



## **PUBLIC MEETING**

November 9, 2017

### **MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, November 9, 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 Pete Anderson, Roger Baltz, Connie Cole, Eric Gilbertson, Glenn Harwell, Mary Gibbard, Charles Lane, Lindsay Morgan, Christal Ness, Kraig Pester, Anthony Poppler, Jon Ries, Marvin Weber, Audra Zacherl, and Nadine McCarty, Recording Secretary.

#### **Pledge of Allegiance**

Everyone recited the pledge.

#### **Consent Action Items**

There were no consent action items.

#### **Bid Opening. New Model Year 2018 Landfill Compactor. (Audra Zacherl).**

Pete Anderson, Landfill Manager, gave a brief overview of landfill operations. In 2014, Lewis and Clark County and the City of Helena entered into an efficiency study which analyzed all components of the transfer site and the landfill. At that time it was recommended to not purchase a compactor. As the study progressed the City and the County entered into an inter-local agreement for the City to manage the landfill. Under that agreement, the equipment was analyzed. After speaking to other facilities it was determined it would be in the County's best interest to purchase a new compactor; retain the existing compactor and keep it in the Class IV cell and put the new compactor in the Class II cell. This will reduce hours on the main compactor, extending the life of the machine.

Audra Zacherl, Assistant Director of Public Works, opened the bids for the new model year 2018 landfill compactor. Three bids were received. The first bid is from Humdinger Equipment, LTD of Lubbock, TX for a Tana E380eco for a net purchase of \$762,910, a guaranteed repurchase at year seven of \$114,188 for a total base bid amount of \$648,722, the additive alternate is for \$15,500 with delivery in 150 days. The second bid is from Tractor & Equipment Co. of Great Falls, MT for a Caterpillar 826K for a net purchase price of \$711,232, a guaranteed repurchase at year seven of \$154,300 for a total base bid amount of \$556,932, the additive alternate is for \$22,110, with delivery in 210 days. The last bid is from Titan Machinery, Inc. of Great Falls, MT for a Bomag Model BC772RB4 for a net purchase price of \$655,700, a

guaranteed repurchase at year seven for \$97,500 for a total base bid amount of \$558,200, the additive alternate is for \$15,000 with delivery in 125 days.

A motion was made by Commissioner Hunthausen for staff to take the bids under advisement and make a recommendation to the Commission at the regularly scheduled meeting on November 16, 2017. The motion was seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

**Grant Award to Lewis and Clark County Sheriff's Office from Montana Disaster and Emergency Services. (Eric Gilbertson & Marvin Weber)**

Eric Gilbertson, Lewis and Clark County Sheriff's Office Sergeant presented the grant award from Montana Disaster and Emergency Services in the amount of \$60,000 with no required local match. The funds will be for the Readiness and Response Project to be used for equipment for the EOD division, specifically three suits and two members to attend hazardous devices school; six week training. The grant period begins October 1, 2017 through September 30, 2018.

Marvin Weber, Lewis and Clark County Sheriff's Office Deputy, added the suits themselves are custom fit to each member and are chemical and flash resistant and contain self contained breathing apparatuses. He also stated that the Lewis and Clark bomb team is one of three in the State of Montana and covers all of central Montana.

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.

**Shared Road Access Agreement Between Lewis and Clark County and Adjacent Landowners of an Unnamed Road in Unionville. (Christal Ness)**

Christal Ness, Ombudsman, presented the Shared Road Access agreement with property owners in Unionville, for an unnamed road the County has exerted jurisdiction over by providing some maintenance in the past. All of the property owners access their parcels off of the road. Extensive research by County Planning did not locate a deed, survey or other sort of reference for the intention of County ownership of the road either as a fee parcel, or an easement.

Property owner Glen Harwell that has lived at 1975 Oro Fino Gulch since approximately 1978 provided Ms. Ness with three documents: a parcel map obtained from Helena Abstract and Title, showing the parcels along a County Road and depicts a gap of 29' between what is labeled Parcel N and Parcel M; a parcel map obtained from the Department of Revenue depicting parcels along the road, and a parcel labeled "County"; the third document, the State of Montana Highway Plan for Oro Fino Gulch, designated as State Highway 434, and depicts parcel #32 as belonging to Lewis and Clark County. Based on the documents, and the sources of such, it is apparent Lewis and Clark County has some sort of jurisdiction over the location of the road. A former Public Works employee, John Lamb, informed Ms. Ness that snow plowing and maintenance for the drainage ditch paralleling the west side of the access road was done by the Public Works Department. The County continues to maintain the drainage ditch. Mr. Harwell also shared the Public Works Department improved the access road with a road mix lift in the past. The title company will not insure access to the parcels and homes because the access to the road is unknown.

Due to the lack of evidence as to what the access road is, fee simple ownership, or an easement, the homeowners have proposed the Shared Road Access Agreement stipulating that the parties agree the shared access road is currently, and has been used as a public access

roadway. The agreement also states the adjacent landowners shall not restrict access to the public on this access road.

Ms. Ness stated the agreement does not specify ownership it simply states the County is agreeing that the County has an interest in the road is willing to enter into an agreement with property owners to utilize that road for access. One of the clauses in the agreement states that the road has historically been used as a public access roadway. This agreement does not increase or decrease anyone's property size.

#### **PUBLIC COMMENT -**

Glen Harwell, 1975 Oro Fino Gulch, stated he has lived in Unionville for about 40 years and is familiar with the road as it provides access to his home. This road has always been a piece of property that everyone assumed the County owned. It all started with the county maintaining and improving the drainage ditch.

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 Garden Valley Subdivision. (Tabled 10/26/17) (Applicant: Larry Kim Smith) (Planner: Lindsay A. Morgan)**

Lindsay Morgan, Planner II, presented the requested extension of the completion date under the Subdivision Improvements Agreement (SIA) for the Garden Valley Subdivision. Preliminary approval was granted on October 27, 2015 and final approval was granted on November 22, 2016. At the time of final approval, the applicant entered into an SIA to guarantee that all remaining improvements would be completed by October 17, 2017. This is a 37 lot residential subdivision located south of and adjacent to John G. Mine Road, and west of and adjacent to North Montana Avenue. The Commission tabled the SIA extension request decision on October 26, 2017 to allow Mr. Smith the opportunity to deal with the Letter of Credit and to answer any other questions. Ms. Morgan stated that an updated Letter of Credit has been receive and suggested a break for legal staff to review.

Recess for legal to review the Letter of Credit /Reconvene

Charles Lane, Deputy County Attorney, stated that he had time to review the letter of credit and approved it.

Commissioner Geise referenced the written comments that have been entered into the record. Commissioner Hunthausen added that there was a lot of concern regarding the expectation about paving and added that it is in the best interest of the County to work with the developer and grant the extension so that the improvements are completed.

No public comment was received.

A motion was made by Commissioner Hunthausen to approve the requested SIA extension with the expiration date of October 17, 2018. The motion was seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

#### **Board Appointment. (Roger Baltz)**

Roger Baltz, Chief Administrative Officer, presented the board appointments for the Mental Health Local Advisory Council (LAC) and the Open Lands Citizens Advisory Committee (CAC).

Staff recommends the following appointments: Matt Furlong to the Mental Health LAC as a consumer to a term that expires June 30, 2021; and Kevin League to the Open Lands CAC as a member at large to a term that expires June 30, 2020.

**PUBLIC COMMENT -**

Connie Cole, Chair of the Open Lands CAC, stated Mr. League is currently the Stewardship Manager of Montana Fish, Wildlife, and Parks and recommends approval of the appointment.

A motion to Approve was made by Commissioner McCormick 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.**

Anthony Poppler, 5074 Malibu Loop, thanked Public Works Director Eric Griffin and CAO Roger Baltz for responding to emails and requests for information on Deal Lane. He has been emailing the county since August 2, 2017 regarding excessive speeding on Deal Lane that contributes to poor road conditions, public safety concerns and dust. He is requesting a 35 mph speed limit on Deal Lane and asks that the road be sprayed with magnesium chloride starting in the spring of 2018. He added that since moving to Lewis and Clark County his property taxes have always increased but that the amount of services as a tax payer have not increased.

Mr. Poppler requested moving or putting up two or more 35 mph speed limit signs so they are more visible on Deal Lane and either pave or spray the gravel portion of Deal Lane with magnesium chloride. He also added that he has contacted Sheriff Dutton requesting additional enforcement patrols on Deal Lane and he has also filed traffic complaints with the Montana Highway Patrol.

**Adjourn**

There being no further business, the meeting adjourned at 10:12 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