

COMMISSIONERS APPROVAL

IMAN 

CHILCOTT 

FOSS 

KANENWISHER 

STOLTZ 

PLETTENBERG (Clerk & Recorder)

Members Present.....Commissioner J.R. Iman, Commissioner Greg Chilcott, Commissioner Suzy Foss, Commissioner Matt Kanenwisher and Commissioner Ron Stoltz

Date.....May 26, 2011

► Minutes: Beth Perkins

► The Board met with the Road & Bridge Supervisor David Ohnstad and District 1 MDP Representatives for an update on MDT projects in Ravalli County at 9:00 a.m.

► The Board met for discussion and to make a decision on signing Hamilton Rural Fire District security agreement for Skalkaho Station loan at 11:30 a.m. Present were Civil Counsel Dan Browder and Treasurer Marie Keeton. Commissioner Iman was not present for this meeting.

Commissioner Kanenwisher made a motion to approve the Hamilton Rural Fire District security agreement for Skalkaho Station loan with Chair signature. Commissioner Foss seconded the motion and all voted "aye". (4-0)

► Minutes: Glenda Wiles

► The Board met for discussion and to possibly make a decision on the Citizens' Right to Vote on an Airport Runway Extension at 1:30 p.m.

Commissioner Iman called the meeting to order with the Pledge of Allegiance. Commissioner Iman also addressed housekeeping issues such as the new speakers, public testimony with a 2 minute limit. The Board concurred the minutes need to reflect the comments given and a narrative of the meeting. It was noted there are no conflicts of interest for any Commission Member. No staff reports noted. The Board concurred to allow public comment until 2:05 p.m.

Public comment opened:

Tex Irwin presented written comment as attached.

Kelsey Milner, Member of the Bitterroot Citizens for Responsible Government handed in a draft resolution which stated in part that “there shall be no lengthening of the current or any future runway at Ravalli County Airport beyond the length of 4,200 feet without the prior consent of a majority of registered voters of Ravalli County voting in a regularly scheduled or special Ravalli County election”. He indicated this resolution would continue to allow responsible government, and would continue to allow a citizen vote which is what Resolution No. 1244 allowed (now rescinded by resolution on April 29, 2011).

Marie Carpatti stated she lives right under the proposed airway for landing. She is well aware that this Board has the facts and believes most of the people are misinformed. She trusts this Board and supports them 100%. She wants a safer and longer runway to the north.

Nancy Oesaw of Hamilton stated the Commissioners went back on their word (allowing for public vote on any runway extension) in order to enable out of state jets to land. She asked if citizen rights are just rhetoric. She stated another Environmental Assessment will cost money and what for jobs? Alternative 2A would have provided a safer airport, and runway. A longer runway will not be safe. This longer runway will be for the wealthy and will not benefit more than a handful of people who are non-tax paying benefactors.

Don Mabry lives on Skalkaho Highway and has 36 ½ years of aviation experience. We were told at the previous meeting that a 5,200’ runway was for safety, yet the FAA approved Alternative 2A as safe. He knows when a United Airlines DC10 aircraft landed on 4,500’ runway, so saying the airport needs another 1,000’ of runway for safety is bogus. He felt many things the citizens hear are not true. He felt the new commissioners are pushing this hard because Mr. Mildenberger owns the land (to the north), and if Alternative 3A is adopted, he will earn more money.

Judy Stewart stated those DC10’s were at sea level. She stated when the Search & Rescue moved to a new site there was no public vote. When the Leonardi land was purchased there was no vote; when the gravel pit on Lost Horse Road was developed there was no vote, and there is no public vote on subdivisions in the county either. Therefore should we start voting on everything? If that is the case, the citizens will not need elected officials.

Doug McLaren has been a citizen in Ravalli County for 43 years. He is President of the Ravalli County Airport Safety Foundation. This Commission and the prior Commission was charged with looking at one of 4 options. The higher the option number, the more would get done at the airport, and be prepared for future growth. The Airport Advisory

Board strongly recommended Option 4, but prior Commissioners did not go to Option 4 or Option 1 which was to do nothing. That left options 2 and 3. The ICAARE Group wanted 2A and the previous Commissioners went with 2A. He stated Commissioner Chilcott supported 2A without vote. Now if the Commissioners choose option 3, why would a vote be important now? For a pilot, a longer runway is a safer runway.

George Marshall stated we need to segregate our conversation of 'extension into enhancement', which should be the responsibility of the political body. He suggested the Board not abdicate that responsibility.

Lee Tickell inquired if there was going to be a resolution to allow a citizen vote as Commissioner Chilcott requested this meeting to talk specifically about a vote. All he has seen is a resolution prepared by citizens, so is it that the Commissioners have already made up their minds? He suggested the either vote the proposed resolution up or down.

Bill LaCroix felt there was not much difference between Alternative 2A and 3A, but Mildenberger will make more money on 3A and a new Environmental Assessment will cost more money. The issue for today's discussion is the vote. He understands the citizens don't always vote on everything, but we already had that decision made to be able to vote (Resolution No. 1244).

Doug Nation stated his comments are being directed to the new commissioners. He noted there is some inconsistency in their comments, particularly the ones they made during the campaign. They campaigned for smaller government with citizen input but now they want to do away with that. They also promised fiscal responsibility and Alternative 2A does meet the requirements, but poised to go to square 1 with Alternative 3A which will be a payment by everyone and used by just a few. The current airport serves the needs of citizens for fire and Medivac. A third inconsistency is their campaign for the exclusion of special interests. With this new change of taking Alternative 3A and taking away the vote, this now reeks of special interest and influence on the Ravalli County Commissioners.

Pam Erickson stated while she is not a pilot, she is a tax paying citizen and thus is concerned with costs.

Commissioner Kanenwisher stated this Board does not have any idea what option they are going to go for. In regard to Alternative 2A the FAA said it is safe and they will fund those costs, but now we have no clue (as to what is on the table or what will it cost).

Commissioner Chilcott called for a point of order, to keep this on conversation on track for right to vote. Commissioner Iman concurred.

Bret Mildenberger stated his Uncle owns the land (to the north) but he has no interest in that issue. Rather he is a private pilot and was born and raised here. He owns a single engine aircraft and works for a company that owns a light jet. He felt for the safety of the

runway, a 5,200' runway is needed. He supports the decision of the Commissioners to add the 1,000' as it is based on current and correct information.

Maggie Wright stated it is important to separate the issues of expansion and the public's right to vote. The Commissioners campaigned on openness and public participation, and it is obvious no one would want their vote taken away.

Judy Kline is opposed to any election; as they had one November 2nd which supported the Commissioners to make those decisions for the public. She stated the Commissioners should not be pulled by obstructionists, and the citizens pay the Commissioners to make those decisions.

Phil Romans is a resident here. He noted they have already spent a lot of money on the previous studies and the airport was approved for Alternative 2A. He asked why he would want to spend more money on another study. He asked why he does not get a vote, this is a citizen's right. I am a veteran and citizen and the Commissioners needs to give us that right.

Joey Scapatti voted the Commissioners in, so make the decision, and save the tax payers money on an election. He cautioned the Commissioners not to let the obstructionists slow this down.

Dennis Moore stated the runway length is not a safety issue. He reminded Commissioner Iman this meeting is just to discuss the right to vote. Dennis stated the FAA has said on numerous occasions that runway length is not a safety issue.

It was noted there was some dissention among the audience and comments were made between them.

Bill LaCroix told Commissioner Iman to take better control of the meeting.

Dennis stated he asked the FAA directly if runway length was a safety issue. Steve Engebrecht said no, rather that the necessary safety was the space between the runway and the taxi way. He stated they just want the Commissioners to tell the truth, if you want longer runway say why, but don't distort the truth. Dennis further noted that all five of the Commissioners were adamant about the right of the citizens to vote on zoning, yet they want to take the right away for the vote on what flies over our heads. He asked how the citizens can trust them.

Greg Raymond lives near the runway. He thinks the vote on expansion was just an abstraction because he was told at the last Commission meeting that the runway would be limited to 4,200' whether it is 2A or 3A (writing in the 1,000' on the plan). He asked when it comes time to add the 1,000' would the Commissioners allow it to go to vote? He would be in favor of the Commissioners giving a thumbs up or down on the proposed resolution.

Dwight Davis stated he is a commercial pilot and length is a safety issue, noting that the longer the runway the better. He supports the additional 1,000'.

Public Comment closed at 2:10.

Board deliberation then took place.

Commissioner Kanenwisher stated a right is not something that is given or taken away by resolution. The previous board gave away their right and delegated that to the citizens. So one month ago we took that back (by resolution) and we have the ability to take that action under statute. People can spin that (decision we made) all they want, but it is not true that the Board took that right away. To pull one part of this decision limits our ability to make a number of other decisions. There is nothing exclusive about the Board making a decision; we go through the public process, and we are in the beginning of that process now. He asked the other Board Members what is even being considered today, as he knows this item was placed on the agenda by Commissioner Chilcott.

Commissioner Chilcott stated when they talked about amending Resolution No. 1244, the citizens' right to vote was one issue he had held aside for future discussion, thus the meeting today. The issue on voting is simply about voting; it is not about runway length, the wealthy, and or attacking Mr. Mildenberger who is being characterized badly. He agrees there is no right to vote here. In the past, the Commissioners had an opportunity to work with a group of citizens after the abolishment of the Airport Authority Commission. It was during this time that Resolution No. 1244 was passed which gave the citizens the right to vote on any extension. Commissioner Chilcott also noted he has been told this information by previous Commissioners due to the petition presented to them. A few years ago he did not like the way zoning was going, but as a single Commissioner he did not have the 'horses' to stop it but the citizens did. He is supports creating a compliant B-2 airport, and he is hesitant to let the citizens' vote on something that they might not know about. However he thinks the Commissioners should live up to that citizens' right to vote. In regard to the proposed resolution presented by Mr. Milner, he is not in favor of that approval.

Commissioner Foss stated a small group of citizens negotiated with a small group of Commissioners. This issue has been out there for a while; she ran her campaign stating where she stood on this issue. 10,000 citizens voted for her in November and she is sure they knew what they voted for. No one wanted that right to vote (on runway extension), but rather to have the elected official make those decisions. She is simply following up on her campaign promise.

Commissioner Iman stated during the past 1 ½ years, the FAA has narrowed the possible solutions for the airport problems. The Commissioners found that the airport can be safe at its current location and the 5,200' runway was approved by the FAA in 1978. Resolution No. 1244 was to regulate expansion, but the Commissioners have done several things since that resolution passage, such as purchase outlying properties thus expansion. The previous Commissioners deferred this responsibility for a long time. He

feels they cannot limit the term 'expansion' to 'runway extension' because one can argue that purchasing the land was expansion. The people in charge (the Board of Commissioners) need that ability to make that decision as that is part of being an elected official. He stated he feels this is an issue that is not subject to public vote.

Commissioner Chilcott stated the length of the runway is a safety issue, but the issue today is whether to allow the citizens a right to vote on the extension of the runway. Whether it was a semi colon or comma (in Resolution No. 1244), the intent was in regard to allowing the people the right to vote on the extension of the runway. He agreed there is some misinformation being put out such as ending up with a 'jet port' and it is not about the rich or the poor, or the out-of-state people who bring money and stimulate our local economy. Both sides have taken significant liberties and said things that are incorrect. He indicated we need to stick to the facts.

Commissioner Chilcott made a motion to create a Resolution of Intent to provide the citizens at large of Ravalli County the opportunity to vote on the extension on the runway length. No second was offered by the other Commission members. Motion failed for lack of second.

Commissioner Kanenwisher made a motion to adjourn the meeting. Commissioner Foss seconded the motion and all voted "aye".

► Commissioner Iman asked if there any comments not otherwise on the agenda today.

Pam appreciated this meeting and wanted to make a comment on American Stewards of Liberty. She stated she wants the public to be aware that this contract entered into by the Commissioners passes money to an outfit in Texas who is a consulting firm for issues in Ravalli County. She does not see how Texas will see what we are about.

Phil Romans stated the one thing not discussed in the meeting is the fact that we just paid for the EIS and now we pay again. So the citizens should have the right to vote on having another EIS because it costs a lot of money.

Maggie Wright stated Terry Nelson starts his Planning Administrator position next week, and asked if that position is a conflict of interest with his job at Applebury Survey? That was asked before and she would to know what that outcome was. Commissioner Chilcott stated they will not comment on this as it is a personnel matter, and that conflict has been satisfied according to the County Attorney's Office. Maggie stated this issue is a matter of public trust, so to say it is a personnel matter should not apply in this instance.

► Minutes: Beth Perkins

► The Board met to open and award sealed bids for surplus property (dump truck and floor buffer) at 3:30 p.m. Present was Fairgrounds Manager Deb Rogala.

Commissioner Stoltz recused himself because he submitted a sealed bid for the dump truck.

Three bids were received as follows:

Pete Fuller bid \$150 for the 1951 Dump Truck

C&L Tree Management bid \$250 for the 1951 Dump Truck

Ron Stoltz bid \$300 for the 1951 Dump Truck

Commissioner Chilcott made a motion to award the bid for the 1951 Dump Truck to Ron Stoltz in the amount of \$300. Commissioner Kanenwisher seconded the motion and all voted "aye". (See minutes of June 14, 2011 for Resolution No. 2710).

No bids were received for the floor buffer.

Good afternoon, my name is Tex Irwin.

I will start out by reading 2 quotes from the discussion pages of the Ravalli Republic web site. The first is by Bill LaCroix—

“The intent of the compromise between 6000 citizens who signed a petition not wanting to lengthen the runway and the commissioners at the time, was that a vote would be triggered if the commissioners decided to lengthen the runway to accommodate wealthy out-of-state jet owners.”

The second quote from the same site and from mtborn –

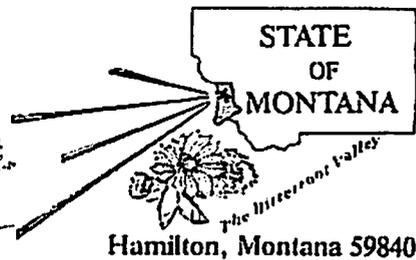
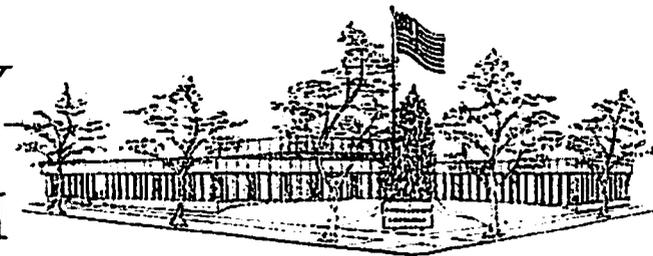
“Last November I voted for the current commissioners, to represent my views and opinions as a Republic Form of government calls for. I did not vote to have an election on every issue that arises in our County, whether I agree or disagree with the issue. Therefore I do thank our Commissioners for representing me and being fiscally responsible in the Airport decision, as I am for a more modern, safe infrastructure, economic expansion and against an expensive county wide election on an issue that makes sense.”

First off, the petition with 5692 verified signatures (not 7000 as claimed today) on May 16, 2001 (10 years ago) was a referendum to repeal an Airport Authority. It was not about a vote of the public on airport expansion, as many keep asserting. Resolution 1244 was put forward by previous County Commissioners whom didn't want to do their elected job. Resolutions are not binding and are amended, changed or done away with altogether as times and/or our elected officials change. There has been so much misinformation about the airport, and aviation, spread around in the last 10 years that the public wouldn't know what to believe without a concentrated effort to bring the facts forward. The current Commissioners have the facts and need to bring the Ravalli County Airport up to the safety standards of today's aviation. Which by FAA standards does mandate a 5200' runway to accommodate 100% of the current users.

Secondly, the 3 new Commissioners were elected by a big majority over the incumbents because of the platform they ran on, including this airport issue. As the writer of the second quote mentioned, we elect our representatives to represent us.

I thank you for allowing me to speak and as all in this room, wish I had more time to comment.

COUNTY
OF
RAVALLI



May 16, 2001

TO: RAVALLI COUNTY COMMISSIONERS
FROM: RAVALLI COUNTY CLERK & RECORDER
RE: CERTIFICATION OF SIGNATURES FOR
REFERENDUM 2001-01

I, Nedra P. Taylor, Ravalli County Clerk and Recorder/Election

Administrator do hereby certify that a total of 5692 signatures
have been verified for REFERENDUM 2001-01 (A referendum to
repeal Ravalli County Resolutions 1094 and 1138, establishing an
Airport Authority)

1127 5001 01

PETITION TO PLACE REFERENDUM ON THE ELECTION BALLOT.

If 15% of the registered voters of Ravalli County sign this petition and the total number of voters signing is 4332, this referendum shall be submitted to the electors at the next regular election. If 25% of the registered voters of Ravalli County sign this Petition and the total number of voters signing is 7220, this referendum shall be submitted to the electors at a special election.

We, the undersigned Ravalli County registered voters, propose that the Election Administrator of Ravalli County place the following referendum on the next available election ballot, or, if 25% of the registered voters of Ravalli County sign this Petition, we ask that the following referendum be submitted at a special election.

A REFERENDUM TO REPEAL RAVALLI COUNTY RESOLUTIONS 1094 AND 1138, ESTABLISHING AN AIRPORT AUTHORITY.

STATEMENT OF PURPOSE

This is a vote on whether Resolution 1094, passed and approved by the Ravalli County Commissioners on July 21, 2000, and Resolution 1138, passed and approved by the Ravalli County Commissioners on November 27, 2000, which established an Airport Authority for Ravalli County, should be repealed. The Airport Authority consists of not less than five members appointed by the Ravalli County Commissioners. The Airport Authority has broad statutory authority to operate and regulate airports. This authority includes the power to acquire property, establish zoning regulations on surrounding lands, borrow money, issue bonds and levy a 2-mill tax.

FOR repealing Resolutions 1094 and 1138. This would abolish the Airport Authority.

AGAINST repealing Resolutions 1094 and 1138. This would retain the Airport Authority.

Voters are urged to read the complete text of the measure, which appears on the back of this Petition. A signature on this petition is only to put the issue on the ballot and does not necessarily mean the signer agrees with the issue.

WARNING

A person who purposefully signs a name other than his/her own to this Petition, or who signs more than once for the same issue at one election, or signs when not a legally registered voter of Ravalli County, is subject to a \$500.00 fine, 6 months in jail, or both. Each person must sign his or her name and address in substantially the same manner as on his/her voter registration card or the signature will not be counted.

Complete Signature _____ Printed Last Name _____ Address as per voters registration card _____

Resolution No. 1094

Establishment of Airport Authority for Ravalli County

WHEREAS, the BOARD OF RAVALLI COUNTY COMMISSIONERS desires to create a Airport Authority for the Ravalli County Airport; and
WHEREAS, after proper public and legal notice, the BOARD OF RAVALLI COUNTY COMMISSIONERS held a public hearing on July 21, 2000, for the purpose of taking public comment on a Resolution to Create a Airport Advisory; and
WHEREAS, after receiving public comment from both proponents and opponents, the BOARD OF RAVALLI COUNTY COMMISSIONERS deems the establishment of a Airport Authority to be in the public interest for the proper administration and governing of the Ravalli County Airport; and
WHEREAS, under the authority of MCA 67-11-102, by statute in 1999, the BOARD OF COUNTY COMMISSIONERS may create by resolution a "airport authority" which is governed by a five member board; and
WHEREAS, under the authority of MCA 67-11-102 the BOARD OF COUNTY COMMISSIONERS appoint the first board; and
WHEREAS, under the authority of MCA 67-11-104 (3) the BOARD OF COUNTY COMMISSIONERS retain the power of appointment over the Airport Authority Board, or Airport Authority Commission; and
WHEREAS, once created, the Airport Authority Board, under MCA 67-11-105 acts as a governmental body for the public benefit;
THEREFORE BE IT RESOLVED that the BOARD OF RAVALLI COUNTY COMMISSIONERS does hereby establish a Airport Authority Board, also known as the Airport Advisory Commission, terms for first appointment being 1, 2, 3, 4 and 5 years, respectively, but thereafter each Airport Advisory Board Member shall be appointed for a five year term, except for vacancies occurring otherwise than by expiration of the term shall be filled for the unexpired term by the governing body;
BE IT FURTHER RESOLVED that the Airport Authority Board shall be governed by Title 67, Chapter 11, Part 1 through Part 4 of the Montana Codes Annotated (MCA) and specifically 67-11-201 MCA which enumerates the powers and responsibilities of the Airport Authority Board.

PASSED AND APPROVED THIS July DAY OF 21st 2000.

BOARD OF COUNTY COMMISSIONERS

/s/John M. Atthowe, Jr, Chairman
/s/"Smut" Warren, Member

/s/Alan Thompson, Member
/s/Betty Lund, Attest: Clerk & Recorder

RESOLUTION NO. 1138

Resolution to amend Resolution No. 1094 establishing an Airport Authority

WHEREAS, the Board of Ravalli County Commissioners, by adopting Resolution No. 1094 on July 21st, 2000, established an Airport Authority pursuant to MCA 67-11-102 for Ravalli County pursuant to MCA; and
WHEREAS, it has come to the attention of the Board of Ravalli County Commissioners that the said Resolution No. 1094 contains some superfluous and confusing wording to-wit: "Advisory", and "...also known as the Airport Advisory Commission...", which wording should be deleted to conform Resolution No. 1094 to the provisions of Montana's Airport Authority Act, Title 67, Chapter 11, MCA; and
WHEREAS, it is intended by the Board of Ravalli County Commissioners to amend Resolution No. 1094 to conform to the provisions of Montana's Airport Authority Act;
THEREFORE BE IT RESOLVED that the BOARD OF RAVALLI COUNTY COMMISSIONERS does hereby amend Resolution No. 1094 to read, in its entirety, as follows:
"WHEREAS, the BOARD OF RAVALLI COUNTY COMMISSIONERS desires to create an Airport Authority for the Ravalli County Airport; and
WHEREAS, after proper public and legal notice, the BOARD OF RAVALLI COUNTY COMMISSIONERS held a public hearing on July 21, 2000, for the purpose of taking public comment on a Resolution to create an Airport Authority; and
WHEREAS after receiving public comment from both proponents and opponents, the BOARD OF RAVALLI COUNTY COMMISSIONERS deems the establishment of an Airport Authority to be in public interest for the proper administration and governing of the Ravalli County Airport; and
WHEREAS, under the authority of MCA 67-11-102, the BOARD OF RAVALLI COUNTY COMMISSIONERS may create by resolution an Airport Authority which is governed by not less than five commissioners; and
WHEREAS, under the authority of MCA 67-11-102 the BOARD OF RAVALLI COUNTY COMMISSIONERS appoints the first commissioners of the Authority, designating the commissioners for the first 1, 2, 3, 4, and 5 year terms, and thereafter each commissioner shall be appointed for a term of five years, except that vacancies occurring other than by expiration of the term shall be filled for the unexpired term by the BOARD OF RAVALLI COMMISSIONERS
WHEREAS, pursuant to the Airport Authorities Act once created the Airport Authority acts as a governmental body for the public benefit in the operation of the Ravalli County Airport;
THEREFORE BE IT RESOLVED that the BOARD OF RAVALLI COUNTY COMMISSIONERS does hereby establish the Ravalli County Airport Authority, pursuant to the Montana Airport Authorities Act, to be governed by five commissioners, appointed by the BOARD OF RAVALLI COUNTY COMMISSIONERS, with terms for the first appointees to be for 1, 2, 3, 4, and 5 years respectively, and thereafter each commissioner shall be appointed for a five year term, except that vacancies occurring other than by expiration of the term shall be filled for the unexpired term by the BOARD OF RAVALLI COMMISSIONERS.
BE IT FURTHER RESOLVED that the Ravalli County Airport Authority shall be governed Title 67, Chapter 11, of the Montana Code Annotated (MCA) and specifically 67-11-201 MCA which enumerates the powers and responsibilities of the Airport Authority and its commissioners.
PASSED AND APPROVED this July 21st, 2000.

BOARD OF COUNTY COMMISSIONERS

/s/John M. Atthowe, Jr, Chairman
/s/"Smut" Warren, Member

/s/Alan Thompson, Member
/s/Betty Lund, Attest: Clerk & Recorder

PASSED AND APPROVED this 27th day of November, 2000.

BOARD OF RAVALLI COUNTY COMMISSIONERS

/s/ John M. Atthowe, Jr, Chairman
/s/ Alan Thompson, Member

Absent: "Smut" Warren, Member
/s/ Betty T. Lund, Attest: Clerk & Recorder