

**NOTICE OF SUBDIVISION MEETING**

July 1, 2004

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

Chair Murray: Good Morning and welcome. This is our regularly scheduled Subdivision Meeting for Lewis & Clark County. My name is Mike Murray. To my right is Commissioner Tinsley, Commissioner Varone is attending a meeting in Libby. To Commissioner Tinsley's right is Ron Alles our Chief Administrative Officer, to his right is Sharon Haugen our Director of Planning to her right is Paul Stahl our Deputy County Attorney to his right is Carole Byrnes our executive secretary.

**Justice Court Substitute Judges.** (Ron Alles)

The Commissioners will administer the oath of office to attorneys J. C. Weingartner, Bob Wood, and Jim McFarland to serve as judges pro tem in the absence of Justice of the Peace Wally Jewell in justice court established as a court of record.

Ron Alles: Mr. Chairman, they said that you had changed your process and required a little dance ahead of time. Mr. Chairman, we received a letter from our Justice of the Peace, Wally Jewel, and he has asked that J.C. Weingartner, Bob Wood, and Jim McFarland be sworn in as substitute judges in the event that he's off on training or vacation or something, he will ask that one of these gentlemen fill in his stead. Ahead of that the Commission needs to swear them in as Judges and that is what we are doing today.

Chair Murray: And we're very fortunate to have attorneys of the capability and competence in Mr. Weingartner, Mr. Wood and Mr. McFarland. If I could get you three gentlemen to stand and raise your right hand please. If you'll stand so the camera can get you in the, it's good for business. If you'll raise your right hand please, I, state your name,

Men: I, (stated name)

Chair Murray: do solemnly swear

Men: do solemnly swear

Chair Murray: that I will support

Men: that I will support

Chair Murray: protect and defend

Men: protect and defend

Chair Murray: the constitution of the United States

Men: the constitution of the United States

Chair Murray: and the constitution of the State of Montana

Men: and the constitution of the State of Montana

Chair Murray: and will discharge the duties of my office

Men: and will discharge the duties of my office

Chair Murray: of substitute Justice of the Peace

Men: of substitute Justice of the Peace

Chair Murray: of the County of Lewis and Clark

Men: of the County of Lewis and Clark

Chair Murray: State of Montana

Men: State of Montana

Chair Murray: with fidelity

Men: with fidelity

Chair Murray: so help me God

Men: so help me God

Chair Murray: Congratulations.

Men: Thank you

Chair Murray: Thank's for agreeing, if I can get you to sign your oath please.

Ron Alles: Mr. Chair for the record as you recall the JP Court is now a Court of Record and standards for Judges has changed somewhat and they must either be attorney's or have received the appropriate training.

Chair Murray: We have County pins coming; they'll be here in just a second.

**Bid Award.** (Janet Pallister)

The Commissioners will consider awarding the bid for the Gates of the Mountains Road Improvement Project, Federal Aid Project No. PLD 2003(1).

Ron Alles: Mr. Chairman, item number 3 we do not have the bid award prepared yet, that has not been done. Mr. Chairman we'd like to table item #3 until Tuesday's meeting, there's still a little work to be done on this.

Chair Murray: Is there a motion?

Commissioner Tinsley: Mr. Chairman I make a motion that we table the item #3 bid award for the Gates of the Mountains Road Improvement Project until Tuesday of next week which will be July 6<sup>th</sup>.

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

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

**Request for Modification of Conditions of Approval and Variance Request for the Amended Plat of Lot 2-Gilleran Minor Subdivision.** (Applicant, Steve & Cheryl Vick) (Planner, Lindsay Morgan) (cont. from 6/29/04)

The applicants have requested 2 modifications to the proposal subdivision. Condition #6 requires that the internal access road be built to county standards. Condition #14 requires that the applicants provide proof that they have access across Government Lot 20, a parcel that is currently owned by the National Forest Service, in order to complete the 60-foot public access and utility easement at a

location near the entrance of the proposed development. The applicants have requested a variance that the 60 foot right-of-way width be reduced at the location where the existing right-of-way appears to cross over onto Government Lot 20, leaving the remainder right-of-way at 60 feet in accordance to county standards.

Commission Action: Determine whether or not to consider the applicant's request and schedule a public hearing to consider the modification of Conditions 6 and 14 and variance request for right-of-way width.

Lindsay Morgan: Good Morning Commissioners. Mr. Vick is in the audience if you have any questions for him. Basically your action today would be regarding the variance request and the modification of conditions of approval for amended plat of lot 2 Gilleran Minor Subdivision.

Chair Murray: Any questions of Ms. Morgan?

Commissioner Tinsley: Ms. Morgan, can we do this all in one motion or do we have to have separate motions or does anybody know?

Lindsay Morgan: You can do them in one.

Commissioner Tinsley: Okay.

Chair Murray: Since there's a variance request, probably

Commissioner Tinsley: We have to do the variance first don't we?

Chair Murray: Yes, and that should be done separately, I believe, Mr. Stahl?

Paul Stahl: That's fine.

Commissioner Tinsley: Mr. Chairman I make a motion that we approve the request for the variance for Mr. Vick for the right of way width on the Gilleran Minor Subdivision 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

Commissioner Tinsley: Mr. Chairman I make a motion that we accept the staff recommendation to approve the modifications to items #6 and #14 of the original conditions of approval 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. Thank you Mr. Vick.

Commissioner Tinsley: Thank you Mr. Vick.

**Resolution to Establish a New Fee Rate for the Water Quality Protection District.** (Kathy Moore)

The Commissioners will consider the resolution to increase residential and commercial annual per unit fees by ten percent.

Kathy Moore: Good morning Mr. Chair and Commissioner Tinsley. The Lewis & Clark County Water Quality

Protection District Board of Directors has asked me to come before you and request that you increase the fee that's currently assessed for the water quality protection district by 10%. The Lewis & Clark County Water Quality Protection District was implemented in 1992, the permanent fees were established in '94 and since that time those fees have not changed, there's been no increase during that period of time. We find that at this point in time our costs are increasing very rapidly and we are not, our revenue is not increasing at a \_\_\_ rate to keep up with them. In particular, we would like to have this increase for three specific reasons. Number one, we want to establish a reserve account as you know overspending costs and interest each month and we'd like to keep a reserve so that we don't have to pay interest on any money that we overspend before our revenues come in. Our revenues come in twice a year of course, when the taxes are paid so we don't have a lot of control over when we receive them. Establishing a reserve fund will help us avoid the expense of interest. Second, a specific goal that we have is to purchase a vehicle for district field work, we do a considerable amount of field work and actually Libbi Lovshin had some run some numbers, put some numbers together for you today but her son was hospitalized with pneumonia so she can't be here and I'm on my own and I don't have those numbers for you, however district personnel including myself, Gary Burton, and Jim Wilbur all use our own vehicles to monitor wells, take samples, do water watchers activities on ten mile and prickly pear creeks and do other watershed activities. So, a fee increase would help us purchase a vehicle that could reduce the amount of mileage on our personal vehicles and the amount of money just to pay that off \_\_\_\_.

Finally, we certainly aren't keeping up with our workload, we have a lot of water quality work, as you probably are aware of and we just don't have the staff to deal with it right now, we have 2.33 FTE's. I'm the only full time employee, Jim Wilbur is only funded  $\frac{1}{4}$  time out of the Water Quality Protection District the rest of his funding all comes from grants, primarily watershed protection grants. Gary Burton is  $\frac{1}{4}$  FTE, Kris Kultgen who is our Administrative Assistant is  $\frac{1}{4}$  FTE and we do fund part of the Health Officer out of our funding. What we would like to do is increase at least  $\frac{1}{2}$  FTE so that we can spend more time collecting data, organizing that data in data bases, sharing that data with other agencies, provide community education, public education particularly at activities like at the Lewis & Clark County Fair, the Home Show, other places where we can reach people and get information out about water quality protection. With that, I'd be happy to answer any questions.

Chair Murray: Questions of Mrs. Moore?

Commissioner Tinsley: Mr. Chairman, Ms. Moore, would you give us an estimate I guess of the basic increase that's going to occur for say the average person in a district residential user.

Kathy Moore: The average increase will be for a resident approximately .45 cents a year. For some of the larger systems, commercial users might see an increase as much as \$35 a year. It all depends on the amount of water that the assessed unit is using and whether they're residential or commercial.

Commissioner Tinsley: So for residents we're talking about .45 cents approximately a year.

Kathy Moore: .45 cents to .50 cents a year.

Commissioner Tinsley: Okay.

Chair Murray: Ms. Moore if I might I'd like to suggest that your advisory board that they may want to keep up with the cost of living by not waiting another ten years for an increase that a 10% rate increase looks \_\_\_ and as inflation goes up and your needs go up if you need a 3 or 4% increase that I think that's more palatable to the tax paying public so please keep that in mind.

Kathy Moore: I'd be glad to take that message back to them for you.

Chair Murray: Thank you. Is there a motion?

Commissioner Tinsley: Mr. Chairman I make a motion that we approve the resolution establish a new fee rate for the Water Quality Protection District of Lewis & Clark County and authorize the chair to sign.

Chair Murray: Second.

Commissioner Tinsley: Mr. Chairman I just want to say that the work that your board, your office does is very helpful to us when we're considering subdivisions in the valley, considering growth in general. Water quality and quantity are probably coupled with health and safety the two most important aspects that we consider when we consider development and growth in the valley and we have, the support that you give us is crucial and I just want to go on the record and say we appreciate what you do for us and this is going to go along way towards helping you cover your bases a little better, I know we ask a lot more of you than your able to give at this time and we appreciate it.

Kathy Moore: Thank you.

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

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

**Resolution Ordering a Refund in Taxes/Fees/Assessments Paid.** (Cheryl Green)

The Commissioners will consider a refund of Scratch Gravel Solid Waste fees to Robert and Janie Meyers in the amount of \$253.00.

Ron Alles: Mr. Chairman, this particular resolution is for an error in the scratch gravel assessment of fees. As has happened on occasion in the past that assessment has been placed on not only the mobile home on the property but as well the garage. This particular resolution goes back three years in the amount of \$253 total. Staff does recommend that the commission grant this refund due to that error.

Chair Murray: Questions of Mr. Alles?

Commissioner Tinsley: None

Chair Murray: Is there a motion?

Commissioner Tinsley: Mr. Chairman I make a motion that we accept the staff recommendation and approve the resolution ordering a refund of taxes/fees/assessments paid to Robert and Janie Meyers in the amount of \$253 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.

**Montana Arts Council Revised Budget.**

- a. Revised budget for the Holter Museum. (nunc pro tunc 6/29/04)
- b. Cultural Trust Grant for Helena Symphony. \$30,000 for operational support.

Sharon Haugen: Mr. Chairman, Commissioner Tinsley. The first one you have before you is a grant agreement with the Holter Museum has a cultural arts council for the information for the public. The County has to be sponsoring this grant, they do not incur any expenses with it but are merely a sponsoring agent. This grant is for a revised budget and the amount to get the amount of \$16,000. Staff has reviewed the information and recommends 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 revised budget for the Holter Museum and the agreement attached to it 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.

Sharon Haugen: Mr. Chairman, Commissioner Tinsley. What you have before you is a grant, a request on behalf of the Helena Symphony to request funds for operation and support. The grant request is in the amount of \$30,000. Again Lewis & Clark County will be the sponsoring agent but will not incur any administrative costs and staff does recommend approval of the signing of this grant agreement.

Chair Murray: Questions of Ms. Haugen?

Commissioner Tinsley: None.

Chair Murray: Is there a motion?

Commissioner Tinsley: Mr. Chairman I make a motion that we approve the request for cultural trust grant for the Helena Symphony in the amount of \$30,000 to Montana Arts Council 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.

**Resolution Setting the Salary for the Lewis and Clark County Justice of the Peace and Establishing Office Hours.** (Sheila Cozzie)

The Commissioners will consider the recommendations of the Compensation Board.

Commissioner Tinsley: Mr. Chairman, I'd like to move the resolution setting the salary for the Lewis & Clark County Justice of the Peace and establishing office hours, the Justice's salary shall be \$50,365 per year and authorize the chair to sign.

Chair Murray: Second. Discussion. How did you come up with this salary Commissioner?

Commissioner Tinsley: I got it from Carole. Yesterday the compensation board met and passed per Montana statute it set the elected officials salaries essentially all the elected officials in the County received essentially the same thing that we, other staff in the county received which is a 4.1 COLA increase and that's where, if you're asking why we're doing the Justice of the Peace separately, I have no idea. I guess I should say the office hours for the Justice of the Peace per our resolution will be 8:00 am - 12:00 noon and 1:00 pm - 4:00 pm every weekday.

Chair Murray: and according to Montana statute, reconciling the cash receipts and action of the court must be done at the close of the business day. Justice Jewell takes from 4-5 to complete the paperwork that's

required so he's actually there until 5:00 pm and available to the public when Court closes at 4:00 in the afternoon. All in favor of setting the, passing the resolution setting the Justice of the Peace salary and office hours signify by saying Aye.

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

**Resolution Establishing Lewis and Clark County as a First Class County and Setting the Salaries for Certain Elected Officials.** (Sheila Cozzie)

The Commissioners will consider the recommendations of the Compensation Board.

Commissioner Tinsley: Mr. Chairman I make a motion we approve the recommendation, accept the recommendation of the compensation board and approve a resolution establishing Lewis & Clark County as a first class County and setting the salaries for certain elected officials and authorize the chair to sign.

Chair Murray: Second. Discussion.

Commissioner Tinsley: Mr. Chairman again as I mentioned during the previous resolution, compensation board met yesterday as required by Montana Statute and we set the salaries for the elected officials in the County and these elected officials received the 4.1 COLA increase commensurate with the rest of the County employees.

Chair Murray: If I might Commissioner for the record it's for the three County Commissioners, the County Superintendent of Schools, the Treasurer of Clerk and Recorder, the County Coroner, Clerk of the Court, the Sheriff, and the County Attorney. Mr. Alles?

Ron Alles: Mr. Chairman, I might add and clarify that the counties compensation package for it's employees actually had a 2.3% COLA but with our steps it made the average of those increases 4.1%. Just to clarify as well for the record, our employees' salaries top out at 100% of the average of our market-based survey. So in fact employees start out at 85% of the 100% average and throughout the course of the next five years or their five year tenor, than receive a step increase so they're receiving 2.3% plus a step increase, the average across the board for the County was 4.1% that was the recommendation that staff made to the compensation board and that's how we arrived at the 4.1%

Chair Murray: Mr. Alles if I may, talk a little bit about these pay plans that the County has implemented to pay plan and on up through the years.

Ron Alles: Mr. Chairman, Commissioner Tinsley. Actually it's been about 5 or 6 years ago the County went to this Market-based pay plan and over the last 5 or 6 years the County's been implementing it so employees essentially started out at 85% of the average and we've been phasing that in over the last 5 years in an effort to more fairly compensate the employee and keep it within our budget constraints so we're in our 6<sup>th</sup> year of this pay plan and it seems to be going well and the commission and the county has done a good job of maintaining that pay plan.

Chair Murray: Further questions of Mr. Alles?

Commissioner Tinsley: None. Thank you for clarifying.

Chair Murray: Further comments?

Commissioner Tinsley: No

Chair Murray: All in favor of the resolution establishing and setting salaries for certain elected officials,

signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

**Public Comments.**

No one present.

**Adjourn.**

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- **Beginning Tuesday, July 6, the County Commissioners will hold its public meetings in the newly remodeled Commission Chambers Room 330.**