



PUBLIC MEETING

April 28, 2026
MINUTES

The Lewis and Clark Board of County Commissioners Public Meeting was held on Tuesday, April 28, 2026 at 9:00 AM in Commission Chambers, Rm 330.

Roll Call

Chair Tom Rolfe, Commissioner Andy Hunthausen and Commissioner Candace Payne were present. Others attending all or a portion of the meeting included Roger Baltz, Nicho Hash, TJ Murphy, Audra Zacherl, Dan Karlin, Jenny Chambers, Elisa Fiaschetti, Christina Kranich, Phil Gonzalez, Ann McCauley, Roy Caldwell, Ryan Wardell, Mac McCarley, James Thomas, Chris Jones, Katie Brodowy, Gary Peterson, Anita Lincoln, Nick Thennis, Niel Campbell, Deborah Williams, Jakob Miles, Jean Riley, Timohy Kale, MaryAnn Dunwell, Lindsay Morgan, Brian Connolly, and Brandi Grande, Recording Secretary

Pledge of Allegiance

Everyone recited the pledge.

Proclamation

Consent Action Items

- a. Resolution 2026-28 Declaring County Property Surplus Property. (Larymie Rada)

[2:00][1 of 2] Roger Baltz, Chief Administrative Officer, reported on consent action item 3a and recommended approval.

No public comment was received.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner Payne. The motion Passed on a 3- 0 vote.

Action Items

Bid Award. Courthouse Sidewalk Improvements. (Audra Zacherl)

[3:32][1 of 2] Audra Zacherl, Public Works Assistant Director, presented a bid award for the Courthouse Sidewalk Improvement project and recommended awarding the bid to the only bidder, Montana Materials and Construction, in the amount of \$197,069 with work to be completed within 30 days of Notice to Proceed.

No public comment was received.

A motion to Approve was made by Commissioner Payne and seconded by Commissioner Hunthausen. The motion Passed on a 3- 0 vote.

Bid Award. 2026 Asphalt Project. (Dan Karlin)

[7:27][1 of 2] Dan Karlin, County Engineer, presented a bid award for the 2026 Asphalt Project and recommended the Commission award the bid to the low bidder Montana Materials and Construction in the amount of \$456,279.

No public comment was received.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner Payne. The motion Passed on a 3- 0 vote.

Bid Award. 2026 Crack Sealing Project. (Dan Karlin)

[12:41][1 of 2] Dan Karlin, County Engineer, presented a bid award and recommended the Commission award the bid to the low bidder Hardrives Construction Inc. in the amount of \$176,028.80.

No public comment was received.

A motion to Approve was made by Commissioner Payne and seconded by Commissioner Hunthausen. The motion Passed on a 3- 0 vote.

Amendment #2 to Subrecipient Agreement Between Lewis and Clark County and Eastgate Village Water and Sewer Association, Inc. (Elisa Fiaschetti)

[00:00][2 of 2] Elisa Fiaschetti, American Rescue Plan Act (ARPA) Grants Specialist, presented an amendment to an agreement with Eastgate Village Water and Sewer Association, Inc to extend the period of performance to September 30, 2026. Staff recommends approval of the amendment.

PUBLIC COMMENT:

[5:00] Jean Riley, President of Eastgate Water Association, gave an update on the project.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner Payne. The motion Passed on a 3- 0 vote.

Contract Between Lewis and Clark County and GoTo Communications, Inc. (Christina Kranich)

[8:25][2 of 2] Christina Kranich, Customer Support Supervisor, presented a contract with GoTo Communications, Inc. in the amount of \$385,371.60 over five years (\$77,074.32 annually) for a replacement phone system with a contract period through April 30, 2029. Staff recommend approval of the contract.

No public comment was received.

A motion to Approve was made by Commissioner Payne and seconded by Commissioner Hunthausen. The motion Passed on a 3- 0 vote.

Resolution 2026-27 A Resolution to Amend the Regulations For Special Zoning District #43. (Phil Gonzalez)

[18:59][2 of 2] Phil Gonzalez, Planner II, presented a resolution to amend regulations for Special Zoning District #43 to allow for the expansion of non-conforming uses and remove the Special Restrictions section and any definitions associated with this section to be consistent with the updated Growth Policy, Statement of Intent, and Part-2 Zone District. Sixteen comments of

opposition were received, and concerns were addressed during the Planning and Zoning Commission public meeting. Staff recommend approval of the resolution.

PUBLIC COMMENT:

[1:09:25][2 of 2] Timothy Kale, resident in Special District #43, does not support the removal of the restriction section.

[1:10:22][2 of 2] Jean Riley, Water Association, states Eastgate is concerned that the changes will affect water and wastewater and possible expansion of Helena Sand and Gravel. She does not believe the zoning aligns with the growth policy, land use, or the Department of Environmental Quality (DEQ).

[1:20:53][2 of 2] Jakob Miles, he feels this change opens the door to more confusion and headaches in the future. He thinks redundancies should be kept in and expansion should not be allowed to grandfathered properties.

[1:24:02][2 of 2] MaryAnn Dunwell, State Senator, she agrees with streamlining, but she feels the list of restrictions should remain and data centers should be added to the restrictions list.

[1:28:20][2 of 2] Deborah Williams, Eastgate I resident, has seen the community grow and is concerned for the entire county and that the community is being ignored after being assured they would have water. Water is impacted by growth and planned subdivisions will continue to impact the residents. She feels the special restrictions need to stay in place.

[1:32:52][2 of 2] Neil Campbell, Meadowlark Road, feels the Commission needs to be aware of what CRH (owner of Sand and Gravel) is trying to do for Montana to support the growth in the County and feels CRH is concerned with the livelihood of the residents but still has the intent to expand. Has not seen adverse affects of Sand and Gravel being where they are and there is only an irrigation ditch separating the pit from his house. Does not support any expansion for the pit.

[1:38:19][2 of 2] Nick Thennis, Wildfire Road, adjacent to the Sand and Gravel pit. He is concerned about the growth policy and feels the entire county should be sent notice for any Conditional Use Permits (CUP).

[1:39:37] Anita Lincoln, Wildfire Subdivision resident, feels the growth policy does not reflect land use and takes away decisions of landowners. Everybody's against the change. What's to keep her from putting a gravel pit in her back 20 acres? She does not support that the wording be taken out.

[1:47:44][2 of 2] Gary Peterson, 55-year resident and knows the history of the area. After speaking to neighbors, found people don't feel fairly represented so don't bother going to any public meetings. He listed issues with the construction company and the gravel pit including noise and the smell of asphalt. He does not believe anything that is being said and feels like we are close to Communism.

[1:53:47][2 of 2] Katie Brodowy, the defined purpose is the pit. Supreme Court document says the use should not be used in the residential area. This zone is now outlined to be suburban and a gravel pit does not fit in that definition. She does not appreciate the noise coming from the activity of the pit or the construction company. Does not feel any expansion should be allowed, especially because of the schools. Non-conforming uses should not be allowed to be expanded.

[2:00:06][2 of 2] Phil Gonzalez, Planner II, reiterated that the removal of the Special Restrictions list does not mean the restrictions will be allowed. There is a land use map with potential uses, and the zoning looks for alignment with potential uses and the Growth Policy before decisions are made. The County follows statutes and goes beyond statutes relating to

noticing requirements on public meetings and proposed changes. Only permitted uses and conditional uses are allowed, so the list of Special Restrictions is not needed.

[2:11:04][2 of 2] Commissioner Rolfe closed the public hearing. The Commissioners discussed the proposed changes.

Commissioner Rolfe does not believe by accepting the changes that anything is being taken away from the public.

Commissioner Hunthausen explained that when policies are moved forward, they need to stand the test of time. The growth policy was a very public process, and everyone was invited to participate. The list of Special Restrictions is not listed anywhere else, and it is not necessary because accepted uses are well lined out. The pre-existing uses need to follow a process to apply for expansion or change and there is no guarantee it will be approved. The safeguards will still be in place if the changes are approved.

Commissioner Payne is concerned and surprised that so many members of the public think the Special Restrictions will be allowed if the wording is removed. She pointed out that everything that can be allowed is listed clearly, everything not on those lists will not be allowed. The Commission is trying to treat all the citizens the same and this is not to support the expansion of Helena Sand and Gravel.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner Payne. 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 11:54 am.

Meeting minutes approved on 5-12-26

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Tom Rolfe, Chair


Andy Hunthausen, Vice Chair

Candace Payne, Member

ATTEST:


Amy Reeves, Clerk of the Board