



PUBLIC MEETING

August 22, 2019
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, August 22, 2019, at 9:00 AM in Commission Chambers Room 330.

Roll Call

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

Commissioner Susan Good Geise and Commissioner Andy Hunthausen were present. Others attending all or a portion of the meeting included Roger Baltz, Marni Bentley, Nancy Everson, Peter Italiano, Lori Ladas, Charles Lane, Greg McNally, Michael Stansberry, Audra Zacherl, Reese Martin, Kevin Wright, Karla Rydeen, Kristi Rydeen, Tyler Manning, Kathy Marks, William Gamble, Michael Abein, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Vendor Claims Report for Week Ending August 23, 2019. (Marni Bentley)
- b. Resolution 2019-80 Requesting Prosecutorial Assistance. (Leo Gallagher)

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 Good Geise and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

Fire Conditions Update (When Necessary).

Reese Martin, Disaster & Emergency Services Coordinator, reported on what he just received from the Department of Natural Resources and Conservation regarding two fires. The Jeffrey Creek fire is currently at 79 acres, is holding and there is no containment at this time. The Bill Moore fire west of Twin Bridges is 142 acres with no containment at this time. He added that he does not know specifics on the fire restriction. Moisture is expected and that will help.

Presentation from Helena-Lewis and Clark National Forest Lincoln District. (Michael Stansberry)

Michael Stansberry, Helena-Lewis and Clark National Forest Service Lincoln District Ranger, reported the Horsefly Creek fire is about 1,400 acres and has slowed in growth. He noted

contingency lines were put in and will be beneficial to prevent or slow fire progress. The lines are visible from the Continental Divide Trail and will be rehabilitated once the fire threat has gone away.

Commissioner Good Geise asked about the width of the contingency lines and Mr. Stansberry noted the mineral soil is six feet wide with shaded fuel break for a total of a thirty foot width.

Commissioner McCormick asked how the forest service will go forward controlling the fuels for future fires and Mr. Stansberry noted there will be prescribed burns as well as other mitigation for fuel management.

Resolution 2019-78 Levying an Assessment Upon Customers of the Scratchgravel Solid Waste Management District Owning Real Property in the District and Owing a Pay-As-You-Throw Program Charge After August 15, 2019. (Audra Zacherl)

Audra Zacherl, Public Works Assistant Director, presented the resolution to levy an assessment upon customers of the Scratch Gravel Solid Waste District that own real property and that owe Pay-As-You-Throw (PAYT) charges after August 15, 2019. In accordance with the PAYT program policy, statements were mailed to permit holders who had exceeded the 3,000 pound limit for the period of July 2, 2018 through June 30, 2019. Only those accounts owing \$6.00 or more were mailed and the charges were due and payable by August 15, 2019. Submitted with the resolution is a list of accounts with outstanding charges. Upon approval of the resolution, the charges will be placed on the property owner's tax bill. This year the total charges are \$1,522 with last year charges being \$2,337. Staff recommends approval of the resolution.

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 3-0 vote.

Resolution 2019-79 Levying an Assessment Upon Customers of the Scratchgravel Solid Waste Management District Owning Mobile Homes as Personal Property in the District and Owing a Pay-As-You-Throw Program Charge After August 15, 2019. (Audra Zacherl)

Audra Zacherl, Public Works Assistant Director, presented the resolution to levy an assessment upon customers of the Scratch Gravel Solid Waste District that own mobile homes and that owe Pay-As-You-Throw (PAYT) charges after August 15, 2019. In accordance with the PAYT program policy, statements were mailed to permit holders who had exceeded the 3,000 pound limit for the period of July 1, 2018 through June 30, 2019. Only those accounts owing \$6.00 or more were mailed and the charges were due and payable by August 15, 2019. Submitted with the resolution is a list of accounts with outstanding charges. Upon approval of the resolution, the charges will be placed on the mobile home owner's tax bill. The current year total amount owed is \$438 with the average for the past three years being a little over \$500. Staff recommends approval of the resolution.

No public comment was received.

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

Approval of Rocky Mountain Development Council CSBG Work Plan 2020-2021. (Lori Ladas)

Lori Ladas, Rocky Mountain Development Council (RMDC) Executive Director, gave an overview of some of the various programs through RMDC. Part of being a community agency RMDC receives community Services Block Grant (CSBG) and there are organizational standards they are required to follow for the funding.

Kathy Marks, Rocky Mountain Development Council Operations Director, presented the CSBG Work Plan noting Results Orientated Management and Accountability (ROMA). Ms. Marks noted at the end of 2020 they will fill out the actual outcome.

Ms. Marks reviewed the three goals: Individual and families with low income are stable and achieve economic security; communities where people with low incomes live are healthy and offered economic opportunity; and people with low income are engaged and active in building opportunities in communities.

Ms. Ladas gave an overview of the Red Alder project that will have 85 units with one, two, and three bedroom units for families. The hope is to break ground the end of September 2019 with completion the end of 2020.

Ms. Ladas added the preschool currently has 81 children on the waiting list.

No public comment was received.

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

Agent Appointment and Agreement Between Lewis and Clark County and Payne West Insurance. (Nancy Everson)

Nancy Everson, Chief Financial Officer, presented the agent appointment and agreement with Payne West Insurance for the purpose of setting forth the rights and responsibilities of each party. Ms. Everson explained the County's membership with Montana Association of Counties Liability Insurance Pool. Staff recommends approval of the appointment and agreement.

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 3-0 vote.

Resolution No. 2019-81 Levying and Assessing a Tax upon Benefited Property within the Timber Works Estates Rural Improvement District No. 2011-3. (Planner: Greg McNally)

Greg McNally, Planner III, presented the resolution for the purpose of levying and assessing a special assessment upon benefited properties within the Timberworks Estates Rural Improvement District (RID). The purpose of the assessment is to maintain improvements within all platted phases of the Timberworks Estates Subdivision. The property is located north of and adjacent to Lincoln Road and west of and adjacent to N. Montana Avenue. The property includes 105 lots.

The Timberworks Estates RID was created under Resolution 2011-64 on October 4, 2011 and was amended through the County Commission's adoption of Resolution 2013-18 on March 7, 2013. The purpose of the RID is to maintain improvements within all phases of the Timberworks Estates Subdivision and includes, but is not limited to: snow plowing, crack sealing, street sweeping, signs, contributions toward a future chip seal, weed control, of County Road easements; maintenance material and structure of a granite walking path; mowing and weed control of drainage features; mowing and weed control of the County parkland; and maintenance and repair to mailbox and mailbox structure and easement. This resolution will provide the ability to levy and assess annual maintenance funds for these improvements. The total cost is \$23,368.80 annually or \$222.56 per lot.

Legal notice of the public hearing was published and mailed to all property owners within the RID. As of August 9, 2019, staff received three inquiries about the District and resolution with one written comment received on August 20, 2019. Mr. McNally gave an overview of the written comments from Mr. Stevenson noting his concerns. Staff recommends approval of the resolution.

Commissioner Hunthausen asked: what is the point of saving for a future chip seal; how does things work if property owners feel like things are not taken care of such as weed control, granite walking path; and where does the paid money go and can it be used for anything else.

Mr. McNally stated there is a granite path that has existed for some time and areas of it could be hidden from lack of maintenance.

Audra Zacherl, Public Works Assistant Director, stated Public Works deals with about 100 RIDs. She noted the list of maintenance is long for \$23,000 annually. The chip seal is done approximately every 7 years. Ms. Zacherl added each RID is formed differently, operated differently and provides services differently. Several RIDs have community groups to decide the kind of maintenance and when it is to be done while others do not. Every year a list of RIDs is given to the Weed Department for spraying the noxious weeds. RIDs can call for snowplowing to be done.

Nancy Everson, Chief Financial Officer, stated each RID has its own fund. The funds are deposited into the RID's fund and cannot be used for anything but that particular RID.

Commissioner Good Geise noted the RID financials are available for inspection by members of the RID.

PUBLIC COMMENT –

William Gamble, lives in Timberworks Subdivision, stated he has lived in Lewis and Clark County for 40 years with no problems. He has lived in the subdivision less than a year and does not think the RID is necessary. Mr. Gamble was not aware of the petition for the RID. He feels he already pays enough in property tax.

Michael Abeln, lives across from Jim Darcy, stated they have lived there since 2015 and could see the granite path at that time. The County has let the property owners down with weed control. Mr. Abeln understands the high cost of chip seal, but added they are against paying the \$222.56 as they feel it is not well spent.

Karla Rydeen, lives on Kingpost Loop, stated when their house was built the contractor told them the walking path was to be on the opposite side of the street. People have planted in that area not knowing it was to be a walking path. She added where does the contractor take financial responsibility for what said he would or would not do. She asked what is considered noxious weeds. Ms. Rydeen stated were told there would be no multi-family units, but now there are fourplexes.

Mr. Gamble asked if the \$23,368.80 bill could be sent to the contractor.

Ms. Rydeen, asked if there are limits for parking when there are fourplexes because the parking is becoming a safety issue.

Christy Rydeen, lives on King Post, stated she cannot access the back of her fence due to weeds. She would like the contractor to do their part as the owners are doing their part.

Mr. McNally spoke to some of the questions raised about the petition to create the RID which is done at final plat time.

Commissioner Good Geise asked when the RID was created in 2011 there would not have been a petition because it was a single owner who agreed that RID would be set up when the subdivision is developed.

Mr. McNally stated there is only one County park next to Jim Darcy School and noted some of the photos submitted were the drain field not a park.

Commissioner Hunthausen understood the weeds and gopher issues of the vacant lot to be a park and that the school district stated they would maintain the property as part of the school grounds.

Commissioner Good Geise asked who enforces the conditions of approval for the subdivision and Charles Lane, Deputy County Attorney, stated there is generally a subdivision improvements agreement with the contractor under which he is financially responsible for.

Mr. McNally explained that the developer is usually given approval with conditions that the developer is responsible to meet before applying for final plat. He added the weed concern can be addressed under the weed law and require the owner to manage the weeds.

Commissioner McCormick stated the County is responsible for weeds on public property.

Mr. McNally referenced the parking issues and stated he is not prepared to address the parking or the trash, but would discuss with the individuals at a later date.

Commissioner Hunthausen stated the property owners are responsible for knowing the property lines, knowing the easements, knowing the fees and requirements and the zoning requirements of the lot.

Michael Abeln, stated the homeowners are doing a good job of taking care of the subdivision. It is the County and the developer that are not taking care of things.

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

Commissioner McCormick had to leave the meeting.

Resolution No. 2019-82 Creating the Harvest Acres Minor Road Rural Improvement District No. 2019-01. (Planner Greg: McNally)

Greg McNally, Planner III, presented the resolution to create a Rural Improvement District (RID). Staff received a petition to create the RID for the purpose of maintaining road, stormwater, and mailbox improvements within the preliminarily approved Harvest Acres Minor Subdivision and within Tract 8-1-B. The petition was signed by the sole owners of the property to be included within the District, therefore the Resolution of Intention process is not required. If the proposed District is created, a public hearing to formalize implementation of the assessments upon benefited properties within the District will be held prior to September of 2020. The properties are located north of U.S. Hwy 12 and adjacent to the northeast end of Prairie Nest Drive.

The creation of the RID is necessary to satisfy Condition No. 9 of the preliminary approval for the Harvest Acres Minor Subdivision by providing funds for annual maintenance of the newly constructed roads Longbow Drive and Long Shot Court, on-site stormwater detention culverts, mailbox turn-off, and mailbox unit. The cost is \$2,021.94 annually or \$336.99 per lot. Staff recommends approval of the resolution.

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.

Resolution No. 2019-83 Creating the Harvest Acres Minor Fire Rural Improvement District No. 2019-02. (Planner; Greg McNally)

Greg McNally, Planner III, presented the resolution to create a Fire Rural Improvement District (RID) for the purpose of maintaining the fire protection system improvements within the preliminarily approved Harvest Acres Minor Subdivision. The petition was signed by the sole owners of the property to be included within the District; therefore a Resolution of Intention process is not required. If the proposed District is created, a public hearing to formalize implementation of the assessments upon benefited properties within the District will be held prior to September of 2020. The property is located north of U.S. Hwy 12 and adjacent to the northeast end of Prairie Nest Drive. The total cost

\$262.50 annually or \$52.50 per lot annually. Planning spoke with the Fire Chief at Eastgate Volunteer Fire District for the correct amount to maintain the system.

The creation of the RID is necessary to satisfy Condition No. 9 of the preliminary approval for the Harvest Acres Minor Subdivision by providing funds for annual maintenance of the newly constructed fire protection system. Staff recommends approval of the resolution.

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.

Final Plat Application for the Harvest Acres Minor Subdivision. (Applicant: Shawn and Catherine Toney)(Planner: Greg McNally)

Greg McNally, Planner III, presented the requested final plat approval of the minor subdivision known as Harvest Acres Minor Subdivision. The County Commission granted preliminary plat approval on August 3, 2017 subject to eighteen conditions of approval. All eighteen conditions have been met. The property is located north of U.S. Hwy 12 and adjacent to the northeast end of Prairie Nest Drive.

The subdivision will divide a 20.44 acre tract into five lots, each for one single-family dwelling. All lots will be served by individual wells, individual on-site wastewater treatment systems, and utilities. Direct access to the lots will be provided via Lake Helena Drive, Remington Street, and the newly constructed internal access roads Long Bow Drive and Long Shot Court. A subdivision improvements agreement is not associated with the request for final plat approval of the Subdivision. Staff recommends approval of the final plat request.

No public comment was received.

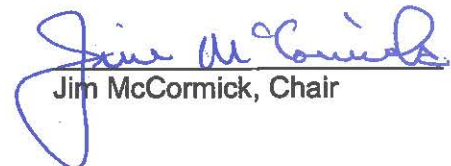
A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner Good Geise. The motion Passed on a 2-0 vote.

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 11:00 a.m.

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