



PUBLIC MEETING

November 29, 2018
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, November 29, 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 Roger Baltz, Marni Bentley, Laura Erikson, Nancy Everson, Peter Italiano, Charles Lane, Lindsay Morgan, Sam Neill, Christal Ness, Audra Zacherl, Jeff Tichenor, Brad Hurd, Jim Utterback, Connie Cole, Mary Hollow, Eric Griffin, Andrew Silverman, Mike Woodel, Henry Brolier, LeRoy Schram, Glenn Marx, Travis Vincent, Greg Ross, James Hesterberg, Eric Seidensticker, Bob Murdo, Nathan Bilyeu, Brian Shoverz, Peter Larsen, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Vendor Claims Report for Week Ending November 30, 2018. (Marni Bentley)
- b. Resolution 2018-103 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 Good Geise and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

Resolution 2018-107 Establishing the Lewis and Clark County Landfill Fees Beginning January 1, 2019. (Audra Zacherl)

Audra Zacherl, Public Works Assistant Director, presented the resolution establishing the landfill fee rates beginning January 1, 2019. On November 15, 2018 a resolution of intention was passed to change the landfill fees. Legal ads were published in the Independent Record on November 18 and 25, 2018 with public comments due to the Treasurer, Clerk and Recorder's office by 4:00 p.m. November 28, 2018. No comments were received.

On October 2, 2018 the Scratchgravel Solid Waste District Board approved several changes to the Landfill fees to include: a proposed decrease of \$2.00 in the Class II, Municipal Solid Waste tipping

fee, from \$28.00 to \$26.00; to establish a minimum fee of \$5.75 for bringing 1 to 500 pounds of Class IV Construction & Demolition Waste, anything over 500 pounds remains at \$23 per ton fee prorated depending on actual weight; and to allow Class IV Construction & Demolition rates to be adjusted by management based on operational assessment to include waste volumes, contract terms and fiscal impacts. Staff recommends approval of the resolution.

Ms. Zacherl noted the biggest change resulting in the decrease for the Municipal Solid Waste tipping fee is the Interlocal Agreement that Lewis and Clark County entered into with Broadwater County that will bring in approximately 4,500 tons of waste annually amounting to an extra \$100,000 in revenue. Ms. Zacherl explained how additional waste brought in shares the fixed costs among the landfill users.

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 2018-110 Related to Lewis and Clark County, Montana, General Obligation Bonds, Series 2018; Determining the Form and Details thereof, Authorizing the Execution and Delivery and Levying Taxes for the Payment Thereof, and Authorizing the Sale of the Bonds to D.A. Davidson & Co. (Nancy Everson)

Nancy Everson, Chief Financial Officer, presented the resolution related to the \$6,500,000 Lewis and Clark County General Obligation Bonds, Series 2018 and authorizing the execution, delivery, levying taxes for the payment and authorizing the sale of the bonds to D.A. Davidson & Co. In November of 2016 the voters approved a bond issue for \$6,500,000 to remodel the existing detention center and in November of 2017 the Operations and Maintenance levy was authorized. Early September of 2018 discussions on the process to sell \$6,500,000 in bonds began with Jackson, Murdo and Grant and DA Davidson. Ms. Everson gave an overview on the process to include: developing a preliminary offering statement and what it includes; official offering statement; a bond rating request of Standard and Poor's, the County was given a rating of AA; DA Davidson pricing of the bonds and offering for sale. The bonds were all sold and the closing will be on December 6, 2018. The bonds were for \$6,500,000, the net purchase price was \$7,221,000 reflecting a premium of approximately \$773,000 with an underwriter's discount of \$52,000. The principal and interest payments will begin in Fiscal Year 2020, a 15 year bond that runs through 2024. The County will levy the taxes using the voter approved authority from the 2016 ballot issue. The annual debt service is approximately \$635,000 with an increase to taxpayers of \$6.40 on a \$100,000 home and \$12.80 on a \$200,000 home. Proceeds from the bond issue will be placed in a construction account to be used for the remodel.

Bob Murdo, Law Firm of Jackson, Murdo and Grant, stated the bonds are Serial Bonds and noted the principle payments of each of the bonds are paid over time. In the principle amount the first payment will be in 2020 from the collection of taxes in 2019. On Serial bonds each year there is a different amount of principle that is paid off. The reason for the changes in the amortization schedule is overtime the county wants to have a level debt service schedule so roughly the same amount of principle and interest is paid each year. This allows for the taxpayers to not have smaller and larger amounts over the years.

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 2018-102 Authorizing an Application for a Community Development Block Grant. (Laura Erikson)

Laura Erikson, Community Development Coordinator, presented the resolution to authorize application for a Community Development Block Grant (CDBG) for working capital to assist the new owner of High Country Snack Foods in retaining jobs in Lincoln, MT. If the funding is received it will go to the Montana Business Assistance Connection (MBAC) to be loaned to High Country Snack Foods.

Eric Seidensticker, MBAC, stated they are working on a CDBG Economic Development application to assist the new owner of High Country Snack Foods. There has been previous involvement with a potential sale to High Country that did not go through. This time it was determined the CDBG Economic Development application should be completed to assist with the job retention of 42 jobs. There were three public hearings held to acquire all necessary feedback. At this time all of the financing is in place and they are ready to submit the application. A CDBG grant does require local government sponsorship. The new owner is committed to keeping the operation in Lincoln with plans to expand over two to three years.

This would be a loan with the grant funds going to the County and MBAC managing the funds through the sub-recipient agreement in place with the County. MBAC would like to update the sub-recipient agreement as the current agreement is from 2003.

No public comment was received.

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

Contract Between Lewis and Clark County and SMA Architects. (Laura Erikson)

Laura Erikson, Community Development Coordinator, presented the contract with SMA Architects for construction oversight and final design services for the rehabilitation of the West Mont Farm and Garden Group Home with funding not to exceed \$84,184.14. In 2016 Lewis and Clark County sponsored West Mont for a planning grant to do a preliminary architectural report on the West Mont Group Home and during the procurement process SMA Architects were selected. Staff recommends approval of the contract with SMA Architects.

Ms. Erikson stated that block grants require a local government sponsorship. During the annual community needs assessment in 2014 West Mont approached the County about sponsoring them.

No public comment was received.

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

Contract Between Lewis and Clark County and Greenplay, LLC. (Lindsay Morgan)

Lindsay Morgan, Planner III, presented the contract with Greenplay, LLC in the amount of \$20,000 for Phase II of an update to Lewis and Clark County's Comprehensive Parks and Recreation Plan. A needs assessment and gap analysis was received at the conclusion of Phase I and if Phase II is approved a final plan will be received for consideration. The purpose of the plan is to create goals and objectives that will provide direction to everyone involved for ongoing maintenance, redevelopment, growth and enhancement of existing parks as well as future acquisition of new park land. The plan would be updated at the same time as the City of Helena's plan. The parallel planning effort will identify shared issues, needs and opportunities for future collaborations. Staff recommends approval of the contract with Greenplay, LLC.

Commissioner Good Geise announced there will be a presentation by Greenplay to the City County Joint meeting on Tuesday, December 4 at 3:30 pm and everyone is welcome. Commissioner Good Geise noted some of the contemplated plans that Greenplay is proposing in Phase II could be the creation of a parks district in Lewis and Clark County and that if adopted would involve a large policy

discussion regarding how it would be funded and the possibility of taxing the citizens. Some of the plans that are being contemplated could be pricey.

Commissioner McCormick does not agree with the language under the Market Analysis that all comments be incorporated into the County final plan and he would like it to say suggestions. There needs to be a baseline, they need to know the condition and have a vision but Commissioner McCormick is not prepared to accept that everything is going to occur.

Commissioner Hunthausen stated the final parks plan will be up to the Commission to decide on the recommendations.

No public comment was received.

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

Resolution 2018-108 Discontinuing Two Alley Segments. (Christal Ness, Development Services Supervisor)

Christal Ness, Development Services Supervisor, presented the final resolution to abandon two alley segments of Ames Addition.

Preliminary conditional approval was granted on April 24, 2018, subject to four conditions of approval. The only condition of approval that was not met was Condition 1-c requiring boundary line relocations, if adjacent property owners choose to pursue ownership of any portion of the discontinued alleys. The Applicant will own both of the alley segments.

Ms. Ness confirmed that the alleys are part of the original final plat in the 1880s. She added that any utility easement would remain if the segments were discontinued.

PUBLIC COMMENT -

Jeff Tichenor, thanked the County staff for being so helpful in this project.

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

Resolution 2018-109 Approving Funding of the Open Lands Program Peaks to Creeks Acquisition Project. (Sam Neill: Planner)

Sam Neill, Planner I, presented the resolution approving \$360,000 from the Open Space Bond to Prickly Pear Land Trust for the acquisition of the Ten Mile Creek and Seven Mile Creek Project. Looking back at the records, a 30 day comment period has not been opened so there will be no vote on the passage of this resolution today. On February 1, 2018 application for Peaks to Creeks was submitted.

After the Open Lands Advisory Committee (CAC) made a recommendation of approval to the Board of County Commissioners, a legal issue was raised requiring further legal review of the project proposal. A management agreement was formed between Prickly Pear Land Trust (PPLT) and Lewis and Clark County in order to resolve the issue. Staff recommends opening the 30-day comment period to the public. Letters of support have already been received.

Ms. Neill stated of the seven bond measures the two that were not met had to do with preserving farm and ranch land and that was not applicable to this project.

Commissioner McCormick asked if the topography is essentially reeds and swamp type ground and for an explanation as to if funds can be allocated for purchase if under exceptional circumstance.

Charles Lane, Deputy County Attorney, explained the project is outside of the norm for an Open Bond expenditure, however, the merits of the project are in line with what the voters voted for and this is a legal expenditure of these funds.

Commissioner Hunthausen noted this also meets the goals of the Open Lands program and the goals of the Joint Land Use study with the Fort.

Mary Hollow, Prickly Pear Land Trust Executive Director, gave a slide presentation and an overview of the project that began about ten years ago regarding concerns about the land development that was taking place around Fort Harrison. In 2015 it was clear that they would receive funding from the Army Compatible Use Buffer Program. The Peaks to Creeks Initiative from PPLT perspective met growing community need for conservation projects. If received, the funding would complete the final acquisition. She added the properties were acquired in early 2016. Ms. Hollow noted the military is very interested in becoming more interconnected with the community.

Ms. Hollow stated Ten Mile Creek Park was farm land that was formally cultivated and irrigated. The water rights were separated from the parcel. The Seven Mile Creek parcel did come with water rights and Prickly Pear is working on reclamation to the creek to address the needs of Lake Helena Watershed in terms of soil erosion. That parcel has had and could have some ranching associated with it.

Ms. Hollow added sediment in the Lake Helena Watershed has been traced back to this particular parcel being one of the top five sediment contributors. She added in the 1940s and 1950s the Army Corp channelized many streams taking the streams out of their natural paths and put the water in very sedimentary locations where the erosion issues were created. The other side of the flood mitigation is about 1/3 to a 1/2 of the Ten Mile Creek Park was under water in the spring. Those were the same areas that was platted for houses.

Connie Cole, Chair of Open Space Bond Citizens Advisory Committee, stated they met in March with Prickly Pear that included a site visit. Upon review of the application materials, there was unanimous approval. She added the arched bridge construction over Ten Mile Creek is beautiful. The CAC felt the project completely meets the criteria for the Open Space Bond Funds. Ms. Cole read important points from a written public comment from Lisa Vay.

PUBLIC COMMENT -

Brad Heard, 20 Carriage Lane, stated while on the Ten Mile Creek trails he was able to acquaint himself with trail and outdoor enthusiasts. He also visited the Seven Mile Creek area. The area is a great place for education on many topics.

Rick Lamach, Master Planner for the State of Montana Department of Military Affairs, stated he manages the army compatible use buffer program for the Montana Army National Guard. The Montana Army National Guard and Prickly Pear Land Trust have been able to work together on the project resulting in the creation of the Ten Mile Creek Park on the west side of Helena which links up with Spring Meadow Lake State Park, Spring Meadow Resources and the historic Archie Bray Foundation. He added the Seven Mile Creek parcel has been secured which provides opportunities for stream restoration along the creek and habitat improvement in the Helena valley. The approval of the request to use the funds will benefit the Montana Army National Guard as much as it benefits the citizens of this county.

Peter Larsen, 2627 Woodward Ave, stated he is in support of the initiative on two fronts: diversity, all walks of life are at Ten Mile Creek Park; and the other is the value for residential homes and businesses around the area. Open space and parks has economic value by turning property into a public space.

Henry Brolier, stated he is a retired school teacher and noted one of the boards he serves on is Project Healing Waters. The program serves veterans with disabilities. Witnessing the healing that takes place on water is emotional. The acquisition would be so beneficial to the veterans as they could walk across the street to fish.

Brian Shovers, on behalf of Last Chance Audubon, stated since April 2017 a member has been conducting a weekly bird survey in the Seven Mile Area of which 120 species have been identified. The organization is in favor of the acquisition.

Greg Ross, on behalf of Montana Conservation Corp, stated the project improves access to public lands. They are a huge supporter of the project.

Dawn North, 707 2nd Street, stated she has been active in the Helena area on open space issues for over 20 years and is now a board member of Prickly Pear Land Trust. Ms. North sees flatland and water as two things that are in short supply in the Open Space.

Glen Marks, Executive Director of Montana Association of Land Trust, gave an overview on the process that has brought the project to this point by Prickly Pear Land Trust. Prickly Pear Land Trust has been committed, determined, persistent and dedicated to this project.

Jim Utterback, 1923 Lime Kiln, stated he is the President of Prickly Pear Land Trust and noted the board is completely behind the project.

Commissioner Good Geise asked Ms. Hollow when the property was purchased in 2016 was there any assumption what the Commission would do with the open space money.

Ms. Hollow noted Prickly Pear Land Trust does not take advantage of the Open Land funds. At that time the board was willing to take the risk knowing all funding was not available and there were a couple of funding sources. There were other buyers competing for the properties. Fort Harrison worked in conjunction with PPLT to acquire the land. Ms. Hollow stated a formal request to the Open Space Bond Program was not made at that time as there was not time to go through the process. Informally the County was aware of the acquisitions but not formally to the Open Space Bond program.

Commissioner Good Geise asked what might have been done if other open space projects would have used the money and Ms. Hollow noted in desperation they could place a conservation easement on the property and sell it to a private landowner.

Commissioner Good Geise stated having a retroactive project is concerning. It puts them in a position to be forced to make a decision with taxpayer dollars.

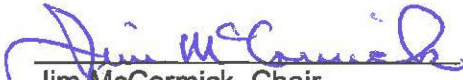
A motion was made by Commissioner Good Geise to open the 30-day comment period to move forward to approve the funding for the Peaks to Creeks Acquisition Project. The motion was seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

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

Adjourn

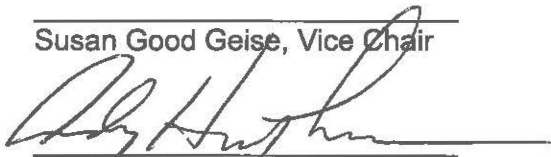
There being no further business, the meeting adjourned at 11:06 am.

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