



PUBLIC MEETING

May 20, 2021
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, May 20, 2021, at 9:00 AM in Commission Chambers, Room 330.

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, Jessica Makus, Christal Ness, Kevin Horne, Audra Zacherl, Lee Cook, Chuck Reiche, Jim Adolph, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

There were no consent action items.

Bid Award. 2021 County Asphalt. (Audra Zacherl)

Audra Zacherl, Public Works Assistant Director, presented the bid award for the 2021 County Asphalt project. On May 13, 2021 a bid opening was held for the project and one bid was received. The project generally consists of constructing asphalt overlay for a portion of Birdseye Road. Funding for the project will be budgeted from the FY22 road infrastructure budget using road mill levy funds.

After a review of the bid by the selection committee, staff recommends awarding the contract to the only bidder, Helena Sand and Gravel, Inc. of Helena, Montana for a total contract amount of \$265,317.60 that includes \$252,517.60 for the base bid and \$12,800 for the additive alternate.

Kevin Horne, Road & Bridge Superintendent, gave an overview of the project on Birdseye Road.

Ms. Zacherl explained the different funding sources that help with road maintenance.

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.

Resolution 2021-29 to Create the Wild Wind Road and Half Fast Drive Rural Improvement District. (Tabled 5-11-21) (Jessica Makus)

Jessica Makus, Special Districts Program Coordinator, presented the resolution to create Wild Wind Road and Half Fast Drive Rural Improvement District (RID) that was tabled May 11, 2021. If created, the RID will have two components, an initial road improvement to bring the roads up to County standard, estimated at \$30,176.31, to be paid over a 15-year debt service, with each property assessed \$147.89 annually. The annual maintenance is estimated to total \$2,945 per year, with each property assessed \$155 annually. The total assessment per year will be \$302.89 per property until the debt is paid off at which time only the maintenance portion will be assessed.

The resolution of intention to create the district was approved on April 1, 2021. Legal notice was mailed to each property owner within the RID boundary on April 2 and published in the Independent Record on April 4 and April 11, 2021. The notice informed property owners of the public hearing information and allowed for a 30-day protest period as required by statute. The protest period ended May 7, 2021, and staff received nine letters of protest, totaling 47.4%, which was not sufficient protest to bar the proceedings. Staff recommends approval of the resolution.

PUBLIC COMMENT -

Jim Adolf, Half Fast Drive, stated he previously voted with the protest and since speaking with Public Works and others he is now in favor of the RID.

Chuck Reiche, 1040 Wild Wind Road, stated in the past he has tried to get the 19 property owners to help rebuild the road and only two helped. They aren't even willing to help buy the material. He is in favor.

Lee Cook, 1020 Wild Wind Road, stated Mr. Reiche has put a lot of time and money into the road with little help. He looked into the amount of taxes this will take, considered all his vehicle maintenance, and is in favor.

Commissioner Hunthausen stated public comment is closed.

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

Appeal from the Denial of an Encroachment Agreement for Lot 60 of the Broadwater Estates Major Subdivision. (Tabled 5-13-21) (Applicant: Joe Nistler) (Christal Ness)

Christal Ness, Development Services Supervisor, presented the appeal of the denial for a contract and encroachment agreement for Lot 60 of the Broadwater Estates Major Subdivision. County Public Works Department denied the contract and encroachment agreement for improvements previously installed in the Public Access and Utility Easement, also known as Smallwood Court. The property is located north of Highway 12 and generally west of Old Broadwater Lane; the affected lot being in the northwesterly area of the Broadwater Estates Subdivision. Staff recommends denial of the appeal request.

Commissioner McCormick stated the testimony heard on May 13, 2021, is the same as previous testimony by Mr. Nistler regarding how he measured from the center of the road. Ms. Ness stated parts of the septic tanks and the retaining wall are within the public easement. She added this is the fourth time Mr. Nistler has come before the Commission on this issue. Mr. Nistler received a negative response from neighbor across the street relative to shifting the public access easement.

Commissioner Hunthausen stated Mr. Nistler's previous testimony was that the reason he presented this appeal again is due to having a new commissioner. The fact remains there are expensive options to resolve the septic tank locations. He added that he drove the road and the retaining wall is close to the road and a risk for public safety. He added facts have not changed with no other solutions presented.

Ms. Ness stated the County has made a number of requests for Mr. Nistler to remove the encroachments from the easement. It may need legal interference to improve the situation so they can do an enforcement action on him...

No public comment was received.

A motion was made by Commissioner McCormick to approve the appeal of the denial and seconded by Commissioner Rolfe. The motion failed on a 0-3 vote.

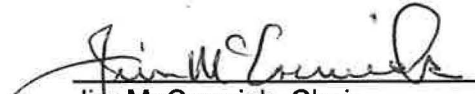
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.


Adjourn

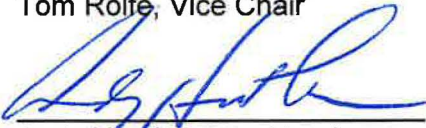
There being no further business, the meeting adjourned at 9:52 am.

Meeting minutes approved on 11.22.22

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Jim McCormick, Chair


Tom Rolfe, Vice Chair


Andy Hunthausen, Member

ATTEST:


Amy Reeves, Clerk of the Board