PUBLIC MEETING – October 26, 2005

The Public Meeting was called to order at 1:30 p.m. by Chair Jean Curtiss. Also present were Commissioner Barbara Evans, Commissioner Bill Carey and Chief Civil Deputy County Attorney Mike Sehestedt.

Pledge of Allegiance

Public Comment

None

Routine Administrative Actions

Commissioner Evans moved that the Board of County Commissioners approve the routine administrative items adopted the past week and approve the weekly claims list in the amount of $334,699.73. Commissioner Carey seconded the motion. The motion carried on a vote of 3-0.

Hearing: Petition to Create Sunny Meadows Water and Sewer District

Mike Sehestedt presented the staff report.

This is a request to conduct a hearing on a petition for the creation, organization and incorporation of the Sunny Meadows Missoula County Water and Sewer District and miscellaneous election of directors.

A petition has been received by the Elections Office to create a Missoula County Sewer and Water District. The petition has been checked and verified. Kim Cox, Assistant Chief Deputy of the Elections Office, examined the petition to create the proposed Sunny Meadows Missoula County Water and Sewer District and found that it contains 30 valid signatures of registered voters that own the property within the district. 118 voters are eligible to vote in that district. The 30 signatures on the petition is 25% of the registered voters for the district, thereby meeting the requirements of 7-13-2204 M.C.A.

The areas to be included in the Missoula County Sewer and Water District are described as follows:

LEGAL DESCRIPTION:

Those portions of Section 13, Township 13 North, Range 19 West, and Section 18, Township 13 North, Range 18 West of Missoula County described as follows (and as shown on Exhibit A attached to the petition):

Sunny Meadows Subdivision, Lots 1-38
Sunny Meadows #2, Lots 39-42
Sunny Meadows Tracts 1, 2 and 3
Parcel A of Certificate of Survey 936
Tracts A and B of Certificate of Survey 2106
Certificate of Survey 2112
Tract C of Certificate of Survey 2840
Tracts 1, 3 and 4 of Certificate of Survey 2890
Tracts 2, 3 and 4 of Certificate of Survey 3090
Tract C1 of Certificate of Survey 4071
Tract 1 of Certificate of Survey 4082
Tract A2 of Certificate of Survey 4122
Tract A and Parcel B of Certificate of Survey 4822
Tracts 1-A-1 and 1-B-1 of Certificate of Survey 5012

Mike Sehestedt: This is a fairly standard request. The people within the area, 30 of them, have petitioned for the creation of a water district to serve what's described as the Sunny Meadows area. By way of reference, if you go through East Missoula and down Brickyard Hill (Highway 200), basically, it's the property at the bottom of the hill, from Edgewood Drive on in; then looking back up the hill to the west, with some exclusions. My understanding is they have an existing water system that's operated by a Homeowners Association. If the requested district is created, it will take over that system and then, because it is a governmental entity, be eligible for grant funding. My understanding is they would like to move quickly on this so they're in a position for the next round of grant applications. Procedurally, the purpose of this hearing is to determine whether or not the boundaries as proposed

are appropriate. You may, based on the evidence presented, either add or detract areas from it and establish a final boundary. Once you have done that, the matter is submitted to a vote of the electors within the proposed sewer and water district. If a majority of them approve the proposal, then the district is created. It operates essentially as an independent, special unit of local government and has its own elected board. It sets its own rates. It certifies to you if a tax levy is required. My understanding again, because they are interested in moving with dispatch on this, is that you exercise your statutory option and when you order the election on the question of creation of the district, that you also include the election of officers at the same election. I believe we'll have some discussion, I think they would like, also, to vote on the question of incurring debt at the same election, so it would be a three-fold election held by mail ballot. The election needs to be at least 75 days out from the time you take action, so, probably your action would be, should you choose to go forward, to direct the Clerk and Recorders Office to establish a date for mail ballot election on creation of the district, election of officers and incurring bonded debt, at the earliest practical time.

Chair Curtiss: Which would be sometime after the first of the year, if my math serves me correctly.

Mike Sehestedt: Yeah, almost definitionally yes. Actually, yes, definitionally.

Chair Curtiss: I just have one question for you before we take public comment. There's several parcels, kind of in the middle, that are – I'm guessing the shaded area is what we want to be the district?

Mike Sehestedt: My understanding is the shaded area. I suppose I could say that they're simply people that they want to see suffer from thirst, but I believe they're, in fact, people that don't benefit from the district.

Chair Curtiss: Okay, so they don't use the same water system. Alright.

Mike Sehestedt: It's not a neighborhood feud and it's not – we're going to punish you – it's that they're not part of the Homeowners Association or part of the existing water system and do not wish, at this point in time, to become part of it.

Chair Curtiss: Okay. Thank you, Mike. So, if there's anyone who would like to speak, if you could come to the microphone and state your name for the record please.

Mike Sehestedt: One of the things we need on the record is that –

Chair Curtiss: Is that somebody's in favor of it.

Mike Sehestedt: A. In favor of it, and B. give us a little hint as to what sort of debt authorization you think would be appropriate, if we put that on the ballot.

Mike Lilley: My name is Mike Lilley. I'm a member of the Sunny Meadows board and one of the potential candidates in this election. The petition specifically requested bonded indebtedness not to exceed $250,000, and Mike covered most of the essentials. The members of the proposed district are very interested in proceeding with this so that we can apply to the appropriate State funding agencies for loans and grants, because we have some necessary upgrades to our water system.

Chair Curtiss: Okay. Currently, you only have a water system and everybody's on septic?

Mike Lilley: There's actually a community septic which serves 12 of the homes in the proposed district. The proposed district would take that over, but it's been running fine for as long as anyone can remember, so it's not anticipated to be really a problem. The water system has some fairly severe deficiencies which need to be rectified. The people who are excluded were contacted and have specifically requested to be excluded.

Chair Curtiss: I believe that the Health Department also wants people that have a community system to form sewer and water districts, so that's part of the reason to do this.

Mike Sehestedt: Well, it probably isn't a motivating reason, but it is an additional advantage. The Health Department is requiring this sort of structure for new community septic systems, wastewater disposal systems, but probably not a motivator. To put a further human face on it, the big problem is storage in the summer and Dusty says he really wants to see this because he just loves to shower.

Commissioner Evans: Does the other folks – there's 118 that were eligible to vote on this and only 30 signed the petition. Does that indicate that there's only 30 people that support it and it's likely to fail or does it mean most of you are in favor, but you just didn't sign it, or ….

Mike Lilley: We believe that if we could have elected directors and done the bond, we could have gotten 100% signature. We believe this will pass very strongly.

Commissioner Evans: How many members would be on this board, Michael?

Mike Sehestedt: Without looking at the statute, five, which is just a guess, but it's my recollection from the recall campaign we had with the Morman Creek water system, I think it's a five member board.

Commissioner Evans: And when do they – do they have to come down and file to be on the ballot or how do they do that.

Mike Sehestedt: Right. Once we announce the date of the election, there's a formal filing period and they'll drop in their little petitions for nomination, without fee, I might add, since there's no compensation for this noble task.

Commissioner Evans: Maybe you might want to re-think this.

Mike Sehestedt: I was trying to scare them by talking about that recall.

Mike Lilley: We actually have seven proposed candidates, I think, on the petition copy you should have in front of you.

Mike Sehestedt: Right.

Commissioner Evans: Oh, you do.

Mike Sehestedt: We'll check with Elections, but I think we still require the petition of candidacy from each of them.

Mike Lilley: We will get whatever paperwork's necessary.

Commissioner Evans: Okay, thank you. No other questions.

Chair Curtiss: Thank you. Do the Commissioners have any questions for folks. Is there anyone else who would like to speak, before we close the hearing?

Cynthia Winchell: Can I ask Barbara Evans a question.

Chair Curtiss: If you come to the microphone and state your name.

Cynthia Winchell: It's about our area, but it's not about this.

Commissioner Carey: You need to state your name for the record.

Cynthia Winchell: My name is Cynthia Winchell. Can I ask you a question?

Commissioner Evans: Of course.

Cynthia Winchell: Okay, out in our area, I know that you helped a lot with the deer fence.

Commissioner Evans: I don't remember, Cynthia.

Cynthia Winchell: Well, anyway you did. Thank you very much. But we have a lot – right in the middle of our area – a lot of accidents happening because of people going too fast through the residential area and a lot of deer get hit and stuff. Who would I contact to try to get, like, a 35 mph sign.

Mike Sehestedt: Okay, you're talking on Highway 200?

Cynthia Winchell: Right.

Mike Sehestedt: State Department of Transportation.

Cynthia Winchell: Okay, thank you very much.

Commissioner Evans: That's Dwane Kailey down at the MDT office.

Cynthia Winchell: Oh really? Okay, thank you.

Commissioner Evans: You're very welcome.

Chair Curtiss: Is there any other public comment? Okay, we'll close the hearing.

Commissioner Evans: I move we approve the request for the creation of the Sunny Meadows Missoula County Water and Sewer District in that there does appear to be enough signatories to indicate they want it and that we would proceed with the election and whatever the law calls for.

Mike Sehestedt: And directing the Elections Office to prepare for mail ballot election at the earliest convenient date.

Commissioner Evans: Yes, thank you.

Mike Sehestedt: Okay, I'll go ahead and prepare a formal resolution for your signature.

Commissioner Carey: I'll second the motion.

Chair Curtiss: All in favor?

The motion carried on a vote of 3-0.

Chair Curtiss: Okay, so we will direct them to put all the items on here, the election of officers, the bonded indebtedness not to exceed $250,000 and election of the petition to create.

Mike Sehestedt: Creation of the district, election of the officers and authorization to incur debt, in that order.

Chair Curtiss: Okay, and I would imagine that those of you who are interested in holding office, or all of these folks, you could probably pick up the forms – could they pick up the forms and take them, from the Elections Office.

Mike Sehestedt: Sure. Well, I say sure because it's somebody else's problem. I believe they can. No problem, they'll take care of them.

Chair Curtiss: Okay, is there any other business to come before the Commission. Seeing none, we're in recess.

There being no further business to come before the Board, the Commissioners were in recess at 1:45 p.m.