



PUBLIC MEETING

May 26, 2016
MINUTES

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

Roll Call

Commissioner 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, George Theborge, Christal Ness, Kelly Kugler, Bill Ries, Jesse Whitford, Audra Zacherl, Drenda Neimann, Matt Heimel, Sgt. Jay Nelson, Sgt. Jason Zander, Tracy Kiesel and Misty Edwards, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

There were no consent action items.

Bid Opening for the Purchase of Bituminous Asphalt Pavement. (Audra Zacherl)

Audra Zacherl, Assistant Director of Public Works, opened bids for the York-Nelson Road Resurfacing Project. A total of two bids were received. The first bid was from Cap Paving of Helena, MT. The bid was for \$65.00 per ton, mileage is \$0 for a total bid of \$195,000. The next bid was from Helena Sand and Gravel of Helena, MT. The bid was for \$67.00 per ton, mileage is \$0 for a total bid of \$201,000. Staff will make a recommendation for bid award on June 2, 2016.

Resolution 2016-29 Intention to Establish the Lewis and Clark County Landfill Fee Rates Beginning July 1, 2016. (Audra Zacherl)

Audra Zacherl, Assistant Director of Public Works, presented the resolution of intention to establish the landfill fees beginning July 1, 2016. The Scratchgravel Board of Directors recommended changes in the landfill fees to maintain and operate the landfill. They will be adding items to the rate structure including a fee for various types of contaminated soils; an unacceptable matters fee for Class IV construction and demolition waste and a \$25 account reactivation fee on closed accounts. The resolution of intent will be advertised in the Helena Independent Record on May 29th and June 5th and public comments will be accepted until 5:00 p.m. on June 15th. A public hearing has been scheduled for June 16th.

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.

Task Order Amendment 16-07-3-01-009-0 Between Lewis and Clark County and The Montana Department of Public Health and Human Services. (Drenda Niemann)

Drenda Neimann, Community Health Promotion Division Administrator, presented the task order with Montana Department of Public Health and Human Services. The task order provides resources to implement the FluFIT program. The program partners with primary care providers to encourage colorectal screening at the time an individual receives a flu shot. The amendment is for \$5,000 and expires September 30, 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.

Task Order 17-07-5-01-025-0 Between Lewis and Clark County and The Montana Department of Public Health and Human Services. (Drenda Niemann)

Drenda Neimann, Community Health Promotion Division Administrator, presented the task order with Montana Department of Public Health and Human Services. The task order provides core maternal and child health services to pregnant women, non-pregnant women of child bearing age, infants younger than one year of age, children and adolescents under 22 and/or children with special health care needs. The task order is for \$63,184 and expires June 30, 2017.

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.

Task Order 17-07-5-21-084-0 Between Lewis and Clark County and The Montana Department of Public Health and Human Services. (Drenda Niemann)

Drenda Neimann, Community Health Promotion Division Administrator, presented the task order with Montana Department of Public, Health and Human Services. The task order provides funding to administer the WIC Farmer's Market Nutrition Program. The program allows WIC participants to receive \$30 to be used at the Farmer's Market. The program provides benefits for approximately 400 WIC families. The task order is for \$785 and expires June 30, 2017.

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 Hearing on a Petition to Abandon/Vacate Three Portions of Public Right-Of-Ways. (tabled 5/24/16) (Applicant: Kelly Kugler) (Planner: Matt HeimeI)

Matt HeimeI, Special Districts Planner, presented the amended draft conditions of approval on the petition to abandon and vacate three portions of public right-of-ways. The amended conditions noted included omitting portions of right-of-way located within the City of Helena right-of-way for Country Club Avenue and Joslyn Street, omitting the portion as requested by the City of Helena and legal access for all lots that are the result of or affected by lot aggregations or lot reconfigurations.

Commissioner Geise asked if the applicant has seen the amendments.

Matt HeimeI stated the amendments were sent to the applicant's attorney.

Christal Ness, County Ombudsperson, reviewed the history of the property and noted the nature of the request before the Commission. The applicant wishes to aggregate a number of lots to create four or five lots and will have legal access to them.

No public comment was received.

A motion was made by Commissioner Hunthausen to conditionally approve the proposed abandonment/vacation of the three portions of public right-of-ways located within the Syndicate Addition as described in Lewis and Clark County. He noted that this conditional approval is in compliance with the criteria set forth in Title 7, Chapter 14, Part 26, MCA, public testimony, the staff report and related information, additional information presented at the hearing, and the findings of fact. The motion was seconded by Commissioner Geise.

Commissioner Hunthausen reviewed the nine findings of fact in the staff report. He noted the streets are not constructed and that the property is owned by the applicant and/or the family and it is unanimous that the owner's are in agreement that the abandonment can take place.

Bill Reis, the applicant's engineer, stated that the applicant would like to proceed with the original proposal that reflects all of Leslie being abandoned. Mr. Reis noted that the applicant's attorney has not received the new proposal of conditions.

Break/Reconvene.

Kelly Kugler, the applicant, stated he is willing to proceed with the motion as presented.

A motion was made by Commissioner Hunthausen to approve the findings of fact as presented and seconded by Commissioner Geise. The motion Passed on a 2-0 vote.

Commissioner Hunthausen reviewed the conditions of approval including that the Applicant shall provide a Certificate of Survey that shows and includes: the abandoned/vacated right-of-ways, omitting the portions of the right-of-way located in the City of Helena, right-of-way for Country Club Ave. and Joslyn Street and omitting the portion as requested by the City of Helena as shown in Exhibit A. In addition, legal access to the lots that are affected to aggregation or lot reconfiguration, a reference to the resolution that officially documents the right-of-way abandonment/vacations. The Applicant shall file the Certificate of Survey that contains the information required under Condition of Approval no. 1 with the Clerk and Recorder within one calendar year of this preliminary conditional approval.

A motion was made by Commissioner Huntausen to accept the conditions of approval as presented and seconded by Commissioner Geise. The motion Passed on a 2-0 vote.

The overall motion on the table is to approve the abandonment as presented, the conditions as amended and the findings of fact. The motion Passed on a 2-0 vote.

The Lewis and Clark County DUI Task Force Steering Committee Annual Plan. (Jay Nelson)

Sergeant Jay Nelson, Montana Highway Patrol and Chairman of the Lewis and Clark County DUI Task Force, presented the Lewis and Clark County DUI Task Force Annual Plan. The budget for the task force projects revenue of \$75,578.50 and expenses of \$62,800 for fiscal year 2017.

No public comment was received.

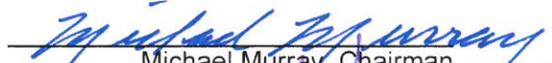
A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner Good Geise. The motion Passed on a 2-0 vote.

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 10:12 am.

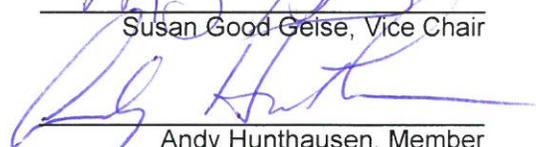
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Michael Murray, Chairman

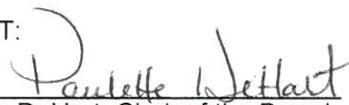


Susan Good Geise, Vice Chair



Andy Hunthausen, Member

ATTEST:



Paulette DeHart, Clerk of the Board