



PUBLIC MEETING
November 28, 2017
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, November 28, 2017, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Chairman Susan Good Geise called the meeting to order at 9 a.m.

Commissioner Andy Hunthausen and Commissioner Jim McCormick were present. Others attending all or a portion of the meeting included Roger Baltz, Marni Bentley, Doug Boutilier, Nancy Everson, Jason Grimmis, Lindsay Morgan, Doug Peterson, Joe Scanlon, Audra Zacherl, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Public Meeting Minutes: March 21; October 12; November 2, and 7, 2017. (Nadine McCarty)

Roger Baltz reported on consent action item 2 a and recommended approval.

No public comment was received.

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

Contract Between Lewis and Clark County Sheriff's Office and Lexipol. (Jason Grimmis)

Jason Grimmis, Undersheriff, presented the contract with Lexipol in the amount of \$14,392 for subscriptions to the Montana Law Enforcement Policy Manual, and daily training bulletins; along with 50 hours of support. The web based manual can be modified to the specific needs of Lewis and Clark County Sheriff's Office. Having good policies and procedures in the Sheriff's Office will limit the liability and give the office the direction it needs. Supervisors will also have the opportunity to hold people accountable to the policies and procedures.

Commissioner Good Geise confirmed with Undersheriff Grimmis that this manual will assist the Sheriff's Office in following protocol for each detained individual.

No public comment was received.

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

Change Order No. 2 to the Contract Between Lewis and Clark County and Helena Sand & Gravel, Inc. (Audra Zacherl)

Audra Zacherl, Assistant Director of Public Works, presented Change Order No. 2 to the construction contract with Helena Sand & Gravel, Inc. for the Marysvilled Road Corridor Completion Federal Land Access Program Project. The Project consists of reconstruction of Marysville Road between Ottawa Gulch and the entrance to the Great Divide Ski area; to include grading, crushed base course, asphalt pavement from the town of Marysville to Ottawa Gulch; and a seal coat from Hwy 279 to Ottawa Gulch. Funding for this project is through the Western Federal Lands Highway Division Federal Lands Access Program. Total project was budgeted at \$2,563,688 and final costs to date are \$1,649,121. Lewis and Clark County will contribute 13.42% of the total construction costs as match; approximately \$225,000. The change order is to reconcile actual and final quantities with bid quantities. The change will increase the contract by \$22,319.50 for a total contract amount of \$1,306,558.40. Staff recommends approval.

Ms. Zacherl explained the project is complete and this is the final paperwork. She explained the grant is reimbursable, so the county only receives what is spent.

No public comment was received.

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

Change Order No. 3 to the Contract Between Lewis and Clark County and Schellinger Construction Co., Inc. (Audra Zacherl)

Audra Zacherl, Assistant Director of Public Works, presented Change Order No. 3 to the construction contract with Schellinger Construction Co. for the Beartooth Road Resurfacing Federal Lands Access Program Project. The contract scope consists of asphalt leveling and overlay on six miles; roadway reconditioning and aggregate surfacing, including improving pullouts on 2.7 miles; and safety improvements including guardrail, signage, delineators and pavement markings on the Beartooth Road. Funding for the project is through the Western Federal Lands Highway Division Federal Lands Access Program. Total project cost was budgeted at \$4,073,000 and final costs totaled \$3.3 million. The change order is to reconcile actual final quantities with bid quantities to finalize the project. Lewis and Clark County contributes a match of 13.42% on total construction; approximately \$450,000 for this project and has been budgeted at \$546,597 in the Road Infrastructure fund for FY18. Staff recommends approval of the change order for a reduction of \$5,965.75.

No public comment was received.

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

Contract Between Lewis and Clark County and Anderson, Stevenson, Wilke Funeral Home. (Marni Bentley)

Marni Bentley, Budget Coordinator, presented the contract with Anderson, Stevenson, Wilke Funeral Home for indigent burial services in an amount not to exceed \$2,300 per burial. In the past there has been an informal agreement with the funeral home in an amount of \$1,100 per burial. The decision was made to formalize a contract where the County covers a greater portion of the cost than in the past. The contract is in conjunction with the burial policy and is effective upon signature.

Commissioner Good Geise commented on the large increase in indigent burial requests; along with the probability of a significant loss on the funeral home side for a long time.

PUBLIC COMMENT -

Mikel Stevenson, Manager of Anderson, Stevenson, Wilke Funeral Home, added this seems like a significant increase in costs for the local taxpayers, the other side is the funeral home is in this with the County. If this was done as a private party expenses would be over \$6,000 in range. This is still a negative affect for the funeral home; they are also taking on a burden when it comes to a dignified burial for these people that may not have the means. A formal contract between the County and the funeral home has been a goal for a while. The verbal agreement has been in place since 1994 with no changes as far as payment. There has been a significant increase in costs for burials, an example is the casket used in 1994 was around \$75 and today the same casket is over \$400.

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

Subdivision Improvements Agreement Extension Request for Northstar P.U.D., Phase VI-B. (Applicant: Northstar Development, L.L.C.) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner II, presented the requested extension of the completion date under the Subdivision Improvements Agreement (SIA) for the Northstar P.U.D., Phase VI-B until November 30, 2018. The property is located north of Valley View Road and west of North Montana Avenue. As a part of this request the following have been submitted: extension request application form; engineer's estimates from November 2017 for costs associated with the remaining improvements in the amount of \$607,895; extension of maturity date until December 31, 2018 for Irrevocable Letter of Credit No. 1162 in the amount of \$658,725.50, this is in excess of the costs of remaining improvements.

This subdivision was granted preliminary approval on August 16, 2005. Final approval of this Phase was granted on August 8, 2013. At the time of final approval, the SIA was entered into to guarantee that all remaining improvements would completed; to have been completed by November 30, 2017, however, none of the improvements have been completed. Northstar Development, LLC has provided the Planning Department with road plans for upgrading a section of Valley View Road with cost estimates to complete improvements under proposed revisions to the SIA. Northstar does plan to submit this request to modify the SIA in the near future.

Commissioner Good Geise and Commissioner Hunthausen discussed the application and that this is the fourth request associated with this phase. It isn't uncommon; and extensions are fine for good reasons, but it is concerning how long the project has been going. Though the Commission wants to assist people in completing their projects, significant progress needs to be made towards the completion.

Commissioner McCormick asked if the developer has given any timeline or any discussion on the details.

Ms. Morgan explained there is not a timeline for the project. Right now they are financially guaranteeing the internal road network for Phase VI-B, chip sealing; and offsite road and storm water improvements to Valley View Road from North Montana to Rancho Deluxe Drive; and the three turn lanes on North Montana Avenue. They were planning to modify the SIA at the beginning of the year. At that time they were dealing with one member of Northstar; who had some medical issues, delaying the modification. Over the summer they met with the same member and an engineering company to discuss the road plans for Valley View Road. Their plan was to modify a

shorter section; remove the requirement to do the three turn lanes. It has been determined the three turn lanes are not required since the reduction of the speed limit in the area. Phases II through VI-B were to be chip sealed and they have not been. They have been financially guaranteeing VI-B, but Phases II - VI-A had not been financially guaranteed. The plan was to get the cost estimates to Planning; they were hoping to receive these earlier so improvements could have been completed over the summer. The costs estimates were received the end of September beginning of October. There are now three other members of Northstar in attendance; requesting the extension and planning to submit the proposed SIA amendments in the near future. The difference this year from the other meetings is they have received the plans and the estimates; the only thing missing is the actual request and the fee paid.

PUBLIC COMMENT -

Doug Boutilier, Member of Northstar, LLC, stated you have no idea how badly the three in attendance want to get this done. Per the agreement with the bank they had to get all of the lots sold and give the bank any money they received. This began just before the crash and they are not making any money on this deal. This is the last of the improvements necessary. When they submit the amended request, the amount is closer to \$300,000. The quickest and easiest way is to sell the water and sewer district; there was an interested party in purchasing the district. If they did that the money would be put aside until the improvements can be done per the weather. The three of them want out of this and he guarantees there will not be another request next year.

Commissioner Good Geise referenced the water and sewer and district. Mr. Boutilier stated Northstar, LLC developed the district for the homeowners and they pay a monthly fee. It is a saleable item. Commissioner Good Geise wanted to confirm the county would not play any part in the contemplated sale. Nicho Hash, Deputy County Attorney, confirmed the county would have no part.

Ms. Morgan stated if they amend the SIA to remove the turn lane requirements; remove a section of Valley View Drive, as proposed; and instead chip seal Phases II through VI-B the modified estimates would be around \$307,000, including the additional 25 percent.

Mr. Boutilier stated they had to apply for the original amount before applying for the amendment.

Doug Peterson, member of Northstar, LLC, stated the subdivision in question is his old ranch that he purchased about 1960. The expense and the time it has taken to develop this has been pretty sizeable. The three of them had not realized the bind they were in with the improvements. They got an extension from the bank, but they did not realize exactly how things were going as they were busy finishing up the development, the sewer and water systems. They really would like to get this done.

Joe Scanlon, member of Northstar, LLC, stated the controller for Northstar, LLC had several surgeries over the last two years. They did not realize that he had dropped the ball on several issues that he was responsible for; these issues were not realized until about two months ago. As was previously said, they want to get it done and will not be asking for another extension. It was pretty much circumstances and they are really wanting to do things right this time.

A motion was made by Commissioner McCormick to approve the Subdivision Improvements Agreement extension request for Northstar P.U.D. - Phase VI-B as presented and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

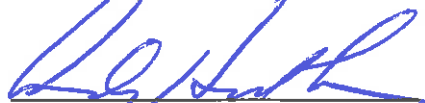
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.

Adjourn

There being no further business, the meeting adjourned at 9:56 am.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS

Susan Good Geise, Chair



Andy Hunthausen, Vice Chair



Jim McCormick, Member

ATTEST:



Paulette DeHart, Clerk of the Board