

PUBLIC MEETING

July 13, 2004

Chairman Mike Murray called the meeting to order at 9:00 a.m. Commissioner Tinsley was present. Comm. V was absent attending a NACO conference out of state. Others Ron, Sharon, KPS, Sheriff Liedle, Jaci Grenfell, Will Selser, Cheryl Green, Jim Wilbur, Eric Griffin, Nancy Everson,

Pledge of Allegiance.

Northrop Grumman Contract Modification Contract #SPB 03-675B. (Jaci Grenfell) The Commissioners will consider increasing the contract amount from \$80,000 to \$165,000 to extend the funding for the project manager. Sheriff Liedle reported. Hiring a full time county employee to run the radio system for continuity of contract management. Comm T moved to approve the contract modification and authorize the chair to sign. Comm. M seconded the motion and it carried 2-0.

Request for Refund of Taxes/Fees/Assessments Paid. (Cheryl Green/K. Paul Stahl)

Russell Kelly. Interest, penalties, and fees \$1,962.03 Cheryl Green reported taxes are delinquent and a gentlemen took assignment. Mr. Kelly took him to court to try and retain his property. Judge ruled tax deed was void. To redeem the property, Russell Kelly had to pay interest and fees. Asking for three years of \$81 back. The appeal process is over.

KPS explained the process. The notice was deficient. The judge ultimately declared the tax deed issued was null and void. Since Mr. Kelly received the property back, Mr. Kelly should be responsible for paying the taxes. If the fees are not paid then who will pay. There should not be a refund.

Russell Kelly, 5880 Eagle Ridge, Helena. Disputing the penalty fees and interest. The reason he did not pay immediately it would have gone into Mr. Shepherd's account before the court's decision.

Bill Eikerd, 5980 Red Wing Road. Went to clerk's and asked to pay whole taxes for 2002 and 2003. clerk said could pay but it would be credited to Mr. Shepherd's account. Still in litigation. Until received assurance they would get the property back did not want to risk any more money. Mr. Kelly was refused access for 3 years. The taxes were paid. The county erred by issuing the tax deed.

KPS. This is not a mistake of the county. Notice was give as required. Have no authority under statute to decide whether notice was valid or not. The mistake was Mr. Sherphed sent certified mail to Mr. Kelly and when it came back after the 3rd time, the court made a decision because Mr. Kelly never really received the tax notice. Mr. Kelly refused to pick up the letter.

Bill Eikerd. A mistake that the county did not determine whether other persons might have an interest in the property which they did.

Russ Kelly. City Financial was supposed to be paying the taxes from his payment and did not know until it was too late when he received a call from Mr. Shepherd. Lawsuit with City financial.

Comm T. the county is not responsible for refunding this money . comm. T moved to deny request and authorize the chair to sign. Comm M seconded the motion and it carried 2-0.

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Dallas Rennerfeldt. Cheryl Green reported they lived in their garage when they built their house and paying for landfill fee. This year they let the assessor know they are no longer living in the garage. State has had this garage as a dwelling. He wanted a refund but did not notify assessor until recently. Staff recommend a refund of \$425.00 not be granted.

Will Selser. If there are dwellings on the property each one is listed as an assessment on that geo code.

Comm. T moved to deny the refund request and authorize the chair to sign. Comm. M seconded the motion and it carried 2-0.

Revision #4 to Cooperative Agreement with U.S. Forest Service for Drainage Structure Replacements on Stemple Pass Road. Eric Griffin reported the agreement. Staff recommend approval of the revision agreement. Comm. T moved to approve the agreement and authorize the chair to sign. Comm. M seconded the motion and it carried 2-0.

Mr. Hauck was praised for his assistance on the commission chamber renovation.

Bid Award for the Stemple Pass Bridge Replacement. Eric Griffin reported. Bids were opened June 24. Staff recommends awarding the bid to Wadsworth Builders in the total amount of \$165,557.10 and authorize the chair to sign all related contract documents. Complete date is scheduled for September 2004. Comm. T moved to approve the bid award as recommended by staff and authorize the chair to sign. Comm. M seconded the motion and it carried 2-0.

Bid Award for the Gable Estates 2004 RID Project. (Colt Wise-Stahly Engineering) (Bids opened 7/8). The Commissioners will consider awarding the bid. Two bids were received. Staff recommend awarding the bid to Helena Sand and \$262,484.64 and authorize the chair to sign all related contract documents. Comm. T moved to approve the bid award as recommended by staff and authorize the chair to sign. Comm. M seconded the motion and it carried 2-0.

Resolution To Establish the Lewis and Clark County Landfill Tipping Fees Recommended by the Scratch Gravel Solid Waste District. Will Selser reported on the resolution. Comm. T moved to approve the resolution and authorize the chair to sign. Comm. M seconded the motion and it carried 2-0.

Resolution To Decrease the Solid Waste Disposal Fee Established by the Scratch Gravel Solid Waste District. Will Selser reported on the resolution to decrease the fee to \$73. Comm. T moved to approve the resolution and authorize the chair to sign. Comm. M seconded the motion and it carried 2-0.

Montana Arts Council Cultural Trust Grant Agreement. Sharon Haugen The Commissioners will consider the grant agreement for Dance Montana (dba Artisan Dance). Table to July 22. Comm. T moved to table to July 22. Comm. M seconded the motion and it carried 2-0.

Watershed Group Activities Contracts. Jim Wilbur reported on the Future fisheries grant in the amount of \$10,000 between WQPD and FWP and two landowners. Comm. T moved to approve the agreement and authorize the chair to sign. Comm. M seconded the motion and it carried 2-0.

Lewis and Clark Conservation Program for LEP grant for watershed activities and administered by MACD. The funds to be secured through a local conservation district. The funds award to the district for various

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projects in the amount of \$18,880. Comm. T moved to deny the refund request and authorize the chair to sign. Comm. M seconded the motion and it carried 2-0.

Board Appointment. The Commissioners will consider appointing a member of the public to the Historic Preservation Commission for a three year term.

Comm T moved to appoint Wilbur Rehman and authorize the chair to sign.

Comm. T moved to keep other applications on file for other vacancies.

Comm M seconded the motion and it carried 2-0.

Joint Appointments. To appointing William Grenier to serve another term as a joint appointment. Comm. M seconded the motion and it carried 2-0.

Comm. T moved to concur with city recommendation to appoint Rocky Whipkey to a 3 year term to replace Ron Cullen. Comm M seconded the motion and it carried 2-0.

Resolution Ordering a Refund of Taxes/Fees/Assessments Paid. Ron Alles reported on the refund to Applegate RID property owner in the total amount of \$140.31. comm. T moved to approve the resolution and authorize the chair to sign. Comm. M seconded the motion and it carried 2-0.

Lewis and Clark County Adopt Final Budget. Nancy Everson reported. The Commissioners will consider adopting the county's final budget. Shows a total by fund and actual 2003 numbers and almost 2004 numbers.

\$56,063,033. expenditures. Increases of radio project of 6.2 mill. Fairgrounds added \$950,000, refinance of SW rev bonds \$3.2 million. The revenues increased due one time projects. Includes new positions, capital funding plan has continued, operations increase 1-2%, personnel increased 4.1%. Dept heads has authority to spend up to expenditures budget. Adopt mill levies when taxable valuations are received. No increases except 11.09 mills for fairgrounds, and water quality fees.

Comm T moved to approve the final operating budget 2005 and ending June 30, 2005 and authorize the chair to sign. Comm. M seconded the motion and it carried 2-0.

Other. Marysville Gravel Project. Authorized through FHA to spend up to 70% that has been set aside for this project. \$100,000 away from 70% of these funds. Discussion and/or authorize from the board—getting cost estimates from contractor for 4 additional items in this contract.

KPS. Cannot do because it has not been placed on the agenda. The spending amount has been approved by the commission and give authority to Eric.

Ron. Do not hold up the project. Comm T will oversee the continuation of the project.

Public Comments. None.

Adjourn. 10:00 a.m.

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