



PUBLIC MEETING

July 24, 2018
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, July 24, 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 and Commissioner Susan Good Geise were present. Others attending all or a portion of the meeting included Roger Baltz, Brent Colbert, Nancy Everson, Nicho Hash, Peter Italiano, Dan Karlin, Charles Lane, Jennifer McBroom, Lindsay Morgan, Audra Zacherl, Travis Stanley, Nadine Woolsworth, Rachel Catron, Mary Mattfeldt, Harold Begger, Joyce Evans, Jeannene Maas, John Riley, Steven O'Brien, Val Jaffe, Spencer Wood, Trevor Johnson, John-Michael Nepote, Jeremy Peake, Bob Utick and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Notification by Chief Administrative Officer to Commissioners of Intention to Approve Budget Amendments/Transfers for Fiscal Year 2018. (Roger Baltz)

Roger Baltz reported on the consent action item 2 a and recommended approval.

No public comment was received.

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

Resolution 2018-65 Lewis and Clark County Resolution. (Reese Martin)

Roger Baltz, Chief Administrative Officer recommended that the Commission table the item to Thursday, July 26, 2018 after any available public comment is received. He would like to specify in the title that it is for the 2 mil levy for the flooding.

No public comment was received.

A motion was made by Commission Jim McCormick to table the item to July 26, 2018 and seconded by Susan Good Geise. The motion Passed 3-0 vote.

Agreement Between Lewis and Clark County and Axon Enterprises, Inc. (Brent Colbert)

Brent Colbert, Sheriff's Office, presented the agreement with Axon Enterprises in the amount of \$106,375 for 34 tasers to the Sheriff's Office and includes replacement, maintenance, cartridges and all necessary equipment to operate the tasers. The agreement is for 5 years, beginning July 2018 with the final payment to be made in July of 2022. They provide full warranty. The annual payment is \$21,275. Staff recommends approval of the agreement.

The Sheriff's Office has used Axon Enterprises since 2003. The tasers are a safer way to bring down the level of force. This agreement would allow every patrol officer to have a taser assigned to them by the Sheriff's Office. He understands at the end of the five years new tasers would be supplied with a new contract.

No public comment was received.

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

Grant Award to Lewis and Clark County from FEMA. (Dan Karlin)

Dan Karlin, County Engineer, presented the grant award from FEMA for the Hazard Mitigation Grant Program, known as the Trap Club Project. Part of the project was to have a hydrologic and hydraulic study (H&H) performed. The resulting H&H model indicated that in order to achieve the intended flood mitigation of the original project, an additional change in scope was necessary. The change in scope will include ditch grading along the south side of Sierra Road, east of North Montana and along the east side of North Montana. In addition to the grading, the culverts along the same area will be substantially upsized to handle the anticipated flood waters. This approach is expected to alleviate flooding to residence north of Sierra Road as originally intended and benefit Rossiter School by keeping flood flows in the ditch.

Total cost of the additional work is \$1,387,552, which includes the 25% County match of \$346,888. This award is for \$1,040,664 for a total grant from FEMA of \$1,587,109, which includes the original scope, and both scope expansions. Combined with the County match the complete project cost is \$2,116,145. Staff recommends approval of the grant award.

Mr. Karlin noted the pursuit of this grant has been going on for seven years, starting immediately after the 2011 flood. County has been working exceptionally hard to address the flooding in the valley and this grant is a critical part of the long-term plan. An extension to May of 2019 was received with work to begin in the fall.

Commissioner McCormick asked if the grant addresses both sheet flooding surface water and the groundwater. Mr. Karlin stated the specific use for the grant is to address the surface flow and could possibly have some effect on the ground water.

PUBLIC COMMENT -

Jeannene Maas, 770 Sewell Road and a member of the Valley Flood Committee, stated she is here in favor of the grant as they have been working on it a long time.

Harold Begger, 790 Sewell, Chair of the Valley Flood Committee, asked that the grant be approved. This has been a project they have worked to get people in the community to understand everyone needs to take care of their property.

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

Amendment No. One to Task Order No. One (1) Between Lewis and Clark County and RESPEC. (Dan Karlin)

Dan Karlin, County Engineer, presented Amendment No. 1 to the Task Order No. 1 with RESPEC. On August 11, 2016 Task Order No. 1 was signed for performing a detailed hydrologic and hydraulic (H&H) study of Tenmile Creek overflow and Silver Creek flooding in the Helena Valley, in addition to the formalization of a historic gravel pit into a flood detention facility on the property of the Helena Gun Club. Other drainage improvements associated with the project included two new culvert installations and grading of roadway ditches to improve conveyance.

Results of the H&H model determined that in order to achieve the intended flood mitigation of the project an additional change in scope would need to be requested from FEMA. That request was approved on July 2, 2018. The contract amendment is the direct result of the approval of the change in scope. The additional work will be to design the improvements outlined in the change in scope recently approved by FEMA. The work will include additional hydraulic modeling to incorporate the new culverts into the existing model, topographic survey, design of nine new culverts along the south side of Sierra Road, design of a new culvert under North Montana at Forestvale Road, ditch grading, appropriate permits applications, attendance to public meetings, and additional construction management.

This amendment is for \$121,053.70, 9.5% of the estimated cost of the additional infrastructure improvements bringing a total contract amount to \$327,948.70. Total cost of this project is \$2,116,145 with 75% funding through the Federal Emergency Management Agency Hazard Mitigation Grants Program with a 25% County match of \$529,036. The Valley Flood RID will contribute \$346,888 of the County's match. Staff recommends approval of the Amendment No.1 to Task Order No. 1 with RESPEC.

Mr. Karlin stated the original contract was for the H&H study with the end result a model and gave an overview of the steps to be taken after receiving the model. FEMA is also getting close to using the model for permitting as well. The model is an excellent tool to be used for years for flood mitigation but not prevention.

Mr. Karlin stated the public can view the H&H study on the Lewis and Clark County website under the Community Development and Planning, Flood Information, Valley Flood Committee 2017 H&H study link.

Commissioner Good Geise asked Eric Griffin, Director of Public Works about the permission received from the Trap Club. Mr. Griffin stated they met with the Trap Club for many years. The Helena School District donated their easement that will take away from parking in front of the school.

No public comment was received.

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

Contract Between Lewis and Clark County and Monture Creek Land Management, Inc. (Audra Zacherl)

Audra Zacherl, Assistant Director of Public Works, presented the contract with Monture Creek Land Management for noxious weed spraying in the Anderson, McQuithy and Bridge Creek areas for a cost not to exceed \$41,700 with work to be completed by October 1, 2018.

In the Anderson area, 86 acres will be treated with the focus on Spotted Knapweed and Houndstongue. The McQuithy area, 81 acres will be treated also targeting Spotted Knapweed and Houndstongue and in the Bridge Creek area 201 acres will be treated for Spotted Knapweed only. Exact areas and borders will be provided to Monture Creek in a GIS shapefile.

The contract is for time and materials for a total sum not to exceed \$3,950 for the Anderson area; \$3,650 for the McQuithy area and \$34,100 for the Bridge Creek area. Funding is through an agreement with the USDA, Forest Service, Helena-Lewis and Clark National Forest for the Capital 360 Cooperative Landscape Weed Management project. The purpose of Capital 360 is to meet three goals of the National Cohesive Wildland Fire Management Strategy: resilient landscapes; fire adapted communities; and safe and effective wildfire response. Noxious weed management is outlined as one of the objectives within the Capital 360 planning area, a jurisdictional mix of private, city, county, state, and federal lands. Staff recommends approval of the contract with Monture Creek Land Management.

No public comment was received.

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

Contract Between Lewis and Clark County and Robert Peccia and Associates, Inc. (Audra Zacherl)

Audra Zacherl, Public Works Assistant Director, presented the contract with Robert Peccia & Associates, Inc. (RPA) for professional engineering services needed for a road rehabilitation project on the lower portion of Colorado Gulch. This segment is a hard-surface double-shot chipped road that has aged and deteriorated and is reaching its surface life expectancy. The project will begin approximately 200-250 feet south of Highway 12 and extend approximately 1,430 feet south. RPA will complete all surveys and necessary plans, specifications, estimates and contract documents as well as assist the County with bid advertisement and project administration during construction.

This project will be bid in December 2018 for spring 2019 construction and is funded through the Colorado Gulch Road Improvement District (RID). Compensation for the contract with RPA is for time and materials in an amount not to exceed \$43,417. Staff recommends approval of the Contract Task Order No. 2 with Robert Peccia & Associates, Inc. with completion date of June 2019.

No public comment was received.

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

Contract Between Lewis and Clark County and RESPEC. (Jennifer McBroom)

Jennifer McBroom, Water Quality Protection District Outreach and Watershed Coordinator, presented the contract with RESPEC in the amount of \$48,500 for a mine reclamation planning project in the Grizzly Gulch drainage. The contract begins July 2018 through July 1, 2019.

The project background is surface placer mining in the former Pretty Girl Placer mine has disconnected Grizzly Gulch and replaced a flood plain with a pit that collects sediment laden runoff. Grizzly Gulch Drive was moved in 2003 creating an additional culvert and increasing sedimentation.

The proposed project is to conduct a site assessment and develop a plan to reclaim the water resource. The project includes analyzing reclamation alternatives for the pit to restore the aquifer and the reconnection of Grizzly Creek. The grant funding will also be used to develop a reclamation design to support preparation of reclamation and development project grant through DNRC for the 2021 biennium. Staff recommends approval of the contract with RESPEC.

Ms. McBroom noted the end goal is to restore Grizzly Creek. This is step one, the planning phase, of the project. RESPEC will select an alternative, write a grant and go in front of the Legislature in 2021 to get funding for the project.

No public comment was received.

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

Contract Between Lewis and Clark County and Eagle Ambulance Service, Inc. (Charles Lane)

Charles Lane, Deputy County Attorney, on behalf of the Sheriff's department presented the contract between the Sheriff's Department and Eagle Ambulance Service Inc. for blood draw services performed related to criminal investigations of driving under the influence. Previously the blood draws were done at the hospital. For the safety of the hospital personnel they are moving the blood draw to the Law Enforcement Center.

No public comment was received.

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

Creation of Boundaries for Proposed Special Zoning District No. 50. (Tabled 6-26-18) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner III, presented the proposed Special Zoning District No. 50, a citizen initiated zoning district located south of and adjacent to Tea Road and east of and adjacent to Ferry Drive.

The minimum lot size for creating a district is 40 acres and a petition from a minimum of 60 percent of the landowners. Step 2 is the adoption of the plan and step 3 is the adoption of the regulations for the district. If the district is created, a 30 day protest period will begin. If landowners protest to create the district, the district will not be established. If proposed district is not protested out the Commission will consider adopting a resolution to create the boundary for this district.

Two letters were received in favor of creating the district and another handed out prior to this presentation.

Ms. Morgan stated a petition was received from 78 percent of the property owners within the boundaries.

PUBLIC COMMENT -

Valerie Jaffe, 2623 Tea Road, stated the letter she presented this morning is in support of the district. Their acute awareness of current environmental conditions in the neighborhood and the lack of protection for the depleting ground water resources make the zoning initiate a critical step in the right direction. The development is certainly cyclical, but the increase in traffic, lights and noise has overwhelmed the environment. The development taxes their ground water supply and capacity for recharge. There are several folks that cannot attend the public meetings. Please allow us to protect ourselves.

Mike Copenhavor, 2723 Tea Road expressed his concerns about the water in the area and the availability. He has not watered his lawn for the last five years. He had his well inspected and was told he has no static water level at the time. He has been filling the bathtub in the morning and using that water to flush toilets until the bathroom became too moldy from the humidity. A great deal of money has been spent already and hasn't been successful.

Commissioner McCormick encouraged people to read the Lewis and Clark County Growth Policy Update 2015 and referenced the section on water availability.

Commissioner Good Geise requested of planning staff to meet with the Department of Natural Resources & Conservation and to fully review and analyze the findings for the next step.

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

Resolution 2018-60 Levying and Assessing a Tax Upon Benefited Property within the 46 Degrees North Rural Improvement District No. 2017-1. (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner III presented the resolution to levy and assess a special assessment of \$175.15 annually per benefited property within the 46 Degrees North Rural Improvement District located east of and adjacent to North Montana Avenue, west of and adjacent to I-15 and south of Beaverhead Road. Legal notice of the public hearing was published and mailed to all property owners within the District and as of July 16, 2018, no written comments had been received. Staff recommends approval of the resolution.

No public comment was received.

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

Resolution 2018-61 Levying and Assessing a Tax Upon Benefited Property within the 46 Degrees North Fire System Rural Improvement District No. 2017-2. (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner III, presented the resolution to levy and assess a special assessment of \$25.20 annually per benefited property within the 46 Degrees North Fire System Rural Improvement District for maintenance of the fire protection system. Legal notice of the public hearing was published and mailed to all property owners within the District and as of July 16, 2018, no written comments had been received. Staff recommends approval of the resolution.

Commissioner McCormick stated this subdivision is in the West Valley Fire Protection District.

Ms. Morgan stated the fire protection system is being financially guaranteed.

No public comment was received.

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

Resolution 2018-62 Levying and Assessing a Tax Upon Benefited Property within the 46 Degrees North Parks Rural Improvement District No. 2017-3. (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner III, presented the resolution to levy and assess a special assessment of \$38.83 annually per benefited property of 46 Degrees North Parks Rural Improvement District. Legal notice of the public hearing was published and mailed to all property owners within the District and as of July 16, 2018, not written comment had been received.

Ms. Morgan stated the park property in Phase I is located in the middle of everything with the only access through a trail network. This was something the developers were interested in having a park with only trail access. The Parks Board recommended denial of the proposal, but the County Commission approved. They will also propose another park in Phase II.

No public comment was received.

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

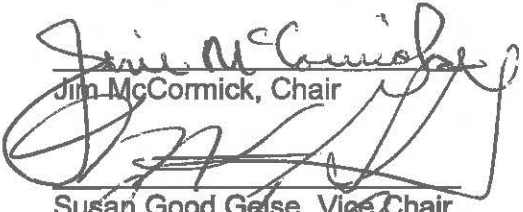
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.

Commissioner Hunthausen recognized two members of the Montana Conservation Corps., in attendance were Spencer Wood and Travis Stanley of Roanoke, VA.

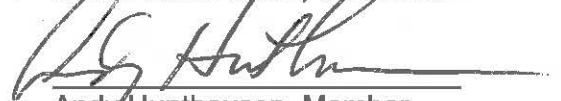
Adjourn

There being no further business, the meeting adjourned at 10:43 am.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Jim McCormick, Chair

Susan Good Gelse, Vice Chair


Andy Hunthausen, Member

ATTEST:


Paulette DeHart, Clerk of the Board