



PUBLIC MEETING

August 11, 2015
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, August 11, 2015, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Commissioner Mike Murray called the meeting to order at 9 a.m.

Commissioner Susan Good Geise was present. Commissioner Andy Hunthausen was excused on personal business. Others attending all or a portion of the meeting included Eric Bryson, Michele Peterson-Cook, K. Paul Stahl, Greg McNally, Matt Heimel, George Theborge, Cheryl Green, Ryan Casne, Ron Bartsch, Thad Michalson, Patti Jacques, Audra Zacherl, Kevin Hamilton, and Nichole Nisbet, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Resolution 2015-112 Ordering a Refund of Fees and Assessments Paid by Lisa Whittle in the Amount of \$378. (Cheryl Green)
- b. Resolution 2015-113 Ordering a Refund of Taxes/Fees/Assessments Paid by Al & Maxine Frezzette in the Amount of \$1,576.64. (Cheryl Green)
- c. Resolution 2015-116 Ordering a Refund of Fees and Assessments Paid by David Rico in the Amount of \$72. (Cheryl Green)

Eric Bryson 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 Good Geise and seconded by Commissioner Murray. The motion Passed on a 2-0 vote.

Bid Award - 2015 Paint Striping (Audra Zacherl)

Audra Zacherl, Finance Coordinator, presented the bid award for the paint striping. One bid was received in the amount of \$98,411.22 from HighMark Traffic Services, Inc. Staff recommends awarding the contract to HighMark Traffic Services Inc.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Murray. The motion Passed on a 2-0 vote.

Memorandum of Understanding Between Lewis & Clark County and Powell County. (Audra Zacherl)

Audra Zacherl, Finance Coordinator, presented the memorandum of understanding between Lewis & Clark County and Powell County to outline the anticipated responsibilities of both Counties for the Little Blackfoot Road project. The MOU is effective July 1, 2015 through December 31, 2016.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Murray. The motion Passed on a 2-0 vote.

Project Memorandum of Agreement Between Lewis & Clark County and Western Federal Lands Highway Division for Stemple Pass Resurfacing. (Audra Zacherl)

Audra Zacherl, Finance Coordinator, presented the project memorandum of agreement between Lewis & Clark County and the Western Federal Lands Highway Division for the Stemple Pass Road North Resurfacing Project. Improvements generally include re-establishing ditches/flow lines, shaping of the road, applying six inches of thick crushed top surfacing and dust palliative to extend road surface longevity. The total project costs are estimated at \$864,300 with a local match amount of 13.42% or \$115,989.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Murray. The motion Passed on a 2-0 vote.

Reimbursable Agreement Between Lewis & Clark County and Western Federal Lands Highway Division for Stemple Pass Resurfacing. (Audra Zacherl)

Audra Zacherl, Finance Coordinator, presented the reimbursable agreement to reimburse Lewis & Clark County \$733,311 for construction costs on the Stemple Pass Road North Resurfacing Project with a local match amount of \$115,989 and total project cost estimated at \$864,300. The agreement period is through December 31, 2017.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Murray. The motion Passed on a 2-0 vote.

Project Memorandum of Agreement Between Lewis & Clark County and Western Federal Lands Highway Division for the York-Nelson Road Resurfacing Project. (Audra Zacherl)

Audra Zacherl, Finance Coordinator, presented the project memorandum of agreement between Lewis & Clark County and Western Federal Lands Highway Division for the York-Nelson Road Resurfacing project. Improvements generally include resurfacing 4.7 miles from the community of York north to Favorite Gulch Road by applying a six inch thick crushed top surfacing to a 24 foot top road width, dust palliative to extend road surface longevity; and updating existing signage to meet minimum reflectivity. Total project costs are estimated at \$895,000 with a local match amount of 14.42% or \$120,109.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Murray. The motion Passed on a 2-0 vote.

Reimbursable Agreement Between Lewis & Clark County and Western Federal Lands Highway Division for the York-Nelson Road Resurfacing Project. (Audra Zacherl)

Audra Zacherl, presented the reimbursable agreement to reimburse Lewis & Clark County \$759,891 for construction costs on the York-Nelson Road Resurfacing Project with a local match amount of \$120,109 and total project cost estimated at \$895,000. The agreement period is through December 30, 2017.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Murray. The motion Passed on a 2-0 vote.

Resolution Levying and Assessing a Tax Upon Benefited Property Within The Emerald Ridge Rural Improvement District No. 2015-5. (Matt Heimel)

Matt Heimel, Special Districts Planner, presented the resolution to levy and asses the Emerald Ridge Rural Improvement District. A debt service assessment for road improvements of \$180.95 per parcel per year shall be levied for a period of seven years. An ongoing maintenance assessment is to be levied and assessed perpetually at \$58.28 per parcel per year.

PUBLIC COMMENT-

Steve Herfert, 4306 Emerald Ridge Loop, asked the Commission to be exempt from the RID as he has an agreement with the developer for maintenance of a stormwater drainage system that is located on his property.

Eric Barkley, 3942 Topaz Court, stated his opposition to the RID.

Thad Michalson, 3995 Topaz Court, stated he is in favor of the RID mainly due to the number of vacant lots in the subdivision and the benefit of everyone paying into the RID for maintenance of the roads.

Commissioner Murray stated the public comment is now closed.

A motion to table the item until the regularly scheduled meeting on August 13, 2015 was made by Commissioner Geise and seconded by Commissioner Murray. The motion Passed on a 2-0 vote.

Request for Modifications to Conditions of Approval for the Preliminarily Approved Lot A-1A Amended of the H.W. Smith Minor Subdivision (Heron Creek, Phases I-VI). (Applicant: Ron Bartsch) (Planner: Greg McNally)

Greg McNally, Planner II, presented the request for modifications to Conditions of Approval for the Preliminarily Approved Lot A-1A Amended of the H.W. Smith Minor Subdivision (Heron Creek, Phases I-VI). Per the request of Ron Bartsch of Casne and Associates Inc. has submitted two letters requesting modifications to the conditions of approval regarding the Heron Creek Subdivision, Phases I-VI. Preliminary approval for this Subdivision was granted on September 18, 2007. The preliminarily approved plat and conditions were modified on November 6, 2008 and February 23, 2012. The applicant has submitted a final plat application for Phases I-III that is currently under review. The applicant has submitted two letters requesting that the Board of County Commissioners consider the modification requests. As required by the applicable 2005 Subdivision Regulations, the applicant has indicated in one of his letters responses to the following three questions: what circumstances have changed, how will the applicant benefit from the changes and what impacts will there be on neighbors, the public in general, and the surrounding environment. The Commission must decide whether or not the applicant has made a reasonable argument as to why the terms of subdivision application approval should be reconsidered, i.e. modified. If the Commission decides to consider a modification to the conditions of approval, the applicant must pay the requisite fees for the modification proposal when the application is submitted. Upon receipt, Staff would proceed to schedule and notice a public hearing, request agency comments, post a notice sign on the property, send letters of notice to adjacent property owners, and prepare a staff report that would provide further analysis of the proposed modifications and present the staff report to the Commission for consideration at the public hearing. The applicant is proposing to modify the conditions of approval to accomplish the following: reduce the amount of internal road construction in Phase I by 170 feet on proposed Fireweed Loop; eliminate conditions that require detailed plans of on-site streams and ponds; eliminate conditional language that requires the wastewater treatment system and fire protection system to be included in a rural improvement district for maintenance; modify the conditional language in Phase I related to the easement width of Peppergrass Road in the area of the mailbox structure; eliminate conditions that require specific lot numbering on the plat and related documents; eliminate conditions that require a 50-foot setback and a 30 foot-buffer for the ephemeral drainage to be shown on the plat; eliminate conditions requiring notification in the covenants of a 50-foot setback and a 30-foot buffer for the ephemeral drainage; and eliminate the condition that requires an as-built survey of the utilities installed in Phase II.

Commissioner Geise stated that she would like to have additional reassurance on the utilities installed in Phase II.

Ryan Casne, the applicant's engineer, stated he views these items as housekeeping items and will have additional information at the hearing.

Rob Bartsch, the applicant, stated the items before you have been discussed and these are the final items prior to the final plat process.

No further public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Murray. 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.

PUBLIC COMMENT-

Patti Jacques, 1957 University Street, asked about the bond issue committee that is raising funds for public education and asked how much does it cost per day to keep an inmate in the current facility and what it costs for the County to send inmates to other facilities. She also asked for clarification on how the bond issue mail ballot will look. She also asked about the current inmates who are mentally ill being held in our jail and why are they not being sent to the State Hospital.

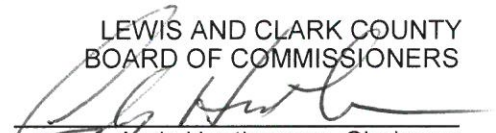
Commissioner Geise stated that a Citizen's Advisory Council was established last fall and from that Council became a campaign group. The County cannot advocate for a ballot issue. The County can inform the public and urge the public to vote but cannot say to vote yes or vote no. The campaign group will be advocating for the bond. The mail ballot is two separate questions as one is a bond and the other one is a levy.

Eric Bryson stated it currently costs \$120 a day to hold an inmate in the currently facility. It costs the County \$65 a day to house an inmate in an out of County facility however that only includes room and board costs, no medical or transport costs is in that figure. The Department of Corrections reimbursement rate is \$69 a day in a County detention facility. The cost for the levy is projected to year 2025 and is subject to inflation costs. The County Attorney is working on further assessments of those inmates who are mentally ill and being held in the detention facility. It was noted that Warm Springs is currently full. The County will not levy the funding for the facility if the bond was not approved. Both questions will need to pass in order for this to go forward.

Adjourn

There being no further business, the meeting adjourned at 9:53 am.

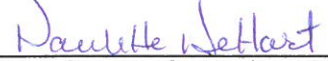
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Andy Hunthausen, Chairman


Michael Murray, Vice Chair


Susan Good Geise, Member

ATTEST:


Paulette DeHart, Clerk of the Board