



## **PUBLIC MEETING**

August 23, 2022  
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, August 23, 2022, at 9:00 AM in Commission Chambers, Room 330.

### **Roll Call**

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

Commissioner Tom Rolfe was present. Commissioner Hunthausen was absent. Others attending all or a portion of the meeting included Roger Baltz, Nicho Hash, Greg McNally, Kellie McBride, Jessica Makus, Christal Ness, Phil Gonzalez, Angie Hubbard, Jenny Chambers, and Brandi Spangler, Recording Secretary.

### **Pledge of Allegiance**

Everyone recited the pledge.

### **Consent Action Items**

- a. DA Davidson Non-Corporate Organizations and Associations Resolution. (Amy Reeves)

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 McCormick. The motion Passed on a 2-0 vote.

### **Professional Services Contract Between Lewis and Clark County and Brendan Twist, LCSW, LLC. (Kellie McBride)**

Kellie McBride, Criminal Justice Services Director, presented a contract with Brendan Twist, LCSW, LLC in amount not to exceed \$4,800 to complete the Clinical Supervision Services needed for the Criminal Justice Services Behavioral Health Therapist. The contract will be effective upon approval through June 30, 2023. Clinical Supervision is required for licensure. A period of supervised experience must be completed to obtain a license. Defendants and offenders in the Detention Center are ensured competent services while detained and ensures increased continued skills of counselors, which increases treatment effectiveness. Supervision has been budgeted. Staff recommends approval.

Ms. McBride explained there are 2 therapists in the Detention Center. Both are working on their licenses. Not only are they learning skills, they have back up in tough situations they face.

No public comment was received.

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

**Resolution 2022-82 to Levy and Assess the Long Gulch Rural Improvement District No. 2022-06. (Jessica Makus)**

Jessica Makus, Special Districts Coordinator, presented the resolution to levy and assess the Long Gulch Rural Improvement District (RID) of \$294 per property per year for a 15-year debt service upon benefited properties. The resolution includes an annual special assessment of \$175 per property per year for annual maintenance of the improvements. The Commission approved a resolution to create the district on July 26, 2021. The district was citizen initiated. Improvements include pulverization of the existing roadway, drainage remediation, culvert installation, grading and compacting. Project cost is estimated at \$22,085. Maintenance includes annual grading and gravel maintenance, snow plowing, culver cleaning, drainage maintenance, and other maintenance and repair as necessary to preserve the road surface. Total annual maintenance cost is estimated at \$1,025. Legal notice was mailed to property owners and published in the Independent Record. As of August 22, 2022, no public testimony was received at that time, but two protests came in later from the same property owner who owns two properties. There are seven properties in the RID. Staff recommends approval.

Ms. Makus explained the process. Staff met with residents and initially wanted to know the cost of snow plowing up there. They continued to design a plan to improve the road. Seventy percent of residents were for the RID. There was a resolution of intention to create, an open comment period, and resolution to create a district. They will apply for an INTERCAP loan to get the initial work done. Once construction is complete, they will maintain improvements.

No public comment was received.

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

**Intercap Loan Application to the Montana Board of Investments. (Jessica Makus)**

Jessica Makus, Special Districts Coordinator, presented an INTERCAP loan application to be submitted to the Montana Board of Investments. The loan is for \$22,085 and is intended to fund the road improvements within the Long Gulch Rural Improvement District (RID). Improvements include pulverization of the existing roadway, drainage remediation, culvert installation, grading and compacting. The resolution 2022-82 to levy and assess the Long Gulch RID was adopted by the Commission earlier this morning. Staff recommends approval.

Ms. Makus stated the interest rate is variable and set in February in each year. The interest rate is 1.5%. When creating RID's, they do estimate the interest rate at 4.5% so they are prepared for any increases in the interest rate.

No public comment was received.

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

**Contract and Encroachment Agreement Between Lewis and Clark County and Jeffrey and Jheri Flannigan. (Christal Ness)**

Christal Ness, Development Services, presented a contract and encroachment agreement with Jeffrey and Jheri Flannigan for a garage and eave encroaching into an unoccupied utility easement. The utility easement, created upon the platting of the Pleasant Valley Subdivision that was created in 1978. At that time there was no comprehensive review of subdivisions. In order for the owners to more fully enjoy their property, owners have requested an encroachment permit to allow them to maintain the utility easement encroaching of 12 inches into the 10-foot easement for about 22 feet in length. The owners agree they are not receiving any rights to use the County property, that they shall not interfere in any use by utility companies, that the County can cancel this agreement by giving the owners 60-day written notice, that the owners do not hold the County liable for any cost, damage or expense of any kind arising out of the location of personal property in the easement. The contract and agreement will be in effect upon approval. Staff recommends approval.

Ms. Ness stated the utilities go through the road and do not run through the easement. The utilities are marked and there were none marked in the easement. Both the wall and the eave is encroaching the easement. That structure has been there since 1990. It has been bought and sold 3 times and this is just being brought to light.

No public comment was received.

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

**Resolution 2022-85 to Create the Cattle Baron Estates Road Rural Improvement District No. 2022-9. (Applicant: Varyn Land Livestock) (Planner: Phil Gonzalez)**

Phil Gonzalez, Planner I, presented a resolution to create a Rural Improvement District (RID) for Maintenance of Road Improvements for the Cattle Baron Subdivision. A petition was received for maintenance including snow removal, storm water improvements and detention ponds, and all common areas/public improvements within the Cattle Baron Estates Subdivision. Since the petitioner represents 100% of the lands within the proposed RID, the Resolution of Intention process is not required. One of the conditions of approval was for an RID to be created. If the district is created, a public hearing to formalize implementation of the assessments upon benefited properties within the district will be held after the new subdivision lots for the project are entered into the Department of Revenue. Staff recommends approval.

Mr. Gonzalez stated that the RID is being created as a condition of developing a subdivision. The estimates were put together by the engineer and this lines out what maintenance needs done and when. This is the estimated costs for the coming years broke down by cycle. The estimate was calculated by gaining feedback and updating costs to account for inflation. That estimate is brought back to the County and confirmed.

No public comment was received.

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

**Final Plat Application for Cattle Baron Estates Subdivision, SUBD 2022-005. (Applicant Varyn Land & Livestock) (Planner: Phil Gonzalez)**

Phil Gonzalez, Planner I, presented the final plat application for Cattle Baron Estates Subdivision. The Commission approved the preliminary plat on July 21, 2015, subject to 19 conditions of approval. One

of the conditions was to create an RID, which was approved by the Commission earlier this morning. The approval period was not to exceed 3 calendar years. The applicant has requested and received 2 extensions of the approval until 2025. All conditions have been met. The property is adjacent to Sierra Road. This is a 5-lot subdivision. Impacts have been mitigated. Staff recommends approval.

Mr. Gonzalez confirmed the conditions were all met by cooperation from the landowner. They have worked for flood mitigation. They are somewhat delayed and has been working cooperatively with the County.

Greg McNally, Community Development and Planning Director, stated an easement was established for helping with storm water.

No public comment was received.

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

**Resolution 2022-83 to Create the Golden Meadows Road Rural Improvement District No. 2022-07. (Planner: Angie Hubbard)**

Angie Hubbard, Planner I, presented a resolution to create a Rural Improvement District (RID) for Maintenance of Road Improvements for Golden Meadows Subdivision. A petition was received to create the RID for maintenance which includes snow removal, storm water improvements, detention ponds, and all common areas/public improvements within Golden Meadows Subdivision. The subdivision was approved in November of 2020. One condition was to create an RID. Since the petitioner represents 100% of the lands within the proposed RID, the Resolution of Intention process is not required. If the district is created, a public hearing to formalize implementation of the assessments upon benefited properties within the district will be held after the new subdivision lots for the project are entered into the Department of Revenue. Staff recommends approval.

Ms. Hubbard stated that the County Engineer reviewed and confirmed the estimates.

No public comment was received.

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

**Resolution 2022-84 to Create the Golden Meadows Fire Rural Improvement District No. 2022-08. (Planner: Angie Hubbard)**

Angie Hubbard, Planner I, presented a resolution to create a Rural Improvement District (RID) for maintenance of fire protection improvements for Golden Meadows Subdivision. Since the petitioner represents 100% of the lands within the proposed RID, the Resolution of Intention process is not required. If the district is created, a public hearing to formalize implementation of the assessments upon benefited properties within the district will be held after the new subdivision lots for the project are entered into the Department of Revenue. Staff recommends approval.

Ms. Hubbard explained that dry hydrants are not pressurized, the water needs to be pulled out.

Mr. McNally confirmed that it needs to be pulled out but can be gravity fed as well, with a 30,000-gallon storage tanks to satisfy the gallons per minute requirement.

No public comment was received.



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

**Final Plat Application and Subdivision Improvement Agreement for Golden Meadows Subdivision, SUBD 2022-009. (Applicant: Larry Kim Smith) (Planner: Angie Hubbard)**

Angie Hubbard, Planner I, presented an application for final plat and subdivision improvement agreement for Golden Meadows Subdivision. The Commission approved final plat application November 17, 2020, subject to 23 conditions of approval. One condition of approval was to create an RID which was approved by the Commission earlier this morning. A subdivision improvement agreement is included with the final plat. All 23 conditions have been met. Staff recommends approval.

No public comment was received.

was made by Commissioner Rolfe and seconded by Commissioner McCormick. 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 9:53 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