



PUBLIC MEETING

September 3, 2020
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, September 3, 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, Charles Lane, Greg McNally, Audra Zacherl, Kevin Wright, John Herrin, Ryan Casne, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Vendor Claims Report for Week Ending September 4, 2020. (Marni Bentley)
- b. Public Meeting Minutes for June 2, 16; July 28; and August 4, 2020. (Nadine McCarty)

Roger Baltz reported on the consent action items 2 a-b and recommended approval.

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.

Detention Center Renovation Update. (Audra Zacherl)

Audra Zacherl, Public Works Assistant Director, gave an update on the Detention Center. In the last update, final inspections and commissioning was taking place on the lower level and main level areas that were scheduled to transition into this past month. During those final inspections it was discovered that a fan unit on the smoke control system was not functioning according to required specifications and needed to be replaced prior to moving inmates down to begin demolition on the upper floor. Sletten tried every possible method to get the fan unit replaced in a timely manner to prevent any delays on the schedule with little cooperation from the vendor. The new unit was received earlier this week and is being installed with completion by September 4th or 5th. Testing will occur next week. The inmate transfer will take place approximately September 11, 2020 with demolition to begin on September 12th. This delay pushes the project completion from September 29 to November 14.

Ms. Zacherl explained the unit was tested six weeks ago, the transition should have occurred already with the inmates occupying the main and lower floors. The testing and delay were discussed. She noted the lower level and main level has some day-use allowed. The booking floor is operational and the medical area is being used.

The smoke control systems are a mechanical system that controls the movement of smoke during a fire is essential to keep smoke from spreading and allows occupants the chance to evacuate and in some cases can help reduce damage to the building. The vendor of the fan that is integral to the system made a mistake in their calculation that determined the fan and motor size required to meet the plan specification. This could not have been recognized prior to testing and commissioning of the system.

Training has occurred on the security camera systems with an all-new control room. Training has also occurred on how operations will occur in the new facility. They have also included the fire department in order to work together on the operations, giving the fire department an idea of the facility layout.

Ms. Zacherl noted there is a guaranteed maximum price on the project. No matter how long it takes for completion the payment dollar amount remains the same.

The renovations are transforming all three floors of the Law Enforcement Center into detention space with a minimum of 156 beds. Funding for the Detention Center Renovation is from the voter approved \$6.5 million general obligation bond. There is additional funding being provided from the Sheriff's Department and Public Works buildings capital savings and bond premium and interest for a current total project budget of \$8.6 million. She explained some projects they have been saving for and noted it would be a cost savings to include them in the project.

Expenditures to date total \$6,808,447 includes: architecture at \$644,854; Owner's rep \$460,485; Sletten Construction \$5,473,534; miscellaneous \$230,573, testing, builder's risk, electrical reroute, bond-related expenses.

Commissioner Hunthausen asked if the medical and behavioral health staff were included in the training and Ms. Zacherl noted she has not been privy to the information but will find out.

Roger Baltz, Chief Administrative Officer added there will be work done on the Detention Center roof. A value engineering process occurred at the beginning of the project where certain elements were removed because the project was built on the budget given to the County by the citizens and the County Commissioners. As the end of the project approaches, removed items are being evaluated and if possible added back into the project. He discussed the project management meetings that occur. The roof replacement costs are coming out of the buildings operations budget capital improvement funds. Rotting was discovered and it was determined the roof would not survive the winter.

Ms. Zacherl presented a few slides, and noted all new appliances are an example of funds being used from the Sheriff's Office capital savings.

Presentation of School District Mill Levies for Fiscal Year 2021. (Nancy Everson)

Nancy Everson, Chief Financial Officer, stated Katrina Chaney, Superintendent of Schools was unable to attend today. She presented the school district mill levies for Fiscal Year 2021 and reviewed the individual levies that included the elementary, high school, and some statewide levies with vo-tech being at 1.5 mills, state university at 6 mills and the state equalization of 40 mills. Those mills stay constant from year to year. The countywide levies include county retirement and county transportation and vary depending on the needs of the schools each year. The grand total for each school district includes Helena, East Helena, Wolf Creek Lincoln, Augusta, Auchard Creek and Canyon Creek.

She compared this year levies to the prior year with a decrease across the board that included a significant decrease in East Helena at 37.55. For every mill on a \$100,000, it is \$1.35 that would be savings of \$15 for a \$100,000 home based on the school district. A lot of the decrease was due to a decrease in the countywide school levies, the retirement and transportation mills levied. Due to retirement needs in the Helena School District No. 1, there was a significant increase last year. East Helena School District also had a significant decrease. Based on the market value of a \$100,000 home, total mills inside the city limits countywide is 818.43 mills for a total calculated property tax of \$1,104.88. This is almost the same as FY20. Taxes will look very much the same as last year depending on the City assessments and any special levies. She explained using \$100,000 home value is set out in statute. The example inside the city limits of East Helena, 931 mills with a decrease of about \$40.66 on a \$100,000 value. There is a statutory deadline to adopt the mill levies and the reason they all come to the County Commission is that the County Treasurer is responsible for levying and collecting.

No public comment was received.

Commissioner Good Geise stated there is no action to be taken on this item.

Resolution 2020-73 Providing for the Annual Tax Levy in Mills for the Fiscal Year July 1, 2020 through June 30, 2021. (Nancy Everson)

Nancy Everson, Chief Financial Officer, presented the resolution that will levy in mills for the annual tax for the Fiscal Year July 1, 2020 through June 30, 2021 that includes all of the county property levies, outside levies, special assessments and special districts. She reviewed attachment A of the resolution that lists the special millages which include City of Helena, City of East Helena, State mills discussed in earlier presentation; Countywide mills that includes the general fund, search and rescue debt service, and others; outside County mills includes the road, planning department, and emergency disaster, if the 2 mills that were allowed had been levied if there an emergency had occurred, those are not levied on city residents; school millages; special districts include fire districts, landfill districts that are an assessment, three lighting districts that are an assessment; mosquito control district, the full amount authorized by statute has not been levied due to there being adequate cash reserves; miscellaneous districts include water quality district, sewer districts some delinquencies are collected, Lincoln ambulance, Lincoln Hospital District, open space; the many rural improvement maintenance districts (RID); and the debt service RIDs. She explained the calculation of a mill that is set out in statute that arrives at the total revenue assessed. The County is allowed to levy enough mills to generate \$5.7 million in the all-purpose fund. The City and the County had a little increase, but the schools had a decrease resulting in the same amount of mills as the prior year with a decrease of \$1.54. The breakout shows state and local school levies inside the city limits is about 55%, the City of Helena is about 21% and the County is about 24%. Outside the City of Helena the state and local school levies is about 66% with the County at about 34%. She showed a slide demonstrating a five-year history in the tax dollars with about 2.4% increase related to new property added to the tax rolls. The non-float levies include: the permissive medical levy, the Sheriff retirement levy and just the necessary amount is levied. The road and planning levy, outside the incorporated cities totals about a 4.52% increase. Increases and decreases in FY21 include newly taxable property across the County levies at almost \$600,000 with an inflationary factor of \$262,000, and added almost \$500,000 in the detention levy.

The increase on the County levies is about 4.3 mills or \$5.81 per \$100,000 market value in the City with 3.5 of the mills due to the Detention Center levy, outside the city limits is about 0.55 of a mill or \$0.74 per \$100,000 market value.

Ms. Everson explained the reappraisal cycle from the Department of Revenue was every six years and changed to every two years in 2015. Ms. Everson explained the Department of Revenue certifies the property values to the County by the first Monday in August and constantly changes. The value on the property tax statement is very reflective of the property values.

Discussion was had on setting budgets for revenues and the importance of the reappraisal that comes well into the budgeting process. The final budget is adopted with an estimate built in. New property added to the tax rolls is the only real growth to the revenue base.

Commissioner Good Geise asked why the numbers are all over the board for the fire districts mills. Ms. Everson explained fire districts are operated via mill levy and fire service areas are an assessment on the structure and always variable dependent on taxable values. The mill levy is set in statute and calculated the same way as the general fund. Several of the districts have gone out for a vote and the reasons for the varied amounts.

Ms. Everson noted statute allows the County to levy less than the amount that is allowed and reserve the right to levy that amount in future years if necessary. The full amount is not being levied in a few districts.

PUBLIC COMMENT -

John Herrin, 2855 Sundown Road, discussed the \$600,000 in additional revenue from expected sales of future homes in the next year and noted with the average house price of \$300,000 that is only two houses. The projection is for the County is 300 to 400 new houses a year.

Ms. Everson stated the Department of Revenue establishes a market value on the property and the tax rate is a percentage of the market value. The \$600,000 in new growth equates to about \$3.4 million in a taxable value of the new growth.

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

Agreement and Contract Between Lewis and Clark County and Karpel Computer Systems, Inc. (Charles Lane)

Charles Lane, Deputy County Attorney, presented the agreement and contract with Karpel Computer Systems, Inc. for case management software for the County Attorney's Office in an amount of \$93,400. The current system is expiring and no longer supported. Prosecutor by Karpel is a case management system that is being used and will be used by nearly half the counties in Montana as well as numerous cities. It will allow for collaboration and sharing of data between those counties. Of the six larger counties, three already have contracts or signed letters of intent and just heard earlier that another county will be moving forward. The office desperately needs this service. It will play an integral role in the overall County's data collection and management for criminal justice. The software will have an interface for other departments with an option of building a robust interface that will natively integrate with other programs such as what is being used by the Sheriff's Office, Criminal Justice and the courts are using. It will work hand-in-hand with the pre-trial services program's current system and any future systems used in the sharing of data and provide useful information regarding those detained.

Mr. Lane explained the software package includes an up-front cost of about \$73,400 and a yearly cost for the number of users. The support for the software is impressive. They do regular annual updates in response to what individual offices need. Any updates made will benefit users across the country. Changes have already occurred to the software in response to Yellowstone County's suggestions with Lewis and Clark County reaping the benefits of the improvements.

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.

Grass-Land IV Major Subdivision. (Applicant: Beth Noel) (Planner: Gregg McNally)

Greg McNally, Planner III, stated Ryan Casney, the Applicant's representative informed him that he has an appointment at 11:00 am and he will provide a brief presentation so Mr. Casney can hear any questions that may arise. Mr. McNally presented the recommendations made from the Consolidated City and County Planning Board on August 18, 2020 regarding the application for the Grass-Land IV Major Subdivision. The project is a 54-lot subdivision located south of Munger Road and east of Shenandoah Lane. It is next to previous iterations of this project Grass-Land I, II, and III to the east. Fifty-one of the lots will be for single-family residential units, two for utility lots for an elevated sand mound wastewater treatment system expansion and one lot for dedicated parkland. He reviewed the layout of the lots that are roughly 1/4 acre in size.

The Planning Board voted to conditionally approve the project subject to the conditions of approval and findings of fact contained in the provided staff report. The Applicant suggested an amendment to condition number 8, supported by staff and recommended by the Planning Board that involves the language regarding the 10' x 10' utility easements in each location to be included on the final plat with each location adjacent to the public right-of-way where utilities are present.

The project will connect to an existing public water supply system and an existing public wastewater facility and expanded to accommodate the additional demand. The systems exist in Grass-Land I, II and III. Fire protection will connect to the public water supply systems with hydrants within the project. Access will be primarily from Munger Road and Karmen Road. The requirement for the proposed parkland dedication would be 2.2 acres and the Applicant is proposing 2.21 acres of which the Parks Board recommended approval. Mr. McNally added the statutory review period on the project ends October 3, 2020.

Ryan Casne, representing Beth Noel, stated he does not really have anything. The subdivision is a clean project and the final build out of a quality subdivision. It has public water and wastewater, high density, utilizing existing infrastructure with the exception of two new elevated sand mounds for wastewater treatment. Two hydrants are to be added to the existing robust fire system and has been approved by the fire chief for the area. Two public water supply wells manifold together, dump into a storage tank, with two very large booster pumps, that shoots the water out into the pressurized system of networks. The water system was initially designed for this build out with a DEQ approval for up to 140 lots. Currently the water rights are provisional, upon completion of the development, they will perfect, and they will be in very good shape for water. The existing wastewater system sand filter and drain field has excess capacity, however after conversations with the HOA and his calculations they were not comfortable with connecting all 51 lots into that system. Twelve lots will utilize the system with the remaining lots utilizing one of two public systems. In effect, there will be three public wastewater systems at the development. All property owners will be charged the same amount no matter the system they are connected to. Stormwater will be handled by the existing 300,000 cubic feet stormwater retention pond with no discharge structure.

Mr. Casne stated throughout the proposal they did groundwater monitoring with 12 to 14 groundwater monitoring wells installed. Groundwater levels were found to be just less than four feet with levels in the area of the proposed mounds around five feet.

Mr. Casne explained the process used to develop an elevated sand mound. He also explained the reason for 10' x 10' easements at the lot corners where NorthWestern Energy facilities exist.

PUBLIC COMMENT -

John Herrin, 2855 Sundown Road, stated this is a good proposal. He can see why the elevated sand mound was used, explained what the mound does and discussed the issues they could have if not used.

A motion was made by Commissioner McCormick to table the item to September 10, 2020 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.

Commissioner Good Geise asked the Sheriff's Office to speak today regarding special training on dealing with folks that have mental health issues due to an incident that occurred in Rochester, NY regarding a person with mental health issues and the activity occurring around detained people with mental health issues.

Kevin Wright, Sheriff's Office Patrol Captain, stated at the Sheriff's Office regarding mental health illness and other crisis type situations they fall back on the crisis intervention training and get that to as many deputies as possible. Having that training when you are dealing with someone in crisis is so important to be able to communicate with him or her and to not criminalize them. The goal is to protect them and everyone else in the situation. The mobile crisis response team is another tool available to help those people. There are situations when they do have to use restraints for the safety of the individual. He gave an example of the compassion the deputies have when dealing with someone in crisis.

John Herrin, 2855 Sundown Road, discussed clarifications that he thinks need to be discussed regarding the 2020 zoning proposal. The wildfire that occurred yesterday is important to highlight the issues of wildland fire, but also the five reasons the County believes that is supported by the 2015 growth plan that says there are unmitigated and cumulative problems with roads, fire, water quality, water quantity and flooding. He added flooding is not an issue other than site specific. The County has done a good job of mitigating a lot of the valley floor areas. His particular concern is the 10-acre restrictions on the rural property for fire does not make sense. The area that burned had 2 to 3 foot tall grass and it burnt so fast due to no maintenance and no livestock. If there were houses and roads, the fire risk would go down. He understood members of the Planning Board suggested waiting on the proposal until there is a new county fire management plan. An alternative to requiring onsite fire storage is to charge a per lot fee that helps build a fund used for regional fire centers and fill stations. He further discussed fire and dead timber in Stemple Pass area. The subdivision regulations need to be reviewed to find a better fix that makes sense. He discussed the subdivision created in 1994, the keys to the pump house and the fire district never taking over possession. He had asked that the issue be addressed in 2019 and to his knowledge, nothing has been done. It was explained to him nothing has been done because Planning is dealing with the zoning proposal. He discussed roads, specifically a one-mile section of York Road from Custer Avenue towards Warren School that is bad. The existing subdivision regulations are extremely onerous and there are five issues that should be fixed that include fire protection, off site roads and two entrances in. There is no reason for driving up the cost of rural properties. Spokane Creek Road, Canyon Ferry Road, Highway 12 are all state highways and efficient. The traffic bottlenecks are in the City of Helena. Roads, fire, water quality, water quantity and floods cannot be used for the 10-acre minimum. He asked if it is appropriate for a response back at this time and Commissioner Good Geise noted this is for public comment only. He referenced the 160-acre minimum that was removed and that the Commission noted they heard it was not what the people want. The people do not want 10 acres. This the same type of issue that led to the lawsuit back in 2005-2007. People's property is being taken with no justification. He has asked staff repeatedly for the five issues to be answered that the 10-acre restriction is appropriate.

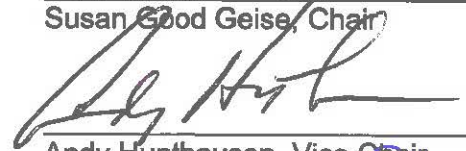
Adjourn

There being no further business, the meeting adjourned at 10:59 a.m.

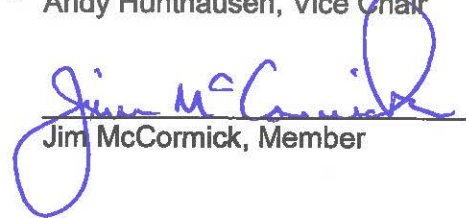
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Susan Good Geise, Chair



Andy Hunthausen, Vice Chair



Jim McCormick, Member

ATTEST:



Amy Reeves, Clerk of the Board