



## **PUBLIC MEETING**

August 9, 2018  
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, August 9, 2018, at 9:00 AM in Commission Chambers Room 330.

### **Roll Call**

Chairman Andy Hunthausen called the meeting to order at 9 a.m.

Commissioner Jim McCormick and Commissioner Susan Good Geise were present. Others attending all or a portion of the meeting included Roger Baltz, Marni Bentley, Kari DesRosier, Nicho Hash, Peter Italiano, Greg McNally, Christal Ness, Sara Starkey, Jill Steeley, Jesse Whitford and Nadine McCarty, Recording Secretary.

### **Pledge of Allegiance**

Everyone recited the pledge.

### **Consent Action Items**

- a. Vendor Claims Report for Week Ending August 10, 2018. (Marni Bentley)

Roger Baltz reported on the consent action item 2a and recommended approval.

No public comment was received.

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

### **Agreement Between PureView Health Center and Missoula County. (Jill-Marie Steeley, PureView Health Center)**

Jill Steeley, Executive Director of PureView Health Center, presented the agreement with Missoula County for services provided under Ryan White Part C Early Intervention Service agreement. PureView provides medical care, case management, and care coordination for those diagnosed with HIV and ensure they are meeting the national standards. Staff recommends approval of the contract.

Ms. Steeley stated this is not an employment contract, it is a pass-through grant for Missoula County and they contract with other entities in the region to deliver services. At this time about 21 individuals, across the economic spectrum are receiving care.

No public comment was received.

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

**Labor Agreement between Laborers International Union and Lewis and Clark County. (Kari DesRosier)**

Kari DesRosier, Human Resources Director, presented the labor agreement with the Laborers International Union. The agreement covers employees working in the Buildings Division of Public Works, Justice Court, Clerk of Court and the Treasurer/Clerk and Records Office. The agreement period is July 1, 2018 through June 30, 2020. Staff recommends approval of the agreement. The Laborer's Union has signed the agreement and also recommends approval. Ms. DesRosier stated the rates and salaries were budgeted for the anticipated increase and the employees received retroactive pay dating back to July 1, 2018.

Commissioner McCormick referenced the Supreme Court ruling regarding union dues and participation. Ms. DesRosier stated some employees have requested a withdrawal from the union and they are instructed to contact the representative.

No public comment was received.

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

**Contract Between Lewis and Clark County and Mlekush Mowing & Property Maintenance, LLC. (Greg McNally)**

Greg McNally, Planner III presented the contract with Mlekush Mowing & Property Maintenance, LLC for mowing and general park maintenance to Canyon Ridge Park located within the Canyon Ridge Subdivision. The Subdivision is located south of and adjacent to Canyon Ferry Road and one mile east of Lake Helena Drive. The contract is for time and materials related to mowing, sprinkler system start-up, necessary repairs to sprinkler heads, fertilization of parkland and winterization of sprinkler system. Funding for the work comes from the Rural Improvement District No. 2015-11 known as the Canyon Ridge RID and has been approved in the FY19 budget. Staff recommends approval of the contract.

No public comment was received.

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

**Appeal of a Denial for a Contract and Encroachment Agreement. (Tabled 7-26-18) (Christal Ness, Land Use Ombudsman)**

Christal Ness, Land Use Ombudsman, presented the appeal of a denial by Public Works for a contract and encroachment agreement related to existing encroachments into Raven Road. The denial was heard on July 26, 2018. Raven Road is approximately four miles long and the encroachment is along the very first section of the road.

Sara Starkey, Applicant 6205 Ravin Road, stated she does not have much else to add. They do know that the church did improvements from their property and down. Nothing else has changed on the road since they purchased the property.

No public comment was received.

Commissioner Hunthausen understands the recommendation from Public Works on the denial of the encroachments due to the potential issues for the long term maintenance of the roadway as the encroachment is significantly in the right-of-way. However, in the short term accept the appeal and allow the encroachment to remain until there is a more significant improvement plan for that road. The encroachment agreement states clearly that a 60-day notice can be given to a property owner to remove the encroachment if a maintenance project is planned.

Commissioner McCormick referenced the length and condition of the road and stated there could be other encroachments along the road way. All property owners along that road should be noticed of encroachments and instructed that they will need to remove them if a maintenance project is planned.

Jesse Whitford, County Construction Coordinator stated when clearing the snow in this location they are unable to put the snow on each side of the road as usual due to the fence being against the road. Private contractors are used for snow removal in the RIDs. This location the cost of snow removal is \$435 per hour due to the necessary equipment used because of the drifting snow. Additional cost has occurred due to having to push the snow further up the road because of the fence location.

Ms. Ness noted the fence is 27 feet outside of the edge of the easement. Commissioner Hunthausen stated the property across the street is owned by the applicant as well and they could potentially give up the 27 feet on that side of the property and the road could be moved, however it would be a big and expensive project.

Commissioner McCormick referenced the well casing within the encroachment. Moving the fence would still leave an encroachment. Ms. Ness noted the well was in place prior to the road becoming a county road.

Commissioner Good Geise referenced the letter that went out to all property owners along Raven Road and many encroachments were found. The Starky's are the only property owners that responded to the concern.

A motion was made by Commissioner Good Geise to grant the appeal of the encroachment agreement as discussed. The motion was seconded by Commissioner McCormick.

Ms. Ness stated there is not a current encroachment agreement in place, but one has been prepared that would allow the encroachments to stay.

A motion was made by Commissioner Good Geise to approve the appeal of the denial for an encroachment agreement and further move that a new encroachment agreement be put into place. Commissioner McCormick rescinded his second of the first motion and seconded this new motion. The motion Passed on a 3-0 vote.

Commissioner Hunthausen agrees with public works and the granting of this appeal to the denial is in the short term and

#### **Board Appointments. (Roger Baltz)**

Roger Baltz, Chief Administrative Officer presented the board appointments for the Airport Authority and the City-County Planning Board. Staff recommends the following appointments: reappointment of Rick Hays to a second term on the Airport Authority Board as the Joint City-

County Representative to a term that expires September 1, 2021 and reappointment of Dennis Dean to a second term on the City-County Planning Board as the Joint City-County Representative to a term that expires September 1, 2021.

No public comment was received.

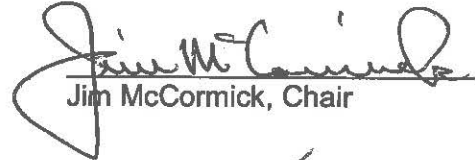
A motion to Approve was made by Commissioner McCormick and seconded by Commissioner Good Geise. The motion Passed on a 3-0 vote.

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

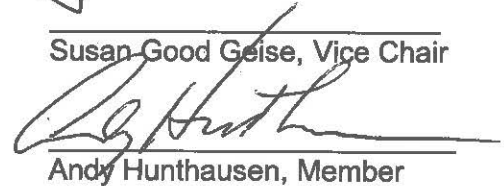
**Adjourn**

There being no further business, the meeting adjourned at 9:50 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