



## **PUBLIC MEETING**

July 2, 2020  
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, July 2, 2020, at 9:00 AM in Commission Chambers Room 330.

### **Roll Call**

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

Commissioner Andy Hunthausen and Commissioner Jim McCormick were present. Others attending all or a portion of the meeting included Roger Baltz, Marni Bentley, Nancy Everson, Jacqueline Isaly, Peter Italiano, Charles Lane, Christian Lehnert, Calob Marquis, Jennifer McBroom, Jacki Pierson, Douglas Potter, Ronda Potter, Spencer Starke, Tyrrell Hibbard, Brad Hurd, Glenn Marx, Travis Vincent, Kevin Wright, and Nadine McCarty, Recording Secretary.

### **Pledge of Allegiance**

Everyone recited the pledge.

### **Consent Action Items**

There were no consent action items.

### **Resolution 2020-43 Establishing the Lewis and Clark County Landfill Fee Rates as Recommended by the Scratch Gravel Solid Waste District, Beginning July 2, 2020. (Jacki Pierson)**

Jacki Pierson, Landfill, presented the resolution to establish the landfill rates to begin on July 2, 2020. On June 18, 2020, Resolution of Intent 2020-37 was passed to change the Landfill fees. After legal notice, appearing in the Independent Record for two weeks no public comment was received. On April 9, 2020, the Scratch Gravel Solid Waste District Board voted to approve the following changes to Landfill fees in addition to the tipping charge: add a mattress and box springs fee of \$10 per item; add a passenger/light truck tire fee of \$5 per tire that is off the rim; add a passenger/light truck tire fee of \$10 per tire that is on the rim; add a truck tire fee of \$15 per tire that is off the rim; add a truck tire fee of \$25 per tire that is on the rim; all other landfill fees remain the same. Staff recommends approval of the resolution.

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.

### **Modification to the USDA Forest Service Capital 360 Participating Agreement. (Christian Lehnert)**

Christian Lehnert, Weed District Coordinator, presented the modification for the USDA Forest Service Capital 360 agreement that the County is currently participating in. The agreement is for an additional \$15,000 with an in kind match of \$11,443.50 and a non-cash match of \$9,870 for a total of \$36,313.50,

bringing the five-year project cost to \$220,859 and the County match of \$119,711.90. The funds are for landowners that are adjacent to the forest service lands and will be used for the herbicide costs to take care of their property. The Weed District office will guide the landowners through the process with weed management plans. Staff recommends approval of the modification to the participating agreement with USDA, Forest Service.

Mr. Lehnert gave a brief overview of the Capital 360 project and noted the Forest Service does not have adequate resources to take care of all of their property.

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 and CAP Paving, Inc. (Calob Marquis)**

Calob Marquis, Public Works Rural Improvement District Construction Coordinator, presented the contract with CAP Paving, Inc. in the amount of \$74,010.88 to overlay 2 inches of type B asphalt for 1,496 linear feet on Boston Road, and 230 linear feet on Freedom Drive. The project boundary is along Boston Road and Freedom Drive. The contract is to provide materials and labor to repair the current failing asphalt mat, raise all sewer manholes, and water valve keys. Budget authority for the project is in the Fiscal Year 2021 Ten Mile Estates Rural Improvement District fund. Work is to be completed by September 15, 2020. Staff recommends approval of the contract with CAP Paving, 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 3-0 vote.

**Contract Between Lewis and Clark County and D-C Construction. (Calob Marquis)**

Calob Marquis, Public Works Rural Improvement District Construction Coordinator, presented the contract with D-C Construction in an amount not to exceed \$21,320 to replace 400 linear feet of concrete curb and gutter and 405 linear feet of valley gutters within the Ten Mile Estates Rural Improvement District. The contract will provide materials and labor to replace failed existing curb and gutter, as well as valley gutters prior to a planned asphalt overlay. The project boundary is along Boston Road, Freedom Drive and Independence Drive. Budget authority for the project is in Fiscal Year 2021 Ten Miles Estates Rural Improvement District fund. Work is to be completed by September 15, 2020. Staff recommends approval of the contract with D-C Construction.

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 21-25-5-21-084-0 Between Lewis and Clark Public Health and Department of Public Health and Human Services. (Jacqueline Isaly)**

Jacqueline Isaly, Community Health Promotion Division Administrator, presented the task order with the Montana Department of Public Health and Human Services in the amount of \$798.19 to provide the Women Infants & Children (WIC) Farmers Market Nutrition Program. The program allows WIC participants to receive \$30 in vouchers to spend on fresh locally grown fruits and vegetables at the Farmers Market throughout the summer and is available to approximately 800 families. Last year benefits were issued to 236 individuals with just over \$5,000 worth of vouchers redeemed. The vouchers are made available at the Farmers Market in July and August. Lewis and Clark County was second in the state last year for redemption rates with the participants. The contract begins on July 1, 2020 through



June 30, 2021. Staff recommends approval of the task order with the Montana Department of Public Health and Human Services.

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.

**Contract Agreement Between Lewis and Clark Public Health and Jefferson County Health Department. (Jacqueline Isaly)**

Jacqueline Isaly, Community Health Promotion Division Administrator, presented the subcontract with Jefferson County Health Department in the amount of \$30,240 to provide the Montana Tobacco Use Prevention Program services to residents of Jefferson County. Lewis and Clark County serves as the region 3 hub for the Montana Department of Public Health and Human Services Chronic Disease Prevention contract and serves Lewis and Clark, Broadwater, Jefferson and Meagher Counties. At times by contract, Lewis and Clark Public Health Department staff would provide services directly to those neighboring communities and when funding and staffing is available in some instances would subcontract with a local health department in one of those counties to allow that community to be served directly by their public health department. The program staff will be required to: build community-level capacity for tobacco prevention work; prevent local youth from beginning a lifetime of addiction to tobacco; promote quitting among adults and young people; eliminate exposure to the hazardous effects of secondhand smoke; eliminate disparities related to tobacco use as it effects certain groups including women of childbearing age, American Indians, and low-income residents. The subcontract begins July 1, 2020 through June 30, 2021. Staff recommends approval of the subcontract with Jefferson County Health Department.

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.

**Contract Amendment No. 1 Between Lewis and Clark County and Montana Department of Environmental Quality. (Jennifer McBroom)**

Jennifer McBroom, Water Quality Protection District Supervisor, presented the contract amendment no 1 with the Montana Department of Environmental Quality (DEQ) to extend the contract end date from December 31, 2019 to September 30, 2020 and to increase the amount from \$198,000 to \$199,000. This will bring the total contract with in kind to \$331,000. Funding is from the DEQ nonpoint source program that has funded several individual projects within the contract. The project targets are for Prickly Pear Creek that include: stream bank restoration construction project that involves three landowners located south of the police academy; to monitor for sediment reduction from the stream bank restoration project; construct an informational kiosk on the restoration work; and the re-watering project. Staff recommends approval of the contract with the Montana Department of Environmental Quality.

Ms. McBroom explained nonpoint and point sources with a point source being an area where the pollution can be identified.

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.

**Repeal of the Indigent Burial Policy. (Tabled 6-23-20) (Marni Bentley)**

Marni Bentley, Finance Office, presented the repeal of the Indigent Burial Policy that was adopted by Lewis and Clark County in 2017 and noted it has been determined the policy is no longer necessary. The program has been incorporated under the Lewis and Clark Sheriff/Coroner's office and applies to all unclaimed or abandoned bodies whose residency at time of death is Lewis and Clark County. It is the responsibility of the Sheriff/Coroner's office to properly take care of unclaimed and abandoned bodies. The County met with the four funeral homes in Lewis and Clark County earlier in the week and agreed on a monthly rotation schedule between the four and a price for abandoned bodies. Contracts with each participating funeral home will be forthcoming. Staff recommends approval of the repeal of the Indigent Burial 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 3-0 vote.

**Potter Ranch Open Space Bond Level II Application. (Applicant: Prickly Pear Land Trust)**  
**(Planner: Spencer Starke)**

Spencer Starke, Planner I, presented the Potter Ranch Open Space Bond Level II application received from Prickly Pear Land Trust (PPLT) requesting \$1,037,000 from the Open Lands Bond fund. The funding is for a proposed Conservation Easement on approximately 3,122 acres of the Potter Ranch. The landowners are Douglas and Ronda Potter. The project is located 13 miles east of Helena, Montana and east of and adjacent to Spokane Creek Road. The initial level one application was submitted January 2, 2019, on March 23, 2020 PPLT submitted the level two application and the due diligence materials. They opted to go through an expedited review process. The due diligence materials were reviewed by County staff and found to meet the Open Lands Bond program requirements. On June 2, 2020, the Open Lands Citizen Advisory Committee (CAC) heard a presentation and conducted a digital site visit. On June 9, 2020, the CAC recommended approval of the project based upon the bond criteria and was not a request for the specific funding amount. The recommendation was based upon the project evaluation matrix that was reviewed and completed. Staff recommends acceptance of the CAC recommendation and open the 30-day public comment period as described in the Open Lands Program Guide. In addition, PPLT has prepared a brief presentation reviewing the details of the project.

**PUBLIC COMMENT -**

Mary Hollow, Prickly Pear Land Trust Executive Director, thanked her staff member Travis Vincent who has been working on the project for years, as well as Doug and Ronda Potter. The Potter Ranch covers most of the Spokane Hills and borders Bureau of Land Management (BLM) land, of which the Potter's hold the lease on. Ms. Hollow reviewed the criteria checkpoints focusing on working farms and ranches, fish and wildlife habitat, water resources and quality, open lands and natural areas, the value of a view shed, management growth and development. The increase in development in the area has been astronomical and these opportunities in the future will be farther and fewer between. Ms. Hollow added other considerations are wildfire mitigation; conservation easements are not necessarily a tool for providing public access, they are for protecting open space and for working ranches to continue their operations; recreation and education by permission of the landowners; future protection potential, good landowner partner. She noted they always tell landowners if their goal is to maximize every dollar possible from their land, then a conservation easement is not the right choice. In places where there are more conservation easements, those properties are of higher value due to the guarantee of being intact in the future. She added PPLT has been doing this work for about 25 years, she has been doing it for about 15 years and this is one of the best conservation easements that she has seen. The Potter's are making a significant donation. The project comes out to about \$352 per acre as compared to other bond projects that average \$1,600 to \$1,700 per acre. She thanked Lewis and Clark County for the consideration of the proposal.

Douglas Potter, 6192 Matt Staff Road, Landowner, stated he has lived on the property his entire life. His parents and grandparents purchased the land. He has been thinking of an easement for some time. If approved this is something that will be on this land forever. The decisions that go along are difficult and the experience of PPLT has helped them a lot. He noted the Spokane Hills area faces south and west and is dry. If multiple homes were allowed it would affect the aquifer of the east valley and one of the things that drove him to the decision, along with the family history. His family continued to expand their ownership to make a better life for their family. They believe in the presented proposal and the property should be kept in one piece in perpetuity.

Tyrrell Hibbard, County resident and rancher, stated he is in support of the proposal. The project is important for its high visibility in the Helena Valley and the landscape inherent in the project is critical to the character of the community. Most important to him is it is a working ranch. Conserving our agriculture lands is more important than ever as they have value to the economy, the history and culture, the way of life, food security and especially this size and location are critical piece of a functional ecosystem. The conservation easements are a great tool for those that choose to conserve their conservation values rather than consume them through development. He added his family crafted a conservation easement on their ranch about 14 years ago and noted the complexity of the process and the concept of perpetuity, the rights you are surrendering and ramifications on future generations. He supports the project as proposed and noted the everlasting benefit this will have for the community is something to be proud of.

Glenn Marx, Montana Association of Land Trusts, stated four counties in Montana have established county open land bond programs that includes Gallatin, Ravalli, Missoula, and Lewis and Clark Counties. Of the four counties, two passed new bonds in 2018 with Bozeman passing a \$20 million levy and Missoula County passed a \$15 million bond. The size of the Potter Ranch and the project is about three times the size of the largest open land bond funded project in Ravalli County. The Gallatin County land trust website lists several projects funded by open land bonds and they would not add up to the acreage being discussed today. Missoula County has one project larger than this project with Lewis and Clark County having one larger project. The Potter Ranch project is the approximate total of ten previous projects approved in Lewis and Clark County. There will not be many opportunities for the County to help conserve this amount of farm and ranch land. In the County we want population and economic growth, but as that occurs this program was created knowing there would be economic growth. The Potter's have gone about this the right way in all aspects and are committed to the project. There is a lot of talk about food security, distribution and supply. Local producers will be better prepared for whatever happens next in the COVID world. He added polling suggests that about 85% of Montanans self-identify as a conservationist, about 75% support land and water conservation fund. Any project that can conserve 3,100 acres of food production ground this close to a state capitol is a highly valuable commodity. He is in support of the project.

Sarah Christopherson, Open Lands CAC Chair, stated the CAC unanimously made the decision to recommend the project.

Mr. Marks made a correction on the Gallatin County numbers were probably smaller than this project size, but in the past one project was approved substantially larger than this project.

Commissioner Good Geise asked about the balance of the Open Lands Bond Program and Peter Italiano, Community Development and Planning Director, stated the bond program has an available balance of about \$4.3 million.

Charles Lane, Deputy County Attorney, explained the process for today and the correct possible motions to approve and begin the 30-day comment period or reject the application with discussion on the reasons why.

A motion was made by Commissioner Hunthausen to accept the CAC recommendation, open a 30-day comment period, and consider the obligation of \$1,037,000. Commissioner McCormick.



The Commissioners discussed the value of the project, the commendable desire to conserve for the heritage, and the very informational explanation of the complex process.

Commissioner Good Geise stated there is a motion and a second, there has been some discussion. The motion Passed on a 3-0 vote.

**Resolution 2020-44 Relating To Open Space General Obligation Refunding Bonds, Series 2020; Determining the Form and Details, Authorizing the Execution and Delivery and Levying Taxes for the Payment Thereof. (Nancy Everson)**

Nancy Everson, Chief Financial Officer, presented the final resolution for the refunding of the 2010 Open Space Bonds. A resolution authorizing to move forward on the refinancing of the bonds was adopted. On June 30, 2020, the bonds were sold with a savings of about \$200,000 for the remainder of the 10-year term. The resolution authorizes the form and detail of the execution and delivery and authorizes the County Commission to levy the taxes to make the debt service payments on the bond. There are several other closing documents to be signed over the next few days. This will be the final public action on the Open Space Bonds. Staff recommends approval of the resolution.

Ms. Everson stated if the Potter Ranch project goes through that will mean the Commission will be authorizing the issuance of the remaining \$3 million in authority. That will expend the full \$10 million in voter authorization and the Commission will need to decide if they want to ask the voters for another authorization to move forward.

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.

**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 10:40 am.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Susan Good Geise, Chair

  
Andy Hunthausen, Vice Chair

  
Jim McCormick, Member

ATTEST:

  
Amy Reeves, Clerk of the Board