

NOTICE OF SUBDIVISION MEETING

August 12, 2004

Others attending all or part of the meeting: P.J. Falleroni, Janet Pallister, Jeff Norman, Beau Snell, Richard Meeker, Cheryl hale, Priscilla hale, Conrad Hale, and Kelly Williams

Pledge of Allegiance. (everyone recited the pledge)

(tape begins)

Sheriff Office Grant*. (Sheriff Liedle/Jaci Grenfell) (*May or may not be ready)
(Postponed until further notice)

Commissioner Tinsley: Carole, is this published, this second item, #2.

Carole Byrnes: The Sheriff's office, that has been postponed, they're not quite ready with the documents.

Commissioner Tinsley: Did it go out for the public for being, before it was postponed?

Carole Byrnes: No

Commissioner Tinsley: Okay, so we're going to move along to the item #3.

Montana Board of Crime Control SubGrant Agreement. (nunc pro tunc 8/5/04) (Nancy Everson/Beau Snell)

The Commissioners will consider the grant agreement for a Truancy Intervention Program at Montana Youth Homes and Helena School Districts 1 and 9.

Commissioner Tinsley: Is Beau Snell here? The Montana Board of Crime Control SubGrant Agreement.

Beau Snell: Good Morning. I believe that you have seen a copy of the grant that we brought before you today. Through cooperative effort between Montana Youth Homes, Juvenile Probation, ___ and the county we have applied for funding for a Truancy Intervention Program. The reason that it has to go through the County is that this particular grant does not allow for private, non-profit organizations to apply however they do allow for the work to be contracted. The intent of the grant is to identify and ___ children as been identified as having attendance issues in school which includes truancy, excessive excused absences and than some parents actually that pull their children from school altogether with the intent of home schooling which sometimes doesn't happen. So in order to deal with this issue, Montana Youth Homes will hire two staff to work with the families, the Helena School District will provide support, juvenile probation will also provide support and hopefully we can identify the problem issues with these children and integrate them back into the regular school system.

Commissioner Tinsley; Thank you Mr. Snell. I see Dick Meeker is here, Dick do you have anything you'd like to add to Mr. Snell's.

Dick Meeker: (Speaking in the background) Just want to let you know that the County and Juvenile probation and the school district has had a long standing relationship with Montana Youth Homes and _____. We are involved with them right now in two other programs dealing with education components with kids who have issues with school or delinquency problems. So this is a new relationship I think it's a long-standing relationship that we're trying to provide more services to the community.

Commissioner Tinsley; Thank you. Questions of Mr. Meeker or Mr. Snell? Thank you very much, is there a motion?

Commissioner Varone: Mr. Chair I move approval of the Montana Board of Crime Control SubGrant agreement, I understand this is a nunc pro tunc agreement from the 5th and authorize the Vice Chair to sign.

Commissioner Tinsley: Second. Those in favor say Aye

Commissioner Varone: Aye

Commissioner Tinsley: Aye. ___ motion passes. Thank you very much.

Bid Award. (cont. from 8/5/04) (Bids were opened 8/5/04) (Darrel Folkvord)

The Commissioners will consider awarding bids for two tandem axle dump trucks with 15-yard dump bodies.

Commissioner Tinsley: Darrel Folkvord from our Public Works Department and I see we're graced with the presence of a former City Commissioner, Mr. Nechert, How are you doing Steve.

Darrel Folkvord: I believe that you have received the memo of our recommendation and I'd like to just summarize this morning. The staff has met and it is our recommendation to award the Tandem Dump Truck bid to Western Star Trucks for \$167,706. It is also staff's recommendation that we reject all of the dump body bids and the reason we're doing this is we found that we were over budget on these bid amounts. What we would like to do is request the vendors to submit a faxed quotation removing the bed liner portion or line item out of that bid and that brings us within \$407 of our budgeted amount. I guess I would also like to thank our vendors for all the hard work that they've done and participating in our bid process.

Commissioner Tinsley: Great. Questions for Mr. Folkvord?

Commissioner Varone: Just one if I may Mr. Chair, Darrell, I don't remember how many bids did we receive, were there three?

Darrel Folkvord: We received four dump body bids and actually five truck bids so it was a very good representation of our vendors.

Commissioner Varone: Mr. Chair I move approval of an independent contractor contract with Western Star Trucks, a bid award with Western Star Trucks for two tandem axle dump trucks with 15 yard dump bodies in the amount of \$167,706 and authorize Vice Chair to sign.

Commissioner Tinsley: Second. Commissioner Varone I'm assuming that your motion also includes the staff recommendation that the dump bodies be rejected

Commissioner Varone: Yes

Commissioner Tinsley: Okay. Thank you. Discussion? All those in favor signify by saying Aye

Commissioner Varone: Aye

Commissioner Tinsley: Aye. Motion passes. Thanks Darrell.

Independent Contractor Contract with Tri-County Mechanical & Electrical, Inc. (Janet Pallister)

The Commissioners will consider the contract in the amount of \$9,288 for a new air conditioning unit at the Health Center.

Janet Pallister: Good Morning. For the record I'm Janet Pallister the Director of Finance and Operations for Lewis & Clark County Public Works. The contract that you have before you this morning is for \$9,288 and it's

with Tri-County Mechanical and Electrical for a new air conditioning unit at the Health Center. Several weeks ago the largest air conditioning over at the Health Center broke and our building maintenance has asked for quotes to repair that unit or to replace it. The replacement, the lowest replacement bid actually came in only \$537 higher than repairing it plus it has the longer warranty, a five-year warranty on the compressor unit. The replacement of this unit was not in the FY05 Health Facilities budget and that was because it was on our capital improvements plan several years out so I am recommending that the FY05 Health Facilities capital budget be increased by the \$9,288 and that would be offset by a reduction in cash in the fund and I did attach cash flow so that you can see that the rent revenue should be adequate without an increase in those rent revenues to offset this increase purchase and increased budget authority. So I am recommending this morning that you would approve the contract with Tri-County Mechanical for the air conditioning unit for \$9,288 and increase the Health Facilities Budget by the same amount. Are there any questions?

Commissioner Tinsley: Questions?

Commissioner Varone: The only question I have Mr. Chair is Janet on the schedule, when was it scheduled to be replaced?

Janet Pallister: It wasn't scheduled to be replaced until FY09. The unit really had not been showing, we knew it was an older unit but it was not showing a lot of signs of needed repair or replacement immediately so when the motor burnt up in it, it was unanticipated is the best way I can say it.

Commissioner Tinsley: Mr. Alles do you have any questions or comments?

Commissioner Varone: Mr. Chair, now I'm on the right line. Mr. Chair I move to approve an independent contractor contract with Tri-County Mechanical and Electrical Incorporated in the amount of \$9,288 for a new air conditioning unit at the Health Center and authorize the Vice Chair to sign.

Commissioner Tinsley: Second. Discussion, seeing none, all those in favor signify by saying Aye.

Commissioner Varone: Aye

Commissioner Tinsley: Aye. Motion passes. Thank you Janet, oh we have another one for you.

Change Order No. 1 with J&S Construction, Inc. (Janet Pallister)

The Commissioners will consider the change order in the amount of \$45,702.37 for the Marysville Road Gravel Improvements Project, Federal Aid Project No. PLD 2003(2).

Janet Pallister: Vice Chairman Tinsley and Commissioner Varone. Change order No. 1 would increase the crown for the entire length of the Marysville Road by adding depth to the gravel surface and it will also add emulsified polymer to a larger section of that road which we did not include to begin with. It will now go from this one section that we're adding the polymer to will go all the way from the Lincoln Road through and beyond that first cattle guard if you're familiar with that road and initially it was going to stop prior to the cattle guard. The total cost of change order No. 1 is \$45,702.37 and we're able to fund this change order because we received such favorable bids on the project. The federal highway administration is aware of the improvements to the project and they concur with this change order so I am recommending that the BOCC authorize change order No. 1 with J&S Construction and authorize the chairman to sign it. Are there any questions?

Commissioner Tinsley: Questions? I have one Commissioner Varone. Ms. Pallister, has this base stabilization material in that short section before. I understand that there is a difference in how these materials react on grades and on different altitudes I guess as it goes up the mountain, do we know if it will work in that lower section or is this a one time shot that we're trying to see if it will work?

Janet Pallister: The application, they actually use a pug mill to mix the gravel with the emulsified polymer, it's not the same as just doing a dust control abatement. But, this is a study area for this and it's not just on the

lower section of the road but also towards the upper part of the road that we'll be doing more sections. The entire road will not be done with this but there will be several test or study sections so I really don't know how to answer your question about elevation because it is a study.

Commissioner Tinsley: Okay that's alright. I'm sure if it doesn't work, we'll hear about it.

Janet Pallister: Right.

Commissioner Tinsley: Is there a motion?

Commissioner Varone: Mr. Chair, I move to approve a change order in the amount of \$45,702.37 for the Marysville Road Gravel Improvement Projects Federal Aid Project #PLD 2003(2) and authorize Vice Chair to sign.

Commissioner Tinsley: Second. Discussion.

Commissioner Varone: I just have a little bit of discussion. I've been involved with the Marysville Committee for a couple of years now, in fact we're meeting this afternoon and I'm glad to see this happen. We've been concerned because the time frame that we expected to have that road paved has been stretched out and we're not sure when that road is going to be paved so this is good news to have that extra money available to hopefully keep it better than it's been in the past until the money comes through from the Federal Government that's already been approved by the way. Thank you.

Commissioner Tinsley: Absolutely. No further discussion, all those in favor signify by saying Aye

Commissioner Varone: Aye

Commissioner Tinsley: Aye. ____ Motion passes. Thank you Janet.

Proposed Minor Subdivision, Preliminary Plat to be known as Norman Minor Subdivision. (Applicant, Michael Ries) (Planner, Michael McHugh) (cont. from 8/10/04)

The Commissioners will consider creating one (1) additional lot for a single-family residential dwelling. The subject property is located in the NW1/4 of Section 19, T10N, R2W; generally located north of and adjacent to Morello Road and east of Valley Drive.

Commissioner Tinsley: I think what we'll do since Lindsay is here, but we're waiting for Michael to show up right? Why don't we move down to item with your agreement Commissioner, we'll move down to item #10.

Commissioner Tinsley: Do we have any questions for Mr. McHugh on this particular subdivision.

Commissioner Varone: Mr. Chair I move approval of the proposed minor subdivision preliminary plat to be known as Normans Minor Subdivision and authorize Vice Chair to sign.

Commissioner Tinsley: with 11 conditions of approval. Second.

Michael McHugh: For the record on condition #8b, Commissioner Varone wanted to make amendment to the seismic, reference to the seismic zone.

Commissioner Varone: Yes, I believe that takes a motion and that's what I'd like to do is just to add at the end of the sentence it says, meet or exceed equivalent provisions of applicable building codes, we need to add the standard language, I believe the standard language is for this seismic zone. Is that correct Michael?

Michael McHugh: That's correct.

Commissioner Tinsley: We have a motion and I will second that. Any discussion. All in favor say Aye.

Commissioner Varone: Aye

Commissioner Tinsley: Aye. Motion passes. Any further discussion or motions or amendments? Mr. Norman since the public hearing was closed last time, we can't consider any new information, we can only consider the information that we've been given. So what I would suggest is let us go through the process and then you can come up and I'll let you have the floor after we've made our vote. Okay. Thank you. Is there any further discussion? Seeing none, we have a motion and a second. All in favor of the proposed minor subdivision preliminary plat to be known as Norman Minor subdivision with the eleven conditions of approval as amended signify by saying Aye.

Commissioner Varone: Aye

Commissioner Tinsley: Aye. Motion passes. Mr. Norman, please state your name and address for the record.

Jeffrey Norman: Jeffrey Norman, 3535 Canyon Ferry Road. The question that I have is on this Morello Road improvement, would there be an RID pursued on the improvements on this road or according to item #4 I would have to improve that road myself from my eastern boundary to Valley Drive?

Commissioner Tinsley: I'm going to allow Mr. McHugh to answer this; I believe I know the answer but Mr. McHugh is the planner so I'll let him answer this.

Michael McHugh: The property that is located to the east was an improved subdivision and they've already waived the right to do an RID. The properties to the west and to the south are not, they have not waived their right. The Board of County Commissioners can initiate that thing but as the condition is written right now, Mr. Norman would be required to improve the road at his own cost either from Valley Drive or Applebee Court to the east and that's his prerogative, whatever is least costly for him.

Commissioner Varone: Mr. Chair. When I was out there yesterday I originally drove down Applebee Court and I had my car and almost lost it in the rocks and the road is absolutely horrendous and it just solidified in my mind the need to have an RID out there that included Applebee Court and the folks to the west. There are only two properties out there that don't have residences on or adjacent to yours at least as I saw it and considering that the street in front of you at least in the short time you're not going to be allowed to use that there's going to have to be something that's done just seems to me that this is an opportune time for us to get those folks together to see if something that would be of interest to them. If you would be willing to wait to improve your property and if they're not willing to do it and we don't get a majority then you go ahead and do it. I just think that folks there, if they don't understand they need to understand that that road is in the future not going to allow people the kinds of access they've had in the past.

Commissioner Tinsley: Essentially Mr. Norman I believe what Commissioner Varone is trying to say and please correct me if I misspeak, you are required by the time you do final plat and you just saw we did a final plat a moment ago that person had met all the conditions of approval that had been put upon them in the application process. You are required to meet these conditions that we just passed before we can final plat this. In the meantime, you should go out and talk to your neighbors and see if you can put a neighborhood meeting together, let them know, maybe have somebody from DOT come out and explain to them that they're going to lose access off of, I don't know if those would be benefiting properties anyway ones that are losing access off of Canyon Ferry but explain to your other neighbors along that Morello portion that benefit from that where you are with regards to needing to improve that road and a RID you might be surprised and it might be successful. You are waiving your right to protest so you, if an RID is implemented your obligated to participate and I believe your neighbor to the east as Mr. McHugh stated is as well and there may be others out there that we don't know about that are benefiting properties, so you have some time before your final plat. Worst case scenario is you have to as indicated by the conditions improve it from the east or from the west to your western boundary but you have some time to get working on this and I would suggest you do and you can work with our staff and they will give you the procedures that you need to follow and all the requirements. Does

that answer your question?

Jeffrey Norman: Yeah.

Commissioner Tinsley: Alright, Thank you very much. You should be receiving correspondence from staff very soon regarding our vote this morning and I believe you're done here if you want to leave you are more than welcome to. If anybody receives a ticket this morning while participating in this meeting, please contact Carole Byrnes our executive assistant up here on my left, your right and she will make good of that ticket just for the meeting this morning now, don't bring in any other ones in please or you can see former City Commissioner Steve Nechert he might be able to help you.

Proposed Minor Subdivision, Preliminary Plat to be known as Johns, Lot 1 Minor Subdivision. (Applicant, John & Lori Early) (Planner, Michael McHugh) (cont. from 8/10/04)

The Commissioners will consider creating three lots for single-family residences. The subject property is located in the SE1/4 of Section 6, T10N, R3W; generally located north and adjacent to Mill Road and east and adjacent to McHugh Drive.

Commissioner Tinsley: Are there any questions for Mr. McHugh?

Commissioner Varone: I don't have any questions, but I do want to acknowledge that we received a response from Eric Griffin regarding the culvert question that we had on Tuesday and I'm not going to read the whole thing, he has an explanation but it says, the last part of it says is as you look at the site the water flows to the east from McHugh down the south side of Mill there is a low spot in the road that allows the water to go into the drainage ditch that is on the proposed subdivision. I believe that we cannot make a difference at this location with a culvert at the intersection. Individual approach permits would be required if this is approved we will evaluate it at that time if a culvert will be required. There are some instances that culverts are not required.

Commissioner Tinsley: And I don't know if you touched on what else he said Madam Commissioner, Mr. Griffin also indicated that it's kind of the old pied piper argument that whatever you do to try and mitigate affects on one thing affects something else downstream or along the way, so we could just be pushing so if in fact we do put a culvert in there and it's not even needed we could be pushing the problem to his neighbor and so on. Michael did you have anything you wanted to add in regards to Eric's

Michael McHugh: I just want to point out that like condition #3 requires approach permits so if there is going to be the need for additional culverts that would be dealt with at that time and also under condition #8 I mean there's notification of the potential flooding so any future property owners would be aware of that circumstance there.

Commissioner Tinsley: Thank you. I did have one question that I just wanted to put on the record and that was with regards to lot 1A, the proposed access location, I didn't see anything from the transportation coordinator and this is a minor so it may not have been necessary but that approach into lot 1A is well within or well outside of the legal distance from the intersection?

Michael McHugh: Given the posted speed limits there and everything it does fall within the standards.

Commissioner Tinsley: Great. We need a motion now.

Commissioner Varone: Mr. Chair I move approval of the proposed minor subdivision preliminary plat to be known as Johns Lot 1 Minor subdivision and the recommended conditions of approval and authorize Vice Chair to sign.

Commissioner Tinsley: Second. Any discussion? Seeing none, those in favor of the motion signify by saying Aye

Commissioner Varone: Aye

Commissioner Tinsley: Aye. Opposed ____ motion passes. Thank you Michael.

Proposed Major Subdivision, Preliminary Plat to be known as Lakeside Village on Hauser Major Subdivision.
(Applicant, Conrad & Sheryl Hale) (Planner, Frank Rives) (cont. from 8/10/04)

The Commissioners will consider creating three (3) lots from an existing 8.8-acre tract, known as Tract C of COS 265049. One lot is for 12 condominium units; another for the existing bar/restaurant and marina; and a third lot for a common recreational area. The subject property is located in the SE1/4 of Section 27, T11N, R2W; generally located on the west side of Hauser Lake and east of York Road, approximately 10 miles from Helena.

Frank Rives: Does the Commission have any questions for me?

Commissioner Tinsley: That's what I was going to ask. Are there any questions? Is there a motion?

Commissioner Varone: Mr. Chair, I move to approve the proposed Major Subdivision Preliminary Plat to be known as Lakeside Village on Hauser Major Subdivision and authorize Vice Chair to sign.

Commissioner Tinsley: Second. Any discussion?

Commissioner Varone: I do have discussion. First of all Frank I want to apologize to you, you provided the information from Brian Hollings and it was in here, but I was looking for a letter that was signed by Brian Holings because it said see attached and when in fact it was the letter from Eric Griffin that was in there so I thank you for giving me this.

Frank Rives: Yes Mam, I thought perhaps there was a little confusion because

Commissioner Varone: If he would have said see attached letter from Eric Griffin that would have been okay but I thought it was a letter that should have been signed by him. We'd asked for a comment or a recommendation from the Deputy County Attorney on the Lakeside sprinklers, Ron have you heard anything from

Ron Alles: No Mam

Commissioner Varone: Well then I am going to err on the side of safety and on condition of approval #5 it talks about the final plat and there are conditions regarding to the Lakeside Fire Service Area requirements and one of the alternatives indicates that each newly constructed condominium will be equipped with a sprinkler, interior sprinkler system designed to meet the Lakeside Fire Departments standards. That scares me a little bit because I know they have to adopt and I know statutorily they have to adopt at least the Uniform Fire Code and we don't have enough information to say that they did that so I think we'll be safe and we'll still follow within their guidelines at least at a minimum to change the language to say to meet the Uniform Fire Code Standards as adopted by the State Fire Marshall.

Commissioner Tinsley: and that's a motion?

Commissioner Varone: Yes it is

Commissioner Tinsley: Second. Mr. Rives do you have any input on that?

Frank Rives: No I believe that would do the job in fact it was going to be my suggestion that we change the language

Commissioner Varone: It begins some standardization too at least until we get our other policy adopted

Commissioner Tinsley: and I do believe that they more than likely have adopted, I mean that's their guidelines, I don't think that, I think that's just the way they wrote up their comments so. We have a motion and a second any further discussion? Seeing none, those in favor of the motion to amend condition of approval #5 to read, to delete Lakeside Fire Department Standards and insert Uniform Fire Codes as adopted by the State of Montana signify by saying Aye.

Commissioner Varone: Aye

Commissioner Tinsley: Aye. Motion passes.

Commissioner Varone: Mr. Chair, I got ahead of myself and I apologize I think we should have addressed the variance before

Commissioner Tinsley: Oh, we should have. Let's go back to the variance. I believe the amendment can still stand but we'll go to the variance, that was my fault for not pointing that out.

Commissioner Varone: Mr. Chair I move to approve the variance requested which means public access easement with 30 feet improved surface with 20 feet and authorize Vice Chair to sign.

Commissioner Tinsley: Second. Any discussion? Seeing none, those in favor of the motion for the variance, signify by saying Aye

Commissioner Varone: Aye

Commissioner Tinsley: Aye. Motion passes. We're back to discussing the original motion to approve the subdivision. Any further discussion? Madam Commissioner I would like to just prior to the vote give a nod to both Cheryl and Conrad for all the work that they've done out at Lakeside to improve that area. A lot of times when you see a major subdivision come across your desk or it goes into the paper people automatically have this ___ reaction but you have proposed a very fine subdivision here and given what you've accomplished out at Lakeside and given the current use and what your proposed use is for this area, I think it's a great project and we appreciate you just participating in the process.

Frank Rives: If I just might add that we also appreciate the fact that they've worked with their neighbors before hand to get things done, that helps a lot and as a result they had a lot of support

Commissioner Tinsley: Absolutely and you've got some good food out there too. Madam Commissioner.

Commissioner Varone: When I drove out there, I was, I'm always amazed at the beauty of that area and I'd never driven through the park area where the trailers are and I did that and I got out and walked around and it is so well kept and even if you decided not to do this I think that area that you've been maintaining it over the last few years or however long you've had it, it looks great out there, it's clean, it's fresh and as pristine as any camping area can be so I too congratulate you.

Commissioner Tinsley: We have a motion and a second on the application as amended, all those in favor signify by saying Aye.

Commissioner Varone: Aye.

Commissioner Tinsley: Aye. Opposed ___ motion passes. Congratulations. Work with staff and they'll point you in the right direction on how to get going. Thank you.

Final Plat Approval for the Holter Lake View Tracts, Lot 11 Minor Subdivision. (Applicant, P.J. Falleroni)
(Lindsay Morgan)

The Commissioners will consider the final plat.

Lindsay Morgan: Good Morning Commissioners. P.J. Falleroni has submitted an application for final plat approval of Holter Lake View Tracts Lot 11 Minor Subdivision. It's a proposed development that will create five lots. It appears that all conditions have been met and or otherwise addressed by the applicant. The Lewis & Clark County planning and development office therefore recommends that the Board of County Commissioners grant final plat approval for this development. Do you have any questions?

Commissioner Tinsley: Questions for Ms. Morgan? Now this is the point that we usually do it by consensus. Okay, alright. I'm fine with it if you are.

Commissioner Varone: I am but I do have some discussion that I'd like about to report that you prepared Lindsay. This report is about the most complete that I've seen with a final plat approval. I really appreciate you pulling in your old conditions of approval, writing them down and then saying exactly how it was done and what was done. In particular I like the enclosures because what's happened through the years in the old days, twenty or thirty years ago, there wasn't anything like this and there really wasn't a checks or balance in place and not often but sometimes people really don't complete everything and yet the final plat is signed off on. This gives folks in the future the opportunity to really have a tracking system and what I'd like to see is I'd like to see all of our final plats use this same format from here on out with all of our planners, I think it's just a great tracking system and a wonderful job.

Commissioner Tinsley: I agree with you Commissioner. Ms. Morgan, doing it this way would have, we had an instance, or an incident or an instance within the last year of something being missed in the conditions of approval with regards to utilities and I think doing it this way would give us one last final opportunity to ensure that we have included that and in the packet for the final plat because once the final plat is done, I believe we're out of luck so Thank you.

Sharon Haugen: Mr. Vice Chairman, Commissioner. That format is actually is used by all of our planners now.

Commissioner Tinsley: Good.

Commissioner Varone: Good.

Commissioner Tinsley: Alright, do we have a motion?

Commissioner Varone: I think its just consensus.

Commissioner Tinsley: Oh, consensus that's right. I'm fine with it if you are and it looks like you are so after the meeting we'll sign the documents. Thank you.

Request to Waive \$75.00 Encroachment Fee. (Sharon Haugen/Janet Pallister)

The Commissioners will consider the request from the Big Valley Property Owners Association.

Sharon Haugen: Commissioner Tinsley I will start. You should have in your packet is a letter from a Heidi Dougherty who is the president of the Big Valley Property Owners Association. We have a RID up at that area in the Big Valley Area and she is the contact person for the RID. It is my understanding that a culvert needs to be installed to Woodland Hills Road. In order for that to happen, we have to encroach on the property and an encroachment permit has to be issued. But Ms. Dougherty has requested that we waive the fee for that encroachment permit. Now the fee for the encroachment permits, although we don't have any advertising costs that are involved with that it does involve staff time for both the planning department and public works because we have to go out there and inspect it and do those kind of things and that's our standard charge. It's my understanding and this happened while I was out of town and perhaps Janet knows more or not, that Ms. Dougherty came in and initially didn't want to get the encroachment permit but did say yes she would but felt that since this was an RID and it's a public entity that we should waive that encroachment fee. Now in the past

we have on some cases for actual other County organizations we have on the other part we have taken that out of their budgets an example that comes to mind is the Water Quality District when they did some monitoring wells on our right of way. So we have always left this decision up to the Board of County Commissioners I guess is where I am going with that. The money, the RID itself does have the money for the approach permit, we did check the budget, that's all I basically know. Maybe Ms. Pallister knows a little bit more, this did happen when I was out of town so I'm a little bit hazy on the complete details but I think generally that is the essence of the request.

Commissioner Tinsley: Before I introduce Ms. Pallister, we received an email from Deputy County Stahl this morning or actually last night but and I printed it off and promptly left it laying on my desk so I couldn't bring it with me this morning, but it is his recommendation and it appears from the email he sent us that we need to be very careful about waiving these types of encroachment fees because number one this is where we get a lot of our revenue to perform the work that our various departments perform and number two we're setting a precedent if we do in fact waive this fee for any future groups that come before us wanting the same thing and he even indicated giving equal protection clause in our constitution in the United States Constitution we might actually be required to notify these groups that they are eligible to have this fee waived. I don't know if that's necessarily correct, but he's an attorney and I'm not and I trust his judgment. Ms. Pallister do you have anything to add? I will give that letter to Carole to put into the record; I just left it lying on my desk.

Janet Pallister: Vice Chairman Tinsley and Commissioner Varone. I think Sharon summarized this request very well. Right now we are holding a contract for roadwork in Big Valley RID so that the encroachment permit and the whole issue of whether or not they pay the fee so that's resolved before they can begin their work out there. Public Works really doesn't have any particular position on this, it is a board decision if they choose to waive the fee I would just reiterate what Sharon said that there has been a considerable amount of staff time spent on this request already and the RID does have the funding to pay for the \$75 encroachment permit fee.

Commissioner Tinsley: Thank you. (tape ends)

Commissioner Varone: (tape begins) ... Mr. Stahls comments so I appreciate you sharing that with me. I'm glad because it supports what my thoughts were as I read this, it's a shame that Ms. Dougherty, I can't read her last name, or someone from the RID weren't here to speak on their behalf but it's been very difficult for our road department to operate as we do now with the small budget that we have and to begin waiving fees from RID's whose obligation it is to care for their own roads and one of the obligations is to make sure that it attaches to one of the roads that takes them back and forth to work. I agree with Mr. Stahl that this would be setting a precedence and it's not something that I want to do and \$75 I don't think even covers it, I think we're being generous in that \$75 fee and so it's my plan and I hope I get support to deny the request to waive the \$75 encroachment fee and authorize Vice Chair to sign the documents.

Commissioner Tinsley: You have my support. Second. Any further discussion? Seeing none, those in favor signify by saying Aye.

Commissioner Varone: Aye

Commissioner Tinsley: Aye. Opposed ___ motion passes.

Public Comments on items not mentioned above.

Commissioner Tinsley: Is there any public comment? Any public comment? Seeing none it looks like we are adjourned.

Adjourn.