



PUBLIC MEETING

August 16, 2018
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, August 16, 2018, at 9:00 AM in Commission Chambers Room 330.

Roll Call

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

Commissioner Jim McCormick and Commissioner Susan Good Geise were present. Others attending all or a portion of the meeting included Roger Baltz, Sheila Hilpert, Jess Heggman, Peter Italiano, Dan Karlin, Jennifer McBroom, Bob Murdo, Sam Neill, Drenda Niemann, DeeJay Robinson, Jeff Wadekamper, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

There were no consent action items.

Task Order No. Four (4) Between Lewis and Clark County and Great West Engineering, Inc. (Dan Karlin)

Dan Karlin, County Engineer presented Task Order No. 4 with Great West Engineering, Inc. to provide design services for repairs to the High Bridge and the Smith Creek Bridge on Smith Creek Road due to June 2018 flooding. Their proposal generally consists of providing preliminary and final design, repair details, estimated quantities, estimates of construction cost, providing complete design and construction documents, preparing and submitting appropriate permits, providing bidding assistance, and providing construction administration.

Funding for the design and construction of the project will come from the 2 mil levy as well as State disaster assistance funds through the Disaster and Emergency Services.

The task order is for time and materials for a total amount not to exceed \$23,000. Work on the design will begin upon approval, with construction anticipated to be completed this fall. Staff recommends approval of Task Order No. 4 with Great West Engineering, Inc.

Mr. Karlin gave an overview of the damage that occurred to the High Bridge and the process to keep the integrity of the bridge.

No public comment was received.

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

Agreement Between Lewis and Clark Public Health and Grit Digital Health, LLC. (Drenda Niemann)

Drenda Niemann, Public Health Officer, presented the license agreement with Grit Digital Health, LLC in the amount of \$10,000 for a license agreement to use Man Therapy media materials for a local suicide prevention campaign. The agreement period is September 1, 2018 through August 31, 2019. The campaign is aimed at reducing the stigma for men seeking therapy for mental health issues and to normalize help seeking behavior, especially in the middle aged male population. The primary goals of Man Therapy are to create social change among men, to empower men to take action and ownership of their mental health and wellness and to reduce suicidal thoughts and deaths among men. Staff recommends approval of the agreement with Grit Digital Health, LLC.

No public comment was received.

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

Contract Between Lewis and Clark County Water Quality Protection District and Stream Works -Amendment No. 1. (Jennifer McBroom)

Jennifer McBroom, Water Quality Outreach and Watershed Coordinator, presented the Amendment No. 1 to the contract with Stream Works, Inc. to extend the contract period from May 2018 to May 2019. The extension is due to new guidelines for a permit that the County was unaware of. Stream Works has been contracted to do reconstruction and contouring of Prickly Pear Creek. Construction is anticipated to start at the end of October and will last approximately 9 weeks. The project is intended to improve and create healthy riparian habitats and to reduce bank erosion which will improve fish habitat. Staff recommends approval of the contract amendment.

No public comment was received.

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

Resolution to Create the 4x4 Rural Improvement District. (Planner: Sam Neill)

Sam Neill, Planner I presented the resolution petitioned by several concerned citizens to create the 4x4 Rural Improvement District (RID) for the purposes of soil stabilization and dust suppression. On July 10, 2018 the Resolution of Intention to create the District No. 2018-55 was adopted. On August 3, 2018, County Staff and Commissioner Susan Good Geise had a listening session in Lincoln to discuss the proposed RID. Approximately 20 property owners within the proposed district attended the meeting. Staff noted all comments and concerns that were voiced and an electronic recording of the meeting was taken. The 30-day protest period ended on August 14, 2018 and an insufficient number of protests to stop the RID creation process were received. Since the printing of the commission packet the number of protest letters has increased and staff's recommendation has changed. A total of 16 letters of opposition have been received, however one owner that previously waived their right to protest was included. The current amount of permissible

protests is 15 which constitutes 21 properties within the proposed district. Of the 120 proposed properties, 113 properties are eligible to protest, of those the 21 properties for which protests were received represent about 19% of the total eligible properties. Based on 7-12-2112 MCA, it was determined that there was not sufficient protest to bar proceedings. The opposing residents do not feel they will benefit from the improvements; the cost is too high, and they feel that other roads in addition to 4x4 Road that are within the proposed district should also be maintained for dust suppression. Staff recommends denial of the resolution to create the 4x4 RID based on the listening session and protest and comments from residents.

Staff feels there needs to be more dialogue surrounding the district boundaries and the possible expansion of the scope of services for the district. Since it was unlikely that the improvements were to be made in 2018 due to the timing of the project a denial would not delay the process for applying magnesium chloride starting in 2019. If the proposed boundary and/or scope of service are to be addressed, assessments would have to be recalculated and the resolution process would start from the beginning.

Staff recommends holding another listening session with the residents of this proposed district to capture all comments and concerns of the residents.

A motion was made by Commissioner Good Geise to incorporate the testimony and the recorded record from the listening session on August 3, 2018 into this meeting's record and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

Commissioner McCormick stated there is a need to revisit the proposed boundary line due to the State of Montana owned school trust land and asked if the process would have to start all over with the new boundary. Ms. Neill noted the process would start over if the boundaries were to be changed. The application of the magnesium chloride would not be applied until 2019 anyways so if the process was started over the residents would still receive the magnesium chloride at the same time.

Peter Italiano, Director of Community Development and Planning noted at the listening session it was clear some residents would like to explore the possibility of Snow Fleury and Snow Drift roads applied with magnesium chloride. Some of the folks thought the current proposed assessment of \$72 was too high and if the amount of magnesium chloride was increased to accommodate those roads the assessment would go up. It is important to have more dialogue with the citizens.

Commissioner Good Geise referenced the school lands question and stated maybe the assessment could be waived because they cannot pay a fee and asked if it necessarily requires that boundaries be redrawn to exclude the property.

Mr. Italiano stated lands owned by the State are not exempt from RID assessments, however when lands have a special classification as in this case they are exempt.

Commissioner Good Geise understands they are exempt from paying but they are not exempt from being a benefiting property. Mr. Italiano deferred to legal and noted there is concern about the rate of assessment if the school land trust parcel was not assessed.

Commissioner Good Geise noted the cost would be spread out among the remaining properties to an amount of about \$0.80.

Mr. Italiano stated in accordance with Montana statutes, the County has chosen to apply the equal assessment process. The problem would be the \$0.80 changes the dollar amount that was identified on the public record through the resolution of intention to create.

Charles Lane, Deputy County Attorney stated RIDs have been assessed as equitable distribution throughout the benefited properties. It is cleaner to not have it be a part of the assessed properties. This is one piece of the staff recommendation, the other is expansion of services, who will get the magnesium chloride, and whether or not the RID will pay for other services.

Commissioner Good Geise stated the State of Montana is following the law by voicing their opposition.

PUBLIC COMMENT -

Sheila Hilpert, 4408 Snow Fleury stated she is opposed to the RID. Many people in the neighborhood do not want this, but were unable to attend. There are many empty lots and recreational properties in the neighborhood. There were two along the main road when you first come into the neighborhood that started this. The first road has maybe four houses that would benefit out of 120 some. The road along the river has about 20 houses that will benefit and the remaining property owners will not benefit. The issue on Snow Flurry is not the need for dust control. The two houses that wanted dust control had someone come out and put magnesium chloride down to a cost of \$300 to \$400. Why make everyone pay because of the few properties that want it. Down the street there is an elderly woman that has four parcels not sure she could afford it and the cost will go up over time. Many people ride 4-wheelers and there are health affects with magnesium chloride and Ms. Hilpert read from research done on the affects. The biggest concern of the RID is no benefit. A petition went around but there was no explanation.

Commissioner Hunthausen stated there is a special circumstance for Dalton Mountain Road and Heron Lake Road as stabilization is not normally done by the County on those roads. But due to the damage of Dalton Mountain Road, Heron Lake Road is currently being maintained for emergency services. The level of service will not occur once the bridge is repaired, unless the residents want it and go through the same process.

DeeJay Robinson, Great Falls stated he is also opposed to the RID. Mr. Robinson is the second generation landowner with four lots and wants to pass them down to his children. Mr. Robinson referenced his letter regarding the tax increase. The four lots would be a 27% increase in his property taxes, an additional \$642 in the first year for the four lots. Mr. Robinson does understand that it will go down after the first year to \$72.21 per lot. Secondly, the beetle kill destroyed over fifty trees on the property. Along the 4x4 Road the trees used to protect the properties from the dust, but now most of those trees are gone. They have put money aside to put trees back in place to have that barrier. Mr. Robinson would rather see owners replace trees than to put the substance on the roads.

Commissioner Hunthausen stated staff recommends to deny the resolution and to start the process over. This proposal was citizen initiated. The County maintains roads that everyone accesses, but neighborhood roads are maintained by the property owners of the neighborhood. The decision before the Commission is to approve the resolution or deny and start again.

A motion to Deny was made by Commissioner McCormick and seconded by Commissioner Good Geise. 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.

Roger Baltz, Chief Administrative Officer stated on July 31, 2018 a resolution was passed establishing a public hearing to occur at this meeting regarding the airport bond issue of \$5,400,000. Due to staff error the item is not on the agenda for today. After conversation with officials representing the airport and County legal staff we can continue this item on Tuesday, August 21, 2018.

Bob Murdo, Bond Counsel for the airport bond issue stated it is appropriate to say the hearing scheduled for today will be held on Tuesday at 9:00 am. It is just a public hearing provided by the highest elected officials in charge of the airport and that is the County Commission. There has already been a publication and if anyone was going to attend they would be here today to hear that it has been continued until Tuesday, August 21, 2018.

Jeff Wadekamper, Airport Director for the Helena Regional Airport gave an overview of the project to include 20,000 square feet to the terminal building, additional jet bridges, additional amenities for the passengers to keep up with current growth and future growth. This is the fourth consecutive year of record passenger numbers with 2018 up 13% over last year.


Mr. Baltz stated the resolution is Resolution 2018-67 setting a Public Hearing Date on the Issuance of a \$5,400,000 Helena Regional Airport Authority Revenue Note, Series 2018.

A motion was made by Commissioner McCormick to continue the public hearing at the next regularly scheduled meeting on Tuesday, August 21, 2018 and seconded by Commissioner Good Geise. The motion Passed on a 3-0 vote.

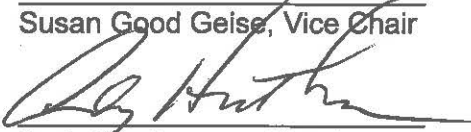
Adjourn

There being no further business, the meeting adjourned at 10:13 am.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Jim McCormick, Chair

Susan Good Geise, Vice Chair


Andy Hunthausen, Member

ATTEST:


Paulette DeHart, Clerk of the Board