



PUBLIC MEETING

February 18, 2021
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, February 18, 2021, at 9:00 AM in Zoom <https://zoom.us/j/5669454978>.

Roll Call

Chair Andy Hunthausen called the meeting to order at 9 a.m.

Commissioner Jim McCormick and Commissioner Tom Rolfe were present. Others attending all or a portion of the meeting included Roger Baltz, Nancy Everson, Nicho Hash, Alan Hughes, Peter Italiano, Audra Zacherl, Eric Griffin, Lindsay Morgan, Tony Prothero, John Herrin, and Nadine McCarty, Recording Secretary. All attendees were present via Zoom.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Vendor Claims Report for Week Ending February 19, 2021. (Marni Bentley)

Roger Baltz reported on consent action item 2 a and recommended approval.

No public comment was received.

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

Interlocal Agreement Between Lewis and Clark County and Gallatin County. (Alan Hughes)

Alan Hughes, Sheriff's Office Patrol Captain, presented the interlocal agreement with Gallatin County for adult detention services at the rate of \$75 per day per inmate. The agreement provides temporary detention for inmates when the Lewis and Clark Detention Center cannot house them. The agreement begins upon approval of all parties through March 2, 2024. Staff recommends approval of the interlocal agreement with Gallatin County.

No public comment was received.

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

Memorandum of Understanding Between Lewis and Clark County and the Big Blackfoot Chapter of Trout Unlimited. (Dan Karlin)

Audra Zacherl, Public Works Assistant Director, presented the memorandum of understanding with Big Blackfoot Chapter of Trout Unlimited (BBCTU) for the Stemple Pass Road Crossing of Poorman Creek project. In 2017 Public Works collaborated with BCCTU to design a new stream crossing of Poorman Creek. BBCTU funded the design of the project and Public Works provided technical oversight of the design. The design plans were completed and has been awaiting funding. BBCTU has secured grant funding to complete the construction of the project during the summer of 2021 with some assistance from Public Works.

The memorandum of understanding defines the roles and responsibilities of each party. Public Works agrees to pay \$1,850 so BBCTU can procure professional services to draft a detour bridge plan incorporating the bridge department's detour bridge. The funds will also cover the drafting of a temporary construction agreement with the adjacent landowner to allow the detour during construction. BBCTU will act as the construction manager throughout the project by soliciting bids, awarding the construction project, procuring the bridge and appurtenances per the approved plans, utility coordination, and acquiring necessary permits. Staff recommends approval of the memorandum of understanding with Big Blackfoot Chapter of Trout Unlimited.

Eric Griffin, Public Works Director, stated that this is the last bridge on the west side of Stemple Pass to be replaced.

No public comment was received.

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

Statement of Work Between Lewis and Clark County and OpenGov. (Nancy Everson)

Nancy Everson, Chief Financial Officer, presented the statement of work with OpenGov for the implementation of OpenGov's cloud ERP software. The software is a tool that integrates with the county's financial system and pulls data in real time into the software. It provides a budgeting tool that includes workforce planning, capital improvement planning and an interactive budget book that will be available to the general public.

OpenGov is a modern cloud based system that will allow the departments to generate financial reports and graphs; provide more transparency; allow departments to budget, plan and do analytical analysis easier than can be done currently. It will eliminate the use of spreadsheets for the personnel budgets and allow for easier "what if" scenarios. The hope is that it will extend the life of the current ERP system and provide efficiencies across all County departments.

The cost is \$53,710 to implement, payable 50% up front and 50% upon completion of implementation. There is also an annual fee for the software of \$45,696 the first year with annual increases of approximately \$400 per year. Staff recommends approval of the statement of work with OpenGov.

No public comment was received.

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

Amended Plat of the Myles Minor Subdivision. (Tabled 2-9-21) (Applicants: Timothy and Elaine Myles) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner III, presented the proposed amended plat of Myles Minor Subdivision initially presented to the Commission on July 23, 2020, at that time the Applicant requested the project review process be tabled to give them time to consider other options to satisfy fire protection requirements under subdivision review. The request was heard and tabled on February 9, 2021. During that hearing, public testimony was received from John Herrin addressing concerns regarding the fire protection requirements. The review period has been extended to February 25, 2021.

The request is to subdivide an existing 4.15 acre tract of land, located west of and adjacent to Hart Lane, into two lots. There are also three variances requests from the County Subdivision Regulations: (1) Chapter XI.S., Appendix K, Section 18-4.6; (2) Chapter XI.S., Appendix K, Section 18-4.6(4); and (3) Chapter XI.S., Appendix K, Section 18-4.6(5).

Staff recommends conditional approval of the subdivision and denial of the variance requests.

Tony Prothero, J Bar T Engineers and applicant's representative, discussed the variance requests. If the Mud Springs water source is the preferred source, only two variance requests would be necessary. If Heron Creek is used, it would require the third variance request. Mr. Prothero added that neither the current fire chief nor the retired fire chief are opposed to the variance requests and both feel that there are plenty of water sources available. The applicant is in agreement with the conditions of approval. The variance requests make the project feasible for the applicant.

PUBLIC COMMENT -

John Herrin, Helena resident, stated he has never visited with the applicant but feels the fire protection system requirements are an overreach and that they go far beyond state regulations. Mr. Herrin feels that the fire risk is so low on this particular subdivision that requiring a fire suppression system is not a fair requirement and that the requirements are arbitrary and capricious. Mr. Herrin shared a PowerPoint presentation outlining his concerns. The presentation has been emailed to Commissioners as well as Community Development and Planning staff.

There was no further public comment.

A motion was made by Commissioner McCormick to approve the Amended Plat of Myles Minor Subdivision and to incorporate all of the public testimony. The motion was seconded by Commissioner Rolfe.

A motion was made by Commissioner McCormick to approve variance request from Chapter XI.S., Appendix K, Section 18-4.6(4) as well as the subsequent conclusions and finding of fact. The motion was seconded by Commissioner Rolfe. The conclusions state that the granting of the variance will not be detrimental to public health; an undue hardship would result if the regulations were enforced; the granting of the variance will not cause a substantial increase in public costs; and the approval of the variance will not place the subdivision in non-conformance. It was noted that it would result in a hardship to the applicant if the regulations were enforced. It was added that the Tri-Lakes Fire Services Area chief has stated that he has no concerns regarding a degradation of ability to provide adequate

fire protection to the proposed subdivision if these variances are granted. The motion Passed on a 3-0 vote.

A motion was made by Commissioner McCormick to approve the variance request from Chapter XI.S., Appendix K, Section 18-4.6(2) and the subsequent conclusion and findings of fact for variance request two. The motion was seconded by Commissioner Rolfe. The variance requires maintenance of the fire protection system. The Heron Creek Subdivision does not currently meet the requirements for maintenance as it is currently maintained by the developer. This variance request was added after it was decided to use the Heron Creek Subdivision FPS. The conclusions state that that the granting of the variance will not be detrimental to public health; an undue hardship would result if the regulations were enforced; the granting of the variance will not cause a substantial increase in public costs; and the approval of the variance will not place the subdivision in non-conformance.

A motion was made by Commissioner McCormick to deny the variance request from Chapter XI.S., Appendix K, Section 18-4.6(5). The motion was seconded by Commissioner Rolfe. This variance prohibits utilization of an off-site water supply system that requires the Fire Services Area to travel on major collector roads. Because the other two variances were approved, this variance is not necessary. Denying the variance will not cause any issues for the applicant. The motion to deny the variance request Passed 3-0.

A motion was made by Commissioner McCormick to approve the findings of fact and conclusions of law. The motion was seconded by Commissioner Rolfe. Commissioner McCormick discussed the overall findings of fact and conclusions of law for the subdivision including impacts on agriculture, impacts on agriculture water user facilities, impacts on local services, impacts on the natural environment, impacts on wildlife and wildlife habitat, impacts on public health and safety, compliance with subdivision regulations, and compliance with survey requirements. The motion Passed 3-0.

Commissioner McCormick discussed the 14 conditions of approval. There was a question regarding condition 3b and whether or not it should be eliminated. A motion was made by Commissioner Rolfe to eliminate Condition 3b. The motion was seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

A motion was made by Commissioner McCormick to approve the conditions of approval as amended. The motion was seconded by Commissioner Rolfe. The motion Passed on a 3-0 vote. Commissioner Hunthausen stated that there is a global motion on the floor to approve the subdivision. The motion includes the adopted findings of fact and conclusions of law as well as the conditions of approval. 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.

There was discussion regarding updating the Subdivision regulations as well as the road standards that are part of the Public Works Manual. Public Works and Community Development and Planning will be working on the project.

Eric Griffin, Public Works Director, gave an update on the current status of the roads and snow plowing.

John Herrin, Helena resident, again expressed his concerns regarding the current subdivision regulations going above and beyond the state regulations. Mr. Herrin provided suggestions and ideas on updating the subdivision regulations in order to make them more fair and equitable. The information has been given to the Commissioners and the Community Development and Planning staff.

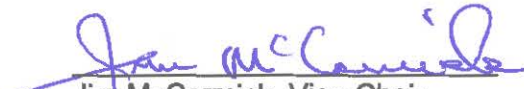
Adjourn

There being no further business, the meeting adjourned at 12:43 p.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