



## **PUBLIC MEETING**

October 26, 2021  
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, October 26, 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 Tom Rolfe was present. Commissioner Jim McCormick was out of the office. Others attending all or a portion of the meeting included Roger Baltz, Nicho Hash, Calob Marquis, Greg McNally, Christal Ness, A.C. Rothenbuecher, Audra Zacherl, Ray Prill, Taylore Dinsdale, and Nadine McCarty, Recording Secretary.

### **Pledge of Allegiance**

Everyone recited the pledge.

### **Consent Action Items**

- a. Public Meeting Minutes for September 15, 2020; September 7, 14, 16, 21, 23, 28, 30, 2021. (Nadine McCarty)
- b. Letter of Support for Tri-County FireSafe Working Group AIM Grant Application. (Roger Baltz)

Roger Baltz reported on the consent action items 2 a-b 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 2-0 vote.

### **Contract Between Lewis and Clark County and Facility Improvement Corporation. (Audra Zacherl)**

Audra Zacherl, Public Works Assistant Director, presented the contract with Facility Improvement Corporation (FICO) to upgrade the District Court air handler unit and to replace the existing stairway snowmelt system. Both projects are at the Courthouse building. Costs are for time and materials not to exceed \$20,000 to upgrade the air handler unit and \$7,500 for the stairway snowmelt system. The total contract is not to exceed \$27,500 with work to be completed by December 31, 2021. Staff recommends approval of the contract with Facility Improvement Corporation.

Mac McCarley, Public Works Building Supervisor, gave an overview of the air handler system and what it does in the courthouse regarding heating and cooling.

No public comment was received.

A motion to Approve was made by Commissioner Rolfe and seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

**Change Order No.1 to the Contract Between Lewis and Clark County and Mockel Precast and Excavating Co. (Calob Marquis)**

Calob Marquis, Rural Improvement District Construction Coordinator, presented the change order to the contract with Mockel Precast and Excavating Co. in the amount of \$11,779.75 for the Treasure State Acres Storm Drainage Improvement Project. The project consists of repairing and expanding eight infiltration structures throughout the district that have outlived their life expectancy and to help remediate known flooding issues. Budget authority for the project is from the Treasure State Acres Rural Improvement District funds.

An additional 588 square feet of asphalt patching and an extra 56.5 linear feet of concrete curb and gutter were added to further reduce drainage pooling and to ensure all surface water would flow into the new underground structures. Staff recommends approval of the change order with Mockel Precast and Excavating Co.

Mr. Marquis gave an overview of the project and noted it was decided to expand the project to include the curb and gutter work while the contractor was onsite.

No public comment was received.

A motion to Approve was made by Commissioner Rolfe and seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

**Contract Agreement Amendment Between Lewis and Clark County and PureView Health Center. (A.C. Rothenbuecher)**

A.C. Rothenbuecher, Community Health Promotion Division Administrator, presented the amendment to the contract with PureView Health Center for HIV medical case management. The amendment changes guidelines for counseling and referral services related to COVID-19, and reimbursement guidelines. From this amendment, the amount of the contract increases to \$21,106. The contract end date of June 30, 2022 remained the same. Staff recommends approval of the contract amendment with PureView Health Center.

No public comment was received.

A motion to Approve was made by Commissioner Rolfe and seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

**Grant Award to Lewis and Clark County from Montana Department of Public Health and Human Services (A.C. Rothenbuecher)**

A.C. Rothenbuecher, Community Health Promotion Division Administrator, presented the mini-grant award from the Montana Department of Public Health and Human Services for the ReACT mini-grant focused on teen-led advocacy and activism against the tobacco industry. The award is in the amount of \$4,000 for the period of July 1, 2021 through June 30, 2022. Staff recommends acceptance of the grant award from the Montana Department of Public Health and Human Services.

Taylor Dinsdale, Tobacco Prevention Specialist, gave an overview of the mini-grant and noted this is the fourth or fifth year of receiving the grant, with this year being a larger amount. The funds support a youth

art competition for vape prevention ads and more youth activities for high school students promoting the My life, My Quit line for teens.

No public comment was received.

A motion to Approve was made by Commissioner Rolfe and seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

**Court Ordered Division for the Jim & Dorothy Mitchell Living Trust. (Christal Ness)**

Christal Ness, Development Services Supervisor, presented the court ordered division for the Jim Mitchell Confirmation of Arbitrator's Award. By statute the County is allowed to submit comments to the court relative to court ordered divisions.

The parcel was created by a boundary line relocation in December of 2005. In 2017, the Mitchell's deeded their property to the James and Dorothy Mitchell Living Trust. In 1997 the Mitchell's completed a 5-lot minor subdivision, with Lot 1A-1 being sold via a Contract for Deed to the Barnaby's who built their home on the parcel. The Mitchell's received preliminary plat approval for a major subdivision on Lot1A-1 with the intent a smaller lot would be created for the Barnaby home. The major subdivision has encountered an insurmountable issue and at this point has not occurred. To make this equitable the parties submitted their issue to arbitration. Judge Sherlock issued an arbitration award that would allow the division of the two properties with two acres to the Barnaby's and the remaining 8.31 acres to the Mitchell's. Before the Court is a motion to confirm the award. This is the time for the Commission to be able to make comment to the Court for a hearing next week. The Court Ordered Division is exempt from the Subdivision and Platting Act, therefore, conditions cannot be applied. It is also exempt from a Department of Environmental Quality review.

Staff recommends that the Court's order should: instruct the petitioners that a certificate of survey is prepared pursuant to Montana Code Annotated and the Administrative Rules of Montana; instruct the petitioners their property is subject to the requirement of the Lewis and Clark County On-site Wastewater Treatment Regulations; and should instruct the petitioners that their property should be addressed.

Ms Ness stated any division of property by statute is required to have a certificate of survey. There will be time to review the certificate to ensure it conforms prior to it being recorded.

Nicho Hash, Deputy County Attorney stated this is just following the statutory process.

No public comment was received.

A motion was made by Commissioner Rolfe to approve the recommendations related to the proposed Court Ordered Division and seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

**Court Ordered Division for the Estate of Patricia Sue Ries. (Christal Ness)**

Christal Ness, Development Services Supervisor, presented the Court Ordered Division for the estate of Patricia Ries. The 24.76 acres property was created by a boundary line relocation in December of 2000 and deeded to Stephen and Patricia Ries, as joint tenants with right of survivorship. Stephen Ries passed away in 2015 and the Statement of Acknowledgement was recorded, leaving Patricia Sue Ries as the sole owner. Patricia Sue Ries passed away on September 19, 2021, leaving the property to be divided by will among ten heirs with the family home to remain on 4.66 acres. Through legal counsel, the heirs submitted a Motion for Partition of the Real Property Pursuant to the Will. The Court Ordered Division will create eleven parcels with the heirs' parcels approximately 2 acres, leaving a 4.99 acre parcel to be sold with the home. There is a proposed 60-foot public access in a utility easement servicing all the lots. The property is located west of Green Meadow Drive, north of Norris Road,

abutting the east side of the railroad right-of-way. If approved by the Court, the lots will not be subject to subdivision review, nor review by the Department of Environmental Quality. Most lots will have access onto Green Meadow Drive via the proposed public access and utility easement.

Staff recommends that the Court's order should: instruct the petitioners that a certificate of survey is required to be prepared pursuant to Montana Code Annotated and the Administrative Rules of Montana, instruct the petitioners their property is subject to the requirements of the Lewis and Clark County On-site Wastewater Treatment Regulations; and instruct the petitioners their property should be addressed.

Ms. Ness explained the will instructed the family home and acreage surrounding the home be sold to cover possible road improvements and utilities installation for the lots to be given to her heirs. This is the end of a probate action filed by their attorney.

No public comment was received.

A motion was made by Commissioner Rolfe to approve the recommendations related to the proposed Court Ordered Division and seconded by Commissioner Hunthausen. The motion Passed on a 2-0 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 9:29 am.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

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Jim McCormick, Chair

  
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Tom Rolfe, Vice Chair

  
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Andy Hunthausen, Member

ATTEST:  Reeves  
  
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Amy Reeves, Clerk of the Board