

**February 22, 2022 Regular Session of the Beaverhead County Commissioners**

The Board of Commissioners, in and for Beaverhead County, Montana, met in session on February 22, 2022 at 9:00 a.m. in the Commissioners' Room of the Beaverhead County Courthouse. Present: Chairman Michael J. McGinley, Commissioner C. Thomas Rice, Commissioner John H. Jackson and their Assistant Cindy Decker.

**Pledge of Allegiance**

At this time, those present recited the Pledge of Allegiance aloud to begin the day.

For posterity sake, it should be noted that today is 22222 and is "Tues"-day! Also, the wind chill temperature this morning was -37 at the airport.

**Updates on County Projects**

Road Supervisor Bob Ferris did not join the meeting today because he had training all day.

Clerk & Recorder Stacey Reynolds, County Attorney Jed Fitch, Sheriff Paul Craft, GIS Coordinator Tracy Sawyer, Superintendent of Schools Mike Miller and Facilities Manager Chris Booth joined the meeting.

Jed stated that he will back here at 11:00 but he has District Court early today. He stated that his office may be having a trial soon that will have some up-front costs. He will be wanting to discuss budget issues soon with the commissioners. His case load is "off the charts" right now.

Paul said that the transitions to the Coroner position were easy and smooth. The ambulance is in process of being turned into the Coroner's vehicle. He has spoken with the outgoing Coroner regarding the files and records. He will make arrangements to get them moved to our storage shed. Chairman McGinley asked Chris to get the keys for the storage shed so we can put those Coroner files in there.

Paul said that Premier Plumbing was in taking a look at things in Detention last week so they'll be ready by March 7.

Stacey said that she attended a conference last week and they said that the county should have a FOIA (freedom of information act) policy in place. She handed out an example of the same for the commissioners to look at and consider for each department.

Stacey also said that a big topic of discussion was cyber security and that a task force should be formed in the county. She stated that the county should look at getting a sign for the stairs and the ADA compliant entrance sign for the courthouse.

Mike Miller said that Mike Gordon will be giving out kindles to the schools. The spelling bee was last Wednesday and it went off without a hitch. He had four Youth Challenge Cadets that helped out tremendously.

The Science Fair will be held at the Keltz Arena on March 11, 2022.

Tracy said that he worked on phones last week. He stated that we need to get some computers ordered soon. He has been pushing DIS to get the server moved from downstairs because of the intense heat.

Chairman McGinley said that Barretts' Minerals called this morning with concerns that when truckers type "Barretts' Minerals" into Google, it sends them North to various parts of the county. This will be on the agenda on March 7 to deal with this addressing issue.

Chris said that Jake Hale got back to him about the carpet estimate. It is \$18,000 for the Multipurpose Room, the main front hall of courthouse including the staircase and the area in front of District Court. He also broke it out into separate projects and Chris will get that to the commissioners soon. The earliest he could do it would be June or July. Johnson Controls emailed Chris about the panels in the Sheriff's Office.

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

**BEAVERHEAD COUNTY ROAD WORK**  
February 13<sup>th</sup> to February 19<sup>th</sup>, 2022  
Dillon, Lima and Wisdom Areas

**DILLON AREA**

- Plowed snow on the Pioneer Mountain Scenic Byway.
- Hauled gravel to Ten Mile Road.
- Road checked Dillon area roads.
- Equipment service and repair.

**LIMA AREA**

- Hauled gravel to Ten Mile Road.
- Moved equipment.
- Shop maintenance.
- Road checked Lima and Dell area roads.
- Equipment service and repair.

**WISDOM AREA**

- Plowed snow in Wisdom for the skijoring event.
- Brush trim/burn willows on Rock Creek Road and Skinner Meadows Road.
- Road checked Jackson and Wisdom area roads.
- Equipment service and repair.

**Action on Previous Meeting Minutes**

The minutes of the February 14, 2022 meeting were read and the following motion was made:

MOTION: Commissioner Jackson moved and Commissioner Rice seconded that the minutes of the February 14, 2022 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 ~ Communications Site Repeater Agreement with Dunne Communications**

Jed Fitch, Paul Craft, Tracy Sawyer and Tom Wagenknecht joined the meeting. Jed has drafted an agreement and he went over it. At issue here is that this is part of a larger grant and must be done in a timely fashion. The agreement includes "from the time of arrival he would have 21 days to finish" and must notify us immediately when materials arrive in his hands. Any extension over the 21 days, there would be 1% deduction penalty per day. There will be no payment in advance. If the commissioners agree to this agreement today, a copy will be forwarded on to Mr. Dunne for signature and returned to the commissioners for their signatures. Paul said that this is exactly what he has wanted to do for the last two years. We can use this as a template in the future as a starting basis. He recommended that we move forward with this today.

After brief discussion, the following motion was made:

MOTION: Commissioner Rice moved and Commissioner Jackson seconded that the Communications Site Repeater Agreement with Dunne Communications be signed and approved. A verbal vote was taken and the motion carried unanimously.

This bid has been presented to the 911 committee and they have approved it up to \$25,000. Paul will email this agreement to Dunne for signature and then he will send back for the Chairman's signature.

**Discussion & Action ~ PLT Minor Subdivision – Preliminary Plat Approval**

Surveyor Travis Wilson, Administrative Assistant Rochelle Hoerning, DES Coordinator Tom Wagenknecht and Planner Rob Macioroski joined the meeting and Rob began the discussion.

He read the Findings of Fact aloud for the Commissioners. This has already been approved by the Planning Board.

McGinley asked about sanitary restriction. Rob replied that they will have to get DEQ approval and that it is written right on the face of the Plat. The sons are co-trustees in the Peterson Living Trust.

Travis asked about the site specific 6 and if the verbiage could be added after existing language "all roads intersecting these roads will be paved to the right of way". ***"If and when, by final plat, it is not paved, written proof must be provided by the state that the pavement request was denied"***.

After brief discussion, the following motion was made:

MOTION: Commissioner Jackson moved and Commissioner Rice seconded that the language "if and when, by final plat approval, paving to the right of way isn't done, the developer must show written proof that their request to the state was denied" be added to Site Specific 6. A verbal vote was taken and the motion carried unanimously.

MOTION: Commissioner Rice moved and Commissioner Jackson seconded that the PLT Minor Subdivision Preliminary Plat be approved. A verbal vote was taken and the motion carried unanimously.

#### **Discussion & Action ~ Third Amended Declarations – Meriwether Ranch Homeowner's Association**

Rob and Travis remained in the meeting and Attorney Jean Bergeson joined the meeting. Jean began the discussion.

She stated that this is happening today because of the mess from the beginning. When Dave Ellingson first did this subdivision, he was going to do 9 resident club lots but only 3 of them actually got developed. It has since gone into bankruptcy. Diamond T Livestock bought all the ranch property and 13 of the lots; they have put a Conservation Easement on almost all of the property.

After brief discussion, the following motion was made:

MOTION: Commissioner Jackson moved and Commissioner Rice seconded that the commissioners approve the Consent to Third Amendment to Declaration Restrictions, Protective Covenants and Conditions for the Meriwether Ranch Homeowners Association Inc along with Exhibit "A" which states that the Beaverhead County Commissioners will no longer be required to approve conditions or covenants (homeowners' Association responsibility) and that the subdivision roads are private. A verbal vote was taken and the motion carried unanimously.

#### **Discussion & Action ~ Lot Reconfiguration – Dancing Winds Major Subdivision**

Planner Rob Macioroski, landowner Gary Gert, Administrative Assistant Rochelle Hoerning, Land Sanitarian Tom Wagenknecht, Surveyor Travis Wilson, County Attorney Jed Fitch, Casey Elliott from the Tribune and Landowner Rich Long joined the meeting.

Rob presented an updated Preliminary Plat including the lot reconfigurations for the commissioners to review. He began the discussion. The original plat (RTKC Ranch Subdivision) has already been approved by the commissioners but the name has been changed to Dancing Winds Major Subdivision.

This reconfiguration is because of concerns expressed by the Planning Board regarding the lot lines that actually crossed the roads. So, the landowner and surveyor took the Boards' advice and reconfigured all the lots so that now they end at the centerline of the roadway and there are no lots going over the other side. All the lots still remain over 20 acres just like the original plat; but now they actually butt up against the road.

McGinley stated that we are here today to approve the reconfiguration of the lots even though the Preliminary Plat has been approved. The Commissioners have always been concerned about the roads and the fences and or cattle guards; so, they are pleased that this is being done.

After brief discussion, the following motion was made:

MOTION: Commissioner Jackson moved and Commissioner Rice seconded that the commissioners accept and approve the lot reconfiguration along the road on the Preliminary Plat of Dancing Winds.

Chairman McGinley said that this only makes sense as he was concerned about the long skinny lots and he appreciates the landowner going along with this. Rob concurred. Jed has met with Mr. Long and the HOA regarding the road through the Sweetwater Estates subdivision and discussed whether it is eligible to be used by this new subdivision. This is a matter of contention right now for the HOA.

Chairman McGinley called for the question.

A verbal vote was taken and the motion carried unanimously.

### **Recess**

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

### **Safety & Wellness Team Meeting**

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

### **Discussion ~ Family Transfer Process**

Planner Rob Macioroski, County Attorney Jed Fitch, Casey Elliott from the Tribune, GIS Coordinator Tracy Sawyer, Administrative Assistant Rochelle Hoerning, Deputy Clerk & Recorder Tina Caron and Clerk & Recorder Stacey Reynolds joined the meeting.

Rob began the discussion by stating that he has gone over the draft prepared by Jed and that he also looked at how other counties are doing Family Transfers. Jed stated that Beaverhead county is not the only one going through this. It is clear that folks have been doing Family Transfers to avoid subdivision and by answering most of these questions, that can be determined or avoided.

Rob would like the commissioners to submit their approved plan for Family Transfers to him so he can include it in the Comprehensive Plan.

Chairman McGinley asked if the commissioners could extend the 18 months to 36 months. Jed replied that yes, they could, but there would have to be public hearings.

Commissioner Rice would like the questions to be answered in writing (ahead of time) and notarized so it can be kept in the file. Stacey said that she feels that it would be important to actually hear the applicants answer in person as well.

Jed said that this form can be reformatted so there is room for written answers. It was discussed that maybe the form could be made "fillable".

Jed stated that we must have a public hearing regarding extending the 18months to 36 months. Fergus County has the most length of time which is 5 years.

### **Discussion & Action ~ Insurance Committee Recommendation**

Financial Administrator Betty Tinsley DeMars joined the meeting and gave the Insurance Committee's recommendation that we keep everything the same as last year.



After brief discussion, the following motion was made:

MOTION: Commissioner Rice moved and Commissioner Jackson seconded that Beaverhead County accept the Insurance Committee's recommendation and keep everything the same as last year for Health Care. A verbal vote was taken and the motion carried unanimously.

**Discussion & Action ~ ARPA Application for 50% Funding for Fairgrounds Waterline Project**

Fair Board member Jessica Murray joined the meeting and Chairman McGinley began the discussion. Jeremy Fadness from WWC Engineering has agreed to write the application to get our Minimum Allocation Funding out of our account and into the City for this project. The project should be started right away and anticipates three weeks to complete. This piece of the project will be a charge of \$3,500 and this is Work Order #1 that we're asking them to do.

After brief discussion, the following motion was made:

MOTION: Commissioner Rice moved and Commissioner Jackson seconded that the commissioners approve and sign the Work Order #1 and Master Service Agreement with WWC. A verbal vote was taken and the motion carried unanimously.

**Unfinished Business/Other Topics of Discussion**

Treasurer Cathy Huckle joined the meeting and presented the January cash report.

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 \$56,887.88, beginning with check #209069 and ending with check #209112. The Invoice Payment Schedule is located in the Financial Administrator's Office.

**Public Comments on Subjects Under County Jurisdiction**

There were no public comments.

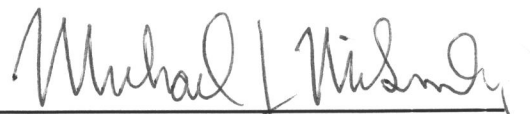
**Adjourn**

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