



## **PUBLIC MEETING**

December 20, 2022  
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, December 20, 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, Brent Colbert, Carrie Lutkehus, Lindsay Morgan, Greg McNally, Angie Hubbard, Ann McCauley, Kelly Harris, Don Dahl, Kevin Ore, Andy Shirliff, MaryAnn Dunwell, and Brandi Spangler, Recording Secretary.

### **Pledge of Allegiance**

Everyone recited the pledge.

### **Consent Action Items**

There were no consent action items.

### **Grant Award to Lewis and Clark County Sheriff's Office from the Montana Board of Crime Control. (Brent Colbert)**

Brent Colbert, Undersheriff, presented a grant award from the Montana Board of Crime Control for the Justice Assistance Edward Byrne Memorial Grant in the amount of \$55,337.47. Match from the Sheriff's Office is \$16,601.24 with \$38,736.23 being federal funds and are used toward salary for the Missouri River Drug Task Force Officer. This grant has been awarded to the Sheriff's Office for several years. The grant period is from July 1, 2022 through June 30, 2023. Staff recommends approval of the grant award.

Mr. Colbert gave an overview of the Missouri River Drug Task Force and the areas that they serve. The task force has been doing an excellent job prosecuting criminals that have had a hand in the fentanyl epidemic, among other problematic drug issues. He explained the serious health risks, including death, of using fentanyl. Narcan is being used to prevent deaths in the event of overdose.

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.

### **Resolution 2022-114 to Request Authority for Distribution of County Minimum Allocation Grants for Water and Sewer Infrastructure Projects. (Carrie Lutkehus)**

Carrie Lutkehus, American Rescue Plan Act (ARPA) Program Specialist, presented a resolution to request authority for distribution of county minimum allocation funds in the amount of \$494,913 to the City of East Helena for the East Helena Water System Improvements, Phase I project. Staff recommends approval of the resolution.

Ms. Lutkehus gave an overview of the background of the ARPA funds. Deadline to apply to use the funds is December 31, 2022. Some funds were unable to be used as planned and instead, can benefit our partners by gifting funds for community infrastructure. The "flood mitigation" was not eligible for ARPA funds because it does not fall under "infrastructure". Local tax pressure will be relieved with funds being transferred to East Helena and positively impacts to Lewis and Clark County citizens.

Kelly Harris, East Helena Mayor, expressed appreciation to the Commission and the citizens of East Helena are benefitting greatly. He gave an overview of projects being done in East Helena with ARPA funds. Growth in the area is impacting infrastructure in the city. These funds are going to be used for the water main.

Commissioner Hunthausen explained that these projects are the beginning to prepare for growth and allow for more housing to be built. It ultimately will help with the housing crisis.

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 2022-115 to Request Authority for Distribution of County Minimum Allocation Grants for Water and Sewer Infrastructure Projects. (Carrie Lutkehus)**

Carrie Lutkehus, American Rescue Plan Act (ARPA) Program Specialist, presented a resolution to request authority for distribution of county minimum allocation funds in the amount of \$494,913 to the City of Helena for the Helena Water System Improvements project. Staff recommends approval of the resolution.

Ms. Lutkehus gave an overview of the background of the ARPA funds. Deadline to apply to use the funds is December 31, 2022. Some funds were unable to be used as planned and instead, can benefit our partners by gifting funds for community infrastructure. The "flood mitigation" was not eligible for ARPA funds because it does not fall under "infrastructure". This transfer positively impacts to Lewis and Clark County citizens.

Andy Shirtliff, Helena City Commissioner, expressed gratitude for the gift of funds. It will help with growth in the city by starting with the water and sewer infrastructure. He gave an overview of projects being completed by ARPA funding and are going through the process of directing those funds. The list is narrowed down and are in process of receiving applications from the needs on that list. One in particular is for a new fire truck that was lost in a fire, some water and sewer projects, among others. The needs far exceeded the funds available so this transfer of funds is generous and will be used wisely.

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.

**Resolution 2022-113 to Adopt Amendments to the Helena Valley Zoning Regulations. (Lindsay A. Morgan)**

Lindsay Morgan, Planner III, presented a resolution to adopt amendments to the Helena Valley Zoning regulations. On November 10, 2022, the Board of County Commissioners approved a resolution of intention to adopt the amendments. A 30-day written comment period was opened and legal notice was

provided. On December 13, 2022, the comment period ended with no comments received. Staff recommends approval of the resolution to adopt amendments to the Helena Valley Zoning regulations.

The amendments include the following:

Section 2: General Requirements and Exceptions: adding a Lot Requirements subsection 209 that has standards for lot coverage, setbacks, and building heights.

Section 3: Definitions: adding definitions that may not have been defined and to change some definitions to be consistent with the City of Helena's definitions. One being the Multiple-Dwelling Unit Residence.

Section 7: Rural Residential Mixed-use Zone (RR): updating terminology to be consistent with City of Helena's definitions. Examples include changing "Bar/Lounge" to "Tavern".

Section 8: Suburban Residential Mixed-use Zone (SR): District amendments do not include density restrictions but do contain limits on number of principals to one per property and to include restrictions on use, setback, and height limitations, parking, landscape, and lighting.

Section 9: Urban Residential Mixed-use Zone (UR): amendments to the UR District to be compatible with City of Helena's zoning regulations that include connections to water and sewer systems except newly created lots 2 acres or larger. There are eight zones within the UR. The regulations will be in place to prepare for hooking into City infrastructure in the future. Staff recommends language in this section not be considered until a later time. The County is in the process of updating the the Subdivision Regulations and the Public Works Manual and should be completed before considering water and sewer zoning regulations. An amended map to peel back a few areas that were already zone that will no longer be included and will be in line with the City of Helena's growth policy.

Appendix A: Helena Valley Zoning Regulations District Map will be added and is specific to the Urban Area.

A work session was held on September 13, 2022 by the Planning Board and a public meeting on September 15, 2022 to receive feedback. The Planning Board submitted a written report with recommendations.

Two notices were published in the Independent Record and three open houses were hosted for discussion and feedback. One verbal comment was received about multi-dwelling units and changes were made to the document to address that concern. Staff recommends approval of proposed amendments.

The amended resolution covers the multiple-dwelling definition and the amended map of the zones. The final amendment adds in staff presentation.

Ms. Morgan gave an overview of the background of the amendments, listing public notices, open houses, public comment periods, and public hearings.

Commissioner Hunthausen stated the Planning Department have gone above and beyond the lawful requirements during this zoning journey. They have given opportunity to allow the public to participate, to educate, and hear any comments and concerns from the public and make changes as necessary.

Nicho Hash, Deputy County Attorney, confirmed the statutory process has been followed.

**PUBLIC COMMENT:**

MaryAnn Dunwell, Senator elect, likes the amendments and appreciates the proactivity to prepare for growth. These regulations provide a blueprint to new development. The issue she has is that around

the City of East Helena, the zones go from Urban to Suburban and she would like to see a more gradual change in that area like the zones around Helena. She appreciates the opportunities for the public to have a say in their future during this process.

Commissioners Hunthausen and McCormick shared background of zoning and what it has taken to get to this point today.

Ms. Morgan stated the process to update the growth policy is beginning Summer of 2023. Suburban zoning amendments are in progress and an email with public comment received this morning is regarding that zoning, not the amendments that are being discussed today.

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

### **Board Appointments**

Roger Baltz, Chief Administrative Officer, presented the board appointment to the Augusta Solid Waste Management District and recommended the appointment of Michael Anderson to a term that will expire December 31, 2024.

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.

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

MaryAnn Dunwell, Senator elect, passed on happy holiday wishes and thanks staff for their work.

### **Adjourn**

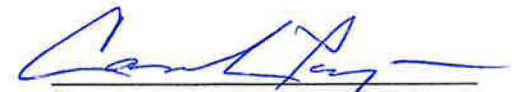
There being no further business, the meeting adjourned at 10:16 a.m.

Meeting minutes approved on Jan 12, 2023

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Tom Rolfe, Chair

  
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Andy Hunthausen, Vice Chair

  
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Candace Payne, Member

ATTEST:

  
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Amy Reeves, Clerk of the Board