



PUBLIC MEETING

December 13, 2022
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, December 13, 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, Kari DesRosier, Ann McCauley, Greg McNally, Phil Gonzalez, Steve Utick, Matt Selvig, and Brandi Spangler, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

There were no consent action items.

Resolution 2022-110 To Create a Metropolitan Region Governance Structure for the National Opioid Settlement Funds. (Ann McCauley)

Ann McCauley, Grants and Purchasing Director, presented the Resolution to Create a Metropolitan Region Governance Structure for the National Opioid Settlement funds.

In December 2021, Lewis and Clark County entered into a Memorandum of Understanding (MOU) with the state to participate in allocation, management, and use of proceeds of the National Opioid Settlement Agreement. In January 2022, the County entered into an amended MOU.

Montana Attorney General sent a letter in November 2022 and described action items that need to be taken by local governments. Lewis and Clark County is defined as a "Metropolitan Region" and serve as their own region and can directly apply to the Montana Abatement Trust. A governance structure is required to receive and secure payments from the National Opioid Settlement Administration. Staff recommends approval of the resolution.

Ms. McCauley explained the trust government structure. The Trust Advisory group is being compiled currently. The funds need to be opioid directed. Currently, the timeline is unclear.

Metropolitan regions have more resources available, and the region may be more than one county. There is no restriction to pool resources together with smaller, neighboring counties. The smaller counties would not be able to directly apply through the metropolitan region, they would need to apply with their own region.

Nicho Hash, Deputy County Attorney, stated the smaller counties may be able to apply through an interlocal agreement and there are some directives that are still being decided.

Ms. McCauley gave an overview of the steps in the process. Discussions are in process about partnering with other counties.

Mr. Hash stated making the metropolitan region governance structure is the first step in a longer process.

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.

Approval of CARES Money. (Kari DesRosier)

Kari DesRosier, Human Resources Director, presented a request for approval of Coronavirus Aid, Relief, and Economic Security Act (CARES) funds in the amount of \$1,500,000 for the County Health fund. The Health Fund has decreased from \$1 million to less than \$50,000 due to overall increase in cost of services and prescription drugs, substantial increase in number of members that have incurred larger claim totals without hitting the stop loss limit, and the number of members with high-cost prescription drug treatments. If the unprecedented trend of high dollar claims not reaching stop loss continues, the plan fund will continue to fall short. Staff recommends approval of the request.

Ms. DesRosier explained that there are theories about healthcare being put on hold during Covid. The stop loss limit affects when claims get paid. The reserve was great a year ago and since then has fluctuated quite a bit. It has been almost depleted since last year. Looking at trends, the claims totals are erratic and so it is difficult to predict when it will improve. Claims are evaluated weekly.

Commissioner Rolfe states this is a perfect example of how holding onto the CARES Act funds to see where the funds would most be needed was the appropriate choice and this is an appropriate way to use some of those funds.

Ms. DesRosier stated the County has a self insurance plan. There is a premium paid for a policy that manages claims to be paid before it needs to be paid by the County. The underlying limit is determined each year and reinsurance carriers evaluate data and it is a balancing act each year. Without too much liability, they work to keep premiums low. Options during bid this year were not desirable with some in the million-dollar range or some proposing to increase the stop loss limit. The decrease in reserve is due to a combination of aggregate cost and high-cost claims.

Roger Baltz, Chief Administrative Officer, confirmed there are no conditions to the CARES funds. The balance is just over \$3 million.

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.

Memorandum of Agreement Between Lewis and Clark County and the Lewis and Clark County Sheriff Employees' Association. (Kari DesRosier)

Kari DesRosier, Human Resources Director, presented a Memorandum of Agreement (MOA) with the Lewis and Clark County Sheriff Employees' Association to form a committee to work on a longstanding bargaining issue related to workers' compensation pay for lost wages for detention officers. The committee is made up of sworn and nonsworn members and Keni Grose, Human Resources

Generalist. The agreed solution was to revise the language for the sick leave donation program in Article XX of the current collective bargaining agreement. The revised language includes the following: established membership eligibility and use of pool hours; include application and donation procedures; donated and use hours limits; added provisions for return of pool hours if the pool is no longer needed and legislative solution occurs. Staff recommends approval of the MOA.

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.

Final Plat Application for the Grand Vista Estates Subdivision, Phase IV, SUBD2022-013. (Applicant: U&M Enterprises, LLC) (Planner: Greg McNally)

Greg McNally, Planning Director, presented a final plat application for Phase IV of the preliminary conditionally approved ten lot Grand Vista Estates subdivision. Property is located north of Lincoln Road and east of and adjacent to Collins Drive, south of and adjacent to Fantasy Road.

On December 17, 2019, the Commission approved the preliminary plat with 31 conditions. Phase I was final on October 21, 2021; Phase II on February 15, 2022; Phase III on September 22, 2022; and all conditions applicable to Phase IV have been met and is in the final phase of the project. All conditions for all phases have been met. Staff recommends approval of the Phase IV final plat application.

Steve Utick, 2950 Fantasy Road, is the applicant. He is relieved the project is nearing the end and feels that it is a positive change for the area. The neighborhood is nice, and he is proud of what they have accomplished. He is grateful for the staff and Commission during this process.

Mr. McNally gave an overview of the four phases and the work and improvements that were accomplished with each phase.

Commissioner Rolfe recognized the hard work and dedication of the Uticks for developing much needed housing in the community.

Commissioner Hunthausen stated that the follow through and compliance of the Uticks in the process made that process go smoothly.

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.

Buildings for Lease or Rent: Helena Self Storage. (Applicant: Perpetual Care, LLC) (Planner: Phil Gonzalez)

Phil Gonzalez, Planner I, presented a Buildings for Lease or Rent (BLR) application for Helena Self Storage located at 1344 Jordan Drive. This proposal is an addition to the existing facility and will construct an additional six storage buildings, containing 129 units. Staff recommends conditional approval of the application.

Matt Selvig, WWC Engineering, represents the applicant. This is the third phase of this project. Currently, there is a large demand for storage units that they applicant recognizes. The initial buildings were built in 2016 and expanded in 2021. There are no current plans for future expansion. The conditions are no different that previous phases of this project.

Commissioner Hunthausen made a motion to approve the BLR and was seconded by Commissioner Rolfe.

Commissioner Hunthausen discussed the recommended conditions, findings of fact, and the conclusions.

Conditions recommended are to have a weed management plan, submit a storm water drain plan, obtain a Montana Pollutant Discharge Elimination System (MPDES) permit if one or more acres of ground disturbance is planned; proposed lighting directed downward and shielded to minimize illumination; secure the perimeter with construction of high security fence; develop, construct and maintain the site in a manner that is consistent with the site plan; and obtain additional permits if required by the Montana Department of Transportation.

The findings of fact are that the project is located within the Urban Residential Mixed-Use (UR) zone and regulations have not been established; a weed management plan will be required; storm water runoff will be directed to a retention pond; a fence will surround the storage unit to reduce impacts to the canal; and lighting will be shielded and directed downward. The conclusion is that the BLR will comply with regulations to avoid or minimize potential impacts if conditions are satisfactorily met.

The findings of fact are that solid waste services will be contracted through Tri-County disposal; and no additional water facilities or wastewater facilities are proposed or needed.

The conclusion is that adequate access is provided to the facility. The findings of fact are that there is no change to the access off Jordan Drive; and that the applicant will contact Montana Department of Transportation (MDT) if there are potential impacts to MDT facilities.

The findings of fact are medical will be provided by St. Peter's ambulance; fire protection will be provided by West Helena Valley Fire Volunteer Fire District; law enforcement will be provided by Lewis and Clark County's Sheriff's Department; and no comments were received from any of the above agencies. The conclusion is that adequate emergency, medical, fire and law enforcement services are available.

The finding of fact is that the project is located outside any Special Flood Hazard areas, so no floodplain permit is required. The conclusion is that the BLR complies with flood plain regulations.

Commissioner Hunthausen made a motion to approve the conditions, facts of findings and conclusions and was seconded by Commissioner Rolfe. The motion passed on a 3-0 vote.

Nicho Hash, Deputy County Attorney, stated that one motion for all three areas (conditions, findings of fact, and conclusions) is fine throughout the process unless there are any changes that need to be made in the final document.

No public comment was received.

Commissioner McCormick stated there is a motion on the table to approve the BLR. 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 10:04 am.

Meeting minutes approved on Jan. 12, 2023

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Tom Rolfe, Chair



Andy Hunthausen, Vice Chair



Candace Payne, Member

ATTEST:



Amy Reeves, Clerk of the Board