



PUBLIC MEETING

July 12, 2018
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, July 12, 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 was present. Commissioner Susan Good Geise was out of the office. Others attending all or a portion of the meeting included Roger Baltz, Nancy Everson, Peter Italiano, Dan Karlin, Charles Lane, Lindsay Morgan, Christal Ness, Drenda Niemann, Doug Peterson and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Vendor Claims Report for Week Ending July 13, 2018. (Marni Bentley)
- b. Public Meeting Minutes for June 29, 2017; June 14, 19, 26; and July 5, 2018. (Nadine McCarty)

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

No public comment was received.

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

Resolution 2018-58 Requesting Distribution of Local Government Road Construction and Maintenance Match Program Funds. (Dan Karlin)

Dan Karlin, County Engineer, presented the proposed resolution to request Bridge and Road Safety and Accountability Restricted Account Match Program funds.

House Bill 473, known as the Bridge and Road Safety and Accountability Act (BARSAA) was passed by the 65th legislature and signed by Governor Bullock in 2017. The legislation provides for a graduated increase in the motor fuel tax. The tax started in fiscal year 2018 with a 4.5 cent increase, which will carry through fiscal year 2019. The rate will increase by a 1/2 cent in fiscal year 2020 to 5 cents. The rate will then increase by a 1/2 cent in each of the fiscal years 2022 and 2023 to reach the full 6 cent increase.

Funds from the new motor fuel tax may be used to pay for construction, reconstruction, maintenance, and repair of roads, alleys, and bridges that the County has the responsibility to maintain. Funds may also be used as match for federal funds received for the construction of roads and streets that are part of the national, primary, secondary, or urban highway system, or roads and streets that the County has the responsibility to maintain.

In order to receive BARSAA funds, local governments are required to make a five percent match and apply to the Montana Department of Transportation. Public Works has budgeted the 2018 and 2019 BARSAA allocations, along with the 5 percent match in the Fiscal Year 2019 Road Infrastructure budget. The budgeted 2018 allocation and possibly portions or all of the 2019 allocation are to be used to complete the drainage improvements to the Lake Helena Drive/Lewis Street intersection. Mr. Karlin gave an overview of the issues at the intersection.

The proposed resolution requests distribution of local government road construction and maintenance match program funds in the amount of \$100,000.33, and authorizes staff to submit to the Montana Department of Transportation for the County's FY18 allocation of BARSAA funds.

No public comment was received.

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

Contract Between Lewis and Clark County and Morrison Maierle, Inc. (Dan Karlin)

Dan Karlin, County Engineer, presented Task Order No. 1 with Morrison Maierle to provide design services for the purpose of addressing drainage issues at the intersection of Lake Helena Drive and Lewis Street near the Eastgate Elementary School. The proposal generally consists of providing two drainage system alternatives with planning-level estimates of construction cost, providing complete design and construction documents for the selected alternative, providing bidding assistance, and construction administration. Funding for the design and construction of the project will come from the new Bridge and Road Safety and Accountability Act (BARSAA) allocation to Lewis and Clark County.

Task Order No. 1 is for time and materials in the amount of \$40,774, with work on the design to be completed by November 16, 2018 and construction anticipated to begin in early summer 2019. Staff recommended approval of the task order with Morrison Maierle, Inc.

No public comment was received.

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

Grant Award to Lewis and Clark County from the State of Montana, Office of Court Administrator and the 1st Judicial District Youth Court. (Drenda Niemann)

Drenda Niemann, County Public Health Officer, presented the grant award from the State of Montana, Office of Court Administrator and the 1st Judicial District Youth Court to administer the CONNECT Referral System. The contract amounts to \$15,300 and runs June 1, 2018 through June 30, 2019.

The CONNECT referral system is a web-based system for making and tracking inter and intra agency referrals, bringing together a disjointed collection of service providers and youth serving agencies in the community allowing for better coordinated care for youth and families.

This system is the 'courier' of protected information across a community so when a child arrives at a new service, their information is already there. The direct services then become more efficient by

reducing the number of times a youth has to tell his story and more effective because the new provider isn't on a fact finding mission. The provider knows why the referral was made and can begin services more quickly. The Helena Consented Referral System (HCRS) helps reduce the time referring providers or case managers spend on scheduling, tracking and follow-up. It allows youth and families to show engagement and be accountable for their own scheduling and appointments. At the same time, the system tracks if the youth attends appointments and completes services so the referring agency has the necessary information for reporting and accountability. Ms. Niemann provided several statistics showing the success of the program and recommended approval of the grant award.

No public comment was received.

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

Ranger Drive Petition Investigation. (Christal Ness)

Christal Ness, Land Use Ombudsman, presented the request of need to cause an investigation into the feasibility, desirability, and cost of granting the petition to declare Ranger Drive a County Road. The County has received a completed petition. Pursuant to 76-14-2603 MCA, the Board of County Commissioners needs to "cause the investigation to be made of the feasibility, desirability, and cost of granting the prayer of the petition".

Staff recommends approval of an investigation into the Ranger Drive petition and appoint the following staff to the investigation: Doug Nisbet, Road and Bridge Superintendent; Christal Ness, Land Use Ombudsman, and one County Commissioner. Staff also recommends the Commissioners approve the cost for an appraiser to determine the possible costs of converting the existing access easement into a County Road easement. Staff shall undertake the process of determining a suitable and cost effective appraiser to perform the task.

Charles Lane, Deputy County Attorney, read from the state statute.

Ms. Ness stated this is a continuation of past discussions had by residents on Ranger Drive and spoke briefly to access/egress issues in the area.

No public comment was received.

A motion was made by Commissioner McCormick to cause an investigation and contract with an appraiser related to the merits of the petition. Commissioner Hunthausen seconded the motion. The motion Passed on a 2-0 vote.

Proposed Text Amendments to Special Zoning District No. 28. (Petitioner: John Alexander) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner III, presented the requested amendments to the regulations for Special Zoning District No. 28 located east of and adjacent to North Montana Avenue adjacent to Sorenson, Hilmen, and Shirley Roads.

A public hearing was held by the Planning and Zoning Commission on Monday, April 30, 2018 regarding the proposed text amendments to the regulations to expand the definitions for Accessory Building and Home Occupation, and to add a definition for Principal Building. The petitioner, John Alexander had been using an accessory building on his property within the District as an auto repair business. During the public hearing, residents spoke in opposition to the proposal stating concerns that an auto repair business would be allowed under the proposal and that the District was established for single-family residential purposes only. Mr. Alexander stated that the auto repair business had been removed from the property and that he would like to move forward with amending the definitions for this District so that home occupations could be allowed within

accessory structures. He also stated an interest in fabricating metal as a home occupation in one of his outbuildings. Because Mr. Alexander was discussing changes to his proposal during the meeting, the request was tabled and the hearing continued until June 25, 2018 so that Mr. Alexander could amend his request.

On May 8, 2018 an amended proposal was submitted. This proposal would still expand the definition for Home Occupation, but fewer amendments were being proposed. In addition, the same definition for Principal Building would be added; however, amendments to the definition for Accessory Building were no longer being proposed. Mr. Alexander stated that the proposed amendments would allow a home occupation to occur in an outbuilding and not just in a main residence, but that he is no longer proposing to expand the number of uses allowed, people living outside of the residence working under a home occupation, or the number of vehicle trips associated with the use on a daily basis. Following Mr. Alexander's presentation the public hearing was opened. During the hearing residents expressed concerns that the proposed amendments would allow other properties within the District to do more than Mr. Alexander is proposing (metal fabrication), and that a site specific variance should be considered rather than amending the regulations for the entire District.

Following the hearing, the Planning and Zoning Commission recommended the County Commission deny the proposal on a 5-1 vote.

Commissioner McCormick asked for confirmation that Mr. Alexander would be able to apply for a variance. Ms. Morgan stated he would and noted one of the criteria for a variance is a hardship.

No public comment was received.

A motion was made by Commissioner Hunthausen to incorporate the record from the Planning and Zoning District Hearing for this item into today's hearing record. Commissioner McCormick seconded the motion. The motion Passed 2-0.

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

Amended Subdivision Improvements Agreement. Northstar P.U.D. Subdivision, Phase VI-B. (Tabled 7-10-18) (Applicant: Northstar Development, LLC) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner III, reported the Northstar P.U.D. Subdivision (Phases II - VI-B) was first heard by the County Commission in 2005 and received its final approval in 2013. Phase VI-B (the topic of this request) is subject to the terms and conditions of its attendant Subdivision Improvements Agreement (SIA). The Applicant requested two amendments to the SIA for Phase VI-B. The request is for the reduction and elimination of certain roadway improvements. In addition, the applicant has stated an intention to pay for all costs associated with the initial asphalt seal coating (chip sealing) of the internal road network for Phases II-VI-B of the Northstar P.U.D. Subdivision.

The applicant requested the following: eliminate three left turn lanes on N Montana Avenue, one each at Valley View Road, Star Road, and Guthrie Road; reduce the length of the required road improvements on Valley View Road from N Montana Avenue to just west of Eagle Drive; and revise the prior imposed requirement of the asphalt seal coating for Phase VI-B with a requirement to provide for the initial asphalt seal coating of the internal road network for all of Phases II through VI-B.

Staff recommended approval subject to three conditions. The applicant, its successors and assigns, shall at no cost to the County, enter into an amended SIA with the County, within 30 days of this Commission approval, that includes all requirements under the current SIA, along with those requirements as noted herein and incorporated hereby: 1 a) elimination of left turn lane requirements on N Montana Avenue at Valley View Road, Star Road, and Guthrie Road; b) reduction of the required length of improvements on Valley View Road, between N Montana Avenue

to just west of Eagle Drive, and construct the balance to the Lewis and Clark County Public Works Typical Section No. 2; c) replacement of the asphalt seal coat requirement for Phase VI-B with a requirement to provide for the asphalt seal coating of the internal road network for all of Phases II through VI-B; 2) the applicant, its successors and assigns, at no cost to the County, shall cause the asphalt seal coating of all internal road improvements of Phases II through VI-B to be made within 60 days of the aforementioned SIA approval (noted in No.1 above); 3) the preliminary approval shall be in force for not more than three calendar years as set forth in Section VI.D.10., County Subdivision Regulations. At the end of this period the County Commissioners may, at the request of the applicant, extend its approval for a mutually agreed-upon period of time. Any mutually agreed-upon extension shall be in writing, dated and signed by the members of the Commission and the applicant or applicant's agent.

Commissioner McCormick asked if the original and subsequent engineering specs for the turn lanes had been peer reviewed. Ms. Morgan stated yes, noting the County's consultant concurred the turn lanes are unwarranted.

PUBLIC COMMENT

Doug Peterson, 9037 Douglas Circle, spoke in support of the proposed amendments to the SIA.

Joe Scanlon, 5265 Collins Drive, applicant, urged the Commission to vote in support of the proposed amendments. He also complained about excessive use of Rancho Deluxe Drive by an adjacent property owner who owns a wholesale firework business and receives many deliveries.

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

Presentation by GreenPlay, L.L.C. Re: Update to County Parks and Recreation Plan. **(Planner: Lindsay A. Morgan)**

Lindsay Morgan, Planner III introduced Dylan Packebush, Project manager of Green Play, LLC from Portland, Oregon. Dylan Packebush stated they are a parks and recreation consulting firm working mostly with city, county and other public agencies. In phase I of the project a basic needs assessment was completed. In April of 2018 a public meeting was held, did some background research, physical inventory of the space and layout. Held some focus groups and gathered public opinions along the way to form a community-wide survey. The community-wide survey has been completed. Phase II is yet to be contracted and defined. Mr. Packebush stated at the beginning they look at how the community is represented.

An important number is not only the population but the annual growth rate of the city versus the county. They breakdown the overall characteristics and the description of each generation. Projections are done by a business tool that allows projections based on spending in the community. An available opportunity when bringing in an outside view point is to look at the special relationship of where the amenities lie and alternative providers such as Department of Natural Resources, Montana Fish and Wildlife, and Bureau of Land Management land. Mr. Packebush went over the charts. He presented the challenges and gave an overview for both the City and the County noting the community is looking for indoor spaces to gather, requesting interpretive signage, and people want to upgrade what they currently have.

Roger Baltz, Chief Administrative Officer, asked about the reassessment of general fund allocations. Mr. Packebush stated the people in support of Parks and Recreation would like to see a larger portion of funds allocated.

Survey results closed at the end of June 2018. There is a draft report that he would support providing to the public. Mr. Packebush gave an overview of the initial survey results. The first survey sample was about 4,000 people and was randomly sampled. The second survey called the

open-link was provided to the public. The survey included results showing the importance to the community and how the needs are met. The results show that both the City and the County are providing components that are meeting the needs of the community.

An overview of the funding questions asked to get a general idea of how the community would respond was shared. Asked if they are in support of an increase of user fees and of establishing a taxing district to help fund parks and recreation.

Mr. Packebush stated the next steps are to finalize the draft reports and develop the scope of work for Phase II., noting the main goal is how they can best help the City and County and what the two are looking for to move forward.

Commissioner Hunthausen asked about the cross jurisdiction and how issues are solved. Mr. Packebush stated the unique challenge for the county is the way the population is developing residents will be looking for city services. It would be a challenge for the city to charge a resident/non-resident fee. In the short term there could be a fee for out-of-county residents and for the long term start to pool money together. The county is growing at a faster rate than the city is able to grow because of the land and the room. Possibly a boundary could be created.

Amy Teagarden, Director of Parks and Recreation, clarified the feasibility study was done by the City-County Parks Board not the City of Helena.

Resolution 2018-59 Adopting the Final Operating Budget and Setting Appropriation Authority for the Fiscal Year Beginning July 1, 2018 and Ending June 30, 2019. (Nancy Everson)

Nancy Everson, Chief Financial Officer, presented the resolution to adopt the final operating budget and set the appropriation authority for the fiscal year 2019.

The preliminary budget presentation was a week ago with the public hearing on Tuesday, July 10, 2018. Budget includes appropriation of \$96,982,891 and estimated revenues of \$79,781,178 and using capital reserves.

Personnel and capital changes need to be approved by the Chief Administrative Office. There are provisions for amending the budget in which the Chief Administrative Officer has the authority after advising the County Commission can delegate certain amendments to the budget. The department heads and elected officials have the authority to transfer funds between their line items.

Appropriation carry overs from previous year appropriation for capital are declared authorized and projects included in fiscal year 2018 but not expended yet gives the authority to carry over that authority to this next year. Reserves have been established for specific purposes.

Because the property tax revenue is estimated and the budget is adopted prior to knowing the exact amount they authorize property tax levies to be levied at the maximum and property tax over what is appropriated in the budget goes in to reserves and can be appropriated. Staff recommends approval of the resolution.

No public comment was received.

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

Adjourn

There being no further business, the meeting adjourned at 11:02 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

