

**PUBLIC MEETING MINUTES**  
**July 12, 2005**

Commissioner Tinsley called the meeting to order at 9:00 a.m. Commissioner Varone is present. Commissioner Murray is present via conference call from Hawaii. Others attending all or a portion of the meeting include Ron Alles, Frank Rives, Larry Wismer, Bob Ryan, David Olson, Terry Olson, Michael Korn, Steve Dalbey, Dean Retz, Bob Fusie, Matt Warner, John & Kay Ward, Bill Christianson, Bob Barrett, Dale Reagan, Sheldon Bartel, Jim Wilbur, Wes & Cara Summers, Tim Frederick, Marilyn Evans, Larry Copenhaver, J. Martin, Sandy Shule, Jim Manning, Rhodette Sloan, Janet Pallister and Carrie Severson.

Pledge of Allegiance. Everyone recited the pledge.

Consent Action Items. There are no consent items.

Reconsideration of Fishing Ban at Lewis and Clark County Fairground Duck Pond.

Commissioner Murray moved to reconsider the ban on fishing at the Fairgrounds. Commissioner Tinsley seconded the motion. Commissioner Murray withdrew his motion to allow for discussion and a public hearing.

Commissioner Tinsley reported on June 28, the Commission acted on a motion from the Fairgrounds Commission to ban fishing at the Fairgrounds Duck Pond. Individually, the Commissioners met with Mike Korn from Department of Fish, Wildlife & Parks and suggested the Commission schedule an agenda item to reconsider the previous action.

Commissioner Tinsley opened the public hearing to consider whether or not to reconsider the ban on fishing.

Mike Korn, Helena Area Supervisor for Montana Fish, Wildlife & Parks. Since 1955, FWP has stocked the fishpond at the Fairgrounds with hatchery fish to provide an opportunity primarily for kids to fish at the pond. On a short-term basis, FWP asks that the Commission reopen fishing at the fairgrounds for kids fourteen and under. They also propose developing a management plan for that site to oversee the issues that have brought this discussion to the floor.

Steve Dalbey, FWP Fishery Biologist, stated in 1999 FWP started an effort to work towards enhancing some projects at the fairgrounds pond that to make it more kid friendly. Currently there are problems at the pond with the illegal introduction of domestic waterfowl and elevated levels of nitrogen. He offered his services and experience in developing a management plan for this pond and to work with community groups and the diverse interests to develop a plan that would guide how the fairgrounds pond is managed into the future.

Jay Erickson, 804 Ewing, President of the Pat Barnes Chapter of Trout Unlimited, urged the Commission to reconsider its decision and reopen the fairgrounds fishing pond for fishing for kids fourteen and under. TU is willing to work with Fish, Wildlife & Parks and other sportsman groups to clean up the pond and to maintain it to a standard that is good quality water and protection of water fowl and to have a quality experience for kids.

Commissioner Tinsley stated in the interest of full public disclosure he let the audience know that he is a Board of Directors member of Trout Unlimited.

Larry Copenhaver, Director of Conservation at the Montana Wildlife Federation. The MWF is

willing to help develop a collaborative youth fishing education program. They support clean up of the pond area and improvement of the water quality. He gave the Commissioners a monofilament recovery and recycling tube to help with the problems associated with the inappropriate discarding of fishing line at this site.

Tim Fredrick, Local Chapter President of Walleyes Unlimited. This organization works closely with other locations and kids fishing which is very important for the development of children. They offered assistance in angler education and urged the Commission to reconsider the fishing ban.

Robert Ryan talked about the history of the pond dating back to 1966 wherein the state of Montana and Lewis and Clark County received a grant from the U.S. Bureau of Reclamation to rejuvenate the old Montana Fairgrounds for recreational purposes in accordance with the Land and Water Conservation Fund Act of 1965.

Patty Rambo, representing Save the Track Foundation. The foundation is a non-profit organization dedicated to saving and restoring the Fairgrounds for traditional uses. The foundation supports restoring fishing to kids under 14 years of age.

Jim Manning, Prickly Pear Sportsman's Association Board of Directors, stated the Association supports reopening the fish pond and reinstate youth fishing at the fairgrounds.

Jim Martin stated his support for youth fishing, keeping the pond open, and suggested the Commission take down the no-fishing signs.

Stan Frasier, President of the Helena Hunters and Anglers Association, encouraged the Commission to maintain the long tradition of a fish pond.

The Commissioners entered a letter into the public record from Mark Lambrecht supporting reconsideration of the ban.

Dale Reager, Chairman of the Fairgrounds Board, explained why the Fairgrounds Board made the decision to ban fishing at the fairgrounds pond and their willingness to undertake further review of this issue.

Marilyn Evans, representing Mikal Kellner Foundation. As a volunteer at the pond for more than ten years Ms. Kellner has recovered countless ducks and geese entangled in fishing line and choking on fishing hooks.

The Foundation proposes a temporary ban on fishing to clean up the pond. The Foundation feels Spring Meadow Lake State Park is a safer area for children because it is supervised by Fish, Wildlife & Parks. They hope for a positive solution with the new input today and asked the Commission to maintain the safety of the wildlife at the Fairgrounds.

Ruth Swenson, 11 Willow, Friends of the Duck Pond member. Observational data shows the duck pond is mostly used for feeding ducks, observing wildlife, and watching. Urged the Commissioners to chose the best management policy for the duck pond, what is the highest value, the highest use, and what it is being used for.

Jim Wilber, Watershed and Community Outreach Coordinator for the County Water Quality Protection District. The Lower Ten Mile Watershed Group also has been active at the duck

pond for many years with a repairing and planting project every spring and more recently clean up and planting of riparian vegetation along the banks to restore eroded areas at the duck pond. The group has discussed management issues and conflicts between the various users. The group's recommendation for the future of the fairgrounds pond is to wait until this issue is resolved by the Fair Board and the Commissioners and whether Fish, Wildlife & Parks is willing to fund some infrastructure changes for the fairgrounds.

Hearing no other comments, the public hearing is closed. Commissioner Varone, as a representative of the Fair Board, stated the Fair Board came to the Commission and the Commission supported the no fishing ban as a result of the inability of some local groups to provide a financing plan combined with the lack of parental care for kids at the fishing pond. She would like the Commission to revisit the ban and develop a formal resolution that either replaces the current one or puts one in effect that requires parental guidance.

Commissioner Tinsley believes the county should rescind the ban immediately and begin the process of allowing Fish, Wildlife & Parks to draft a management plan and show us the best way to operate this facility.

Commissioner Murray moved to reconsider the fishing ban at the Lewis and Clark County fairgrounds duck pond. Commissioners Tinsley seconded the motion. Commissioner Varone voted no. The motion carried 2-1.

Commissioner Murray moved that in compliance with state law, the Commission remove the ban on fishing at the fairgrounds. Commissioner Tinsley seconded the motion.

Commissioner Murray believes the Commission acted hastily to resolve a problem that exists at the fairgrounds without an adequate plan and thanked FWP coming before us to offer a mechanism for a management plan of fishing and wildlife at the duck pond. He asked FWP to put a plan together as soon as possible and include representatives of the Mikal Kellner Foundation, and the other sportsman's groups that spoke before us today, a member of the Fairgrounds Board, and present it to the Fairgrounds Board of Directors for review and ultimately moving it to the Lewis and Clark County Commission.

Commissioner Varone voted no. The motion carried 2-1.

Ruth Swenson asked who submitted the petition to rescind the ban? Commissioner Tinsley stated there was no petition, the agenda item was requested by a Commissioner.

Robert Ryan asked the Commissioners to consider relocating the ducks. Commissioner Tinsley stated this Commission is pursuing the fishing ban and has not looked into relocating the ducks but it could possibly be addressed in the management plan.

Commissioner Murray ended his telephone conference call.

Proposed Major Subdivision, Preliminary Plat to be known as the Amended Plat of Lot A Guettler Minor Subdivision. (Applicant, Larry Kim Smith) (Planner, Lindsay Morgan). The applicant proposes to create 69 lots, 68 will each be used for one single-family dwelling and 1 will be used as a common area for the public wastewater treatment system. The proposed development is generally located south of and adjacent to Lincoln Road West and east of and adjacent to Applegate Drive. The Commissioners will also consider a variance-proposed lots 1, 27, and 45 have an average depth greater than 3 times their average width.

Lindsay Morgan reported the applicant has requested this presentation be postponed to July 26 and a decision rendered Thursday, July 28.

Commissioner Varone moved to approve applicants request to hear this proposal July 26 and render a decision July 28. Commissioner Tinsley seconded the motion and it carried 2-0.

Resolution To Increase The York Fire Service Area Rates. Marni Bentley reported the resolution increases the fees from the current rate of \$100 to \$150 per property with a structure. One letter was received this morning from Walter and Phyllis Johnson in opposition to this rate increase. Staff recommends approval of the resolution as proposed by the Board of Trustees. The protest period ends September 12, and the district would become effective after that date unless more than 50% of the owners protest.

Commissioner Tinsley opened the public hearing.

David Olson, President of the York Fire Service Area, presented background information on fee increases. The last fee increase was in 2000 in the amount of \$100 per structure and was used to buy a new 3,000 gallon tender and to match a federal grant to purchase a squad/brush truck. Due to the age of department vehicles, failing equipment, rising utility and insurance costs and new requirements associated with 9-11 had taken a toll on the budget the department is requesting an increase in fees. Donations will still be needed and they plan to continue fundraising efforts.

Fire Chief, Terry Olson, stated the department is seeking a fee increase due to the costs to maintain a department.

John Ward, Trustee, 5625 Black Bear Road, supports the rate increase.

Bill Christianson, Trustee and fireman, 7205 York Road. The rate increase is necessary due to increased operating expenses, capital improvements such as the satellite station at American Bar, vehicle concerns, and the safety of firefighters and the community.

Rodetta Sloan, 7801 York Road, is in favor of this fee increase.

Tom Taylor, American Bar Subdivision, supports the fire department but would also like the Commissioners to consider the degrading road to the American Bar Subdivision in the fire protection plan.

Commissioner Varone explained the Commissioners have directed the County Road Department to prioritize the service to be provided on roads and encouraged the homeowners in that area to consider forming an RID.

Hearing no other comments, the public hearing is closed. Commissioner Varone moved to approve the resolution to increase the York Fire Service Area rates and authorize chair to sign. Commissioner Tinsley seconded the motion and it carried 2-0.

Bid Award. Janet Pallister reported the county advertised for competitive bids for 10,000 cubic yards of  $\frac{3}{4}$  inch crushed gravel. Bids were received from Helena Sand & Gravel and Konitz Contracting of Lewistown. Helena Sand & Gravel was the low bidder based on a price of \$4.44 per cubic yard. Staff recommends the Commissioners award the bid to Helena Sand & Gravel

and authorize the chair to sign all related documents to the project.

Commissioner Varone moved to approve staff's recommendation and authorize the chair to sign all related documents. Commissioner Tinsley seconded and the motion carried 2-0.

Resolution to Decrease the Solid Waste Disposal Fee Established by the Scratch Gravel Solid Waste District Beginning July 1, 2005. Janet Pallister reported the Scratch Gravel Board recommends a decrease in the annual residential rate from \$73.00 to \$69.50. The Clerk and Recorder did not receive any protest to this rate decrease. The cash flow illustrates that all ongoing operations and cash reserve accounts will be funded. Staff recommends approval of the resolution to decrease the assessment rate to \$69.50 per residential unit per year and proceed to add it to the 2005 tax bills.

Commissioner Varone moved to approve the resolution and authorize the chair to sign. Commissioner Tinsley seconded the motion and it carried 2-0.

State Revolving Fund (SRF) Loan Application for the Woodlawn Park Rural Improvement District No. 2005-3. Nancy Everson reported before this loan application is for the wastewater project in the Woodlawn Fairgrounds area. If the RID is approved, the homeowners in the Woodlawn Subdivision will pay back the loan in the total amount of \$40,950 at the rate of 2.5% for 20 years.

Commissioner Varone moved to approve the application and authorize the chair to sign. Commissioner Tinsley seconded the motion and it carried 2-0.

Resolution Of Intention To Change The Solid Waste Service Fee As Recommended By The Augusta Solid Waste District and to Rescind Resolution 2005-47. (tabled from 7/8/05-Augusta Public Meeting). Commissioner Tinsley reported this resolution was tabled due to no quorum of the commission. Hearing no comments, the public hearing is closed. Commissioner Varone moved to approve the resolution and authorize the chair to sign. Commissioner Tinsley seconded the motion and it carried 2-0.

Request for Tax Abatement. (Applicant, Mike Gaffke) (cont. from 7/7/05 Joint Work Session). Ron Alles reported the Helena Inn has requested a tax abatement for property currently located at 910 Last Chance Gulch. The tax abatement is for a period of five years. Staff recommends approval. Commissioner Varone moved to approve the request for tax abatement and authorize the chair to sign. For the record, Commissioner Varone stated the applicant has been notified of the claw back law that was passed earlier this year and the county intends to enforce that law in the event that something may happen. Commissioner Tinsley seconded the motion and mentioned Commissioner Murray does support this tax abatement however he will not be voting since he is not here. The motion carried 2-0.

Proclamation "Family Day-A Day to Eat Dinner with Your Children". Ron Alles reported this proclamation declare September 26 as Family Day. The intention of the proclamation is to encourage families to eat dinner with their children. It has been determined that families who participate and do things together are less likely to participate in use of illegal drugs, nicotine and alcohol.

Commissioner Varone moved to approve the resolution and authorize the chair to sign. Commissioner Tinsley seconded the motion and it carried 2-0.

Public comments on matters not mentioned above. None.

There was no other business and the meeting adjourned at 11:01 a.m.