

April 11, 2022 Regular Session of the Beaverhead County Commissioners

The Board of Commissioners, in and for Beaverhead County, Montana, met in session on April 11, 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.

Updates on County Projects

Road Supervisor Bob Ferris joined the meeting and began the discussion. He said that the crew plowed snow up at Elkhorn. The crew also hauled some gravel up on Stone Creek and are putting in a culvert on Buffalo Dr today which the ditch company bought.

County Attorney Jed Fitch, Casey Elliott from the Tribune, GIS Coordinator Tracy Sawyer, Facilities Jim Sivils, Superintendent of Schools Mike Miller and DES/Land Sanitarian Tom Wagenknecht joined the meeting.

Tracy said that he has still been busy working on the new computers.

Mike Miller said that he will be busy for the next two weeks with school board meetings, teacher evaluations and the spring conference in Lewistown.

Tom W. commented that he has continually been working on more and more septic permits. He and Joyce will be headed to an Environmental Health Conference this week. Tom said he has several other conferences lined up in the next two months.

There was more discussion regarding the removal of the transformers from the breezeway. Chairman McGinley will call NW Energy and West Electric again and light a fire under them to get those removed.

Nick Hoem and Tom Dunne replaced the repeaters up at Maurer last week. The generator will be moved from the old site and put on Butler.

Jim commented that the air conditioners have been installed in the Sheriffs' dispatch room. Also, air conditioners will be installed out in the building in the breezeway to keep the computers cool during the summer.

Jed said that Jennifer is in San Antonio attending a conference this week. Their case load continues to climb.

Sheriff Paul Craft joined the meeting late. He estimates that the bill for the entire jail renovation, including the bill for the prisoners in Gallatin County, is roughly \$150,000.

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

BEAVERHEAD COUNTY ROAD WORKApril 3rd to April 9th, 2022

Dillon, Lima and Wisdom Areas

DILLON AREA

- Bladed on the following roads: Rebich, Stone Creek and Medicine Lodge.
- Hauled gravel to Stone Creek Road.
- Plowed snow on the Scenic Byway.
- Repaired the Grant shop garage door.
- Installed signs on subdivision
- Road checked Dillon area roads.
- Equipment service and repair.

LIMA AREA

- Bladed and hauled dirt on the Big Sheep Creek Road.
- Plowed snow on the following roads: Stibal, North Valley, Ruby Divide, Brundage and South Valley.
- Flood control on the South Valley Road.
- Road checked Lima and Dell area roads.
- Equipment service and repair.

WISDOM AREA

- Plowed snow on the following roads: Skinner Meadows, Twin Lakes and Moose Creek.
- Bladed on the following roads: Twin Lakes and Steel Creek.
- Moved equipment.
- Road checked Jackson and Wisdom area roads.
- Equipment service and repair.

Action on Previous Meeting Minutes

The minutes of the April 4, 2022 meeting were read and the following motion was made:

MOTION: Commissioner Jackson moved and Commissioner Rice seconded that the minutes of the April 4, 2022 meeting be approved with a change. A verbal vote was taken and the motion carried unanimously.

Public Comments on Subjects Under County Jurisdiction Not on Agenda**CLOSED HEARING ~ Discussion on Pending Litigation**

County Attorney Jed Fitch joined the meeting and began the discussion. Present were: Clerk & Recorder Stacey Reynolds, Chief Deputy Tina Caron, Land Sanitarian Tom Wagenknecht and Planner Rob Macioroski.

Discussion & Action ~ Service Provider Designation for Ear Marked Alcohol Tax Money

This is done every year and the purpose of this form is to allow County Commissioners to designate a State-Approved Substance Use Disorder (SUD) Treatment and Prevention Provider(s) to receive earmarked alcohol tax monies for the provision of substance misuse/abuse treatment and prevention services in accordance with state statute. Every year, 100% is designated to the Southwest Chemical Dependency Program.

After brief discussion, the following motion was made:

MOTION: Commissioner Jackson moved and Commissioner Rice seconded that the Service Provider Designation Form be approved and signed for 2022. A verbal vote was taken and the motion carried unanimously.

Discussion & Action ~ Road Agreement Apex Solar LLC

Public Works Administrative Assistant Jamie Flynn, GIS Coordinator Tracy Sawyer, Argenta resident Myrna Carpita and Bob Ferris joined the meeting. Jamie presented the commissioners with the Agreement for their review. Graham Reilly from Apex Solar LLC called in via conference call.

Graham asked about the mag chloride and if it something that the county does or do they take care of that. Mike replied that the county will prep the road and Apex Solar LLC will call the supplier (WeDust) and order the chloride. Apex Solar LLC will then notify the county when the chloride will be applied. Apex Solar LLC will get the bill for the mag chloride and the county pre-preps the road and finish it up after the mag is applied; the county stays completely out of the billing process. Graham responded "so we work directly with the chloride company as far as the billing process goes?" Mike replied yes, Jamie will get Graham the contact information for the contractor. Graham also asked if this supplier has the product and the equipment and everything they need to which Mike replied yes; they spray the road and the Road Department follows by blading it in. Graham asked what kind of frequency of these applications. Mike said that the main part of the road will probably need to be done twice this first year and then as needed after that; from Hwy 278 to the landfill.

The Road department will take care of regular wear and tear on the road during the project. Graham said that his company will take care of anything that needs to be repaired (serious damage on the road or culverts) and will return the road to its preexisting condition. He wanted to be sure he understood that the County will at its own cost, maintain the road during the development of the solar project on Ten Mile Road; Chairman McGinley responded in the affirmative.

Graham will run this agreement by his leadership and get this signed within a week or so. He said it looks good to him.

Mike asked if this agreement is only for Apex Solar to which Graham replied yes, a new agreement will be drawn up for the Upland Dillon Solar but it will be very similar to this one.

After brief discussion, the following motion was made:


MOTION: Commissioner Jackson moved and Commissioner Rice seconded that the Road Agreement for Apex Solar LLC be approved including Exhibit "A". A verbal vote was taken and the motion carried unanimously.


Chairman McGinley will sign and Tracy will print out a map of the project.

Drought Task Force

DES Coordinator Tom Wagenknecht set up the Drought Task Force Meeting. The meeting convened at 11:00 a.m.

A copy of the sign in sheet can be viewed below:

JURISDICTION USING SOFT MATCH: <u>Beaverhead County DES</u>		Training/Event/Meeting Roster					
POINT OF CONTACT OR LEAD INSTRUCTOR: <u>Tom Wagenknecht</u>							
EVENT/MEETING NAME: <u>Drought Task Force</u>							
LOCATION: <u>BVHD Co. Courthouse, Commissioners Room</u>							
DATE AND LENGTH OF TIME: <u>04/11/2022 @ 11AM</u>							
Name/Title: <u>Cindy Decker</u>	Email or Phone #: <u></u>	EMPG/Federally Funded? "REQUIRED"	Trip Miles	Total Hours	2017 IRS Mileage Rate: .535	Federal Volunteer Rate: \$24.54	Total Soft Match
Organization: <u>Commissioner Assist</u>	Address: <u></u>	Yes/No <u>Yes</u>					
Name/Title: <u>Eric Wadsworth</u>	Email or Phone #: <u></u>	EMPG/Federally Funded? "REQUIRED"	Trip Miles	Total Hours	2017 IRS Mileage Rate: .535	Federal Volunteer Rate: \$24.54	Total Soft Match
Organization: <u>BVHD County</u>	Address: <u></u>	Yes/No <u>No</u>					
Name/Title: <u>John H. Jackson</u>	Email or Phone #: <u></u>	EMPG/Federally Funded? "REQUIRED"	Trip Miles	Total Hours	2017 IRS Mileage Rate: .535	Federal Volunteer Rate: \$24.54	Total Soft Match
Organization: <u>Commissioner</u>	Address: <u></u>	Yes/No <u>Yes</u>					
Name/Title: <u>Jim Rice</u>	Email or Phone #: <u></u>	EMPG/Federally Funded? "REQUIRED"	Trip Miles	Total Hours	2017 IRS Mileage Rate: .535	Federal Volunteer Rate: \$24.54	Total Soft Match
Organization: <u>Commissioner</u>	Address: <u></u>	Yes/No <u>Yes</u>					
Name/Title:	Email or Phone #:	EMPG/Federally Funded? "REQUIRED"	Trip Miles	Total Hours	2017 IRS Mileage Rate: .535	Federal Volunteer Rate: \$24.54	Total Soft Match
Organization:	Address:	Yes/No					
Name/Title:	Email or Phone #:	EMPG/Federally Funded? "REQUIRED"	Trip Miles	Total Hours	2017 IRS Mileage Rate: .535	Federal Volunteer Rate: \$24.54	Total Soft Match
Organization:	Address:	Yes/No					

JURISDICTION USING SOFT MATCH: <u>Beaverhead County DES</u>		Training/Event/Meeting Roster					
POINT OF CONTACT OR LEAD INSTRUCTOR: <u>Tom Wagenknecht</u>							
EVENT/MEETING NAME: <u>Drought Task Force</u>							
LOCATION: <u>BVHD Co. Courthouse, Commissioners Room</u>							
DATE AND LENGTH OF TIME: <u>04/11/2022 @ 11AM</u>							
Name/Title: <u>Michelle Kelly</u>	Email or Phone #: <u>660-0391</u>	EMPG/Federally Funded? "REQUIRED"	Trip Miles	Total Hours	2017 IRS Mileage Rate: .535	Federal Volunteer Rate: \$24.54	Total Soft Match
Organization: <u>Beaverhead Co</u>	Address: <u></u>	Yes/No <u>Yes</u>					
Name/Title: <u>Dennis Miotke</u>	Email or Phone #: <u></u>	EMPG/Federally Funded? "REQUIRED"	Trip Miles	Total Hours	2017 IRS Mileage Rate: .535	Federal Volunteer Rate: \$24.54	Total Soft Match
Organization: <u>East Bench Irrigation</u>	Address: <u></u>	Yes/No <u>Yes</u>					
Name/Title: <u>Casey Elliott</u>	Email or Phone #: <u></u>	EMPG/Federally Funded? "REQUIRED"	Trip Miles	Total Hours	2017 IRS Mileage Rate: .535	Federal Volunteer Rate: \$24.54	Total Soft Match
Organization: <u>Billion Tribune</u>	Address: <u></u>	Yes/No <u>Yes</u>					
Name/Title: <u>Janice Pollastro</u>	Email or Phone #: <u></u>	EMPG/Federally Funded? "REQUIRED"	Trip Miles	Total Hours	2017 IRS Mileage Rate: .535	Federal Volunteer Rate: \$24.54	Total Soft Match
Organization: <u>Beaverhead Co.</u>	Address: <u></u>	Yes/No <u>Yes</u>					
Name/Title: <u>Tracy Sawyer</u>	Email or Phone #: <u></u>	EMPG/Federally Funded? "REQUIRED"	Trip Miles	Total Hours	2017 IRS Mileage Rate: .535	Federal Volunteer Rate: \$24.54	Total Soft Match
Organization: <u>BVHD Co</u>	Address: <u></u>	Yes/No <u>Yes</u>					
Name/Title: <u>BJ Klose</u>	Email or Phone #: <u>660-1469</u>	EMPG/Federally Funded? "REQUIRED"	Trip Miles	Total Hours	2017 IRS Mileage Rate: .535	Federal Volunteer Rate: \$24.54	Total Soft Match
Organization: <u>Billion Volunteer FD</u>	Address: <u></u>	Yes/No <u>Yes</u>					
Name/Title: <u>Tracy Wilson</u>	Email or Phone #: <u></u>	EMPG/Federally Funded? "REQUIRED"	Trip Miles	Total Hours	2017 IRS Mileage Rate: .535	Federal Volunteer Rate: \$24.54	Total Soft Match
Organization: <u>LVFD</u>	Address: <u></u>	Yes/No <u>Yes</u>					

National Weather Service

Arin Peters from the National Oceanic and Atmospheric Association joined the meeting via speaker phone and began his presentation. A copy of the presentation can be viewed in the DES Office.

Bureau of Rec/East Bench Irrigation/Clark Canyon Water Users – Dennis Miotke

Dennis handed out his progress report (a copy of which can be viewed below) and reviewed it aloud.

DROUGHT TASK FORCE MONTHLY MEETING

April 11, 2022

PROGRESS REPORT

CLARK CANYON RESERVOIR:

	<u>ELEVATION</u>	<u>STORAGE</u>	
YEAR: MARCH 2022	5528.38'	95,415 a/f	54% Full, 74% of avg.
YEAR: MARCH 2021	5539.48'	141,799 a/f	81% Full, 111% of avg.
	Difference	- 46,384 a/f	

Present Elevation: 5528.75 feet; 96,807 a/f Storage: 55% Full, 74% of avg.
Inflows (Last five (5) days Average: 74 cfs/day
Present releases: 25.41cfs

INFLOWS FOR: MARCH 2022	8,825 a/f	144 cfs/day	60% Avg
INFLOWS FOR: MARCH 2021	9,904 a/f	161 cfs/day	67% Avg.

RELEASES FOR: MARCH 2022	1,548a/f	Storage gain: 7,277 a/f
RELEASES FOR: MARCH 2021	3,069 a/f	Storage gain: 6,835 a/f

SNOW PACK: Above Beaverhead Basin
 April 11, 2022 83%
 April 11, 2021 79%
 Above Red Rock Basin
 April 11, 2022 52%
 April 11, 2021 70%

Lima Dam:

April 11, 2022: Elevation: 6571.17 ft; Storage: 32,790 a/f; 38% Full; 78% of avg.
April 11, 2021: Elevation: 6575.08 ft; Storage: 46,119 a/f; 54% Full; 112% of avg.
Difference - 13,329 a/f

Inflows (Last five (5) days Average: 109 cfs/day
 Present releases: 0 cfs

Centennial Valley Association Drought Coordinator – Kara Maplethorpe

The Centennial Valley Association Drought Coordinator Kara Maplethorpe did not join the meeting today.

DNRC

None

Forest/BLM

None

State Lands

None

Dillon VFD

None

County Fire Warden

None

City of Dillon

None

Extension Service

None

Fish, Wildlife and Parks

None

Madison County DES Report

None

Watershed Report

None

Next Meeting

The next Drought Task Force Meeting will be tentatively set for **May 9, 2022** at 11:00 A.M. in the Commissioners' Room of the Beaverhead County Courthouse.
 This meeting was adjourned at 11:26 a.m.

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.

Payment of Invoices

The Commissioners reviewed and approved invoices for a total of \$148,005.04, beginning with check #209365 and ending with check #209514. The Invoice Payment Schedule is located in the Financial Administrator's Office.

Recess Commission Meeting for Public Hearing**Public Hearing ~ Anderson Lane Replacement Bridge Project**

A Public Hearing concerning the Anderson Lane Replacement Bridge Project came on at the predetermined time and place pursuant to notice duly given.

A sign in sheet was passed around, a copy of which can be viewed below:

**PUBLIC HEARING
ANDERSON LANE BRIDGE REPLACEMENT PROJECT
MONDAY, April 11, 2022 at 1:30 p.m.
In the Commissioners' Room - Beaverhead County
Courthouse
PLEASE PRINT**

NAME

Cindy Decker

Casey Elliott

Ed Malesich

Karl Yakawich

Tom Rice

Jamie Flynn

Bob Ferris

Tracy Sawyer

Rob Maciorowski

Andy Johnson ANDY J

Jul C. Fitt

John H Jackson

Karl Yakawich from Great West Engineering began the discussion. MCEP (Montana Coal Endowment Program) is a state funded program and so the purpose of this hearing today is to present the Environmental Assessment and talk about the project. Karl went through the issues with the current bridge on Anderson Lane. MCEP grants are competitive grants and are a dollar for dollar match. Beaverhead County has always ranked very well for these grants. Karl went over all the regulations and requirements for this grant project. There was discussion regarding the possibility of adding a fishing access by the bridge.

There will be another Public Hearing on April 25, 2022 and there will be two Resolutions coming up as well.

The Commissioners will receive comments today.

BEAVERHEAD COUNTY - EA PUBLIC HEARING – April 11, 2022

Beaverhead County is preparing an application for a Montana Coal Endowment Program (MCEP) Grant from the Montana Department of Commerce (DOC). A handout with pertinent project information is provided to those in attendance.

This past year we worked with the county to update the county bridge inventory and evaluate county bridges. The County is responsible for maintaining 129 bridges. The Anderson Lane Bridge has been targeted for replacement due to low load posting, narrowness, and poor foundation condition.

- Steel truss cannot handle legal loads creating a liability for the county.
 - Load limiting bridge currently restrict loads to 6-tons, restricting local hay and potatoes producers
 - Existing single lane bridge is too narrow for two-way traffic
 - Surface corrosion prevalent on steel truss
 - Large cracks on the concrete foundation
 - The bridge serves as the primary access for 10 residences, most of them farming/ranching families
 - Bridge used as a school bus and mail route
 - High recreation use from fishermen
- a. PER developed and recommended to replace the bridge with a new single span 130-ft span by 24-ft wide concrete bulb tee beam bridge at the existing location.
 - i. Project Cost: \$1,680,750
 1. TSEP: \$750,000

2. MCEP Grant

- a. Competitive Grant Program for Bridge, water and sewer projects
 - b. Interest earnings from Coal Severance taxes (typically \$20+ million available)
 1. Very competitive - Up to 20% of funding allocated to bridge projects
 - c. Dollar for Dollar match 50/50
 - d. Beaverhead County has used TSEP to assist with 8 bridge replacements since 2010
 - e. Statutory Priorities for Grant
 - i. Health and Safety
 - ii. Financial Need
 - iii. Design
 - iv. Planning and Management of Bridge System
 - v. Funding Package Viability
 - vi. Economic Development
 - vii. Community support
3. TSEP grants are a state action subject to the Montana Environmental Policy Act (MEPA). As required by the MEPA and DOC regulations, Beaverhead County has prepared a draft Environmental Assessment (EA) that evaluates the potential environmental effects and consequences of the proposed project.
4. Environmental Mitigation Summary
Anderson Lane Bridge is proposed to be replaced with single span 130' concrete structure. Existing span is 100'. Replacement of the culvert at the irrigation ditch immediately southeast of the bridge is also being considered.
- Stream permits required.
 - DEQ: Asbestos inspection and demolition permit prior to construction.
 - FWP: Due to spawning brown trout a work timing window has been identified in order to implement the project. However, based on the limited scope and impact of the bridge

- replacement, brown trout are not anticipated to be adversely affected by this work.
- USFWS: Several items are recommended to minimize grizzly bear disturbance.
 - Floodplain: Though the bridge is not located in mapped FEMA floodplain, the bridge is located in a flood prone area and a County Floodplain Development permit is assumed to be required.
 - SHPO: Built in 1924. Due to the age of the structure and the fact that the bridge still retains structure integrity, a HAER recordation will occur for the structure. Prior to any construction, historical mitigation efforts will record the bridge description, history and photographs to be submitted to the National Park Service as part of the HAER recordation.
 - Wetlands: During the design phase, a wetland delineation will be performed in order to map and mitigate (as necessary) potential wetland impacts.

After the hearing, all comments will be reviewed and considered and Beaverhead County will decide that either:

1. An Environmental Impact Statement (EIS) is necessary;
2. The Environmental Assessment did not adequately reflect the issues raised by the proposed action and must be revised; or
3. An EIS is not necessary, and make a final decision on the proposed action (submitting the application for TSEP funding).

Schedule

- Public Meeting on MCEP Grant Application: April 25, 2022
- MCEP Grants due: May 5, 2022
- Legislative Activities: February/March 2023
- Release of TSEP funding: July 2023
- Construction: 2024 or later

We recommend that an EIS is not necessary and the EA is adequate level of analysis for this project.

Adjourn Public Hearing, Reconvene Commission Meeting

Discussion ~ Constitutional Initiative 121 – Questions & Answers

At this time, Chairman McGinley gave a brief explanation of I-121.

Discussion ~ MT Natural Resource Coalition

The MTNRC is an organization of county governments who maintain collective and participatory involvement in administrative government on behalf of its citizenry. The coalition serves as a conduit between local, state and federal governments to promote balance, necessary and effective administrative policy making.

Ross Butcher from Fergus County called via conference call to participate in the meeting. The board will meet within the next week or so. Ross believes that this would be a good positive move for the local constituents. Because Montana is such a large public lands state, we need to deal with the federal agencies. The value of MTNRC develops the conduit and connection for local government to resources that help provide an input to those federal agencies when they are called upon. Their position is to be the voice for local communities anytime there is a federal agency policy decision.

McGinley asked Ross to explain what the difference is between this and the MT Forest Counties Coalition and other organizations like it. Ross replied that MTNRC is really a coordination effort from local governments to federal agencies and ensuring that the laws that are already in place and the policies actually follow the law. Right now, most of the battles that they are engaged in, are being dealt with from a standpoint of assuring that the rules and regs are followed closely and appropriately. MTNRC is *not* a lobbying organization.

Commissioner Rice asked Ross how many are currently signed up; he replied 12 counties. This subject will be revisited with action on April 18th.

Discussion & Action ~ Marchesseau Family Transfer

Surveyor Travis Wilson, Stacey Reynolds, Tom Wagenknecht, Tina Caron, Wilma Marchesseau and Planner Rob Macioroski joined the meeting.

Chairman McGinley began the discussion by reading the letter of recommendation from the Survey Review Committee. He really appreciates that the landowner understands the 18 month hold process.

After brief discussion, the following motion was made:

MOTION: Commissioner Rice moved and Commissioner Jackson seconded that the Marchesseau Family Transfer be approved. A verbal vote was taken and the motion carried unanimously.

Eric & Alicia Wendland joined the meeting late. Jed Fitch joined as well.

Discussion & Action ~ Klukan Family Transfer

Rob, Stacey, Tina, Tom W. and Travis remained in the meeting. Alicia and Eric Wendland joined the meeting. The landowner was unable to attend this meeting. The Survey Review Committee recommends approving this Family Transfer. Each question was answered by the landowner.

One of the rules on Resolution 2022-06 is that the Commissioners SHALL meet with the landowner. Chairman McGinley reminded everyone that "words matter" and read aloud the part on Resolution 2022-06 where it says that the Commissioners *shall meet with the Landowner* and feels that because the landowner was unable to attend today, action on this should be tabled.

After brief discussion, the following motion was made:

MOTION: Commissioner Jackson moved and Commissioner Rice seconded that the Klukan Family Transfer be ***tabled*** until such a time as the landowner can either call or come in personally. A verbal vote was taken and the motion carried unanimously.

Discussion & Action ~ Resolution 2022-06

County Attorney Jed Fitch, Landowners Alicia & Eric Wendland, Stacey Reynolds, Tina Caron, Tom Wagenknecht, Rob Macioroski, Tracy Sawyer and Travis Wilson joined the meeting.

Jed began the discussion by giving a brief summary of why this Resolution was created in the first place.

Even though no changes were made in this Resolution to the holding period, in retrospect, an Ordinance possibly should have been done. In light of this, and since there is still a functioning process in place, he feels that this Resolution can and should be rescinded in order to end the current lawsuit.

Chairman McGinley asked for a motion so comments and discussion can take place.

MOTION: Commissioner Jackson moved and Commissioner Rice seconded that Resolution 2022-06 be *rescinded*.

McGinley called for discussion.

Personally, Mike likes the Resolution because of the part that stated that the Commissioners will be included in the "loop" and notified when Family Transfers are requested; but he agrees that because of some unfortunate wording in the Resolution, it takes away the due process from the landowners. That is his only concern however. It was created initially to keep the commissioners informed regarding exemptions.

Jed agrees with Mike, but all the things that the commissioners originally wanted regarding informative purposes, can still be accomplished even without this Resolution. In other words, if a boundary adjustment or family transfer is recommended for approval by the County Planner and is recorded by the Clerk & Recorder, the commissioners will be given notice of that. If it is denied by the County Planner, then the landowner can appeal to the commissioners if they choose, at which point, the commissioners will clearly know about it. So, even without Resolution 2022-06, the commissioners' wishes to be included in the process will still be granted.

Rob commented that the County is in the process of updating the subdivision regulations and growth policy that will require public hearings throughout the summer.

McGinley asked Jed if this motion passes today, what his next step is. Jed responded that the main petition in the lawsuit was that Resolution 2022-06 be thrown out by the court. He would advise the court that the commissioners have rescinded this Resolution and thus effectively solved the issue for both parties.

McGinley called for the question.

A verbal vote was taken with Commissioners Rice and Jackson voting "aye" and Chairman McGinley voting "against".

Jed will file the answer in District Court; he requested a document from the commissioners stating the same.

Discussion ~ Hwy 324 Project – Q & A

Beaverhead County resident and landowner, Roger Peters joined the meeting and presented the commissioners with his proposal regarding Secondary Highway 324 and the paving project planned.

Basically, he has concerns that if this Highway is improved too much, traffic will pick up immensely and folks will drive too fast. He is against making improvements on this road. McGinley presented Mr. Peters with the STIP process and that it was submitted in 2005 and still won't happen for at least 5 more years. He told Mr. Peters, with all due respect, that he is the first person to ever oppose improvements on a road.

Mr. Peters proposed that a membrane be laid down and then gravel just like the Leodore side of the highway.

McGinley said that we have had so many complaints about the shape of the road, that before we accept a gravel road proposal, he would like to hear from many other folks who live along this road as to what their opinion is.

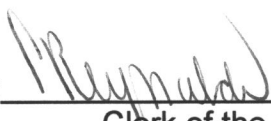
Public Comments on Subjects Under County Jurisdiction

There were no public comments.

Adjourn

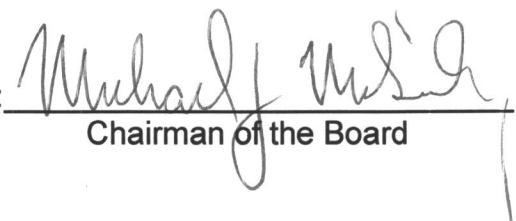
There being no further business to come before the Board, the meeting was adjourned at 5:00 p.m.

Attest:



Clerk of the Board

Approved:



Chairman of the Board