



PUBLIC MEETING

August 15, 2017
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, August 15, 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 was present. Commissioner Jim McCormick is out of the office. Others attending all or a portion of the meeting included Delorous Anderson, Roger Baltz, Alyce Brutosky, Brian Christensen, Brian Coplin, Jeremy Fadness, Karie Frydenlund, Nicho Hash, Matt Heimel, Jim Hunter, Donald Humi, Florence Jerome, Dan Karlin, Rob Krause, Lyle Lallum, Charles Lane, Doug Listin, Greg McNally, Amy Palmer, Art Pembroke, Joanie E. Platt, Kenneth A. Platt, Tammy Potter, David Quick, Tom Rippingale, Marlin Sander, Susan Sander, Joe Wolfe, Jeff Wuerl, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Resolution 2017-98 Declaring County Property Surplus Property. (Amy Reeves)
- b. Resolution 2017-104 Declaring County Property Surplus Property. (Amy Reeves)

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

No public comment was received.

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

Interlocal Agreement Between City of Helena and Lewis and Clark County for the 2017 Byrne Justice Assistance Grant Program. (Tammy Potter)

Tammy Potter, Finance Coordinator Sheriff's Office, presented the interlocal agreement with the City of Helena for funding in the amount of \$13,919 from the Justice Assistance Grant program (JAG) for partial salary of the Lewis and Clark County Missouri River Drug Task Force (MRDTF) deputy and the part-time assistant. Ms. Potter gave a brief overview of the MRDTF and the numerous agencies involved to help curb the drug problems in this area of the state. About \$45,000 annually is received from the Board of Crime Control for the position. The total cost for the two positions is just over \$100,000. The remaining salary is part of the Sheriff's Office budget. The agreement period is through September 30, 2020.

internal telephone staff when doing system upgrades. The contract period is through June 30, 2018.

No public comment was received.

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

Denial of a Claim Against the County. (Charles Lane)

Charles Lane, Deputy County Attorney, stated a consumer of the jail alleged he was injured by another inmate and has made a claim through an attorney against the County. A recent Supreme Court decision requires that the claim be denied in order to begin the running of the statute of limitations to bar submission of the claim ten or twenty years from now. This is a procedural denial. There has not been a lawsuit filed at this point.

No public comment was received.

A motion was made by Commissioner Hunthausen to deny the claim and seconded by Commissioner Good Geise. The motion Passed on a 2-0 vote.

Request for Extension of Subdivision Improvements Agreement for Canyon Ridge Subdivision, Phases I, II, and III. (Subdivider: T&M Planning Group, LLC) (Planner: Greg McNally)

Greg McNally, Planner II, presented the request for extension of Subdivision Improvements Agreement (SIA) with T&M Planning Group, LLC for Canyon Ridge Subdivision, Phases I, II, and III. The location is south of Canyon Ferry Road and East of Lake Helena Drive. The Subdivision is 160 acres divided into 129 lots with 123 for single-family residential use, 5 lots for open space and one lot for county park land. Access to the lots is directly off of Canyon Ferry Road. There was a park land dedication and cash in lieu. It has all been platted.

The SIA for Phase I was entered into on December 17, 2015. The SIA for Phase II was entered into on July 19, 2016 and included the remaining improvements required for Phase I. The SIA for Phase III was entered into on January 19, 2017 and included the remaining improvements required for Phases I and II. Mr. McNally went over the completed improvements. The remaining item is the installation of street identification signs and traffic control signs. This extension only covers that improvement. The Subdivider has provided a cashiers check in the amount of \$2,700 to financially guarantee the completion of the improvement and indicated work is expected to be completed by September of 2017. Staff provided a draft amended SIA requiring the work to be completed on or before July 17, 2018.

No public comment was received.

A motion was made by Commissioner Hunthausen to approve the Subdivider's request to extend the Subdivision Improvements Agreement for the Canyon Ridge Subdivision, Phases I, II, III, and establish a completion date of July 17, 2018. The motion was seconded by Commissioner Good Geise. The motion Passed on a 2-0 vote.

Resolution 2017-99 Levying and Assessing a Tax Upon Benefited Property Within the Helena Valley Flood Mitigation Rural Improvement District No. 2017-5. (Planner: Matt Heimel)

Commissioner Good Geise gave a detailed overview of the Rural Improvement District (RID) process.

Commissioner Hunthausen stated in the process of responding to the 2011 flood many comments were received stating the county has not done enough to address flooding issues, communication

building of the pumping station at the Gun Club to alleviate after the peak flood period and to clean out the Gun Club pit. A pumping station that will sit idle 99.9% of the time is not necessary as pumps can be rented and a money savings.

Florence Jerome, 1320 Clover Road, stated she doesn't mind paying the \$100 if the ditches would be kept clear.

Ken Platt, 1585 Lexington Road has lived there since 1996 and has experienced some minor street flooding, but never has there been flooding in his home or on the street. At the time of purchase he was told the house is not in a flood plain and now it seems he is going to end up in one and is in protest of establishing the Ten Mile Creek area as a flood plain.

Delorous Anderson, 5611 Georgia Drive, President of College Park Subdivision stated her concern is how it benefits the properties. A \$500,000 home is far more benefited than her manufactured home of \$125,000. Paying the same amount does not seem fair, especially on a fixed income and being in an area that supposedly would only flood once in 500 years.

Alyce Brutosky, 5641 Georgia Drive, VP of Home Owners Association in College Park Estates, stated she can see why they are included in the plan. But when she moved to the area in 2004, she was assured there were no flooding issues. The flood in 2011 was a surprise, however her place was not flooded. She moved to the area and chose it because her retirement income could support it. She is concerned because \$100 annually is difficult for a fixed income.

Rob Krause, 1317 Shirley Road, stated he is one of the smaller subdivisions and one of the reasons he bought the property is that it was not within the flood zone. The maintenance and cleaning of many of the culverts is a concern as he sees things thrown in. Mr. Krause has worked with conservation districts and knows they have criteria when culverts are installed. There are culverts from 6 inches in diameter to the county culverts that will handle the flood waters. Driveways need to be reviewed as a regulatory thing. A new cement driveway was put in with no culvert, dirt was pushed in and concrete laid on top. The water table will be altered by possibly additional drainage. How many years will they be taxed for the district. There is no limit on it and if the problem can be taken care within a few years why not review it again. Mr. Krause appreciates the work that has occurred and the explanation.

David Quick, 1204 Shirley Road stated he and his wife have lived there for 26 years and twenty-five of those years he has been a volunteer with West Valley Fire Department and have extensive experience with four major floods deemed emergencies by the Commission. In those four events they did not have any flood water in their neighborhood and does not see how his property will benefit.

Roger Krebs has lived in the Sewell Subdivision for 30 years. In the time he has lived in the mobile home park it flooded twice in 1981 due to water west built up on a farm, the rancher dynamited it and the water came all at once. The second time was this last one where a guy had a chain link fence across Silver Creek and all the debris collected. A monster culvert is necessary under Montana Avenue. There is one culvert in the Sewell Subdivision that is cemented shut and others park vehicles, trailers, snowmobiles in the ditches by Silver Creek. The road department does not do its job. The culvert that they are liable for is where Hilma meets Ross and it is caved in, split and has never been fixed. If the culverts are taken care of there is no flooding out there. Mr. Krebs noted he would buy the culvert for Montana Avenue if the road department would install it. Mr. Krebs would like one benefit named that the Sewell Subdivision would receive from the County on the flood stuff. They are on fixed incomes and it is not fair. Do this on a 500 year flood plain and charge the whole City of Helena rather than pick on 1,700 people.

Doug Listin, lives in Sewell Subdivision stated they live north of the want to be goat-roper estates off of Montana Avenue. They are on five acre lots with \$500,000 houses on them and he lives in a

of Canyon Creek, Lincoln and Augusta should be added as well as their emergency services will be cutoff. The area from Ten Mile Creek below I-15 should also be added to the RID.

Joanie Platt, Ten Mile Creek Estates referenced the access of the bridge, they have never had a problem. At the last road within the estates there is an access road that could be opened.

Roger Krebs would like a list of the 1,700 property owners being as it came in less than 12% of mailing back in and do a petition. If he could get enough signatures maybe they could overturn this.

Mr. Karlin addressed the cleaning of the culverts along Rossiter and clear the ditches of which the master plan does propose to do that. Work along Rossiter is anticipated as well as enlarging the initial pipe under Sierra.

Commissioner Hunthausen noted Mr. Griffin has stated the cleaning of those culverts are on the Public Works schedule and there is a program for culvert cleaning. The streets are the responsibility of the County, but the driveway culverts onto county roads are the responsibility of the homeowner.

Mr. Karlin referenced the undersized culverts and noted it is a constant struggle with the amount of staff and the size of the county.

Mr. Heimel stated for those within this district and under the purview of Public Works there could be an option under the revised language of the resolution that the culverts could be handled on a case by case basis with the funding from the District.

Commissioner Good Geise addressed the cleaning out of the creek and culverts now that it is completely dry and Mr. Karlin stated it depends on if the dry bed is a creek or an irrigation ditch as they have to follow the Clean Water Act from 1977 if it is a creek. It is possible, but makes things a little more difficult and permits are required. Related is the comment about trees and deadfall in the creek under the Clean Water Act permitting agencies involved consider it necessary fish habitat. Mr. Heimel added the ditches could also be looked at on a case by case basis.

Charles Lane, Deputy County Attorney asked if the culverts under Montana Avenue can be replaced and Mr. Karlin stated they are contemplated in the master plan, the H&H study and will be included in the future plan of definitive projects. Montana Avenue is under the purview of the Montana Department of Transportation and they will have to work with them.

Commissioner Hunthausen addressed the question about the pumping station and the Trap Club pond they have listened to the people on the east side of the interstate and because of their comments the H&H study was pursued, the types of necessary improvements were clarified, and they are looking at this from Lake Helena backwards.

Mr. Karlin stated a FEMA grant to address the Trap Club project, a pre-disaster mitigation project has been received and the County is required to pay 25% of the total cost which the referred to \$700,000 is part of the grant. The funds be used for new pipe under Sierra, ditch cleaning, culvert improvements, ditch expansion along south side of Sierra Road, and the pump station. The intent of the pump station is to have a substantially sized mobile pump with a prepared concrete pad to tie into to route the water out of the Trap Club area and out of the valley. Also included is the design of a pipe under N Montana in cooperation with MDT. Mr. Karlin stressed additional water is not being moved along N Montana and the interstate toward the D2 ditch that is the way it already goes. The intent of expanding and enlarging the Sierra culvert is to keep the water below the road surface.

areas could be developed. If a levy was done from Green Meadow Drive it would have to be done all the way to Lake Helena along Ten Mile Creek and new bridges would be required resulting in millions of dollars.

Mr. Heimel addressed whether the RID should be larger to include Lincoln and Augusta and stated it is an option to increase the boundary. Mr. Heimel stated more detailed analysis would be needed for the areas east of I-15 corridor or south of the Ten Mile Creek and the benefits for those areas.

Commissioner Good Geise assured property owners on the eastside of I-15 that no plan will be implemented without constant communication and that any solution will be in concert with them.

Commissioner Hunthausen asked if the people outside of the existing boundary had alternate routes to get to services or safety and Mr. Karlin believed that to be true.

After consideration of public comment and previous hearings a motion was made by Commissioner Hunthausen to approve the resolution. The motion was seconded by Commissioner Good Geise. 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 12:01 p.m.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS

Andy Hunthausen, Chair

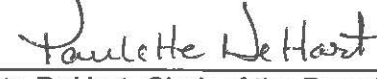


Jim McCormick, Vice Chair



Susan Good Geise, Member

ATTEST:



Paulette DeHart, Clerk of the Board