

PUBLIC MEETING
March 22, 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, K. Paul Stahl, Jerry Grebenc, Marni Bentley, Eric Griffin, Carol Hanel, Laurie Davis, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the Pledge.

Bid Award and Contract. (Karen Hruska) The Commissioners will consider awarding the bid for an IBM iSeries i5 9406-520 computer system, including hardware and operating system with a 5 year maintenance agreement on both. The machine will replace current AS/400. Tabled to Thursday March 24. They haven't gotten the contract yet. Motion passes to table it 3-0

Proposed Major Subdivision to be known as Fort Harrison Estates Major Subdivision. (Applicant, Frank Gruber) (Michael McHugh) [Note: Applicant has requested this hearing be **postponed to Tuesday, April 26, 2005 at 9:00 a.m.** Because this has been legally advertised, public comments may be accepted.] The Commissioners will consider creating 62 lots, 57 lots each for one single-family dwelling and 5 lots for community water, wastewater and stormwater drainage facilities. The existing 77.99-acre tract would be divided into 62 lots ranging in size from 1.01 acres to 3.38 acres. Lots 1-57 would be developed with a single-family dwelling served by a community water system, community wastewater treatment system, and utilities. Lots 57 through 62 would be used for a community water supply, community wastewater treatment system, storm water drainage system and utilities. The proposed subdivision is located in the NE1/4 of Section 9, T10N, R4W. The proposed subdivision is located on Birdseye Road past Fort Harrison north of Chapparral Drive.

Marcia Ala, 4025 Chapparral Road: I guess the question I have it maybe two-fold. How long have they known that this was going to happen because some folks took the day off work so we could be here and we weren't notified until we showed up this morning?

Commissioner Tinsley: Ma'am all I know is I got my packet and there's a request from the applicant and they can request to move it or cancel it for any reason they wish. We are only obligated by date certain to have a hearing. The only way it can be changed is if they request it personally. Do you have comments in text?

Marcia Ala: I do and I can leave you a copy of them.

Commissioner Tinsley: That's what I'd suggest. Leave them with Carole Byrnes and she can include them into record. Go ahead.

Marcia Ala: My second question or my second part of the question, when we originally got the notice from the planning committee we were told that the hearing was going to be sometime in I think it was the 9th or March or something, it was early in March. We went to the planning meeting and they said it was today so we're here and now it's being changed to the 26th of April. Are we or the residents in the area going to get some kind of letter because I think that's probably why not as many of us are here today.

Commissioner Tinsley: What I'll do is let our director of community planning, Jerry, could you address?

Jerry Grebenc: Mr. Chairman, we just received a letter on March 16th, today is the 22nd. Typically it's been the boards policy that they'll announce changes and this is a noticed public hearing, it was in the newspaper, letters were sent out to people so today would be the day that

you would have taken public comment and Deputy County Attorney Paul Stahl can correct me if I'm mistaken, but this is a noticed public hearing. You can change the date to a date certain upon the request of the applicant so if the board wishes us to send out notification we can, but it's typically because this is a noticed public hearing, it was in the paper and it was notified.

Commissioner Tinsley: It is a public hearing once it's opened, but it hasn't been opened yet.

Jerry Grebenc: Correct

Commissioner Tinsley: Mr. Stahl, do you have anything to add?

K. Paul Stahl: There's no legal obligation. We gave legal notice and people who wanted to testify would have been here this morning and we are now continuing it and they have notice that it's going to be on that date so we do not have to send letters legally by any obligation.

Marcia Ala: But if they're not here, how will they know that it's changed because this is the second time it was changed.

K. Paul Stahl: But if they're not here they were not going to speak anyway if we'd gone forward with the hearing.

Commissioner Tinsley: Typically what we do is we advertise it through channel 11. They have a little thing that goes around and tells when we have a hearing. We also advertise it through the paper. April 26th is the date. Please if anybody else has public comment that's written testimony you can give it to Carole Byrnes, our executive assistant, and she can include it into the record.

Marcia Ala: Okay. Okay. Thank you.

Commissioner Varone: Mr. Chair, because this was noticed, Commissioner Tinsley, and if there are folks in the audience, I'd like to give them an opportunity to speak.

Commissioner Tinsley: Commissioner Varone, the item has not been opened. The applicant is not present. I don't believe we can have public comment without an applicant present to hear their side of the story. It has to be opened and presented to us first.

Commissioner Varone: Mr. Chair, Commissioner Murray, I understand that these folks, how many of them are in the audience that would like to speak today? If there are 3 or 4 in the audience, if they took the time to come here I believe that they should have an opportunity to at least speak.

Commissioner Tinsley: And I appreciate your concerns, but it's not fair to the applicant and it's not fair to other folks involved in the case who are not present to be able to hear it. April 26th is when we're going to have the next meeting and then we'll public comment at that time. Now I will offer them the opportunity to put the written testimony in and include it in the record.

Commissioner Varone: Commissioner Murray, do you agree with that?

Commissioner Murray: I argued it a couple of weeks ago and lost so I will follow the chair's decision.

Commissioner Varone: Just for the record, I would like you folks to have an opportunity to speak.

Commissioner Tinsley: And I appreciate that and just for the record, I'd like the applicant and his or her representatives to be present to hear those comments and that will occur on April 26th to

be fair for everybody I believe.

Ron Alles: Mr. Chairman, Commissioner's, if I might, I know you discussed moving it, but maybe the board needs to take official action moving the date to April 26th.

Commissioner Murray: So move.

Commissioner Varone: Second.

Commissioner Tinsley: We have a motion and a second, is there any discussion? All in favor signify by saying "aye". Motion passes (3-0)

Jerry Grebenc: Mr. Chair, I also hate to interrupt you again, but the review period needs to be extended to May 6th. That's also part of the request.

Commissioner Tinsley: Do you include that in your motion Commissioner Murray.

Commissioner Murray: You bet

Commissioner Tinsley: Would you agree with that Commissioner Varone

Commissioner Varone: Absolutely

Commissioner Tinsley: It's in there, thank you and Ma'am, thank you for signing that. It reminds me that we do have a sign in sheet up here at the front. If someone wouldn't mind starting it and passing it around the audience that just gives us a record for whom was here today for the public hearing. Also, if you receive any kind of parking ticket while you're participating in this meeting this morning, please bring it up to the 3rd floor, west side of the building and give it to Ms. Byrnes and we'll make sure that you don't have to pay for that ticket while you're participating. Ms. Bentley.

Resolution To Create Rural Improvement District No. 2005-2 For Kerr Drive. (Marni Bentley, planning staff)

Marni Bentley: On February 24, 2005 the board passed a resolution of intent to create Kerr Drive RID based on a request from some land owners in the area. Letters were sent to all property owners within the proposed RID. Legal ads were published in accordance with the statutes. The protest period ended yesterday at 5:00 and 34 protest letters were received, copies of which were provided to the board. Issues brought up in the letters included some lots were not included along Kerr Drive just south of Forestvale and other lots that were not included on Lynn Drive. The lots along Kerr Drive have a no access restriction to Kerr Drive and staff determined that they do not benefit and benefit is one of the statutory requirements that we have to look at in RID's. The lots along Lynn Drive probably should have been included, but I tried to look at the area and traffic patterns and determine those that benefit and I did not go out into the field to determine individual traffic patterns. One letter indicated that our timing was incorrect pursuant to the statute and that there should have been 30 days allowed for the protest instead of 15. Under a different section of the statute 7-12-2113, that's where I got the 15 days. Some protests were submitted by landowners who have subdivision restrictions that waived their right to protest the creation of an RID and another protest was not signed by both owners of property and was deemed invalid. Counting only the valid protests, staff determined that the protest was 53.8% of the cost of the work. Pursuant to section 7-12-2112, no further proceedings can take place because protest was made by the owners of more than 50% of the cost of the proposed work. The process is finished and nothing else can be done for at least 6 months according to the statutes. No public testimony needs to be taken today and the next item on the agenda

Commissioner Murray: Excuse me before we move on, I move in our record we accept the protest we received for Kerr Drive and drop the proposed RID.

Commissioner Varone: Second.

Commissioner Tinsley: We have a motion and a second, any discussion? Hearing none, all in favor say "aye". Motion passes (3-0). Commissioner Murray.

Commissioner Murray: Mr. Chair, I move that we notify public works that all future maintenance by the public works department in the proposed Kerr Drive RID be discontinued as of this date.

Commissioner Varone: Second

We have a motion and a second, discussion? All in favor, say "aye". Motion passes (3-0)

Commissioner Varone: Mr. Chair, commissioner Murray, I've attended several of the meetings with the folks trying to establish and RID in this area and I have to personally say I'm disappointed in the protest out. I want to wish all of you luck, hope you are successful in gathering support form all the folks who live on Kerr Drive and that area to maintain your roads. From past experience, I think you'll be back here asking for us to help you. I certainly hope that you will and I just want to wish you luck.

Further discussion. Hearing none, all in favor, did we just vote? We already voted on the motion, okay, lets move onto the next agenda item. (Ken Morrison) Yes sir please, pertaining to Kerr Drive? Please state your name and address for the record?

Ken Morrison, 5215 Kerr Drive: What's you're telling us, you're blackmailing us because we don't want to go for this improvement. You're not going to give us any more service down there at all, which hasn't been good in the past anyway. The streets been let go, the pothole maintenance has been terrible in the last year.

Commissioner Tinsley: Sir, let me ask you a question, if you wouldn't mind.

Ken Morrison: (undistinguishable)

Commissioner Tinsley: Excuse me?

Ken Morrison: Go ahead.

Commissioner Tinsley: I appreciate that. First of all, the commission is not blackmailing anybody and I don't appreciate you coming forward and...

Ken Morrison: Well, they're

Commissioner Tinsley: Hold on, let me finish, I'm chairing this meeting, sir. We don't need to be casting about aspersions and making allegations that are unsubstantiated. The people in this district protested out of this district, which they're legally entitled to do. The county has decided that we have only a limited amount of funds we can maintain roads with in this county. We have more roads than we have money. That's the decision that the county made, which we're legally entitled to do. There are no blackmails going on or anything like that so I would appreciate it if you didn't use those kind of

Ken Morrison: I'll withdraw the blackmail remark.

Commissioner Tinsley: Thank you very much, I appreciate that.

Ken Morrison: But I do have a question. On our taxes, are we paying for maintenance on that street now on our taxes now or not? We are paying something on our general tax down there for maintenance on the street, aren't we?

Commissioner Tinsley: You're not currently in an RID, sir, so you're not paying specifically for maintenance of those roads if that's what you're talking about in an RID.

Ken Morrison: So that means that, what I wanted to get clear then, is we'll get no more snowplowing, we get no more potholes filled until we decide to go with improvement.

Commissioner Tinsley: Commissioner Murray.

Commissioner Murray: Sir, you live on Kerr Drive, it's on a school route. As necessary for the safety of the buses you can expect to receive the same snowplowing you've received in the past. You will not have potholes repaired. It's been our policy as people opt out of proposed RID's that we pass this resolution so there's no confusion with public works. It is a commission decision, not a staff decision that we're making. You are paying some road taxes and the road taxes you're paying are going for the arterials for the county maintains and that you use driving throughout the county. Where we're down to is maintaining access roads and arterials with the limited road dollars that we have available.

Ken Morrison: Okay, in other words, our taxes are not mainly for our street then, it's just for overall county. So.

Commissioner Tinsley: Overall county roads, yes, sir. How many more questions do you have?

Ken Morrison: Well, just one more. I'm trying to read what and understand what, see I don't hear very good.

Commissioner Tinsley: That's okay.

Ken Morrison: Okay, so the problem is, where do we stand now, in other words, in 6 months you said something about 6 months coming back and doing something?

Commissioner Varone; Mr. Chair

Commissioner Tinsley: Commissioner Varone

Commissioner Varone: Can I respond? I'd asked to speak anyway. It had to do with a 6-month time limit. I'll talk louder. Can you hear me now? About 4 years ago it became real obvious to the commission that the funds that the county was receiving to maintain roads was not sufficient to over all the roads so the commission asked public works and Eric Griffin to take a look at all the roads and put together a plan for us to look at. After a levy failed several years ago, several years ago we came to the folks and it's way before I was elected, but saying the same thing, we don't have enough money to maintain the roads that we have in our county and we want you to tell us whether or not you want us to maintain the roads or you want to maintain the roads. The levy failed, which gave a clear road for us to follow in that we couldn't maintain all the roads in the county. That study has been finished and the commissioner will be making a decision this year sometime on what to do, either go back and ask for folks to pass a new levy or not. The fact of the matter is right now the county cannot maintain all the roads. We will be maintaining the main arterials and the ones that we can afford to maintain. That's why we've been going out into the different subdivisions and saying we can't provide this service anymore, the money just

isn't there and so you folks are responsible for maintaining your own roads. That's why we came to you, we held all the meetings, and tried to make it as affordable for you as we possibly could. Since that now failed, you can't come back to us for another 6-months and I hope that you guys are all successful in getting everybody in the community to donate a certain amount of money to maintain your roads. Our experience is that that just really doesn't happen. That's the best explanation I have for you.

Ken Morrison: Okay

Commissioner Tinsley: Thank you very much, sir. Please forgive me, if anybody, do we know of anybody in the audience, this is probably a dumb question, but if you can't hear me, how will you be able to raise your hand? But do we know of anybody in the audience that might have trouble hearing the proceedings this morning. We have a device that we can send out to the audience for anybody that might need help hearing so just let us know, okay, anytime during the hearing. Okay, thank you very much. You've got the 2 motions passed.

Resolution To Amend The Prickley Pear Creek Estates Rural Improvement District No. 1985-2 To Annex Adjacent Properties. (Marni Bentley, Planning Staff)

Marni Bentley: Commissioners, I think we'll start with a little background information. That might help this morning. The Prickley Pear Creek Estates RID was created in 1985 and over the years has contributed to the maintenance of Dusty Maiden road. We are now looking at expanding it to include other roads in the area. The roads have deteriorated and are in need of repair. I've got a map up on the screen that does show the existing Prickley Pear Creek Estates RID and the area to be annexed and you'll see that it takes in quite a large area. This is a view of M. Scotty drive looking to the north. M. Scotty Drive is one that is a road that is included for improvement. This is Dusty Maiden and Rocky Road at the intersection and this is the end of the chip seal. Here's the corner of M. Scotty and Rocky Road. And this is Rocky road looking toward the east. This is Dusty Maiden looking south on the chip seal portion. In the resolution of intent that was passed we talked about doing improvements to the hard surface of Dusty Maiden and those include the following that are on the screen, pulverization, shaping, compacting, reconstructing the hard surface with asphalt mat and a chip seal. Additional improvements to the gravel portions of Dusty Maiden and Rocky Road and M. Scotty Drive would include a reconstruction to the gravel standard, shaping and compacting. Maintenance would occur on all the roads listed on the screen and those were included in our resolution of intent. The maintenance would include a contribution for reserve account for future chip seal of the hard surface portion of Dusty Maiden, any road grading, addition of gravel, snowplowing and any other maintenance as needed out there. As I stated, we did pass a resolution of intent on February to expand or amend the Prickley Pear Estates RID. Letters were sent to all property owners, legal ads were published in the Independent Record in accordance with the statute. The protest period ended yesterday and one letter was received regarding the RID, a copy of which was provided to the Commission members. The letter was from the owner of the Meadow Village Manufactured Home community. This subdivision does include a restriction that waives their right to protest creation of an RID, however if it were to be counted as a valid protest that would be 32.4% of the protest and no sufficient to bar proceeding. This RID also included the definition of a lot and benefiting property that would access each lot and also each mobile home within the Meadow Village subdivision. The assessment goes on the tax bill for the real property and that's why the one protest, if it were valid, would have had such an impact on the protest calculation. With regard to the other subdivisions in the area and the impact on the roads, which was outlined on the letter. Staff found that most of the other subdivisions were required to build their roads to the gravel standard and that was required by the subdivision regulations at that time. It probably would have been fine, but the cumulative effect of all those subdivisions probably wore the roads down at a higher rate and there was no maintenance on the roads and that contributed to their deterioration. Regardless of how we got to this point, our effort here today is to move forward, fix the roads and have a maintenance plan in place so the roads don't

break down again. I do have a draft resolution amending the Prickley Pear Estates RID attached to your memo and the cost

for the improvement per lot would be \$156.98 and for maintenance on an ongoing basis would be \$77.59. Staff can answer any questions.

Commissioner Tinsley: Questions for staff?

Commissioner Murray: Mr. Chair, Commissioner Varone, Ms. Bentley, the maintenance per lot seems higher than in other subdivisions, is there a reason?

Marni Bentley: The maintenance does include a chip seal contribution and all those side roads that were listed before. Maintenance gravel application, snowplowing, that is included and that's why it seems high.

Commissioner Murray: Thank you

Commissioner Tinsley: Further questions for staff?

Commissioner Varone: Mr. Chair, Commissioner Murray, Marni, it's my understanding that we would combine the 4156.98 and the \$77.50 for 10 years and then the \$156.98 would drop off and just the \$77.59 remaining?

Marni Bentley: That's correct.

Commissioner Varone: Thank you

Marni Bentley: I just broke them out because of the financing on the 10 years and then the \$77.59 goes on in perpetuity.

Commissioner Tinsley: Further questions for staff? Hearing none, thank you very much. Mr. Stahl, I believe we can move into our public hearing at this point, is that correct? Thank you. Folks, I'm going to open the public hearing now and I'm going to take any comments proponent, opponents or just general testimony regarding this. Please come forward to the microphone, state your name and address for the record and we'll proceed. Mr. Snoddy, welcome.

Bill Snoddy, resident Prickley Pear Estates: I am here today in opposition to the proposed changes to the Prickley Pear Creek Estates RID for the reasons listed on the letter, which is being distributed at this time. In brief summary; the amendment to the boundaries of this subdivision were not discussed previously in public meetings. That information was only supplied in the letter we received in the mail notifying us of the meeting today. With my discussions with folks at the planning commission, Ms. Hanel, Mr. Griffith, I've been made aware that there are 8 different options on the table, that have been on the table, for discussion for improvements and management of the RID. Now I hate to stand in opposition today, I know each of you very well. I know that you are looking out for the interest in residents in the area, however, for a number of reasons I believe this is a Lexus plan on Kia budgets in the area. Prices of oil, since the initial cost were put together in 2004 for the asphalt portion of Dusty Maiden Road, have more than doubled, which will increase the bottom line amount of the RID cost and increase each property owners portion that they have to pay. I don't believe Mr. Chairman, members of the commission, that enough serious work has been done on options that will improve the roads, get them to a standard that will be sustainable in the area, and perhaps a rush to do something, even if something in this instance might not be the best option. I'm opposing the expansion of the Prickley Pear Estates without a vote from the members of the current RID to include those who have negated their vote or who've abdicated their right to vote through purchase of properties out of the existing county ordinances. I will support, in the future,

improvements to the roads and ask at this time that you postpone any changes or improvements on those roads until those negotiations can be carried forward. If that means that it needs to go to into the next year, so be it. The Prickley Pear RID has paid for the 15 years I've lived there. Money into a RID fund and neither Evestya nor Hollygrape Court have been maintained through those funds. That money has all gone on to Dusty Maiden road, which creates some concerns of those of us who are residents on the side streets in the future of what uses will be made of the money set aside for maintenance. So having said that, I'd be happy to answer any questions from the commission.

Commissioner Tinsley: Thank you very much, Mr. Snoddy, for your comments, we appreciate them this morning. Further public comment?

Susan Cercle, 3130 Dusty Maiden Drive: I'd like to speak in opposition to the improvements. I happen to like the potholes, it keeps the speed down and mostly it's the unfairness of the distribution of who's considered a lot and how much each lot needs to pay. However, I realize that most of our rights to protest have been negated through subdivision so I'd like to bring up two topics to consider: (1) postponing the work on the Dusty Maiden portion until after Canyon Ferry Road has been fixed. We could still be using Dusty Maiden to turn around, route traffic. They're going to be having their heavy equipment, scrapers, blades, haul trucks and the like, and that could just ruin any work that we could be doing to Dusty Maiden. Also, (2) some of the buses go down to Meadow Village to pick up the kids. Some of the buses are still on Canyon Ferry Road and it makes a very unsafe situation there. You've got kids waiting on both sides of Dusty Maiden and Canyon Ferry. You've got people waiting with their kids, parked on both sides of Dusty Maiden. In the wintertime especially, it's fogging everything up. You can't see, there's no good visibility. I would request that the buses all be made to go down to Meadow Village or that a no parking area be put at the intersection.

Commissioner Tinsley: Thank you, Susan, we appreciate it. Further public comment? Yes, ma'am?

Laurie Davis: My husband is out of state working and he regrets that he couldn't be here today. I was told that we had until let me think of the date I think it's April 10th? Our period of disagreeing with your improvements I guess, disagreeing with this RID you're trying to install. The last public meeting, I had called Carole and she was on vacation, because I was actually unable to attend and as you can see we are being taxed the most. I'd like to go ahead and explain the situation. We are just a small business and we're not wealthy people. We are trying to get by in life and make a living. We have, ourselves, put at least \$100,000 into Dusty Maiden and our own roads and I'll just go ahead and read a letter that I know most of the county has already received. It just says, "As owners and hands-on operators of Meadow Village Mobile Home Park, we feel we have done more than what was asked of us to maintain Dusty Maiden Road. We met all the county requirements and specification in the construction of Dusty Maiden Road and all other roads. We have paid for all of our snowplowing. Also, if people remember back in 1995, Dusty Maiden was referred to as one of the worst roads in the county. It was simply one pothole followed by a larger pothole. We've already paid close to \$100,000 worth of improvements to Dusty Maiden Road, Rachele Road, Carrie Court, Derrick Road and Shanda Court. Then we sat back watched as more homes and subdivisions have gone on into the north, east and west of our park. None of which were required to pave their roads or maintain Dusty Maiden, which is used by all for access. We also sit by and watch as big trucks and equipment access Dusty Maiden continually as these new homes and subdivisions are constructed. Part of our pavement was destroyed when the utility companies cut trenches across Dusty Maiden and never repaired it correctly. Therefore, it kept breaking apart and getting worse over time and soon had to be completely redone at our expense. In the past two years, we have filled potholes using our own funds and laborers. Last spring, we employed Jerry Robinette, a road contractor, to come in and blade and repair Dusty Maiden. We understand that there were only minimal funds in the Prickley Pear Estates RID and we do appreciate the times that they did pay for the pothole

repair. Dusty Maiden may not be perfect, but it's very usable and is in much better condition than many other roads. I think everyone can agree that we're in much better shape than we were last year. And now after we put all this money and labor, you want us, the owner's of Meadow Village, to shoulder the bulk of new construction and maintenance costs. It is not right. We've already paid more than our fair share. We've paid the cost once and should not be asked to pay it twice. Also it is not fair to ask you to pass this cost along to our tenants. By raising the cost of residents of Meadow village, we would have to raise their lot rents to a level where we would not be competitive to the cost of other parks in our area. Either way, this creates an unfair financial hardship for us. We know that there are other people who live all around Meadow Village who appreciate the road maintenance we have done. They have stopped and/or called to thank us for making Dusty Maiden a better road. Some of these people have asked us if there's anything they could do. Now there is something they could do. Please help us stop this assessment, which is unfairly weighted, by making Meadow Village pay the majority of these costs. Meadow Village will gladly continue to maintain Dusty Maiden from Canyon Ferry Road to M. Scotty Drive and all of our interior roads at our own expense. We will even increase the maintenance schedule if necessary to maintain Dusty Maiden Road and you will find Dusty Maiden in much better shape than last year. We intend on filling potholes this spring and fall again. We don't feel it is necessary to completely remove and replace this portion of Dusty Maiden because of the improved condition and our current maintenance schedule. We appreciate your support in this matter. We hope you will realize we have already contributed more than our share to this project. We are totally against paying for this new proposed unfair assessment". And I do have some receipts. I did not even get notification in the mail at first about this meeting here and so I called Carole because a neighbor told me that they had received a letter, so I called Carole and I said "is it true that everyone had, that there's a public hearing going on and she goes, "yes, didn't you get notice?" and I said, "no" so she goes, "I'll get something out to you right away" and she said she was going to fax something and never got it in the fax so I said "I'm leaving", I had to go run some equipment down to my husband, where he's working and I told her I was leaving in a couple days and she did go ahead and mail it, but I mean, I had very little notice to get this together, which I did get. But there's a lot more receipts. So far I have over \$94,210.95 that I put into the roads and this isn't even, I have many more receipts that I don't have at home, but thank you for your time. I appreciate your consideration. Do you have any questions?

Commissioner Tinsley: Any questions for Ms. Davis? Hearing none, further public comment? Welcome ma'am, please state your name and address for the record.

Fran Holberg, 3350 Lonesome Loop Road: (Speaking for self and Steve Duffy). At this point we would like to put it on record that we also protest on what's being done on the roads there on Dusty Maiden and the rest of the area and we'd like to have more time and more looking into what our options are and to where everybody is more aware of what's going on and I want it on record that I do agree with the protest.

Commissioner Tinsley: Thank you, Ms. Holberg. We appreciate your comments. Welcome sir, please state your name and address for the record and if you wouldn't mind, would you remove your hat for me. Thank you very much.

Auster Fulton, 3150 Hollygrape: I also oppose and would rather have some more time for people to get this figured out a little bit better.

Commissioner Tinsley: Thank you Mr. Fulton we appreciate your comments. Further comments?

Ron Barsch, 3290 Rachelle Road: I am a landowner and it's a rental that we have. Commissioners I really appreciate and strongly support your efforts in trying to improve the roads in the county. I understand what an awful task it is and I do understand how difficult it is to

get a community behind something like this. However, having said that, I would like to oppose the acceptance of this improvement as it is written, the reasons being; I've owned my property in that area since the very beginning of the creation of Meadow Village. When I did purchase that property as an investment property it was my understanding, I understood, what was being required of the property developers, Lori and Bob Davis at that time as far as improving the roads, they did pave all the interior roads, they were required to do the chip and seal. When they did that, it was my understanding that a lot of the road issues would be taken care of and that there would not be further assessments on the individual property owners in that area. Now of course development has occurred in that area in a positive direction. I think it's very unfortunate, however, there is a lot of developers that were allowed to put in subdivisions and were not required to contribute in the same capacity that the Davis' were when they put in their subdivision. Having that being the issue, what you have resulted in, you've had had as Mrs. Davis has explained, a lot of further traffic. I'm a building contractor. I understand what does happen and what impact we do have and I support people that are developing, participating to a level that is proportional to their involvement. A lot of the other development in that area has not been required to do this. A lot of the development that has occurred in this area has basically gotten by without contributing anything to their road systems. Now if you look at your map, you'll find out where the Davis subdivision is. Everything leading to their subdivision has been improved by them and as far as my tenants are concerned living at that property, they benefit from that. The Davis' have continually maintained those roads. That's part of what originally went into this property, they had agreed to do these types of things. I think that you need to reconsider what roads are included in your RID. I think that what you're doing is fantastic and I strongly support the concept, but the way in which it's administered needs to be on a fair and proportional basis. If you're to consider the fact, I think the Davis' told me at one time and Laurie has shown you roughly \$100,000 of expenses you can document today, I'm certain when she goes through with her accountant they'll find all the costs and roughly \$150,000 is the terms, is the numbers I've heard. That needs to be considered into the equation. It is unfair if you think that she has paved all the interior roads on Dusty Maiden, on Rachelle Road, Derrick Drive, Carrie Court, Shanda Court. Because she's already done this, she's incurred a lot of costs. She is being asked to then again contribute to all the paving on all of the rest of the interior roads on all the rest of the developments on this entire area. I think you'll surely see that, when you look at the idea of access and proportionality, is not being fairly assessed in consideration of this landowner or is it being fairly assessed to myself. In purchasing that parcel of land, I have already been part of the development costs, part of the costs of purchasing that land was the infrastructure that was put into her park. Obviously they've maintained ownership of a lot of those lots. I don't know how many there are that they have, so they would be unfairly required to help contribute to this RID. Taking this rationally, where you'd go from here after me saying something like this, because I support what you're doing, and I'm thinking a more accurate way of assessing this would be to cut off the portion of Dusty Maiden road from M. Scotty Drive to Dusty Maiden and everything that the Davis' have in their park. Development after that stage, it's in a horrific state. You, we do need to do something about that. The residents in that area have to contribute. Unfortunately, it wasn't part of their development costs when they purchased their lots. That's unfortunate. I strongly empathize with the next development, I'm sorry I forget the name of it, on the end that already has an RID associated to it. They paid a lot of money into trying to help maintain those areas. So I can understand what they're saying and I don't know the best way to go about this, but I do think you need to consider this because it does strongly effect the economics of these folks and their park, it affects my economics, I'll have to turn around again and add rents to our properties. Having said all that, I know economics are only a small part of your consideration, you're trying to do the betterment of the community and it's a very difficult task that you're after so I hope that we're able somehow to find a better way of assessing these more specifically or more proportionally to the people that are actually going to be benefiting from it. Last thing, I would like to conclude is what Mrs. Davis has already said, that all the people in that area have dramatically benefited from their efforts, not only have they benefited from all the efforts they put into maintaining the roads, improving the roads coming up to the M. Scotty Drive, and that would include all the other roads that stem off of Dusty Maiden

to the development, I'll have it be known that they have complied with all the county sanitations regarding sound filtration systems. They have an amazing system out there. Fire protection; again a big area that I know is very much so all on your minds, they have a huge storage tank out there, a well that services that whole area. So from the volunteer fire departments standpoint, and I know this is above and beyond what you're saying, but I would like to point out, they have invested a lot in developing that area. You really should consider that investment and realize that it was a really good partnership with the county and they really went out of their way to try to help and build that area. Prior to building that park, Dusty Maiden was virtually impassable and I have a 4 wheel drive truck. That's all I have to say. Thank you commissioners for your time.

Thank you Mr. Barcsh for your comments. Further public comment? Yes sir.

Bill Wagner, Rogan Road, (Fire Chief, East Valley Fire District): East Valley Fire District supports this. The growth in the area and the way the roads were deteriorating out there. We had 2 structure fires out there in that area, numerous medical calls and for the safety of our fire fighters and the public we support this resolution to get these roads improved in here. We have 2 stations. We come from Canyon Ferry road and also Howard road with our equipment so we use we come in both ways. It's a non-hydrant area so we have to haul water so I hope you guys consider this.

Commissioner Tinsley: Thank you Chief Wagner, I appreciate your comments. Yes sir.

Martin B. Howeth, Jr, 3485 Pioneer Park Drive: At first our street wasn't even mentioned at all on this resolution until I brought it up to the lady's attention last week. We have 6 houses that live at Pioneer Park Drive and at the present time our road that is in there is unsafe because you cannot get 2 vehicles down it at the same time. They have destroyed our ditches and the question that we ask is what are you going to do, if this proposal does pass, to our road and subdivision? Are you going to rebuild it so it's passable or leave it the way it is?

Commissioner Murray: Could I get the name of your road again, please?

Martin Howeth: Pioneer Park Drive, Lower Pioneer Park Drive

Commissioner Tinsley: Mr. Howeth, what I'll do is when we're done with public comment I'll have one of our public works people come up and let them explain what the process would be if in fact this does pass.

Martin Howeth: If they're going to pull our road, than we're for it, but if they're going to do nothing to our road, than we're going to oppose it.

Commissioner Tinsley: Okay and we'll take that into consideration, but I'll let him explain it after the public hearing.

Martin Howeth: Okay

Commissioner Tinsley: Thank you, sir

Martin Howeth: Thank you

Commissioner Tinsley: Further public comment? Sir. Welcome.

Mr. Kirsch, 3290 Caitlin Loop: I have a double problem. I'm on M. Scotty Drive on one side and Caitlin Loop on the other. When Mr. Bonnie sold me the property he finally mentioned that I

owned half the road on both sides, which pleased me to no end. Our roads are in terrible shape as you well know and I appreciate what you guys are trying to do. We have a fellow down the street from us who offered to do the roads for like \$10 a household and he didn't one person to come and talk to him about it, so he broke his car one day so he took his grader out and he did part of M. Scotty and Rocky Road and it was just like a brand new highway so I stopped by and said, "Jim, did you do this?" and he said, "Oh yay, I broke my car, I got to do something". So anyways, I gave him some money and a couple other neighbors did, but he had no success at all at getting the rest of the loops to help him pay for all this so I don't know what you're going to do. I know that our cars are taking a terrible beating and I just like to say I support what you're trying to do. I realize we're broke and can't afford it, but it's pretty hard to replace my cars all the time too. I thank you for what you're doing.

Commissioner Tinsley: Thank you Mr. Kirsch, I appreciate your comments. Further public comment. Just a moment Ms. Davis, is there anybody else who hasn't spoken who would like to speak? For the second, for the third time? Okay Ms. Davis, please.

Laurie Davis: Thank you, just kind of a follow-up to Ron Barsch. I was really nervous, I hope you guys understood me, feeling better now. Anyway, I completely agree and we would be further ahead financially and it would be much more affordable if we continued that ½ mile stretch from M. Scotty all the way to Canyon Ferry like I put in the letter that I believe you've all looked at and then also our own interior roads. Prickley Pear already has their RID set up for Hollygrape and Evasai and that is already existing and maybe between the two of us we could work together and I'm sure we're going to have the bulk of that, which is fine we already incurred that and we already lived with that. Maybe I think this may be a good suggestion, maybe start a completely new RID since no other people north of M. Scotty where M. Scotty begins have been involved with any of that infrastructure down below that we have. If everyone's in agreement with that it would help us. Right now the assessment that you're trying to propose, we are looking at \$160,000 over the next 10 years, I mean that will break us, it really will. We can't afford that. We put up all this money into this already. We are willing to keep maintenance up and hopefully you'll reconsider that, we'd really appreciate that.

Commissioner Tinsley: Thank you, Ms. Davis. Is there any further public comment? Mr. Snoddy.

Bill Snoddy: Mr. Chairman, members of the commission I would, and can say with some assurance members of the Prickley Pear RID, would support Ms. Davis in a new plan to create a 2nd RID behind her subdivisions and keep the current RID in place and maintain those roads out of our funds. I want to express my appreciation for the county planning staff. They've been very cooperative. They deserve your compliments, your support for the efforts they're doing and again it's regretful that we have to oppose this plan. Thank you.

Commissioner Tinsley: Thank you Mr. Snoddy. One last chance for public comment? Second? Third time? Okay, this closes the public hearing. What we're going to do now is ask Ms. Bentley and Mr. Griffin to come up and Mr. Griffin, if you wouldn't mind, walking us through the process you envision if in fact this does pass, understanding that this is just preliminary explanation you're going to give. You heard the question of Mr. Howeth, I believe, regarding Pioneer Park Drive, situations like that if you wouldn't mind just giving us kind of an overview. Ms. Bentley if he needs your help, would you assist?

Eric Griffin, Director of Public Works: Good morning commissioners. I might defer that. I would ask Mr. Stahly come up. He's been our engineer on this project and he is been responsible for the cost estimates to get us through, hypothetically if it passes, the construction. That was your question Commissioner, where we would go from there. I would defer that to Mr. Stahly because he would be the lead on this.

Understanding it's just a general overview in a what-if situation. Mr. Stahly, welcome.

Byron Stahly, Stahly engineering: I think there was maybe 2 questions, one's just general, if I understand right, just the general process from here that would be undertaken with the RID improvements should this move forward. Was that the first question? With that said, our original plan is, Marni stated, was to actually pulverize Dusty Maiden from Canyon Ferry to M. Scotty and get a mat down there. That's getting an incredible amount of traffic from everybody in the area. We need to get it paved to county standard for that road to hold up, there's no question. The other ones are proposed to be improved gravel to the county new standard, which is a little heavier sectioned to help those hold up and of course in my opinion it's maintenance in the long run that's going to hold these roads together. You can't any road that doesn't have maintenance and have it hold together. The process would be if this passes, we would, Stahly Engineering, would be formally turned loose to put together finalized plans and construction documents to put this out to bid for contractors. I have a little bit of follow-up work, but there was a couple owners actually out in the area that were at the last public gathering out at Warren School that were supportive of this, but also clued us up that there were a couple of really bad areas, actually one was an engineer, that said we need a fabric in a couple places so I have a little follow-up on the technical side to see exactly where these really bad spots are so I can get some fabric down as well as that gravel to make these roads hold up. But from here our process would be about probably a month to put together the plans and the construction documents to get this thing to advertisement to where we could have a project this summer sometime.

Commissioner Murray: Mr. Stahly, I normally wouldn't do this to you, but the question was asked and I told the gentleman I would follow up on it, Pioneer park Drive, are you familiar with that?

Mr. Stahly: I'm not, I'll let Marni speak to that.

Marni Bentley: We'll go back to a slide

I don't know where it is specifically, but I can state, it's not part of the main roads that are slated for improvement, I think it's part of the maintenance.

Marni Bentley: The cursor is located at the intersection of B&K road and Pioneer Park Drive. When we went out and got estimates for or looked at maintenance for the roads, I think what we did is we included B&K road as the whole portion that goes east and then north. Pioneer Park has always been part of it, I just think we just semantically called it B&K incorrectly. It will have maintenance.

Commissioner Murray: Mr. Chair, Ms. Bentley, would you explain what kind of maintenance. What does that mean, maintenance?

I believe that maintenance would be adding gravel if necessary, grading the road when it's needed, snowplowing and any of those. Would there be anything else, Byron?

Byron Stahly: Gravel Grading

Marni Bentley: Gravel grading, yes

Commissioner Murray: Thank you

Commissioner Tinsley: Further questions of staff or representative from the commission? Sir, I'm sorry, we're out of the public hearing portion and we're going to have our discussion, but we'll try to work through this though.

Commissioner Varone: Mr. Chair, commissioner Murray, I have 3 questions and I'm not sure of

staff or Mr. Stahly, who needs to answer them?

Commissioner Tinsley: We'll let them raise their hands and tell us.

Commissioner Varone: Thank you. I was concerned, I believe it was Susan Cercle talked about the Canyon Ferry Road rebuild and that the state would be using Dusty Maiden road. Would one of you speak to that, is that correct information and if so will there be heavy trucks using that road, would there be some sort of and can they?

Eric Griffin: I believe, I don't have it at my fingertips, that reconstruction for Canyon Ferry road is slated for 2007-2008. I think that it's too early at this stage in the game to determine exactly how what and where construction will take place and how will it affect adjoining roads. Usually in these type of projects, Lewis & Clark County, we work closely with the state of Montana to work with them and if they're going to impact our roads and other routes we identify them and make sure that we hold them to the plate if these things are going to happen. It's too early to tell right now.

Commissioner Tinsley: But if impact, excuse me commissioner Varone, if impacts do occur say for instance during the reconstruction of Canyon Ferry, by virtue of that reconstruction, if impacts occurred anything that we've fixed in this RID, they'll pay for it to bring it back where it was, correct?

Eric Griffin: Mr. Chairman, yes there are provisions in the MDOT specs that allow for impacting local roads. It's very apparent we'll just have to ride herd-on to make sure that it's done and completed and also too with this area being an RID we'd have to pay special attention to that.

Commissioner Varone: Thank you, Mr. Chair, Commissioner Murray, my second question I believe Eric you can answer. I attended several of the meetings that took place regarding the Dusty Maiden area and was not able to attend the very last one. Now several people are asking for another extension of that My question is Eric do you recall how many meetings took place over what period of time. I do know that you met with the commissioners to explain the several different options that the folks were given an opportunity to look at and the costs associated with that. Would you just respond to that and why you think they're asking now for another continuance, when initially for several years they came to saying "we want to do something to fix our roads"?

Eric Griffin: Mr. Chairman, Commissioner Varone, I believe it is my memory, time and meetings tend to run together in my life, but as memory serves me and probably Ms. Hanel can help me for exact, but I remember meeting out there one Fall so it would have been 2003 and then the next Fall we had some issues and discussions that we, through staff, we went about and figured out how possibly to do things differently and then we met out there again this past year so I've been to 2 different public meetings that I believe most people were notified and participated. We had a good turnout at the meetings we had out there.

Commissioner Varone. As I recall I attended 2, so maybe there was one Eric I think you did not attend because I attended 2, but not the last one.

Eric Griffin: That's very possible, commissioner

Commissioner Varone: Thank you, my last question has to do with, can't remember the lady's name, oh Ms. Davis, I believe, her suggestion to split RIDs. Could you respond to that? I know that was one of the suggestions, maybe not the exact one, but that was one of the suggestions that was discussed with the commissioners before, would you maybe explain why that decision wasn't made after your discussion with the folks that were out there?

Eric Griffin: Mr. Chair, Commissioner Varone, after the last meeting that we had out at Warren School we met with some of the people, after the meeting, with some of the people from Prickley Pear, they expressed some of their concerns with how to keep Prickley Pear here and do this and things. As the one gentleman stated, we did look at 8 different options out there we explored and there's probably another 15-20 options out there, but administratively and to do what needs to be done out there, what we have proposed for today in front of the Board of county Commissioners is staff's recommends and is the most economical and the best thing to do. I believe that we made a very, very good try to look at this and split and even Prickley Pear and to look at several other RIDs and I don't have them with me, but we explored it a lot and then we sat down and we came up with the conclusion that this was the best way to move forward with the project out there.

Commissioner Varone: Thank you, Eric, thank you and Mr. Chair, I'm finished.

Commissioner Tinsley: Thank you, Commissioner Varone. Commissioner Murray.

Commissioner Murray: Mr. Chair, Commissioner Varone, tell me, explain to me the logic that went into combining Meadow Village LLC in this particular RID instead of separating it into a separate RID?

Eric Griffin: Mr. Chairman, commissioner Murray, as you look at your document, your map in front of you, these, and I may need some help from Marni here, but our RIDs are set up basically in statue of the uses. If you benefit, you include in this and when I look, not myself but when staff, we look at this and we've identified the major area up here, the general area that is proposed in the general RID is that the people have options and/or can go north or south on Dusty Maiden, and/or they come across on Rocky Road and/or go north and south on M. Scotty Drive, so after much deliberation and looking at this we have determined that, we feel the roads in here, the collectors in this area are the ones that will benefit and that's one of the reasons we've identified, we've drawn the boundary as it is.

Commissioner Murray: Thank you follow-up. A gentleman asked about Pioneer Park Drive and stated that it's not to county standards in width or material. What will he and his neighbors receive from this RID?

Eric Griffin: Mr. Chairman, Mr. Murray, in the project part of the project is for reconstruction and that would be reconstruction of Dusty Maiden, Rocky Road and M. Scotty Drive. The other roads that are listed on your presentation will include grading, will include gravel, will include snowplowing and it will be a process that we will work through, probably have to prioritize which roads need the most attention first and go through them. We won't be able to add gravel to every road at a time, it will be a process that we will have to go through, but Pioneer Park and I believe its BK, they're included for those type maintenances.

Commissioner Murray: Eric, can they expect that they'll gain 20 feet or road width for a county road or a public road if it's not now the proper width? Is that something he can expect, as well as drain ditched on the sides of the road.

Eric Griffin: Mr. Chair, Commissioner Murray, what we have proposed here is not to reconstruct these 2 roads in your question, they are to maintain them and provide a higher level of surface and through the course of years that would be goal that we're trying to get with this, but we're not going in there and widening and making Pioneer Park a wider road at this time. It would be basically what I would envision the first year, if the commission makes a decision on this, is to grade it and it needs a little gravel on it, throw some gravel on it and in the winter if it needs plowing, we would snowplow it and have a mechanism to pay part of that time, but as far as reconstructing Pioneer Park, that's not part of this process.

Ron Alles: Mr. Chairman, Commissioner, if I might add with Pioneer Park, obviously if the road is not built to the width of the county standard at the time that the subdivision went through, it's an obvious error on behalf of the developer. What I would suggest in the case of Pioneer Park Drive if it is narrower than county standard then we take a look at the developer who developed that and pursue through them in terms of expanding the width of that. It's hard to tell now whether or not the gravel standard was sufficient at the time. We couldn't tell that 3 or 4 years ago, but we can determine that it was not built to the width if we required that in the condition of approval.

Commissioner Murray: Thank you.

Commissioner Tinsley: Thank you, Mr. Alles. Anymore questions for staff?

Commissioner Murray: Last question, what would be gained or lost if this was tabled for 2-3 weeks?

Eric Griffin: What would be gained or lost, I would not feel that we would be able to accomplish the project this year. We are at a kind of a make or break date as far as getting a set of specs together, getting it advertised, getting it out for bid, and getting the work done. So in my opinion, if we wait 2 or 3 weeks, which is you can assure that that's an option, but improvements will not be made this year.

Commissioner Murray: Thank you.

Commissioner Tinsley: Commissioners, we have a resolution To Amend The Prickley Pear Creek Estates Rural Improvement District No. 1985-2 To Annex Adjacent Properties before us. What's your pleasure?

Commissioner Murray: I move to approve the resolution and authorize the chair to sign.

Commissioner Varone: Second.

Commissioner Tinsley: We have a motion and a second. Discussion?

Commissioner Varone: Mr. Chair, I'm not going to make this lengthy I hope. I just have to tell the folks that are in the audience and the folks that are watching television that RIDs and roads, in my opinion, are the most difficult for the commissioners to address. It's impossible, virtually impossible, in my opinion, to be fair to everybody. The way the process is put in place right now as it's built through the years, I don't think there's one person or any set of people that need to be blamed for this, but the process as it's been established throughout the years, results in it being unfair so it's up to us to try to make it as fair as we possibly can and the reality is the roads need to be maintained out there, they need to be repaired out there and several of you in the audience came to us 3 or 4 years ago and said "I can lose my Volkswagon in the holes out there" and we went out and looked and you were right, you could lose a Volkswagon in the holes out there. The staff and the commission has worked with you folks for 2 years now and to postpone it, in my opinion, is just going to extend the inevitable and bottom line is we want to help you with your roads and you guys have to pay for it for the what I said in the last RID, I just don't want to say it over again. Do I think it's fair to everybody? No. But I think that considering the regulations we have in front of us that we're required to adhere to, it's the fairest we can do right now in order to provide safety and a reasonable road for you guys to drive on and for that reason I'm going to be supporting this.

Commissioner Tinsley: We have a motion to approve the resolution to amend the Prickley Pear Estates Road Improvement District 1985-2 to annex adjacent properties. All in favor of the motion signify by saying "aye". All opposed? Motion passes 3-0.

Pear Creek Estates Rural Improvement District No. 1985-2. Resolution Levying And Assessing A Tax Upon All Benefited Property Within The Prickley

Marni Bentley: Staff recommends approval of the resolution with the costs outlined; per lot cost of \$156.98 for the improvement and maintenance cost of \$77.59 per lot.

Commissioner Tinsley: Questions of staff? Is there a motion? Deputy County Attorney Stahl, is this where we go now?

Commissioner Varone: Mr. Chair, I make a motion to approve the resolution to amend the Prickley Pear Estates RID 1985-2 to annex adjacent properties and authorize the chair to sign.

Commissioner Murray: Second.

Commissioner Tinsley: We have a motion and a second. Commissioner Murray?

Commissioner Murray: I seconded this. I am going to vote in favor of it. I think that Mrs. Davis presents an argument I'm having trouble with. She has been a good neighbor in the valley. Last fall she took care of potholes in the road when none of her neighbors were willing to step up and take care of what had become Pothole Drive. I learned about sand filters by watching the septic system sand filter system in her mobile home court. It's a quality, she's a quality landowner, this is a quality trailer court. I really have mixed feelings about including her in the RID, but having said that, I obviously am going to vote to include her and hope ultimately it's the fairer thing to do.

Commissioner Varone: Thank you, Mr. Chair, Commissioner Murray, I too want to thank Ms. Davis for all the work she's done. I think she stepped up to the plate when she was required to step up to the plate and frankly some developers sometimes lack in that area and she did not do that. She has a large trailer park out there and she has a responsibility and she'd done what she's been required to do. This is the part of unfairness I'm talking about, the way that we, the commission, do things. When a major subdivision comes in, usually the sub-dividers are required to improve the road all the way to the end of the road. I've never agreed with that because other benefiting parties with property at the end of the road then get a free road. I've always thought the people that are benefiting should be required to pay for it. Unfortunately, roads aren't built all at once usually, they are built piece meal and to plan for future development is at best tough and always somebody seems to be paying more than the other person and this is one of those instances where you paid more at the beginning and you're going to be forced to put just under \$20 per unit in order to transfer that cost to those folks that are in your trailer park, for that I apologize. But it's got to be done and I'll be supporting it.

Commissioner Tinsley: Thank you Commissioner Varone, Commissioner Murray. Both of my colleagues have expressed very articulately, I believe, the stand of this commission, we're in a tough spot and it seems probably a little disingenuous to sit up here and look at you folks in the eye and tell you that we apologize, but we're in a tough spot, but that's the fact. We are in a tough spot. We have so much money and we have so many roads and we can only do so much with what we have and this is one of the tools that we have and it's the fairest of the unfair options we have. We can do something that's worse, we could do other things that are even worse, but this is the fairest of the unfair options that we have at this time. We appreciate all of the comments that came into us today. Believe or not, I could take the title of this RID and I could change it to any other RID that we heard in the last 2 years that I've been here and the testimony would be almost the same except for the road names and a couple of specific situations. This is the fairest of the unfair options that we have and we appreciate if not your support, but your understanding of where we are and what we have to work with. I believe my fellow commissioners have articulated like I said this argument for us and therefore I'm going to be supporting this. Further discussion?

We have before us a resolution levying and assessing a tax upon all benefiting properties within The Prickley Pear Creek Estates Rural Improvement District No. 1985-2. All in favor of the motion say "aye". Motion passes (3-0.) Thank you very much.

Final Plat Approval for Lakeside Heights Minor Subdivision. (Applicant, Connie Wellenstein and Ron Johnson) (Frank Rives, planner)

Frank Rives: Morning commissioners. I've been working with the applicants to complete their subdivision and they have completed everything and met all the conditions of approval and I might add this was their final plat application and probably the most complete one I've ever encountered so kudos to them.

Commissioner Tinsley: Questions for Mr. Rives? Is there consensus to accept the final plat? (Accepted 3-0) Thank you Mr. Rives.

Resolution Declaring County Property Surplus Property.

Ron Alles: Mr. Chair, commissioner, this resolution is a standard resolution to declare county property surplus. We have several 7 Motorola UHF handheld radios in the Sheriff's Department. These radios are going to be given to the state of Montana. They're not our standard of radio with our new radio system. I don't know which department they're going to at the state, but staff does recommend approval declaring these surplus.

Commissioner Tinsley: Questions for staff? Is there a motion?

Commissioner Murray: I moved to approve the resolution declaring county property surplus and authorize the chair to sign.

Commissioner Varone: Second.

Commissioner Tinsley: We have a motion and a second. Any discussion? All in favor say "aye" Motion passes (3-0).

Public comments on matters not mentioned above.

Commissioner Tinsley: We are at the portion of the meeting where we have public comments for matters not mentioned previously. I assume you folks are here waiting for the final plat so we will move ahead. We stand adjourned. Thank you.

There is no other business, the meeting adjourned at 10:20 a.m.