



PUBLIC MEETING

February 14, 2019
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, February 14, 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 and Commissioner Andy Hunthausen were present. Others attending all or a portion of the meeting included Roger Baltz, Nicho Hash, Jacqueline Isaly, Peter Italiano, Charles Lane, Dan Karlin, Lindsay Morgan, Joseph Passamani, Shawn Williams, Rod Williams, Debra LaFountaine, Kevin Wright, Ralph Kuney, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Resolution 2019-18 Declaring County Property Surplus Property. (Amy Reeves)
- b. Resolution 2019-19 Ordering a Refund of Fees and Assessments Paid by Yvonne & Joline Hartze in the amount of \$530. (Karie Frydenlund)

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 Hunthausen. The motion Passed on a 3-0 vote.

Contract Amendment No. 2 Between Lewis and Clark County and Great West Engineering, Inc. (Dan Karlin)

Dan Karlin, Engineer, presented the contract amendment with Great West Engineering, Inc. for Phase V of the Road Maintenance Prioritization Study Project in the amount of \$9,000 with work to be completed by June 30, 2019.

The project effort for the 'everybody' roads in Lewis and Clark County began in 2016 with Phase I that created a Road Priority Matrix, a ranking based on several factors. Phase II evaluated roadways within the Great Helena Area per the Long Range Transportation Plan and the matrix

ranking created in Phase I. Phase III added the remaining Helena Valley Roads to the ranking and Phase IV added the remaining roads in districts 8,9, and 10, amounting to roughly 400 road segments.

Amendment No. 2 would continue with Phase V that will provide further justification on the rationale and logic on which the matrix is built upon, reviewing scoring and ranking results with Public Works staff, and culminates in a presentation describing the Road Maintenance Prioritization Project including the process, data, rationale, and results. Staff recommends approval of Amendment No. 2 with Great West Engineering.

Mr. Karlin explained the reasons behind the project and gave an overview of the process. The goal is to categorize the roads based on the amount of traffic with other factors and to be able to maintain those roads with the available resources.

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.

Task Order 19-07-3-01-009-0 Amendment Between Lewis and Clark Public Health and Department of Public Health and Human Services (Jacqueline Isaly)

Jacqueline Isaly, Community Health Promotion Division Administrator, presented the task order amendment with Montana Department of Public Health and Human Services in the amount of \$15,000 to maintain and further support the CONNECT Referral System. This is to provide chronic disease prevention activities that includes cancer control, tobacco prevention, asthma, home visiting. Currently \$30,000 is received from DPHHS to support the CONNECT Referral Coordinator and this will bring the total to \$45,000 annually. This increase will help to support the full time regional referral coordinator for the system.

Ms. Isaly gave an overview of the CONNECT Referral System. This program began in Lewis and Clark County and is now in a number of counties across the state. In the next three to four months a new user interface will provide a statewide network allowing referrals to any provider using the system. When the new interface is in place Public Health will move from a local coordinator to a regional Coordinator, supporting Lewis and Clark, Jefferson, Broadwater and Meagher Counties. The contract expires June 30, 2019 and allows unspent funds to be rolled over into the next year and will be continued in future years. Staff recommends approval of the task order amendment with Montana Department of Public Health and Human Services.

Commissioner Good Geise asked for an assurance that one of the purposes of the system is that it will avoid duplication of services and Ms. Isaly explained all provided services would be seen in the statewide system for each person. An organization can indicate all of the available services and that is not always the case at this time. The system will also highlight all of the services in a community.

Ms. Isaly gave some examples of ways this community works together with different agencies when similar people are being provided similar services and they are able to communicate a consistent message to the person receiving the services.

Ms. Isaly noted the state is working to have a statewide contract with the software company, will be responsible for the contract and is providing funding throughout the state to support CONNECT referral coordinators. Each community would no longer be responsible for a contract.

No public comment was received.

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

Lease Agreement Between Lewis and Clark County and Rocky Mountain Development Council. (Roger Baltz)

Roger Baltz, Chief Administrative Officer, presented the lease agreement with Rocky Mountain Development Council (RMDC) for property located at 132 Main Street, Augusta, MT. The property is to be used for senior, youth and other group activities. The annual rent is \$1. The terms of the lease are January 1, 2019 through December 31, 2019 with automatic yearly renewals for a period of ten years. RMDC shall pay gas and electric utilities. The county has responsibilities associated with maintenance and alteration of the building or the grounds. Staff recommends approval of the lease agreement with RMDC.

No public comment was received.

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

Resolution 2019-20 to Create Both the Boundary and Regulations for the Fort Harrison Rural Growth Area Zone District. (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner III, presented the resolution to create boundaries and regulations for the Fort Harrison Rural Growth Area Zone District located west of the City Limits of Helena, approximately one mile around the perimeter of Fort Harrison. This excludes the area east of Fort Harrison where the proposed Fort Harrison Urban Growth Area Zone District is located.

On December 18, 2018, the County Commission adopted a resolution of intention to create the Fort Harrison Rural Growth Area Zone District (RGA) boundaries and regulations. Following the adoption a 30-day protest period was opened. The protest period ended on January 22, 2019 and after review and calculation of the protests received it was found that statutorily mandated thresholds were not met to protest out the adoption of the boundaries and regulations. Staff found that less than 40% of real property owners protested and less than 50% of property owners whose property is taxed as agricultural or forest land protested. Specifically, approximately 5% of real property owners protested in the RGA and approximately 5.5% of the properties taxed as agricultural or forest land protested. Therefore the Commission may adopt a resolution creating the boundaries and regulations.

Ms. Morgan gave an extensive overview of the specific parts of the process that occurred to get to this point including the Joint Land Use Study (JLUS), recommendations from that study, several public meetings held with opportunity for public comment, updated Growth Policy to include the JLUS, in December of 2017 the Commission requested the drafted Military Affected Area (MAA) and zoning regulations document be taken apart to create a MAA document and zone district regulations. Several public meetings have been held since August of 2018 and in December of 2018 the Commission voted 2-1 to incorporate some of the draft MAA regulations and moved into both the Fort Harrison RGA and the Urban Growth Area (UGA) documents. The Commission voted to potentially consider a MAA in the future. In a vote of 2-1 the Commission adopted Resolution of Intention to create Fort Harrison RGA and UGA regulations.

Commissioner Good Geise stated that the point of the process and decision today is to look at the number of protests and that only 5% of the property owners protested.

Charles Lane, Deputy County Attorney stated the Commission is following the process outlined in state statute the threshold for protest was not met so the next step is establishment of the boundaries. The discussion for whether or not there should be zoning was in December.

PUBLIC COMMENT -

Ralph Kuney, lives in the UGA, stated he is in opposition due to property values decreasing and there could be another way.

Joe Passamani, represents the Grunenfelder Family Limited Partnership, they object to the regulations and feel they will have a negative affect on property values.

Shawn Williams, 3838 Barrett Road, asked how many notices were mailed and noted that the signs that are up now are from October 13th. Proper notification is not being done when something new comes up. Mr. Williams is totally opposed.

Ms. Morgan stated the notice for the protest period was published in the Independent Record twice, the website was updated, provided notice of a meeting to be held initially on February 12th. Ten signs were updated within the proposed district, five in the RGA and five in the UGA. Notice was mailed to all property owners within the entire area explaining where they could find copies of the regulations. The County is not required to notice everyone in the district. When the meeting was moved to February 14th another legal notice was published, the website was updated, signs were posted outside of the meeting room, and property owners were not noticed. All legal notice requirements were met throughout the process.

Mr. Lane stated the mailings that are sent out are above and beyond any statutory requirements.

A motion was made by Commissioner Hunthausen to approve Resolution 2019-20 and seconded by Commissioner McCormick.

Discussion was had on the received protest letters being in opposition mostly to the zoning rather than the MAA provisions, that this is a special needs area as described in the JLUS, and the zoning document, the ABZ's of Zoning, available through the Planning Department.

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

Resolution 2019-21 to Create both the Boundary and Regulations for the Fort Harrison Urban Growth Area Zone District. (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner III, presented the resolution to create boundaries and regulations for the Fort Harrison Urban Growth Area Zone District.

On December 18, 2018, the County Commission adopted a resolution of intention to create the Fort Harrison Urban Growth Area Zone District (UGA) boundaries and regulations. Following the adoption a 30-day protest period was opened. The protest period ended on January 22, 2019 and after review and calculation of the protests received it was found that statutorily mandated thresholds were not met to protest out the adoption of the boundaries and regulations. Staff found that less than 40% of real property owners protested and less than 50% of property owners whose property is taxed as agricultural or forest land protested. Approximately 1.3% of real property owners protested and no properties that are taxed for agricultural or forest land protested. Therefore the Commission may adopt a resolution creating the boundaries and regulations.

PUBLIC COMMENT -

Ralph Kuney, owns property in the UGA, stated there are many more people in this area that do not have 10 acres and would not protest because the 10-acre minimum does not affect them.

Ms. Morgan stated there were 153 real property owners and only two protested. No protests were received from property owners with larger acreages, nor from anyone whose property is considered agricultural or taxed as forest land.

Commissioner McCormick asked if the properties east of the boundary area could be annexed to the City of Helena in the future and Ms. Morgan noted that is a possibility.

Peter Italiano, Director of Community Development and Planning, addressed Mr. Kuney's concern that there may be an abundance of properties in the UGA of a size where the regulation is moot and they did not take the time to protest making the numbers lower. Mr. Italiano stated the law has been followed with regard to how the process has to go through notice.

A motion was made by Commissioner Hunthausen to approve the resolution and seconded by Commissioner Good Geise.

Both Commissioner Hunthausen and Commissioner McCormick stated their comments made in the RGA discussion are the same for the UGA discussion.


Commissioner McCormick stated there is a motion on the table. 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.

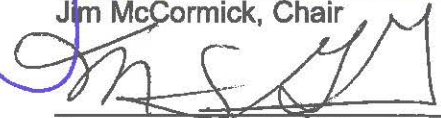
Adjourn

There being no further business, the meeting adjourned at 10:25 am.


LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Jim McCormick, Chair



Susan Good Geise, Vice Chair



Andy Hunthausen, Member

ATTES:



Paulette DeHart, Clerk of the Board