

PUBLIC MEETING
June 21, 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, Carol Hanel, Marni Bentley, Bob Drake, Doretta Pacheco, Kent Rice, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. Ron Alles reported on the consent items.

- a. Contract Renewal with Yellowstone City-County Health Department. Healthcare for the Homeless for in the amount of \$26,829.63. (Libbi Lovshin)
- b. Contract Renewal of Master Contract with MDPHHS for Provision of Public Health Services, which covers all task orders for public health services. Reimbursement will be made as specified in specific task orders. No dollar amount. (Libbi Lovshin)
- c. MT Department of Commerce Contract. CDBG Housing Grant No. MT-CDBG-05HR-03 for the Friendship Center. To provide funding in the amount of \$500,000 for project activities approved under CDBG program for FY2005. (Audra Zacherl)
- d. MT Department of Commerce. HOME Contract No. M05-SG3001-13 for the Friendship Center. To provide funding in the amount of \$500,000 for project activities approved under HOME program. (Audra Zacherl)

Staff recommends approval of all items.

Commissioner Murray moved to remove item a from consent action item.

Commissioner Murray moved to approve items b,c,d and authorize the chair to sign. The motion was seconded by Commissioner Varone and the items were approved unanimously 3-0.

Commissioner Murray stated that he removed item a because he was curious about the dates on the contract; April 1, 2005 to June 30, 2005. He wondered why it's 3 months old.

Libbi Lovshin stated that she received the contract mid-May. There were some questions about some provisions regarding timeframe and dollar amount provided for. Once those questions were answered and worked out we went ahead to present it to the commissioners. This was actually supplemental funding, not the core contract.

Commissioner Varone moved to approve the contract renewal and authorized the chair to sign. Commissioner Murray seconded the motion and it carried unanimously 3-0.

Bid Opening For Applegate and Maynard RID Maintenance Project. The Commissioners will open the bids. Jamie Mongoven from Stahly Engineering assisted with the bid opening.

Helena Sand & Gravel, Inc., Helena. Required signed bid bond, acknowledged receipt of addendum \$57,130.40.

Bid Opening For Prickley Pear RID Maintenance Project. (Jamie Mongoven/Stahly)

J&S Construction Inc, Bozeman. Required signed bid bond, acknowledged receipt of addendum, bid amount of \$189,363.82.

Helena Sand & Gravel, Inc., Helena. Required signed bid bond, acknowledged receipt of addendum, bid amount of \$147,490.07.

Commissioner Murray moved to return all bids to staff for review and make a recommendation to the Commission at a future public meeting. Commissioner Varone seconded the motion and it passed unanimously 3-0.

Resolution To Increase The Lakeside Fire Service Area Rates.

Marni Bentley reported that the proposed fee increase was requested by the Lakeside Fire Board Of Trustees. All property owners were notified within the FSA and legal ads were published according to statute. The resolution is a draft and outlines the fees based on property value. Staff recommends the increase in rates. If approved, there is a protest period of 60 days and the fees will become effective unless 50% of the landowners protest.

Bob Drake, 2940 Spokane Creek Road, Lakeside Fire Chief: They requested the fee increase. We were asked what we did with the last fee increase. In 2000 we used the money to replace 2 engines. We are still paying on those loans. We replaced our fire hose, got parts to complete the 2 new engines, attained new water supplies, and improved training. Fire Department is asking for an increase of total fees by approximately \$20,484 or 15.6%; increase the average fees per improved parcel from \$130 to \$150 (per improved property). The biggest change is to change the fee structure from a flat fee to a variable fee. There will be a base fee of \$120 for the first basic taxable value; that is not market value, but taxable value. Next there will be \$16 added for each additional \$1000 of taxable value not to exceed \$300 for residential and no limit for commercial. The taxable value does not include land. The Board of Trustees felt that the same flat fee charged for a trailer home versus a million dollar home would not be fair. Growth has occurred in the county and the newer subdivisions and homes will pay their fair share right up front. There is no cap on commercial development. Our intention is to use the money to hire a part-time or later full-time administrator to keep up with all the paperwork, attend meetings, pay attention to the volunteers and retain those that we have, spend time training those volunteers. We'd like that person to be also fire and medically trained to help if needed. We'd like to continue to upgrade our trucks. Water supply improvements are needed to keep up our ISO ratings.

Commissioner Varone: She asked about how many fires you're called out to and how much paperwork that takes.

Chief Drake: We went out on 111 responses last year. 2/3 medical calls, 1/3 fire, depending on how dry the year it is.

Commissioner Varone: How much time will you save with the new subdivision regulations.

Chief Drake: We still have to go out and make sure everything is working right, etc. I am thankful to have the new regulations, but with the growth in our district I don't think the time is going to down, but actually it will go up because of all the requests. We're saving by having more clear rules, but we're losing by having so many requests.

Commissioner Varone: As I see it, the intent of the new regulations is to make everything the same and make it easier on the fire departments. You check to make sure everything is working right, but aren't you supposed to be licensed or certified in order to for that?

Chief Drake: We have to test the water supply on an annual basis so the testing never ends. Our goal is to get the first test as quick as possible because it takes 3 years of tests for full credit for the water supply. As soon as they're available we go out and test them to get the clock running so we can get the maximum points for those water supplies.

Commissioner Varone: We got a letter from the state fire marshal sent us, he said the fire departments are no authorized to do anything within the county, but what you are talking about is the ISO, not the state, right?

Chief Drake: That's right. It's an ongoing operation so for every new water supply, we have to go do it.

Commissioner Tinsley opened it for public comment.

Robert "Paul" Colclazier, 3935 Deer Park Drive: I'm not for or against, but have some questions. 1) Is this increase based on the most recent increase of assessed value of lakefront property? 2) Does it take into consideration the proposed union of the two fire districts Lakeside and Canyon Ferry? 3) Can we expect an increase in rates if they are joined after the June 30 meeting? A question I have for the fire chief is 2-3 years ago a right of way was provided to set up a pump station on the lake.

George Edwards, 4840 Deal Lane: Initially when the fee district was proposed I was in favor of it and my wife and I even helped gather the \$25 donations. When the district was established and placed a \$40 fee I thought it would help tremendously since not everyone donated. In the last 5 years we went from a \$25 donation to \$130 flat fee to another increase proposed now based on property values. There doesn't seem to be a wise use of the funds because they once operated on a \$25 donation. They struggled, but operated. When it went to \$40 that was great. I'm not proposing to dissolve the fire department. In state law it says there can be no more than 28 members in a fire department. With a merger it will increase that. It's spreading us other thinner, not enhancing fire protection. No statute allows for hiring of an administrator, which no longer makes it a volunteer department, but a paid department, even if it's one person. Augusta's fire department has an ISO rating of 6 and my parents who live there pay \$40 per year, not \$130. We have an ISO rating of 9. There is no benefit to us when our ISO rating does not change.

Jim Martin, 6062 Lakeview Road: He's against the increase in fees for Lakeside Fire Department. Our Fire rating was supposed to go down. When they put out the letter August 2, 2000, the fire department got a 43% increase in last 5 years. It use to be volunteered fees now it's \$130 on our taxes. What do the residents need to defeat this proposal? There haven't been any structure fires only forest fires that can be reimbursed by FEMA. Does the Lakeside Fire Department get reimbursed by FEMA?

Maurice Krant, 3562 Heir Lane: He owns all the mobiles in a small mobile home court and many residents are disabled or low-income residents. He cannot afford to pay increase. He has absorbed 99.9% of the increases over the past 10 years, but will soon be forced to raise the rent and they cannot afford to pay it. Even \$10 a month would be a hardship for these people. There is a disabled vet with me today who lives in my court and I've been giving him work to supplement his income already. There must be a balance.

Doretta Pacheco, 6940 N. Montana: Is this taxable per structure on the property? This is called a "fee" but is based on taxable value of the property—then should it be called a tax? If this is per structure, then if I have a nice barn than I'm looking at more money than is already proposed.

Kent Rice, 5380 Nesting Osprey Way: I am in opposition of the fee increase. We received a notification that the fire departments were going to combine. I attended the meeting and saw the public did not favor the proposal because of the variable rate fee. Flat fee is better than a variable rate. It doesn't matter if you live in a trailer or a million dollar home if you have a medical emergency and most of the calls were medical so it's not fair to charge more in that sense. A

Larger home does not necessarily mean it's more combustible. Our home is large, but it's by the water and has a stone structure versus a smaller home that is made of sticks. Why not continue to use the flat rate fee and raise it from \$130 to \$150 for everyone to reach approx. \$20,000? The Administrator would do the paperwork, not address the problems. How would that improve response times?

Commissioner Tinsley: Hearing no further public comment, the public hearing was closed. Chief Drake came up to answer the questions asked through public comment.

Bob Drake, 2940 Spokane Creek Road: A "Fire Company" can have a maximum of 28 members, but a "Fire Department" can have multiple companies. There is no legal requirement of only 28. It's common practice throughout the state of Montana to have paid and unpaid people within fire departments. He does not know what Augusta's water situation is relating to ISO. I think Augusta has fire hydrants in town and that's 50% of the ISO score and we don't have that (hydrants). We have sent in 2 applications to have our ISO rating reviewed (for improvement) and both applications have been denied for paperwork issues. It takes 3 years to affect that number. We've been working for 5 years and put in 2 applications, but they've been denied. I don't control the ISO process, but we are trying to improve it's rating. Regarding our coverage from DNRC and Forest Service—they do provide wildland and fire protection in season, but they do not when it's not in season. We are not reimbursed by FEMA in own district, so we were not reimbursed for the Bucksnot fire either. FEMA does not reimburse in your own district because they feel the fees cover that. We were able to get all the other departments paid, but we were not paid. Regarding the fees for the trailer park-the fees will actually go down from \$130 to \$120. The trailer park itself will not be taxed. Regarding the gentleman from Deer Park's concern about an easement-we want to get a water supply down at the lake—an easement is critical. In the wintertime we cannot get water out of a frozen lake without an easement. Regarding where the fees go-The majority of the costs go to our engines and to the stations to keep them warm. They do not own a medical unit at Lakeside so all of our people run their own privately owned vehicles. Fee versus tax-we're just trying to get the \$20,000 and we believe this is a fair way to proceed. We followed the county's lead in putting in a variable rate schedule. Regarding how can one person improve the response times-the response times are based on the first person on the scene. The quicker the first person can get there and make a plan, the better the outcome. Lakefront property has been going up and the land is not included in the fee structure. The land going up will not affect the fee. It's based on the structure (per property). Was the union proposal included—we wanted to spread the cost over a larger area so impact per person was smaller. The York residents convinced their department not to go forward with it so we did adjust the fee structure in that process-although it did not go up. We actually lowered fees from the original proposal from \$20-\$16. Having York drop out did not change fee structure. We are not anticipating increasing fees after consolidation. Based on our projections of growth in the area, we hope we never have to come back and ask for an increase, but we can't guarantee it due to the ISO and OSHA.

Ron Alles: The Fire Chief is correct. If you look at your tax bill you'll see land valuation and improvements valuation. You can have multiple structures on your property and they are all added into the value so if land value goes up and does not affect improvements of structure, it will not affect this fee structure. Regarding tax versus fee-districts are based on valuation of property directly. In statute defines the fee as a fee for service. All Fire Service Areas has fees versus taxes, whereas fire districts, such as West Valley Fire District, they levy tax mills against property. What Lakeside FSA and Lewis & Clark County FSA has done is rather than charge a flat fee for everyone. Many think having some disparity between low-end homes and high-end homes is warranted.

Commissioner Murray: Augusta has two fire departments, one serving the town and one service the outer areas. Do you know those fees?

Ron Alles: That's correct. The Augusta Township is a fire district—they do levy mills against taxable evaluation of the property. Outside a Fire Service Area was created and has a separate board of trustees, but both departments co-own a fire station. ISO rating is different between the two.

Commissioner Murray: He asked staff to discuss how to “opt out” of proposal if the protest passes.

Marni Bentley: The public hearing process started when the board passed a resolution of intention. That started the public hearing process that brought us here today. If you do pass the resolution today then a protest period can take place. If you decide to protest you must get a signature page, which must contain the signatures of all property owners, describe the geo code or legal description, and must be turned into the Clerk & Records Office by the deadline. It can be on one letter or several letters. It must meet requirements of the letter to be deemed a valid protest. If we receive more than 50% of the landowners this will stop the fee increase.

Commissioner Varone: She was visiting with residents from York and asked them how they “pulled out”. The residents said they walked around with a petition and got 51% and convinced the board of trustees that it wouldn't pass. This is how the process can be done if residents wish to not approve the fees.

Hearing no other comments, Commissioner Murray moved to render a final decision on Tuesday June 28 at 9:00 a.m. to review all of the testimony. Commissioner Varone seconded the motion and it carried unanimously 3-0.

Request for Revocation of Agricultural Covenant, Certificate of Survey No. 342437 (Tract B). (Applicant, Michelle Lovely-Brodersen) The subject property is located SE1/4 of Section 2 and SW1/4 of Section 1, T10N, R4W; generally located north of and adjacent to Franklin Mine Road.

The applicant was present and indicated she is prepared to go forward.

Jerry Grebenc presented the staff report. If the agriculture covenant is removed, the tract could be developed for a single family dwelling with individual well and wastewater treatment system. Staff recommends approval of removal of the agricultural covenant subject to 7 conditions as contained in the staff report. The applicant did not place the agricultural covenant on the property and why the agricultural covenant was placed on the property is unknown.

The applicant had no comments.

Hearing no other comments, the public hearing is closed. Commissioner Varone moved to render a decision Tuesday June 28. Commissioner Murray stated he is ready to render a decision today. Commissioner Varone offered a substitute motion to approve the request as recommended by staff and authorize the chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Public comments on matters not mentioned above.

Jerry Grebenc introduced Greg McNally, UM graduate as a planning technician.

There is no other business, the meeting adjourned at 10:15 a.m.

