



## **PUBLIC MEETING**

November 10, 2020  
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, November 10, 2020, at 9:00 AM in Commission Chambers Room 330.

### **Roll Call**

Chair Susan Good Geise called the meeting to order at 9 a.m.

Commissioner Andy Hunthausen and Commissioner Jim McCormick were present. Others attending all or a portion of the meeting included Roger Baltz, Connie Detrick, Nicho Hash, Peter Italiano, Dan Karlin, Eric Griffin, Kevin Horne, Greg McNally, Bill Lloyd, Jonathan Weaver, Kim Smith, Andrew Smith, Jesse Whitford, Kevin Wright, Nancy Everson and Nadine McCarty, Recording Secretary.

### **Pledge of Allegiance**

Everyone recited the pledge.

### **Consent Action Items**

a. Resolution 2020-95 Request for Prosecutorial Assistance. (Leo Gallagher)

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

No public comment was received.

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

### **Lewis and Clark County Road Maintenance Prioritization Study. (Dan Karlin)**

Dan Karlin, County Engineer, presented the update on the Road Maintenance Prioritization Study. He provided a slide presentation and noted the population being approximately 69,432. There are approximately 1,430 miles of public roads located within the County, this excludes most of the roads within Helena and East Helena, state and federal highways, and majority of roads within Rural Improvement Districts (RIDs). County currently maintains 567 miles or 40 percent. The County also maintains an additional 226 miles of roads that are within Rural Special Improvement Districts (RSIDs). The objectives of the study are to: efficiently and strategically allocate road maintenance and snow removal resources, minimize liability, increase public awareness about the County's limited road maintenance resources, establish and justify a maintenance plan that matches available resources to the importance of individual roads, document the knowledge of Public Works' staff and their road maintenance practices.

Jonathan Weaver, Great West Engineering Project Manager, stated this effort began over four years ago. It began with data collection that included: how much traffic, surface type, speed limits, plowing, condition of road surface, whether the road is used by buses, defense access, or postal routes. Much of the data was available in the County GIS database and transferred over to their database and then added additional data from this study. The data that was reviewed for scoring criteria included: vehicular traffic volume, risk mitigation, strategic alignment, and road maintenance intensity. The scores are added together to form the road score it is then compared with a road score threshold, over the threshold the County maintains and under the threshold the County does not maintain.

Mr. Karlin stated this presentation was to update the Commission on what they would like to do with determining road maintenance priorities through this study. Staff recommends approving the use of the proposed prioritization matrix tool to determine road maintenance priorities in the future.

Eric Griffin, Public Works Director, gave some history on the project. In 1994 Public Works also took care of all secondary roads like York Road, Canyon Ferry Road, Green Meadow Drive, Fletcher Pass, Highway 234 out of Wolf Creek, and Highway 279 to Lincoln. It became apparent the County was not able to maintain the roads to the state standard. Around 2000, the legislature gave MDT the money to maintain those roads allowing the County to focus on the roads such as McHugh, Lake Helena, Wylie, and these types of roads providing chip seals, overlays, and other maintenance. The importance is that leaders and staff have an objective process to determine if the money corresponds with the maintenance being done and prepare for the future.

Commissioner McCormick asked how many road segments are in the 500 plus miles of road and Mr. Karlin stated they broke down the roads into actual segments; he gave the example of Valley Drive. Valley Drive is broken down to South of Canyon Ferry, North of Canyon Ferry to York Road, and York Road North. Each of these segments have different characteristics and therefore, different priority. Collecting data was an extensive effort to study segments.

Mr. Griffin stated with this study, they can be specific about facts and give an opportunity to prioritize and go down the checklist to justify work. The RID program is lacking, and they now have two new people to help with that program. The biggest reason for pushing forward with this matrix is to have consistency.

Commissioner McCormick stated it is important to know that RIDs are created at the request of the property owners and are contracted. In some cases, they do business with Lewis and Clark County, but most of them do not.

Mr. Griffin explained the County has a certain amount of funds and a certain number of roads to maintain. The County is ultimately responsible for the RIDs and majority are maintained by contractors. The "everybody" roads had districts formed to help maintain them. He gave an overview of the grant application process. The money paid into an RID is to be used for that RID only.

Nancy Everson, Chief Financial Officer, discussed the constraints local government has on property taxes. In 2000, 2002 the big change in the legislature set the floating mill with the addition to revenue of inflationary factor which is one half of the last three years of the consumer price index. Revenue from the prior year sets the new base. Newly taxable property can be excluded and levy the same number of mills on that. Growth in mill levy is two to three percent.

Mr. Griffin introduced all of those in attendance and recognized all of those that have been working on this project.

Lewis and Clark County has limited resources to maintain its road infrastructure. The existing road maintenance budget is not sufficient to satisfactorily maintain all the roads within Lewis and Clark County. When allocating resources to road maintenance, Public Works wishes to establish a clear and consistent rationale for the decisions made regarding road maintenance and the reason for this study.

The study was completed in several phases, beginning with collection and organization of roadway information including the current County maintenance activities. The data collected included: road number, if available; road name; surface type; frequency of County road grading; frequency of County road patching, pavement or chip seal; frequency of County snow removal; average daily traffic (ADT) counts, via Abelin Traffic Services or MDT; primary school bus routes; emergency routes; snow routes; mail routes functional classification, based upon ADT, measured or estimated; currently County-maintained road segments; length of roads; latest Pavement Surface evaluation and Rating (PASER) evaluation rating and date; posted speed limit, if available.

#### **PUBLIC COMMENT -**

Kim Smith, 7510 Applegate Drive, discussed the money put toward RIDs and he suggested this matrix may also help with offsite road improvement long term, electric vehicles are coming, the fleets will diminish fuel tax in the long run.

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

#### **Golden Meadows Major Subdivision - SUBD2020-007. (Applicant: Larry Kim Smith) (Planner: Connie Dedrick)**

Connie Dedrick, Planner I, presented the preliminary plat approval of a major subdivision known as Golden Meadows. On October 20, 2020, the Consolidated City and County Planning Board recommended approval of the preliminary plat subject to amended conditions of approval based on the findings of fact. Planning Board members voiced concerns regarding overall water supply located within the Helena Valley, guaranteed water allocation per lot, water use monitoring, assurance that the development will not use more water than appropriated by the Department of Natural Resources and Conservation (DNRC), and what conditions can be added to address water supply.

The project is located north of Lincoln Road, east and adjacent to Applegate Drive and south of Valley View Road. The current land use is vacant to the north, south, and west for single family residential and the east is North Hoge Valley and is undeveloped 55.79 acres.

The Applicant is requesting approval of a 15-lot 29.5-acre major subdivision with lot sizes ranging from 1.1 to 3.51 acres. Each lot will have individual wells, septic systems, on-site fire protection. On October 7, 2020, staff presented the cash in-lieu for parkland dedication. Board gave unanimous decision recommending cash in-lieu. The project is in Zone X which is outside of the 500-year flood. Staff conducted an initial site visit and noted a large depression on proposed lot 5 and a large pile of unknown material northeast of there. Based on Mr. Swierc's memo, conditions have been drafted to address the issue.

To date, two emails have been received from adjacent property owners. One of the concerns was from Ms. Vonada about water and her concerns were addressed.

Legal notices were published in the Independent Record, certified letters were sent to adjacent property owners, and two public notice signs were posted on the property.

The Planning Board voted to recommend amendments to conditions of approval number 22 and 23. Ms. Dedrick read through condition No. 22 and noted the addition is: the applicant, its successors, and assigns, shall work with the Lewis and Clark County Health Department to prepare a plan for soil sampling and identification. She read through condition No. 23 and noted she just added lot 4 should be removed as it is a developed piece of property. The amendment was based upon the materials in the pit to address those two lots. If anything was found then additional lots and surrounding area would be included in the sampling.

Kim Smith, 7510 Applegate Drive, stated they are satisfied with everything in the staff report and agree with it. He added he has owned the land for about 2 years, has spoken with the previous owners and they think it was a material borrowed area. They do not believe it was a gravel pit. There is understanding a mill shop was allowed to dump sawdust in the area. They will work with Public Health and private contractor to conduct testing. He discussed the water concern and stated they have a letter from DNRC that gives them a water allotment. He stated County Hydrogeologist Mr. Swierc views the area as being part of the aquifer, not the fractured bedrock aquifer and had good bases for that conclusion. The road study indicated very little traffic from Hoge Drive to Applegate.

Commissioner McCormick discussed the letter sent to Casne Associates regarding the water and the combined aspects of the water.

Ryan Casne, 663 Logan St., stated that the legal water right is established when someone files a 602 against a predetermination letter to see if it is valid. The process of the predetermination letter being compared to the 602 side by side provides the legal protection of the water rights and protects against the first lot owner in the development to claim water for more than just a given lot. Water rights get dicey when it comes to irrigation, and it will require limited irrigation. It will take a complaint to trigger any enforcement on that. Legislative action is necessary to clean things up regarding water rights and developing.

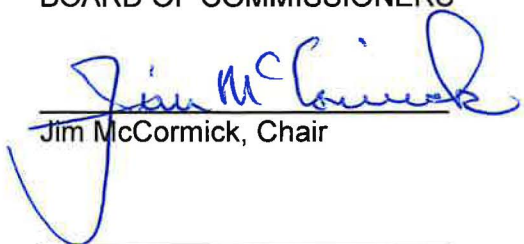
A motion was made by Commissioner Hunthausen to table the item to November 17, 2020 and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

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

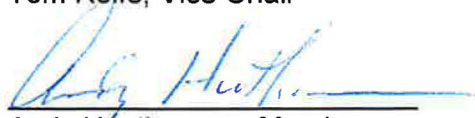
**Adjourn**

There being no further business, the meeting adjourned at 10:06 am.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
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Jim McCormick, Chair

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Tom Rolfe, Vice Chair

  
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Andy Hunthausen, Member

ATTEST:

  
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Amy Reeves, Clerk of the Board