



PUBLIC MEETING

May 29, 2018
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, May 29, 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 Jim McCormick and Commissioner Susan Good Geise were present. Others attending all or a portion of the meeting included Roger Baltz, Charles Lane, Jason Grimmis, Keith Hatch, Drenda Niemann, Audrey McCue, Karie Frydenlund, Pam Attardo, Laura Erikson, Dan Karlin, Karl Yakawich, Leo Dutton, Nichole Nisbet, Brent Colbert, Lindsay Morgan, Greg McNally, Nicho Hash, Nancy Everson, Samantha Neil, Troy Sampson, Mike Hartnett, Bill Hartnett, Andy Galen, Yidong Li, Gabe Nistler, Sherrie Smith, Ron Alles and Misty Edwards, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Resolution 2018-34 Declaring County Property Surplus Property. (Amy Reeves)

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

No public comment was received.

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

Contract Between Lewis and Clark County and Offender Watch. (Jason Grimmis)

Jason Grimmis, Undersheriff, presented the contract with Offender Watch. The purpose of the contract is to help Lewis and Clark County address specific challenges related to its sex offender management and public notification responsibilities. The first year of the contract is \$4,000 with subsequent renewals subject to 2.5-5% increase based on the Consumer Price Index. There is an additional cost of \$500 to purchase the app that can be used on smartphones. The first year will be paid by the Sheriff's Office with subsequent years to be split with the Helena Police Department. The Sheriff's Office has identified four critical objectives in reaching their goal: create and streamline a more efficient process when offenders move into and out of a jurisdiction; improve communication to streamline information; process registrations and verifications more efficiently; and, improve

investigative capabilities with utilization of the software tool. This program will allow the Sheriff's Department to link up with 36 other states that also utilize the software.

Undersheriff Grimmis stated this software would essentially track an offender and allow for quick notification between jurisdictions and across state lines. Lewis and Clark County will be the first jurisdiction in Montana to utilize this software but Mr. Grimmis anticipates other agencies coming online quickly.

No public comment was received.

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

Rental Fee Waiver for the Entry Hall, Fairgrounds Foundation Fundraiser Wall of Honor Induction Banquet. (Keith Hatch)

Keith Hatch, Fairgrounds Manager, presented the fee waiver for the entry hall. The Friends of the Fairgrounds Foundation is hosting a Wall of Honor Banquet and Fundraiser in the entry hall on October 19, 2018 and is requesting the user fee and deposit be waived. The total fee being waived is \$447.

FayDee Hamilton, Chair of the Friends of the Fairgrounds Foundation, explained that the fundraiser and event is to recognize and identify people that have made the fairgrounds successful. They will be inducting 10 people into the Wall of Honor this year.

No public comment was received.

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

Task Order Amendment 18-07-3-01-009-0 Between Lewis and Clark County Health and the Montana Department of Public Health and Human Services. (Drenda Niemann)

Drenda Niemann, Community Health Promotion Division Administrator, presented the task order with the Montana Department of Public Health and Human Services. The task order is to support the expansion of the CONNECT Referral System and First Breath Tobacco Cessation program administration. The amendment equals \$42,000 in additional funding and will expire on June 30, 2018. Specifically, this task order is to hire and/or retain a half time professional level staff person that is assigned to work with the Chronic Disease Prevention and Health Promotion Bureau to assist with the expansion of the CONNECT Referral System and to train and provide assistance to local staff and community partners to use the system. The task order also includes developing a pilot project in Lewis and Clark County that will supplement the Asthma Home Visiting Program with the First Breath Program. This program aims to increase the number of pregnant women currently enrolled in the First Breath Program and the Montana Tobacco Quit Line Pregnancy and Postpartum Program.

No public comment was received.

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

Resolution 2018-37 Appointing Post-Election Audit Committee for the 2018 Primary Election. (Audrey McCue)

Audrey McCue, Elections Supervisor, presented the resolution appointing the post-election audit committee. Montana statute requires the Board of County Commissioners appoint, prior to each federal election, at least three individuals to serve on the county audit committee. The committee will audit the June 5, 2018 Federal Primary Election and is required as Lewis and Clark County uses technology to count ballots. The committee will hand count randomly selected precincts as picked by the Secretary of State's Office. The committee consists of Nancy Everson, Mary Garrett, Montana Niles, Rodger Nordahl, Gayle Shirley and Sherrie Smith.

No public comment was received.

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

Resolution 2018-38 Ordering a Refund of Taxes/Fees/Assessments Paid by Daniel Richard Brown in the amount of \$1,707.37. (Karie Frydenlund)

Karie Frydenlund, Property Tax Supervisor, presented the resolution ordering a refund of taxes, fees and assessments paid by Daniel Richard Brown in the amount of \$1,707.37. Ms. Frydenlund stated that as the property tax manager for the county, she feels that Mr. Brown is not entitled to the refund based on several factors. Those factors include that he is requesting a refund for years when he was not the legal owner of record; the purchase price for the mobile home was between McHugh Mobile Home Park and Mr. Brown and had no bearing on the value that Montana Department of Revenue assessed it for; mobile homes depreciate in time; and, Mr. Brown was under contract for two reappraisal cycles and never questioned the value until the county set a payment plan for delinquent taxes and was placed in the offset with his Montana income tax refunds were being turned over to the county. Ms. Frydenlund added that Mr. Brown feels that his due to the fact that his written request was submitted before the new policy went into effect he has the right to apply for the five years of refunds.

No public comment was received.

Commissioner Good Geise stated that this is a new process and needs time to have questions clarified by the property tax department. A motion was made by Commissioner Good Geise to table the item to the June 5th public meeting. The motion was seconded by Commissioner McCormick and passed 3-0.

Contract between Lewis and Clark County and Jeff Campese, D/B/A Rising Sun Woodworking. (Pam Attardo)

Pam Attardo, Historic Preservation Officer, presented the contract with Rising Sun Woodworking for historic preservation carpentry services at the Silver City Cemetery in an amount not to exceed \$3,075. The project consists of rebuilding and replacing an existing gate and pickets and replacing two fences bordering gravesites. The price does not include painting as that is to be completed by volunteers. The project will be partially funded by a Montana Historic Preservation grant. The work is to be completed within 4 months of contract approval.

No public comment was received.

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

HOME Management Plan Agreement between Lewis and Clark County and the Montana Department of Commerce. (Laura Erikson)

Laura Erikson, Community Development Coordinator, presented the HOME Management Plan Agreement with the Montana Department of Commerce. Lewis and Clark County sponsored a grant to HOME on behalf of West Mont and received a planning grant for the project. After the planning, it was decided to rehabilitate the existing home which required applying for funds for the project construction. The agreement is for the West Mont Farm & Gardens group home renovation project and provides detail of the strategy for administering the grant funds that are to be awarded for the project.

Ms. Erikson stated the management plan outlines the general project description and the implementation schedule. It also informs as to what will happen to the residents during the construction process, which will include housing them in other West Mont owned facilities during the project. West Mont will try to keep the Farm and Garden residents together as much as possible. It is anticipated that this project will begin early fall 2018 and be completed throughout the winter with residents returning spring 2019. This agreement must be approved before the grant funds will be awarded.

No public comment was received.

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

Public Hearing. TSEP Dalton Mountain Road Bridge Environmental Assessment and Grant Application. (Dan Karlin)

Dan Karlin, County Engineer, presented the Treasure State Endowment Program (TSEP) Dalton Mountain Road Bridge Environmental Assessment and Grant Application. As a requirement of the grant application, the County is required to complete a preliminary engineering report (PER) and conduct an Environmental Assessment (EA) of the project. The County contracted with Great West Engineering in October, 2017 to complete the PER, write the grant application and guide the County through the process.

As required, the County must now conduct a public hearing. A public hearing was held on May 4th, 2018 at the Lincoln Government Day meeting in Lincoln, Montana. As of today, one comment has been received.

Karl Yakawich, Great West Engineering, gave an overview of the TSEP program as well as Great West Engineering's work with the County. The Dalton Mountain Road Bridge was selected for the TSEP project after a review of the County's 92 bridges due to its deteriorating condition. The bridge has rotting pilings and a poor foundation ranking it the highest on the list. It was closed for a portion of time last year due to poor conditions but it is currently open with a reduced lane and weight limit. The proposal at this time is to go with a 2 span structure, decreasing the number of piers in the river which have the potential to catch debris and cause flooding. However, the design of the bridge is in the draft stages and they could potentially look at a single span structure. They would move forward with final design if the County receives the TSEP funding. Mr. Yakawich added they have collected 30 letters of support for the project including one from Zach Muse, the Lincoln Fire Chief.

Mr. Karlin explained the RFQ process for selecting the engineering firm to contract with on bridge projects.

PUBLIC COMMENT -

Mike Hartnett, 1340 Ponderosa Road, stated that he is in full support of the project however, he stated concerns about the design and lengthening the bridge and is worried about changing the water flow through the area. He is worried about additional water flowing through his property.

Bill Hartnett, requested transparency in the project, including the design of the bridge as it has the potential to impact his land.

Seeing no further public comment, Commissioner Hunthausen stated the public hearing is now closed.

Grant Application to the Treasure State Endowment Program. (Dan Karlin)

Dan Karlin, County Engineer, presented the Dalton Mountain Bridge Uniform Application. The uniform application contains pertinent details about the proposed project and financial information. This document is the formal request to TSEP for a 50% match of the total project cost, equating to \$558,387. The Uniform Application is required to be signed by the Chair of the Commission before submission.

The County contracted with Great West Engineering in October, 2017 to write the grant application and guide the County through the process. In addition to completing these documents, the County Commission held two public hearings for the EA; one in Lincoln, Montana on May 4, 2018 and a second held earlier today.

Commissioner Good Geise stated that the County has had very good success with this TSEP grant program in the past and that it is an extremely competitive process.

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

Resolution 2018-33 To Accept the Determination that the Environmental Assessment is Appropriate for the Dalton Mountain Road Bridge Replacement. (Dan Karlin)

Dan Karlin, County Engineer, presented Resolution 2018-33 accepting the determination that the environmental assessment is appropriate for the Dalton Mountain Road Bridge replacement project. This resolution is necessary in order to include the EA in the grant application. Lewis and Clark County has determined that the Dalton Mountain Road Bridge Replacement project will not significantly affect the quality of the human environment and as such as determined an Environmental Impact Statement is not necessary.

No public comment was received.

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

Resolution 2018-35 Adopting the Final Preliminary Engineering Report to Complete Bridge Improvements. (Dan Karlin)

Dan Karlin, County Engineer, presented Resolution 2018-35 adopting the final preliminary engineering report (PER) to complete bridge improvements for the Dalton Mountain Road Bridge Replacement project. The resolution is necessary to include the PER in the grant application. The PER identifies needs for the County bridge and provides recommendations for improvements to this bridge as well as funding for the improvements.

No public comment was received.

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

Resolution 2018-36 Authorizing Lewis & Clark County to Submit the TSEP Dalton Mountain Road Bridge Application. (Dan Karlin)

Dan Karlin, County Engineer, presented Resolution 2018-36 authorizing the submission of a Treasure State Endowment (TSEP) application. The application is for funds to replace the Dalton Mountain Road bridge and is the amount of \$538,387 with a county match of \$538,387 for a total project cost of \$1,076,774.

No public comment was received.

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

Resolution 2018-31 to Amend the South Forestvale Rural Improvement District No. 2015-7. (Lindsay Morgan)

Samantha Neil, Planner I, presented Resolution 2018-31 to amend the South Forestvale Rural Improvement District No. 2015-7. The petition to amend the district has been signed by 70% of property owners within the district and no letters of protest have been received. The purpose of the petition to amending the district is for paving of roads within the district. Specifically, the gravel roads are to be paved and the current maintenance assessment of \$138.76 would be replaced with two special assessments; \$887.71 per lot over 10 years to pay off a loan for improvements; and, \$149.70 per lot annually for ongoing road maintenance and saving for a future chip seal.

PUBLIC COMMENT -

Andy Galen, 5161 Crescent Moon Drive, stated that the homeowners in the neighborhood are excited to have a paved road.

Yidong Li, 5141 Crescent Moon Drive, stated that he fully supports the amended RID and the project.

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

Proposed Amended Plat of Lot 8 - Broadwater Estates Subdivision (Applicant: Gabe Nistler)(Planner: Greg McNally)

Greg McNally, Planner II, presented proposed amended plat of Lot 8 of the Broadwater Estates Subdivision. The applicant is requesting that an existing on-site utility easement, the majority of which is greater than 40-feet in width, be reduced in size to increase the build-able area of Lot No. 8 in Broadwater Estates. If approved, the existing utility easement will be reduced to either 10 or 20 feet in width, depending upon the on-site location. The easement was dedicated by Frank and Bonita Gruber on the Broadwater Estates Subdivision final plat on July 11, 2006. The purpose of this irregularly shaped utility easement was to accommodate an existing water line that was thought to exist with the platted easement. The applicant proposes a new utility easement to accommodate the existing waterline in its actual location. The wastewater line serves Broadwater Hot Springs and Fitness Club and connects to an existing drain field. The existing drainage easement that traverses the subject property will remain in place. The 1.262 acre lot is currently an undeveloped lot; however

it has subdivision approval for a duplex family residence and is served by community water and wastewater.

As of May 22, two comment letters have been received; one from the owner of the Broadwater Hot springs with concerns about the location and the size of wastewater line. The owner indicated he has not had conversations with the applicant since 2016 regarding the project and easements.

Mr. McNally added that the applicant has received DEQ approval for the location of the wastewater line. Concerns that were brought forward with the application in 2017 will be addressed in the conditions of approval. Existing utility service within Broadwater Estates will not be impacted by this proposal. Staff is recommending conditional approval, including an additional 10' wide utility easement adjacent to the Public Access and Utility Easements.

Gabe Nistler, lot owner and applicant, stated he has received the packet and is ready to move forward. This proposal is to clean up existing easements.

Peter Italiano, Community Development and Planning Director, stated that the benefits of approving this is to give the applicant more room for building on the lot and to clean up the easements.

No public comment was received.

A motion was made by Commissioner McCormick to conditionally approve the amended plat of Lot 8 - Broadwater Estates with conditions needed to mitigate adverse impacts or bring the project into compliance with regulation. The motion was seconded by Commissioner Good Geise.

A motion was made by Commissioner Good Geise to approve the findings of fact, including those discussed today. The motion was seconded by Commissioner Hunthausen. The motion passed 3-0.

A motion was made by Commissioner Good Geise to adopt a conclusion of law that the proposed amendments will have adverse impacts on the review criteria and will not be in compliance with regulations. Commissioner Good Geise further moved to adopt a conclusion of law that the adoption of conditions of approval as presented by staff will mitigate the impacts and bring the project into compliance with regulations. The motion was seconded by Commissioner McCormick. The motion was seconded by Commissioner Hunthausen. The motion passed 3-0.

Commissioner Good Geise emphasized the importance of understanding and respecting the easements and not encroaching on those.

There is a motion on the floor, which is now amended to include the findings of fact and the conclusions of law. The motion passed 3-0.

Agreement with Lewis and Clark County, Cottonwood ALC, Inc. and the City of Helena. (Roger Baltz)

Roger Baltz, Chief Administrative Officer, presented the agreement between Lewis and Clark County, the City of Helena and Cottonwood ALC, Inc. for lease, sell and purchase of real property located at 406-420 Fuller Avenue. The need for the real estate transaction is due to the fact that the City of Helena Police Department (HPD) and the Lewis and Clark County Sheriff's Office (LCSO) need to relocate from their current location at the Law Enforcement Center due to the remodel project.

The Fuller Building will be occupied by the PD and the LCSO and costs associated with the relocation will be split between the two. This agreement is for short-term lease with the intent of purchasing the property after the building is split from an adjoining building and a boundary line

relocation is done. All lease payments until December 28, 2018 will be applied to the purchase price of the building, which has been appraised at \$1,290,000. The City and County will be responsible for occupancy costs. Lease payments are \$12,500 monthly. Once the buildings are split, the size of the Fuller Building is estimated to be approximately 39,558 square feet and roughly 1,163 feet of common area to be shared. The money used for this lease/purchase is not from the bond or levy that was passed by voters. This funding will come from capital reserves.

The property is proposed for lease and sale in "as is" condition. Structural changes and possible ADA required improvements will be researched and funded in the budget. It is anticipated that the City and County would expand upon already existing joint ownership and joint funding similar to that in use for the City/County Building. The City/County Building Board will assume oversight of the needed space and improvement program for the building.

Currently, the LCSO and HPD occupy 14,000 square feet at the Law Enforcement Center and pay just under \$300,000 in costs associated with that occupancy. Moving into the Fuller building will cost more due to a much larger space being occupied but they are looking at ways to keep those costs down. One such way would be to make space available for other departments.

Undersheriff Grimmis stated that having more space will allow for improved efficiencies as all administrative offices and divisions will now be housed together. It will also provide room for evidence storage which they currently rent space for; evidence storage and retrieval is important in court cases. Co-locating the HPD and the LCSO is important and allows cooperation between the agencies and the sharing of equipment and technology as well as information.

Ron Alles, City Manager, thanked County staff for working diligently on this agreement and stated the City supports the relocation to this building. Mr. Alles added that staff will work hard to keep costs down.

Sheriff Leo Dutton thanked the relocation committee for their work and added that other departments will be located in this building, including the Coroner's Office.

A motion to Approve was made by Commissioner Good Geise 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 11:57 am.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS




Andy Hunthausen, Chair



Jim McCormick, Vice Chair

Susan Good Geise, Member

ATTEST:

A handwritten signature in cursive script that reads "Paulette DeHart". The signature is written in black ink and is positioned above a horizontal line.

Paulette DeHart, Clerk of the Board