



PUBLIC MEETING
December 27, 2018
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, December 27, 2018, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Chairman Andy Hunthausen called the meeting to order at 9 a.m.

Commissioner Jim McCormick was present. Commissioner Susan Good Geise was out of the office. Others attending all or a portion of the meeting included Roger Baltz, Marni Bentley, Kari DesRosier, Nancy Everson, Kari Frydenlund, Nicho Hash, Alan Hughes, Peter Italiano, Marina Kuntz, Lindsay Morgan, Dan Karlin, Jim Strachan, Audra Zacherl, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Vendor Claims Report for Week Ending December 28, 2018. (Marni Bentley)
- b. Resolution 2018-115 Declaring County Property Surplus Property. (Amy Reeves)
- c. Resolution 2018-116 Ordering a Refund of Taxes/Fees/Assessments Paid by Roger and Sharon Krebs in the Amount of \$232.99. (Karie Frydenlund)
- d. General Release and Settlement of Burial Costs. (Kari DesRosier)

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

Bid Award. High Bridge Bank Repairs and Smith Creek Road Bridge Repairs. (Audra Zacherl)

Audra Zacherl, Assistant Director of Public Works presented the bid award. On Thursday, December 13, 2018 a bid opening was held for the High Bridge bank repairs and Smith Creek Bridge repairs. Seven bids were received ranging in price from \$171,820 through \$315,500. The project consists of repairing approximately 190 linear feet of the High Bridge bank, including riprap armoring and approximately 150 linear feet of riprap bank armoring on the east and west banks of Smith Creek Bridge as well as a concrete drop wall at the west abutment.

Damage to the two bridges occurred in the June 18 through 21, 2018 severe storm and will be funded in part with state assistance from the State of Montana Disaster and Emergency Services.

After review of the bids, it was determined the apparent low bid did not submit all the required bid submittal items. Therefore, the next lowest bid was reviewed and found to be responsive. Staff recommends awarding the bid to Helena Sand and Gravel, Inc. of Helena, Montana for the total bid amount of \$198,850.

Ms. Zacherl gave an overview of the bid submittal process and noted that all requested details must be met to make it a fair and competitive process. The Schedule 1 and Schedule 2 are for each bridge as the two need to be tracked separately due to the funding source only allocates a certain amount to each project.

No public comment was received.

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

Contract Between Lewis and Clark County Detention Center and Paul Johnson, M.D. (Alan Hughes)

Alan Hughes, Captain of the Detention Center presented the contract with Paul Johnson, MD to provide oversight of the current Detention Center Physician Assistant (PA) in the amount of \$350 monthly. The contract begins January 1, 2019 through December 31, 2019 with automatic renewals. Per the Medical Board, the PA is required to have a supervising physician with him. This contract is necessary since PureView has made the decision to no longer provide the service. Dr. Johnson is currently working with the PA in another facility. Staff recommends approval of the contract with Paul Johnson, MD.

No public comment was received.

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

Contract Between PureView Health Center and the Dealership Alternative. (Marina Kuntz)

Marina Kuntz, PureView Finance Director presented the contract with Dealership Alternative in the amount of \$20,000 for the purchase of a 2017 Ford C-Max for the PureView pharmacy to make prescription deliveries. CVS previously managed the pharmacy and provided prescription delivery services. In the middle of September CVS terminated the contract and PureView began managing the pharmacy resulting in the need to have a vehicle to continue the prescription delivery services.

No public comment was received.

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

Resolution 2018-113 Creating Zoning Regulations for Special Zoning District No. 50 (Tabled 12/11/18) (East North Hills Planning and Zoning District) (Planners: Peter A. Italiano and Lindsay A. Morgan)

Lindsay Morgan, Planner III today was to be the presentation regarding proposed regulations for Special Zoning District No. 50 located south of Tea Road and east of Ferry Drive. Staff is requesting that the item be tabled to Tuesday, January 8, 2019 in order to finalize the document based on recommendations from the lead petitioner.

Ms. Morgan explained the Planning and Zoning Commission recommended approval of the document based on what was presented with the allowance for non-substantive changes. If there

were any substantive changes the document would be brought back to the Planning and Zoning Commission for consideration. The Planning and Zoning Commission recommended approval of the regulations as drafted. After meeting with the lead petitioner on December 21, 2018 additional edits were requested and once those changes are made Ms. Morgan will make sure the lead petitioner has a chance to review.

Ms. Morgan gave an overview of the Part I Zoning District three step process and the meetings involved.

No public comment was received.

A motion was made by Commissioner McCormick to table the item to Tuesday, January 8, 2019 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.

Jim Strachan, lives in York stated he wants to understand if his topic is under the jurisdiction of the Commission and noted that he was told by some game wardens that he would be considered hunting if he was not carrying an implement capable of killing an animal, including outside of hunting season and carrying a camera. The game wardens told him that it was a judicial issue. Commissioner Hunthausen explained to Mr. Strachan that the hunting laws are not within the jurisdiction of the Commission and he would have to check with the Fish, Wildlife and Parks or if legal questions his attorney.

Commissioner Hunthausen further explained the judicial issue and noted if a hunting citation was received the decision would be with the judge and the Commission has no jurisdiction over the judges.

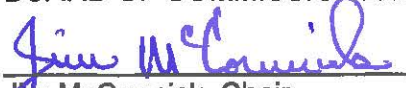
Further discussion was had with Mr. Strachan related to the Lewis and Clark County prosecution system, the improprieties and what part the County Attorney's Office plays in the decisions of whether or not to prosecute the crimes at which time, Nicho Hash, Deputy County Attorney informed Mr. Strachan that their office can provide legal guidance to County staff but not to the public.

Commissioner Hunthausen added the County Attorney is independently elected and the criminal code guides the County Attorney's response. The Commission has no jurisdiction over the County Attorney with Commissioner McCormick adding that the constitution and laws provide for the separation of powers and those lines are not crossed.

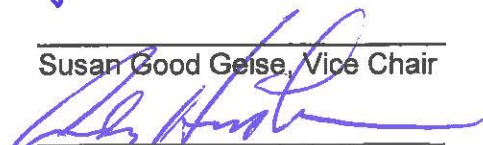
Adjourn

There being no further business, the meeting adjourned at 9:38 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

