

## NOTICE OF SUBDIVISION MEETING

June 19, 2003

Chair Varone: Good Morning. This is a regularly scheduled Thursday subdivision meeting. Today is June 19<sup>th</sup>. Commissioner Tinsley is out of the office today; he will be back next week. To my left is Commissioner Murray to his left is Ron Alles, Chief Administrative Officer. To my right is Mandi Ross she's our secretary, to her right is Sharon Haugen our Director of Planning and to her right is Cheryl Green who will tell me what her title is.

Cheryl Green: Supervisor of delinquent tax Specials

Chair Varone: Thank you. My name is Anita Varone and everyone in this room said the pledge on the way to the meeting today.

### Pledge of Allegiance.

### Tax Bills under \$5.00.

The Commissioners will consider the tax bills.

Cheryl Green: Commissioner Varone, Commissioner Murray. This is what the State of Montana property, and were you in the meeting Anita?

Chair Varone: No, I was in a meeting after, yeah we talked about it.

Cheryl Green: Okay. State of Montana doesn't feel that they need to pay special taxes, specials and they want them removed. So I had Amy build a program that gives us the property that's owned by the State of Montana that is under \$5.00. These are the taxes and they could be paid and they could not be paid, but they come to a total of \$65,000.00. You know, the total bills and then I attached to this a thing I had back in '88 there's some Attorney Generals opinion in there that the State and local governments do pay specials.

Chair Varone: Cheryl, as I look through this, I tried to find where we come up with the \$65,000.00 if there are only 10 pages, is there more than 10 pages?

Cheryl Green: No

Chair Varone: Because if you just go 2, 3, 4, 5, I mean if you go up, I'm wondering if it's not more like \$65.00 or \$655.00 or something like that. I don't see anywhere

Cheryl Green: Oh, well maybe Amy

Chair Varone: where this could total \$65,000.00

Cheryl Green: Maybe I need to have Amy look at her program

Ron Alles: If I might, Commissioners, I think we're a little early in this because we were going to sit down with the State at a later date and it shouldn't, if we're going to do something with tax bills under \$5.00 it can't just be the State of Montana it's gotta be all property taxes or all property tax bills less than \$5.00. I don't think we can be selective in that, you know in singling out any one entity or individual for that.

Chair Varone: Because just on page 9 it's roughly between \$50 and \$60. So if you multiply that by 10, that's like \$600.00.

Cheryl Green: I'll have Amy look. I just can't believe

Chair Varone: Do you just want to table this until a later date?

Commissioner Murray: It has to be date specific.

Ron Alles: Well, perhaps we can set a date specific but I can't, I don't know when we are going to be able to get together with the people we met last week. I didn't know we were going to have this

Cheryl Green: I didn't know it was on here, going to be on here, I didn't have a problem with it because I thought there'd be some resolution.

Commissioner Murray: Madam Chair I move we table this until July 31<sup>st</sup> at the Administrative Staff Meeting.

Chair Varone: Second. All those in favor, signify by saying 'I'

Commissioners: 'I'

Chair Varone: Motion carries.

**Resolutions Ordering a Refund of Taxes/Fees/Assessments Paid.**

- a. Robert V. and Mary Rogers. \$3,092.46
- b. Shirley Fjield. \$2776.68

Michael: Chairwoman Varone and Commissioner Murray. This particular issue was before the board I believe on April 3<sup>rd</sup> of 2003 and at that time I gave an explanation to the board of what happened between the particular property, I could go over it again if you want I could, but essentially it amounts to one of our appraisers going out in the field wanting to measure up some buildings that the Rogers own, there are storage units near Montana Avenue and as such what I understood was denied access to the property and did an estimated value as such since it was an estimated value at the time we didn't feel compelled to make provisions to that assessment. Since that time, Mr. Rogers and his neighborhood I guess contacted a representative who contacted one of my bosses who talked to me and I got a little bit of a different story of the situation that went on when our appraiser went out there Mr. Rogers was under, I'd say a great deal of stress having learned of some medical complications for his wife and I guess it's fair to say that well I'd like to back our appraisers 100% in this particular case, although I wasn't there, the appraiser may not have allowed a good enough explanation to Mr. Rogers and left probably quicker than she should have. At any rate she did the estimate and at the time I appeared before the board it appeared that maybe there wasn't a good enough view of the property to do a real good estimate. And now it appears after a physical review that it was pretty easy to estimate from outside the fence and since the estimate we came up with was twice as much as what was really there, I inclined to believe that although certainly your decision not mine but perhaps the facts of the case warrant a closer look and maybe a reconsideration of whether to give those tax monies back for the overestimation to the Rogers.

Chair Varone: Thank you very much Mike. Do you have any questions of Michael?

Commissioner Murray: No. Madam Chair, I'm aware that the storage sheds were estimated at 20 by 40 feet and they're actually 10 by 20 feet. So, clearly it's an erroneous assessment. I would move that the Commission order a refund to Robert V. and Mary Rogers in the amount of \$3092.46 and authorize the chair to sign.

Chair Varone: Second. Discussion. I appreciate that explanation because the information I read last night after reading it I was prepared to deny it a second time. I appreciate you stepping up to the plate and filling us in. All those in favor signify by saying 'I'.

Commissioners: 'I'

Chair Varone: Motion carries

Michael: Thank you

Chair Varone: Thank you. Now it's my understanding that Shirley Field will be tabled until next Tuesday the 24<sup>th</sup> because K. Paul wants to talk about it. So we'll just move forward to Item number 4.

Commissioner Murray: Do we need a motion.

Chair Varone: You want to make a motion? To table.

Commissioner Murray: So moved.

Chair Varone: Second. All those in favor

Commissioners: 'I'

Chair Varone: It's tabled until the 24<sup>th</sup>.

**Resolution of Intention to Increase the Lewis and Clark County Fire Service Area Rates.**

The Commissioners will consider the resolution.

Chair Varone: Resolution of intention to increase the Lewis and Clark County Fire Service Area Rates, you will keep me straight won't you?

Commissioner Murray: I try

Chair Varone: I'm glad

Commissioner Murray: It's a full time job

Chair Varone: I know, I know. Resolution of intention to increase the Lewis and Clark County Fire Service Area Rates. The Commissioners will consider the resolution. Marni.

Marni Bentley: I sent an email earlier this week regarding the proposal. I've attached a draft resolution outlining the fees that are established for the fire service area. This is a resolution of intention which just starts the process. We'll have the public hearing process and I'll send out notices to all property owners within the fire service area and let them know what their rates will be. I plan on having a public hearing on July 22<sup>nd</sup> and make the rates effective as of that date. Staff recommends approval of the Resolution of intent.

Chair Varone: Any discussion Commissioner Murray?

Commissioner Murray: Madam Chair, will you be here on the 22<sup>nd</sup>? This one I'd like, if possible, all three Commissioners present.

Chair Varone: I will be.

Commissioner Murray: Madam Chair I moved the resolution of intent to increase the Lewis and Clark Fire Service area rates pursuant to 7-33-2401 Montana Codes Annotated and authorize the chair to sign.

Chair Varone: Second. All those in favor, signify by saying 'I'

Commissioners: 'I'

Chair Varone: Motion carries

Ron Alles: Just a quick question, Madam Chair and Mike. Is it possible to remove those names that have been annexed into other areas or are they going to get notices too. Because we'll get all kinds of calls

Marni Bentley: It's my intent to not send notice to people who already have been removed from the citrix, they've already been notified that they're in a different district and will be paying those fees. Because I don't want to confuse them.

Ron Alles: Okay.

Commissioner Murray: Madam Chair, Ron or Marni, is this the last of the annexation by other fire departments?

Marni Bentley: I have one more annexation for Canyon Creek to deal with and then this resolution establishing the rates and changing the boundaries will be the last resolution that we have. We have done the fire districts and service areas for this year.

Commissioner Murray: Madam Chair, have we done Marysville?

Marni Bentley: That one is still in the petition process; they haven't circulated their petition yet.

Commissioner Murray: So they may not make it this year?

Marni Bentley: They may not make it this year, but we can still, we may be able to get it done if they get the petition done quickly enough.

Commissioner Murray: Madam Chair, I believe the petition process will pick up speed. I was notified yesterday that the ski hill that we're going to charge \$20.00 to stay with us. That's the intent today, they may be signing the petition and racing it through.

Marni Bentley: Well, it's going to cost them more to go into the Marysville Fire District than to pay the fire service area fee. So we may have to still negotiate with them.

Commissioner Murray: Well I thought Marysville was still \$150.00 and we're proposing they would fall in between \$200 and \$250.

Marni Bentley: Marysville is a district and it's based on valuation of property.

Chair Varone: Need further discussion?

**Request for Extension of Preliminary Plat Approval for the Wood Minor Subdivision.** (cont from 6/17/03)  
(Jerry Grebenc)

The Commissioners will consider an extension to November 30, 2003.

Jerry Grebenc: Madam Chair, Commissioner Murray. I believe you looked at this on Tuesday when I was absent, further examination; Mr. Wood has requested an extension twice in the same year. He requested an extension in January until November of 2003, which was granted by the board so this extension is unnecessary at this time. For some reason, Mr. Wood sent in a second request just a week or so ago and after going through the file I don't know why, but he has preliminary plat approval until November of this year and he's eligible for another year after that.

Chair Varone: Have you notified him?

Jerry Grebenc: I will do so.

Commissioner Murray: Madam Chair, I vaguely recall that he was late in asking for his extension last year and I think he was just cautiously

Jerry Grebenc: Commissioner Murray you're absolutely correct he was actually almost 6 months late the last

time and he was actually working on the subdivision and our opinion is that as long as someone's actually trying to follow through on it, exhibiting due diligence we generally don't recommend denials.

Commissioner Murray: Madam Chair, Sharon, do we need a motion to return his fee for this extension since we've determined it's unnecessary.

Sharon Haugen: I think you can do it by consensus since we determined that we probably shouldn't have collected it in the first place. It's a little bit different than if we refund fees for actions that were actually going to or we were going to take action on because we're not taking any action today.

Commissioner Murray: Do you gotta write a check?

Sharon Haugen: We'll issue a check, I personally

Commissioner Murray: Madam Chair I move that we take care of Mr. Woods \$30.00.

Chair Varone: Second. All those in favor

Commissioners: 'I'

Chair Varone: Do we have to just, do we have to just deny this or what action do we take?

Sharon Haugen: There is no action.

Chair Varone: No action. Thank you Jerry.

**Request for Extension of Preliminary Plat Approval for the Red Letter Minor Subdivision.** (Applicant, Rick Hill) (Jerry Grebenc)

The Commissioners will consider a one-year extension to June 13, 2004.

Jerry Grebenc: Madam Chair, Commissioner Murray: This subdivision is located off of Gold Rush adjacent to the city limits. The applicant has exhibited due diligence and staff does recommend another year preliminary plat approval.

Commissioner Murray: Madam Chair, Mr. Grebenc, it's my understanding that the applicant punched a road through to Lewis and Clark County instead of to Gold Rush or whatever road was proposed in his subdivision, is that correct?

Jerry Grebenc: Madam Chair, Commissioner Murray, the situation is is that Mr. Hill is dividing the property into two lots. One lot will be annexed into the city and the city has already approved that annexation but to formally annex the property the subdivision has to be completed including the county that's lot that will be annexed has been granted subdivision approval by the city commission for an additional 5 or 6 lots. The lot that will remain in the county has what we would classify county standard access off of Winscott Ln from there on it's a driveway and the county has no formal jurisdiction over it. My understanding is is that Mr. Hill was going to negotiate with the adjacent property owners to facilitate better access to the property but I don't believe we have any jurisdiction over it because it's not a public access easement beyond the point of where it touches his property.

Commissioner Murray: So we should mind our own business, politely.

Jerry Grebenc: I don't know really what else we can do. I mean if there are facts that I don't know about that I can bring up to the County Attorney, I would be more than happy to do so. I haven't heard anything contrary to what I've told you, so.

Commissioner Murray: Madam Chair, I would move a one-year extension of the Red Letter Subdivision to June

13<sup>th</sup> of '04.

Chair Varone: Second. All those in favor, signify by saying 'I'

Commissioners: 'I'

Chair Varone: Motion carries.

**Final Plat Approval and Signature for the Birdseye View Minor Subdivision.** (Applicant, Dave Gruber)  
(Jerry Grebenc)

The Commissioners will consider signing the final plat.

Jerry Grebenc: Madam Chair, Commissioner Murray, this is a 5-lot minor subdivision that's located right at the intersection of Austin Road and Birdseye Road. The applicant has completed the conditions of approval, has paid the taxes, the County Attorney has signed the plat so we do have the approval and staff recommend signature of the plat.

Chair Varone: Any questions of Jerry?

Commissioner Murray: Madam Chair, I have a little problem with this subdivision that there's a whole other construction.

Jerry Grebenc: Well staff has always through the County Attorney has always looked at that as each lot has a development right and as long as they only exercise one development rights generally if someone was to start building 3 or 4 homes contrary to their approval being finalized that's where we typically would have the problems because they wouldn't have their deed to approval of the plat filed and lot stones exist. Theoretically Mr. Gruber could throw his preliminary plat approval in the garbage and never complete this and still be able to build one home on the lot, so. I understand Commissioner Murray's concern, but enforcement wise it would be extremely difficult. Like I said, if Mr. Gruber didn't want to complete this subdivision he could very well do that and build a home and we wouldn't have much to say.

Commissioner Murray: Madam Chair, my observations of concern with the planning department don't seem to carry much weight.

Jerry Grebenc: Madam Chair, Commissioner Murray, that's the difficult part about, I mean whether you agree with building permits or not, without something like that, we really don't have much jurisdiction, things are not black and white as some of us would like them to be so, that's why we've had discussions with our legal counsel.

Sharon Haugen: Madam Chair, Commissioner Murray, I would concur with what Mr. Grebenc is saying, it's not so much that we disagree with the Commissioner, we're just relating our practical legal experience we've gotten from the County Attorneys office.

Commissioner Murray: I'm just going to quit looking as I drive about the County.

Chair Varone: By consensus, Commissioner?

Commissioner Murray: Sure

**Extension of Joint Venture Agreements to August 30, 2003.** (cont. from 6/17/03) (Will Selser)

- a. Big Butte Compost, Inc. (composting)
- b. Don Hilger. (tire baling)

Will Selser: We have two public private partnership contracts. Both of these entities operate under the umbrella of our State landfill license, or facility license. First of course is the Big Butte Compost Company. Both of these contracts were due to expire at the end of this month and quite frankly I let the date slip up on me. I don't anticipate any great changes in either one of these, but it is something that probably officially

should go before the scratch gravel board and then to you folks and obviously that can't happen in the time we have left. I talked to both of these parties and their more than willing to have their contract extended until the end of August, which would give us ample time. I do have a meeting next week with Big Butte to discuss any issues they may have with the (unknown) incorporated contract. I've also talked to Don Hilger and basically he doesn't care he's happy as long as we don't have any big changes and want to charge him a lot more money. Which I don't contemplate at this time. So the August 30<sup>th</sup> deadline would give us time, give me time to meet with them, come before the scratch gravel board and then bring any recommendations they might have to this board.

Chair Varone: Questions of Will?

Commissioner Murray: Madam Chair, would we just extend that verbally rather than having the chair sign the agreements before us, is that what your proposing?

Will Selser: No, there should be a signature page for each one of the extensions.

Commissioner Murray: Madam Chair I move we grant both of the extensions through August 31<sup>st</sup> and authorize the chair to sign.

Chair Varone: Second. Discussion. Will at that time then will you go out for, this is what folks pay to us for composting and tire baling, is there anyone else that would be interested in doing that, do you advertise for that, how do you go about what people are paying you to do something.

Will Selser: We certainly could do that, go back out. To my knowledge there's no-one in the region much less the state that has this tire baler, portable tire baler. We've looked at; his contemplation now is to extend the contract if those folks are still willing to do so.

Ron Alles: One point, those contracts do call for extensions. So we're not beyond our, we don't necessarily have to go out and bid it out. I know the one thing we wanted to do is coincide these contracts probably in particular the Big Butte contract with the City of Helena so that the conclusion of the contracts were on the same time schedule and there may be some efficiency in bidding that together or Art bidding that together.

Chair Varone: Yeah, I'm not concerned about the extension, I just wanted to know what the process was cause usually we're paying somebody and they're telling us, about what they say it's going to cost and reverses here so I just wondered what the process was. Just a quick process, do we need to do these individually or can we them jointly.

Commissioner Murray: We can do them jointly.

Chair Varone: So your motion covers both of them. All those in favor, signify by saying 'I'

Commissioners: 'I'

Chair Varone: Motion carries. Thank you Will.

Commissioner Murray: Madam Chair, one of the problems we have or one of the problems with compost is that they don't get enough sludge from the city sewer folks. That's a limiting factor and their growth isn't that well.

Will Selser: Yes, all along the amount, let me back up. They do what's called a bio-solids or cool composting there's two distinct kinds of composting. One where you mix sludge from wastewater treatment plants and one where you don't. They actually do both. The preferred method is with the sludge, it's a much better product they can create it much faster, in other words it turns into compost quicker when you've got that additional feed stock in, it's a very attractive product. Problem we've always had is that it costs a lot of money to turn the sludge into a material that they can use. Sludge that comes out of wastewater treatment plant is very liquid product. To be able to take it out and be able to use it, at the compost site they have to run it through

what's called a belt filter press and put chemicals in it, they're polymers, they're very expensive. It significantly increases the cost to the city to turn that sludge into a feedstock that a compost outfit can use. For obvious reasons, the city doesn't want to spend that money if they don't have to and they have an outlet that's sort of unique in the sense that they've got the contract with Eagle and their allowed to land apply pretty much everything they produce on his property, and that cost is much less than the cost of getting it ready to go to the compost operation. They're in fact producing more sludge for composting now than their operator at the treatment plant would like. He thinks we could do more land injection, which is cheaper, and he's doing his job, which is trying to keep the costs down at the treatment plant. So we've got this juggling act that goes on all the time. Add into that the fact that traditionally our industry wide these compost operations typically charge you to bring your feedstock in. I know it sounds like a crazy concept in the world business where you charge somebody to give you something that you turn around and make another product that you can sell but that's the reality and especially in the State of Montana. So compost operation charges \$20.00 a ton to accept this feedstock, amended sludge if you will on top of the cost that the city has to undergo to produce it. So that's a real deal stopper for the city. What I told Big Butte that I'm going to tell them again next week is if you want more sludge you've got to drop your price. Basically, you have to drop it down to zero. The city would be happy to give you sludge if you didn't charge them for it, well they'd be more willing to give you more sludge if you don't charge so much money for it. I think that the only way that they're going to get more sludge is if they do that. They're selling, they've got more demands than they can produce product for right now, so I'm going to have the same conversation we've had before with them that our goal all along was for them to be profitable enough so they could stop charging for the feedstock and it sounds like they're getting there.

Commissioner Murray: Madam Chair, the reason I wanted Will to go on a bit is a while back we had a grabble with Novak and land application of sludge or pre-sludge if you will,

Chair Varone: Very pretty.

Commissioner Murray: and what I wanted to get on record is that land injection can be the successful non-odorish process and that sludge in our area is very much in demand.

Will Selser: I would caution there's a world of difference between the stuff that they were spreading out at the dairy and the material that is land injected at the Diehl property. The trail at Diehl property has already gone through the screens and everything so it's already a partially treated product. Much cleaner, doesn't have, the stuff that goes down on top of the ground, not injected at the dairy (unknown)

Chair Varone: Raw sewage.

Will Selser: Well the stuff that they use I would call that raw sewage too its just it's been screened out and we get that. There is a difference when you're talking about land, spraying stuff on the ground on top of the ground and injecting it 6-8 inches into the ground, which is what the city does to Diehl. It's not to say that you can't do it. There were some other issues with that land application that made the paper, some operation which is used to make it worse.

Commissioner Murray: See, Mr. Selser doesn't just talk trash he talks the 's' word too. Will, while you're here and hopefully your landfills going to endorse K-Mart having a sale on composters I think this weekend or next weekend

Will Selser: Yes, next weekend. Wait, this weekend, this Saturday.

Commissioner Murray: You might tell us about that. I would hope you're going about the county trying to compost.

Will Selser: Like most things like that, we rely on the city's recycling coordinator because that person is funded to

Commissioner Murray: But that funded person apparently is on vacation, cause she's not speaking

Will Selser: Well, she's back now. She was on a bit of a medical leave if you will. I just talked to her the other day about what advertising and I noticed in the paper today there was a big fancy insert in the paper today advertising that event. It's on the radio and I asked her if she couldn't try to hand some fliers out. That's the extent of the advertising I'm aware of.

Commissioner Murray: and you're recommending we all get one.

Will Selser: I'm going to buy one. So that's as much recommendation as I'm, I think they're a great idea. Billings did this two years in a row a number of years ago and sold 4 or 5 thousand of these units and when I asked people in Billings a couple of weeks ago whether they had seen a decrease in their waste stream and they said they couldn't tell (unknown - a lot of background noise). I don't know (unknown) as far as diverting garbage from the transfer station. Billings doesn't have a transfer station so they have a much harder time tracking that kind of thing. All I can tell you is they're a very good idea.

Commissioner Murray: I'm not going to ask you where you're going to get your feedstock.

Chair Varone: and the second Commissioner appreciates that.

**USFS \$5,000 Grant Award.**

The Commissioners will consider signing the grant award for the Helena Open Space Management Plan.

Ron Alles: Madam Chair, Randy Lilje was going to be here today but he's home ill. I think I can speak to this. This is similar to the grant that was awarded last year. The county actually acts as a conduit on behalf of the city. \$5,000 grant, the match comes from the city, it's \$1,000, and staff recommends approval.

Chair Varone: Questions?

Commissioner Murray: What's it going to be used for?

Ron Alles: There's some equipment in there but it's all supplies for the Helena Open Space Management Plan and I don't know if, I don't know what they're buying quite frankly. They've got some equipment and supplies listed, just not specifically.

Commissioner Murray: Madam Chair, I move that we approve the Forest Service Grant and authorize the chair to sign.

Chair Varone: Second. All those in favor

Commissioners: 'I'

Chair Varone: Motion carries.

**Joint Resolution for the Creation of SID #418 (McHugh Drive).** (John Rundquist)

The Commissioners will consider the resolution.

Ron Alles: That's tabled until we have our meeting, it's supposed to be off the agenda. We're going to try and meet Monday with the Commission.

Commissioner Murray: Madam Chair, I move we table this to Tuesday at the public meeting.

Chair Varone: Second. All those in favor, signify by saying 'I'

Commissioners: 'I'

Chair Varone: Motion carries.

**Public Comments on Matters within the Commission's Jurisdiction.**

Chair Varone: Since we have no attendance from the public today,

**Adjourn.**