



## **PUBLIC MEETING**

February 15, 2022  
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, February 15, 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, Nancy Everson, Nicho Hash, Carrie Lutkehus, Ann McCauley, Greg McNally, Alexa Noruk, Beth Norberg, Bob Utick, Steve Utick, Jonathan Ambarien, Bill Gowen, Constance Horder, and Nadine McCarty, Recording Secretary.

### **Pledge of Allegiance**

Everyone recited the pledge.

### **Consent Action Items**

- a. Engagement Letter with Rosie Barndt, CPA. (Misty Edwards)

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.

### **Request for American Rescue Plan Act Direct Allocation for Disaster and Emergency Services. (Carrie Lutkehus)**

Carrie Lutkehus, ARPA Program Specialist, presented the request for American Rescue Plan Act (ARPA) from Lewis and Clark County Disaster and Emergency Services (DES) in partnership with Elkhorn Community Organizations Active in Disaster (COAD) for direct allocation funds in the amount of \$25,000. Funds are to support sheltering efforts for unhoused community members that have tested positive for COVID-19. The proposed project will be overseen by DES and the COAD with all sheltering decisions and funds expenditure subject to their discretion.

An alternate housing option is necessary when unhoused community members test positive while living in a congregate setting in order to prevent the risk of spreading the virus. The DES and the COAD will

work with community providers to identify the unhoused individuals with positive results and work collaboratively with the providers to determine the best course of action. The period for the request is January 15, 2022 through December 31, 2022. Staff recommends approval of the request.

Alexa Noruk, Disaster and Emergency Services Coordinator, stated the program ran in 2020, was a little more limited. They engaged the City of Helena to see if they would like to join in should extra funds be necessary. Rocky Mountain Development Council managed the program in 2020.

Roger Baltz, Chief Administrative Officer, stated there was a contribution from both the County and the City and all of the funds were not expended.

Ms. Noruk stated it is not anticipated that all of the funds will be expended.

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.

**Request for American Rescue Plan Act Minimum Allocation and Direct Allocation Funds for Trinity School District #4. (Ann McCauley)**

Ann McCauley, Grants and Purchasing Director, presented the request from Trinity School District #4 for American Rescue Plan Act (ARPA) funding from both Lewis and Clark County's Minimum Allocation (Pot B) and Direct Allocation (Pot A) programs to complete a necessary water and septic improvement project for Trinity School in Canyon Creek. There has been an over two-fold increase in enrollment over the past two years in the district and it is anticipated enrollment will continue to increase over the next 2-3 years. The current well and septic are not adequate to meet state and local standards for the level of student enrollment. The proposed project will install a new well that meets public water supply standards for drinking water and a Level II septic system. The minimum allocation request is \$87,000, the Direct Allocation request is \$62,000 for a total request of \$149,000. Trinity School will provide \$25,000 in cash match for a total cost of \$174,000. Staff recommends approval of the request.

Connie Horder, Trinity School District #4 School Board, stated the school was established in 1893 and is the longest running school in the state. They have tried any method possible to treat the well and septic systems. They hired an engineer to show them what they would have to do. The new septic system will serve up to 100 people. The school is also used as a voting place and other meetings. They are ready to go and to get into compliance. The students are drinking from a large, bottled water dispenser.

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.

**Lease Agreement Between Lewis and Clark County and Zeman Holdings II, LLC. (Nancy Everson)**

Nancy Everson, Chief Financial Officer, presented the commercial lease agreement with Zeman Holdings II, LLC for a lease at 631 N Last Chance Gulch for Our Place Drop In Center. The lease is in the amount of \$4,500 per month beginning March 1, 2022, effective for a period of three years. Staff recommends approval of the lease agreement with Zeman Holdings II, LLC.

Commissioner Hunthausen gave a brief explanation of the services provided at Our Place Drop In Center and the partnerships involved.

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.

**Final Plat Application for the Grand Vista Estates Subdivision, Phase II, SUBD2021-022.  
(Applicant: U&M Enterprises, LLC) (Planner: Greg McNally)**

Greg McNally, Planner III, presented the final plat application for the Grand Vista Estates Subdivision, Phase II of the preliminary conditionally approved eleven lot subdivision located north of Lincoln Road and east of and adjacent to Collins Drive, south of and adjacent to Fantasy Road. The County Commission granted preliminary approval on December 17, 2019, subject to thirty-one conditions of approval. Phase I of the project was platted on October 21, 2021. All conditions applicable to Phase II have been met. Staff recommends approval of the final plat request for Phase II of the Grand Vista Estates Subdivision.

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.

**Final Plat Application and Subdivision Improvements Agreement for the Amended Plat of Lot 4P-A of the First Amendment of Heron Creek Subdivision Phases 1, 2, & 3, Document Number 3364902, (Being an Amended Plat of lot A-1A of the H.W. Smith Minor Subdivision) Records of Lewis and Clark County, Montana to be known as Heron Creek Subdivision Phases 4, 5, and 6.  
(Applicant: Sussex Development, Inc.) (Planner: Greg McNally)**

Greg McNally, Planner III, presented the final plat application and Subdivision Improvements Agreement (SIA) for the Heron Creek Subdivision, Phases 4, 5, and 6. The County Commission granted preliminary approval on September 18, 2007, subject to 20 conditions of approval for Phase IV, 21 conditions of approval for Phase V, and 18 conditions of approval for Phase VI. All conditions of approval have been met or addressed with the subdivision improvements agreement. Staff recommends approval of the final plat application and Subdivision Improvements Agreement for Heron Creek Subdivision Phases 4, 5, and 6.

Ron Bartsch, Applicant, thanked the Commission for the partnership over the years on this project. He stated the fire protection system is unique and holds a body of water that is twice the amount of what is required for fire protection system. The ice does not pose any issues.

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.**

Bill Gowan, 8229 Avocet Dr., Government Affairs Committee Chair for the Helena Association of Realtors, stated in the last Zoning Advisory Panel (ZAP) there were some issues with the way it was conducted. Policies state that meetings shall be open to the public, agendas must be posted, and they must obey the bylaws. He referenced the ZAP bylaws that were approved by the Commission. A couple weeks ago he stated he felt that the ZAP was not ready to present it's proposal. During the meeting, it was stated that public comment would not be heard until the end of the meeting, after all three votes.

That is in violation of the bylaws and the resolution. Those votes should not be valid. There was no opportunity to give public comment after each agenda item.

Nicho Hash, Deputy County Attorney, stated a way to address procedural missteps is to hold the meeting again.

Roger Baltz, Chief Administrative Officer, stated he was informed by Planning staff of the procedural flaw and the intention is to conduct the meeting again.

Commissioner McCormick stated the ZAP will correct the procedural misstep. No action needs to be taken.

Ron Bartsch, commended the Commission for taking the step to go back and have the misstep corrected by the ZAP.

Commissioner Hunthausen announced and wanted to recognize former County Commissioner Dave Fuller, who passed away.

**Adjourn**

There being no further business, the meeting adjourned at 10:14 am.

Meeting minutes approved on January 24, 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