



PUBLIC MEETING

May 9, 2019
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, May 9, 2019, at 9:00 AM in Commission Chambers Room 330.

Roll Call

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

Commissioner Andy Hunthausen was present. Commissioner Susan Good Geise was out of the office on other business. Others attending all or a portion of the meeting included Roger Baltz, Jeni Garcin, Charles Lane, Audrey McCue, Doug Wilmot, RJ Snyder, Carol Strizich, Linda Grady, Conrad Evarts, Ana Cortez, Nancy Everson, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Public Meeting Minutes for July 10, August 9, 16, 2018; April 18, 23, and 25, 2019.
(Nadine McCarty)

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 Hunthausen and seconded by Commissioner McCormick. The motion Passed on a 2-0 vote.

Update from Montana Department of Transportation on the Custer Avenue Project. **(Douglas Wilmot)**

Doug Wilmot, Montana Department of Transportation District (MDT) Administrator and RJ Snyder, Project Manager for Custer Avenue, gave an update on the Custer Avenue project. Mr. Wilmot introduced Carol Strizich, MDT Planning Office. Mr. Snyder reported they are currently in the OT phase intended and noted the following has been completed to assess the risks: a topographical survey, utility survey, and traffic study with public involvement continuing. Mr. Snyder gave some conclusions of the traffic study that analyzed six options of which four did not fulfill capacity requirements necessary to utilize the federal funds. Two feasible preliminary designs will be needed. The timeline projected is: OT Phase, feasibility analysis to conclude summer of 2020; preliminary engineering design to take 1.5 to 2 years; the right of way appraisal and acquisition to take 1.5 to 2 years; utility relocation to take 1 year; and road construction 2 years to completion. The planning estimate is federally programmed for \$27,650,000 and Mr. Snyder presented a

breakdown of the funds and noted if the high pressure gas line does not have to be relocated the cost will decrease by \$6 million. Mr. Snyder gave an extensive overview of the next steps that will be taken and noted once the decision matrix is completed, both alternatives will be discussed with the Transportation Coordinating Committee (TCC) and either the 4-lane roundabout or the 5-lane section will be pursued. At that time an accurate cost estimate will be able to be determined.

Commissioner Hunthausen asked how two out of the six options came about and Mr. Snyder explained the other options would not meet the criteria for an operational improvement.

Commissioner Hunthausen stated the community receives \$1 million urban funds annually and asked how the community can sustain this with Custer not the only need. Mr. Wilmot stated the Custer project is solely urban funds and that is the only source that the project is eligible for. Mr. Wilmot noted an option could be to prioritize the segments of the project and complete it in phases.

Commissioner Hunthausen asked what happens if another route needs attention and all of the urban funds have been allocated. Mr. Wilmot stated some of the roads are eligible for other funds and noted that other communities fund a lot of their urban work with local funding.

Commissioner Hunthausen asked what happens if the TCC decides the full project is not financially feasible and Mr. Wilmot noted during the OT phase if the project is deemed financially not feasible there is no requirement of a payback of the funds.

Commissioner Hunthausen asked if impacts to other routes had been considered.

Carol Strizich, Montana Department of Transportation, referenced the Helena Area Long Range Transportation Plan and noted the planning process includes a travel demand model, which Custer expansion was included in order to understand the impacts to the greater transportation network and with the expansion traffic improved on the other corridors. Ms. Strizich noted no feasible options were found on the possibility of other east/west connections due to a number of limitations. The conclusion was the improvements to Custer were needed to address the long term.

Commissioner McCormick asked with the traffic study and the development what other surprises can be expected and Mr. Wilmot addressed the \$7 to \$8 million estimate was just for Montana to McHugh with Henderson being separate, while the \$28 million is the entire corridor.

Commissioner Hunthausen asked what the plans will be for the gas line and Mr. Wilmot stated the plan is to engineer without affecting the gas line.

Commissioner Hunthausen asked who makes the decision on the two options and Mr. Wilmot stated they would bring it to the TCC, possibly form a working group to be more involved or they could make the recommendation and take that to the TCC.

Mr. Wilmot stated phasing the project could be possible and discussion was had regarding tying up the urban funds to one project for so many years and also included if there are any other federal or state funds that could be applied for.

Commissioner McCormick asked how long it would take to get a design from Yellowstone Pipeline and Mr. Wilmot stated they should have a good idea by the time they have about 30% design of the two alternatives.

Commissioner Hunthausen asked if the roundabout option would have roundabouts located at all major intersections and Mr. Snyder noted the roundabout option will go forward everywhere there are currently signals.

Roger Baltz, Chief Administrative Officer, asked if this project would meet the definition of multi-mobile that could possibly open up other grant opportunities and Mr. Wilmot was not sure if Helena or Lewis and Clark County have ever applied for any of those grants.

PUBLIC COMMENT -

Ana Cortez, City of Helena Manager, stated the City of Helena is concerned with the opportunity costs associated with the Custer Avenue project. The concern is the potential commitment of the urban funds to this project for years. They understand that the TCC approved the project based on an understanding that the budget would be about \$7 million. Ms. Cortez gave some steps in order for the Commission to consider the project such as: provision of clear and consistent information to the TCC by MDT; the TCC to reconsider the new project; the City is looking at legal requirements that are imposed by MDT. The City is committed to projects such as Custer, to partnerships, and understand this project is complicated, but the extensive financial commitment needs to be considered.

Commissioner Hunthausen asked when this could go before the TCC and Mr. Wilmot stated they would be willing to discuss at the May 14th TCC meeting.

Approval of the Lewis and Clark County Communication Policy. (Jeni Garcin)

Jeni Garcin, Communications and Community Outreach Coordinator, presented the Lewis and Clark County Communications Policy and noted the most effective and efficient methods to communicate the County work and engage the public is to proactively disseminate accurate information via traditional news media, social media, the web, and other appropriate methods. The policy establishes guidelines and procedures to coordinate countywide communications to ensure accurate, thorough, and timely messaging to the public. The policy applies to all County departments and employees under the authority of the Board of County Commissioners (BoCC). It is applicable to all other County employees, except where elected official offices and departments not under the authority of the BoCC have communications policies and procedures in place. Any provisions not covered by those policies and procedures are covered by this policy. Staff recommends approval of the policy.

Ms. Garcin gave an overview of the process for emergency communications laid out in the policy.

No public comment was received.

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

Declaring Fire District and Fire Service Area Candidates Elected by Acclamation. (Audrey McCue)

Audrey McCue, Elections Supervisor, presented the candidates to be elected by acclamation for the Fire District and Fire Service Area Board of Trustees Elections that were canceled on May 7, 2019 due to the number of candidates being equal to or less than the number of positions to be filled at the election. Ms. McCue explained when an election is canceled pursuant to 13-1-502, MCA, candidates are declared elected to the position by acclamation by the Board of County Commissioners. Candidates filed for trustee positions in the Baxendale, Birdseye, and West Helena Valley Fire Districts, and for the Augusta and Wolf Creek/Craig Fire Service Areas.

Ms. McCue explained the process for candidates declared elected by acclamation and the difference between when a candidate is elected by acclamation and when persons are appointed. There are 32 special purpose districts with elected boards and there are entire boards that are appointed.

PUBLIC COMMENT -

Linda Grady, Birdseye Rural Fire District, thanked the Commission for the opportunity and that she takes her position very seriously. Ms. Grady gave a brief overview of projects that the District is working on.

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

Declaring Hospital District Candidates Elected by Acclamation. (Audrey McCue)

Audrey McCue, Elections Supervisor, presented the two candidates to be elected by acclamation for the Lincoln Hospital District Board of Trustees Election that was canceled on May 7, 2019 due to the number of candidates being equal to or less than the number of positions to be filled at the election. Ms. McCue explained when an election is canceled pursuant to 13-1-502, MCA, candidates are declared elected to the position by acclamation by the Board of County Commissioners.

No public comment was received.

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

Declaring County Water and/or Sewer District Candidates Elected by Acclamation. (Audrey McCue)

Audrey McCue, Elections Supervisor, presented the two candidates to be elected by acclamation for the Northstar County Water and/or Sewer District Board of Directors Election that was canceled on May 7, 2019 due to the number of candidates being equal to or less than the number of positions to be filled at the election. Ms. McCue explained when an election is canceled pursuant to 13-1-502, MCA, candidates are declared elected to the position by acclamation by the Board of County Commissioners.

No public comment was received.

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

Board Appointments. (Audrey McCue)

Audrey McCue, Elections Supervisor, presented the list of candidates for the Augusta, Eastgate and Marysville Volunteer Fire Districts and for the York Fire Service Area. There were no candidates for the May 7, 2019 election and pursuant to 13-1-502 MCA the elections were canceled. When there are no regular or declared write-in candidates for a position the Board of County Commissioners shall fill the position by appointment. The persons requesting to be appointed have been confirmed by the elections office eligible to hold the office. The appointment is for the entirety of the term that was up at the election.

No public comment was received.

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

Board Appointment (Audrey McCue)

Audrey McCue, Elections Supervisor, presented the list of candidates for the Upper Blackfoot Valley Community Council. There were no candidates for the May 7, 2019 election and pursuant to 13-1-502 MCA the election was canceled. In addition to the positions that were already up for the election there was a vacancy that occurred prior to the election and two seats on the council that

have been open for the past several years. The council was set up as a seven member council and has been operating as a five member council. After the close of candidate filing, three persons submitted interest in being on the Community Council. It was too late to accept them as candidate filing forms and they were accepted as requests to be appointed. The persons who submitted forms have been deemed eligible to hold the office. The term length was not included for the appointments. Since there are four positions and three interested, the Elections Office did not feel it appropriate for the office to determine which person should fill which term length. Ms. McCue explained the process that other districts have done when this type of situation presents.

No public comment was received.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner McCormick. 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.

Conrad Evarts, 2416 Wilder Avenue, expressed his concern about two years of extremely inconsistent law enforcement, the criminal activity and noted he has repeatedly reached out to Sheriff Dutton and Leo Gallagher. Mr. Evarts pointed out two issues: an illegal septic system on the White property and the current emergency situation is a violation of the Community Decay Ordinance; the accumulation of trash. Mr. Evarts is in hope that the Commission can put pressure on Sheriff Dutton and Mr. Gallagher to enforce the law. Mr. Evarts is aware of a notice of violation delivered to the property. Mr. Evarts read his letter that he presented to the Commission.

Commissioner Hunthausen stated the Commission can work with and make a recommendation to Sheriff Dutton and Mr. Gallagher, but they are independently elected officials and the Commission cannot require them to do anything.

Commissioner McCormick noted this information that was emailed to him has been shared with others and work is in progress.

Adjourn

There being no further business, the meeting adjourned at 10:33 am.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Jim McCormick, Chair


Susan Good Geise, Vice Chair


Andy Hunthausen, Member

ATTEST:


Paulette DeHart, Clerk of the Board