

April 25, 2022 Regular Session of the Beaverhead County Commissioners

The Board of Commissioners, in and for Beaverhead County, Montana, met in session on April 25, 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. He advised that the crew replaced one of the bridges on Corrine Trail with a big culvert because it is over irrigation. He said that Stone Creek is full of washboards so they did the hill because it was the worse part. They need moisture really bad to get it done right. McGinley commented that he has a call set up this Thursday with the solar farm people about mag chloride.

There was discussion about the signs put up by the solar farm construction company on Stone House Road. McGinley replied that yes, they put up signs for their construction trucks so they don't use Stone House Road; only Argenta road. The road is open to public use.

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

Tom W. has been working with the ambulance folks as far as hazmat and ICS stuff. Joyce will be taking her final test on microbiology this week.

Tracy said that he got all the utility locates done in the courthouse lawn for the generator project.

Paul said that there are 20 inmates this morning in the Detention center.

Mike commented that he just got back from a County Superintendent conference in Lewistown. He will speak with Jed later today about a concern he has at the Wise River School.

Jim said that the leaking roof is fixed on the Treasurer's office. They will be painting in that office in the near future as well. Applications close for the 2 open facilities positions this week.

Jed said that his office continues to be super busy. He commented that one year ago he was headed to Cleveland for his brain surgery.

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

BEAVERHEAD COUNTY ROAD WORK
 April 17th to 23rd, 2022
 Dillon, Lima and Wisdom Areas

DILLON AREA

- Plowed snow in the Pioneer Mountain Scenic Byway.
- Bladed on the following roads: Ten Mile, Carter Creek, Sweetwater, Stone Creek, Anderson, and Birch Creek.
- Emergency replacement of bridge on Corinne Trail with a culvert.
- Road checked Dillon area roads.
- Equipment service and repair.

LIMA AREA

- Bladed and hauled gravel on Big Sheep Creek Road.
- Stockpiled gravel (clay) at the Big Sheep Creek gravel pit. GP219
- Cleaned up the burn pile on Bimat Lane from last week's prescribed burn.
- Road checked Lima and Dell area roads.
- Equipment service and repair.

WISDOM AREA

- Plowed snow on the Gibbonsville Road.
- Bladed on the Upper North Fork Road and in Wisdom.
- Culvert cleaning and installation on the Upper North Fork Road.
- Yard maintenance and shop maintenance.
- Road checked Jackson and Wisdom area roads.
- Equipment service and repair.

Action on Previous Meeting Minutes

The minutes of the April 18, 2022 meeting were read and the following motion was made:

MOTION: Commissioner Rice moved and Commissioner Jackson seconded that the minutes of the April 18 & 19, 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 ~ Forest Service and BLM – Update

Jamie Tripp, FMO for the Forest Service Aaron Knudson and Assistant Field Manager Corey Meier from the BLM joined the meeting. Tracy, Tom W. and Bob also joined the meeting.

It is their goal to have a Detailer selected and in place for travel management to start across the forest by mid-May. The outreach for that position (detailer) which will run for four months, is out right now and will close April 27th. The objective for that Detailer is to start to identify what data we have and what is usable for travel management. Also, where there are gaps in that data and start determining what might be needed for a team resource specialist. Of course, GIS will be key in that.

They are issuing commercial mushroom permits for the burned areas of Trail Creek, Christiansen, Alder and Black Mountain. Picking most likely won't start until the very end of May or beginning of June.

McGinley asked Jamie to find out how many board feet were taken out. She replied that she will get back to him after she speaks with Molly.

Aaron gave the predictions for this coming fire season. The outlook that he has is for May, June and July and it looks like the probability of 40-50% above seasonal temperatures and 40-50% below precipitation. This matches up closely with the Farmer's Almanac. They have a full fire staff hired and he is prepared to apply for severity, which means engines from across the country. Currently, Beaverhead County is at 83% snow pack. Cindy will invite both Aaron and Corey to each Drought Task Force meeting.

Corey said that drought conditions are continuing to be monitored. The BLM has been adjusting prescribed burns as well; being mindful of the dry conditions. Every five years, there is a review of the RMP (published in 2006). The Dillon field office invited public comment this year and it was open for one month but is now closed. The Centennial gravel pit application is being worked on. Watershed assessments will be conducted in Horse Prairie and Big Hole Watersheds this year. There will be some timber sales up in the Big Hole.

McGinley asked about the interagency meetings we used to have as we haven't had one for at least three years. Mike will speak with Tim Egan about starting that up again. He also commented that it would be great if our own fire folks would stay local instead of going out to other places because the local guys know the country around here.

McGinley said that the forest plan is at least 12 years old. Also travel management is a concern. Beaverhead County *definitely* wants to be involved in that discussion by having a person on the ID team. Scott Marsh used to be involved so maybe Tracy could replace him. Travel management is a huge tax on GIS so Tracy would be a good fit. This process has been going on for YEARS; Mike said that maybe the travel management plan should just wait until the new RMP is complete. Corey asked about the Interagency meeting and if we could have it in May or June. Mike told him to keep in touch with us and we'll get it going.

Discussion & Action ~ Second Amended MOU Concerning Statewide Opioid Settlement Funds

County Attorney Jed Fitch joined the meeting and began the discussion. He stated that the Commissioners have already signed the original MOU. This is part of the national case and it must be signed in order to be eligible to receive settlement funds. He read the letter aloud explaining why it had to be amended. Jed advises that the Commissioners approve and sign this.

After brief discussion, the following motion was made:

MOTION: Commissioner Rice moved and Commissioner Jackson seconded that the Second Amended MOU Concerning Statewide Opioid Settlement Funds be approved and signed. A verbal vote was taken and the motion carried unanimously.

Discussion & Action ~ Dancing Winds Major Subdivision – Final Plat Approval

Planner Rob Macioroski, Planning Board Chairman Larry Volkening, Jed Fitch, Tom Wagenknecht, Surveyor Travis Wilson, Realtor Chance Bernal and Land owner Rich Long joined the meeting. Rob said that there have been questions regarding the roadways within this subdivision. There have also been questions about the wording "exclusive of public roadways" but he is not sure, after doing some research, if this really makes a difference or not. Rob has sent an email to the MACo land attorney regarding this and is waiting for a reply.

Jed reiterated that subdivision roads are NOT private; they are public access roads. Chance added that having an easement does not drop the acreage to which Jed concurred. The word "private" needs to be removed from the plat. Rich stated he totally endorses that. It is a public road that the HOA will maintain.

McGinley commented that when things get "cloudy" is when you get to the definition of "sanitation subdivision". Jed pointed out again, that he agrees with Chance; these easements don't take away ownership of the land. He continued that the real argument is with the wording "parcels containing less than 20 acres *exclusive of public roadways*". Jed has given this great consideration and commented that, in his opinion, this is a terribly drafted statute.

Jed advised that it should say "Dancing Winds Roads will be created by easement and will be dedicated to the public". Travis commented that if the road is dedicated to the public, DEQ will catch that and there will be problems. He suggested that a statement be included in the subdivision file that the commissioners see these lots as 20 acres.

Jed had another suggestion: "Dancing Winds Road will be an easement on private property (for public use) of land still owned by the lot owner". So, the point would be made that it's not reducing the lot size, it is just an easement. Jed stated that these comments are just "off the cuff" and he would like to discuss this more later this week with Rob.

Chance said that the language "the HOA is responsible for road maintenance" should be added to protect the county. McGinley is still of the opinion that the word "private" should be removed.

Jed asked what the current status is on Bluebird Drive in the PUD. Rob said that Mr. Towery emailed him and agrees with everything that Mr. Long drafted.

This will be addressed again on the agenda next Monday, May 2. Jed, Rob, Travis and Rich will get together and revise the wording on the plat.

Larry expressed concern about the Growth Plan and that this needs to be included in the plan. So, whatever wording is agreed upon should be included in the Growth Plan as well so things are clarified for the future.

On another note, Rob notified the Sweetwater Estates HOA about this meeting today, and they said they are good with everything so they opted not to attend.

Rob commented that Mr. Long has gone above and beyond to make sure he is in compliance with all that is required of him.

After brief discussion, the following motion was made:

MOTION: Commissioner Jackson moved and Commissioner Rice seconded that the Dancing Winds Major Subdivision Final Plat Approval be tabled until the wording is revised on the plat. A verbal vote was taken and the motion carried unanimously.

Unfinished Business / Other Topics of Discussion

Mountain View Insurance agent Josh Boka joined the meeting. He wanted to review exactly what is covered and what is not. He will meet with Betty soon. Paul Craft will meet with Josh and Dan O'Malley this coming Thursday regarding Lexipol.

Josh is working on two different cyber quotes. He said that it is a huge frustration across the state. He will contact Anna Cossel regarding the Demo Derby because she writes the insurance for the Jaycees. Mike requested that Josh look into secondary insurance for the Derby and get back to us.

Josh spoke with Lawrence from S&R about insurance. He also spoke with Pete Novich about coming in to do safety inspections.

The Commissioners thanked Josh for his update.

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.

Department Head Meeting

Clerk & Recorder Stacey Reynolds, GIS Coordinator Tracy Sawyer, Planner Rob Macioroski, DES/Land Sanitarian Tom Wagenknecht, Superintendent of Schools Mike Miller, District Court Clerk Carly Anderson, County Attorney Jed Fitch, Sheriff Paul Craft, Financial Administrator Betty Tinsley, Landfill Manager Larry Laknar, Facilities Shonna Graham, Road Supervisor Bob Ferris and Treasurer Cathy Hucke joined the meeting.

Chairman McGinley thanked everyone for attending. The first subject of discussion was the janitor jobs and that they are in the process of obtaining applications and picking a selection committee soon.

He spoke about the possibility of getting disaster training with an office specific evacuation plan. Paul will be working on this.

Cameras are everywhere inside and outside of the courthouse now. Some of the cameras do not have audio because of right to privacy.

The second point of discussion was time cards and request for vacation and sick leave. These written requests are critical especially now since more and more new employees will be coming on. McGinley urged each Department Head to be sure that their employees are educated as to how and when to fill them out.

Cathy reminded Mike that her window at her office was broken and Mike said it would be fixed in the next budget year.

Tracy brought up cyber security and said that there are still 5 people that have not taken the required cyber security course. He is currently working a cyber security policy & procedure in the event that the county is attacked or held ransom. Mike said that the county may have to invest in cyber insurance soon.

Mike reminded everyone that budget season is coming very soon. He said that there have been several large projects to spend ARPA money on. He reviewed some of those projects. CARES money was the first pile of money to come in for COVID. It was used for Public Health, Sheriff's vehicles and for the jail remodel. The 632 money is for water/sewer only so that will most likely go for the Jackson Water/Sewer. The next ARPA money coming can be used for things like the courthouse generator, Courthouse CIP for door security, Sally Port and possible body scanner for detention. The Road may have funds for a new grader. The money must be spent/obligated by the end of 2024.

McGinley wants department heads to start making a list of projects they might be needing; the total is 1.8 million. This could include community service type things; for instance, the city of Dillon is putting in a new kitchen for the Senior Citizen Center with part of their ARPA funds. He thinks a pavilion at Chris Kraft Park might fit under the community service part of it. Things like this, would benefit the next generations.

Commissioner Rice said that the airport needs a resurfacing project for the runway and they are in the process of planning that. He asked if the money could be used for a \$500,000 match. Mike said that yes, it could; it can be used for any governmental purpose.

Tom W. asked about an elevator, to which Mike replied yes, these are all things that can be prioritized. He asked for each department head to either send an email to Cindy or come in to the commission board room and physically write it down on the paper easel.

Mike Miller pointed out that there is an issue of lead in the water in some of the rural schools. McGinley said that that would fall under the 632 funds. He also pointed out that the schools in Montana received a large amount of funds too.

Shonna stated that the clock tower needs attention as it leaks pretty bad and the clock faces all have terrible cracks and holes.

Tom W. mentioned that the ambulance services have a "life pack" on each ambulance and many of them are reaching their "end of life" and this could be an idea.

Bob F. asked about the fairgrounds project to which Mike replied that is the 632 money and is a 50/50 match for the city.

Tracey advised that the server is on order and it will be \$15,000.

Paul asked where we are as far as the elevator goes. Karl from Great West will be here later this afternoon so we will ask him. The last time he was here, he said that we might need to get an architect involved. We will ask him more later today.

Larry L. mentioned the road from the underpass to the Beaverhead River really needs attention. Part of that street is a city street (Park). It would only be about ½ mile stretch. There may be a water line underneath that street so maybe it could fall under the 632 funds.

Constitutional Initiative 121 – Questions & Answers – Discussion

There was no discussion on this subject today.

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

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

A sign in sheet was presented and can be viewed below:

**PUBLIC HEARING
ANDERSON LANE BRIDGE REPLACEMENT PROJECT
MONDAY, April 25, 2022 at 3:00 p.m.
In the Commissioners' Room – Beaverhead County
Courthouse**

PLEASE PRINT

NAME

Ed MAlesich

Cindy Decker

Ted C. Fitch

Jamie Flynn

Bob Ferris

Casey Elliott

KARL YAKAWICH

John H. Jackson

Tom Price

Mike McGinley

Karl began the discussion. We are here today to consider a MCEP to replace the Anderson Lane Bridge. Today we will focus more on the grant application.

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 fisherman
 - 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.

McGinley asked about the priority of these bridges. He feels that 1.8 million is A LOT of money to replace a bridge that isn't condemned. That is 10% of the complete county budget.

Jed said that this is a road that many of our residents use. Karl said that another DLA grant might come available. McGinley wants everyone to go into this with their eyes wide open realizing the amount of money that Beaverhead County would be committed to; \$1,032,788.

Jed commented that the road needs to be fixed as much if not more than the bridge. Karl said that we won't know if the grant is accepted for at least another year and construction won't happen until at least 2024. Karl also said that BaRSAA (gas tax money) funds might be a fit for this too.

Reconvene Commission Meeting

Discussion & Action ~ Resolution 2022-09 – Authorize Submission of MCEP Application for Anderson Lane Bridge Replacement Project

Karl remained in the meeting and began the discussion. This would be a MAJOR commitment for Beaverhead County. This bridge was the top priority to be replaced. This project is much like the Rock Creek Bridge Project a few years ago but with much bigger numbers.

After brief discussion, the following motion was made:

MOTION: Commissioner Rice moved and Commissioner Jackson seconded that Resolution 2022-09 – Authorize Submission of MCEP Application for Anderson Lane Bridge Replacement Project be adopted. A verbal vote was taken and the motion carried unanimously.

A copy of the Resolution can be viewed below:



110874 Fee: \$ 0.00 File: RESOLUTION 2022-09 R
BEAVERHEAD COUNTY Filed 4/25/2022 At 3:51 PM
Stacey Reynolds, Clerk and Recorder
By: *Stacey Reynolds*

RESOLUTION 2022-09

RESOLUTION TO AUTHORIZE SUBMISSION OF MCEP APPLICATION

WHEREAS, Beaverhead County is applying to the Montana Department of Commerce for financial assistance from the Montana Coal Endowment Program (MCEP) to replace the Anderson Lane Bridge;

WHEREAS, Beaverhead County has the legal jurisdiction and authority to construct, finance, and maintain the proposed bridge improvements;

Beaverhead County agrees to comply with all State laws and regulations and the requirements described in the MCEP Application Guidelines and those that will be described in the MCEP Project Administration Manual;

That Beaverhead County commits to provide the amount of matching funds as proposed in the MCEP Application; and

That the Beaverhead County Commission Chairman, is authorized to submit this application to the Montana Department of Commerce, on behalf of Beaverhead County, to act on its behalf and to provide such additional information as may be required.

PASSED AND APPROVED on this 25th day of April, 2022.

BOARD OF COMMISSIONERS BEAVERHEAD COUNTY

Signed: *Michael J. McGinley*

Michael J. McGinley, Commission Chairman

Signed: *C. Thomas Rice*

C. Thomas Rice, Commission

Signed: *John H. Jackson*

John H. Jackson, Commissioner

Attested: *Stacey Reynolds*

Stacey Reynolds, Clerk & Recorder

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 \$32,897.31, beginning with check #209559 and ending with check #209596. 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: *Stacey Reynolds*

Clerk of the Board

Approved: *Michael J. McGinley*

Chairman of the Board