

**PUBLIC MEETING**  
**May 3, 2005**

Chairman Ed Tinsley called the meeting to order at 9:00 a.m. Commissioners Varone and Murray are present. Others attending all or portion of the meeting included Ron Alles, Jerry Grebenc, Marni Bentley, Carol Hanel, Byron Stahly, Lindsay Morgan, Michael McHugh, and Carole Byrnes, Dean Retz, Cheryl Schmidt, Billy Christianson, John Pruett, Darrell Silvan, Jeremiah Tieys, Chris Yde, Van Hidlreth, Scott & Sue Stave, Joe and Judy Jurenka.

**Pledge of Allegiance.** Everyone recited the Pledge.

**Bid Opening.**

Byron Stahly, Stahly Engineering: He reported two bids have been received for the Lewis and Clark County 2005 RID Maintenance Projects.

1. Helena Sand and Gravel, Inc. Receipt of addendum #1, required bid bond is included. The total base bid \$238,238.45.
2. Big Sky Asphalt 1220 North Ruse, Bozeman. Receipt of addendum #1, required bid bond is included. The total base bid \$225,069.64.

Commissioner Murray: He moved to take the bids under advisement and return bids to staff for review and recommendation to the Board of county Commissioners at a future public meeting.

Commissioner Varone: She seconded the motion.

Motion passed 3-0.

**Resolution Levying And Assessing A Tax Upon All Benefited Property Within The Applegate Rural Improvement District No. 1994-6.**

Marni Bentley: Marni reported the resolution to generate funds for a chip seal project on Applegate Drive and to set aside funds for future maintenance. Staff recommends approval of the resolution. The district includes Norris Drive, Applegate Road and John G. Mine Road. Notice was published in the Independent Record and letters were sent to all property owners within the district. The assessment is set at \$29.22/per year for 7 years and \$41.29/per lot for ongoing activities.

Commissioner Varone: Asked about an email received from Jeff and Lisa Blanford that asked if Greenfield Loop was included in the RID.

Marni Bentley: She stated it did not include Greenfield Loop.

Commissioner Tinsley: Opened it up for public comment.

John Pruett, 7094 Applegate Drive: He is opposed. Has been paying into a fund since 1994. He's concerned about what happened to that money. Greenfield Loop residents should be included because they used our road, Applegate Road, as a haul road when building. Bullock Construction, out of Boulder, tore the road up and locked the gate on us. Why are they exempt? He's not opposed to \$30/year for the next 7 years, but he's concerned about they way certain things are being handled at this time.

Chris Yde, 7035 Jockey Drive: Silver Creek crossing has been a problem. There's a dip there and it was fixed last year by Lewis & Clark County and is not happy with how it was fixed it and said if that's an example of the maintenance he'll be paying for he's not happy. He thinks chip

seal and a coat would only hide the problem. Whose suppose to fix the road off Applegate? The ends were torn off almost every culvert with trucks. He has been putting money in already for a maintenance fund. The increase has been from \$15 to \$41 and there are more landowners and he wants to know what happened to the money, what they are going to get and the quality. He's not opposed to the assessment is the maintenance is quality. He asked that the Commissioners take a look at the dip.

Commissioner Murray: He said he would explain at the end how the dip was actually engineered in.

Cheryl Schmidt, 7092 Applegate: She has some of the same concerns. She said they spent a month and half patching that road is it's substandard. In 1994 she was told when the initial imposed RID came about, she was told that if they pay this money, it would be a "done deal" and the county would take over responsibility of the road. That did not happen. Last year, the county sent her and others a check stating the county had an excess of money in that fund and now there is no money? 1) Did maintenance money go into the general fund? 2) Is new money going to maintenance fund or general fund? 3) What happened to other maintenance money because the work does not match the payout? 4) Who else gets to use the money if it goes into the general fund (explain letter)? A large volume of traffic is not from residents. She doesn't mind paying the maintenance fund if the work is above substandard this time. She has a spreadsheet of everything spent on that road and it did not equal what they have paid in. She wants to know why they don't have any say in the maintenance quality if they are footing the bill?

Dave Garding, 7090 Applegate: He's in opposition. He understood in the past that after original loan was paid off, it was to be reverted to maintenance fee for the future and that every 7 years the road would be chip sealed and maintained. The road has never been chip sealed. He doesn't want to continue to pay for that kind of incorrectly done maintenance.

Darryl Sylvan, 330 Yellow Springs Road: He opposed the RID because of the maintenance. The upkeep hasn't been there and there are holes that haven't been patched all spring. Griffin Road residents are paying for the asphalt road and they drive on unpaved roads.

Hearing no other comments, the public hearing was closed.

Marni Bentley answered questions for Cheryl Schmidt:

1. RID money cannot go into the general fund and cannot be used for anything else other than what it is intended for. Regarding the refunded money, the original resolution was written because the original assessment was changed.
2. The Intercap requires the county provide collateral for the loan.
3. Ms. Schmidt may not have been given the debt service spread sheet, only the maintenance fund spreadsheet. This cannot be answered without seeing which spreadsheet it was.
4. Ron Alles stated the county has never agreed to take over maintenance of the road. The money is also used to snowplow, fill potholes and try to save the money so in 10 years or so they can still chip seal. \$15 does not generate enough money to chip seal so that's the purpose for this rate increase. It's unfortunate, but \$15 will not longer cover it.

Carol Hanel answered questions regarding the 7-year chip seal: They were paying into a fund for a chip seal. Applegate RID does include John G. Minor, Norris Rd and Applegate. Norris Road and John G. Mine roads were all chip sealed 2 years ago, but there are more needed repairs. They did do a skin patch repair last time to hold the road together before the chip seal could be done and that's why we are here this year asking for funds.

Commissioner Murray: He stated there may have been a misunderstanding of the time because they gave a range of 7 to 10 years, so the residents did think it was 7 years and he feels the county is responsible for the misunderstanding.

Carol Hanel: She stated that with the patch repair that the road should be chip sealed no later than this year for that to be quality.

Commissioner Murray: He moved to approve the resolution and authorized the chair to sign.

Commissioner Varone: She seconded the motion and it carried unanimously.

Commissioner Murray: He asked that Nancy Everson, Chief Fiscal Officer, prepare a complete history of the Applegate RID with revenue in and revenue out and make it available to residents who would like a copy. An annual audit is done to insure no funds are mixed with the county RIDs and the integrity is preserved. He asked that the gate on Norris road, which should be open for the public, be discussed at a future public meeting.

**Emerald Ridge Major Subdivision Final Plat Signatures And Subdivision Improvements Agreement.** (Applicant, Rio Group/Joe Jurenka)

Michael McHugh, Planner: He reported the agreement for bonding is in the amount of \$50,000. It was reviewed by County Public Works and Lakeside Fire District. Staff recommends approval of the agreement and final plat.

Commissioner Varone: She moved to approve the agreement and authorize the chair to sign.

Commissioner Murray: He seconded the motion.

The motion carried unanimously (3-0) and by consensus, the Commissioners agreed to sign the final plat at the conclusion of this meeting.

**Proposed Minor Subdivision, Preliminary Plat To Be Known As Silver City Airpark Estates II (reviewed under the NEW regulations).** (Applicants, Gary and Ann Baker) They propose to create 2 lots, both for a single-family dwelling. The property is generally located south of and adjacent to Lincoln Road and west of and adjacent to Birdseye Road.

Billy Christianson was present representing the applicants indicated his willingness to proceed.

Lindsay Morgan, Planner: Staff recommends the applicant should dedicate a 60-foot easement between two proposed lots for a future road connection, but shouldn't be constructed until there is a need for it. A new driveway would need to be constructed to provide access to the trailers. Staff recommends sharing one approach since it is a state highway.

Billy Christianson: The state gave permission to use the highway. The airstrip has been abandoned. They need 2 easements to the west and east halves of the property or it will ruin the market value of the property. An easement 60-foot wide would take away many acres. So he requested the review period be extended to May 20 to work on problems.

Commissioner Varone: She moved to grant applicant's request and extend the review period.

Commissioner Murray: He seconded the motion.

Commissioner Murray: She moved to render a final decision Tuesday May 17.

Commissioner Varone: She seconded the motion and it carried unanimously.

Public comments on matters not mentioned above.

There is no other business, the meeting adjourned at 9:56 a.m.