

LCRFD ANNEXATION PUBLIC HEARING
April 7, 2016

Present were Commissioner Cole, Commissioner Larson, Commissioner Peck, Clerk and Recorder Robin Benson, Election Administrator Leigh Riggleman, and County Planner Lisa Oedewaldt. Also present were Bill Clark, David DeShazer, Alan Gerstenecker, Sheriff Roby Bowe, Steve Lauer, Charles McFarland, Ed McCabe, and Russell Bache.

6:00 PM Commissioner Cole opened the meeting and thanked everyone for attending. Commissioner Peck read Resolution No. 965 in its entirety. Commissioner Peck asked if there was a protest petition to be submitted to the county commission. There was no protest petition submitted.

Commissioner Cole opened the floor for public comment. Clerk and Recorder Robin Benson asked everyone to sign in who is in attendance.

David DeShazer asked if he already signed the petition to be annexed, if they still needed to make a public comment at this time. Commissioner Cole said it is not necessary to comment again, and that nobody is required to comment.

Bill Clark said he lives in proposed area to be annexed. The commission has provided many opportunities to visit on the annexation and that we do disagree on the process, but moving forward encourages the commission to create a written county petition policy/process. Bill mentioned a letter that he sent to Commissioner Peck and that it was not an AG opinion but it was advisory. It is a minor issue, but minor issues can become big issues and that is the disagreement on the term "acreage". Mr. Clark said he feels like Cabinet View was treated differently in its history. He welcomes Lincoln Rural to the area. Mr. Clark said there are hard feelings and the pain is watching all the efforts of the fire firefighters and that we just could not get along. We take some of that responsibility but other folks need to do the same. Mr. Clark said to let him know if there is anything he can do to help.

Russ Bache said he lives in the proposed area and submitted questions to the commission. Questions are as follows:

1. When is the Whiskey Hill Station going to be called out as a first response station, instead of an afterthought?
2. Why do you say you are responding from when you are not?
3. Who are the fire fighters assigned to the Whiskey Hill Station?
4. If you are only responding from Libby, why do you have or why do you need the station?
5. Why did you spend the money for the station you don't use or never intended to use except for storage?
6. Why doesn't dispatch, dispatch the Whiskey Hill Station?
7. Why are you telling the people that you are going to use this facility when you are not?

Mr. Bache said he is hoping the questions get in the local papers with the answers. Mr. Bache said he feels these are important questions, especially since the commission gives LCRFD money. Commissioner Peck said the LCRFD Board receives money from the citizens, and the LCRFD Board of Trustees oversees the budget management. Mr. Bache said that if he is required to give LCRFD money, then he wants answers to these questions. Commissioner Cole and Commissioner Peck agreed the questions are for the LCRFD Board of Trustees to answer.

Commissioner Cole asked if there were any more comments. There were none.

Commissioner Peck said the law states that without a petition against the annexation, the annexation must be approved.

Commissioner Cole mentioned there are 3 letters/requests to opt out and the commission will take that under advisement.

Commissioner Larson said a problem with fire districts is that some citizens within the fire district boundaries are not paying their fair share for the service even though the fire district would still respond if needed. Commissioner Larson said fire districts are struggling financially and that opting out puts the burden on others to pay.

Commissioner Cole said Commissioner Peck is looking for the law that answers this situation. Commissioner Peck read from 7-33-2103 M.C.A. relating to hearing on petition -decision. The statute talks about subtraction of properties adjacent to the proposed district and the Commission's authority to adjust the boundaries. Commissioner Peck said he thinks the county should get a firm legal opinion on 7-33-2103 M.C.A. before taking action. The Commission has 30 days to render its decision on those wishing to opt out.

Motion by Commissioner Peck to approve Resolution No.965 to annex property into the LCRFD. Second by Commissioner Larson and so ordered upon consensus of the board.

6:30 PM Commissioner Cole closed the public hearing.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

ATTEST: _____
Robin A. Benson, Clerk and Recorder