



## **PUBLIC MEETING**

April 26, 2022

### **MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, April 26, 2022, at 9:00 AM in Commission Chambers, Room 330.

#### **Roll Call**

Chair Jim McCormick called the meeting to order at 9 a.m.

Commissioner Tom Rolfe and Commissioner Andy Hunthausen were present. Others attending all or a portion of the meeting included Roger Baltz, Kari DesRosier, Nancy Everson, Nicho Hash, Angie Hubbard, Dan Karlin, Tim Crowe, John Brown, Emily McGlenn, Kathy Moore, Brandi Spangler, and Nadine McCarty, Recording Secretary.

#### **Pledge of Allegiance**

Everyone recited the pledge.

#### **Consent Action Items**

- a. Request for Records Disposal from the County Attorney's Office. (Leo Gallagher)

Roger Baltz Chief Administrative Officer, reported on consent action item 2a and recommended approval.

No public comment was received.

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

#### **Resolution 2022-22 to Accept the Determination that the Environmental Assessment is Appropriate for the Head Lane Bridge Replacement. (Tabled 4-12-22) (Dan Karlin)**

Dan Karlin, County Engineer, presented the resolution to accept the determination that the environmental assessment is appropriate for the Head Lane bridge replacement. An assessment to identify potential environmental impacts has been completed. The draft was made available for public comment. No public comment was received. It was determined that the project will not significantly affect the quality of the human environment, therefore, an Environmental Impact Statement is not necessary. The final Environmental Assessment was adopted.

Mr. Karlin gave a brief overview of the Head Lane bridge project, which includes submitting an application to the Montana Department of Commerce for a Montana Coal Endowment Program (MCEP) grant. The MCEP funds infrastructure projects in the state. Mr. Karlin discussed what steps will be taken in the process next. The current condition of the bridge is considered poor.

No public comment was received.

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

**Resolution 2022-23 to Authorize Submission of Montana Coal Endowment Program Application. (Dan Karlin)**

Dan Karlin, County Engineer, presented the resolution to authorize submission of the Montana Coal Endowment Program (MCEP) application to the Montana Department of Commerce. As a requirement of the grant application, the County was required to complete a preliminary engineering report (PER) and conduct an Environmental Assessment (EA) of the project. The County contracted with Great West Engineering to complete the EA, PER, write the grant application and guide the County through the process. The proposed project is to replace the load-limited Head Lane Bridge over Sevenmile Creek. The proposed structure is anticipated to be 28 feet wide to accommodate future conditions and span 52 feet to accommodate hydraulic requirements. The total project cost is estimated to be \$766,500 and the 50% county match will be \$383,250.

As required, the County advertised the public hearing for the PER and Grant Application on April 10, April 17, and April 24 in the Helena Independent Record.

Karl Yakawich, Great West Engineering, stated they have been involved with the County for approximately 20 bridge replacements. The County has replaced over 60 bridges in the past 20 years. An inventory of all county maintained bridges was conducted and Head Lane Bridge was identified to be a priority for replacement. The bridge serves approximately 400 vehicles a day. Lengthening the bridge will help open up flood channels. The current bridge is wood and one wood beam has failed while several other beams have splits in them. The bridge is at the end of its life. The current bridge is posted at 5 tons and the new bridge, made from concrete, will handle the normal highway legal loads of 40 tons.

Mr. Karlin discussed how the MCEP program works. The application is submitted now and the legislature will rank all applications received when they convene for the 2023 legislative session. Staff will testify on behalf of both this grant application as well as the program during the session. Grant funds will be awarded after that time. If awarded the funds, the goal is to start the project in early 2024.

No public comment was received.

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

**Modification 3 to Contract 217027 Between Lewis and Clark County and Montana Department of Environmental Quality. (Kathy Moore)**

Kathy Moore, Environmental Health Division Administrator, presented the modification to the contract with Montana Department of Environmental Quality (DEQ) for the review of certain water supply, wastewater, solid waste and stormwater systems in subdivisions. The modification would extend the effective date and duration of the contract from June 30, 2021 to June 30, 2023. All other terms and conditions of the contract remain the same. Ms. Moore gave an overview of the types of applications and projects that are reviewed under this contract.

No public comment was received.

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

**Memorandum of Agreement Between Lewis and Clark County and Helena Area Community Foundation. (Nancy Everson)**

Nancy Everson, Chief Financial Officer, presented the memorandum of agreement with the Helena Area Community Foundation (HACF) for oversight of the distribution of County allocated funds to non-profits in Lewis and Clark County. The Commission approved \$25,000 for distribution during the fiscal year 2022 budget process. The agreement allows the HACF to retain a 5% administrative fee. The agreement shall be in effect through June 30, 2026. Staff recommends approval. Ms. Everson explained the reason for allocating the funds to HACF and noted the effectiveness of the process. The non-profits must be local and based in Lewis and Clark County.

No public comment was received.

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

**Contract Between Lewis and Clark County and Wellable, LLC. (Emily Lindquist)**

Emily McGlenn, Human Resource Specialist, presented the contract with Wellable, LLC, a web based wellness solutions platform in the amount of \$5,290 annually. The contract is for the wellness solutions for the employees of Lewis and Clark County and eligible Health Plan members. The wellness solutions directly support the Lewis and Clark County Wellness Program mission statement which is to encourage and empower employees to make healthy lifestyle choices that enhance their quality of life at work and at home. Through the online wellness platform, participants will have access to a library of health content, monthly educational webinar series, a large library of recipes and meal planning tools, wellness challenges on a variety of topics, health tips and newsletter, on demand wellness content such as online fitness and meditation classes, and program reporting tools. The contract begins May 1, 2022 with renewals that shall not exceed ten years. The product and services will be reviewed annually by staff to be sure the utilization and benefits provided meet the value standards we are looking for. Fees to be charged for these services are not to exceed \$5,290 per year for a minimum user amount of 200 users. Additional users would cost \$2.10 per month. The contract has been reviewed by the County Purchasing Officer. Staff recommends approval of the contract with Wellable, LLC.

Ms. McGlenn confirmed the process of cancellation if Wellable, LLC is not utilized.

No public comment was received.

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

**Policy 1.2.16 Telework Policy. (Kari DesRosier)**

Kari DesRosier, Human Resources Director, presented the Lewis and Clark County proposed personnel policy 1.2.16, Telework Policy. As a result of the COVID-19 pandemic, telework was established. There has never been a telework policy prior and there may be extenuating circumstances to have an employee do telework. The policy outlines those eligible reasons and provides guidelines and procedures for getting telework approved. As part of the policy, employees requesting exceptions must complete a Telework Plan that will need to be approved by the supervisor, department head or elected official, HR Director, and the Chief Administrative Officer.

The draft policy and telework plan document have been reviewed by HR staff, Civil Deputy Attorney Nicho Hash, MACo General Counsel, and the Chief Administrative Officer. It was also sent for review and comment to each of the County departments and elected officials' offices, as well as each of the unions. Final edits have been made and staff recommends approval and adoption of proposed personnel policy 1.2.16, Telework Policy, to be effective May 1, 2022.

Ms. DesRosier gave an overview of the reason for drafting the policy. The policy states that they prefer to do business in person, but there may be exceptions.

Commissioners discussed paying attention to trends, reasons employees leave, and being competitive in the hiring market for employees will help determine how flexible the exceptions can be and may need to be revisited often.

No public comment was received.

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

**Buildings for Lease or Rent: Silvertip Development Enterprises Mini Storage BLRP2022-001.**  
**(Applicant: Silvertip Development Enterprises, LLC.) (Planner: Angie Hubbard)**

Angie Hubbard, Planner I, presented the buildings for lease or rent (BLR) application from Silvertip Development Enterprises, LLC. The applicant for a proposed self-storage facility located at 2915 Wylie Drive. The proposed buildings will be constructed adjacent to an existing 2,230 square foot shop and three 3,600 square foot single garage units to be located on the property. If approved, the BLR will consist of these uses and 35 new storage unit buildings, containing a total of 1,458 individual storage units. The adjacent land uses include single family homes and commercial uses. The current zoning is suburban residential with mixed-use.

The storage unit facility will be surrounded by a six-foot high chain-link security fence. Customers will enter through a secure gate and the facility will be monitored 24 hours a day to ensure security. Current access to the property is off Wylie Dr. but due to floodplain issues, access will be off Elkview Rd. This will increase daily trips on Elkview Road by an estimate of 262 trips.

The total property to be developed is 10.41 acres. No new water or sewer services are proposed at this time. The site does have a permitted well and wastewater treatment system connected to the existing commercial shop. Storm water retention pond will provide sufficient storage for runoff.

Written public comment was received by Walter and Marilyn Kerttula, adjacent property owners, with three concerns. They suggest the public access easement should be changed to 60 feet in accordance with other road easements; some form of road maintenance should be required due to increased traffic; and, a privacy fence be installed to deter noise and minimize dust.

Staff has reviewed the application against the BLR regulations and found the application to be in compliance with the proposed conditions of approval. Staff recommends conditional approval.

Commissioner Hunthausen asked if this would push the traffic counts to over 400 trips per day. He is concerned that this might trigger needed road improvements and changing the road from gravel to pavement.

Greg McNally, Planner III, responded that they do not have current traffic counts for this road.

Tim Crowe, applicant and owner of Silvertip Development Enterprises, LLC, stated they are trying to be good stewards of the land and good neighbors. Through Planning staff, they have tried to answer the public's questions. At this point there is no intent to work on the road, but they plan on staying in partnership with the County.

**PUBLIC COMMENT –**

John Brown, retired hydrologist with Montana Department of Environmental Quality Hardrock Mining Section, was responsible for reviewing mining applications for deficiencies and expressed his concerns



on the proposed BLR. Mr. Brown submitted written comments. He feels the entrance is too narrow and the road condition will not support the added traffic. He recommends moving the entrance to Wylie Drive.

Ms. Hubbard stated the access currently off of Wylie Road is located in a floodplain, which is why the applicant chose Elkview Road for the access point.

Greg McNally, Planner III, discussed the reasons for limitation of accesses onto state highways and major collectors and arterial roads.

Commissioner Hunthausen again discussed the impact of the increased trips per day on that road and asked staff to look into alternatives and report on those findings at the next meeting.

A motion was made by Commissioner Hunthausen to table the item to May 10, 2022 and seconded by Commissioner Rolfe. The motion Passed on a 3-0 vote.

### **Second Amended Memorandum of Understanding Between Lewis and Clark County and the State of Montana. (County Attorney's Office)**

Nicho Hash, Deputy County Attorney, presented the second amended memorandum of understanding (MOU) with the State of Montana. The amendment clarifies how the funds from the Janssen Opioids settlement will be disbursed. In order to receive the funds jurisdictions will be required to sign the MOU. The Montana Board of Investments may not control the use of privately held funds. The attorneys for the State or local governments of Montana may not provide legal advice to private parties. The MOU establishes an Abatement Trust Advisory Board to devise and implement investment strategy for funds and determine what shall be invested and disbursed within a given year. Eighty five percent of funds obtained pursuant to the Distributors' Settlement Agreement and eighty six and one-half percent must be spent directly on Opioid Remediation Projects must benefit all subdivisions in an equitable manner. Local governments who do not participate in the MOU will not be eligible to receive the funds. The funds will be used to address opioid addiction issues.

No public comment was received.

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

### **Board Appointment. (Roger Baltz)**

Roger Baltz, Chief Administrative Officer, presented the board appointment for the Lincoln Solid Waste Board and recommended the appointment of Crystal Huot to the Lincoln Solid Waste Board to a term that expires June 30, 2022.

No public comment was received

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner Rolfe. 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 10:30 am.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Jim McCormick, Chair

  
\_\_\_\_\_  
Tom Rolfe, Vice/Chair

  
\_\_\_\_\_  
Andy Hunthausen, Member

ATTEST:

  
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Amy Reeves, Clerk of the Board