



PUBLIC MEETING

May 30, 2017
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, May 30, 2017, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Chairman Susan Good Geise called the meeting to order at 9 a.m.

Commissioner Andy Hunthausen and Jim McCormick were present. Others attending all or a portion of the meeting included Roger Baltz, , Matt Heimel, Al Knauber, Don Lellan, Jennifer McBroom, Kathy Moore, Margaret Morgan, Drenda Niemann, Linda Olson, Skeeter, Paul Spengler, Amy Tenney, Audra Zacherla, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

There were no consent action items.

Bid Award. 2017 Paint Striping

Audra Zacherl, Public Works Assistant Director, presented the bid award for the 2017 paint striping project. On May 25th, 2017 a bid opening was held for the 2017 paint striping project. One bid was received from Highmark Traffic Services, Inc. of Billings, Montana for a bid amount of \$25.75 per applied gallon and total estimated cost of \$101,221.25. The project consists of paint striping centerline and shoulder roadway markings for approximately 75 miles of various country roads and in RIDs. Staff recommends approval of the bid award to Highmark Traffic Services, Inc.

No public comment was received.

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

The Boyd Andrew Community Services Annual Plan. (tabled 5/25/17) (Amy Tenney)

Amy Tenney, Chief Executive Officer, stated there is nothing further to add from the meeting held on May 25, 2017. Commissioner Good Geise stated the Commission accepted the plan on May 25, 2017 and what is left to today is to apportion the amount of the alcohol tax between the two entities; Boyd Andrew Community Services and Intermountain Community Services. The County receives about \$100,000 annually in alcohol taxes and the funds are to be used for working on rehabilitation, counseling and those type of activities for people with alcohol addictions.

No public comment was received.

A motion was made by Commissioner Hunthausen to accept the plans as presented and divide the alcohol tax dollars evenly at a fifty-fifty split between Intermountain Community Services and Boyd Andrew Community Services. The motion was seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

Contract Between Lewis and Clark County and Michael Baker International, Inc. (Paul Spengler)

Paul Spengler, Disaster and Emergency Services Coordinator, presented the contract with Michael Baker International, Inc. The contract is for an impartial review of a supplemental hydrology report that was submitted by WWC Engineering in May 2017 regarding the proposed Red Fox Meadows Subdivision. The contract amount is not to exceed \$5,000 and work is to be completed no later than two weeks after receipt of the signed contract.

Mr. Spengler explained the review is necessary because the proposed Red Fox Meadows Subdivision issued a hydrology report for the floodplain that cuts through the subdivision at the southwest corner of Lake Helena Drive and Canyon Ferry Road. Part of the permit process for the floodplain was to include a hydrology report to show what would happen with the water as there are five roads going across the floodplain which require culverts. After multiple reviews by the Department of Natural Resources and Conservation (DNRC), it was determined to have Michael Baker International review the hydrology report. The issue and hydrology review is for service water. The floodplain cutting through the area receives its water from the surrounding area; there is no stream or river running through the area. It is known to flood.

Mr. Spengler commented that the supplemental information hydrology report is based upon an area called Mitchell Gulch; it's about 7 acres, and closer to Red Fox Meadows Subdivision than the original hydrology report.

No public comment was received.

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

Contract Between Lewis and Clark Public Health and State of Montana Office of the Court Administrator. (Drenda Niemann)

Drenda Niemann, Community Health Promotion Division Administrator, presented the contract with the State of Montana Office of the Court Administrator and the 1st Judicial District for the administration of the consented referral system. This is to continue funding for the referral coordinator responsible for recruiting and training local service delivery agencies to use the system. The coordinator also provides technical assistance, monitors and oversees the implementation of

the system as well as provides referral reports to the participating agencies. The web-based system is used for making and tracking inter and intra agency referrals, bringing together a disjointed collection of service providers and youth serving agencies in the community to allow for better coordinated care of youth and families. Since 2009 the connection rate has increased from 13 percent to 87 percent. Since 2014 there have been 1,820 total referrals with 1,378 individuals served and 48 agencies currently using the system. The grant is in the amount of \$15,300 and the grant period is July 1, 2017 through June 30, 2018. Staff recommends approval.

Ms. Niemann stated this is one piece of the multiple pieces that go into the funding of the referral system. This system provides an administrative cost reduction as well as alleviates the chance of interaction with the judicial system when people are getting connected. The original intent of these funds was to help the adolescents divert from the justice system; at this time the benefit of the system is evident in all age groups.

No public comment was received.

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

Task Order 18-07-5-21-084-0 Between Lewis and Clark Public Health and 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 for the administration of the WIC Farmer's Market Nutrition Program and to provide nutrition education and checks to eligible WIC participants. WIC participants will be eligible to receive \$30 in vouchers to purchase fresh fruits and vegetables at the Farmer's Market throughout the summer. The program is available to approximately 900 families, with only enough benefits for about 400 families. Last year 82 percent of the vouchers were redeemed at the market. The task order is in the amount of \$760 and begins July 1, 2017 and ends June 30, 2018.

Ms. Niemann clarified that the program is funded by the U.S. Department of Agriculture.

No public comment was received.

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

Amendment to Contract 516018 Between Lewis and Clark County and the Montana

Department of Environmental Quality. (Kathy Moore)

Kathy Moore, Environmental Health Division Administrator, presented the amendment to contract 516018 with the Montana Department of Environmental Quality (DEQ). The amendment is to extend the contract period from July 1, 2017 to September 30, 2017. After September 30, 2017 a new contract will be prepared to meet the new requirement as authorized by the Montana legislature in House Bill 507 during the 2017 session. The contract is to review certain water supplies, wastewater systems, solid waste disposal and storm water systems to determine compliance with the Sanitation and Subdivisions Act for new subdivisions.

Ms. Moore explained the legislature modified the review timelines, resulting in an extended review period.

No public comment was received.

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

Contract Between Lewis and Clark County Water Quality Protection District and U.S. Department of the Interior. (Jennifer McBroom)

Jennifer McBroom, Water Quality District Community Coordinator, presented the contract with United States Department of the Interior in the amount of \$1,720 for temporary water service to help maintain in-stream flows in Prickly Pear Creek. From 2010 to 2016 brown trout population have increased 107 percent. The two mile stretch of land that has historically gone dry due to irrigation, last year it had about 4,200 acre feet pass through. The project works in the following way: water is purchased from the Bureau of Reclamation 2,000 acre feet from Canyon Ferry Lake; the Irrigation District is paid \$12,000 to transport the water up; and the Prickly Pear Water Users Association is paid \$1,720, to include operation and maintenance, initial allotment water service, and contract charge. The contract becomes effective on the execution date by the contracting officer and will continue in force until December 31, 2017.

Ms. McBroom explained the water rights and how the twenty-six plus irrigators are to be protected. From the beginning of the irrigation season until the diversion is shut off the irrigators use the water. After inquiries of the DNRC, it was determined that there is no jeopardy of any abandonment of the water rights.

No public comment was received.

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

Contract between Lewis and Clark County Water Quality Protection District and NorthWestern Energy. (Jennifer McBroom)

Jennifer McBroom, Water Quality District Coordinator, presented the contract with NorthWestern Energy for funding in the amount of \$5,000 to assist in administering the Prickly Pear Creek re-watering project. The contract begins June 1, 2017 through December 31, 2017.

No public comment was received.

The staff presentation on action item number ten was a combination effort between action items number nine and ten. The public has had the ability to comment on both nine and ten separately, with separate motions.

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

Resolution 2017-45 Intention to Create the Helena Valley Flood Mitigation Rural Improvement District No. 2017-5. (Planner: Matt Heimel)

Matt Heimel, Special Districts Planner, presented the resolution of intention to create the Helena Valley Flood Mitigation Rural Improvement District (RID). The purpose of the RID is to defray the cost of making flood mitigation improvements through a tax upon benefited properties in the District. Any funds generated through the RID can only be used for proposed improvements referenced in the resolution, with the balance continually monitored. The three main details are the scope of improvements; the costs; and the benefiting properties. The scope of improvements

includes all recommended improvements from the 2013 Flood Mitigation Master Plan. An overview of the criteria to determine benefited properties was presented. Within the district boundary there are 1,581 assessment code records, rather than individual lots. During the protest period there will be a review of each legal description of said assessment codes, as to what property it corresponds to. The cost estimate is in the amount of \$9,700,800. If the resolution of intention is adopted a 30-day protest period will be opened following the published notice of the public hearing for a resolution to create the RID, tentatively scheduled for July 11, 2017. The protest must be in writing identifying the property and signed by all owners of the property, delivered to the County Clerk and Recorder office. Determining what number of assessment codes represent the number of lots along with the number of protests received will determine the percentage of protests. If 50% or more are received action may not be taken on the district for six months from the date of the first received protest.

Mr. Heimel explained that the properties subject to flooding as indicated by the 1% annual chance floodplain or floodway are identical to the 100 year floodplain Zone A; the .2 % would be identical to the 500 year floodplain.

Mr. Heimel explained one of the problems of roads acting as dams is the culverts are not adequate for the flow of water. The proposed flood mitigation improvements would be to improve culverts and ditches to alleviate this problem in a flood event.

A proposed \$100 annual special assessment levy is anticipated for every lot to help fund the RID. The revenue can then be used to partially fund improvements or be used as a local match. The purpose of the RID is to not fund the entire cost of improvements on taxpayers within the RID.

PUBLIC COMMENT -

Margaret Morgan 704 Maynard Road, stated on behalf of herself and some of her immediate community to oppose moving forward with this resolution, particularly at this time. She understands there is a comment period as was mentioned by Commissioner Hunthausen. However, some of her objections may sound like a comment, but she is really here to object with moving forward with the resolution. She has lived in her home since 1998 and has not flooded. There was a reason that the valley community didn't want to move forward with this in 2013 when the flood plan came out. One of those reasons is because there is no faith in the flood plan. There were issues brought up about the flood plan and she had a couple of examples that might sound like objections and she will make them again should this move forward, but she is trying to make the point today. For example, of their knowledge, there was no mention in the flood plan about the bridges across Ten Mile, Green Meadow, and McHugh. And yet, every year they watch and have continued to watch since 2013 more silt and vegetation build under those bridges, and continue to obstruct the flow of water. So the more flow that is constructed at the bridge, the sooner the water leaves Ten Mile upstream and the more flooding that occurs across the valley. Yet when they tried to discuss at that time, there was a panel brought in; a lot of discussion and reasons why that wouldn't work and yet they are watching common sense telling them over the last four years, how long do you let the bridge obstruct the flow of water. Has there been a study of the CFS under those bridges and how much it is decreasing. And yet you want to move forward with a resolution when she doesn't think you even have simple facts like that. This is not a complex engineering question; it is question about someone monitoring the flow under these bridges that are filling up. There are examples in the valley, towards East Helena, where they worked on the bridges and expanded the channel at the bridges. And how successful that is and how now you can float under the bridge where it didn't

used to be possible. And yet the plan has nothing in there to our knowledge. Here you are proposing to move forward with a resolution to create a flood district implement plan. Are you considering the things that they brought up in 2013? Another example, in no faith, is there was a ditch built, expanded on very close to where she lives by the Forestvale Cemetery. It was made much deeper, much larger, and is bringing a lot more water closer that never came closer. It plugs a culvert that went under the road and directed it away. And some people call it the ditch to nowhere; some call it a swimming pool. There is no faith in what the county is doing now. Instead you are bringing all the water, with no communication to them about how soon that water might leave. Conceivably they could have flooded this year. Raising the water table, there is no concrete in the bottom of the ditch. Her point being, when people talk about this plan and starting a flood district implement plan, there is no faith in the plan. The actions between 2013 and now have not improved it. That is one of the reasons that she opposes moving forward at this time. It has been said in the paper, more than once, that the county cannot get federal or state grants because the county can't match the funds and valley residents do not help to pay. Of course they are paying in the taxes that they pay now since the ditch to nowhere was built. They would like to know specifically what federal and state grants have been applied for or what state legislatures you have talked to. She works at the legislature and has not heard these things. Have there been actual grants denied, we do not know that. They would like to know what has been turned down and when, rather than just go on the hearsay that we cannot because the residents do not pay. Finally, she would like to make a point that she feels the County Commissioners meeting held on a Tuesday morning at 9:00 a.m. after a three day weekend is not a good time to make decision this big. Obviously it is going to cost the county something to move forward with this resolution. So you are investing, if you make a decision to move forward. Yet we have people off a long holiday, people that barely understand what is going on, people that are not back from the holiday. She feels a little alone; when she knows there are a lot of other concerns. She thinks picking this morning to make such a large proposal is not a good time. If you do move forward; she is interested in the cost and she thinks both sides should be heard plenty, not just the county, not just her. This is not about the plan, it is about moving forward.

Commissioner Hunthausen stated since the flood in 2011 it has been discussed and made clear that the residents located in the floodplain must participate in a solution and invest in the solution. Up to this time all residents living outside of the area, including residents in the City of Helena have spent about \$700,000 to address the flooding situation and try to develop planning efforts for this neighborhood. The ditch along McCue has been contemplated in the master plan all the way from Ten Mile Creek to Sierra Road to allow water to flow into the Forestvale pond, of which was accomplished through county funding in partnership with Forestvale, and with the Montana Department of Transportation in their new overlay of the intersection. Also since 2011, the county has been trying to communicate as much as possible. The county bridges will be addressed as well.

Commissioner Good Geise stated there have been dozens of meetings and opportunities for residents to attend, comment, and become educated. The reason for the timing today is because if this is to be included in next year's tax role that needs to be done by August. Legal requirements for notice have to be fulfilled. County matches with Federal projects are common. A project like this also has a hard match, cash, which the County has to come up with. Ms. Morgan is correct a panel was invited from all across the state, because the county was told this problem could be solved

and dredging was the answer. Eight people were brought in, their time is money. There are two ways an RID can be formed, one is the residents come forward and request help, the county staff will help them. The other way is to create a resolution of intent to begin the RID process. If 50% of the residents protest then no action can be taken for at least six months. If there is no money forthcoming from the affected residents it becomes more and more difficult. She has approached members of the legislature and the chairman of the Appropriations Committee about getting some money from the state to help. They want to know; what are the residents of that part of the valley doing to help themselves. They stated when an RID is formed talk to them again.

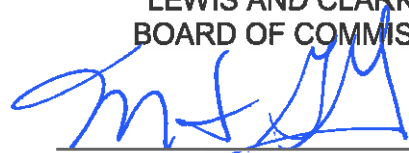
A motion was made by Commissioner Hunthausen to approve Resolution 2017-45 Resolution of Intention to create the Helena Valley Flood Mitigation Rural Improvement District No. 2017-5. The motion was seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

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

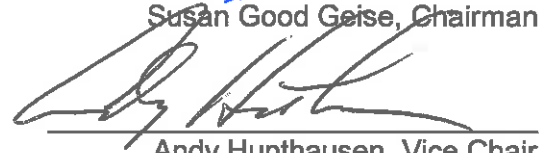
Adjourn

There being no further business, the meeting adjourned at 10:20 am.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Susan Good Geise, Chairman



Andy Hunthausen, Vice Chair



Jim McCormick, Member

ATTEST:



Paulette DeHart, Clerk of the Board