

PUBLIC MEETING
May 17, 2005

Chairman Ed Tinsley called the meeting to order at 9:00 a.m. Commissioners Tinsley, Varone and Murray are present. Others attending all or portion of the meeting included Ron Alles, Jerry Grebenc, Lindsay Morgan, Carol Hanel, Marni Bentley, Wayne Noem, Eric Griffin, Rich Meyering, Jason Mohr, Dean Retz, Gary Baker, Billy Christianson, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the Pledge.

Update On Secondary Roads In Lewis & Clark County.

Wayne Noem, Montana Department Of Transportation, Great Falls District: Lewis & Clark County is part of the Great Falls District. He handed out updates of the projects, where they are in the program, what activities have been completed, and what still needs to be done. The anticipated let date of the projects are listed, but one thing that has happened is that gas, steel and concrete costs have gone up and it forced some projects out and slowed down all projects. Another thing is that we have no highway transportation bill at this time. They moved several projects out into October 2005 because there is no more reserve funds in our state account to let any more projects. The Canyon Ferry Road project has been split in order to keep it fiscally constrained. The estimated let date is based on a tentative construction plan, but it's still awaiting the highway bill.

Consent Action Items:

- A. Contract And Encroachment Agreement For Eastgate Water And Sewer Association. The Commissioners will consider a new 10" water main extension from the intersection of Buttercup Street and Lake Helena Drive, down the length of Buttercup Street to the Eastgate water tank.
- B. Resolution [establishing Lewis and Clark County as a first class county and setting salaries for certain elected officials.](#)
- C. [Resolution setting the salary for Lewis and Clark County Justice of the Peace and establishing office hours.](#)

Commissioner Murray moved to table Items B and C back to the Compensation Board for review. Commissioner Varone seconded the motion and it carried unanimously (3-0).

Commissioner Varone moved to approve Item A and authorized the chair to sign. Commissioner Murray seconded the motion and it carried unanimously (3-0).

Resolution Levying And Assessing A Tax Upon All Benefited Property Within The Cave Gulch Rural Improvement District No. 2004-5.

Marni Bentley: This is to assess a property already in the district. It was BLM property that was transferred to private ownership within the last year. According to the original resolution, the rates are to be adjusted upon transfer of property. Staff recommends approval of the resolution to assess \$303.28 per geo code per year until the loan is paid in full or approximately 10 years. This lowers the rate from last year. Hearing no comments, the public hearing is closed. Commissioner Murray moved to approve the resolution and authorized the chair to sign. Commissioner Varone seconded the motion and it carried unanimously (3-0).

A Resolution Of Intention To Create Rural Improvement District No. 2005-4 For Raven Road and Black Mountain Drive.

Marni Bentley: The resolution is to create an RID for Annual maintenance of \$200 for developed property and \$50 for undeveloped property. The Planning Department received a petition from landowners in the Raven Road area to create a RID for Raven Road and Black Mountain Drive. 62% of the property owners signed the petition. Staff recommends approval of the resolution. Commissioner Varone moved to approve the resolution and authorized the chair to sign. Commissioner Murray seconded the motion and it carried unanimously (3-0). Commissioner Murray asked if the RID could go on the tax roll this year and if passed 30 days from now, if the work could be completed this summer. Marni Bentley stated that it would be on next year's tax bill since the deadline is January 1. They are aware if they do need maintenance, like snowplowing, they can borrow money against that.

A Resolution Of Intention To Increase The Lakeside Fire Service Area Rates.

Marni Bentley: The Lakeside Fire Service Area Board of Trustees requested a new fee structure for their area. The current flat rate is \$132 for properties with a structure. The new fee structure is based on valuation of the property and an increase of \$16 so the rate will increase \$16 per \$1000 taxable valuation. Staff recommends approval of the resolution. If this is passed, the public will be notified.

Commissioner Tinsley stated that Lakeside Fire is currently in negotiations with York and Canyon Ferry Fire Departments at this time to possibly join into one district. What is the need for this resolution right now if that's the case?

Marni Bentley responded that the proposed fee schedule is the same one Canyon Ferry Fire Service Area would be annexed under if that process follows through. Lakeside Fire needs that increase regardless of what happens with that consolidation. York has dropped out of the negotiations.

Ron Alles stated that Rich Meyering, Chairman of the Lakeside Board of Trustees, is also present for questions.

Commissioner Varone asked about the taxable value of improvement how they decided upon the amount of the fees.

Marni Bentley: The Lewis & Clark County Fire Service Area is similar and has a graduated fee system based on the taxable value of improvement.

Rich Meyering, 5505 Rainbow Drive: The concept of proposing a variable fee was determined at looking at the past fee structure and how we periodically requested increases to the board. We figured in incremental fee increases over time. There are smaller residences, like trailers, competing with huge homes in new subdivisions and we felt it was only fair that it should be based on size/value of the protected property. It does not include the land, only the structure itself. We put a cap on it of \$300 for residential properties. The initial proposal was at \$20 and we thought that was too high so we lowered it down to \$16. We may even lower it to \$15 if the residents find it's too high. There is a minimum fee of \$120 per property.

Commissioner Murray moved to approve the resolution and authorize the chair to sign. Commissioner Varone seconded the motion and it carried unanimously (3-0).

Proposed Minor Subdivision, Preliminary Plat To Be Known As Silver City Airpark Estates II (reviewed under the NEW regulations). (Applicants, Gary & Ann Baker) (Continued from 05/03/05)

Lindsay Morgan: The applicant would like to create 2 lots, both for a single-family dwelling. The property is located in the SE ¼ of Section 36, T12N, R5W; generally located south of and adjacent to Lincoln Road and west of and adjacent to Birdseye Road. The applicant would like to jog the lot boundaries between lots 1 and 2 so they can use their existing approach. As long as both lots remain over 20 acres there would be no DEQ review. An illegal approach on Birdseye Road is currently being used to access a trailer home. There is an approved county approach to use also. If the Commission approves this plan, some of the conditions of approval will need to be changed.

Commissioner Varone moved to approve the proposal as presented with the new plan and subject to 12 conditions as proposed by staff. Commissioner Murray seconded the motion.

Condition #3: Must receive an approach permit from MDT. They will use the existing approach. The illegal approach shall be eliminated or obliterated. The borrow ditch must be restored. Commissioner Varone moved to delete Condition #3 and authorized the chair to sign. Commissioner Murray seconded the motion and it carried unanimously 3-0.

Condition #7f: the no access restriction. Add: "With the exception of the approved approach on Birdseye road". Commissioner Murray moved, Commissioner Varone seconded the motion and it carried unanimously 3-0.

Condition #10.c: Should read "Elimination of illegal approach onto Birdseye Road and borrow ditch restored". Commissioner Murray moved to approve and Commissioner Varone seconded the motion and it carried unanimously 3-0.

The 12 conditions of Approval carried unanimously in favor of (3-0)

Reciprocal Fire Protection Agreement. (Continued from 05/10/05). Ron Alles reported the purpose of the agreement is to provide mutual aid to Fort Harrison. In return Fort Harrison will pay \$10,000 to those departments. The money will be deposited into the rural fire council to purchase items for all departments. It has been approved by the Deputy County Attorney's office. This does not impact the city. Staff recommends approval of the agreement. If approved the agreement will be signed by Baxendale, West Valley and Rural Fire Council. Commissioner Murray moved to approve the agreement and authorize the chair to sign. Commissioner Varone seconded the motion and it carried unanimously (3-0).

Public comments on matters not mentioned above.

There is no other business, the meeting adjourned at 9:40 a.m.