



PUBLIC MEETING

November 8, 2018
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, November 8, 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, Jeni Garcin, Alan Hughes, Nancy Everson, Peter Italiano, Charles Lane, Lindsay Morgan, Sam Neill, Audra Zacherl, Mark Williams, Joyce Evans, Dave and Connie Cole, Steve Tennant, Shane Swandal, Rich Whitney, Mike Woodel, Valerie Jaffe, Roxa Reller, Staci Stolp, Ray Todd, Dave Ferris, Scott Cromwell, Eric Merchant, Kathy Moore, Kellie McBride, Stefan Wall, Linda Grady, Makenna Sellers, Steve Utick and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

There were no consent action items.

Contract Between Lewis and Clark County and Big Sky Mobile Imaging, LLC. (Alan Hughes)

Alan Hughes, Detention Center Captain, presented the contract with Big Sky Mobile Imaging to provide X-ray services to Lewis and Clark County Detention Center inmates on site at \$150 per visit per inmate. The contract period is for one year upon approval and renewed annually upon mutual written agreement.

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.

Contract Between Lewis and Clark County and Slate Architecture. (Audra Zacherl)

Audra Zacherl, Public Works Assistant Director, presented the contract with Slate Architecture (Slate) to provide architectural services needed for the Detention Center renovation project. Slate was chosen from a Request for Qualifications process that began in March 2018. This is the contract for the construction phase. Slate is partnering with Integrus Architecture (Integrus) of Spokane, WA.

Integrus has over 60 years of expertise in the criminal justice market with over 350 completed justice and government projects, including 20 plus projects in Montana. They specialize in secure environment planning, design and physical security design. The construction-phase contract is to provide structural, mechanical and electrical engineering services; preliminary design; schematic design; design development; construction documents; bidding assistance and construction administration. Compensation is detailed out for basic architectural services, a fixed fee that totals \$597,643; additional services to include structural investigation, physical security, security electronics and the generator for a fixed fee of \$112,291. Reimbursable expenses include media and reproduction costs, estimated at \$4,000 and travel for site visits over the 55 visits included in basic services, \$183.00 per trip, they will be billed at actual; and costs for Integrus, \$19,653 and IMEG, \$6,400 that are fixed fee. The total contract amount is less than what was budgeted for.

Funding for the project is from a voter approved \$6.5 million general obligation bond that will transform all three floors of the Law Enforcement Center into detention space with approximately 156 beds. The contract will begin upon execution and to be completed by fall 2019. Staff recommends approval of the contract with Slate Architecture.

Scott Cromwell, Slate Architecture, explained the detention center construction requires security electronics equipment and security detention equipment. Slate has had to spend more time and effort in being diligent with the new layout within the existing facility. Mr. Cromwell noted Rich Simmons of Integrus is a security specialist.

Mr. Cromwell stated all the walls on the inside of the structure will be strengthened. Also need inspecting the exterior walls to ensure its security. Mr. Cromwell noted they are working to minimize the steel usage in the project as the cost is starting to increase due to the looming tariffs.

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.

Change Order No. 1 to the Contract Between Lewis and Clark County and Sletten Construction Company. (Audra Zacherl)

Audra Zacherl, Public Works Assistant Director, presented Change Order No. 1 to the Guaranteed Maximum Price (GMP) Amendment of the contract with Sletten Construction Company for the Law & Justice Center renovations for a maximum price of \$427,625 that was approved on October 11, 2018 for a scope of work that included City Code required improvements, ADA required improvements, fire alarm required improvements and the construction of two evidence storage area.

The contract was approved on September 13, 2018 for General Contractor/Construction Manager services for the Detention Center Renovation and minor renovations of the Law & Justice Center. The Change Order is for additional owner-requested work that increases the scope approved on October 11, 2018. The partner on this project, the City of Helena, requested additional rooms to be constructed to house their Criminal Investigations Division and Support Services Division and two dedicate interview rooms. The total cost to add the rooms will be \$51,871.56.

Funding for the scope of work approved on October 11 will be shared 50/50 between the City of Helena and Lewis and Clark County from non-general obligation bond funds. Funding this Change Order will be the sole responsibility of the City of Helena through the County's contract with Sletten. Staff recommends approval of Change Order No. 1 to the contract with Sletten Construction Company.

No public comment was received.

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

Interlocal Agreement Between Lewis and Clark County and Broadwater County. (Audra Zacherl)

Audra Zacherl, Public Works Assistant Director, presented the Interlocal Agreement with Broadwater County to allow Broadwater County to haul their Class II Municipal Solid Waste (MSW) to the County Landfill for \$26 per ton. The Agreement will become effective 45 days from execution and terminate on June 31, 2021.

Broadwater County estimates they will haul 4,700 tons of MSW to the County Landfill annually. Increasing the Landfill's annual tonnage by this amount will allow the reduction of the Landfill tipping fee from \$28 per ton to \$26 per ton for all users, with the City of Helena as the principal customer. By this reduction, the City of Helena will also be able to reduce their Transfer Station tipping fee by the same amount. This will not only benefit City of Helena commercial and residential users, but also Scratchgravel Solid Waste District residents.

Over the past five years the Scratchgravel Solid Waste District has averaged 16,325 tons of MSW to the Transfer Station. Over the term of this Agreement, Scratchgravel will save approximately \$81,625 in Transfer Station tipping fees. The City of Helena has averaged 37,227 tons of MSW to the County Landfill and will save approximately \$186,000 in Landfill tipping fees over the term of the Agreement. Broadwater County will also have a cost savings. They have had a contract the past five years to dispose of their MSW for \$29 per ton. The \$3 per ton savings will amount to approximately a \$35,000 in saving for their residents.

By approval of this Agreement the County would continue its commitment to adopt recommendations from the 2014 Efficiency Study. One of the recommendations in the Study was for the Landfill to use its airspace as a resource and in order to use the available airspace to its maximum potential the landfill should accept out-of-county waste. Staff recommends approval of the Interlocal Agreement with Broadwater County.

PUBLIC COMMENT –

Stephen Wall, Wall, McLean and Gallagher PLLC of Helena, is here on behalf of Tri-County Disposal. They had the contract prior to this proposed Interlocal Agreement. For the last year the Tri-County has charged \$27 per ton. The issue for Tri-County is it cannot pass the savings of the tipping fees onto its customers and Mr. Wall believes Tri-County Disposal and the county's interest will overlap. This proposes to give Broadwater County residents a pay-as-you-throw rate and currently that is not allowed for Lewis and Clark County residents. There is a mandatory minimum for Scratchgravel at \$1500 per ton per year whether you throw that or not. Tri-County would like to see the same savings to Lewis and Clark County residents that are afforded to Broadwater County residents if this interlocal agreement is approved. Scratchgravel residents pay \$58.75 per ton tipping rate at the transfer station rather than the \$26 per ton tipping rate charged to Broadwater County.

Ms. Zacherl addressed that Broadwater County residents would not be able to direct haul to the Landfill. Broadwater County residents haul to their county transfer sites, and then Broadwater County will bring the waste to the Landfill. Broadwater County residents pay an assessment for their solid waste services just like the City of Helena and the Scratchgravel residents.

Charles Lane, Deputy County Attorney, noted the correct procedure has been followed to enter into the Interlocal Agreement.

Ms. Zacherl noted if the tipping fees continue to lower then there will be a reduction in the Scratchgravel assessment fee. The fee has gone from \$96 to \$88 this year.

Mary Louise Hendrickson, Public Works Supervisor for Broadwater County, clarified that the Tri-County Disposal tipping fee was reduced from \$29 to \$27 a ton in May of this year. Broadwater County does charge the residents \$128 a year solid waste assessment.

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

Agreement Between Lewis and Clark County and Malmstrom Air Force Base, US Department of Transportation and Department of Defense. (Audra Zacherl)

Audra Zacherl, Assistant Director of Public Works presented the Agreement with Malmstrom Air Force Base, three of the seven missile counties, and the US Department of Transportation Federal Highway Administration for maintenance and repair of the aggregate surface of the Transporter-Erector routes also known as defense access roads. The Department of Defense intends to correct deficiencies in defense access roads to include reconditioning roadways; replace, recondition or clean designated culverts; replace cattle guards as needed and replace livestock crossings as needed. All costs related to the project are the responsibility of the Department of Defense. During the construction the County will be responsible for snow removal and any damage as a result of winter maintenance. After construction and costs related to the maintenance will be the responsibility of the County.

The Agreement requires no new funding from Lewis and Clark County. The County currently maintains these roads and would only be agreeing to continue maintaining them after Department of Defense improves them. Staff recommends approval of the Agreement with the Department of Defense with construction being completed by October 2021.

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.

Budget Amendment to the County's Budget for Fiscal Year 2019. (Nancy Everson)

Nancy Everson, Chief Financial Officer gave a brief overview of the annual budget procedures and presented the budget amendment to amend the Health Department budgets and Criminal Justice Services budgets for proposed staffing changes to the FY19 budget.

The first proposed change is in the Public Health Nursing Program within the Health Department for the replacement of a current .90 FTE that is retiring to replace with a full-time 1.0 FTE. In addition to the .10 FTE they are also asking for salary increase of approximately \$13,000 which is funded primarily by the Public Health mill levy and a small amount from grant funding. The second proposed change is in the Environmental Services Division of the Health Department requesting a 1.0 FTE for an Environmental Technician. They will eliminate the .05 FTE administrative assistant position. The request will add an additional \$39,522 to four funds that will share the cost of this position. The third proposed change is in the Criminal Justice Services who is requesting the addition of a Behavioral Health Coordinator. The FY19 budget included funding for a Volunteer Coordinator will be used to fund the Behavioral Health Coordinator. There is no increase in budget authority needed as it is a change in staff position. Staff recommends approval of the requests.

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 2018-97 to Annex Land into the Birdseye Rural Fire District. (Planner: Sam Neill)

Sam Neill, Planner I, presented the resolution to annex properties into the Birdseye Fire District. The proposed Birdseye Fire District annexation area is located along Raven Road and adjacent to the Birdseye Fire District.

The petition was signed by 79% of owners in the proposed area and by owners and property representing 67% of the taxable value of the property within the boundary. Majority of property owners will see a reduction in fire tax assessment if annexed in to the Birdseye Fire District. Staff published the notice in the local newspaper and letters to the property owners via mail. Ms. Neill noted the protest period has ended. Staff recommends approval of the resolution.

Linda Grady, Trustee with the Birdseye Fire District, noted it is a benefit to the residents.

Commissioner McCormick asked about the fire apparatus and Ms. Grady noted there are four tinder trucks and one major fire truck that is very old. They received a grant in April for new SPA (Self Breathing Apparatus). They have one medic truck. They just finished an Emergency Medical Response course. They will apply for a grant in January to acquire another tinder truck.

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.

Proposed Expansion of Boundaries for Special Zone District No. 49. (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner III presented the petition proposing the expansion of boundaries for Special District No. 49, also known as the Valley View Heights Planning and Zoning District. She stated 66% of the land owners within the proposed expanded district signed the petition. The proposed boundary is currently located south of Snowdrift Road, west of Ferry Drive, east of Collins Drive and north of Fantasy Road. The proposed expanded boundaries would include properties north of Snowdrift Road, few to the west of Collins and some properties to the south of Fantasy Road. Ms. Morgan gave an overview of the permitted land uses to include accessory uses; agriculture; single-family dwellings; group homes; home daycare and home occupations. All other land uses would be prohibited. Only one single family dwelling or group home is allowed on each parcel of land. Minimum lot size for new parcels is 10 acres. Staff recommends approval of the proposal.

PUBLIC COMMENT -

Dave Cole, 6040 Ferry Drive, stated he supports the expansion of the zoning district and request that they be included in it. Mr. Cole has served three terms on the City-County Planning Board and during his time as chair he initiated planning for growth. Two public meetings were held at Jim Darcy School, conducted a survey of property owners in the area and heard clearly that they moved to the north end of the valley because of the rural character of the area. The Planning Board established a working group to start the process. The whole process was never really completed due to staffing changes. People supported the idea of land use controls.

Joyce Evans, 2276 Tea Road, fears subdivision fever. Special zoning in District 49 did not stop the spread of subdivisions. They have expanded their district and required minimum 10 acre parcel to keep subdivision fever away.

Stacey Stolp, 2224 Tea Road, supports the special zoning district #49. Main reason is for water availability. She has seen a loss of elk herd in the area, and decline of antelope as well. She also sees an increase of reckless driving and speeding on Collins Road.

Justin Stolp, 2224 Tea Road, stated his main concern is the water availability. There is at least one property across Collins Drive with three dry well casings. Neighbors to the south have dry well casings also. Their weather station reads that they only received 9.2 inches of rain this year.

Valerie Jaffey, 2623 Tea Road, stated they are in the adjacent zone No. 50 that is at a stage where they are preparing to collaborate with the County to determine regulations. They are completely supportive of the land owners who want to amend their boundaries.

Ray Todd, 5805 Collins Drive, stated he is slightly outside of the proposed expansion, but his concern is the traffic on Collins Drive. Construction trucks are up and down the road constantly.

Karen Cheatham, lives in the proposed expansion area and signed the petition to get this expansion primarily due to the water availability. The high winds deplete water from the soil and impacts water availability. Having more housing and people in the area will impact everything and should be considered in the Helena Valley infrastructure.

Dave Lewis, 5871 Collins Drive, stated they have lived there for over 30 years and he is in favor of the proposal. The north Helena Valley is divided in two parts - those north of the canal and the other area is south of the canal. He supports the 10 acre parcel minimum.

Steve Utick, 2950 Fantasy Road, stated his family owns property in the expanded zoning district. This is the third time certain people involved brought zoning forward because of development that is trying to happen in the area. There is obviously other developments in the area that are 5 acre parcels and is not out of character for the area. Mr. Utick has done quite a bit of research and noted the average acre of farm land takes 4000 gallons of water per acre per day to irrigate and an average household takes 200 to 400 gallons of water per day. Mr. Utick presented maps that show over 1,000 acres of farm land in the area noting that some irrigation comes from the Helena Valley Irrigation Canal but not all of it. He and his family believe there is some conflicts of interest in that Ms. Evan serves on the zoning commission and being in this district is pushing all of this. The rules and regulations that must be followed are to responsibly develop property according to the subdivision act. Mr. Utick distributed a written response from his father who is not able to be there, to be added to the public comments.

Connie Cole, 6040 Ferry Drive, stated the efforts to establish zoning in the northeast Helena Valley have been efforts in the decades and presented a working draft of a 2004 document.

Ms. Morgan believes they would have a copy of the 2004 document.

Steve Tenant, 2376 Tea Road, stated he has lived there for about 23 years and originally purchased the property to break into 5 acre parcels, but cannot do that anymore. He has seen a lot of wildlife. Living on a dirt road you will have dust.

Karen Cheatham, lives in the proposed expansion area made further comments regarding agriculture land in the area, wildlife depleting, and misrepresentation of facts.

Steve Utick, 2950 Fantasy Road made additional comment that the current tax bill on the 160 acres is just over \$1,000 a year. With development on the acreage the tax base will increase.

Stacey Stolp, 2224 Tea Road, made additional comments regarding increased tax revenue does no good when you have poor water availability.

Commissioner Good Geise addressed the questions regarding the roads and the dust noting the county is in the process of forming a matrix regarding roads throughout the county that require maintenance.

Commissioner McCormick referenced that District No. 50 supports District No. 49. There are questions that have not been answered and he would like to have time to address them.

A motion was made by Commissioner McCormick to close public testimony and table the item to Thursday, November 15, 2018 and seconded by Commissioner Good Geise. The motion Passed on a 3-0 vote.

Peter Italiano, Community Development and Planning Director, noted there are three subdivisions in the area and will update at the next meeting.

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 11:32 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