



PUBLIC MEETING
March 20, 2018
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, March 20, 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 Susan Good Geise was present. Commissioner Jim McCormick was out of the office. Others attending all or a portion of the meeting included Roger Baltz, Keith Hatch, Parker Heller, Julie Lamb-Heller, Jennifer McBroom, Kathy Moore, Lindsay Morgan, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Public Meeting Minutes: February 20; March 1, 6, and 8, 2018. (Nadine McCarty)
- b. Revised Letter to the Montana Disaster and Emergency Services for the FFY 2018-19 Emergency Management Performance Grant. (Roger Baltz)

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 2-0 vote.

**Contract Between Lewis and Clark County Fairgrounds and Mosaic Architecture
(Keith Hatch)**

Keith Hatch, Fairgrounds Manager presented the contract with Mosaic Architecture in an amount not to exceed \$11,605 for engineering and architectural services sufficient enough to acquire a building permit on an existing 1,440 square foot building located on the northwest corner of the fairgrounds outdoor arena. The building was relocated to this location in 2009. The building has been used as a hospitality room since the relocation. The building is a shell and the services will help to bring the building up to code where it can be used for other uses. The Helena Building Industry Association (HBIA) has come on as a partnership; their members are interested in helping with the remodeling process and a prerequisite is that a building permit be acquired. The contract period is upon approval

with work to be completed no later than 60 days from notice to proceed. It is anticipated once the building permit is acquired it would be a fall/winter project.

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 2-0 vote.

**Contract Between Lewis and Clark Public Health and Population Health Partners, LLC.
(Kathy Moore)**

Kathy Moore, Water Quality Protection District Administrator presented the contract with Population Health Partners, LLC in an amount not to exceed \$5,000 to perform a review of the Septic Maintenance Program, its administrative processes and to make recommendations for potential improvements. The program was initially implemented in 2012. The contract begins upon approval through December 31, 2018.

The program phased in areas of Lewis and Clark County for operation and maintenance requirements on individual septic systems and tanks. The priority was to address systems that are in areas that are in shallow ground water or where service water might have been impacted by improper operation such as stream sides. The primary focus has been the Helena Valley; it would eventually expand to include the entire county. Wolf Creek and Craig are now on a public system so they are excluded from this program, as well as Lincoln and Augusta. It was estimated at the start of the program there were 10,000 systems in the county. That number may be reduced now with the exclusion of Wolf Creek and Craig.

The access database the Health Department used was not accurate causing a considerable amount of research to match the permits to septic maintenance and operations activities. When septic permits were first issued in 1973 many homes in the valley did not have addresses. The contract will include: review and revise of the current administrative procedures; a focus group meeting with the pumpers and inspectors; to analyze the collected data over the last six years with a written report and recommendations.

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 2-0 vote.

Contract Between Lewis and Clark County and the Montana Department of Environmental Quality, Contract # 217027. (Kathy Moore)

Kathy Moore, Water Quality Protection District Administrator presented the contract with the Montana Department of Environmental Quality for the review of subdivision proposals under the Sanitations and Subdivisions Act. The contract begins upon signature through June 30, 2019. The contract has no set dollar amount, but is reimbursed based on a fee schedule for review as requested.

The review focuses on water, wastewater, stormwater, and solid waste disposal occurring in concert with the review of subdivisions under the Planning Act. The work is done based on component fee charges. Ms. Moore wanted the Commission to see the attached fee chart, but is not part of the contract; it is set by DEQ separately. The contract reflects the changes that resulted from the modifications the Legislature made in 2017 to the Sanitations and Subdivisions Act as well as the Administrative Rule. Lewis and Clark County has been doing these reviews since 1985. The DEQ changes include: a pre-application meeting, the county has already been doing this for some time. New to the review process is to submit a completeness review to DEQ within fourteen days. The

county usually turns it in within 7-10 days. Also new is a compliance review; 30 days from the complete determination to determine if the application is in compliance and sent to DEQ. The Health Department is well under the required number. About 75 applications are reviewed annually resulting in about \$12,000 to \$20,000 annually.

Ms. Moore stated the Health Department reviews the applicant's proposal and advises them of everything that might need to be done to assure prompt compliance. She gave an overview on a pre-application process meeting for both small and large projects.

Commissioner Good Geise referenced the pre-application form and the importance that developers know immediately what is required, with advice on things such as encroachment.

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 2-0 vote.

Contract Between Lewis and Clark County and the United States Department of the Interior Bureau of Reclamation. (Jennifer McBroom)

Jennifer McBroom, Water Quality District Outreach and Watershed Coordinator presented the contract with the United States Department of Interior Bureau of Reclamation in the amount of \$1,720 for the delivery of 2000 acre feet of water for the Prickly Pear Rewatering Project. The contract runs March 2018 through December 31, 2018. The purchase of the 2000 acre feet of water allows Prickly Pear Creek to stay instream and allow irrigators to use an alternate source of water from the Missouri River. Results include improvement of the fisheries and the aquatic eco-system. During summer months, junior water right holders are able to receive water for irrigation where in the past they have not. It takes about \$15,000 to run the rewatering project.

No public comment was received.

Ms. McBroom stated the \$15,000 is all received contributions through grants and private donations.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

Contract Extension Request of Preliminary Approval for Phase II of 46 Degrees North Subdivision. (Applicant: Heller Development, LLC) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner II presented the request to extend the preliminary subdivision approval for Phase II of the 46 Degrees North Subdivision until March 26, 2019. The Subdivision was granted a three-year preliminary approval on March 26, 2015. The property is located east of and adjacent to North Sanders Street and south of and adjacent to Treasure State Acres Subdivision and is 26.18 acres.

Phase II of the preliminarily approved Subdivision will create 43 single-family residential lots; will reduce the current acreage of the wastewater utility lot; and will be served by individual wells, a public wastewater treatment system, and utilities. Access to the lots is off of North Sanders Street; extensions of Cambray Loop, Pondera Drive, and Glacier Drive; and one additional proposed internal access road.

According to the Applicant's extension request application form all water, wastewater, and stormwater requirements have been completed; an approach permit has been approved by the County Public Works Department; parkland requirements have been satisfied; and a signage plan, including road names, has been approved. Items remaining include: approval of the road plans, payment of the off-

site road exaction, installation of the mailbox units, amendment of the Rural Improvement Districts for maintenance of internal improvements, preparation of the final plat, and drafting of the covenants. Final approval of Phase II is anticipated in the summer of 2019 with completion of all infrastructure by the end of 2020. The only item of completion that can be verified by the Planning Department is the approval statement from the Montana Department of Environmental Quality for water, wastewater, and stormwater.

Parker Heller, 4200 Fox Den Drive stated a three year extension is the request and they are comfortable with that extension.

No public comment was received.

A motion was made by Commissioner Good Geise to approve the contract extension request for preliminary approval in the term of three years. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

Subdivision Improvements Agreement Extension Request and Partial Release of Security for Phase I of 46 Degrees North Subdivision. (Applicant: Heller Development, LLC) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner II presented the preliminary approval extension request for Phase II of 46 Degrees North Subdivision located east of and adjacent to North Montana Avenue and south of and adjacent to the Treasure State Acres Subdivision. The preliminary approval was granted on March 26, 2015. Final approval of Phase I of this Subdivision was granted on April 13, 2017 and at that time Heller Development, L.L.C. entered into a Subdivision Improvements Agreement (SIA) with Lewis and Clark County to guarantee that all remaining improvements would be completed by March 10, 2018. As of today, completed improvements/requirements under the SIA include: most roadway improvements, including signage; wastewater collection, wastewater force mains from the Sequencing Batch Reactor (SBR) to the drainfield; most stormwater improvements; and all components of the SBR with the exception of the remaining electrical. Items remaining include: the remainder of the road improvements, includes asphalt seal coat, and stormwater improvements, includes seeding and rip rap; fire protection improvements; the remainder of the mailbox unit installations; the bus shelter requirements; the fencing along the canal; and the walking path. The current irrevocable Letter of Credit in the amount of \$442,518.90 that accompanies the SIA will expire on April 11, 2018.

Heller Development, L.L.C. sent a request to extend the completion date of the SIA and included with the request the application form, engineers estimates from March of 2018 for the remaining improvements, and irrevocable Letter of Credit No. 108 in the new amount of \$198,038.90 with an expiration date of April 11, 2019. Staff recommends that if the extension is granted, the completion date be extended until March 10, 2019.

Parker Heller, 4200 Fox Den Drive stated the time on the extension request works for them.

No public comment was received.

A motion was made by Commissioner Good Geise to approve the Subdivision Improvement Agreement extension request and partial release of security for a term of one year. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 2-0 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 9:53 am.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chair

Jim McCormick, Vice Chair

Susan Good Geise, Member

ATTEST:



Paulette DeHart, Clerk of the Board

