



## **PUBLIC MEETING**

August 31, 2017  
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, August 31, 2017, 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 was present. Commissioner Susan Good Geise was out of the office. Others attending all or a portion of the meeting included: Roger Baltz, Paulette DeHart, Eric Griffin, Nicho Hash, Matt Heimel, Charles Lane, Eric Merchant, Melanie Reynolds, Jesse Whitford, Daniel Butler, Michael Johnson, Stan Putnam, Jim Sparing, Ken Heppler, Jack Parrish, Kristin Burgoyne, Doug Powell, Bill Rich, Wade Van Gilder, Thomas Ryan, Deborah Butzlaff, Mark Baker, Jan Newton, Jim Newton, Earleen Franklin, Barney Franklin, Tom McBride, Kathy Patrick, Jayne Dyll, Bob Douglas, Martha Sprague, and Nadine McCarty, Recording Secretary.

### **Pledge of Allegiance**

Everyone in attendance recited the pledge.

### **Consent Action Items**

There were no consent action items.

### **Contract Amendment No. 1 Between Lewis and Clark County and Great West Engineering. (Eric Griffin)**

Eric Griffin, Public Works Director, presented the contract amendment no.1 with Great West Engineering for additional consultant services related to the existing Road Maintenance Prioritization Study Project. He explained the amendment will provide funding to allow for Phase 4- Addition & Reprioritization of Roads in Lincoln, Augusta and Craig/Wolf Creek, to be added to the project and will build upon the work completed under Phases 1, 2 and 3. The specific services to be performed were described in depth under the Scope of Services section of the proposed contract. Amendment No. 1 will extend the contract an additional 107 days, ending September 30, 2017, and in the amount of \$15,000. Staff recommends approval of Amendment No.1 with Great West Engineering.

No public comment was received.

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

**Contract Between Lewis and Clark Public Health and Lincoln Public School District No. 38. (Eric Merchant)**

Eric Merchant, Disease Control and Prevention Division Administrator, presented the contract with Lincoln Public School District No. 38. If approved, Lewis and Clark County Public Health Department will continue to provide rural school nursing services in the amount of \$1,440, to Lincoln Public School District for the 2017-2018 school year. The scope of services include: vision screening for all students in grades 1, 3, 5, and 8; hearing screenings for students in grades K, 1, and 9; and assessment of immunization records for students K-12. Screenings includes the planning, organization, referral, follow-up, and recording screening results. Staff recommends approval of the contract with Lincoln Public School District No. 38.

Commissioner McCormick asked if these are pass-thru contracts. Mr. Merchant explained the contracted services are paid for directly by the rural school district.

No public comment was received.

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

**Contract Between Lewis and Clark Public Health and Trinity School District No. 4. (Eric Merchant)**

Eric Merchant, Disease Control and Prevention Division Administrator, presented the contract with Trinity School District No. 4 and Lewis and Clark County Public Health, providing for rural school nursing services in the amount of \$1,440, to Trinity School District for the 2017-2018 school year.

Mr. Merchant noted because this is a smaller school with less resources more services are needed than at some of the County's other rural schools. Lewis and Clark Public Health shall provide the following: vision screening for students in all grades; scoliosis screening for students in 5th and 6th grades; hearing screenings per request; dental screenings for students in kindergarten through 6th grade; immunizations; first aid/illness assessments; communicable disease control; medication administration; community resource referrals; counseling by referral; and education services for a variety of health topics. Staff recommends approval of the proposed agreement with Trinity School District No. 4.

No public comment was received.

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

**Contract Between Lewis and Clark Public Health and Wolf Creek School District No. 13. (Eric Merchant)**

Eric Merchant, Disease Control and Prevention Division Administrator, presented the proposed contract with Wolf Creek School District No. 13 for Lewis and Clark County Public Health to provide rural school nursing services to Wolf Creek School District for the 2017-2018 school year, in the amount of \$1,440.

The same services are needed in both Trinity and Wolf Creek Schools and are as follows: vision screening for students in all grades; scoliosis screening for students in 5th and 6th grades; hearing screenings per request; dental screenings for students in kindergarten through 6th grade; immunizations; first aid/illness assessments; communicable disease control; medication administration; community resource referrals; counseling by referral; and education services for a variety of health topics.

No public comment was received.

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

**Grant Award to Lewis and Clark Public Health from the Montana Department of Public Health and Human Services. (Melanie Reynolds)**

Melanie Reynolds, Public Health Officer, presented the proposed grant amendment from the Montana Department of Public Health and Human Services in the amount of \$28,250. This funding originated from the Montana Healthcare Foundation. The grant performance period begins September 1, 2017 and the deliverables must be completed by August 31, 2018. The purpose of the grant is to provide funding for organizational strategic planning and implementation of an evidence-based anti-stigma suicide prevention campaign, to include mental health screenings of Helena School District #1 high school students.

Ms. Reynolds reported the suicide rate in Lewis and Clark County is 19.3; the rate in Montana is 22.3; the rate in the United States is 12.8. In regards to the high school population, using the data collected by the youth risk behavioral survey, in Lewis and Clark County 14.9% reported a suicide attempt in the past year and in Montana 7.9%.

No public comment was received.

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

**Resolution 2017-120 to Rescind Resolution 2017-91. (Planner: Matt Heime)**

Matt Heime, Special Districts Planner, presented the proposed resolution rescinding Resolution 2017-91. On August 10, 2017, the Board of County Commissioners adopted Resolution 2017-91 Levying and Assessing a Tax Upon Benefited Property within the Big Valley Road Improvement District (RID) No. 93-5 and recorded as Doc. No. 3309521. Mr. Heime stated notification requirements of the public hearing on the adoption of the resolution were not properly followed pursuant to Section 7-12-2159 MCA, rendering the resolution invalid.

Commissioner Hunthausen explained the prior hearing was held nine days after notices were mailed to affected property owners, instead of ten days as required per state statute; Item 9 on today's agenda is to reconsider the proposal and formally incorporate the proceedings from the August 10th hearing into the record for the RID.

No public comment was received.

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

**Resolution 2017-121 Levying and Assessing a Tax Upon Benefited Property Within the Big Valley Road Improvement District No. 93-5. (Planner: Matt Heime)**

Matt Heime, Special Districts Planner, presented the proposed resolution to levy and assess a special assessment upon benefited properties within the Big Valley Road Improvement District (RID) for road maintenance. A 25% increase in assessments has been deemed necessary by the County Public Works Department to adequately fund roadway maintenance. The proposed increase will modify the rates to \$100 per undeveloped lot and \$200 per developed lot annually. This RID was established in 1993.

A motion was made by Commissioner McCormick to incorporate the record from August 10, 2017 into today's (August 31, 2017) public hearing record. The motion was seconded by Commissioner Hunthausen. The motion passed on a 2-0 vote.

**PUBLIC COMMENT –**

Earleen Franklin, Helena, spoke in favor of the resolution.

Michael Johnson, 8230 Green Meadow Drive, expressed concern that the County assesses the maintenance needs and funding instead of the homeowners. He also spoke to roadway use by the residents of adjacent subdivisions; it creates the need for increased maintenance but they do not pay into the district.

Emmett Coon, 190 W Prairie Road, spoke in opposition to the resolution.

Mr. Heimel explained while the creation of RIDs is citizen initiated, once established they are under the discretion of the County per state statute and the Board of County Commissioners can schedule a public hearing to propose increases anticipated to meet maintenance needs to the residents. Many factors affect the need for increases over time, such as inflation and the cost of materials. Mr. Heimel spoke to use of the roads by persons not paying into the district and indicated it is possible to alter the boundaries of the district once per year by resolution and public hearing. He noted the traffic distribution of the area would need to be analyzed. Commissioner Hunthausen encouraged residents interested in expanding the RID's boundaries to meet with Mr. Heimel.

Jesse Whitford, Public Works Construction Coordinator, stated the designated representative for the RID is Steve Scott and discussed how the Public Works Department has worked with Mr. Scott on maintenance issues and needs for the district. He also gave a detailed history of the rising costs to maintain the roadways. He noted he would work with Mr. Scott to organize a neighborhood meeting to inform the residents on plans for the RID.

Commissioner McCormick asked how frequently staff meets with the RID representatives. Mr. Whitford indicated he usually speaks with them once a month and explained any resident of the RID can contact County staff with questions or for more information. Commissioner Hunthausen explained the concept of "everybody roads".

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

**Resolution 2017-122 to Rescind Resolution No. 2017-92. (Planner: Matt Heimel)**

Matt Heimel, Special Districts Planner, reported the County Commission adopted Resolution 2017-92 Levying and Assessing a Tax Upon Benefited Property Within the Colorado Gulch Road Improvement District (RID) No. 92-1 on August 10, 2017, recorded as Doc. No. 3309522. Notification requirements of the public hearing on the adoption of Resolution 2017-92 were not properly followed pursuant to Section 7-12-2159 MCA, and the resolution is therefore invalid.

Adoption of the proposed Resolution 2017-122 will rescind Resolution 2017-92. The matter considered for the public hearing on Resolution 2017-92 will be reconsidered during a public hearing on Resolution 2017-123, following the rescission of Resolution 2017-92. The proceedings of the August 10, 2017 hearing will be incorporated into the official record for the RID.

**PUBLIC COMMENT –**



Jason Jewitt, 6191 Moon Dance Road, expressed concern that citizens present to speak about the Colorado Gulch RID are not privy to the testimony given on August 10th. Commissioner Hunthausen noted that testimony is available to anyone that wishes to view it.

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

**Resolution 2017-123 Levying and Assessing a Tax Upon Benefited Property Within the Colorado Gulch Road Improvement District No. 92-1. (Planner: Matt Heimel)**

Matt Heimel, Special Districts Planner, presented the proposed resolution levying and assessing a special assessment upon benefited properties within the Colorado Gulch Road Improvement District. The resolution includes an increase which reflects a determination by the County Public Works Department that an approximately 10% increase in assessments is necessary to adequately fund roadway maintenance. Legal notice of the public hearing was published and mailed to all property owners within the District.

A public hearing on rescinded Resolution 2017-92 to implement said increase was held on August 10, 2017. The record from said hearing shall be carried into the public hearing on this resolution, and a reference to such an action is included in the resolution.

Mr. Heimel addressed the written comments he received and provided an overview of the types of maintenance to be funded. A copy of these comments were included in the meeting packet as part of the official record.

Jesse Whitford, Public Works Construction Coordinator, provided further details on what kind of maintenance can be performed and what cannot. He indicated he does not have a representative in the RID; however, he would welcome discussions with concerned residents about the road conditions.

A motion was made by Commissioner McCormick to incorporate the record from August 10, 2017 into today's, August 31, 2017 public hearing record. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

**PUBLIC COMMENT**

James Sparing, 6310 Twin Pines Road, expressed concern that the original intent of the RID is not being followed and submitted written information for the record.

Tom McBride, 2051 Colorado Gulch, spoke to concerns with the maintenance of Colorado Gulch.

Martha Sprague, 6137 Moon Dance Road, expressed concern with the funding and history of the RID.

Jim Newton, 1794 Colorado Gulch, stated the benefits of the district are not equal for all of the residents.

India Supera, 2409 Bear Creek Road, spoke in opposition to any increase in assessments until increased maintenance will be provided.

Kathy Patrick, 2051 Colorado Gulch, expressed concern over maintenance of the dirt portion of the road and a lack of fire mitigation adjacent to the road.

Doug Powell, 6350 Twin Pines Road, requested the Commission delay consideration of the proposed resolution until the members of the RID can work with the county to address the needs of the district.

Stan Putnam, 1852 Colorado Gulch, requested dust control be included in maintenance for the district.

Tom Ryan, 2494 Brook Trout Trail, spoke in opposition to the proposed resolution if dust control will not be performed.

Jack Parrish, 2065 Colorado Gulch, expressed concern for dust and sight distance on the road.

The meeting recessed until approximately 11:15 a.m.

Commissioner McCormick acknowledged he had been in conversation with resident Douglas Tapper, who had submitted written testimony concerning a specific property owner and not related to the RID as a whole.

Mr. Heimel addressed public comments related to the history of the district, lack of resident involvement, the unpaved section of the road, and dust control issues. Mr. Whitford spoke to the maintenance performed on the road.

Commissioner McCormick thanked those members of the public who attended the meeting and commended them for participating in their government. He indicated he would not support approval of the resolution at this time. Commissioner Hunthausen concurred with Commissioner McCormick and urged the residents to work with county staff on their needs or a resolution will have to be passed without their input.

Charles Lane, Deputy County Attorney, explained how notice is provided via mail in accordance with the requirements of state statute.

A motion to Deny was made by Commissioner McCormick and seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

**Resolution 2017-124 to Rescind Resolution No. 2017-93. (Planner: Matt Heimel)**

Matt Heimel, Special Districts Planner, reported the County Commission adopted Resolution 2017-93 Levying and Assessing a Tax Upon Benefited Property Within the Eagle Ridge Rural Improvement District No. 94-2 on August 10, 2017, recorded as Doc. No. 3309523. Notification requirements of the public hearing on the adoption of Resolution 2017-93 were not properly followed pursuant to Section 7-12-2159 MCA, and the resolution is therefore invalid.

Adoption of proposed Resolution 2017-124 will rescind Resolution 2017-93. The matter considered for the public hearing on Resolution 2017-93 will be reconsidered during a public hearing on Resolution 2017-125 being held today, following the rescission of Resolution 2017-93. Mr. Heimel noted the proceedings of the August 10th hearing will be incorporated into the official record for the RID.

No public comment was received.

A motion was made by Commissioner McCormick to incorporate the record from August 10, 2017 into today's, August 31, 2017 public hearing record. The motion was seconded by Commissioner Hunthausen. Commissioner McCormick withdrew the motion.

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

**Resolution 2017-125 Levying and Assessing a Tax Upon Benefited Property Within the Eagle Ridge Rural Improvement District No. 94-2. (Planner: Matt Heimel)**

Matt Heimel, Special Districts Planner, presented the proposed resolution levying and assessing a special assessment upon benefited properties within the Eagle Ridge Rural Improvement District noting the resolution includes a listing of annual assessments for maintenance of the road network per benefited property.

The recommended increase reflects a determination by the County Public Works Department that an approximately 25% increase in assessments is necessary to adequately fund roadway maintenance. Legal notice of the public hearing was published and mailed to all property owners within the District. As of August 25, 2017, no written comments had been received. A public hearing on the now rescinded resolution to implement said increase was held on August 10, 2017. The record from said hearing shall be carried into the public hearing on this resolution, and a reference to such action was included in the resolution.

A motion was made by Commissioner McCormick to incorporate the record from August 10, 2017 into today's, August 31, 2017 public hearing record. The motion was seconded by Commissioner Hunthausen. The motion passed 2-0.

Jesse Whitford, Public Works Construction Coordinator, provided an explanation of the assessment increase, noting the funding for the district has not been increased since 1998.

No public comment was received.

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

**Resolution 2017-126 to Rescind Resolution No. 2017-94. (Planner: Matt Heimel)**

Matt Heimel, Special Districts Planner, reported the County Commission adopted Resolution 2017-94 Levying and Assessing a Tax upon Benefited Property within the Mount Vista Rural Improvement District No. 98-1 on August 10, 2017, recorded as Doc. No. 3309524. Notification requirements of the public hearing on the adoption of Resolution 2017-94 were not properly followed pursuant to Section 7-12-2159 MCA, and the resolution is therefore invalid.

Adoption of Resolution 2017-126 will rescind Resolution 2017-94. The matter considered for the public hearing on Resolution 2017-94 will be reconsidered during a public hearing on Resolution 2017-127 being held today, following the rescission of Resolution 2017-94. Mr. Heimel noted the proceedings of the August 10th hearing will be incorporated into the official record for the RID.

**PUBLIC COMMENT –**

Dan Butler, 6111 Lone Pine Road, addressed the proposed resolution.

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

**Resolution 2017-127 Levying and Assessing a Tax Upon Benefited Property Within the Mount Vista Rural Improvement District No. 98-1. (Planner: Matt Heimel)**

Matt Heimel, Special Districts Planner, presented the proposed resolution levying and assessing a special assessment upon benefited properties within the Mount Vista Rural Improvement District, noting the resolution included a listing of annual assessments for maintenance of the road network per benefited property.

The recommended increase reflects a determination by the County Public Works Department that an approximately 50% increase in assessments is necessary to adequately fund roadway

maintenance. Legal notice of the public hearing was published and mailed to all property owners within the District. As of August 25, 2017, no written comments had been received. A public hearing on the now rescinded resolution to implement said increase was held on August 10, 2017. The record from said hearing shall be carried into the public hearing on this resolution, and a reference to such action was included in the resolution.

**PUBLIC COMMENT –**

Dan Butler, 6111 Lone Pine, expressed concern over a berm being constructed in the roadway, intended maintenance and urged the Commission to deny the resolution. Mr. Butler also submitted a topographic map for the record.

Bill Rich, RID Road Association Chairman, spoke to the maintenance needs of the district.

Mr. Heimel and Mr. Whitford spoke to Mr. Butler's concerns. Mr. Whitford indicated the increase in assessments is inflationary and not in order to address ongoing drainage issues in the area. Commissioner McCormick asked for clarification if there is any surplus in the account for the RID. Mr. Whitford stated no and indicated he would contact Mr. Butler regarding his concerns.

A motion was made by Commissioner McCormick to incorporate the record from August 10, 2017 into today's, August 31, 2017 public hearing record. The motion was seconded by Commissioner Hunthausen. The motion passed 2-0.

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

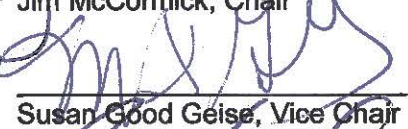
**Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.**

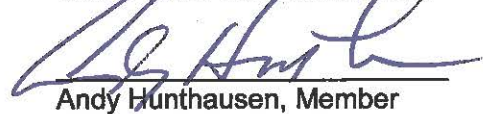
**Adjourn**

There being no further business the meeting adjourned at 12:21 p.m.

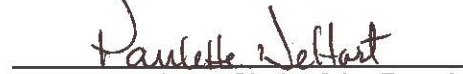
LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Jim McCormick, Chair

  
Susan Good Geise, Vice Chair

  
Andy Hunthausen, Member

ATTEST:

  
Paulette DeHart, Clerk of the Board