



PUBLIC MEETING

February 2, 2021
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, February 2, 2021, at 9:00 AM in Zoom <https://zoom.us/j/5669454978>.

Roll Call

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

Commissioner Jim McCormick and Commissioner Tom Rolfe were present. Others attending all or a portion of the meeting included Roger Baltz, Misty Edwards, Nancy Everson, Peter Italiano, Dan Karlin, Nicho Has, Charles Lane, Christal Ness, Karen Toresdahl, Burt Ward, Jeni Garcin, Judith Anne Vincent, Eli Russell, and Nadine McCarty, Recording Secretary. All attendees were present via Zoom.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Cooperative Purchasing Memorandum of Understanding Renewal with Montana Department of Administration. (Misty Edwards)
- b. Approval of a Request for Waiver of Penalty on Annual Financial Report. (Nancy Everson)

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 McCormick. The motion Passed on a 3-0 vote.

Change Order No. 1 to the Contract Between Lewis and Clark County and Battle Ridge Builders, LLC. (Dan Karlin)

Dan Karlin, County Engineer, presented change order No. 1 to the contract with Battle Ridge Builders, LLC. in the amount of \$10,500 that removes the grout from the contract related to the Elk Creek Bridge No. 5 installation.

The project was completed just before December 25, 2020. As a condition of the Fish Wildlife and Parks 318 Permit, the grout was removed from the riprap that was initially in the contract. Because quantities are never exact on a project, a change order is anticipated at the end of projects to reconcile quantities and pay the contractor for the work they have completed. Once the project was completed, Great West Engineering, consultant on the project, prepared the change order reflecting the change in grout quantity. Staff recommends approval of Change Order No. 1 with Battle Ridge Builders, LLC.

Mr. Karlin gave a history of the Elk Creek bridges replacement projects. The goal was to replace Elk Creek bridges 5, 6 and 7 in 2018 after receiving a TSEP grant to fund the project but the project was delayed due to flooding.

No public comment was received.

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

Amendment No. 2 of Task Order No. 1 Between Lewis and Clark County and Great West Engineering. (Dan Karlin)

Dan Karlin, County Engineer, presented Amendment No. 2 of Task Order No. 1 with Great West Engineering for design modifications to Elk Creek Bridge No. 7 at an estimated cost of \$40,415 with work to be completed by December 31, 2021.

In 2017 Great West Engineering was issued Task Order No. 1 to design the Elk Creek 5, 6 and 7 bridge replacements as part of the grant Lewis and Clark County received from the Treasure State Endowment Program (TSEP). In 2018, substantial rain and flooding caused significant damage to the Elk Creek drainage. The Elk Creek 5 Bridge had damage to the road approach west of the bridge; the approaches to the Elk Creek 6 Bridge were damaged and impassable. The Elk Creek 7 Bridge washed out completely and the site drastically changed making the original design obsolete.

The damage to Elk Creek 7 will require a much longer structure with a pile foundation to support the additional weight as well as added scour protection. Great West will redesign the bridge with the cost to include a geotechnical investigation and additional construction engineering specific to the foundation installation. Funding for the project comes from a combination of TSEP funds totaling \$309,985, State DES funds totaling \$186,870 and county bridge infrastructure capital funds of approximately \$431,055. The task order will bring the total contract amount for Great West Engineering to \$180,502. Staff recommends approval of the Task Order No. 1 Amendment No. 2.

Mr. Karlin explained the TSEP program. Lewis and Clark County has over 100 bridges that it owns and maintains and the TSEP program is one mechanism to help fund that maintenance. The program is administered by the Montana Department of Commerce and requires a 50% match from local government. The most recent TSEP bridge project was Dalton Mountain Bridge out of Lincoln.

No public comment was received.

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

Abandonment and Discontinuance of a Portion of Old York Road. (Christal Ness)

Christal Ness, Development Services Supervisor, presented the signed petition submitted by the applicant KSN Properties to abandon and discontinue a portion of the Old York Road right-of-way, occupied by the County Road known as York Road, until the existing state highway was constructed in its current location. Per Title 7, Chapter 14, Part 26, MCA the County Commission is to make the determination whether approval of the discontinuance would: affect or impair the access of private landowners; affect the public's access to public lands or waters; affect the right of any public utility to continue to maintain its equipment; and be done without detriment to the public interest.

The portion of road is located approximately 1/4 mile south of Lakeside Bar and Restaurant, on the east side of the existing York Road, also known as Secondary Highway 280. The north boundary is 87.22 feet wide, the west side is approximately 202.80 feet long, the southern boundary is approximately 81.25 feet wide, and the eastern boundary is approximately 202.40 feet long, all abutting the west side of the tract identified on Certificate of Survey Number 508265. The parcel was created in 1972, by deed. The applicant purchased the property in 2003.

Notice of the proposed discontinuance was mailed to adjacent property owners and a sign has been posted at the site. No written response has been received. The parcel abutting the right-of-way to be abandoned has direct access from York Road. No other property owners will be affected by the proposed discontinuance. Access to public lands or waters is not affected by the proposed right-of-way discontinuance, as the right-of-way parallels Hauser Lake and is separated from the lake by private property.

The NorthWestern Energy Operations Planning Supervisor indicated no conflicts with utilities at that location and had no objection to the proposal. Those also having no objection to the proposal are Lewis and Clark County Sheriff's Office, County Engineer, and the County Road Supervisor.

Staff recommends approval of the abandonment and discontinuance of the portion of the old County road right-of-way previously known as York Road, subject to the following conditions: The applicant shall have a survey showing the discontinued and abandoned right-of-way and the retention of a public utility easement in the right-of-way; the applicant shall prepare new deeds and realty transfer certificates to be recorded; and, the approval shall be in full force and affect for three calendar years. Prior to expiration, the applicant or his successors may request an extension.

Burt Ward, applicants representative, stated that they are aware and in agreement with the conditions of approval. Abandonment of this portion of Old York Road would not have an adverse impact to the local community or residents and would benefit the applicant.

No public comment was received.

A motion was made by Commissioner McCormick that the Commission does meet the criteria for abandonment as established in MCA 7-14-26. The motion was seconded by Commissioner Rolfe. The motion passed on a 3-0 vote.

A motion was made by Commissioner McCormick to approve the findings of fact and conditions of approval. The motion was seconded by Commissioner Rolfe. The motion Passed on a 3-0 vote.

A motion to approve the abandonment and discontinuance was made by Commissioner McCormick. The motion was seconded by Commissioner Rolfe. The motion Passed on a 3-0 vote.

Board Appointments. (Roger Baltz)

Roger Baltz, Chief Administrative Officer, presented the board appointment to the Fair Board. FayDee Hamilton and Allen Cormany both wish to be reappointed.

Staff recommends the reappointment of FayDee Hamilton to a term that expires December 31, 2023. Staff further recommends and the reappointment of Allen Cormany to serve at the pleasure of the Commission.

No public comment was received.

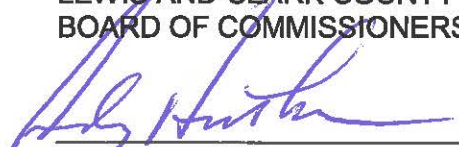
A motion to Approve was made by Commissioner McCormick and seconded by Commissioner Rolfe. The motion Passed on a 3-0 vote.

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

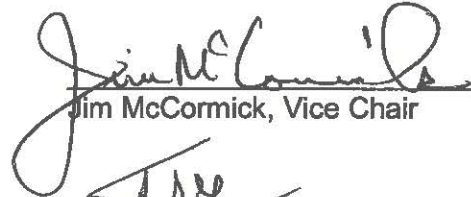
Adjourn

There being no further business, the meeting adjourned at 9:43 a.m.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chair



Jim McCormick, Vice Chair



Tom Rolfe, Member

ATTEST:



Amy Reeves, Clerk of the Board