

COPY

**FOUR CORNERS COUNTY WATER AND SEWER DISTRICT
Minutes for November 15, 2005 Board Meeting**

Meeting was held in the Cafeteria at the Zoot Enterprises Building located at Four Corners at 555 Zoot Enterprises Lane. Present at the Board meeting were Board members Chris Nelson and John Hulme. Board member Dennis Simpson participated by conference call as allowed by the District's Bylaws. The three Board members present constituted a quorum. Members of the public were also present along with District counsel and acting Secretary, John C .Brown.

The Meeting was called to order at approximately 6:06 p.m.

The Board agreed to continue until the Board's next meeting the approval of the Minutes from the November 1, 2005 Board meeting to allow Mr. Simpson to review the proposed Minutes in person.

Regarding old business, the Board, upon unanimous vote, agreed to table the Petition to exclude the Garden Center Subdivision from the District. The Board decided that when the representatives from the Subdivision wish to go forward with the Petition, they should notify Mr. Brown so that the public hearing on the Petition may be properly noticed for the next corresponding Board meeting.

Next, the Board discussed the proposed Amendment to the Utility Solutions/District Service Agreement. Mr. Brown explained that he was waiting to receive information from counsel for Utility Solutions regarding the proposed Amendment. Mr. Brown stated that he will provide this information to the Board prior to the next Board meeting so that the Board may continue its consideration of the proposed Amendment.

The Board next voted to unanimously accept the resignation of Board member Duane Sand, which had been previously tendered by Mr. Sand. Then, the Board unanimously voted to replace Mr. Sand with Mr. Richard Smith. Then the Board unanimously voted to replace Board member Trina Wolf with Mike Pearson.

The Board next discussed the fact that these Board appointments may be conditional if Mr. Lohmeier is correct in his complaint that several of the past Board meeting have not been properly noticed, including the Board meeting held on October 25, 2005 during which the Board had its third and final reading of Ordinance 05-02 regarding annexation requests and approved the Ordinance by unanimous vote. If the October 25, 2005 Board meeting was not properly noticed, the subject parcels of real property were not properly annexed into the District and Mr. Smith and Mr. Pearson are not eligible to serve as new members of the Board. Mr. Brown agreed to research the notice issue to determine whether the meetings were properly noticed and whether the Affidavits of Publication received from the Bozeman Daily Chronicle were correct. If the meetings were not properly noticed and the Affidavits of Publication received by the District from the Chronicle are incorrect, the District will be required to redo the third and final reading of Ordinance 05-02 and submit it to a new vote. If the vote is successful, then Mr. Smith and Mr. Pearson will need to be re-approved as new Board members.

Regarding new business, Chairman Hulme discussed his plan to work with new Board member, Richard Smith, to devise water and sewer rates to be charged by the District in conjunction with the water and sewer rates charged by Utility Solutions pursuant to the terms of the Service Agreement.

There being no public comment on non-agenda items, the Board agreed that Chairman Hulme may schedule the next Board meeting after Mr. Brown researches the notice issue.

The meeting was then adjourned at approximately 6:25 p.m.

DATED November 15, 2005.

JOHN C. BROWN, Acting Secretary and Legal
Counsel