

LAKE COUNTY PLANNING BOARD
August 10, 2016
Lake County Courthouse, Large Conference Room (Rm 316)
Meeting Minutes

MEMBERS PRESENT: Steve Rosso, Steve Shapero, John Fleming, Sigurd Jensen, Bob Stone, Frank Mutch, Eileen Neill; Jerry Parson (approx. 7:02 pm)

STAFF PRESENT: Jacob Feistner, Rob Edington, Lita Fonda, Wally Congdon

Steve Rosso called the meeting to order at 7:00 pm.

Motion by Frank Mutch, and seconded by John Fleming, to consider the minutes at the end of the meeting, at this meeting and in the future. Frank thought it would be more considerate of attendees to do the items that involved them first. **Motion carried, 6 in favor (Steve Rosso, Steve Shapero, John Fleming, Bob Stone, Frank Mutch, Eileen Neill) and one opposed (Sigurd Jensen).**

BOUCHARD TRACTS SUBDIVISION AMENDMENT (7:01 pm)

Jacob Feistner noted that Johna Morrison of Carstens was here as the agent. He presented the staff report. (See attachments to minutes in the August 2016 meeting file for staff report.)

John found out from Jacob that all of the lot owners had signed the amended covenant document at the time the signatures were gathered. One lot had a contract for deed since then so they wanted to determine if that other person needed to sign. Wally clarified that 100% of the owners had signed. A contract for deed was not a transfer of real estate. It was a contract to get the deed later. The owner was still the original owner who sold. The seller probably should have told the buyer they were changing the covenants but they did have 100% of the owners signed. It would be better if the buyer signed too but the way it read was the owner had to sign, and they had 100%. Steve R checked about attachment 4 showing the declaration of amendment to the protective covenants, which had only one set of signatures. Jacob clarified that this was included to show the wording that was being changed rather than the signatures. He added that the NPI (Notice of Purchaser's Interest) was on tract 2.

Steve R asked about the comment from Clarinda Burke that referred to this being in the City of Ronan and if the historic irrigation system and historic homestead were gone. Jacob clarified that it was not in the City. He had no reason to believe the historic items were still there. Her letter arrived after the report was done and was the first mention of those. Steve S asked if they would be recorded with the County if they were there. Jacob thought it would probably be with the irrigation district but not the County. Johna Morrison said there were no structures on the property except for tract 3 currently.

Steve R asked if there were land uses other than agricultural and residential. Jacob described that Don Aadson Ford and other businesses were not too far to the NE, about a mile away. Marion Bennett mentioned that RDO (aka the John Deere dealer) was south of the property,

about a quarter or half a mile away. Frank added that Jore was on Innovation Drive, which was also pretty close.

Johna Morrison spoke as the agent for the applicant. She thought the NPI buyers had been told about the covenant amendment. It would be good to follow up and make sure they understood what was going on. The congregation and amount of kids given were the maximum capacity they believed would happen in the future. Right now, she thought the school kids numbered 8 or 9 and the congregation numbered about 90.

Steve S referred to the designated parking area. Was this adequate? Johna said she looked at the traffic engineer's study on churches and generally 3 or 4 people came per car. There were 24 spaces. It was a 7.5-acre lot so there was plenty of parking and they could enlarge the parking lot. Steve R brought up the 100-foot setback for the wetland buffer plan. It looked like the parking lot was inside the buffer. Was that allowed? Johna thought that was a good point. She didn't know. They could certainly push the building and parking back to the south. There was plenty of room. Jerry asked if this was a paved or gravel parking lot. Johna said they could discuss this. It was possibly gravel. If they got approval, they would have to do some sort of a dust mitigation.

Steve R asked if the well shown was already there. Johna said no. That was where the Dept. of Environmental Quality (DEQ) moved it. It could be moved back but not a ton. DEQ would let them move it back if they were pushing the building back. Steve S asked about sprinkler requirements. Johna replied it was in the Uniform Building Code that these buildings had to be sprinklered but she wasn't sure how hard that was pushed. Steve S thought the fire department had to check off and Johna identified Mark Clary. Steve R thought there was a threshold of occupancy that required sprinklering. He guessed that 150 might be under the threshold. Often this decision to sprinkler might be made for insurance, balancing the costs of insurance and the costs of the sprinklering. Johna said they had a good well and the sprinkler technology was unbelievable anymore.

Jacob returned to the parking lot, which he scaled as being 100 feet exactly from the edge of the road. Steve R said if the parking had to be enlarged, it shouldn't be enlarged into the buffer. Johna said it would have to go east or west.

Given a comment about wildlife and riparian, Wally thought it seemed some sort of condition of change to require holding stormwater runoff back would be good for the wetland issue. He also mentioned dust abatement. He mentioned churches were a sacred cow and gave some history. This Board was doing it right. Jerry asked if it was the Board's obligation to consider the possibility of adjacent property value changes due to the change in the covenants. Wally said they could consider it. What they were obligated to consider was why they did the covenants and the subdivision conditions in the first place. The covenants were not set up to preserve or increase property values. The theory was that [covenants in general] did and had historically been used as a tool to exclude people. If the value of the neighborhood was open space, non-commercial light traffic, open ground for agriculture, wildlife and wetlands, the question really was if it affected those things that people wanted. It wasn't like having a car dealership or a

paper factory next door. Johna said she talked with the State Dept. of Revenue (DOR) who said that junkyards, landfills and mines affected property values.

Bob said the word was covenants, which were usually put together by the developer. Didn't the County have certain requirements or conditions? Wally said the County required conditions on a lot of covenants as a mitigation measure. The covenants were there as a way to minimize the impact on other property so a lot of covenants required approval by the County Commissioners before they could be changed. Bob checked that the County didn't enforce covenants. Wally said they didn't. Arguably they could, if the condition was on there for a reason.

Steve S asked if the covenant change removed this property from the property tax rolls. Wally replied it did if it became a church and a 501c3 non-profit.

Steve R looked through the preliminary conditional approval of 2009. They mentioned the fact that the lots were to be residential or agricultural use. It didn't say why. He thought the question tonight was would this subdivision have been approved if the original application had a church on this corner. He hadn't found insight in the approval given. Jacob said that when a subdivision was reviewed, it was characterized as residential or commercial. No commercial tracts had been proposed. Steve asked if it would have made a difference to the approval of the subdivision if a commercial lot had been proposed. That was what they didn't know. Wally described that historically what was agricultural in neighborhoods had churches and schools. This was part of the custom or culture or the heritage or history of what that was. Steve R thought it was more common in large subdivision proposals to have space for schools, churches and parks.

John returned to Clarinda's letter from the Tribes. Did the Board need her approval? Were they sure there weren't remnants? Did it matter? Jacob answered that one of the conditions of approval the first time around was they were to check with the Tribes for historical things. John thought Clarinda sounded like she wanted [the Board] to check. Jacob didn't know that it made a difference as far as approving the change of use. It might prior to construction. They might be able to get some legal direction on that. As far as tonight's review, he didn't think that it would make a difference on the change of use.

Public comment opened:

Corey Kamarainen described the location of his residence, south of the Bouchard Tracts. Regarding the Tribes' letter, he pointed out there was a pump house in the NW corner for the irrigation on the property. He reiterated points from his letter. (See attachments to minutes in the August 2016 meeting file for letter.) The closest commercial/industrial stuff was on the other side of Hwy 93, east of the highway. The west side of the highway was primarily agricultural so he felt this would be spot zoning for this particular tract. The tract was within a wetland buffer zone with a 100-foot offset for that. He had concerns environmentally and for the wildlife in that area, which he highlighted from his letter. Recently there had been changes in the wetland offset area for additional egress and ingress for the property. He wasn't sure that had been approved. A new entry was put on the northern border approximately 300 feet from the existing entry. It

had already affected the wetland offset. He thought an environmental study should be done to see how it would change the wildlife in that area.

Corey touched on his concerns as a firefighter and father that were outlined in his letter. He believed a traffic study should be done prior to approving this. He added concerns about Mink Lane specifically. It was a gravel road that was maintained once or twice a year. It was already at its useful maximum capacity. With a church of 120 people and maybe 40 vehicles per day over weeks and months, it was a lot of possible extra traffic for Mink Lane, which was already washboarded and potholed and was one of the main travel roads for going into Ronan. People took it to avoid turning left onto the highway. Dust would be a concern from the added vehicles on Mink Lane as well as that road with no improvements planned for it. He mentioned traffic turning left and right from Mink Lane that would immediately turn right into this new tract. Bouchard was already an intersection of concern with at least 2 accidents in the last 6 months in that intersection. He summarized his concerns with the proposed amendment as resulting in spot zoning, safety hazards, lack of adherence with school zone areas or items the Planning Board would take into account for school zones, wildland offsets and effects on wildlife in the area. He requested that the Board deny or at least propose amendments for additional studies to be done on this amendment.

Marion Bennett lived west of this proposal. They had problems with the perc test on some of the land. He wondered whether it would accommodate the sewer system if they put in a church and a school. When he moved in 19 years ago, there was a wheel line on that property. The line ran down the fence. There was an irrigation system in there at one time.

Public comment closed.

Steve R confirmed with Jacob that this needed to go through DEQ approval yet. If there were issues with waste disposal, it would be caught in that review. The drawing showed a drainfield for lot 1 that was in the corner of the neighboring tract. Jacob explained the original subdivision received DEQ approval. Now there would be a rewrite for this change of use if it received approval. Johna added they had a drainfield easement on tract 1. Steve R guessed that drainfield layout was for a single-family home. Johna said they researched this and believed the drainfield easement area was large enough to handle the capacity. She said they had verbal approval from DEQ. They still had to submit the packet.

Steve R asked Jacob the difference between what the covenants were asking and the original conditions of approval and zoning. He asked if the only zoning there was for density with no zoning for a land use. Jacob said this was correct. The County density zoning allowed for a unit. It could be either residential or commercial. In this case, it used the language that it could be a use such as a single business enterprise, which could be a structure that was owned by one individual or one organization with two different uses that had to be used in conjunction with each other. For that, and in that way, this complied with the County's Density Map and Regulations (DMR). The subdivision approval was something different and so were the covenants.

Steve R said there wouldn't be a zoning change. There were covenants that stated residential and agricultural use only. The amendment would modify those. The people who could make that decision for approval were the people who owned the tracts and the County. It was different than a zoning change. He asked on which side of Hwy 93 the RDO commercial building was located. The group discussed this with reference to maps. Marion mentioned it was 200 yards away, right on the back side of the creek. Steve R summarized it was a half mile from the corner of Mink Road and Bouchard Road.

Steve S asked about the issue of school zones. Would a school trigger changes in the roads and speed limits? Jacob said the Road Dept. would look at that rather than the Planning Dept. It was a private school so the school district would not be consulted. Steve S and Jacob said that changes might not be made for a private school. Steve R thought the Sheriff's Dept. might get involved in that decision. Bob thought parents often drove their kids to small private schools rather than the kids walking. Jerry thought they could probably apply to have school zone speed limits established if it was a concern for them.

Although it had been a long time, Steve R didn't recall a subdivision application with an environmental study or assessment, much less an EIS (environmental impact statement). Were those generally done? Jacob said they weren't required in the subdivision regulations for a minor subdivision like this one.

Steve R asked the Board what they thought of adding some conditions of amendment approval. Those would include some reference to the wetland buffer agreement to make sure about the approach of the driveway and to make sure there was some condition that the parking wasn't expanded into the wetland buffer and so forth. He thought a little research needed to be done. Before approval, he thought they should have a confirmation and understanding of what the wetland buffer allowed. He asked Johna if there were now 2 approaches. Johna replied the approach that just got built was for the tract to the east (tract 2). She thought there was part of an approach to tract 1 that had been built previously. It coincided with the one on the drawing and was located where the approach was specifically approved in the original subdivision application. Bob confirmed with Johna that there was nothing coming off of Mink Lane. Steve R asked if there would be an additional approach. Johna replied that there wouldn't be for this church but there was an approach for [inaudible]. Marion said there were 2 exits off of Mink Lane. He didn't know for which tract those were. Johna said it was the access for the next two lots to the south. Steve R mentioned one was a shared access. Johna added it looked like there used to be an old farm approach that was grown over and hadn't been used.

Jerry asked about the location of the creek and if there was typically a lot of water running down Bouchard Road. Johna said there was an irrigation ditch that ran on the south side of Bouchard and then down Mink Lane on the east side. Steve R noted that was where the buffer was. Johna said there was also an irrigation easement in there. Bob checked that the irrigation was dry part of the year. Johna believed that was so. Corey said one of the main ones ran down Bouchard Road. A lot of the properties got their irrigation off of the creek. There was a main irrigation ditch that ran down Bouchard. Marion said it went to his property and then ran across the road. The group touched on the creek location.

Steve R brought up dust abatement for the parking lot and driveway. It wasn't uncommon. What did the Board think about putting this as a condition? Johna said they could require the submission of a dust abatement plan. She thought her client would be interested in that. Wally mentioned requiring a waiver of the right to protest an RSID for dust abatement [inaudible]. John said it was already in condition #27. Steve R observed it applied to both Mink Lane and Bouchard Rd and checked that the amendment they were doing didn't affect the original conditions of approval. Jacob said everything else stayed in place.

Jacob returned to the condition for dust abatement on the driveway approach and parking area. It either should be paved or chip-sealed or whatever. Did they want to include a condition that the applicant contact the Sheriff's Dept. to look into the speed limit? He thought any of the neighbors could do that. Johna thought the Road Dept. would have jurisdiction. Steve R noted one department put up the signs and the other enforced them. Jacob agreed it was a reasonable condition. Bob thought at the beginning, signs that said 'slow' and 'people entering' were needed to avoid bad accidents in the first month. Eight initial students wouldn't involve a lot of cars. Frank thought the people running the school would take care of the safety and might someday put up a chain-link fence. Steve R checked that the subdivision was fenced. Johna said it was, with a 3-wire barb.

John noted Corey did his homework, did a nice job and might want to apply for the Board. Eileen observed it was a very good letter.

Corey asked if something could be done about talking to the Road Dept. to put a condition on there for a study on Mink Lane, given how washboarded and potholed it was and that there would be more traffic to cause faster erosion. Frank commented that the improvements might increase the speed on the road. Steve R said the problem with approval with a condition to see if the conditions on Mink Lane could be improved was that it would be done prior to the increase in traffic. The school wouldn't be built yet. The traffic study should probably be done 6 months to a year after the school was built. That could be initiated by the community. He didn't know if the Board was in a position to initiate it in 2 years. Jacob didn't think that was a fair burden to put on one tract owner. Steve R thought when a traffic study was done, it was because the people living along the road went to the County Commissioners and asked them to ask the state to do a traffic study. Johna said that with the highways, they didn't really study an area until a lot of accidents had occurred. Steve R described his experience where the community had to ask the County Commissioners to request the State Highway Dept. to do a traffic study.

Wally said there was an application to change the condition of a subdivision or a covenant. You could change the conditions you needed to change in the plat approval to provide for mitigation if you were going to recommend the change. The issue of the conditions of plat approval didn't run to an obligation on the owner of the tract. It ran to the burden that was created by the use. When you changed the condition of plat approval to allow use that was a little more intense, the conditions that went to mitigating that use were fair game for that reason, because that was the purpose of the conditions of plat approval. The issued related to the nature of the use, for which the mitigation was there.

Steve R said if the community asked for road improvement, the people who owned the property couldn't say no since there was already a condition that they couldn't protest road improvements. Wally noted assessment was based in part on use. This parcel might have the most vehicular use so might pay the biggest share. Frank asked if they could impose a condition on the County. Wally didn't think they could. They could recommend seeing if there was enough school traffic or students to justify it, taking a look at creating a school zone. It was a Commissioner decision and there were conditions by state law that had to be met.

Motion made by Steve Rosso to recommend approval of the findings of fact and the application for this amendment, and the conditions with the addition of a condition requiring dust mitigation on the approach, driveway and parking area, a condition that the wetland buffer be investigated and that all the requirements of the wetland buffer agreement are met at this property is developed, and that the developer of the property contact the County authorities to make sure there is some provisions for a school zone, traffic safety, speed limit change or posting and enforcement.

Jacob inserted an item to the motion with Steve R's consent. He read condition #35 of the original approval regarding the buffer management plan. It seemed like that was already covered.

Jerry asked about description or specifications for stormwater abatement. Jacob said that would be approved by DEQ, who would have their own standards to look at. Jerry asked if that might include a cistern. Steve R pointed to swales on the drawing and Johna said swales or infiltrators.

Steve R asked the Board about the original condition #35. John concluded they didn't need something about wetlands added. Steve R asked if they needed to be more specific. Jacob replied this was the only buffer plan associated with this. Steve R said if that was enforceable the way it was, that was great. That left the additional conditions of dust abatement and traffic safety.

[Motion restated with above revision:

Motion made by Steve Rosso to recommend approval of the findings of fact and the application for this amendment, and the conditions with the addition of a condition requiring dust mitigation on the approach, driveway and parking area, and that the developer of the property contact the County authorities to make sure there is some provisions for a school zone, traffic safety, speed limit change or posting and enforcement.]

Motion seconded by Sigurd Jensen.

Motion carried, all in favor.

PLANNING BOARD BYLAW AMENDMENT REVIEW (8:12 pm)

Steve Rosso commented on the bylaws and staff memo provided by Jacob Feistner. (See attachments to minutes in the August 2016 meeting file for staff memo.) He explained that Lita made the changes to the bylaws that were recommended in the previous Planning Board discussion and Steve R made two other changes he's noted. Changes in red were those Lita

identified and those in blue were changes Steve R identified from notes. He asked for discussion.

Frank said he wasn't here for that meeting. For 8c, it talked about the member for Tribal representative. He didn't have a problem with one member being a Tribal representative for input but he had a problem with the Tribal representative voting since [Lake County] had no vote on Tribal matters. Until there was a Memorandum of Understanding (MOU) that obligated both parties to the same standards, he didn't think it was fair. There was a differing view of two governing organizations that were trying to govern the same land mass and operating a county without paying taxes on one side with no payment in lieu, as an example. He welcomed their input but thought a vote was a different matter.

Steve R noted that was in the existing bylaws. He recalled they touched upon this in the April discussion although perhaps not at length. He asked how the Board felt. When was this added? Lita noted it was added in 2007 when the Board was changed from 9 to 10 members. The bylaws were changed to accommodate that. Steve R noted the Conservation District member was added by the State whereas this was something added by the County.

John thought it was valuable to have a Tribal member on the Board, and a sign of good will to have that person voting even though he understood Frank's concern about not paying taxes and they were a representative from another sovereign. As a gesture of good will, he thought they should keep it as it was.

Eileen seconded that. She really appreciated Janet's comments at the meetings. They voted and it was the majority so if that person was voting in the minority it wouldn't make a difference, plus they were only making recommendations. She didn't think it was that big of a deal. She agreed it was a good will gesture. Steve R said the member had only 10% say when everyone was there. Frank understood that and thought the input was valuable. Since they had no voice in Tribal land use decisions, he didn't see why they should have a voice here.

Bob explained that he had a voice on the Shoreline Protection Board, which was totally Tribal jurisdiction. They required their board have at least 2 non-Tribal members out of maybe 8. He thought it was a courtesy that they both had. Frank said he was aware of that and that Mission Valley Power had non-Tribal board members too. He thought the Tribe should allow one of the County planners to be on their planning board. He thought they needed an MOU and mutual planning.

Jerry said his wife was among those who started the Arlee Water and Sewer District. They were able to work out agreements on several different things with Tribal housing. They could not have begun or continued to exist without those agreements. It might not be a big hurdle [to do a MOU]. Frank recalled from a previous meeting that in Elmo, the Tribe put in the sewer system and didn't want non-Tribal people to connect to it because they didn't want to encourage non-Tribal folks to populate that area.

John liked Frank's second idea. They could take the initiative here and make a gesture toward the Tribes. They already had. He thought it would be completely appropriate to do a MOU and

ask that someone from this Board be on their board, just like Bob was on Shoreline Protection. He would support that kind of idea.

Steve R referred to the earlier discussion of a subdivision amendment that was inside the reservation. It wasn't Tribal Trust land. Some things that happened on the reservation went through this Board. It seemed like having a Tribal member on the Board was justifiable in the respect that the member had a say in things that were going on in the reservation even though it was non-Tribal land.

Bob said he saw it also as an educational thing for the Board members, where they might not have thought about some historical or prehistorical impact. He was for an MOU. He thought they were in a weak position to start the ball rolling. They had no power; they made recommendations to the Commissioners. They should try to do this with more powerful committees as well.

Wally found this conversation interesting. He thought it was like talking about grapes and watermelons. Frank had said a Tribal representative represented the Tribe. It had nothing to do with being a Tribal member. Janet was not a Tribal member. She was a representative of the entity. The seats on the Shoreline Protection ordinance, which was done in the 1980's, were seats of non-Tribal members to sit on the committee. They weren't representatives of the County or the State. He referred to recent events and conversations that were happening between the County and the Tribe. If the Board would send the thought to the Commissioners to get an MOU that said if they wanted to have a representative of the Tribal government here that would be great [and] why didn't they have a representative of the County government there [on the Tribal planning board] as well. The Planning Board was encouraged to have one or two Tribal members on it although he thought they had none at present. That was a different question than asking if they had a representative of the Tribe, which was a representative of a government. That was different than how the Shoreline Protection ordinance was. He encouraged them to figure out some creative language that went with addressing this question of a show of good faith by everybody, not just one side. The other thing the Board offered was a time consideration or component, as planners, and the best perspective or mechanism to broaden the question, since a historical problem was the function of giving something such as school or a jail but not addressing how to run or staff it for the next 50 years. Steve S thought it would be hard for the Tribe to deny a fair request like that considering this Board already accepted theirs.

John thought they shouldn't touch it at this time. He needed some time to think about watermelons and grapes. Steve R and Eileen agreed. Bob wasn't clear on the watermelons and grapes and why it was that different and asked for a later clarification rather than taking up time at the meeting.

Steve R returned the discussion to 8c of the bylaws. Frank thought he was hearing the Board wasn't ready to consider that change. He thought someone ought to work on an MOU and a memo to the Commissioners to bring this up. Steve R suggested discussing that after the bylaws. Bob thought they should keep it as is and they could say they'd done this when they approached with a draft MOU. Steve R agreed with that direction.

John had small questions on #5. He suggested considering adding 'or more' in 5a where it talked about two members requesting a special meeting. In 5b, he suggested adding 'in accordance with Montana open meeting laws'. In 7e, he suggested changing 'or staff' to 'and/or staff'. In 7f, he suggested changing 'the public may' to 'the public shall'. Steve R said 'shall' would require it. John agreed 'may' was the better word. In 5a, Steve R thought if three people made the request, there would be two. John agreed to leave that. With 5b, Steve R asked if noticing the public would be a problem, where they couldn't have a quick special meeting. Wally said it was 48 hours in advance of the meeting. You could put it on the radio, on the County's website and on the wall downstairs. Frank thought they were subject to the open meeting laws anyway. Wally agreed. John thought it would be good to have it there. Wally agreed and added in Montana it was both statutory and constitutional. Steve R gave the proposed addition to 5b as 'in accordance with Montana open meeting laws and Constitution'. In 7e, the change to 'and/or' was reiterated.

(No public present to comment.)

Motion made by Steve Rosso, and seconded by Steve Shapero, to recommend the bylaws with the changes presented to the Board plus adding 'in accordance with Montana open meeting laws and Constitution' to the end of 5b and changing 'or staff' to 'and/or staff' in 7e. Motion carried, all in favor.

Steve R asked Frank if he was interested in drafting an MOU to review at the next meeting. They could put it on the agenda if he could draft something. Steve R offered to help. Lita asked if the change was in 8c or 8e. They'd received a suggestion from the Commissioners questioning whether 8e should be reworded by removing 'citizen'. Would this do the same thing the Board was discussing? Steve R said it would not. Lita agreed he was right and withdrew her comment. Steve R continued that whether the appointed Tribal representative should be a freeholder was another issue that could be involved. Lita thought the Board discussion and Commissioner discussion had been similar.

Steve S thought they could change 'citizen' to 'voting'. Frank thought the Tribal representative to the Planning Board should be a professional planner and that the County should have a professional planner on the Tribal Board. Steve R thought that was up to the Commissioners. 8c said the Tribal representative was appointed by the Tribal Council and he thought a Tribal version would have reciprocal wording. The Commissioners could appoint a staff member if they wanted to but they could appoint someone else if they wished. If citizen was taken out of 8e that would mean the member the Tribe appointed would have to be a freeholder. That was a different issue. Frank wanted to change this now. Steve R pointed out they were amending the bylaws now but nothing said they couldn't do it again next month. The fact that they agreed tonight that the County Commission approve these bylaws with the fact that they'd have a voting Tribal member possibly living on Trust land didn't mean they were stuck with that. They could change that. Right now they were agreeing to go on as it was, and they would like the Tribe to show some appreciation of including a Tribal representative who might not be a freeholder on the Board.

Jacob pointed out that the wording as it is, including the word 'citizen', was what the state law said. Steve R thought that might be for the Conservation District representative. The group discussed the word 'citizen' and other wording.

Motion by Frank Mutch, and seconded by John Fleming, to recommend striking the word 'citizen' in 8e of the recommended bylaws. Steve R noted the Conservation District representative would then also have to be freeholder. Bob thought the percentage of Tribal members that were freeholders was small. If they asked the Tribes in the near future to agree to an MOU then they would appoint someone. But then striking 'citizen' would mean they were tying the hands of the Tribes by saying they couldn't appoint someone who didn't own land and pay taxes. **John withdrew his second.** He asked about the word 'freeholders' and learned from other members that renters couldn't be on the Planning Board. He thought this sounded like something from the early 17th century. Wally didn't think it was necessarily tied to one definition of freeholder to ownership. There was a state definition he offered to look up.

Steve R thought mentioning this discussion of the draft said that right now the Planning Board recognized in two places in the bylaws where they gave some opportunity for the Tribe to have some influence in County decisions here. The idea was in good faith, the Tribe would return that favor to [the County] so [the Board] would leave those things in. It didn't mean that they hadn't thought about or discussed the possibility of taking them out. He thought that gave them more pull to ask for the MOU.

Jerry didn't think they wanted the bylaws to restrict who the Tribal representative could be. He gave the example of Janet, who was working for the Tribe because of her expertise in [planning] issues. If [the Board] suggested a Tribal member or someone who lived on taxed land, it was greatly restricting who they would send. [The Board] would want them to send someone who they hired for their expertise.

Bob added that the reservation ran into Sanders County as well. The 10th member could live in Sanders County. It was encouraged for Tribal members to take part in a lot of these positions or Boards but finding somebody that would be good and would come and spend the time might not be that easy. He thought they should leave the door open as wide as they could [for the Tribe] to do what they were asking them to do.

Steve R reiterated they could make changes in another month. Frank said if they restricted this to freeholders, then they excluded a large class of non-Tribal members since renters were not given a voice. Steve R thought this was 76-1-211 and Wally agreed. Steve R thought Wally might say more [about 76-1-211] next month.

Frank returned to his motion. Lita reminded the second was withdrawn, which John verified. Lita clarified that the bylaws were voted upon and that motion passed. Frank clarified that his motion was to strike 'citizen' from 8e. **John reinstated his second. Motion failed with 3 in favor (Frank Mutch, John Fleming, Bob Stone), 4 opposed (Jerry Parson, Eileen Neill, Sigurd Jensen, Steve Rosso) and one abstention (Steve Shapero).**

OTHER BUSINESS

Lita noted for the September meeting, the large conference room (Rm 316) was not available so the meeting would be held in the Commissioners' Office (Rm 211).

MINUTES

For the April minutes, Steve R noted a correction on pg. 4 where 'questions' was removed in the next to last paragraph in the 6th line from the bottom after '7.e'. On pg. 5, he noted two corrections, where 'or' was changed to 'to' at the end of the 3rd line of the 3rd paragraph and 26-1-211 was corrected to 76-1-211 in the first line of the 5th paragraph. On pg. 14 in the second paragraph, 'as some point' was corrected to 'at some point' in the 4th line from the bottom.

Motion by Steve Rosso, and seconded by Steve Shapero, to approve the April 13, 2016 meeting minutes as amended. Motion carried, all in favor.

Wally interjected that comments on the Flathead National Forest plans were due Oct. 1. He gave more information on this. The raw data that people in the Swan were gathering would help with the base growth policy work. He commended the Board for their rational conversation tonight. He commented on some bills. He mentioned 5 words: "It needs to be fair."

Motion by Steve Rosso and seconded by Frank Mutch, to approve the May 11, 2016 meeting minutes as written. Motion carried, all in favor.

Motion by Steve Rosso, and seconded by Steve Shapero, to approve the June 13, 2016 meeting minutes as written. Motion carried, 7 in favor (Steve Rosso, Steve Shapero, Sigurd Jensen, Bob Stone, Frank Mutch, Eileen Neill, Jerry Parson) and one abstention (John Fleming).

Motion made by Steve Rosso, and seconded by general acclaim to adjourn. Meeting adjourned at 9:17 pm.