



PUBLIC MEETING

June 20, 2019
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, June 20, 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, Peter Italiano, Dan Karlin, Charles Lane, Greg McNally, Lindsay Morgan, Cyndi Nelson, Jeff Nelson, Sherry Smith, Spencer Starke, Sarah Woods, Tyler Manning, Ann Shortland, Bob Drake, Kevin Wright, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

a. Engagement Letter for Anderson Zurmuehlen & Co., P.C. (Nancy Everson)

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

Bid Award. Trap Club Flood Mitigation Project. (Dan Karlin)

Dan Karlin, County Engineer, presented the bid award for the Trap Club Flood Mitigation Project construction. On June 13, 2019 a bid opening was held for the Trap Club Flood Mitigation Project and three bids were received. The project consists of the installation of 12 reinforced concrete box culverts, diversion turnout into the trap club pit with head gates and ditch excavation. Supply of the box culverts will be handled under a separate contract. This contract work will involve installation of the four sided precast concrete box culverts, excavating the ditches to design parameters, casting concrete retaining walls, installation of guard rail and chain link fence, placing 48 inch steel pipe with head gates and concrete head walls for the turnout and minor paving.

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 combined base bid, plus the alternate B for a total bid of \$1,441,152.30. Combined with the cost of the precast materials of

\$703,481.49 and possible delivery incentive, the total project cost is \$2,154,633.79. The amount is \$456,210.31 over the current available construction funds. Mr. Karlin noted they are in contact with Montana DES and FEMA to discuss the next steps and were recently informed that the project must be a cost affective project. The Benefit Cost Ratio must be 1.00 or greater, at submission of the scope expansion the BCR was 1.11 and by lowering the BCR to 1.00 approximately \$230,000 to \$250,000 could be added to the project budget. Discussion is being had with Bullock Contracting on ways to value engineer the project to close the remaining gap. The process is not complete, so the necessary change order is not yet prepared. Staff recommends the Board of County Commissioners table the award to Bullock Contracting to Thursday, June 27, 2019 at which time the proposed change order would be prepared and approval of the benefit cost analysis by DES and FEMA.

Mr. Karlin noted the bid award is based solely on the low bid as the bid was advertised and explained the deductive change order process and what it involves such as lowering quantities of riprap. The effectiveness and the intent of the project will remain the same.

Commissioner Hunthausen asked if some work could be done in-house and Mr. Karlin noted when County forces are used it is called in-kind. It is a reduced cost but is still counted against the project budget. The new and permanent signage is being discussed to bring in-house.

Mr. Karlin explained the reason for riprap and the many calculations that go into the placement of the riprap.

Mr. Karlin gave an overview of the importance of the project and the necessity for this to move forward.

Mr. Karlin stated when a project is funded through FEMA and their benefit cost process the County is not able to go above the limit for the total project.

No public comment was received.

A motion was made by Commissioner Good Geise to table the item to Thursday, June 27, 2019 and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

**Proposed Amendment to Special Zone District No. 2 (B-2) (Petitioner: Cyndi Nelson)
(Planner: Lindsay A. Morgan)**

Lindsay Morgan, Planner III, presented the requested text amendment to the regulations of the B-2 zone in Special Zone District No. 2 to allow for single-family residential uses and temporary uses. On June 12, 2019 the Planning and Zoning Commission (P&ZC) held a public hearing regarding the request, staff made a presentation and the petitioner discussed her request. The public hearing was opened but no public testimony was received during the hearing. The P&ZC recommended approval to the Board of County Commissioners. Following this hearing if the proposed amendment is approved a resolution will be prepared for the Commission to consider.

No public comment was received.

A motion was made by Commissioner Hunthausen to table the item to Tuesday, June 25, 2019 and seconded by Commissioner Good Geise. The motion Passed on a 3-0 vote.

**Proposed Buildings for Lease or Rent Adjacent to Cave Gulch Road. (Tabled 6-11-19)
(Applicant: Matthew Gould) (Planner: Spencer Starke)**

Spencer Starke, Planner I, presented the Building for Lease or Rent (BLR) application that includes 3 new storage structures to include two for open boat storage and 11 units for personal storage. The Commission tabled this item on June 11, 2019 to allow for more review of received

comments from Bob Drake, Fire Chief of Tri-Lakes Fire Department. Since that meeting successful negotiations have occurred between the applicant and Chief Drake with Chief Drake having no objections to the proposal. The applicant revised the submittal accordingly. The proposed BLR is located north of and adjacent to Canyon Ferry Road and west of and adjacent to Cave Gulch Road. Staff recommends conditional approval subject to conditions listed in Section X of the staff report.

PUBLIC COMMENT -

Bob Drake, Fire Chief of the Tri-Lakes Fire Department, noted storage units are a challenge as contents of the units are unknown and with limited water supplies in the area and very little information on the proposal it brought concern. Chief Drake noted after discussion with the applicant on the plans and concerns it was found the applicant had already chosen building materials that would reduce and compartmentalize any fire risk. With that Chief Drake believes the limited water supplies for the area are adequate.

Matthew Gould, Landowner, stated he approves of the conditions; has no problem of filing the amendments with the permit for distances between the buildings, all steel interior, no parking in certain areas; and is ready to move forward.

A motion was made by Commissioner Good Geise to approve the proposed Buildings for Lease or Rent and seconded by Commissioner Hunthausen.

Commissioner Good Geise reviewed the findings of fact and conclusions of law noting the following: physical environment & human population impacts with minimal potential impact and the conclusions of law is the BLR would conform; water, wastewater & solid waste availability is adequate and the conclusion of law is the BLR will not be out of compliance; access is adequate and the conclusion of law is provision of adequate access; emergency fire services are adequate, no specific comments were provided from emergency medical and law enforcement services; and the conclusions of law is the availability of adequate fire protection; the BLR does not lie within the floodplain and the conclusions of law are the BLR complies with applicable floodplain regulations. Many agencies were contacted with no particular issue that was raised that has not been addressed.

Commissioner Good Geise reviewed the conditions of approval as follows: prior to the leasing or renting of the buildings, the landowner will have an approved five year weed management and revegetation plan with all application and inspection fees paid, inspection and weed seed free certification; county address application with fees, and an address plaque; any ground disturbance requires a permit from DEQ; before lease or rent an engineer must document and certify that storm water facilities have been designed and constructed to provide for onsite storm water management, and all facilities must be maintained by the landowner; develop construct and maintain the site consistent with the approved site plan.

A motion was made by Commissioner Good Geise to approve the findings of fact, conclusions of law, and conditions of approval. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

There is a motion on the floor to approve the proposed Buildings for Lease or Rent. The motion Passed on a 3-0 vote.

Resolution 2019-46 Canceling Uncalled Warrants Drawn on US Bank of Helena with a Date of Issuance Between July 1, 2017 and June 30, 2018 from the PureView Fund #692. (Sarah Woods)

Sarah Woods, Accounting Clerk, presented the resolution canceling uncalled warrants drawn on US Bank of Helena with a date issuance between July 1, 2017 and June 30, 2018 from the PureView Fund #692. The names have been withheld due to HIPAA laws. Upon approval of the resolution the funds will be deposited into the County's General Fund and the county will continue to be liable for the payments. Staff recommends approval of the resolution.

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.

Resolution 2019-47 Canceling Uncalled Warrants Drawn on US Bank of Helena with a Date of Issuance Between July 1, 2017 and June 30, 2018 from the Treasurer's Office Accounting Department. (Sarah Woods)

Sarah Woods, Accounting Clerk, presented the resolution canceling uncalled warrants drawn on US Bank of Helena with a date issuance between July 1, 2017 and June 30, 2018 from the Treasurer's Office Accounting Department. The primary use of the checking account is to issue refunds for over payments. The Accounting Department attempted to contact the customers inquiring about the check and in many cases with no response. Upon approval of the resolution the funds will be deposited into the County's General Fund and the county will continue to be liable for the payments. Staff recommends approval of the resolution.

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.

Resolution 2019-48 Canceling Uncalled Warrants Drawn on US Bank of Helena with a Date of Issuance Between July 1, 2017 and June 30, 2018 from the Fairgrounds Fund #719. (Sarah Woods)

Sarah Woods, Accounting Clerk, presented the resolution canceling uncalled warrants drawn on US Bank of Helena with a date issuance between July 1, 2017 and June 30, 2018 from the Fairgrounds Fund No. 719. Upon approval of the resolution the funds will be deposited into the County's General Fund and the county will be liable for the payments. Staff recommends approval of the resolution.

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.

Resolution 2019-49 Canceling Uncalled Warrants Drawn on US Bank of Helena with a Date of Issuance Between July 1, 2017 and June 30, 2018 from the Sheriff's Commissary Fund #703. (Sarah Woods)

Sarah Woods, Accounting Clerk, presented the resolution canceling uncalled warrants drawn on US Bank of Helena with a date issuance between July 1, 2017 and June 30, 2018 from the Sheriff's Commissary Fund No. 703. Upon approval of the resolution the funds will be deposited into the County's General Fund and the county will continue to be liable for the payments. Staff recommends approval of the resolution.

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.

Resolution 2019-50 Canceling Uncalled Warrants Drawn on US Bank of Helena with a Date of Issuance Between July 1, 2017 and June 30, 2018 from the Justice Court. (Sarah Woods)

Sarah Woods, Accounting Clerk, presented the resolution canceling uncalled warrants drawn on US Bank of Helena with a date issuance between July 1, 2017 and June 30, 2018 from the Justice Court. After approval of the resolution the funds will be deposited into the County's General Fund and the county will continue to be liable for the payments. Staff recommends approval of the resolution.

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.

Resolution 2019-51 Canceling Uncalled Warrants Drawn on US Bank of Helena with a Date of Issuance Between July 1, 2017 and June 30, 2018 from the County Clerk's Office. (Sarah Woods)

Sarah Woods, Accounting Clerk, presented the resolution canceling uncalled warrants drawn on US Bank of Helena with a date issuance between July 1, 2017 and June 30, 2018 from the County Clerk's Accounts Payable Department, most of which are jury duty fees. On approval of the resolution the funds will be deposited into the County's General Fund and the county will continue to be liable for payments on the checks. Staff recommends approval of the resolution.

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.

Mutual Rescission of Agreement to Improve Public Roads. (Applicant: Eugene and Cherry Long) (Planner: Greg McNally)

Greg McNally, Planner III, presented the mutual rescission of agreement to improve public roads that was entered into on April 15, 2008. The road improvements have since been completed by another party and the agreement has been fulfilled. The agreement currently clouds the title of the property and in keeping with the terms of the agreement there has been a request that the agreement be terminated and that an agreement of mutual recession be filed with the Clerk and Recorder. The road associated with the agreement is a section of Valley Drive from York Road to the southern boundary of the Long's property. A mutual rescission agreement has been prepared, approved by the County Attorney's Office, and signed by the property owners.

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.

Agreement to Extend Preliminary Subdivision Approval for the Amended Plat of Lots 9A, 11A, and 101A of Bridge Creek Estates. (Applicant: Phil Wirth) (Planner: Greg McNally)

Greg McNally, Planner III, presented the requested extension of the preliminary plat approval for the Amended Plat of Bridge Creek Estates that includes Lots 9A, 11A, and 101A. The County Commission granted Preliminary Plat approval on September 17, 2015 for 50 lots, each for one single-family dwelling, to be completed in five phases. An agreement to extend the preliminary plat

approval to September 17, 2021 has been prepared. The property is located north of Lincoln Road and east of and adjacent to N. Montana Avenue. Staff recommends a three year extension and this would equate to a total preliminary approval period of six years.

Mr. McNally stated the extension request goes back to the date of the end of the first three years and the received extension request had not been processed. Mr. McNally noted there has been involvement with declaratory action with the District Court, a decision has been made and there is litigation in place and the reason for the request.

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.

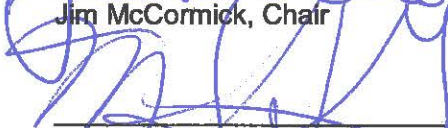
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.

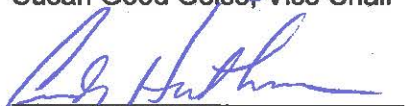
Adjourn

There being no further business, the meeting adjourned at 9:57 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