

PUBLIC MEETING
September 14, 2004

Chairman Mike Murray called the meeting to order at 9:00 a.m.

Commissioners Tinsley and Varone are present. Others attending all or a portion of the meeting included Ron Alles, Sharon Haugen, Keith Hatch, Nancy Everson, Pat McKelvey, Michael McHugh, Frank Rives, Duane Noel, Ed Casne, Ryan Casne, John Osborne, Thurston Dotson, Betty Dotson, Linda Kindrick, William Squires, Don Hardyman, John Soborne, Sheldon Bartel, Deborah Hayden, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the pledge.

Bid Opening. Ron Alles stated this project is part of the county's effort to complete the chain link perimeter fencing at the fairgrounds. Fairgrounds Manager Keith Hatch reported three bids have been received.

1. Capital Fence, Helena. Acknowledged receipt of 2 addendum. Total bid amount \$38,220.
2. Bullock Contracting LLC, Boulder. Acknowledged receipt of 2 addendum. Total bid amount \$36,951.
3. Dave's Chain Link Fencing, Helena. Acknowledged receipt of 2 addendum. Bid amount is \$36,800, plus an additional \$8,000 for a total bid of \$44,800.

Commissioner Tinsley moved to turn the bids over to staff for review and award at a future public meeting. Commissioner Varone seconded the motion and it carried unanimously.

Resolution Setting the Number of Mills to be Levied for FY 2004-2005. Nancy Everson reported the county adopted the annual operating budget for fiscal year 2005 in July and this resolution sets the mills. A power point presentation shows tax levies for special districts outside the incorporated cities and special assessments which are a fee placed on property that is not based on taxable valuation, the City of Helena mill levy, City of East Helena, some state mill levies, total county mill levies inside the city and total mill levies outside the city. Total mills inside the county are 154.16 mills and include the all purpose fund, the library, public safety, the fairgrounds which was voted on in June, county-wide school levies, elementary and transportation, and School District No. 1 at 398.65 mills. State mills and the county-wide mill levy at 684.27. Special district fees and mills include the Augusta Fire District at 30.37 mills, Canyon Ferry Fire Service Area--fee of \$115 per geo code, Augusta Landfill District, Lincoln Landfill District, Marysville and Scratch Gravel Solid Waste District, Helena Valley and Craig Mosquito Control Districts, RID maintenance districts, three lighting districts, water quality district, Forestvale Cemetery, Augusta Cemetery, Soil Conservation District, Helena Valley Irrigation District. Ms. Everson explained the calculations on the tax for a city of Helena resident on a home valued at approximately \$100,000. County wide newly taxable property growth this year is at 4.93%.

Hearing no public comment, this portion of the public hearing is closed. Commissioner Varone moved to approve a resolution setting the number of mills to be levied for fiscal year 2004-2005 and authorize the chair to sign. Commissioner Tinsley seconded the motion and it carried unanimously.

Chair Murray: I have a request to do Pat McKelveys, Item #10 as he has a meeting this morning as I'm sure everyone has but without objection, Mr. McKelvey.

Proposed Minor Subdivision, Preliminary Plat to be Known as the Helena School Tracts Block 22 Lot B1 Amended Minor. (Applicant, Kevin McDuffie) (Planner, Michael McHugh) (cont. from 9/7/04)

The Commissioners will consider the proposal to create five lots, two for multi-family units and three for single-family residential units. The subject property is located in the SW1/4 of Section 16, T10N, R3W; generally located east of White Drive and south of Meagher Road.

Chair Murray: Do you have questions of Mr. McHugh?

Commissioner Tinsley; Mr. Chairman, I have a questions, Commissioner Varone. The applicant, is Mr. McHugh here or the applicant? I don't know if he's here. Mr. Chairman, Commissioner Varone. The applicants have stated that they would like to, they have proposed covenants yet I read into your staff report and I believe that you presented it the other day a couple of the lots in the subject property are right now not in compliance with those covenants. How do we go about, is the, are the applicants willing to bring those lots into compliance?

Michael McHugh: There is currently no covenant on the property at this time so there's not any non-compliance. They drafted some covenants in the opening language which indicated that it only permit single family residential. Since this is a covenant that they're willing to place on it the County is not placing it, they can amend that when they file the final plat it would need to reflect that multi family units on lots 1 &5.

Commissioner Tinsley; The proposed covenants that they're

Michael McHugh: That they're proposing.

Commissioner Tinsley; Okay.

Chair Murray: Further questions? Is there a motion?

Commissioner Tinsley: Mr. Chairman I'll move approval of the proposed minor subdivision preliminary plat to be known as the Helena School Tracts Block 22 lot B1 amended minor with the thirteen proposed conditions as proposed by staff and authorize the chair to sign.

Commissioner Varone: Second.

Chair Murray: We have a motion and a second. Further discussion? Commissioner Varone?

Commissioner Varone; Mr. Chair, Commissioner Tinsley. On page 8 on condition of approval 10, I'd like to add a condition 'k' that includes a requirement and I don't know what the standard language is but I know there is standard language that requires cluster mailboxes, that's a motion.

Commissioner Tinsley: Second.

Chair Murray: We have a motion and a second to add the cluster mailbox condition, all in favor, Mr. McHugh?

Michael McHugh: Instead of making that a covenant you probably ought to make it a condition of approval whether a cluster mailbox or install prior to final plat and so that would be the conditions of approval up to fourteen.

Commissioner Varone: I'll amend my motion to reflect that.

Commissioner Tinsley: That's fine

Chair Murray: We now have fourteen conditions, further discussion? All in favor of the motion to add condition #14 dealing with cluster mailboxes signify by saying Aye.

Commissioner Tinsley; Aye

Commissioner Varone: Aye

Chair Murray: Aye. Motion carries. Are there further amendments? All in favor of the motion to approve the subdivision to be known as Helena School Tracts Block 22 Lot B1 as amended signify by saying Aye.

Commissioner Tinsley; Aye

Commissioner Varone: Aye

Chair Murray: Aye. Motion carries.

Proposed Major Subdivision, Preliminary Plat to be known as Grassland Major, Phase 1. (Applicant, Duane & Beth Noel) (Planner, Frank Rives) (cont. from 8/24/04) (record kept open)

The Commissioners will consider creating a subdivision of 63 residential lots, ranging in size from .229 to 5.31 acres, and a remainder lot of 46.72 acres, which

may be developed in the future as a second phase. The proposed subdivision is located in the NE1/4 of Section 8 and the NW1/4 of Section 9, T10N, R3W; generally located east of and adjacent to the Pleasant Valley Subdivision and south of and adjacent to Munger Road.

Chair Murray: Questions of Mr. Rives?

Commissioner Tinsley: We haven't had a hearing yet, we had a, Mr. Chairman, Commissioner Varone, I believe this was on the agenda and then it was pulled back and then we just took some public comment, is that correct?

Sharon Haugen: That is correct. We haven't had the staff report or the full Public Hearing on this yet, because we were waiting for a full quorum to be able to hear it.

Chair Murray: Thank you. I appreciate the reminder. Mr. Rives.

Frank Rives: Actually we have made the presentation, both I made a presentation and the applicant's engineer made a presentation at the last meeting I believe.

Commissioner Varone: That's correct.

Commissioner Tinsley; Is that correct?

Chair Murray: That's what my notes show.

Commissioner Tinsley; Okay, my note was wrong than.

Chair Murray: If you'd like Mr. Rives to

Frank Rives: I'm prepared to do another presentation

Commissioner Tinsley; No, that's okay. I put on my note here that needed presentation that may have occurred first, we had the public hearing, we pulled from the public hearing but we also took comments so I think that's an old note, Thank you.

Chair Murray: Do you wish Mr. Rives to summarize the proposal?

Commissioner Tinsley: I would like, Mr. Chairman, Commissioner Varone I'd like to hear some of the discussion regarding the traffic study on Custer Avenue that was proposed during the last hearing.

Chair Murray: Frontage road?

Commissioner Tinsley: Frontage Road excuse me.

Frank Rives: Would you like the applicant and his representative to step forward?

Commissioner Tinsley: Whomever, I just know there was talk about proposing, is that correct Ron?

Ron Alles: Correct. I believe we left the public hearing open is where part of the confusion is.

Commissioner Tinsley; There you go.

Chair Murray: I'm prepared to take testimony this morning but would you, the County requested a speed study on Frontage Road we later requested that the Montana Department of Transportation study be expedited.

Ron Alles; That's correct, a request has been made to the Department of Transportation, they indicated that the soonest that they could get to it would be early Winter.

Commissioner Tinsley: Thank you.

Chair Murray: That isn't the answer we were looking for, but it's the answer that is. Are there questions of Mr. Rives or I'm going to invite the Noels or their engineer to come forward and talk a bit before we go to the public hearing. Nothing? Mr. and Mrs. Noel or Mr. Casne, however you guys want to proceed.

Duane Noel: Am I to comment in closing at this point?

Chair Murray: You will have the right to close after I close the public hearing so we're not at closure yet Mr. Noel and I need your name for the record.

Duane Noel: My name is Duane Noel and I live at 1725 Kelly Road Helena 59602.

Chair Murray: Thank you. Before we continue the public hearing Mr. Noel if you wish to make additional comments or if the Commission has questions of you, we can do that. You will have the right to close when I close the public hearing.

Duane Noel: If it's okay with the Commissioners I would just assume wait to see what the additional public comment is and than close, would that be okay?

Chair Murray: Yes Sir.

Duane Noel: Thank you very much.

Chair Murray: This is the continuation of a public hearing, anyone that wishes to speak in favor of, in opposition to or speak in general, now is your opportunity. I would ask that if you have testified previously we have your comments in the record, if you've thought of something new you wish to comment on you're certainly welcome or if you want to

reinforce your previous testimony succinctly now would be an opportunity. Anyone wish to comment? Yes Sir? We need your name and address again for the record?

John Osborne: Okay Commissioner, my name is John Osborne I live at 3835 Kitt Drive. I just had two questions and one of them was previously asked I was curious about the traffic study but on one of the previous meetings you were going to have them do the traffic study and have them do a background on the accident, like accident report or something and I wanted to find out what the results of that was?

Chair Murray: Thank you Mr. Osborne, I'll see if I can get that for you.

John Osborne: and than I did want to say that I am fully against this subdivision. I also had one of the meetings when they were next door, I asked if the Commissioners and stuff would take a look at Pleasant Valley and the Frontage Road traffic to see for themselves what it's like and what the people of Pleasant Valley are talking about as far as the road conditions, you know the children playing out in the roads and stuff like that and I was curious whether anybody actually has gone out and drove around to see the problems that we're having with our road still and what with the additional traffic will do to our roads?

Chair Murray: Commissioners?

Commissioner Varone: Mr. Chair, I went out there this afternoon and I drove every road in the subdivision and Munger Road and the Frontage Road and because I wrote down comments that the folks had to say and I wanted to either verify or disprove to myself what they said, so yeah I went out there. I spent probably 45 minutes, an hour out there looking around.

John Osborne: Okay, Thank you.

Chair Murray: Commissioner Tinsley?

Commissioner Tinsley; Just for the record, Mr. Osborne, Thanks for your comments, I did also spend some time out there, I actually spent a little bit of time out there a couple of years ago when I was a investigator for the State Auditor's Office on an investigation and I had the opportunity to actually sit right off the Frontage Road and not only observe the investigation I was conducting but the traffic that was out there so I do understand and I appreciate your comments.

John Osborne: Okay, Thank you.

Chair Murray: I too inspected it the day they were resurfacing part of Munger Road.

John Osborne: Okay, Thank you.

Chair Murray: Anyone else? Yes Sir.

Thurston Dotson: Chairman Murray, Commissioners Varone and Tinsley. My name is Thurston Dotson I live at 3845 Kitt Drive in Pleasant Valley. I've commented publicly and proposed provided written comments, I have an additional potential recommendation if this is approved that instead of putting traffic through Karmen and Kelly, there is potential for this subdivision to exit to the north onto Munger Lane and driving Munger Lane to me it appears it has adequate space and the capability to be modified and expanded to carry the additional traffic there rather than forcing the traffic through an already residential area with some real problems and road quality and I thank you for the opportunity to comment.

Chair Murray: Thank you Mr. Dotson. Mrs. Dotson satisfied? Thank you. Anyone else? For the second? Yes Sir.

William Squires: Commissioners I'm William M. Squires, I live at 3840 Kismet Drive in Pleasant Valley. I'm the contact person for the RID in Pleasant Valley. One of my concerns is that if either Kelly or Karmen Road is designated one of the accesses to this subdivision that it's going to have a detrimental impact on our streets out there, the money we collect now with our RID is enough to chip seal every once in a while and do some patching but additional traffic is going to really ___ the road. Especially construction equipment during the construction of the homes out there, all those heavy loads are really going to accelerate the damage to the road and I feel that if one of those roads is the access than one of the conditions of approval of the subdivision should be that they have to resurface that road, I'd suggest a two inch overlay on it and I stated that in a letter that I sent in back in June or July I think it was.

Chair Murray: That is part of the public record Mr. Squires.

William Squires: Thank you.

Chair Murray: Thank you Mr. Squires. Anyone else wish to comment this morning and testify? For the second. For the third and final time, this closes the public hearing. Mr. Noel you have the right to close. While Mr. Noel is coming up, if anyone has the misfortune of receiving, come on up Mr. Noel, if anyone has the misfortune of receiving a parking ticket this morning participating in your County Governments public meeting, please bring it up to our office and we will take care of the ticket, we don't fix them but we take care of them so you will not be responsible for overtime parking attending today's meeting. Mr. Noel?

Duane Noel: Yes Sir. Duane Noel again. In closing, I just want to make some clarification of a few points, I won't be very long and than Ed Casne will also make some clarifications on water. On the pavement that ends down at the main entrance of our subdivision there was a question on that at the last meeting, that pavement ends on the eastside of that entrance, just beyond our entrance there.

Commissioner Tinsley; This in on Munger right?

Duane Noel: Right. And then Commissioner Tinsley had a question of the entrance on the east side off of Munger Road and that comes in off of Munger Road there's a right and then a left to get into our subdivision. There is an entrance there.

Commissioner Tinsley; I've been out there since.

Duane Noel: Okay. Just want to clarify that. Then when you access or a person accesses Frontage Road off of Munger or Kelly Road the bridge is 775 feet give or take a little bit, that's to the north. Now when you look up the road as you come to a complete stop and look up the road it does partially block the cars that's coming but if you look carefully you can see the tops of the cars and if it's at night you can see the headlights, I'd like to clarify that. Then there was a letter that was submitted that we just got that I'd like to make a few comments on that. The letter had mentioned that the groundwater was at 11 feet, we recorded groundwater at the east end of the subdivision at 7-8 feet deep at the west end of the subdivision we are still doing recordings it's coming in at an average of 5 feet and it's been dropping since mid month. There was a comment on the drainage, Pleasant Valley Subdivision drains its own subdivision, we will be entirely independent of Pleasant Valley. We will have an engineer design a drainage system that will drain our subdivision down into a pond down at the west end, the east end of the property. There was also a comment on drains that exist on my property that drain Pleasant Valley Subdivision, we searched for an easement and we could not find an easement that comes across there but if we happen to hit one as we're doing any excavation work, we will repair it and get it back to the normal operating mode and then a comment on the schools. The schools have given us approval, well I'm not going to comment any further on that. There was a comment also on the traffic, the traffic at the intersection of Custer Avenue and Frontage Road, my wife did an unscientific study but the comment said that if the first car took 90 seconds then the second car must have taken longer but the way it worked out is when the light turned red at Washington Avenue the cars at that intersection, the first one went, the others came to a rolled stop and entered that intersection at about the same time so it really was not much of a wait there. Then as for the wells, this was the main item that we should talk about today I guess because that was the reason we left the meeting and extended it the last time. I talked to the Fire Chief, we scheduled a meeting but something happened there was a big misunderstanding and we waited for him and he thought that the meeting had been postponed or something at any rate, it came out, the conclusion of what's been going on or what's come out is that he would still like to have 1000 gallons a minute for two hours for fire protection. We have not come to any kind of, well I'm going to let Ed talk about that he has an answer that I think that maybe we can live with and at this point I think I'll turn this over to Ed.

Chair Murray: Mr. Noel, before you leave. The Fire Chief, Chief Shepherd did call this morning and the County is implementing a new radio system and the Chief is in training for that is why he is not present this morning. He, and that's all he said is he asked for an excused absence from today's meeting.

Duane Noel: That's fine, but I just wanted you to know that there was a meeting and we tried to have a meeting and somehow we had a misunderstanding on the date and time and we did talk on the phone. My engineers and Mr. Shepherd talked and I'm going to let Ed at this point come up and explain that conversation.

Chair Murray: Thank you Mr. Noel. If we can get your name and business address please Mr. Casne.

Ed Casne: My name is Ed Casne and my business address is 733 Third Street. As Duane has expressed we've been trying to work out a compromise on that fire water requirements for our subdivision and we've been unable to meet with Jerry Shepherd so it's something that we don't want to hold the project up any longer trying to get to some modification of that fire requirement. So, what we're proposing is that you leave that condition in there that we meet the 1000 gallons per minute for two hours and we will see how the wells come in, we're going to be drilling two wells and it's unknown at this point what kind of capacity those wells will have. The, of course the more volume we get out of the wells the less storage we have to put in. Storage is really an expensive item, so when you're talking about 1000 gallons a minute if you have to put in 100,000 gallon storage tank you might be talking \$150,000 just to do that. So, we'd like to revisit this topic if we don't come up with some decent producing wells but for now I think our best option is to ask you to just go ahead and approve the subdivision with the conditions as they are shown and if we run into problems we hope that we can come and talk to you again about fire protection and than any modifications we may have to make on that subject.

Chair Murray: Questions of Mr. Casne? Mr. Casne and Mr. Noel, this morning you heard testimony that for the construction phase of this project, a request that the Commission prohibit the heavy trucks from utilizing two streets, Karmen and Kelly and I'd like you to comment on that.

Ed Casne: We could avoid those streets and have them come in on Munger.

Chair Murray: In your presentation you talked I believe about a roundabout for Karmen and Kelly, is that

Ed Casne: Certainly for Karmen and it isn't quite as important on Kelly because Kelly doesn't have a through shot, a straight shot through there so we could do it on both but certainly we'd want to do it on Karmen but Kelly is less likely to be a straight shot, an area where people could speed through there.

Chair Murray: Thank you. Are there any questions? There are no further questions if you have additional comments you're welcome to make them Mr. Noel.

Duane Noel: Just one last thing. During the planning board meeting we had one vote for us and it was Dave Kohl, the Chairman and he said when he closed that what he said and I quote Community water and sewer are a function of density, you cannot pencil out

the cost of providing community water and sewer without high density. It is close in to services and fire protection and the Sheriff. It's contiguous to existing development and adjacent and to a transition area. The interconnectiveness of the road system has some people concerned but we have heard the other side from emergency service providers. There is no real perfect, there is no perfect site and I think this one has a lot of features that are very attractive about it. I just wanted to leave you with that message from David, the Chairman. Thank you very much.

Chair Murray: Thank you Mr. Noel. Sharon, if you'll, I believe the statutory deadline was extended to the 21st or was I ___ and it was actually

Commissioner Tinsley: I've got the 16th Commissioner.

Frank Rives; That's what I understood, the 16th

Commissioner Tinsley; So we have until Thursday.

Chair Murray: Commissioners what is your preference.

Sharon Haugen: Mr. Chairman, just a quick reminder that your Deputy County Attorney has advised that when you do hold a public hearing that you do not make a decision that date, but you take a couple days to contemplate the information that you received at the public hearing so it's staffs recommendation that you make that decision on Thursday since that is the end of the extension period.

Chair Murray: Commissioners?

Commissioner Tinsley; Mr. Chairman I move we render a final decision on staff recommendation on Thursday at our next regularly scheduled meeting September 16th in this room.

Commissioner Varone; Second

Chair Murray: We have a motion and a second to render a final decision on Thursday the 16th in this room at 10:00. All in favor of the motion signify by saying Aye.

Commissioner Tinsley; Aye

Commissioner Varone: Aye

Chair Murray: Aye. Motion carries. Mrs. Byrnes will this, please put this as the second item following the pledge of allegiance. This particular Thursday we start an hour later, the County has a radio show one Thursday a month and it falls on this Thursday so that is why our meeting will start at 10:00 am instead of 9:00.

Commissioner Tinsley: It's an opportunity for those listening to us to turn us off.

Chair Murray: Or turn up the volume

Commissioner Tinsley; Or turn it up.

Chair Murray: So we'll see the Noels and their proposal on Thursday and I believe some of your neighbors we'll see on Thursday morning also. Mr. Dotson, you can't give us anymore testimony but if you have a question

Thurston Dotson: Mr. Chairman, my question is, on Thursday will the business just be for action and approval only?

Chair Murray: Yes Sir. The testimony is closed, but you're welcome to come listen to the action and the debate between the three of us should there be some.

Thurston Dotson: Okay, Thank you.

(10 minute break)

UUFinal Plat Approval for the Kottas Ranchettes Minor Subdivision. (Applicant, Scott & Tamara Kottas and Alan Bock) (Planner, Frank Rives)

The Commissioners will consider the final plat.

Frank Rives: Commissioners, I've been working with the applicants to complete their final plat and they have met all of the conditions of approval and are ready to go forward final platting this subdivision.

Chair Murray: Commissioners by consensus?

Commissioner Tinsley: Yes

Chair Murray: At the conclusion of the meeting we'll sign the final plat, thank you Mr.Rives.

Health Department Contract. Mike Henderson reported the contract with DPHHS will fund in-home services to 10 families referred by Child Protective Services. Funding has increased from \$36,062 to \$85,607. Commissioner Varone moved to approve the contract and authorize the chair to sign. Commissioner Tinsley seconded the motion and it carried unanimously.

Gateway Economic Development Corporation Comprehensive Economic Development Strategy and Resolution in Support. (Sheldon Bartel/Deborah Hayden)

Deborah Hayden reported this resolution supports the Gateway Economic Development Corporation and the Gateway Economic Development District and acknowledges the continued support of Lewis and Clark County for economic development and planning through these organizations and the comprehensive strategy that the organization has prepared.

Commissioner Varone moved to approve the resolution and authorize the chair to sign. Commissioner Tinsley seconded the motion and it carried unanimously.

Stahly Engineering Change Order #2 / Federal Aid Project No. PLD 2003(2). Eric Griffin reported the change order with J&S Construction in the amount of \$32,734.30 is to complete the Marysville Road Gravel Improvements Project. An additional 5 inches of gravel was added on two test sections and magnesium chloride was applied to the rest of the road as dust abatement. Western Federal Lands Highway Administration will incur the cost.

Commissioner Tinsley moved to approve change order #2 in the amount of \$32,734.30 and authorize the chair to sign. This increases the total contract amount to \$377,852.90. Commissioner Varone seconded the motion and it carried unanimously.

2005 Western States Wildland Urban Interface Grant Application. Pat McKelvey reported the Tri-County Fire Working Group Survivable Space Program is requesting submittal of a \$300,000 grant application. These are federal national fire plan monies that come through the Montana DNRC through the Western Urban Interface Grant Program. The \$75,000 match comes from the participants who apply.

Commissioner Tinsley moved to approve the grant application and authorize the chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

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Resolution Ordering a Refund of Taxes/Fees/Assessments Paid. (Cheryl Green)

The Commissioners will consider the resolution to refund Barbara J. Trego in the amount of \$27.51.

Rocky Haralson: Yes Mr. Chairman what this was is we found out that the taxpayer had in fact made a timely application for agricultural status on her property in 2003. The form had gotten misplaced, we addressed it in the Spring of this year. One of the PBS clerks in my office went back and as Ms. Trego had paid her fist half already in 2003 adjusted accordingly the second half and the remaining difference and therefore came up with the refund of \$27.51.

Chair Murray: Any questions? Is there a motion?

Commissioner Tinsley; Mr. Chair,

Chair Murray: Mr. Alles, excuse me

Ron Alles: Mr. Chairman I pointed out to Rocky earlier, I think we need to take a look at this though, it appears that the \$248.41 would be the amount for the whole year, that's what the tax should have been and if the taxpayer paid \$220.00 for the first half and we deleted the second half in fact that balance is \$27.51 owing for the full year and I think we need to take a look at that prior to action being taken.

Rocky Haralson: I would agree with that Mr. Chairman. At this point in time the figures that Robin used, I'd like her to review them with me after it was brought to my attention I'm assuming that the figures she's using in fact do not deal with the whole year, just the difference remaining on the half but clarification certainly would be warranted.

Chair Murray: Thank you. Commissioners is there a motion to table this to Thursday the 16th of September?

Commissioner Tinsley: So moved.

Commissioner Varone: Second

Chair Murray: We have a motion and a second, all in favor of the motion to table this until Thursday signify by saying aye.

Commissioner Tinsley; Aye

Commissioner Varone: Aye

Chair Murray: Aye. Motion carries. Thank you.

Public comments on matters not mentioned above.

Chair Murray: Commissioners, today is National POW-MIA Recognition Day in Lewis & Clark County and the Commission has signed a proclamation declaring today POW-MIA Recognition Day. Commissioner Tinsley if you wish to read the proclamation.

Commissioner Tinsley; If you wish to help me maybe we can switch off. Thanks for the warning.

WHEREAS, American warriors of yesterday and today have never failed to answer their nation's call. Through selfless sacrifice, they have brought to the entire world a concept most often associated with American ideals – FREEDOM! WHEREAS, 'Freedom' lies in the hearts of the people of entire nations. It lies in ideals so richly American, and it rests on the shoulders of those who we honor on this special day. WHEREAS, today there are Montanans who are still listed as POW-MIAs from conflicts past; and WHEREAS, family and friends of the men and women must live with uncertainty until the fate of their loved ones is known;

and WHEREAS, we have not forgotten the sacrifice these men and women made in defense of our freedoms; and WHEREAS, we have a moral and ethical responsibility to our missing or captive native sons and daughters; and WHEREAS, on this day of remembrance, we will imprint on our minds the memories of these men and women; and You are not forgotten... Now, therefore, be it resolved, that the Lewis and Clark County Board of Commissioners hereby recognizes September 14, 2004 as "National POW-MIA Recognition Day" in Lewis and Clark County signed by the Lewis & Clark County Board of Commissioners.

Chair Murray: Thank you Commissioner Tinsley.

Commissioner Tinsley; Thank you.

Chair Murray: Commissioner Varone comments?

Commissioner Varone: Mr. Chair, I'm happy to see this happening and we do this every year and my question is do you know when the ceremonies will be taking place

Chair Murray: It was my understanding they were this morning at 9:00 in Memorial Park so the ceremonies I believe have taken place, but I'm not positive of that.

Chair Murray; This is the time in our meeting when anyone present that wishes to bring an item before the Commission that we have authority over and is not on our agenda, now is your opportunity to come forward and speak. Since no one is coming forward to speak, Commissioners our meeting is adjourned.

Adjourn.

**Public Meeting Canceled
Tuesday, September 28, 2004
MACo Convention**