



PUBLIC MEETING

December 19, 2019
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, December 19, 2019, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Chairman Jim McCormick called the meeting to order at 9 a.m.

Commissioner Susan Good Geise and Commissioner Andy Hunthausen were present. Others attending all or a portion of the meeting included Roger Baltz, Peter Italiano, Dan Karlin, Charles Lane, Audrey McCue, Greg McNally, James E. Mitchell, Kevin Wright, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Resolution 2019-110 Declaring County Property Surplus Property. (Amy Reeves)

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 Good Geise 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 Bullock Contracting, LLC. (Dan Karlin)

Dan Karlin, County Engineer, presented the change order to the contract with Bullock Contracting, LLC for the Trap Club Flood Mitigation Project. The contracted work consisted of the installation of twelve reinforced concrete box culverts, a diversion turn-out into the Trap Club Pit with head gates and ditch excavation. A separate contract was issued to supply the box culverts for installation.

Early in the construction the project team ran into several obstacles that required modifications to the design plans near Rossiter School. Mr. Karlin listed the obstacles: the AT&T transcontinental fiber optic line that had been lowered to accommodate the project was discovered to still be in conflict with each box installation along Sierra Road; new conduit for a local fiber optic line was in conflict with the box culvert installation for box 13. These issues delayed progress as school was set to start August 28th. Also included: the contractor was directed to omit the inlet cutoff wall on box 12 and cast-in-place scour protection as an alternative; a retaining wall was requested to be added at the inlet of box 13 as well as to embed the riprap in a concrete floor in the same location; additional sidewalk, curb and gutter, chain

link fence, and asphalt were also requested in the area of Rossiter School. In an effort to better protect the traveling public during construction, guardrail would be installed up to approximately box 7 once the other improvements were completed to that point. This change added additional mobilization costs for the guardrail installer.

Other minor issues also arose. As a result of owner initiated changes and unforeseen circumstances that affected construction, the consultant worked with the contractor to arrive at the change order in the amount of \$62,346.90 to account for the cost of work and 20 additional days to the contract time to account for lost time as issues were worked out. The current contract with Bullock Contracting is \$1,230,687.80 and if approved the total contract value would increase to \$1,293,034.70. Staff recommends the approval of Change Order No. 2 to the contract with Bullock Contracting, LLC.

Mr. Karlin gave an update on the project that included: guardrail posts being installed to complete Sierra Road; chain link fence posts are installed; a little bit of guardrail to be installed on Forestvale Road; all riprap is in place; seeding has been completed; a little paving to complete, a winter shutdown for the contract will be authorized as the paving plants are closed for the winter and the additional 20 days in the change order will allow for completion of the paving in the spring. The functional pieces of the project that will move water is complete.

Mr. Karlin stated the contract period was set to end December 26, 2019 and the project would have been completed but with the paving plant situation it is not possible. He added the transcontinental fiber optic line is critical as it is the connection between Seattle and Minneapolis, which added about three weeks to address the issue. Mr. Karlin gave a brief explanation of the process that had to occur. The cost of lowering the fiber optic line is to be paid by AT&T through their contract with the contractor in the excess of \$100,000 and added the direct cost involved for the County is about \$8,000.

Mr. Karlin gave an overview of the ditch size in front of Rossiter School with a capacity of approximately 400 cubic feet per second (cfs) and the culverts that restrict flow into the ditch with a capacity of about 240 cfs. He added if a flood occurred like in 2018, Rossiter School would remain open.

No public comment was received.

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

Board Appointment. (Audrey McCue)

Audrey McCue, Elections Supervisor, presented the board appointment for the East Clark Street Water and Sewer District and recommended the appointment of Mathew J. Morrow, Sr. to the Board of Directors. The regular May 2018 election for the East Clark Street Water and Sewer District was canceled because no one filed for the two open positions. On October 24, 2019, the elections office received a petition for appointment from Mathew J. Morrow, Sr. and verified that he is registered to vote in the East Clark Street Water and Sewer District and is qualified to serve as a Director.

Per 13-1-502, MCA, if an election has been canceled and there are no regular or declared write-in candidates for a position, the governing body of the local government, or, if appropriate, of the conservation district shall fill the position by appointment. Staff recommends the appointment of Mathew J. Morrow, Sr. to the East Clark Street Water and Sewer District Board of Directors. His term will end when a successor is elected or appointed at the May 2022 regular election.

No public comment was received.

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

Agreement to Extend Preliminary Subdivision Approval for the Amended Plat of Lot 1A-1B of the Foster Ranch Tracts. (Ranger Estates Subdivision) (Applicant: Dorothy Mitchell) (Planner: Greg McNally)

Greg McNally, Planner III, presented the request to extend the preliminary subdivision approval of Amended Plat of Lot 1A-B of the Foster Ranch Tracts for the Ranger Estates Subdivision located north of Canyon Ferry Road and adjacent to Hines Road and Ranger Drive. Mr. McNally noted the Applicant Mrs. Dorothy Mitchell was unable to attend the meeting and is represented by her son Jim Mitchell.

On December 15, 2016, the Commission granted preliminary plat approval for seven lots, each for one single-family dwelling subject to 21 conditions of approval. One of the conditions indicated a three year term with the option for extension. The Applicant has requested an extension for an additional three years until December 15, 2022.

The Applicant has not fulfilled any of the conditions of approval during the preliminary approval time period. One of the conditions requires that the Applicant establish or demonstrate that Ranger Drive meets the requirements for legal access under the Lewis and Clark County Subdivision Regulations and according to the extension application, the Applicant is working to fulfill this condition prior to proceeding with the other conditions. Staff recognizes the condition of approval is one of the more important conditions to address before approaching the others. The project has also been hindered due to the unfortunate passing of the original Applicant, Jim Mitchell in January of 2019. Staff has prepared a three year extension agreement and recommends approval of the extension request.

Commissioner Good Geise asked about the progress made so far on the road right-of-way. Mr. McNally noted the County was involved in a site visit, pursued seeking an appraisal of the properties that would be affected by the establishment of a County road in the area. The cost of the appraisal was upwards of \$20,000. Mr. McNally added at this point the obligation is on the Applicant to pursue any action that would lead to the successful completion of the condition.

Jim Mitchell, Applicant's son, stated things were ready to go this last summer but it stopped with the passing of his dad. He believes things are going now to get the road approved as a public road and the plan is for it to be completed this summer. He added once the road issue is completed they should be able to complete the project by December 15, 2022.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise 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.

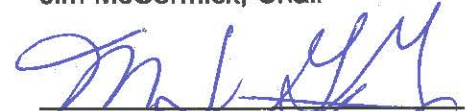
Commissioner McCormick announced the public meetings for December 24 and 26, 2019 have been canceled. The next public meeting will be December 31, 2019.

Adjourn


There being no further business, the meeting adjourned at 9:35 am.

**LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS**

Jim McCormick, Chair



Susan Good Geise, Vice Chair



Andy Hunthausen, Member

ATTEST:



Paulette DeHart, Clerk of the Board