

## NOTICE OF PUBLIC MEETING

October 21, 2003

Chair Varone: This is the regularly scheduled Public Meeting, today is Tuesday October 21<sup>st</sup> it's about 9:00 in the morning. Commissioner Murray is out of state on County business and he'll be back I believe on the 27<sup>th</sup>, one day next week he'll be back. To my left is Carole Byrnes our executive secretary and to her left is Tammy Smith, she is our new staff person she is working for Ron Alles. To my Right is Commissioner Tinsley, to his right is Ron Alles our Chief Administrative Officer. Would you please join the commission in the pledge.

Others attending all or part of the meeting: Cheryl Liedle, Jaci Grenfell, Marsha Davis, Pat McKelvey, Dave Clouse, Frank Rives, and Leo Gallagher.

### Pledge of Allegiance. (Everyone recited the pledge)

Chair Varone: The first item on the agenda today for no action is Paulette DeHart, Treasurer of Clerk and Recorder is required statutorily to provide us information, this is regarding Sewell subdivision, would you please come forward Paulette.

Paulette DeHart: Good Morning Commissioners, and Thank you for squeezing us in here. January 6<sup>th</sup>, 2004 has been established for Election Day for the Sewell Water and Sewer District election for the creation of the district and the election of directors. Montana law requires that I submit a time table for the mail ballot election to both the Secretary of States and Board of County Commissioners and that's what I'm doing this morning. Any questions?

Chair Varone: Thank you. Any questions, any comments Commissioner? Thank you very much

Paulette DeHart: Thank you.

### Superintendent of Schools Report. (Marsha Davis)

The Commissioners will consider the report regarding territory transfers.

Marsha Davis: Good Morning Commissioners. To my right here is a current map of the eight school districts in Lewis and Clark County and what you have a report today about a territory transfer between district, what's currently districts 13 Wolf Creek district and the Trinity School District, district #4. One of the, one of my roles and one of your roles in responsibilities is to maintain accurate record of the current school districts and the legal descriptions of those school districts, so the last time any review of school districts happened was back in the 80's and according to what I can research from the records, these district boundaries took place in 1960's, things haven't changed since than. But what happened in about March when I had the school district maps updated is the folks in the Flesher Acres area and you have a smaller map I think in your packet that shows this chunk of ground that's part of the Flesher Acres Subdivision, there's nineteen registered voters in that particular territory, 71 taxable parcels of ground. Those folks for some reason did not realize that they were in the Wolf Creek School District and so they became quite alarmed about that and during this last legislative session the legislature changed the process quite a bit with regard to how you transfer territories from one school district to another. Anyway, that process was provided for those taxpayers and registered voters in that territory. They proceeded with applying for a petition to transfer their territory into the Trinity School District and all of that has been completed. With this new Senate Bill, unlike in the past whenever a territory transfer would be requested it would require a hearing process, this new legislation if both the receiving district and the transferring district are agreeable to that transfer, then I can order that transfer effective without a hearing. That is what I did on September 11<sup>th</sup> I made the order to transfer that territory and it became effective 30 days after that or October 11<sup>th</sup> was the effective date. Today it's required by law that you approve of my report about this territory transfer and then next steps are get the legal descriptions changed, provide those to the school districts, need to do more maps, we need to alert the treasurer's office and revenue department and all of those fun things about changing tax bills. So. Any questions?

Chair Varone: Thank you. Marsha, I just have one, I think I know the answer to it, but I'd like it for the record. Since this area was erroneously put into the Trinity School District, or in to Wolf Creeks School District rather than Trinity, will any of the past funds from the years before be transferred from the Wolf Creek School District into the Trinity School District or would this just be the beginning from November 1<sup>st</sup> on?

Marsha Davis: Actually, I don't think, I think it's from here on, nothing prior to this because actually at the time when it became part of the Wolf Creek School District there probably weren't, there were no home owners in that particular area so I think it's just been within the last several years where that Flesher Acres has built up we have some permanent residents in that particular area that are now concerned that their taxes are not going to support the Canyon Creek School, but rather have been supporting the Wolf Creek School.

Chair Varone: Thank you. Any questions of Marsha? Commissioner Tinsley?

Commissioner Tinsley: I didn't until you asked that question and prodded me to ask this question. How many students are in this area that we are talking about and where have they been receiving the service?

Marsha Davis: Currently there are only four school age children in that particular territory, two of them attend the Trinity School and are elementary students, they're all in one family, and two are attending the Helena School District because they're middle school or high school students. There are some little ones coming up in that area however that will hopefully be attending the Trinity School. Last year they only had four kids at the school, this year they have nine, so things are looking better.

Chair Varone: Commissioner what is your pleasure?

Commissioner Tinsley: I'm trying to find the right language here, hold on just a second. Madam Chair, I make a motion we approve the district boundary report offered by Superintendent Marsha Davis regarding the territory transfer from Wolf Creek School District to Trinity School District and authorize the chair to sign.

Chair Varone: Second. Discussion. Pat did you have something? Do you need to come forward? For the record.

Pat McKelvey: I'm Pat McKelvey. As I was sitting here listening to this, I wondered if the fire district boundaries also follow the school district boundaries? In some places they do and if that would have any impact on your revenue for the fire district?

Chair Varone: Ron?

Ron Alles: Madam Chair, Commissioners, the Flesher Acres area has been annexed into the Canyon Creek area and all those boundaries don't necessary coincide.

Chair Varone: Thank you. Any other discussion? All those in favor?

Commissioner Tinsley/Chair Varone: 'I'

Chair Varone: Motion carries. Thank you Mrs. Davis.

**Final Plat Approval for the Crofts Minor Subdivision.** (Applicants, David and Alice Crofts) (Frank Rives)  
The Commissioners will consider the final plat.

Frank Rives: Good Morning.

Chair Varone: Good Morning.

Frank Rives: I've been working with the applicants David Crofts and Alice Crofts, they have met all the conditions of approval and ready to go forward with final platting their subdivision. They've been most patient.

Chair Varone: Thank you. Any questions of Frank? By consensus. Thank you Frank.

**U.S. Department of the Interior/BLM Modification Agreements.** (Pat McKelvey)

- Task Order #1. For additional fuels reduction work, \$55,000
- Modification #1 for increased funding from \$100,000 to \$200,000 for the Tri-Counties Fire Mitigation Working Group

Pat McKelvey: Good Morning Commissioners, my name is Pat McKelvey. Before you what you have is an amendment to an earlier community assistance agreement, these are not grants from the BLM to do the hazardous fuel reduction work that we've been doing under the tri-county fire working group. These were both surprises to me; the amendments came in the mail. The \$55,000 the reason they're separate is that there are some conditions with that and I have to do projects that are contiguous with BLM projects in the Clancy Unionville area where they're doing some thinning work and that's the reason they're separated. The other \$100,000 is an increase from the original \$100,000 and again, this comes from the Butte office so I do have to track these two \$100,000 community assistant grants separately because I have to bill and draw our revenues for these projects through the Butte office. The original \$100,000 comes from the North portion of the County through the Lewistown office so it's a matter of administration that I keep them separate and keep things flowing, same with the project identifications as far as legal descriptions and stuff.

Chair Varone: Pat, what is the process for a landowner to come to you and ask for that and is there any match from the landowner?

Pat McKelvey: Yes. We're doing this under the same program 75-25 match landowners call or hear my advertising on the radio, however they get ahold of me, they receive a one page application very simple, tell me where you are and where you're at. Then we go out and do a risk rating. The first thing we do is assess the risk to the home and we go out 150-feet and assess that risk. Doesn't mean that we're clear cutting or anything around 150-foot circle around the property but we do think if we can keep a high intensity fire back 150-feet that than we have this defensible space so the process is very simple. Now we've through this risk assessment we also eliminate if we don't have a project there and that's come up in about 7% I think the figures are right now of our cases where we simply don't have a project. The rest of them we'll go 75-25 up to \$1,000 of the grant money so if you have a \$1,333 project you get the full thousand dollars. Now we also have some larger projects going in some of these and I can talk about that where we've already got some plans for this money. We'll be larger projects on a subdivision wide basis. I'm meeting with the folks in Douglas Circle for example on the 12<sup>th</sup> of November and we'll offer them the same kind of a project that we did in Woodland Hills. There we did 74 acres, more roadside type projects than individual properties. We get more, I think, public good out of that and we're looking at egress and ingress for fire fighters and for those people should they have to be evacuated and law enforcement, anybody that's going to be utilizing those roads. If we push that back two chains, 66 feet being a chain, and we normally will go two chains on either side of that road, again we assess the risk, sometimes we go farther if there's a shoot, a gully that's full of this little region and we're also looking at, I met with the Baucus's, Nina and John, two weeks ago and we're going to be doing some work on their side of the interstate based on some history this summer with some fires coming from the interstate. They can go to the East just as well as the West. So we're going to work on a fuel break there 300-foot wide just North of some state land and than if I can describe it to you, it's about where the interstate makes the bend up the North Hill to the West, there's some pretty heavy fuels in there and then we're also going to move East of that into the area above the snow drift road, there's quite a few homes starting to come into that real heavy region, we're going to go 300-foot wide fuel break on the Baucus side of the ground and take it towards the BLM ownership to the East and we're hopeful that will spur some other private landowners to see what this work looks like and get it done on their property.

Chair Varone: What happens to the trees that are removed and the undergrowth that's removed?

Pat McKelvey: Depends on the size. We're taking normally timber that is sub 6-inch material, we're not taking merchantable sized trees and we're taking all the latter fuels, the regeneration of the ponderosa pine that's just so thick you can't walk through it. That gets chipped and the chips will be blown back on the ground we don't put them back at any depth, I won't let them put them back over three inches for example because then

we're creating maybe another hazard could be weeds because the chips tend to be acidic with the green waste that's in there, the needle waste and the science tells us that if we go more than that than we can kill the native vegetation and the encroachment than would be weeds so we watch that. In some cases, we're actually hauling the chips off, some of the projects the City for example has utilized chips on their trail system and then we've been taking them up into Davis Gulch and a location on the City Ground. Others, on those projects out there we're actually looking at the pulp market right now. Some of the material, working with the logger that the Baucus's have out there on a year round basis, I think we can generate some pulp sales out of that. Murfitt-Stone has been over and looked at it and they like that idea, if it cuts our cost to the project, by the way that income would be returned back to the project so in the form of the match it's a pretty good deal

Chair Varone: That was my question, if there is any sale of anything does it come back in for you to reuse?

Pat McKelvey: Yeah, and I have to be, that has to be with an agreement with landowner of course because it's their product and in this case they have agreed to do that. So it works out pretty well. We're going to have a demonstration of a new piece of equipment out there. John Deere has created a baler for this slash. I've never seen it work and I'm not convinced that it's something we that we can afford to do, it has one single purpose and that is to bale the waste and than it produces, not like a big round bale like you think of as a hay bale, more like a log and logistically I guess it's something and it's easy to haul if you have a place to take it and I understand they're kind of working on a place to take it which will be some cogeneration of electricity if we can kind of pull that one off than we'd have something that was haulable. That's all in the future and we'll see how that one goes, but we're going to try it out and I'll let you know when we do that, we'll have kind of a demonstration day out there and advertise that and that kind of thing.

Chair Varone: Great. Thank you. Any questions of Pat?

Commissioner Tinsley: That's what I was going to ask. That baler that you're talking about creates the bales for the, there's an emerging biofields market that's starting to sneak it's head into Montana.

Pat McKelvey: Yeah, they've used this thing down in the bitterroot and you know they've got a cogent down there, they're probably a couple years ahead of us with that as far as the School in Darby I believe has set up a way I guess to utilize this stuff. You know, we're talking maybe one mig rather than anything real big, but

Chair Varone: We had an opportunity a year or so ago, maybe 18 months ago, to establish a cogeneration plant over by Elliston somewhere and there was no interest in the community, so unfortunately. Thank you Pat. Any motions?

Commissioner Tinsley: Madam Chair, I make a motion that we approve Task order #1 for additional fuels reduction work in the amount of \$55,000 this agreement is with the BLM US Department of Interior and authorize the chair to sign.

Chair Varone: Second. All those in favor

Commissioner Tinsley/Chair Varone: 'I'

Chair Varone: Motion carries

Commissioner Tinsley: Madam Chair, I make a motion we approve modification #1 for increased funding from \$100,000 to \$200,000 for the Tri-Counties Fire Mitigation Working Group. This agreement was also with BLM and authorize the chair to sign.

Chair Varone: Second. All those in favor

Commissioner Tinsley/Chair Varone: 'I'

Chair Varone: Motion carries. Thank you Pat.

**Sheriff Department Agreements.** (Sheriff Liedle/Jacalyn Grenfell)

- 2004 Financial and Operating Plan with the Helena National Forest and the Sheriff's Office for campground patrol.
- U.S. Department of Justice COPS Grant. \$60,415 funding award for the COPS Homeland Security Overtime Program.
- Memorandum of Understanding. Tactical mutual aid agreement between Lewis and Clark County, Cascade, Flathead, Gallatin, Missoula, and Yellowstone Counties.
- Radio Site Lease Agreement. Robert and Josephine Wirth (Wirth Ranch), located in the NW1/4 of Section 3, T14N, R4W and located on a ridge near the existing Western Wireless site.
- Encroachment Agreement between LCC and Western Wireless. For the construction and maintenance of an electrical communications tower known as the Craig South Tower.

Leo Gallagher: Good Morning Commissioners, for the record I'm Leo Gallagher, the County Attorney, I'm here with Captain Dave Clouse of the Lewis and Clark County Sheriff's Office. Sheriff Leidle is in the audience as well and can answer any questions the Commission may have with respect to these agreements. I would like to talk about these agreements jointly because I believe they are both interrelated. What these agreements are about is related to a project that the Sheriff's Office has undertaken to improve radio communication for public safety purposes within the County and Captain Clouse has been working for some time on this project and to that end and has recently obtained a grant from Federal Government which I believe is between 4.4 and 5 million dollars and then there's a local match to that in excess of a million dollars, so this is a large project and this is a piece of that. The project envisions at this time, the construction of a single tower. There is plans I do believe to improve the communication system by modifications to a number of towers within the system but the agreements before you would allow the construction of a single tower so we're talking about something that is not going to be a regular sort of a plan that I think the Sheriff's Office has. To that end, the Captain Clouse and others from the Sheriff's office have been trying to negotiate a site that would be suitable for construction of the tower because it is critical that a tower North of Helena be constructed to integrate the entire system so this is really the lynch pin to the Sheriff's Office plan to be able to reach all areas in the county through radio communication. This is not a cell tower; this is a radio communication tower. This is a radio, and I think it ties in with microwaves as well but we're not talking about a cell tower here. To that end, there was negotiations with a large ranch North of here that broke down, because I think, well I don't know why, but I think that the ranch holder essentially got tired of dealing with the paperwork and they finally got the agreement of the Wirth Ranch folks to allow the construction of a tower on a mountain in the Wirth ranch area. That lease is before you. The problem that the Wirth Ranch folks had is that they have an existing tower on the site which is controlled by Western Wireless and it's holding company which is WWC Holding Company and so the Wirth Ranch did not want to have some sort of contractual violation with that company and so they entered into the lease agreement with the County with the understanding that the County would do a deal with Western Wireless, an encroachment agreement that would allow the two towers to be located, co-located essentially on separate parcels there but they needed to blend together and so that's what's before the commission. The first one is the lease agreement, which calls for a \$2,400 annual lease, which is not a lot of money, it's a five-year term and it's automatically renewable at each 5 years. As these, as this agreement was being negotiated it was my recommendation to the Sheriff's office that we put this agreement together in a fashion that it could be recorded because I did not wish to have the ability for the County to invest considerable time and resources into the construction of this improvement and than not have it recorded, I wanted something that would bind everybody for at least the next five years, ten years, and fifteen years however long it goes. It was sort of my understanding that we would come back in with some sort of description of the property and so that's the crux, the problem that we have here today. The Wirth Ranch people are not interested, I think, in coming forward and we're frankly not, we're more concerned about going back to the because I think there were some delicate negotiations about all of this and so, we have attached to the agreement we describe in the agreement the parcel of ground which is greater than 160 acres and so we than attach essentially a description which although looks like a survey it's not a survey because it is not signed and the under statutory definition once a surveyor signs it than it has to be recorded or there has to be something done with it within 60-days and so we have a depiction of the property which is not signed it is simply a description of the property that has not been surveyed. For liability purposes, what the encroachment

agreement says is essentially that if their tower falls down on us, we're not going to sue them and then we have the ability to place some of the improvements which are an integral part of our plan encroach upon their property, that would be Western Wireless's property. I'm asking the Commission at this time to approve both the lease agreement and the encroachment agreement with Western Wireless. Just for the record, I believe Captain Clouse passed out a map, which generally fixes the location of the site quite relative to Wolf Creek.

Chair Varone: Thank you Leo, any questions of Leo?

Commissioner Tinsley: Madam Chair, County Attorney Gallagher. I think this is a good idea, I appreciate the hard work you folks have put into this, I just want to ask one question and I think you have the answer I just want to make sure we have it on the record. We are, I want to make sure I ask this correctly. We're not exposing ourselves to any criticism from any other members of the general public regarding our process and procedure regarding the division of land in this case are we? There exists certain exemptions for public safety, I believe, and I'm not trying to, I'm asking the question I'm not trying to make a statement. But we're protected with regards to our process and procedures; we're not going outside the bounds within the law.

Leo Gallagher: I don't think so. I think if we were coming in here with a signed survey then we would, you are right there is public safety exemptions, there is an exemption arguably for we could come in, I'm sorry we could have come in with a (unknown) domain sort of exemption, there's a number of exemptions to the subdivision act which would allow the filing of this document. If we had a signed survey, I believe we would have had to go back to the Wirths and have them go through the subdivision review process, but we're not once again putting a survey in the report, we're putting in a general description as part of the agreement.

Chair Varone: Leo is this time sensitive?

Leo Gallagher: I believe the lease agreement calls for, the Wirths have already signed and I believe the lease agreement calls for the term to begin October 1, so we're, I don't know if the Sheriff's office has made it's first payment or not, but you know October 1 is when the lease was suppose to begin.

Chair Varone: The reason I ask is because before Commissioner Murray left he had some questions about I believe the process and I don't know if those questions have been answered. Commissioner?

Commissioner Tinsley: Madam Chair, I believe they have been that's why I asked the question I asked the County Attorney. The concern, and I'm not trying to speak for him, but the concern I recall Commissioner Murray having was us stepping outside the process and exposing ourselves to any kind of criticism from the public regarding the process and procedure, but because we followed the map, the road map that County Attorney Gallagher laid out we are well within our bounds. That was my concern as well, so I do believe his question has been answered.

Chair Varone: I guess I just feel a bit uncomfortable if we need to make a decision today, I will, but I would feel a lot more comfortable if Commissioner Murray were here to listen the presentation and ask the questions himself. Leo do you have a response?

Leo Gallagher: I believe and I may be wrong, but I believe that Commissioner Murray was concerned this improvement to the radio system would call for the construction of over a dozen cell towers or communication towers and that sort of thing, so I think he was concerned that this would somehow set the stage for construction of towers on lots of mountains and that's I think part of his questions have been answered by the statement that this right now is the only tower that we plan on constructing and that would be in conjunction with a site that already has a tower on it. I believe that and this I suppose would be my commitment to the Commission is that my recommendation to the Sheriff's office, whether they take the recommendation or not would be up to you folks, but I think that if any cell tower or any radio tower or any other site should be planned in the future that there would be a request that would go through the Commission for a stated exemption to the subdivision act and I think with that commitment at least that I'd give the recommendation that would allay any fears that Commissioner Murray would have. Lastly, during your discussion, Captain Clouse indicated to me this is time sensitive in that they would like to get underway with construction during this

building season, so who knows when the snow is going to close that site but it's going to be anytime so, not only because the lease says October 1 but also because of the weather we would ask that the Commission do act on this today.

Chair Varone: Thank you. Ron did you have anything you could add.

Ron Alles: Madam Chair, Commissioners, No, I think one of the questions Commissioner Murray had (tape changed sides)... essentially has one development right, we're in effect creating two development rights here without going through the subdivision and platting act and we're doing that by these agreements, is that correct?

Leo Gallagher: Yes, that's correct. But there's an exemption because of the public use.

Chair Varone: Thank you. Commissioner?

Commissioner Tinsley: Madam Chair, if you're willing, I'd go ahead and make a motion to approve the, we have to take these separately correct Ron?

Chair Varone: Correct

Commissioner Tinsley: to approve the lease agreement between Robert Wirth, Josephine Wirth and the Lewis and Clark County Sheriff's office regarding the construction of a single tower on their land at the rate of \$2,400 annual for an initial 5-year term and authorize the chair to sign.

Chair Varone: Second. Discussion. I'm going to vote for this, but I need to make a comment and I think it's a similar comment to what Commissioner Murray made, I feel uncomfortable approving the exemption, I'm going to do it this time. I believe that we as a County should go through the same process as others go through. Even if we can legally do it, I think it makes the County look bad, I can't think of the right term for that, but we have a process and for the rest of them my personal preference is that we go through that process and I'd like to carry on this discussion when Commissioner Murray comes back, I just feel uncomfortable because he's been involved in this process all along but I understand the time sensitivity. I don't want him to come back and feel like this happened because he was gone and I just don't want those possibilities to happen because it has in the past at least with me and I don't want that, him to feel like we're doing something behind his back or against something that his wishes would be without him having the opportunity to respond, so I'm concerned about that and I'm sensitive about that so any other comments?

Commissioner Tinsley: Madam Chair I understand and I appreciate your comments and I also understand and appreciate Commissioner Murray concerns and comments and I have basically the same ones. My opinion given the sensitivity of the negotiations that have taken place with the Wirths and given the history of negotiations that have occurred with other landowners in the area and also understanding the serious need for the communications tying into that part of the County, I think this is a unique case however I do agree we need to sit down possibly with Deputy Clouse and Sheriff Leidle and members of her staff and County Attorney Gallagher and figure out with Ron as well and figure out the best way we can implement this in the future. All things considered I agree I think we should go forward with this one but we do need to sit down and figure out a way that we can best implement this that allows us to let the public in and say either a) this, we have an exemption and we're using this exemption because it's a serious we have serious issues with public safety and we need to get this done now or b) we're going to go through the process and the same as you and this is why we're going to do it so we just need to lay those out, but this is a unique circumstance and I do think we need to move forward, so Thank you.

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

Commissioners: 'I'

Chair Varone: Motion carries. We need a number two motion.

Commissioner Tinsley: Madam Chair, I, make a motion that we approve the Encroachment Agreement between Lewis and Clark County and Western Wireless for the construction and maintenance of an electrical communications tower known as the Craig South Tower and authorize the chair to sign.

Chair Varone: Second.

Leo Gallagher: Excuse me. That's misstated on the agenda, this is not the Craig South Tower its just located, the Craig South Tower is the tower that Western Wireless has.

Commissioner Tinsley: Okay. Correction, Madam Chair I make a motion we approve the Encroachment Agreement between Lewis and Clark County and Western Wireless for the construction and maintenance of an electrical communications tower adjacent to the Craig South Tower and authorize the chair to sign.

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

Commissioners: 'I'

Chair Varone: Motion carries. Let's move on to the last item on the agenda that was added, the FEMA Grant Award in the amount of \$4,475,916.00 and Sheriff Leidle are you going to speak to that?

Sheriff Leidle: I appreciate your action on the other item we do have a critical situation in the North Country and we need to get that done, so I Thank you.

Chair Varone: Thank you and I hope you understand our discussion up here.

Sheriff Leidle: Yes I do.

Chair Varone: Thank you.

Sheriff Leidle: What is before you on this first item on the agenda is the FEMA/COPS Grant which was received earlier at the end of September actually for the purposes of constructing and developing a radio project here in Lewis and Clark County as a project demonstration actually for a statewide radio system. This agreement or grant requires that we make a local match of \$1,118,979.00 with additional funds totaling to the point of about \$6,000,000.00. This will give us a start on developing a radio project here in Lewis and Clark County that is truly an interoperable radio project shared by several different users. The background work on this has already been done, we do have agreements with individual agencies other than the County to join us in this project and this is probably one of the biggest projects that Lewis and Clark County has taken on in as far as a communication project. It is stemming from the passage of the Public Safety Mill Levy in 1999 and that funding is going to be used as part of the match. Any questions?

Chair Varone: I don't have any questions, but I do have a comment for you Sheriff and Dave Clouse and for Jaci Grenfell. Congratulations this is a huge effort on your part and I know it took a considerable amount of time for not only staff here but several other people to apply for and the knowledge base that we have in our Sheriff's Department I think is unparalleled and I just want to congratulate you formally.

Sheriff Leidle: Thank you. My compliments especially to Captain Dave Clouse and finance officer Jaci Grenfell, they did a great job.

Commissioner Tinsley: Congratulations, good job. Captain Clouse you think you can help us write some grants to fix some of our roads?

Sheriff Leidle: Whatever it takes.

Commissioner Tinsley: If we could get a grant this size we could really do some good stuff.

Chair Varone: We could build four miles of road.

Sheriff Leidle: The reason we wanted to put this next on the agenda is it does coincide with the Wirth Ranch.

Chair Varone: Commissioner.

Commissioner Tinsley: Madam Chair, I make a motion we, I guess we approve the FEMA grant in the amount of \$4,475,916.00 coupled with a match from our County of \$1,118,979.00 and authorize the chair to sign.

Chair Varone: Second. All those in favor

Commissioners: 'I'

Chair Varone: Motion carries. Thank you very much. The next item on the agenda is a 2004 Financial and Operating Plan with the Helena National Forest and the Sheriff's Office for campground patrol.

Sheriff Leidle: I'm going to introduce finance office Jaci Grenfell who is going to talk a little bit about this contract, but this is a contract that we've entered into for several years now and it covers not only additional patrol in the Helena National Forest but it also gives us the ability to contract immediately for severe condition exceptions like fire situations where we can go immediately into a contract with them to provide services as a result of the additional duties that are incurred due to fire situations, so Jaci.

Jaci Grenfell: Good Morning Commissioners. The reason that we are proceeding so early with this application for an operating plan is that Helena Forest Service would like to contract us for the hunting season to do some checks and so while they were redoing the budget for the agreement we decided we would do it for the whole year, so it expires in September 2004. Any questions.

Commissioner Tinsley: Madam Chair, I make a motion that we approve the 2004 Financial and Operating Plan with the Helena National Forest and the Sheriff's Office for campground patrol and authorize the chair to sign.

Chair Varone: Second. All those in favor.

Commissioners: 'I'

Chair Varone: Motion carries. The next item is US Department of Justice COPS Grant, \$60,415 funding award for the COPS Homeland Security Overtime Program. Sheriff.

Sheriff Leidle: Yes. We have been very successful due primarily to the efforts of the part of Jaci Grenfell and receiving some grant funding to assist us in our operations. This particular grant came to us in a fairly timely fashion and is designed to help us cover overtime for non-supervisory officers for training purposes, for homeland security, drug related and violent crime offenses. So we're going to be receiving an amount of \$60,415, which requires a match from the County of \$15,104, and we plan to take that amount of money from our current overtime budget as that match.

Chair Varone: Thank you, any questions?

Commissioner Tinsley: Madam Chair, I make a motion we approve the US Department of Justice COPS Grant total of the grant including our share of match of \$15,104 is \$60,415 for the COPS Homeland security overtime program and authorize the chair to sign.

Chair Varone: Second. I am especially interested in that they approved all of the what we call total fringe benefits which includes social security, Medicare, workers comp, retirement and unemployment. That's I think a big deal isn't it?

Sheriff Leidle: That is a big deal.

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

Commissioners: 'I'

Chair Varone: Motion carries and all the grants through all my career in state government, I have not seen one that pays for that.

Commissioner Tinsley: Good Job Jaci. I can imagine the arm-twisting that went on with her.

Chair Varone: I don't even know how you did it. But that's a good thing.

Sheriff Leidle: Excuse me it's that 'Beat' attitude

Chair Varone: I guess

Jaci Grenfell: and I did have Captain Clouse did help me a lot with this one too, so we're a good team.

Chair Varone: The last Sheriff's Department item is Memorandum of Understanding. Tactical mutual aid agreement between Lewis and Clark County, Cascade, Flathead, Gallatin, Missoula and Yellowstone Counties. Sheriff.

Sheriff Leidle: This is an agreement that came about as result of some of the homeland security efforts that we're involved in. Our special events team here in Lewis and Clark County is a joint tactical unit. We share that unit with the City of Helena and as a result of homeland security terrorist actions we're asking to enter into a memorandum of understanding with the other counties who have tactical teams so that we can share resources should there be an extended incident of either terrorism or any other type of violent incident where tactical units are required and I'm asking for approval on that tactical agreement. That has already gone through the City process also.

Chair Varone: Commissioner.

Commissioner Tinsley: Madam Chair, I make a motion we approve the Memorandum of Understanding creating a tactical mutual aid agreement between Lewis and Clark County, Cascade, Flathead, Gallatin, Missoula and Yellowstone Counties and authorize chair to sign.

Chair Varone: Second. All those in favor?

Commissioners: 'I'

Chair Varone: Motion carries. Good Job.

Sheriff Leidle: Are we done now?

Chair Varone: We're done.

Sheriff Leidle: Sorry for the overload but we have a lot going on in our office.

Chair Varone: You have a lot going on.

Sheriff Leidle: Thank you very much.

**Professional Services Contract.** (Ron Alles)

The Commissioners will consider the architectural agreement with DT Architecture for preliminary plans

for an events arena/multi-purpose facility at the fairgrounds.

Ron Alles: Madam Chair, Commissioners, there is a slight error in the heading in this, this contract would not be with DT Architecture it would be with Michael Dowling PC. The reason behind that is DT Architecture actually let me back up. We would keep this agreement with DT Architecture but keeping in mind that over the next few weeks DT Architecture is splitting their firm up, the principal on this case will be Mike Dowling and they have made us aware of that and assured us that they'll be able to fulfill all the requirements of this contract and I just want the commission to be aware of that in advance as they made us aware of that but we do have clauses in here that provide for the succession of the agreement so I just want the commission to be aware of that. More specifically to this contract, this is what has been discussed the last couple of months purpose of which is the County is hiring a consultant to produce preliminary drawings provide basic consulting services to explore the possibility of building an events arena. There are several ideas outlined within that scope which include looking at other facilities, providing a drawing, getting all the functions necessarily used in this community housed within this events arena. The County has set up a committee that will pursue that and provide all those details, it will also give us an estimated cost of building such a facility in the future. Are there any questions?

Chair Varone: Any questions?

Commissioner Tinsley: Madam Chair, Ron, Dismayed to hear that DT is splitting up, I am encouraged to hear that Mr. Dowling is going to retain or be the principal on this contract he's more than capable to handle the job and I guess we'll make a motion unless you have anything. I make a motion that we accept and approve the Lewis and Clark County professional services contract entered into with what is now DT Architecture with the principal being Mike Dowling and the amount of the contract is not to exceed \$25,000 unless further authorization is obtained and authorize the chair to sign.

Chair Varone: Second. Ron a question. What is the level that we have to go out on a bid on these things?

Ron Alles: It's \$25,000.

Chair Varone: So why did we not go out on a bid?

Ron Alles: It's over and above that I guess, if you want to change that

Chair Varone: So it's \$25,000.01?

Ron Alles: Yeah

Chair Varone: The reason I ask is because I received a notification from an individual at another architectural firm who is extremely concerned that we did not go out to bid.

Ron Alles: I received the same concerns and I've spoken to the other architecture firms. Just a brief history, Lewis and Clark County has never utilized DT Architecture and years past we've always used CWG and Schlenker & McKittrick and perhaps there are hard feelings there but I'm not sure how because we've always utilized the other architecture firms.

Chair Varone: If I could ask another question, I responded the same way by the way. But have we, have there been times when we've gone out to either of those firms without a RFP?

Ron Alles: That's correct.

Chair Varone: Thank you. I just wanted that on the record. All those in favor, signify by saying 'I'

Commissioners: 'I'

Chair Varone: Motion carries

**Public comments on matters within the Commission's jurisdiction.**

**Adjourn.**