

PUBLIC MEETING
April 20, 2004

Chairman Mike Murray called the meeting to order at 9:00 a.m.

Commissioners Tinsley and Varone were present. Others attending all or a portion of the meeting included Ron Alles, Sharon Haugen, Lindsay Morgan, Frank Rives, Byron Stahly, Gene Fenderson, Chuck Hanson, Jim Cottrill, Tim Burton, Bert Carlson, Jordan Haynes, Bill Hohn, Mr. and Mrs. Virgil Allison, Tom Herrin, Ron Solberg, Gerry Kercher, Michael Root, James McDonald, Joe Spieker, Judy Paynter, Jerry Billington, Jeff Welch, Sharlene Stav, Larry Winslow, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the pledge.

TSEP Hearing for the Submission of a Grant Application for the Fairgrounds Area.

Dave Stahly reported Stahly Engineering prepared the preliminary engineering report for the Woodlawn Addition, Fairgrounds, and AGC Training Facility west of the Fairgrounds. The engineering report considered water and sewer improvements because of septic problems in this area. Phase 1 of the report included the sewage portion which was creating the most problems. STAG funding may be available for this project. Three public meetings were conducted in the area and it was determined this would be the method to apply for a TSEP grant.

Commissioner Murray stated today's action is solely to authorize the submission of the TSEP Grant. The application is due May 5.

Gene Fenderson, Laborer's AGC Training Facility representative. The AGC organization represents more than 100 Montana contractors in the heavy and highway industry and is in strong support of the grant application and the overall project. The facility currently has a groundwater problem and one failed septic system. This project will guarantee the continued operations in Lewis and Clark County.

Jim McDonald does not support this project because it will increase his property taxes.

Charlotte Allison, 3216 Mitchell Avenue, on behalf of area homeowners is against this project because there are many unanswered questions such as why Silsbee Street is not being used with its existing easement connections to Green Meadow Drive and why the sewer line already in place for the fairgrounds sewer is not being used. The homeowners are on fixed incomes and the new assessment would be a great burden on them. They are opposed to the submission of the application.

Joe Spieker is in full support of the project and submission of seeking the grant for continued development of properties in the area.

Jeff Welch is in support of any funds for this project.

Jay Rule, owner of the Green Meadow Market, supports this project.

Virgil Allison, 3216 Mitchell, asked if this project only concerns Woodlawn Park residents. Commissioner Murray stated this concerns Woodlawn Park, the union facility, the fairgrounds, and submission of an application for grant funding from the Treasure State Endowment Program. Anyone residing in Lewis and Clark County is welcome to testify in favor of, in opposition to, or speak in general to this proposal.

Sharlene Stav, 3104 Green Meadow Drive, is in favor of submitting the grant application.

Judy Paynter, 104 Willow Ave, stated if the project moves forward she supports applying for funding from external sources. The costs are not adequately provided to the residents and other property owners in Woodland Park and the residents will see an increase in property taxes in addition to the cost of hookup for water and sewer. She asked if there is a possibility of establishing a TIF in this area.

Hearing no other public comments, staff will address some of the cost issues.

Sharon Haugen stated the estimated total cost of the sewer project is \$1,904,000. The assessment will be based per developed lot. The county is also considering applying for STAG funding (State Tribal Assistance Grant). A portion of this money could be used to assist those who are low to moderate income in the hookup costs which is based on a sliding scale used by the Department Housing and Urban Development. At this time, staff does not have the estimated cost of the annexing into the city or the taxes.

Dave Stahly discussed the issue of on-site hookup costs. The grant is set up to where it qualified for low to moderate income then the grant would pay for the hookup from the house to the property line. The grant is also set up where the debt retirement portion (approx. \$5) would be paid for those who have low to moderate income. So the only cost for LMI people in the area would be operation and maintenance costs. The most cost effective layout within the Woodlawn Addition is to drain to the northwest pump station. The Horseshoe Bend alternate satisfied more of the needs and is more cost effective versus rebuilding the lift station and continue pumping it the way it is now.

Tim Burton, City Manager, addressed Mrs. Paynter's questions regarding annexation for sewer and water services and the option of forming a tax increment finance district. Both the city and the county joined together and studied the sewer and water issues on the Westside outside the city. When the system is completed there will be an integrated neighborhood sewer and water system that will work with the overall city system. The city would support a development agreement with the county and the neighborhood that would defer annexation until such time that the water system, which is the second phase, is in place.

Sharon Haugen stated the financial package is designed with STAG money included in the project. The federal government has set aside up to three years for the county to use that money.

Bert Carlson stated he is in favor of going forward to seek funding. Other questions included whether the fairgrounds would be annexed into the city; after the water and sewer project is completed will the city want to pave the roads and install curbs and gutters; and would it expand to the west entrance to the fairgrounds and if so would his taxes increase or would that be the burden of the laborer's training school or the fairgrounds property?

Ron Alles stated the fairgrounds as a property is paying for all of the improvements relating to the fairgrounds. The fairgrounds is part of this agreement and is likely to be annexed into the city.

Tim Burton stated retrofit projects are expensive and stormwater drainage and street paving have not been discussed as part of this project, but may be part of the deferral plan that could be offered into a development agreement.

Jim McDonald asked if the training facility pays taxes on the property or are they exempt as an educational facility.

Felicity McFerrin, Director of the Laborer's AGC Training Program, stated the facility is tax exempt. Special Zoning District #25 was re-zoned as public and private educational.

Ron Alles stated STAG money will pay for about 55% of the project; if the county is successful in the TSEP grant applicant, it will pay about 30% of the sewer project; homeowners, the county, the laborer's facility would be responsible for about 15% of the total cost. Having a successful TSEP application, homeowners are saving about 30% of the infrastructure improvements in their area.

Hearing no other comments, the public hearing is closed. Commissioner Varone moved to approve the resolution authorizing submission of the Treasure State Endowment Program application and authorize the chair to sign. Commissioner Tinsley seconded the motion and it carried unanimously.

The Commissioners recessed for 10 minutes.

Helena National Forest Service, Modification #01 to Cooperative Law Enforcement Agreement 01-LE-11011200-005. Sheriff Department Finance Officer, Jaci Grenfell reported the agreement modifies the original annual cooperative agreement with the Forest Service. Some of the changes modify the mileage rate, hourly rates, and Section 5 has been replaced in the event of any fire or disasters the county is not locked into rates that are not FEMA rates. Staff recommends approval. Commissioner Tinsley moved to approve the agreement and authorize the chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Lewis and Clark National Forest, FY2004 Financial & Operating Plan to Cooperative Law Enforcement Agreement. Sheriff Department Finance Officer, Jaci Grenfell reported the total amount of the agreement plan is \$4,500 in case an emergency develops within the forest. Commissioner Varone moved to approve the agreement and authorize the chair to sign. Commissioner Tinsley seconded the motion and it carried unanimously.

Memorandum of Understanding for Use of Applegate Pit for Training. Ron Alles reported on the MOU with MDT to utilize the county gravel pit as a training mechanism for both MDT personnel to operate heavy equipment and county personnel. Staff recommends approval. Commissioner Tinsley moved to approve the agreement and authorize the chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Request to Schedule Public Hearing to Modify Conditions of Approval for the East Bench Phase V Subdivision. (Applicant, Floyd Hoff) (cont. from 4/13/04). Lindsay Morgan reported the applicant has requested a modification of lots 9-14 of Phase V from $\frac{3}{4}$ acre lots with $\frac{1}{4}$ acre easements to one-acre lots in order to place two-unit condominiums on each lot. Preliminary plat approval was granted for single-family dwellings on each of these lots. The applicant confirmed he is requesting two unit condominiums on each lot. This modification will double the density on each of the lots, and trigger review for sewer and water by DEQ. Staff does not feel this proposal is eligible for the modification request in accordance with the Montana Subdivision and Platting Act requiring condominium developments go through the subdivision process. The Commissioners may either schedule a public hearing or deny rehearing this proposal and the applicant will need to proceed with the subdivision process.

Deputy County Attorney Paul Stahl has advised staff to deny this modification request because this is not a modification; Mr. Hoff must proceed with the subdivision process.

Commissioner Tinsley moved to table a decision to Thursday, April 22. Commissioner Varone seconded the motion and it carried unanimously.

Lewis and Clark Conservation District Grant Application. Ron Alles reported the grant application to DNRC is to verify mills levied by the conservation district. The grant is in the amount of \$10,000 to continue aggressive erosion control. Commissioner Tinsley moved to approve the applicant and authorize the chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Resolution Declaring County Property Surplus Property. Ron Alles reported the resolution is to surplus a 1992 Dodge pickup owned by the Forestvale Cemetery with a value less than \$2,500. Staff recommends approval. Commissioner Varone moved to approve the resolution and authorize the chair to sign. Commissioner Tinsley seconded the motion and it carried unanimously.

Intercap Loan Application. Nancy Everson reported the loan application with the Board of Investments is for Gable Estates Major Subdivision RID Road Improvements. The estimated cost of this project is in the amount of \$503,118.86. This will be financed through an assessment on the tax rolls for 48 benefiting properties for a period of ten years at \$1,364.69 annually for each geo code. The HOA is in agreement with the financial plan. The rate hearing is April 27. Commissioner Varone moved to approve the application and authorize the chair to sign. Commissioner Tinsley seconded the motion and it carried unanimously.

Public Comments. None

There was no other business and the meeting adjourned at 10:40 a.m.