



PUBLIC MEETING

July 9, 2019
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, July 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 Susan Good Geise and Commissioner Andy Hunthausen were present. Others attending all or a portion of the meeting included Roger Baltz, Nancy Everson, Nicho Hash, Peter Italiano, Dan Karlin, Reese Martin, Sam Neill, Spencer Starke, Jake Ganieany, Tyler Manning, Brad McBratney, Lois Olsen, Brian Coplin, Ken Frost, Lynda Grady, Kevin Wright, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Resolution 2019-62 Declaring County Property Surplus Property. (Amy Reeves)

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 Good Geise and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

Bid Opening. FLAP Resurfacing Project. (Dan Karlin)

Dan Karlin, County Engineer, presented the bid opening. One bid was received. The bid is from Helena Sand & Gravel, Inc. from Helena, Montana for a total base bid amount of \$494,581 with an additive alternate bid price of \$112,365.

Mr. Karlin gave an overview of the Federal Lands Access Program (FLAP) and the project that began in 2016 includes resurfacing Rimini Road, Gates of the Mountains Road, and York Road from the York Bridge past York to the end of the pavement on Trout Creek Road.

A motion was made by Commissioner Hunthausen for staff to take the bid under advisement and make a recommendation to the Commission on July 11, 2019. The motion was seconded by Commissioner Good Geise. The motion Passed on a 3-0 vote.

Contract Between Lewis and Clark County and Gruber Excavating, Inc. (Dan Karlin)

Dan Karlin, County Engineer, presented the contract with Gruber Excavating, Inc. for road maintenance work in the Sunny Vista Rural Improvement District (RID). The project includes adding road mix, blading, compacting, applying mag chloride, pulling ditches, installing a culvert, installing signage, and drainage improvement on various roads within the RID. Compensation will be time and materials in an amount not to exceed \$28,967 funded from the Sunny Vista RID with work to be completed by August 30, 2019. Staff recommends approval of the contract with Gruber Excavating, Inc.

Mr. Karlin gave a brief overview of RID funding and explained this contract dollar amount exceeds the threshold for a direct contract through state law.

No public comment was received.

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

Grant Application Letter of Support to Federal Emergency Management Agency. (Reese Martin)

Reese Martin, Disaster & Emergency Services Coordinator, presented the grant application support letter to the Federal Emergency Management Agency (FEMA) in support of the FEMA Post Fire Hazardous Mitigation Grant Program (HMGP). It has been determined that Tri-County FireSafe Working Group does not qualify as a nonprofit with an actual facility. Lewis and Clark County would need to be the sub-recipient of the grant and would administer and coordinate the grant under the current contract with Tri-County FireSafe Working Group. Staff recommends approval to submit the funding commitment letter to FEMA.

Ray Prill, Executive Director of Tri-County FireSafe Working Group, gave an extensive overview of the grant application process that will be in two phases. Phase I being public outreach and identification of potential residences and locations and Phase II would be implementation of what is proposed in Phase I. He added the funds are specifically for post wildfire mitigation work related to the 2017 fires and noted that FEMA prefers the grant go through a local government. Mr. Prill stated the federal funding is \$980,000 and a match requirement of \$340,000 with majority of the match coming from the recipients who receive funding for work on their property.

Mr. Prill explained the reason for the project in the south hills of Helena, noting that Helena is by its own decree a wildland urban interface and the ongoing concern. He gave an overview of the most critical area to take on first to include the hospital and nursing homes.

Commissioner McCormick asked about the benefits of the grant to the broader county and Mr. Prill noted a devastating fire to the south side of Helena would affect the entire county; part of the work is outside of the city limits, and the Community Wildfire Protection Plan.

Mr. Martin stated this grant program was originally a pilot program and he has been informed by the state DES this will now be an annual program and will benefit the county in the possibility of pre-disaster mitigation grants.

Mr. Prill noted included in the grant is a fulltime project manager position. The County time and efforts put into the project will have to be tracked to be shown as in-kind match.

Jake Ganieany, Response Recovery Mitigation Bureau Chief and the State Hazard Mitigation Officer, stated a lot of time has been spent on this project application. He noted pre-disaster mitigation works and saves millions of dollars' worth of property.

No public comment was received.

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

Funding Commitment Letter Between Lewis and Clark and the Federal Emergency Management Agency. (Dan Karlin)

Dan Karlin, County Engineer, presented the funding commitment letter to the Federal Emergency Management Agency (FEMA) for the increase in the Trap Club Mitigation Project match amount. The County submitted a cost overrun budget amendment request to FEMA on July 1, 2019 as a result of construction bids exceeding available funding. The actual additional budget increase is a total of \$380,974.58. FEMA requires a minimum of a 25% local match of funds or in-kind services and the County match portion on the additional work would be \$95,243.65 with FEMA contributing \$285,730.93. If FEMA approves the change amendment, the total grant, including the original project and proposed change would be \$2,497,119.27. Public Works anticipates the additional match would be funded out of the Flood Mitigation Rural Improvement District. The funding commitment letter obligates Lewis and Clark County to supply the local match for the change in scope. If successful, the total County commitment amount would be \$624,279.82 of which \$529,036.17 has been previously obligated. Staff recommends approval to submit the funding commitment letter to FEMA.

No public comment was received.

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

Agreement Between Lewis and Clark County and Eastgate Water and Sewer Association and Hamlin Family Revocable Living Trust. (Dan Karlin)

Dan Karlin, County Engineer, presented the agreement with Eastgate Village Water and Sewer Association and Hamlin Family Revocable Living Trust for the County to modify an irrigation pipe to accommodate the Lake Helena and Lewis Street intersection drainage project. In late April of 2019 Public Works staff and the consultant Morrison-Maierle (MMI) met with the Eastgate Village Water and Sewer District for a walkthrough and plan review of the project at which time a 24-inch concrete irrigation pipe was mentioned as something to look into. The pipe runs east and west under Lake Helena Drive fairly close to the intersection and was not marked during the utility location process.

Investigations by staff and MMI established that the pipe was in conflict with the proposed improvements. Staff discussed options with Eastgate Village Water and Sewer District and the Hamlin Family Revocable Living Trust. Subsequently, staff and MMI met with representatives of the Department of Natural Resources, who has purview over water rights. Of the multiple options considered to resolve the conflict, the most cost-effective and least impact to both the project and the irrigation pipe was to install a siphon in the irrigation pipe. The agreement will allow Lewis and Clark County to modify the irrigation pipe to accommodate the project, the County will then monitor and correct deficiencies to the siphon if any arise, and the agreement will be nullified if the County removes the storm drain and restores the irrigation facility to its original configuration. Staff recommends approval of the agreement with the Eastgate Village Water and Sewer District and Hamlin Family Revocable Living Trust.

No public comment was received.

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

Amendment No. 2 to Task Order No. 1 Between Lewis and Clark County and Morrison Maierle, Inc. (Dan Karlin)

Dan Karlin, County Engineer, presented amendment No. 2 to the task order No. 1 with Morrison Maierle, Inc. (MMI) at a cost not to exceed \$6,735 for additional meetings, engineering, and the necessary inspection to ensure correct installation of the siphon. If approved the total contract cost

with MMI would amount to \$54,837. Staff recommends approval of amendment No. 2 to the task order No. 1 with Morrison Maierle, Inc.

Commissioner Good Geise asked how this occurred and Mr. Karlin explained part of the project design process is to contact utility companies in order to mark and design around the utilities, which did occur. However, during a meeting with Eastgate Water and Sewer an irrigation pipe was casually mentioned and was found to be in that location. It would not have been marked as it is not a utility. Mr. Karlin stated it was determined this unforeseen conflict needed to be resolved prior to construction and he explained the details of what would be done.

No public comment was received.

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

Resolution 2019-63 Adopting the Final Operating Budget and Setting Appropriation Authority for the Fiscal Year Beginning July 1, 2019 and Ending June 30, 2020. (Nancy Everson)

Nancy Everson, Chief Financial Officer, presented the resolution adopting the final operating Fiscal Year 2020 budget that authorizes appropriations to defray expenses or liabilities for the fiscal year and establishes legal spending limits at the level of detail in the resolution. The Commission held a public hearing on July 2, 2019, reviewed the proposed budget, and have met with department heads in budget work sessions. Ms. Everson added the spending limits are established at the fund level per statute and she explained certain exceptions. She added the Commission delegates two department heads the ability to transfer within their department budgets between line items for operational efficiency. The resolution also authorizes appropriation carryovers and it declares reserves established for specific purposes available appropriations if necessary. Because the budget is adopted prior to knowing the property tax revenue number the resolution establishes that property tax revenue in excess of what is budgeted is available for appropriation in the following year. The final amount of the FY20 budget is \$101,908,983.00 with revenues of \$78,704,000. Staff recommends approval of the resolution.

Ms. Everson noted the completed final approved budget document will be available online in September and at this time Attachment A to the resolution is on the website.

No public comment was received.

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

Proposed Buildings for Lease or Rent Sun River Rental RV Storage. (Tabled 6-14-19) (Applicant: Bradley McBratney) (Planner: Spencer Starke)

Spencer Starke, Planner I, presented the proposed Buildings for Lease or Rent (BLR) application known as Sun River Rental RV & Storage located in Gilman south of and adjacent to Gilman Main Street, east of and adjacent to Highway 287. The proposal includes a single structure to contain six units for RV storage. The structure is 40 feet wide by 96 feet long and 16 feet tall. During staff analysis it became known the original Department of Environmental Quality (DEQ) approval was for a single residential use and staff recommends the Applicant re-review through DEQ and part of that review stormwater mitigation will be addressed. Staff recommends conditional approval.

Brad McBratney, Augusta Area, stated he has completed the noxious weed plan and paid the fees, paid the addressing application fees and will make an appointment to meet with the addressing coordinator, has had conversations with Mr. Preskar regarding the DEQ reviews and noted he is good with the staff recommendations.

Commissioner Good Geise reviewed the findings of fact and conclusions of law. The findings and conclusions of law for the impacts on physical environment & human population found the proposed BLR would comply with BLR regulations and other applicable regulations with the adoption of conditions of approval 1, 2, 3, and 4. The supplemental findings are the area is not zoned, Weed District commented, the City Address Coordinator commented, ground disturbance will be greater than one acre requiring additional DEQ permitting and will increase impervious surface on the property. The findings and conclusions of law on water, wastewater & solid are the BLR application does not contemplate the use of water, wastewater or solid waste facilities and is exempt from BLR regulation. The existing DEQ approval will be re-reviewed. Notwithstanding the proposed lack of these facilities, the application is inconsistent with the existing and previously issued DEQ permit. The finding on access is there is no change to the existing approach with the conclusion of law that adequate access is available. The finding on emergency services is no comment was received and the conclusion of law is the proposed BLR would be served by the Lewis and Clark County Sheriff and Augusta Emergency Medical Services. The finding on floodplain is the proposed BLR is not in the floodplain and the conclusion of law is it complies with applicable floodplain regulations. Agency comments were solicited and no public comment received. Adjacent property owners were sent a courtesy notice with a call from an adjacent property owner notifying staff the proposed building had already been constructed but did not seem to be problematic. No other comments were received.

Commissioner Good Geise stated the six conditions of approval have been accepted by the Applicant.

No public comment was received.

A motion was made by Commissioner Good Geise to adopt the findings of fact and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

A motion was made by Commissioner Good Geise that after reviewing the adopted findings of fact, to adopt the conclusions of law. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

A motion was made by Commissioner Good Geise that the conditions of approval as articulated be adopted and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

A motion was made by Commissioner Good Geise to approve the Buildings for Lease or Rent as outlined and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

Resolution 2019-60. A Resolution of Intention to Alter the Boundaries of the Tri-Lakes Fire Service Area to Annex Adjacent Water Bodies. (Sam Neill)

Sam Neill, Planner I, presented the resolution of intention to alter the boundaries of the Tri-Lakes Fire Service Area (FSA) to annex adjacent water bodies. The Chief of the Tri-Lakes FSA desires to annex certain adjacent water bodies into the Tri-Lakes FSA due to their closer proximity to the area. The proposal is intended to shorten response times the area. Currently Lewis and Clark County Fire Service Area has jurisdiction over fire protection on the water bodies and both Fire Chiefs are in favor of the boundary alteration. The water bodies include Lake Helena, Hauser Lake and a portion of the Missouri River below the Hauser Lake Dam. The annexation area is owned and/or managed by NorthWestern Energy and the Department of Natural Resources of which both agencies have submitted letters of approval. Water bodies are not assessed for fire protection.

Notice of the public hearing was published twice in the Independent Record. If the resolution of intention is approved there will be a minimum of 30 days and a maximum of 30 days before the public hearing for the resolution to create the boundary alteration can be heard. Staff recommends approval of the resolution.

No public comment was received.

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

Resolution 2019-61. A Resolution to Alter the Boundaries of the Birdseye Rural Fire District to Annex Adjacent Land. (Sam Neill)

Sam Neill, Planner I, presented the resolution to alter the boundaries of the Birdseye Rural Fire District to annex adjacent land. The Birdseye Fire District requested to annex certain adjacent lands into their District from Lewis and Clark County Fire Service Area (FSA). The request was approved by the Birdseye Fire District Board of Trustees on March 12, 2019. The request stems from the proximity of the Birdseye Fire Hall to the properties. The properties are located along Skelly Gulch Road and adjacent to the Birdseye Fire District boundary line. At the time 52% of the taxable property owners were in favor of this proposal. Since then, the total approval has reached 54%. Both Fire Chiefs are in favor of the boundary alteration. Property owners have been made aware of the change in fire assessment rates that will show on their property tax bill. Staff recommends approval of the resolution.

Ms. Neill noted there was no opposition received.

PUBLIC COMMENT -

Linda Grady, Trustee of Birdseye Rural Fire District, stated they will be able to provide good service. She read a statement from the Fire Chief informing the Commission that they have 3 brush trucks, 2 tenders, 1 command rig and 1 fire engine plus breathing apparatus for each fire fighter. They have updated bunker gear. Out of the 18 volunteers, 4 are aircraft fire certified responders and 4 are EMTs plus 2 are EMRs.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Hunthausen. 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 10:25 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