

**SUBDIVISION MEETING**  
**January 13, 2005**

Chairman Ed Tinsley called the meeting to order at 9:00 a.m. Commissioners Varone and Tinsley are present. Others attending all or a portion of the meeting included Ron Alles, Paulette DeHart, Marni Bentley, Michael McHugh, Frank Rives, Sheriff Liedle, Deputy Jason Grimmis, Ken Mergenthaler, Tracy Moseman, Janet Pallister, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the Pledge.

Request for Reconsideration of Penalty & Interest Refund. Paulette DeHart reported the Commissioners will consider whether to reconsider its November 18, 2004 decision of denial to Marilyn Hudson for a refund of interest in the amount of \$1,813.02 and penalty in the amount of \$531.10 for a total amount of \$2,344.12. Paulette DeHart reported Ms. Hudson changed the address for tax billing with Department of Revenue and three weeks later DOR changed the address back unknown to Ms. Hudson. Commissioner Murray asked Ms. DeHart if the Commission has the legal authority to refund penalty and interest. Ms. DeHart stated only if the refund is due to errors or omissions. Commissioner Murray moved to reconsider Ms. Hudson's request for a refund of penalty and interest for tax years 2002 and 2003. Commissioner Varone seconded the motion.

Commissioner Tinsley stated it appears the error was not on the part of Lewis and Clark County. Ron Alles stated if a person believes his tax bill is in error they must pay that tax bill and then appeal the taxes.

Commissioner Varone moved that the Commission table this matter for reconsideration to February 1 and ask the county attorney be present with a legal opinion. Commissioner Murray seconded the motion and it carried unanimously.

Depository Services Resolution. Paulette DeHart reported the resolution to deposit security funds authorizes Lewis and Clark County to purchase a one year certificate of deposit with a local bank at 3% interest. Staff recommends approval. Commissioner Murray moved to allow the clerk and record to deposit money in US Bank in the amount of \$900,000 and authorize the chair to sign the resolution. Commissioner Varone seconded the motion and it carried unanimously.

Resolution Establishing the 2005-2006 Fire Season for Lewis and Clark County. Ken Mergenthaler reported the resolution relates to debris burning in Lewis and Clark County. The burning season takes effect March 1, 2005. Commissioner Varone moved to approve the resolution and authorize the chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Board of Crime Control, DUI Task Force Grant Application. Sheriff Liedle reported the grant application in the amount of \$47,894.60 is designed to provide underage drinking enforcement in the City of Helena and Lewis and Clark County. The grant funds will be to hire a part time project coordinator in the amount of \$20,372; \$11,917.60 for additional law enforcement efforts; \$4,800 for public awareness and media efforts; \$4,700 to pay for attendance at Board of Crime Control Grant Management Workshops and a national conference; purchase 6 portable breath testing units \$4,140; and \$1,965 for operating and maintenance. Staff recommends approval of the grant application.

Deputy Jason Grimmis expressed support of this grant which will benefit the community.

Commissioner Murray stated his concern for entrapment of young individuals and compliance checks. Sheriff Liedle stated the Sheriff's Department has conducted numerous educational program with alcohol servers in Lewis and Clark County to educate them about the laws regarding underage drinking and selling alcoholic beverages to underage individuals.

Tracy Moseman, Prevention Specialist for Boyd Andrew Community Services and a member of the DUI Task Force. Ms. Moseman reported Lewis and Clark County is number one in the state for minor in possession tickets written as well as underage possession tickets. The grant requires the inclusion of compliance checks in order to qualify for the funds. Many community agencies are in support of this grant. Liquor license holders are made aware of training programs through notice and advertisement in the newspaper.

Commissioner Murray moved to support the grant application and authorize the chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Motorola Inc, Change Order 005 (Sheriff Radio Project). Sheriff Liedle reported the change order increases the contract \$17,577 for programming templates for mobile and hand-held radios and provide support for engineering services on radio coverage between Stonewall, Hogback, and MacDonald Pass. The new contract amount with Motorola is \$3,236,223.50. This amount is still below budget. Commissioner Varone moved to approve the change order and authorize the chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Helena National Forest 2005 Annual Operating and Financial Plan, Agreement No. 01-LE-11011200-005. Sheriff Liedle reported the plan provides additional patrols in campground areas in Lewis and Clark County and reimburses patrol service not to exceed \$11,000 ending September 30, 2005. Commissioner Murray moved to approve and authorize the chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Lewis and Clark National Forest 2005 Annual Operating and Financial Plan, Agreement No. 01-LE-11011521-023, Modification #005. Sheriff Liedle reported the plan is similar to the above plan for campground patrol and reimbursement for patrol service not to exceed \$4,500 ending September 30, 2005. Commissioner Varone moved to approve and authorize the chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Proposed Road Abandonment of Deer Park Drive. (Principal Petitioners, Kevin Crabtree and Jodee Hoovestal) (cont. from 12/21/04). The petitioners request the county abandon a segment of Deer Park Drive right-of-way approximately 280 feet long and 60 feet wide. The proposed road abandonment is located in the SE1/4 of Section 8, T11N, R2W. Frank Rives stated a decision was delayed to today to allow the Commission an opportunity to visit the site.

Commissioner Varone moved to approve the road abandonment and authorize the chair to sign. The motion died for the lack of a second.

Commissioner Murray moved to deny the request for abandonment. Commissioner Tinsley seconded the motion.

Commissioner Murray stated his concern is with access to federal land and the one island of property just past federal land and how the individual in the future will be able to access that property if the road is abandoned.

Commissioner Varone stated there is plenty of access to BLM land and the request is to allow the petitioner to move his drainfield.

Commissioner Tinsley stated BLM is willing to pursue access for that individual in the event the Commission closes this road but he would prefer they obtain access from BLM through another route at this time.

The motion to deny the request for abandonment carried 2-1. Commissioner Varone voted against the motion.

Request for One-Year Extension of Preliminary Plat Approval for Lakeshore Acres Lot 2 Minor. (Applicant, John Perros) Michael McHugh reported the applicant requests a one-year extension to December 22, 2005. Staff recommends approval of the extension request. Commissioner Varone moved to approve the extension. Commissioner Murray seconded the motion and it carried unanimously.

Resolution Of Intention To Alter The Boundaries Of The Wolf Creek/Craig Fire Service Area To Annex Adjacent Land–North Area. Marni Bentley reported the resolution annexes another property into the Wolf Creek/Craig FSA. This is the Lewis and Clark Pass – Green Creek area and will take in the last of the private lands on the northern edge of the fire service area. The Wolf Creek/Craig FSA will accept the newly annexed area. Staff recommends approval of the resolution. Commissioner Murray moved to

approve the resolution and authorize the chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Resolution Of Intention To Alter The Boundaries Of The Wolf Creek/Craig Fire Service Area To Annex Adjacent Land–South Areas. Marni Bentley reported the petition is signed by 67% of the property owners and includes an area of Fish, Wildlife and Parks buildings at the end of Beartooth Road and a private resident outside the fire service area on Chevallier Drive. The Wolf Creek/Craig FSA will accept the newly annexed area. Staff recommends approval of the resolution. Commissioner Varone moved to approve the resolution and authorize the chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Contract with Crossman-Whitney-Griffin. Janet Pallister reported the contract for architectural services for the Cooney Home remodel and expansion project in the amount of \$36,700. CWG is one of 5 firms on the list of pre-qualified consultants. The review committee selected CWG. The funds are budgeted in FY05 Cooney budget. Staff recommends approval of the contract. Commissioner Murray moved to approve the contract and authorize the chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Public comments on items not mentioned above. None.

There is no other business, the meeting adjourned at 9:50 a.m.