



## **PUBLIC MEETING**

August 11, 2022  
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, August 11, 2022, at 9:00 AM in Commission Chambers, Room 330.

### **Roll Call**

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

Commissioner Tom Rolfe and Commissioner Andy Hunthausen were present. Others attending all or a portion of the meeting included Roger Baltz, Charles Lane, Jessica Makus, Calob Marquis, Jenny Chambers, Jim Oppedahl, Terri Dronen, Joellen Barbazela, Jean Puru, Bill Puru, Doug Dronin, Terri Dronin, Allen Flink, Loren Sampson, Jill Sark, John Slevin, Scott Phillips, Chris Yde, Mark Prichard, Rich Curtis, Jim Kehr, Mildie Kehr, Rob Hunsaker, Tom Pahut, Jeff Wuerl, Joy Dahlberg, Larry Sickerson, Robert Bennet, Kris Sampson, Karie Frydenlund, Shane Shaw, Don Gordon, Kathy Gordon, and Brandi Spangler Recording Secretary.

### **Pledge of Allegiance**

Everyone recited the pledge.

### **Consent Action Items**

- a. Resolution 2022-78 Ordering a Refund of Fees and Assessments Paid by Linda Grady in the Amount of \$395. (Karie Frydenlund)
- b. Resolution 2022-79 Declaring County Property Surplus Property. (Amy Reeves)
- c. Resolution 2022-80 Declaring County Property Surplus Property. (Amy Reeves)

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

No public comment was received.

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

**Resolution 2022-58 to Levy and Assess the 46 Degrees North Road Rural Improvement District.**  
**(Jessica Makus)**

Jessica Makus, Special Districts Coordinator, presented a resolution to levy and assess the 46 Degrees North Rural Improvement District No. 2017-1 for \$147.83 per property per year. Legal notice was sent to property owners and published in the Independent Record. As of August 10, 2022, no written testimony was received. Staff recommends approval.

Ms. Makus stated that most of the districts that are getting an increase have not had an increase in over 20 years. These increases are due to keep up with inflation. The Special Districts Department is open to making changes to resolutions as most residents see fit. Meetings were held for an opportunity to speak with Ms. Makus about the increases. Mailings were sent out to all residents.

No public comment was received.

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

**Resolution 2022-59 to Levy and Assess the 46 Degrees North Fire System Rural Improvement District. (Jessica Makus)**

Jessica Makus, Special Districts Coordinator, presented a resolution to levy and assess the 46 Degrees North Fire System Rural Improvement District No. 2017-2 for \$13.54 per property per year. Legal notice was sent out to property owners and published in the Independent Record. As of August 10, 2022, no written testimony was received. Staff recommends approval.

No public comment was received.

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

**Resolution 2022-60 to Levy and Assess the 46 Degrees North Parks Rural Improvement District. (Jessica Makus)**

Jessica Makus, Special Districts Coordinator, presented a resolution to levy and assess the 46 Degrees North Parks Rural Improvement District No. 2017-3 for \$22.50 per property per year. Legal notice was sent out to property owners and published in the Independent Record. As of August 10, 2022, no written testimony was received. Staff recommends approval.

No public comment was received.

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

**Resolution 2022-61 to Levy and Assess the American Bar Rural Improvement District. (Jessica Makus)**

Jessica Makus, Special Districts Coordinator, presented a resolution to levy and assess the American Bar Rural Improvement District No. 2013-2 for \$224 per property per year. RID was created by residents in 2013. Assessment rate has been the same since. Maintenance includes grading and compacting, gravel maintenance, drainage maintenance, snowplowing and sanding, and other maintenance necessary for maintaining the road surface. There are 107 benefitting properties. With the current assessment rate, the only thing afforded is grading on American Bar Road. One letter of support was received during open public comment period. Legal notice was sent out to property owners and published in the Independent Record. As of August 10, 2022, one letter of support was received. Staff recommends approval.

Calob Marquis, Public Works RID Construction Coordinator, reported on challenges and benefits of partnering with Forest Service. This district is challenging due to the location of the district. Forest

service used PTH to crush gravel this summer, which cut down on mobilization costs. There are challenges working with Forest Service determining maintenance responsibilities. Most of the roads in this district is Forest Service and a small area is County property. PTH is a machine that will crush rock in place instead of having to haul gravel.

York to Nelson is well traveled and the main access to this district. The County has taken responsibility to maintain that path.

**PUBLIC COMMENT:**

Jim Kehr, Chair of American Bar RID Commission, supports the resolution. He thanks the staff for professionalism during the process.

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

**Resolution 2022-62 to Levy and Assess the Broadwater Estates Rural Improvement District.**  
**(Jessica Makus)**

Jessica Makus, Special Districts Coordinator, presented a resolution to levy and assess the Broadwater Estates Rural Improvement District No. 2004-4 for \$255 per property per year. This RID was created by subdivision developer in 2004. Assessment rate has remained the same since 2007. There are 72 benefitting properties. Maintenance includes chip sealing, crack sealing, snow plowing and sanding, sweeping, pothole patching, and drainage maintenance. Chip seal costs are being monitored. This district can wait on chip sealing until 2028, however, this increase is important to keep up with inflation. Chip seal rose from \$1.76 per square foot to \$4.00 per square foot in this last year. Legal notice was sent out to property owners and published in the Independent Record. As of August 10, 2022, no written testimony was received. Staff recommends approval.

Calob Marquis and Jessica Makus were hired to coordinate Special Districts and assess the needs of each RID and the health of each. Before they were hired, there was one part time person working on RIDs. There are 133 Special Districts. Moving forward, each RID will be observed, and small increases will be made as necessary instead of 20 years going by and need a significant increase. The intent is to fund annual maintenance and lower frequency maintenance. It is not to build on cash reserves. There has been RIDs that have been decreased as well. The money paid into each district stays in that district and is only used for maintenance that is listed in the resolution.

Jenny Chambers, Public Works Director, discussed how inflation is affecting the budget for RIDs. The staff is dedicated on reducing costs of all projects.

Ms. Makus stated they have decades of data. Districts are lumped together to do all the chip sealing in one year to get the lowest cost possible.

Commissioner McCormick stated with inflation, petroleum-based products are costly, even staying at 1.5% projection of inflation. The hope is that projections for future projects will hold true and inflation will even out.

**PUBLIC COMMENT:**

Amy Remshaw, resident, asked if these assessments have the opportunity to come down. The need for chip sealing is 2028, is that why the assessment is being proposed now? Is it something they will be paying now or is it just a discussion to increase assessment in the future? Ms. Makus stated that if the chip seal stays at this rate, there will need to be more increases. If the cost comes down and stays down, the rate will be reassessed in the future. The assessment is being collected now to prepare for 2028, and it will be adjusted as needed. When the chip seal cycle comes around and the funding is not

available, they are looking at loans which adds interest and costs more in the long run. The increase is how to prepare to not be in that position.

Commissioner Hunthausen pointed out that doing all the work as one project is saving money to each individual. It would cost a lot more for each individual to only pay for the one section of road in front of their house for yearly maintenance.

Commissioner Rolfe asked for clarification on timeline. Ms. Makus confirmed it was last chip sealed in 2018.

Mr. Marquis stated the material needed in each district differs due to how thick the material is. He checks each district about once a month to observe needs of the roads and to see if any maintenance is needed. There was a large frost heave in this district last winter and it costs about \$16,000 and these unforeseen factors affect the RID budget. Each road is only as good as the subgrade. The subgrade in this district is good and that is one reason why the project can wait 10 years instead of the regular 7-year cycle.

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

**Resolution 2022-63 to Levy and Assess the Crestwood Green Estates Rural Improvement District. (Jessica Makus)**

Jessica Makus, Special Districts Coordinator, presented a resolution to levy and assess the Crestwood Green Estates Rural Improvement District No. 2010-2 for \$430 per property per year. The RID was created in 2010. The assessment rate has been the same since then. Maintenance includes chip sealing, drainage maintenance, pothole patching, crack sealing, and sweeping. It was last chip sealed in 2017 with asphalt millings instead of an asphalt mat. It will be best to stay with 7-year cycle for the chip seal of this project. Legal notice was sent out to property owners and published in the Independent Record. As of August 10, 2022, no written testimony was received. Staff recommends approval.

**PUBLIC COMMENT:**

Patricia Williams, resident, asked if there are alternatives for roads if petroleum-based products are no longer going to be available. Mr. Markus does not know of any alternatives currently. Alternative products have not been explored because they are not readily available and are extremely costly. Jenny Chambers, Public Works Director, says that if that challenge arose, they would work with others, state and federal, facing the same issue to come to a conclusion.

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

**Resolution 2022-64 to Levy and Assess the Elkhorn Rural Improvement District. (Jessica Makus)**

Jessica Makus, Special Districts Coordinator, presented a resolution to levy and assess the Elkhorn Rural Improvement District No. 2009-1 for \$380 per property per year. The RID was established in 2009 by residents and the rate was set at that time. It has remained the same since. There are 34 benefitting properties. Maintenance includes grading and compacting, drainage maintenance, gravel maintenance, snowplowing and sanding, and other maintenance required to preserve the road surface. There is a hill on Elkhorn Road and needs frequent plowing and sanding. Legal notice was sent to residents and published in the Independent Record as required. As of August 10, 2022, two letters of support were received.

**PUBLIC COMMENT:**

Dick Franklin, resident, stated there is no Homeowners Association (HOA) and states that every resident should be notified of rate increases, and each should know exactly where each dollar is going. He lives on the top of the hill. The road is bumpy, but it slows down traffic. If the hill is the main priority, he disagrees with the increase. He would appreciate that minutes for the meetings be available. He lives at the top of the road and feels that most of the focus is on the bottom part of the hill. He states that road maintenance is temporary and needs to be ongoing. The property owners need to be asked if they approve of the work proposed on this road. Ms. Makus stated a public meeting was held on July 7, 2022, with 12 attendees and residents notified. The estimations are for maintenance of the entire road, signage and other maintenance. Annual grading is scheduled for August 12 and 13, 2022.

Commissioner McCormick asked for clarification on property owners making terms for the RID. Ms. Makus answered that the RID was designed on the residents' terms. Mr. Markus reported that the work done in this district is complicated for contractors due to the hill, they do not have four-wheel drive plows like the County does. The hill is the main piece, but drainage is minimal there is minimal maintenance on the rest of the road. Grading is done on the entire road. The top portion and side roads are being graded first then they will come back and grade the bottom portion.

Commissioner Rolfe stated that each RID has specific things that is allowed to be done and other things cannot be done unless the entire resolution is changed.

Ms. Makus stated that they are not able to add things to the resolution and cannot neglect any maintenance on the road. Minutes are always available to the public by the recording and eventually are posted online.

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

**Resolution 2022-65 to Levy and Assess the Fawn Meadow Estates Rural Improvement District. (Jessica Makus)**

Jessica Makus, Special Districts Coordinator, presented a resolution to levy and assess the Fawn Meadow Estates Rural Improvement District No. 2004-2 for \$387 per property per year. The resolution was resident initiated in 2004. There are 28 benefiting properties in this district. Chip sealing is due in 2025. There would be a deficit of \$45,000 if this increase is not assessed. Legal notice was sent out to property owners and published in the Independent Record. As of August 10, 2022, no written testimony was received. Staff recommends approval.

No public comment was received.

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

**Resolution 2022-66 to Levy and Assess the Gilbert, Schatz, & Morris Rural Improvement District. (Jessica Makus)**

Jessica Makus, Special Districts Coordinator, presented a resolution to levy and assess the Gilbert, Schatz and Morris Rural Improvement District No. 2001-4 for \$325 per property per year. The RID was County initiated in 2001. Roads were last chip sealed in 2017 and maintenance is crucial. Frost heaves are a significant issue. The chip sealing should not go beyond 2025. It is possible that this district will see a reduction following chip sealing in 2025. Legal notice was sent out to property owners and published in the Independent Record. As of August 10, 2022, no written testimony was received. Staff recommends approval.

Commissioner Hunthausen asked about the base of this district. Engineered bases came after this road was built so these old roads need more frequent maintenance. Calob Markus, Public Works RID Construction Coordinator, confirmed that this road was made by grading and then laying down double

shot chip seal. The chips end up in subgrade. There is more traffic on the roads in the district than there was when the roads were built. They shoot for 3-inch mat on roads and without the mat, makes it difficult to maintain.

#### PUBLIC COMMENT:

Shane Shaw, resident, stated the County initiated the RID. The street in front of his house was already built. The majority needed to vote no for the RID to be turned down and the absent voters were automatically counted as a yes. There has been no work to the edges to the road in over 25 years. There is a chunk of asphalt that is eroding due to a mud puddle on the side of the road. He asked if RID money is used to pay the staff. Not all the lots in the subdivision are the same size. All the properties pay the same. He asked about the trailer park, are they paying only one fee? He spoke on traffic on the road from church, whose fee is the same as his. He asked who is responsible for the edges of the roads and who is accountable. The County said they would abandon any work done if the road was not part of an RID. He is concerned about limited accountability on roads and sides of the road. He stated he sees the inflation in other raising costs, and this is a bad time for an increase with increases everywhere else including insurance. More thought needs to be considered.

Jeff Wuerl, 675 Center Drive, grew up on Goodwin drive and has lived in the area all his life. He said he rarely sees plows in that district. The services being charged for are not being provided. The traffic going down to the Catholic church is fast and abundant. There is an influx of traffic to the school due to people driving their kids to school and not bussing them. He does not feel there is a lot of bang for the buck.

Joy Dahlberg, 675 Center Drive, agrees that the school traffic is an issue and is concerned that she pays taxes to pay for the buses and no one is letting their kids get bused. Cars of waiting parents are parked in front of her house and leaving trash there. There was a flooding tax to work on flooding issues that she paid, but the work on the ditches stopped right before her house and was just focused on area by Rossiter School.

Ms. Makus answered that 2001 saw a lot of County initiated districts. County maintained roads are 1,500 miles of road. With the taxes currently coming in, 560 miles are afforded to be maintained. Subdivisions are on their own whether it is an HOA, private, or, if going through County, is the Rural Improvement network. The resident owns to the middle of the road and there is a 30-foot easement. If there is a chunk out of the road due to a mud puddle, the County will address it. There is a 24-foot width on these roads and that is all that is allowed to be maintained. RIDs can charge 5% up to \$500 per year for administration. The assessment is charged by property and there are a couple different options to charging to tax value on property or by square foot. The church does pay, even though exempt from some things, that does not count on Special Districts. The school does not pay into the RID. Not much she can do from a rural improvement standpoint on the issue of turn around or parking of school traffic. If the majority do not want to continue, it can be explored. If the chip sealing is not working out, they can go back to gravel surface. This district does not get much snow plowing, it's not generally necessary so not much from the RID is spent for snow plowing. Each part of the maintenance is looked at when accounting for annual maintenance. There is a "trigger point" of so many inches, where a contracted snowplow will go out and automatically plow when the trigger point is met. This increase is what needs to happen to move forward.

Charles Lane, Deputy County Attorney, described the difference between zoning ordinances and private covenants. Under Montana law, there are 2 types of zoning. One is public initiated, and one is County initiated which is enforced publicly. There is an HOA that is enforced privately.

Jenny Chambers, Public Works Director, stated that the County is very large, and money is being managed and roads are being prioritized. They looked at are the roads emergency, bus routes, heavy traffic "everybody roads" that are increasing in traffic? The RID program works closely with Public Works Road Department of to deliver services that will save money if the Road Department is already out and can swing by and do some maintenance for the RID.

Roger Baltz, Chief Administrative Officer, stated that funds are leveraged, and the County is constantly applying for grants to help fund work on all roads. There is a road matrix that was built to use as a tool to see how the roads are being used. Even as challenging as it is being such a big County, the RID's are an important part of the County. He gave an overview of the importance of communication between all departments, City of Helena, and City East Helena.

Mr. Marquis stated that breaks on the edge of the road are an issue because if it is patched, it will push the water to the driving lane causing more issues. That needs to be fixed when the chip sealing is done.

Commissioner Rolfe expressed gratitude for the staff and because things are being dealt with now, there will not be huge increases in the future. He understands it is a huge jump for a lot of residents, but it is necessary.

Commissioner Hunthausen stated that the "everybody roads" are paid for through taxes, not RID's. The streets in subdivisions are the resident's responsibility and that is why RID's were created. This district is in a floodplain and the work done during the flood project was to keep the water away from the subdivision. There is a very strong partnership that happens to prioritize roadwork. The residents need to come together if they want to make changes to the resolution. A small amount that is used from each fund for Administration. The service being provided can also be changed if most of the residents agree to a change.

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

**Resolution 2022-67 to Levy and Assess the Golden Estates Rural Improvement District. (Jessica Makus)**

Jessica Makus, Special Districts Coordinator, presented a resolution to levy and assess the Golden Estates Rural Improvement District No. 2000-1 for \$300 per property per year. This was created with the subdivision in 2000. Since 2004, the rate has been the same. There are 89 properties. The asphalt mat is an aging asphalt mat. Chip seal cycle is scheduled for 2025 and will be \$25,000 short. Legal notice was sent out to property owners and published in the Independent Record. As of August 10, 2022, no written testimony was received. Staff recommends approval.

No public comment was received.

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

**Resolution 2022-68 to Levy and Assess the Green Acres Rural Improvement District. (Jessica Makus)**

Jessica Makus, Special Districts Coordinator, presented a resolution to levy and assess the Green Acres Rural Improvement District No. 2001-8 for \$300 per property per year. This RID was created with the subdivision in 2001. The assessment rate has remained the same since 2003. Maintenance includes snowplowing and sanding, sweeping, crack sealing, pothole patching, chip sealing and culvert maintenance. This district was last chip sealed in 2020. There are 28 benefiting properties. Chip seal cycle is scheduled for 2028 and will be \$30,000 short. Legal notice was sent out to property owners and published in the Independent Record. As of August 10, 2022, no written testimony was received. Staff recommends approval.

No public comment was received.

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

**Resolution 2022-69 to Levy and Assess the Harris Road Rural Improvement District. (Jessica Makus)**

Jessica Makus, Special Districts Coordinator, presented a resolution to levy and assess the Harris Rural Improvement District No. 1994-7 for \$240 per property per year. The RID was created with subdivision in 1994, expanded in 1999 and in 2011. Rate has remained the same since 2012. Maintenance includes snowplowing and sanding, signage, dust control, grading, and other maintenance as necessary to preserve the road surface. There are 37 benefiting properties. Grading and dust control are the main issues currently. Legal notice was sent out to property owners and published in the Independent Record. As of August 10, 2022, no written testimony was received. Staff recommends approval.

No public comment was received.

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

**Resolution 2022-70 to Levy and Assess the Hillview Rural Improvement District. (Jessica Makus)**

Jessica Makus, Special Districts Coordinator, presented a resolution to levy and assess the Hillview Rural Improvement District No. 2015-3 for \$150 per property per year. RID was created by residents in 2015. A 10-year loan was secured for initial improvements to be paid off by 2025. Maintenance includes signage, snowplowing and sanding, drainage maintenance and grading. Hillview Road and West Roma in the district get graded twice annually and East Roma and Capri Drive get graded once. There are 42 benefiting properties. Legal notice was sent out to property owners and published in the Independent Record. As of August 10, 2022, no written testimony was received. Staff recommends approval.

Commissioner Rolfe asked Ms. Makus if there were changes being made to the proposal due to public meeting held. Ms. Makus said yes, the increase initially proposed would have secured things for several years but decreased the proposed assessment due to wishes of the residents and it will get them through the next year. The RID will be re-evaluated next year.

No public comment was received.

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

**Resolution 2022-71 to Levy and Assess the North Valley Downs Rural Improvement District. (Jessica Makus)**

Jessica Makus, Special Districts Coordinator, presented a resolution to levy and assess the North Valley Downs Rural Improvement District No. 1988-1 for \$.00342 per square foot per year. This RID was citizen initiated in 1988 and rate has remained the same since then. Maintenance includes signage snowplowing and sanding, chip sealing, crack sealing and patching. There are 20 benefiting properties. Next chip seal is scheduled for 2027, projected to be short \$15,000. Public notice was sent out and published in the Independent Record. As of August 10, 2022, no public comment was received. Staff recommends approval.

Ms. Makus gave an overview of how they conclude on how the assessment will be charged. This program is directed by statute. Equal amount per lot per year, with benefit being equal; by square foot; or by tax value of the property and is set up when the RID is created.



Ms. Makus stated that with equal contribution, regardless of size of property, all property owners have similar impact on the road whether a small portion of the road is in front of their house or a large portion.

**PUBLIC COMMENT:**

Chris Yde, 7035 Jackie Drive, has been a resident for 25 years. Annual maintenance may not be enough to extend time between chip sealing. He proposed finding ways to extend the life of the road. In the mailing, it was printed that \$4,107 was spent in fiscal year 2022, but there was no maintenance done. He expressed thanks to the staff. He says there is vegetation growing in cracks in the road. He thinks it would save money to spray the weeds and patching.

Ms. Makus said there was only an administrative fee of \$38.00. The postcard was an error and apologized for that error. She pointed out that maintenance costs in all districts have doubled.

Mr. Markus explained how cracks with vegetation growing in them affects the road. Contractors are uneasy spraying in subdivisions. Some residents don't want anything sprayed around their property and some do want it. They are working with the Lewis and Clark County Weed Department to be able to come in and spray prior to chip sealing.

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

**Resolution 2022-72 to Levy and Assess the Ranchview Estates Rural Improvement District.**  
**(Jessica Makus)**

Jessica Makus, Special Districts Coordinator, presented a resolution to levy and assess the Ranchview Estates Rural Improvement District No. 1993-2 for \$200 per property per year. The RID was created in 1993 with the subdivision. Assessment rate as stayed the same since 2014. Maintenance includes chip sealing, snow plowing and sanding, pothole patching, crack sealing, sweeping, and drainage maintenance. There are 107 benefiting properties. Chip seal cycle is scheduled for 2028 and will be \$74,000 short. Legal notice was sent out to property owners and published in the Independent Record. As of August 10, 2022, no written testimony was received. Staff recommends approval.

**PUBLIC COMMENT:**

Bob Bennet, complimented Ms. Makus and Calob Markus for the great work they do. He stated there was not one resident that did not agree with the increase. There were questions which were answered. He does think there needs to be quality control on the chip sealing after it is completed. They were dragging rocks into their homes for a year and a half after the last chip seal.

Commissioner McCormick asked Jenny Chambers, Public Works Director, if there is a quality control procedure in place. Ms. Chambers welcomes and appreciates calls from the public to let Public Works know what is going on with their roads. Public works takes feedback very seriously and quality control is extremely important and will be focused on going into the future.

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

**Resolution 2022-73 to Levy and Assess the Raven Road and Black Mountain Drive Rural Improvement District.**  
**(Jessica Makus)**

Jessica Makus, Special Districts Coordinator, presented a resolution to levy and assess the Raven Road and Black Mountain Drive Rural Improvement District No. 2005-4 for \$300 per property per year for developed benefited properties and \$150 per property per year for all undeveloped benefited properties. The RID was created by citizens in 2005 and the rate has stayed the same since then. Maintenance includes snowplowing and sanding, grading, gravel maintenance, drainage maintenance,

and other maintenance required to preserve the road surface. There are 66 benefiting properties. Annual snow plowing and grading is barely being afforded with the current assessment. Legal notice was sent out and published in the Independent Record. As of August 10, 2022, one opposing written testimony was received. Staff recommends approval.

**PUBLIC COMMENT:**

Scott Phillips, resident, is not opposed to the change. He stated that a lot of properties don't need to be accessed by Raven Road. He thinks that with the residents help to maintain the road, they can save money. He thinks that residents in that district can't afford the increase, they (residents) can do their own work. They do not need chip seal and asphalt; they just need a road to travel. Consider common sense to not spend unnecessary money.

Allen Flinck, resident, has resided since beginning of RID. Major problem is drainage due to runoff and rain. Minimal things have been done and he wishes for maintenance to move forward instead of being status quo.

Kris Sampson, resident, thanked staff for their work and stated 16 out of over 60 residents showed up at the public meeting. Most property owners have not had anything to do with the process to get to this point after working on it for the last 3 years. He does agree drainage issues need to be addressed with culverts installed. As a community they decided to go with the minimum impact on the residents. He has been a resident for 17 years and is in favor of the increase.

Commissioner Hunthausen stated that people doing work on the RIDs have to be insured as the County is held liable for what happens during work on RID roads.

Ms. Makus stated that contractors must work with the County due to standards and liabilities. They are always open to different options for material and one thing they do take seriously is the quality of the material. There are certain specs that need to be met to hold up over time.

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

**Resolution 2022-74 to Levy and Assess the Schmidville Rural Improvement District. (Jessica Makus)**

Jessica Makus, Special Districts Coordinator, presented a resolution to levy and assess the Schmidville Rural Improvement District No. 2001-3 for \$162 per property per year. RID was County initiated in 2001 and rate has remained since. Maintenance includes chip sealing, snowplowing, and sanding, chip sealing, pothole patching, sweeping, grading, and drainage maintenance. There are 65 benefiting properties. Next chip seal is scheduled for 2026 and will be \$25,000 short. Legal notice was sent out to property owners and published in the Independent Record. As of August 10, 2022, no written testimony was received. Staff recommends approval.

No public comment was received.

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

**Resolution 2022-75 to Levy and Assess the Vandenberg Rural Improvement District. (Jessica Makus)**

Jessica Makus, Special Districts Coordinator, presented a resolution to levy and assess the Vandenberg Village Rural Improvement District No. 2001-6 for \$330 per property per year. This RID was County initiated in 2001. Rate was set at that time and has remained the same ever since. Maintenance includes snowplowing and sanding, pothole patching, crack sealing, chip sealing, grading,

sweeping, and drainage maintenance. There are 81 benefiting properties. Next chip seal is scheduled for 2025, projected to be \$66,000 short. After the 2025 cycle, it is possible and projected the assessment will be decreased. Public notice was sent out and posted in the Independent Record. As of August 10, 2022, no written testimony has been received. Staff recommends approval.

Commissioner McCormick asked if the projected deficit is the reason why the increase is proposed. Ms. Makus confirmed and stated that with the increase, it would eliminate the need for a loan.

No public comment was received.

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

**Resolution 2022-76 to Levy and Assess the Wild Wind Road and Half Fast Drive Rural Improvement District. (Jessica Makus)**

Jessica Makus, Special Districts Coordinator, presented a resolution to levy and assess the Wild Wind Road and Half Fast Drive Rural Improvement District No. 2021-1 for \$85 per property per year for 15 years, plus a maintenance assessment of \$155 per property per year. The RID was citizen initiated in 2001. Construction costs came in quite a bit lower than anticipated, as the bulk of the work was coordinated with County Road Department. Public notice was sent out and published in the Independent Record. No public comment was received as of August 10, 2022. Staff recommends approval.

**PUBLIC COMMENT:**

Lawrence Sickerson, 1000 Wildwind Road, thanked the staff and Commission for attention to the roads. He is enjoying the roads and is in support of this resolution. Wants to confirm the remainder of the loan is 14 years now, as they have been into for year now. He spoke on the benefit of having the RID and how it has kept everyone accountable, and the road is in much better condition than it ever has been.

Ms. Makus confirmed that the assessment collected for a year at the higher rate has gone to the principal of the loan. They anticipate 4.5% interest and likely the loan will be paid off before the 15-year period.

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

**Resolution 2022-77 to Levy and Assess the York Rural improvement District. (Jessica Makus)**

Jessica Makus, Special Districts Coordinator, presented a resolution to levy and assess the York Rural Improvement District No. 2006-1 for \$200 per property per year. The RID was County initiated in 2006. With the RID in place, the County was able to secure a Western Federal Lands (WFL) grant and funds for paving project with the County required match of \$32,000. The rate has remained the same since 2012. In 2019, chip seal and fog seal projects were completed and the RID would have been short for the entire project and it was funded by grant with the County required match of \$32,240. Maintenance includes patching, chip sealing, crack sealing, snowplowing and sanding, culvert maintenance, and whatever maintenance is required to preserve York Road. To date, the RID has never been charged for this maintenance but has been charged for paint striping since 2015. The paint striping is \$5,670 per year on average. The paint striping was part of the design of the WFL grant in 2012 and has been maintained as a public safety necessity. The next chip seal is scheduled for 2028, projected being \$90,000 short. There are 90 benefiting properties. Legal notice was sent out to property owners and published in the Independent Record. As of August 10, 2022, no written testimony was received. Staff recommends approval.

Commissioner Hunthausen stated that the County recognizes a lot of recreation traffic uses that road and has taken on a lot of the maintenance due to this fact.

**PUBLIC COMMENT:**

Mark Prichard, resident, has been a resident since 2001. He is concerned that maintenance to preserve the road did not include striping and was charged \$45,000 for it from the RID. There is no HOA and no one to pay attention to the RID. He hopes the work will be reflected in the resolution. The resolution has not been updated.

Ms. Makus stated the resolution has the same maintenance on it that was written in in 2006. The RID did pay for the paint striping and is done due to public safety and is critical. The County will continue to plow and sweep and is subject to change in the future.

Commissioner McCormick stated that original intent of RIDs are documented in resolutions. Hard surface maintenance is mentioned in the resolution when the district was created. Paint striping is not mentioned.

Ms. Makus confirmed that paint striping is not specifically called out in the resolution, but that it is part of the hard surface maintenance that was a condition of receiving the WFL grant. Had the resolution been written when awarded the WFL grant, paint striping likely would have been written in.

Commissioner Hunthausen stated there is a motion on the table

Commissioner Rolfe pointed out the original resolution states what can be done in the district and the district is being charged for work that is not in the resolution.

Commissioner McCormick stated that resolutions are a contract with the County. He asked if the original resolution states the RID is for maintenance or for improvements. He asked Charles Lane, Deputy County Attorney, if changes need to be addressed from the execution of work compared to what is written in the resolution.

Mr. Lane does not think it is appropriate to look at that currently. He does agree that there is a contract on what is to be done with their money and moving forward,

Discussion occurred about what was presented to be decided on.

Commissioner McCormick requested that decision be tabled until Tuesday, August 16, 2022, with the question of overcharge being looked at. It comes down to the definition of surface maintenance and if painting is part of that.

Mr. Lane will work with Planning department and get requested answers.

Roger Baltz, Chief Administrative Officer, confirmed that Commissioner McCormick would like a report on the process and logic that was used regarding the way the billing for the paint striping occurred, research regarding if the definition of road surface preservation includes paint stripes, and a report for criteria for individuals to request a tax refund.

Commissioner Rolfe made a motion to table decision until August 16, 2022. Commissioner Hunthausen seconded the motion. The motion passed on a 3-0 vote.

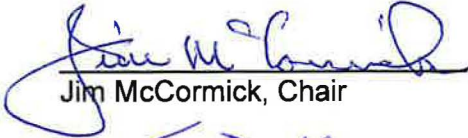
**Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.**

**Adjourn**

There being no further business, the meeting adjourned at 1:29 p.m.

Meeting minutes approved on 11.15.22

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Jim McCormick, Chair

  
Tom Roffe, Vice Chair

  
Andy Hunthausen, Member

ATTEST:

  
Amy Reeves, Clerk of the Board