

SUBDIVISION MEETING
May 22, 2003

Chair Anita Varone called the meeting to order at 9:00 a.m. Commissioner Murray was present. Commissioner Tinsley was absent on personal leave. Others attending all or a portion of the meeting included Ron Alles, Sharon Haugen, Barry Damschen, Steve Utick, Jason Mohn, Christal Ness, Melanie Heinitz, Isaac Heinitz, and Carole Byrnes.

Bid Award Cave Gulch Project. (cont. from 5/20/03) Project Consultant, Barry Damschen, reported three bids were received for the Cave Gulch Project and recommends the county accept the low bid and contract with Philips Construction, Great Falls in the amount of \$275,990. The Public Works Department concurs with the recommendation. Commissioner Murray moved to approve the consultant's recommendation and authorize the chair to sign the necessary documents. Commissioner Varone seconded the motion and it carried 2-0.

Bid Opening – Plant Services (IT&S). (cont. from 5/20/03). The Commissioners opened bids from the following contractors:

Tabbert Construction, Helena. Bid bond is included. Base price \$144,576.75.
Rocky Mountain Contractors, Helena. Bid bond is included. Base price \$152,163.
Montana Ditch & Cable, Helena. Bid bond is included. Base price \$184,946.
R C. Technology, Helena. Bid bond is included. Base price \$207,069.
Commissioner Murray moved to accept the bids and turn them over to staff for review and a recommendation to the BoCC at a future public meeting. Commissioner Varone seconded the motion and it carried 2-0.

Bid Opening – Augusta Street Improvements. Barry Damschen, Lincoln Water and Sewer District Consultant, reported one bid was received from Big Sky Asphalt Inc., Bozeman in the amount of \$58,200. The required 10% bid bond is included. Commissioner Murray moved to accept the bid and turn it over to Public Works staff and Mr. Damschen for review and a recommendation to the BoCC at a future public meeting. Commissioner Varone seconded the motion and it carried 2-0.

Final Plat Approval and Subdivision Improvements Agreement/Winston Livestock Minor. Sharon Haugen reported the applicant Rick Diehl has completed all of the conditions of approval with the exception of the landscaping buffer condition. A subdivision improvements agreement has been prepared for this condition. Staff recommends approval. Commissioner Murray moved to approve the final plat and authorize the chair to sign the agreement adding "Winston Livestock Minor Subdivision." Commissioner Varone seconded the motion and it carried 2-0.

Final Plat Approval and Subdivision Improvements Agreement / Highland Park, Block 13 Minor Subdivision. Sharon Haugen reported that all of the conditions have been completed with the exception of some street construction. A subdivision improvements agreement has been prepared for this condition. Staff recommends approval.

Commissioner Murray moved to approve the final plat and authorized the chair to sign the agreement. Commissioner Varone seconded the motion and it carried 2-0.

Resolution Requesting Prosecutor Assistance. (nunc pro tunc 5/16/03). Commissioner Varone reported this is a request by the County Attorney for prosecutorial assistance in the case State vs. Cummins. Commissioner Murray moved to authorize the resolution nunc pro tunc. Commissioner Varone seconded the motion and motion carried 2-0.

Resolution Ordering a Refund of Special Assessments Paid. Cheryl Green reported Eastside Storage LC has requested a refund of Water Quality Protection District fees in the amount of \$216.00 due to a revision in the unit numbers of storage sheds. Eastside Storage should have been charged an \$18.00 commercial fee. The second half tax bill has been revised and staff recommends a refund of a \$198 to Eastside Storage LC. Commissioner Murray moved to approve the resolution and authorize the chair to sign. Commissioner Varone seconded the motion and motion carried 2-0.

Resolution of Intention to Create the Augusta Fire Service Area. (cont. form 5/15/03). Ron Alles reported the petition has been verified and meets the statutory requirements pertaining to signatures. A public hearing will also be conducted in Augusta. Staff recommends approval of the resolution. If the commission approves this resolution, upon the creation of the district, the county will transfer the \$20.00 that each property was assessed for fire fees last year into the new fire service area.

Commissioner Murray moved to approve this resolution and authorize the chair to sign, with the inclusion of the transfer of the \$20 fee. Chairman Varone seconded the motion and it carried 2-0.

Encroachment Agreement between Lewis and Clark County and Marvin and Kathryn Reeve. Christal Ness reported the agreement with Marvin and Kathryn Reeve is for real property located at 914 North 3rd Street, in Lincoln for connection to the facilities of the Lincoln Sewer District which are within the county's right of way. The Public Works Department has inspected the site and approves the encroachment agreement. Commissioner Murray moved to approve the agreement and authorize the chair to sign. Commissioner Varone seconded the motion and it carried 2-0.

Commissioner Murray moved to approve the encroachment agreement and authorize the chair to sign. Commissioner Varone seconded the motion and carried 2-0.

Agreement with JCCS for an audit of the Lewis and Clark County Restitution Officer. The County needs to hire an outside firm do to staffing issues and the purpose of this for JCCS to go in and review the restitution records, determine the amount that will need to be paid back and it is going to go through the court system.

Sharon Haugen: the cost of this is going to be very very high and if there's mechanize to have this money recouped back into the County, if the ultimate decision if this individual is guilty, must pay restitution for these cost be part of that restitution?

Ron stated that we certainly ask that the County Attorney's office or the nunc pro tunc

action we took this morning those attorneys include that into any judgment that is delivered.

Commissioner Murray questioned if prosecution of this case is successful isn't there a reimbursement cost. Does the court reimbursement system do any documentation in the investigation? If the County is successful on prosecutions through the state courts systems, we can submit our costs.

Ron stated that there are certain services that aren't reimbursed. This would be no different than any others. It is our intent depending on the level of expertise needed for certain portion of the audit we would use the appropriate level of service. We will work with the firm on that.

Commissioner Murray moved that Lewis and Clark County enter into a contract with JCCS accounting firm and authorizes the chair to sign all appropriate documents enter into that agreement. Chairman Varone seconded the motion and it carried in favor.

Agreement with the United States Department of the Interior for Weed Control at Canyon Ferry. Agreement for Weed Control. Ron Alles reported. Comm M moved to approve the agreement for Weed control as a result of the Cave Gulch Fire and authorize the chair to sign. Comm V seconded the motion and it carried 2-0.

Agreement between the City of Helena, Lewis and Clark County, City-County Administration Building, and Three Brothers Plumbing & Heating. The Commissioners will consider the agreement with Three Brothers Plumbing & Heating for plumbing services at county buildings. Commissioner Murray stated he had a concern with the contract. We are contracting with the Jefferson County firm and not spending our money with Lewis & Clark County firm unless there is an extenuating reason to contract out of the County. Chairman Varone asked if the Building Board had gone out for proposals? It is actually not just the building board, but the City, the County and the Building Board is separate entities to find a contractor and we requested an RFQ, and apparently this firm came out best. I will pass on the Commission's wish to resubmit. Chairman Varone stated that we might want to table it until next Tuesday or next Thursday and ask someone to come in and give us an explanation before we make that decision. Commissioner Murray - I would be happy to table this but I want an explanation from State (?) why their proposing to contract with an out of county firm.

Commissioner Murray moved to table this until May 29, 2003 at our next regular scheduled subdivision meeting. Chairman Varone seconded the motion and carried with all in favor.

Agreement with Three Bros. Ron Alles reported that this agreement will obtain better pricing. Comm M would like to see a firm from LCC. Comm M moved to table to May 29. comm V seconded the motion and it carried 2-0.

Forestvale Cemetery Presentation Project Request (Melanie Heinitz)The Commissioners will consider the request.Lewis and Clark County Cemetery. Boy Scout

Issac Heinitz is working on obtaining his Eagle Scout Badge. As part of this project Issac would like to place copper name plates on grave markers. Name, birth year and death year. Project to be completed by June 2003. \$72 a day to rent the auger. Coordinate through PW at bridge dept with Issac to run the auger, do a locate for. Comm M moved to enter into agreement with Issac and expend money necessary to rent auger.

Adjourned at 9:45 a.m.

Forestvale Cemetery Presentation Project Request. The Commissioners will consider the request. Melanie Heinitz wanted to make note that her son, Isaac Heinitz will be making the presentation and also that the name is Lewis and Clark County Cemetery Presentation Project. Isaac Heinitz stated that he would like to place cemetery markers with copper nameplates on 45 of the graves at the Lewis and Clark County Cemetery. Mrs. Sharleen Spalding approached me with the idea to do something to help with the deterring grave makers in the County cemetery. I will collect _____ and have the copper cut to fit on top of the cylinders on the cement. I have gathered 45 names I feel that I can prove from the current temporary maker to a permanent one. On 5 gravesites there is not a maker left. I feel like that with the current placement with temporary makers on the graves to either side with the correct placement permits could be used. I feel this would benefit the Lewis & Clark County Cemetery because soon it will be too late to permanently mark these graves. The County Cemetery is for persons who have not had financial needs or family who cannot be found. So the County took the responsibility to bury and mark the graves. My project will help people record acknowledgement of those people who are buried in the County Cemetery. All we are gathering 45 cement cylinders to replace the falling apart temporary grave makers. The cylinders are free from the State Highway Department. They have test cylinders and feel this is a good solution for our need and budget. I will then purchase and cut the copper and drill the holes for the cylinders and copper, then rivet on the copper to the cylinder. Letter number punch sets will be used to place the persons name, birth year and death year. The holes will be dug in which the cylinders will be buried each 10 inches deep. I plan to have my scout troop church members, along with family and friends to help to complete this project. I would like to have this project complete during the month of June 2003. S??? will be riveting the copper on, and the digging of the holes I have checked with the utilities and got the prices of \$72.00 a day for the auger and if the County has any money to put towards this project it will be used to rent the auger. Chairman Varone asked Isaac how long would it take him to dig the holes, how many days would you need the auger for? Isaac stated it would be for one day. Commissioner Murray would like to suggest that we coordinate thru Public Works and our Bridge Dept with Isaac as the supervisor but I would feel more comfortable with our staff actually running the auger were Isaac wants the holes placed. We are required to do a locate survey before we can disturb the ground. By working with our staff we also will order and take care to locate any power lines, gas line or utilities that may be running through the cemetery.

Chairman Varone asked if the County had an auger? Commissioner Murray stated the

reason I suggested the Bridge Dept was on the back of the cat the track vehicle if it doesn't have an agar, it has the capabilities to attach an agar to it so we may have to rent an agar.

Chairman Varone made to motion today to approve and expedite and work with Isaac or have Isaac work with our road crew in getting that done and making the necessary contacts and if we are needing to rent an agar the motion should include approval for running the agar for him. Commissioner Murray asked Isaac to draw them a map and what I would propose is we give it to our GPS office so that we actually go through and GPS were the markers are on the graves. That helps us build a better record. I don't think with GPS and locate the names and who is buried in which space of the cemetery. A rough map would help us do that.

Ron stated that it would be more effective having the Forestvale staff who all ready are using the GPS out there. We could get Debbie Crider to assess this. Commissioner Murray stated that with the Forestvale staff is that we contract with the Forestvale is to maintain our county cemetery across the street. We work closely with Debbie Crider, who manages the Forestvale Cemetery. I really appreciate you taking on this project. I am aware the markers are kind of wasting away and didn't have the foreside to think we should be doing something to protect these names and location of the individuals buried there. I hope this project will see you through your Eagle Scout award.

Chairman Varone commented that it is not often that folks come to us with projects that are so important to the Community. To have you and your mom here I think all of us in this room are proud that you are here and working on your Eagle Scout badge. How much further do you have to go?

Isaac Heinitz - Stated just the completion of this project.

Commissioner Murray wanted to say to Isaac that when he receives his Eagle Scout badge at the Court of Honor hopefully he would notify the County so they could be there as supporters and benefactors of your Eagle Scout Project. I move that the County enter into an agreement as necessary with Isaac and that we authorize Public Works Dept of Lewis & Clark Count to expend money necessary to rent an agar to place the holes for Isaac and authorize the chair to sign any appropriate paper work for the Eagle Scout project. Chairman Varone seconded the motion and it was carried all in favor.

Public Comment. None.

There was no other business and the meeting adjourned at 9:45 a.m.