



PUBLIC MEETING

July 26, 2018
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, July 26, 2018, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Chairman Andy Hunthausen called the meeting to order at 9 a.m.

Commissioner Jim McCormick and Commissioner Susan Good Geise were present. Others attending all or a portion of the meeting included Roger Baltz, Marni Bentley, Paulette DeHart, Kari DesRosier, Bob Drake, Laura Erikson, Nancy Everson, Peter Italiano, Charles Lane, Reese Martin, Lindsay Morgan, Christal Ness, Jesse Whitford, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Vendor Claims Report for Week Ending July 27, 2018. (Marni Bentley)
- b. Pledged Securities. (Paulette DeHart)
- c. Board of Investments Certificate of Appropriation. (Nancy Everson)

Roger Baltz reported on the consent action items 2 a-c and recommended approval.

No public comment was received.

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

Resolution 2018-65 to Appropriate Immediately to the Emergency/Disaster Fund an Amount Equivalent to Two Mills on the Taxable Valuation of Lewis and Clark County Outside the Incorporated Municipalities, Pursuant to Montana Code Annotated 10-3-405. (Tabled 7-24-18) (Reese Martin)

Roger Baltz, Chief Administrative Officer, presented the resolution to appropriate to the emergency/disaster fund the two mills on the taxable valuation of Lewis and Clark County outside the incorporated municipalities.

In addition to the resolution request to review and approve, the affiliated letter addressed to Governor Bullock providing detailed actions taken in response to the event and damage estimations.

Reese Martin, Emergency and Disaster Services Coordinator, stated after the survey of the damage most of the damage is Elk Creek Road. Several bridges and roads damaged due to Elk Creek rerouting itself during the flood. There was also damage to bridges on Dearborn Canyon Road and Highway 435. High Bridge will also need some repairs due to erosion. The flood event is around the Augusta area, but it extends into other areas of the county as well. The state has separated the two flooding events, one in May and the other in June, in Lewis and Clark County.

Due to the extensive damage state assistance is necessary to cover the damages. Two mills have to be levied before we can get state assistance. The two mills are to reimburse public infrastructures only.

Mr. Martin stated he only received one call from a rancher that had flood damage. Mr. Martin has reached out to the public via social media and the county website. Mr. Martin noted the numbers are an estimate as it is based off of information received from the public forms left at the Augusta library. Commissioner Good Geise knows of many others that were damaged by flood waters.

Nancy Everson, Chief Financial Officer stated that 2 mills is approximately \$130,000 and will know exactly the amount when we receive certified values from the Department of Revenue.

No public comment was received.

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

Labor Agreement Between Lewis and Clark County and the Montana Federation of Public Employees. (Kari DesRosier)

Kari DesRosier, Human Resources Director, presented the labor agreement with the Montana Federation of Public Employees (MFPE) representing employees of the Public Health Department, PureView Health Center and the County landfill. The agreement begins July 1, 2018 through June 30, 2020. Members have ratified the agreement and MFPE has signed the agreement. Staff recommends approval of the agreement with Montana Federation of Public Employees.

No public comment was received.

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

Grant Award to Lewis and Clark County from the Department of Public Health and Human Services. (Laura Erikson)

Laura Erikson, Community Development Coordinator, presented the grant award from the Department of Public Health and Human Services, Addictive and Mental Disorders Division in the amount of \$379,750 to provide mental health crisis services from July 1, 2017 through June 30, 2019. The funds for FY18 were \$188,575 and FY19 \$191,175. The funding is through HB328 and according to the guidelines state matching is to support mental health treatment closer to home by increasing local treatment capacity. Funding to send Officers to attend Crisis Intervention Training in Florida, who will then train local law enforcement. The goal is to deescalate crisis situations in the field.

The item before you is a related contract with the State of Montana going from FY18 to FY19. Commissioner McCormick stated that this is delayed and now playing catch-up due to State budget issues. Lewis and Clark County has been paying in order to keep this moving through.

Kellie McBride, Restorative Justice and Court Services Director, stated the program works seamlessly with the work with the Restorative Justice and Court Services. The county is looking at bringing on a firm to address all of the data needs in the community; of which one thing lacking is exact numbers. The number of people in the jail system with mental illness issues is well over half, pre-trial program is closer to 70% struggling with mental issues.

Commissioner Good Geise gave an overview on the crisis facility the Journey Home and referenced the necessary medical clearance currently conducted at the hospital prior to admission to the Journey Home. One of the recommendations in the budget detail was to have EMTs provide the medical clearance. Ms. McBride stated discussions are still continuing on this topic.

No public comment was received.

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

Resolution 2018-63 Levying and Assessing a Tax Upon Benefited Property within the Canyon Ferry Crossing Rural Improvement District No. 2017-7. (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner III, presented the resolution to levy and assess a special assessment of \$318.86 annually upon benefited properties within the Canyon Ferry Crossing Rural Improvement District for road maintenance. Legal notice was mailed to all property owners in the district and as of July 16, 2018, no comments had been received.

The properties are unsold and in a phone conversation the owner requested the assessment be delayed until he is able to sell the properties. No written request was provided. The roads within the subdivision are completed.

Jesse Whitford, Construction Project Coordinator, stated there would be no problem in delaying the assessment as the roads are newly constructed and no maintenance is necessary at this time. Mr. Whitford added the roads are gravel surface, maintenance would be graded once annually with snowplowing about three to five times annually.

Commissioner Good Geise asked if the fire system serves any other adjacent subdivisions Ms. Morgan stated it is a Tri-Lakes Fire Protection system installed for this subdivision but could be used for other subdivisions.

Bob Drake, Fire Chief of Tri-Lakes Fire Department, stated Tri-Lakes has their own snow plow and the roads have been snow plowed to have access to the hydrant and will continue to do so. This is the only water supply supporting the Canyon Ferry Crossing Phases I-IV.

Ms. Morgan stated the first four phases do not have RIDs but has a Homeowners Association that does all the maintenance of the roads and the plowing of the roads.

Commissioner Good Geise referenced the number of lots times \$318 assessment fee for the annual amount of about \$5,100 would help keep the road open to the fire system.

Commissioner Hunthausen stated the commission can assess whatever dollar amount once a year to help maintain the road maintenance until the RID is in place. He suggested a lower amount this

year to cover the cost of snowplowing with the full assessment next year. Ms. Morgan stated the RID covers gravel, weed spraying and snow removal.

No public comment was received.

A motion was made by Commissioner Susan Good Geise to table the item to the regularly scheduled meeting on Tuesday, July 31, 2018 and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

Resolution 2018-64 Levying and Assessing a Tax Upon Benefited Property within the Canyon Ferry Crossing Fire System Rural Improvement District No. 2017-8. (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner III, presented the resolution to levy and assess a special assessment of \$16.44 annually upon benefited properties within the Canyon Ferry Fire System Rural Improvement District (RID). Legal notice was mailed to all property owners in the district and as of July 16, 2018 no comments had been received.

The owner of the unsold properties requested in a phone conversation to delay the assessment this year until he is able to sell the properties. No written request was provided.

Ms. Morgan stated the annual assessment would cover maintenance to the pullout for the fire protection system, replacement of the pump on a 15-year cycle and to exercise the hydrant annually.

Bob Drake, Chief of Tri-Lakes Fire Department, described the water supply as a system that is low in maintenance cost. There is a 30,000 gallon tank buried in the ground that allows gravity flow to the hydrant, making a large pump unnecessary. Chief Drake gave an overview of the hydrant exercise process and noted he would not delay this assessment as wear and tear is occurring on the fire system even with no development.

No public comment was received.

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

Contract and Encroachment Agreement for Landscaping Along Centennial Trail. (Christal Ness)

Christal Ness, Land Use Ombudsman, presented the contract and encroachment agreement for landscaping along a certain portion of Centennial Trail, on County property located south of Centennial Trail. The Applicant is working with the County on a development, possibly a small campground.

Prickly Pear Land Trust purchased two railroad tracks and gave to the County for the Centennial Trail project with restrictions. The applicant did acquire the necessary permission from the Trust for landscaping.

One item on the landscaping plan is a detention basin for storm water. There is a simple planting plan of various types such as sage and bunch grasses along the trail on the bare ground that sits between the edge of the fence and his property.

PUBLIC COMMENT -

Conrad Evarts, local business owner, stated the property was previously the site of Helena Asphalt. He is trying to model what was done at Spring Meadow to make it a mountain bike city, catering to

mountain biking. It is a big project cleaning up the debris left behind. He is introducing native grasses to restore the grounds and will replace the barbed-wire fence.

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

Appeal of a Denial for a Contract and Encroachment Agreement. (Christal Ness)

Christal Ness, Land Use Ombudsman, presented the appeal of a denial for a contract and encroachment agreement for existing encroachments into Raven Road, a County road. Ms. Ness gave a slide presentation on the Inspection Exhibit showing encroachments or issues with particular properties. Raven Road was made a County road in 2003 as majority of the property owners signed a petition in order to have a RID for maintenance. The well was installed in 2002.

Commissioner Good Geise asked if the established well would be grandfathered in as far as easements are concerned.

Charles Lane, Deputy County Attorney, stated they will research and provide an answer.

Ms. Ness noted this was a 60-foot access easement prior to being designated a County road and the well was drilled within the easement. Enforcement was not the County's responsibility when the road was still just an access easement. She stated the previous owners were granted an encroachment agreement in 2009 for all the properties in the exhibit. When the property was purchased there were encroachments between the county and the property owner but did not transfer to the new owners. The new owners could have requested a new encroachment agreement had they known the previous encroachment agreement was no longer valid.

Jesse Whitford had in his denial report that all encroachments be removed except for the well with the recommendation that the current property owner put a barrier wall to protect it.

Commissioner Good Geise stated the county can cancel the agreement with a 60-day notice. Mr. Lane advised it could be done if the circumstances changed as there would be justification for the revocation.

Commissioner Good Geise asked if the encroachment agreement was presented to the homebuyers at time of closing. Ms. Ness has had discussion with the applicants and extensive discussions with the title company and she is not clear what was explained to the homebuyer.

PUBLIC COMMENT -

Sarah and Carl Starkey, 6205 Raven Road, stated they are first-time home buyers and did receive the encroachment agreement in their material but it was never explained that it did not transfer and that it could be revoked. They have since removed the rock monument due to drivers crashing into it. They have done other improvements as well.

Ms. Ness stated residents along Raven Road were notified via letter by Planning and were asked to count 30 feet from the edge of the road and that would give an idea of the easement.

Commissioner Hunthausen asked the applicants to clarify that they want to remove everything from the easement except the privacy fence, well, and frost-free valve.

Ms. Ness said there is no plan for the well protection, but if the privacy fence is required to be removed then there will be something done to protect the well head.

Mr. Whitford stated his recommendation is to remove everything except the well and to delineate the well to be seen during heavy snow.

Commissioner Good Geise asked about county plans for Raven Road and Mr. Whitford stated there is no current plan. He noted there were plans to redo the road, but the approximate cost of \$680,000 was too much for the residents. The cost would be solely on the residents.

Commissioner McCormick asked if there is awareness of other encroachments on Raven Road. Mr. Whitford is not aware of any at this time.

Commissioner Hunthausen asked if the road could qualify for a FLAP grant. Mr. Whitford thinks probably not as it goes nowhere, other than the Forest Service road that dead ends with no trail head or hiking attraction.

Commissioner Good Geise asked about the cost of a survey to see if other properties are encroaching and Mr. Whitford stated the survey was about \$35,000. He noted the survey is not in the scope of a RID.

Mr. Whitford does not think the privacy fence would cause a problem with grading and he noted the RID has spent more money on snow plowing than any other, but not necessarily due to the fence.

Commissioner McCormick referenced the offer by the landowner of the north side triangle property to change the easement.

Commissioner Hunthausen stated even if an easement was granted for the fence to stay, in the future if a project was identified to improve the road the fence would have to be removed.

A motion was made by Commissioner McCormick to table the item to August 9, 2018 at the regularly scheduled meeting and seconded by Commissioner Good Geise. The motion Passed on a 3-0 vote.

Wildfire Outlook Briefing. (Bob Drake)

Bob Drake, Fire Chief of Tri-Lakes Fire Department, on behalf of the Fire Council handed out a packet of information and gave a briefing on the wildfire outlook for 2018.

Montana is in a semi-arid environment and are always fourteen days away of no moisture from being available to burn. We are at 28 days with no moisture with thunderstorms in the forecast and very narrow streaks of moisture.

Chief Drake showed a comparison of the precipitation between 2017 and 2018. In 2018 we are ahead in moisture and not in any kind of drought situation. He noted the ladder fuels are at four feet high. There has been no moisture in July, fires could happen at any point in time.

Curing is well underway and fire activity will peak in August and persist into September. Cheat grass has already cured and the heavier grasses are on their way. Higher elevation timber regions will also experience accelerated dryness.

There has been no need for fire restrictions. There are fire restrictions in the Idaho panhandle reaching in to Libby. The restrictions will start if moisture is not received in the next two weeks.

Chief Drake stated the restriction calls attendees consists of representation from each ranger district; Bureau of Land Management; Fish, Wildlife and Parks; the Department of Natural Resources and Conservation (DNRC); and State Fish, Wildlife and Parks. There are at least 23 voices in the determination of restrictions.

Chief Drake stated the county controls the decision on private land outside of the forested zone, private land inside the forested zone is controlled by law by the state, and the feds control the federal lands. They work hard to come up with one resolution.

Commissioner Good Geise what would be the result of not adopting the restriction. Chief Drake stated the resolution from the Forest Service and DNRC would be different then the local so their decision could be more restrictive. It would also make it extremely difficult for law enforcement to know which resolutions are enforced for which piece of ground.

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


Bob Drake, Fire Chief of Tri-Lakes Fire Department, stated they had a road dispute in the district. It involved an escape route in the north hills and the residents were in disagreement over whether or not to do road repairs. Chief Drake thanked Christal Ness and Jesse Whitford for their support and help.

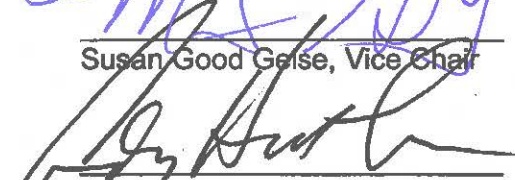
Adjourn

There being no further business, the meeting adjourned at 12:15 pm.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Jim McCormick, Chair


Susan Good Geise, Vice Chair


Andy Hunthausen, Member

ATTEST:


Paulette DeHart, Clerk of the Board

