

NOTICE OF SUBDIVISION MEETING

July 31, 2003

Commissioner Murray: (tape begins)... Commissioner Varone is at a MACO meeting.

Pledge of Allegiance.

FEMA Statement of Work Form for FFY 2003. (Paul Spengler)

The Commissioners will consider the work statement.

Commissioner Murray: Spengler doesn't come to work until noon.

Cheryl Green: He's out of town until Friday

Commissioner Murray: He comes to work at noon anyway. He's out of town until last night. You may be right Cheryl.

Cheryl Green: That's what his voice mail says

Commissioner Murray: (unknown) called us all up at a quarter to two this morning reporting a fire

Commissioner Tinsley: Except my phone was turned off

Commissioner Murray: I guess on the Statement of Work for 2003. All three of us have signed.

Commissioner Tinsley: Do you need a motion?

Commissioner Murray: Well since all three have signed we'll just put it in the record that we signed it.

State of Montana Tax Bills under \$5.00. (cont. from 6/19/03)

The Commissioners will consider the tax bills.

Ron Alles: If you recall commissioners, we met with some people from DNRC relating to county tax bills that have gone to, that were charged to State of Montana properties. We've done a little bit of research and spoke both to Missoula and Gallatin County are consistent with DNRC's request to remove those charges from the bills. It's related to ad valorem type taxes being forestvale soil conservation there might be a few other ones in there to, there's two stacks of tax bills about this high that are delinquent it's result, they began getting those tax bills when Department of Revenue put valuations on tax exempt property and it's our belief that those are on there in error and should be removed. The State of Montana property shouldn't go into the delinquent tax list as a result of it so. This should take care of about 99% of those tax bills. Fees are different, a fee would be something like a fire service area fee and that's a little different although fire service area fees, there's a provision in statute that requires the State of Montana to contract for those services. If you recall, about 8 or 9 years ago the City of Helena tried working on a fee for the state capitol when it was rejected when it went to the Supreme Court so I think fire service areas, our fire service areas would be the same type situation so what we're asking is that or informing the commission is that it's our belief and I think you agree Cheryl that those are on there in error and we need to remove those and if there's some anomalies we'll bring those forward to the Commission at a later date. That reminded us this morning we were talking that there's County and City property that are being charged those same assessments that should be removed.

Commissioner Tinsley: Ron we're the only, my understanding, we're the only county in the state that's currently

Ron Alles: According to DNRC, we didn't call all the counties. Apparently, Cascade County charges for Fish Wildlife and Parks.

Cheryl Green: We do also

Ron Alles: and Fish Wildlife and Parks is paid, but I question whether they're paying in error as well. Probably needs to be removed from those properties to.

Commissioner Murray: Have you sought legal counsel on this?

Ron Alles: Cheryl, you've talked to Paul a little bit on this, haven't you?

Cheryl Green: I've talked to Paul and he said that it was illegal. That was his opinion anyway. Everyone is exempt from general taxes; they're not exempt from special taxes.

Ron Alles: The step, guess it's definition of what your specials are, I, legal counsel is saying that ad valorem type taxes are specials, I'd have to disagree with them, we'd have to look at it individually but general taxes is broader than just the general county levy and the general school district levy that are levies on behalf of fire district. If you could call that a special and I disagree with it and that's essentially general property tax.

Cheryl Green: See, I think maybe what we need Paul to look into it further, just us in talking, you know, we really need to look more into the statutes. Missoula County has a letter from their County Attorney that states that they do not charge the State of Montana. Gallatin County has just never charged.

Commissioner Murray: Is there a reason to act on this this morning?

Ron Alles: I suppose we could postpone it, I'd like to, I think the issue now is we have individuals trying to take what do you call that an assignment on some of the States property and hold up that process otherwise it's just going to complicate it further down the road because we'll have to refund them their money for paying taxes that shouldn't have been charged in the first place, pay interest on it and all that stuff but, I'm comfortable that certainly forestvale soil & conservation and some of those other ones should be removed from both State, County and City property. We wouldn't be inconsistent with at least 99% of the other counties in the state.

Commissioner Murray: (unknown) Brian Fields we're paying the city special

Ron Alles: that's a special.

Commissioner Murray: for streets

Ron Alles: that's different

Commissioner Murray: we're not going to remove any specials

Ron Alles: well it's the definition of special, you have street assessments, RID's, I can't think of anything outside those, Nancy?

Nancy Everson: No, I agree with you that the Mill Levy Taxes are just because they're on a district smaller than a county general taxes they're still is a tax.

Commissioner Murray: What I suggest, Commissioner Tinsley, is that we table this for two weeks to give you time to get the Missoula County Attorney's letter and meet with our County Attorney and then write a resolution that incorporates all this. The second motion I'm going to ask Commissioner Tinsley to consider is a resolution about putting any government land up for assignment until we resolve the issue.

Ron Alles: That work Cheryl?

Commissioner Tinsley: I like that idea because I'm sitting here trying to figure out a way to word this motion and I don't know how I can do it without and not miss something. So, I would like to make a motion we table the issue for two weeks and have you and Cheryl come back in conjunction with a resolution with the proper language. Do you want two separate motions or incorporated notes, and also put a moratorium on any assignments on any state any public land I guess until we resolve this issue and authorize the chair to sign.

Commissioner Murray: Second. Public as used as any government land.

Commissioner Tinsley: Yeah, that's what I meant.

Ron Alles: That invites a question to, sorry to interrupt but perhaps all tax exempt property. It doesn't matter if you're a governmental entity or church. The same concept applies.

Commissioner Tinsley: It's true it would. So I, I would change my motion to say I can change my motion to say any tax-exempt land.

Commissioner Murray: Second. All in favor of the motion, signify by saying 'I'

Commissioners: 'I'

Commissioner Murray: Motion carries

Commissioner Murray: We're just as tired as you are Cheryl cause you called us all in the middle of the night.

Cheryl: I know and I was happy to do that. Wanted to do my part.

Commissioner Tinsley: Actually, I'm fine. My phone was turned off.

Cheryl: Kids these days.

Resolutions Ordering Refunds of Taxes/Fees/Assessments Paid.

- a. Lorane Hagan. \$172.
- b. Marc Korting. \$172.
- c. Don and Sandra Beavers. \$172
- d. Jeanine Stark. \$357.75

Cheryl: Commissioner Murray, Commissioner Tinsley. Can I just take a, b and c together? They're all related to the same.

Commissioner Murray: Is that alright with you?

Commissioner Tinsley: Yeah, that's fine.

Cheryl: These came from Will Selser. These people have separate mobile homes on the land and also on the land, like they have a garage and the landfill on the garage and also on the mobile homes, they should only be paying it on the mobile homes. So we've gone back two years on all three of them at \$86.00 a year and their taxes are paid and to give Lorane Hagan, Mark Korting and Don and Sarah Beavers \$172.00 back each.

Commissioner Tinsley: Mr. Chairman I'd like to move that we approve the resolution order to refund taxes, fees, assessments paid for Lorane Hagan, Mark Korting, and Don and Sandra Beavers, all three in the amount of \$172.00 each and authorize the chair to sign.

Commissioner Murray: Second. All in favor of the motion, signify by saying 'I'

Commissioners: 'I'

Commissioner Murray: Motion carries. Jeanine Stark.

Cheryl: What happened here is Jeanine Stark bought the property March 29th of 2002 and the property was like United States Government HUD Secretary of Housing so they were exempt from taxes they, the assessors office usually when they get the deed in they will prorate the taxes, take it out of exemption and prorate it until the end of the year to the new owner. On this one here, they charged Jeanine for the whole year of taxes instead of prorating them from April through the end of December. So it should have been set for only 75% of the taxes and the assessors' office came up with a refund of \$357.75 for tax year 2002 and asks the Board to sign.

Commissioner Tinsley: Mr. Chairman, I make a motion we approve the resolution of refund taxes, fees, assessment paid for Jeanine Stark in the amount of \$357.75 and authorize the chair to sign.

Commissioner Murray: Second. All in favor of the motion signify by saying 'I'.

Commissioners: 'I'

Commissioner Murray: Motion carries

Sheriff's Department Interoperable Communications Equipment Grant Application. (Dave Clouse)

The Commissioners will consider signing the grant application, Memorandum of Agreement, letter designating Sheriff's office as lead agency, and Disclosure of Lobbying Activities.

Dave Clouse: A little bit of background so you understand how we got here. The state has failed in two attempts to build a statewide radio system. The governor appointed what they call a statewide interoperable executive council, that's IEC, you've heard of that term out there. Commissioner Tinsley just recently on that concept as is City Manager and Sheriff has been involved with the Sheriff's association with that council and they're charged with trying to build a statewide system, it's a third attempt. Out of that process they've adopted some standards, those standards are the same as what the federal government is using and then they have a two concept projects in order to try and get this statewide system going. You'll hear a lot about an order tier project, which is building microwave across the highline. There's a lot of Department of Defense as well as Border Patrol influence behind that and that will probably get funded. There's the southwest interrupt building project which is called SWIP and it was a few months ago that we were here and with the corporation and we sent into delegation as part of the SWIP project that the state staff had put together a corporation with (unknown) for about \$21 million to fund the southwest project and we had a \$3 million companion request for (unknown). Those two went along fine in congress but they recently been split just in the last week. Northern care project is getting a nod because of its Department of Defense backing and the southwest project has lost its earmark so that's kind of floating there. In the meantime, homeland security, there's been quite a bit of money coming down through FEMA which is now and through the COPS program and there's some, a grant came from FEMA. This grant requires that the governors select one agency a local government unity to apply in a competitive grant process and these grants have to be postmarked by Friday, back in their hands and they will probably award 14 grants from what I'm hearing a number of. There's two things here in front of us, this grant and this MOA you're looking at. This competitive process and grants, I received that grant on July 17th

and burned the midnight oil to get it into the mail by tomorrow. Along with that this MOA that you have is our side, local government side, of the southwest project and that document, a copy of it will go into our grant application showing the commitment as a consortia of agencies, there's 29 of local government let alone working towards a shared system which is what our grant is and we're applying for \$6 million dollars to build a concept project, really a demonstration project and that's what this grants all about. Build something that demonstrates technology and a building a radio system that can be used across multi-jurisdictions, multi-agencies and we're a good fit, we've got a lot of the background work from the last couple years of our work and we were just up within about a month of releasing (unknown) ourselves. Our money gives us enough to go

out and do some upgrades and replace some old hand-helds and you'll be looking at yourself in about 5 years and say why didn't we do that why didn't we do something else and reason that will happen is because the cost of this more expensive equipment is starting to come down and over the course of the next few years it will. We have saved a lot of money, put it in the bank, we have the ability to borrow so we do have some cash and we're moving ahead on planning for this project. This grant gives us an opportunity to do something a little bit different, it's worth waiting until the end of September when the award, after the award grants by September 30th and if we obtain this money than of course we'll be able to have a much bigger broader kind of solution for what we need for communications here and it really would be a good solution and the grant budget you see here covers the equipment, the training, the installation and a lot of work that has to occur for a short time line to implement it the grant is a 12 month grant, so there's a 45 day start up period and a 10 month implementation period for quite a substantial project and this will just cover the greater Helena area valley and will connect the (unknown) by microwave so we'll be demonstrating how legacy conventional VHF can be connected into a more modern technology of a trunk radio system and maintain interoperability across. Now the State side of it MOA we have, they're working on obtaining signatures from our administration, Department of Justice, Department of Transportation, DNRC and the wild fire part of that. We'll be talking with Helena National Forest and the National Guard is also on the States side of signing this Memorandum of Agreement if in very simple terms the Memorandum of Agreement is that we all agree to play nicely together on building a radio system so it doesn't commit us to anything but it shows support for the system.

Commissioner Murray: Is there a motion?

Commissioner Tinsley: There is. Chairman, I'd like to make a motion that we approve the Sheriffs Department Interoperable Communications Equipment Grant application and Memorandum of Agreement and authorize the chair to sign.

Commissioner Murray: Second. Discussion? All in favor of the motion signify by saying 'I'

Commissioners: 'I'

Commissioner Murray: Motion carries

Contracts. (Janet Pallister)

- a. Department of Commerce Contract # MT-TSEP-CG-04-220. Treasure State Endowment Program Grant to replace three bridges, \$170,575.
- b. Morrison-Maierle Contract Amendment #2. RID engineering services, \$20,800.
- c. Helena Sand & Gravel. Road improvements at Forestvale Cemetery, \$35,965.00.

(Male): Commissioners, I believe in front of you, there's a contract between the County and Department of Commerce for a TSEP Grant that will be used to build 3 bridges in FY04. The total amount of the grant is \$170,575.00, which is 50% of estimated project costs. The other 50% of the project will be funded by the County. The three bridges are Lake Helena Dr, John G. Mine Rd and one on the west side of Stemple Pass. After the TSEP contract is signed by both parties and the project start up requirements are met, DOC will issue a notice to proceed. Public Works has selected Entranco engineering to do the design, bidding and construction engineering for the bridges. The contract with Entranco will be coming to the board for approval in the future. I recommend that the Board of County Commissioners approve the TSEP grant contract and authorize the chair to sign the contract and any other project start-up documents related to this grant.

Commissioner Murray: Questions? Is there a motion?

Commissioner Tinsley: Mr. Chairman, I make a motion we approve and authorize the chair to sign the Department of Commerce contract for the Treasure State Endowment Program Contract #MT-TSEP-CG-04-220.

Commissioner Murray: Second. All those in favor of the motion signify by saying 'I'

Commissioners: 'I'

Commissioner Murray: Motion carries. Next is a Morrison-Maierle Contract Amendment #2.

(Male): Commissioners, before you is an amendment to a contract with Morrison-Maierle for the RID work that is currently underway. The total cost of contract amendment is \$20,800.00 and will be paid from various RID funds, which I believe are listed as part of the contract. We recommend the Board of County Commissioners approve the contract amendment with Morrison-Maierle and authorize the Chair to sign.

Commissioner Tinsley: Do we really do, do we really do windshield surveys?

(Male): We do windshield, we go out and drive through them all and we try to put together our 10 year plan of when the projects will be coming up, we look at rates and then make sure we have enough money basically in the fund, basically a 10-year capital improvement plan for each of these RID's out there.

Commissioner Tinsley: Do you ride along with them when they are doing these initial surveys

(Male): No. Carol will, Carol works with RID's and then after they come up with their recommendation, Carol will also then go out with Dale or me to kind of justify, to make sure things are correct and that we agree with their recommendations.

Commissioner Tinsley: Mr. Chairman I make a motion we approve the Morrison-Maierle Contract Amendment #2 RID's engineering services in the amount of \$20,800.00 and authorize the chair to sign.

Commissioner Murray: Second. All those in favor of the motion signify by saying 'I'

Commissioners: 'I'

Commissioner Murray: Motion carries

(Male): Commissioners what you have before you is a contract between Lewis & Clark County and Helena Sand & Gravel. We have in the past helped out Debra Crider with a in forestvale they have entered projects before and never really had a contract, basically they just sign a proposal, so we know assist them in these types of things as things come about. This contract is for \$35,965.00. She did, it's under the \$50,000.00 limit she did receive two prices this was the lowest of the price. I would recommend the Board of approve the contract and authorize the Chair to sign this and we'll get a notice of receipt to Helena Sand and get this to Debbie and they can get their projects going.

Commissioner Murray: Questions. Motion?

Commissioner Tinsley: Mr. Chairman I make a motion we approve the Helena Sand & Gravel Contract Road Improvements at Forestvale Cemetery in the amount of \$35,965.00 and authorize the chair to sign.

Commissioner Murray: Second. All those in favor of the motion, signify by saying 'I'

Commissioners: 'I'

Commissioner Murray: Motion carries

Montana Board of Crime Control SubGrant Application. (Dick Meeker/Nancy Everson)

The Commissioners will consider the grant application for the NET/Probation Program.

Dick Meeker: Contrary to what you may have heard, this is not a raise for our department. I think Nancy should really, I'm here to assist and answer any questions that the Commission might have.

Nancy Everson: Commissioners, this is what we call the NET grant. It's through the Board of Crime Control and in the past has funded to Supreme Court employees now to contract with the Supreme Court to provide the services for the basically detention kids in the schools. The grant money has been cut down significantly; they've cut the grant program down to just one, not a probation officer, but basically a probation officer that works with these kids in this program from October until May and then also funding a half time probation officer in Broadwater County. Broadwater County is putting up \$6,500.00 to match on this grant. This is probably the last year of this grant. (unknown) doesn't expect to see any more money from this grant in future years so these people will work through May and then be done on this grant.

Commissioner Murray: Questions?

Commissioner Tinsley: Mr. Chairman I make a motion we approve the Montana Board of Crime Control SubGrant Application and authorize the chair to sing.

Commissioner Murray: Second. All those in favor signify by saying 'I'

Commissioners: 'I'

Commissioner Murray: Motion carries.

Airport Board Appointment. (Ron Alles)

- a. Joint Appointment of Peter Blouke to a second term to expire September 1, 2006.
- b. Fill Terry Phillips' unexpired term to September 1, 2004.

Carole Byrnes: I can tell you what I have and then I'll let you fill in. I've got a couple of letters here from, one is from Ron Mercer stating that Peter Blouke's first term will expire in September and that he is recommending that he be appointed to a second term on the Board and then we have another letter from Jim Cottrill mentioning that Terry Phillips' he has a new job out of State so his term will be vacated and Mr. Cottrill is interested in finishing out Mr. Phillips' term through September 2004. Mr. Cottrill is already on the City Airport Board as a City appointment, the term will be up I think the end of July.

Commissioner Tinsley: Which is today.

Commissioner Murray: A little formality question. We don't have a letter from (unknown)

Carole Byrnes: Right

Commissioner Murray: We have a letter from Mercer indicating that Peter would like to be appointed

Carole Byrnes: Nor do we have a letter of resignation from Mr. Phillips.

Commissioner Murray: That was my second question.

Commissioner Tinsley: Mr. Chairman I'd like to make a motion we recommend reappointment of Peter Blouke to the Airport Commissioner pending receipt his application or letter of intent and authorize the chair to sign.

Commissioner Murray: Second. All in favor of the motion signify by saying 'I'

Commissioners: 'I'

Commissioner Murray: Motion carries

Commissioner Tinsley: Mr. Chairman I make a motion we approve Jim Cottrill to fill up the remainder of the

seat being vacated by Terry Phillips, the term being vacated by Terry Phillips pending letter of resignation from Mr. Phillips and authorize chair to sign.

Commissioner Murray: Second. It's my understanding that term expires in one year

Carole Byrnes: 2004

Commissioner Murray: All in favor of the motion signify by saying 'I'

Commissioners: 'I'

Commissioner Murray: Motion carries

MSU Extension Service Budget Agreement. (Nancy Everson)

The Commissioners will consider the agreement for funding the Lewis and Clark County Extension office.

Nancy Everson: This is an annual agreement between MSU and Lewis & Clark County where the extension agents they request that we fill this out showing what percentage of the clerk & recorders salary we're funding, the extension agents added and also provide what the total budget is for the extension office in Lewis & Clark County. The Commission agreed earlier this year to pay 65% of the clerk & recorders salary for the extension agents, so Mr. Hoffman's salary is in here at \$32,760.00, which is the 65%. Then we have an unfilled position which they're currently advertising for an that's a little less at \$27,165.00 in theory it would be the same amount as Larry's but because the position is unfilled we got to defer a little bit less so we know it will be a little later in the year before it's filled. There is one administrative support person down there plus benefits and then the operations total for a total of \$129,278.00 and this reflects the total we've moved 30% of Larry's salary into the weed department, but this reflects his total salary. We looked at the extension budget and it's a little bit higher on this paper than in the budget. This is probably more detailed.

Commissioner Murray: The only thing we're committing to is 65% is that right.

Nancy Everson: 65% yes. Well and then the unbilled position will be the 65%.

Commissioner Murray: Is there a motion?

Commissioner Tinsley: Mr. Chairman I make a motion we approve the MSU Extension Agreement money for County Extension Office and authorize the chair to sign.

Commissioner Murray: Second. All in favor of the motion signify by saying 'I'

Commissioners: 'I'

Commissioner Murray: Motion carries.

Public Comments on Matters Within the Commission's Jurisdiction.

Commissioner Tinsley: I have a question too. This guy dropped this off a couple weeks ago and we already acted on this East Valley Fire District

Commissioner Murray: It came back

Sharon Haugen: We waived the fees that the county does, like the address, however they need a septic permit and that's a State fee and so

Commissioner Tinsley: he going to making out an application

Sharon Haugen: he made an application yesterday, but they could not get their subdivision approved waived from DEQ and the Board of Health does not waive septic fees.

Commissioner Tinsley: So should I just leave this in my packet

Sharon Haugen: Well we processed it yesterday, you may keep it so when somebody from East Valley complains to you that they had to pay DEQ it may help you to remember that that was, we couldn't do that

Ron Alles: and he waived his

Sharon Haugen: We waived his (unknown) permit and his

Commissioner Murray: waived his (unknown) permit

Sharon Haugen: Well, I thought the commission had acted on that, but if they can't they can do that at this time

Commissioner Tinsley: notice on this

Ron Alles: Probably should be on the agenda. I wouldn't recommend we waive anything. I mean we pay permit fees to the City of Helena

Sharon Haugen: We have for other fire districts. When Canyon Creek did there's we waived

Commissioner Murray: I was going to mention that

Ron Alles: Well it takes just as much work from the staff

Sharon Haugen: Yeah, and I'll agree, but to be consistent among fire districts, that was the policy we took with the other fire district and West Valley too. So we'll put it on the agenda.

Commissioner Murray: Do we have other business stuff for us?

Sharon Haugen: Well, it's my understanding that the Commission wanted to apply for that Western Community Stewardship Forum, so it was Ron and I's recommendation that we have on the record that the Commission at least make a motion to apply for that, that's that training down in Red Lodge so it's on the record.

Commissioner Tinsley: So Moved.

Commissioner Murray: Second. All in favor of the motion signify by saying 'I'

Commissioners: 'I'

Commissioner Murray: Motion carries.

Ron Alles: Sharon, so we can apply for that and we can decide, the commission can decide who

Sharon Haugen: Well we listed people and we can change them out but we have to be in, fed ex down today. So we just, I just

Commissioner Murray: When is it Sharon?

Sharon Haugen: It's October 26th through the 29th

Commissioner Murray: Is there other business to come before us?

Sharon Haugen: No

Commissioner Murray: We're adjourned.

Adjourn.