



## **PUBLIC MEETING**

July 12, 2016  
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, July 12, 2016, at 9:00 AM in Commission Chambers Room 330.

### **Roll Call**

Chairman Mike Murray called the meeting to order at 9 a.m.

Commissioner Susan Good Geise and Commissioner Andy Hunthausen were present. Others attending all or a portion of the meeting included Eric Bryson, K. Paul Stahl, Kevin Hamilton, Dustin Ramoie, Greg McNally, Art Pembroke, Drenda Niemann, Ron Alles, Jim McCormick, James Swierc, Tony Prothero, Amy Teegarden, Brett Lloyd, Paul Spengler, Peggy Stringer, Heidi O'Brien, Deb Grebenc, and Nichole Nisbet, Recording Secretary.

### **Pledge of Allegiance**

Everyone recited the pledge.

### **Consent Action Items**

- a. Public Meeting Minutes: June 23, 30 and July 5, 2016. (Nichole Nisbet)
- b. Network Access Agreement Between Lewis and Clark and the City of East Helena. (Art Pembroke)
- c. Contract Between Lewis and Clark County and Information Technology Core. (Art Pembroke)

Eric Bryson reported on the consent action items 2 a-c and recommended approval.

No public comment was received.

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

### **Grant Award to Lewis and Clark County from the State of Montana Office of the Court Administrator and the 1st Judicial District. (Drenda Niemann)**

Drenda Niemann, Community Health Promotion Division Administrator, presented the grant award from the State of Montana Office of the Court Administrator and the 1st Judicial District to implement the Helena Consented Referral System and fund a referral coordinator in the amount of \$15,300. The grant period begins July 1, 2016 through June 30, 2017. There are 60 programs and agencies using the program.

No public comment was received.

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

### **Proposed Lewis and Clark County Emergency Operations Plan Revision. (Paul Spengler)**

Paul Spengler, DES Coordinator, presented the revised Lewis and Clark County Emergency Operations Plan which outlines the County's hazards and specifics on the four phases of emergency management: preparedness, response, recovery and mitigation. The plan is updated every five years as required by FEMA. The plan is viewable online for the public and agency partners.

No public comment was received.

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

### **Resolution 2016-55 Approving Annexation in Lewis and Clark County. (tabled 7/7/16) (Dustin Ramoie)**

Eric Bryson presented the resolution tabled from July 7th and clarified the process of annexation in which the County is asking the City to annex the streets through adoption of the presented resolution. He noted the resolution before the Commission is a separate issue from the West Side Annexation. The proposed annexation means the City will acquire the right-of-way and authority to install services on those streets. Dustin Ramoie, City Senior Planner, stated the resolution is requesting the annexation of right-of-ways including portions of Granite Avenue and Cannon Street. The City would like to upgrade water and wastewater to the areas included in the annexation. A resident on Cannon Street has petitioned the City to provide a sewer line to the area. A wastewater line has been designed to be installed that would serve the properties in the area. Cannon Street is part of the phase 2 annexation plan that is being sought by the City and County.

Commissioner Geise asked what effects the annexation plan will have to residents.

Dustin Ramoie stated that applications for grant funding have been submitted to assist with the financial burden on residents. There is anticipation that the grants will be awarded in the fall.

Commissioner Geise asked what mitigation is expected for property owners as a result of the grant funding.

Dustin Ramoie stated the latest estimates included \$.10 per sq foot of savings, or roughly \$1,250, in decreased cost to a property owner.

Commissioner Geise read an e-mail received from a concerned citizen in regards to annexation request and asked about what the intentions are of the City with the annexation.

Dustin Ramoie addressed the newspaper article where he outlined the process as stated by state law and noted that was not the intent of the City to immediately annex. The intention is to provide quality water and wastewater services in the area and provide jurisdictional relief in terms of emergency services. He did note that a vast majority of residents in that area are within 500 feet of existing sewer mains and state law does mandate that a resident must connect to the City sewer under certain circumstances.

Commissioner Geise asked legal for an opinion of whether or not the County will be looped into the pending lawsuit against the City from West Side Residents.

K. Paul Stahl, Deputy County Attorney, stated the possibility is very remote and does not feel the annexation request before the Commission will not subject the County to any liability.

Commissioner Geise asked Mr. Ramoie if the intention is to annex the property if it is wholly surrounded.

Dustin Ramoie restated that the City's intention is to provide quality water and sewer to the area and noted that the intention is not to annex the property in the area however state statute does dictate how annexation may occur.

Commissioner Murray asked if the residents can expect the same level of maintenance and service if the street are annexed.

Dustin Ramoie stated yes as the City has a high quality street maintenance program.

**PUBLIC COMMENT-**

Ron Alles, City Manager, stated the intent of the City is in conjunction with the County to provide water and sewer services to residents of the West Side that need it as efficiently as possible. City ordinance requires properties to be annexed if a property receives city water and sewer services. If the City provides the service they will annex the property in accordance with state statute.

K. Paul Stahl noted that possible litigation could happen if a property does not have access to sewer or water.

Ron Alles reiterated the plan is efficient and effective to provide services to residents.

Commissioner Geise noted the effect on residents who cannot afford the services being the reason she will not support the resolution.

Commissioner Hunthausen noted he will support the resolution as the area will need these services due to lots sizes and failing systems. A long range plan will be more expensive in the long run and feels there is no alternative but to move forward to provide a high level of service to these lots in hopes of finding ways to mitigate the costs to those residents.

Commissioner Murray stated not doing this it is cost prohibitive for residents whose systems fail and will support the resolution for those reasons.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner Good Geise. The motion Passed on a 2-1 vote with Commissioner Geise voting against.

**Proposed First Minor Subdivision for the Great Escape Minor Subdivision. (tabled 6/30/16)**  
**(Applicant: Michael Hummert) (Planner: Greg McNally)**

Greg McNally, Planner II, presented the proposed First Minor Subdivision to be known as the Great Escape Subdivision. Mr. McNally reviewed the applicant's proposal and noted additional information that addressed two additional issues including comments from the Water Quality Protection District and fire protection requirements. After meeting with legal it was determined that the initial interpretation was accurate in regards to fire protection and a variance will not be necessary. Additional comments have been received in regards to concerns of increased traffic on Lake Helena Drive since the hearing on the 30th and Mr. McNally noted that the subdivision will create an additional 38 trips per day and there is a percentage of impact addressed in the conditions of approval. The review period for the subdivision will expire on July 14, 2016.

Eric Bryson stated there is a written policy in the subdivision regulations that is clear in its intent that states if a certain number of lots connect to an offsite fire source it should have certain flow requirements for a class 2 fire protection system. The regulations do not provide clear guidance and does not allow the Commission to enforce a class 1 system requirement at this time.

Commissioner Hunthausen asked staff to pursue the formal clarification of the subdivision regulations to avoid a future issue.

Commissioner Hunthausen asked Mr. McNally about the encroachments into the utility easement and how the applicant will address those.

Greg McNally stated there are two existing wells on the property, one in the right-of-way on Lake Helena Drive and the other is located in the utility easement that belongs to North Western Energy. The wells will either need to be relocated or encroachment agreements will need to be obtained to rectify the situation.

Commissioner Geise asked Mr. Swierc to address his concerns outlined in his memo.

James Swierc, Hydrogeologist from the Water Quality Protection District, stated his biggest concern about the property is its location to Emerald Ridge which suggests the same geology for the proposed subdivision along with the fault location limiting the ability of the aquifer to recharge. There is a lack of data for this specific site which leads him to look at data as similar sites to draw conclusions.

Tony Prothero, the applicant's representative, stated they are willing to subscribe to the recommendations of Mr. Swierc to mitigate any potential impacts. There are other ways to mitigate impacts including not allowing large lawns and limiting water use. He noted the well on the east side of the proposed subdivision being used as stock water presently. The well depth is at 160 feet and it yields 50 gallons per minute and feels confident that new wells will yield similar amounts of water. The applicant was unaware of the utility easement and an encroachment agreement with NWE will be sought. If the agreement cannot be acquired the well will be abandoned.

Commissioner Hunthausen asked Mr. Prothero if he and the applicant are okay with moving forward on Thursday at the regularly scheduled meeting.

Tony Prothero stated yes.

Commissioner Geise asked Mr. Prothero about the lawn sizes being limited through the conditions of approval.

Tony Prothero stated the lawn size will be limited through the process of seeking approval from DEQ.

A motion was made by Commissioner Hunthausen to table the item until the regularly scheduled meeting on July 14, 2016.

The motion was seconded by Commissioner Geise. The motion was Passed on a 3-0 vote.

Break/Reconvene.

#### **Public Hearing. Budget Increase from Property Taxes. (Nancy Everson)**

Nancy Everson, Chief Finance Officer, presented the proposed increase in property taxes stating it increases by .50 percent as allowed by the law and authorized by Montana Code Annotated 15-10-420. The increase allowed local governments to increase property taxes by one half of the average rate of inflation over the previous three years. The estimated increase is \$109,000. Staff recommended approval of the increase.

No public comment was received.

A motion was made by Commissioner Geise to close the public hearing and approve the budget increase as recommended by staff. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

#### **Public Hearing. Lewis and Clark County's Budget for Fiscal Year 2017. (Nancy Everson)**

Nancy Everson, Chief Finance Officer, reviewed for the Commission, the budget, revenues, expenses and protested taxes in the proposed FY17 budget. The budget is reflective of one main Commission goal of engaging in long range planning. The County has very little debt as the debt service fund is 1% of the County budget. There is no matrix adjustment in FY17 for personnel and there is a \$300 increase in health insurance premiums. There are several proposed new positions in the budget. Priorities set by the Commission include: the Public Safety Facility, Valley Flood Projects, Mental Health Services, and Contingency and Capital Funding. Ms. Everson asked the Commission to adopt the budget on July 14, 2016 at the regularly scheduled meeting.

Commissioner Geise asked about any budget requests that were made that did not make the cut.

Nancy Everson noted the requests that were cut in the budget process including: an additional FTE in the County Attorney's office, a request of \$51,000 from God's Love, A request of \$5,000 for the sports facility feasibility study, and a request of an additional \$5,000 from District Court.

Commissioner Geise noted the entities that request additional funds each year that are turned down to due to budget constraints.

Commissioner Hunthausen stated that there is no matrix adjustment for employees this year and but noted the increase in health insurance premiums. He reiterated the number one priority for the Commission this year is the public safety facility to address our crisis.

#### PUBLIC COMMENT –

Debbie Grebenc, 524 N. Davis, Helena Regional Sports Association representative stated she believes the public safety initiative will be more successful with the addition of a sport facility center. She noted the project costs is around \$50,000 to complete the study that will assess community needs and see if Helena can afford a sports facility center. She stated they are asking for a token of support from the County through a \$.10 on the dollar sign of support.

Heidi O'Brien, 1711 Goldrush, Helena Tourism Alliance representative, presented expenditures in the County that support the addition of a sports facility in Helena. She noted the jobs that are impacted by tourism and visitors in the County and asked for the support of the County for the feasibility study.

Commissioner Geise asked Ms. O'Brien where the hotels have been in terms of support for the Fairgrounds.

Heidi O'Brien stated they are working on gauging the impact of tourism on the hotels from the Fairgrounds.

Commissioner Geise stated the impact from the Fairgrounds is huge.

Commissioner Hunthausen stated that there was a study done at the time of the Fairgrounds bond proposal that stated there is a \$39 million annual impact from the Fairgrounds to the hotels and restaurants. He further noted there will be a long term expense to the community to run a facility such as the sports center.

Heidi O'Brien stated she has been impressed by the Helena Regional Sports Association as they are a user group seeking an opportunity.

Commissioner Murray stated his disappointment with the hotel/motel industry and lack of support with the Fairgrounds bond and noted that the Fairgrounds brings approximately 1,000 people a month to the area who use hotels and motels.

Peggy Stringer, 9 Lime Stone Court, stated her support for the Helena Regional Sports Association. She noted the addition of the swimming pool over 40 years ago that has provided additional opportunities for recreation.

Commissioner Murray asked where the money will come from to support the estimated cost of \$50 million to build the facility.

Peggy Stringer stated they are in the middle of the feasible study that will reveal the cost of the facility. She does not feel it will cost \$50 million. They do not know where the funding will come from as sources will be identified by study.

Commissioner Hunthausen clarified that the County agreed to consider the request, as part of the budget process, not that funding was promised. He applauds the effort of the group and noted that the Fairgrounds bond proposal included a multipurpose building that would allow for events such as baseball or soccer but found little to no community support that would have cost \$18 per year per household. He reiterated the priority of the Commission to build a facility and programs to address the jail crisis. He

stated there was a feasibility study done with the City to upgrade the park systems and found it was not doable at the time.

Debbie Grebenc clarified the comment printed in the paper that the preliminary findings state the facility could cost \$15 to \$20 million dollars. She noted they will be seeking funding in the amount of \$200,000 annually from public entities such as the City, County or School District. She noted that the 68% of the surveyor respondents supported a larger taxation district to support the facility.

Commissioner Geise stated her support of having a facility but noted that job number one for the Commission is public safety.

Upon no further testimony or comment, Commissioner Murray stated that the public comment is now closed.

A motion to adopt the budget at the regularly scheduled meeting held on July 14, 2016 was made by Commissioner Geise and seconded by Commissioner Murray. The motion Passed on a 2-0 vote.

**Board Appointment. (Eric Bryson)**

Eric Bryson presented the board appointment for the Open Lands Advisory Board.

No public comment was received.

A motion was made by Commissioner Hunthausen to appoint Art Compton to complete the 3 year term on the Open Lands Advisory Board. The motion was seconded by Commissioner Geise. 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.**

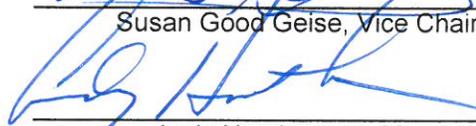
**Adjourn**

There being no further business, the meeting adjourned at 11:12 am.

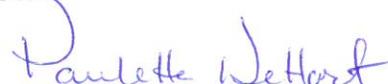
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BOARD OF COMMISSIONERS

  
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Susan Good Geise, Vice Chair

  
\_\_\_\_\_  
Andy Hunthausen, Member

ATTEST:

  
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Paulette DeHart, Clerk of the Board