

October 18, 2021 Regular Session of the Beaverhead County Commissioners

The Board of Commissioners, in and for Beaverhead County, Montana, met in session on October 18, 2021 at 9:00 a.m. in the Commissioners' Room of the Beaverhead County Courthouse. Present: Chairman John H. Jackson, Commissioner Mike McGinley, Commissioner C. Thomas Rice and their Assistant Cindy Decker.

Updates on County Projects

Public Works Secretary Jamie Flynn joined the meeting.

County Attorney Jed Fitch, Planner's Assistant Rochelle Hoerning, Planner Rob Macioroski, GIS Coordinator Tracy Sawyer, Custodian Jim Sivils, Clerk & Recorder Stacey Reynolds, Casey Elliott from the Tribune, Superintendent of Schools Mike Miller and DES Coordinator Tom Wagenknecht joined the meeting.

Tracy advised that Stibal gravel pit has been approved by the BLM so at least they are making progress. He has heard that Sheriff Craft told Three Rivers that the County would pull cables for the new system. Discussion ensued that this would be a huge undertaking and quite difficult. This would have to be a totally new and separate line with a different band width. Basically, the commissioners need to speak with Sheriff Craft when he returns from vacation so everyone is on the same page.

Tom stated that a while back we received another Homeland Security Grant for a new backup generator for the jail and dispatch. He suggested that the generator could be upscaled so maybe the Clerk & Recorder's office could be included.

Tom also stated that there are two 7600-volt transformers sitting outside in the corridor. They shouldn't be there and NW Energy may be changing that by breaking up some of the concrete out there which could help with the generator issue.

Jed complimented the Sheriff's Department on the recent missing person's cases. They did a superior job on both cases and should be commended.

Jim stated that the new door for the secret staircase is fully installed and looks nice. Sheriff Craft will be having a "fob" installed on it. All the 4 wheelers have been serviced and ready for the winter. Jim also commented that Shawna has really stepped up since Chris has been in the hospital.

Jamie commented that she has an invoice from RTI (Rock Creek Bridges Project) and wanted to know if she should pay it. The commissioners answered in the affirmative.

Jed mentioned that the jury trial in Justice Court last week was dismissed because a key witness came down with Covid. Both Thorin and Jacy have been doing a great job. Jed will have his next MRI on November 5 and we are all hoping for the best.

Jed said no decisions can be made today on the next issue. We have received some legal advice on Family Transfers from MACo over the years that has been consistent but has diverged slightly from what Beaverhead County's Ordinance is; an 18-month family transfer restriction. The reason that Ordinance exists is that if a landowner tries to do a family transfer before the 18 months, it would be considered evasion of subdivision review. The MACo land use attorney has said that this ordinance won't "hold up" in a court of law.

Stacey said that there is a case right now that deals with this exact issue. This particular case has been well known to Stacey, Rob and Jed for the last 2 years.

The Clerk & Recorder's office must uphold the 18-month Ordinance and then if the landowner wants to take it further, they can take it to District Court. This will be on next week's agenda for further discussion and action.

Rob said that family transfers are a real issue state wide and needs to be remedied.

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

BEAVERHEAD COUNTY ROAD WORK
October 10th to October 16th, 2021
Dillon, Lima and Wisdom Areas

DILLON AREA

- Bladed on the following roads: Bannack Bench, Horse Prairie area, Amber,
- Plowed snow in the following roads: Medicine Lodge and area roads.
- Hauled gravel on Bannack Pass (Highway 324).
- Road checked Dillon area roads.
- Equipment service and repair.

LIMA AREA

- Plowed snow on the following roads: South Valley, North Valley, Ruby Divide and Stibal.
- Hauled gravel to the South Valley Road.
- Shop cleaning.
- Road checked Lima and Dell area roads.
- Equipment service and repair.

WISDOM AREA

- Shop cleaning and maintenance.
- Road checked Jackson and Wisdom area roads.
- Equipment service and repair.

Action on Previous Meeting Minutes

The minutes of the October 12, 2021 meeting were read and the following motion was made:

MOTION: Commissioner McGinley moved and Commissioner Jackson seconded that the minutes of the October 12, 2021 meeting be approved with changes. A verbal vote was taken and the motion carried unanimously.

Public Comments on Subjects Under County Jurisdiction Not on Agenda**Discussion & Action ~ Justice of the Peace Retirement Announcement**

Justice of the Peace Candy Hoerning, Justice Court Clerk Cheryl Power, Sheriff's Department Assistant Kari Towery, Chief of Police Assistant Randi Braddock, Multi Departmental Assistant Rochelle Hoerning and Assistant Chief of Police Jeremy Alvarez joined the meeting.

Candy presented the Commissioners with a letter of intent to retire. She has been with the County since September of 1988 and has been our Justice of the Peace since July of 2001. The Commissioners expressed their gratitude for her years of service to the county and her dedication to her position.

Jed said that it has been an absolute pleasure to appear before Judge Hoerning over the years; she is honest, fair and challenges you. He stated that our county has been very blessed to have had her.

Jed advised that as far as appointing her replacement, it is a nonpartisan position and the commissioners will appoint someone. They can create a committee if they want or just appoint. It is a very important position. When Candy was appointed back in 2001, a committee made the recommendation to the commissioners.

Cindy will place an ad in the paper today with a date certain of October 29; then interviews will take place in early November.

Jed advised that there will be training judges to help and the new judge will have to pass a test. Candy is requesting that her office be audited before she leaves so that the new judge will start fresh. Her official retirement date is November 30.

Discussion & Action ~ Weskamp 2 Minor Subdivision Final Plat Approval

Land owner Jan Weskamp and Planner Rob Macioroski joined the meeting. Rob began the discussion. He presented the checklist that is completed; Ms. Weskamp has gone through all the necessary requirements. Tom W. asked if there is a user agreement for the well. Rob replied no; but he thinks the intent is that they will eventually dig their own well.

Mike advised that from here on out, the commissioners won't approve preliminary or final plats unless the mylars are in front of them.

After brief discussion, the following motion was made:

MOTION: Commissioner Rice moved and Commissioner McGinley seconded that the Weskamp 2 Minor Subdivision Final Plat be approved. A verbal vote was taken and the motion carried unanimously.

Discussion & Action ~ Burning Permits

Fire Warden Tom Wagenknecht joined the meeting. He advised that, really, when it snowed, burning permits were instituted.

This is just officially ending Stage One Fire Restrictions and reinstituting the burn permit.

After brief discussion, the following motion was made:

MOTION: Commissioner McGinley moved and Commissioner Rice seconded that Stage One Fire Restrictions are canceled as of today and return to the normal process of obtaining a burn permit if they want to burn. A verbal vote was taken and the motion carried unanimously.

Recess

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

Safety & Wellness Team Meeting

At this time, Chairman Jackson handed the meeting over to Safety Coordinator Cindy Decker. The minutes can be found in the Clerk & Recorder's Office.

Unfinished Business/Other Topics of Discussion

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 \$285,931.11, beginning with check #208257 and ending with check #208304. 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:

P. Reynolds

Clerk of the Board

Approved:

C. Thomas Rice

VICE

Chairman of the Board