



PUBLIC MEETING

August 8, 2017
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, August 8, 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 Roger Baltz, Brian Coplin, Kari DesRosier, Nicho Hash, Matt Heimel, Charles Lane, Audra Zacherl, William Hovley, Bryan Heuvel, Linda Heuvel, Linda Lockard, Loren Lockard, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

There were no consent action items.

Contract Between Lewis and Clark County and CAP Paving, Inc. (Audra Zacherl)

Audra Zacherl, Assistant Director of Public Works, presented the contract with CAP Paving, Inc. in the amount not to exceed \$60,293 for work to consist of 600 feet of paving on Kodiak Road from Bobcat to Wolverine and replace the valley gutter four feet wide and 32 feet in length. Work will also consist of removal of asphalt and nine inches of gravel along 460 feet of Otter Road from Bobcat to Wolverine and replace with six inches of sub base, three inches of road mix and three inches of compacted asphalt. These roads are located in the Treasure State Acres Rural Improvement District, which currently has a balance of \$125,570 in their fund to cover the contract. Staff recommends approval of the contract. The work is to be completed no later than September 30, 2017.

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.

Request for Approval of Updated Personnel Policy 1.2.1. (Kari DesRosier)

Kari DesRosier, Director of Human Resources, presented the updated Personnel Policy 1.2.1; General Personnel Policies, Policy Statements and Definitions. The policy has been through legal

review and sent to each of the bargaining unit representatives and department heads for review and comment. The change being made to this policy is deleting the definition of affinity and consanguinity and adding the definition for family member. In addition, the definition of dismissal was changed to discharge. The effective date of the policy change is August 1, 2017. Ms. DesRosier stated that policies are reviewed and updated every few years.

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.

Request for Approval of the Updated Personnel Policy 1.2.9. (Kari DesRosier)

Kari DesRosier, Director of Human Resources, presented the updated Personnel Policy 1.2.9; Performance and Conduct for approval. The policy has been through legal review and sent to each of the bargaining unit representatives and department heads for review and comment. Ms. DesRosier stated that policies 1.2.9 and 1.2.11 were combined to encompass all work rules as a new policy 1.2.9 and includes a new Code of Ethics. The Drug and Alcohol Free Workplace was removed from this chapter and a new one was created for it. The effective date of the policy change is August 1, 2017.

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.

Request for Approval of the Updated Personnel Policy 1.2.11. (Kari DesRosier)

Kari DesRosier, Director of Human Resources, presented the updated Personnel Policy 1.2.11; Drug and Alcohol Free Workplace for approval. The policy has been through legal review and sent to each of the bargaining unit representatives and department heads for review and comment. This policy was removed from 1.2.9 and moved to it's own, more detailed chapter. The effective date to of the policy change is August 1, 2017.

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.

Resolution 2017-87 to Levy and Assess the Big Sky Rural Improvement District. (Planner: Matt Heime)

Matt Heime, Special Districts Planner, presented Resolution 2017-87 to levy and assess the Big Sky Rural Improvement District (RID) for maintenance of the road network within the district. The proposed assessment increase reflects a determination by the County Public Works Department that an approximately 5% increase in assessments is necessary to adequately fund the roadway maintenance. The resolution of intent to create the RID was adopted on November 27, 2012 and the resolution to create was adopted on January 15, 2013. The current annual assessment is \$59.97 per undeveloped lot and \$119.80 per developed lot. The increase will change the rates to \$63.00 per undeveloped lot and \$126.00 per developed lot. Mr. Heime stated that RID's are subject to financial review every 3 years to determine if the assessment is enough to adequately fund maintenance.

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.

Resolution 2017-88 to Levy and Assess the Camelot Rural Improvement District. (Planner: Matt Heime)

Matt Heime, Special Districts Planner, presented Resolution 2017-88 to levy and assess the Camelot Rural Improvement District (RID) to establish the rates for the maintenance of the road network. The RID was a citizen initiated district created on July 18, 2017 through Resolution 2017-79 in order to maintain roadways within the Camelot Subdivision. The annual maintenance assessment will be \$111.84 annually per benefited lot. Additionally, a debt assessment of \$98.24 will be levied and assessed upon all benefited properties for a period of 10 years to pay for an upcoming chip seal. Mr. Heime stated this has been initiated by the Camelot Home Owners Association.

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.

Resolution 2017-89 to Levy and Assess the Holmberg Rural Improvement District. (Presenter: Matt Heime)

Matt Heime, Special Districts Planner, presented Resolution 2017-89 to levy and assess the Holmberg Rural Improvement District (RID) roadway maintenance within the district. The Holmberg RID was created on July 11, 2017 through Resolution 2017-73 with the intention of maintaining roadways within the Holmberg Subdivision. This funding is for a 20 year maintenance plan to have ongoing chip seals with asphalt overlays. This is a citizen initiated RID. Mr. Heime stated the Holmberg Homeowners Association (HOA) was created after all of the lots were developed with a goal of creating an RID for road maintenance.

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.

Resolution 2017-90 to Levy and Assess the Fantasy Rural Improvement District. (Planner: Matt Heime)

Matt Heime, Special Districts Planner, presented Resolution 2017-90 to levy and assess the Fantasy Rural Improvement District (RID) for maintenance of the road networks. The proposed increase is a 25% increase in assessments and is necessary to adequately fund roadway maintenance. The current assessment is \$121.13 per undeveloped lot and \$242.26 per developed lot. The increase will be \$151 per undeveloped lot and \$302.50 for developed lots. The resolution of intent and the resolution to create, levy and assess the district was adopted in 2011 and amended in 2012 to alter the scope of maintenance for the RID and the current fee structure was added in 2013. The increase has been deemed necessary by Public Works to cover the costs of maintenance.

PUBLIC COMMENT -

Brian Coplin, 1805 Joslyn Street, #129, asked if there is a difference in the fee depending on the size of the lot.

Mr. Heime stated that there is no difference in fee based on the size of the lot. The assessment is per lot, developed or undeveloped, regardless of size.

William Hovley, 2824 Fantasy Road, stated he feels that the 25% increase is quite a bit. Mr. Hovley added that there is seems to be a conflict between neighbors with regards to what improvements or maintenance should be done. Some neighbors want a snow fence to prevent drifting but he doesn't think it's necessary. He stated that the road is deteriorating because basic maintenance has not been done to the road over the years. Mr. Hovley believes that he doesn't road as much as others in the RID and stated he doesn't feel it's fair that those who don't use it as much have to pay the same as those who use the road a lot, perhaps the assessment could be based on impacts to the road. Mr. Hovley also asked who collects the interest on the RID funding.

Ryan Douglas Heuvel, 2923 Fantasy Road, stated they have maintained a positive balance in the RID account without acquiring debt. This is a small RID that has paid for minor improvements that seemed ineffective to him. He stated he would like to see how the money from the increase is going to be used rather than seeing it sit in an account.

Bob Utick, he owns one of the lots in the RID, stated that before the RID was created the property owners had the road graded themselves. Before the RID was created, it cost them \$800 to \$1,000 to have the road graded; however, once the RID was created it now costs \$2,000. The increase in that cost does not make sense to him and he feels that the property owners in the RID do not have any control over how the money is spent.

Steve Utick, 2950 Fantasy Road, stated he and his father are certified approach installers and have offered to the other residents on that road that they would install the culverts in driveway approaches to deal with drainage if the property owner will provide the supplies. They are trying to be proactive with proper drainage and snow issues by doing what they can when it's necessary.

There was no further public comment.

Commissioner Hunthausen would like Public Works to address the maintenance of the road, the inadequate culvert and driveway approach issues as well as discuss the substantial increase for the assessment.

George Theborge, Community Development and Planning Director, stated when RIDs are setup there is a review of the road to include the condition of the road, in terms of the gravel surface, the base, drainage, driveway culverts and approaches. The Public Works Department works with each RID and there is the option of including the improvement and maintenance of approaches as part o the RID scope when the RID is created. Based on testimony today, Mr. Theborge believes that approaches were not included in the scope of maintenance when this RID was created.

Mr. Theborge added that historically whenever assessment increases have been proposed the Public Works Department as well as the homeowners of an RID realize there is not enough money to do the necessary maintenance and so they propose an increase. He stated Public Works discussed adding an inflationary factor into the cost of the assessments when new RIDs are created so that the funding could keep up with the rise in costs of doing projects. The County has not reviewed these RIDs in the last 15 years, which is why the commission will be seeing so many RID assessment increases coming for approval.

Mr. Theborge stated that the County has worked with Great West Engineering to do an analysis of this particular section of Fantasy Road to determine what it would cost to bring that road up to County standards with the proper base, culverts and drainage so that it could be properly maintained. Great West Engineering has said that it would cost approximately \$138,000 to complete that project.

A motion was made by Commissioner Hunthausen to table this item to the next regularly scheduled public meeting on Thursday August 10, 2017 to allow Public Works the opportunity to make a

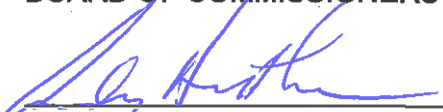
presentation regarding the large assessment increase. The motion was seconded by Commissioner McCormick and passed 3-0.

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 10:20 am.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS




Andy Hunthausen, Chair



Jim McCormick, Vice-Chair

ATTEST:



Paulette DeHart, Clerk of the Board

Susan Good Geise, Member