



PUBLIC MEETING

April 16, 2019
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, April 16, 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, Kari DesRosier, Nancy Everson, Eric Griffin, Nicho Hash, Sherry Smith, Audra Zacherl, Shane Swandal, Brian Coplin, Thomas Plank, Shane Hildenstab, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Public Meeting Minutes for February 28; March 19, 21 and 26, 2019. (Nadine McCarty)
- b. Resolution 2019-31 Declaring County Property Surplus Property. (Amy Reeves)

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 Good Geise and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

Bid Award. 2019 Chip Seal Surfacing. (Audra Zacherl)

Audra Zacherl, Assistant Director of Public Works, presented the bid award for the 2019 Chip Seal Surfacing project. On April 9, 2019 a bid opening was held for the 2019 Chip Seal Surfacing project and three bids were received and opened. The project generally consists of chip seal surfacing various county roads, interior roads of Forestvale Cemetery and within several Rural Improvement Districts, including Guettler, Broadwater Estates, Garden Valley, Lanning/Grandview, Lime Kiln, Ranch View Estates, Schmidville, and Applegate, as well as paint striping on some of the chipped roads. Funding is budgeted in the Road Infrastructure fund using Road Mill Levy revenue. After a review of the bids by the selection committee, staff recommends awarding the bid to the low bidder, Bullock Contracting, LLC of Boulder, Montana for a total bid amount of \$484,969.56.

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.

Bid Award. 2019 Paint Striping. (Audra Zacherl)

Audra Zacherl, Assistant Director of Public Works, presented the bid award for the 2019 Paint Striping project. On April 9, 2019 a bid opening was held for the 2019 Paint Striping project and three bids were received and opened. The project generally consists of paint striping centerline and should roadway markings for approximately 74 miles of various county roads and in RIDs. After a review of the bids by the selection committee, staff recommends awarding the contract to the low bidder, Highway Specialties, Inc. of Black Eagle, Montana for a bid amount of \$24.33 per applied gallon, no mobilization fee and a total price of \$79,997.04.

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.

Amendment No. 1 to the Professional Services Contract Between Lewis and Clark County and Hulteng CCM, Inc. (Audra Zacherl)

Audra Zacherl, Assistant Director of Public Works, presented the amendment to the Professional Services Contract with Hulteng CCM, Inc. for owners' construction representative services on the detention center renovation project that was originally signed on February 27, 2018. Services include various types of advisory support and guidance in the preliminary planning, cost estimating, coordinating of schedules, procuring the design and construction teams, bond related work and warranty follow up. Compensation for the contract was broken down into preconstruction, construction and post construction periods due to the unknown nature of the level and quantity of work Hulteng would have to provide in each phase. The amendment is to set a fixed fee of 4.65% for their services for the preconstruction and construction phases. A fixed fee of 4.65% on the total project budget of \$8.3 million will be a fixed total of \$385,950 that includes \$81,082 that has already been paid during the preconstruction phase, leaving the balance owed at \$304,868 for the remainder of the contract. In addition, the amendment sets a monthly reimbursable rate of \$950 for lodging and per diem. Staff recommends approval of Amendment No. 1 to the Professional Services Contract with Hulteng CCM, Inc.

Ms. Zacherl explained it was known that this amendment would be necessary once it was determined the amount of effort that Hulteng would have to put forth on the construction phase of the project.

Shane Swandal, Hulteng CCM, Inc., stated the project is moving along well. The next GMP will be coming forward with a finalized GMP coming about one month later, both of which are interim. A GMP has already been signed for the guaranteed maximum costs for reimburseables (GMCR), these are general conditions that were part of the general contractor proposal. The hope is for the plans to be to the Building Department the end of the week to be permitted.

Commissioner Good Geise asked about turn around time once the paperwork reaches the city for permit and Mr. Swandal noted the building department has committed to making the process as quick as possible. They have been in all of the meetings as well as the fire department.

Mr. Swandal stated an alternative delivery project such as the remodel of the detention center has to have someone with understanding of the process as this goes outside of the normal design, bid, build.

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.

Capital Asset Policy. (Sherry Smith)

Sherry Smith, Accounting Manager, presented the updated capital asset policy. In anticipation of the Governmental Accounting Standards Board Statement No. 87 on leases that will be implemented in fiscal year 2021, it was determined the need to raise the capitalization thresholds in order to use them for materiality on the financial statement. The last time the thresholds were increased was in 2011. Ms. Smith gave an explanation of materiality.

Ms. Smith gave an overview of the threshold changes with the largest being in the vehicles, machinery and equipment from \$15,000 to \$50,000. Building and land improvements changed from \$50,000 to \$100,000 with infrastructure remaining the same at \$250,000. Another change is removal of the sentence that stated the accounting department would provide the departments reports that they could audit their assets by. It was determined the reports cannot be ran in that way due to running by type of fund and not department.

Ms. Smith noted the changes are to the policy not to the accounting principal.

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.

Memorandum of Agreement Between Lewis and Clark County and the Lewis and Clark County Sheriff Employees' Association. (Kari DesRosier)

Kari DesRosier, Human Resources Director, presented the Memorandum of Agreement (MOA) with the Lewis and Clark County Sheriff Employees' Association. The MOA identifies certain circumstances in which disciplinary notices are to remain or are to be removed from member's files, and clarifies the existing contract article on the topic. Association representatives, the attorney representing the Association, the Sheriff, the Deputy County Attorney that assists Human Resources (HR), and HR staff have all reviewed the agreement. Staff recommends approval of the MOA with the Lewis and Clark County Employees' Association.

Ms. DesRosier gave some background on how the MOA came about and noted the current contract allows the Sheriff to upon request by a member with a disciplinary letter in their file to request the removal of the document after six months and every six months thereafter with a stipulation that after two years it would mandatorily be removed from the file. The MOA identifies certain circumstances where it could not mandatorily be removed after two years and clarifies the process in the removal. It also clarifies what can/or should be removed and that no matter what after two years documentation could not be removed if there was subsequent or related progressive disciplinary action that had been taken since the original disciplinary notice.

Commissioner Good Geise asked for examples of the types of actions that would necessitate disciplinary action and Ms. DesRosier provided examples such a insubordination, not following call-off procedure, abuse of sick leave, not following policy or procedure when conducting an investigation or arrest. Commissioner Good Geise asked about the incidents that occur involving a member of the public and could result in liability to the county.

Ms. DesRosier stated if there is an external investigation that related to a law there would be a criminal or administrative investigation piece that would be kept in a separate file and not accessible to just anyone. Another concern about having documentation removed was to protect the county in building history on different complaints that could lead to lawsuits or human rights complaints later.

So making sure there are not patterns that exist in certain areas and being able to identify those patterns.

Ms. DesRosier stated the attorney representing the Association and the Deputy County Attorney were involved in all discussions on the topic and it was not taken lightly.

Ms. DesRosier stated this is a collective bargaining agreement that represents certain members of the Sheriff's Department.

Commissioner Good Geise stated she does not have a full understanding to make the decision at this time and Commissioner Hunthausen asked if time could be taken for further review. Ms. DesRosier noted there is not a time limit.

No public comment was received.

A motion was made by Commissioner Hunthausen to table the item to April 23, 2019 and seconded by Commissioner Good Geise. The motion Passed on a 3-0 vote.

Contract Between Lewis and Clark County and JHS, Inc. (Nancy Everson)

Nancy Everson, Chief Financial Officer, presented the contract with JHS, Inc. in an amount not to exceed \$15,370 for mosquito control services within the Craig-Wolf Creek Mosquito District. The District property owners pay into the District to fund the mosquito control. The services are for aerial spraying, ground spraying, and testing for West Nile. The contract begins May 1, 2019 through December 31, 2019. Staff recommends approval of the contract with JHS, Inc.

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.

Contract Between Lewis and Clark County and JHS, Inc. (Nancy Everson)

Nancy Everson, Chief Financial Officer, presented the contract with JHS, Inc. in an amount not to exceed \$208,350 for mosquito control services within the Helena Valley Mosquito District. The District property owners pay into the District to fund the mosquito control. The services include aerial spraying, ground spraying, monitoring of the mosquitoes and water levels, and testing for West Nile. The contract begins April 1, 2019 through December 31, 2019. Staff recommends approval of the contract with JHS, Inc.

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 Appointments. (Roger Baltz)

Roger Baltz, Chief Administrative Officer, presented the board appointments for the City-County Board of Health, Forestvale Historic Preservation Committee, and Scratch Gravel Solid Waste Board. Staff recommends the following appointments: Dr. Mikael Bedell to the City-County Board of Health representing the position of a licensed doctor of medicine to fill the remaining term that expires June 30, 2019; the appointment of Annie McLaughlin to the Forestvale Historic Preservation Committee to complete the remaining term that expires August 31, 2019; and the appointment of Linda Grady to the Scratch Gravel Solid Waste Board to complete the remaining term that expires October 31, 2020.

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.

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 9:49 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

