

November 29, 2021 Regular Session of the Beaverhead County Commissioners

The Board of Commissioners, in and for Beaverhead County, Montana, met in session on November 29, 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

Road Supervisor Bob Ferris is working in the Big Hole today. Public Works Secretary Jamie Flynn joined the meeting.

County Attorney Jed Fitch, Facilities Assistant Jim Sivils, Casey Elliott from the Tribune, Superintendent of Schools Mike Miller, Jail Commander Dan Fields and GIS Coordinator Tracy Sawyer joined the meeting.

Mike Miller stated that there will be a Statewide face to face Spelling Bee this year which is exciting. He also commented that a group of Superintendents plan on writing a letter criticizing Elsie Arntzen. He has officially declined having any part in it because it's a personal attack and has nothing to do with education.

Jim said that he inspected the Sally Port this morning and it looks good. The HVAC system is up and running as far as the heat goes. Chris Booth was in last Friday to visit for a few minutes.

Jed stated that Jennifer and he will be in Billings for the annual training this week. Thorin still has a few cases that he will finish out in Beaverhead County. Jed mentioned that he and the commissioners have received an email regarding a settlement from Opioid distribution. Discussion & Action will take place on this topic on December 13, 2021 as there will be no meeting on the 6th. He commented that he is currently working on a special speed limit Ordinance.

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

BEAVERHEAD COUNTY ROAD WORK
November 21st to November 27th, 2021
Dillon, Lima and Wisdom Areas

DILLON AREA

- New bridge construction project on Rock Creek Road.
- Road checked Dillon area roads.
- Equipment service and repair.

LIMA AREA

- Bladed the following roads: West and Chute Canyon.
- Mowed the shoulders on Bimat Lane and Big Sheep Creek Road.
- Moved equipment.
- Road checked Lima and Dell area roads.
- Equipment service and repair.

WISDOM AREA

- New bridge construction project on Rock Creek Road.
- Road checked Jackson and Wisdom area roads.
- Equipment service and repair.

Action on Previous Meeting Minutes

The minutes of the November 22, 2021 meeting were read and the following motion was made:

MOTION: Commissioner Rice moved and Commissioner McGinley seconded that the minutes of the November 22, 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

DES Coordinator Tom Wagenknecht and land owner Eric Wendland joined the meeting. Tom stated that a huge fire was lit at the old Johnson property this morning; he was not aware of this and is quite upset.

Commissioner McGinley stated that if a burn is done before December 1, 2021 it should be fine. He asked Tom W. how many other slash piles he inspects. Tom replied that DEQ should be involved in knowing the contents of the fire and especially a fire of this size.

Eric Wendland stated that he sent a dozen truckloads of junk to the landfill that he believed would be hazardous if burnt. He stated that all he is trying to do is to clean up a problem, not make another one. Also, everything that is left after the burn will be hauled to the dump.

Tom W. is very concerned that the public will not understand and that the county will probably get some negative feedback.

Commissioner McGinley said this will be in the paper this week so hopefully that will help. All Tom would like is to have better communication.

Swearing in Ceremony ~ Randi Braddock as Justice of the Peace with Term to Begin on December 1, 2021 at 12:01 a.m.

Judge Candy Hoerning, County Attorney Jed Fitch, Deputy County Attorney Jennifer Morgan, Adam & Randi Braddock, Justice Court Clerk Cheryl Power, Sheriff's Assistant Kari Towery, Police Officer Joel Stewart, Clerk & Recorder Stacey Reynolds, Deputy County Attorney Jennifer Morgan, Jail Commander Dan Fields, DES Coordinator Tom Wagenknecht joined the meeting.

At this time, Candy Hoerning performed the swearing in ceremony of Randi Braddock as the new Justice of the Peace. Her term will begin on December 1, 2021 at 12:01 a.m. and will continue until December 31, 2022. She will run for re-election in 2022.

Randi thanked all those involved in encouraging her through this process. She looks forward to this new adventure and will do the very best she can as the Justice of the Peace.

Discussion & Action ~ Clarification of Resolution 2020-29 – Tax Abatement for Solar Farm

GIS Coordinator Tracey Sawyer, Planner Rob Macioroski and DES Coordinator Tom Wagenknecht joined the meeting. Commissioner McGinley began the discussion and handed out a packet containing all the pertinent paperwork concerning this agenda item.

It is not clear whether Resolution 2020-29 is null & void or not. We want to be sure that there are not 2 competing resolutions on the books.

County Attorney Jed Fitch and Deputy County Attorney Jennifer Morgan joined the meeting late. Jed commented that there could be a legal question in the future regarding public hearings, but he believes that the commission can indeed rescind this resolution. Effectively, when Clenera applied for the second abatement, THEY rescinded this resolution.

MOTION: Commissioner McGinley moved and Commissioner Rice seconded that Resolution 2020-29 Granting Rattlesnake Solar LLC and Upland Dillon Argenta Solar, LLC a 75% Abatement be **RESCINDED** based upon the reapplication for abatement, the change in law and the denial of the new application. A verbal vote was taken and the motion carried unanimously.

This excerpt of the minutes will be sent to the Department of Revenue and Clenera after approval. Now, everyone should be on the same page.

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.

Unfinished Business/Other Topics of Discussion

Mayor Mike Klakken, Operations Manager Todd Hazelbaker and Extension Agent Jessica Murray joined the meeting to discuss the water situation at the fairgrounds. Commissioner McGinley copied off several photos of the area and presented the same. He advised that Beaverhead County has filed a claim on the 4H Building. He asked if a new main line could be installed down the middle of the midway. Mayor Klakken said that they had planned on going along the fence and around the 4H building.

Commissioner McGinley proposed splitting the HB632 monies between the city and the county to fix this right. Mayor Klakken is concerned that his share of the 632 money is already spent.

There are currently plans to redo the concessions stand anyway. Mr. Klakken will speak with their engineer to see what he says would be feasible. The Mayor and the commissioners will stay in touch regarding this subject.

On a separate note, Mr. Klakken mentioned that the City/County Health Board needs one commissioner, the mayors of Lima and Dillon to form a governing body to make recommendations to the Board of Health. Much discussion ensued as to who that governing body should consist of. Commissioner McGinley feels that the governing body is the county commissioners but Mr. Klakken disagrees.

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 \$30,143.02, beginning with check #208517 and ending with check #208542. 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