

JEFFERSON COUNTY COMMISSIONERS
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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
January 22, 2008**

Present: Commissioners Lythgoe, Notbohm and Weber; Mike Hoffman, County Planner; Ray Barnicoat, Health Board; Marga Lincoln, *Helena Independent Record*; Jan Anderson, *Boulder Monitor/Jefferson County Courier*, Kent Atwood, Montana City Trails

REPORTS

Treasurer's cash report for December.

CALENDAR REVIEW

- 1/23 Meeting with Celia Wolny - 10:00
JLDC - 2:00
Meeting regarding animal shelter - 4:30
Jefferson River Watershed - 7:00
- 1/24 JPT meeting - Butte - 10:30
Solid Waste - 7:00
- 1/25 Economic Outlook Seminar - Missoula - 8:00
- 1/28 Center for Mental Health - Great Falls - 10:00

COMMISSION REPORTS

ELKHORN MINE ADVISORY GROUP

Commissioner Lythgoe reported that he met with the Elkhorn Mine Advisory Group on Thursday. They are still working on the road and clearing brush. They are moving forward with the permitting, and hope to have an operating permit by April, which they are feeling is realistic.

ZONING COMMISSION

Commissioner Lythgoe reported on the zoning commission meeting on Thursday. The main topic of discussion was impacts of annexation to the Montana City School. They discussed annexation and he shared hearing Tim Burton on the radio responding to a call in question by

stating that Lewis and Clark County is just waiting to hear from Jefferson County. He stated that we have been in contact, so Matt sent another e-mail to Dave Neilson. We have sent invitations several times and not heard from them.

MTAG

Commissioner Lythgoe reported that Mr. Opper and staff of DEQ up to mine a week or so ago. He talked to Tim regarding the progress of permit, and Mr. Opper indicated after the tour that hopeful they will be able to get the EIS on the table for public comment by the end of last week. That didn't happen. Talked to John earlier in the day and he is hopeful that the EIS will be out soon.

DUI TASK FORCE GRANT POSITION INTERVIEWS

Commissioner Weber reported that he attended interviews again for environmental control people who will be researching underage drinking issues. They have hired three people, and he is hoping to get a presentation from them in the near future.

SOLID WASTE DEPARTMENT

Commissioner Weber reported that met with the Solid Waste employees on Wednesday to discuss hours of operation and safety concerns.

CTAC

Commissioner Weber reported that he attended a CTAC meeting in Whitehall on Thursday. Golden Sunlight Mine has had a great year. He stated that they have done some core drilling, and they are hopeful that it will show that a pit wall layback is feasible.

HEADWATERS

Commissioner Weber reported met with Headwaters in Butte on Thursday. There are a lot of new personnel, but director position still open. They were able to convince federal government that one of our people being on the hiring committee is a good thing. In the interim, have coordinator from Gallatin area filling in.

FIRE REGULATIONS FOR SUBDIVISIONS

Commissioner Weber reported on MACo fire regulation meeting in Helena on Friday. He stated that it was mostly informational. They discussed the fire regulations that Bruce Suenram and local fire departments have put together. There are still some concerns with sprinkler issues, as well as others, but Bruce seems to understand why sprinklers are so important.

ELECTED OFFICIAL/DEPARTMENT HEAD CONCERNS

Commissioner Notbohm stated that he was visiting with Bonnie regarding interest rates. She got a letter from the Clancy School stating concern of their funds. He spoke with Bonnie and Patty regarding the current interest rates. Patty is also going to look at CDs, and what amount of money we can put in with a guarantee. Commissioner Weber asked if Commissioner Notbohm has heard the current interest rate. Commissioner Notbohm stated that Patty had to call and would let us know. Commissioner Weber stated that this was discussed at the Headwaters

meeting. Some of those that pulled their money out have gone back; there is nothing else out there. Commissioner Notbohm stated that Bonnie's concern is that there is a possibility that the downturn in the market could be another 2000 points. It is up to the schools individually to decide what they want to do. Commissioner Weber stated that city of Dillon pulled all of their money, except \$400, but mainly to test if they could get their money. They were going right back in. He stated that it is hard to find anything else as safe with as good a return.

SUBDIVISION REVIEW

REQUEST FOR EXTENSION - J BAR T MEADOWS MINOR SUBDIVISION

Mike Hoffman, County Planner, presented a request for time extension of preliminary plat approval for the J Bar T Meadows subdivision. This is an 18.38 acre parcel, proposed to be divided into five lots ranging in size from 2.00 to 10.38 acres. The developer's representative has requested that a one-year extension be granted. Mike noted that all conditions have been met with the exception of the roads. Mike recommended that a one-year time extension be granted. Commissioner Weber asked if there are any major roadblocks to getting the roads completed, or if they just ran out of time. Mike stated that there needs to be some coordination with the road foreman, who is currently out of town until mid-February. Commissioner Lythgoe moved to grant a one-year extension. Commissioner Notbohm seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

DISCUSS AND DECIDE ON GRANT MATCH FOR SAFE ROUTES TO SCHOOL GRANT

Kent Atwood, Montana City Trails and Trust, thanked the Commission for their sponsorship. He stated that \$9,059 is needed for match for the CTEP grant. MCT&T has \$4,000 towards this, and is requesting that the County provide the remaining \$5,059. Commissioner Notbohm asked if we were to enter into this, where the money would come from. Commissioner Weber stated that this will be part of the discussion. We could use PILT, which is probably the most natural source. He asked if Title III funds could be used, for right-of-way acquisition. Commissioner Lythgoe stated that the felt it could be used for that. Commissioner Weber called Bonnie to see what is unallocated in those accounts at this time. Commissioner Lythgoe noted that donated millings are listed, and stated that the county owns those millings. Kent stated that the school is under the impression that they belong to the school. It was their intention to remove them from the current location, re-mill them and put them on the pathway. Commissioner Weber stated that the way he remembers it, the construction timeframe was pretty rapid. He asked how the match works in. Kent stated that there is a bit of wiggle room as it works on reimbursement rate. They will need a little bit of capital to get started. Their first mission is to put a bridge across Prickly Pear Creek and they plan to use Fish, Wildlife and Parks funds for that. They are looking for fall 2008 for the final bit.

Commissioner Lythgoe stated that if we commit, it could be at the end of the project, which will be in the next budget year. Commissioner Weber stated that this is why he is asking.

Commissioner Lythgoe stated that will have more PILT in at that time. As for the millings, he feels it is a very appropriate use for them. Commissioner Weber stated that he feels it would be

appropriate that we talk to the school, since they are under the impression that they own them. There is some time, as it will be a while before they will be needed, seven to nine months. Commissioner Lythgoe stated that he is appreciative that they have come up with as much match as they have. Kent stated that their fund raising efforts continue, but there are some things that will need to be paid up front, and they aren't sure if they will have enough cash to carry it through.

Commissioner Weber asked about right-of-way acquisition. Commissioner Weber asked about utility relocation. Kent stated that they have no plans to do any relocation, but budgeted a bit in the event something comes up.

Commissioner Lythgoe stated that we have three sources of potential match – PILT, Title III, millings, and moved that we use one of those three for matching the CTEP funds. He would prefer the millings, Title III seconded and PILT as a last resort. Commissioner Notbohm stated that the millings are a good idea, and seconded the motion. Bonnie stated that the PILT fund has \$185,947.66 and Title III has \$37,845.43, if no right-of-way work is planned. Discussion followed. Commissioner Weber stated that he is having a problem with the millings. There is already \$12,000 allocated in the budget from the millings, but the need for \$5,059 cash is on top of the millings, no matter who they come from. Kent stated that this is correct, but they are continuing to fund-raise. Commissioner Lythgoe stated that he would amend his motion to remove the millings. Commissioner Notbohm stated that it is pretty much six of one, half dozen of the other. If they run out of money in Title III, they could use PILT funds. Commissioner Weber called for the vote, using Title III and/or PILT. The motion failed, with Commissioner Lythgoe voting aye and Commissioners Weber and Notbohm voting nay.

Commissioner Weber moved to grant \$5,059 from PILT. Commissioner Notbohm seconded, and noted that the point brought forward regarding the millings is appropriate. Commissioner Lythgoe will contact the school regarding this. Motion carried.

DISCUSS AND DECIDE ON PUTTING HEALTH DEPARTMENT MILL LEVY ON THE PRIMARY BALLOT
RESOLUTION 05-2008 RESOLUTION TO PLACE A HEALTH DEPARTMENT LEVY ON THE PRIMARY BALLOT

Ray Barnicoat stated that after much discussion with Bonnie and Matt, it was decided that seven mills would be more appropriate for the ballot. After more discussion, they will request that this is set permanently, rather than having a sunset. Ray noted that they are still waiting for the financial impact number to put into the resolution. He would respectfully request that the Commission consider this ballot issue.

Commissioner Lythgoe stated that using the word “perpetuity” may not be the best choice. Commissioner Notbohm stated that he isn't opposed to putting it on the ballot, but he is opposed to having it be made permanent. Commissioner Lythgoe asked if it was suggested by someone that it be made permanent. Ray stated that it was; it was suggested by Bonnie. The rationale is that the fire districts are permanent, as is the library. Commissioner Weber stated that we are bound by MCA to have the health board and health officer, so it makes sense to have this mill on a permanent basis.

Commissioner Lythgoe moved to adopt resolution 05-2008 as written, with the exception of excluding the word perpetuity. Commissioner Weber seconded. The motion carried, with Commissioner Weber and Commissioner Lythgoe voting aye and Commissioner Notbohm voting nay.

Commissioner Lythgoe stated that as a matter of general discussion, we have a weed levy coming forward, there is a desire for an animal control facility and officer, and we have to be careful not to have too many on the ballot at one time. Commissioner Weber stated that he shared that caution with the group and will again at the next meeting. The good thing about this levy and the weed levy is that they are not new issues, but are long-standing.

SIGN AGREEMENT FORM FOR PURCHASE OF CULVERTS FOR TSEP PROJECTS

Three copies of notice of award and three copies of the agreement forms for culverts from Roscoe Steel for bridge replacement in the Whitehall area, through the TSEP project were presented for approval. Commissioner Weber moved to sign the agreements. Commissioner Lythgoe seconded. The motion carried.

Commissioner Lythgoe moved to adjourn. Commissioner Notbohm seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER