

**PUBLIC MEETING
JANUARY 31, 2012
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, January 31, 2012, at 9 a.m. in Commission Chambers Room 330 of the City-County Building, 316 North Park Avenue, Helena, Montana.

Chairman Andy Hunthausen called the meeting to order at 9 a.m. Commissioners Mike Murray and Derek Brown were present. Others attending all or a portion of the meeting included Eric Bryson, Tammy Potter, Eric Griffin, Audra Zacherl, Carrie Severson, Mark Simonich, Cheryl Green, and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Resolution 2012-10 Ordering a Refund of Taxes/Fees/Assessments Paid by Lyndon Ray Conroy and Sandra Baker in the Amount of 35.46. (Tabled from 1/19/12) (Cheryl Green)
- b. Memorandum of Understanding Between Lewis & Clark DUI Task Force and the Montana Highway Patrol for an amount up to \$5,000. This is an annual allocation by the DUI Task Force to law enforcement agencies within Lewis and Clark County. The money is used for overtime patrols for DUI related driving. (Tammy Potter)
- c. Resolution 2012-14 Directing the County Treasurer/Clerk & Recorder to Issue a Tax Deed for Certain Properties Located in Lewis and Clark County for Which Real Property Taxes are Delinquent for Three or More Taxable Years. (Cheryl Green)

Eric Bryson reported on the consent action items and recommended approval.

No public comment was received.

Commissioner Brown moved approval of the consent action items and authorized the Chair to sign. Commissioner Murray seconded the motion. The motion carried 3-0.

Discussion and Action on a Certain Property Located in Lewis and Clark County for Which 2007 Real Property Taxes are Delinquent for Three or More Taxable Years. (Cheryl Green) (Tabled from 1/26/12) The property is identified as Geo Code 1888-30-1-19-25-0000, Lockey Addition: Block 25, Part of Lot 10. Owner: Chicago, Milwaukee, St. Paul and Pacific Railroad LLC.

After some research and a visit to the property by Commissioner Brown, it was determined that there is a perpetual easement for the Myhre Advertising sign; there is potential that the easement does not cover the entire property; and a portion of the property or the entire property could be sold to the adjoining neighbor.

No public comment was received.

Commissioner Brown moved to take the property for Tax Deed. Commissioner Murray seconded the motion. The motion carried 3-0.

Bid Award. Purchase of One (1) New or Used Rock Crusher Attachment. (Audra Zacherl)

Audra Zacherl reported that the selection committee has reviewed the bid and recommended award. The County Road Department has reprioritized its budgeted capital items for this fiscal year and has budget authority to make this purchase. Staff recommended that the county commission award the bid for the purchase of a used 2011 PTH Crusher 2500HD to King Kong Tools, LLC of Buford, Georgia, for the bid amount of \$130,664.00 and authorized the Chair to sign all applicable contract documents.

No public comment was received.

Commissioner Brown moved to approve the purchase. Commissioner Murray seconded the motion. The motion carried 3-0.

Amendment No. 1 to Forest Highway Project Agreement Between Dept. of Transportation, Federal Highway Administration, Western Federal Lands Highway Division, USDA Forest Service, Helena National Forest and Lewis & Clark County Dated Aug. 30, 2001, Modifying the Right-of-Way Portion of the Agreement. (Eric Griffin)

Eric Griffin gave an update on the project. The original agreement was signed in 2001. The project includes 6.1 miles from the intersection of the Rimini Road and Hwy. 12 extending south 7.4 miles. The improvements include a hard surface and replacement of three bridges a costing approximately \$12 to \$14 million. The amount for the right-of-way is \$165,000. The county paid \$80,000 to hire a consultant, the appraiser, and the negotiator to deal with the right-of-way. Anything over the \$80,000, Western Federal Lands, the Federal Government, and Federal Highways will be responsible for the right-of-way purchase. Staff recommended approval of this amendment to the agreement.

No public comment was received.

Commissioner Murray move approval of the agreement and authorized the Chair to sign as appropriate. Commissioner Brown seconded the motion. The motion carried 3-0.

Contract and Encroachment Agreement Between Lewis & Clark County and Michael and Stephanie Younkin, Owners. (Carrie Severson) The garage foundation and garage eave are encroaching into the utility easement created upon the platting of Skyview Subdivision, Phase I-B, and more specifically the 16-foot utility easement created on the

west side of Lot 4, also known as 1125 Avian Road and described as Sec. 7, T11N, R3W, East of Helena, Lewis and Clark County, Montana.

Carrie Severson reported that the property is located north of Lincoln Road off of Montana Avenue in the Skyway Subdivision, Phase I-B, Lot 4. Pictures show the encroachment. There are no utilities in the encroachment.

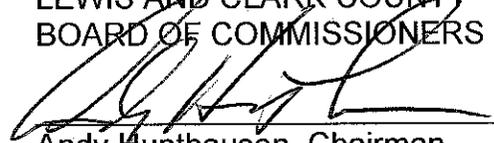
No public comment was received.

Commissioner Brown moved to approve the Encroachment Agreement as requested. Commissioner Murray seconded the motion. The motion carried 3-0.

Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no other business, the meeting adjourned at 9:23 a.m.

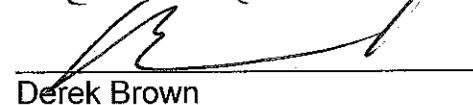
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chairman

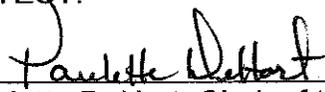


Michael A. Murray



Derek Brown

ATTEST:



Paulette DeHart, Clerk of the Board