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**September 18, 2006 Regular Session of the County Commissioners**

The Board of Commissioners, in and for Beaverhead County, Montana, met in session on September 18, 2006, at 9:15 a.m. Present: Chairman Garth Haugland, Commissioner Mike McGinley, Commissioner Tom Rice, and Secretary Patti Odasz.

The minutes of the September 11, 2006 meeting were read and the following motion was made:

MOTION: Commissioner McGinley moved and Commissioner Rice seconded that the minutes of the September 11, 2006 meeting be approved. The motion carried unanimously.

Road Manager Richard Miller joined the meeting and submitted the Road Report for September 10-16, 2006:

Dillon Area

- ❖ Nissen Lane, Carter Creek Road, Sweetwater Road, Smith Road, East Bench Road and Trout Creek Road were watered and bladed.
- ❖ Gravel was hauled to Sweetwater Road.
- ❖ Dust abatement was applied to Nissen Lane, Sweetwater Road, Carter creek Road, and Smith Road.
- ❖ The ice slicer was hauled to the Grasshopper area sand shed.
- ❖ Culverts on the South Valley Road were surveyed.
- ❖ Delineators were installed on Blacktail Road.
- ❖ An AFLAC conference was held at the shop.
- ❖ Equipment was loaded and moved to Wisdom.
- ❖ The Fairgrounds yard was cleaned.
- ❖ A storage area for black top road mix was built in the County yards.
- ❖ Roads in the Grasshopper area were checked.
- ❖ Equipment was serviced and repaired.

Lima Area

- ❖ Area roads were checked
- ❖ The South Valley Road and the Lima Dam Road were bladed.
- ❖ Equipment was serviced and repaired.

Wisdom Area

- ❖ Guardrail and cattleguard wings on the Scenic Byway were repaired.
- ❖ Equipment was hauled to Dillon.
- ❖ Little Lake Creek Road was spot bladed.
- ❖ Area roads were checked.

- ❖ Cattleguard material was hauled to Gibbonsville Road.
- ❖ The streets in Dewey and Wise River were bladed.
- ❖ Culverts on Big Swamp Creek Road were staked.
- ❖ Equipment was serviced and repaired.

Richard distributed and reviewed copies of the Town of Jackson plat with the Commissioners. There was discussion about doing a boundary adjustment between the County and Nate Finch because the County's shop is located on Nate's property.

Richard informed the Commissioners that tomorrow he will be in Jackson because Southern Montana Telephone is installing fiber optics and another copper line up Skinner Meadow's Road.

Richard and the Commissioners feel that perhaps a way to fix the flooding of Kade Krause's property is to make the ditch bigger and install a dike in the corner.

Richard reported that one of the Big Hole employees will be gone for six to eight weeks because of a knee operation. The employee will be using vacation and sick leave, and workers comp will be pay medical bills. Richard will send Dustin Hirschy to the Big Hole when help is needed.

Richard will meet with Ted Ruttenbur to answer his road questions.

Richard reported that he and Leadman Mike Shafer have decided not to have the intersection of Ski Hill Road and Old Canyon Road paved because the money spent for this project could be used elsewhere. Gravel will be placed in this intersection to raise it.

The contractor has paved a couple of the approaches on the Byway but the paving of the Byway has not been started yet. The approach paving might have to be removed because it was not done correctly. Richard will do an onsite inspection.

The roads in the Dillon area and Highway 324 will be bladed in the next few weeks.

The project to widen and gravel the road through Monida and up the hill will be started soon.

Richard informed the Commissioners that he would engineer the Airport project today. Richard suggested that a grade be done for any new buildings at the Airport so that the buildings are high enough for snow removal, etc.

Encroachment permits in Grant, Montana, the location of the canister site at Grant, and a lease for the canister site were discussed.

Chairman Haugland informed Richard that he received a phone call from Bob Briggs complaining about the magchloride on Smith Road. Richard left the meeting.

Steve Jenkins, retired L.A. County Sheriff, joined the meeting and introduced himself. Ken Brunkhorst, *Dillon Tribune* Reporter Barb Bourle, Jo Ann Juliano from KDBM, County Attorney Marv McCann, and Deputy County Attorney Kurt Steadman joined the meeting.

Chairman Haugland stated that last Monday Sheriff Harold Forsman submitted his resignation and that at that time the Commissioners did not accept the resignation.

MOTION: Commissioner Rice moved and Commissioner McGinley seconded that Harold Forsman's resignation as Sheriff be accepted. The motion carried unanimously.

At this time Chairman Haugland swore in Kenneth W. Brunkhorst as interim Sheriff until the November 7, 2006 election is certified. Steve left the meeting.

Marv reported that Melvin Mulkey was convicted at his trial last week and that Mulkey has one more trial left to go. Jo Ann left the meeting.

Last week's E911 Committee meeting with State E911 Coordinator Becky Berger was discussed. Marv and Kurt left the meeting.

Rural Addressing Coordinator Scott Marsh, Bob McWilliams, Larry Laknar, and Rick Hartz joined the meeting. There was discussion about who makes up the E911 Committee, about who appoints the Committee members, about advertising the Committee meetings, etc. It was decided that Scott would update the Commissioners on the E911 project every third Monday at 11:00 a.m. Rick left the meeting. Proposed bylaws for the E911 Committee will be submitted next month. Scott will email State E911 Coordinator Becky Berger to get copies of the bylaws of counties similar in size to Beaverhead County. Scott informed everyone that the flooring for the E911 center will be installed September 25 and 26 and that the furniture will be installed October 3. It was discussed that the E911 Committee has nothing to do with the dispatch center, just in getting the E911 installed. Later today Scott will update Ken further on E911. Ken left the meeting.

Scott informed the Commissioners that the Forest Service is going to lift the fire restrictions. The DNRC and the BLM will let Scott know if they will be lifting the fire restrictions. Scott does not feel that the restrictions should be lifted on private property because the valley bottom is still very dry. Larry suggested going on a day-by-day basis for burning permits because the river bottom interface is dry. It was decided that the stage one restrictions would be kept in place until the next weather event. If an event happens, the restrictions will be lifted. Scott will notify the agencies. Larry, Bob, and Scott left the meeting.

Chairman Haugland recessed the meeting at 12:00 p.m. for the lunch break and reconvened the meeting at 1:30 p.m. with all Commissioners and Secretary Patti Odasz in attendance.

The Commissioners reviewed the Resolution Adopting the Final Budget and the Setting of Mill Levies for fiscal year 2006-2007 the following motion was made:

MOTION: Commissioner McGinley moved and Commissioner Rice seconded that the Resolution Adopting the Final Budget and the Setting of Mill Levies for Fiscal Year 2006-2007 until September 18, 2006 be adopted. The motion carried unanimously.

#### **RESOLUTION NO. 2006 - 24**

#### **RESOLUTION ADOPTING FINAL BUDGET AND SETTING MILL LEVIES FOR BEAVERHEAD COUNTY FOR FISCAL YEAR 2006-2007**

**WHEREAS**, pursuant to 7-6-4024 MCA the Beaverhead County Board of Commissioners held a hearing in accordance with the notice given pursuant to 7-6-4021; and

**WHEREAS**, the Beaverhead County Board of Commissioners attended the budget hearing to answer questions on the proposed preliminary budgets; and

**WHEREAS**, there was no public comment either for or against the preliminary budgets.

**NOW THEREFORE BE IT RESOLVED** by the Beaverhead County Board of Commissioners that the Beaverhead County budgets as set out in the attached Exhibit "A" hereby be adopted as the final budgets for fiscal year 2006-2007.

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Beaverhead County Board of Commissioners that the levies are hereby set for fiscal year 2006-2007 as set out on attached Exhibit "B".

Dated this 18<sup>th</sup> day of September 2006.

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Garth L. Haugland  
Chairman

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Michael J. McGinley  
Commissioner

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C. Thomas Rice  
Commissioner

Attest:

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Rosalee B. Richardson  
Beaverhead County Clerk and Recorder

In accordance with 7-1-2112 MCA, the following motion was made:

MOTION: Commissioner McGinley moved and Commissioner Rice seconded that Beaverhead County be designated as a fourth class County as the taxable valuation is \$16,315,000. The motion carried unanimously.

The Commissioners reviewed The Resolution Implementing The National Incident Management System (NIMS)/ Incident Command System (ICS) and the following motion was made:

MOTION: Commissioner Rice moved and Commissioner McGinley seconded that the Resolution Implementing The National Incident Management System (NIMS)/ Incident Command System (ICS) be adopted. The motion carried unanimously.

**Resolution No. #2006- 25**  
**Resolution Implementing the National Incident Management System (NIMS)/**  
**Incident Command System (ICS)**

**WHEREAS**, the Beaverhead County Commission recognizing the President's mandate (HS-5) for Federal, State, Local, and Tribal agencies to utilize and adopt the National Incident Management System in preparing for, mitigating, responding to, and recovering from disaster and emergency incidents; and

**WHEREAS**, Beaverhead County in its Comprehensive Emergency Operations Plan has historically used the Incident Command System to respond to disasters and emergencies and will now integrate the additional NIMS Components to respond to, plan for, mitigate and recover from disasters and emergencies; and

**WHEREAS**, Beaverhead County has historically utilized automatic aid agreements and mutual aid agreements, both within the County, bordering Counties, Federal and State partners and through the Montana Mutual Aid System. The County will continue utilizing these agreements and continue to enhance similar agreements; and

**WHEREAS**, Beaverhead County currently has a countywide communications plan that is outlined in the Comprehensive Emergency Operations Plan and is currently

working to enhance communications through the Montana Inter-operability Consortiums and new inter-operable plan for the County and the State.

**NOW, THEREFORE, BE IT RESOLVED**, that Beaverhead County will continue to promote NIMS/ICS training using formal training like Basic Hazardous Materials and WMD courses and refreshers, exercises, actual experiences, on-line courses, and the promotion of more advanced training periodically offered.

The County will continue to use the Local Emergency Planning Committee to coordinate activities and training that will help the community plan for, respond to, mitigate, and recover from disasters and emergencies.

**ADOPTED THIS** 18<sup>th</sup> day of September 2006.

BEAVERHEAD COUNTY COMMISSIONERS

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GARTH L. HAUGLAND  
CHAIRMAN

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MICHAEL J. MCGINLEY  
COMMISSIONER

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C. THOMAS RICE  
COMMISSIONER

ATTEST:

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ROSALEE B. RICHARDSON  
BEAVERHEAD COUNTY CLERK AND RECORDER

The Commissioners reviewed applications from Paul Craft and Charlene Loge for the Museum Trustee position and the following motion was made:

MOTION: Commissioner Rice moved and Commissioner McGinley seconded that Charlene Loge be appointed to fill a vacancy on the Museum Board with her term to expire December 31, 2006. The motion carried unanimously.

At 4:00 p.m. the public meeting to take public input and ask for proposed projects for CTEP funding was held. Present were all Commissioners, Tom Waldorf, Duke Gilbert, Road Manager Richard Miller, Grant Coordinator Frank Mastandrea, and Josie Lockridge.

Chairman Haugland asked Frank to give an overview of the CTEP process. Frank said that to meet CTEP guidelines the Commissioners have to prioritize CTEP projects, and having a public meeting to get input was the first step in the process. After the project is selected the project will be submitted to CTEP.

Tom Waldorf presented the Laknar Lane Pedestrian Path project that would run from the Selway Bridge to Schuler Lane. Tom feels that if a traffic counter would be placed on Laknar Lane, it would show the tremendous amount of traffic this road receives and shows that there is a safety hazard for the pedestrians on this road. The landowners in the area have been contacted about easements and this project has been received very well. In some of the area the ditch system can be used for a path. The County is in the process of surveying the area.

Duke presented the extension of the pedestrian path project that was started in 1993. This section of the path would run from Highway 41, to Noble Street, by the Snow Crest Apartments, and connect with the path behind the Grade School. The plans have been completed and have been approved by the State, but at that time there

were some issues with right-of-way in this section. Duke feels that now there will be no problems with retaining the rest of the right-of-ways because of a new develop that is going to be put in. Duke presented a 1993 joint resolution between the City of Dillon and the County stating that for the next six years both entities' would use their CTEP monies for a pedestrian path project and the Depot project.

Richard stated that the County has spent CTEP monies for the path by the golf course and for the Depot project. Richard would prefer that the County put its CTEP monies towards the Laknar Lane project because of the increased traffic and the hazards this presents on Laknar Lane. Richard feels that the path should be extended to Highway 41. A Certificate of Survey of the Morstein Property has been completed. Richard needs to talk to Mr. Morstein and then the Certificate Survey will be signed. Richard further explained the project.

Duke stated that he presented his project to the City, but the City has committed its CTEP funding to projects around the YMCA and to the crossing by the Metlen Hotel.

Duke suggested that the County do a Rural Improvement District to rebuild Laknar Lane and put in a pedestrian path. Duke stated that for his project there are no rights-of-way issues. The County owns one of the roads, the City owns the other road and both roads are wide enough to accommodate the path. The Developer of the land by the Dew Subdivision could build the other section of the path. Duke feels the Laknar Lane project is a worthy project, but it will be a long time before everything is sorted out. Duke restated that the project that he is presenting has been surveyed and approved by the State.

There was discussion about the hazardous conditions on Laknar Lane for pedestrians. Duke left the meeting. Richard stated that it is going to cost the County approximately \$15,000 to have Laknar Lane surveyed but this money cannot be used for match money because it is being done prior to the CTEP application. Further discussion ensued and the following motion was made:

MOTION: Commissioner McGinley moved and Commissioner Rice seconded that the Laknar Lane pedestrian path project be the County's number one priority CTEP project. The motion carried unanimously.

The Commissioners will write a letter to the people in the State CTEP Division informing them of this decision. Frank will be the County's contact person for this project and he will call the State CTEP Division for further information. Frank, Tom, and Josie left the meeting.

Chairman Haugland went over the day's business with the news media

The Commissioners reviewed and approved the September 10-16, 2006 invoices for a total of \$38,412.47. The Invoice Payment Schedule is located in the Financial Administrator's Office.

There being no further business to come before the Board, the meeting was adjourned at 5:00 p.m.

Attest: \_\_\_\_\_ Approved: \_\_\_\_\_  
Clerk of the Board Chairman of the Board