

SUBDIVISION MEETING
June 30, 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 Nancy Everson, Frank Rives, Marni Bentley, Janet Pallister, Bob Drake, Mike McFerrin, Felicity McFerrin, Don Atkins, Vern L. Placzek, Linda Atkins, Susan J. Beale-Spencer, John Hugh(?), Rich Meybring, Don & Pat Lewis, Art & Clara Gilreath, Kim Smith, Linda Grover, John Hinshaw, Art Pembroke, Ron Solberg, David Ray Olson, David Ray Olson, Scott Soltis, Rick LePage, Bruna Bizzotto, Elizabeth Raymond, and Carole Byrnes.

Pledge of Allegiance: All recited the Pledge of Allegiance.

Commissioner Tinsley: ****tape started**** Then we are going to move up to the third item, the Lakeside Fire Service Fees, and I have to take off for Martinsdale. I have to be there by 11:00 a.m. Commissioner Varone, Vice-Chair is going to take over the gavel after I leave after that item, and take over the rest of the items. That is just for the public record. Up front is a sign in sheet, it's probably on the table in front, and if somebody wouldn't mind getting it and passing it around, and start signing it. If you also receive a parking ticket while you are participating in local government this morning, please bring it up to the third floor, and Miss Byrnes will take care of it for you. We only take care of the ones for the public meeting; we don't take care of all of your other ones.

Adoption Of Final Budget For Lewis & Clark County For Fiscal Year 2006. Nancy Everson: Chairman Tinsley, Commissioners, you have before you the final resolution to adopt the final operating budget for the fiscal year 2006. This process started back in February and March. It's been through the public meeting process. We've had public meetings here in Helena, and also in Lincoln. The preliminary budget was also available on the Internet at the library's for the public, to review. This budget resolution sets forth in attachment A, the total budget for Lewis and Clark County Fiscal Year 2006. Total expenditures \$57,298,757.00. This is an increase of roughly 2% from the prior year, an inflationary increase. On the budget resolutions sets the level of spending at the fund level and delegates the management responsibilities to the department head for line item detail. Is there any questions of me?

Chairman Tinsley: Have we had all of the public meetings?

Nancy Everson: Yes. You adopted the preliminary budget in early June. We've had public hearings, 2 public hearings in Helena, 1 in Lincoln.

Chairman Tinsley: Commissioners, do you have questions of Nancy?

Commissioner Varone: Mr. Chair? Not a question, but just a comment. I'd like to officially notify Nancy and the other staff who have been working on this for the last year. This is a \$57 million budget and we're extremely conservative. The staff that put the budgets together are recognized that our dollars are important to all of us, and I think that you've all done an outstanding job, and I just wanted to recognize you for that.

Nancy Everson: thank you.

Chairman Tinsley: I think that goes without saying for the entire Commission. Thank you Commissioner Varone. What's the pleasure of the Commission?

Commissioner Murray: Mr. Chair, I move a resolution adopting the final operating budget and setting appropriation authority for fiscal year beginning July 1, 2005 and ending June 30, 2006, and I believe all 3 commissioners need to sign the budget.

Commissioner Varone: Second.

Chairman Tinsley: We have a motion to Second. Any further discussion? All in favor of the motion signify by saying Aye. Motion Passes 3-0.

Consent Action Items.

a. Resolution to increase the Lakeside Fire Service Area Rates, tabled from June 28th. Chairman Tinsley: Miss Bentley are you hear? Ms. Bentley, do you have anything to add or further direction for the Commission?

Ms Bentley: I have nothing further to add. I believe today was the day of decision.

Commissioner Tinsley: And we have to make a decision today, if we don't make it, could you clarify that.

Ms. Bentley: Right. If we don't start our protest period today, our 60-day protest period will be after the September 1st deadline, set by the Department of Revenue to get the assessments on the tax bill.

Chairman Tinsley. Great. Commissioner Varone?

Commissioner Varone: Commissioner Chair, I requested this be tabled because we received a letter with a Attorney General's opinion the day before we had the public meeting, and I wanted an opportunity for our Deputy County Attorney to respond to that. I thought it was important enough for us to table it a day or two, and I understand this is the final day, and I'm comfortable with the response we received from Paul Stahl, that the process we use and the process that the Fire Department used, is no way impacted by this Attorney General's decision.

Chairman Tinsley: Thank you Commissioner Varone. Further questions for staff or discussion?

Commissioner Murray: Mr. Chair, Commissioner Varone, I'm going to support the fee. I have some concerns that we are doing it this morning. One of the other items we're considering is combining the Canyon Ferry Volunteer Fire Department and the Lakeside Volunteer Fire Department. By setting the fee, I don't know what the fee is at the Canyon Ferry Volunteer Fire Department, and I think it may influence my decision if it's lower as far as combining the two departments. I think we've got the cart before the horse this morning, but I will support the cart. It definitely will impact my decision as far as combining the two departments. If Canyon Ferry is much lower and doesn't have the fee similar to this.

Ms. Bentley: Commissioner Murray, if I may address that. When we received the petition from the landowners of the Canyon Ferry Fire Service area, it was to annex and come in at the same fee schedule that was set, that would be set by the Lakeside. They are the same fees. Their petition did have that fee structures in it. Their current fees are \$115.00 if that answers your question.

Commissioner Murray: Thank you.

Chairman Tinsley: Further questions or discussion for Staff. Is there a motion?

Commissioner Varone: Mr. Chair I make a motion to approve a resolution to increase the Lakeside Fire Service area rates, and authorize Chair to sign.

Commissioner Murray: Second.

Chairman Tinsley: We have a motion to second. Further discussion? All in favor of the motion signify by saying Aye. Motion passes 3-0.

Chairman Tinsley: Commissioners, as I stated earlier I have to go to the Gateway Economic Development District meeting in Martinsdale. I'm going to step aside and allow Vice-Chair Varone to take over the meeting.

Vice-Chair Varone: I would like to remind everyone that if you get a ticket this morning while attending this meeting, if you would be kind enough to give it to Carole or any one of our staff, we will make sure you are not responsible for paying for it. If you get one in the parking lot across the street or tomorrow, or whatever, we will not authorize it.

Consent Agenda Items: Nancy: it's my understanding that what you will do, I know that Ron prepared these, but if you would go through them, if you know anything additional about them, or if the Commissioners want to take any of them out for discussion we will do that.

Nancy Everson: Commissioners, the consent action items is a Renewal of contract with MSU Extension Service in the amount of \$126,185.00. This is a contract between the MSU Extension and the County for the two extension agents. The State pays part of their salary and the County pays part of their salary.

There's 5 resolutions declaring County property surplus property. A resolution for the Cooney Home of 18 items individually valued less than \$2,500. A copy machine at the Sheriff's office valued at less than \$2500.00. And the other three are the removal of county property that has been sold or surplused. This is a clean up, a year-end clean up of the fixed asset records.

Vice-Chair Varone: Any questions of Nancy?

Commissioner Murray: Madame Chair, I move to remove item "a".

Vice-Chair Varone: There is a motion to remove item "a", which is the Renewal of contract with MSU Extension Service in the amount of \$58,000.00. Second. All those in favor? Aye.

Commissioner Murray: Madame Chair, I would move to approve all items under Consent Items "b".

Vice-Chair Varone: Second. All those in favor, Aye. Motion carries 2-0.

Vice-Chair Varone: Ok, we are going to be talking about the MSU Extension Service Contract. Commissioner Murray.

Commissioner Murray: Madame Chair, in the past when County salaries were set by the State Legislature, the Montana Association of Counties adopted a resolution saying the County payments would be part of a portion of the Clerk and Recorders salary. Since the Legislature authorized Counties to set their own salaries, and there is disparity even within the seven urban counties in salaries, it's not an equitable payment that goes to the MSU under the MACO agreement. I am curious how this fee was set, Ms. Everson, and want to see if it's equitable to what we should be paying.

Nancy Everson: The contract this year was changed to each county could elect to either pay 65% of the Clerk and Recorders salary as has been done in the past, or they could pay 50% of the average agent salary plus benefits, which is \$29,000.00. And that is what Lewis and Clark County elected to do and that is what we are proposing to do.

Commissioner Murray: Thank you. Madame Chair, as perhaps a side note, I think our County should, via a resolution for the Association of Counties Convention, ask to rescind the agreement, the MACO agreement that currently is in effect and with the recommendation of staff, if it's part of the average of the extension agents salary, that would be fine, but we're operating under and violating an antiquated memorandum of understanding between the Association of Counties and MSU Extension. I think we need to correct it. I've visited with Mrs. Everson on the particular salaries here and I'm fine with them. I would move approval of the Extension Agreement between Lewis and Clark County and MSU Extension Service, and authorize the Vice-Chair to sign.

Vice-Chair Varone: Second. All those in favor. Aye. Motion carries 2-0.

Resolution Canceling Uncalled Checks Drawn On US Bank Of Helena With A Date Of Issuance Between July 1, 2003 And June 30, 2004 From The County Clerk's Office.

There are in fact, two resolutions here and the total amount is \$2,062. 88.

Nancy Everson: Commissioners, I believe we need to consider these resolutions separately. There's 2 separate resolutions. The first one with the dollar amount of \$749.17 is canceling treasurer's checks that are a year old per the state statute. We write these checks off, they still can be collected for up to 8 years. Even though we are just writing them off of our books. And the 2nd resolution is County warrants through the Accounts Payable process, \$1313.71.

Vice-Chair Varone: Thank you Nancy. As I read through these, I was going to ask that these be tabled until next week because I know some of the folks that are on here, and in particular, K. Paul Stahl is on both of them. And I phoned over there to let him know he has \$500.00 in checks that he hasn't cashed. But, if I understand it correctly, what you're saying is we can go ahead and approve these, but they can still cash them.

Nancy Everson: Correct.

Vice-Chair Varone: If they've lost them, can they get them reissued?

Nancy Everson: Yes, in fact one of those was a reissue to K. Paul.

Vice-Chair Varone: Are there any other questions?

Commissioner Murray: No, I'm surprised that an attorney is letting money lay on the table.

Vice-Chair Varone: Me too.

Commissioner Murray: Probably biased in making that statement.

Commissioner Murray: Madame Chair I move resolution canceling uncalled checks drawn on the US Bank of Helena with a Date of Issuance between July 1, 2003 and June 30, 2004 from the County Clerk's office pursuant to 762607, and authorize the Vice-Chair to sign.

Vice-Chair Varone: Second. All those in favor signify by saying Aye. Aye. Motion carries 2-0.

Commissioner Murray: Madame Chair, I would move a resolution canceling uncalled warrants drawing on the US Bank of Helena with the date of issuance between July 1, 2003 and June 30, 2004 from the County Clerks office, pursuant to section 762607 mca and authorize the Vice Chair to sign.

Vice-Chair Varone: Second. All those in favor signify by saying Aye. Aye. Motion carries 2-0.

Resolution Authorizing Approval Of A Loan From The RID Revolving Fund To The Cave Gulch RID Of Lewis And Clark County. Commissioners will consider the loan agreement in the amount of \$23,041.26. The purpose of the loan is to finance a flood mitigation project in the improvement district.

Nancy Everson: Commissioners, the County worked with the residents of the Cave Gulch area to create a rural improvement district to finance the flood mitigation project. At that time we determined that it would be simpler to do a inter-fund loan rather than apply to the inter-cap loan program at the State for this loan. This is again, a little bit of year-end clean-up getting this loan properly approved.

Vice-Chair Varone: Nancy, when I was reading through this last night, typically what we receive are attachments that explain what the expenses going to be spent on. We didn't receive them this time.

Nancy Everson: This project is completed. There was grant monies, some State contributions, the remainder of the project was financed through this RID. It went on the tax bills in November 2004.

Vice-Chair Varone: Any questions of Nancy? Do I hear a motion?

Commissioner Murray: Madame Chair, I would move approval of the resolution authorizing approval of the following loan from the RID revolving fund to the Cave Gulch Rural Improvement District of Lewis and Clark County and authorize the Vice-Chair to sign.

Vice-Chair Varone: Second. All those in favor signify by saying Aye. Aye. Motion Carries 2-0.

Bid Opening. The Commissioners will open bids to crush approximately 10,000 cubic yards of Two-Quarter Inch Minus Gravel.

Vice-Chair Varone: What will happen is the bids will be opened and the amounts will be read and then there will be a recommendation to take the bids under consideration by Staff and will be considered at a later date.

(Unknown): Madame Chair, Commissioner Murray: The first bid is from Helena Sand and Gravel at 2209 Airport Road. Contractor Registration Number 53632 in the amount of \$4.44 per cubic yard, carried out in total for 10,000 cubic yards, that's \$44,400.00. And there is a bid bond enclosed and the bid is signed.

The next bid is from Conicks Contracting Inc from Lewistown Montana. Montana Contractor Registration Number 6023, the price is \$6.76 per cubic yard, for a total price of \$67,600.00. The bid is signed and a bid bond for 10% is enclosed.

And we did receive one bid from Valley Excavating this morning, which is beyond the time frame for the bids. They were due last night at 5:00 p.m. so Staff will take these under review and come back to you at a later date for a bid recommendation award.

Vice-Chair Varone: Thank you. Any questions?

Commissioner Murray: Madame Chair, we usually do it by motion asking Staff to take the bids under advisement and report back at a future meeting.

Vice-Chair Varone: Is that a motion?

Commissioner Murray: Yes it was.

Vice-Chair Varone: Second. All those in favor say Aye. Motion carries 2-0

Request To Name Roads Off Of Colorado Gulch Drive And In The Elk Meadows Subdivision.

John Hinshaw: Madame Chairman, Commissioner Murray, in accordance with your resolution of 2004-16, when we can't get a majority for a potential road name, we need the Commission to decide which one. And I think you have a copy of it. There's 4 landowners on the road in Colorado Gulch. Two responded each one had different names. So we need to have you pick one.

Vice-Chair Varone: Thank you John. When I read this I was a bit confused, are we supposed to name just one road? And the choices are from Black Mountain to Cabin Creek Road, or do we have road # 9, Road #15?

Mr. Hinshaw: Those are separate. Those are the Elk Meadows ones. Colorado Gulch are those 6 that are listed. Those are the ones they sent in, so obviously we didn't have the majority.

Vice-Chair Varone: All right so we have to sit here today and decide what we need to do.

Mr. Hinshaw: Right, pick one.

Vice-Chair Varone: Commissioner Murray you're familiar with the area more than I am. Do you have a recommendation?

Mr. Hinshaw: If it helps any, shorter is better. Makes the signs hold up in the wind a little better.

Commissioner Murray: Madame Chair, it looks like a lose, lose situation to me, if we are picking one out of 6 names for the area. I would move we adopt Moose Creek Road as a road name.

Vice-Chair Varone: Second. All those in favor? Aye, Aye. Motion carries 2-0.

Mr. Hinshaw: The Elk Meadows, there is 16 roads that need to be named. It's an old subdivision that was never addressed and there were approximately 80 property owners. 27 of them sent in lists of all of the potential road names that were submitted. And those 3 that I've given you we have tie votes on. So I need to pick one for each one of the 3.

Vice-Chair Varone: Road #9: The 2 options are Deer Road and Ginny Road?

Commissioner Murray: The single motion I would move under #9 we would use Deer Road. Under #15 at the suggestion of Mr. Hinshaw, Lone March Road as opposed to Tamarack Drive or Lone Larch Drive, and under #16, Stayman Road.

Vice-Chair Varone: Second. A little bit of discussion. I'm glad to see Road 15 your recommendation is Lone Larch Drive, because there is a Tamarack in Helena and there could possibly be some confusion.

Commissioner Murray: Correct

Vice-Chair Varone: All those in favor say Aye. Aye. Motion carries 2-0

Mr. Hinshaw: Thank you Commissioners.

Proposed Minor Subdivision, Preliminary Plat to be known as Grover Estates. The applicant is Christian Glover. Michael? We have 2 variances to consider before we can consider the subdivision today too.

Michael McHugh: Commissioners, the proposal before you is to take an 83 acre parcel, and divide it into a 30 acre parcel and a 50+ acre parcel. The southern parcel, the 50-acre parcel is proposed to be, allowed to be remaining in agricultural use. The Commission does have the statutory deadline of July 8. The first things that the Commissioners need to do is vote on the 2-variance request. The variance requests

deal with the length of the dead end road in excess of 700 feet. And also bringing the road, which is County maintained road, up to the current County standards. Depending on the decision of the Board on the variance, there possibly need to be an amendment to condition 3b and also condition 8i 1 & 2.

Vice-Chair Varone: Thank you Michael. Any questions of Michael?

Commissioner Murray: Madame Chair, having reviewed this, the 2 variances with staff, I'm personally in disagreement with variances. I believe these 2 are appropriate, so I would move to allow no turn around at the end of the subdivision that exceeds 700 feet in distance. That's a poor way of wording it but that's the way the variance reads.

Vice-Chair Varone: Second. Commissioner discussion. When I drove out there yesterday, I too felt that these 2 variances, for request, were appropriate. I would like to see in a future date an RID established out in that area.

Michael McHugh: One of the recommended conditions of approval is a waiver of protest for an RID in that area.

Vice-Chair Varone: Any further discussion? All those in favor signify by saying Aye. Aye. Motion carries 2-0.

Vice-Chair Varone: Second variance is not to build Helberg Drive to County design specifications.

Commissioner Murray: Again, Madame Chair, what this appears is a split of ag land to allow a young couple to purchase part of the ag land with the intent to purchase the rest of it in the future. For that reason, it was stated in previous testimony before us. I don't believe traffic is going to be increased as a result of this on the road. So I would move approval of the variance request not to reconstruct or build Helberg Drive to County design standards.

Vice-Chair Varone: Second. All those in favor signify by saying Aye. Aye. Motion carries 2-0.

Commissioner Murray: Madame Chair, I would move approval of a proposed minor subdivision preliminary plat to be know as the Grover Estates, subject to 11 conditions as proposed by Staff.

Vice-Chair Varone: Second.

Michael McHugh: The Commission would need to amend condition #3b to delete that, and conditions 8i 1 & 2 would need to be included in the motion.

Vice-Chair Varone: Would could include that all in one motion couldn't we not?

Michael McHugh: I believe so.

Vice-Chair Varone: Commissioner Murray would you.....

Commissioner Murray: Madame Chair at the recommendation of Staff, I would move we eliminate condition 3b and in condition 8 include under I, conditions 1 & 2.

Vice-Chair Varone: Second. Would that work?

Michael McHugh: Yes.

Vice-Chair Varone: Second. All those in favor signify by saying Aye. Aye. Motion carries 2-0.

Vice-Chair Varone: Is your representative in the audience today, Miss Grover? Would you work with Staff as we move forward? There are a great people to work with and congratulations. I hope you are able to complete your sale with that young couple.

Miss Grover: Thank you very much.

Commissioner Murray: Madame Chair, it's kind of a formality but I think we need to vote on the approval of the subdivision, subject to the 11 conditions as amended.

Vice-Chair Varone: I think that's what we just did.

Commissioner Murray: I thought we just approved....

Vice-Chair Varone: All those in favor signify by saying Aye. Aye. Motion carries 2-0.

Final Plat Approval For Fox Crossing Major Subdivision, Phase II. The Applicant is Skee Tenneson. Michael.

Michael McHugh: Commissioners this was a 61 lot major subdivision. 59 of those lots were for single-family residence. One lot was for infrastructure deal with wastewater and there was a remainder lot. The first phase of this subdivision was final platted in February of 2005. There were 22 conditions with the first phase of the subdivision. There was, an improvements agreement, all of the conditions have been met, all of the taxes have been paid. This phase would include the final platting of 29 lots for single-family residential use.

Vice-Chair Varone: Thank you Michael. Any questions?

Commissioner Murray: Madame Chair, do you want to approve this by consensus?

Vice-Chair Varone: Yes Sir.

Commissioner Murray: I've consents.

Vice-Chair Varone: Now we move to item 11, 12 & 13 on the agenda. Marni, will you come forward and kind of guide us through on how we need to do this? The first one is a resolution to alter the boundaries of the Lakeside Fire Service Area to annex the adjacent land, the second is a resolution to re-name the Lakeside Fire Service area as Tri-Lakes Fire Service area, and the third is a resolution to dissolve The Canyon Ferry Fire Service area.

Marni Bentley: Good Morning Commissioners. I will address these all at the same time with my presentation here, but each item on the agenda needs a separate Public Hearing and action. Public Hearing from one agenda item can be carried over into another, so you don't have to hear the same thing over.

On May 31, 2005, the Board did pass three resolutions of intention concerning the Lakeside and Canyon Ferry Service areas. The first was a resolution of intention to annex Canyon Ferry into Lakeside. The second was to re-name the combined areas Tri-Lakes and the third was to dissolve the Canyon Ferry Fire Service Area, based on the previous resolutions. As I stated earlier the petition that we received to annex Canyon Ferry into Lakeside did include the new fee structure or a proposed fee structure for the Lakeside area that was approved this morning. And the petition did also request that the area be re-named, and dissolve Canyon Ferry. It was an all-inclusive petition. Notice of all 3 of these actions were sent to all property owners. Legal ads were published in the Independent Record in accordance with the statutes. As of June 27th I had 2 phone calls and 3 letters received by the Planning Department. The callers mostly wanted to verify their assessments, what the current assessment was, and compare that to their new assessment that was shown on their letter. The letters of protest, I have attached to your memos. As I stated earlier, each of these agenda items needs a separate public hearing and separate action, but Staff does recommend approval of each resolution. And if the resolutions are passed, then we will have the protest deadline end on August 29th. If insufficient protest is received then the actions will become effective and it will go on the tax bills in the fall.

Vice-Chair Varone: Thank you Marni. Any questions before we begin?

Commissioner Murray: No.

Resolution To Alter The Boundaries Of The Lakeside Fire Service Area to annex Adjacent Land.

Vice-Chair Varone: What I would like to do in the Public Hearing process is to allow the representatives from the respective Fire Departments to speak first, and then we will move into the regular public hearing portions. So whomever, or all of you would like to come up please for the record, your name and address.

My name is Bob Drake, I'm the Fire Chief with Lakeside Volunteer Fire Department, and I live at 2940 Spokane Creek Road.

Good Morning, I'm Michael McFerrin, I'm the Fire Chief for the Canyon Ferry Fire Service Area and I live at 4318 Jim Town Road.

Vice-Chair Varone: While they are getting set up, if you would like to maybe turn to the middle of the audience we have available to folks that may have difficulty hearing, we have equipment available for them, and Carole has just been provided that. It's part of the remodeling that we've done for this facility. So whomever comes and wants to participate in the public process will be able to do that.

Commissioner Murray: Madame Chair, I want to assure everybody that it has been my experience that both of these gentlemen are competent Fire Chiefs.

Laughter.

Bob Drake: Madame Chair, Commissioner Murray, Ladies and Gentlemen. I'm going to go through this in essence, in saving time rather fast. We've gone through it several times before. This is our proposal, as far as the consolidation, and the way we are going to try to do this. The advantages that we see in the consolidation of the 2 fire services areas and the one that is most important to the firefighters is to improve the voluntary retention. When the bigger contentions of this consolidation is to hire a full time administrator and as we perceive it, the main duties of that individual, it's going to be a superman or woman with or without a cape, to get the paperwork done in an expedient manner, and also be available for fire and medical calls during the day, when most everybody works in Helena. The variable rate schedule is based on \$16.00 increments, and in the Canyon Ferry Fire Service Area, Commissioner Murray you had a question earlier, it will raise those people's basic fee \$5.00 a year, or \$2.50 every 6 months on their taxes. And then each one of the increment steps will go at a \$16.00 increase. We have put an arbitrary cap on the, or there's been a cap placed on the residential properties not to exceed \$300.00 annually, and also, by taking the land out of it and it's just on the real property, or the structure, and there's been no cap placed on the commercial buildings. I'm now going to turn this over to my constituent Chief Drake and this is the financial proposal that we've altered with the new information we have received from the County.

Bob Drake: Thanks Mike. A couple of things I want to highlight in the previous slides, is that, I mean, our whole goal is to survive because we really believe that we are in jeopardy in the number of volunteers that we have and the number of volunteers that we can keep and our average experiences dropping and we're trying to solve a real problem, and that's why we are trying to do this and share the cost across a larger area, and the benefits across a larger area. That's the whole goal. It does boil down to money, though, and this is what the fee summary looks like. Canyon Ferry has 503 parcels that are paying money. There's 400 and some that are not, because there are no improvements on them. You can see the taxable values, the estimated new fees would be \$68,568.00 compared to current fees of \$57,845. It's about an 18% increase. The average fee in the area is \$136.00, and I have a similar slide later that I'll show you the break down that I did for Lakeside, which provides information where the properties fall in those categories. You can see Lakeside at 972, \$148,109, \$126,360 so our total estimated new fees would be \$216,677, and I give you the proposed budgets that we've got, they were submitted two months ago, so the information has been updated and the numbers have changed slightly, so they don't match. The combined budget, it's just too small to put on the screen, the numbers get too small, so I did a summary of it. The total revenue would be \$223,500, and it doesn't match the other slide because of the differences in just properties in that length of time. The total expenses are about \$274,000 and that is adjusted for what the Administrator would be. So we have planned in our combined budget to hire an administrator about January 1. And the difference in those numbers is going to come out of reserves, which there are reserves available to do that. One of the questions we get from the public is what our combined priorities are. There are almost \$1 million worth of priorities in the two combined departments. The needs are substantial, the equipment is old, and we'll go, I've got another slide that shows comparatively where that is in the two departments, but that is the list of things that are needed and hoped for soon. Obviously we can't do them all at once, there's not money. One of the concerns that has come up in this process, is that the public was not involved. I can assure you we've made every effort possible to solicit public input. Even

though the legal process did not start until May 31st, which is what the law provides, we have spent the last 6 months with public meetings, and information meetings, and meeting with homeowner associations, and answering phone calls and letters, and everything we don't know what else we could have done. Did we do it perfectly? The answer is no. We know we had one major screw-up, because we didn't get the letters out for the Canyon Ferry Public Information meeting until 3 days before. It was a snafu and who was doing what, and it just didn't get done in a timely manner. It wasn't intended to do that, but that's what happened. We've had 22 public meetings. We've mailed every single resident a copy of the proposal in January, before those public meetings. They have our addresses and everything on it so they can send it in. They've had 6 months to do that. Each department published and mailed newsletters during this time frame. We've had numerous newspaper articles, TV coverage about what we're doing. Again, we just don't know what else to have done. One of the other comments we have gotten is why now, why can't we delay, and we've gotten those questions, and some of those comments have been why don't you court for a while. Well, we've been courting for 5 years, we've been simultaneously paged, we've been operating together on the ground on the fire fighter level, for 5 years and we're ready to go on. And the trustees, and we've sat and we've looked at the issue, trying to figure out what's going to be different a year from now, that isn't there today, and we can't come up with anything. We can come up with a legitimate reason to say, OK well lets stop. We've been trying to do the education process, but we don't want to stop, we want to go forward. We don't want the conditions for the firefighters to deteriorate. Another concern has been that, I don't remember exactly what was in the articles, but Lakeside is broke and Canyon Ferry has money. And so I tried, I'm an accountant by trade, so I tried to sit down, and how can I portray this in the most meaningful manner, so I sat down and I did this slide. There's a lot of information on it. We've heard a lot about the cash that Canyon Ferry has. Because of the budget process and how it works, we've both ended up at the end of the year with main money coming in, and there's substantial cash in the cash accounts that has to last until November. So Lakeside has \$96,000 Canyon Ferry has \$120,000. I went out and I asked one of the fire apparatus people to value our trucks, just a thumbnail, not go out and look at them. They know them very well because they work on them. Gives us a value. His conservative value was that Lakeside has \$330,000 worth of equipment and Canyon Ferry has \$40,000. We have 3 stations. I didn't try and do appraisals. Lakeside has 3, Canyon Ferry has 2, they both house trucks. I don't know how to value them any different than that. Adding those up, total assets are about \$429,000 and that's just the major assets, and Canyon Ferry has about \$160,000. Lakeside has about \$164,000 in debt. Our net assets are about \$265,000, Canyon Ferry's are about \$160,000. But I don't believe the picture is totally told until you look at what the needs are in the two departments also. The current needs in Lakeside, from that previous slide are about \$396,000 and in Canyon Ferry it's \$498,000. And so you look at the unfunded needs of about \$131,000 in Lakeside and in Canyon Ferry, it's \$300,000, and you look at the annual revenues, Lakeside is much more capable of meeting those needs, than Canyon Ferry is. So, I just present this to try and give a clearer picture of what the financial status of each of the two departments is. Where Lakeside is making our debt payments, we have that built into our fee structure. There is no solvency problem anywhere.

Commissioner Murray: Will we get a hard copy of the slide you just presented.

Bob Drake: Yes.

Commissioner Murray: Thank you

Bob Drake: I want to throw it open for questions from you guys, and always make our pitch that we need volunteers.

Vice-Chair Varone: Thank you Bob. In particular the financial status comparison is very valuable to me personally. Thank you very much. I do have one question though, because I know you're concerned about the volunteers. With each Fire Department, how many volunteers at you're highest peak for each of you that you've had, how many do you have now and so we can see what the combination is.

Bob Drake: Two years ago we hit our maximum cap of 28 in one company and then we would have to form another company to do that in Lakeside. They have not stayed and we are down to 22 or 23 volunteers right now, in Lakeside.

Vice-Chair Varone: Mike?

Michael McFerrin: Madame Chair, in answer to your questions, 2 years ago we were at approximately 13 volunteers and right now we stand at 8 strong. And everybody is doing double duty. Since the newsletter went out, we do have applications, which our Board of Trustees approved one at last months meeting, and I've got a couple that I'm waiting to get turned back in. And so, we have stirred some interest; we need more interest out there.

Vice-Chair Varone: Thank you very much.

Bob Drake: A complete answer to the question would be looking at our volunteers, we did an analysis to figure out, it just seem like, man we're naked. There's not a lot of experience here, and we sat down to look at everybody's experience, and to give you an idea, you take the 3 people out of like side that actually can retire, they have enough years to retire, and they chose to hang in there with us. And if you take those 3 individuals out our average experience is 2 ½ years. That's all. And it's just really tough and we hope they keep hanging in there with us, but volunteer retention, that's really the guts of everything we are trying to do is, is because we cannot pay attention to them, we cannot do a quality job on our training to keep them interested. And that's really what we're trying to do.

Vice-Chair Varone: Thank you.

Bob Drake: There's another slide after this that I didn't know whether you guys would want to see and I can see from the questions that you would. This is what the fee structure would look like in Canyon Ferry and it's similar to, this is the same slide that I did for Lakeside at the fee increase. There's 202 properties that would be in the first category. The base fee of \$120.00 and they're at \$115.00 now, so there would be a 4% increase or a \$5.00 increase for those people. The next category, which is \$136, would be there's 185 properties in there, and you guys can read the numbers. The interesting part is that 91% of the properties fall in Canyon Ferry in the bottom 3 categories. It takes 5 or 6 categories to 91% of Lakeside. There is a disparity between the two departments when you see the average fees. Lakeside has newer development which then wasn't subject to the caps and all that stuff and the taxable values are higher in Lakeside on

average than they are in Canyon Ferry, which is why you see that. But that, and there's 405 properties paying no fees.

Vice-Chair Varone: Thank you. Commissioner Murray?

Commissioner Murray: Madame Chair, Chief Drake. In relation to my comment why we increased or when we changed the fee structure for Lakeside this morning, and your presentation a couple of days ago, there was a number of Lakeside residents that actually would see a decrease. In the case of Canyon Ferry, this is not true. Apparently 40% would receive a 4% increase. No one saves as a result of the fee schedule we adopted earlier.

Bob Drake: That's correct. The base fee in Lakeside, right now, the flat fee in Lakeside is \$130.00. The base fee in Canyon Ferry is \$115.00, so when we picked the base fee that was in between them, I mean, we either had to pick. There's an infinite number of options in there and we just sat until we figured out what would get us the money with the most fairness, and that's how we got it. And because they're \$15.00 behind Lakeside already, there's a \$5.00 increase. There are no people that go down in Canyon Ferry.

Commissioner Murray: Thank you

Vice-Chair Varone: Thank you very much. Are there any other representatives from the Fire Departments that would like to speak before we begin the public process? This is a public hearing. Anyone wishing to speak in support of, in opposition to, or in general, please come forward. And for the record keeping would you please state your name and your address.

Yes, my name is Vern Placzek, I own Canyon Ferry Storage and RV Park. Now they way I understood it there would be no cap on commercial and I've got 3 steel buildings there. I've not worried about fire and I just wondered what my fee is going to be on this.

Vice-Chair Varone: Mr. Placzek, after the meeting you can meet with Marni in the back of the room, and she has a list and she can let you know what that is.

Mr. Placzek: Ok. All right, thank you much.

Good Morning, My name is Linda Atkins, and I live in the Lakeside District at 5160 Husky Drive. My husband is a fire fighter; my son is a fire fighter. They need more support. They get out there when the call goes out and the fires burn. We've established a support group to aide the fire fighters, to back them up and that helps them, because they can concentrate on the fires. But, we need more. It's a broad area, with a lot of remote people, and a lot of folks have invested everything they have. And they need to be willing to come out and protect it, for themselves and their neighbors. Consolidating the two departments will benefit both, not only financially, but morale, camaraderie, coverage and training will be able to increase our support group as well, so we will have supporters over in the Canyon Ferry side, so that if we are cut off by fire we have an optional plan of how to get to the men and get them what they need. And I just like to say I'm in support of it.

Vice-Chair Varone: Thank you Mrs. Atkins. Anyone else?

Good Morning Commissioners, I'm David Olsen; I'm the President of the York Fire Service area. As you are probably aware, York was originally a part of this proposal. Our Board, due to overwhelming community, descent, they wanted to try and survive on their own, withdrew from the proposal probably as a savior for Lakeside, they wouldn't have to deal with us. They're probably better without us. Though our board and our firemen still believe that it was the best choice, our citizens want to try and go it alone, and we will be going before you, you're probably aware, with our hearing for our fee increase, to try and survive on our own. Our problems are the same as their problems. We're, our Board is in full support of their merger and our hope is that, if our going alone doesn't work that maybe in the future, they will consider us for the merger, if that is still an option later on. But, we are looking for a fee increase to try and survive, I don't know if we can survive.

Vice-Chair Varone: Thank you Dave. Anyone else speaking today?

Good Morning, My name is Bruna Bizzotto and I live in the Lakeside District, at 4340 Canyon Ferry Road and I just wanted to voice my opinion in support of this. The fee increases their asking for, realistically if you spread it out over a year, you're talking about less than the price of a cup of coffee a day, for fire protection for all of your property and your personal belongings and everything. I think that's a bargain, so I just wanted to voice my support. Thank you.

Vice-Chair Varone: Thank you Ms. Bizzotto. Anyone else? I do this three times and then we're through with this part of the process until this evening. For the second time? The third time? We are not going to close the Public Hearing process because this will be continued tonight at 5:30 for those that couldn't get here during the workday.

Resolution to Re-Name The Lakeside Fire Service Area as Tri-Lakes Fire Service Area.

Vice-Chair Varone: Again, I'll give the Fire Departments an opportunity to speak before the public hearing. Do you have anything you'd like to add? Anything you'd like to say at all?

Bob Drake, 2940 Spokane Creek Road, Fire Chief of Lakeside. A name is kind of an emotional attachment so we chose to, in this process, to just choose a name that isn't like either one of them, or any one of the three actually when we were doing this, and the Tri-Lakes is just the lakes we cover, and that's where the name came from.

Vice-Chair Varone: Thank you Bob. Anyone wishing to speak in support of or opposition to or in general about the re-naming of the Lakeside Fire Service Area to Tri-Lakes Fire Service Area please come forward now. For the second time? Third time? This will be continued tonight at 5:30 as well.

Resolution To Dissolve The Canyon Ferry Fire Service Area. Again, any comment?

Madame Chair, Commissioner Murray. My name is Michael McFerrin, I'm the Fire Chief at Canyon Ferry, I live at 4318 Jim Town Road. I'd like to make it clear to the public, that there will be no light time in fire service coverage, when Canyon Ferry is dissolved, incorporated into the boundaries of the new Tri-lakes Fire Service Area, and I think that message should be clear to everybody. Thank you.

Vice-Chair Varone: Thank you Mike, and I think so too. Anyone wishing to speak in support of or opposition to or in general please come forward. For the second time? The Third time? This will also be continued tonight in this room at 5:30. Thank you all for coming.

Public comments on matters not mentioned above. Is there anyone here today?

Adjourn. Adjourned at 10:03 a.m.

Continuation of Subdivision Meeting, which was held at 9:00 a.m. Chairman Tinsley called the meeting to order at 5:30 p.m. Commissioner Murray is present. Commissioner Varone is absent. Others attending all or portion of the meeting included Nancy Everson, Marni Bentley, Frank Rives, Bob Drake, Mike McFerrin, Alabert Frank, Linda Atkins, Felicity McFerrin, Susan J. Beale-Spencer, Don Atkins, Tana Gormely, Rose Ann Drake, Scott Soltis, John Hufy(?), and Carole Byrnes.

Chairman Tinsley: ****start of tape**** hearing. This is on the consolidation of the Lakeside Fire Districts and the. Let me get the correct name of this hearing. There is a sign in sheet that is going around, I saw somebody with it. If you wouldn't mind make sure everybody gets it. And anybody who testified earlier today, I would just ask that you hold off until everybody who has not had an opportunity to testify, gets a chance and, I'll make that call, once that's done then anybody that wants to come up and give further testimony that will be fine. Thank you very much. Marni, please.

The Resolution To Alter The Boundaries Of The Lakeside Fire Service Area to Annex Adjacent Land.

Marni Bentley: Good Evening Commissioners. On May 31st of this year the Board passed three resolutions of intention, concerning the Lakeside and Canyon Ferry Fire Service Areas. The first was a resolution of intention to annex Canyon Ferry into Lakeside. The second was to rename the combined areas as Tri-Lakes Fire Service Area, and the third was to dissolve the Canyon Ferry Fire Service Area. Notice of all three actions were sent to all affected property owners, and legal ads were published in the Independent Record in accordance with the statutes. As of June 27th, two phone calls and three letters had been received by the Planning Department. The callers were just verifying their assessments. The letters were of protest. I did receive four additional protest letters, and I have given copies of those to the board. You'll see that there are three separate agenda items and they each need to have a separate Public Hearing. We can probably incorporate any pertinent testimony from one Public Hearing into the other. I have a draft resolution attached to your memo for each agenda item, and Staff does recommend approval of each of those resolutions. If the resolutions are passed today, the protest deadline will be August 29th. If insufficient protest is received then the actions will become effective. Just to clarify, if no decision is made today this will put us passed our September 1st deadline for getting the information to the Department of Revenue, because our time frames are so close.

Chairman Tinsley: Thank you very much Miss Bentley, I appreciate that. Folks what we are going to do is I'm going to hold a Public Hearing on, we will just take them one by one. As you heard Miss Bentley say; I'm going to hold the first Public Hearing on the resolution to alter the boundaries of the Lakeside Fire Service Area to annex adjacent

land. You can feel free to comment on any of the other two resolutions while you are commenting, to save us all time if you want to. What we will do then, at the end of the first Public Hearing, second Public Hearing, third Public Hearing, is incorporate all the testimony from the previous Public Hearings, and let them apply to those resolutions. Just so you know. Otherwise you can get up and repeat yourself, that's fine. You still have that option. I'm just saying, in the interest of time, and everybody's time, if you want to, you can do all of your testimony for the first Public Hearing and then we will incorporate it into the other two. Commissioner do you have anything before we start?

Commissioner Murray: Mr. Chair, I received an e-mail today from a Mr. Rick LePage, supporting the merger. I wrote him back and told him I would ask to have it incorporated into the permanent record.

Chairman Tinsley: Without objection, it is included. We will get it to Carole. Ok, let's go ahead and start our Public Hearing. By the way, I'm Commissioner Tinsley, it might help that I introduce myself, because I'm going to ask that you introduce yourselves. This is Commissioner Murray. Commissioner Varone could not be here this evening. To our right is Frank Rives our Deputy Chief of Community Development and Planning and to my left is Carole Byrnes our Executive Assistant.

This is a Public Hearing to consider the resolution to alter the boundaries of the Lakeside Fire Service Area to annex adjacent land. First thing I'm going to do is ask for any proponents, then any opponents, and then any general testimony. Keep in mind if you have already testified, to please wait until I ask if anybody testified previously this year would like to testify. I would like to get anybody who hasn't had a chance. So are there any proponents in this resolution? Any proponents in this resolution to alter the boundaries in the Lakeside Fire Service Area to annex adjacent land? Any proponents, for the second time? Any proponents for the third time? Are there any opponents? Are there any people who testified in the affirmative this morning who would like to talk again? Chief Drake please.

My name is Bob Drake, and I'm the Fire Chief with the Lakeside Volunteer Fire Department. I live at 2940 Spokane Creek Road. We gave a presentation this morning. Mr. Tinsley, you weren't here, do you want us to presentation again, is it worth it?

Chairman Tinsley: Chief, I saw the presentation previously. And I know it's been on the air twice, but what I will ask is that if anybody in the audience has not seen the presentation, if they would like to have it we will do it. Otherwise, what we will do, we just go ahead with it. Because it has been on TV. If anybody would like us to, we can sure do it. I don't see any hands going up, so, what I would suggest if you want to, maybe you could briefly cover points you would like to make.

Bob Drake: The reason that we are doing this whole thing, is that we are trying to solve some specific problems that we've got in the fire districts, or in the Fire Departments, and Volunteer retention is one of those things. And the reason, that's the biggest reason we are trying to do this is to spread the cost of what we think the right solution is over a larger group of people and share the benefits of that also. This isn't a land grab; this isn't a power trip. We're trying to solve specific problems related to volunteer retention, with our average experience down below, or right in the 2-1/2 year range. We really have some concerns related to that. A couple of other points that we failed to talk about this morning: one was about the Trustees. The way that this process is working Lakeside

Fee Service Area continues on and annex's in, and the Board of Lakeside continues on; it's my understanding from talking to Paul Stahl. Throughout this process, that's been one of the areas of concern, and that, although we are not legally required to, and we cannot force anybody on our Board to resign, we have two individuals that are willing to resign their positions off of the Lakeside Board with the intention of nominating two individuals off of the Canyon Ferry Board to the Commission to have them appointed to the Lakeside Board, to the Tri-Lakes Board at that point, so that we have representation across the district. With three people coming from the Lakeside and two coming forward from Canyon Ferry. Another question that arose this morning was who will be the Fire Chief, because obviously we have 2 Fire Chiefs, and we in our Districts go through a process, we allow our fireman elect a Fire Chief, and the trustees ratify that or not ratify that and that process has not been done. So we do not have an answer to that particular question. And another question that had come up this morning afterwards, that we had not explained was where Tri-Lakes came from. We cover an area that covers Canyon Ferry Lake, Hauser Lake and Lake Helena, and that's where Tri-lakes came from. So that's really all I have to say.

Chairman Tinsley: Thank you Chief. Chief did you have anything to say?

My name is Michael McFerrin, I'm the Chief of the Canyon Ferry Volunteer Fire Service Area. I live at 4318 Jim Town Road. In addition to what Bob had to say, I think this morning we had also explained a couple of questions that I felt were pertinent after the Chair left the meeting and turned it over to Commissioner Varone. One of those questions that was brought up was the difference in the fee structure between Canyon Ferry Fire Service and the Lakeside Fire Service Area. That difference, at this point in time, is \$15.00. And on the slide that we have put together with our in-house accountant's help, we came up with an equitable situation as far as we felt was fair and equitable and I do have copies of that, along with our proposed joint budget that we drew up prior to submitting to the County the first of June, and if anybody in the audience would care for that information, we will make that available to them. Thank you

Chairman Tinsley: Thank you Chief, we appreciate it. Any further proponents? Or anybody who testified in the affirmative this morning, would like to testify again? For the second time, for the third and final time. Any opponents? Any opponents? Please come forward and state your name and address for the record. This is on the resolution to alter the boundaries of the Lakeside Fire Service Area to annex adjacent land. You came in late, so I'll explain something very quickly Sir. Any testimony you give for this particular Public Hearing we have to have three, by Law, on the three different resolutions. We can apply your testimony to all three, if you don't want to get back up each time and testify, if that's OK with you. Or you are more than welcome to do that as well. I just wanted to let you know up front.

That's fine. Once is probably more than enough. My name is Joe Schindle, I live in Helena, 531 So Sanders, but I have three pieces of property in the Canyon Ferry area that is encompassed by the Canyon Ferry department. I guess, I don't know if I'm a proponent, or opponent. I certainly have some questions, and maybe this is an appropriate time to ask them.

Chairman Tinsley: What I ask you is to go ahead and ask the questions, and when we are done with the Public Hearing we can get them answered for you.

Mr. Schindle: Sure. One would be what is the relationship between the Volunteer Fire Departments and the Lewis and Clark County Fire Department? Is there a relationship between the groups. Is there a group called the Lewis and Clark County Fire Department? I don't know the answer to that. Is it possible to dissolve a Volunteer Fire Department, and merge it in with basically what amounts to the County Fire Department? Is it possible to have the County Fire Department administrate a Volunteer Fire Department or a County employee provide that level of administration on the County payroll. Can one Volunteer Fire Department purchase services from another Volunteer Fire Department? Where I'm coming from here, from the point of view of a resident at the Lake and in the area, this for us has moved fairly fast and in fairness to the fire department people, this is where they live, this is what they do, and I have respect for what they do and I have respect for their thought processes but basically it's our tax bills that are being impacted by this process. Certainly, their lives are being impacted because they're volunteering for this effort, and that is not a little commitment to make to our community, and to the people that live here. Neither is the payment of the taxes for the property that we have in the area and as a taxpayer I'm concerned about the speed of which this process has moved along. It seems to me like it makes a little more sense to take our time with this and to give the residents in the area, particularly the Canyon Ferry Area more of an opportunity to get to know the people that are running the Lakeside Fire department, and ease into this operation over a 12 or 24 month period of time, then just closing our eyes and running downhill as fast as we can. My understanding is, there is some kind of a commission or study that is being done on Fire Service Areas that the County is contributing to and the City is contributing to and the State is contributing to, has to do with the relationship between all of the departments. I thought I read something in the paper about that. It makes sense to me to wait and see what that study has to say before we start hiring an individual to run a volunteer fire department, that ultimately a study may come back to say that well maybe there's another way to do this. Well now you've impacted the life of a human that thought he was going to take a job, and thought he had something going for him, but we're changing the direction that we're going. I guess, if I were to request one thing, it's that I'd like to see this take a little longer to happen than it has happened. Certainly, there have been a lot of meetings but as a tax payer in the area, I've had a real strong feeling that when I go to the meetings I'm told what's going to happen, I'm not asked for what do you think about doing something this way. The paradym shift is a little different. It would be like you guys as County Commissioners, coming to the residents of the County and flat telling us what's going to happen at the Fairgrounds. That is not the approach you took. But, from the point of view of the taxpayer in the Canyon Ferry Volunteer 1Department, that's the approach that was taken with me. And that's where a lot of us have dug our heels in and said "gosh let's get to know each other a little bit better before we make this step." I have no question that the Lakeside Fire Department Area does provide a quality service to the Canyon Ferry Volunteer area, and I'm very well aware of what our limitations are in that Canyon Ferry area. There's a lot of buildings there, but not a lot of people that live there year round so how are you going to staff a situation like that. So when I read in the paper that there was this study that is being considered relative to the fire areas, it just made a lot of sense to me to wait until we see what comes out of the other end of that before we write something in stone. We work real hard with the Lakeside area to convince them to put a cap of \$300.00 per pin on the fees that were going to be charged. It took us quite a while to get that done, but, by golly, they were willing to do that and I'm appreciative and I assume that cap is still in place. I've not heard anything different, maybe you have an answer for that.

Chairman Tinsley: What I'll do is, when we are done with the public hearing, we'll have answers for your questions. I may have to refer back to you if I didn't get all of your questions down correctly, but I appreciate you asking. Thank you very much.

Mr. Schindle: Thank you for hearing me out.

Chairman Tinsley: Thank you for your time this evening. Further opponents? Any further opponents? Yes sir, please state your name and address for the record.

My name is Albert Frank and I live at 3390 E. Shore Drive, Canyon Ferry, and I hadn't heard anything about this consolidation, or take over, or merger, whatever you want to call it. But to dissolve the Canyon Ferry Fire Protection District I'm with the gentlemen that had just spoken. We haven't had enough time to find out what our options are and what our benefits are, and how it will affect our insurance, and how it will affect our homes and our lives by merging the two departments. As I can see it geographically and logistically, it wouldn't be feasible to be a benefit to me as a taxpayer, to merge these two departments. At this time, and only if a vote of the people, and that would be the Canyon Ferry people, 51% of them would say we will dissolve our district and we would go with Tri-Lake Fire Protection District, or whatever it's going to be called. Without a vote of the people I don't think it should happen.

Chairman Tinsley: thank you for your testimony today. Further opponents? Further opponents, for the second time. Further opponents for the third and final time. Is there any general testimony that doesn't apply to a proponent or opponent, just general testimony?

Ok, what I'm going to ask now, is Marni, did you get the questions that Mr. Schindle asked? I know your not probably going to be the one to answer all of them.

Chief, I'd like for you to answer one or two of them. Did you get the questions that were asked?

Marni, why don't you go ahead and take the questions that you want to take and I'll check with Mr. Schindle to make sure we got all of them.

First one I know: "Is there a relationship between the volunteer fire department?"

Marni: That one I'll have to defer. As far as dissolving and merging, it is possible it would have to go through the same process that we went through with this. There would have to be a petition to be signed by 30 landowners in the Canyon Ferry Area. And then we would have to do the same process.

Chairman Tinsley: This was a question regarding, and I didn't get this completely, County employee, but I think he was talking about the new...but I believe, Mr. Schindle, you were talking about the new Chief that was going to come on and. I don't think we can consider that person a County employee. But go ahead, Marni.

Marni: I don't have any information on that, I don't know how that would work. Purchasing services from another area, I don't have information on that either. Not aware of the study. I'm not going to be very helpful up here.

Chairman Tinsley: Well you got one of them for us, and that was good.

Marni: I can answer the question about the cap. There is a cap on the residential fees, the fees charged on residential properties. So that one, that cap is still in effect. And then there was one other, Mr. Frank brought up another point, about voting people getting, having the ability to vote, and that is what the protest period is. That is their time to vote. It's kind of a backward process, but they can vote it down and that is where they get their chance to vote. The way the statutes are set up we are bound by that. So those are the only ones I can help you with.

Chairman Tinsley: Either Chief if you'd like to come up and take a chance on any of those other ones. While you are coming up, I will explain the Fire Service Areas study. It's not a Fire Service Area study. The City of Helena has decided to review their fire service in the city. They have asked the County to participate. They have also asked the other entities, like the Fort, the Forest Service, and we are even bringing in possibly across the county line, Montana City, since they are so close in proximity. They have asked the County to participate. We have put an amount of money. Now understand it is their study for their fire service, and what we are paying for is what we are going to get. The bulk of the study is not focused on rural fire departments. It is focused mainly on the City of Helena, but in a relationship of how do they work with a volunteer department fire service areas, etc. The company that is doing the study is called Emergency Services Consulting, Inc. out of Wilsonville, Oregon. We actually, the County Commission got to meet with the folks the other day. They are very well know ledged in these issues and I believe they said the study is going to take up to a year, possibly a year.

Commissioner Murray: The study will take up to a year, but they may respond to the two national trends that they pointed out to us. At the meeting, they pointed out nationally that fire departments are having trouble recruiting volunteers. Currently, the Canyon Ferry Department, in testimony this morning, said they have 8 volunteers. The Lakeside department has, I believe, 22 volunteers that are active at the moment. At one time Lakeside was at 28 volunteers. That's a national trend, that volunteer companies, or departments, are having problems recruiting volunteers. The second point they made was that because of the paperwork required of fire departments that departments are hiring a person throughout the nation, they hire a staff member who will write these reports for them, because they are so cumbersome and they are required to get in. So those are two national trends, these 3 individuals pointed out to us as part of our meeting.

Chairman Tinsley: Thank you Commissioner. Chief, we had a couple of questions that were asked, that our staff did not have the answers to. Sometimes it's better to let people in the know answer than have the Commissioners take a stab at it, because sometimes we get held to what we say, and we are not all the time, necessarily correct. I think I know the answer to a couple of these, but I'm going to see if you folks do.

- 1) The relationship between the volunteer fire departments. I'm thinking he's talking about Lakeside and Canyon Ferry and our County Fire Department, Lewis and Clark County, which is Chief Jester. Do you have any comment about that?

Chief McFerrin: My comment. We do have a relationship with Lewis and Clark County Volunteer Fire Department, as does Lakeside and any of the other 11 volunteer fire

departments within Lewis and Clark County. We all belong to the Lewis and Clark County Fire Council. The Chiefs meet on the first Monday of every month at different fire departments throughout the county. We spread it out. We have common goals that we are trying to take care of. We do have a working relationship as far as our Mutual Aide. As far as merging with Lewis and Clark County that is an option, however, in light of Mr. Frank's comment about what's it going to do about our insurances, right now Lewis & Clark County's 2 fire stations, one's at the County Shop on Cooney Road, and the other, they're housed jointly with West Valley Fire Department. So, their equipment would be to Canyon Ferry, the driving distance from say, Montana and Custer, it's a central location, so it's going to be 18 or 20 miles. That's going to be outside the 5-mile radius that ISO now recognizes to keep our insurance premiums, on our fire insurance down. So I would make an educated guess, only our insurance rates would probably go up if we merged with Lewis and Clark County, because they're also a volunteer fire department. As far as a County employee being the administrator for the Tri-Lakes Fire Service Area, I believe that the way the Statute's are written, and I'm not an attorney, that it's my assumption by looking at the Montana Codes Annotated, that the administrator for the Tri-Lakes Fire Service Area would be responsible to the Board of Trustees of the Tri-Lakes Fire Service Area and they are voted in by our customers, or the public of the area they serve.

Chairman Tinsley: Chief, on that point, doesn't this situation already exist in West Valley? This is the same situation with Chief Sheppard in West Valley. He currently is a paid employee of the district.

Chief McFerrin: That's correct. We are fire service areas, and there is a difference between a fire service area and a fire district.

Chairman Tinsley: But essentially it's the same thing.

Chief McFerrin: Without going into that, it's a blue print of what we are trying to perform, for our customers, a little bit of an increase in the fee is to have an Administrator that is effective, as affective, or maybe even shines more than even Chief Sheppard has for West Valley folks, in obtaining newer equipment, more grants, undoubtedly has pulled together and rallied the volunteers to where they've got a lot of people responding to their fires now. And that's something we're desperately concerned about.

Chairman Tinsley: I believe the final question that I had that was not answered, maybe there's one more, is: Can one department purchase services from another department. Chief Drake is shaking his head yes. Perhaps he should come up and answer the question. And I hope I got the question correct.

Chief Drake: The answer is yes. Most of the cases that we've seen, they work together and like Augusta is rural, and Augusta City, I mean they both have sets of trustees and they work together on common priorities, but there are other cases that we've seen where you can contract, like the Westside District, and the City of Helena contracts with the City of Helena to provide service there. So it is possible.

Chairman Tinsley: Ok. I think that was all of the questions. Commissioner do you have a question?

Commissioner Murray: Mr. Chair, in testimony this morning, it was also brought up by the two Fire Chiefs that their intention at this time is to hire the administrative staff member, January 1 rather than immediately.

Chairman Tinsley: Thank you very much.

Chief Drake: The challenge there is that the money doesn't come in until November, with the fee increases that we've asked for, they don't show up until the November bill, so realistically, timing wise, that's what we are waiting for.

Chairman Tinsley: Ok. Further discussion or questions for Staff or the Chiefs. This closes the public hearing on the Resolution to alter the boundaries of the Lakeside Fire Service Area to annex adjacent land.

Commissioner Murray: Mr. Chair, if I might, I'd request did we answer all of Joe's questions?

Chairman Tinsley: Mr. Schindel did you get answers to all of your questions. Won't you come forward please. This is a little out of the ordinary, since I closed the public hearing, so try to limit yourself to your comments if you would.

Mr. Schindel: Thank you very much for the answers to my questions, and my only comment, and there will only be one, is that those were questions that seemed to be new questions to me, to this process, and that is why I am suggesting we wait just a while and get all of those questions on the table, before we do something that's hard to undo.

Chairman Tinsley: Thank you Mr. Schindel. I will point out while it may have seemed like that to you, and it's probably true that a some of those questions have been asked and answered. And even though I didn't answer them, or Commissioner Murray didn't answer them, that's more for our own personal well being, because there are people out there who know the specific answers, and often times when we try to relate our version of it, we don't hit all of the right points. So we want to make sure the professionals do answer it correctly, so everybody is on the same page. But I do appreciate that, Mr. Schindel. Thank you very much.

Ok. Now we are done with that resolution, the question is: What's the pleasure of the Commissioner. Would you like to go through the other two public hearings first, or take them all as one?

Commissioner Murray: Mr. Chair, I'm prepared to move each single one, and when we get to the next one, I'll ask to move the record forward, and then if somebody, if you want to allow somebody to offer additional comment.

Chairman Tinsley: Absolutely. Please.

Commissioner Murray: Mr. Chairman, I would move a resolution to alter the boundaries of the Lakeside Fire Service Area to annex adjacent land and authorize the chair to sign.

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

Resolution to Re-Name The Lakeside Fire Service Area As Tri-Lakes Fire Service Area

Commissioner Murray: Mr. Chair, I would move, we move forward the record that was established for the resolution to alter the boundaries of the Lakeside Fire Service Area.

Chairman Tinsley: Then Commissioner, I'm assuming that includes the record from this morning and the previous meetings that we've had.

Commissioner Murray: Absolutely.

Chairman Tinsley: Alright. Thank you very much. Second. We have a motion and a second on the motion to move the record forward and apply it to this public hearing. All in favor of the motion signify by saying Aye. Aye. Motion passes 2-0.

Is there anybody in the audience who would like to comment on this specific resolution? This is a resolution to rename the Lakeside Fire Service Area as Tri-Lakes Fire Service Area. Any proponent, any opponent, or general testimony, please come forward. For the second time. For the third and final time. This closes the public hearing on the resolution. Commissioner?

Commissioner Murray: Mr. Chair, I would move a resolution to rename the Lakeside Fire Service Area as Tri-Lakes Fire Service Area and authorize the chair to sign.

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

Resolution to Dissolve The Canyon Ferry Fire Service Area

Chairman Tinsley: The third and final resolution we have this evening is the resolution to dissolve the Canyon Ferry Fire Service Area. Commissioner.

Commissioner Murray: Mr. Chair, I would move we move the previous record from this morning and this afternoon ahead and incorporate it into this action.

Chairman Tinsley: Same motion as before, this is going to move the public record into this public hearing. Second. All in favor of the motion signify by saying Aye. Aye. Motion passes 2-0.

Chairman Tinsley: Would anybody like an opportunity to comment on the resolution to dissolve the Canyon Ferry Fire Service Area? Mr. Schindel, please.

Mr. Schindel: Commissioner Murray and I had a discussion a week or so ago on this very topic, and I would just like to put it into public record that as to if there is a way to undo the process, say 10 years from now. The people at the lake decide they want to do something different than has been done. We have been led to believe that to undo the situation, all of the assets in the area of the volunteer fire department in Canyon Ferry now would continue to stay with the Lakeside department. Commissioner Murray suggested "no that's not necessarily true, if you carve that area out again, the buildings, the property, and equipment and all of that stuff that is currently at the Lake could be

given to a new area, should we chose to carve out a different fire service area out there. And I would, I guess I would like to have put into Public Record as to what that process would be say 10 years from now, if the situation changes significantly in either area to make that something of value to do.

Chairman Tinsley: thank you Mr. Schindel. I'm going to attempt to see if we can find an answer for you in this process.

Commissioner Murray: Mr. Chair, I'm prepared to answer.

Chairman Tinsley: Commissioner Murray, please.

Commissioner Murray: It would be the same process that we're going through right now. Establishing a new Canyon Ferry Fire Service Area and if I might, I think it would be beneficial, Mr. Chairman, Mr. Schindel didn't have the benefit of the slide presentation this morning, but the one thing that was answered this morning for me was that Lakeside has a lot of debt and no assets. Canyon Ferry has all of the assets and the money or vice versa, but there's a slide that answers this question, and Mr. Chair, I would ask Chief Drake to put the slide up.

Chairman Tinsley: Chief Drake. For the benefit of the audience and Mr. Schindel, please bring that slide up. Mr. Franks, we will get right with you.

Chief Drake: Do you want me to explain this slide?

Chairman Tinsley: Please do.

Chief Drake: The concern came up as part of the process that we've been going through, and this is some of the stuff that was in the paper, that the Canyon Ferry Department had a lot of cash, and Lakeside did not, and we had a lot of debt. What I attempted to do with this slide was to show the relative financial status of the two departments, on a high level. I did not go out and get appraisals of the stations they both house trucks, we have three, they have two. I went and asked a knowledgeable person in the fire apparatus business to do a quick and dirty "appraisal" of what our trucks are like, and Canyon Ferry trucks are like, which he's very knowledgeable because that company maintains both of them. The first line item is cash, which is directly out of our budgets, which shows what the cash is coming forward from the two departments as of June 30th. Lakeside has \$96K, Canyon Ferry has \$120K. Apparatus: Lakeside has about \$330K of apparatus, because we've spent considerable amounts of money in the last 5-6 years and incurred the debt to do that. Canyon Ferry has a lot of older equipment that is not worth a lot of money, so \$40,000.00. So not putting values on the stations, the total assets are about \$429K for Lakeside and Canyon Ferry has about \$160K. The debt Lakeside has right now is \$164,000 and it's all through inner cap loans, 2-3% interest rates. Canyon Ferry has none, no debt, so that comes to net assets of about \$265K & \$160K. We can stop there, but the real telling part is, is what the needs are. With only \$40,000.00 in apparatus, there are substantial needs in Canyon Ferry and substantial needs in Lakeside, you can see that from the presentation earlier this morning there's another slide that shows what those needs are. So you have unfunded needs, which is just the difference between those two, and Lakeside sitting at about \$131,000 and Canyon Ferry is sitting at \$338,000 of unfunded needs and then there's our annual revenues from each of the departments and Lakeside is about, if we

spent the entire budget, in one year, which obviously we can't do, we could fund that, but Canyon Ferry takes about 5 years. So, we're really trying to show that to counter the Lakesides broke and Canyon Ferry has all of the money. We just spent differently, and invested differently, and used inner cap loans what we think effectively, to try and give the service to our residents now, rather than trying to save the money, and then buy it with cash. We tried to use, virtually, well hopefully, low interest rate loans to do that. So that's the difference.

Chairman Tinsley: Thank you Mr. Drake. Bottom line, the answer to the question Mr. Schindel asked, though, is to get on the record, and according to Commissioner Murray, he's researched this, if this process were to occur in the reverse, say 10 years, it would be the very same process we have here going on tonight. Correct Commissioner Murray?

Commissioner Murray: Yes, I was waiting for Mrs. Bentley to verify, my legal counsel.

Marni Bentley: First of all, I'm not your legal counsel. Let me just clarify that. We would have to go through a similar process as this, in order to divide the properties out again. Again, we would go through the petition, the resolution of intent, the hearing and then the protest period. The same thing we are doing today.

Chairman Tinsley: But the assets could be divided as they relate to geographical area.

Marni Bentley: I don't have the statutes in front of me, so I'm not sure about that. I can go get the statutes and we can look them up, but I don't know for sure. And I don't want to say something that (laughter).

Chairman Tinsley: Why don't you go get the statutes for us anyway, so we can proceed, but we've got this discussion on the record as requested, and I think it's a good discussion to get on the record.

Marni Bentley: I will get them.

Chairman Tinsley: Thank you very much. Mr. Franks, it's your turn, please. And please restate your name and address for the record.

My name is Albert Frank, I live at 3390 E. Shore Drive. I don't think the taxpayers at Canyon Ferry have had the opportunity to get the information that's needed. I've only received one letter since this all started and it was ready for today's hearing. So I think we need to get more information through our district before we dissolve it. If we are going to dissolve it, we need more time. It seems to me like this is just ramrod without notifying the public that pays the taxes. But to dissolve one district, just like the figures up there, I mean, who says unfunded needs are \$338,000? The figures don't jive, I don't think, to what our assets, what our apparatus, how is apparatus tested, is it ISO certified, different questions come up. That's why I think it would take longer to, for a merger to take place, or a take over, or a disillusionment. So I feel that it was not hurt anybody if the taxpayers were notified and we able to vote, on a clean vote on dissolving a district. Not just because of a couple of entities getting together, or putting it together without enough people finding about the information that's needed to make a decision.

Chairman Tinsley: Thank you very much Mr. Frank. I apologize for butchering your

name a few minutes ago. It is Frank. Anybody else, before you do Chief, anybody else would like to comment, who hasn't had an opportunity to testify. Sir please, state your name and address for the record.

Mr. Chairman, Commissioner Murray. My name is Scott Soltis, and I live at 5950 Elk Run Road. I'm one of the York Volunteer Firemen. With respect to Mr. Franks, I believe, I've worked with all of these people, Chief Drake and Chief McFerrin, for at least 5 years because we've been simul-paged for that time, and I would gladly move into their district, in a heart beat. As far as the service they provide, I've seen their training program, I've trained with them. I'm only disappointed that York's not involved in this, but that is the way our customer's decided to vote, so that's why we are out of it at this point. But, again, Sir, I would just say that they're a top notched group, they really do have your best interests at heart, and I.....

Chairman Tinsley: Scott, do me a favor, if you would....

Scott Soltis: I'm sorry, I apologize for the fact that maybe it didn't get communicated to everybody as they would have liked, but I can tell you from standing on the outside, wishing I could be on the inside, that it's the right thing to do. The firefighters at York strongly support this merger that's going on, as does our Board and I just wish them the best of luck.

Chairman Tinsley: Thank you for your comments Mr. Soltis. We appreciate it. Thank you for your service in the volunteer fire department. Further comment. Any further comment, for the second time. Chief Drake. Quickly please.

Bob Drake, 2940 Spokane Creek Road. I have a slide that I would like to go through, because I want to keep reiterating this, because I feel that strongly about it, and did this morning. It has to do with the concern public involvement and what we have done. We've made every effort to solicit public input in this and we realized that the legal process for this, in our opinion, well I can't say in our opinion, in my opinion, inadequate, because the process wouldn't have started until May 31st when you guys passed the resolution, and that's what the law allows. And the departments have just, we've bent over backwards, trying to pull the input in from the public, and contrary to previous testimony, we have listened and we've put the cap on and we have respectfully, taken those comments into account, and we've looked at possibly postponing it, and looking at what we are going to benefit from that, versus not doing that, and we've had 22 public meetings between the two departments. We've all mailed in January, to every homeowner. I don't know why Mr. Frank wouldn't have gotten them, but we mailed it out to everyone and asked them to come to the meeting. And we realized that the Canyon Ferry one got out very very late from snafu's and who is doing what. And then each of our departments has had newsletters since then, that have been mailed according to the County list of what we got for residents, so, we've published newsletters. We really have tried to pull in information, we had a public meeting at our station and had Paul Stahl there to answer questions, and we. I really want to reiterate, I mean we are not trying to pull the wool over everybody's eyes. We are really trying to pull the public input in. We just live it every single day, and I guess we've been doing it long enough we feel like we know what works and what doesn't work. Another comment that Mr. Schindel said about, can we contract with other people; we looked at a lot of different options, of contracting with West Valley to provide us with Administrative services, and they basically said, well we're full, we don't have any time to contract with you. We've looked

at dissolving and going into the County. We've looked at a bunch of those options but kept coming back to, what's going to be best for the residents. So, I just feel strongly that we need to keep putting that on the public record that we have been listening, but we still have a duty to try and do what's best for the residents. From our educated point of view of having lived it everyday.

Chairman Tinsley: Thank you Chief. Ok folks, that's, this closes the public hearing. Marni, do me a favor and share that with Mr. Schindel at some point, before he leaves, that information. This closes the public hearing on the resolution to dissolve the Canyon Ferry Fire Service Area, and the record has been moved forward into this particular public hearing and for this resolution. Commissioner?

Commissioner Murray: Mr. Chair, I assume the record, since we had additional testimony here, will reflect that.

Chairman Tinsley: Absolutely.

Commissioner Murray: Thank you. Mr. Chair I would move a resolution to dissolve the Canyon Ferry Fire Service Area and authorize the Chair to sign.

Chairman Tinsley: Second. Discussion. I do have one discussion I want to point out. Invariably in this process, and since I've been County Commissioner, probably almost three years, not quite, invariably, when we get a hot topic like this we always seem to get one or two people who were missed. And if it happened in this case, I apologize, Mr. Frank. We try our best with the information we have to educate and inform everybody. And I know when it seems like you're the person who doesn't get it, it seems like there's a concerted effort to make that happen. And that's not the case. It's the way our system operates. It's the way the mail operates. It's the way our notification process operates and we can't go out, I forget what they call it, and get a signature for every piece of mail, it would cost us thousands of dollars, that we actually need to go to more important things, like roads. I'm sure some of you will agree, and for fire service, but we do our best, and invariably we always seem to have at least one, if not a couple of more, in these processes, I just wanted to point out that it's not an intentional slight, if that happens. It's absolutely not. Our people do a good job, Marni does a great job, this happens and I can't tell you the reason why it happens, but it does, it's going to happen, I think it's a matter of the odds that you have. It's the factors of probability. But we do our best to attempt to contact everybody, so they can be involved in the process. Further discussion, Commissioner Murray?

Commissioner Murray: Commissioner Chair, this kicks off, as of tomorrow, the protest period. It's a rather archaic way of voting, but tomorrow the process starts where you can vote. The procedure for voting is to file a protest with the Clerk and Recorder. If there are two husband and wife, or two homeowners, on a property, both need to sign the protest, and you will have from today, or the clock starts tomorrow morning, you will have 60 days in which to stop the action of the County Commission, should that be your choice. For those living in Canyon Ferry, a few, three, four, years ago, your fire department essentially hit rock bottom. It was through the efforts of the Lakeside Fire Department, providing training, co-responding to every call that was paged in to Canyon Ferry, that ultimately your Fire Department and hiring chief, or voting-in Chief McFerrin, that ultimately your fire department rose to the status that exist today. But your fire department, Canyon Ferry's Fire Department and the Lakeside Fire Department and the

York Fire Department for a number of years, have co-responded to calls, they've bolstered each other up, seeing that training was available for all of the departments. It's been a very good thing. I personally believe this is a natural evolution of two of the three departments. You may not agree and elect to protest out, certainly that's your prerogative, and that's the nice thing about our society that we live in. If you don't agree with our decision this is how to over-ride a decision of the County Commission. The other thing I want to invite members of the public, is please volunteer, wherever you live, to receive the training and become a volunteer fireman or woman and even for those of us that are a little grey around the temples, there are jobs that we can perform in fire department. So it's not that you are not needed regardless of age or gender, so please consider volunteering. That's my recruitment speech, Mr. Chair.

Chairman Tinsley: I was questioning the "little bit of grey" you were talking about.

Laughter.

Chairman Tinsley: Thank you very much Commissioner. We have a force of motion and a second. All in favor of the motion to dissolve the Canyon Ferry Fire Service Area, signify by saying Aye. Aye. Motion passes 2-0.

There's no further business to go before the board. I do have to ask this, because of state law, is there anybody that would like to comment on anything that we didn't discuss tonight? I'm sure everybody is here for one reason, so there probably isn't any reason to talk about anything else, but, if you would this is your opportunity.

Ok, thank you very much folks, for this evening. We appreciate you coming out. Have a good evening.

Adjourn. 6:25 p.m.