



PUBLIC MEETING

July 12, 2022
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, July 12, 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, Nicho Hash, Drenda Niemann, A.C. Rothenbuecher, Sarah Sandau, Kari DesRosier, Nancy Everson, Lindsay Morgan, Nancy Everson, John Herrin, Tom Peterson, Emily Schaff, and Brandi Spangler, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

There were no consent action items.

Contract Between Lewis and Clark Public Health and Great Divide Skiing Co, Inc. (Drenda Niemann)

Drenda Niemann, Public Health Director, presented a contract with Great Divide Skiing Co. Inc. for the annual all-staff meeting on September 13, 2022, hosting 45-50 people from 8 a.m. to 5 p.m. The challenge is finding a venue big enough to accommodate that many people where they can socially distance if needed. They have not met in person since before COVID. Staff needs an opportunity to build relationships and a chance to get out of the office to be present without office distractions. Lunch will be provided by a community partner. The contract for the venue is for \$350.00 and is due in full on November 13, 2022. Staff recommends 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.

Grant Award to Lewis and Clark County from Montana Department of Public Health and Human Services. (A.C. Rothenbuecher)

A.C. Rothenbuecher, Health Promotion Division Administrator, presented the grant award from Montana Department of Public Health and Human Services (DPHHS) for the Master Coordinated Contract for multiple chronic disease prevention programs in the amount of \$339,465. The award period is from July 1, 2022, through June 30, 2023. This grant is for programs such as the Montana Cancer Control Program, Montana Asthma Control Program, Montana Tobacco Use Prevention Program, Montana Healthy Living Program, and the Montana CONNECT Program. Broadwater, Jefferson, and Lewis and Clark Counties are served in these programs.

Sarah Sandau, Prevention Program Supervisor, gave an overview of Montana Healthy Living Program. This program encourages healthy eating habits, physical activity, and health education for families as well as reaching out to employers to encourage them to have movement challenges, water coolers, healthy eating challenges, and flex time to walk during the workday. Ms. Sandau gave an overview of the Montana CONNECT Program and explained how the program connects the community to medical programs and resources through referrals. Staff recommends approval.

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.

Grant Award between Lewis and Clark County and Montana Department of Public Health and Human Services. (A.C. Rothenbuecher)

A.C. Rothenbuecher, Health Promotion Division Administrator, presented the grant award from Montana Department of Public Health and Human Services (DPHHS) for crisis workforce supplemental funding in the amount of \$60,000. The award period is July 1, 2022, through June 30, 2023. The purpose of this grant is to enhance local public health capacity to respond and recover from COVID-19 by funding new staff positions or time. This funding is only intended to provide short term support for new staff or additional staff at local health departments. One component is resilience building and recovery support. Staff recommends 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.

Labor Agreement Between Lewis and Clark County and the Montana Federation of Public Employees. (Kari DesRosier)

Kari DesRosier, Human Resources Director, presented a labor agreement with Montana Federation of Public Employees representing employees from the Public Health Department and the County Landfill. The agreement is from July 1, 2022, through June 30, 2025. The contract period changed from a two-year period to a three-year period. With the contract is confirmation the bargaining unit would get pay increases each year as adopted by the Board of County Commissioners and approved for non-represented employees across the county. Updated pay matrix for the next fiscal year, longevity table to match the revised schedule budgeted for non-represented employees, and health plan contributions. The members have ratified the agreement and staff recommends approval.

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 Hearing. Lewis and Clark County's Preliminary Budget for Fiscal Year 2023. (Nancy Everson)

Nancy Everson, Chief Financial Officer, presented the preliminary budget for Fiscal Year (FY) 2023 noting this is a public hearing and final adoption will be on July 21, 2022. She gave an overview of the budget process that begins in March of each year. The fiscal year budget expenditures are almost \$121 million. This an 11% increase over the prior year. Revenue is around \$94 million which is a 16% increase over the FY22 budget. This is mostly from grants that have been awarded to the County; revenue from tax increases is relatively small. The general fund has \$16 million in expenditures. The general fund's net decrease in reserves is over \$3 million.

Ms. Everson noted the revenue reserves analysis. There is a 3% increase due to new growth, and a 1.77% inflationary increase. The year-end operating, and capital reserves include a county-wide reserves of 31% of budgeted expenditures; all-purpose fund reserves are 26% of budgeted expenditures; and capital reserves of \$9,663,370. Ms. Everson explained the different types of funds that make up the budget included the all-purpose (general) fund, enterprise funds, public safety fund, capital improvement funds, internal service funds and Rural Improvement District funds. The County currently has almost \$2 million in debt, which is a debt ratio of 2%, including open space bonds, the Search and Rescue Building, the Detention Center rebuild and nine funds in Rural Improvement Districts. The FY23 budget includes a 3.0% cost of living increase as well as three new personnel positions including part time Disaster and Emergency position, full time Maintenance Technician and a full time Maintenance Laborer. This budget also retains the current services and programs.

PUBLIC COMMENT:

John Herrin proposes that some full-time positions should be included in the APRA and CARES Act. In his opinion, the positions needed for full time includes EMS services and replacement of rural fire chiefs that are resigning. He believes it is a public health and safety issue so it should be included under the CARES Act. He requests attention to this issue. Mr. Herrin also suggested spending money on county roads and on a new transportation study, which was last conducted in 2014, although he was told by Greg McNally, Planner III, that the study only needs to be done every ten years.

Commissioner McCormick and Commissioner Hunthausen pointed out that all the fire districts are governed by an elected Board of Trustees and had an opportunity to request funds from the ARPA and CARES Act. The county does not determine how those organizations are ran. They come to the board with requests. St. Peter's Hospital has two remote ambulances, one at Eastgate and one West Valley, to spread out for faster response. There are plans in motion to address roadwork on Country Club Road through the Defense Access Road project that is federally funded (DAR).

Commissioner Hunthausen gave an overview of how one-time funds of ARPA and CARES Act work and explained that new positions would not be funded by one time money unless it was a position that was temporary lasting about a year.

A motion was made by Commissioner Hunthausen that the budget and public comment be taken into consideration. Commissioner Rolfe seconded the motion. The motion passed on a 3-0 vote.

Resolution 2022-51 to Adopt Amendments to the Helena Valley Zoning Regulations. (Lindsay A. Morgan)

Lindsay Morgan, Co-Interim Director/Planner III, presented Resolution 2022-51 and proposed the adoption of the amendments to Helena Valley Zoning Regulations. On May 31, 2022, the Board of

County Commissioners voted 2-1 to adopt Resolution 2022-32, a resolution of intention to adopt amendments to the Helena Valley Zoning Regulations. The amendments to these Regulations will become effective upon passage of proposed Resolution 2022-51. Amendments were for general requirements, rural development mixed-use and for planned development overlay district. Amendments to make exceptions to the ten-acre minimum and allow for higher density in certain zones. On March 3, 2022, the Board held a public meeting. On March 15, 2022, there was a work session held for the Planning Board and a public meeting followed on March 30, 2022. On May 4, 11, 18, 2022, staff hosted open houses to answer any questions and listen to suggested alternatives to the proposed amendments from interested or affected users, citizens, persons, associations, corporations and/or companies. Following the adoption of Resolution 2022-32, a 30-day written comment period was opened, as set forth in the Montana Code Annotated (MCA). The required legal notice for the written comment period, consistent with MCA, was duly provided. The written comment period ended at 11:59 p.m. on July 5, 2022. During the 30-day written comment period, a total of four letters were received. One of the letters is from a property owner in the City of Helena and three are from property owners within the Rural Residential Mixed-Use (RR) District. The request is for approval of Resolution 2022-51. Staff recommends approval.

Commissioner Rolfe asked questions regarding the ten-acre minimum and people wanting to gift a small piece of property to a family member. Ms. Morgan described the process in two different scenarios of being more than ten acres or less than ten acres. In the rural district, if the parcel is under ten acres, the owner would need to go through Plan Development to divide the land. If the parcel is more than ten acres, they can do a family transfer where they can divide it without having to go through the process of Plan Development. Nicho Hash states that in the case of estates of deceased persons, that a governing body has a chance to recommend divisions, but it is ultimately up to the court that has been petitioned.

PUBLIC COMMENT:

Tom Peterson and Emily Schaff of Priest Pass want to know if there is any consideration to wildlife in the area that could be affected by high density. They state their neighborhood perhaps didn't know this zoning was being considered. Can they get development information from the Clerk/Recorder office? Can they find the agendas and minutes online?

John Herrin handed out a packet of documentation he compiled laying out why he disagrees with the zoning regulations that are in place and amendments that are being proposed. He believes the regulations are a barrier and are extremely costly. He believes that if property is not on a state highway, that it cannot be developed. Mr. Herrin spoke of his subdivision and how much the zoning will cost him to add another access point into his subdivision. He believes this is causing economic damage. He has argued his points repeatedly. He has demanded information from the county that has not been provided to him. He believes a new transportation study is needed along with an updated growth policy. He sees the growth policy is discriminatory against rural development.

Lindsay Morgan answered questions asked during public comment. Wildlife impact is not addressed. Impacts are reviewed by subdivision regulations and can be considered during the plan review process. The development is available through the Clerk/Recorder office. Those records go through a two-step process to have that information available. Agendas are online and recorded minutes are available to listen to as some written minutes are not documented currently.

Commissioner Hunthausen went over how long the zoning discussion has been going on and noted that the county has gone above and beyond what is legally required for public notice and invitation to the public to interact.

Lindsay Morgan stated that if these amendments are not passed, it will default to the ten-acre minimum.

Due to a lawsuit that was filed previously by Mr. Herrin against Lewis and Clark County, where Commissioner Hunthausen and Commissioner McCormick were mentioned, Commissioner McCormick asked Nicho Hash, Deputy County Attorney, if there is a limit to requests of information being demanded. Nicho Hash stated that regardless of any ongoing litigation, public knowledge can still be shared with the requested.

Commissioner Hunthausen addressed some public comment that was received during the 30-day public comment period. Water rights are protected. If lots were previously developed, they remain as they are and used for the same purpose as they were intended. County does not control annexes, but the zoning is compatible with the city if the city wants to annex, it will be an easier process. The real estate market is out of the Commission's hands. The Commission does not decide housing prices. Two ways in and out of subdivisions is due to disaster preparation and preparedness so that there is a way for emergency vehicles to respond to whatever disasters may occur. Rural area is protected by volunteer fire departments. The three requirements that need to be fulfilled for higher density is fire protection, adequate roads, and adequate water which is exactly what the growth policy states. The zoning advisory panel was formed in 2020 because of public comment and citizens feeling they didn't have a chance to offer alternatives. There were twelve members who made up the committee and met for one year and came up with these amendments to the zoning. Zoning is not set in stone; it can be amended as the growth patterns change throughout the valley.

Commissioner Rolfe respects Planning department and their ability to address questions and concerns. He would like to offer eliminating the ten-acre minimum as he sees the results being arbitrary. Plan Development might be more effective overall.

A motion was made by Commissioner Rolfe to replace the ten-acre minimum with Plan Development. Commissioner Hunthausen seconded for discussion.

Nicho Hash, Deputy County Attorney, discussed a legislation decision on allowing for public comment into the second hearing. Mr. Hash advises that the amendments on the table that have gone through the process of intention, public comment period, and the resolution on the table today be decided on with no new proposals of changes without that process. The commission has a 30-day period for decision after the 30-day public comment period closes.

Commissioner Rolfe withdrew his motion to replace the ten-acre minimum with Plan Development. Commissioner Hunthausen rescinds his second on that motion.

Discussion to understand the reasons for the ten-acre minimum opened. If you want to avoid the Plan Development, develop ten or more acres. If you want to go through Plan Development, you can have less than ten acres. If there is a proposed subdivision you must meet more requirements through subdivision review.

The Board of Adjustment reviews and makes decisions on appeals and variances to the regulations. There were three applications for the Board and is in process of appointment along with finalizing bylaws.

A motion to approve was made by Commissioner Hunthausen and seconded by Commissioner Rolfe. The motion Passed on a 2-1 vote.

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

John Herrin brought up the speed study that was decided on for Canyon Ferry Road by the Montana Department of Transportation. Mr. Herrin feels like Canyon Ferry Road is an extremely safe road despite the reason why the speed study was requested. He feels that York Road is extremely hazardous and warrants a speed study to bring the speed down to 55 miles per hour. He believes York Road speed limit is 70 mph.

Adjourn

There being no further business, the meeting adjourned at 12:48 p.m.


LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Jim McCormick, Chair



Tom Rolfe, Vice Chair



Andy Hunthausen, Member

ATTEST



Amy Reeves, Clerk of the Board