

JEFFERSON COUNTY COMMISSIONERS
COURTHOUSE, BOX H
BOULDER, MT 59632
PHONE 406-225-4025
FAX 406-225-4148

ROBERT MULLEN, CHAIR

LEONARD WORTMAN

CORY KIRSCH

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
May 17, 2016**

Present: Commissioners Mullen, Wortman and Kirsch; Steve Haddon, County Attorney; Jerry Grebenc, County Planner; Marilyn McCauley, Fair Board; Paul Backlund, Bud and Helen Siderits, Jeff Forbes, Terri Kunz, Bruce Brensdaahl, Tom Hayes, David Cooper, Troy Meskimen, Duane and Sue Schaff, Kathy Fisher, Jeremy DeBorde

The meeting was called to order and opened with the Pledge of Allegiance.

MINUTES

Commissioner Wortman moved to adopt the minutes of May 3. Commissioner Kirsch seconded. The motion carried.

REPORTS

Commissioner Mullen noted the receipt of the April Treasurer's report.

CORRESPONDENCE

Commissioner Wortman noted the receipt of and read a letter from Brown & Dinwiddie Attorneys, requesting that the Commission place the question of a Whitehall ambulance special district on the November ballot. He gave a brief overview of the history of the issue. He thinks that we should schedule a public hearing at a regular Commission meeting, to be held in Whitehall. Steve will do some research on how to proceed.

CALENDAR REVIEW

- 5/18 Meeting with Helena National Forest - 10:00
Boulder Senior lunch - noon
JLDC meeting - Boulder - 2:00
- 5/19 Salary compensation committee - 10:00
Headwaters meeting in Philipsburg
Beaverhead-Deer Lodge Working Group - Butte - 1:00
Recreation Committee meeting - Boulder - 7:00
Center for Mental Health - Great Falls - 10:30

COMMISSION REPORTS

Commissioner Kirsch reported that on Tuesday he attended the study circle action committee meeting. They are working on getting organized.

Commissioner Kirsch reported that on Wednesday the Commissioners went to Gardiner for a MACo District meeting.

Commissioner Kirsch reported that on Thursday he attended the STI, CTAC and LEPC meetings in Whitehall.

PUBLIC COMMENT

Bud Siderits stated that he wanted to say thank you to the Commissioners for scheduling the meeting there in Jefferson City; he feels that it means a lot to the community.

Bud presented a letter from the Meadowlark Ridge HOA, stating that the millings on road are much appreciated. He has also talked to other people that travel the road, who also appreciate the improvements.

Bud presented a letter regarding the speed on the interstate; he is asking the Commission to submit a request for a speed study on I-15. He noted that typically 1/3 of the incidents the fire department respond to are accidents. So far this year there have been 7 and there are also a lot of animal/vehicle incidents.

Bud stated that the upper part of Tizer Road, with six homes beyond state lands boundary, is falling apart. The fire department is asking that this be looked into. Commissioner Mullen stated that the County has historically maintained the road up to the bridge and we have discussed this in the past.

ITEMS FOR COMMISSIONERS' ACTION OR REVIEW

AWARD BID FOR FAIRGROUNDS PROJECTS

Marilyn McCauley, Fair Board, stated that they received three bids to side the loafing barn as follows:

Bidder	Bid
Capital Siding	\$24,700.00
Wadsworth Builders Co.	\$59,800.00
Dan Dean Construction	\$26,420.00

The Fair Board recommends Capital Siding; they are the low bidder and primarily a siding business.

Commissioner Wortman moved to award the bid to Capital Siding for \$24,700. Commissioner Kirsch seconded. The motion carried.

Marilyn stated that the next bids are for material salvage and clean up of demolition of a cow shed 22x60 and blacksmith shop 14x31. The bids were as follows:

Bidder	Bid
Scratch Gravel Road Maintenance	\$8,900.00
Wadsworth Builders Co.	\$14,000.00
Swanson Easy Deconstruction	\$0.00 (if Fair Board provides dumpster for material not taken)

Commissioner Wortman moved to award the bid to Swanson Easy Deconstruction. Commissioner Kirsch seconded. The motion carried.

PUBLIC HEARING - BIG SKY ACRES RSID

Commissioner Mullen called the hearing to order and called for comments. No protests were received by the Clerk and Recorder. Hearing no comments, he closed the public hearing.

RESOLUTION 09-2016 RESOLUTION CREATING THE BIG SKY ACRES RSID

Commissioner Mullen read the resolution as follows:

RESOLUTION NO. 09-2016

**RESOLUTION CREATING RURAL SPECIAL
IMPROVEMENT DISTRICT NO. 2524, Big Sky Acres RSID, and,
RURAL MAINTENANCE DISTRICT NO. 2525, Big Sky Acres RMD**

Whereas, on March 29, 2016, and pursuant to Mont. Code Ann. § 7-12-2101, *et seq.* the Jefferson County Commissioners passed and adopted Resolution No. 05-2016, *Resolution of Intent to Create Rural Special Improvement District No. 2524, Big Sky Acres RSID, and, Rural Maintenance District No. 2525, Big Sky Acres RMD*: and,

Whereas, pursuant to Mont. Code Ann. §§ 7-12-2105(2), on April 13, 2016, notice of the passage of the resolution of intent was mailed to each person, firm or corporation owning real property within the proposed RSID and RMD; and notice of passage of the resolution of intent was published on April 13, 2016 and April 20, 2016, in accordance with Mont. Code Ann. §§ 7-12-2105(1) & 7-1-2121; and,

Whereas, the boundaries of the RSID and RMD are particularly described as:

Lots 1 & 2 of Block 1, Lots 1 through 9 of Block 2, and Lots 1 through 9 of Block 3, in Tract B of corrected Certificate of Survey No. 179179, Folio 499-B, being portions of G.L.O. Lot 5 and portions of the SW 1/4, NW 1/4 of Section 2, Township 9 North, Range 3 West of the Principal Montana Meridian, Jefferson County, Montana; and,

Lots 1 through 5 of Certificate of Survey No. 181804, Folio 517-A being a tract of land located in the NW 1/4 of Section 2, Township 9 North, Range 3 West of the Principal Montana Meridian, Jefferson County, Montana.

The exterior boundaries of the RSID and RMD and the lots within the exterior boundaries are depicted in Certificate of Survey Nos. 179179 and 181804, attached as Exhibits A and B, respectively and incorporated by reference; and,

Whereas, the properties within the exterior boundaries of the RSID and RMD are described in the legal description section of the *Petition to Form RSID for Hard Surfacing Roads in the Big Sky Acres Subdivision in Northern Jefferson County*. Attached as Exhibit C and incorporated by reference. These properties are declared to be the area of the proposed RSID and RMD which will benefit from the RSID and RMD, and each of which will be assessed the costs of the RSID and RMD; and,

Whereas, the RSID is created for the purpose of design, engineering, and construction

improvements which will consist of grading and shaping of the road section, minor drainage improvements, and placing a double shot chip seal driving surface on Antler Avenue, Brow Tine Boulevard, North Spike Street, South Spike Street, Bull Elk Boulevard within the Big Sky Acres Subdivision and Summers Minor Subdivision in Jefferson County. The total length of the of the improvements is approximately 1.3 miles. The finished road width will be 24 feet. The interior roads of Big Sky Acres Subdivision and Summers Minor Subdivision are existing gravel roads which have adequate gravel drainage structures. Drainage improvements, where necessary, are expected to consist of grading necessary to improve surface conveyance. The Improvements also include 300 linear feet of access serving the Haynes property within Big Sky Acres Subdivision.

The RMD is created for the purpose of chip sealing Antler Avenue, Brow Tine Boulevard, North Spike Street, South Spike Street, Bull Elk Boulevard within the Big Sky Acres Subdivision and Summers Minor Subdivision in Jefferson County, on a 5 year cycle. The chip sealing estimate is based on 1.3 miles total length and area of cul-de-sacs. The RMD may be amended in the future to include costs associated with road maintenance apart from chip sealing; and,

Whereas, the total RSID cost is estimated at \$195,100.00 (one hundred ninety-five thousand one hundred dollars). The costs of the RSID improvements and costs incidental thereto are to be paid from the rural special improvement district bonds and are estimated to total \$195,100.00 (one hundred ninety-five thousand one hundred dollars), including total construction costs, total RSID bond costs, and incidental costs. The bonds are payable primarily from special assessments to be levied against the property in the District, which property will be specially benefitted by the Improvements in an amount not less than \$195,100.00. The total estimated annual cost and a breakdown of the line item costs included in the total estimated cost for the RSID Improvements are detailed in Exhibit D; attached and incorporated by reference.

Each lot within the RSID shall be assessed an equal amount based upon the total costs of the improvements. The total RSID estimated cost per lot is \$7,804.00 (seven thousand eight hundred four dollars). The estimated annual assessment for the RSID Improvements is \$726.00 (seven hundred twenty six dollars) per lot and will be assessed over a 15 year period. The total estimated cost per lot of the RSID improvements and the total estimated annual cost of the RSID Improvements are detailed in Exhibit D.

Each lot within the RMD shall be assessed an equal amount based upon the estimated costs to chip seal the roads within the RMD on a 5 year cycle. The total annual maintenance assessment for the RMD is estimated at \$1,132.00 (one thousand one hundred thirty two dollars). The estimated annual assessment for the RMD is \$407.00 (four hundred seven dollars) per lot. The total estimated cost per lot of the RSID improvements and the total estimated annual assessment and per lot assessment of the RMD are detailed in Exhibit D. Estimated costs are subject to change in the future.

If an increase occurs in the number of benefitted lots within the boundaries of the RSID and RMD, the annual assessments per lot then in the RSID and RMD will be recalculated as provided in Mont. Code Ann. § 7-12-2151(4); and,

Whereas, public comment on, and protests to, the creation of the RSID and RMD was taken at a Public Hearing of the Jefferson County Commissioners on May 17, 2016. Following the close of public comment and protests, the Jefferson County Commissioners voted to approve Resolution No. 09-2016 and create Rural Special Improvement District No. 2524, Big Sky Acres RSID, and, Rural Maintenance District No. 2525, Big Sky Acres RMD.

NOW, THEREFORE, BE IT RESOLVED, Rural Special Improvement District No. 2524, Big Sky Acres RSID, and, Rural Maintenance District No. 2525, Big Sky Acres RMD, are hereby created.

Passed and Adopted by the Board of County Commissioners of Jefferson County, Montana, this 17th day of May, 2016.

Robert Mullen
Chair

Leonard Wortman
Commissioner

Cory Kirsch
Commissioner

Attest:

Bonnie Ramey
Jefferson County Clerk and Recorder

Commissioner Kirsch moved to approve the resolution. Commissioner Mullen seconded. The motion carried.

RESOLUTION RELATING TO INTERCAP LOAN

Commissioner Mullen read the resolution which outlines the terms of the loan between the Department of Commerce Board of Investments Intercap Loan Program and the County. The funds will be used for fairgrounds improvements.

Commissioner Kirsch moved to adopt the resolution. Commissioner Mullen seconded. The motion carried.

DISCUSS AND DECIDE ON DeBORDE ZONING VARIANCE REQUEST

Commissioner Mullen stated that they Commission has put this decision off a couple times in order for them to consult with the Planner. He asked if the other Commissioners are ready to make a decision at this time.

Commissioner Wortman stated that he has done some more research on the definitions and discussion that went on during the zoning meeting. He was mistaken that someone could have two homes and a family hardship dwelling. Under the definition of a family hardship dwelling, it is temporary.

Jerry Grebenc, County Planner, stated that the situation is that if they want to build a permanent structure, they would have to remove the existing mobile home. If they wanted a temporary dwelling, it would have to be removed at the point it was no longer needed.

Commissioner Kirsch moved to deny the zoning variance request appeal. Commissioner Wortman seconded. The motion carried.

Commissioner Mullen stated that there is another process for a conditional use permit. A dwelling could be put in place for a family hardship, but it would have to be temporary. If the DeBordes wanted to do that, they could probably roll over the application. Commissioner Wortman stated that if they decide to go that route, he would be in favor of waiving the fee. Commissioner Kirsch stated that he would like to start the process over again, just to make sure that the neighbors are aware of the change.

Steve stated that his thoughts are in line with Commissioner Kirsch's; the original process was noticed, had a public hearing, etc. The Commissioner will want to continue to follow the proper procedure going forward, especially because there are several people that have expressed concern with an additional dwelling.

Jerry explained that a conditional use permit is essentially means that it is a use that must be approved as long as the impacts are conditioned. In the zoning for the R4 there is a list of permitted uses; those can occur as long as people meet setbacks, building heights without needing to be conditioned. The conditional uses are uses that are approved as long as you feel that you have mitigated any potential impacts. You really can't say no if you feel that you have mitigated the impacts. The reason that they are called conditional uses is simply to address any impacts.

Commissioner Mullen asked about the potential impact to the water system, which has been a concern of some. He asked if anything can done with that. Jerry stated that the key here is that the dwelling is temporary, so there will be a temporary impact.

Commissioner Wortman stated that he feels bad about this process; it seems senseless to hold another public hearing to discuss what we've been discussing for the past month, just to avoid potential litigation.

The DeBorde family will discuss the issue to decide how they want to proceed.

DISCUSS DESTINY HILLS RMD FEE INCREASE

Commissioner Mullen stated that we have been involved with this for about a year. There has been some confusion regarding the percentage of people who sign the petition for the increase. The Commissioners wanted to sit and have a discussion with the homeowners. Steve Haddon, County Attorney, stated that the percentage of lot owners required to increase the fees is based in a resolution which requires a 2/3 vote in favor of the increase.

Commissioner Wortman asked why there is discrepancy in the counting, if it is based on the number of lots within the district.

Steve stated that where the disconnect comes into play is with the lot owners on Nona Lane. If you look at the documentation that supported the original petition and resolution of intent, it mentions the owners of lots in Destiny Hills and Nona Lane.

Jeff Forbes stated that when he and his wife originally looked at land in the subdivision, it was evident that a Home Owners Association had been set up by developer. What they didn't know at the time is that there were lots and tracts in subdivision. If you bought a lot, you had to pay, if you bought a tract, you didn't have to pay. They muddled through with no money for quite a while with little to no money, but everyone accessed their property from Destiny Lane. So, there were a few that were paying for everything. That was when they got together, met with the planner and got the RID set up. There are several roads that aren't part of the RID because of the way that it was set up, that they also take care of as they can.

Steve drew a rough outline of the exterior boundaries of the district, noting that Nona Lane is not within the district, but is assessed at a lower rate. In the petition paperwork that was filed there was a provision for an annual increase of 3% for Nona Lane but assessed at a lower rate, but that language didn't make it into either of the resolutions. When it comes to increasing what the landowners in the RID pay, the resolution states that the rate can be increased with a two-thirds vote of the lot owners. He doesn't have a problem with that - the problem he has is that they also want to increase the assessment on the lot owners on Nona Lane, but they don't have a vote.

Bruce Brensdaahl stated that the petition mentions a 3% increase, and the petition is noted in and attached to the resolution, so he thought that was covered. They are looking at under \$200, so it is not a big deal if the Nona Lane residents don't get an increase. If they just count the 30 lots within the boundaries, they have over 70% approval.

It was asked if there is any way to assess people outside the district who use the roads. Commissioner Mullen stated that it can't be done without bringing them into the district.

Jeff stated that they live in a beautiful area and two things are needed - good water and good neighbors; things like this can tear neighborhoods apart.

Commissioner Mullen asked what amount of increase are they asking for. Bruce stated that they would like to double the assessment; lots with a dwelling would go from \$300 to \$600 and empty lots from \$150 to \$300.

Steve stated that he wants to double check his numbers, but he is fairly positive that have the needed approval from the lots within the district.

APPOINT FIRE TRUSTEE

Commissioner Mullen read a letter from the Jefferson City Fire Department noting that one of their fire trustees, Ben Braman, has moved to Kentucky. They are requesting that Bret Lian be appointed to serve in his stead.

Commissioner Kirsch moved to appoint Bret Lian to the Board of Trustees for the Jefferson City Volunteer Department. Commissioner Wortman seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

BOB MULLEN, CHAIR

LEONARD WORTMAN, COMMISSIONER

CORY KIRSCH, COMMISSIONER