

## NOTICE OF PUBLIC MEETING

October 7, 2003

Tape starts late - Chair Varone: ... we appreciate because we're recording proceedings today. Would you please join the commission in the pledge.

Others attending all or part of the meeting: Toby Lester, Rod Henning, Isaac Heinitz, Melanie Heinitz, Darrel Folkvord, Marie Murphy, Marlene Lauretta, Eric Griffin and David Morey.

Pledge of Allegiance. (Everyone recited pledge)

Presentation of Final Report for Cemetery Project. (Isaac Heinitz)

The Commissioners will consider the final report of Isaac Heinitz to earn his Eagle Scout award.

Chair Varone: The first item on the agenda today is a presentation by Isaac Heinitz of final report for the Cemetery Project. Several months ago Isaac came to us, he's an Eagle Scout doing his Eagle Scout award and asked for permission to do a project on the Cemetery and Isaac if you'd like to come forward what I'd like to do is there's a presentation that he's going to be doing in front here, if we could take the (unknown) off the front there, Isaac do you need to come down here to explain anything to us. If you don't than that's fine, if you do we can move the mic and move around with it.

Isaac Heinitz: Commissioners, I'm here to report on my Eagle project. With the help of the Highway Department, Pacific Steel, Charleen(?) Spaulding, West Side Welding, Rock Hand, Power Townsend, Price Preston Masonry, Ash Grove Cement, Morrison Maerle and Company and the Lewis and Clark County the project was finished September 15, 2003. The work on the project totaled over 150 hours. My scout troop, the community, my family and my church group putting these hours provide better markers and records for the County Cemetery. There were changes to the project, as it was needed. North and South markers were placed to help with rural identification. These were placed to high and had been originally (unknown) to the correct height over four inches or under four inches, GPS requested with sunflower markers replacing the cemetery even the North and South cylinders. A full print of the GPS reading on all the location is included in the notebook. This notebook has all the person's names and locations by row and by GPS as part of the project. In some (unknown) markers were inter mixed with the temporary markers were GPS'd as well. Then there's a full printout of the GPS location, example 1001 number followed across the page will lead you to a full desk reading. The full desk reading is JMA-1931-2002. This indicates the persons initials along with their birth and death date, Thus JMA-1931-2002 is James M. Allison, birth date 1931 and death date 2002. The map is also included for ease and location of the grave as shown here. It works the same way; the GPS number corresponds with the number site and will lead you to a map location of 1001 being James M. Allison. These markers here and here were the County Cemetery and would have gone the way many others did in the cemetery, they were lost and with this project I feel that the names of these person who are buried in the Lewis and Clark Cemetery will be preserved for years to come. Thank you for your time for my report and do you have any questions?

Chair Varone: Isaac, for those folks in the audience and there may be a few sitting around the table here that weren't around, Isaac and his mother came to us several months ago and asked for us to approve this project photographs and information they provided us was a clear indication that a considerable amount of work needed to be done to remember the folks that were buried out there and it's an incredible thing that you did and I don't know how you came up with the idea, but the community is much better off for it, the books you put together is tremendous and I know that the staff has talked about (unknown) coming out there and how good you were to work with and we really appreciate what you've done for the community. Does anyone else have anything you'd like to say? Commissioner.

Commissioner Tinsley: Yeah, Isaac I'd just like to say basically the same thing Commissioner Varone said. Congratulations on this project it was a pretty noble endeavor and we really appreciate it as a County. This is something that we may want to pass on to the historical society and let them know what you were doing because it does have some significance particularly for folks that are researching genealogy. So thank you very much.

Chair Varone: We really appreciate it. Mom, do you want a picture of us with your son up here. Commissioner. Do I need to sign this?

Eric Griffin: Madam Chair, Commissioner, myself and my staff worked closely with Isaac and the project went well and I also think too that through this project we've identified a way to mark people now as they enter the cemetery and we'll stay with that process to and I encourage Isaac and the Eagle Scouts too that there are many of these similar type projects out there because there are identified people out there that it takes a tremendous amount of time to research so I would also, it would be good for now and into the future too.

Chair Varone: Thank you Eric. For the folks in the audience that weren't aware of it, what happened was Eric took a concrete cylinder, dug a hole, put it in the ground and put all the information on top of that cylinder so it will stay there forever and be legible forever. So, it was incredible. Thanks again Eric, I mean Isaac excuse me.

**Bid Award.** (Eric Griffin/Darrel Folkvord)

The Commissioners will consider awarding the bid for one four-wheel drive loader/backhoe.

Darrel Folkvord: Good Morning. Lewis and Clark County did receive and opened three bids on October 2 for the purchase of one four-wheel drive loader/backhoe for the Bridge Department. All bids received included the required bid bond and the bid proposal. Staffs' recommendation has been made to the Commission with the attached bid tabulation proposals and I would like to thank our vendors for very good and competitive bidding process and for the effort that they put into this. Thank you.

Chair Varone: Commissioner do you have any questions?

Commissioner Tinsley: Real quick Darrel, sorry. Looking at your cover letter the amount is \$55,800 but looking at the bid proposal it's \$55,850 is that the correct amount.

Darrel Folkvord: Oh, I better check that, I could be wrong. That is correct it is the \$55,850.

Commissioner Tinsley: Okay. Madam Chair, I make a motion we approve the 4X4 loader/backhoe bid award and award it to RDO Equipment Company of Great Falls Montana in the total amount of \$55,850 and authorize the chair to sign.

Chair Varone: Second. All those in favor

Commissioners: 'I'

Chair Varone: Motion carries. Thank you Darrel.

**Jefferson County 4H Fees.** (Ron Alles)

The Commissioners will consider the fees.

Ron Alles: Madam Chair, Commissioners, the purpose of this being on the agenda is just to put on our record the fact that Jefferson County is not looking to renew their 4H contract with Lewis and Clark County. What I would recommend is that staff along with the extension agent, Mr. Hoffman, work out some arrangement and make a presentation and proposal to the commissioners on how to deal with the Jefferson County 4H participants.

Chair Varone: Thank you Ron, any questions? I believe there is someone, at least one person in the audience from Jefferson County who would like to make a statement, if you'd come forward please and just for the record your name and address please. Thank you.

Marie Murphy: My name is Marie Murphy and I live at 3 Prickly Pear Drive, my mailing address is Clancy but I

live actually in Montana City. Commissioners, thank you for the time. First of all I'd really like to apologize for what our Commissioners have done to our 4H program. I am concerned about it and I should also state that I'm currently the Lewis and Clark County's superintendent to the Swing and Textile committee as well as the (unknown) chairman. So I'm very active in the 4H program, I grew up in 4H, I think 4H is a wonderful program. My concern is with what Jefferson County has done that given the fact that they've cut the extension agent in Jefferson County, cut his hours, if Lewis and Clark County doesn't accept our children that our 4H program will die in Northern Jefferson County. I realize Southern Jefferson County has their other issues and I'll let them deal with those and Madison County. But, there are a lot of Northern Jefferson County people that are very concerned about this, there are people in my club that said if we cannot continue to participate in Lewis and Clark's program they are not going to go the program in Southern Jefferson County, they will quit the 4H program. A lot of our people really enjoy a lot of the programs here. One of the programs that a lot of the people in Northern Jefferson County participate in is the shooting sports program and you have an excellent program here. You have coaches that are very well trained, you have a wonderful facility and I would hate to see anything happen that we can't participate. We realize that Northern Jefferson County that we have we take advantage of a lot of the benefits that Lewis and Clark County has. That's not say that we don't we feel as though we shouldn't have to pay our own way on some things, so I can only speak for myself but at this particular point in time I don't feel as though Lewis and Clark County should have to bear the full burden of all these Jefferson County children participating, on the other hand I don't want it to be too high because we have a lot of families that participate in this program. As a leader I would have a real problem if I were charged, or charged a fee to participate because I donate a lot of things that may not even be written on paper as well as my own time. So in conclusion, I'd just like to tell you Thank you very much for your time and please know that there are people in Northern Jefferson County that are very concerned about this 4H issue. Are there any questions?

Chair Varone: Do you have any questions Commissioner?

Chair Varone: I'd just like to respond a little bit. Lewis and Clark County enjoys having the folks from Northern Jefferson County participate in 4H. They've been a huge benefit to the county and I don't know if you were in the audience the day that I went to Jefferson County and in front of the full commission to talk about their contract, previously Commissioner Murray and I and I believe Ron attended another meeting in which they agreed to sign the contract and when we understood that that was in danger of being not fulfilled I attended a meeting. The room was absolutely packed with 4H people. We want to come up with a satisfactory resolution too, we just need to talk about what we can do and also we need to take into consideration taxpayers in the County and Hugh understood that when I spoke to the folks in 4H in Jefferson County Northern part, they understood that as well so, we'll try to come up with a solution and hopefully it will be satisfactory for everybody. Thank you.

Marie Murphy: Thank you.

Chair Varone: Commissioner?

Commissioner Tinsley: Madam Chair Varone hit the nail on the head. We appreciate your taking the time to come up here and inform us were in a meeting and we'll see if we can come to some kind of agreement. The participation of the Jefferson County 4H'ers I think is critical to our program as well. We just have to figure out a way that we can make it fair for you and fair for our taxpayers. What is being done in Jefferson County right now is a travesty, it's not just 4H and it's things like health care and Woman and Infants and Children program, the WIC program and I don't know what to tell you because that's a separate county from ours, but I hope the folks in your community are getting the message I think they are and remember that next time some of these names are on the ballot. Thank you for coming, we really appreciate it.

Chair Varone: Thank you Commissioner.

**Resolutions Ordering Refunds of Taxes/Fees/Assessments Paid.** (Cheryl Green)

- a. John C. Ludwig \$86.00
- b. Richard Kelly \$665.64

- c. Paul and LaLani Whelen \$172.00
- d. Linda Jones \$172.00
- e. Claire Burson \$172.00
- f. Darlene L. Rasmuson \$172.00
- g. Ronald M. Pagatchnik \$336.78
- h. George Rogers and Susan McKean \$238.48
- i. Robert Thoroughman \$618.28
- j. ~~ASARCO \$25,053.06~~

Cheryl Green: Thanks for inviting me Commissioners. This came from Will Selser on the Board of the Scratch Gravel. This trailer house apparently is storage. Very very poor condition, no one could live in it, I guess if they wanted to.

Chair Varone: We're doing John Ludwig and this is scratch gravel waste fees is that the one you're talking about?

Cheryl Green: Yeah.

Chair Varone: Okay.

Cheryl Green: Yeah, we went out and viewed the trailer and come up with the recommendation that they should not be charged for the scratch gravel fee and I can see what I did here. 2002, I'm sorry is the year that they should get a refund of \$86.00 so that's my error, should be tax year 2002, Will said only go back the one year because he didn't know the condition of the trailer previous years and than we would remove it from the tax rolls for 2003.

Chair Varone: So is the resolution that says 2003 correct?

Cheryl Green: No, I'm sorry it's 2003, that's my error.

Chair Varone: So we need to change that. Okay. Any questions of Cheryl?

Commissioner Tinsley: Do you want to take it through these separately Madam Chair?

Madam Chair: I believe we have to don't we Ron?

Commissioner Tinsley: Madam Chair, I make a motion we approve the resolution ordering a refund in the amount of \$86.00 to Mr. John C. Ludwig and authorize the chair to sign.

Chair Varone: Second. All those in favor.

Commissioners: 'I'

Chair Varone: Motion carries. Carole, I'll just give this back to you just to change that number. Next item is Richard Kelly for \$665.64.

Cheryl Green: This came from the assessors office, Richard Kelly paid his taxes on a personal property mobile home number separate from his land. Well, he filled out an AB26 asking that his mobile home be put on with his land taxes. Well so the assessors office put his mobile home on his real estate bill and it will be on his bill in November. So he had already paid under the personal property mobile home, so we're asking for a refund for the tax year 2003 in the amount of \$665.64 and that amount will be on his real estate taxes in November.

Chair Varone: Cheryl can't that amount just be transferred through an accounting process rather than refunding, giving him a check and than having him pay it back?

*Cheryl Green:* No because, I mean this has already gone into an account as being paid as I understand this amount would only be part of his real estate payment. This would only be the mobile home he would also need to pay the land. We can't take partial payments on real estate.

*Chair Varone:* Okay. Any questions?

*Commissioner Tinsley:* Madam Chair, I make a motion we approve the resolution ordering a refund of taxes fees assessments paid in the amount of \$665.64 to Richard Kelly of Helena Montana and authorize the chair to sign.

*Chair Varone:* Second. All those in favor.

*Commissioners:* 'I'

*Chair Varone:* Motion carries. The next one is Paul and LaLani Whelen.

*Cheryl Green:* Okay, this came from the Department of Revenue. Robin ran an edit apparently that has not been ran for quite a few years showing different people who have paid on their landfill fees. As me and Robin went through the edit we discovered that some people did not even have anything on their land to be charged the \$86.00 fee, other people had garages, sheds, concrete, they never should have been charged a scratch gravel fee. So me and Robin went through these and on this one, on Mr. And Mrs. Whelen they have a mobile home on the property which they do pay the landfill fee in which they should pay it on the mobile home on the land there's no dwelling on that tax bill. So we went back and he had more or less been double assessed for tax years 2001 and 2002 in the amount of \$86.00 for each year so I'm asking for a refund of \$172.00.

*Chair Varone:* Commissioner.

*Commissioner Tinsley:* Madam Chair, I make a motion we approve the resolution ordering a refund of fees and assessments paid in the amount of \$172.00 to Paul and LaLani Whelen of Helena Montana and authorize the chair to sign.

*Chair Varone:* Second. All those in favor

*Commissioners:* 'I'

*Chair Varone:* Next one is Linda Jones in the amount of \$172.00

*Cheryl Green:* Okay this come from the same edit. Linda I think had just a garage on her land and should have not been charged the fee. She does pay the fee on the mobile home that sits on that land. She was double assessed for year 2001, 2002 in the amount of \$172.00.

*Chair Varone:* Commissioner.

*Commissioner Tinsley:* Madam Chair, I make a motion we approve the resolution ordering a refund of fees and assessments paid in the amount of \$172.00 to Linda Jones of Helena and authorize the chair to sign.

*Chair Varone:* Second. All those in favor

*Commissioners:* 'I'

*Chair Varone:* Motion carries. Next one is Claire Burston for \$172.00

*Cheryl Green:* Same scenario. She only had a garage on her land; she is paying for the mobile home landfill fee. 2001, 2002 she was double assessed in the amount of \$172.00.

Commissioner Tinsley: Madam Chair, I make a motion we approve the resolution ordering a refund of fees and assessments paid in the amount of \$172.00 to Claire Burston of Helena Montana and authorize the chair to sign.

Chair Varone: Second. All those in favor

Commissioners: 'I'

Chair Varone: Motion carries. Next one is Darlene Rasmuson for \$172.00

Cheryl Green: Same scenario. She only had a shed on her land and she was paying a landfill fee. She is paying on the mobile home, which she should be. For 2001, 2002 she was double assessed for \$172.00.

Chair Varone: Commissioner.

Commissioner Tinsley: Madam Chair, I make a motion we approve the resolution ordering a refund of fees and assessments paid in the amount of \$172.00 to Darlene Rasmuson of Helena Montana and authorize the chair to sign.

Chair Varone: Second. All those in favor

Commissioners: 'I'

Chair Varone: Motion carries. Next one is for Ronald Pagatchnik for \$336.78. I apologize for slurring that name.

Cheryl Green: Okay this is the same but it's a little bit different. Ronald had the card for the land and he also had the scratch gravel card for the mobile home. He should never have received a card for the land. So Carol down at Public Works, as you'll see on the back sheets there, he had used the landfill card for on the land. All of these cards on this edit have been cancelled and cannot be used you know going through the weigh station. What Carol has went through and done at Public Works is he used so much of that card for a certain year, you know tonnage wise or money wise so we took away what he had used on that card, so he paid the \$86.00 but he used, let me find his name on here, okay say like in 2002 he used \$34.63 and that would have been fiscal year 2001 and than in fiscal year 2002 he sued \$44.29. So we had figured that he had been double assessed from 1998 - 2002, he had not used the card the previous years so we took the \$425.60 which would have been the refund for five years and took away the \$88.82 that he had used on that card and came up with the refund of \$336.78.

Chair Varone: Thank you. Any questions?

Commissioner Tinsley: Madam Chair, I make a motion we approve the resolution ordering a refund of fees and assessments paid in the amount of \$336.78 to Ronald M. Pagatchnik of East Helena and authorize the chair to sign.

Chair Varone: Second. All those in favor

Commissioners: 'I'

Chair Varone: Motion carries. Next item is George Rogers and Susan McKean for \$238.48.

Cheryl Green: Okay this is pretty much the same. We have a refund for '98, 2001 and 2002 and on the back Carol had figured out what they had used. Using that card, \$15.12 so we took that away from their refund to come up with a total of \$238.48.

Chair Varone: Commissioner.

Commissioner Tinsley: Madam Chair, I make a motion we approve the resolution ordering a refund of fees and assessments paid in the amount of \$238.48 to George Rogers and Susan McKean of East Helena and authorize the chair to sign.

Chair Varone: Second. All those in favor

Commissioners: 'I'

Chair Varone: Motion carries. The next one is Robert Thoroughman for \$618.28

Cheryl Green: From what I understand on this one from the Department of Revenue, they have like you could have one property record card then you could have a sheet two and a three and so forth as many different building as you might have on that land. I understand here that there is, they put the garage on the first card and it was also on the second card so pretty much the garage was double assessed and they figured it was just for tax year 2002 and Robin has figured the refund of being \$618.28.

Chair Varone: Commissioner.

Commissioner Tinsley: Madam Chair, I make a motion we approve the resolution ordering a refund of taxes fees and assessments paid in the amount of \$618.28 to Robert R. Thoroughman of Helena Montana and authorize the chair to sign.

Chair Varone: Second. All those in favor

Commissioners: 'I'

Chair Varone: The last item is ASARCO for \$25,053.06

Cheryl Green: We moved that from the refund per K, Paul. We have some more investigating to do on that first.

Chair Varone: So are you asking for us to continue that, table it?

Cheryl Green: Yeah

Commissioner Tinsley: Madam Chair, I make a motion we table the resolution ordering refunds to ASARCO until further notice.

Chair Varone: Do we have to have a date specific Ron?

Ron Alles: Madam Chair, Commissioners, No. We'll put this back on the agenda at the appropriate time.

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

Commissioners: 'I'

Chair Varone: Motion carries. Thank you Cheryl.

**(More 4H speakers)**

Chair Varone: I believe in the back of the audience we have some additional folks here from 4H, would you raise your hand please. Would you like to say anything before, since you came all the way out, I'd hate to have them not have the opportunity to speak, Commissioner if you're okay with that. If anyone would like to come forward and speak about the 4H program, I just need for the record for you to state your name and address. What we did, you folks weren't here when we talked earlier, but what we will be doing is we'll be meeting with Larry Hoffman the extension agent and the other Commissioners to decide how we can move forward and

hopefully it's our intent to come up with something that can include Northern Jefferson County, but if you have anything you'd like to say, please come forward.

Kurt Dallas: I'm Kurt Dallas from East Helena. My understanding is that the Jefferson County Commissioners reneged on a contract that they made with this County last year. I think that the bottom line in this thing is we need to look at the children down in that part of the County that are involved in a quality program that I believe we have in this County and hopefully we can come up with some way that they can continue to do that at some minimal costs to the families that are involved down there.

Chair Varone: Thank you. Mam.

Lisa DeWitt: Hi. My name is Lisa DeWitt and I live out in Montana City area in North Jefferson County. We have kids that are very highly involved in the 4H program and many of us North Jefferson parents went to a lot of Commissioners meetings with the Jefferson County Commissioners and we thought we had things worked out and I'm very sorry to understand that this has occurred. As parents, we would really appreciate the Lewis and Clark Commissioners allowing our children to continue to participate in the programs in Lewis and Clark County. If there is anything we can do to help the Commissioners come to some sort of an agreement of what that is, there are many of us that would be more than happy to do that. I guess, our apologies for the situation that has occurred, we did really try to come up with something. If you could include us, we'd certainly appreciate it. Thank you.

Chair Varone: Thank you.

Beth Foster: Hi. I'm Beth Foster North Valley, I live in the North Hills here in Helena and I am the president of the Lewis and Clark County 4H Council and I also have gone to several Jefferson County Commissioner meetings and supported the Jefferson Northern Jefferson families and the whole Lewis and Clark County families, 4H families all support trying to do something, a win-win situation for these kids to be part of our 4H. They've been there for years and we just want to continue having them so if there's anything I can do, any committees or anything we can be on, we'd be greatly appreciated to be part of that.

Chair Varone: Thank you Ms. Foster.

Beth Foster. Thank you.

Larry Hoffman: Madam Chair, Larry Hoffman with the extension service. I do apologize for not being here earlier. I just wanted to make a few comments and I was under the thinking that we were going to discuss this today and I heard we had a committee going, I didn't know that. I'm ready for the committee, we have our stats together, I just wanted to let you know that we would like as an extension service, like to have this done as soon as possible. We have some major elections coming up, we have livestock elections which and the council elections which the Jefferson County people play a major part in those committees, so I don't know what your time schedule is, but I'd like to see it done as quick as possible. Thank you.

Chair Varone: Thank you Larry. We want that to happen to and a committee hasn't been formed as yet, there's just been some discussion about how we go on to step B to accomplish what we need to accomplish for everyone, so. Thank you for coming today.

#### **Contracts/Agreements.**

- a. Community Operating Plan & Annual Agreement for Lewis and Clark, Broadwater, and Northern Jefferson Counties. Administration of Public Assistance Programs. (Dave Morey, OPA)
- b. Bureau of Reclamation. Modification of Assistance Agreement. \$3,000 in additional funding for the Weed District. (Larry Hoffman)
- c. Bureau of Land Management. Amendment to task order #4 from \$3,750 to \$5,750 for the Weed District. (Larry Hoffman)
- d. Cooney Convalescent Home. Medical Director Contract. (Marlene Lauretta)
- e. MDT Speed Zone Study. Secondary 430, Canyon Ferry Road. (Eric Griffin)

- f. Federal Highway Administration Reimbursable Agreements: (Eric Griffin)
  - i. No. 03-A-17-0072, Gates of the Mountain, PLD 2003 (1)
  - ii. No. 03-A-17-0073, Marysville Road, PLD 2003 (2)
- g. Independent Contract Agreement w/Mona Jamison. Establishment Phase of Lincoln's resort tax. (Ron Alles)
- h. Professional Services Contract w/DT Architecture, P.C. Multi-purpose facility at the Fairgrounds. (Ron Alles)
- i. Department of Justice/Board of Crime Control. NET/Probation Awards Contract. (Nancy Everson)

**Community Operating Plan & Annual Agreement for Lewis and Clark, Broadwater, and Northern Jefferson Counties. Administration of Public Assistance Programs. (Dave Morey, OPA)**

Dave Morey: Good Morning Commissioners, Thanks for giving me some time on your agenda. I'm Dave Morey, Director of the Office of Public Assistance covering Lewis and Clark, Broadwater and Northern Jefferson Counties. I'm here before you to ask for your endorsement on a document known as the Community Operating Plan and Annual Agreement, which is mandated under Senate Bill 339, from the 2001 legislature, which clarifies the means by which welfare services are delivered at the County level. In particular I'm referring to a program called Temporary Assistance for Needy Families (TANF). The plan that this Commission had previously signed is reproduced here except for a couple changes. There are some changes in language to clarify the intent of some of the items. I would refer you to page 2, part number 7 at the bottom, which assures that I will provide a quarterly budget status report to the County Commission and this will certainly be done, that's a new item and then on page 17 the section called post-secondary education has been extensively revised and there are some possible changes in the near future. Post-secondary education that is attendance at a vocational technical school or college, which is geared toward job training with the intention of making the participant self sufficient through qualification for adequately paying jobs, is allowed in Montana under the TANF program and through a waiver with the US Government. The waiver expires on December 31<sup>st</sup> of this year and TANF itself expired on July 1, I believe, of this year but it may have been October 1. But it has expired as we speak and it's on a continuing resolution with a reauthorization bill in congress and neither the senate nor the house version of that reauthorization includes the allowance of post-secondary education as an activity under TANF. For general information, TANF provides cash, direct cash assistance to a family with dependent children if the family qualifies basically due to being in an impoverished situation. With the provision that the family will participate for a certain number of hours a week, typically 30 hours a week in activities that would lead to self sufficiency. Post-secondary education currently is one of them and unless something changes in the congress or we are by some miracle be given as a state another waiver for post-secondary education that will not be an option after December 31. So this section may be obsolete at that time. In that section, under number one it's an additional sentence was inserted provide assurance that post-secondary education participants are informed that this may not be accountable participation activity after December 31, 2003 and we are certainly doing that. The third significant change, on page 21 under the confidentiality section is I'm sure everybody knows the case information about families, their situation, their finances and personal information is high confidence within our office. There is however an additional provision under question number one that last sentence says provides assurance that and then there's an acronym HIPAA, which we call HIPAA, provide assurance that HIPAA standards are met. HIPAA is the Health Insurance Portability and Accountability Act which was actually passed in 1995, it's mostly geared towards insurance companies so that insurance companies cannot pass confidential medical information about an individual to another insurance company and Medicaid which we administer is an insurance program which is covered under HIPAA and there are some very stringent rules that were instituted in April of this year which we now follow. So those are the significant changes in this document compared to the one that this Commission signed last year. Again, some of the language has changed for clarification and some of my responses have changed according by means of updating the situation in the County. The other major change is that in the last year's annual agreement, each county Lewis and Clark, Broadwater and Jefferson Counties signed their own agreement. Commissioner Tinsley was at a meeting in June in my office in what is called a Community Advisory Council which directed me back to we should have one combined plan for all the two counties, Broadwater, Lewis and Clark and the Northern part of Jefferson County and that's reflected here as well. So those are the significant changes. If you have any questions, I'd be glad to attempt an answer.

Chair Varone: Thank you Dave for the complete explanation of the contract, I just have a couple one you've already answered. I wanted to know who was representing Lewis and Clark County on the Advisory Council and I'm glad to hear that Commissioner Tinsley was there. Does this contract have any negative impacts relative to Jefferson County? Are they required to sign this as well? And if so, have they? Are there any funds that they have to contribute to this or is it just simply support?

Dave Morey: The general answer to your question is that this really is not a contract, but it's a plan that I and my staff are held too and that you the Commissioners endorse, so I would say it's not a contract per se it's more like a memorandum of understanding or an agreement. Although, legally, I'm not a lawyer, I wouldn't know if legally it's a contract or not. With regard to Jefferson County, Jefferson County was divided in jurisdiction between my office and the office in Butte for reasons related entirely to customer service. The people who live in Northern Jefferson County especially North of the Boulder hill, until this split of the Jefferson County happened, had to travel to Boulder to our one-person office in Boulder to receive services, even if they lived one mile south of the line, which is virtually just outside of Helena. It made no sense to us that they would have to travel 20 some miles when they can travel just a few miles to get the same service. Similarly people who live in White Hall would have, prior to this, had to take the trip up route 69 to Boulder when they would just as soon go into Butte, people in that area go to Butte to go shopping and other appointments, medical appointments, and people in Northern Jefferson County certainly come into Helena for those same services. Boulder's in the middle of course and that's sort of a one or the other option, but they do have the option. In, at the end of December last year we closed that one-person office in Boulder and of course that was of some concern to the Jefferson County Commissioners. I met with them in the first or second week of January and gave them assurances that there would be no detracting from the level of service being that if people in Boulder couldn't get to Helena or Butte we would go there and we've certainly been doing that. Financially there is no financial item in this document for any of the counties, the financing for the service is provided come directly from Federal Funds and State matching funds. Those being for Medicaid, TANF and Food Stamps.

Chair Varone: Thank you Dave that was my question about money since Jefferson County Commissioners, the majority of them, two of them have decided not to comply with any of the contracts that they've had with Lewis and Clark County, I wanted to make sure that we were safe with this one.

Dave Morey: I met with the Jefferson County Commissioners last Wednesday, and presented this same document and we discussed it a little bit. They asked about any fiscal notes or impacts and the answer was the same, there is none and they seemed satisfied with that.

Chair Varone: Thank You. Commissioner.

Commissioner Tinsley: Madam Chair, I make a motion that we approve and agree to sign the Community Operating Plan and Annual Agreement for Lewis and Clark, Broadwater, and Northern Jefferson Counties with regards to the administration of Public Assistance Program and authorize you to sign.

Chair Varone: Second. All those in favor

Commissioner Tinsley: Actually, authorize all of us to sign the particular document.

Commissioners: 'I'

Chair Varone: Motion passes. Thank you very much Dave.

Dave Morey: Thank you very much Commissioners.

**Bureau of Reclamation. Modification of Assistance Agreement. \$3,000 in additional funding for the Weed District. (Larry Hoffman)**

Larry Hoffman: Thank you Madam Chair. Of the \$3,000 additional is to put another contract out for

campgrounds on the Canyon Ferry reservoir. This is money that they want to spend towards weed control.

Chair Varone: Any questions of Larry?

Commissioner Tinsley: Madam Chair, I make a motion we approve the contract with Bureau of Land Management amendment to task order #4, I'm on the wrong one. Modification of Assistance Agreement for \$3,000 in additional funding for the Weed District and authorize the chair to sign.

Chair Varone: Second. All those in favor

Commissioners: 'I'

Chair Varone: Motion carries.

**Bureau of Land Management. Amendment to task order #4 from \$3,750 to \$5,750 for the Weed District. (Larry Hoffman)**

Larry Hoffman: That's another weed contract they want us to contract out spraying on the Grizzly Gulch for knap weed and those are the extra funds that they wish that we would use.

Commissioner Tinsley: Madam Chair, I make a motion that we approve the Bureau of Land Management amendment to task order #4 from \$3,750 to \$5,750 an increase of \$2,000 for the Weed District and authorize the chair to sign.

Chair Varone: Second. All those in favor

Commissioners: 'I'

Chair Varone: Motion carries. Thank you Larry.

**Cooney Convalescent Home. Medical Director Contract. (Marlene Lauretta)**

Marlene Lauretta: Thank you Madam Chair, Commissioner Tinsley. I am requesting that the Commission sign this Medical Director Contract with Mark Kreisberg who will be our Medical Director at the Cooney Convalescent Home and I'm just requesting that the Chair sign this contract.

Chair Varone: Any questions of Marlene?

Commissioner Tinsley: Madam Chair, I make a motion we approve the Cooney Convalescent Home consultant contract with Dr. Mark Kreisberg and authorize the chair to sign.

Chair Varone: If I could offer an amendment to include the amount it's for \$1050.00 per month. Second. All those in favor

Commissioners: 'I'

Chair Varone: Motion carries. Thank you Marlene.

**MDT Speed Zone Study. Secondary 430, Canyon Ferry Road. (Eric Griffin)**

Eric Griffin: Madam Chair, Commissioner Tinsley, I believe before you, you have a packet from the Department of Transportation, a request of some residents out there, the Department of Transportation went back out and did another speed zone study and evaluation of this section of road. Basically it entails from the

intersection Canyon Ferry Road and York and it goes to Canyon Ferry and Lake Helena Drive. Right now the existing speed limit through that area is 55 MPH. Through these investigations and based on their nationally accepted engineering practices, their recommendation is to increase the speed from 55 to 60 MPH from the intersection of York and Canyon Ferry to Wylie Drive. And from Wylie Drive to Lake Helena Drive leave it at 55 MPH. In one paragraph I think I should just read it for the record 'in relationship to the 55 MPH speed limit, motorists are typically traveling at or slightly above 55. The speed statistics indicated that there would be no benefit in reducing the speed limit as motorists are currently exceeding 55 MPH along much of the segment. There's no evidence supporting that reducing the speed limit will improve the operation of the roadway. Historically the roadway has functioned consistently in terms of travel speeds an accident experience.' My staff, we've reviewed this and based on the way the Department of Transportation conducts their speed zone studies and their recommendations I would have to agree with what is recommended here. I'll make another point to, that they stated that it's reasonable to expect that additional enforcement will have a greater impact on improving safety than arbitrarily lowering the speed limit, so once this is done we'll make sure that the Sheriff and the Highway Patrol what has I guess taken place here.

Chair Varone: Any questions of Eric?

Commissioner Tinsley: Now Eric I'm going to make a motion to support this, but I agree with you in the sense that given the standards they're required to do the study under, it does make sense but talking with residents out there, there is a gentleman named Don Fleming, he has approached me on several occasions indicating that he's getting tired of cleaning debris out of his yard from wrecks that are occurring right in front of his house and I believe this is the same stretch of road, the 55 MPH from York Road to Lake Helena where a gentleman was hit while he was checking his mailbox. It's, there is excessive speeding going on out there and I understand whether you lower it or not, it's not going to change the fact that people speed.

Eric Griffin: Madam Chair, Commissioner Tinsley, I agree with you, I thought about this and rolled this around and in my mind if you drop through that section you drop to 45, but from my background and my experience versus the people, the traffic engineers that go out and make these recommendations and observe the patterns and do all this, I guess I have a hard time arguing with what their recommendations are to us, so I, probably the most important thing is to move that secondary project along as quickly as we possibly can and get that section of road rebuilt from the end of that safety project to Lake Helena Drive.

Commissioner Tinsley: Madam Chair, I make a motion that we approve the, do we approve it or accept

Eric Griffin: Just basically that Lewis and Clark County that we have no comments, we concur with the recommendations by the Department of Transportation.

Commissioner Tinsley: Madam Chair, I make a motion that we concur with the recommendations put forth by Montana Department of Transportation regarding the speed zone study, secondary 430, Canyon Ferry Road.

Chair Varone: Second. All those in favor.

Commissioners: 'I'

Chair Varone: Thank you Eric.

**Federal Highway Administration Reimbursable Agreements: (Eric Griffin)**

- iii. No. 03-A-17-0072, Gates of the Mountain, PLD 2003 (1)
- iv. No. 03-A-17-0073, Marysville Road, PLD 2003 (2)

Eric Griffin: Madam Chair, Commissioner Tinsley, I believe before you is the agreement between Western Federal Lands Highway Administration and Lewis and Clark County. What this project does, this is a reimbursable agreement for \$525,000.00 this is for the improvement of Gates of the Mountains, basically from the interstate to the boat, the boat docks down there. A couple of items I want to bring to the commissions attention that we did require, we did ask for I believe in this request that we asked for

\$750,000.00 so once things are taken off the top and other, we didn't get as much as we asked for, we're down to \$525,000.00 so our scope of our project has changed from what we originally asked for. Myself, Mr. Effertz and also Ted Wood Engineer from Vancouver we'd come up with an alternative kind of a project out there that we think will work within our funding source and because I know on the back page it says other constructional alternatives may be proposed and be acceptable through mutual agreements. This is kind of going to be kind of a touch and go as we try to make this go for this amount of money but it's, we'll make it work and I recommend that the Board sign this agreement.

Chair Varone: Questions of Eric?

Commissioner Tinsley: No. No questions. Madam Chair, I make a motion that we approve the reimbursable agreement No. 03-A-17-0072, Gates of the Mountains Project PLD 2003 (1) which will be reimbursing Lewis and Clark County in the amount of \$525,000.00 and authorize the chair to sign.

Chair Varone: Second. All those in favor

Commissioners: 'I'

Chair Varone: Motion carries

Eric Griffin: Madam Chair, Commissioners, this agreement also to is an agreement with Western Federal lands Highway Administration out of Vancouver. It is also a reimbursable agreement between them and Lewis and Clark County. This scope of this work includes three different items. Quickly, the first item will basic supply gravel for the road basically to preserve the road as we go through the design environmental process right now that's going on with the Department of Transportation. Phase two of this will allow money for purchase of right of way once the final design and the road is going to happen. Then also, the third thing which the Federal Highway Administration more than generous to help us out on basically a research program is to apply acrylic polymer stabilization to the road once the gravel is installed so that is included in that \$547,000.00 and that's \$122,000.00 so and the next within a years time we should be able to improve the quality of the drive onto Marysville road by adding gravel and also to this acrylic polymer base stabilizations so I would recommend to the board that we sign this reimbursable agreement.

Chair Varone: Commissioner.

Commissioner Tinsley: Madam Chair, Mr. Griffin. Are we getting our gravel from Haley Andersons Place and has that all been researched and taken care of with regards to the potential of foreign substances.

Eric Griffin: Madam Chair, Commissioner Tinsley, I hopefully by the end of this week I will have a report from (unknown) McGee they have done some additional testing above and beyond what DEQ did on their work. I talked to Randy yesterday; I believe that we will be crushing gravel at that pit, yes.

Chair Varone: You're testing each pile.

Eric Griffin: The test results, we will be fine. It turned out okay.

Commissioner Tinsley: There's no weed in the gravel is there?

Eric Griffin: No, we'll make sure that the gravel is weed free.

Commissioner Tinsley: Okay. Madam Chair, I make a motion that we approve the Federal Highway Administration Reimbursable Agreement No. 03-A-17-0073 Marysville Road PLD 2003(2) the reimbursable amount to Lewis and Clark County will be in the amount of \$547,000.00 and authorize the chair to sign.

Chair Varone: Second. All those in favor

Commissioners: 'I'

Chair Varone: Motion carries.

**Independent Contract Agreement w/Mona Jamison. Establishment Phase of Lincoln's resort tax. (Ron Alles)**

Ron Alles: Madam Chair, Commissioners, as the title suggests it's to work with Mona Jamison, or she will work with us as a consultant to explore the possibility of making the Lincoln community a resort area. Sets up the standards fee paperwork, etc. The County Attorney has reviewed it to form and it is reasonable in the amount of fees. Staff recommends approval.

Commissioner Tinsley: Madam Chair, I'd just like to point out that this is not an implementation phase for the County on Lincoln, this is what we're doing is we're offering up our services to even see if they want to do this. They may very well come back to us and say they don't want to do this and if that's the case then that's the case, but we're basically authorizing an amount of money to be available for this consultant to put together all the information and allow them to make an informed decision. With that, I'd move approval of the Independent Contract with Mona Jamison in the amount of \$15,000.00

Chair Varone: It's \$115.00 an hour not to exceed \$12,000.00 and the travel time is \$75.00 an hour

Commissioner Tinsley: as an amendment, I accept that and authorize the chair to sign.

Chair Varone: Second. All those in favor

Commissioners: 'I'

Chair Varone: Motion carries

**Professional Services Contract w/DT Architecture, P.C. Multi-purpose facility at the Fairgrounds. (Ron Alles)**

Chair Varone: Item 'h' on the agenda is regarding a Professional Services Contract with DT Architecture and Ron has asked that we table that to a future date.

**Department of Justice/Board of Crime Control. NET/Probation Awards Contract. (Nancy Everson)**

Nancy Everson: Madam Chair, Commissioner, you have before you the grant award for what we call the NET grant, this is administered by Dick Meeker's Office, the Juvenile Probation Office and it's for one staff person who will actually work for Montana Youth Homes dealing with the school district. It's a joint operation with the school district and the juvenile probation for those kids in the school district and it also includes the part time juvenile probation officer in Broadwater County. Broadwater County is paying for the match for this grant. Does the Commission have any questions?

Chair Varone: Any questions?

Commissioner Tinsley: Madam Chair, I make a motion we approve the Department of Justice, Board of Crime Control NET/Probation Awards Contract and authorize the chair to sign.

Chair Varone: Second. All those in favor

Commissioners: 'I'

Chair Varone: Motion carries. Thank you Nancy.

**Augusta FSA Board of Trustee Appointments.**

The Commissioners will consider appointing:

- a. Daniel E. Barrett
- b. Russell S. Bean
- c. W. Michael Cobb
- d. S. William Mosher
- e. Joseph J. Barrett

Sharon Haugen: Madam Chair, Commissioners, what you have before you is five names proposed as the Board of Trustees for the Augusta Fire Service (tape ended) and if we decide to appoint these five members we can swear them in in Augusta on Friday.

Chair Varone: Question. Does this have to go to a vote or is this a simple appointment?

Sharon Haugen: This is a simple appointment.

Chair Varone: Thank you. Questions?

Commissioner Tinsley: Madam Chair, Ron, Once their sworn in and the transfer has basically taken place from Lewis and Clark County Fire District to Augusta and there's not going to be any more confusion with regards to dispatch.

Ron Alles: Madam Chair, Commissioners, actually the new fire service area is already created and through mutual aid and stuff the Lewis and Clark Department has been assisting this new area. One of the first orders of business is going to set up they'll be for this area to set up an agreement with the Augusta Fire District so they've been very helpful both entities in assisting this new fire service area, but that will be the first order of business.

Commissioner Tinsley: Madam Chair, I make a motion that we approve the Augusta Fire Service Area Board of Trustees Appointments and appoint Daniel D. Barrett, Russell S. Bean, W. Michael Cobb, S. William Mosher, and Joseph J. Barrett as Board members for the newly created Augusta Fire Service Area and authorize the chair to sign.

Chair Varone: Second. All those in favor

Commissioners: 'I'

Chair Varone: Motion carries. We'll swear those folks in when we go to Augusta.

**Request for One-Year Extension of Preliminary Plat Approval for the Northwest Minor Subdivision to April 11, 2004.** (Applicant, Larry Marshall) (Sharon Haugen)

The Commissioners will consider the extension to April 11, 2004.

Commissioner Tinsley: Madam Chair, Ms. Haugen is there a recommendation from

Sharon Haugen: Well Madam Chair, Commissioners, staff has reviewed that and even though request is late in the past the Commission has granted the request for the first year, Mr. Marshall has provided evidence to my office and he has been performing due diligence so we recommend this be extended until April 11, 2004 and just for the record we are not acting on the second request to change the number of lots that will have to be

done in a separate meeting because we have to notice that.

Chair Varone: I appreciate that because when I read his first letter of request and I appreciated your response to him in that manner.

Commissioner Tinsley: Madam Chair, I make a motion that we approve the extension request for the Northwest Minor Subdivision to April 11, 2004 and authorize the chair to sign.

Chair Varone: Second. All those in favor.

Commissioners: 'I'

**Board Appointments.**

The Commissioners will consider appointing Richelle DePew to a second term on the Forestvale Historic Preservation Committee to expire September 30, 2006.

Carole Byrnes: Thank you Madam Chair and Commissioner Tinsley. Richelle DePew has requested and I did receive her request from her and she would like to be appointed to a second term on the Historical portion of the Forestvale Cemetery Board to expire September 30, 2006.

Commissioner Tinsley: So moved

Chair Varone: Second. All those in favor.

Commissioners: 'I'

The Commissioners will consider appointing Kathy Tams to fill an unexpired term on the Lincoln Community Council to expire \_\_\_\_\_?.

Chair Varone: This was continued from the 3<sup>rd</sup> of this Month. All I need to ask is, Carole if you would, is this a two-year term, three-year term, four-year term, what is it?

Carole Byrnes: Oh, Thank you Madam Chair and Commissioner Tinsley, actually this will be for Kathy Tams to fill the unexpired term until the 2004 election and than if she so chooses to run at that time. So it would just be until the 2004 May election.

Chair Varone: Thank you.

Commissioner Tinsley: Madam Chair, I make a motion that we approve the petition for appointment for Councilman for Kathy Faye Tams to be appointed as Council member for the Lincoln Community Council and authorize the chair to sign.

Chair Varone: Second. All those in favor.

Commissioners: 'I'

Chair Varone: Carole, do I sign this? Where it says name and title of Officer taking acknowledgment is that me or is that someone else?

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

**Adjourn.**

