

PUBLIC MEETING

August 9, 2005

Chairman Ed Tinsley called the meeting to order at 9:00 a.m.

Commissioner Varone is out of town at a funeral, Commissioner Murray is present. Others attending all or portion of the meeting included Ron Alles, Jerry Grebenc, Mike Ruppert, Dean Ritz, Mr. Solberg and Maria Penna.

1. **Consent Items.** Ron Alles reported you have four items on the consent agenda.
 - a. Request for One-Year Extension of the Bridge Creek Estates Subdivision to May 27, 2006. The Applicant is Phil Wirth, the Planner is Frank Rives.
 - b. U.S. Department of Agriculture Memorandum of Understanding. It's for \$2500. This is for the protection of sheep from destructive animals, or coyotes for the period 7/1/05 to 6/30/06.
 - c. An application on behalf of the Conservation District HB223 Grant Application. The District is requesting \$10,000 in grant funding for the Simpson irrigation project.
 - d. A series of 4 Weed District Resolutions. It has to do with monitoring subdivisions 5 year weed management plan, some fines relating to that. I would suggest that the commission pull that from your consent agenda for further discussion.
 - a. Establish Performance Bond Requirements for Subdivisions
 - b. Establish Subdivision/Timber Harvest Penalty
 - c. Support a Management Plan Program and Certification for Hazard Reduction Agreement Permits
 - d. Establish The Agricultural Advisory Group (pulled to table until 8/11)
Motion passes.

Staff recommends approval of the three prior to that.

Chairman Tinsley: Thank you Mr. Alles. Commissioner Murray would you like to pull the other 3 out?

Commissioner Murray: Mr. Chair I would move that we pull item # d and table it until August 11th at our Public Meeting.

Chairman Tinsley: Second. Any discussion. All in favor of the motion signify by saying Aye. Motion Passes.

Commissioner Murray: Chair I move for approval of the consent agenda.

Chairman Tinsley: We have a motion and I will second it. All in favor signify by saying Aye. Motion passes 2-0

2. **Boyd Andrew FY 2006 Service Agreement.** tabled from 8/4/05,

Mike Ruppert, CEO, reports: Boyd Andrew Community Services, a non-profit corporation that provides chemical dependency treatment and community correction

services in the Lewis & Clark, Broadwater and Jefferson Counties. There are two documents, generally, that the Commission needs to deal with regarding chemical dependency services in Lewis & Clark County. One is the state planned document, I think it's called an Action Form where you designate which non-profit you choose to provide services in your county, and that usually happens in January, but looking at your agenda, it looks like you might have that in front of you now as well. So that was sent by the State, and I'm not aware of that. That's one of the documents. The other is this 2 page agreement which is a little contract between the county and Boyd Andrew to provide those services that you designate on that other form. And I thought while I'm here, as you know Boyd Andrew has been providing the service in Lewis and Clark County for over 30 years now, and I believe we are doing a pretty good job for you. I thought I would give you a sense on what is going on at Boyd Andrew specifically with chemical dependency and then in a broader sense, I will talk a little bit about some of the community corrections kinds of things that we are doing as well. The main things in providing services in the county, chemical dependency services, is that the State Health and Human Services has given us money to fund another full time prevention slot. We had one of those slots, we now have two. And when we had one person was covering all 3 counties that we contract with, and now that we have 2 of these positions, we have one person just for Lewis & Clark and then we have another person that is going to address Broadwater and Jefferson County. So basically, we have gained a ½ time prevention position, devoted to Lewis and Clark County. In terms of our infrastructure, Boyd Andrew had a couple of years ago, purchased the space next door to us, in the arcade building, with the idea that someday we would need more space, and we would expand into; we have been renting it out. We have come to the point that we know now, we need that space, so the renters are leaving, and Boyd Andrew is going to be doubling it's space in the arcade building, which will allow us to hire some additional staff that we have planned. We have a special project with the state where we have a (sic) specialist position, this is a person that is a psychologist, and this person can provide treatment to dual diagnosed people. Dual diagnosed means that they are both chemically dependent and mentally ill. And we have had that going for a year now. And in addition we have hired a person to provide family treatment services. We used to do this a real long time ago. We quit doing it because the state quit paying us. The State has kind of modified how we are reimbursed and so we have now hired a full time counselor to provide services to families. So we have family weeks in our treatment, we have group therapy for families and individual sessions for families. In addition, on a correction side of things, we are going to be providing a new service in a Correction arena. It's called day reporting, it's probation and parole kind of people that will be reporting to us on a daily basis, and we will do random urine and breath tests and things like that, as well as provide clinical services. That Day Reporting service will be run out of our arcade space and will then be combined with the chemical dependency staff. And the last big thing that is going on, the reason why I couldn't be here last week for the meeting, is because I had to close on our bond. We got a \$2 million bond to add a 3rd residential wing to the pre-release center. That is going to expand the size of the pre-release center from 58 beds to 98 beds. And so the construction on that may even start this week, and we hope to have it finished up by the 1st of the year. I'd be happy to answer any questions.

Chairman Tinsley: Thank you Mr. Ruppert. Any questions for Mr. Ruppert?

Commissioner Murray: What's going on in the MIP Program are more youngsters entering your program, is that still a problem going on in our county?

Mr. Ruppert: I'm not aware that it's increased, although I'm not watching it on monthly or daily bases, but if there were some surge, I would have been informed about it, and I haven't been. As far as I know, it's consistent and it's steady. It's seasonal, when we get people in there is dependent upon the time of the year, and it's summer you're less likely to have arrests because kids are scattered all over the place. During the school year, there's keggers and things like that, that's when they tend to have bigger arrests and big influx of people.

Commissioner Murray: Mr. Chair I would like to follow up. Mr. Ruppert, our law enforcement is noting increase methamphetamine labs in our County. I assume that translates into you having more clients on methamphetamine, and would you go through the protocol you are using for rehabilitation. Or is there a standard protocol?

Mr. Ruppert: The treatment of methamphetamine is a new science, and there aren't established protocols. We have had methamphetamine users ever since I've been in the business. Methamphetamine is not a new drug. It's been around forever. It's become more popular and the reason it's become more popular is because it's easy to make. You can make it in your kitchen. And that's the reason there is this big increase in methamphetamine use, in my opinion anyway. So we have treated methamphetamine addicts since I've been here which is 18 years, and I've treated it in other places and we don't treat methamphetamine, in terms of what we do, any different that what we treat any other drug addiction. We view them all the same, we view alcohol as the same as drug addiction, so the treatment is exactly the same, which is generally group therapy, individual counseling, family counseling, spiritual and, if needed, psychological counseling. The physical side of methamphetamine users, requires special medical kind of treatment for persons that are chronic, daily users for long periods of time. Then they can need, specialized medical care, but that is separate from the treatment component. Most places are going to have a specialized medical aspect to them, which we don't do. That happens on an in-patient basis in a hospital setting usually. You have that and then that would be followed by traditional treatment for the chemical dependency. Now the methamphetamine people that are chronic users and have been physically affected by their drug usage, sometimes need a longer period of time in treatment because their cognitive functioning is so screwed up because of the drug usage. But there's other drugs that can do that same thing. In the total meth population people that are that physically addicted, is probably a relatively small percentage. Most of the methamphetamine addicts aren't that physically affected and regular treatment can work for them.

Commissioner Murray: Mr. Chair, Mr. Ruppert, is the drug of choice in our County still alcohol?

Mr. Ruppert: Absolutely it is. It dwarfs all other drugs combined. Alcohol is significantly more abused than all others combined.

Chairman Tinsley: Ron, would you like us to take 2 motions or can we combine them into one each.

Ron Alles: You might as well take 2 Mr. Chairman.

Mr. Chairman: I'll entertain a motion for the resolution and the agreement.

Commissioner Murray: Mr. Chair, I move that the county enter into an agreement with the Boyd Andrew Treatment Center for treatment of chemical dependency of all natures and authorize the chair to sign.

Mr. Chairman: Second. Any discussion. All those in favor of the motion signify by saying Aye. Motion Passes 2-0

Commissioner Murray: Mr. Chairman I move that the County sign the State Form allocating all of the alcohol ear-marked money the county receives to the Boyd Andrew Treatment Center and authorize the chair to sign.

Mr. Chairman: Second. Any discussion. All those in favor of the motion signify by saying Aye. Motion Passes 2-0

3. **Proposed Subdivision to be known as the Foothills Major Subdivision.**

Applicant, Ken and Dayna Ogle Planner, Michael McHugh: Mr. Dean Ritz is here today.

Michael McHugh reports: Commissioners, you received a memo from Mr. Ritz dated yesterday, requesting a postponement of the public hearing until Tuesday, 8/16. The statutory deadline doesn't expire until August 26th, so we are still within the regulatory time frame.

Chairman: Is there a motion?

Commissioner Murray: Mr. Chairman, at the request of the applicant I would move that the public hearing be rescheduled to August 16th.

Chairman: Mr. Chairman: Second. Any discussion. All those in favor of the motion signify by saying Aye. Motion Passes 2-0

4. **Proposed North Star PUD Phase 2-6 Major Subdivision.** The Applicant is North Star Development, Planner, Michael McHugh.

Michael McHugh reports: Again you have a similar memo requesting postponement of the public meeting until August 16th. The statutory deadline is August 26th.

Commissioner Murray: Mr. Chairman, at the request of the applicant I would move that the public hearing be rescheduled to August 16th at the public meeting.

Chairman: Mr. Chairman: Second. Any discussion. All those in favor of the motion signify by saying Aye. Motion Passes 2-0

5. **Joint Board Appointment.**

The Commissioners will consider two joint appointments to the Historic Preservation Commission.

Ron Alles reports: these are joint appointments between the city and county to the Historic Preservation Board. Mayor Smith is recommending the appointment of Steve

Bullock to fill Wayne Waters position and then Barda Allen to fill an unexpired term through June 30, 2006.

Commissioner Murray: Mr. Chair, a question for Mr. Alles. Mr. Alles, how many people are on the Historic Preservation Commission.

Mr. Alles: I want to say seven but I don't have that answer. Two are joint appointments.

Commissioner Murray: By gender apparently.

Mr. Alles: No, I don't know that's by gender, Commissioner.

Mr. Chairman: I think that was a identifier because of the name.

Mr. Alles: Yes, because of the name, I just wanted to clarify the one applicant is female.

Commissioner Murray: Thank you.

Chairman: We have a recommendation from the City. Is there a motion?

Commissioner Murray: Mr. Chair, I would move the county adopt Mayor's recommendation and appoint Steve Bullock to fill the unexpired term of Wayne Waters position and Barda Allen, Ms. Barda Allen, to the commission with her term to expire June 30, 2006.

Chairman: Mr. Chairman: Second. Any discussion. All those in favor of the motion signify by saying Aye. Motion Passes 2-0

6. **Public comments on matters not mentioned above.** Mr. Solberg reports.

Commissioner Murray: Before Mr. Solberg reports his comments, has he returned the papers the county keeps asking for.

Mr. Solberg: Good morning Commissioners. I did bring back your draft preliminary engineering report on the Fairgrounds Infrastructure study that you requested on September, 2003. I have some questions that have not been answered that I have requested on this study, and if I may refer to those again.

Chairman Tinsley: That would be fine, Mr. Solberg. I can't promise you will get an answer this morning but go ahead and ask us the questions, and we can pursue that matter if we need to. You may get your answer I don't know, I can't promise you will.

Mr. Solberg: Ok, since I've asked this question since April, 2004 and I have yet to receive an answer to it. I guess I will patiently wait for that.

Mr. Chairman: Well, let's hear the question.

Mr. Solberg: On the sewer out-fall route, the Silsby Street has been eliminated as an option, and that was justified by, Silsby Street would have to be built up and the wetlands would have to be filled in. Now Silsby Street at this time, is scheduled for complete reconstruction. So it seems like that justification has been eliminated.

Mr. Chairman: Mr. Solberg, on that particular point, to my knowledge, nothing has changed since the meeting at the Fairgrounds when that question was asked and answered by the engineer. The engineer indicated they were going to take a look at Silsby Street. Is that correct Mr. Alles?

Mr. Alles: Right, Mr. Chairman, Commissioner Murray. As has been explained, we have the Preliminary Engineering Report. The purpose of that report is to identify at least a potential route, and at the time the engineer suggested that particular layout of both the water and sewer lines seem to be the most cost effective and efficient way to deliver the out-flow of the sewer, etc. The purpose of the PER is to not only to do that, but to give us an estimate of cost, so we can seek grant funding. It isn't a detailed engineering report. Mr. Solberg and Mr. Stahly and I met, and we talked about shooting new elevations. That has been asked of Mr. Stahly. We don't have that report back. I mentioned that to Mr. Solberg yesterday, I believe. And we are waiting that report. No final engineering has been determined to layout the actual infrastructure. And I'm not sure what else to tell Mr. Solberg.

Mr. Chairman: the point I want to make is that it has been answered and I know it's been answered, and it's been answered again this morning, so I think that one has been taken care of, that particular question you have, regarding Silsby, correct? Are you satisfied with that answer?

Mr. Solberg: No, not at all.

Mr. Chairman: Ok, well that's the answer to the question you have. It's on the table, has not been taken off the table.

Mr. Solberg: Ok, well there's a lot of confusion around this, that if I may back up a little bit. On the meeting of June 22nd, Ron Alles, Dave Stahly and I met at that point, Ron had said Silsby is not being considered.

Mr. Chairman: Mr. Solberg, since that meeting, and we've talked about this, this morning and it is being considered. So that if that is what was said at that meeting then that negates that answer. It is being considered and it is on the table. It doesn't mean it will be chosen, but it's being reconsidered.

Mr. Solberg: Ok, if I may continue, on another reason why Silsby was not being considered was that the campground and the rodeo ground service lines, within the fairgrounds, would be required lift stations, to lift that sewage up, and to direct it towards Silsby. Because of elevation problems. That was the reason for not using that. And in 2004, April 2004, that was discovered that that is not true. And the engineer called me in the evening and told me that yes, that is not true, that there is not an elevation problem that would require that lift station, and so something was going to be done about it. I asked Mr. Alles about that, several times, what impact is this going to have on the future route of that sewer line. I have yet to hear what impact that is going to have.

Mr. Chairman: Mr. Solberg, please hear me out, if you would. Your first question I think answers your second question. We are reconsidering the possibility of using the Silsby Street as the route and until we have all of the information in on that, your second question cannot necessarily be answered right now. It's on the table, it's being considered, and until that question is answered I don't think your second question can

be fully answered. But it is being considered. I think that was your main concern that it wasn't being considered and now it is being reconsidered. Again, it doesn't mean it will be the chosen route, necessarily, depending on what comes back during the process.

Mr. Solberg: Then is one year an appropriate time to respond to an engineering error that would totally revamp your sewer project?

Mr. Chairman: I guess I don't know how to answer that question to you Mr. Solberg. I just answered you the best way I know how. We have to get all of the data before we can answer that second question. So is one year enough time? Possibly not. Not until we get that information to be considered, and I think your question will be answered. It's not a question that can be answered without data.

Mr. Solberg: That is correct, and that is why that data was requested back in April, 2004, and in June, 2005, Mr. Alles and Dave said it is not being considered. So that whole period of time that it was not being considered, until you told me on June 28th that it is being considered, so after 1 year, it is finally being considered. Am I hearing that correctly then?

Mr. Alles: Mr. Chairman, if I might. Back to the purpose of the PER, the Preliminary Engineering Report, we use that to provide cost estimates, to seek grant funding. We were successful in receiving the T-sep grant. It's also used to estimate cost for the purpose of creating the RID that's going to pay for a portion of that project in the Woodlawn subdivision. As was stated before, Mr. Stahly is shooting elevations to determine precisely whether or not that fluid can flow, which direction it can flow, down hill, so it doesn't have to be pumped. I know you pointed out earlier too, that Silsby is scheduled for reconstruction or improvements. That is not the case, I'm not aware of any design work being done on Silsby Street or those improvements scheduled anytime in the near future. We do know that Silsby Street will have to be improved at some point in time, but none of that is scheduled. As soon as we get the elevation report from Mr. Stahly, we are going to sit down and take a look at what is the best route for that fluid. And that's all I can say, I don't know what else to say relating to that project. Silsby is not ruled out. I think there was a point in time I thought it was but have since told you it is not ruled out and until we get those elevations and do final engineering and we can't do final engineering until the RID is approved which I believe happens next week, we are not going to have a final engineering design on the route for the sewer out-fall line.

Commissioner Murray: Mr. Chair, Mr. Alles, it's my understanding everything is currently on hold pending the period the people have to protest the RID so we are not working on it at the moment. We are waiting for this window to protest out of the RID by the folks involved in it.

Mr. Alles: that's correct, the only work occurring today, and I understand their shot, Mr. Solberg said the elevations have been shot by Stahly I've yet to get a report from Mr. Stahly that indicate that, or an outline that, but Mr. Solberg said they've been shot, he's

seen them out there apparently, and I'm just waiting for that report, so we can sit down and hear from the engineer on what makes the most sense. I assure the Commissioners that Staff is going to recommend the most efficient and effective design of that plan. We are going to do it as inexpensively as possible, and that is what we are shooting to do.

Mr. Chairman: We wouldn't expect you to do less. Any more questions Mr. Solberg?

Mr. Solberg: So you've designed a system, went for funding, and you don't know where it's going?

Mr. Chairman: No you are not going to put words into my mouth Mr. Solberg. It's in your own circular logic you got going on, it's might be what you are thinking, but it's not the case.

Mr. Solberg: I thought an engineering report was to.....

Mr. Chairman: Preliminary, Preliminary Engineering report, he explained what a Preliminary Engineering report is.

Jerry Grebenc: Mr. Chairman, if I might point something out. A PER is required to go to Grant Funding. The final design is not required for grant funding. It's common in these projects that the PER changes substantially, but you've got to have a PER to go to grant funding for CDBG, T-sep or anything like that. It's not written in stone. I just wanted to point that out for the audience, Mr. Solberg and yourselves.

Mr. Chairman: And that is at least the 7th or 8th time that I've heard that explanation given, which I think answers your question. So, it's not going to change, than answer is not going to change, that is the answer.

Mr. Solberg: Can I rely on any information that's in the engineering report then or is.

Mr. Chairman: Are you talking about a Final or Preliminary?

Mr. Solberg: About any engineering data that.

Mr. Chairman: A preliminary or final? A Final one we are going to have to hang our hat on the final one, because that's a final report. The preliminary one, can change, and may change.

Mr. Solberg: But the data inside there, the engineering data, can I rely on that data as being accurate.

Mr. Chairman: Until it changes, you probably can, but if it changes for reasons outside of our control then you have to be able to change with it.

Mr. Alles: And if I might Mr. Chairman, the difference in the level of expertise, maybe not expertise, but the detail in the PER is substantially less than the level of work that is put into a final engineering report. Perfect example we are looking at this valley lift station. The cost to do a PER is roughly \$15,000.00 for that project, \$15,000 to \$17,000.00. To do the final design work on that particular project is closer to \$250,000.00. We don't invest that kind of money into a final engineering report, prior to actually having funding available to move forward, grants or otherwise. So the idea behind the PER is to give you a high level, basic knowledge of the length of pipe perhaps, different funding sources, general high level engineering concepts and thoughts on the particular project. Final engineering as I said is 100 times more than the PER and that's the product you get as well.

Mr. Chairman: So there was the 9th time it's been explained. Doesn't get any clearer than that, I don't believe.

Mr. Solberg: Well, I'm sorry that I'm trying your guys patience, but I've.....

Mr. Chairman: You're not. I just want you to know that it's been asked and answered, the answer is not going to change. Based on the PER this answer is not going to change.

Mr. Solberg: But when you say that alternative one is going to cost more than alternative 2 but you don't give any cost data, I'm just supposed to just rely on that? I'm mean, how did you determine whether A cost more than B to come up with that. I mean you say it's going to cost more, but you don't give a cost. So how can you determine that it's going to cost more if you don't come up with a number. That's why I'm frustrated, and you're trying to tell me "don't worry about it, it's coming."

Mr. Chairman: No what I'm saying, given the knowledge that they had at the time with all the data they had, that was their best estimate. Preliminary engineering report, for the 10th time, preliminary engineering reports change.

Mr. Solberg: I guess I'm not going to get an answer as to how much it's going to cost even though it's going to cost more.

Mr. Chairman: Well, not until we have all of the data, no, you're not. You will get an answer at some point, not this morning, it's not going to be there.

Mr. Solberg: I'll continue the watch. Thank you very much.

Mr. Chairman: Thank you very much, and thanks for returning our preliminary engineering report.

Mr. Chairman: Seeing no other business to come before the commission this morning, we stand adjourned. Thank you and have a good day.

7. **Adjourn.** Meeting adjourned at 9:33 a.m.