



PUBLIC MEETING

December 17, 2024
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, December 17, 2024, at 9:00 AM in Commission Chambers, Rm 330.

Roll Call

Chair Andy Hunthausen called the meeting to order at 9 a.m.

Commissioner Candace Payne and Commissioner Tom Rolfe were present. Others attending all or a portion of the meeting included Roger Baltz, Nicho Hash, Keegan Shea, Casey Hayes, Jenny Chambers, Phil Gonzalez, Greg McNally, Ann McCauley, Jennifer McBroom, Leah Anderson, Kim Smith, Stephanie Wallace, Jason Sorenson, and Brandi Spangler, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

There were no consent action items.

Bid Opening, Grizzly Gulch Placer Mine Reclamation Project. (Casey Hayes)

[1:34] Casey Hayes, Purchasing Officer, opened bids for the Grizzly Gulch Placer Mine Reclamation Project. Four bids were received. The first bid was from Broadwater Excavation of Nye, Montana in the amount of \$279,250 with additive alternate #1 for \$53,000, additive alternate #2 for \$21,150, additive alternate #3 for \$10,000, additive alternate #4 for \$3,150, additive alternate #5 for \$2,500, additive alternate #6 for \$30,000, additive alternate #7 for \$50,000, and additive alternate #8 for \$9,810. The second bid was from Helena Sand & Gravel, Inc. of Helena, Montana in the amount of \$217,920 with additive alternate #1 for \$105,175, additive alternate #2 for \$22,660, additive alternate #3 for \$10,000, additive alternate #4 for \$2,000, additive alternate #5 for \$6,400, additive alternate #6 for \$9,000, additive alternate #7 for \$55,000, and additive alternate #8 for \$2,544. The third bid was from Bullock Contracting LLC of Boulder, Montana in the amount of \$159,562 with additive alternate #1 for \$78,731, additive alternate #2 for \$39,655, additive alternate #3 for \$7,700, additive alternate #4 for \$1,500, additive alternate #5 for \$5,500, additive alternate #6 for \$7,300, additive alternate #7 for \$48,750, and additive alternate #8 for \$6,600. The final bid was from Olympus Technical Services of Helena, Montana in the amount of \$159,704 with additive alternate #1 for \$78,130, additive alternate #2 for \$45,320, additive alternate #3 for \$23,000, additive alternate #4 for \$3,000, additive alternate #5 for \$6,000, additive alternate #6 for \$30,000, additive alternate #7 for \$34,000, and additive alternate #8 for

\$20,000. Staff recommends taking the bids under advisement and coming back to the Commission with a recommendation on January 7, 2025.

[3:02] Jennifer McBroom, Water Quality Protection District, gave an overview and explanation of the project.

No public comment was received.

Commissioner Payne made a motion for staff to take the bids under advisement and come back to the Commission with a recommendation on January 7, 2025. The motion was seconded by Commissioner Rolfe. The motion Passed on a 3-0 vote.

Grant Application from the City of Helena to the U.S. Environmental Protection Agency. (Jenny Chambers)

[17:24] Jenny Chambers, Public Works Director, presented a grant application to the U.S. Environmental Protection Agency in partnership with the City of Helena on the Solid Waste Infrastructure for Recycling (SWIFR). The request is for \$4,577,605 with no match required. Staff recommends approval of the grant application.

No public comment was received.

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

Preliminary Plat Application for Wade Minor Subdivision and Variance Requests, SUBD2004-006. (Tabled 12-10-24) (Applicant: Kim Smith) (Planner: Phil Gonzalez)

[28:10] Phil Gonzalez, Planner II, presented an application for preliminary approval with three variance requests for the Wade Minor Subdivision that was tabled from December 10, 2024. Legal notice was posted on site, sent to adjacent landowners, and published in the Helena Independent Record. No new comments were received. Staff recommends approval of the preliminary plat application and variance requests.

[35:35] Kim Smith, 7510 Applegate Dr., applicant, notes the plans align with zoning and has received the staff report and is ready to move forward. Sanitary has been reviewed and approved by DEQ.

[38:08] Jason Sorenson, Casne Associates, added notes about the fire suppression system and noted which systems will receive long term maintenance. Through the CUP process, it gives the community a chance to make public comment. The layout of the approaches were taken into consideration with Department of Transportation (DOT) requirements.

No public comment was received.

Commissioner Payne made a global motion to conditionally approve the plat application and variance requests. The motion was seconded by Commissioner Rolfe.

[45:13] Mr. Gonzalez reviewed the findings of fact for the variance requests.

Commissioner Rolfe made a motion to adopt the variance request Chapter XI.H.4 and was seconded by Commissioner Payne. The motion Passed on a 3-0 vote.

[50:35] Mr. Gonzalez reviewed the conclusions for variance request to Chapter XI.H.4. Granting the variance requests will not be detrimental to public health, safety, or general welfare or injurious

to other adjacent properties. An undue hardship will result if these regulations are enforced. Granting the variances will not cause substantial increase to public costs and will not place the subdivision in non-conformance with adopted regulations.

Commissioner Payne made a motion to adopt the conclusions for variance to Chapter XI.H.4. and notice that the applicant has demonstrated the criteria is met. The motion was seconded by Commissioner Rolfe. The motion Passed on a 3-0 vote.

Commissioner Rolfe made a motion to approve variance to Chapter XI.H.4 and was seconded by Commissioner Payne. The motion Passed on a 3-0 vote.

Commissioner Payne made a motion to approve the variance to Chapter XI.S, Appendix K, Section 18-4.6(4) findings of fact. The motion was seconded by Commissioner Payne. The motion Passed on a 3-0 vote.

[55:25] Mr. Gonzalez reviewed the variance to Chapter XI.S, Appendix K, Section 18-4(4). "The off-site water supply system is located no longer than one county road mile from an existing or proposed internal access road for the subdivision."

Commissioner Rolfe made a motion to adopt the findings of fact for variance to Chapter XI.S, Appendix K, Section 18-4(4). Commissioner Payne seconded the motion. The motion Passed on a 3-0 vote.

[1:02:12] Mr. Gonzalez reviewed the conclusions to variance to Chapter XI.S, Appendix K, Section 18-4(4).

Commissioner Payne made a motion to adopt the findings of fact for variance request to Chapter XI.S, Appendix K, Section 18-4.6(5). The motion was seconded by Commissioner Rolfe. The motion Passed on a 3-0 vote.

[1:08:10] Mr. Gonzalez reviewed the findings of fact to variance requests to Chapter XI.S, Appendix K, Section 18-4.6(5). "The utilization of the off-site water supply system does not require the Fire Protection Agency Having Jurisdiction (FPAHJ) to travel on arterial or major collector roads, cross railroad crossings, or travel on roads with grades in excess of 11 percent to deliver water from the off-site water supply system to the subdivision."

Commissioner Rolfe made a motion to adopt the conclusions that the variance requests meet criteria in Section II.B.1 of the variance request for Chapter XI.S, Appendix K, Section 18-4.6(5). The motion was seconded by Commissioner Payne. The motion Passed on a 3-0 vote.

[1:17:17] Mr. Gonzalez reviewed the conclusions that granting the variance requests will not be detrimental to public health, safety, or general welfare or injurious to other adjoining properties. An undue hardship will result if these regulations are enforced. Granting the variances will not cause substantial increase to public costs and will not place the subdivision in non-conformance with adopted regulations.

Commissioner Payne made a motion to approve the variance from Chapter XI.S, Appendix K, Section 18-4.6(5). The motion was seconded by Commissioner Rolfe. The motion Passed on a 3-0 vote.

Commissioner Rolfe moved to approve the findings of facts for the subdivision and was seconded by Commissioner Payne. The motion Passed on a 3-0 vote.

[1:20:18] Mr. Gonzalez reviewed the findings of fact on impacts on agriculture, impacts on agriculture water users, impacts on local services, impacts on natural environment, impacts on wildlife, impacts on wildlife habitat, impacts on public health and safety, compliance with subdivision regulations, compliance with survey requirements, provision of easements within and to the

proposed subdivision for the location and installation of any planned utilities, and the provision of legal and physical access to each parcel within the proposed subdivision.

Commissioner Payne made a motion to adopt the conclusions that the subdivision will have adverse impacts on the impact criteria. The motion was seconded by Commissioner Rolfe. The motion Passed on a 3-0 vote.

Commissioner Payne made a motion to adopt the conditions of approval and that the impacts can be mitigated through the conditions. The motion was seconded by Commissioner Rolfe. The motion Passed on a 3-0 vote.

[2:07:10] Mr. Gonzalez reviewed the 18 conditions of approval. Conditions include submitting plans for wastewater treatment and water supply systems, soil disturbance with 5-year weed management plan, vegetation management plan, utilize off-site water supply or on-site water supply, construct internal access road with cul-de-sac turnaround and turnout for mailbox and fire protection system if required, obtain an approach permit from DOT, plans for location and installation of mailbox units, have final subdivision plat prepared with survey requirements, and restrictive covenants be indicated on the face of the plat, submit storm water drainage plan, plan for traffic control and street identification signs, road names to be submitted to the City-County Address Coordinator, creation of a Rural Improvement District (RID) for the internal road network, create an RID fire protection system, apply for address assignments, provide proof of paid property taxes, and preliminary approval shall be in force for three calendar years and the Board of County Commissioners can extend if proposed.

Commissioner Hunthausen stated the motion on the table is to conditionally approve the preliminary plat application with conditions of approval. The motion Passed on a 3-0 vote.

Board Appointment. (Roger Baltz)

[2:26:02] Roger Baltz, Chief Administrative Officer, presented a board appointment applicant to the Lewis and Clark Library Board and recommended the Commissioners consider the applicant.

No public comment was received.

Commissioner Rolfe made a motion to reappoint Judy Meadows to the joint position on the Lewis and Clark Library Board to a term that will expire on December 31, 2029. The motion was seconded by Commissioner Payne. The motion Passed on a 3-0 vote.

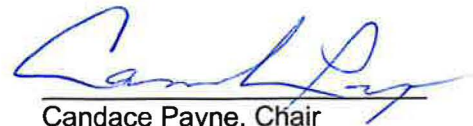
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.

Adjourn

There being no further business, the meeting adjourned at 11:34 am.

Meeting minutes approved on 1-2-25

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Candace Payne, Chair

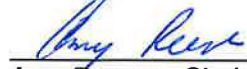


Tom Rolfe, Vice Chair



Andy Hunthausen, Member

ATTEST:



Amy Reeves, Clerk of the Board