

Q. How can I express my opinions and concerns (positive or negative) over how the County has handled the Fargo paving request? The County has scheduled time for the Board to hear from the residents, and potentially discuss, the Ranchette issues at the upcoming July 7, Board meeting. The item will be heard under “Matters by the Public” at 2 p.m. Additionally, staff is preparing Board items for Board consideration at the July 21st meeting which will allow the Board to consider accepting Fargo for County maintenance and initiating a design contract for the construction plans for the road paving.

Q. Is there an opportunity for the Board to change its direction to pave Fargo and to potentially change who will be assessed for the paving and how much a given property will have to pay?
Yes. The Board can direct staff at any time to stop work on the paving project. Until the Board adopts an assessment roll which indicates who will be assessed and at what amount, there is an opportunity to potentially reconsider those issues. Staff estimates the assessment roll might be addressed early next year, and could give staff direction at any time prior to the adoption of the assessment roll. See above question for the next dates the Board will be considering projects in the Ranchettes.

Q. We live along El Paso (east of Blanchette) and along Pancho. We submitted petitions in 2004 that indicated a majority of the properties supported paving. However, none of us agreed to the expected higher costs in the 2007 re-petitioning process and we understand the project was removed from the MSTU program. What can we do now to get the roads back into the MSTU program?

The County has not identified funding for any MSTU projects not currently in the Program. Staff believes that if funding is found in the future for the Program, that the ten roads that were once in the Program (including these two) should be given priority in determining if a majority of the residents living along a road would be interested in participating at the future expected cost- given the expected construction costs and using the new 100% resident/0% county cost recovery approach (not the prior 50%/50% program). Sending out petitions with the new costs would be the method used in determining interest. With the resident’s share at 100% of the cost, even if construction prices stayed at today’s low prices, the expected cost to each benefiting property would be at the level included in the 2007 repetition process. Staff estimates that over \$6 million would be required to complete the ten projects at today’s prices.

Theoretical Example: Say in 2003-2004 petitions were issued that assumed an average resident assessment would be approximately \$50-\$60 per front foot, with the County contributing \$50-\$60 per front foot since the 50%/50% program was in place. By 2006-2007 construction prices had doubled, and the County sent out re-petitions indicating the new prices to the residents (and to the County) would be \$100-\$120 per front foot. Both those petitions and the prices contained therein were calculated on the residents paying for 50% of the project

cost. With the new requirement that residents pay for 100% of the costs, if new petitions were going out today, we would probably factor in the lower construction costs and we would estimate the residents would pay \$100-\$120 per front foot, with the County contributing nothing.

Q. We live on an unpaved road in the Ranchettes that has either: 1) never participated in the petition process, or 2) used County petitions and tried previously to get sufficient support, but did not. What can we do now to have the County pave our road using the MSTU process?

Please see the above question and answer. In addition, the County must first determine how funding could be obtained to “up-front” the project costs (potentially using bank loans, bonds, etc.), while it recovers those costs over a 10-20 year period. We would then need to determine how much money it would take to cover the costs of paving all the roads that might express an interest in participating in the MSTU Program. For estimating purposes in determining what an individual benefiting property might pay, you could assume that it might cost \$500,000 for paving 2600 feet of road in the Ranchettes (some roads costs might be higher and some might be lower). If each lot is about 200’ long, that would mean there would be 13 lots on each side of the road. Dividing the \$500,000 by 26 lots would indicate that each lot would be responsible for repaying over \$19,000 (plus interest) for the paving of the road.

Ultimately, the Board of County Commissioners will have to determine if there is a reason to change their current position that no new projects will be allowed into the Program. They would also have to determine the funding source that would be used to pay for the projects.

It is likely that the Board will not address this issue until they resolve the current County budget – which is expected by late summer 2009. At that time staff will determine the Board’s interest in potentially borrowing funds to allow us to reinstate the MSTU Program.

Q. I live on an east/west road west of Blanchette and got a recent letter from the County indicating that my property has been identified as benefiting from the paving of Fargo and that the Fargo project would proceed once the County received a positive response from seven or more benefiting properties along Fargo.

1) Has the County received the sufficient number of responses? Yes, we received seven positive responses within a few days of distributing the petitions.

2) I live between Blanchette and Frontier and never drive Fargo – why should I pay for Fargo? The Board of County Commissioners is required to determine which properties benefit from an MSTU project. The final determination of the amount to be assessed to each benefiting property will be made at the public hearing that will establish the assessment roll. Staff believes the hearing will take place around first part of 2010. In April and May 2009, the

Board, after discussing the paving issues in the Ranchettes, passed a motion that indicated they supported moving forward with the Fargo project. The motion also indicated that the initial defined benefiting area included specific properties, including yours. Previously they have heard from some Ranchette property owners that some people on the east/west roads west of Blanchette did drive on Fargo and thus would benefit from the paving. However, the Board can readdress and reconsider what properties are to be included (and at what amount) until they adopt the final assessment roll. You can express your opinions and concern to the Board members in many different ways; email, letters, phone calls and appearing in front of them during the monthly “Matters by the Public”.

Q. Why didn't the County follow the typical petition process and send out petitions to all those that will potentially benefit from the Fargo paving to determine if more than 50% of us supported the paving, instead of just asking those along Fargo? And could the County still send out petitions to those of us not on Fargo asking our opinion?

Since, unlike the typical MSTU project where property owners along a given stretch of road are the only ones expected to benefit from its paving, there was discussion in front of the Board that more than those along Fargo would benefit from the paving. The District Commissioner made a motion, and the Board approved, directing staff to only petition those along Fargo. However, the Board could direct staff to send out a survey or petitions to those 239 properties not along Fargo that received the recent mailing.

The Board is allowed under its MSTU ordinance to implement an assessment without petitioning. Even if surveys or petitions are sent out to gauge support for a given project, the Board can implement an assessment with or without a majority of the benefiting properties showing support.

Q. Would the County accept our shell rock roads for maintenance? The County has thousands of miles of unpaved roads that it does not currently maintain. The County has had a policy for over 25 years of not accepting maintenance responsibility for any unpaved road or any paved road not built to county standards. County staff does not believe there exists a special circumstance in the Ranchettes that should make the Board change this long-standing policy. Note: The County does accept shell rock roads for maintenance once the road has been accepted into the MSTU paving program. This maintenance lasts until the road is paved, usually between 12-36 months.

Q. Why should those of us on Arrowhead pay for the paving on Fargo – we are the only ones in the potential assessment area that will live on an unpaved road? An earlier question addressed how an MSTU assessment process works. Key is the determination of benefiting properties.

The Board would have to determine that there is a significant difference between the benefits (or lack thereof) received for properties along Arrowhead as compared to properties along all the other east/west roads when it finalizes the assessment roll.

Q. Isn't the County at fault for not paving all the Ranchettes as one project? Shouldn't the County have taken the lead in petitioning the entire neighborhood? The MSTU program has been entirely voluntary since its beginning. When the Engineering Department was contacted initially about road paving in the Ranchettes, there was a significant split in the neighborhood among those who wanted to keep the area semi-rural, equestrian oriented and wanted unpaved roads, and those residents that wanted to pave the roads to address the issues that were arising from continued home building in the community. Staff has never solicited an entire neighborhood and has relied on the interested residents to show to the Board that the majority of the benefiting area (usually a street or a portion of a street) was interested in having a road paved. If the Board does reopen the MSTU process, they may also give staff different direction at that time – particularly as it pertains to the Ranchettes.