

## NOTICE OF PUBLIC MEETING

July 6, 2004

Others attending all or part of the meeting: Joan Morris, Marlene Remmerfeldt, Dallas Remmerfeldt, Rich Meyering, Art Winsleck, Eileen Winsleck, Rick Schlenker, Carol Hanel and Marni Bentley

Chair Murray: Good Morning, please stand and join me in the Pledge of Allegiance.

Pledge of Allegiance. (Everyone recited the pledge)

Chair Murray: Good Morning and welcome. This is our regularly scheduled Lewis & Clark County Public Meeting. This is our first meeting in the newly remodeled chambers. My name is Mike Murray. To my left is Commissioner Varone, to her left is Mrs. Byrnes our executive secretary. To my right is Commissioner Tinsley, to his right is Ron Alles our Chief Administrative Officer, to his right is Paul Stahl our Deputy County Attorney. Before we start the meeting this morning, Commissioner Tinsley is on the building board that oversaw the remodeling of this structure, he and the architect responsible for the remodel are going to lead us on a brief tour of the facility. Commissioner Tinsley.

Commissioner Tinsley Anticipating Commissioner Murray's request this morning, I did ask the architect Rick Schlenker to come in and he is the guy responsible for the renovation of these chambers, these magnificent chambers. I know a bit of the history of the chambers, it used to be used as District Court a long time ago, and I don't know the time period, I don't know if Rick knows or not. As you recall the benches that you are now sitting on out there in the audience were pretty funky color I guess is the best word I can use, kind of an orangish-yellow and they've all been redone. The bench that Commissioner Murray is sitting at is the original piece of furniture as well as the one the Deputy County Attorney Stahl and Ron Alles are sitting at. This one, the one that Commissioner Varone and the one that Carole Byrnes as well as the podium for the audience was all constructed by the folks who did the remodeling and I think they did a magnificent job of attempting to match pieces. I'm going to let Rick come up and talk a little about it, it's a beautiful chamber, it does Lewis & Clark County and Helena a good service for renovating it I think, it's a piece of history. I see the place where the clock was might need to be cleaned now, there was a clock up there at one time and you can see the circle but it's just, these walls were really dirty and they came in and cleaned all the walls and it's amazing how clean they look now and how bright everything is now. So Rick why don't you come up and give us a brief overview of what happened. Make sure to point out the fact that Murray was your decorating consultant.

Rick Schlenker: I'll do that, Thank you Commissioner Tinsley. I think we've all been looking forward to this day for about two years now, I think the project came about over two years ago and the first year was spent just figuring out what we really need as Commissioner Tinsley said this room used to be the Federal Court Room and the early part of the last century and then in the late 20's, actually the original building was built in the late 20's, the west addition that forms the courtyard to the west of us here was constructed, the first floor was used as a post office, but unfortunately we had very few documents or photographs, in fact no photographs of what this original chamber looked like. And then in the late 70's early 80's this entire building was renovated the City and the County Administration and Clerk took it over for joint use of the County and the City and the rooms were remodeled at that time on a limited budget. So twenty years later, two years ago, it became evident that wear and tear after twenty years and the technology of television, presentations had changed significantly and the decision was made to renovate this room and we were fortunate enough to be selected by the commission to work with the City-County Administration Incorporated and also the County Commission and the City Commission to pull together this project and the project really, parts of this project are really what you see here as far as the general upgrade of the painting, carpeting as you mentioned Commissioner Tinsley the new cabinetry work that I think serves the needs of the staff and the presentation better but also I think one of the main things that people don't see is what went into in cost of the technology, being able to have microphones where you don't have feedback or you don't have FM radio on it sometimes, Television presentations, HCT television and I know this first meeting is a trial run after a few meetings it will be like old hat and down the road five or ten years when new Commissioners come in, not that I'm wishing anything, this

will all be kind of a memory and this will always be the way it is. So I think, I just want to take two minutes and just thank some of the people that were instrumental in this. Obviously the City-County Administration Incorporated in having the vision for this \$125,000 for the renovation and I believe another \$30,000 for the technology. I don't have the exact numbers on the technology. Anita, I want to thank you for helping us in pulling together the color \_\_\_ on the room, it turned out, I haven't heard one person come in and say I wouldn't have painted that color so it's a beautiful job and thank you for particularly with everything you had going on in your life. I appreciate that. Gary Carpenter was very helpful in helping in giving direction to the technology portion of the project, it doesn't sound like much but there are hundreds of wires running underneath the podium and into these main desks and this desk that serves the purpose of technology for the room and that will all have to be upgraded down the road whether it be five years, ten years or fifteen years and there are conduits in place that if we want to pull it all out and start over again you have that capability so I want to thank Gary for that. Tim Murry and his staff especially considering Tim's health over the last year or so bent over backwards to give us a hand, helped us out wherever they could and it shows up in the quality finish that they have here. \_\_\_ Eagle Construction they had basically about 60 some days to finish this project, it took them two extra days but I think from what we see here, I think the wait was well worth it and there's subcontractors were Gold Rush Electric and also \_\_\_ Mill who did most of the mill work here so I can't say enough about the team effort we had putting this together and all of the help that we had from not only your staff, the County but also from the City and I just hope this court room deserves this and in twenty years hopefully I'm around still to redo it. Thank you very much and again it has been a pleasure working with and for you.

Commissioner Tinsley: Thank you

Chair Murray: Thank you Rick. Commissioner Tinsley?

Commissioner Tinsley: One thing and Rick kind of touched on it but I didn't point it out, prior to this we were \_\_\_ old and farther out and whenever a presentation was given everybody on this side of the room had to kind of crick their necks like this to see it because it was in that corner on the wall, and Commissioner Varone had to basically turn around and she was sitting in the front row and it was just very hard for us to see anything and now the audience can still see and we can take a look at these screens right in front of us and it's a lot easier on our necks. We also no longer have to hold on to microphones so we can be writing while we're talking or we can drink our coffee and it just sounds a lot better, it's so much more convenient for everybody I think, so thanks a lot for the job you did, I appreciate it and thanks Commissioner Varone for your consulting.

Rick Schlenker: and this will be ongoing, I know there's still some work we have to do in the camera here, a different lens and I understand we're manual today with the \_\_\_ which needs to be corrected but there's just little glitches here and there that again after a couple months of trial and error and get the camera's up and going I think it will feel like home and you'll know the technology works and it's definitely needed so again it's been a pleasure working

Chair Murray: Rick, you built in some handicapped features, I noticed in the back if you'd present those.

Rick Schlenker: Yes, part of the project was also making sure we had handicapped accessibility to go those who attended the meetings. We set up areas in the back creating \_\_\_ ability or we can sit up in the front here. We have hearing impaired, if anybody in the audience needs a hearing assistance we have a hearing impaired system in the room, we put curtains and drapes on the windows so on mornings like this it would actually filter out some of that light so you don't have to sit in a glare however, in the audience as Commissioner Tinsley said the idea was to get a little less room \_\_\_ in this area to allow a little more room in the back of the hearing room probably noticed you have a little leg room in here, more \_\_\_ into the commission platform in this area. I don't know if the benches are any more comfortable, I think we have the same \_\_\_ better. A number of little things like I said that we did in conjunction with the project that really probably aren't noticed and probably when I sit down I'll go I should have mentioned this or that but the main purpose of it is to hold meetings such as this to conduct government and felt this was a more appropriate and better service in what has to happen in terms of Government. I'm pleased with the way it turned out.

Chair Murray: Thank you. Commissioner Varone?

Commissioner Varone: If I can respond just a little bit to Rick's comments about \_\_\_\_ the colors for this room. I'm getting all the accolades but I really don't deserve them. Carole Byrnes was very instrumental in choosing these colors as was a few other people from the City so I just want to make sure we go on record that this isn't my color scheme it's a color scheme of a group of people.

Chair Murray: Thank you Commissioner Varone. Commissioner Tinsley succinctly Ricks presentation mentioned that this building is owned by a corporation would you explain that a bit, it's not the City of Helena or Lewis & Clark County that owns this building.

Commissioner Tinsley: Why don't you explain that portion.

Chair Murray: I'm not on the building board or I would.

Commissioner Tinsley: Well nobody ever explained that to me. I'm assuming this is the joint City-County

Chair Murray: It is a joint City-County Board that actually owns this structure, it's a private corporation made up of the City Manager, one City Commissioner, one County Commissioner, our Chief Administrative Officer and one representative of the public that has a background in architecture and they actually manage the entire structure in charge of both the City and County employees that have office space here, this building is funded through rents that are charged back when an individual office to City and County budgets and that's how the building is funded, that and through grants and Ron perhaps was there any grants involved in the remodel of the chambers?

Ron Alles: No grants involved in this remodel Mr. Chairman but I would point out that the City and County came under ownership of this, I don't know how many years ago but the Federal Government gave it to the City and County for \$1 and through a series of bonds we've renovated this facility, parking lot and in order to maintain that ownership we must strive to maintain it's historical integrity, the integrity of the building.

Chair Murray: Thank you.

Commissioner Tinsley: \_\_\_\_ we all learn something, I didn't know this was a private corporation and I sit on the board.

Chair Murray: Is there any other, Commissioners anything else you want to present, obviously we are very proud of our new Chambers. Commissioner Varone?

Commissioner Varone: Mr. Chair, Commissioner Tinsley, when Rick talked about there not being any photo's available to give us any idea of what the Chambers looked like when it was first built, the intent of the committee was to try to bring the Chambers back to an era that could be perceived as an era that it was built and with that in mind we worked with Paul Putz from the Historical Preservation commission to come up with the colors and patterns that would be indicative of the time and the results is what you see in this room today.

Chair Murray: Thank you Commissioner. With that tour and history that you folks that are participating in County Government probably didn't feel you needed but you got anyway. We are going to start with the proposed Major Subdivision preliminary plat to be known as the Yuhas Tracts Lot 1E Major, the applicant is Randy Christensen, is Mr. Christensen present?

**Proposed Major Subdivision, Preliminary Plat to be known as the Yuhas Tracts, Lot 1E Major Subdivision.**

(Applicant, Randy Christiansen) (Planner, Frank Rives)

The Commissioners will consider the proposal to subdivide existing Lot 1E. The proposed subdivision is located in the SW1/4 of Section 24, T10N, R3W; generally located south of Elk View Drive and east of and adjacent to Wylie Drive.

Frank Rives: Mr. Christensen is not present at this time.

Chair Murray: Is Mr. Christensen coming? Do you want us to move this to the end of the agenda?

Frank Rives: That might be fine, Chairman Murray, Commissioner Tinsley, Commissioner Varone. Perhaps that would be the best advice in giving an opportunity to give Mr. Christensen a quick ring to see if he's on his way.

Chair Murray: Commissioners with your permission

Commissioner Tinsley: Fine

Chair Murray: We'll hear the subdivision last. For members of the public that are present in the chambers this morning, there's a sign in sheet, before you leave Frank would you circulate the sign in sheet in front of you there. Thank you.

\*Continued from below

Frank Rives: I tried to contact him, I got his answering machine and I left him a message however I don't believe he's here, so I don't believe we can proceed at this time. Perhaps we can table it until next, until Thursday although there is a public hearing so, I suppose we need to open the floor for public hearing.

Chair Murray: Since no-ones' in chambers, the public hearing is open, anyone wishing to testify for the first, second and third time, this closes the public hearing for now. If the Commission elects to hear this on July 8<sup>th</sup>, Thursday the public hearing will be continued until that point. Is there a motion to move this until Thursday July 8<sup>th</sup>?

Commissioner Varone: So moved

Commissioner Tinsley: Second

Chair Murray: We have a motion and a second, all in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Commissioner Varone: Aye

Chair Murray: Aye. Motion carries

**Settler's Cove RID Rate Hearing** (Marni Bentley)

The Commissioners will consider the resolution levying and assessing a tax upon all benefited property within Rural Improvement District No. 97-3. The Settler's Cove Land Owners Association has recommended an increase for each lot by \$50 per year.

Marni Bentley: A rate hearing was scheduled today for the Settler's Cove RID. The landowners association from Settler's Cove requested this rate increase and a copy of their letter is attached to the memo. The rate hearing was noticed in the Helena Independent Record in accordance with the statutes and a letter was sent to each property owner within the district notifying them of this hearing. A draft resolution and rate schedule is attached to your memo. I received two telephone inquiries regarding this proposal and one letter. The letter that was attached was one of the phone callers and the other phone caller was not opposed to the increase but wanted the improved portion of the road lengthened to serve his lot. I did advise him that that would mean a change in the scope of the district and there was another procedure for that. As of June 30<sup>th</sup>, well let me go \_\_\_ that, Staff recommends approval of this attached resolution in raising the assessment for the Settler's Cove RID by \$50 per geo code for road maintenance activities as requested by the homeowners association and I can answer any questions.

Chair Murray: Questions of Mrs. Bentley? Commissioners you have in your packet two letters, one from a Richard Meyering and the other from, a protest letter from Warren Davis. This is a public hearing, anyone that wishes to speak in favor of, opposition to or speak in general on the proposed RID at Settler's Cove now is your opportunity. Please come forward, we need your name and address please.

Joan Morris: Yes, I'm Joan Morris and I'm at the end of Settler's Cove, my husband and I own 20-acres at the very end of the road. I guess I don't have any objection to the increase as much as I do in the bylaws and how it's set up and the committee that continues to raise and I guess I would like some representation for people at the end of the road on this assessments or the landowners board. We requested this the last time that we came that there be a representative from the end of Settler's Cove and we were told that would happen and than it didn't happened so I think it needs to be a little bit more formal this time. I also think that when these people leave that there needs to be a written response maybe to some decisions that they made and passed out to everybody in that Cove so I think that's my concern is that we are now 48 houses, ten years ago we were maybe 5 houses out there, we need more representation on that board. So that's my concern, making decisions on the roads and what happens in that development. Thank you.

Chair Murray: Ms. Morris, Commissioner Tinsley has a question.

Joan Morris: Yes.

Commissioner Tinsley: Ms. Morris, first of all congratulations on being the first member of the public to use the new podium. We don't have a prize for you but. So, you're talking about your association of Settler's Cove, landowners association, do you know how many members there are on it currently?

Joan Morris: No, I don't. And that's another thing I don't know how much money we're talking about for the roads and I think if everybody in Settler's Cove knew that information and it was public that a lot of these things would

Commissioner Tinsley: Do they have like yearly elections?

Joan Morris: I don't know

Commissioner Tinsley: Oh, you don't know

Joan Morris: No, see that's why I think it needs to get more formal and I think it needs to go beyond what is currently happening.

Chair Murray: Thank you Ms. Morris.

Commissioner Varone: I have a question about a caller if I could regarding the association in itself. Does the County or can the County request that more formalization take place and that the homeowner's be kept more informed in participation be throughout the \_\_\_\_ road.

Paul Stahl: Commissioner Varone I think that Lewis & Clark County has a policy that they try to involve homeowners associations in our RID matters. That is not a legal requirement however. Given that I think when you have communications with the association regarding the kinds and types and amounts of \_\_\_\_ that needs to be done, Commissioners could recommend to them that they need to look to their bylaws or whatever to try to make it more representative so that it's strictly a policy, a decision as opposed to one that is legal.

Chair Murray: Yes Sir, can we get your name and address.

Rich Meyering: Good Morning Mr. Chairman, fellow Commissioners. My name is Rich Meyering and that's a copy of my letter that you have there. I'm on the Board of Director's for the Settler's Cove Homeowners Association and hopefully I can clear up a little bit of the questions you may have about our association. When

the area was subdivided there was no formal homeowner's association created and for many many years there was not an association so a bunch of the residents got together and formed a corporation and created a homeowner's association which has voluntary membership so each year, people who want to join our association will pay their dues and they now become a member and they receive rights to use of our park, we have a park with a boat launch facility and docks can park in the area and a shelter and things like that that we've established through our homeowner's association so there are benefits to joining our association that membership is open to all the surrounding areas. Now in answer to the questions that might come from people who live further our Rainbow Drive, they are welcome to join our association. We have open membership to the surrounding area, anybody can request membership in our association, people across the lake and people up in Mount Heritage Estates and all of that have inquired about their opportunity to join our association and gaining access to our boat launch and not have to go out to Black Sandy and things like that and those cases we've said no we wanted to keep it maintained to our lake frontage area so maybe that gives you a little idea of how are association is. Every year we elect new members, only members who have paid are voting for the new members the following year. Only members who have paid were maintaining the road in the past so we had maybe anywhere from 60% -70% of the property owners there would join our association and those people were carrying the full burden of maintaining those roads and that's why we requested initially the RID. The RID was adopted to extend up, there's a wide area that we go to but not clear up to the very end because that road did not meet County specifications and in fact I've spoke before the commission on behalf of supporting some of the development saying the County should make an exception to that and let them maintain their own road, the dirt road, even though it wasn't wide enough and things to that nature so that's why it isn't maintained under the RID. The RID only covers up to the area that's a wide portion of the road that does meet RID qualifications, okay. We do however plow, snow plow, areas that are within our subdivision, I mean within our association that are not Rainbow Drive And Pelican Road out of our association funds. The reason we asked for this increase in the RID is that in the past few years the condition of the road has deteriorated due to weather conditions, traffic as is developing in the area, and we've had an increasing amount of expenditures coming out of our homeowner's association to make up the difference between the costs of repairs and what were generated by the RID. Last year we paid \$850 out of our homeowner's association fund which again is a voluntary association and all members aren't paying so in talking with Carol Hanel we discussed different options, which might be available. They go around and do their windshield surveys that you're probably very much aware in the different subdivisions and than they come back and say these are the recommended repairs that are required, well their surveys have come back each year saying that we needed to do a bunch more maintenance to our road than what is possible for us to do with the RID that existed. The most recent survey was conducted recently by Stahly Engineering and on May 18<sup>th</sup>, and the net result of it was a recommended maintenance for this year of \$6,348. We have a balance of around \$600 I believe in the Rid at this point. So, we couldn't do the maintenance that the County is recommending and the only way we could get enough money to continue on with our maintenance program on our road would be to increase the fees. I'd be happy to continue with questions.

Chair Murray: Thank you Mr. Meyering. Questions of Mr. Meyering?

Commissioner Tinsley: Mr. Meyering thank you for coming today, I appreciate it and thanks for your letter. Sir, how many members, I know there is 48 geo codes in the affected RID district, how many of those are members of the association?

Rich Meyering: Of the geo codes, I don't know. I can't tell you

Commissioner Tinsley: Not all 48 are though?

Rich Meyering: I can tell you right now, at this point in the year because you see we have, yesterday I had two more people come by the house and pay their dues, it's during the whole year that we get people. As soon as the weather gets nice, today I'll probably have more people coming to pay their dues so they can go down and use the park, but right now I have 46% of our, 56% of our property owners that we include beyond the geo codes that you have listed. In other words, within our subdivision people who reside in our subdivision also front on Lake Helena Drive and also up on Gallatin Road which is right up above our subdivision, so there are 56 different property owners, of that we have paid at this point about 46% and I don't know exactly how many of

them are on Rainbow Drive or Pellican Road.

Commissioner Tinsley: Mr. Chairman, Commissioner Varone. Mr. Meyering I guess I would just recommend to you, it sounds like this has gotten and obviously increased in size and number of people that have moved into the area and I would just suggest that you maybe at the point now want to formalize your association, set up some formal bylaws, set up districts in your area and have elections or figure out some other system other than if you join you're a quasi-board member. Is that not what you said?

Rich Meyering: No, if you join you're a member and the members elect the board.

Commissioner Tinsley: Oh the members do elect the board, okay, when you first said that I didn't hear that.

Rich Meyering: You have to be a paid member to vote for them, so non-members cannot vote. Now we put out at least two to three newsletters a year to all of the people whether they paid or not.

Commissioner Tinsley: I misheard you when you came up I thought you said if you pay your dues and you can vote or you can become a board member, I apologize. I guess, are you getting the word out to all the people in the affected area about the association and how much are the dues, you said you have a newsletter

Rich Meyering: I have a newsletter

Commissioner Tinsley: a long way towards Mrs. Morris concerns

Rich Meyering: Unfortunately those houses up there, you see they have never expressed an interest and we've, I've talked to different residents up the road, further up Rainbow Drive out to the end there and they haven't expressed an interest in joining the association because they've got an area where they can put their boat in the water or whatever and so I haven't included them in our mailing list but I think based on her comments and that what I'll do is I'll find out those addresses up there and send our newsletter to them too.

Commissioner Tinsley: Great

Rich Meyering: Our newsletter goes to even people who traditionally do not pay it, never have paid it and I still send them a newsletter that tells them what's going on and what the board has done and who was elected the last term and what our goals and plans are and all that just hoping to get more members so now I don't know the formal process there might be to make it a mandatory, you know where all the property owners have to be in it but it seems to me that has to be done at the time of subdividing, maybe \_\_\_ would know better.

Ron Alles: Mr. Chairman, Commissioners too I think to clarify the homeowners association boundaries isn't necessary going to mirror the RID, the RID for those purposes we needed to take a look at all benefiting properties so the County in effect can create the RID but we need to ensure that we include everyone that benefits from the use of that road or the improvements from that. The homeowner's association it sounds like may include other areas even those along Lake Helena Drive which we would not include in this RID if they're not a benefiting property. As well (tape ended) is to use some docks and park area and things like that but it's totally separate from that. The County only relies upon that homeowner's association in an advisory capacity for maintenance on that RID. It could also take into consideration membership outside of the homeowner's association, those other property owners that are affected by the RID we can also recommend certain things relating to that RID.

Chair Murray: Commissioner Varone?

Commissioner Varone: I think where the confusion comes in for me at least is I'm having a real difficulty in determining whether the homeowner's association discussed expanding the RID rates and in that capacity they're serving also as a board with the RID and most folks aren't associated with it. My confusion is there are people that are in the RID that are not members of the homeowner's association, if I'm understanding correctly why is a homeowner's association having those discussions and then coming before us if I'm

understanding what everybody is saying

Rich Meyering: I think you're understanding what we're saying but it's still, it's a little misleading or a little confusing the way I'm understanding the administration. When an RID is established, they usually, the County usually has public works department or the County has a representative entity \_\_\_\_ with the RID and that has been the homeowner's association, members of it, because we're initially the ones that petition for it. As I also understand it, anybody can petition for an RID within their area, it doesn't have to be an association or anything else an individual could if you've got enough petition signatures than they can form an RID, they can go out for public hearing and the RID will be formed so in essence we aren't the, we don't make all the decisions with the RID but we are their contact, the County interfaces with it on an annual basis, we discuss the condition of the road with them, with their engineering staff and what might best be done to improve the road or meet the requirements. Last year they recommended, they were going to recommend to you folks a tripling of our RID because they wanted to chip seal the whole area, their engineers did and we said look this is just a small subdivision, we don't meet you know the standards of roads you would normally have in a brand new subdivision we just need roads for dust control and their adequate for us to travel, we posted a speed limit of 15 mph and things like that and so we just administer as far as \_\_\_\_.

Commissioner Varone: Thank you. Mr. Chairman, Commissioner Tinsley and so I do understand it correctly, I just think it's important that we move forward if there are any more discussions relative to the RID and contact \_\_\_\_ through your association or the association and make sure that when the discussion takes place that everyone that is involved in the RID be notified so they can come to that meeting, not as a member of the association but as an \_\_\_\_ of the RID.

Rich Meyering: Well, I think if you look at the RID's are implemented and administered everywhere, they don't have that type of formal notification. I mean, I don't think it's our responsibility to go around to everybody's house that has never joined our association or just happen to live in the area and tell them that hey we need to do something, we need to spend more money or it's going to automatically increase on you. I don't \_\_\_\_ the responsibility as a board of director that our association has to every landowner there to notify them as you folks do with your public hearings you know. They'll be notified if there's been an increase proposed, an increase recommended by the County and recommended by some residents and they'll have an opportunity to speak their pros or cons. I hope that doesn't sound like I'm trying to duck out of something but I guess I just don't want to take on the responsibility of going door to door and saying hey we're proposing an increase in the RID.

Chair Murray: Mr. Stahl?

Paul Stahl: Mr. Chairman, Commissioners. Actually I think Mr. Meyering has a great grasp of the RID, \_\_\_\_ as one of our staff members \_\_\_\_ as he understands RID's it seems to me better than some of our staff people. Commissioner Varone your comment I think is well taken except that I think this is the proper place where those people who are not a part of the homeowner's association are to come and speak their mind and, I mean Mr. Meyering could have done this all on his own and not even had the homeowner's association and he would not be responsible for going around to peoples homes, they would come here, speak about it, tell you whether they like it or not like it. We have over the years sort of built a relationship with homeowner's associations and they are not perfect entities and by that I mean, what we talk about representative government and being able to vote and being able to protest because they are private organizations that we don't necessarily control, but we have this sort of unwritten policy that we defer to them because they usually represent a majority of the people that are there. The final comment that I would make that even though this is the proper place for people to come and protest as the lady did who spoke first, if in fact they want a say other than here in a public meeting, it seems to me that they could pay the dues to the homeowner's association and they could go there all they wanted and make all the comments they wanted and have an input but most of them probably choose not to belong to the homeowner's association for one reason or another and that's perfectly fine but the law says this then is the place for them to come in and have their opportunity to speak, it doesn't require them or you or anyone to sort of get involved in their private, I understand their incorporated corporations business and how, who, who and how they should contact them. Here's the place. We have contacted all the people that are affected, if they aren't, we haven't contacted all that are affected than we need to direct

staff to say well we don't think we got all \_\_\_\_, we have too many in here that are not benefited by this, this one isn't benefited and this one isn't benefited or the cost is too much or too little based upon the comments here. I would tell you there are probably people in his own organization that may not agree 100% with everything that they are doing and they have the opportunity than to come here and speak to you and tell you what they think, there \_\_ is kind of and we have to kind of further this area because it's just, it just works better than trying to contact 50 different individuals, it just ends up being a mess for us so we rely upon homeowner's associations to kind of give us a which way do we, that's long winded, I don't know what, I hope I made a couple of points here but it's, this is just, he has a pretty good understanding of how things work here.

Chair Murray: Commissioner Tinsley?

Commissioner Tinsley: Mr. Chairman, Commissioner Varone. Mr. Meyering after you explained, I just misunderstood you at that very beginning and after you explained it, it does make sense. Normally if you think of a subdivision, for lack of a better example let's say the Treasurer Estate, it's a square area, it's compact in their neighborhood and if, I don't even know if they do have an association I'm assuming they do, that's what I was thinking along the lines of your area and to think of \_\_ or a corner of that subdivision wasn't in your association that's why I was making the point that maybe you ought to go out and extend it. The way it sounds to me is geographically this area is disconnected, they have a place where they can put their boats in and you have a place where your folks on your side can put their boats in so I understand that now and I appreciate Ron's explanation I didn't for a second think that the association boundaries were the same as the RID and I understand that they can go outside of that I was just looking towards Mrs. Morris' concern but now that you've explained it, it does make sense so thank you and you do have a grasp of this.

Rich Meyering: Yeah. If we refer to the subdivision as Settler's Cove Subdivision which in itself is made up of three different subdivisions that are all you know minor, \_\_ or whatever, you know one after another that were developed at different times and at no time was a homeowner's association created, we created the homeowner's association by forming a non profit corporation writing bylaws and than inviting people to join the homeowner's association. We have summer picnics, garage sales, things like that are just community projects because we do live in the community as an association and \_\_ the park.

Chair Murray: Thank you Mr. Meyering.

Rich Meyering: Thank you very much and this room is beautiful.

Chair Murray: Thanks. Is there anyone else that wishes to comment, yes Mam. If we can get your name and address please.

Eileen Winsleck: I'm Eileen Winsleck. Arthur and I own three pieces of property in Settler's Cove, not in the outlying areas. Art and I know the history, the background, we were there when there was nothing out there but prairie. My husband has been president of the association for years. Things have changed dramatically from the way they were supposed to been when this all took place. This RID should everybody that pays on their taxes to this RID should be notified and they should be able to give their opinion and hear what is being spent, what's going to be taken care of, what will be spent, we never get that information. I feel like maybe I'm understanding that they, the Settler's Cove association is holding everybody else hostage, they cannot have any word to say about the road. Now I do know and this is maybe taking the hearing the other side, we also have property on the lake, it costs property owners a lot of money to put up their own docks and have a place to put their boats to come in and out. Now we're being asked to join the association, my husband and I started this so I know the whole history of this, so now we cannot according to Rich and Rich has told me, I have no say so in this because we're not members of the Settler's Cove Association, I think these are two separate properties. Now we have people from up all over, when we started this I came in this courthouse myself and typed on a courthouse typewriter the people that belonged to Settler's Cove, well now we've expanded half the country out there and the thing I'm objecting to, is that anybody that pays because we are taxpayers, we should have a right to know what is going on, not at the end of the year like in a newsletter not two or three in a year, one newsletter and it usually comes in a block form like we've spent 'X' number of dollars, I would like to have this all broken down how and why and where the money has gone and I think as any taxpayer probably you

guys should feel the same way. If you're paying into this, you should have some say so, you shouldn't be held that you've got to belong to the park association. We're already, the people on the lakeside, a lot of them expressed how much it costs us to keep it up. The people that use the park area should be the people that want to join to use that park. Now with Rich, I can't call Rick and ask him a question because he says I don't have any right to this. We have three pieces of property, two belong to us, one belongs to our son who is in Iraq. I'm here on behalf of our properties and the other property owners who are paying into this RID. I hope I can make you, everybody understand that like I said we've been held hostage, we have to join this other association before we have any rights to say anything about the RID.

Chair Murray: Mrs. Winsleck, this is your legal opportunity to speak to the RID. If you oppose it and don't want it to go through, we need you to state that. This is your opportunity to speak.

Eileen Winsleck: Right now?

Chair Murray: Yes Mam.

Eileen Winsleck: I'm not opposed to the RID all the way but I do think that we should have been notified so that the people that are paying into it, we're getting a raise that we didn't know anything about until we got the letter. I'm opposed, I'm not opposed to the RID I am opposed to the big raise(?). Like I said, our son is in Iraq, he has no way to contact anybody and it's not fair to him, it's not fair to ourselves or the rest of the people that don't know what's going on because they don't belong to this association. Are there any other questions that you might have that?

Chair Murray: Questions of Mrs. Winsleck? No Mam, Thank you.

Eileen Winsleck: I think that, at least I want to know, where all this money has gone through all these years that the RID has been in effect and I think it's been 7 years and I think the people that it's on their tax bill they should know where it is going and why and I don't know how anybody else feels but that is the way I feel. But thank you guys and thank you all for listening, thank you.

Chair Murray: Thank you Mrs. Winsleck.

Eileen Winsleck: By the way I was going to say, when we were out there and we had prairie, we were one of the very, most of these people that are here now and have come don't have any idea the suffering, the money we've spent, the time we've spent, my husband did that road work for free for years and years and years. Our equipment and everything so, there's a little background that this isn't something new to us we've been here for a long time and we intend to stay. Thank you.

Chair Murray: Thank you Mrs. Winsleck. Is there anyone else that wants to speak in favor of, in opposition to or speak in general? For the second? For the third and final time? Ms. Hanel will you bring some light to the subject please?

Carol Hanel: Good morning Chairman Murray, Commissioners Varone and Tinsley. My name is Carol Hanel, I'm public works coordinator for Lewis & Clark County. A couple of issues, they talked about representation out there. I do, in each RID I have a contact group that I work with and that's just so that not everyone's calling every time there's something that needs to be done to the road. It helps minimize the work effort and proceed to get the road fixed and I look at that annually and they do change from year to year, not always but a lot of them and I send out a letter every year to update my list. My recommendation would be, we're talking about a homeowner's association and a RID. Perhaps they could form a group of people who are interested in working on like a road committee and I'd be glad to work with those people and maybe get more bodies involved in and help better inform the people. The other thing is, this public hearing is their notification that they do, they need repairs on the road and he's right we do an annual windshield survey of all of our RID's every year with our engineer and our County Engineer this year recommended that they do some chip sealing, a skin patch and some pot hole repairs and this is just to maintain the improved portion of Pelican Road and Rainbow Drive and so that's where we are at now. They don't bring in enough funds every year to do this work and so they

need a rate increase to preserve these roads.

Chair Murray: Carol, how much money will the rate increase generate?

Carol Hanel: About another \$2400.

Chair Murray: So that will bring the balance to \$3000?

Carol Hanel: Currently they're at; their assessments are at \$1947 I believe so it will bring it up to about \$4300.

Chair Murray: Thank you. Questions of Ms. Hanel? Commissioner?

Commissioner Varone: Mr. Chair, Commissioner Tinsley, first of all I want to say to Carol and to Marni that I think the two of you do a great job in understanding the RID process better than almost anyone that I know and I just wanted that for the record. Secondly, my question to Mr. Meyering and subsequent to that and \_\_\_ comments from Mrs. Winsleck and Mrs. Morris, I agree with those two folks that came up here and what started out originally as I understand was to manage the docks and the park and the road through the years they needed to expand it and I'm going to put myself in the position of living in the area that Ms. Morris does where you utilize the area you are a benefiting party and that you have no say because of an association making that determination to come forward. I appreciate your recommendation to move, that decision contact process into a road committee and that road committee should include members of the association and members of benefiting parties that are outside of the association but are still going to use it. In my mind that's the fairest thing to do, times have changed and with that the RID process needs to change because it's expanded.

Carol Hanel: In all fairness, and thank you for the comments for Marni and myself, that suggestion came from Marni Bentley to form a road committee and we do have road committees' in some of our RID's and I can have three or four contacts and I do contact each one before any work is done in the RID it's gone through with them to get their approval, to see what the engineer recommends, we don't spend any of the funds of the RID for anything except for what the RID is set up for and that's improvements to their roads and I'm sorry I forgot your last name but she questioned where the money has gone the last few years as far as road repairs and that's public knowledge and I'll be glad to furnish her with that, I have that information and she's going to contact me, her and I visited earlier and I'll get that information for her to.

Chair Murray: Thank you and your office is where to go Carol if you want to research where the monies been spent for the last six years.

Carol Hanel: Mmm Hmmm

Chair Murray: Thank you. Any questions? Thank you Ms. Hanel. Commissioners the public hearing is closed, what is your preference?

Commissioner Tinsley: Mr. Chairman I move we render a final decision on the Settler's Cove RID rate hearing next subdivision meeting scheduled on Thursday at 9:00 am July 8<sup>th</sup> and authorize the chair to sign.

Commissioner Varone: Second.

Chair Murray: We have a motion and a second, all in favor of rendering a final decision, Commissioner Varone?

Commissioner Varone: Discussion. If I could, reading through the draft resolution, could you have for consideration a decision that we add to the resolution that an RID Committee be established however that narrative needs to be?

Chair Murray: Discussion on \_\_\_\_

Commissioner Tinsley: Are you asking, I believe you are asking for Marni and Carol to come up with model language so we can amend it at that time?

Commissioner Varone: Correct

Commissioner Tinsley: Okay. That's fine.

Chair Murray: Is there a motion amending the resolution to establish an RID committee?

Commissioner Tinsley: I think we can do it

Commissioner Varone: \_\_\_\_\_

Commissioner Tinsley: Well, I, we haven't actually, do we need to move it now or move it on Thursday when we consider it?

Paul Stahl: I think you can move it on Thursday because I think we need to have some discussions about that. It seems to me if you put it in this one you have to put it in them all, you need to think about if this is what you want to do in all of your RID's and establish a podium because that's what you will \_\_\_\_\_, we treat everybody the same and whether or not we can do it by policy as opposed to a resolution and make it a little cleaner. But that would be something to think about in the next two days rather than trying to amend it today.

Chair Murray: Commissioners you need to be aware if you intend to add it to the resolution, Mr. Meyering \_\_\_\_\_ the opportunity to \_\_\_\_\_ at that time. This isn't the time Mr. Meyering but I'm aware that you want the right to comment on a forced RID committee for your subdivision. Commissioners you have before you a motion to render a final decision on July 8<sup>th</sup> at our regularly scheduled public meeting, all in favor of the motion signify by saying Aye.

Commissioner Tinsley: Aye

Commissioner Varone: Aye

Chair Murray: Aye. Motion carries. This closes the public hearing on the Settler's Cove RID. We will discuss it again on Thursday, July 8<sup>th</sup> in our new chambers. Should any of you this morning have the misfortune of getting a parking ticket for attending our public meeting if you please would bring it to the commissioners office and give it to us, we don't fix tickets, but we will take care of it and you're not going to be ticketed, receive a parking ticket for participating in your County Government. Thank you for attending this morning.

**Proposed Subdivision, Summary Review to be known as Asher Acres Minor.** (Applicant, Trevor Asher)  
(Planner, Frank Rives) (cont. from Lincoln 6/28/04)

The Commissioners will consider the proposal to subdivide Tract 2 of COS 245789 (16.3 acres) into 5 lots. The proposed subdivision is located in the NE1/4 of Section 21, T14N, R9W; generally located 2 miles west of the town of Lincoln, and east of and adjacent to High Chaparral Road. The Commissioners will also consider the variance request: High Chaparral Drive is a deadend cul-de-sac road that exceeds 1,000 feet in length.

Chair Murray: The reason the hearing was moved, the decision was moved from the hearing in Lincoln on June 28<sup>th</sup> is the commission did not have the opportunity to inspect the property after the public hearing was held in Lincoln. The commission did inspect the property, no discussions have been held, the property was viewed by

the commission. Commissioner Varone you are welcome to vote on it although you were not in attendance at the hearing in Lincoln. The first piece of business on Asher Acres is a requested variance to road standards. Are you waiting for a question, or am I doing okay Mr. Rives?

Frank Rives: I'm just here in case you have any questions.

Chair Murray: Thank you.

Commissioner Tinsley: I just don't, let me see your variance request, I don't have mine in here it must have fallen out.

Commissioner Varone: Mr. Chair, if I may. I don't, I plan on abstaining because I didn't have the opportunity to listen, I think it's the right thing to do. One thing Frank, I did not get a copy of the variance from the individual and I got a copy that you provided saying that it hadn't been received yet. Has it been received?

Frank Rives: Yes Mam it has been.

Commissioner Tinsley: I think it was, Mr. Chairman, Commissioner Varone it was passed out in the meeting in Lincoln and I think it was left in the table in Lincoln because we didn't have it in our packet and he passed out several.

Commissioner Varone: This is what I have. \_\_\_\_\_ no justification, I have that, I thought this was

Frank Rives: That was the application I received, if it had not been at the, received at the last minute I would have requested that some more information be placed on that.

Commissioner Tinsley: Mr. Chairman, Commissioner Varone. While we're pondering this would you talk a little bit about the request for the variance and why it's needed? Just briefly.

Frank Rives: Yes Sir. Chairman Murray, Commissioner Varone, Commissioner Tinsley. The applicant's property accesses High Chaparrel Road which is a cul de sac which is over 1000 feet in length and formally this road was actually a looped road but that portion of the road was closed, I don't think the road was ever dedicated County Road in that sense but the road is now in excess of 1000 feet and it terminates at a dead end. There is a connecting road that comes in from the south, but technically High Chaparrel Road is a dead end road and requires a variance.

Commissioner Tinsley: Mr. Chairman with your permission, I was going to make a motion to approve the variance this morning based on the fact that as Mr. Rives indicated it was, the variance request was dropped off at the last minute and that Mr. Asher came to the meeting and indicated his reasons for a request of variance, but looking at the date, the review period ends on Friday the 9<sup>th</sup>, is that correct Mr. Rives?

Frank Rives: Yes Sir

Commissioner Tinsley: I think I'm going to at least for discussion purposes let you know that I am going to request that we move rendering a final decision until Thursday July 8<sup>th</sup> which will give Mr. Rives time to contact Mr. Asher and have him fill out a correct variance request form. I don't think we need to start going down the road allowing people to sign the copy and turning it in and than coming in and speaking to it, we need something for the record in their own words as to why they think, this is going outside of the subdivision regulations, so for discussion purposes I intend to move that, do you have any questions Commissioner Murray or Commissioner Varone?

Commissioner Varone: Mr. Chair, because I'm abstaining from the vote, if it's alright with you I'll go ahead and make a motion, or second, that motion makes perfect sense.

Commissioner Tinsley: That's fine

Chair Murray: We have a motion and a second to render a final decision on July 8<sup>th</sup> rather than this morning, all in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries. Commissioner Varone abstains, let the record reflect that

Commissioner Tinsley: Commissioners my motion intent, the intent of my motion as I said was having Mr. Asher contacted and have him fill out a correct variance request form.

Frank Rives: I will do that.

Commissioner Tinsley: Thank you very much.

Chair Murray: Without being stated, I believe we want Mr. Asher to fax the proper variance form so we have the opportunity to review it as well as mailing the original please for your records.

Frank Rives: Yes Sir, the one complication to this would be that the actual owner of the property does not live in the town of Lincoln and is not Mr. Asher but in fact Mr. Asher is the gentleman's representative, the gentleman that owns the property lives in Indiana so I don't think we could get another signed (tape ended)

(tape begins)

Chair Murray: ... signed by Mr. Asher

Frank Rives: Yes, by Mr. Asher

Chair Murray: The purpose of the motion and the request Mr. Rives is that Mr. Asher properly fill out the form and provide the necessary justification for the variance itself.

Frank Rives: Yes, Mr. Asher can do that.

Chair Murray: Thank you. That takes us back Mr. Rives to Yuhus Tracts, Lot 1E, is the applicant making it?

\*See continued narrative above under Yuhus Tracts.

#### **Public Comments.**

Chair Murray: There's, since no one's present in Chambers that wishes to bring items before the County Commission we are adjourned. Thank you.

#### **Adjourn.**