



PUBLIC MEETING
August 10, 2017
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, August 10, 2017, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Chairman 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 Sherry Allinson, Roger Baltz, Duane Bakken, Bryon Baxter, Leslie Beckstead, Paul Beckstead, Russell Beckstead, Marni Bentley, Marvin Blokzgi, Daniel Butler, Deborah Butzlaff, Clifford Carpenter, Marty Drindahl, Laura Erikson, Nancy Everson, Barney Franklin, Earleen Franklin, Linda Grady, David Hartnelt, Nicho Hash, Matt Heimel, Nebs Herein, Linda Heiweil, Mike Johnson, Rick Jorgensen, Al Kington, Magda Kintzing, Charles Lane, Annie Maixame, Greg McNally, Lindsay Morgan, Doug Powell, Amy Reeves, Greg Reeves, Mark Reller, Bill Rich, Brent Sarchet, Steven Scott, Jill Steeley, Dan Strausburgh, Jerry Strong, Mary Tapper, Bob Utick Ray Valdez, Jesse Whitford, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Vendor Claims Report for Week Ending August 11, 2017. (Marni Bentley)
- b. Resolution 2017-97 Declaring County Property Surplus Property. (Amy Reeves)
- c. FY2018 Extension Services Agreement Between Montana State University Extension and Lewis and Clark County. (Brent Sarchet)

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

Brent Sarchet, County Extension Agent, gave an overview on the extension educational services.

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.

Contract Between PureView Health Center and Missoula County-Partnership Health Center. (Jill Steeley)

Jill Steeley, Executive Director of PureView, presented the contract with Missoula County/Partnership Health Center to administer the Ryan White Program. The contract is in an amount not to exceed \$8,000 within the contract year. The Ryan White Program is a federally funded program that ensures a case manager is available to ensure patients with HIV/Aids are able to access good affordable health, dental, and mental health care and resources.

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.

RFQ Award. Grants Management Software Request for Qualifications. (Laura Erikson)

Laura Erikson, Community Development Coordinator, presented the award for a Request for Qualifications (RFQ) for Grants Management Software and Services. This is a centralized grant management program rather than the current situation where each department manages the affiliated grants. This will allow the county to have current information such as where the grant is coming from, total amount of grant funding and by department, progress monitoring, better ability to handle annual audits and will simplify the funding opportunities search.

Two responses were received. The review committee scored the responses using the advertised criteria. The references of both vendors were contacted and two committee members participated in live demos given by both vendors on July 19, 2017. After review the committee recommends eCIVIS as the preferred vendor and to enter into contract negotiations.

Ms. Erikson explained the current grants management process and the variety of methods depending on the type of grant.

No public comment was received.

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

Resolution 2017-90 to Levy and Assess the Fantasy Rural Improvement District. (Tabled 8-8-17) (Planner: Matt Heimel)

Matt Heimel, Special Districts Planner gave an overview of what a Rural Improvement District (RID) is, the steps involved in creating one and the three ways one is formed be it citizen initiated, during final plat process, commission initiated. There is a resolution of intention; a 30- day protest period; public hearing; creation of district boundaries; resolution to levy and assess; and subsequent resolutions to levy and assess with proposed fee increase when deemed necessary.

Jesse Whitford, Public Works Construction Project Coordinator gave an overview on the steps taken when of citizens initiate the RID to include: determination of the desired level of service; designation of a contact person; contractor and that contract exists with a scope of work within the intent of the resolution; coordinate the work; review the invoice and confirm the work was completed. Most commons services include: snow plowing, road grading, dust control, weed spraying, crack sealing, chip sealing, and street sweeping. Chip sealing is done on a seven year rotation and money is collected in advance so money is available when it is time to chip seal. Mr. Whitford gave an overview on the review and choosing of contractors. Review of the RIDs should be every three years and some of the selected for this year were created back in 1995 and 1998 with no rate increase.

Matt Heimel, Special Districts Planner, presented the resolution to levy and assess the Fantasy Rural Improvement District (RID), tabled from August 8, 2017 to allow for further review of the substantial increase of 25% and if it is necessary to adequately fund the roadway maintenance.

Commissioner Good Geise noted since the last meeting additional public comment was received from Steve and Bob Utick. Mr. Heibel stated there were several concerns about saving funds for future snow plowing, snow fence and the concern of saving for future improvements if that was not considered in the original proposal. Public Works maintains the scheduled maintenance and will have information on the work completed and the justification behind their recommendation.

Jess Whitford, Public Works Construction Coordinator stated most rate increases are based upon the Department of Labor and Industry inflation factor. Currently there is a rate of \$242 for a developed lot and there was a proposed increase to \$302.50. Based on the calculator the amount would be \$269.18. The current balance of \$15,323 in the RID account is ample money to provide the general maintenance. Mr. Whitford's intent was to further inflate it so that in five to six years crushed gravel surfacing could be put on the road. The current Lewis and Clark County Public Works Manual was adopted in 2014 and includes a road standard. Most of the roads being discussed today do not meet the current or previous standards. The goal is to improve the road quality closer to the standard and not to cause financial hardship on the residents.

PUBLIC COMMENT –

Bob Utick does not object that the road does need some improvement. But this goes above and beyond normal maintenance. When this was created it was a citizen initiated maintenance district and an improvement district and since then have been combined into one. At the time of creation the improvement district had an end date and then the maintenance district would be ongoing. The letter received stated the increase is necessary for adequately funded maintenance. Banking money to put gravel on the road without telling the residents what is being done is not what they bargained for. Commissioner Good Geise informed Mr. Utick the reason for the public hearing is for property owners to hear where the money will be allocated.

Clifford Carpenter, 8696 Green Meadow, stated he lives at the end of the road and is outside of the district, but has some comments. There was money established to maintain the roads and a specific standard to maintain the roads, the standard is not being held or maintained and has not for several years. If more money is going to be paid they would like to have some oversight as to who is responsible to the contractors to ensure the maintenance requirements are being held and sustained. There was a special resolution made by their council to maintain Green Meadow up to Prairie because it is within this district and then from Prairie east and west. The roads north of Prairie are in complete disrepair. If there is \$15,000 in the account use it to maintain the roads to the previous established standards and keep them that way then propose an increase. His road hasn't been graded in three years. Some criteria needs to be established.

Mr. Carpenter referenced the lawsuit on Green Meadow because they wanted to move the fence over to maintain the road. The road stayed in disrepair for two years through litigation on the location of the property line. Apparently the road was put in the wrong place and the property owner lost property. Mr. Whitford, clarified that the discussion is on Fantasy Road RID and Mr. Carpenter was speaking of Green Meadow Drive, Big Valley RID with current rates of \$160 and a proposed increase to \$200. Mr. Whitford stated at the time this RID was created the property owners elected to not do the gravel surfacing.

Commissioner McCormick referenced the road maintenance expenditures FY14 through FY17 with FY17 listing road maintenance at \$3,720 and prior years about \$1,400 and asked if going forward the amount would be about the FY17 expense to be drawn off of the \$15,323 balance. Mr. Whitford noted that it would depend on the snow plowing as in the past Steve Utick has done the snow plowing at no charge. If Mr. Utick does not snow plow the anticipated maintenance would be \$5,200 to \$5,500 annually to include blading the road twice and snow plowing as needed.

Commissioner Hunthausen referenced the discussion from last meeting regarding some ongoing road maintenance is due to some driveways not having culverts and proper drainage and asked Mr. Whitford if there is a process. Mr. Whitford noted a resident would send in a complaint, Public Works and County Planning would then inspect the culverts along the complete road. The private approaches were to be addressed by the individual property owners.

Commissioner Good Geise referenced the revenues and expenditures with the expenditures from: FY14 \$1,470 to FY17 \$3,843 and the ending cash balance at: FY14 \$3,713 to FY17 \$15,323. The cash balances seem substantial compared to the historical expenditures. Commissioner Good Geise asked if the other commissioners would look for a slightly lower increase.

A motion was made by Commissioner Hunthausen to approve the resolution with the amount of \$302.50 replaced with \$269.18 and the relative number for undeveloped lot to be calculated by staff. The motion was seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

Resolution 2017-91 Levying and Assessing a Tax Upon Benefited Property Within the Big Valley Rural Improvement District No. 93-5. (Planner: Matt Heimel)

Matt Heimel, Special Districts Planner, presented the resolution to levy and assess a special assessment upon benefited properties within the Big Valley Rural Improvement District (RID) for maintenance of the road network. The proposed increase reflects a determination by the County Public Works Department that an approximately 25% increase in assessments is necessary to adequately fund roadway maintenance. The current rates were established under Resolution 2006-41 adopted on April 18, 2006 at \$80 for undeveloped lots and \$160 for developed lots. The increase will be \$100 for undeveloped lots and \$200 for developed lots.

Jesse Whitford, Public Works Construction Coordinator stated he has a contact person, Steve Scott that was elected within this RID and when Mr. Whitford receives a call on the roads he refers them to Mr. Scott. If there is not a contact person, Public Works will do the maintenance that they see fit.

The proposed rate increase is less than the recommended rate by the Department of Labor and Industry inflation factor of \$221.30. It has been 15 years without a rate increase. The balance of the RID account is \$47,715 with an average annual cost of about \$10,000. Mr. Whitford gave an overview of the continuing plan and the roads to be completed over a relatively short period of time as money allows.

PUBLIC COMMENT -

Steven Scott 8215 Green Meadow, the Vice President of the Big Valley RID stated he took over the RID in 2012 with no election. Mr. Scott volunteered at a meeting three months after purchasing his home as no one else would and it would then revert to the county. He ended up being responsible for 5 1/2 miles of roads. In 2012 they were not roads, they were down to the base bedrock of the prairie. Green Meadow north of Prairie has no ditch, it is down to the bare level of the prairie and if graded it lasts maybe two to three weeks. Based on the money received, is not enough money to build back up all the roads at one time. The cost to build up a road is about \$75,000 to complete one mile. Over the five years Mr. Scott has done about half of the roads and he listed the main arteries that have been completed: Woodland Hills from Green Meadow to Diamond Springs, Prairie from Green Meadow to Diamond Springs, and Diamond Springs between Woodland and Prairie. The other artery that needs to be completed is Prairie from Diamond Springs to Buffalo Horn. Mr. Scott understands people are upset and want things done on the side roads, but there is no money. The snow plowing complaints, Mr. Scott has a list of five to six people recommended by the County to call for plowing services and when calling he is put

into a queue. Mr. Scott projected it will take another five years to build up the rest of the roads if there are no increases and that is assuming no increase in costs, that is not realistic. He is in favor of the increase as the roads are in need.

Dan Strausbaugh, 8425 Green Meadow, north of Prairie, stated he is not opposed to the increase if it improves the road in front of his house. He asked why the entire strip of Green Meadow to the end was not completed and assumed it was money. Now it is cost prohibitive to even scrape the road. Mr. Strausbaugh stated it is his understanding that the road between south Prairie and Lincoln is a county road and are they still paying the RID to maintain it and still responsible for it. There are over a 1,000 cars per day so it qualifies as a county road. The whole frustration is not enough information on what is happening. He only sees county equipment out there, they clear out the school bus turnaround and nothing else is done. Commissioner Good Geise suggested he meet with Mr. Scott after the meeting.

Mr. Whitford stated the road is in a RID and the county does maintain it up to Prairie and the RID still pays into it, but that money would be used for magnesium chloride. The RID does not pay the County to maintain the road.

Charles Lane, Deputy County Attorney stated RIDs are established for public roads, not for private roads, the ownership of the road is not necessarily the controlling factor on whether or not the road is maintained. RIDs can only maintain public roads.

Eric Griffin, Director of Public Works, stated the area was maintained by the Big Valley RID, all of the collected money went to maintaining Green Meadow Drive. None of the other roads were maintained. During the process when the county took over the maintenance of Green Meadow Drive up to Prairie due to the traffic, etc.: drainage was improved; surfacing; and maintenance to include grading, snow plowing. With the county doing all of that work it allowed the money from the RID to go to the other roads. Mr. Griffin and Mr. Whitford tried going to Homeowner Association meetings to discuss the rates and people were not attending the meetings.

Nel Hereim, 105 East Cabin Road stated he has lived there 21 years and the top half of Green Meadow has been graded five times. When he first moved there it was \$100 annually, then the \$160 and now another \$200. Commissioner Good Geise stated the increase is another \$40 from the current rate of \$160 to \$200.

Mr. Hereim stated when he joined the road association the money was to maintain the roads and it has been misappropriated as their roads never get fixed. There are four foot snow drifts after the road is snow plowed due to them plowing to the north the way the wind blows. He doesn't mind an increase if something is getting done, but until he sees results he will not agree to the increase. The culvert mess has been fought for twenty years and it needs to come to an end.

Glen Bakken, 8425 Buffalo Horn Drive stated he has no objections with the \$40 increase. But he stated he has lived there 35 years and had it bladed five times. Most of the time he has been the one to snow plow the road. The section of Prairie from Diamond Springs to Buffalo Horn is like driving on a frozen plowed field. He is glad to hear they are going to fix the road. Mr. Bakken has tried to call the RID representative several times but can never get an answer.

Heidi Ingalls, 8501 Diamond Springs Drive, stated she was a former president of the Road Association. Their meetings consisted of a five member committee that sent out annual letters listing the account balance; the money spent, completed projects, and conducted annual meetings when people were informed. Those kind of meetings have not occurred in years. At that time they were doing Green Meadow. They proposed to the county that Green Meadow was getting so much traffic and asked if it qualified as a county road and the county took it over. They also encouraged the county to take over Prairie Road from Montana Avenue to Green Meadow Drive due to the fire truck getting stuck on Prairie in the

gully. They didn't have emergency services from West Valley Fire Department. The county took it over. Ms. Ingalls does not oppose to the increase but opposes money waste, if gravel is dumped on the roads there needs to be something to hold them together. Ms. Ingalls noted in 1975 her father put the roads in and she helped him. Over the years material was pushed over into the ditches. They were able to maintain the 9 miles of road and stay within budget. Buffalo Horn at that time was not maintained as residents did not want the road touched. Cabin Road was not maintained, other than snow plowing, those residents paid into the Road Association to maintain the roads from the top of Diamond Springs down. There was nothing wrong with Woodland Hills Road. The huge ditches have caused problems for school buses and cars when the snow is level with the road and the ditch they cannot tell where the road ends and if they slide into the ditch there is no way for them to get out with the ditches being deep and steep. Can no longer ride horses along the road due to the huge ditches.

Michael Johnson, 8230 Green Meadow stated gravel is not taken from one side of the road to the other, the gravel is put in the middle of the road and feathered out. If there is a crown the water will run off and the roads will hold up better. Mr. Johnson would like see some of the roads brought up. Another problem is the new housing being built around them and the only access to the homes are through their subdivision, but are not being taxed for the use of the roads as they are outside the RID.

Paul Beckstead, 8375 Diamond Springs Drive has no problem with the increase, but would like to know if the commercial enterprise lots are paying the same rate as residential. Mr. Beckstead would also like to see dust control.

Mr. Heibel stated the developed and undeveloped assessment evaluation is based on the records of habitable improvements, dwellings or other improvements and then determined by Department of Revenue to tax the improvements and the county clones the determinations. If the mining activities were not indicated in the past resolutions he would not know what would have been reflected on what is seen today. Commissioner Good Geise asked Mr. Heibel to get a definitive answer for Mr. Beckstead.

Commissioner Hunthausen stated when the county took over Green Meadow Drive from Prairie south. The location of the road was identified when the improvements were made and a private citizen's infrastructure encroached on the county road right-of-way resulting in a legal procedure to identify the road as county and to move the infrastructure in order to make the improvements.

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

Resolution 2017-92 Levying and Assessing a Tax Upon Benefited Property Within the Colorado Gulch Rural Improvement District No. 92-1. (Planner: Matt Heibel)

Matt Heibel, Special Districts Planner, presented the resolution to levy and assess the Colorado Gulch Rural Improvement District (RID) for road maintenance of the road network per benefited property. The proposed increase reflects a determination by the County Public Works Department that an approximately 10% increase is necessary to adequately fund roadway maintenance. Currently undeveloped lots pay \$110.99 with a recommended increase to \$125 and developed lots pay \$216.96 with a recommended increase of \$240 annually. The RID was established in 1992 and the current rates were put into place in 2005.

Jesse Whitford, Public Works Construction Coordinator went with the 10% rate increase rather than following the Department of Labor and Industry inflation factor which would bring the rate to \$300.19 for developed lots and Mr. Whitford thought that would be excessive given that the RID's current balance is \$224,100. The main cost would be the chip seal that occurs every seven

years. The county plows this road. There is a section of road that has a deteriorated road bed due to field irrigation and would like to rebuild the section to improve access which would deplete most of the RID funds. In 3 to 4 years another chip seal will occur. The last chip seal was \$64,000 with anticipation that the next will be \$70,000 to \$75,000.

PUBLIC COMMENT –

Rich Jorgenson, 1949 Colorado Gulch, stated this is different than most of the other subdivisions as it was not a subdivision, it was either County road or a public road maintained by the County and it got to the point where the County wanted the RID more than the people. He stated 95% of the funds are going to the first 500 to 600 feet off of the highway and at mile marker 3 there is another trouble spot. There is no structural integrity to the chip seal stuff in that area as the clay was paved over. Mr. Murray had stated the clay material would be removed. The worst part is the bottom of the gulch is horrible and it was found there is underground water. This was all brought up at the meeting at Kessler School and it was guaranteed that the problem would be fixed. It has not been taken care of and that is where all of the RID money has gone. The county should have to pay for this not the RID.

Mr. Whitford stated an engineering firm would be hired to conduct a study to determine what would be needed to reconstruct that area of road. The road is in rough shape and needs to be addressed and reconstructed. The cost of the engineering study depends upon the size of the project and the extent of the project. Mr. Whitford gave an overview of how County Public Works could obtain soil samples and send them to a testing lab and then an engineering firm could analyze it to determine how to go forward.

Thomas Ryan, 2429 Brook Trout Trail asked if the increase is additional funds. Commissioner Good Geise gave Mr. Ryan an example of the undeveloped lot that the increase is \$15 not \$125.

Mr. Ryan was interested in how the county came up with the figure and what will be done for the money regarding maintaining, preserving and repairing the road. The letter that was sent out to the residents was sent on July 31, 2017 and then on August 3, 2017 another letter was sent stating there was no input. That was three days, people hadn't even gotten their mail in that time. Mr. Ryan suggested more time be allowed for public comment. This is the tenth day and most of these people are working and cannot make the meeting. Mr. Ryan suggested this be put on hold and a new hearing date set where people can actually attend. They are concerned about the beginning of Colorado Gulch Road.

Mr. Heibel stated that Montana statute on a resolution of intent to levy and assess requires a 10 day mailed notice. If any more time is provided and have it be a standard procedure for districts a new policy direction would be needed.

Jerry Strong, 5827 Hwy 12 W stated his property runs along Colorado Gulch Road. His irrigation ditch was going alongside the road and destroying it. After meeting with the County he moved the irrigation ditch over into the middle of the hayfield and did not give, but let the county use 10 feet of his property for a drainage ditch. The County has pretty much mitigated all the problems that the water was creating. They have to figure out how much damage was done. Mr. Strong wants to know if there is a load limit on the road as there has been heavy duty equipment on the road with big spikes. How long after the other lots are developed do they get accessed the fee. Mr. Whitford will look into the load limits and get back to Mr. Strong.

Mr. Heibel stated the Department of Revenue is generally one year behind on reflecting a new evaluation of property based on improvements. It will be picked up on a resolution, in the past the Property Tax Department has reviewed the district records to analyze those under assessment for an undeveloped lot. For this district they did review to see if any undeveloped lots are now listed by the Department of Revenue as having improvements.

Thomas Ryan, 2429 Brook Trout Trail stated if no dust control will be done on the upper end of Colorado Gulch some of the \$224,000 should be used to chip seal the rest of the road which is less than a half mile.

Mr. Lane stated the mailing of the notice was proper with the hearing date and proposed increase more than ten days before the hearing.

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

Resolution 2017-93 Levying and Assessing a Tax Upon Benefited Property Within the Eagle Ridge Rural Improvement District No. 94-2. (Planner: Matt Heimel)

Matt Heimel, Special Districts Planner, presented the resolution to levy and assess the Eagle Ridge Rural Improvement District (RID) a special assessment upon benefited properties. An increase of 25% has been determined necessary by the County Public Works to adequately fund roadway maintenance. Currently the assessments are \$20 for undeveloped lots with a proposed increase of \$25 and \$200 for developed lots with a proposed increase of \$250.

Jesse Whitford, Public Works Construction Coordinator stated the RID was created in 1994 with the last increase in 1998. The Department of Labor and Industry inflation factor suggests the rate of \$303.16 per developed lot, the proposed rate is \$53.16 less. The current account balance is \$2,667. The roads are gravel surface and the type of maintenance would be graded. The County pays the District a set fee per year for snow plowing as they have their own snow plow. To improve the maintenance is possibly provide dust control, additional gravel as needed.

PUBLIC COMMENT -

Mark Reller, President of the Eagle Ridge Road Association, stated he believes in the concept of RIDs and agrees that the residents on the road should be paying for the road. They have a pretty cohesive unit and stock pile of gravel at the bottom of the road that residents can help fill up potholes. If problems such as potholes can be hit early it helps keep the costs down. They have also done some education on why washboard happens. Mr. Reller stated the money paid comes back to the RID, there is a small portion off the top for administration by the County and he wants to make sure that it remains the same. Mr. Reller wants to ensure that the transition from undeveloped to developed is factored in as several houses have come in over the last couple of years. They have noticed there are more people coming down Windy Ridge from the road to the south and it would be nice to have them paying as well. Their road is a dead end road. It is a public road and not a county road so he wonders if the improvement standards actually apply to them. They are maintenance plus as they have added 3 to 5 loads of gravel annually, increased the base, changed the crown of the road, improved the drainage, and actively handle a shovel. Mr. Reller would like to encourage the county to take on their obligation to keep the land owners active on weed control of their individual properties. Commissioner Hunthausen noted weed control is a complaint driven system and if neighbors inform the County of weed issues they will follow up.

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

Resolution 2017-94 Levying and Assessing a Tax Upon Benefited Property Within the Mount Vista Rural Improvement District No. 98-1. (Planner: Matt Heimel)

Matt Heimel, Special Districts Planner, presented the resolution to levy and assess a special assessment upon benefited properties within the Mount Vista Rural Improvement District (RID). An increase of 50% has been determined necessary by Public Works and voted on by the local

road association to adequately fund roadway maintenance. Currently the assessments are \$30 for undeveloped lots with proposed increase of \$45 and \$120 for developed lots with increase of \$180.

Jesse Whitmore, Public Works Construction Coordinator stated the RID was created in 1998. The Department of Labor and Industry inflation factor suggests a rate of \$181.90. The current RID account balance is \$8,388. In the past maintenance has ranged from \$1,400 to \$16,000 depending on the activities provided and/or requested. An average annual year would be approximately \$8,000. The type of maintenance would be snow plowing, road grading and weed spraying.

PUBLIC COMMENT –

Daniel Butler, 6111 Lone Pine stated he is supposed to own 7060, but he has been told by a County employee that he does not own it and does not belong anywhere west of his residence. Mr. Butler has been threatened many times with a lawsuit if he did not follow suit. Mr. Butler distributed a handout and stated the handout does show he is the owner and if he does not he wants to know. Page two of the handout shows what the Mount Vista Road Association is responsible for and page three shows when the road enters section 28 the employee has denied responsibility of the half mile section up to section 27. Mr. Butler would like the section to be reinstated as there are four landowners that are paying money in accordance with the original agreement that states it goes to section 27.

Commissioner Good Geise stated the discussion now is the amount of the increase not the benefited property and asked Mr. Butler for his contact information to set up a meeting to get this issue resolved.

Mr. Butler stated when this was set up it was to be in smaller proportions, not the whole road in one year. If they put a crown in the road with no ditches it will wash his road out and he does not own the culverts the association does. Mr. Butler has been threatened if he does not clean the culverts they will back charge him on his county taxes. All neighbors to the south of Lone Pine will be in jeopardy. Mr. Butler knows an increase is necessary, but 50% is exorbitant. Mr. Butler did note the board is willing to meet with him.

Linda Grady, 6570 Lone Pine Road addressed the issue of the maintenance being about \$8,000 annually as she has a proposal from Gruber Excavating for summer grading that will be about \$10,000, the cost for snow removal last year was \$5,218. Ms. Grady moved to the area in December 2015 found no fee increase since 1998 and was surprised it had not been addressed. An engineering study would be nice, but that sounds costly. It would be nice to speak with someone that knows how to get the road to where it needs to be. The three roads involved are Lone Pine Road, Jaybird and Mount Vista. Lone Pine Road has never been built into a real road, needs a lot of work and most people live on that road. Ms. Grady has been behind getting the 50% increase as she has done her own study. The money needs to be put aside.

Al Kington, 6415 Lone Pine stated Mr. Heimel told him last year's report was used to determine the increase. That report listed grading at \$10,300, however at a prior meeting it was stated it would be about a \$3,000 increase for about 200 feet of asphalt next to the mailboxes. Mr. Kington noted he has done budgeting on rural roads for 40 years and stated there has to be a longer period of time to make an adjustment so that the peaks and valleys of the budget can level out in order to make a future estimate. Mr. Kington distributed a handout with a breakdown of each function and also a copy of a road maintenance agreement between Lone Pine Road and the landowners from 1976. The agreement states it is a private road and the old Lone Pine Road people believe it still is a private road. When did it change from just Lone Pine and by what authority did the county have to begin calling it a public road when the RID was formed in 1998.

Mr. Lane stated the designation of a public road or private road cannot change by use, maintenance, or people declaring it private. It is how it was dedicated on the plats and whether or not it was dedicated to the public and if that has changed.

Mr. Kington referenced a 2001 letter from Carol Hand, Public Works Coordinator that indicated contractor invoice would go to the road committee for approval and onto the County for payment. It has not occurred the last couple of years. Mr. Kington suggested that it be enforced and have better communication between the County and their board. Mr. Kington is for an increase, but believes 25% is more accurate.

Deborah Butzlaff, 5270 Jaybird Drive stated being a retired postal worker she did not like that the notices were put in the boxes without postage and has offered to take care of the mailings including postage. Ms. Butzlaff was amazed there has not been an increase in 20 years and is for the increase. After review of the expenses at these meetings the RID is barely getting by and not maintaining as much as need be.

Bill Rich, 5285 Jaybird Drive, the current chairman of the road committee stated they have increased their efforts to maintain the roads. They need to pull some of the ditches in and do some grading. Last year chip seal was put at the beginning of the road at the mailboxes. There is now a 35 M.P.H speed limit posted on the road. The majority of the maintenance is done on Lone Pine and will continue to be in the future. This last year Mr. Rich was the one to contact the snow plows. There is a new section of the road that is missed during the winter, but there is no way for the plows to turn around at the end of the section. There needs to be a solution and maybe the county can review the problem. Mr. Rich is for the increase.

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

Resolution 2017-95 Levying and Assessing a Tax Upon Benefited Property Within the Valleyview Farms Rural Improvement District 2015-10. (Planner: Lindsay A. Morgan)

Commissioner Good Geise had to leave for another commitment and Commissioner Hunthausen continued the meeting.

Lindsay Morgan, Planner II presented the resolution to levy and assess a special assessment of \$989.81 upon benefited properties within the Valleyview Farms Rural Improvement District (RID). The District was created in 2015 and is for maintenance of an extension of Walter Drive located north of Emily Lane and also for Hearthside Court. Legal notice was published and mailed to all property owners within the District and as of August 10, 2017, no written testimony had been received.

No public comment was received.

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

Resolution 2017-96 Levying and Assessing a Tax Upon Benefited Property Within the Walter Drive Rural Improvement District 2015-8 (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner II presented the resolution to levy and assess a special assessment of \$132.17 upon benefited properties within the Walter Drive Rural Improvement District (RID). The District was created in 2015 for maintenance of Walter Drive located north of Canyon Ferry Road and south of Emily Lane. Since the creation of the District and today one property aggregated together resulting in one fewer property and the increase of \$6.00. Legal notice was published and mailed to all property owners within the District and as of August 10, 2017 no written testimony had been received.

No public comment was received.

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

Request for Extension of Subdivision Improvements Agreement for Timberworks Estates, Phase I and Phase IV. (Subdivider: Frontier Builders, Inc.) (Planner: Greg McNally)

Greg McNally, Planner II, presented the extension request of the Subdivision Improvements Agreement (SIA) with Frontier Builders for Timberworks Estates, Phase I and Phase IV. The SIA for Phase I was previously extended on June 21, 2016 and the SIA for Phase IV was previously extended on July 28, 2016. The SIAs were combined and collectively extended on December 22, 2016. The one remaining improvement of the SIA is has not yet completed the application and certification of an asphalt-seal coat on all internal access roads within Phase I and Phase IV.

The Subdivider requests that the current SIA be extended to allow the application and certification of the asphalt-seal coat on all internal access roads in Phase I and Phase IV. The work is estimated to cost \$17,543.90 as noted in the estimates provided by Ryan Casne, P.E., dated July 21, 2017. The Subdivider has provided a letter of credit in the amount of \$19,825.81 and has previously submitted a cashier's check in the amount of \$2,717.81 for a total amount of \$22,543.62, in excess of 125% of estimated costs of remaining improvements. The Subdivider has indicated the work is expected to be completed as part of a larger project with the asphalt-seal coat application of the roads in Phase V before June 30, 2018. All roads within Phases II and III already have an asphalt-seal coat.

The current SIA is in default. If the extension request is granted it would extend the SIA with a new completion date of June 28, 2018. Failure to complete the improvements prior to the completion date would be considered an event constituting default and action would then be necessary to take the money to complete the improvement. That is also an option at this time given the default.

Mr. McNally stated the SIA entered into default on June 28, 2017 with a 30 day window involved in which the Letter of Credit lasted until July 28 2017. An updated Letter of Credit was received on July 27, 2017 and with that the extension request.

No public comment was received.

A motion was made by Commissioner McCormick to approve the request to extend the Subdivision Improvements Agreement for the Timberworks Estates, Phase I and Phase IV Subdivisions, and establish a completion date of June 28, 2018. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

Collection of Financial Security Due to Default of Subdivision Improvements Agreement with Frontier Builders, Inc. for Timberworks Estates, Phase I and Phase IV. (Tabled 7/27/17) (Subdivider: Frontier Builders, Inc.) (Planner: Greg McNally)

Greg McNally, Planner II, stated this item was tabled from July 27, 2017 in which the Commission was considering the collection of the financial security due to the default of the Subdivision Improvements Agreement (SIA) with Frontier Builders, Inc. for Timberworks Estates Phase I and Phase IV. The previous agenda item approved the extension of the SIA and with the updated SIA there is no need to act any further on this collection.

No public comment was received.

A motion was made by Commissioner McCormick to not collect the financial security due to default of Subdivision Improvements Agreement with Frontier Builders, Inc. for Timberworks

Estates Phase I and Phase IV. The motion was seconded by Commissioners Hunthausen. 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 12:39 pm.

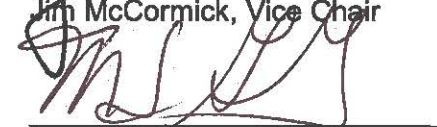
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chair



Jim McCormick, Vice Chair



Susan Good Geise, Member

ATTEST:



Paulette DeHart, Clerk of the Board