



PUBLIC MEETING

March 18, 2021
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, March 18, 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, Peter Italiano, Charles Lane, Audra Zacherl, Jade Wills, Amanda Wilkey, Andrea Opitz, Andy Shirliff, Anthony Thompson, Becky Piske, Bill Cook, Cathy Burwell, Christopher Towers, Dave Strohmaier, Dennis Parman, Emily Mowers, Erik Rose, Eric Griffin, Jeni Garcin, Jeremy Johnson, Jerry McDonald, Ken Frost, Kevin Horne, Maie Lee Jones, Mary Gilbert, Mike Mergenthaler, Mike Rooney, Mickey Zurcher, Nancy Everson, Nancy Logan, Patricia Bik, Paul Pacini, Rinay Bender, Steve Costle, Kim Loftus, Tessa Nadeau, Tim Hall, Dan Stusek, Mark Juedeman, Patricia VanValer, Nicho Hash, Tammy Carpenter, and Nadine McCarty, Recording Secretary. All attendees were present via Zoom

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Vendor Claims Report for Week Ending March 19, 2021. (Marni Bentley)

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 Rolfe and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

Bid Opening. 2021 Chip Seal. (Audra Zacherl)

Audra Zacherl, Public Works Assistant Director, presented the bid opening. The project consists of chip seal surfacing, fog sealing and paint striping on various county roads and RID's in Lewis and Clark County. Three bids were received. The first bid is from Pavement Maintenance Solutions, Inc. from Columbia Falls, Montana in the amount of \$506,474.07. The second bid is from Bullock Contracting, LLC from Boulder, Montana in the amount of \$469,029.09. The third bid is from Helena Sand and Gravel, Inc. from Helena, Montana in the amount of \$519,782.93.

A motion was made by Commissioner McCormick for staff to take the bids under advisement and make a recommendation to the Commission on March 30, 2021. The motion was seconded by Commissioner Rolfe. The motion Passed on a 3-0 vote.

Bid Award. Sun Canyon Road Resurfacing Project. (Audra Zacherl)

Audra Zacherl, Public Works Assistant Director, presented the bid award for the Sun Canyon Road Resurfacing, Federal Lands Access Program Project. On March 11, 2021, six bids were received for the project. The work required of the project is to furnish, import and places six inches of compacted crushed aggregate surfacing and a dust palliative surface stabilizer on approximately five miles of Sun Canyon Road northwest of Augusta, Montana. County crews will shape the road's cross section between shoulders prior to the surfacing. Work will begin within ten days after the written Notice to Proceed is issued and be completed within 25 calendar days. Funding is through the Federal Highway Administration Federal Lands Access Program. Total project budget is \$987,207 with a County match amount of 13.42% or \$132,483. After review of all bids, staff recommends awarding the bid to the low bidder, Valley Sand & Gravel, LLC of Helena, Montana for the bid amount of \$500,746.75.

Ms. Zacherl gave a background on the funding the County has received and the historical costs of past projects that are funded by Western Federal Lands Highway Division.

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.

Bid Award. 2021 Crack Seal. (Audra Zacherl)

Audra Zacherl, Public Works Assistant Director, presented the bid award for the 2021 Crack Seal Project. On March 11, 2021, four bids were received and opened. The project generally consists of routing, cleaning (including using a vegetation sterilant) and sealing cracks in asphalt pavement that are 1/4 inch wide or wider on various county roads and in some Rural Improvement Districts. After review of the bids, staff recommends awarding the bid to the low bidder, Cap Paving, Inc. of East Helena, Montana for the base bid per linear foot amount of \$1.99 and a lump sum mobilization cost of \$500.

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.

Resolution 2021-19 Requesting to Join the Big Sky Passenger Rail Authority, Established for the Purpose of Providing for the Preservation and Improvement of Abandoned Rail Service in Southern Montana. (Roger Baltz)

Roger Baltz, Chief Administrative Officer, presented the resolution for the Commissioners to discuss and consider requesting to join the Big Sky Passenger Rail Authority. The Authority has been established for the purpose of providing for the preservation and improvement of abandoned rail service in southern Montana. The establishment of the Authority provides a means to further the health, safety, welfare and economic prosperity of the region by advocating for a rail as a public transportation option; the governance structure to investigate, analyze, seek funding for, and develop long-distance, inter-city rail service across southern Montana, and other undertakings contemplated by the Act. The Authority has already been established and at this point, the Commission will decide whether or not to join.

Charles Lane, Deputy County Attorney, stated that the Authority has the ability to call for an election to establish a mill levy and then collect on that levy. The statutes provide for the creation of a regional rail authority and the powers extend to the constituents within the whole regional authority, therefore, approval for a mill levy would be amongst all participating counties. Under the statute, there is no direct provision to remove yourself from the Authority once you join. The issue could be addressed with the other counties in the Authority with a joint resolution however, once any form of debt is incurred, it could be a challenge. There is concern that the rail line will not go through Lewis and Clark County at which time; the County would likely not participate.

Mr. Lane added that the Authority is run by a board of directors with a member from each county and the Authority has general powers to enter into contracts, accept grants, and borrow money, and issue bonds.

Commissioner McCormick read an email into record summarizing his concerns about costs and expenses that would be passed onto taxpayers, especially over the long-term.

This is the time set for the public hearing to consider the resolution.

PUBLIC COMMENT -

Cathy Burwell, Helena Area Chamber of Commerce President and CEO, stated that the Chamber does support joining the Authority and commended the commission for doing their due diligence with regards to concerns around funding. The route would be beneficial economically and would provide great tourism to the area.

Mark Juedeman, Helena resident, supports adopting the resolution and joining the Authority. It would enhance transportation options and entice more people to travel through Helena. It would provide equity for those who do not have a vehicle or do not drive and it would boost the economy. If the County will benefit from the rail line, it should be an active member of the Authority. He added that the County does provide funding assistance to the Helena Regional Airport.

Christopher Towers, via Zoom, chat asked should there be more consideration given to having a provision for a way out of the Rail Authority if the county/voters see that this project does not benefit the county as a whole (i.e. tax/cost becomes too great)?

Jerry McDonald, Sanders County representative on the Authority, stated that although there is no specific provision in statute to exit the Authority, it will be provided for in the bylaws, which are set to be adopted at the April meeting. Mr. McDonald added that all counties that are current members of the Authority have the same concerns that Lewis and Clark County has.

Mr. McDonald also added a response via Zoom chat, to answer Commissioner McCormick's concern that his figures seem to be coming from a MTDOT 2010 Rail Plan. The Authority has formed a working group to interpret all passenger rail studies on the southern Montana rail corridor and our early consensus is the MTDOT 2010 Rail plan certainly needs to be revised to recognize the existence of the Authority and its jurisdiction. Looking at the conclusions of 2010 raises many questions as to the balance of ridership forecasted in the Tier 1 rail study, and the farebox receipts of Tier 1 Tier 2 and NCH restoration portions of the study. Should Commissioners vote to approve joining the Authority they would welcome Lewis and Clark County representation on that team. Giving tourists the option to see our landscapes rather than staring at asphalt would be a major draw.

Paul Pacini, 303 State Street, serves on the strategic planning committee of the Big Sky Rail Authority stated that with regards to the levy election, each county would vote on its own, not as a region and if that county voted against the levy, the Authority would move forward with less revenue. Mr. Pacini requested that Mr. Lane visit with the Missoula County Attorney, as they seem to have differing opinions regarding the levy vote. Many of the questions that the Commission has asked are

unanswered and the Authority is in the process of researching the answers. It would be beneficial for the County to be part of that research. The rail line would stimulate the economy. Government should not function as a business and should provide the services the citizens are seeking regardless if those services are profitable.

Anthony Thompson, 708 Maple Street in Helena, supports joining the Authority and added that with the high amount of highway fatalities in Montana, a rail option would be an added bonus for safe travel.

Becky Piske, 303 State Street, stated her appreciation for taking the item into consideration and doing the due diligence on the Authority. Ms. Piske feels that this is a worthy project and with the growth that Montana is seeing, an added mode of transportation would be a great solution to transporting Montanans around Montana. She urged the Commission to join now and be at the beginning of the research process.

Tim Hall, Helena resident, stated that he and his wife are in support of the rail service for many reasons, one being nostalgia. It is also cheaper than air travel and easier than driving long distances.

Kim Loftus, 1439 N Harris, stated that she is in support of joining and feels that finding an exit plan before the County even votes to join is not helpful. Ms. Loftus feels it is irresponsible to not consider joining when the public is in favor. It would enhance the quality of life for everyone in the County including Carroll College and the VA.

Bill Cook, Helena, stated that he supports the rail line and that even if the line went to Butte instead of Helena it would be better than Shelby. Mr. Cook urged the County to vote yes on the resolution.

Emily Mowers, Helena, added her support for joining the resolution and added that we have young professionals coming in from all over the US at this time and some are coming without vehicles as they are coming from areas with robust public transportation. In addition, many are not used to driving in winter conditions. This could be another selling point for keeping young professionals in the area, which is something we need to do.

Patricia Bik, 66 S Rodney, stated that this is at the very beginning stages and is only in the planning stages so it would be great for Lewis and Clark County to have a seat at the table.

Dave Strohmaier, Missoula County Commissioner, thanked the Commission for taking the item into consideration. The Big Sky Rail Authority is the first Rail Authority in Montana and it is represented by a wide variety of groups.

Charles Lane answered the legal questions that came up as a result of public comment. Regarding taxes being levied in counties along the Northern Amtrak route and responded that he does not believe the Northern route has a Rail Authority. Mr. Lane also addressed the bylaws that are being considered and stated that any language regarding exiting the Authority also be included in a joint resolution as bylaws can and do change. Lewis and Clark County is making arrangements to visit Missoula County regarding the levy issues. Mr. Lane stated it is good to know what the County's rights and obligations are and the best way to address those concerns is with a joint resolution.

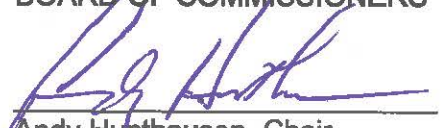
A motion was made by Commissioner Rolfe to extend the public hearing until April 1, 2021 and make a decision at that time. The motion was seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

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

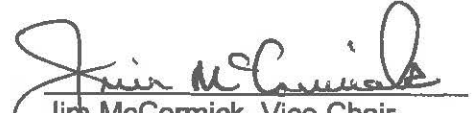
Adjourn

There being no further business, the meeting adjourned at 10:36 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