



## **PUBLIC MEETING**

December 7, 2021

### **MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, December 7, 2021, at 9:00 AM in Commission Chambers, Room 330.

### **Roll Call**

Vice Chair Jim McCormick called the meeting to order at 9 a.m.

Commissioner Tom Rolfe was present. Commissioner Andy Hunthausen was out of the office. Others attending all or a portion of the meeting included Roger Baltz, Nicho Hash, Calob Marquis, Worthy McNamee, Lindsay Morgan, Neil Tyree, Anne Tyree, Larry Johns, Irwin Tyree, Jeanne Johns, and Nadine McCarty, Recording Secretary.

### **Pledge of Allegiance**

Everyone recited the pledge.

### **Consent Action Items**

- a. Public Meeting Minutes for October 28; November 11, 16, and 18, 2021. (Nadine McCarty)

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

No public comment was received.

A motion to Approve was made by Commissioner Rolfe and seconded by Commissioner McCormick. The motion Passed on a 2-0 vote.

### **Public Hearing Regarding the Creation of the Shimmering Sands Rural Improvement District. (Jessica Makus)**

Calob Marquis, Special Districts Construction Coordinator, presented the public hearing regarding protest received regarding creation of the Shimmering Sands Rural Improvement District (RID). The 30-day protest period was opened following the approval of the resolution of intention to create the RID on October 19, 2021. The petition staff received to create the RID for the purpose of improving and maintaining Shimmering Sands Lane and Sands Road was signed by 50% of property owners within the proposed RID. After the resolution of intention was approved, notice was sent to all owners of property within the proposed RID and legal notice was published on October 24 and October 31, 2021. The protest period closed on November 29, and staff received a total of 55% protest. Because protest exceeded 50%, creation of the RID will not proceed, and further proceedings regarding creation of the Shimmering Sands RID cannot take place for a period of six months from November 29, 2021.

Nicho Hash, Deputy County Attorney, explained the statutory requirement of the six month period once a proceeding is protested out.

**PUBLIC COMMENT -**

Larry Johns, has two lots in the proposed RID, gave an overview of the subdivision that was developed prior to 1979 Subdivision Planning Act took effect and the subdivision was never reviewed for adverse effects. The roads have not been maintained in a timely fashion for over 59 years. The road is not to County standards. Erosion has damaged the road on many occasions, causing flooding to some lots. In 2019, there was an attempt to have the road re-designed and create an RID. The petition failed. Another attempt was in 2020 with 50% of the benefited property owners that signed the petition. The proposed estimated cost is \$224,234.95 to do the design work. Annual maintenance was at the estimated annual cost of \$3,140, which is \$157 annually or \$13.08 per month for benefited properties to include maintenance. He is in favor of the RID, it has been needed for a long time.

Irwin Tyree, resident, stated he is here to support building of the road and it will not get done without an RID.

Commissioner McCormick stated the time to come forward again with this proposal would be June, 2022. Because the proposed RID was protested out at 55%, there is no further action to be taken at this time.

Mr. Hash will review the County policy further and get back to staff regarding how to come forward again to attempt an RID creation.

Mr. Marquis stated this is a process and he would recommend to the property owners to go to their neighbors and see what options they are open to.

**Resolution 2021-103 Updating the Floodplain Ordinance. (Tabled 11-23-21) (Planner/Floodplain Manager: Worby McNamee)**

Worby McNamee, Planner II and Floodplain Manager, presented the resolution to update the Floodplain Ordinance to incorporate Letter of Map Revision (LOMR) 21-08-0279P. The resolution was tabled from November 23, 2021. The LOMR updates flood information of ground conditions how they exist today. Since November 23, 2021, staff has not received any public comment. Staff recommends approval of the resolution.

Discussion occurred regarding the changes on the flow of the water and flood possibility.

No public comment was received.

A motion to Approve was made by Commissioner Rolfe and seconded by Commissioner McCormick. 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 9:43 am.

Meeting minutes approved on October 20, 2022

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Jim McCormick, Chair

  
Tom Rolfe, Vice Chair

  
Andy Hunthausen, Member

ATTEST:

  
Amy Reeves, Clerk of the Board