



PUBLIC MEETING

December 16, 2021
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, December 16, 2021, at 9:00 AM in Commission Chambers, Room 330.

Roll Call

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

Commissioner Jim McCormick and Commissioner Tom Rolfe were present. Others attending all or a portion of the meeting included Eric Austin, Roger Baltz, Phil Gonzalez, Dan Karlin, Charles Lane, Ann McCauley, Greg McNally, Christal Ness, John Herrin, Lucia Stewart, Aaron Helfast, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Memorandum of Understanding Between Lewis and Clark County, the City of Helena, and the City of East Helena. (Roger Baltz)

Roger Baltz, Chief Administrative Officer, reported on consent action item 2a and recommended approval.

No public comment was received.

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

Application for Lease of Land Between Lewis and Clark County and BNSF Railway. (Dan Karlin)

Dan Karlin, County Engineer, presented he application to the BNSF Railway Company for lease of land to be used for overflow parking in Craig at the fishing access site (FAS). Staff engaged with Montana Fish Wildlife and Parks (FWP) to explore options regarding the parking at the FAS. During peak fly-fishing season parking is limited for the number of river users and when the parking lot is full they park along Main Street and several side streets. This is a safety hazard as many river users walk around the area causing pedestrian and vehicle conflict. An overflow parking lot would address the problem. The County and FWP identified a parcel of vacant land owned by BNSF Railway Company that would suit the need. If a lease agreement is entered into with BNSF to secure the parcel, FWP would design and manage the overflow parking lot. There are many details to work through that will be included in a management agreement with FWP. Submission of the application is a critical step in the process. The

application requires a one-time \$600 non-refundable new lease application fee. Once the application is submitted negotiations will commence with BNSF on lease terms. Staff recommends approval of the submission of the application for lease of land to BNSF Railway Company.

No public comment was received.

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

Informative Update on the National Opioid Settlement and Request for Signature for State of Montana Memorandum of Understanding. (Ann McCauley)

Ann McCauley, Grants and Purchasing Director, presented an update on additional information recently provided by the State of Montana (State) regarding participation in the National Opioid Settlement process, including a Memorandum of Understanding (MOU) between the state and participating local governments.

On December 2, 2021, the Lewis and Clark County Commission approved the County's participation in the National Opioid Settlement. At that time that included signing on electronically to the website to receive settlement agreements and will now have to sign on to the MOU. On December 9, 2021, Montana Association of Counties received a MOU from the State that had been approved by the Attorney General. The purpose of the MOU is to determine governance; intrastate allocation between the State, abatement regions, and local governments; attorney fees, and other administrative issues. Settlement monies are to be used only for approved opioid abatement strategies or programs.

Staff recommends signature of the Montana Distributors' and Janssen Opioids Settlement Memorandum of Understanding with the State of Montana.

Charles Lane, Deputy County Attorney, MOU was prepared by Attorney General's office. Fifteen percent of the funds go to the state, 15% go to local governments, and 15% go to abatement fund that will be dispersed according to committee. The committee consists of 3 members from municipalities, 2 from multicounty regions, 2 from Department Public Health and Human Services, and 3 from Attorney General's office.

Ms. McCauley added the letter noted local governments have a deadline to join.

No public comment was received.

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

Water Well Easement for the Eastgate Village Water & Sewer Association. (Christal Ness)

Christal Ness, Development Services Supervisor, presented a public well easement request from the Eastgate Village Water & Sewer Association, for an easement on Parkland, dedicated with the Eastgate Village II Major Subdivision. The easement will be for a public water supply well to be connected into the public water supply system serving the Eastgate subdivision. The easement request is for a new public water supply well to be drilled in the southern portion of the parkland lot, owned by Lewis and Clark County. The request also includes the necessary piping to connect the new well to the existing water infrastructure system which is made up of three original wells from 1978. The parkland lot is 1.24 acres, located north of Lewis Street, east of Eastgate School, and west of Eastgate Drive, all located within the Eastgate II Major Subdivision, East Helena. This lot is empty except for playground equipment in northwest corner and a basketball court just north of the playground equipment. The majority of the plat is vacant. The current system supplies water to 627 lots with 35 that contain 4-plexes plus the Eastgate School. There are current water issues with the three existing wells due to their shallow depth. Staff recommends approval of the easement.

Ms. Ness stated the well will be very minimal and the park will continue to be used as a park.

No public comment was received.

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

Resolution 2021-108 to Create the Wheat Ridge Estates Phase IV Subdivision Road Rural Improvement District No. 2021-5. (Planner: Phil Gonzalez)

Phil Gonzalez, Planner I, presented the resolution to create a Rural improvement District (RID) for the Wheat Ridge Estates Phase IV Subdivision.

Greg McNally, Planner III, stated it was identified this morning that when Wheat Ridge Estates Phases I, II, III RID was created in 2018, the boundary extended to Phase IV in anticipation that it would be built. It includes the maintenance for Phase IV. At this point they do not need to move forward with the RID as it was already created. With the RID in place, all conditions will be met for the subdivision. The recommendation is that no action be taken on the resolution.

No public comment was received.

Commissioner Hunthausen stated no action is necessary.

Resolution 2021-109 to Create the Wheat Ridge Estates Phase IV Subdivision Fire Rural Improvement District No. 2021-08. (Planner: Phil Gonzalez)

Phil Gonzalez, Planner I, presented the resolution to create a rural improvement district (RID) for the purpose of maintaining the fire protection system for the Wheat Ridge Estates Phase IV Subdivision. Since the petitioner represents 100 percent of the lands within the RID, the process of the resolution of intention is not required. Maintenance includes well repairs, control board and storage tank maintenance, fire pump and hydrant maintenance, and fuel site maintenance. The estimated cost per year is \$2,920 plus 5% administration fee. The petition was signed by the property owner. This satisfies Condition No. 15 of the Wheat Ridge Estates Phase IV Subdivision. Staff recommends approval of the resolution.

No public comment was received.

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

Final Plat Application for the Wheat Ridge Estates Phase IV Subdivision (Applicant: Queen City Builders, Inc.) (Planner: Phil Gonzalez)

Phil Gonzalez, Planner I, presented the final plat application for the Wheat Ridge Estates Phase IV Subdivision. On September 24, 2020, the County Commission granted preliminary approval subject to twenty-two conditions of approval. All conditions have been met. Staff recommends approval of the final plat application for the Wheat Ridge Estates Phase IV Subdivision.

No public comment was received.

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

Quarterly Update of the Helena Valley Planning Area Blue-Ribbon Panel, known as the Zoning Advisory Panel. (Greg McNally and Dr. Eric Austin)

Greg McNally, Planner III, acknowledged the creation of the Zoning Advisory Panel (ZAP).

Dr. Eric Austin, Moderator for the Zoning Advisory Panel, gave an update on the work since the last meeting. Social, Technical, Economic, Environmental, and Political (STEEP) Analysis gives members of the panel the opportunity to bring forward issues from citizens and shareholders that should be taken into consideration. Phase I of the analysis was gathering information. Phase II gave them an opportunity to prioritize the issues, draft regulations, and organize the conversation. They have moved on to Phase III. They are in the process of working through the Urban Mixed-Use District. They are behind the original timeline due to the complexity of the topic; the panel has raised questions such as additional background of relationship between county and cities and coordination between Lewis and Clark County and neighboring counties.

They have reiterated what the process is and the intention, where they are in the process and where the process is going. Another challenge they are working through is the meeting format. The decision was made to keep the meeting at 2-hour limits. The result is twice a month for 2 hours to maintain engagement. He believes the deadline is feasible with the format they are following.

Commissioner McCormick is concerned that this particular topic will not get enough attention and is very concerned about the hard date deadline. He asked if public input had been received and Dr. Austin noted public input continues to be received. Members of the panel are taking that information in.

Commissioner Hunthausen stated the Commission purposely asked for a diverse panel and understands the challenges involved with the diversity. The refocusing is a concern. The Commission appreciates any suggestions the panel may provide but concerned that they stay focused on the three items on their mission.

Dr. Austin stated anything that can be done to return to the original charge is appreciated and it will be helpful for the panel to hear from the Commission to stay on task. As previously mentioned, he is confident they will meet the deadline of February 9, 2022.

PUBLIC COMMENT -

John Herrin, Helena Valley resident, stated he has been working a long time with the County. He completed a 20-page document sent out this morning. With his experience he believes he has unique insights. He discussed the growth policy and believed it should have been assessed or updated every five years. The process of a growth policy update should have occurred prior to the census. In 2015 the growth policy is biased. A social economic impact assessment should have been conducted. He also had told the County environmental studies need to be conducted. The County did a 2017 fire assessment and it should have been done for all the issues. The ZAP should have included engineers, planners, and scientists with experience. He does not believe the County can update the Subdivision Regulations without first updating the growth policy. He is given only five minutes at the end of each ZAP meeting and pressures him to be able to provide all the information he wants to provide. There is a problem with 10-acre tracts. During the meetings in 2020 90 to 95% of people were opposed to 10-acre minimums. Why can't we promote density and affordable housing. For 17 years the Subdivision Regulations have been harming Lewis and Clark County.

Commissioner Hunthausen stated there is no necessary action.

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

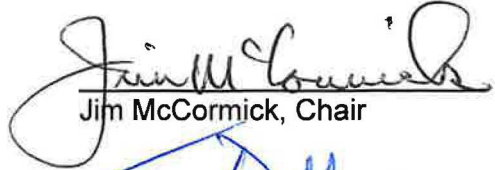
John Herrin, Helena Valley resident, discussed the Lewis and Clark County Subdivision Regulations and additions that the County has added to the regulations. The additions are not necessary, and he does not know how these additions came about.

Adjourn

There being no further business, the meeting adjourned at 10:56 am.

Meeting minutes approved on 11.22.22

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Jim McCormick, Chair


Tom Rolfe, Vice Chair


Andy Hunthausen, Member

ATTEST:


Amy Reeves, Clerk of the Board