

**PUBLIC MEETING**  
**October 11, 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, Jerry Grebenc, Frank Rives, Marni Bentley, David Brandon, Christal Ness, Jaci Grenfell, Marsha Aldrich, Regina & Clarence Applegate, Pam Watson, Adolph Timm, Mark Lambrecht, Mike & Vonnie Sather, Julie Shewman, Debbie Jos, Cathee Malee, Darren Steiner, Jacalyn Grenfell, Aaron Sheuman, Nancie Steiner, Heather & Jeremy Perlinski, Doretta & Laurie Pacheco, Craig & Cheryl Riley, and Maria Penna.

**Pledge of Allegiance.** Everyone recited the pledge.

Chairman Tinsley: Good Morning and welcome to our regularly scheduled Tuesday morning meeting. There's a sign in sheet right there where the nice young lady is to signing in. If you haven't had a chance to sign it, please come up and do so or pass it around so everybody has a chance. There's also an agenda. If you receive a parking ticket while participating this morning, just bring it up to the 3<sup>rd</sup> floor and Miss Penna will take care of it for you. I'm Commissioner Tinsley. To my left is Commissioner Varone. To her left is Maria Penna our Executive Assistant. To my right is Commissioner Murray. To his right is Ron Alles our Chief Administrative Officer. To his right is Jerry Grebenc our Director of Planning and Community Development.

Our first item on the agenda is the Consent Action Items. It's been requested that we remove consent action item number 2-d. And Frank may speak to that, I don't know. Mr. Alles.

**Consent Items.**

Ron Alles: Thank you Mr. Chairman. With the removal of "d" that leaves 4 items on the Consent list.

- a. DUI Task Force Service Agreements. It's with the Helena Police Department, the Lewis and Clark County Sheriff's Department and the Montana Highway Patrol. Each in the amount of \$4,500 for a total of \$13,500.00 that provides for more of the DUI patrolling.
- b. Resolution Declaring County Property Surplus. There's a few items from the IT Department and then the Cooney Home has a freezer that they're declaring surplus as well as an old dryer from the Detention Center. Individually valued at less than \$2,500.
- c. 2005-2006 Fire Protection Agreement for the Fairgrounds in the amount of \$4,056.00. I believe we've had that same amount for the last 3 or 4 years. It's with the City of Helena.
- d. Request for One-Year Extension of Preliminary Plat Approval to October 7, 2006. This is for the amended Plat of Lot 44E-1 of the Big Valley Subdivision.

Chairman Tinsley: Thank you. Would the Commissioners like to remove any of the items and consider them separately? Is there a motion?

Commissioner Murray: I move approval of the Consent agenda and authorize the Chair to sign as appropriate.

Commissioner Varone: Second.

Chairman Tinsley: We have a motion to second. Any discussion? All in favor of the motion signify by saying Aye.

Commissioner Varone & Commissioner Murray: Aye.

Chairman Tinsley: Aye. Motion passes 3-0.

Chairman Tinsley: Frank, when did you want to reschedule the final plat for the Lakeside Village Subdivision?

Frank Rives: Good Morning Commissioners. We believe that they, they problem that came up was that the bond instrument that they presented was insufficient so we need them to get a new letter of credit and we anticipate that they will have that for the Thursday meeting.

Chairman Tinsley: Ok. Thank you very much.

Commissioner Varone: Mr. Chair?

Chairman Tinsley: Commissioner Varone.

Commissioner Varone: Frank, the narrative that you provided us is that still sufficient or are you going to give us copies again or should we keep what we have?

Frank Rives: Keep what you have, that should do it.

Chairman Tinsley: Thank you Frank. Ok, the next item on the agenda is a Resolution of Intention to create a Rural Maintenance District No. 2005-7 for South Hills Drive. The Staff person is Marni Bentley. Miss Bentley, good morning.

**Resolution Of Intention To Create Rural Maintenance District No. 2005-7 For South Hills Drive.**

Marni Bentley: Good Morning Commissioners. We did receive a petition from some landowners in the South Hills Drive area. According to this petition South Hills Drive would be maintained and that maintenance would include the removal of rocks, grading, providing road mix, snow plowing and sanding and other maintenance and repair as necessary to preserve the road. The petition does state that the maintenance district will be administered by the South Hills Drive Association through a contractual agreement between Lewis and Clark County and Jefferson County. This district would be the Lewis and Clark County portion. Jefferson County is creating their own district. We can't have just one district for the whole thing; we need to each create separate districts. It's anticipated that this County will collect money for the assessment from the lots in our county and then would send the money to Jefferson County who would administer the district and pay the bills. I have attached a draft resolution to create the Rural Maintenance District to your memo. All lots in Lewis and Clark County would benefit as shown on the map and would be assessed a flat fee of \$250.00 per year per lot. This resolution of intention just starts the public hearing process. I will notify all landowners within the district and will publish legal adds in accordance with the statutes. All landowners will be given an opportunity to speak at the public hearing and submit their written protest. Staff recommends approval of the attached resolution to create the South Hills Drive Rural Maintenance District.

Chairman Tinsley: Do we need to take comment or have a public hearing this morning?

Marni Bentley: Not this morning, this is just an action to start that process.

Chairman Tinsley: Ok. Thank you. Questions for Staff?

Commissioner Varone: Mr. Chair?

Chairman Tinsley: Commissioner Varone.

Commissioner Varone: Mr. Chair, Commissioner Murray, Marni. I understand we have 2 counties and one road. How many folks live on the entire road? Do you know?

Marni Bentley: I'm not sure; I'd have to go back.

Commissioner Varone: I was just wondering if most of it is in Lewis and Clark County or if most of it is in Jefferson County.

Marni Bentley: I think most of it is in Jefferson County.

Commissioner Varone: Thank you.

Chairman Tinsley: Further questions for Staff? Any further questions? What is the pleasure of the Commission?

Commissioner Varone: Mr. Chair?

Chairman Tinsley: Commissioner Varone.

Commissioner Varone: Mr. Chair, I make a motion to approve a resolution of intention to create a Rural Maintenance District No. 2005-7 for South Hills Drive.

Chairman Tinsley: Is there a second?

Commissioner Murray: If she authorizes the Chair to sign.

Commissioner Varone: Yes Sir.

Commissioner Murray: Thank you.

Chairman Tinsley: We have a motion and a second. Any discussion? All in favor of the motion signify by saying Aye.

Commissioner Varone & Commissioner Murray: Aye.

Chairman Tinsley: Aye. Motion passes 3-0.

Ok. Next item on the agenda is the proposed subdivision to be known as Glacier Point Major Subdivision. The Applicants are Craig and Cheryl Riley. The Planner is Lindsay Morgan. The Riley's have asked, at their request, to have the hearing postponed until Thursday, so we will postpone that agenda item until Thursday.

**Proposed Subdivision to be known as Glacier Point Major Subdivision.**

**Note: The applicant has requested the hearing be postponed to Thursday, October 13, 2005.**

Chairman Tinsley: The next item on the agenda is a Public Hearing on the gate at Norris Road and Applegate Drive. The Developer is David Brandon and the Planner is Frank Rives. The Commissioners will hold a public hearing to consider whether or not subject gate should be removed. Mr. Rives, good morning.

**Public Hearing. Gate at Norris Road and Applegate Drive.**

Frank Rives: Good Morning. As the Commission is aware, in 2002, the Board of County Commissioners approved a modification of approval for the Crestwood Green Major Subdivision, which allowed the developer to install a gate at the intersection of Norris Road and Applegate. The purpose of their request was they had concerns that people were driving through the subdivision at high speeds and were damaging the road and there were some concerns they expressed for pedestrians and children. That condition of approval was approved with 3 conditions. One was that a temporary gate be installed and that it would be unlocked at all times. There was also a condition that a speed study be done between the 2<sup>nd</sup> and 3<sup>rd</sup> year of the approval. That has not been done and the third condition, that subsequent to the traffic study that the temporary gate condition be brought before the Commission again to decide whether the gate should be permanent or temporary. So those were the 3 conditions that were stipulated. Additionally they had to get a new weed management plan. That is basically my comments here, that conclude what the Staff has to say about it, I should say.

Chairman Tinsley: Any questions for Staff? Any questions for Staff?

Commissioner Varone: Mr. Chair?

Chairman Tinsley: Commissioner Varone.

Commissioner Varone: Mr. Chair, Commissioner Murray. Frank, who was supposed to conduct the traffic study? The speed study?

Frank Rives: The Condition of Approval stated the County would do the speed study, however, we did not do the speed study.

Commissioner Varone: Thank you.

Chairman Tinsley: What was the date, excuse me Commissioners. What was the date, this was in 2002, do you have an exact date when this occurred? I'm actually e-mailing Carole right now. I pulled this out of my packet this morning and left it on my desk, so she's going to bring this to me right now.

Frank Rives: I would have been October 6<sup>th</sup> of 2002.

Chairman Tinsley: Ok. Any further for Staff? All right, so we will move to a Public Hearing, Frank?

Frank Rives: Yes Sir.

Chairman Tinsley: How many folks are here to speak on this particular agenda item? OK. What I'll do is open the Public Hearing and ask that, if you would, in the interest of time, whomever would like to speak first, and I'm assuming it will be Mr. Brandon, and then folks who are wanting to speak on this particular subject, just line up in the aisle behind him. I don't care which order you line up in, that's fine, you can discuss it among yourselves. And do us a favor, when you are testifying if you want to agree with something that somebody previously said you

can point out what they said and say you agree with it. You don't necessarily have to repeat it each time. I can't stop you from doing it but if you do it for our sake that would be nice and we would really appreciate it. I don't think there's enough people here that I need to set a time limit on this so we will just let everybody speak. If you speak and then think of something else you want to say you'll have to wait until everybody else has had a chance to talk and then I'll ask if anybody would like to come back up again. So, I'm going to open the Public Hearing in the matter of the gate at Norris and Applegate, and please come to the microphone and state your name and address for the record and give us your comments. Good Morning Mr. Brandon.

Good Morning Commissioners. David Brandon, 6705 Applegate. And actually I live right on the corner of Applegate and Norris Road, so I'm very familiar with this gate. Just a little bit of history too. What happened we actually adopted more than half the traffic of Norris Road; the traffic studies found that more than half the traffic actually turned on to, in to our subdivision, versus going west on Norris Road to Green Meadow. That wasn't the original intention of making that connection. This was a farm that was compiled with 5 separate lots and in 1999 it was pretty much determined it wasn't going to make it as a farm and losing money hand over fist, and we were having unsustainable losses. There was micro and macro reasons for that, but basically land in the Helena valley is tough to make a living farming. We thought of other ways to do this; we actually had it up for sale as a farm and we didn't get any takers. We decided to develop it but we wanted a certain type of development. We wanted large lots and we wanted to preserve a rural character of that, and in doing so we actually put a covenant on there that no further subdivision is allowed. So they all are going to be 5 to 8 acre lots forever. That was the intention and one thing in the process, we found that there's a lot of high-speed traffic. We've clocked some of them going in excess of 55. There's about 400 cars per day when at build out there should only do about 280, so that's what the roads were designed for, that's what the roads were built for. If you put another 400 cars on it, it was not built for that. We did not dedicate a public road, we dedicated a public access easement. An easement, there is, an easement has two parties. You have a dominant and you have a subservient. The dominant is the public in this case and the public also includes the Crestwood Greens, the owners there. And what I did in granting that access easement; that was in lieu of like for example lot one, I would have had to make 38 separate easements through that development in order to do that without a public access easement, so just in the interest of simplicity it's a whole lot easier to do a public access easement. I did not dedicate a public road. A public road is owned by the public. The improvements are either built by the developer and granted to the public or, and in the third thing is it's maintained by the public. These are privately owned, you know the deeds that going to the centerline of the easements so everything underneath that road is private. It was built privately by myself and it is maintained privately so there's nothing public about this. So, and in my research it's perfectly reasonable to have reasonable restrictions/conditions on easements and the gate is a reasonable condition, because we are doing half. You still have access but you don't have the number of traffic that we were dealing with before. One thing I will say is the frustration with the gate is that, Montana Code Annotated, states that anytime you go through a locked gate, or not even a locked gate, but a shut gate, you need to shut that if you go through it. We've kept that opened. A lot of people do go through that gate just as they're supposed to and shut it behind them and we welcome those people. There's a fair amount of people that actually open the gate and drive off without shutting it. And that's actually, in Montana, punishable by 6 months in jail or \$500.00 fine, so it's something that has never been enforced as far as this particular gate, but believe me there's people that should be fined for that and hopefully we'll, you'll understand that the people that are going through there are not going through there because they're really nice people and just want to get to work quicker. They're actually breaking the law right there. And then also, the only way if you're at the corner of Applegate and Norris Road and you go through Crestwood Greens or you take the other way up through Norris Road to Green Meadow on to Sierra, if you drive the speed limit both ways, it takes you 9 seconds longer going through my subdivision. So there's no timesavings at all that way. Unless you break the speed limit. So the way you be doing is condoning lawlessness I guess if you remove that gate. Because those are the kind of people

that are going through there. I guess there are some alternatives to the gate that we've discussed before if you were there, I don't know if that was before you.

Chairman Tinsley: It was before my time.

David Brandon: Ok. One was to block off a certain section of Crestwood in the and that is between Silver Wood Loop and Rosewood. When we looked at that as opposed to the gate it kind of screws up traffic flow for the residents. It's a possibility to do it that way though which would probably limit some traffic because you would be adding an extra mile on to their journey, so again they don't gain any time now, but that's an alternative. The other alternative would be to actually abandon that section of Norris Road that connects with Applegate and then have an emergency access easement across into Sue Road because at the top of Silver Wood Loop there is an access easement into Sue Road and that would suffice for a two way, or an emergency out. You have Crestwood on the ingress and then the egress but in case of a giant accident on the corner of Crestwood say, you would have another out that way. That would also help Bell Air in that they only have one entry/exit right now, so that would be beneficial a couple of different ways. And again we'd get rid of the problem, there's a bunch of through traffic through there that should not be there without that gate. With that gate the through traffic is minimal. Again, it is not a public road, it is a public access easement on private property, and privately maintained. And I guess that's all I needed to say, unless there's any questions.

Chairman Tinsley: Mr. Brandon, I need, because this is a televised hearing, I need to clarify a couple of things that you said, just so people know. It is a public access easement, and in your statement that says there's nothing public about this road, you're completely wrong. A public access easement means the public can use this road, you can't say there's nothing public about this road. It is a public access easement that the public can use, number one. Number two, the County has over a thousand miles of roads in this County. We maintain, and please correct me if I get this wrong, we maintain approximately 300 miles of those roads. There are several instances in this County where public access easements and/or County roads are not maintained by the County, they are maintained by RID's or whatever. So I wanted to make sure you understood that. I appreciate your dedication to what you're talking about, but please understand a public access easement is just, it's a public access easement, and to say there's nothing public about it is completely wrong and you need to understand that.

David Brandon: I understand that but with the condition, that if it's a public road, it's one thing. We have no say about anything.

Chairman Tinsley: We call them County roads, not public roads.

David Brandon: As far as the MCA they call them public roads.

Chairman Tinsley: Ok.

David Brandon: It could be a City road, I don't know they're county roads, but the, a public road is owned by the public, it's not an easement for the public, that's the difference. What we're doing is, if you have, when you have a public road you have one party involved. This you have 2 parties, and there's responsibilities and rights of both parties. What I'm saying is the subservient, which is Crestwood Greens, has a right to make reasonable restrictions on that, and you have a right and you have a duty not to make an unreasonable burden on the subservient.

Chairman Tinsley: I think you and I are probably going to disagree on this particular point. I understand what you're trying to say and I don't know that you're necessarily, in my opinion, articulating it the way I think it should be articulated. So maybe we will agree to disagree on that particular point.

David Brandon: Well, Ok. I guess, are there any other questions?

Chairman Tinsley: No not from me. Are there any more questions for Mr. Brandon?

Commissioner Murray: Mr. Chair?

Chairman Tinsley: Commissioner Murray.

Commissioner Murray: Mr. Chair, Commissioner Varone, Mr. Brandon. Is your subdivision built out now? Are all of the lots sold?

David Brandon: They are all sold they are not all built out. One thing I would, I thank you for reminding me. One thing we're asking is to be left alone. That's it. This subdivision right now generates \$70,000.00 annually, taxes, we don't ask for anything. Once built out it will have over \$100,000.00 in taxes. Again we don't ask for anything. We don't ask for an RID. We don't ask for anything other than just to be left alone, that's it. In a quiet and peaceful enjoyment which is in the Constitution.

Chairman Tinsley: Thank you Mr. Brandon. I would ask everybody if they're going to speak to please line up in the aisle, it will go a lot quicker and smoother, if you would. Good Morning

Chairman Tinsley, Commissioners Murray and Varone. My name is Mark Lambrecht. I live at 1082 Crestwood Lane. I'm also the Chairman of the Crestwood Green Estates Subdivision Homeowners Association. I'm opposed to Lewis & Clark County's proposal to remove the unlocked gate at the corner of Norris Road and Applegate Drive. I ask that you deny the proposal to remove the gate, or at least delay your decision until we have enough time to develop a reasonable solution to calm traffic in our subdivision. Removal of this gate will significantly increase through traffic in the subdivision, compromise the safety of the Crestwood Green Estates residents, particularly the children and deteriorate our roads. The subdivision was established as a residential subdivision with non-gravel roads and walking paths designed to accommodate children and their families walking and riding horses, riding bicycles and generally recreating. Its roads are not designed to withstand the day-to-day wear and tear represented by hundreds of commuter cars. As we experienced before installation of the gate, most of the commuter cars traveling through the subdivision drove at least twice the legal speed limit or more seriously endangering the safety of those who live there and play there. As you heard from David Brandon, the developer of the subdivision, we asked for permission to install the gate in 2002 to help control excessive traffic that started using the subdivision roads as a commuter route upon their construction. We hired a professional traffic engineer to quantify the effects of this commuter traffic. The traffic study revealed that nearly 400 cars per day were traveling at an average rate of 55 miles per hour through the subdivision. We successfully petitioned the County Commissioners to install the unlocked gate at the intersection of Applegate and Norris to discourage this commuter traffic. The gate has worked fairly well calming traffic, yet we continually have that gate subject to vandalism. We've spent hundreds of dollars over the last 3 years repairing the gate. In fact, David and I spent \$250.00 and 4 ½ hours on Sunday, September 18<sup>th</sup>, replacing most of the gate which had been damaged nearly beyond repair. Within 2 days that gate was vandalized again. Lewis and Clark County contends that the gate prevents public access to the subdivision. This is untrue because the gate remains unlocked at all times, and unrestricted access is always available from North Montana Avenue. And I believe Lewis and Clark County has continually misunderstood the concept of public access to the subdivision. The fact is that the subdivisions roads were privately built yet provide an easement for public access. The front property line of each subdivision lot is the centerline of the road making these private roads with public access. Neither Lewis and Clark County nor Applegate Drive/Norris Road Rural Improvement District people pay one penny to maintain these roads. Our homeowner's association dues pay for all of the maintenance. The subdivision roads were neither designed nor constructed to

accommodate the nearly 400 cars per day at speeds exceeding 50 miles per hour. Allowing the subdivision to become a thoroughfare will quickly deteriorate these roads which are already in need of repair. We do not wish to prevent public access to our subdivision. Our intent is simply to manage public access to provide safety for our families and to protect our significant investment in the roads. Our intent is to manage access by providing an unlocked gate that requires motorists to open and close upon entry and exit. We plan to improve signage in the area to let the public know that the gate is unlocked and that they are welcome to open and close it. We will install signs at the entrance off North Montana and at the Norris Road gate, to advise motorists that the gate is unlocked but must remain closed after use. Safety is our primary concern. My two children have been run off Norris Road and into the borrow pit on at least two occasions with these motorists from outside the subdivision stopping cursing at them and speeding off. We don't believe the safety of our children should be compromised to accommodate the interests of 400 motorists who have no interest of entering our subdivision other than to speed through it. There are other options for these motorists to travel between Applegate Drive, Green Meadow Drive and North Montana Avenue namely John G Mine Road and Sierra Road. The existing unlocked gate at Norris Road and Applegate Drive works well enough to discourage commuters not inclined to get out of their vehicles to open and close it. The gate also provides convenient access for those who need to enter or exit the subdivision and yet have respect for private property enough to close it. Please respect the safety of the children living in our subdivision and the property rights of its residents, and let us keep our unlocked gate. Thank you.

Chairman Tinsley: Thank you Mr. Lambrecht.

Mark Lambrecht: Do you have any questions?

Chairman Tinsley: I allowed questions for Mr. Brandon because he is the developer and what we do at a public hearing is we will go through and hear everybody. If there are questions at the end I can ask any of the people that testify for their questions. I allowed him because he was the developer. Thank you.

Mark Lambrecht: Thank you Chairman Tinsley.

Chairman Tinsley: Thank you. Good Morning.

Thank you for your time this morning. My name is Julie Shewman and I live at 6400 Silverwood Loop. I'm here this morning to request that the unlocked gate located at Norris Road and Applegate Drive remain in place as it is. This unlocked gate discourages through traffic from utilizing our local subdivision roads as a thoroughfare and speedway. The Lewis and Clark County Subdivision regulations under General Design and Improvement Standards Streets and Roads, specifically state "local streets shall be designed to discourage through traffic except where the public health and safety would be enhanced by through connections." Removal of the unlocked gate would not enhance but would instead be a detriment to public health and safety. The presence of the unlocked gate discourages through traffic. The gate, when not mangled by some immature self-serving vandal is easy to use. A child can open and close the gate when it's operable. The gate is not locked and requires only patience and the simple courtesy that is the hallmark of our western heritage. Simply close the gate behind you when you go through it. Our local subdivision roads maintained by the homeowners in our subdivision are not a speedway. The speed limit in our residential subdivision is 25 miles per hour. The gate serves as a reminder to everyone that this is access to a residential subdivision. As David stated it is not faster to go through our subdivision when a driver adheres to the established speed limit. I've clocked it twice and it is faster by a full minute to go west on Norris Road, South on Green Meadow Drive than east to Sierra Road to the intersection of Sierra and Montana than it is to go through our subdivision to the intersection of Montana and Sierra when the speed limit of 25 miles per hour is observed. As David indicated a past traffic study clearly

demonstrated that without the gate the 25 mile per hour speed limit is ignored with speeds exceeding 50 miles per hour through our subdivision. This is a very dangerous situation considering the narrow roads, lack of sidewalks and numerous small children in the neighborhood who share the road with vehicles. One last note briefly touched upon already is the issue of vandalism. In the 2 years that we have lived in the subdivision the unlocked gate and accompanying signs, including the County stop sign have been repeatedly vandalized. The unlocked gate has been damaged time and again to the point that it is very difficult to use until it is repaired. This shortsighted vandal damages the gate so that it is not useful to anyone north or south of the intersection. Until repaired, the gate is not easily available for use by anyone. Further the vandal or vandals have defaced the signs with black spray paint. The stop sign has been blacked out. I'm not sure what the penalty is for defacing a stop sign in Lewis and Clark County but I think we are all aware of criminal charges which have been brought against stop sign vandals when their actions have led to accidents, injuries and even death. The other sign which has been vandalized once read "Please keep gate closed." The vandal has blacked out the last word leaving a sign that ironically states my position this morning "Please keep gate." Thank you for your consideration.

Chairman Tinsley: Thank you very much Miss Shewman. Further public comment?

Good Morning Commissioners. My name is Debbie Jos, 757 Crestwood Lane. I'm here this morning to state that I was, my husband and I, were one of the first homes in the subdivision. We started building our home in March of 2002 and we moved into the subdivision in September of 2002. If you were to enter our subdivision you would note that our home is placed well back from the road and that is because just in the staking of our home it was realized when the gate was not in place how fast the public did travel through our subdivision. We were well aware that our property from our home to the road had to be properly landscaped and we were willing to do that cost, not knowing that a gate would be there. The cars just race right through there. They play in the mud. They race off of the road. They destroy everything, and that's my statement this morning. The other issue is that a lot of the homeowners have a lot that doesn't allow them to have their homes placed back and their yard, their front yard, their children are right there on the road and it is not safe without some type of care on that road. Thank you.

Chairman Tinsley: Thank you Miss Jos. Further public comment?

Good Morning Commissioners.

Chairman Tinsley: Good Morning.

Nancy Steiner: Some of what I have to say has already been stated, but since I was up all night writing this I'm going to read it anyway. My name is Nancy Steiner and I live at 6401 Silverwood Loop and I'm opposed to the removal of the unlocked gate at the corner of Norris Road and Applegate Drive. I have several concerns I wish to address this morning. First is the issue of access. This unlocked gate bars no one access to the Crestwood subdivision. One simply pushes open the gate allowing you to drive through and another push closes it. I myself use the gate 2 or 3 times a week without incident. But this really isn't about access to our subdivision, is it? After all we are not a land locked parcel inaccessible by any other means. This is about creating a thoroughfare from Applegate Drive to North Montana Avenue. This is about the desire of a group of motorists to speed through a rural subdivision in order to shave a few minutes off of their commute. This unlocked gate prevents no one from entering. It simply acts as a reminder that one is entering a subdivision filled with cats and dogs, horses and children. Secondly, I'd like to address the Lewis and Clark County Subdivision regulations which have already been stated. It says that "local streets shall be designed to discourage through traffic except where the public health and safety would be enhanced by this through connection." Believe me no ones health and safety is being enhanced by the creation of this thoroughfare. By failing to adhere to this regulation the extension of Norris Road has created a very

dangerous connection with over 400 motorists traveling an average of 55 miles per hour during a past study. It is simply a matter of time until someone is injured. The installation of the unlocked gate has helped limit the impact of these motorists and the intentional or unintentional oversight of this subdivision regulation. I also want to relate an interesting phone conversation I had with Jerry Grebenc of the County Planning Division. When I called, I was interested in more information about this situation. When I asked why the County wanted to remove this gate now, when nothing had changed, we can expect only more traffic as more people have moved into the valley, and the County has presented no plan to address the high speed or high volume traffic, he stated "Well you know the County just doesn't have enough east/west connection roads in the valley." It's interesting, I think. Is it possible that the County intended to alleviate east/west road shortages by intentionally funneling traffic through this subdivision? I certainly hope that's not the case. Finally, as our County Commissioners your first and most important duty should be to ensure the health and safety of the residents of Lewis and Clark County. As such, I find it hard to believe you could in good conscience vote to remove this unlocked gate. Can you look me in the eye and my neighbors and tell us that the safety of our families is less important than the speed of people who just want to shave some time off of their commute? The only positive outcome from removing this gate will be quicker commute time for speeding motorist. The problematic and tragic negative impacts, I'll leave to your imagination. Thank you.

Chairman Tinsley: Thank you Mrs. Steiner.

Good Morning. Jeff Swingley. I live on 6607 Rosewood Drive. Just a couple of quick points this morning. Most of it's been covered. What I would say is just the safety aspect when you look at the benefits of leaving the gate on versus the few minor benefits that would occur if you took the gate off. The safety is going to certainly out-weight it far much, so that would be my main concern as a County Commissioner or looking at the County as a whole. Secondly, when we look at the traffic, the traffic certainly increases in the summer time, teenagers are out more, I noticed in the evening in the summer, spring, early fall, there's a lot more traffic so if we look at traffic right now it's busy to begin with. When you look at the warmer months it only increases and that's when our families are out enjoying themselves more, so that's another consideration to keep in mind. Thank you.

Chairman Tinsley: Thank you Mr. Swingley. Further public comment? Good morning.

Good Morning. I'm Adolph Timm. 6475 Silverwood Loop. To me the biggest issue here is safety and for whatever might be gained by removing the gate I sure hope you don't ignore the safety issue because it's real big and I definitely don't want to see anybody get hurt out there and just please don't miss that issue. Because to me that's the biggest issue out of all of them. Thanks.

Chairman Tinsley: Thank you Mr. Timm. Further public comment? Good morning.

Good Morning Mr. Chairman, Commissioners. My name is Pam Watson and I live at 6644 Rosewood Drive. We moved into the community just about a year ago, my husband and I, and I'm also now the Secretary/Treasurer of the Homeowners Association, so just a couple of points.

Obviously, most of the points have been made today and certainly concur with my fellow Crestwood Green Homeowners Association members and request that you please deny the removal of this gate. Safety, is of course, the major issue and just kind of put it in a perspective. I don't know if any of you have been out to our subdivision, but in many subdivisions throughout the County and the City, the lots are a ¼ acre in size or ½ acre in size so there's a lot more congestion than in our subdivision. The lots are very large. They're 5 to 8 acres in size so there's actually a lot of distance between the intersections on our roads. In many cases, they are ½ mile or more so it's easy, we all get in a hurry sometimes if we're late for work, or

whatever the occasion may be, and so when there's that much distance between the intersections it's easy for many people to over-look the speed limit signs because there isn't a lot of traffic or other congestions, so I think that may be contributing to some of the issues with speed that we have out there. And I do concur also that the gate does serve as a reminder just to stop and you're entering a subdivision and gosh wouldn't it be better to pay a little closer attention to the speed limit signs and things like that. So, another thing to consider, we also, all of the homeowners in our association or our guests or anyone else who is traveling through that are coming to visit us they also have to open and close the gate. My husband works out at the National Guard at Fort Harrison, and so it's easier for him to head west when he leaves, so when he goes in the morning and comes home at night he opens and closes the gate. So we also are adhering to opening and closing the gate when we want to use access to Green Meadow. So it works both ways. It's not just the Applegate folks that are having to open and close the gate we also take the time to do that if we want access to Green Meadow. The gate is not locked, we certainly welcome people that want; it may be quicker for them to get through to Montana Avenue, there's no restriction, we welcome them to that. Again if they can just close and open the gate, that's a reasonable consideration. I think that has pretty much covered everything other than possibly for you to consider deferring any action until at such time as the traffic study, as per the original action in October 2002 could possibly be conducted by the County just to see if there has been an increase or decrease in the traffic. I don't know if that's something you're willing to consider but that's something I did not know until today when your Staff presented that information, so if you could consider that as well I would appreciate it. Thank you for your consideration.

Chairman Tinsley: Thank you Mrs. Watson.

Commissioner Murray: Mr. Chair.

Commissioner Tinsley: Commissioner Murray.

Commissioner Murray: You might want to point out to Miss Watson her letter is part of the record, it's attached.

Chairman Tinsley: Ok. Yeah, your letter that was already submitted is a part of the record.

Pam Watson: Yes Sir.

Chairman Tinsley: Ok. Good Morning.

Good Morning Commissioners. My name is Tom Stubright. I will be leaving at 2618 Crestwood.

Chairman Tinsley: Tom, say your last name again?

Tom Stuber: Stuber. S T U B E R.

Chairman Tinsley: Ok. Thank you.

Tom Stuber: Just real quick here. I guess I want to reiterate first off, being a resident, I can't be completely objective on this but I think the objectivity of what we've talked about today resides in the speed study that was conducted. I don't know who did it if it was done by a private firm independently or what, but there was also some discussion that the County was planning to do a speed study but it didn't get done. I'm just thinking that if the desire is to remove the gate that perhaps at least another speed study would be conducted before any measures be it the gate or anything else be taken care of. And also, that's it. Thanks

Chairman Tinsley: Thank you very much Mr. Stuber. Any further comment? Any further public comment in the matter? For the second time. For the third and final time, any further public comment? Ok this closes the public hearing on this matter. What is the pleasure of the Commission?

Commissioner Murray: Mr. Chair, I move we render a final decision this Thursday, the 13<sup>th</sup> of October.

Chairman Tinsley: We have a motion to render a final on October 13<sup>th</sup>. Is there a second? Is there a second? I'll second the motion.

Commissioner Varone: Discussion?

Chairman Tinsley: Discussion. Commissioner Varone.

Commissioner Varone: Mr. Chair, Commissioner Murray. The reason I didn't second it is because I think we have an obligation to conduct a speed study because we said we were going to. That was one of the conditions. And what I would like to see happen is I would like to see 2 speed studies be conducted, one with the gate closed but accessed to people and another one with the gate left opened for a week or 10 days to see what the difference in the gate being opened and gate being closed and then we render a decision after we get the information on the speed study.

Chairman Tinsley: Commissioner Varone as you know when the motion is made to render a final decision it doesn't necessary mean we render an up or down vote on this particular issue. We could, at that time, there could be a motion entertained that would ask for a speed study and do exactly what you're talking about. But the purpose for the public, so you know the reason we don't make a decision at this meeting is we have been advised by the County Attorney when we have a public hearing, we need to have ample time to consider the comments that are made and consider the evidences before us. So we don't do a final decisions at meetings like this. We wait and consider it over at least a couple of days, sometimes more. Which is why I seconded the motion. Any further discussion?

Commissioner Murray: Mr. Chair?

Chairman Tinsley: Commissioner Murray.

Commissioner Murray: Mr. Chair, Commissioner Varone. It's my intent between now and Thursday to figure out a reasonable way to count cars and also assess the speeds that cars are traveling through the subdivision both now and as was pointed out to us by Mr. Swingley in spring when kids are driving a little faster and feeling frisky.

Commissioner Varone: Mr. Chair?

Chairman Tinsley: Commissioner Varone.

Commissioner Varone: Mr. Chair, Commissioner Murray. If we're going to have any kind of speed study conducted, it's my understanding that it takes more than a day to conduct a speed study.

Chairman Tinsley: I don't think that was the intent of what he said. He said to consider how to go about doing a speed study.

Commissioner Varone: But Mr. Chair, the motion was made to render a final decision this Thursday and I don't know how you can render a final decision without the speed study.

Commissioner Murray: You can render. Mr. Chair, Commissioner Varone. It's my intent to propose a final decision to this body that will include a speed study.

Chairman Tinsley: I would also argue, as I pointed out after your first statement, Commissioner Varone, the motion made to render a final decision, does not necessarily indicate a final decision will be reached on Thursday. What that can do is give us ample time to study the evidence that was collected before us this morning; study the evidence that was presented by Staff and potentially come up with a solution that may or may not entail a final decision on Thursday. This is common language that we use when we make our motions is to render a final decision. Doesn't necessarily mean the final decision will come down on Thursday. It means we're not going to make a decision at this meeting. A decision will be made at the Thursday meeting that may entail a final decision or it may entail going into the future with the speed study. Further discussion.

Commissioner Varone: Mr. Chair?

Chairman Tinsley: Commissioner Varone.

Commissioner Varone: Mr. Chair, Commissioner Murray. I apologize for be-laboring what I'm about to say and for philosophically disagreeing, but if the intent of this Commission is to propose some sort of a speed study, it seems to me that it would be reasonable and efficient to do that now and render a final decision at a date specific not to include this Thursday, but to include maybe a month from now or whatever this Commission seems to be a reasonable amount of time to be able to conduct the speed study. That was my concern.

Chairman Tinsley: Thank you Commissioner Varone. As indicated by the County Attorney we don't make final decisions or any kind of decisions at this meeting. What we do is put it off until the next meeting so that we can consider the evidence that was presented at this meeting and at that meeting we can do exactly what you were speaking to. If we decide at that meeting that we want to conduct a speed study over a series of a month or two months or over 6 months we can do that at that point.

Commissioner Varone: Mr. Chair, it seems to me that's what I was requesting. I wasn't requesting a decision at this meeting, I was requesting a decision be made later, a month from now, 6 weeks from now whatever that time frame may be based on recommendation from Staff.

Chairman Tinsley: And after we consider the evidence over the next couple of days, Commissioner, we may be able to entertain that motion on that or entertain another motion to push it off even further. Any further discussion? Hearing none All in favor of the motion signify by saying Aye.

Commissioner Varone & Chairman Tinsley: Aye.

Chairman Tinsley: Opposed same sign.

Commissioner Varone: No.

Chairman Tinsley: Motion passes 2-1.

Commissioner Murray: Mr. Chair?

Chairman Tinsley: Commissioner Murray.

Commissioner Murray: Would you make your statement now if somebody has the misfortune of

getting a parking ticket.

Chairman Tinsley: I will I did it once before but I will be glad to do it again. When participating in local government, there's not a lot of parking around this building sometimes you may receive a parking citation. If you do receive one during this meeting when you go back down to your cars bring it to the 3<sup>rd</sup> floor and Miss Penna or Miss Byrnes will take care of that ticket. Keep in mind don't bring in any other tickets you have received over a period of time parking downtown. Just those tickets you receive today. Thank you for participating this morning, we appreciate all of your comments and looks like you have a question Mr. Lambrecht.

Mark Lambrecht: I'd like to know if the Thursday meeting is open to the public?

Chairman Tinsley: All of our meetings are open to the public, unless they involve a personnel matter.

Mark Lambrecht: Ok. What time are they?

Chairman Tinsley: Same time as this one.

Mark Lambrecht: Ok.

Chairman Tinsley: We have meetings on Tuesdays and Thursdays in this room at 9:00 a.m. however, on the 3<sup>rd</sup> Thursday of the month we have it at 10:00 a.m.

Mark Lambrecht: So on the Thursday meeting will public comment be allowed?

Chairman Tinsley: Public comment has been closed. What will happen on Thursday will be debate among the Commissioners and we'll render some kind of decision.

Mark Lambrecht: Ok. Thank you.

Chairman Tinsley: Keep in mind, if you can't make it to town, we're on HCTV Channel 11, live, so you can turn on Channel 11. I don't know if you receive it out in your area but you can receive it on Channel 11 to watch it. And it's played throughout the week as well. Thank you

Next item on the agenda is the proposed abandonment of Alexander Street. The Petitioner is Dennis Clancy. The Planner is Michael McHugh. It looks like this one also has been requested to be postponed until November 1<sup>st</sup>, 2005 at the request of the Applicant. Seeing no other business on the agenda.

Jerry Grebenc: Mr. Chair?

Chairman Tinsley: Mr. Grebenc.

Jerry Grebenc: Item number 6, the encroachment agreement for.

Chairman Tinsley: Oh. Walked right over it huh?

Jerry Grebenc: Not a problem.

### **Proposed Abandonment of Alexander Street**

**Note: Applicant has requested this be postponed to Tuesday, November 1, 2005.**

The Commissioners will consider a request from the petitioner to vacate and abandon a

segment of Alexander Avenue and alleyway. The segment of road is approximately 133.52 feet long and 30 feet wide and the alleyway of 34.53 feet long and 16 feet wide. It is located adjacent to Lots 1A amended plat of Lot 1 of the Woodlawn Park Addition Subdivision; legally located in the SE1/4 of Section 13 T10N, R4W.

Chairman Tinsley: Thank you very much. We have one other issue. The issue is an encroachment agreement. Christal Ness, the Permit Coordinator is the Staff person. This has been continued from October 4<sup>th</sup>. The Commissioners will consider the agreement for Patrick Pacheco to allow a fence and landscaping to encroach into the public access easement of Hannah Lane. The property is located as 6940 Green Meadow Drive, aka Lot B-2A of the Nelson Minor Subdivision. I don't see Miss Ness here. Jerry would you like to handle it?

### **Encroachment Agreement.**

Jerry Grebenc: At the conclusion of your meeting last week the Commissioners apparently were going to do a site visit and then render a final decision. Staff doesn't have any other comments other than that Public Works was going to recommend a denial, and that's about it, unless you have anything for me.

Chairman Tinsley: Ok. Thank you very much Jerry. What is the pleasure of the Commission?

Commissioner Varone: Mr. Chair. There's a person in the audience that raised their hand. I don't know if you want to allow them to speak.

Chairman Tinsley: Did we have a public hearing and close it on this or do we have to have a public hearing? I seem to recall that we put off just the final decision until today, is that correct?

Jerry Grebenc: Mr. Chair, you did take comment from Mr. Pacheco. It's really an administrative decision. It's up to you if someone has any information to add, it's really not a statutory requirement not to have or have a public hearing. It's an administrative issue so it's really up to you.

Chairman Tinsley: Ok great. Thank you very much. Somebody had their hand up, who was it? Ok. Is it alright with the Commissioners if we hear this person? Ok. Come on up and give us your name and address for the record. Good Morning.

Good Morning. I am Laurie Pacheco, Mrs. Patrick Pacheco and he couldn't be with us this morning, so I just wanted to come in and I know at the meeting on the 4<sup>th</sup> when this matter was brought up once before but Patrick had mentioned that right now our situation is that we have the currently landscaping with the sprinkling system, the trees and lawn are currently there and the home was put up in 1977 and the fence line, I know has been there for a very long time, so we were taking out what we thought was an eyesore to put in an updated clean version and we're quite surprised to find that for some reason that was a problem and so we just wanted to point out once again that there are two accesses to this subdivision and I believe there is less than a dozen homes in this subdivision and with all of the compliments and things that we have on our large lawn, we just are confused about as to why it's such an issue at this point. I do know that the other two homes that are next to us that are older and were built sometime in that next following 5 or 10 years also have issues on that road with their fence being I think 6 inches onto that easement as well as there is a garage just down behind us is also in that perimeter that you need cleared, so with those things in mind I know that there's more than just us that may be a dilemma for this and we are just asking that you let us just put the fence back up. Leave the lawn the way it is, unless it's some major problem for traffic or what not it's just a real small little access road into the subdivision and we had also been told that hopefully that some

of you had been able to go out and review the situation and have maybe had a chance to look at it, so we just ask that this encroachment permit be approved.

Chairman Tinsley: Thank you Mrs. Pacheco for coming in this morning.

Laurie Pacheco: Thank you.

Chairman Tinsley: Are there questions? Yes, Ma'am?

Unknown: I'm sorry I wanted to speak too, or can I not?

Chairman Tinsley: Is it alright Commissioners if we have one more comment? Ok, please. I need your name and address for the record.

Yes Sir. I'm Doretta Pacheco, 6940 North Montana Avenue. My son asked me to come here today, so I'm here. And I just wanted to know did you go look?

Chairman Tinsley: I will tell you I didn't have a chance to and I would still like to, so I'm not really interested in making a decision this morning, so I would like to go and take a look at it. But I haven't had a chance to.

Doretta Pacheco: Ok.

Chairman Tinsley: But that's just one Commissioner, there's two others here.

Doretta Pacheco: Did any of the other two Commissioners go look?

Chairman Tinsley: He's not a Commissioner.

Jerry Grebenc: I'm not a Commissioner Ma'am.

Doretta Pacheco: I'm sorry, I don't know who I'm talking too, but you're all wonderful. And I think it's great that you all sit and listen to everyone whine. (Laughter)

Chairman Tinsley: I will remind you that you are on live TV right now.

Doretta Pacheco: Oh ouch, owie! (Laughter) Well, the other thing, if you didn't have a chance to really go and look this situation over I would ask that you would consider please do not rule on this today and say no, please, no don't say no because I think if you go and look, the road is quite big and the fence that was there was kind of hideous and I would think that putting up a nice new fence where one was already existing would be an enhancement to the whole thing, other than, I wouldn't want to be the woman that has the garage right on the line. I wouldn't want to be her, but if you could do that, and I know you're time is valuable.

Chairman Tinsley: Mrs. Pacheco, what we'll do is we'll find out from the other two Commissioners if they've had an opportunity. I've just not had an opportunity to get out there and we'll discuss that and thank you for coming in this morning for your entertaining testimony.

Doretta Pacheco: Oh, I'm sorry. I have another question. Would you explain encroachment to me? What is an encroachment?

Chairman Tinsley: I'll let our Director of Community Development and Planning tell you. He has the better definition than any of us.

Jerry Grebenc: Mr. Chairman, Commissioners, Mrs. Pacheco. An encroachment agreement is

if the County has authority over county right-of-ways and public access easements and what not, if an individual wishes to place a fence, some people have proposed wells, landscaping, you can request an encroachment permit, an encroachment agreement. Our County Public Works department goes out and looks at that public right-of-way and they make a recommendation as to whether or not, 1) they think it's safe from a public health and safety standpoint, or a maintenance issue, because it's not just safety if, and I have to admit I drive by this fence all the time and I should know it quite well, but I can't think of how close it is, but there's also maintenance issues. If you have people that put fences right up to the road, there may be no place to push snow. So an encroachment agreement allows people the opportunity to possibly put their improvements in County right-of-ways or public access easements.

Doretta Pacheco: Because I was told, and I don't know if this is true or not that an encroachment couldn't be a hedge or a fence. Now you would know more about that because you are who you are but I know this road has been maintained very well by the County. You guys have done a great job the way it was. And so I appreciate you time, I do, and thank you for going out to look at it.

Chairman Tinsley: Thank you very much Mrs. Pacheco.

Jerry Grebenc: And the one thing I would add is the younger Mrs. Pacheco indicated a fence, there is another fence that will have to be dealt with. There is a fence that's further to the west that is also encroaching into that public access easement and we know that and that's going to have to be dealt with also.

Chairman Tinsley: Thank you Mr. Grebenc. Commissioners, as was indicated to my answer to Mrs. Pacheco, I have not had an opportunity to go out there. I wanted to have an opportunity and I don't know why I didn't get a chance to. My schedule obviously didn't allow me to. I would be pleased if you would allow me to go, however, if you two are ready to go ahead and rule that's fine as well.

Commissioner Murray: Mr. Chair, Commissioner Varone. It was my intent to abstain. I didn't, while I read the file yesterday, I did not have the opportunity to review the testimony that you two heard on Thursday, so I too would appreciate additional time that would allow me to review Mr. Pacheco's testimony.

Commissioner Varone: Mr. Chair, I make a motion to render a final decision this Thursday the 13<sup>th</sup>.

Commissioner Murray: Second.

Chairman Tinsley: We have a motion and a second. Any further discussion? All in favor of the motion signify by saying Aye.

Commissioner Murray Chairman Tinsley: Aye.

Chairman Tinsley: Motion Passes 3-0. We should all be able to have an opportunity now before Thursday to take a look at it. Thank you for coming this morning and thank you for your testimony.

Chairman Tinsley: This is the opportunity in the agenda where anybody who has public comments on any matters not mentioned above please come forward, state your name and address for the record, and Mr. Solberg, good morning.

**Public comments on matters not mentioned above.**

Good morning Commissioners. My name is Ron Solberg and I live on Horseshoe Bend Road. Well, I'm here today in regards to the fair grounds wastewater & sewer project. I was last here in about mid-August requesting data on this project and have not heard a response from that request. I sent a letter out a couple of days after that meeting and I have not heard a response to that requested data.

Chairman Tinsley: Are you done with your comment?

Ron Solberg: Yes.

Chairman Tinsley: Mr. Alles.

Ron Alles: Mr. Chairman and Mr. Solberg. The County is in the process of selecting a final engineer. Part of that will include those elevation shots for survey. No final determination on location of sewer and/or water has been decided on yet. I know both the County Commissioners and the Fair Board are looking for a final determination on that. As soon as we have the that information I will get it to you, we just don't have it yet. And there will be an opportunity to offer comments relating to the proposed location of that sewer line.

Ron Solberg: My request was, if I may read it "all alternatives being considered as possible out-fall routes". And when will the decision be made in selecting that route? And if there would be a public review and comment period on it. As you just stated there would be a public review, you did not identify all the alternatives that were being considered. The two engineering reports that are out there, and I only know of two, but there might be more, only stated one and that is my request is how many possible routes are there being considered and which ones are they?

Ron Alles: Until the elevations are shot, there is no other proposal for the route. I think the intent is to gravity feed. We have had this conversation before and until we get clear elevations there is no other proposed route for the time being. We need the elevations to more accurately reflect the direction of the affluent flow.

Chairman Tinsley: Mr. Solberg.

Ron Solberg: Yes Sir.

Chairman Tinsley: I want to point out to you that this period of time in our meeting is called Public Comment on Matters Not Mentioned Above. I'm being a bit liberal on allowing you to question. You're more than welcome to come visit with Mr. Alles in his office for specific questions, however, what I would like to ask you to do is just make your comments and if you have comments you want to make feel free. This period is for comments and not a question and answer time. You can go visit with Mr. Alles and he will be more than willing to answer your questions again. I know these questions have been asked and I believe and he believes they've been answered to the best extent possible at this point. But please go forward if you have any further public comments.

Ron Solberg: Ok my comment is that I have asked for this information and you said you would give it to me and I have not received it yet and Commissioner Varone told me at that same meeting that if I would send a letter that she would see to it that I would get it.

Chairman Tinsley: I believe that the answer that you received from Mr. Alles, again this time, as you received the last time was when that information was gathered you will get it. We do not have that information so we can't give it to you. Once the information is gathered we will be able to have that information.

Commissioner Varone: Mr. Chair?

Chairman Tinsley: Commissioner Varone.

Commissioner Varone: Mr. Solberg is absolutely right, Commissioner Murray, and I asked that that letter be hand delivered to me and I don't recall ever getting it. If the letter came I don't recall it coming across my desk and I wondered I didn't personally receive it, and if I did get it I apologize I don't remember but I don't remember you addressing it to me and hand delivering it to me.

Ron Solberg: I'm sorry, Commissioner. I wrote this letter on August 16<sup>th</sup>. It was addressed to Lewis and Clark County Commissioners. I didn't realize that I had to specify which Commissioner that it would have to go to.

Commissioner Varone: I asked specifically that it come to me.

Chairman Tinsley: Well regardless, the letter was delivered and the answers have; we don't have the answers. Once we get the answers that you're requesting we will get them to you but we don't have those answer yet. We're not going to make up an answer just to give you an answer. Once we get those answers Mr. Alles will get them to you.

Ron Solberg: You did not receive this letter from me?

Chairman Tinsley: I recall seeing the letter.

Ron Solberg: Ok.

Chairman Tinsley: But Mr. Solberg I just want to remind you again this is a public comment period this is not a public question and answer period, so please state any more comments that you have. Any specific questions that you have feel free to visit with any of us.

Ron Solberg: Ok , I'll make one more comment then.

Chairman Tinsley: Please do.

Ron Solberg: This project has been financed, funding has been OK'd, there has been an Rural Improvement District created, grant money has been set aside and no one knows the extent of the project yet. I mean that sounds, to me as a citizen, a strange about going about funding a project when you don't know the cost of the project but your out and funding it. That's my comment.

Chairman Tinsley: Thank you and the great thing about America is everybody is entitled to their opinion and you obviously have yours. So thank you very much.

Ron Solberg: Thank you

Chairman Tinsley: Have a good day. Any further public comment? Seeing none, we are adjourned.

**Adjourn.** Adjourned at 10:10 a.m.