



PUBLIC MEETING

April 26, 2016
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, April 26, 2016, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Chairman Mike Murray 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 Michele Peterson-Cook, K. Paul Stahl, Kevin Hamilton, Matt Heimel, Jason Danielson, Audra Zacherl, Keith Hatch, Cate Nelson, Anne Dormady, Vern Evans, Dan Karlin, William Morton, George Wilson, Al Knauber, and Nichole Nisbet, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

There were no consent action items.

Bid Award - Stemple Pass Road North Resurfacing. (Audra Zacherl)

Audra Zacherl, Public Works, presented the bid award for the Stemple Pass Road North Resurfacing. On April 14, 2016 a bid opening was held for the Stemple Pass Road North Resurfacing – Federal Lands Access Program Project and five bids were received. The project generally consists of shaping and crowning the existing roadway, ditch grading, application of a six-inch thick crushed top surfacing and a dust palliative stabilization, and new signs and guardrails. The site of the work is on Stemple Pass Road beginning at the Blackfoot River Bridge directly south of Lincoln, Montana and continuing for 3.4 miles to approximately the school bus turnaround. Funding is through the Western Federal Lands Highway Division Federal Lands Access Program for the purpose and need of preserving driving surfaces and enhancing safety along forest highways. Total project budget is \$864,300 with Lewis and Clark County contributing a match portion of \$115,989. Our engineer's estimate for the construction portion of the Project is \$735,381. After a review of the bids by the selection committee and concurrence from Western Federal Lands, staff recommends awarding the bid to the low bidder, Bullock Contracting, LLC of Boulder, Montana for \$425,836.17.

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.

Proposed Buildings for Lease or Rent for Block 39, Lots 9 - 16 City Park Addition. (Applicant: Cate Nelson & Anne Dormady) (Planner: Matt Heimel)

Matt Heimel, Special Districts Planner, presented the proposed buildings for lease or rent for Block 39, Lots 9-16 City Park Addition. The applicants propose to construct five new storage unit structures with

foundations, concrete and gravel surfacing, and storm water drainage improvements on the existing 60,000 square foot site, consisting of Lots 9 - 16 in Block 38 of the City Park Addition. The five proposed storage unit structures will be 40-feet x 110-feet in dimension and contain 26 rental units each for a total of 130 individual units. Construction of an 8' high security fence around the site with a keypad entry is also proposed. Access will be provided by constructing a new approach off of the west side of Wilkinson Street. According to the application, the traffic impact will be .28 average trips per day per unit, or 36.4 average trips per day in total. A 950 cubic foot storm water detention pond is proposed in the northeastern corner of the site, as well as a system of gutters that will flow west to east and south to north across the site terminating in the storm water detention pond. There are currently no structures on the subject property. The site is currently composed of dirt with a mixture of gravel and light vegetation. According to the application, there are also two pedestals left over from removal of a former gas pump located on the south east corner of the site.

Commissioner Geise about Mr. Heimel about the draft condition no. 6 and how the applicant will verify the adverse impacts to the proposed storm water detention pond from on-site traffic circulation.

Matt Heimel stated a written plan from the applicant's engineer would suffice to provide clarification on the plan.

Cate Nelson and Anne Dormady, the applicants, stated the plans had been revised due to construction issues. The applicants asked for a portion of their application fee to be returned.

No public comment was received.

A motion was made by Commissioner Hunthausen to take the application and the request to reduce the fees under advisement and render a final decision at the regularly scheduled meeting on April 28, 2016 and seconded by Commissioner Geise. The motion Passed on a 3-0 vote.

Resolution 2016-20 Renaming Hulst Rd. to Leon Rd. (Jason Danielson)

Jason Danielson, Address Coordinator, presented resolution 2016-20 renaming Hulst Road to Leon Rd. A road renaming request in Lewis and Clark County has been initiated by Mr. and Mrs. Kevin Hulst. The road renaming request is for Hulst Rd., located in East Helena. The applicant's proposed to rename Hulst Rd. to Leon Rd. Addressing has approved this initiative and petition process. City-County Addressing received a signed petition on March 30, 2016. A majority of adjacent property owners (3 of 4) signed the petition to rename Hulst Rd. to Leon Rd. The City of East Helena City Council approved the petition to rename Hulst Rd. to Leon Rd. on Tuesday, April 19. The decision is contingent on the subsequent approval by the Lewis and Clark County Board of County Commission. If a road renaming project is initiated by an applicant, the applicant is responsible for the associated costs. If the new road name is approved, Mr. Kevin Hulst will be charged for the road sign and he must contact the Public Works Department to schedule installation. Notification letters will be sent to the property owners and service providers when a decision is determined.

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.

Petition to Establish a County Road Easement on a Portion of a Public Road Known as "Valley Speedway Road". (Applicant: Bob Wilson) (Planner: Matt Heimel)

Matt Heimel, Special Districts Planner, presented the petition to establish a County Road Easement on a portion of a public road known as Valley Speedway Road. The applicant has petitioned to establish a portion of a public road, known as Valley Speedway Road, as a County road easement. The petition was signed by ten landowners within the County, two of which reside adjacent to the portion of roadway petitioned for. Today is the public hearing regarding the petition to establish an approximately .4 mile long portion of Valley Speedway Road, currently a public road, as a County road easement. State statue

states that the petition must set forth, where consent is not given, the probable cost of the right-of-way. Not all property owners adjacent to Valley Speedway Road have provided consent for the petition.

Commissioner Hunthausen asked Mr. Heimel why only two of the property owners signed the petition.

Matt Heimel stated he has received phone calls with verbal rejection to the petition and that the nature of the calls was in relation to a negative response to the potential of the County taking over maintenance and the County having more control in the area.

Commissioner Hunthausen stated it is his understanding that within a County road easement the County can post and enforce a speed.

Matt Heimel stated that is correct and further explained that in order to have the speed limits enforceable an ordinance would have to be created establishing a speed limit.

Commissioner Geise asked about the probable cost of the right-of-way to be set forth and if there is a financial obligation of the County if this request was approved.

Matt Heimel stated if consent is not given from property owners there may be a financial responsibility to the County.

Kevin Hamilton stated the County would likely be responsible to compensate the owners for the value of the property and noted that amount has not been calculated.

Commissioner Murray asked Mr. Hamilton if it would be considered "a takings" for the property owners that did not sign.

Kevin Hamilton stated yes.

Bob Wilson, 1313 Valley Speedway, the applicant, stated his concern in regards to the road width being too narrow for vehicles to park in the road and noted there have been many accidents on the sharp corner along Valley Speedway. No parking signs have been posted which have been disregarded by area residents and calls to the Sheriff's Office have been made however there is no enforcement available as it is not a County road.

Commissioner Hunthausen asked Mr. Stahl to explain the state law that prohibits the County from enforcing on a public easement access.

K. Paul Stahl, Deputy County Attorney, stated the statute states that a public road is not a County road and further stated that the County cannot enforce a no parking area or speed limits due to the fact that it is a public road. Mr. Stahl advised the Commission to table the item for a week to allow for legal counsel to assist in research and further discussions as needed.

Commissioner Hunthausen asked the applicant if postponing the item would be sufficient.

Bob Wilson stated that would be fine and that he would be willing to go back out to get signatures.

PUBLIC COMMENT-

Bill Morton, 5305 N. Montana, stated he is a property owner at Valley Speedway Road and asked who posted the speed limit signs and no parking signs. He stated he would be willing to do a speed study in the area as he is a retired traffic engineer. He believes that the speed limit signs are not reasonable as people will drive at a speed they feel comfortable at. He does not feel the County intends to do any maintenance on the road and feels

Commissioner Hunthausen asked Mr. Morton to address the issue of parking.

Bill Morton stated most homes have off-street parking and noted it was not a thru road until Glacier Point Subdivision came in.

Bob Wilson stated he agrees with the speed limit as stated by Mr. Morton and noted the reason for getting the County involved is due to safety and his main concern is the parking.

A motion was made by Commissioner Hunthausen to table the item until May 3, 2016 and leave the public comment period open and seconded by Commissioner Geise. The motion was 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.

Deb Swingley of Montana Council on Developmental Disabilities introduced guests of the inclusive transportation planning project the County is currently engaged in.

Charles Dixon of the Community Transportation Association of America is part of the inclusive transportation planning project that is addressing the needs of the County and developing solutions for those needs.


Virginia Dize of the National Association of Areas on Aging is the liaison to the County with the transportation project.

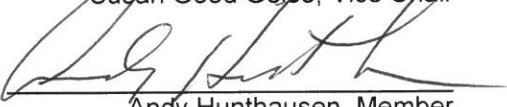
Adjourn

There being no further business, the meeting adjourned at 9:46 am.


LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael Murray, Chairman


Susan Good Geise, Vice Chair


Andy Hunthausen, Member

ATTEST:


Paulette DeHart, Clerk of the Board