

## **SUBDIVISION MEETING**

June 3, 2004

Others attending all or part of the meeting: Paul Spengler, Brett Lloyd, Mark Dowdy, Marni Bentley, Frank Rives, Bernadette Rice, Kent Rice, Carol Hanel, Vic Andersen, Alan Bock and Tim Davis.

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

Chair Murray: Good Morning and welcome to our regularly scheduled public meeting. My name is Mike Murray to my right is Commissioner Tinsley; Commissioner Varone is still recovering from surgery. To Commissioner Tinsley's right is Ron Alles our Chief Administrative Officer, to his right is Sharon Haugen our Director of Planning, to her far right is Mrs. Byrnes our Executive Secretary.

**Lewis and Clark County Strategic Plan-Weapons of Mass Destruction Terrorism Events.** (Paul Spengler)

The Commissioners will consider the Strategic Plan.

Paul Spengler: Good Morning Commissioners. For the record I am Paul Spengler of Lewis & Clark County Disaster and Emergency Services Coordinator. I present to you this morning on behalf of the local emergency planning committee the Lewis & Clark County Homeland Security Strategy Weapons of Mass Destruction and Terrorism Events. It compliments the recently promulgated and published Montana's Homeland Security Strategic Plan. The County plan has 14 goals and you will notice that the first goal is the acquisition of a P-25 Communication System which we are now in the process of doing. The County is going to be a model for the State \_\_\_ by interoperable ability communications for all of our emergency response agencies and bring us to the 21<sup>st</sup> Century with a communications system second to none. And I would like to thank publicly at this time Mr. Brett Lloyd who has accompanied me, Mr. Lloyd is our counter terrorism planner and he works at the Helena Fire Department and at our local emergency planning committee meeting a few months ago when I asked for volunteers to write the plan, to develop it and write it, Brett stepped up to the plate and volunteered and succeeded in writing the plan for the local emergency planning committee and I would like to thank him publicly. I would be glad to answer any questions Commissioners if you have them.

Chair Murray: Questions of Mr. Spengler?

Commissioner Tinsley: Mr. Chairman, with approval of the chair I guess or agreement with the chair I made just a few minor spelling and possible grammatical errors that need corrected and I won't go into them here

Paul Spengler: Certainly

Commissioner Tinsley: And if I could just pass it and with your approval let him fix it. I do have a couple questions of Mr. Spengler. First of all overall I want to say it's a very well put together plan and it's very concise and I appreciate it's thoroughness. If you would go to page 5 under section 2C, Lewis & Clark County Risk Profile. When you go to 'c' we're talking about the County threat rating a 4 on a scale of 1-10 and part of that first paragraph has forced me to ask the question regarding sensitive information and the following statement thus 'security is being maintained' who makes that determination?

Paul Spengler: Well it's been made by the State, by the Department of Justice, we did our homeland security assessment the last fall we hired a contractor to do that for us, the Law Enforcement information in our infrastructure in Law Enforcement itself was kept confidential. It was done by a Law Enforcement subcommittee and sent directly to the State Department of Justice and if Mr. Lloyd has anything to add I certainly would ask for any other comments but that's my understanding.

Commissioner Tinsley: Mr. Spengler as an elected official in this County, while I guess I'll preface this by saying does one have to have some type of security clearance in order to view this sensitive information?

Paul Spengler: To my knowledge, No.

Commissioner Tinsley: Is this classified by the military or by the federal government under the classification system known as 'secret', 'top secret'

Paul Spengler: My knowledge is no, Brett?

Commissioner Tinsley: And that's why, that's the basis of my question, I guess as an elected official of Lewis & Clark County are we going to be given an opportunity to view what's considered the sensitive information concerning threats with potential vulnerabilities and threats within Lewis & Clark County?

Paul Spengler: Certainly

Commissioner Tinsley: But the general public is not at this time?

Paul Spengler: That is my understanding.

Commissioner Tinsley: And then I want to go back down to the second paragraph there's a statement in the second sentence, let me read it first and then I'll read the second sentence and I'll ask my question. 'There have been no actual terrorists incidents involving a weapon of mass destruction in Lewis & Clark County. However, in fiscal year 2003 there were approximately 100 suspected WMD incident responses, all were determined to be false alarms'. Is that in Montana, is that Lewis & Clark County or is that in the nation?

Paul Spengler: Well that is a good question, they did have a flurry of Anthrax scares but that was back in fall of 2001 and I'm going to have to defer to the author of the plan. Brett?

Brett Lloyd: Mr. Tinsley, as far as I know I'd have to double check the numbers

Commissioner Tinsley: If you want to for the record just so we get it on tape

Chair Murray: We need your name

Brett Lloyd: My name is Brett Lloyd and I'm the County Terrorism Planner for the City of Helena. I'd have to double check the information but the information that we have from Law Enforcement was 100 suspected WMD incidents those are things like white powder, suspicious package those were responses that they made in fiscal year 2000 and then upon further investigation they found out it was a false alarm.

Commissioner Tinsley: If you wouldn't mind following up just for our edification I'd be interested to know if that was within Lewis & Clark County itself. I was pretty astounded to see that figure.

Brett Lloyd: It's either Lewis & Clark County or the State as a whole. I don't remember of f the top of my head if it's the State as a whole. My initial answer is that would be the actual number for Lewis & Clark County, but I'll verify that.

Commissioner Tinsley: Thank you Mr. Lloyd. Good Job. Mr. Chairman one more thing I just wanted to point out to Mr. Spengler. I like in that same section, item 'E' and I actually felt it could have been expanded on a little bit but that is a very \_\_\_ it has to do with agricultural vulnerability in our County because agriculture, the agriculture economy is such an important part of this Counties economy I think it's important that you had that in there and I'm glad you did that was a good addition.

Paul Spengler: If I may Commissioner, our extension agent Larry Hoffman was at the County \_\_\_ meeting yesterday afternoon and he did tell me that he was working on an agricultural \_\_\_ operations plan and the draft is forthcoming, it will be done soon.

Commissioner Tinsley: Good. Thank you Mr. Chairman.

Chair Murray: You're welcome; thank you for pointing out the areas. Is there a motion to approve and allow me to sign once the amendments are made, corrections are made?

Commissioner Tinsley: Mr. Chairman I make a motion that we accept and approve the Lewis & Clark County Homeland Security Strategy to Weapons of Mass Destruction Terrorism Events known as the Lewis & Clark County Strategic Plan and authorize the chair to sign after the said amendments are made, or corrections.

Chair Murray: Second. All in favor of the motion signify by saying Aye.

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries. Mr. Lloyd can I get you to come up for just a minute. I realized you think you are the planner for the City of Helena precariously we want to give you a County Hat and a County Pin and welcome you to our family.

Brett Lloyd: Thank you.

**Resolution Establishing the Effective Date of the Wolf Creek/Craig FSA Annexation.** (Marni Bentley)

The Commissioners will consider the resolution.

Marni Bentley: Good Morning, Commissioner Tinsley on March 30 2004 the Board of County Commissioners did pass a resolution annexing land into Wolf Creek/Craig Fire Service Area. The statutes require a 60-day protest to pass and that 60-day protest period is over on June 1<sup>st</sup>. No protests were received regarding the annexation, staff recommends approval of the attached resolution that you have attached to your memo establishing the effective date of the annexation. I'd be happy to answer any questions if you have any.

Chair Murray: Questions for Mrs. Bentley?

Commissioner Tinsley: Mr. Chairman, Mrs. Bentley I'm assuming the effective date would be as soon as this is passed so it would be today?

Marni Bentley: Correct. For \_\_\_\_ this is the triangular area \_\_\_\_ I served you.

Commissioner Tinsley: Mr. Chairman I make a motion that we approve the resolution establishing the effective date of June 3<sup>rd</sup>, 2004 as the effective date of the Wolf Creek/Craig Fires Service Area Annexation in Lewis & Clark County and authorize chair to sign.

Chair Murray: Second. All in favor of the motion signify by saying Aye.

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries. Thank you Mrs. Bentley.

**Robinette Construction Contract.** (Carol Hanel)

The Commissioners will consider the contract to work on Silver Creek Road in the Silver Creek RID not to exceed \$22,125.

Carol Hanel: Good Morning Chairman Murray, Commissioner Tinsley. My name is Carol Hanel I am the Public Works Coordinator for Lewis & Clark County Public Works Department. You have in your packet a contract with Robinette Construction, this is to do work on the Silver Creek Road in the Silver Creek RID and he's hauling and placing an 1800 cubic yards of  $\frac{3}{4}$  inch road mix on the road beginning at the railroad tracks for approximately 4,100 feet for a cost of not to exceed \$22,125 and also this morning I also left with Mrs. Byrnes a certificate of liability insurance coverage listing the County as the certificate holder in your packet is just their liability insurance coverage and we weren't listed so I requested that and we may add it to your packet. County staff recommends approval of this contract to maintain roads in this Silver Creek RID. Do you have any questions?

Chair Murray: Thank you Carol. Is there a motion?

Commissioner Tinsley: Mr. Chairman I make a motion we approve the Lewis & Clark County Public Works Independent Contractor Contract to blade and shape Silver Creek Road in the Silver Creek RID and the cost not to exceed \$22,125 and authorize chair to sign.

Chair Murray: Second. All in favor of the motion signify by saying Aye.

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries. Thank you, the contract will be signed and ready for you this afternoon.

**Proposed Subdivision, Summary Review to be Known as Ambleside Minor** (Applicant, Tim Davis)  
(Planner, Frank Rives) (cont. from 5/25/04)

The Commissioners will consider creating dividing the existing 223-acre tract into five (5) lots ranging in size from 8.09 to 151.18 acres. The proposed subdivision is generally located north and adjacent to Cedar Valley Drive, and east of and adjacent to Nesting Osprey Way.

Chair Murray: Mr. Davis can I get you to the podium before we get Mr. Rives involved. Have you had the opportunity to visit with your neighbors?

Tim Davis: I have, I believe we've come up with a modification for the driveway for lot 1 and that paperwork for that modification should have been sent to the County Planning Staff yesterday.

Chair Murray: Our concern is did you folks have the opportunity to read it? Mr. Rives.

Frank Rives: I'm available for any questions, is there something that you were requiring of me?

Chair Murray: Well we were hoping to see the driveway paperwork.

Commissioner Tinsley: Did we receive the new driveway agreement from the applicant?

Frank Rives: We received a copy of the proposed new easement for; I'm assuming it's the driveway for lot 1. You should have received a copy of the revised

Sharon Haugen: Mr. Chairman in the front of your packet there would have been on the front of the subdivision a drawing

Ron Alles: In the very front of your packet, highlighted.

Frank Rives: A formally written out agreement I don't believe has been reached but I met with \_\_\_ of the applicants engineer and they said Mr. Davis had met with the neighbor and they have come up with an alternative route for the driveway \_\_\_\_\_ to the east.

Commissioner Tinsley: Mr. Chairman, I have a question. It was my understanding, perhaps I am wrong, and maybe Carole might be able to clear this up for us, did we leave the public hearing open after the last meeting?

Chair Murray: It was my understanding that we did. We were to receive these documents and testimony this morning.

Commissioner Tinsley: With the chair's permission I would ask if the neighbor is present would like to comment.

Chair Murray: Well, if we can let's finish with Mr. Rives and than we'll move on to the applicant and than on to the neighbors. Do you have question or information for Frank, Mr. Rives.

Commissioner Tinsley: I guess Mr. Chair I am looking at the agreement and I don't see a difference, I guess I do see a minor difference could you explain the difference in what we received yesterday versus what we heard at the meeting last week, what the change is.

Frank Rives: I'm not that familiar with it, if you recall I was not at the meeting last week I had food poisoning. I saw part of the meeting on TV but

Commissioner Tinsley: I think Mr. Chairman than perhaps my question can be answered by the applicant or the neighbor or both.

Tim Davis: The Rice's' and I have met and reviewed the initial location of the driveway and made some changes so that it would not run parallel to their driveway creating a poor visual situation of the two roads running next to one another. The newly revised driveway follows the contour of the land much better and it basically avoids some irrigated areas. I've got some areas on the property that have underground irrigation already in place and I do not wish to have roads running through the middle of those areas because I hope to get some small crop areas going so the new driveway doesn't look like much of a change on paper it actually just creates a far nicer visual set up and a little better road because it follows the contour of the land there will be less cut and fill and less visual damage to the property.

Chair Murray: Overall it sounds like you agree with the changes am I right.

Tim Davis: Yes, I'm quite happy with them.

Chair Murray: Thank you. Questions of Mr. Davis?

Commissioner Tinsley: Not at this time.

Chair Murray: Thank you Tim. This is a public hearing, anyone who wishes to speak in favor of and opposition to or speak in general, now is your opportunity. Please Mr. Rice.

Kent Rice: Mr. Chairman, Commissioner Tinsley. For your record my name is Kent Rice, I currently reside at 5380 Nesting Osprey Way which is the property immediately adjacent to the west of the proposed subdivision. We did have a chance to meet with Mr. Davis and we have not seen it on paper but the stakes that were put out by his surveyor appear to follow the route that we came to an agreement on. I just had a couple of quick comments to make. As we said in the previous public hearing, if the Commissioners approve the subdivision as originally proposed we would then request that any properties that could access Nesting Osprey Way as a result of the subdivision be required to the standard waive their right of protest joining the road improvement district. This would ensure that in

the present and more importantly in the future that all property owners that would benefit from use of Nesting Osprey Way Road be required to help maintain it. We feel that this is a reasonable request given the fact that there is no restriction for further subdivision or permanent restricted access to the subdivision property. We feel that this is the only way that the County has to ensure fair and equitable maintenance of Nesting Osprey Way because that road was required to be a public access easement as a result of the previous subdivision that created that road. Basically we're just simply trying to have the County continue to protect the rights of all the property owners which would actually include both existing property owners and any new subdivision proposal owners in the future. In addition, we would ask that the newly created and recently \_\_\_ lane be clearly identified on the final plat to show that it is not a continuation of Nesting Osprey Way that it is indeed a lane to one. The reason for this is so there's no confusion for future property owners of the exact lane and location of Nesting Osprey Way. I'd simply like to close by saying that these two requests that we've just made and the realignment of the road have brought us to support this proposed subdivision as changed. Thank you.

Chair Murray: Thank you Mr. Rice. Before you sit down let me show you my copy since you haven't seen the copy with the yellow marker.

Commissioner Tinsley: This is the original

Kent Rice?: I guess for your guys benefit, this yellow road, this mark is the only mark that they made but actually this whole road has changed and it actually starts up here and so while it looks kind of the same here it basically does avoid this long stretch of side by side roads because it actually will start here at Nesting Osprey Way at the cul de sac turn around it will go directly east around the contour back up and over so it will for the most part avoid parallel side by side lanes.

Commissioner Tinsley: Mr. Chair, I have one quick question to ask Mr. Rice. I apologize I was scanning through the document looking for waiver of RID, waiver of right to protest that of an RID was in the original conditions and I'm going to ask Frank that question here in a moment, I couldn't find it in first glance. What was your second point that you just brought up very briefly?

Kent Rice: That was just that the final plat clearly state that this realigned lane is just that it's a lane or otherwise \_\_\_\_\_ that it be identified as a different road, named if it needs to be named that kind of thing. What we want to do is just make sure it's clear on plats that Nesting Osprey Way is a straight stretch that ends at the cul de sac turn around.

Commissioner Tinsley: Thank you.

Chair Murray: Thank you Mr. Rice. Is there anyone else that wishes to testify in favor or and opposition to or speak in general. There being none, this closes the public hearing on the proposed subdivision. Before I invite Mr. Davis back, do you have a question of Mr. Rives?

Commissioner Tinsley: Yes Mr. Chairman. Mr. Rives, section 8I, thank you Sharon and Ron for showing me that in the conditions of approval reads a gentlemen's agreement a waiver of right to protest joining maintenance district in accordance with the County Subdivision Regulations which is pretty much a standard clause that we put in every condition. Will this apply to the existing RID that Mr. Rice was talking about since this appears that lot 1 would become a benefiting property of that RID.

Frank Rives: Chairman Murray, Commissioner Tinsley. I believe the language would cover that. If the language could be further modified to be more specific that is mention Nesting Osprey Road, I believe the language as stated will suffice and than if I might also add that if addressing this other concern that the driveway be marked to prevent confusion with it being an extension of Nesting Osprey Road, if it is the commissions desire they could modify proposed condition number 12 as condition 'm' that would just indicate that that would be indicated on the final plat as a private driveway easement.

Commissioner Tinsley: Thank you Mr. Rives. Mr. Chairman, I believe Ms. Haugen, does Ms. Haugen have something to add to that?

Sharon Haugen: Mr. Chairman, Commissioner Tinsley. I don't believe that currently there is an RID out there at least that's not my understanding, I think what Mr. Rice was testifying when he was talking about the potential of a future RID.

Commissioner Tinsley: I see. Okay.

Chair Murray: Further questions of Mr. Rives? Thank you Mr. Rives. Mr. Davis you have the right to close. Specifically we're looking for comments in favor of the recommendations by your neighbors.

Tim Davis: I'd be happy to add a waiver of regarding a RID to any lots that do come out on Nesting Osprey Way. I don't have any problem doing that. As long as it just applies to the lots that access Nesting Osprey and not necessarily every lot in the subdivision because I wouldn't anticipate lots 2, 3, and 4 ever using Nesting Osprey Way. In regard to the driveway itself, I envision at least a cattle guard and probably a gate at that driveway with a clearly posted private drive and I believe it's already mentioned in the subdivision packet there that at the end of every driveway they're going to require a clearly marked house number that would indicate that it is a private driveway as well so I'd like to see it marked on the plat and marked on site.

Chair Murray: Mr. Davis at some point we need to visit with you and the Rice's that it's our understanding that any driveway that has more than three homes on them is a public driveway and not a private driveway, we'll save that discussion for a future date. Do you have questions of Mr. Davis?

Commissioner Tinsley: I don't believe I do Mr. Chairman. Thank you.

Chair Murray: Thank you. Is there a motion forthcoming?

Commissioner Tinsley: Mr. Chairman I make a motion that we render a final decision on the proposed subdivision summary review to be known as Ambleside Minor at our, oh we can't because the deadline is tomorrow, Mr. Chairman I'd like to ask Mr. Davis a quick question if possible?

Chair Murray: Certainly.

Commissioner Tinsley: Mr. Davis normally it's our standard practice to after the public hearing has been closed to consider all of the information we've received up to that point which would require a couple more days. Your review period ends tomorrow, would you be willing to extend and it has to come from you, not us, would you be willing to extend the review period until June 9<sup>th</sup>, which would allow us to render a final decision on Tuesday June 8<sup>th</sup>.

Tim Davis: My understanding at the last meeting was that you would be rendering a final decision today.

Chair Murray: You have the right to say no.

Tim Davis: I would prefer not. I feel like the commission has had time to review it especially in the last week and I don't think there's been any significant changes since than other than our one driveway issue so I guess I'm a little confused as to what

Commissioner Tinsley: Mr. Chairman, Mr. Davis, considering the fact that you have asked for four variances from the subdivision regulations and we have received new information today, new testimony, I think it behooves us as those who make a decision in your case to consider all that information. I don't believe \_\_\_\_ at this time, I'd like the ability to sit down and lay everything out as we know to this point plus what we received today which is the basis for my request. However, you don't have to grant that request I was just asking if you wouldn't mind extending it to next week so we can make a final decision on Tuesday.

Tim Davis: That would be fine.

Commissioner Tinsley: Thank you very much. Mr. Chairman I make a motion that we render a final decision on the proposed subdivision summary review to be known as Ambleside Minor on our regularly scheduled subdivision meeting on June 8<sup>th</sup> in this room at 9:00 am.

Chair Murray: Second. Ad point of clarification, at some point we need a motion agreeing to Mr. Davis' request that the deadline be extended to June 8<sup>th</sup>.

Commissioner Tinsley: Mr. Chairman I'll table my motion for a moment and make a motion that we accept Mr. Davis' request to extend the review period to June 9<sup>th</sup>, Wednesday June 9<sup>th</sup> to allow us to vote on June 8<sup>th</sup> and authorize the chair to sign.

Chair Murray: Second. All in favor of the motion to extend the deadline at the request of the applicant to June 8<sup>th</sup> signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: We have before us a motion to render a final decision on June 8<sup>th</sup>, all in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries. Mrs. Byrnes, could this be the second item on the agenda after the pledge please on Tuesday

Carole Byrnes: Yes

Chair Murray: We'll have you in and out.

Commissioner Tinsley: Thank you Mr. Davis.

**Final Plat Approval for the Kottas Ranchettes Minor Subdivision.** (Applicant, Scott & Tamara Kottas)(Planner, Frank Rives)

The Commissioners will consider the final plat.

Frank Rives: Chairman Murray, Commissioner Tinsley. There is, this is not a final plat approval, this is in fact they are asking for an extension, it was a mistake on the agenda. This is a request for a one year extension for preliminary plat approval. You should have received a letter from Mr. Bock requesting the extension as well as a memo from staff, that is me, which primarily addresses the due diligence requirements for requesting the extension that Mr. Bock has requested a one year extension and that the subdivision approved June 12, 2003 with 15 conditions of approval and if the request for the extension is approved the approval would be extended to June 12, 2005. One of the criteria for requesting an extension is that the applicant demonstrates a due diligence has been done toward the subdivision to final plat. I've listed in this memo a some of the steps the applicant has taken toward bringing the proposed subdivision to final plat. Briefly, they've applied for an approach permit, they have had the road certified by MTI, they have applied for a Five Year Weed Management Plan, they have completed their stormwater drainage plan and they have applied for and received approval of the requested road name which would be Kottas Court. With this memo I also listed when they did each of these steps so I think staffs opinion is due diligence has been demonstrated and that staff is recommending that the extension be granted.

Chair Murray: Mr. Rives, it's my understanding that Mr. Bock has had to resubmit some items, does he have all the information now to the County to proceed and get this taken care of.

Frank Rives: I believe so. He has recently resubmitted his DEQ application from problems with it, he got it kicked back but I've been working with Mr. Bock as far as bringing this thing forward and I think we're on the right track. I anticipate that we can final plat soon.

Chair Murray: Questions of Mr. Rives

Commissioner Tinsley: No

Chair Murray: Mr. Bock is here if you wish to hear from him. Is there a motion?

Commissioner Tinsley: Mr. Chairman I make a motion we grant a one year extension to the Kottas Ranchettes, Scott Kottas and Alan Bock and the extension should run to June 12, 2005 and authorize the chair to sign.

Chair Murray: Second. All in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

Chair Murray: Next item not on the agenda, tomorrow will be the last day for our senior planner and I wanted Jeff to be, Mr. Erickson, to acknowledge his work, Jeff you need to come up please. We want you to know that we appreciate your work in completion of the copperheads(?) the growth policy document and the work that you have done for Lewis & Clark County we're extremely, I'm extremely sad to lose you and hate to have you leaving County service, but some people just \_\_\_\_ the right books and that being the case we wish you well with it. Commissioner Tinsley.

Commissioner Tinsley: Mr. Chairman. Jeff you've been a wonderful asset to me as a new Commissioner and you've taught me many things about good planning and good practices in what we do and I do appreciate that. But I also appreciate and enjoy reading, I was pretty surprised to be reading a fly fishing magazine last year and say what a great article and realize it was you that had written it so I want to say Thank you for that. I do want to ask one question and one request. If and when you right your expose novel on or book on County Government please let us

have a quick read of it.

Jeff Erickson: It's been a real pleasure and honor working with everyone at Lewis & Clark County. I think the residents here are very well served by everyone. I'll certainly miss working with all of you very much.

Chair Murray: Jeff since it appears you intend to continue pushing paper, we have a County paper weight we want to give you so it doesn't blow away.

Commissioner Tinsley: Mr. Chair, you'll find that Ms. Haugen forgot to remind us of your going away party yesterday so

Sharon Haugen: Oh excuse me

Commissioner Tinsley: we want to apologize for missing it

Chair Murray: We would have been there had we been invited

Sharon Haugen: It wasn't my day to schedule the Commissioners.

Jeff Erickson: Thank you

Chair Murray: Thank you

Jeff Erickson: I'll see you guys around.

Chair Murray: I hope

Jeff Erickson: Thank you.

Chair Murray: Since you have a day and a half left would you get to work now.

**Intergovernmental Transfer Agreement.** (Nancy Everson)

The Commissioners will consider the agreement with DPHHS for the Cooney Home.

Mark Dowdy: Chairman Murray, Commissioner Tinsley. I'm here today; I'd like to request that the Commission sign this agreement between Department of Health and Human Services and Lewis & Clark County. This is an Intergovernmental Transfer Agreement that this is our fourth year that we've been able to participate in this program. Basically it's a match of Federal Medicaid monies to help maintain access and liability of County nursing homes and what is needed is for the County to send in a check for \$300,983.55 and in return we receive a check back from the Department of Health and Human Services for \$503,704.25. There was a new agreement that was sent in last night and I think you guys have that one it's dated June 1<sup>st</sup> revised agreement and that's the one we're requesting you sign. This is a great program and the net gain for the nursing home in the County has \$202,000.00.

Chair Murray: Is that up or down from the previous agreement? What changes were made?

Mark Dowdy: They vowed that they discovered an error in the calculation and so we now we're going to receive \$10,000 more dollars after they corrected that error.

Chair Murray: Thank you Mr. Dowdy, it's always nice when you find more money.

Mark Dowdy: Yes it is

Commissioner Tinsley: One question Mr. Chair, I would like to acknowledge the support of Senator Baucus in securing this IGT program \_\_\_\_\_ and discussions going on he \_\_\_\_possible for a state like ours and a county like ours this is a very important program particularly rural communities like we have in Montana and \_\_\_\_ to provide a nursing home we'd probably end of closing it if we didn't have this program so I just wanted to acknowledge his work on behalf of that.

Chair Murray: Thank you. Is there a motion?

Commissioner Tinsley: Mr. Chairman I'd like to make a motion that we approve the Intergovernmental Transfer Agreement with the Department of Public Health and Human Services and the transfer agreement includes a \$300,983.55 payment on our part to the State and in return we will receive \$503,704.25 and authorize the chair to sign.

Chair Murray: Second. All in favor of the motion signify by saying Aye.

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries. Mark how soon does this need to be submitted? ASAP I understand that \$300,000.00 check

Mark Dowdy: We're going to get the check tomorrow and once the agreement is signed we're going to try to hand deliver this to Department of Health and Human Services tomorrow because they requested, they didn't give us to much notice but with there changes they requested June 7<sup>th</sup> or as soon as possible which is Monday but we would like to instead of mail it, hand deliver the administrator or I will take it down to the Department with the check and the agreement if that is possible.

Chair Murray: Mr. Dowdy, did you submit the claim already so the check is written or do we have to do a hand issue?

Mark Dowdy: There is going to be a hand issue due to the fact of the change and the amount that we received yesterday. I did submit a claim for the initial amount but this is going to have to be a hand issue and Audra Zacherl has the information on that and she's working on it with Nancy Everson.

Chair Murray: Thank you. You do understand our reluctance since a hand issued check is outside of the normal claims process for the County.

Mark Dowdy: Yes

Chair Murray: In this instance I believe it's necessary.

Mark Dowdy: Yes

Chair Murray: Thank you Mr. Dowdy.

Mark Dowdy: Thank you.

**Initial Attack Mutual Aid Agreement.** (Ron Alles/Wally Jester)

The Commissioners will consider the agreement with DNRC and Lewis and Clark Volunteer Fire Service Area.

Ron Alles: Mr. Chairman, Chief Jester couldn't be available this morning. I can speak to this. The purpose of this agreement is to allow for cooperative firefighting efforts between the Department of Natural Resources and the Lewis and Clark Fire Services Area, Chief Jesters' Department. Actually what this does is allow each of those agencies to provide initial attack firefighting efforts for up to 8 hours at no charge. It's essentially a mutual age agreement that works both ways. It's consistent with the World Fire Council and all other departments in Lewis & Clark County are entering into with DNRC. Staff does recommend approval.

Chair Murray: Questions of Staff?

Commissioner Tinsley: None.

Chair Murray: Is there a motion?

Commissioner Tinsley: Mr. Chairman I make a motion that we approve the Initial Attack Mutual Aid Agreement between Lewis & Clark County, Lewis and Clark Valley Fire Department Fire Service Area and Department of Natural Resources and Conservation Central Land Office and authorize chair to sign.

Chair Murray: Second. All in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

**Public Comments.**

Chair Murray: This is the time in our agenda where any member of the public that has items they wish to bring before the Commission that we may have authority over it now is your opportunity and there is no one present, we are adjourned.

**Adjourn.**

- Due to a remodeling project in the Commission Chambers, beginning Thursday, April 22, 2004 all regular County Commission meetings will be held in Room 326 of the City-County Building until further notice. Thank you for your patience during this time.
- All public meetings are now videotaped by HCTV and will be aired on Ch. 11 later in the day.