



PUBLIC MEETING

March 9, 2021
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, March 9, 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, Misty Edwards, Nancy Everson, Nicho Hash, Peter Italiano, Lindsay Morgan, Christal Ness, Eric Griffin, Jessica Makus, Jared Lay, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Resolution 2021-16 Declaring County Property Surplus Property. (Amy Reeves)

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.

Craig Resort Area Ordinance 2021-1 Providing for the Administration of the Resort Tax in the Craig Resort Area and Amending Craig Resort Area Ordinance No 2010-1. (Misty Edwards)

Misty Edwards, Finance Coordinator, presented the second reading of an ordinance that amends the Craig Resort Area Ordinance No. 2010-1. The first reading was approved by the Commission 3-0 on February 23, 2021.

On January 26, 2021, the Craig electorate voted 20-4 to increase the Craig Resort Tax by 1%. The increase will pay project costs and debts for the Craig wastewater system as well as upgrades and replacement of that system. Additionally, voters approved 19-5 the question on extending the effective dates of the Craig resort tax, extending the resort tax to year round. All other areas of the ordinance

remain the same including the items subject to the resort tax and the goods and services exempt from the tax. The change in dates and the additional 1% will go into effect immediately. Staff recommends approval of the second reading of the amended Craig Resort Area Ordinance.

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.

InterCap Loan Application to the Montana Board of Investments. (Nancy Everson)

Nancy Everson, Chief Financial Officer, presented the loan application with the Montana Board of Investments in the amount of \$650,000 to fund capital improvements at the Law and Justice Center. The City and Count jointly own the Law and Justice Center and the City maintains the building. The loan will be repaid by rents collected from the tenants of the building. Staff recommends approval of the loan application submittal with the Montana Board of Investments.

Troy Sampson, City of Helena Community Facilities Superintendent, stated that the projects that will be completed with the funds are standard landlord improvements including repair or replacement of the air handling systems, building code and fire safety code items that need to be addressed, plumbing and electrical upgrades, and some roof system replacements. The City will follow standard procurement processes for the projects.

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.

Resolution 2021-17 Revising Board of County Commissioners' Rules of Procedure. (Roger Baltz)

Roger Baltz, Chief Administrative Officer, presented the resolution and revised rules of procedures. This resolution replaces 2012-37. These rules guide the conduct of meetings. Changes include allowing for meetings to be held at alternative locations at the direction of the Commission; eliminating executive session language and replacing it with language for exceptions to open public meetings; and, revising language for open meetings and email stating that the County will follow MCA 2-3-203.

Nicho Hash, Deputy County Attorney, explained closed executive meetings and the public's right to know versus confidential information. These revisions follow Montana statute and explain when and how a meeting can be closed.

Staff recommends approval of the resolution.

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.

Approval of Public Records Requests Response Policy. (Roger Baltz)

Roger Baltz, Chief Administrative Officer, presented the Public Records Requests Response Policy. This policy establishes guidelines for responding to public records requests and creates a fee structure for fulfilling the request. The County will waive the fee if the amount of the research and assembly is less than \$20, however, all photocopy charges will apply. Staff recommends approval of the policy.

Christal Ness, Development Services Supervisor, explained the different types of records requests that the Planning Department receives.

No public comment was received.

A motion was made by Commissioner McCormick to amend the policy to include language that states that photocopy charges will apply and to approve the amended policy. The motion was seconded by Commissioner Rolfe. The motion Passed 3-0.

Proposed Abandonment of a Portion of Glenn Avenue. (Christal Ness)

Christal Ness, Development Services Supervisor, presented the petition to abandon and discontinue a portion of Glen Avenue right-of-way, between Blocks two and three, created upon the platting of Highland Park subdivision in 1889. Per state statute, the County Commission is to determine whether the discontinuance would affect or impair the access of private landowners, affect the public's access to public lands or waters, affect the right of any public utility to continue to maintain its equipment and to be done without detriment to the public interest.

This portion of Glen Avenue right-of-way is located west of Granite Avenue and north of Floweree Street, not within the City limits. The right-of-way is generally located almost 1/2 mile north of Euclid Avenue. Pursuant to the amended plat, the right-of-way is 70 feet wide, and the portion to be abandoned is approximately 171 feet in length.

The original right-of-way was platted with the original Highland Park development in 1889, which created the rights-of-way and the individual blocks. In 1979, Blocks two and three were further divided via subdivision review via an amended plat, Certificate of Survey number 309151. All the lots created through the amended plat process have access onto abutting existing streets, namely Floweree Street and Stuart Avenue, thereby negating the need to build Glen Avenue in the existing right-of-way.

Staff recommends approval of the abandonment and discontinuance of a portion of Glen Avenue right-of-way.

Jared Lay, J-T Engineers and applicant's representative, stated that this will not affect any utilities in the area.

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.

Subdivision Improvements Agreement Extension Request for Amended Plat of Lot A-5 - Clark Subdivision. (Applicant: GMH Field, L.L.C.) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner III, presented the request to extend the Subdivision Improvements Agreement (SIA) completion date for the Amended Plat of Lot A-5 Clark Subdivision.

The subdivision is located northwest of and adjacent to York Road and east of Helberg Drive. The amended plat of Lot A-5 Clark Subdivision was granted preliminary approval on June 25, 2015 and final approval on February 28, 2019. At the time of final approval, the applicant entered into an SIA to guarantee that all remaining improvements would be completed by November 10, 2019. Currently, two items remain to be completed: asphalt surfacing and an asphalt seal coat. The applicant has submitted an extension request application, an updated engineers' estimate for the costs associated with the

remaining improvements, and an amended Irrevocable Letter of Credit. The amended letter of credit that accompanies the amended SIA will expire on December 10, 2021. County engineer Dan Karlin and County construction project coordinator Jesse Whitford agree with the costs associated with the remaining improvements. Staff recommends approval of the SIA extension.

No public comment was received.

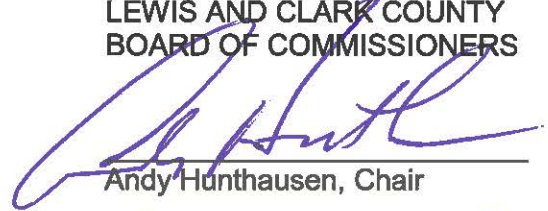
A motion to Approve was made by Commissioner Rolfe and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

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

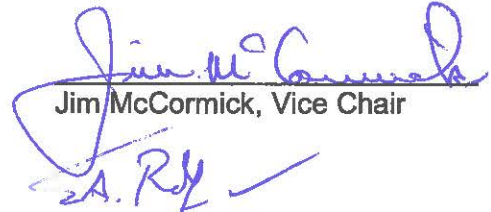
Adjourn

There being no further business, the meeting adjourned at 9:57 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