

**PUBLIC MEETING**  
**January 17, 2006**

Vice-Chair Mike Murray called the meeting to order at 9:00 a.m.

Commissioner Tinsley is present. Commissioner Varone is sick. Others attending all or a portion of the meeting included Ron Alles, Jerry Grebenc, Frank Rives, Lindsay Morgan, Laura Erikson, Marsha Aldrich, Mike Opar, Larry Hoffman, Rita Cortright, Tommy Thompson, Bob Burns, Marianne Fair, John Baucus, Doug Monger, Robert Rasmussen, Ed Chevalier, Andy Bauer, Jason Mohr, and Maria Penna.

Pledge of Allegiance. Everyone recited the pledge.

Acknowledgment of Weed Board Member. Larry Hoffman reported that Rita Cortright has been an instrumental part of the Weed District and helped develop management programs for the district. In recognition of her efforts, the County Commission and Weed Board members, Tommy Thompson and Bob Burns presented Rita with a county paperweight.

Consent Items. Ron Alles reported on the consent items and recommends approval.

- a. Request for a One-Year Extension of Preliminary Plat Approval to 2/10/2007 for the Stallion Ridge Major Subdivision. (Applicant, Norbert Waldenmayer) (Planner, Frank Rives)
- b. Resolution of Support for the Corridor of Discovery Trail a 95-mile Non-Motorized Trail between Helena and Great Falls.
- c. Professional Services Contract with HDR Engineering, Inc. To complete and perform services needed for the Legislative Funding Request Package targeted at Water Resource Development Act (WRDA) and U.S. EPA's STAG Budget Account. The contract is not to exceed \$20,000.

Commissioner Tinsley pulled consent item 'b' to allow members of the public to comment, and moved to approve consent items a and c and authorize the chair to sign the appropriate documents. Commissioner Murray seconded the motion and it carried 2-0.

Consent Item b. Mr. Alles read the resolution for the benefit of the public.

Without objection, Commissioner Murray entered into the public record a pamphlet from the Transportation Preservation Society of Montana from Dr. Marsha Davis Freeze.

Marianne Fiehrer, P.O. Box 811, Helena, commented the Transportation Society of Montana is opposed to turning the railroad from Great Falls to Helena into a non-motorized trail because the Society is dedicated to preserving railroads in Montana and is opposed to the continued degradation of Montana's railroads. She urged the Commission to deny this resolution.

John Baucus, 1600 Chevalier Drive, Wolf Creek, also a member of the Transportation Preservation Society, is opposed to the resolution. He wants to protect his ranch operation along this proposed route and is concerned about the increased liability having a public trail run through a portion of the ranch, such as the movement of cattle, how to deal with hunters, and his guard dogs.

Doug Monger, 1111 Leslie, commented the railroad is the best use for the corridor and should be maintained as a transportation corridor. Burlington Northern announced the revitalization of the Great Falls to Fort Benton rail line, which is good for shippers in the Great Falls area. He encouraged groups to work together. A trail organization could help with liability issues of landowners and could help with any damage that trail users may do to adjoining landowners or their property. He encouraged the Commission to pass the resolution.

Commissioner Tinsley asked Mr. Monger how liability issues are handled between private land holdings.

Mr. Monger stated if the landowner or any other entity has not created a wanton or willful hazard liability for themselves or if they have not charged for the use for their property by the public, they are at the lowest level of liability they could be under in Montana State Statutes. With a cooperative venture, there may be the possibility of figuring out some policy to be able to indemnify some landowners in liability issues.

Robert Rasmussen, 325 Holter Street, member of the Corridor of Discovery Action Group. The group wants to be in a position to take advantage of any opportunity to preserve the corridor for future use. The resolution emphasis the issues of ongoing efforts of the group to try and work with landowners, identify concerns, and provide for mitigating measures in the event an abandonment action takes place. He urged the Commission's support of the resolution.

Ed Chevalier, 8950 Chevalier Drive, stated he supports the railroad and is against the bike trail. He has 4.5 miles of the railroad that runs through his property and his house is located 200 yards from the track. His concern is having many people traveling through his yard all the time and the bicycles will scare his cows.

Andy Bauer, Prickly Pear Land Trust, P.O. Box 892, Helena, stated the Prickly Pear Land Trust is a partner in this project and work with private property owners to protect their land in perpetuity with conservation easements.

Mr. Baucus stated he is opposed to the public's use of the trail and believes Montana law would need to be changed in order to allow recreational use of this trail.

Tom Thompson, 4528 Silver Creek Road, asked who will provide weed control in this area and provide maintenance on the various bridges, tunnels.

Mr. Monger stated the trail itself would be non-motorized and have motor access for law enforcement, weed control or maintenance. The weed control would lie on the right-of-way holder which would be a trail organization or state or county entity who would be responsible for that as they are with other public lands.

Hearing no other comments, the public hearing is closed

Commissioner Tinsley moved to render a final decision January 24, at 9:00 a.m. and accept written comments until Friday, January 20 at 5:00 p.m. Commissioner Murray seconded the motion and it carried 2-0.

Final Plat Approval and Subdivision Improvements Agreement for the Amended Plat of Lot 44E-1, Big Valley Subdivision. (Applicant, Marsha Aldrich). Lindsay Morgan reported with the exception of condition 10, the applicant has completed all of the conditions. The applicant has also submitted a Subdivision Improvements Agreement in the amount of \$68.33 for the purchase and installation of mailboxes for two additional lots. Staff recommends approval. By consensus, the Commissioners agreed to sign the final plat and the agreement at the conclusion of the meeting.

Request for Modification of Condition of Approval 7.d, Construction of a Pedestrian Trail, Bridge Creek Estates Major Subdivision (Applicant, Phil Wirth). Frank Rives reported the applicant is requesting the Commission to revisit condition 7.d which would require the applicant to construct a pedestrian bike trail along the east side of North Montana Avenue. Commissioner Tinsley moved to approve the request to begin the modification request process. Commissioner Murray 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 9:46 a.m.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

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Anita L. Varone, Chair

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Michael A. Murray, Vice-Chair

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Ed Tinsley, Member