



PUBLIC MEETING

May 31, 2022
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, May 31, 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 Pam Attardo, Roger Baltz, Kari DesRosier, Nancy Everson, Nicho Hash, Dan Karlin, Greg McNally, Lindsay Morgan, Audra Zacherl, Jessica Makus, Jenny Chambers, Kevin Horne, Keni Grose, Ann McCauley, Tracie Kiesel, Maureen Ward, Jayson Zander, John Herrin, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Public Meeting Minutes for December 9, 30, 2021; January 27, February 3, April 26, May 3, 5, 2022. (Nadine McCarty)

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 Hunthausen. The motion Passed on a 3-0 vote.

The Lewis and Clark County DUI Task Force Annual Plan and Budget. (Jayson Zander)

Jayson Zander, Helena Police Department, presented the Lewis and Clark DUI Task Force (DUI TF) annual plan and budget. They continue to work on preventing DUIs, underage drinking. Tracie Kiesel is the Montana Buckle Up Coordinator in this area. This year they sponsored the Think Twice Campaign in all the local drinking establishments. Patrons are able to purchase a one-time breath test at the bar. There is a small profit margin for the establishment, and it is up to them to keep it going. They also support the Senior All Night Party by purchasing nice gifts to encourage the kids to attend.

The DUITF plan is similar to the past years and the mission remains the same. There is still an annual concert to raise funds to spend in ways outside of the normal spending to help support different things. With the change in legislation, there will not be license suspension for first time DUIs anymore and it is anticipated that will drop their budget a little bit.

Tracie Kiesel, DUITF Secretary, gave an overview of some additional things that they do: they're the local trainers for the Responsible Alcohol Sales and Service Training class, mandatory for everyone that sells and serves alcohol in Montana; education on seatbelts and child safety seats; they sponsor the Ascension cheer team and use them to help with the highway cleanup.

Maureen Ward, DUITF Co-Chair stated they support extra shifts for the local law enforcement agencies to have DUIs addressed, especially the later evening shifts; they support the County Attorney's Office with an internship that helps to process through the DUIs.

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.

Bid Award. 2022 Chip Seal Project. (Audra Zacherl)

Audra Zacherl, Public Works Assistant Director, stated the bid award for the 2022 chip seal project came in about 60 percent more than expected. She requested that the bid award be tabled to June 14, 2022. This will give Public Works time to review the finances.

No public comment was received.

A motion was made by Commissioner Hunthausen to table the item to June 14, 2022 and seconded by Commissioner Rolfe. The motion Passed on a 3-0 vote.

Resolution 2022-35 Intent to Establish the Lewis and Clark County Landfill Fee Rates Beginning July 1, 2022. (Audra Zacherl)

Audra Zacherl, Public Works Assistant Director, presented the resolution of intent to change landfill fees. On March 31, 2022 the Scratch Gravel Solid Waste District Board voted to approve several changes to landfill fees and include: require a 1/2 ton minimum on contaminated soil at the rate of \$30 per ton; add a \$250 demolition fee for mobile/manufactured housing plus the tipping fee; add a \$150 demolition fee for travel trailers and boats plus a tipping fee; all other landfill fees remain the same.

The resolution of intent will be advertised in the Helena Independent Record for two Sundays with public comments accepted until 4:00 pm on Wednesday, June 15, 2022 at the Lewis and Clark County Clerk and Recorder's Office. Staff recommends approval of the resolution of intent.

Ms. Zacherl explained less than any waste amount listed can be brought to the landfill, but a person would be charged the minimum. The minimum charge is due to some items take more effort to dispose of such as the contaminated soil.

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 2022-30 Resolution to Assign the Director of Public Works as County Road Supervisor. (Dan Karlin)

Dan Karlin, County Engineer, presented the resolution to authorize the County Public Works Director to be the County Road Supervisor with duties that include: prescribe the times and places for all work to be done on County roadways; report any delinquency or inefficiency of a person employed on a road; keep County roadways and bridges free of all obstructions; grade, maintain, and repair County roadways; construct maintain, and repair all County bridges and causeways; make all surveys; establish grades; prepare plans, specifications, and estimates; keep accurate cost data; purchase and secure all roadway and bridge machinery and machinery equipment and tools with Board approval; purchase and secure all roadway, bridge, and causeway supplies and materials with Board approval; make reports and estimates of all matters relating to County roadways and bridges when required by the Board.

In 1995 the County Commissioners approved Resolution 1995-56, assigning Eric Griffin as County Road Superintendent. Mr. Griffin retired in April 2022. This resolution will rescind Resolution 1995-56, replacing the County Road Superintendent with a County Road Supervisor. Staff recommends approval of the resolution. He discussed MCA 7-14-2122 that defines the County Road Supervisor and outlines the duties, that includes perform other duties prescribed by the Board. Several duties included in the road superintendent definition were added.

Discussion occurred on the differences between the structure of Lewis and Clark County and other smaller counties, where individual commissioners act as road supervisor for their district. Lewis and Clark County has a Public Works Director that is responsible for those duties for all districts. Statute allows for commissioners to delegate that authority to a road superintendent or supervisor. The main reason for language change is due to the County Commission adopting a procurement policy. The road superintendent statute grants them contractual authority to sign all contracts and they did not think the Commission would want that type of structure; hence they went with the road supervisor statute.

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 Montana Department of Transportation. (Dan Karlin)

Dan Karlin, Co. Engineer, presented the memorandum of agreement (MOA) with Montana Department of Transportation (MDT) for slip lining of several pipes and culverts to extend their usefulness in the amount of \$76,800. Lewis and Clark County owns one of the culverts. This culvert was installed in 1967, a 6-inch PVC effluent pipe was connected to the westernmost drop inlet to provide an outfall for the wastewater treatment plant as part of the Wolf Creek Wastewater Project. In October 2013 the storm drain agreement with MDT transferred the ownership and maintenance of this pipe and inlets. He added it is unusual for a county or municipality to own infrastructure on a MDT right-of-way in this situation.

At the February 1, 2022 County Commission public meeting, \$55,000 in American Rescue Plan Act funds were obligated. On April 19, 2022, the obligated amount was increased to \$76,800 to account for an updated cost estimate. The MDT project is scheduled to bid on June 1, 2022, and a formal MOA must be in place before the project is let to bid. Staff recommends approval of the MOA with Montana Department of Transportation.

Mr. Karlin added it is still unknown regarding the potential for change depending on MDT's final numbers. Once MDT has the bids and final number it will be communicated to the Commission.

Discussion occurred on the already existing pipe and the connection of the effluent pipe to it. Mr.

Karlin explained the lining of the pipe.

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.

Contract Between Lewis and Clark County and Preserve Montana. (Pam Attardo)

Pam Attardo, Heritage Preservation Officer, presented the contract with Preserve Montana in the amount of \$4,671 for preservation and rehabilitation carpentry and masonry services in the Old Lincoln Cemetery. On April 5, 2022, the Commission approved a contract with the Montana Conservation Corp for a youth crew to assist with projects in the Old Lincoln Cemetery. She gave an overview of the cemetery and its location within the Forest Service land. In 2016 a memorandum of agreement was executed between the Forest Service, Lewis and Clark County and other parties to convey the cemetery to the County. The County will repair three wooden grave enclosures and create a barrier of stone bollards between the old and new cemetery to prevent from disturbance of unmarked graves. The Lincoln Cemetery Trustees have approved the bollard barrier. She described the pickets and posts designs noting the importance of repairing properly. They have also received donations for lumber and other supplies. The contract begins July 8, 2022 through July 14, 2022. Staff recommends approval of the contract with Preserve Montana.

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.

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

Keni Grose, Human Resources Generalist, presented the memorandum of agreement with the Lewis and Clark County Sheriff Employees' Association (Association). In the collective bargaining agreement, effective July 1, 2021, the County and Association agreed to form a committee to work on a longstanding bargaining issue related to workers' compensation pay for lost wages for detention officers. It was agreed that the County and Association would finalize a proposal to present to the Commission by April 30, 2022. The committee has been meeting regularly related to this issue. It is being asked that the agreement be extended to June 30, 2022. Staff recommends approval of the memorandum of agreement with the Lewis and Clark County Sheriff Employees' Association.

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.

Agreement Between Lewis and Clark County and ACOM Solutions, Inc. (Nancy Everson)

Nancy Everson, Chief Financial Officer, presented the contract with ACOM Solutions, Inc. for an amount not to exceed \$8,057 to add software that will allow the County to conduct electronic payments. It will provide an email to the vendor to inform them the electronic payment has been sent. It will also allow for financial reports to be emailed to all current agencies rather than currently mailing reports. Staff recommends approval of the contract with ACOM Solutions, Inc.

Ms. Everson stated there would be a savings in staff time as well as savings in mailing costs.

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 2022-32, A Resolution of Intention to Adopt Amendments to the Helena Valley Zoning Regulations. (Tabled 5-26-22) (Greg McNally, Co-Interim Director/Planner III and Lindsay A. Morgan, Co-Interim Director/Planner III)

Commissioner McCormick stated the public comment for this item was closed on May 26, 2022.

Greg McNally, Interim Co-Director/Planner, presented the resolution of intention to adopt amendments to the Helena Valley Zoning Regulations that was tabled on May 26, 2022.

Any public comment received in the 30-day window will be provided to the Commission prior to the meeting where a decision could be made.

Lindsay Morgan, Interim Co-Director/Planner III, stated the provided staff memo is the same as presented on May 24, 2022 with the addition of provisional language in the Planned Development (PD) section that added a provisional water right by extending water lines from the cities or the Helena Valley aquifer and easements would be required for the extension of any water lines.

Ms. Morgan explained the strike through language.

Mr. McNally discussed the Water Quality Protection District memo that was presented.

Ms. Morgan stated the original language presented to the Consolidated City-County Planning Board was more specific.

Nicho Hash, Deputy County Attorney explained the procedures at this point.

No public comment was received.

A motion was made by Commissioner Hunthausen to include the staff proposed amendments to Section 21 as amended by staff and seconded by Commissioner Rolfe. The motion Passed on a 3-0 vote.

A motion was made by Commissioner Hunthausen to include dates May 26 and 31, 2022 to the resolution and seconded by Commissioner Rolfe. The motion Passed on a 3-0 vote.

Mr. Hash confirmed it is appropriate to work through all the changes and addressing inconsistencies in the document.

A motion was made by Commissioner Hunthausen to include May 31, 2022 memo/ staff report into the resolution and seconded by Commissioner Rolfe. The motion Passed on a 3-0 vote.

A motion was made by Commissioner Hunthausen to approve the resolution of intention to adopt amendments to the Helena Valley Zoning Regulations as amended and seconded by Commissioner McCormick.

Commissioner Rolfe discussed different areas of Lewis and Clark County and how a 10-acre lot would fit, noted the strong opposition from the public at many meetings.

Extensive discussion occurred regarding zoning areas, the previously approved 10-acre minimum being only for the rural area and reading of sections of the growth policy was heard.

A motion was made by Commissioner Rolfe to eliminate the 10-acre minimum and seconded by Commissioner Hunthausen. The motion Failed on a 1-2 vote.

Commissioner McCormick stated there is a global motion on the table. The motion Passed on a 2-1 vote with Commissioner Rolfe opposing.

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

John Herrin, 2855 Sundown Road, stated the zoning regulations just slammed the door on development in the rural area. The social economic damage that is being caused needs to be addressed. The process is not being followed because of bad management, there should have been consultants.

Commissioner McCormick stated his comments are about an agenda item and what is being asked is public comment that has to do with business not on the agenda.

Mr. Herrin stated he is going to speak on what needs to happen going forward and continued to express his opposition of zoning.


Adjourn


There being no further business, the meeting adjourned at 11:49 am.

Meeting minutes approved on 02/28/2023

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Tom Rolfe, Chair


Andy Hunthausen, Vice Chair


Candace Payne, Member

ATTEST:


Amy Reeves, Clerk of the Board