

### July 27, 2020 Regular Session of the Beaverhead County Commissioners

The Board of Commissioners, in and for Beaverhead County, Montana, met in session on July 27, 2020 at 9:00 a.m. in the Commissioners' Room of the Beaverhead County Courthouse. Present: Chairman C. Thomas Rice, Commissioner Mike McGinley, Commissioner John H. Jackson. Their Assistant Cindy Decker was absent on vacation.

#### Updates on County Projects:

Road Supervisor Bob Ferris and Public Works Secretary Jamie Flynn joined the meeting. Bob reported that invoices for Brenner Lane are being prepared. Chris reported that Dayspring will be in this week to work on Jed's office. A new air conditioning unit was installed in the Treasurer's Office. There will be a Solid Waste Board meeting on August 24.

The following Road Department Report was submitted and scanned into the minutes:

#### BEAVERHEAD COUNTY ROAD WORK

July 19<sup>th</sup> to July 25<sup>th</sup>, 2020

Dillon, Lima and Wisdom Areas

##### DILLON AREA

- • Bladed on the following roads: Stone Creek, South Valley, Frying Pan, Stibal, North Valley, Corinne, Bachelor Mountain, and Bannack Bench.
- • Mowed the shoulders on the following roads: Carrigan, Blacktail, and Ten Mile.
- • Worked on improvements on the Frying Pan Road to the County's gravel pit. This included a culvert and cattle guard installation.
- • Road checked Dillon area roads.
- • Equipment service and repair.

##### LIMA AREA

- • Bladed on the following roads: Lima Dam and South Valley.
- • Trimmed trees on the Lima Dam Road.
- • Road checked Lima and Dell area roads.
- • Equipment service and repair.

##### WISDOM AREA

- • Bladed on the following roads: Miner Lake, Upper North Fork, Little Lake Creek, and Lower Bender Creek.
- • Road projects on Lower North Fork Road, Rock Creek Road and Twin Lakes Road.
- • Sprayed weeds at the Jackson shop.
- • Yard cleaning.
- • Road checked Jackson and Wisdom area roads.
- • Equipment service and repair.

#### Action on Previous Meeting Minutes:

The minutes of the July 20, 2020 meeting were read and the following motion was made:

**MOTION:** Commissioner Jackson moved and Commissioner McGinley seconded that the minutes of the July 20, 2020 meeting be approved. A verbal vote was taken and the motion carried unanimously.

**Public Comments on Subjects Under County Jurisdiction Not on Agenda**

**Discussion & Action ~ Resolution 2020-19 – Appointing Special County Attorney**

Deputy County Attorney Russ Michaels joined the meeting and explained the reasons for this Resolution. Casey Elliott from the Tribune joined the meeting.

After brief discussion, the following motion was made:

**MOTION:** Commissioner McGinley moved and Commissioner Jackson seconded that Resolution 2020-19 – Appointing Special County Attorney be adopted. A verbal vote was taken and the motion carried unanimously.

A copy of the Resolution can be viewed below:

108931 Fee:\$ 0.00 File: 2020-19 Page:1  
BEAVERHEAD COUNTY Filed 7/27/2020 At 4:10 PM  
Stacey Reynolds, Clerk and Recorder  
By: Stacey Reynolds

**RESOLUTION #2020-19**

**RESOLUTION APPOINTING SPECIAL DEPUTY COUNTY ATTORNEY**

WHEREAS, due to a conflict of interest that has arisen between the Beaverhead County Attorney's Office and the victim in *State v. Nathan Price, DC-19-3894*, and *State v. Audrey Messinger, DC-19-3900*, the Beaverhead County Attorney has requested prosecutorial assistance in those cases, both filed in Beaverhead County District Court; and

WHEREAS, it is desired and deemed appropriate that a special deputy county attorney be appointed to take over the prosecution of the aforementioned cases; and

WHEREAS, Mont. Code Ann. § 7-4-2706 authorizes the County Commissioners to authorize the county attorney to employ special counsel to assist in the prosecution of any criminal case pending in the county; and

WHEREAS, The Beaverhead County Attorney consents to such arrangement for the sole responsibility of prosecuting the above-referenced cases; and

WHEREAS, Michael J. Gee, Assistant Attorney General, consents to said appointment and arrangement for the sole responsibility of prosecuting the above-referenced case;

**IT IS HEREBY RESOLVED:**

That Assistant Attorney General Michael J. Gee is hereby appointed as special deputy county attorney for Beaverhead County for the purpose of handling the prosecution of the aforementioned cases.

**IT IS FURTHER RESOLVED:**

That under the terms of this agreement, witness fees and expenses, jury costs, and other normal costs associated with trial will be the County's responsibility as with all other prosecutions. As is reasonable, Beaverhead County will also be responsible for travel costs accumulated by the Madison County Attorney in conjunction with his prosecuting of this case.

DATED THIS 27<sup>th</sup> day of July, 2020.

ATTEST:

Stacey Reynolds  
Stacey Reynolds,  
Clerk and Recorder



BOARD OF COUNTY COMMISSIONERS

C. Thomas Rice  
C. Thomas Rice  
Chairman

Michael J. McGinley  
Michael J. McGinley  
Commissioner

John H. Jackson  
John H. Jackson  
Commissioner

**Recess**

At 12:00 noon, Chairman Rice recessed the meeting. At 1:30 p.m., Chairman Rice reconvened the meeting with Commissioner McGinley, Commissioner Jackson and their Assistant Cindy Decker present.

**Discussion & Action ~ US Forest Service – Mining Trucks on Scenic Byway**

GIS Coordinator Tracy Sawyer, Jamie Tripp, Licette Hammer and Erik Torgerson from the Forest Service joined the meeting. Erik stated that he has a plan of operations for the upper Elkhorn area. They are proposing to haul out 10-15 loaded trucks on the By-Way per day, starting next summer. Each truck would weigh anywhere from 60,000 to 100,000 lbs. He would like to get the commissioners' opinion if the roads could handle that kind of weight. The route would be coming south on the By-Way from Wise River and turning into the Price Creek area with empty trucks and will leave with loaded trucks headed south onto the By-Way 10-15 times per day. They will then head out to Hwy 278 back to Philipsburg. These will be 8 axle trucks with side dumps. These are legal loads. Commissioner Rice expressed concern regarding the approaches.

Erik explained that this project is for hauling waste rock or tailings. There are approximately 20-40 piles of waste rock that they will remove. They will also be digging a 50x50 trench. Commissioner Rice asked if they will need a bond. Erik responded that yes, they will provide a bond although this is still in the preliminary stages, so more research will be done.

No action took place on this agenda item.

**Preliminary Budget Discussion**

At this time, the commissioners discussed the Preliminary Budget together.

**Unfinished Business/Other Topics of Discussion:**

Clerk & Recorder Stacey Reynolds joined the meeting briefly to express her concern regarding polling places for November's election. Because of Covid19, the usual places may be limited if there is a polling place election.

Routine matters occupied the attention of the Board for the remainder of the day.

**Payment of Invoices:**

The Commissioners reviewed and approved invoices for a total of \$36,043.86, beginning with check #205177 and ending with check #205220. The Invoice Payment Schedule is located in the Financial Administrator's Office.


**Public Comments on Subjects Under County Jurisdiction:**

There were no public comments.


**Adjourn:**

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

Attest:

  
 Clerk of the Board

Approved:

  
 Chairman of the Board