



PUBLIC MEETING

December 22, 2020
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, December 22, 2020, at 9:00 AM in Zoom <https://zoom.us/j/5669454978>.

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, Greg Holmlund, Ann McCauley, Frank Preskar, Jerry Davis, Jeni Garcin, Charles Lane, Ryan Casne, Peter Italiano, Dan Karlin, Eric Griffin, Jonathon Ambarian, Darcy Larson, Calob Marquis, Steve Utick, Kim Smith, George Harris and Nadine McCarty, Recording Secretary. All attendees were present via Zoom.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Resolution 2020-111 Request for Prosecutorial Assistance. (Leo Gallagher)
- b. Resolution 2020-112 Declaring County Property Surplus Property. (Amy Reeves)
- c. Request for Records Disposal from the County Attorney's Office. (Amy Reeves)

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

PUBLIC COMMENT -

Jerry Davis, 725 Middlemas Road, asked when it would be appropriate to give public comment on a specific item. Commissioner Geise responded that he could comment on that item when it was presented and public comment was asked for.

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

Grant Award to Lewis and Clark County from the Montana Board of Crime Control. (Greg Holmlund)

Greg Holmlund, Sheriff's Office, was not available to present the item. Commissioner Good Geise presented the grant award on behalf of the Sheriff's Office. The grant award is from the

Montana Board of Crime Control for the Violence Against Women (VAWA) Grant Award in the amount of \$74,039. The grant period is July 1, 2020 through June 30, 2021. The funds will go towards the salary of the VAWA deputy. Of the total budget \$55,529 are federal funds and \$18,510 are local funds from the Sheriff's Office budget. Lewis and Clark County has a deputy who is dedicated to investigating violence against women crimes. One written public comment in support of the grant award was received from Connie Cole. Staff recommends acceptance of the grant award from the Montana Board of Crime Control.

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 Application and Commitment of Funds for FEMA BRIC program. (Dan Karlin)

Dan Karlin, County Engineer, presented the grant application and funding commitment letter to FEMA Region 8 as a sub applicant to the State Disaster and Emergency Services grant application for a Building Resilient Infrastructure Communities (BRIC) grant program. The proposed project is for flood mitigation work for the Sewell Subdivision in the north Helena Valley. The County previously contracted with RESPEC Engineering to complete the modeling of the proposed work and Benefit Cost Analysis (BCA) to determine if the project would meet the grant opportunity requirements. On December 16, 2020, Public Works received notice that the project was cost-effective and technically feasible. The letter would commit the County to a match of 25% or \$251,769 of the total project cost \$1,007,076. The matching funds are anticipated to come from the Helena Valley Flood Mitigation Rural Improvement District (RID).

The project is expected to take approximately two years to complete once awarded with the anticipated work to begin in November of 2021. The RID collects approximately \$80,000 every six months in assessments. With this timeline, there would be three cycles of assessments before construction commenced with four cycles before the midway point of construction. The anticipated match from the RID would use 79% of the assessments over the four assessment cycles. Staff recommends approval to submit the funding commitment letter to the State Disaster and Emergency Services. Mr. Karlin noted that this is an excellent project as illustrated by the cost benefit analysis. Mr. Karlin stated that the County is actively engaged in planning for future projects and grants for flood mitigation. The current number one priority project is for Arrowhead Road.

Jessica Makus, Special Districts Coordinator, explained how RID's are created and how the assessments are collected and used. Funds from each RID go into a very specific fund and can only be used for specific purposes that are outlined in the resolution that created the RID.

Ann McCauley, Grants Coordinator, stated that the BRIC program has been in place for a while with the emphasis on resilience in infrastructure and that this in an excellent 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.

Buildings for Lease or Rent: McHugh Drive Rentals. (Applicant: Larry Kim Smith) (Planner: Connie Dedrick)

Connie Dedrick, Planner I, presented the Buildings for Lease or Rent (BLR) application to be known as McHugh Drive Rentals. The proposed BLR would add five single-family residential rental units to the subject property, with an existing unit for a total of six units. Each unit will be approximately 1,800 square feet with individual septic for wastewater, shared wells and utilities. Two accessory structures are located

on the east side of the property. Direct access to the units would be off McHugh Drive, north of Myles Road and south of Mills Road. The property is located at 4013 McHugh Drive and is approximately 3.46 acres.

The existing single-family residence is served by an existing well and on-site individual septic system. There are two existing wells that will be abandoned with a new well to be drilled for the existing home and to be shared with proposed single-family residence number five. A barn and a second accessory structure located on the east side of the property will remain. The property is located within Part 1 Special Zoning District No.2, adopted on July 30, 1971. The District has multiple zoning classifications with the subject property zoned as A-1, Agricultural Transition District. The project does comply with zoning. There will be three shared wells and all proposed units will have an individual on-site septic system with a proposed drain field located between the existing residential unit and unit 5.

Public notice was sent to adjacent property owners and to date, one email comment and one phone call regarding the development have been received. The property is located in the West Valley Fire District and Chief Shepherd requested a turnaround for emergency vehicles, which has been added. Ms. Dedrick stated that BLR regulations are outlined in Section 8 of the Montana Code Annotated. BLR projects are reviewed based on the criteria specified in those statutes.

Frank Preskar, Sanitarian, stated that the site evaluation has been conducted however, a full review has not been conducted on the water, septic and stormwater systems, those will be reviewed by Department of Environmental Quality. Lewis and Clark County will also review the wastewater system. Those reviews will need to be completed before any buildings can be leased or rented.

Ryan Casne, owner's engineer, stated that the proposal would complete the required system reviews. Mr. Casne added that the roadway would be a typical Section 1 type of roadway. The road surface will be 24 feet wide, hard packed gravel and will comply with Public Works standards.

Peter Italiano, Community Development Director, stated that the project would be approved ahead of DEQ approval of the water and wastewater systems. This is standard procedure, projects are subject to conditions of approval, and those conditions include DEQ approval.

Staff recommends approval of the BLR application subject to conditions of approval.

PUBLIC COMMENT -

Jerry Davis, 725 Middlemas Road, stated he has concerns with the potential for effects of the septic discharging water into his basement. He has seen an increase in groundwater in recent years in the area so he has concerns. He is also concerned regarding enforcement of the regulations, how those systems will be maintained and who will ensure they are maintained.

Mr. Preskar responded that all septic systems in Lewis and Clark County are subject to the provisions of the septic regulations and are maintained and inspected on a 5-year interval. The County does keep records on maintenance records of all septic systems.

A motion was made by Commissioner Hunthausen to table the item until the December 29th regular public meeting and seconded by Commissioner McCormick. The motions Passed 3-0.

Appointments for the Helena Valley Planning Area Blue-Ribbon Panel (aka the Zoning Advisory Panel). (Peter Italiano)

Peter Italiano, Community Development and Planning Director, presented the list of candidates for the Helena Valley Planning Area Blue-Ribbon Panel, also known as the Zoning Advisory Panel. On November 19, 2020, the County Commissioners approved Resolution 2020-98 that formed the Zoning

Advisory Panel as well as approved the bylaws for the panel. The Commission directed staff to organize a program to fill the seats of the panel similar to the approach to filling seats on other boards and committees. Public notice and disclosure of the process was provided on the County website, the Helena IR as well as social media. Applications were due by December 14th. Staff received 32 applications for the volunteer board and Mr. Italiano read all names into the public record. The bylaws included several classes of membership to the panel including voting and non-voting members, ad-hoc members to include County staff and a moderator. There are to be 12 voting members in 9 sub-categories including real estate professionals; builders and developers; fire services; flooding concerns; affordable housing; banking and finance; conservation land trusts; a County appointed official; and, citizens of the current Helena Valley Planning Areas.

Jeni Garcin, Communications Coordinator, explained the outreach that was directed towards the Zoning Panel board opening including press releases, social media and the County website.

Commissioner Geise proposed the following members be appointed: John Rausch, Real Estate; Mark Runkle and Kim Smith, Developers; Pat Keim, Fire Services; Harold Beggar, Flooding; Jacob Kuntz, Affordable Housing; Tyler Emmert, Banking and Finance; David Brown, Conversation Land Trusts; Lois Steinbeck, County Appointed Official; Joyce Evans and Archie Harper, Part I Zoning; and, Dustin Ramoie, Part II Zoning.

No public comment was received.

A motion was made by Commissioner Hunthausen to approve the recommended Zoning Panel appointees and seconded by Commissioner McCormick. The motion Passed 3-0.

A motion was made by Commissioner McCormick to appoint Eric Austin as the moderator for the panel and seconded by Commissioner Hunthausen. The motion Passed 3-0.

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

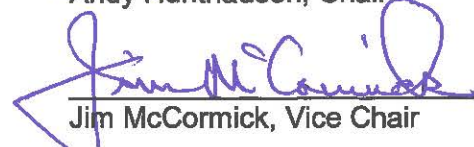
Adjourn

There being no further business, the meeting adjourned at 11:10 a.m.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chair



Jim McCormick, Vice Chair

Tom Rolfe, Member

ATTEST:



Amy Reeves, Clerk of the Board