

PUBLIC MEETING
August 30, 2005

Chairman Ed Tinsley called the meeting to order at 9:00 a.m.

Commissioner Varone is out of the office this week; Commissioner Murray is present. Others attending all or portion of the meeting included Ron Alles, Jerry Grebenc, Keith Hatch, Marni Bentley, Pat McKelvey, Nancy Everson, Chief McFerrin, Carol Hanel, Miles Watson, Charles Houk, Laune Davis, Julia Swingley, Fran Halberg, Kelby Kurka, and Maria Penna.

Pledge of Allegiance. Everyone recited the pledge.

Chairman Tinsley: Good Morning and welcome to the regularly scheduled Tuesday morning meeting. I'm Commissioner Tinsley, to my left is Maria Penna, she's our Executive Assistant. Commissioner Varone is out of our office this week. To my right is Commissioner Murray. To his right is Ron Alles our Administrative Officer. To his right is Jerry Grebenc, our Director of Community Development and Planning. There's a sign in sheet right in front of this gentleman, to my left your right, right in front of him, if you want to pass it around if you haven't had a chance to sign it. There's also agendas up there. First item on the agenda are the consent items. Mr. Alles.

Consent Items.

Ron Alles: Thank you Commissioners. There are 6 items on the consent list. The first is the Tri-County Fire Working Group. It's a Regional Community Wildfire Protection Plan. It's between the entities of Lewis and Clark, Jefferson and Broadwater Counties. Second is a BLM Assistance Grant. The Grant is for \$10,000 for fuels mitigation design and implementation in Lewis and Clark County. The third is a Health Department contract renewal with DPHHS. It's the Ryan White Title II Services and it's in the amount of \$16,465.00. The fourth is a sub-recipient Agreement with Rocky Mountain Development Council. This is for our Friendship Center grant. It's basically a sub-recipient agreement. It basically states that it will not exceed \$1 million for the project. The fifth item is a resolution declaring County property surplus. This one is for items less than \$2500.00. And then the last item is another surplus resolution for items over \$2500.00. Staff asks that you pull item A and discuss that with Mr. McKelvey, and then recommend approval on the rest of the items.

Chairman Tinsley: Commissioner Murray would you like to pull anything else?

Commissioner Murray: C & E please.

Chairman Tinsley: C & E. We have before us. I need a motion for consent action items B, D & F.

Commissioner Murray: Move for approval.

Chairman Tinsley: Second. Discussion? All in favor of the motion signify by saying Aye. Aye. Motion passes 2-0.

Consent Action Item number A. Mr. McKelvey, from our Fire Mitigation Office and Dave Larson is here from the United States Forest Service. I don't know if you want to get up, Dave. Please join us.

Pat McKelvey: Good Morning Commissioners. The plan that you have before you from the Tri-County Fire Working Group is a result of several months of work by the members of that group and other interested parties. We've held several meetings in small communities around the Tri-County area, and the plan that you see is a result of a lot of the input that we've had from those

meetings. This is not a fire suppression type of a plan; it's a mitigation type of a plan that as you see towards the end, becomes very project orientated. The most important thing in there to comply with the Healthy Forest Restoration Act and all other mitigation acts that are out there. Sources of water, not of water but of money for the National, from the National Fire Plan, this plan had to be completed. Communities are developing their own and in those plans they're very suppression oriented. This is not. But we look at those plans, we look at the Jefferson County PDM Plan for example, Lewis and Clark County PDM, Pre-disaster Mitigation Planning, the Broadwater County, all of those have been approved by FEMA. This is now to focus on this Tri-County area, where these 3 counties come together and in a non-jurisdictional, we got rid of the lines and said, "based on our fire behavior, based on our population densities, based on the topographical characteristics, the weather, all of these things that have an impact on wild land fire, here's what we want to go do, mitigation project." We define our wild lane interface, we had to go, we had to look at from a mile to a mile and a half, by the Healthy Forest Restoration Act. You will see that our best definition of that, I think on page 20, which gives you a visual of what that looks like. We went out 4 miles. And we went out 4 miles from where we had a population of 250 people per square mile. The 250 people per square mile comes from the Healthy Forest Restoration Act and the Western Governor Council Letter of Guidance on that. The colors, and I don't know how yours came out, mine is not a very good reproduction of the colors, show a very high down to a low, and outside that wild line and interface valley. That's how we would prioritize projects then in the matrix that we use to spend this mitigation money, where to go and what kind of projects we would do there. Without going into great depth on each page for you, I guess what I am looking for is direction from you if there are things that you can identify in your review that need to be reworked. I am wanting to begin the signature process of this. I have to have the signatures of the County Commissions involved. We are also asking the City, because the City has been a big partner with us in this and in their open space lands. We have to have the signatures of concurrent of the Fire Council of each of those counties, and then the Montana Department of Natural Resources and Conservation.

Chairman Tinsley: Questions for Mr. McKelvey?

Commissioner Murray: Mr. Chair, I have a couple of questions of this plan but they deal with fire that I need to have answered. I'll make a motion to approve this plan and authorize the Chair to sign if Mr. McKelvey will stay at the podium.

Chairman Tinsley: Second. Motion has been made and seconded for discussion.
Commissioner Murray.

Commissioner Murray: Mr. McKelvey. Later on in today's meeting, we have testimony, written testimony, saying that FEMA pays for all brush or wildfires. I assume that's not true, but I want your comments on it as our fire expert, please.

Pat McKelvey: That's on the agenda here?

Commissioner Murray: It is, later in the meeting.

Pat McKelvey: No, I don't think that would be correct. First of all, you would have to go through a declaration process. The fire would have to be of such magnitude that you, as Commissioners, would have declared an emergency of disaster, then you would go through that regular process in order to get a FEMA fire declaration. Once the FEMA fire declaration is in place, then you do have a cost share. Paul Spengler would probably be better to answer the questions directed at those, but, no, if I understand your question is, that if they would pay 100% of the cost, no, they pay a percentage of all allowable costs.

Commissioner Murray: But they don't pay anything for each brush fire that starts or wildfire in the County?

Pat McKelvey: No.

Commissioner Murray: It was a rhetorical question, Pat. The next question I have, also I believe is rhetorical, is we have an individual in a written statement, stating that it's the Sheriff's responsibility to fill out all volunteer fire department reports.

Pat McKelvey: I would think that's also not correct. You do have a County Fire Department that's under the Sheriff's office.

Commissioner Murray: No, I'm talking about all of the volunteer fire departments in the state.

Pat McKelvey: Well, I haven't seen anything that would direct that.

Commissioner Murray: Nor have I.

Pat McKelvey: The Chief of every fire department is responsible to determine cause and origin. And then we're required to file our own reports through the State Fire Marshals office. You have to file those reports in order to qualify for FEMA grants, but I don't think the Sheriff's required to fill those out.

Commissioner Murray: Thank you. Nor do I, but you're the fire expert in the room, except Chief McFerrin did arrive finally.

Chairman Tinsley: Dave Larsen is a fire expert too. (Laughter)

Chairman Tinsley: Thank you Commissioner. Mr. McKelvey thank you very much for the hard work you've put into this plan. I've had a chance to look over it, and been to a couple of presentations that you've given on it, and this is, the way our County has growing as the Urban Interface Wild land, the Wild Land Urban Interface comes closer to the populated areas, this is going to be very important as we attempt to protect our citizens from fires.

Pat McKelvey: I can tell you while I just came from a fire, as did Dave, in Grainsville, Idaho, it was a very heavily wild land and urban interface fire, and within the first hour of our having arrived there, I had a copy of the plan that Idaho County is working on. It really helped our team in the development of the population protection planning that had to be done. They aren't as far along as we were, but even to the point that they were at, it was very helpful. And that's part of the design of this is to give it to an incoming team and they'd have a description of the area and hopefully some of the other suppression things that they may be able to utilize from those individual community plans. So, I think it's an important step.

Chairman Tinsley: Absolutely. So, thank you very much. Any further questions or discussions?

Commissioner Murray: Questions on the vote.

Chairman Tinsley: Question has been called. All in favor of the motion signify by saying Aye. Aye. Motion passes 2-0. Mr. Larson, thank you for coming this morning. Pat, Good Job. thank you. Has any of the other Commissions signed off, Mr. McKelvey? Are we the only ones, or the first ones?

Pat McKelvey: No, you're the first ones to have signed the process. We'll be at the Tri-Sep meeting and then with the City Commission as well, and then the other Counties as well.

Chairman Tinsley: All right. Thank you very much. Item. Refresh my memory here
Commissioner Murray.

Commissioner Murray: Item C.

Chairman Tinsley: Item C. 2C.

Commissioner Murray: Mr. Chair, it's a.

Chairman Tinsley: Health Department Contract renewal with DPHHS.

Commissioner Murray: Mr. Chair, it's merely a comment. Ryan White funding in our County is received from the State, matched by the County, to receive care and treatment comprehensive outpatient treatment support, for people with HIV or Aids for anyone that's feeling extra frisky in our County, I just wanted to make the point that we have sexual transmitted diseases in our County including Aids, that people need to be aware of and protect themselves. I move approval of the contract with the State Health Department.

Chairman Tinsley: Second. We have a motion to second. Further discussion? All in favor of the motion signify by saying Aye. Aye. Motion passes 2-0.

Next item on the agenda is consent action item E? Is that right?

Commissioner Murray: Yes. Mr. Chair, I asked to have that pulled to

Chairman Tinsley: This is a resolution declaring County property surplus property individually valued less than \$2500.00.

Commissioner Murray: Specifically, I wanted Staff to discuss surplus property item number 1, Laramie Acres, that apparently was sold to DNRC.

Ron Alles: Good catch Commissioner. I had it on my notes to pull this as well. That particular item is in fact the right-of-way of the easement that we sold to DNRC. We're not actually selling that property, but it was the transaction and the agreement that we completed in Lincoln for right-of-way along the Blackfoot River. So, item #1 is not surplus. We did not sell or transfer property. What we sold was the opportunity for right-of-way and access to that property to DNRC.

Chairman Tinsley: Should it not be in this Agenda?

Ron Alles: Item number 1 should not be on there. We'll just cross that out on the resolution.

Commissioner Murray: Mr. Chair, I would move we eliminate item 1 in the resolution and move approval of the resolution as amended and authorize the Chair to sign.

Chairman Tinsley: Second. Any further discussion? All in favor of the motion signify by saying Aye. Aye. Motion passes 2-0.

I believe that's it for Consent. Did we get all of them?

Next item on the agenda is the Bid Award. Commissioners will consider awarding the bid for the Multi-Purpose Building at the County Fairgrounds. Our Fairgrounds Manager, Keith Hatch, is here. Mr. Hatch, welcome.

Bid Award.

Keith Hatch: Thank you Mr. Chairman. Commissioners. We would like to, Staff and our Consultants would like to have, at least have the Commissioners consider awarding the bid to

Wadsworth Builders in the amount of \$223,600.00. This bid is approximately \$58,600.00 more than what he had budgeted. We do have sufficient budget authority to cover that shortfall.

Chairman Tinsley: Questions for Staff?

Commissioner Murray: Mr. Chair, I move approval of the Staff recommendation, accepting and approving the bid award for the Multi-purpose Building at the Lewis and Clark County Fairgrounds and authorize the Chair to sign.

Chairman Tinsley: Second. Any comments or questions? Mr. Hatch do you have an idea of when this will take place?

Keith Hatch: Construction will start immediately following the letter to consent to begin.

Chairman Tinsley: Is there a plan, is it in the plan to change the color of the Multi-Purpose Building?

Keith Hatch: Not in this particular plan, but at some point we are going to address, yes.

Chairman Tinsley: Just for aesthetic purposes?

Keith Hatch: Yes.

Chairman Tinsley: Ok. Further discussion, questions?

Commissioner Murray: I was a little take aback by your fashion comment, but I would move question on the motion.

Chairman Tinsley: as you can see by my bola tie, I'm at the forefront of fashion in Montana. (Laughter) All in favor of the motion signify by saying Aye. Aye. Motion passes 2-0. Thank you Mr. Hatch.

Keith Hatch: Thank you.

Chairman Tinsley: Next item on the agenda is the Scratch Gravel Solid Waste District resolution to levy an assessment on customers who own mobile homes as personal property and owe a pay-as-you-throw charge as of August 10, 2005. The Commissioners will consider the resolution. We have with us this morning Miss Carol Hanel from our Public Works office. Good Morning.

Scratch Gravel Solid Waste District Resolution to Levy an Assessment on Customers Who Own Mobile Homes as Personal Property and Owe a Pay-As-You-Throw Charge, as of August 10, 2005.

Carol Hanel: Good Morning Commissioners. My name is Carol Hanel, Public Works Coordinator for Lewis and Clark County. In your packets you have two resolutions that I have submitted per your approval. These are for the Pay-As-You-Throw program for those accounts that have exceeded the 1.5-ton limit. This is for the period July 1st 2004 through June 30 of 2005. We only invoice those accounts owing \$7.00 or more. The charges were due and payable by July 31st 2005. On October 7th 2002, Scratch Gravel Board directed Staff to accept the Pay-as-you-throw payments beyond the July 31st deadline. They enacted a 2-week grace period and directed Staff to accept payments through August 10th. The lists that are attached to the resolutions are Exhibit A to the, there's 2 resolutions, one for mobile property or personal property and one for real property list those accounts that have exceeded the limit and have chosen not to pay it by the deadline. And this is a request to have those assessments placed

on their tax bills. And that would be split between the first half and second half tax bill. County Staff recommends approval of those resolutions.

Commissioner Murray: Mr. Chair.

Chairman Tinsley: Commissioner Murray.

Commissioner Murray: Miss Hanel, would you review, to get on the record, the procedure you go through in notifying people, or families, that they've exceeded the Pay-as-you-throw program and how they are billed.

Carol Hanel: We are set up, I have so many accounts, there's like, I have 13,000 accounts in the Pay-as-you-throw Program. The first month that they exceed their limit, they are sent a letter notifying them that they have met or exceeded their limit. They can continue to use their permit, they just have to be aware that they have reached this limit. And then I do not notify them again until the end of the year when we send out the final statements. And then they have 30 days to pay that. And then a 2 week grace period, so actually about 6 weeks to pay that amount. They are allow 1.5 tons that they are assessed for on their tax bill or 3,000 pounds, and when they exceed that they just start accumulating charges.

Commissioner Murray: Thanks Carol.

Carol Hanel: You bet.

Chairman Tinsley: Miss Hanel, how did the discussion go at the Scratch Gravel Landfill Board? Was it a unanimous vote? Was there any outstanding questions unresolved?

Carol Hanel: On?

Chairman Tinsley: On the resolutions?

Carol Hanel: No, they have not seen this yet. The Scratch Gravel Board did not meet prior to this.

Chairman Tinsley: I did not hear you say that I apologize.

Carol Hanel: But they will be provided this also.

Chairman Tinsley: Is there a motion?

Commissioner Murray: Mr. Chair, I would move a resolution to levying an assessment upon customers of the Scratch Gravel Solid Waste Management who own mobile homes as personal property in the district and own a Pay-as-you-throw program charge as of August 10th, 2005 and authorize Chair to sign.

Chairman Tinsley: Second. Any further discussion? All those in favor of the motion signify by saying Aye. Aye. Motion passes 2-0. Thank you Miss Hanel.

Carol Hanel: Thank you.

Scratch Gravel Solid Waste District Resolution to Levy an Assessment on Customers Who Own Real Property and Owe a Pay-As-You-Throw Charge, as of August 10, 2005

Commissioner Murray: Mr. Chair, there's one more resolution. I would move approval of a resolution on levying an assessment upon customers of the Scratch Gravel Solid Waste District

who own real property in the District and owe a Pay-as-you-throw charge as of August 10th 2005 and authorize the Chair to sign.

Chairman Tinsley: Second. Any further discussion? Miss Hanel do you have anything further to add?

Carol Hanel: No.

Chairman Tinsley: Ok. All of those in favor of the motion signify by saying Aye. Aye. Motion passes 2-0.

Next item on the agenda is a resolution establishing the effective date of the increase of the Lakeside Fire Service Area rates. The Commissioners will consider the resolution. Miss Marni Bentley is the Staff person. Miss Bentley, good morning.

Resolution Establishing the Effective Date of the Increase of the Lakeside Fire Service Area Rates.

Marni Bentley: Good Morning Commissioners. On June 30th the Board did pass a resolution 2005-79 increasing the fees for the Lakeside Fire Service Area. The statutes require a 60 day protest period pass before the annexation becomes effective. That protest period ended yesterday. And we only received protest from 10 landowners in the area, which is half of a percent of the total landowners. Without sufficient protest barring proceedings Staff recommends approval of the attached resolution establishing the effective date of the fee increase for the Lakeside Fire Service Area.

Chairman Tinsley: Thank you Miss Bentley. Are there any questions for Staff? Miss Bentley, the process now is simply the Board will act on the resolution, there's no further Public Hearing right?

Marni Bentley: Right. Since there's not sufficient protest the Board acts on the resolution and then this will be transferred to the Department of Revenue.

Chairman Tinsley: Thank you very much. Is there any more questions for Staff?

Commissioner Murray: Miss Bentley, there's 3 resolutions in our packet. There's actually 4, but three that I believe, we need to act on today, is that correct?

Marni Bentley: The agenda item we're on only has one resolution and then the following agenda items will be addressed by the resolutions we are talking about. We did have two separate actions from Lakeside. First, the existing district requested a fee increase, which is what we're dealing with now. And then the later agenda items, will be dealing with the annexation and name change and dissolution of Canyon Ferry.

Chairman Tinsley: For the record during Pat McKelvey's discussion on the fire regional fire protection plan, Commissioner Murray pointed out that we had a letter from an attorney, at least from a law office, I don't know if he's an attorney or not, yeah he is. In his letter he made two statements that are factually incorrect. One being the "largest significant dangers to the structures in said area are from brush fires and they are paid for by FEMA which is incorrect. The second one is "the Sheriff is responsible for doing the administrative paperwork for the volunteer fire departments in his or her County and therefore no individual volunteer fire department need to obtain a separate administrator, and that's incorrect, factually incorrect. Is there any further discussion? Is there a motion?

Commissioner Murray: Mr. Chair, I would move approval of the resolution establishing the

effective date of the increase of the Lakeside Fire Service Area rates and authorize the Chair to sign.

Chairman Tinsley: Second. Further discussion? All in favor of the motion signify by saying Aye. Aye. Motion passes 2-0.

Next item on the agenda is a resolution establishing the effective date of alteration of the boundaries of the Lakeside Fire Service Area to annex adjacent land. Again, Miss Bentley is the Staff person. Miss Bentley.

Resolution Establishing the Effective Date of Alteration of the Boundaries of the Lakeside Fire Service Area to Annex Adjacent Land.

Marni Bentley: Good Morning Commissioners. Again on June 30th, the Board did pass resolutions altering the boundaries of the Lakeside Fire Service Areas to annex the Canyon Ferry Fire Service Area. Also, resolutions were passed re-naming Lakeside Fire Service Area as the Tri-Lakes Fire Service Area and dissolving the Canyon Ferry Fire Service Area. Those actions also had a 60-day period of protest before becoming effective. The protest period did end yesterday, and I did have protests from 25 landowners. I have 2 additional letters that I'd like to provide to the Commission that were received as of yesterday.

Chairman Tinsley: How many did you say was the percent of protest?

Marni Bentley: The calculation with the new protests with 25 landowners is 2.456% about 2 and ½ % of the landowners protested. That is not sufficient protest to bar proceeding, therefore Staff recommends approval of the attached resolutions establishing the effective date of the alteration of the boundaries of the Lakeside Fire Service Area, renaming the area as Tri-Lakes and dissolving the Canyon Ferry Service Fire Area. Each item is a separate agenda item and should have a separate action and these are not Public Hearings.

Chairman Tinsley: We need to have a separate vote on each one of these three?

Marni Bentley: Yes.

Chairman Tinsley: That are in t his particular package. Commissioner do you have any questions for Staff or any comments? Is there a motion?

Commissioner Murray: Mr. Chair, I would approval of a resolution establishing the effective date of alteration of the boundaries of the Lakeside Fire Service Area and to annex adjacent land and authorize the Chair to sign.

Chairman Tinsley: Second. Any discussion? All in favor of the motion signify by saying Aye. Aye. Motion passes 2-0. We have two more in this particular agenda item.

Resolution Establishing the Effective Date of the Re-Naming of the Lakeside Fire Service Area as Tri-Lakes Fire Service Area.

Commissioner Murray: Mr. Chair. I would move approval of a resolution establishing the effective date of the renaming of the Lakeside Fire Service Area as Tri-Lakes Fire Service Area and authorize the Chair to sign.

Chairman Tinsley: Second. Any further discussion? Comments? All in favor of the motion signify by saying Aye. Aye. Motion passes 2-0.

Resolution Establishing the Effective Date of the Dissolution of the Canyon Ferry Fire

Service Area.

Commissioner Murray: Mr. Chair, I would move approval of a resolution establishing the effective date of the dissolution of the Canyon Ferry Fire Service Area and authorize the Chair to sign.

Chairman Tinsley: Second. Any further discussion or comments? All in favor of the motion signify by saying Aye. Aye. Motion passes 2-0. Thank you Miss Bentley for your time this morning.

Next item on the agenda is a Public Hearing on a resolution levying and assessing a tax upon all benefited property within Prickly Pear Creek Estates Rural Improvement District No. 1985-2. Marni, you're up again. Good Morning.

Public Hearing on Resolution Levying and Assessing a Tax upon all Benefited Property within Prickly Pear Creek Estates Rural Improvement District No. 1985-2.

Marni Bentley: As you are aware, the Prickly Pear Creek Estates RID was expanded earlier this year to include new roads and to amend the scope of maintenance and improvements in this area. We did set up a maintenance district at that time and charged one rate to all properties within the district. After discussions with landowners and after review by Staff, the County Attorney's office recommended that the Commission revise the rates because the definition of benefiting properties utilized for years by the County was in need of updating. Using our new definition the rates were recalculated resulting in the proposed resolution you have before you today. What we've decided to do, or what we were instructed to do was to create 3 separate maintenance funds. One would be for maintenance on Dusty Maiden, Rocky Road and M Scotty, are collector roads, and all lots would pay into that and that would be \$26.30 per lot per year. Our second option for maintenance would be the Meadow Village internal roads and those would only be paid by the landowners in the Meadow Village area and that would be \$17.23 per lot per year. And then all other local gravel roads or internal subdivision access roads would be paid, the maintenance would be paid by those landowners and that would be \$79.66 per lot per year. Now, some landowners may be paying into two of those funds if you live on an internal access road you need to use that road to get to your collector road you would be paying for both of those options. Again based on the recommendation of the County Attorney's office we drafted the resolution with the rates I've outlined and Staff does recommend approval of those rates.

Chairman Tinsley: Questions for Miss Bentley? Ron did you have something? Ok. Well, we need to go into a Public Hearing at this point. This has to be acted on at this meeting is that correct?

Marni Bentley: It does. In order to get it to the Department of Revenue by their statutory timelines.

Chairman Tinsley: Ok. Thank you Miss Bentley. Ok. Good Morning. This is a Public Hearing in regards to the resolution levying and assessing a tax upon all benefited property within the Prickly Pear Creek Estates Rural Improvement District No. 1985-2. What I'm going to do is ask for any proponents at first, and then any opponents and then any general testimony. We will go through it that way. If you get to the end of your testimony and you think you've forgotten something and you would like to get back up and say something, let me get through and make sure everybody else has had a chance to testify and then we'll come back to you. First I would like to ask are there any proponents in the audience? Any proponents? Any proponents for the second time? Any proponents for the third time? Yes Sir, are you a Proponent? Oh, Ok, it's your turn right now. Any opponents? Yes Sir, give us your name and address for the record. Up to the podium here. We have to get that on the Public Record.

Yes, I'm Miles Watson and my property is on 3275 BK Road, and you go out of my property directly north on Pioneer Street which is a block long and it accesses Howard Road, which is a public maintained road, and I think it's totally asinine that they're wanting me to pay \$79.66 plus the \$26.30 on all lots when I never even use Dusty Maiden. Dusty Maiden is a very horrible road and even if they totally paved it I would never use it because you, the only way to go out of there is to go directly out on Canyon Ferry or right on Howard where I go out anyway, and if you go out to Canyon Ferry your putting yourself in harms way to get out onto the highway anyway, because that's a very poor intersection. The more development they make they're going to end up putting a light down there because there's going to be people killed getting down off of that highway down there. And that's my opinion of the whole situation. I can't see paying over \$100.00 a year for something that we probably won't even see it grade or even on Pioneer Road, and if we do it'll take 10 minutes for a grader to go down it and maintain, but that's the only decent road out there right now.

Chairman Tinsley: Thank you Mr. Watson. Appreciate your comments this morning. Further opponents? Any further opponents? Please don't be shy, come forward and give us your name and address.

Good Morning, my name is Kelby Kurka. I live at 3360 Lonesome Loop and I have a couple of letters here.

Chairman Tinsley: Give them to her and she will enter them into the record, Mr. Kurka.

Kelby Kurka: Yeah, Mr. Chairman, Commissioners. I oppose this because I live on Lonesome Loop and we do access M Scotty, but I usually go out, or for the most part, go out on Howard Road and so, as far as those options are concerned, I see we would be paying for two of those, the Dusty Maiden, Rocky Road and M Scotty and also the Lonesome Loop. So I can understand paying for the access roads, the main roads coming in there, but why are we paying another \$79.66 for the inter-loop when other people are just paying for the one option. I don't understand why we are paying the two options and three times the rate on the inter-loops versus the \$25.00 - \$26.00 on the main roads. So I put this information in my letter and I'd like some clarification.

Chairman Tinsley: What I'll do Mr. Kurka is we are in a Public Hearing right now where we are taking comment, once I close the Public Hearing, I'll have Staff come up; Miss Bentley this is your 2 minute warning, if you could get up and address Mr. Kurka's question. It's a legitimate questions and I think that she can answer, but during the Public Hearing we will just take comment and then we will answer the question. But thank you.

Kelby Kurka: Thank you.

Hello, my name is Fran Halberg and I live at 3350 Lonesome Loop, and I've talked to several people in the area and I'm one of the people, there's a few of us that don't use the roads very much at all. We've got a lot of day care centers that bring in extra traffic throughout the community, and they're coming from all directions for the day care centers. That's fine, but I feel that these people, to make this fair for everybody, everybody should be taxed equally within the area instead of certain people being taxed more than others. Regarding those that live on Dusty Maiden, regardless of what they're doing. Their traffic is just as heavy on our roads within the loops in the subdivisions than they are on the main roads. And there's a lot of kids that travel on those roads, and I believe that to make this a fair thing to everybody would be to go back to the original RID and have everybody taxed equally. Thank you.

Chairman Tinsley: Thank you Miss Halberg for your comments this morning. Further opponents? Further opponents? Yes Sir, please.

I'm Charles Houk and I live on 3270 Lonesome Loop, and I would be affected by two of these. I do appreciate the grading of M Scotty Road, I've been on that place before there was a Lonesome Loop and enjoy that, but I see no maintenance at all being done upon Lonesome Loop and I don't see it as something as being necessary. And I would oppose the access roads to the collector road cost.

Chairman Tinsley: Thank you for your comments this morning, Sir. Further opponents? Good Morning.

My name is Julia Swingley from the Drake Law Firm, and I'm here representing Laurie and Bob Davis, the owners of the Meadow Village Trailer Court, and the Davis's appeared here previously to object approval of both the maintenance and the improvement RID and I'm here today to state their objection, once again, to the maintenance assessment for the Prickly Pear Estates RID. Basically, on the basis that the maintenance assessments do not, are assessed in a way that do not benefit the Meadow Village Subdivision and Laurie and Bob Davis in a fair way. The objection is specifically to the change that is proposed in this meeting today, is based on the fact that Dusty Maiden, Rocky Road and M Scotty Roads are not, those are not access roads for Meadow Village Subdivision and are not used by the residents of Meadow Village Subdivision, so although Bob and Laurie Davis support the new method of assessing they object the assessment against them for the collective roads. When the Davis's applied and were approved for the subdivision in 1996 there were several reports and in all of the reports the County Planner, specifically in the April 19, 1996 report, from Allen McCormack, he was the Associate Planner, and he specifically indicated that the access road for Meadow Village Subdivision was going to be the southern portion of Dusty Maiden that connects with Canyon Ferry Road. That was specifically indicated and addressed when their subdivision was approved, and throughout the subdivision approval process that ended in 2000, at that point it was clear that nobody from the County had any idea or any conception that the residents in the Meadow Village Subdivision were going to use the northern portion of Dusty Maiden Road and certainly not Scotty Drive and Rocky Road Drive which are far north from the .3 access from Dusty Maiden South to Canyon Ferry Road. At this point the portion I'm referring to from the entrance to Meadow Village south to Canyon Ferry that .3 portion of road has been black topped and the Davis's object to that on the basis that it was not necessary and that there was no increased use since 2000 when their subdivision was finally approved, that required an improvement from chip seal to black top, which is now in place. So the Davis's basically are restating the objection that they have to the adoption of the RID for both the improvements and the maintenance but are stating their support of the reassessment that's contained within the notice and is the basis of the public meeting today.

Chairman Tinsley: Thank you Miss Swingley.

Julia Swingley: Thank you.

Chairman Tinsley: Further opponents? Further opponents for the second time? Further opponents for the third and final time? Is there any general testimony or general information? Ok, seeing none, this closes the Public Hearing. What's the pleasure of the Commission.

Commissioner Murray: Mr. Chair, I would ask for.

Chairman Tinsley: Oh, I'm sorry, we need to have Miss Bentley come up and answer some questions. I apologize. Miss Bentley, you heard at least one question and I think it was restated a couple of times in a statement. Could you talk to that please.

Marni Bentley: Yeah. I'll go over how we arrived at our assessments. Basically, Public Works Staff did go out and look at each access point for each lot to determine which option each lot

should be charged for. Everyone in the district benefits from maintenance on the collectors. You can't get to your internal lot without using a collector so that's why everyone was assessed for the maintenance on those collectors. And only the internal lots of a subdivision would benefit from that maintenance. Now the difference in the assessments in the prices or the costs come from the number of lots that we divided the costs by. There are 215 lots being charged for all of the maintenance. Once you get down to some of the internal lots we have 150 lots. In the Meadow Village we have 72 lots, I believe, that are being assessed. So you have your cost that you divide it by a different number of lots, which is why the costs are different. But, they are based on the access points and they are based on benefit. As far as the original proposal that was brought forth by Erik and the other planners at the Warren School Meeting, that option is what we approved with the original expansion of the Prickly Pear RID, so then what happened to that is that we were directed by the County Attorney's office to take another look at that and what you have before you today is the result of that and then I did talk about why the people on the inter-loops are paying a higher rate because we do have fewer people and they are paying for their own maintenance. And then I did talk about the 3 options and why those are needed.

Chairman Tinsley: Are there any further questions or comments for Staff? Thank you Miss Bentley. Commissioner Murray.

Commissioner Murray: Mr. Chair, I would ask for a 5-minute recess to reflect on the testimony we've received today.

Chairman Tinsley: I'll give you 10, if that's OK. I'll give the TV folks in the back of the room heads up that we are going to take a 10 minute break and be back in this room at 10:00 a.m. to render a final decision in this matter. Thank you.

Break in Tape.

Chairman Tinsley: We are ready to reconvene, we're a little early. It's like talking to my children, they don't listen to me either. (laughter)

Good Morning, we're back. Have we made a motion or a second yet?

Commissioner Murray: No.

Chairman Tinsley: All right. What is the pleasure of the Commission regarding the resolution on levying and assessing a tax upon all benefited property within Prickly Pear Creek Estates Rural Improvement District number 1985-2.

Commissioner Murray: Mr. Chair, I move approval of the resolution levying and assessing the tax upon all benefiting property within the Prickly Pear Creek Estates Rural Improvement District Number 1985-2 including the 3 options included in the resolution and authorize the Chair to sign.

Chairman Tinsley: Second. Discussion?

Commissioner Murray: Mr. Chair, having reflected on the testimony this morning, I appreciate the testimony we received. In my 13 years as a Lewis and Clark County Commissioner this is the first rural improvement district where we have gone back in an attempt to assure fairness to all residents of the property, in this particular RID we have a unique situation that I believe Staff, the County Attorney's office have come up with a solution that I believe is equitable to all parties involved. I'm sure not everyone is going to agree with my statement but that's fine. In my mind I'm satisfied there is equity here and for that reason I intend to vote in favor of the resolution that I made the motion to approve.

Chairman Tinsley: Thank you Commissioner Murray. I want to say to those who came out this morning and testified, thank you for doing that. And it may appear to you, and my words aren't going to change this, it may seem to you that we're ignoring what you had to say. We're not. We're in a precarious position as Commissioners, when it comes to finding a way to fairly and equitably fix situations like we have in this RID. It's probably not the fairest way we could go about it but it's the fairest way available to us currently. As Commissioner Murray said, we went so far as to even change our minds on our original RID plan and try to fix it even more, to make it even more fair, and I think we've accomplished what we can accomplish with what we have to work with. We do appreciate your comments and obviously it looks like your comments, at this point we're going to vote probably to support this RID. I just want to thank you for coming out to speak your mind and give us the input back on this. Thank you very much. Commissioner, do you have any other comments?

Commissioner Murray: Question.

Chairman Tinsley: Questions been called.

Chairman Tinsley: We have a motion and a second on a resolution levying and assessing a tax upon all benefited property within Prickly Pear Creek Estates Rural Improvement District No. 1985-2. All in favor of the motion signify by saying Aye. Aye. Motion passes 2-0.

We're at the point in the agenda where we have the statutory responsibility to allow public comments on any matters not mentioned above. It means any matters that people would like to talk about that we not mentioned in the agenda items. Seeing none, we stand adjourned. If anyone received a parking ticket while attending this meeting please bring it up to Miss Penna on the 3rd Floor and she will take care of it.

Public comments on matters not mentioned above. None

Adjourn. Adjourned 10:05 a.m.