



## **PUBLIC MEETING**

May 24, 2016  
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, May 24, 2016, at 9:00 AM in Commission Chambers Room 330.

### **Roll Call**

Vice-Chair Commissioner Susan Good Geise called the meeting to order at 9 a.m.

Commissioner Andy Hunthausen was present. Commissioner Mike Murray was excused on County business. Others attending all or a portion of the meeting included Eric Bryson, Michele Peterson-Cook, K. Paul Stahl, Jess Whitford, Aaron Douglas, Nancy Everson, Matt Heimel, Kevin Hamilton, Audra Zacherl, Alex Hutchinson, Kim Smith, Bill Reis, Randi Rognlie, Kelly Kugler, and Nichole Nisbet, Recording Secretary.

### **Pledge of Allegiance**

Everyone recited the pledge.

### **Consent Action Items**

There were no consent action items.

### **Contract Between Lewis and Clark County and Montana Independent Living Project. (Aaron Douglas)**

Aaron Douglas, Human Resource Specialist, presented the contract with Montana Independent Living Project in an amount not to exceed \$3,000 to assist with the walk through during the ADA self evaluation. The fairgrounds, courthouse, public works and the Michael A. Murray building will be included in the walk through.

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 2-0 vote.

### **Bid Award - RFP Audit Proposals For Fiscal Years 2016, 2017 and 2018. (Nancy Everson)**

Nancy Everson, Finance Director, presented the bid award for the RFP Audit Proposals for fiscal years 2016, 2017 and 2018 and authorizes the signing of all applicable documents. Two proposals were received and the audit committee's recommendation is to enter into negotiations with Anderson ZurMuehlen for our annual audit services for the fiscal years 2016, 2017 and 2018. Staff also recommends authorization to sign all applicable documents.

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 2-0 vote.

### **Bid Award - York Nelson Road (York North) Resurfacing Project. (Audra Zacherl)**

Audra Zacherl, Public Works, presented the York Nelson Road (York North) Resurfacing – Federal Lands Access Program Project bid award and noted that three bids were received. The project generally

consists of resurfacing a portion of Nelson Road heading north from York 4.7 miles to Nelson. The resurfacing will consist of six inches of new crushed top surfacing resulting in a 24-foot top width and the application of a dust palliative to assist in extending the road surface longevity. The total project budget is \$895,000 with Lewis and Clark County contributing a match portion of \$120,109. Our engineer's estimate for the construction portion of the Project is \$763,708. Bids received ranged in cost from \$487,652 through \$699,472. Staff recommends awarding the bid to Bullock Contracting, LLC for the amount of \$487,652.80.

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 2-0 vote.

**Contract Between Lewis and Clark County and Valley Sand and Gravel, LLC. (Audra Zacherl)**

Audra Zacherl, Public Works, presented the contract with Valley Sand and Gravel, LLC for roadwork in the Hillview RID in an amount not to exceed \$70,000. The contract is to reconstruct Hillview Road to 24-foot wide from the intersection of Prairie Road north to include the cul-de-sac. The contract also includes cutting ditches to a and installing two culverts. Work is to be completed by July 15, 2016.

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 2-0 vote.

**Proposed Buildings For Lease or Rent for 3915 McHugh Lane to be known as "McHugh Drive Rentals BLR". (Applicant: Ryan E. Casne, P.E., Casne and Associates, Inc.) (Planner: Matt Heimel)**

Matt Heimel, Special Districts Planner, presented the proposed buildings for lease or rent for 3915 McHugh Lane, to be known as "McHugh Drive Rentals BLR." The application proposes the construction of five additional rental houses on the existing 2.915 acre tract. The applicant proposes to develop the existing 2.915 acre tract of land with 5 additional single family dwellings for lease or rent. The tract of land is currently developed with three single-family rental houses. Each of the eight cumulative rental houses, five of which are being reviewed under this BLR application, will share a well for a total of four wells. Currently there are two wells are serving the three existing rental houses. The project will include construction of a second wastewater treatment system to serve the proposed five new rental houses. Currently one wastewater treatment system serves the existing three rental houses. Mr. Heimel reviewed the buildings for lease or rent review criteria and findings of fact. He noted two project issues as no comments have been received in regards to adequate access to the site and the adequate fire protection to the site. Project issues were addressed that included the that fact that no comments have been received from the West Valley Fire District either regarding the access to and from the site regarding emergency vehicles or the availability of emergency fire services to the site. Staff has had phone conversations with the Fire Chief and concerns were expressed about the width of the internal access areas and a request was made to have a condition of approval that speaks to resolving issues in regards to site access.

Kim Smith, the applicant, presented photographs of a completed home to show the Commission that his intent is to provide quality homes through the BLR process. He noted that he would like to get an approach permit to expand the south approach and noted on the east end there is plenty of room for a turnaround point.

Commissioner Hunthausen asked about the wells and if there is an issue with the water rights.

Kim Smith stated it is not an issue and noted approvals are through DEQ.

Commissioner Hunthausen asked about access for fire protection.

Kim Smith stated it is narrow at the north end, you can come in at the south entrance and go to the other side of the property.

Commissioner Hunthausen asked if there is an objection to work with the Fire Department to address access issues.

Kim Smith stated there were no comments from the Fire Department to address their concerns and noted he is willing to work with them.

A motion was made by Commissioner Hunthausen to table the item until May 31, 2016 and seconded by Commissioner Geise. The motion Passed on a 2-0 vote.

**Public Hearing on a Petition to Abandon/Vacate Three Portions of Public Right-Of-Ways. (tabled 5/17/16) (Applicant: James Torske) (Planner: Matt Heimel)**

Matt Heimel, Special Districts Planner, presented the petition to abandon or vacate three portions of unconstructed right-of-ways, located within the Syndicate Addition of Helena. The proposed right-of-way/street/alley abandonment/vacations are located west of Joslyn Street, north of Wilder Avenue, east of Hiawatha Street, and south of Country Club Avenue. Details of the three portions of unconstructed public right-of-way are as follows: Leslie Avenue, between Blocks 188 and 189, and between Blocks 185 and 186, of the Syndicate Addition of Helena. This segment is approximately 856 feet in length and 67 feet in width. On Winston Street, between Blocks 185 and 189 and between the southern portions of Blocks 186 and 188, of the Syndicate Addition of Helena. This segment is approximately 396 feet in length and 60 feet in width and at the alley in Block 189 of the Syndicate Addition of Helena. This segment is approximately 396 feet in length and 28 feet in width. Mr. Heimel addressed the project issues which include that an additional right-of-way may need to remain at the intersection of Leslie Street and Country Club Avenue. Another issue addressed negative implications to emergency response time if a portion of Winston Street were to be abandon since the remaining legal access would be on Country Club Avenue and the final issue is some of the proposed abandonment area lies within the City limits. The conditions of approval could be changed to show the applicant must show a certificate of survey to abandon and delineate the City right-of-ways.

Commissioner Hunthausen asked for clarification on the City's question on abandoning a portion of a City street and can be addressed through conditions of approval and what may be needed for a future roundabout in that area.

Matt Heimel stated that information has been requested but not yet received by the City.

Commissioner Hunthausen stated there are multiple lots within the proposed abandonment area and noted they are not allowed to abandon an area that provides legal and physical access to lots.

Michele Peterson-Cook, Deputy County Attorney, stated the County can abandon a right-of-way if all of the lots agree to the action however it is the recommendation of legal to add a condition that the applicant must aggregate the lots to ensure the lots have legal and physical access.

Commissioner Hunthausen asked for clarification since Hiawatha ends and does not continue to Country Club Avenue that it is not part of this proposal.

Matt Heimel stated that is correct.

Commissioner Hunthausen asked the applicant why they are seeking the abandonment request and if there was a future roundabout needed on the corner of Country Club Ave if he would be willing to work with others to obtain that and if a right-of-way was needed if that would be in conflict with the proposal.

Kelly Kugler, the applicant, stated there is no problem addressing a round-about in the future and does not have a plan as he feels this is the first step in getting a plan for the property.

Commissioner Hunthausen asked who owns the lots.

Kelly Kulger stated he owns the lots.

Commissioner Hunthausen stated if the applicant sold an independent lot in the future that person would not have legal and physical access to that lot and asked if the applicant would consolidate the lots to ensure there is legal and physical access to the lots.

Bill Ries, Ries and Associates, stated the plan is to aggregate the lots.

Commissioner Hunthausen asked about the plan with Hiawatha Street and if the applicant owned the triangle shown on the map.

Kelly Kugler stated he owns that section and he is willing to address it in the future and stated it is a separate issue at this point.

Commissioner Geise asked Mr. Kugler if he has looked at the documents and comments received in regards to the project. She addressed the comments received by Eric Griffin and asked Mr. Kugler if he agreed with Mr. Griffin's assessment on the property.

Kelly Kugler stated he does not agree with the assessment.

No public comment was received.

A motion was made by Commissioner Hunthausen to render a final decision on Thursday, May 26, 2016 and seconded by Commissioner Geise. The motion Passed on a 2-0 vote.

**Board Appointment. (Eric Bryson)**

Eric Bryson presented the board appointments and recommended the appointment of Jacob Blancher to the Lincoln Solid Waste Board to complete the 3-year term that expires on 6/30/17 and the appointment of Joyce Evans to the Planning and Zoning Commission to complete the 2-year term that expires on 12/31/17.

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 2-0 vote.


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

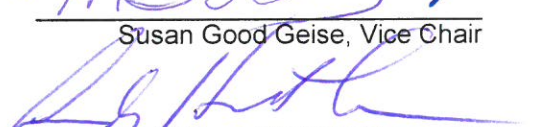
**Adjourn**

There being no further business, the meeting adjourned at 9:49 am.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Michael Murray, Chairman

  
Susan Good Geise, Vice Chair

  
Andy Hunthausen, Member

ATTEST:



Paulette DeHart, Clerk of the Board