



## **PUBLIC MEETING**

August 16, 2022

### **MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, August 16, 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, Charles Lane, Kevin Wright, Jessica Makus, Kellie McBride, Carrie Lutkehus, Ann McCauley, Jenny Chambers, Bob Kinyon, Margaret Virag, Casey Hayes, Emily McVey, Carrie Gardner, Jean Riley, Susan and Marty Welch, Anthony D'Amato, Derek Brown, Mark Prichard, and Brandi Spangler Recording Secretary.

### **Pledge of Allegiance**

Everyone recited the pledge.

### **Consent Action Items**

- a. Public Meeting Minutes for November 10, 2020; May 26, June 30, July 12, 14, 2022. (Brandi Spangler)
- b. Equitable Sharing Agreement and Certification. (Tammy Potter)

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

### **Contract Between Lewis and Clark County Sheriff's Office and the Bureau of Reclamation. (Kevin Wright)**

Kevin Wright, Special Operations Captain, presented a contract with the Bureau of Reclamation in the amount of \$215,565.56 beginning June 6, 2022 through April 30, 2027. The contract is for 72 Canyon Ferry Law Enforcement Patrols. It is an ongoing contract that has been in place since the early 2000's. Provides a Deputy Sheriff and uniformed patrol. Citizens have the deputy assigned to them who they can rely on and build important relationships.

Commissioner Rolfe asked how this relates to the partnership with Matt's Gulch Fire. Mr. Wright confirmed the partnership in that fire once it went over the hill toward Canyon Ferry.

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.

**Resolution 2022-77 to Levy and Assess the York Rural Improvement District. (Tabled 8-11-22)**  
**(Jessica Makus)**

Jessica Makus, Special Districts Coordinator, presented Resolution 2022-77 to levy and assess the York Rural Improvement District No. 2006 -1 that was tabled from August 11, 2022. The assessment is for \$200 per property per year. This RID was County initiated in 2006. With the RID in place, the County was able to secure a Western Federal Lands Highway Division (WFL) grant and funds for paving project with the County required match of \$32,000. In 2012, the rate was lowered to \$50 and it has remained the same since. At the time, the community was given 3 different options and they chose the lowest option with knowledge that it would need be increased in approximately 10 years. In 2019, chip seal and fog seal projects were completed and the RID would have been short for the entire project. The project was funded by a grant from the Federal Lands Access Project (FLAP), with the County required match of \$32,240. Maintenance includes patching, chip sealing, crack sealing, snowplowing and sanding, culvert maintenance, and whatever maintenance is required to preserve York Road. To date, the RID has never been charged for this maintenance but has been charged for paint striping since 2015. The paint striping is \$5,670 per year on average. The paint striping was a public safety necessity. The next chip seal is scheduled for 2028, projected being \$90,000 short. There are 90 benefiting properties. Legal notice was sent out to property owners and published in the Independent Record. As of August 10, 2022, no written testimony was received. Staff recommends approval.

Ms. Makus answered questions that Commissioner McCormick asked last week when this topic was tabled. Each RID is unique and detailed. Maintenance includes patching, surface treatment, culvert maintenance, sweeping, snowplowing and any other maintenance and repair necessary to preserve York Rd. Public Works staff, Construction Specialists and County Engineer reviewed the resolution over the past few days. "Surface treatment" includes paint striping and all other surface treatments and application as well. Correction to last week's statement made by Ms. Makus, the paint striping was not part of the criteria of the WFL grant. The road has been striped since 2008 and Jesse Whitford has been ordering the paint for York Road since at least that year. The County will take on paint striping from here on out. The county understands there is an influx of recreational use during the Spring and Summer months and took on maintenance to help lessen the burden of the increase in the assessment so that the chip sealing can be completed. There is no clear statute that provides criteria for a tax or assessment refund.

Charles Lane, Deputy County Attorney, stated that he does not believe there is a clear statutory process for going back and evaluating what was done in the past. It is a moot point given that the maintenance falls under the scope of the resolution. Ms. Makus confirmed there was proper notice sent out and has tried to improve the communication to the best of her ability. Mr. Lane stated that broadly the communication with RIDs that are not part of an organization such as a Homeowners Association, has been initiated by the Special Districts Team. There is an option for an RID to be dissolved. Ms. Makus stated there is no threshold for protest, it is up to the Commission to approve or not approve. The community can protest the creation of an RID.

Commissioner Hunthausen pointed out that the County not only will be responsible for maintaining York Road, but also the dirt part of the road.

Commissioner Rolfe asked for confirmation that the total cost of the RID is much lower than it would have been if the County had not paid for work that was completed. Ms. Makus confirmed that running rough numbers, if the County had not stepped in, the assessment now would be around \$500.

## PUBLIC COMMENT:

Derek Brown, 9605 York Road, stated there are 60 people paying into the RID. He has seen that what is being paid to the RID was not sustainable to pay for the paint striping. He met with Public Works and started the process of the RID not having to pay for the paint striping. The residents do recognize they are enjoying a paved road that they did not have to pay for. He understands the cost increase, although he is not excited to pay it, he knows it's needed.

Mark Prichard, York Road, stated the RID was not charged for the striping until 2015. He is not complaining about the increase, he is concerned about what is listed in the resolution. In the public meeting in 2012, there was no mention of paint striping, then suddenly in 2015, the RID was charged for it. He believes they should never have been charged for the paint striping. He believes the resolution from 2006 does not list clearly what the maintenance items are. He would like to see written clarity on specifics for maintenance.

Margaret Virag, 8045 York Road, they have been long-time residents and completely support the changes to the RID and are very grateful for the work that has been done. They have been very informed about what has been going on. The residents were being assessed \$250 at one time and then it was reduced. She believes that the resident's best interest have been considered and appreciated the communication from the Special Districts Team. She can physically see positive changes being made. She feels privileged and appreciates the clarity.

Susan Shellabager, 9611 York Road, is the last house on the road and is in favor of this assessment. She appreciates the work done on the road, including the grading of the dirt part of the road. There is a huge increase in traffic in the last 2 years and thanks the County for keeping the road accessible for the public to enjoy the recreational opportunity.

Tia Nelson, 906 York Road, is in favor of the assessment. The road is an amazing access point to some beautiful country.

Ms. Makus stated that to scale up or scale down the scope of the resolution would require a new district be formed. At this time, the County is committed to the partnership and will continue providing the services as long as they can afford to do so. A dissolution and change of scope can be explored but is not appropriate at this time or place.

Commissioner Hunthausen pointed out the Commission took public comment that was taken seriously and took extra time and research to answer the questions fully. The County recognizes their part of keeping York Road maintained and giving some relief to the York Community by keeping the RID rate as low as possible.

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

### **Memorandum of Understanding Between Lewis and Clark County and United Way of the Lewis and Clark Area. (Kellie McBride)**

Kellie McBride, Criminal Justice Services Director, presented a Memorandum of Understanding (MOU) with United Way of Helena. The MOU sets forth a collective understanding among community providers participating in the Helena Coordinated Entry System, on behalf of the homeless population. This MOU allows the County's Education and Transition Coordinator to fully participate in case conferencing. The Coordinated Entry System which includes the YWCA, Good Samaritan, St. Peter's Health that have case managers to be sure the most vulnerable people are adequately housed. They want to ensure education and transition by recognizing people in the detention center who need immediate connection to housing and services. United Way coordinates all partners to get those resources together. This prevents recidivism. The MOU is effective upon approval through May 31, 2024. Staff recommends approval.

Commissioner McCormick asked about long term housing and the cost of that housing.

Ms. McBride said Helena Housing is one partner and is a concerted effort to provide housing and causes less of a strain on our community overall.

Commissioner McCormick asked about concern about people intentionally committing a crime to get housing. Ms. McBride understands that concern, and states that this is an opportunity to assess the people who are struggling with mental health issues that are using emergency room resources for their basic medical care. Mental health care is not being taken care of, so they end up in the detention center over and over. It is unclear whether substance abuse caused mental health issues or if mental health issues caused substance abuse. They often go hand in hand. The screening process is stringent and they are looking at people who are overusing resources for police calls, emergency rooms, and the detention center. This is an opportunity for data to be compiled from each partner to determine who these people are. By adding a person to the collective, it adds to the data. The request today is for the Criminal Justice System to be part of this partnership.

Commissioner Hunthausen stated the Commission has written a couple letters of support in the past. This not only saves the community but also helps the chaos in the lives of these people. This is an attempt to get them on the right track to self sufficiency and be successful.

**PUBLIC COMMENT:**

Emily McVey, Executive Director of United Way of the Helena Area, is in favor of the collaboration for Case Conferencing. Montana has a continuum of care that is statewide. It is part the federal Housing and Urban Development System (HUD). There are anywhere from 12-30 agencies collaborating to help people go from homelessness to housing. They are the lead in the community. Weekly they have case conferencing meetings with all network resources. The system is lacking for housing, and this helps keep them stable while they are searching for housing. There are 5 front door agencies that include God's Love, Pureview Healthcare for the Homeless, Good Samaritan Our Place Drop-in Center, and the Volunteers of America. There are criteria that need to be met and are assessed through the Community Service Assessment Tool. They are scored based on their needs. The list of non-fuse population averages 120 people a week who meet the criteria. They must be completely homeless to be on the list. There is a release of information signed by everyone in HMIS so that all agencies can communicate confidential information.

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

**Grant Award to Lewis and Clark County from the Montana Department of Natural Resources and Conservation. (Carrie Lutkehus)**

Carrie Lutkehus, American Rescue Plan Act (ARPA) Program Specialist, gave an overview of what ARPA is. She presented a grant award from the Montana Department of Natural Resources and Conservation (DNRC) for the implementation of an ARPA Minimum Allocation award. Eastgate Village Water and Sewer Association will complete necessary upgrades to their water supply system through the Minimum Allocation. The ARPA Minimum Allocation funds are in the amount of \$750,000 and the agreement currently ends December 30, 2022. Staff recommends approval.

Commissioner McCormick stated this application was one of the earliest received and recalled some dried-up wells. Ms. Lutkehus confirmed that there is one new well that will need to be drilled and the system will need more maintenance, so the infrastructure is critical

**PUBLIC COMMENT:**

Jean Riley, President of the Eastgate Water and Sewer Association, thanked the Commission for their consideration. There is a huge demand of water, and the tank is running at about half the level. The

tank needs to be up in case of fire, so this is a safety issue. The only wells able to be used right now are deep wells.

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

**Subrecipient Agreement Between Lewis and Clark County and Eastgate Village Water and Sewer Association. (Carrie Lutkehus)**

Carrie Lutkehus, American Rescue Plan Act (ARPA) Program Specialist, presented a subrecipient agreement for the implementation of ARPA direct allocation and minimum allocation awards, both approved by the Board of County Commissioners on July 22, 2021. The association will complete necessary upgrades to their water supply system. The approved ARPA funds is \$250,000 and the ARPA minimum allocation award is \$750,000 for a total of \$1,000,000. The project is to be completed by December 30, 2023. Staff recommends approval.

**PUBLIC COMMENT:**

Jean Riley, President of the Eastgate Water and Sewer Association, appreciates the County's participation and will be drilling a new well this fall.

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

**Grant Award to Lewis and Clark County from the Montana Department of Natural Resources and Conservation. (Carrie Lutkehus)**

Carrie Lutkehus, American Rescue Plan Act (ARPA) Program Specialist, presented a Grant Award from the Montana Department of Natural Resources and Conservation (DNRC) for implementation of an ARPA Competitive Allocation award approved by the Board of County Commissioners on July 22, 2021. The Competitive Allocation is for \$60,000 with the agreement ending September 30, 2022. The Elk Creek Colony will complete necessary upgrades to their water supply system. Staff recommends approval.

Commissioner Hunthausen stated that using funds and going after grants is solving problems for the community. This is a great opportunity to help the Elk Creek Colony.

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 the Montana Department of Natural Resources and Conservation. (Carrie Lutkehus)**

Carrie Lutkehus, American Rescue Plan Act (ARPA) Program Specialist, presented a Grant Award from the Montana Department of Natural Resources and Conservation for implementation of an ARPA Minimum Allocation award approved by the Board of County Commissioners on July 22, 2021. The Minimum Allocation fund is \$60,000 and the agreement currently ends September 30, 2022. Elk Creek Colony will complete necessary upgrades to their water supply system. 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.

**Subrecipient Agreement Between Lewis and Clark County and Elk Creek Colony. (Carrie Lutkehus)**

Carrie Lutkehus, American Rescue Plan Act (ARPA) Program Specialist, presented a subrecipient agreement with the Elk Creek Colony for the implementation of ARPA Minimum Allocation and Competitive Allocation. Grant in the amount of \$120,000. The grant period of performance is March 3, 2021 through December 30, 2023. Staff recommends approval.

No public comment was received.

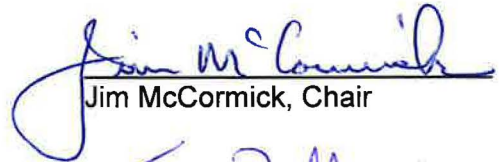
A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner Rolfe. The motion Passed on a 3-0 vote.

**Public 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 a.m.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Jim McCormick, Chair

  
Tom Rolfe, Vice Chair

  
Andy Hunthausen, Member

ATTEST:

  
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Amy Reeves, Clerk of the Board