

PUBLIC MEETING
June 7, 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, Frank Rives, Michael McHugh, Phil and Terry Lamping, Wendy Ochadleus, Bill Ries, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the Pledge.

(Tape #1/Side A starts here)

Consent Action Items. There are no consent items.

Request for Modification Of Approval For EZ Access Storage Minor Subdivision.

(Applicants, Phil & Terry Lamping) (Continued from 05/12/05) The commissioners will consider the modification request.

Frank Rives: He reported that the Lampings contacted the Board of Trustees of the Eastgate Fire Department to set up a time to meet with them. They received a letter from the trustees stating that the trustees are backing Chief Mergenthaler's fire protection plan and didn't see any reason to meet. The lampings are once again asking for a request for modification of the conditions of approval.

Commissioner Murray: On his way to the Fire Council meeting last night he drove by the storage units. It appears they are open and are occupied. Is that true?

Frank Rives: He has not investigated in the last few months, but this same matter was brought to my attention months ago and I did an investigation and I found they were advertising for rental units and at least one unit had a paddle lock on the door. At that time staff sent a cease and desist order to stop advertising until they met the final plat approval. They are not permitted to operate the unit until final plat. It's not the policy of the Planning Department to go forward in the enforcement as long as we're working with the applicant. I have kept the County Attorney and the Code Enforcement Officer in the loop regarding any new developments. That's what brings us here today. We are working through the process.

Commissioner Murray: I realize we are working on the process, but were you aware of that?

Frank Rives: No, I was not aware of any advertising.

Commissioner Tinsley: He also drove by the storage units last night and observed a vehicle unloading things into a storage unit and a there was a sign that read, "Now Renting and Open" and the gates were open. Are they allowed to operate prior to final plat?

Frank Rives: No they are not.

Commissioner Tinsley: They are not allowed to operate prior to final plat?

Frank Rives: No they are not.

Commissioner Tinsley: Are the Lampings here this morning? Are there any other questions for staff? Mr. and Mrs. Lamping, would you like to come up? You understand you cannot operate this until it's been final platted, correct?

Terry Lamping, 3789 Highway 12 East, East Helena: I understand that. We have as you know

consulted with an attorney advised to cease collecting rent from anyone using the storage units. We have not been collecting any rent since we received the cease and desist letter.

Commissioner Tinsley: So you are allowing people to use the facilities, just not collecting rent for it?

Terry Lamping: That's correct.

Commissioner Tinsley: Frank, what is your opinion of that?

Frank Rives: I'm not attorney so I can't give you a professional opinion, but personally I would say that's not in accordance with the final preliminary plat approval.

Jerry Grebenc: He stated that while the subdivision is under preliminary plat approval, technically the lampings could withdraw the proposal, put in their own mini-storage unit and let friends use it and the county wouldn't have anything to say about it. Enforcement is difficult.

Commissioner Tinsley: Jerry, where do you suggest we go from here?

Jerry Grebenc: The next step is for the commission to determine whether there is enough evidence to schedule a public hearing to hear their request for modification of approval. This is a 2-step process. It's like a mini-subdivision review, but there is not statutory timeframe.

Mrs. Lamping: I'd like to add one comment regarding the storage units and how we could withdraw our request. I did go to the County Planning Department and spoke to Christal in the permit office to review files of similar mini-storage units that had the house on the property, the same thing as us. She was not able to get me any files because no one else has gone through this process even though it's required. I asked if I could then withdraw my request for the subdivision. She said that I could. I asked what would happen if I did and she said I'd receive a letter from the County Attorney. So that's why we are still continuing on with this process.

Jerry Grebenc: I would be happy to provide several case files in which there are houses and mini-storage units that have gone through subdivision review. Why Christal was not able to provide those to Mrs. Lamping, I don't know. I've done at least 2-3 myself.

Terry Lamping: When I went to Christal, I had list of specific businesses for mini storage units that I had gotten from the Department of Revenue to insure that I was looking at the right thing, that the mini-storages were on the same piece of property as the home. That's why I went up there with specific names of businesses within the East Helena area. The files were not there. We gave you a copy of similar preliminary plat just like ours right down the street from us. We received a letter from the state Fire Marshal, which states that the Eastgate Volunteer Fire Department is not certified to enforce the NFPA1 Uniform Fire Code. The letter from the Board of Trustees said they are not willing to work with us and they held their meeting about us without us. Regarding the initial response they received from the Eastgate Fire Service on August 18, the EFS wrote that they wanted the proposed subdivision to be held to the proposed regulations or the commissioner's decision postponed until implementation of new subdivision regulations. At that time they were pushing for the subdivision regulations right from the beginning. You agreed that neither of the conditions can be placed upon us by the EFD. Yet when you look at the demands they made (the \$1000) was right out of the new subdivision regulations. We are grandfathered in under the old subdivision regulations and we are not required to pay that. We only disagree with the two-hour fire-wall and the submittal of \$1,000 for fire protection services. It is up to the state labor & Industry building codes department to determine what the requirements should be. We will ensure that the new buildings are built to code and work closely with their office. We've provided all weather access roads to the development. We've complied with all the state/international building codes. The old subdivision regulations state is

not mandatory to go through a public comment process. Mr. Mergenthaler was invited to come and look at the buildings and he has refused. He told us building a metal building was the worst thing we could do. He told us that putting in fire extinguishers would do us no good, but we put them in anyway. We asked him to quote the code that he refers to in his demands and he's failed to do so. We asked for proof that other mini-storage businesses within the EFD have donated \$1000 or any money and he's failed to show us any proof. What makes our storage units so much more lethal than the other 6 units within the EFD. We feel there is a conflict of interest because the president of the board of trustees is also married to the fire chief. We believe the fire chief and his consultant have pulled in demand not required of us from the new regulations. The fire chief is not certified to enforce the code. There is no statute that says we should pay the \$1000 fee. We have met all the requirements of the old subdivision regulations, but all the requirements put on a similar subdivision placed on a similar storage unit within the EFD. With all the facts and evidence we feel that you have been provided with enough evidence/information to bypass the public hearing process and grant us final plat approval for our minor non-resident subdivision.

Commissioner Murray: What is a 2-hour fire wall and what is your understanding of it?

Mrs. Lamping: 2 sheets of fire code sheet rock. But Mr. Mergenthaler is requesting 4 sheets of fire code sheet rock.

Commissioner Murray: So we're arguing today about 2 inches of sheet rock in the buildings already built?

Mrs. Lamping: That and \$1000.

Commissioner Murray: Previously in your correspondence you indicated that you paid \$500.

Mrs. Lamping: We submitted a check to the planning department for the EFD and it was returned to us. We resubmitted the check again to the planning department and they have it now.

Commissioner Murray: So it's been found. You indicated last time we talked that you didn't know where the check was. Or the fire department indicated that, one of you did.

Mrs. Lamping: No, it's been with them the whole time.

Commissioner Murray: Is that normal procedure that the check stays with the planning department?

Frank Rives: Until final approval, yes.

Commissioner Varone: She believes the applicant has provided sufficient evidence and moved to approve the request for modification and authorized the chair to sign.

Commissioner Tinsley: Is there a second? Hearing no second the motion dies for the lack of a second.

Commissioner Murray moved to deny the request for modification of approval.

Commissioner Tinsley seconded the motion.

Commissioner Varone: She said it's obvious they are at conflict. Letters were received a few weeks ago from the attorneys from the state Department of Labor stating the applicants have complied with all requirements. The additional letter from the state Fire Marshal is as much if not

more concern for me stating the officials we rely on are not certified. The \$1000 demand did not take effect until the new regulations were adopted. I don't recall approving a \$1000 demand on the old subdivision regulations.

The motion carried 2-1. Commissioner Varone voted no.

Mrs. Lamping: What is your exact concern.

Commissioner Murray: His concern still lies with the fire district board of directors and the Lampings. It appears their concerns are 2 inches of plaster board and an additional \$500 fee.

Mrs. Lamping: She asked if the houses can be moved off the property would it make all of this null and void?

Jerry Grebenc: He stated he would first need to look over all the information, but probably yes.

Mrs. Lamping: So we can move our house over 10 feet onto the other piece of property and that would make this null and void?

Jerry Grebenc: If that were the case, yes,

Proposed Abandonment of an Alley Right-of-Way in the Bradford Addition Block 188.

(Principal Petitioners, Jerry Hamlin and James Reynolds) The Commissioners will consider the request to abandon and vacate approximately 102 foot segment of alley right-of-way to permit for realigning the common property boundary between Lots 6A and 8A.

The applicants are present and indicated his willingness to proceed.

Michael McHugh: He presented the staff report. The applicants are proposing to abandon an alleyway on block 188. The Bradford Addition was established in 1887. There are no utilities in this alleyway. City public works department did not offer comments. Commissioner Varone inspected the site and recommended approval of the abandonment of the alleyway due to the development of the home. If this is approved there will need to be three conditions met: (1) property to be resurveyed (2) a quitclaim deed to be filed with Clerk and Recorder office. The property will eventually be annexed into the city of Helena. Staff has determined the alleyway is not necessary and recommends approval of the proposal subject to 3 conditions as contained in the staff report.

Commissioner Murray: Do the applicants own the land to the south?

Michael McHugh: One of the applicants owns the property to the south and the other applicants owns the property to the north. One of the lots is currently up for sale and the potential buyer has signed off on the petition.

Jerry Hamlin, 1625 University Street: He has been maintaining the alley and wants to realign the common boundaries between the properties to preserve the state of the land.

Commissioner Tinsley: The public hearing was opened for public comment. Hearing no comments, the public hearing is closed.

Commissioner Varone moved to approve the abandonment and authorized the chair to sign the necessary documents. Commissioner Murray seconded the motion and it carried unanimously.

Michael McHugh: For the record, a resolution will have to be signed eventually.

Proposed Abandonment of Hewins Addition Block 2. (Principal Petitioner, East Side Storage) The Commissioners will consider the request to abandon and vacate a 20-foot wide alley (121 feet in length) right-of-way to combine property on both sides of the alley right-of-way to allow for a new mini-storage business.

Michael McHugh: He presented the staff report. The petitioners are the only property owners with this proposal. The roads are built to a gravel standard. There is an underground fiber optic cord in the ground. The utility company did not object, but a 10-foot utility easement would have to be put in or relocation of the utilities will be required. The East Valley Fire Department said it wouldn't be an impact. A weed management plan will be required. Commissioner Varone and staff from Public Works visited and inspected the site. Staff concludes this alleyway be abandoned with 5 conditions. A resolution will have to be filed when it's restructured if it passes.

The applicant was present, but had no comments. The public hearing was opened for public comment. Hearing no comments, the public hearing was closed.

Commissioner Murray moved to approve the abandonment of the alleyway subject to 5 conditions as recommended by staff and authorize the chair to sign the necessary documents. Commissioner Varone seconded the motion and it carried unanimously.

Proposed Minor Subdivision, Preliminary Plat To Be Known As North Hills Lot 82. (Applicant, Wendy Ochadleus) The Commissioners will consider a proposal to create one additional lot for one single-family dwelling. Property is located in the NW1/4 of Section 9, T11N, R3W; generally located north of and adjacent to No Creek Court and approximately one-half mile east of Glass Drive.

The applicant is present and indicated her willingness to proceed and is represented by Bill Ries.

Michael McHugh: He presented the staff report. There has been a previous denial on this property. It would require additional review by agencies. (Forgot to turn on the tape) Prohibit a dead end road in excess of 700 feet. Variances for road construction on No creek court and sleeping giant view drive. Per Lewis & Clark County Fire; tank installation with wet hydrant or pay \$1,000 fee per new lot and fuel modification plan to be submitted. Five year weed management plan to be submitted. No floodplain or steep slope. There are access limitations and length of dead end road. There is potential for seismic activity. Three variances: road construction standard on Sleeping Giant View Drive and No Creek Court and a dead end road in excess of 700 feet. Property is located within the Lewis & Clark County Fire Service Area. Staff recommends approval of the proposal subject to 11 conditions as contained in the staff report. If the variances were to be granted then modifications of some conditions would be necessary.

Bill Ries, 6850 Green Meadow Drive: There has been an RID approved for maintenance of those roads in October 2004.

Michael McHugh: There is currently an RID for maintenance, but it does not deal with any improvements, only maintenance of the status quo.

Bill Ries: Regarding Condition #7a, the applicant has agreed to pay the \$1,000 fire department fee. To bring the roads up to county standards will be very costly. The applicant is adding one additional lot and for only one person to be driving those roads, it's not worth the cost the applicant would have to put in for just one home. It would defeat the purpose to develop the property in the first place. It's not practical that's why we are requesting this.

Commissioner Murray moved to render a final decision Thursday June 16. Commissioner Varone seconded the motion and it carried unanimously.

Lewis and Clark County Fairgrounds Footprint. Ron Alles stated that Bob Fusie is to speak first about the plan that has already been approved by the Fair Board. Ron Alles will briefly go through the plan again and Mr. Dowling and Mr. Stahly will also speak. The public hearing will opened after that.

The PowerPoint was down so a display board was used and handouts.

Bob Fusie, 108 Jefferson Street, The Lewis & Clark County Fairgrounds Commissioner: He was asked by his Chairman, Dale Reagor, to speak today. The Footprint submitted to you on May 23, 2005 by our Commission is the culmination of two and a half years of work. It started with our appointment, gathered steam with the public approval of the Mill Levy in June last year and was completed with countless hours of research, professional engineering, architectural evaluation, public opinion gathering, consensus building and testing the concepts incorporated in our Footprint plan. The cornerstone of our plan has been to build a fairground that will serve the nearly 60,000 people in Lewis & Clark County today, the 80,000 projected to live here in 2020 and the tens of thousands more that will come in the first half of this century. We have been unswerving in our determination that the 5.7 million dollars tax payers will spend to reconstruct the 160 acre Fairgrounds will not be wasted through our failure to build a facility that could sustain itself financially. The key elements of this new Fairground include an enlarged and improved outdoor arena, which has been moved to the infield to be backed up to a new exhibition hall. You can see them up on the board as items 1, 2, and 3. In this position we can surround these large public venues with sufficient parking for the grounds we can anticipate through the calendar year today and the growing numbers we must accommodate in the future. We can bring many cars from Custer near the main entry and on Silsbee, which is the road right midway through the park. We can route them safely around the new facility and have them depart in an orderly fashion. With this placement we can expand public services by building new facilities south, north, east and west of the exhibit hall and still provide adequate and convenient parking. Finally with this placement we can deliver a green space sufficient in size to serve the public of Lewis & Clark County with a walking/jogging path, many new picnic shelters and playground equipment areas and a refreshed duck pond surrounded by a walking path through the beautiful wetlands. There is a lot of hard work to be done to make this footprint a reality. But there is no confusion, no hesitation, no question in our minds that this footprint we have submitted to you is the right plan. Thank you.

Ron Alles: He went through items 1-25 to briefly outline what they are.

1. Exhibition Hall. Approved for 3.6 million dollars has been approved through a mill levy.
2. Grandstands. \$900,000 Approved in levy to construct. Will provide for 3,000 seats covered. 1 & 2 will be adjoined. Long-term traffic flow would be more efficient in this plan. This plan does not call for demolition of any structures.
3. Arena. Is currently used for rodeo events and will be used for other activities that need outdoor seating. (concerts, plays).
4. Existing bleachers. 3000 will be covered. The county has invested \$225,000 into the purchase of the bleachers and they will be moved to this location
5. Parking. Provide paved parking, lighted and striped. It could also be expanded later.
6. Racetrack. It's not currently being used. IT would be used as a circulation road to the facilities, the campground and others. The pavement on south end of track where most used, but the remainder be turned to gravel.

Tape #1/Side B starts about here

7. Equestrian area would be used for warm ups.

8. North barns. They are currently in use. The foundation would like to renovate them.
9. Campground facilities. RV's and tent camping. 99 spaces available. Received \$55,000 from soil and conservation trust fund and matched by foundation for a restroom facility.
10. Existing arena. It's used by Trailrider's Association and would stay in place.
(Continued)
11. Facility. To hold meetings and events of Trailriders Association.
12. Existing 4H building. To remain in place
13. Multipurpose building. \$180,000 to improve facility. Needs to get roof fixed and remain a dirt floor. Approved \$25,000 to construct a new inside arena. It would be used for primarily for equine and rodeo activities.
14. We currently have smaller exhibit buildings to continue to have smaller functions.
15. Central courtyard. We'd like to provide a venue for outdoor events (L&C bicentennial)
16. Parking facilities. Location of carnival until such time as that property would have another project for it. In the future it would co-use the parking designated with Area #5.
17. Restrooms. Constructed by volunteers and donations will remain as the primary facilities for parkland (#20/21).
18. Historic Building. Old Haddock Building. Potential use for emergency services. Currently being used as storage. It does require some renovation.
19. Picnic shelter. There is a strong demand for picnic shelters. Parkland would be used too.
20. Playground parkland. You would drive into the parkland by moving the parking lot. Enhances duck pond.
21. Playground parkland.
22. Moving entry portals. Better signs to advertise what is taking place at the Fairgrounds.
23. Tower. Focal point. A place for people to meet. Possibly emergency services location.
24. South Stall Barn. (#12 & 13 is ag-related so stalls will be provided to participants.

This plan does not require the demolition of any existing infrastructure in the beginning. Access needs to be enhanced by also using the Silsbee Avenue entrance. If we get the number of people we expect to, we need to get them safely in and out in an orderly fashion. A third entry access point would continue to be used for emergency use only—not for regular traffic control.

Commissioner Varone: She asked Mr. Alles to explain the direction given to rodeo folks for temporary rodeo area.

Mr. Alles: The members of the rodeo committee brought forth a proposal to put a new arena in place. The investment would be about \$100,000 for materials. That facility must be temporary in the event it needs to be relocated/portable at a later date. None of that structure would be demolished. It could be used again. It will have been used for 3 years now.

Byron Stahly, Stahly Engineering: I have been active with the fairgrounds and planning for several years now and it's great to see something moving forward. Ron did a great job of explaining the plan. We've had several conversations with rodeo folks. There's a lot of volunteer effort put into the fairgrounds. That was given a lot of consideration. The first thing you have to look at to start is the grandstands and the exhibit building, the two main features. Are they separated or together? From a cost standpoint and for function, they are together. There is significant cost saving when buildings are together. In the present location the Silsbee entrance is problematic. Other buildings are ideally located within this plan. They don't have to be torn down right now and I think that's significant because in the past they've been torn down. They can stay in this process. Parking is key to have any successful venue. With this plan, the traffic flow is good and pedestrian safety is not in conflict. A huge part of the plan is cleaning up the vehicle movements for pedestrian safety.

Mike Dowling, Architect: We researched and looked at the past and looked toward the future to reconstruct the fairgrounds. We look at all the parameters that are part of the process and then we make a drawing. There is a stack of drawings and solutions to this plan and a variety of

plans that were tested and questioned and ultimately rejected or modified to what you see here today. The design team strives to bridge special interests and design a place to hold as many different groups as we can accommodate. There can be indoor equine events. The outdoor facility was a tough one because we'd have to move it and this was not a decision we took lightly. We took into account a lot of factors, mainly multi-use of the fairgrounds. We felt moving it to the north of the exhibition hall allows many events to happen at one time and that was the primary reason for moving it. It allows the use of the grandstands to share facilities. The focal point will be the new exhibition hall. The front door and the tower are the first thing that visitors will see. The facility will be constructed so it can be used year round. A central courtyard will be surrounded by facilities so events such as Oktoberfest can now take place. It will all be connected by a boardwalk. The goal is to have a fairgrounds to be used by all and accommodates many activities. This footprint accommodates the goals.

Commissioner Murray: The remaining historical aspect is the track. Can you tell me how you came to the conclusion the track should or will be eliminated.

Byron Stahly: Back in the late 90's there were these same discussions regarding the track. Leaving it in its current location in that circular fashion and using some of its older components will keep some of the historical nature of the track.

Mike Dowling: We had several drawings that kept the track in place, but it compromised the ability to do many things projected in the future. This was the best approach. If horseracing was a part of this the track would have been kept in place. There weren't many indications it was viable. In the design we weighed the aspects and thought, how do we make the best use out of this property for the county and for the citizens.

Ron Alles: He stated there are 3 remaining historical structures left; 1) The track, 2) the west barn and 3) the Paddock building, which is #18. They are all listed as historic. There is a volunteer group trying to renovate the west barn. In consultation with our historic preservation officer, some of the criteria that the state historic preservation board calls for in maintaining the historical integrity ranges from 3 options: 1) To maintain all of the facilities or a facility in its current use, renovate it to its current standards that were there in the past 2) To raise those buildings, but you'd be required to photograph it, provide its history, document its use and function in a book and 3) Maintain the character of what it was, even if not used for the same purpose, it's still there in its original form, but would not be used. For example, the track would not be used, but would remain in place. People would know a track was there at one point in time.

Commissioner Murray: What thoughts did you have in moving the grandstand and the new building to the location proposed rather than keep it where it is? We were excited about the temporary grandstand and the vo-tech folks got involved.

Byron Stahly: I've never had a project where my hand is the only one drawing what's up there. A group of people are involved in this decision so it's made through many factors. I guess it's hard to answer because there's no single answer here. One of the things was to get all the complimentary uses on site so it all could be used. The second was being able to build it and not disrupt other buildings. There are currently buildings located where parking area #16 is and this plan can move forward without any demolition of those buildings. The third was getting to use shared facilities; restrooms, ticketing, access to food service. We were trying to be economical and the most for our money.

Bob Fusie: Our over-riding focus in this whole thing was how to create a fairgrounds that wouldn't be an ongoing continual increasing tax burden to the tax payers of Lewis & Clark County. One thing that became clear is that the exhibit hall had to happen. Another thing that was clear was that you had to have a much larger outdoor arena that could serve multiple

purposes and be good beyond one or two weeks out of the year. To those things we had to be able to surround it with parking. If we had no parking for 58,000 people today and 80,000 by the year 2020 we'd create a bind and another commission in the future would have to come back again and redo. We planned far enough in the future. We can generate revenue, which will be a good investment for future taxes. I think the racing poles should be saved and we can show the history.

Commissioner Murray: Part of the testimony we'll hear today is the use of the Bullock and Smith plan.

Byran Stahly: The Bullock plan was the first thing we studied. You can always make any plan better. I saw that the traffic was not totally addressed. I think we can greatly improve the traffic and parking, which is imperative.

Commissioner Murray: Does this plan provide for a better gate on Silsbee and are you looking at providing pavement to Silsbee?

Bob Fusie: This plan needs Silsbee to be a fully developed county road. The entrance will be 60-foot wide easement. We've been told by many to stop charging for parking and to charge for the ticket for the service. This is possible by bringing in a large mass of people in and charging the ticket for the parking, like in Billings and Missoula.

The Commission recessed at 10:53 and resumed at 11:00 a.m.

Chairman Tinsley opened the public hearing and asked that they keep their comments to approximately 5 minutes so everyone gets a chance to speak. He offered everyone a chance to come up and speak a second time if they needed to after everyone else has had the chance. He informed everyone that another meeting was scheduled for the Chambers at 1:00 pm so they were on a time-line. He asked that everyone be respectful of one another's opinions and due to time constraints refrain from cheering/booing. Everyone should have an opportunity to be heard and be respected for their opinion because the process is all we have.

Proponents:

Mikal Kellner, 1015 University: She is in support of the entire plan; especially to move the park the north and the green area to the south and surround the duck pond. The duck pond needs protection and enhancement as an urban wildlife park. Right now in the last few weeks with the heavy rains, the water drains into the pond and that brings oil, dirt, pollutants and it's harmful to the animal life. There is also serious erosion from drainage to the ponds and we've lost a lot of our plantings. To making this a green area will solve the problem. An ongoing problem is cars racing through the parking lots. There are always dead geese in the parking lot, especially this year. Last week we lost 5 dead seagulls. This green area could solve those problems. For 20 years, Friends of the Duck pond and I have worked and spent more than \$100,000 for improvements to the pond. We presented plans to the Fairboard for further improvements at the pond that include: a better inflow of water, securing shoreline from further erosion, a fountain to arrogate and move the pond water, new signs, benches and planting. The groups willing to work with the Fairgrounds are: Friends of the Duckpond, Growing Friends of Helena, The Audubon Society, Chadwick's Landscape Nursery and others, Tom Herrin Water Systems, The Michael Kellner Foundation for Animals, Tom Hughes (DNRC Hydrologist), Jim Wilber. We would like to make it similar to Woodland Park in Kalispell. I urge to move forward with this plan.

Elaine Marcinek, HBIA Executive Officer: The HBIA represents 220 members, (business people throughout the City and Lewis & Clark County) who have about 3,000 employees. The HBIA is in favor of the footprint for the fairgrounds.

Jerry Spencer, Vice-Chair, City-County Parks Board: A letter was sent to you already stating the City-County Parks Board unanimously endorses the footprint plan. I've seen nothing, but integrity on the part of the board and it's process. Impressed by the commission. We endorse it.

Terry Myhre, 1914 Highland: I respect the work put in this plan the last 2 years. Anytime you have a massive change there will be opposition. The biggest point is the uniqueness of the property in our area and the multi-functional ability of the facility that can be used 12 months out of the year. Adapt the property for the use of the most people involved. Yes, there is some losses, but the goal will be accomplished. The plan should be approved.

Bob Garber, 4360 Canyon Ferry Road and Last chance Kiwanis president: Our club has a long history in support of the fairgrounds. We built one of the picnic shelters. We constructed the existing portal signs. We were one of the major concessionaires during the Last Chance Rodeo and Fair. The club is in support of the proposed footprint.

Rick Hays, 504 Dearborn: I've expressed in writing that this is a plan for the future. It represents the consensus, even if not unanimous. The Board has strived for the balance and did a good job. It's a great opportunity for the community.

Skip Hatveleit, 1415 Hauser: He supports the proposed footprint. People need to look towards the development of using facility all year round, not just 4-5 months a year. The 40,000 square foot exhibition hall will enhance the community.

Opponents:

Ethan Lerman, 520 N. Benton Avenue: He is an attorney in town and is biased because he grew up as a horseman. He is concerned about the plan. There are a limited amount of funds. I've been to a couple of these meetings and the plan is not specific in how that money will be used. It's my understanding that the 5.7 million will not come close to covering the footprint and there has been no testimony as to what happens after the money runs out. Where is the difference to be made up? There was numbers thrown around such as \$3.6 million for the new multipurpose building and \$900,000 for the grandstand and that brings you to about \$4.5 million with about a million dollars left. Putting in parking lots, paving a portion of the race track and adding gravel is not specific. It seems as if they've interpreted the racetrack as someone drawing a line of chalk in the sand. What goes into constructing a racetrack is a major feat. There's drainage, the surface itself. What is the specific plan and what is it going to cost? Lets say the plan was approved as is. \$5.7 million is not a lot of money. What happens when the money runs out— where is the money going to come from? We'll be left with a half constructed fairgrounds. I urge the commission to take into consideration these ideas. This doesn't have to be the final plan. There can be some alterations and modifications. The crown Jewell of the fairgrounds itself is the racetrack and it may be the second oldest racetrack in North America. You have to preserve the crown jewel, which is the racetrack. I urge the commission to have an open mind that this plan may not be the answer.

Brenda Wahler, 4506 Helberg Drive: She has been a 4-H horse show judge for 18 years. Keep the racetrack, horses can't run on gravel and once you dig it up it's gone. I'm here on behalf of hundreds of equestrian folks within the county who contribute thousands of dollars into the economy. There aren't many people in this room who oppose the idea of a multi-use year round facility that makes a profit. It's a great idea, but it's the location that we disapprove of. Everyone loves the duck pond. We don't care if you keep the poles and rails, once that track is gone it's gone for good. Aaron Koontzweiler from Jefferson County is a world-class jockey and this is a starting ground for a lot of folks. Red Pauler, the jockey in Seabiscuit got his start in Montana. Gary Stevens who played a character jockey in Seabiscuit got his start in Idaho. Racing needs a chance to come back. Thank you for considering Item #24, putting the horse barn over by the multi-purpose building. That's a critical need. There's been 4 shows the past couple months. #7

should be 100x100 feet, but looks like only a 60-foot round pen and that's not going to be large enough. You'll have 25 horses backed up on the west side of the warm up area #13 if it's not larger. Please fix the outside speakers at the multipurpose building. (continued)

There's been no testimony on soil tests. The infield can be used for other purposes. Look at the mill levy that was approved. It approved money, not the elimination of horse racing. Please save the track.

Shirley Herrin, 703 Poplar Street: She's a 5th generation Montanan. She wanted to address the issue of preserving the history of the state and community. We do have a unique treasure at the fairgrounds. According to the Helena Daily Herald on July 8, 1870, the first steps taken to create a joint-stock company to purchase land for a territorial fair was on that day. The fair began 9/26/1870. 78 days elapsed between that and the building of it. Yet in 2005, we are being told on the evening news by the County Administrator that the reason they have to move it is because they would not have time to build the grandstand and the multi-purpose building in the current location in the timeframe of one stampede to the next. So they would have to cancel the stampede for one year. 9/27.1909 President Taft spoke to Montana's from a stand erected on our racetrack. Only 5 other presidents visited Helena. Lewis & Clark County Fairgrounds boasts the second oldest racetrack in United States is reason alone to preserve our fairgrounds as is. The arena should be left in the same location. You will destroy part of Montana's history.

Steve Keim, 37 Cloverview Drive: We are not here to delay or scuttle Fairgrounds plans. We are here to offer constructive advice or suggestions. The equestrians were hurt when they did not get a public hearing as promised. We were told that there would be a public hearing on May 13 for Fairground improvements. When we arrived for the hearing, we were informed we would be limited to 4 minutes after most of us prepared presentations for more than that. The board had a timer that would ring at 4 minutes and that causes anxiety. We couldn't ask questions because there was no one present to answer from either engineering firm. If they were present they were not identified. No time was given for questions. I was told I could have 2 additional minutes to finish, but was denied that courtesy. We were told to submit additional comments in writing, but it was obvious the Fair Board was not there to listen and already had their minds made up. We were tolerated, but ignored. One board member cleaned his fingernails with a stone face.

(Continued on Tape #2/Side A)

People will come to our Montana State Fair to see horse racing. Lets start talking about having an annual Montana State Fair here in Helena. Myself and others will meet with the Governor, etc. to seek their endorsements to get the return of the Montana State Fair to Helena, Montana.

Candy Score, 1016 W. Custer: I am here representing equine interests and have a background in horses. I also represent the 500 people who signed an opinion poll, sent letters or sent money to save the track. We are interested in historic preservation in Montana. Discussed a proposal already suggested to the county fairgrounds commission is to return to the plan in the brochure suggested during the time of the mill levy. We would not have to move the stampede grounds, which were just redone last year in donated time, money and materials. The southwest barn could be redone to be revenue producing. The language used led believe to believe there would be a racetrack. People feel they were duped. Look at the comments on the opinion polls that we presented in 3-ring binders yesterday. Many Clubs did not receive a publication. She feels both sides of the story were not presented or the alternatives. It seems that the current footprint plan is in violation of MCA 6-25-15-10-425. This is as we interpret the brochure used at the time of the mill levy. The Fairgrounds Commission did not identify the racetrack to be changed. Vote to return to the original brochure plan or take the choice back to the people to vote on it. We ask that you require the Fairgrounds Commission to present a financial plan before construction is started. There is no money in the mill levy to tear out pavement and plant grass. Are we after another park? What kind of revenue is expected from the parks to support the fairgrounds? Return to the plan as stated in the mill levy. I ask why is horse racing singled out as a business plan? The Governor himself said he would promote horse racing. I would like

to see a state fair.

Kay Hansen, 322 Howie: A few years ago you did something smart by hiring Bullock Smith and partners to do a rough plat of the fairgrounds design. They are the top design firm in the county for fairgrounds planning. Very little of the plan was adopted or accepted into the Footprint, just the tower. When the plan was first released, Mr. Alles, according to the Independent Record stated, "It's exactly what we're looking for. There are some areas that need refined, but the concept is exactly what we're looking for." Why is this not being used more in the Footprint plan? Sunday's article promoting the Footprint plan is misleading. If the general public had seen the fairgrounds filled with cars and trucks they may have reacted differently. There is no parking lot shown in the middle. I can't fathom the thinking that went into this design and the parking even after listening to the architects earlier. They say it had easy access and multiple use. She thinks it's not aesthetic. The plan is good, but the footprint plan is not good. You can link the fairgrounds with it's past. You've seen original pictures. You could incorporate some of the original features. The capital was hurt by bad architectural designs until it was restored of late. I hope you give consideration to the Bullock plan and provide facilities for equine events and market to try to attract horse racing back to Helena.

Patty Rambo, 1042 Broadway: She's here as a horse advocate and involved in restoring the old grandstand. It ran from 1870-1999. The only reason there's been no racing in the past 4 years has been due to the destruction of the old grandstands and facilities needed. The past 35 years of history, horse racing generated millions of dollars. Ron Alles and other repeatedly misstated that horse racing was dead before the grandstands came down. If you refer to the presentation book we presented to you yesterday, under Tab #3 Helene horse racing history, you'll see a small sample of efforts Queen City Racing put in. Using the Chamber of Commerce economic impact formula, I figured over 4 days our horse racing meet pumped over \$ 780,000 into Helena's economy. I've asked and have no received an acceptable answer to this question: How can the footprint committee and fairgrounds commission continually state that horse racing has lost money when it was horse racing and businesses that raised the money and produced the race meets. The Helena track was the only track in the state that was sustained without county or city funds. Another question is in regards to a published statement by Shelton Bartel "Economic census figures show that other industries; company management, wholesale trade, out sourced government work, the hotel service industry lead local growth. Farming and related industries aren't even on the list." This sounds like city figures, not county figures. Montana's number one industry is agricultural followed by tourism. Agriculture is the established industry in this state. The equine industry has \$112 billion impact in the United States and potential of a million dollar impact in Montana. Nationally the horse industry provides 1 million full-time jobs and 1.9 billion in taxes. Nationally there are almost 7 million horses and 750,000 are horse racers or breeders. There are 27,000 horse owners. I site that horse racing is to the equine industry as car racing is to the car industry. In the early 90's the profit loss was due to a national recession, which hit all aspects of American life. Horseracing is rebounding. The Kentucky Horse park could be copied to produce revenue. We ask that you do not accept the current footprint plan.

Vince Williams, 2678 Cobre Drive, E. Helena: Commissioner Varone asked Mr. Alles to speak about the portability of the rodeo grounds and arena. There was a lot of time and effort taken to put that facility together. It is portable. Mr. Alles stated the only thing lost would be volunteer time. I take exception to that because if it not for all the volunteer time, any number of years ago we wouldn't have an issue with 5.7 million right now. If it wasn't for that time put into that arena a year and a half ago through an open house that mill levy would have never passed. Mr. Dowling said he put together a stack of references to put this footprint together and commented he had different ideas rejected or approved and I want to know who approved those and voted them either out or in. We've seen only one picture to go by. People from the HBA who said they support this didn't know about moving the arena. The community hasn't been given a fair shake on what the footprint shows. What is going to happen behind the bucking shoots for the

cowboys to change clothes? What is going to be done to the rodeo office? I challenge you to move the arena for less than \$150,000. It was stated in the hallway that these meetings are a formality, but the arena is already going to be moved.

Chick Smith, 127 McClellan Road: I want to comments on Mr. Williams' comments. Several times in the commission meetings I've stood up and asked if we were going to have a public meeting and was told not until there was something to show. I'm sorry the county commissioners are getting a bad rap before they have even made their decision. People are confused between the county commission and fair commission. I believe the fair commission's name should change to the fair board. I believe in democracy. Our petitions clearly tell what the people want. The people voted in the county commission and picked the fair commission. People wonder why these people were picked? The dictionary definition of fairgrounds is something that should hold events such as the circus, exhibitions and horse racing. Stahly's report said the west barn can be fixed for \$8500. We have that money in the bank and have volunteers to bring it to code. I was even surprised about the support for the track when we were doing these petitions. I have faith in Stahly to put up the grandstand where it is.

Clint Goodrich, 224 S. 5th St. Hamilton, MT: I'm a former jockey and horse trainer. I cut my teeth here in Montana in the early 1980's. I rode here in Helena and went on to ride in Kentucky and Illinois, etc. The number one thing is when you lose the racetrack it won't come back. You lose the heritage and culture. Corporate hands take over and it's no longer the counties. People in Hamilton lost their racetrack and they don't know why it's gone. A lot of money can be generated from horse racing. The fairs in Kalispell, Missoula and Great Falls have strong racing. Helena was dropped in 2001. There are many jockeys that would prefer to race here in Helena and not take dollars to Canada. The footprint plan can be changed to include the racetrack. There is no reason to eliminate horse racing. This issue is a state issue and it's good for the state's economy. I am here to volunteer, give input from 25 years of experience. It should be reconsidered and put back on the table.

John Frisch, 2750 Snowdrift Road: I make my living 100% with horses. I've had phone calls from people from out of state asking about facilities to keep their horses. Kids are warming up horses in parking lots. Do not approve this plan. Send it back to the drawing table. We don't need more duckponds or grass. We need an equine facility. We could make a lot of money for Helena. We could have a rodeo. Forget about the congestion on one of the streets one weekend a year. Think about what the people in this county really want.

Ron Schofield, 8636 Green Meadow Drive: He's a member of the Stampede rodeo committee and the high school rodeo finals. He supports improvements and an exhibition, but he's concerned about money. He believes they should improve on what's already there so it will cost less.

Sherry Meador, 68 Hill Brother's Road: Member of Lewis & Clark County Cattle Women. I've been hearing from the racing community in the past few months. The horse track is the unique part of the fairgrounds. The horse racing community is great at organizing these events. They are committed to make racing viable in Lewis & Clark County, which I think it can be.

Mike Hankins: I came to Montana in 1977 and am retired. I am an exercise rider. I spent over 20 years as an employee in the agriculture division as an investigator protecting horse tracks. I offer this because there is no one that knows more about the processes involved in horse racing than I do. This is a legal opinion that was conveyed to me by phone this morning, Montana's constitution specifically defines the manner in which a city, municipality, county or township can request the passage of a levy for the purpose of community enhancement. The very first requirement defined under law is that the proposed levy state the specific purpose for which funding for the levy is engendered. There are no specifics in you're the mill levy that mentions funding to deal with the elimination of the racetrack, the rodeo grounds, the encroachment by

establishment of a paved roadway with parking facilities. There is no suggestion of the construction of a courtyard, which obliterates the racetrack is contained in the original information given to voters. The fair board acknowledged they have no money in the current levy to complete this project. Since these issues were not addressed in the wording of the original levy, no commissioners of the fair board or county can authorize their approval without the voting majority of that county's approval to fund these additional changes. There is documentation of other litigations. All the discussion has revolved on the historic value of the horse track. We are ignoring the poorest for the trees. I can provide you with detailed documentation of how gambling and horse racing has profited. Helena would profit from legalized gambling. I ask that you table the proposal until more documentation is provided.

Doug Peterson, 8858 Douglas Circle: Have any of you walked to the top of the grandstand in the morning and watched the horse exercise and the activity at the barn. It's a beautiful sight and I'd hate to see it disappear. I've been a licensed owner, breeder and trainer. American Quarter horses are improved by racing.

Ms. T. Dosen, 1210 Orange: She's very passionate about this issue. The plan looks lovely on paper, but she thinks the taxpayers want their money to go to improve the racetrack facilities. No one objects to improvements that can be made around the horse racetrack. She thinks the taxpayer's primary interest was to develop horse racing. Horseracing and the racetrack should be the first priority. Generate money from horse racing first.

Victor Kelly, 1360 Van Orsdale: There are 50 parks in the city of Helena. I don't see anyone paying for them. It comes out of the taxpayer's pocket. If the west barn and the racetrack are taken down that only leaves the rock fence along Green Meadow Road as a historical value. He wonders why Bullock and Smith weren't used more often. They represented the users more so they would have been more accepted. The fairground users hired a consultant to look at the grandstand. When his results were presented to the public I was there. He could have given both sides, but the president of the fairgrounds users asked him to give the "tear down" side only. I feel that's also happening here.

John Novotney, 2290 East Sierra Road: He's co-chair of the Stampede Rodeo Committee. He believes without the volunteers the mill levy wouldn't have passed. He said the plan presented during the mill levy was to leave the racetrack in place. He hopes the commission votes against the Footprint Plan. The Rodeo Committee wasn't given a chance to talk and ask for advice on the Footprint. It was already in place at the first meeting they had about it.

Bobby Gruel, 4293 Lincoln Road West: The Footprint plan is set up for 20 years, but there are no phases presented to know what will be done in 5 years or in 10 years.

Commissioner Tinsley: We will allow more for more public comment and leave it open until Friday, June 10, 2005. We will present our decision Tuesday, June 14, 2005. We need to be out of this room by 1:00 pm and it's now 12:35. We'll take a short recess and come back to hear more public comment.

(short intermission)

Tape #2/Side B starts here

Vince Williams, 2678 Cobre Drive, E. Helena: Takes exception to the statement that only volunteer time would be lost. Questions: Can the existing grandstands be removed and new covered grandstand be constructed on top of the old? Can the exhibit hall and new grandstand be constructed using the common wall already in place? None of the proponents said to tear down the racetrack or west barn. Most people are opponents that are here today and we represent the county.

Patty Rambo, 1042 Broadway: She is a horse advocate: We'd like to go through the books that we gave you and explain in more detail. She does not accept the footprint plan as presented.

Commissioner Tinsley: He said he could speak to her this week before the deadline date of June 10, 2005.

Patty Rambo: She spoke to a boat business and he said the maximum he'd use the exhibit hall one weekend a year and RV's and Car Shows can be staged in the Kmart or Wal-Mart parking lot for free. They did not want to see horseracing gone. I hear what is there now referred as "grandstands". I would refer to them as "bleachers". Is the new grandstand going to be a grandstand or just covered bleachers?

Terry Myher (Mayer?): In all fairness, these guys did a pretty good job, but there is room for improvement. The architects were doing what they were told. There are some minor modifications we can probably take care of. We want to assist in the efforts, not hinder. This should not be a divisive issue like the walking mall. Everyone should sit down and work with the architects and come up with different footprints.

Ms. Dosen: I wanted to be a little more coherent than before. I am all for improvement, but the focal point has been missed. The focal point and starting point should be horse racing, the horse track and the horse racing facility. They can do a little at time. As the horse racing makes money they can use those funds to put in the other projects as it comes.

Mike Dowling. The current seating is bleachers. The foundation is not re-useable if there was to be a new facility built right there. I'm not sure I understand the nature of the question whether or not we could use a common wall between the existing bleachers.

Byron Stahly: I believe the common wall is just the wall behind the back row of the bleachers. It would be horrendous costs to design around an existing structure. The new seating is envisioned to be permanent covered seating, which may qualify as grandstands.

Patty Rambo: For horse racing we need facilities that were available in the original grandstands. If you choose to keep the original plan and include horse racing it's necessary we be involved in the blue print plans.

Commissioner Varone: Do you mean the betting cages?

Patty Rambo: The betting cages could be portable if that is a point of contention.

Commissioner Murray moved to keep record open June 10 at 5pm and render a final decision at 8am on June 14. Commissioner Varone seconded the motion and it carried unanimously. The Tuesday morning meeting will encompass a decision. There will be no public comment at that meeting, but you can email, fax, call or hand-deliver your comments to our office until 5:00 pm Friday, June 10, 2005.

Public comments on matters not mentioned above.

There is no other business, the meeting adjourned at 12:55 p.m.