Dave Schmitz, Buildings Manager has been with the County for 38 years. Dave is a can-do person, a big responsibility of his is maintenance of the Detention Center. He will be missed.

Leo Dutton, Sheriff/Coroner, recognized Dave Schmitz thanked Dave for all of his work and dependability. He will be missed.

Mr. Griffin recognized Rick Richetti who has been with the County for over 25 years. He has been responsible for road signage. Rick was steadfast and always there for anyone that needed help.

Consent Action Items

- a. Public Meeting Minutes for July 23, 30; October 8, 13; and November 3, 2020. (Nadine McCarty)
- b. Resolution 2020-96 Declaring County Property Surplus Property. (Amy Reeves)

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

Change Order No. 8 to the Contract Between Lewis and Clark County and Sletten Construction Company. (Audra Zacherl)

Audra Zacherl, Public Works Assistant Director, presented a scope change request by the County to the General Contractor/Construction Manager contract with Sletten Construction Company, the contractor for the Detention Center Renovation Project. Change Order No. 8 is to add painting of all the existing interior surfaces that were not originally part of Sletten's Scope of Services. Painting was only going to be done in renovated areas.

The change order is for \$69,315.34 and will bring Sletten Construction Company's total contract amount to \$7,167,414.38. Funding will come from unexpected bond interest earnings on the \$6.5 million general obligation bond. Ms. Zacherl explained any bond interest from the general obligation bond must be spent on this project.

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.

Contract Between Lewis and Clark County and Life and Legacy Group, LLC. (Emily McGlenn)

Emily McGlenn, Human Resources Specialist, presented the contract with Life and Legacy Group, LLC for the certified financial wellness services needed for the 2021 Financial Wellness project. A grant was awarded for \$25,000 from the International Public Management Association for Human Resources and its State and Local Government Financial Wellness partners. Life and Legacy Group, LLC will provide certified financial wellness services, including trainings, coaching, counseling, online course, and program reporting as part of the program. Work will be completed no later than October 1, 2021. Fees for these services are not to exceed \$18,500. An additional 7 individuals can be added at a rate of \$375 per individual. Staff recommends approval.

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.

Grant Award to Lewis and Clark County from Montana Disaster and Emergency Services. (Nancy Everson)

Nancy Everson, Chief Finance Officer, stated she is presenting the grant on behalf of Brett Lloyd, Interim DES Coordinator. The grant is in the amount of \$59,128 federal funds with a condition of a county match of \$14,782 of non-Federal funds, or 20% of the total approved project cost of \$73,910. The match is in-kind from the volunteers.

Kelly Tuck, Helena Regional Airport Emergency Services Coordinator and manager of the Rocky Mountain Training Center, stated in 2019 a pilot program was presented. The grant application was successful, and they trained 24 firefighters from Lewis and Clark County. The second year they did 2 more sessions of 12 each. This is a continuation of the grant funding the 3-year program, and this is the second year of the program. Mr. Tuck noted the aircraft and fire training facility was developed for fire protection training for airport firefighters nationwide and can train firefighters from anywhere in the

world. It is a federal facility. The incidents usually don't occur at the airports, they occur in volunteer jurisdictions.

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.

Golden Meadows Major Subdivision - SUBD2020-007. (Tabled 11-10-20) (Applicant: Larry Kim Smith) (Planner: Connie Dedrick)

Connie Dedrick, Planner I, presented the Golden Meadows Major Subdivision that was tabled on November 10, 2020. At that time there was no public comment. Ms. Dedrick noted the Consolidated City and County Planning Board recommends approval of the preliminary plat on October 20, 2020 with water concerns. The water concerns were overall water supply in the Helena Valley; guaranteed water allocation per lot and water use monitoring; assurance that the development will not use more water than appropriated by Montana Department of Natural Resources and Conservation (DNRC); what conditions, if any, can be added to address water supply.

Kim Smith, 7510 Applegate Drive, stated he just read over the condition and is not sure what to think. The water application is controlled by the DNRC and the Department of Environmental Quality (DEQ) will place restrictions on water use. Water consumption on lots is a moving target, particularly with the election, he thinks some things are going to change. It is hard to say what is going to happen with all of this. Covenants can be enforced by any individual that lives in the development and takes an action. He does not know if the County wants to get involved with this. He does not know that he has a big issue with it.

Commissioner Hunthausen asked if there is any legal incumbrancer of the recommendations.

Nicho Hash, Deputy County Attorney, stated prior there was discussion by the Planning Board that there would be some requirements set forth for these conditions about water usage. After consultation with the Planning staff, he believes recommendations come from the developers' agents and their numbers and is not enforceable. Planning could speak to it more. He added the County does not enforce private covenants.

Mr. Hash stated water right sit in same field as other conditions that are put on subdivisions such as radon, wildlife, etc. This stems out of the Planning Board discussion about water allocation and state entities that deal with water. As part of subdivision review, the applicant proves adequate water supply, then goes to DNRC and DEQ to go through that process. The draft conditions are not set up as an enforcement mechanism.

Mr. Smith stated he thinks it is a good thing for the concern of individuals having water that they are allocated. DNRC issues the developer a letter that shows the current amount of water and how it can be divided up. One person coming in cannot file for all water rights for the entire subdivision. Lots are going to be using more than 1/2-acre feet of water. This may change if the DNRC changes their policy, of which he thinks it may change.

Ms. Dedrick stated the language would have to be included in the document.

Commissioner Good Geise stated since it is only a recommendation and not enforceable, she is not sure what the language accomplishes and does not think it's going to matter much at the end of the day.

PUBLIC COMMENT -

Mr. Smith stated he thinks this is going to signify to people that there is a water problem. There is plenty of water to run the households. Also, there is the potential in the future, this would be an example of where you could use the aquifer water. This seems to be disinformation.

A motion was made by Commissioner McCormick to conditionally approve Golden Meadows Major Subdivision and seconded by Commissioner Hunthausen.

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

Commissioner McCormick reviewed the conclusions and findings that include: impacts on agriculture, impact on agricultural water users, impacts on local services. The subdivision will not have an adverse impact on local services including emergency services, water, wastewater, solid waste, utilities, roads, traffic, schools, and parkland.

Regarding water and wastewater, all 15 lots are subject to review from DEQ and Public Health. Regarding solid waste, each property owner will be responsible for transportation and disposal of solid waste. The applicant will install mailboxes. Local utilities will be provided by Northwestern Energy and other utilities as required for notice. Traffic impact study was concluded and submitted. All traffic will use internal roads that egress, ingress onto Applegate Drive and the applicant will be responsible for a percentage of impact to Applegate Drive. Subdivision is within Helena School District. Address plaques will be visible on each dwelling for Emergency Responders to respond to an emergency. Property is located in the west valley fire service area and will be serviced by proposed fire protection water system located on lot 5 within the subdivision. It will be 30,000-gallon storage with dry hydrant assembly. Applicant will provide cash in lieu of parkland dedication for \$6,263.63.

Impacts on natural environment. The subdivision will not have adverse effects on natural environment. There is a requirement of a 5-year weed management program. Storm water drainage plans must be submitted for approval by DEQ. Property is located in the proposed water and wastewater treatment system needs to be approved by DEQ and Public Health Environmental Services. Property is in the Air Quality Protection District. Impacts could be increased from travel, wood burning, and heating devices.

Impacts on public health and safety. The subdivision will not have adverse effects on public health and safety if the conditions be addressed by applicant. Lewis and Clark County is rated as a Zone 1: High stagnant designation related to radon screening levels. There are no known faults, falls, slides, or slumps located at the project site. The property has a low, local hazard risk and a vegetation management plan shall be prepared as per subdivision regulations. A copy of the plan shall be filed with the Clerk and Recorder's Office. James, Swierc, County Hydrogeologist, recommends soil be sampled for trace metals related to mine wastes and a suite of hazardous chemicals that could be present due to gravel pit that has been on the property for several decades. Sawdust and debris in and around a depression on lots 4 and 5 be removed and depression be filled in with appropriate fill material and a geotechnical report be submitted prior to development.

Compliance with subdivision regulations. The subdivision can be brought into compliance with the subdivision regulations with the completion of all conditions.

Compliance with survey requirements. The Subdivision will obtain a land survey and plat completion by a registered land surveyor in the State of Montana will need to be prepared and approved.

The provision of easements within and to the proposed subdivision for the location and installation of any planned utilities. Utility easements will be shown and described on the plat in accordance with regulations. A 20-foot utility easement will be created along the southern boundary of lots 9 and 11 at the proposed Hoge Drive cul-de-sac. The provision of legal and physical access to each parcel within the

proposed subdivision. Legal and physical access to the subdivision is provided via public access easements from the existing Applegate and Hoge Drive. Approach permits from County Public Works will be required for internal road network to obtain access to Applegate and Hoge Drives.

A motion was made by Commissioner McCormick to approve the recommended conditions of approval in the original document and seconded by Commissioner Hunthausen.

A motion was made by Commissioner McCormick to amend the previous motion to the conditions of approval to exclude lot 4 in condition #23 and Commissioner Hunthausen seconded the motion. The motion passed on a 3-0 vote.

Commissioner Good Geise spoke of a draft condition presented to the Commissioners about the recommendations of water consumption and she suggests they do not proceed with it at this time. Commissioner Hunthausen stated he is ready to move forward on the conditions that are on the table.

Commissioner McCormick reviewed the conditions of approval that include:

Prior to Final Subdivision Plat application, the Applicant shall submit plans for wastewater treatment and water supply systems to the Montana Department of Environmental Quality, a five-year weed management plan to be submitted and approved; have vegetation management plan prepared and approved, provide an on-site fire protection system, have an on-site system inspected and certified of compliance and provided to fire protection authority and County Planning.

The applicant shall complete the following to construct the internal access roads: provide copies of the plans for subject roads and utilities and submit to County Planning. Applicant shall improve all internal roads and provide legal and physical access to all lots according to regulations. All roads to be built in accordance to approved and submitted plans.

The applicant will be required to pay 9.4% of the cost of improving Applegate Drive if a licensed engineer in the State of Montana does not certify that Applegate Drive will meet or exceed the County Road Standard Typical Section No.2. Final plat must be prepared in accordance with applicable state survey requirements and the County Subdivision Regulations and shall graphically show and describe all existing and proposed utility easements, existing access and utility easements adjacent to the property, no access restriction on lots 9 and 15 with the exception of a 20 feet wide shared approach at southwest corner, no access along Applegate on lots 1 and 8, no access along Axel Road on lot 14, Forty foot wide public access and utility easement for a shared approach on lots 9 and 15 among others.

Regarding restrictive covenants, filed with the County Clerk and Recorder, shall be indicated on the face of the plat; in addition, restrictive covenants are revocable or alterable only with consent from the Board of County Commissioners. Components of Montana Code annotated and subdivision regulations at the time of filing the plat shall be provided. Approach permits are required.

The applicant shall complete improvements or financially guarantee improvements as follows: storm water plan, Montana Pollution Discharge Elimination System (MPDES) permit, vegetation management plan the weed management plan, mailbox facilities, utilities abutting and available to each lot. Provide proof that all real property taxes and special assessments, including past delinquencies. The preliminary approval shall be in force for three calendar years. If one or more acres of ground disturbance is planned, will contact DEQ and obtain (MPDES) permit. Apply for address assignments for all lots and install address plaques for each lot except for lots smaller than 2 acres.

In cooperation with the County, the Applicant shall create or amend a Rural Improvement District for maintenance, preservation, and repair of the fire protection system, internal roads, and its improvements. Shall submit proposed road names for all roads. Shall submit for approval of a signing

plan for traffic control and street identification signs providing legal and physical access to all lots, meeting regulations. The applicant shall submit a storm water drainage plan that meets subdivision regulations and DEQ, tracked by State of Montana Engineer.

An approach permit shall be requested by the applicant for the access point onto Applegate Drive and Hoge Drive. An approach permit shall be requested by the applicant for the access point onto Applegate Drive from lots 9 and 15. Shall provide an appraisal with the final plat application to help determine how much cash shall be paid in lieu of parkland dedication. Shall work with Lewis and Clark County Public Health to prepare a plan for soil sampling and identification. Shall work with the Lewis and Clark County Health Department to prepare a plan for soil remediation to remove contaminants in and around proposed lots 3, 5, 6, 10 and 12.

Commissioner Good Geise stated there is a global motion to approve the Golden Meadows for preliminary plat as conditioned. 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 11:01 a.m.

Meeting minutes approved on 10-13-22.


LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Jim McCormick, Chair

Tom Rolfe, Vice Chair


Andy Huhnhausen, Member

ATTEST:



Amy Reeves, Clerk of the Board