



## **PUBLIC MEETING**

August 24, 2017

### **MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, August 24, 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 and Commissioner Jim McCormick were present. Others attending all or a portion of the meeting included Pam Attardo, Roger Baltz, Nancy Everson, Nicho Hash, Matt Heimel, Kathy Moore, Drenda Niemann, Jesse Whitfield, Debra Williams, Randy Williams, J. Choeun, Jean Riley, Jay Swearingen, Mike Hanshew, Sydney Deaton, Alicia Hess, Mike Hess, Darcy O'Dell, Carine Zook, Darrell Zook, George Bower, John Malensek, Bolder Lanier, Tim Krott, Linda Peterson, Sandi Courady, George Howe, John Felter, John Rolph, DelRane Rolph, Ron Shields, Doug Cunningham, Bonnie Mayer, Susan Eagle, Karen Stead, Sandy Hugus, D.C. Bennison, Lanae Vetson, Will Tanger, Wayne Barker, Jim Schwoya, Jay Schmidt, Dave Kissinger, Jennie Kissinger, Brian Palkovich, John Kershaw, Jacob Warner, Linus Wehri, Selena White, and Nadine McCarty, Recording Secretary.

#### **Pledge of Allegiance**

Everyone recited the pledge.

#### **Consent Action Items**

- a. Vendor Claims Report for Week Ending August 25, 2017. (Marni Bentley)

Roger Baltz reported on the consent action item 2 a and recommended approval.

No public comment was received.

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

#### **Contract Between Lewis & Clark Public Health and Alta Planning & Design, Inc. (Drenda Niemann)**

Drenda Niemann, Community Health Promotion Division Administrator, presented the contract with Alta Planning & Design, Inc. in a grant amount of \$8,000 for design of the wayfinding kiosk maps that will be located throughout town. The purpose of the maps will be to direct the community and visitors to active living and healthy nutrition locations. Key features will include walking and biking

distances and travel times to the destination locations. The contract begins upon approval to be completed by November 30, 2017. Staff recommends approval.

Ms. Niemann stated the wayfinding system can be as extensive as desired. The plan allows for the system to be implemented in any part of the community, in the valley and also East Helena. The plan is all inclusive and very comprehensive and is a matter of how the community chooses to adopt and implement. A demonstration project paid for by grant monies will be done in Centennial Park for the community to see what it will look like.

Ms. Niemann note the idea behind the wayfinding system is to reduce chronic disease. The Healthy Communities Coalition created this system to standardize and make this available across Helena, Helena Valley, and East Helena. Staff recommends approval of the contract with Alta Planning & Design, Inc.

Commissioner Good Geise asked how much has been spent so far on the wayfinding plan and Ms. Niemann noted the full grant from Plan for Health was just over \$100,000 to build the plan itself and National Chronic Disease Directors gave a about \$40,000 to allow for the demonstration project.

Commissioner Good Geise asked what the funding source is that brings the plans to fruition. Ms. Niemann stated it is a community answer as there are opportunities for both the County and City Commissions to look at the potential of investing, the Downtown Business Association has committed to investing, Prickly Pear Land Trust is interested and planning, and East Helena has interest. It will take multiple funding sources. It was never intended for a large investment up front, but to be funded overtime.

No public comment was received.

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

**Contract Between Lewis and Clark County and Montana Preservation Alliance. (Pam Attardo)**

Pam Attardo, Heritage Preservation Officer, presented the contract with Montana Preservation Alliance in an amount not to exceed \$1,000. The preservation work would include: the contractor to locate and determine status of standing one and two-room schoolhouses over the age of 45 years, perform historical research on schoolhouses with high integrity and submit the information to the Lewis and Clark County Historic Preservation Office in digital format. The contract work will begin August 25, 2017 and be complete by December 31, 2017. The funds are in the contracted services portion of the Historic Preservation Office budget. Staff recommends approval of the contract with Montana Preservation Alliance.

Commissioner McCormick asked what the long term objective is. Ms. Attardo explained any time assets are being looked at within a jurisdiction there needs to be an inventory of what exists, then can prioritize uses, of which some are privately owned; and how to preserve the building. It is both functional and historic preservation.

No public comment was received.

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

**Contract Between Lewis and Clark County and the Department of Environmental Quality. (Kathy Moore)**

Kathy Moore, Administrator of Public Health Environmental Division, presented the contract with the Montana Department of Environmental Quality (DEQ) in the amount of \$23,578 for the Outdoor Air Quality program. Matching funds of \$11,790 are provided by the health department from the Public Health Mill Levy. The contract begins July 1, 2017 through June 30, 2018.

The program has multiple components. The first is to perform outdoor air quality program activities including: controlling emission from residential burning of wood fireplaces, enforcing local regulations, controlling emissions from diesel sources, year-round air quality reports to the Montana Department of Environmental Quality, education and advisory in a cooperative program to control road dust. These are all sources of particulate pollution with the small particulates being the biggest concern. The second component is the regulation of solid fuel burning devices within the Air Quality District. Ms. Moore showed a rough map indicating the area of the district. Another component is to run, monitor and maintain an air quality monitor that monitors air conditions daily. Also included are periodic training, educational presentations and response to complaints. Ms. Moore shared a website where the air quality statistics can be viewed and explained how it works.

Ms. Moore explained the woodburning stoves, the use of diesel engines and dust can be controlled within the community. The winter air quality conditions are deteriorating and last winter the EPA air quality standards were exceeded. DEQ asked public health to consider re-writing the regulations to ban wood stoves completely. Short of that Public Health is actively engaging multiple education projects including a wood stove workshop. The goal is to keep this a local regulation.

Commissioner McCormick stated many folks depend on woodburning stoves for heat.

Commissioner Good Geise asked if last winter members of the Health Department were driving in the valley looking for inappropriate burning. Ms. Moore stated that did occur and 87 notices of violation were issued for burning on poor air quality days. The notices carry no penalty and are advisory to not burn the wood stoves during poor air quality days.

Ms. Moore noted there is a program to help low income residents and they are given exemptions to be able to burn their wood stoves.

No public comment was received.

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

**Resolution 2017-110 Levying and Assessing a Tax Upon Benefited Property Within the Eastgate I Road Maintenance District No. 1978-1. (Planner: Matt Heimel)**

Matt Heimel, Special Districts Planner, presented the resolution to levy and assess a special assessment upon benefited properties within the Eastgate I Road Maintenance District (RID) for maintenance of the road network. The District was created on April 5, 1979 with assessment put into place on September 26, 1980 under Resolution 1980-50. The current rate of \$75.00 annually was put into place on September 7, 1993 under Resolution 1993-129 for ongoing general road maintenance. The proposed rate increase is from \$75.00 to \$225.00 annually. After conversations with Public Works staff the recommendations stands to leave the assessments at the current rate of \$75 for this year. There is still contemplation of an increase in order to catch up with inflation and rising costs. There are issues with Eastgate I and II Districts and with more time an adequate plan could be developed.

Jesse Whitford, Public Works Construction Coordinator stated the current account balance is \$414,909 and is jointly between Eastgate I and Eastgate II. The rate increase is the inflationary factor. Previous meetings occurred about two years ago with the road committee of Eastgate I and II jointly and discussed two options \$500 or \$225 with \$225 being the acceptable rate. The increase was never brought forward. In 2010 a 10-year plan was presented based on \$500 annual assessment in Eastgate I and II to be able to do an overlay and chip seal over time without a loan. The residents were in opposition to the increase. The roads were paved in 1978 and 1979, some as far back as 1968 and have far exceeded the life expectancy. Over the last four years minimum maintenance has occurred. Funds are not available to bring the roads up to a good standard. Mr. Whitford noted previous meetings have not been well attended with approximately 645 homes one of the best attended meetings was 18 people. The cost of a chip seal for the whole subdivision would be \$250,000, with other additional costs. The roads in Eastgate II are far worse than Eastgate I due to drainage issues.

Commissioner Hunthausen stated residents have to financially be responsible for the roads in their neighborhood and the general road taxes are for the roads that everyone uses. The RID is one method of accomplishing the necessary maintenance.

Eric Griffin, Director of Public Works, stated revisiting the topic at a later date will only work if participation is received from the property owners in Eastgate I and Eastgate II.

Mr. Heimel stated the county can assist the road committee in organizing meetings, but they cannot provide the mailing list of the property owners to the committee per statute.

#### PUBLIC COMMENT -

Joe Cohenour, Liaison from Eastgate Subdivision and the de facto chair of the road committee stated this started in 2010 when the county approached the road committee regarding the condition of the roads and the necessity for funding. Boundary is failing tremendously with patches on patches. Standing water occurs on Remington Street and saturates the pavement. Life expectancy of a paved road is about 20 years. Eastgate I roads are in better shape as they have less traffic, but there are still severe cracks.

Mr. Cohenour agreed this should have been done in 2010, he is in favor of moving forward with this issue, and expressed the need to have a big meeting to discuss the money and costs.

Debra Williams, 3752 Groschell stated they have lived in Eastgate I since it was formed. Houses on Eastgate II streets were not built until the end of 1978. During their discussion with Planning and Public Works staff they discovered that: snow plowing costs for FY17 were \$6,410; 620 lots are paying taxes with 372 lots in Eastgate I and 248 lots in Eastgate II; Eastgate I and II are two separate RIDs that do not combine streets. Boundary Street and Remington Street are both in Eastgate II and are access streets for two other subdivisions or RIDs that have nothing to do with Eastgate I. They would like to know why those two RIDs are not receiving an increase at the same time.

Ms. Williams would like to know how it could be legal to combine the funds of the two RIDs as there are more homes in Eastgate I. If you take the common fund and use more than 40% of the funds contributing to the RID, the Eastgate I members have contributed the money to improve the Eastgate II streets. Ms. Williams understands the need for the RIDs and the increase. But asked if it is possible to spread the increase out over maybe three years. This RID increase amounts to 200%. There needs to be more of an advance notice on the homeowner meetings.



Doug Cunningham, 3709B Beechnut has live there for twelve years. There have only been two holes fixed on his road in the last two years. The magnesium chloride comes into there yard and has been destroying the paint on his truck. Have been trying to see about a chip seal for twelve years to no avail. The maintenance seems to go to Eastgate II. Maintenance should be equal on both sides or better in Eastgate I as more people are paying in. Something needs to be done with Hope Road.

John Malensek, 3702 East Riggs asked if the assessment is \$225 per lot or per homeowner, as some homeowners have homes on more than one lot.

John Kershaw, 3869 Daisy Street stated there are heroes in our midst. Mr. Kershaw stated he isn't here to complain, but to state he is retired on social security with a very small pension. Given his fixed income, no raise, taxes going up over \$100 with the school bond he cannot afford the increase. The \$225 is too much at once. He understands it has to be done but maybe there could be a senior exemption.

Bolder Lanier, 3709 East Riggs stated he moved there in 1997. The road work he has seen is snow plowing and they plow into your driveway. It seems like they pay more, but don't get much service in return.

Jake Warner, 2650 Colt Drive stated he is curious about the \$225.00. He didn't know until today that they have a road committee. Mr. Warner thinks there are a lot of young, energetic families that would be willing to step up in the leadership positions if they knew about them.

Bonnie Mayer, 3709B Beechnut stated the road her husband, Doug Cunningham spoke of was Grove Drive, not Hope. The road is a danger to all when it comes to the dust. Ms. Mayer has talked politely to many people here and received angry responses. She has never received a letter regarding even one meeting. Ms. Mayer and the neighbors plow their road with four-wheelers. Last year their road was plowed twice. Other issues are the road floods when it rains, people speed and there is a daycare on the road.

John Felter, 2540 Winchester Drive, stated he concurs with the rest of his neighbors. There is a speed issue on Boundary and Remington and he would like to see speed dips or bumps if this goes forward. Meetings have been a problem in the past that letters have not been delivered to each individual nor posted.

Jean Riley, President of the Eastgate Water Sewer Association, on the Board and Engineer with the Department of Transportation (MDT) stated she agrees that the road issues need to be addressed. No one knows why the two RID funds were combined. It could be that at one time they were combined for the water and sewer. The road committee had put things on hold while the water/sewer project was going on. Ms. Riley agreed that the maps need to show which roads are within the RIDs as Lake Helena is on the map and even though part of it was built with the subdivisions it is not in the RID and is a County road. Boundary and Remington are access points to subdivisions that pay into a very low RID, but they are also access roads to people that only pay the County maintenance requirements. Lake Helena Drive has enough average annual daily traffic that it would meet an urban standard, be an urban funded road, and could be additional funds. Ms. Riley agrees with holding off and getting people together.

The Water/Sewer District send out regular newsletters and would be willing to allow the road committee to piggyback on their newsletter to save costs. The biggest question is before an increase what do they get for their money and what is the plan.

Brian Palkovich, 2630 Winchester Drive stated he was part of the last conversation with the road committee and at that point they were trying to come up with an increase and what the dollar amount would be. Mr. Palkovich thought after that the county was going to get back to them on the account balance, the use of the monies, and some legal issues. But another meeting was never held to discuss. Mr. Palkovich noted when the subdivision was first developed it was Eastgate I, but the developer always had the intention of doing the full Eastgate Subdivision as a whole and somehow the RIDs were separated. Eastgate I and II are of the same water and sewer association with separate homeowner's associations. Mr. Palkovich agrees an increase is needed. Mr. Palkovich gave an overview of the monies spent on drainage along Boundary and at the Lewis and Lake Helena Drive intersection.

Joe Cohenour, 2610 Colt Drive, stated the Old Lake Helena Drive is not in the RID and he would not be opposed to moving it into the RID. Mr. Cohenour gave an overview of the poor road condition. There has been discussion of speed bumps and dips along the major routes with county opposition due to snow plowing.

Mr. Cohenour stated if multiple lots have been purchased with the request to have the individuals lots combined into one lot the assessment is per lot. If multiple lots are not combined there would be multiple assessments.

Mr. Heimel, provided answers to: the discrepancy between the number of lots in Eastgate I and II and stated splitting out the funds can be done, with the funds that have already been collected and how to distribute there are various ways to perform that; on Boundary and Remington being funded by the District but have additional separate districts that contribute to the maintenance of those roads will be discussed during Eastgate II; an increase in increments can be done and would be annual resolutions; adequately displayed maps, the maps are official district maps prepared by the GIS staff and could be remade to illustrate the roads, but would be a larger ongoing project; the concerns related to what the return will be on any investment will be part of the greater planning effort; the suggestion of moving Old Lake Helena Drive into the RID can be done through a District Amendment, but would have wide-spread implications on any properties fronting and accessing Old Lake Helena Drive on the westside; assessments are per lot and if a house is built on multiple lots each lot is assessed, if a lot aggregation is filed properly the lots become one with one assessment; the two separate district issues does need to be reconciled.

Mr. Whitford stated Lake Helena Drive is within the RID, but the RID does not pay for the maintenance. East Main Street is maintained by Montana Department of Transportation. Grove Street, previously named Old Lake Helena Drive is a gravel road running north and south and is not part of the RID. Speed bumps and dips are not condoned. They try to maintain all roads equally and asked that homeowners call Public Works when they see things.

Mr. Whitford stated the funds are one and by maintenance resolution they are separate RIDs.

A motion was made by Commissioner McCormick to reject the resolution and revisit the topic later in the year to provide time for improved project planning. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

**Resolution 2017-111 Levying and Assessing a Tax Upon Benefited Property Within the Eastgate II Rural Special Improvement District No. 1979-1. (Planner: Matt Heimel)**

Matt Heimel, Special Districts Planner, presented the resolution to levy and assess a special assessment upon benefited properties within the Eastgate II Rural Special Improvement District for maintenance of the road network. On March 21, 1979 a Resolution of Intention to create the District was adopted and the resolution to create the District was adopted on June 8, 1979. The current \$75 assessment was put in place on August 30, 1994 under Resolution 1994-154. The

proposed rate increase from \$75.00 to \$225.00 was requested by property owners within the district.

Mr. Heibel stated in addition to what was discussed in Eastgate I, Eastgate II also has two other RIDs to the east South Boundary Acres Subdivision and Boundary Street Contribution District. Both Districts reflect smaller subdivisions and were created as a condition of approval for the subdivisions. The District does not encompass other roads that access them. The improved project planning would include reconfiguring the districts with possible other district rates brought into a current amount to ensure equitability for the area.

Staff recommends rejection of the resolution and to revisit the topic at a later date to provide more time for improved project planning.

A motion was made by Commissioner Hunthausen to include the record from Eastgate I as many items are relevant to Eastgate II and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

Jesse Whitford, Public Works Construction Coordinator stated his comments from the previous conversations apply to this item as well.

#### PUBLIC COMMENT -

Joe Cohenour, 2610 Colt Drive stated he believes Boundary is in the RID but does not know if the homeowners to the north pay into the RID. The subdivisions to the east originally were going to be Eastgate III Subdivision and it never came to fruition. Members of Eastgate II would like to see those homeowners pay an impact fee on Remington on Boundary. Mr. Cohenour stated Lewis and Clark County Sheriff deputies are very reluctant to enforce speed limits as they do not consider the roads public, even though they are publicly maintained through the RID. The roads have never been adopted by the County because then the County would assume the road maintenance and they would have to meet the standards. Mr. Cohenour is in favor of combining the two RIDs as it is more leverage money.

Jean Riley, 2675 Colt Drive, asked if the roads are rebuilt does that require an update of the ADA requirements as ADA is extremely expensive.

Brian Palkovich, 2630 Winchester stated there is also a Rutger Estates to the east as well, but he is not sure if they are included in one of the other two Districts. On the previous map he noticed that Lewis Street did not appear to be in the RID and it is part of Eastgate I.

Debra Williams, 3752 Groschell Street stated when they first moved to the area there was not a Lake Helena Drive and Grove Street, Old Lake Helena Drive was the main route and it included Lewis. When the subdivisions were first formed that was a County road that accessed the north valley. Ms. Williams thinks Lewis is in the RID.

Mr. Heibel stated the lots on the north side of Boundary are currently not included in the RID. The areas east of Boundary having to pay into Boundary and Remington can be done and there are multiple ways to do so. The information maps include only parcels within the RID and can be reviewed.

Nicho Hash, Deputy County Attorney stated their office is looking into who has jurisdiction over enforcement of speed limits within the RIDs.

A motion was made by Commissioner McCormick to reject the resolution and revisit the topic later in the year to provide time for improved project planning. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

**Resolution 2017-112 Levying and Assessing a Tax Upon Benefited Property Within the Redwing Rural Improvement District No. 1993-1. (Planner: Matt Heimel)**

Matt Heimel, Special District Planner, presented the resolution to levy and assess a special assessment upon the benefited properties within the Redwing Road Improvement District for maintenance of the road network. The proposed increase reflects a recommendation by the Public Works staff to increase the assessments by 50%. On June 28, 1993 the resolution to create the District was adopted. The current assessments were put into place on September 28, 1993 under Resolution 1993-130 and since 1993 the rates were increased once on August 5, 1997 under Resolution 1997-107. Assessments are proposed to be increased from \$42.97 to \$64.50 per undeveloped lot and from \$120.31 to \$180.00 per developed lot.

Mr. Heimel noted the Redwing RID is part of a review conducted through the Planning and Public Works staff to identify Districts that had not had any assessment increases in a considerable amount of time and what would the increase be to catch up with inflation and rising costs. They were not working directly with a Homeowner's Association.

Jesse Whitford, Public Works Construction Coordinator stated he suggested a 50% increase. They have been following the inflation factor rate and if it was used the increase would be slightly higher than what is proposed. The current balance is \$2,005. In 2014 \$4,488 was spent, in 2015 \$100 was spent as they were saving up for road work, in 2016 \$2,600 was spent and in 2017 \$5,234 was spent. The current rate would bring in approximately \$2,423 and is not quite enough to keep up with necessary maintenance.

No public comment was received.

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

**Resolution 2017-113 Levying and Assessing a Tax Upon Benefited Property Within the Rosendale Rural Improvement District No. 2005-8. (Planner: Matt Heimel)**

Matt Heimel, Special District Planner, presented the resolution to levy and assess a special assessment upon the benefited properties within the Rosendale Rural Improvement District for maintenance of the road networks. A Resolution of intention to create the District was adopted on November 22, 2005. The District was created on January 5, 2006 under Resolution 2006-4 and the current assessment structure of \$50 annually for undeveloped lots and \$300 annually for developed lots was set into place at that time under Resolution 2006-5. The resolution reflects a recommendation by public works to increase the assessments by 25% to catch up with inflation and rising costs as part of the review of districts in need of a financial increase. The increase would be \$62.50 per undeveloped lot and \$375 per developed lot.

Jesse Whitford, Public Works Construction Coordinator stated he suggested a 25% increase and added that using the inflationary factor the developed lot would be \$385.09, slightly higher than the proposed increase. There are approximately 19 parcels in the RID with an approximate annual assessment of \$3,450. Monies spent were \$5,000 in 2014, \$4,000 in 2015, \$3,000 in 2016 and \$3,160 in 2017. The current balance is \$5,312.

Mr. Whitford stated the inflationary factor can be calculated on the Bureau of Labor and Statistics website.



## PUBLIC COMMENT -

Sandy Hugus, 5893 Rosendale Road stated she sees that they are not flat broke as in the previous discussion and also sees that there is no option three allowing for time. She was hoping for more time. Speed is an issue on their road, it raises dust and is dangerous for people walking along the road. She would like to know if it is possible to post a speed limit. Ms. Hugus would like to know why there is a fee on undeveloped lots.

Darcy Odell, 6099 Rosendale stated he is a member of the Rosendale Road Committee. The road had horrible ruts and all the neighbors got together pooled the money, rebuilt the road and formed the RID to do maintenance. Every year he sees the money going to less distance of gravel applied to the road and is in support of the increase.

Lanae Vetsch, 5960 Rosendale Road stated she really appreciates their road committee. Ms. Vetsch voiced her concern on how the proposed rate increase reflects the determination by the County Public Works Department as they do not see them working on their road. The committee contacts folks to add gravel and for grading. Ms. Vetsch asked how much time is allowed for written testimony as several neighbors did not receive the notice of the meeting and the proposed increase. It has been found to be cheaper for the property owners to do the snow plowing themselves. Ms. Vetsch would like more information on how dust control works and also on weed maintenance. They would like to oppose the increase as they are already taxed for road fee, the fee goes to the rest of the county, there is a balance in the account and their road is currently in good condition.

Mike Hanshew, 5893 Rosendal Road stated he has lived at the location for thirty-three years. For twenty years they maintained the roads themselves and did not do a very good job. The RID is a benefit and he appreciates the work his neighbors do. Mr. Hanshew asked what a good balance is to have in the account. The current balance is the highest it has been since 2013. There is inflation and you can address inflation by raising rates, but there is also additional revenue in their subdivision as there are many undeveloped lots. There are three new houses on their road and the revenue of \$750 does not seem to be reflected in the financial statements. Mr. Hanshew is okay with the increase if it is needed and is spent wisely, but would like to know what the target is and where they would be when the additional \$750 is reflected. Mr. Hanshew would also like more time.

Mr. HeimeI addressed some of the comments: 1) no option three to provide more time for project planning. The option was included for Eastgate I and II due to significant issues in the Districts regarding equitability of how the Districts function as well as the long term planning issues. This District does not have the same issues so no rejection option was suggested, but it could be an option of the Commission. 2) The method of assessment, this is one of 14 Districts that has a differential assessment based on lot improvements or lot developments. In the past for a period of years the then Commission elected to create districts with this method with the reason that a lot with no development does not receive the same benefit and should not pay the same amount as an improved lot. Now any new district is created where the method of assessment for every lot is based on the total cost. Mr. HeimeI explained the option of amending the district through a resolution that would re-write the method of assessment and the process involved. 3) The concern of how public works could come to an increase if the county staff are not doing the work. The Public Works staff works with a contract that can organize the work and possibly directly call the contractor. The financial reviews are handled through Public Works with the property owners tracking what they want to be done. 4) The notice concern, notices were mailed to every property within the District based on the known address according to the last property tax assessment roll. If someone

did not receive notice they are encouraged to contact the planning department. The mailing was sent out in advance of the statutory date of ten days.

Mr. Whitford stated dust control and weed spraying can be offered through the County's RID services with dust control at approximately \$1 per lineal foot of roadway, using magnesium chloride, considered to be safe. The weeds would be sprayed within the right-of-way. The best way to coordinate that would be to contact the Weed Department. The proper balance to have in an account is tough to have a definitive answer. A 5 to 10 year road maintenance plan assists with defining anticipated costs. Mr. Whitford recommends the increase as the road is in good condition and they want to keep it in good condition.

Nicho Hash, Deputy County Attorney stated his office is looking into the speed control.

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

**Resolution 2017-114 Levying and Assessing a Tax Upon Benefited Property Within the Sunny Vista Rural Improvement District No. 1990-3. (Planner: Matt Heibel)**

Matt Heibel, Special Districts Planner, presented the resolution to levy and assess a special assessment upon benefited properties within the Sunny Vista Road Improvement District for maintenance of the road network. The proposed increase reflects a determination by the County Public Works Department that an approximate 25% increase is necessary to adequately fund roadway maintenance. The District was created on September 25, 1990 under Resolution 1990-89. The assessments were put into place in 2001 under Resolution 2001-12. The subsequent Resolution 2003-28 to levy and assess the District was for the purpose of adding new additional lots. The assessments are proposed to increase from \$75.00 to \$93.75 per undeveloped lot and \$312.50 to \$390.62 per developed lot.

Jesse Whitford, Public Works Construction Coordinator stated if following the inflationary factor from Bureau of Labor and Statistics the increase would be \$436.87 per developed and \$104.85 per undeveloped lot. Mr. Whitford stated he presented the 25% increase numbers to Mr. Zook, the Homeowner's Association President and he would be in favor of the inflationary rate increase. The current balance is \$73,909. Head Lane and Sunny Vista roads are hard surfaced with the use of recycled asphalt or millings, which take more maintenance and primarily the remaining roads would be gravel. The monies spent include \$24,800 in 2014, included a chip seal; \$26,000 in 2015 included a chip seal on Sunny Vista and Blue Grouse. Maintenance cost dropped to \$10,000 and \$9,000 in 2016 and 2017. The plans for the balance is to save up for the chip seal cycle to occur again in 2021. The savings would allow them to acquire asphalt millings from other MDT road projects when the opportunity presents. The long-term goal would be to add more millings. Mr. Whitford expects the expenditures over the next few years to be higher as there will be more money to operate with and be able to improve the gravel roads.

**PUBLIC COMMENT -**

Ron Shields, 6184 Head Lane stated he has been in the area for forty years and on the road committee the entire time except the last ten years. They started out at \$50 per person and were unable to collect then. The grading of the dirt roads is very difficult because it is decomposed granite. Mr. Shields noted that Head Lane is access to BLM land that brings considerable traffic. Mr. Shields is in favor of the increase because they can't maintain the roads if they don't have the ability to maintain a reserve.

Susan Engle, 685 Corral Road stated her main point was the BLM access and asked why they are paying for the public to use their road as trailers of horses go down the road. Ms. Engle would like

to receive the details of the fund allocation. There are several houses along Franklin Mine Road in their District that have done some kind of dust control and Ms. Engle would like to know who paid for that. Ms. Engle liked the idea that all lots developed or undeveloped pay the same amount. Ms. Engle disagrees with the increase that Mr. Zook proposed and noted she did not receive the letter and does not know when the group met to make that decision.

Selena White, 1013 Sunny Vista stated it is partially paved with the millings. They are the fourth house from the end and since they are out there the snow clearing is done by private contractor or the families. Ms. White asked about where the millings would be placed. Many people park on Sunny Vista because of the BLM and public land and she has named Franklin Mine and Head Lane as highways. People also use Franklin Mine and Head Lane to access the VA and the Fort.

Darrell Zook, 755 Corral Road stated he is the current HOA Board Chair. They are proposing as a board that the 25% increase would not be adequate and should be increased to the Consumer Price Index (CPI) figures. The 25% is deferred inflation and they need to bring the balance to where it needs to be. There are current financials for a five and ten year plan sent to all the members, but when the money is not available they become a one year plan. Mr. Zook appreciates working with all of the County staff and wants to continue to do so to put a good plan together.

Sidney Deaton, 5880 Sharptail Drive stated she has lived on the top of Sharptail for thirteen years at which time was told the road would be fixed. The chip seal stops at the bottom of their hill. A neighbor takes care of the road whether it be snow or boulders in the road and she would rather give him the money. Ms. Deaton asked if everyone will benefit from the increase and noted that many of the people in the area are on fixed incomes. She does not think all of the roads are being addressed. Would like to know what BLM going to do about the cost to the subdivision.

Jay Schmidt, 5895 Sharptail Drive stated he is the one that has been doing all of the work on the road since he moved there eight years ago. Mr. Schmidt would like to see where their money goes because he has not seen it go anywhere. It takes four to five days after a snowfall to get anyone out there.

Dave Kissinger, 763 Treeline Trail stated he has only been there 2 1/2 years and agrees he does not see where the money is going. Mr. Kissinger noted he does not see how Franklin Mine Road and Head Lane can be separated as they have to go through there to get to their location and they are very dangerous roads.

Mr. HeimeI stated the Planning Department and Public Works Department staff meet every Monday and the BLM access will be discussed.

Commissioner Hunthausen explained the competitive grant process for Federal Lands Access Program (FLAP) and how the County can apply for improvements to roads that lead to public lands. This may or may not meet the criteria, but he would like the staff to look into it. The process is very long, but if granted that would take the main road to public land out of the RID and the County would assume the maintenance.

Commissioner Good Geise noted the FLAP grant has a 13.42% match requirement and the County needs to have the match in cash at time of application.

Mr. HeimeI stated the cash flow sheet is available and can be obtained through the Public Works Department. All lots paying equally could be considered, but would need to be a District amendment on the method of assessment. Lack of service on portions of some of the roads, there needs to be a sufficiency of funds to be able to do work on all of the roads. County staff would share the mentioned sentiment about working towards a plan to ensure all roads are maintained.



Mr. Whitford addressed the dust control issue on Franklin Mine Road and noted if it is on a portion of county road the county probably did it, but individuals call in for dust control permits as well and pay for dust control application at their own expense. The millings quit on various roads is quite possibly that they ran out of the millings and went as far as possible. The cash flow sheets would indicate where the money goes. As far as the snow plowing it is a rough deal with the amount of snow received last year. The County has six different private contractors that plow the roads and they are always out in all directions and can take four to five days to get to some roads. Mr. Whitford suggested more community involvement with the meetings.

Nicho Hash reminded the Commissioners that if the resolution is approved the amount cannot be above what has been noticed.

Commissioner Hunthausen asked Mr Zook what is the process for the residents to ask for more service in their area. Mr. Zook stated the road committee rides the roads with Mr. Whitford, perform an annual assessment and prioritize the recommendations based on money availability. They also ride the roads with weed control and make an assessment. Decisions are made by those that attend the meetings. If the money was available they would like to do it all at once and put them on a maintenance program. They have revenue expenses financial schedules that shows where the money goes and they are distributed at the meetings. They have a snow removal policy that is given out every fall. There is also a standing order with the snow plow contractors on the list.

A motion to Approve was made by Commissioner McCormick and seconded by Commissioner Hunthausen. 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 1:01 p.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