



PUBLIC MEETING

August 18, 2022
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, August 18, 2022, at 9:00 AM in Commission Chambers, Room 330.

Roll Call

Commissioner McCormick called the meeting to order at 9am.

Commissioner Andy Hunthausen and Commissioner Tom Rolfe were in attendance. Others attending all or a portion of the meeting included Roger Baltz, Nicho Hash, Jessica Makus, Jenny Chambers, Albert Betchie, Paul and Leslie Beckstead, Bill Rich, James and Linda Jewell, Joyce Evans, Gary Eubank, Vicki Hewett, Glenna Kendall, Barbara Backman, Victor Riding, Gretel Sizemore, Lance Sizemore, John Cosenza, Jeff Tobin, Steve Shirley, mark Langdorf, Gary Frigo, Christopher Warren, Scott Oyler, Michelle Buntin, Jackie and Kathleen Clark, Jackie Clark Jr., Deanna Harrington, Daniel Kiely, Matt Reighard, John Noble, Dan Kerpa, Harold Begger, Kelley Shields, Pat Gilmore, Sharon Krebs, Don McClellan, Terry Zimmerman, Samantha Foxman, Joan Morris, and Brandi Spangler Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Vendor Claims Report for Week Ending August 19, 2022. (Marni Bentley)

Roger Baltz, Chief Administrative Officer, reported on consent action item 2a and recommended approval.

No public comment was received.

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

Contractor Agreement Between Lewis and Clark County Detention Center and Guardian RFID. (Brad Bragg)

Bradley Bragg, Detention Center Captain, presented a contract agreement with Gaurdian RFID System in the amount of \$36,189.15. This project is funded by a grant for \$40,400. Annual cost for and the maintenance of the system is \$18,294.

Captain Bragg explained that it will identify individuals who are positive for COVID-19 or at risk of contracting the virus or other communicable diseases by tracking who they are in contact with. It automates cell checks to keep them on schedule and officers can immediately notate any information on all cell checks through the system. Photos and video can be uploaded, along with keeping electronic

records. Cell checks need to be done every 30 minutes. Suicide watch needs to be checked every 15 minutes. When the officers are tied up with one task and there will be a reminder sent to conduct checks in a timely manner. This provides safety to inmates and staff. It will be easier to confiscate contraband within the facility.

PUBLIC COMMENT:

Bri Lake, Criminal Justice program analyst supports the contract. This system will help collect data with less process and repetition of data collection. It will benefit the Criminal Justice program greatly and help reduce recidivism.

Commissioner Hunthausen stated the promise to the public to compile data and getting it translated to provide better service and the goal is to keep the revolving door as minimal as possible. Ninety percent of the folks in the detention center return to the community. All of this saves our system resources.

Captain Bragg explained that all of the office space was converted and was a good solution for overcrowding issues. There is now more room to separate inmates who do not get along well and, in the past, had to be sent to other counties. This adds another level and Pod D was opened. Pod D is for inmates who have more privileges and are getting ready to go back out to the community. There is a workout machine for them, additional items in commissary and freedom to move around the pod. There are 25-30 people in the pod and have relieved pressure in the detention center by having more room. It is a 40-bed pod, and it is staffed 24/7. Before the remodel, the pod for women was designed for 12 beds and often had over 25 in there at one time. There are now 3 pods available for female inmates with about 30 beds available now. Bottom line, people are safer now. Pod D is a transition point to go back out in the community.

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

Amendment No. 2 to the Contract Between Lewis and Clark County and Bonneville Environmental Foundation. (Jennifer McBroom)

Jennifer McBroom, Water Quality Protection District Supervisor, presented a contract amendment with Bonneville Environmental Foundation. The contract will increase from \$102,000 to \$139,525.53 for the rewatering project on Prickly Pear Creek. This project helps the creek stay in stream. Historically, a 2-mile stretch in Prickly Pear Creek goes dry due to irrigation demands in the area. Bringing water in for those irrigation needs benefits aquatic life, stream restoration that reduces temperature sediment, erosion, and overall health of the stream. It gives irrigation possibilities later in the year when there would otherwise be none. Canyon Ferry began in June with 100 cubic feet per second (cfs) and is down to 3 cfs. The project was started in 2007-2008. Water for the irrigators comes from this project and they have seen significant impacts over the last few years. Other funders besides Bonneville Environmental Foundation includes Resource Damage Program and the superfund site. They used to come every year to ask former donors to contribute. Currently, the project is funded for the next 10 years.

Ms. Broom stated that Bernham has the senior water rights and those rights are protected. They will use the instream for irrigation, then July 1st, when the project comes into play, they have already used their water rights. She attends all meetings with the landowners and just renewed the contract with them.

No public comment was received.

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

Resolution 2022-81 Levying Assessments Upon Benefited Property Within Rural Improvement Districts in Lewis and Clark County. (Jessica Makus)

Jessica Makus, Special Districts Coordinator, presented Resolution 2022-81 to levy and assess benefited property within rural improvement districts in Lewis and Clark County.

A public hearing was held regarding adoption of the resolution. Legal notice was sent to property owners and was published in the Independent Record. One letter was received during the open comment period, and one was received August 17, 2022. Information that was summarized in the mailing includes district background information, maintenance details and current financial information. It is in hope that sending out these mailings will help keep communication open and encourage community

Commissioner Hunthausen reiterated there are no increases to any of these RIDs. The RID' need to be assessed to ensure funding is on track for future projects. All of the RIDs were created in the past and it is set forth in the resolution what maintenance is included in the RID. Maintenance that is not dictated by the resolution cannot be provided. Ms. Makus confirmed what the resolution states. There can be changes, but the current RID would need to be dissolved and another district would need to be created and it is a long and transparent process. All RIDs are individual funds. Funds that are assessed per district stay in that district. The money cannot be moved to assist any other RID. Money rolls over and does gain interest.

Prior to 2019, the position of an RID coordinator did not exist. Prior to that, RIDs were given service on an inconsistent basis and work usually was done when property owners reached out to alert Public Works of any issues going on with the roads. Service now has changed, and Jessica Makus and Calob Marquis stay on top of current and future needs. Mr. Marquis is on the ground constantly to observe RIDs in person and assess what the needs are and a timeline for those needs. Services are provided by projecting inflation rates and what needs to be collected to keep up on projects. They look at each resolution and puts the information into a budget worksheet. They look at annual projects and higher costing projects that come in a longer cycle like the 7-year chip seal cycle. They project longer term so that they can increase if needed to be sure when the cycle comes around, they will not need to secure a loan to get the work done.

As far as snow removal goes, there are contractors that set up a rate and the districts have a say over which contractor they want to provide the service. They set a trigger point that determines when they come plow. Mr. Marquis checks to be sure work is getting done before the invoice is paid. Ms. Makus receives a lot of calls about snow. They try to plan based on a 5-year average from data that has been collected.

Ms. Makus stated there needs to be at least 20% of the community agreeing on the RID. They can be subdivision created or public initiated is how the RID's are created. The neighborhood comes together with a list of needs for the road, and they come with a petition to create an RID. There is a 3-step process which starts with an onsite visit, an assessment to support and , the petition is circulated for support. They present is an intention to create the RID, public comment is opened up for 30 days, then with 20% or more support it is presented to create the district. The majority of the RID's created are not seeing an increase today. The resolution is a contract between the County and the property owners. This process will be done annually moving forward and will encourage public participation.

Ms. Makus stated each RID is unique and certain factors including density and lot size determine what work is done and what each property owner pays. She directed the public to the website where there is an interactive map and details about each RID and she welcomes calls with questions.

Nicho Hash, Deputy County Attorney, stated that a clear process exists now for dissolving an RID. The process can be started by the County or by the property owners. The process is the same as creating and RID. If folks want to change the resolution, they can dissolve the current RID, create a new district and transfer funds over to the new RID.

No district in this resolution has any changes.

PUBLIC COMMENT:

Mark Langdorf, resident, has been in contact with Ms. Makus over the last few years. The fund in his district is about 3 times the assessment. He supports the RID and appreciates the work of the staff. He noted positive changes in the RID. Everyone has been willing to put into the RID, that is why the budget is so healthy today.

Joyce Evans, 2276 Tea Road, thanks the staff. The resolution states that snowplowing is to be maintained on Tea Road and Fantasy Road and the only time it gets plowed is when snow is significant. She is concerned people who are not part of the RID are not contributing to the maintenance of the roads and believes more people should be included in the RID.

Jeff Tobin, Birdseye School, states Stallion Ridge Subdivision has an RID. He is part of the RID, but does not access those roads and should not be included in the RID. The entrance to his property is off the main road.

Shauna Sticht, 2074 Wooten Road, commends Calob Marquis for being helpful on maintenance, finding economic solutions to issues, and being interactive with the property owners. What is the total sum of money in all RID's? What is the interest rate, and when is there a reduction in assessments?

Barbara Beckman, Evergreen Estates, states they are being asked for a special assessment. Is it the Special Districts who is asking for permission?

Sharon Krebs, 960 Ross Road, stated her address at Silver Creek is lumped into Ten Mile RID. There is flood mitigation, but they don't need flood mitigation because they do not have an issue with flooding. The only time there was a flooding issue was when a farmer used dynamite and it caused a flood. She does not want to be a part of that RID because she is not benefited from it. They have offered to pay for the culvert needed on Montana Avenue if the County would install it and the county said no. Some culverts are cemented in, people are parking in the ditches, and the county does not check any of this. They took turns calling the county about these issues. When potholes open, they call and have to basically beg to get them fixed. When the potholes are filled, they are filled with gravel and the next time it rains the pothole opens back up. Where is the benefit of being part of the RID? Why did the County pay so much money to the gun club when it has created lead in the water system at Rossiter School?

Dani Harrington, resident, stated when they first moved out here, they were 4-5 acres lot. There is now a lot that has 4-5 trailers on it. If those people had to pay, it would lower the payment of everyone else. The grading got done, but then they didn't water until it was 100 degrees and it dried immediately after it was sprayed. What are they paying for if it isn't benefitting?

Harold Begger, Chairman for Valley Flood Committee, supports the RID and has seen a lot of benefits and believes it will continue to benefit in the future.

Dan Kiley, Desert Court, stated work done on the road was just taken out of the ditch and put onto the road. There was 900 yards of gravel brought out. Was that paid for by the RID or by the County? He does not believe they RID is responsible for that work. He is frustrated dealing with the County. Dusty Maiden is a school bus route.

Bill Rich, Chairman for Loan Pine Road Association, has been working with Mr. Marquis for the last couple years and thanks him for the partnership. He believes they should remake the RID to include some issues that have been coming up and they need to be saving more money to get these issues addressed.

Joan Morris, Settlers Cover RID, is paying but is not receiving any services. There is only one road that is being benefitted. How do we proceed to expand the services up to her area. They would have a hard time getting a fire truck up there.

Steve Shirley, 4150 Bobcat, president of Treasure State Acres, supports the RID resolution. There has been a big improvement on how the management has worked in recent years. The addition of the staff has been a benefit. Communication and transparency are a lot better. There was some confusion with the mailers that were sent out. The information needs to be clarified on the mailers that there will be no increase. Street maintenance has been done after an assessment and fixed drains last year and was based on what they could afford now and into the future. There is a new LDS temple going up and there will be more traffic due to this. Water flows from south to north so in the northeast end, some of the residents' driveways and garages get water damage from flooding. He wants those residents to benefit from drain work as well. Those specific property owners is not benefitting from that part of the RID and they are the lower income owners in the subdivision. He is confused why there would need to be a change in the resolution to get ditch work done in that area.

Sharon Krebs, 962 Ross Road, stated she went around and asked people if they had received a mailer. Three out of 15 people did not receive notice and she received 6 cards in one day. She does not know why that happened. The Silver Creek drainage residents want to be taken out of the RID. None of them would be able to afford an increase.

Ms. Makus explained the intent to amend the district of Tea Road was presented but was protested out. There is an active conversation going on now with those residents to initiate an RID. The logic to include is because the district uses Collins to get to their residence. The Federal Lands Access Project (FLAP) has improved part of that area greatly. She explained that "protest out" means they go back to the resolutions. In that RID, the portion of Tea Road and part of Fantasy were not included.

Commissioner McCormick stated that during the North Hills fire, that specific area was an issue getting fire trucks up there because the roads are so bad.

There are 133 total RID's. Ms. Makus is unaware of what the interest rate is. She can follow up on that information. If an RID is holding a high balance and continues holding, there is a consideration to lower the assessment or stall it all together until some of the funds get spent down. Inflation rates far exceed the interest rates and is taking a significant toll on RID funds.

The special assessment comes by statute to look at budget and assess whether there needs to be an increase. Communication is frequently held with Mark Langdorf and there are meetings held to receive input and have dialogue about funds and projects before there is an increase, so it does not come as a surprise. The Silver Creek area is included in the district because the infrastructure used is determined by the flood plain.

Dan Karlin, County Engineer, does a lot of work with that district. The items that are part of the flood mitigation are part of an overall plan and is part of a larger scale plan.

Commissioner McCormick stated that it has taken years to get completed. Technical process was followed to get the flood information to design a plan to protect public infrastructure. The benefit to the property owners are lower flood rate insurance, maps and map revisions with FEMA for a documented footprint and is all designed to benefit all property owners.

Commissioner Hunthausen stated that when the RID was created there was significant flooding in the Silver Creek area. There was a lot of issues and since then, there has been significant work being done. There are projects in the plan to do drainage work at Silver Creek. Dan Karlin would take the time to talk to the property owners about how it directly benefits the properties.

Ms. Makus stated that when the mailers were sent out, there was an issue with the system and there was likely an overlap. There is a tag system with addresses and that is where the mailers were sent to. There have been questions asked about trailer parks and Ms. Makus explained there are a few different ways to be charged for the RID. One is by square foot; one is by property. Unfortunately, there is not a mechanism available to dial it down more than that because there is a statute limitation. As far as grading on Dusty Maiden, there are material issues in Prickly Pear. There was a representative in Prickly Pear who was working with a Mr. Marquis came in and determined the grader was not

adequate, so material is added and is paid for by the RID. The water truck being seen after the grading was probably a magnesium chloride application, which keeps the grading in place and controls dust. County graders are very good machine and piling material from the ditches is a benefit because it will save money and added material will not need to be brought in. It does take some time to get it smoothed out when material is being pulled from the ditches. Staff can explore the option of expanding RID to include a broader area on Rainbow Road and it would need to go through the same process as creating a new RID. Maintenance on some of the roads in Treasure State Acres was diverted due to construction of LDS church. They need to stay within bounds of resolution and will take a look at drainage around Buffalo Road and Ms. Makus will follow up with Mr. Shirley directly.

Commissioner Hunthausen stated that improvements in an RID are to benefit all of the residents. There is a traffic study that gets done to see who will benefit and be part of the RID. The "everybody roads" are roads that everyone drives on and the County is responsible for those roads. The roads in the RID, although may be used sometimes as a through road, most traffic comes from the residents. Ms. Makus explained that when a district is proposed there needs to be a link between benefit of property owners and where the property exists. Sometimes it is less clear in certain areas, so an analysis is preformed, and a study is conducted to view objective criteria. The County has 1500 miles of road, and the County can only afford between 700-800 miles of those roads. There are private mechanisms existing for neighborhoods to maintain roads including Homeowners Association. The County's version of this is RID's.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner Rolfe. 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 11:16 a.m.

Meeting minutes approved on January 24, 2023

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Tom Rolfe, Chair


Andy Hunthausen, Vice Chair


Candace Payne, Member

ATTEST:


Amy Reeves, Clerk of the Board