

July 3, 2012

Commissioner Skillestad opened the meeting at 10:00 a.m. with James Skillestad, Adam Gartner and Douglas Buxbaum, present. Also present were, Lori Brengle, Kathy McLane, Amy Deines, Carrie Sokoloski, Jeannie Seifert, Darrel Hystad, Patricia Beglee, Darrell DeLange, Scott Duke, Sonja Maxwell, Chad Knutson, Ranger Review Reporter, Emilie Boyles, KXGN Newscaster, and Cheryl Shaffer, Deputy Clerk & Recorder.

Prior Meeting Minutes:

A motion was made to accept and approve minutes for June 19, 2012. Motion carried.

Tabled Items on hold:

Board Positions-The remaining positions to be filled are: a replacement for Eddie Crockett on the Richey Cemetery Board, waiting for a reply from Don Kettner on the Tax Appeal Board, a replacement for Joe Sharbono on the Weed Board.

Unfinished Business:

Petition for Signs on River Road-The commissioners are still waiting to be shown the exact location requested for signs and speed limits from the petitioners.

River Road Garbage at Mobile Home-The Sanitarian is out of town and the commissioners need to speak to him about the matter.

5) BUILDING
DECAY AT 112
S. MERRILL

Building Decay-The decay issue at 112 South Merrill is being addressed by the city.

Administrative Items-

6) EARLY RETURN
TO WORK
PROGRAM

Early Return to Work Program-On June 28, 2012 the commissioners approved the Early Return to Work Program in accordance with the motion from the June 19th session.

7) BACKHOE BID
AWARDED

Award of Backhoe Bid-On June 28, 2012 bids were opened for the purchase of a used backhoe. The bid was awarded to R.D.O.

8) SALISBURY-
JANITORIAL
CONTRACT

Rachel Salisbury Janitorial Contract-A contract was signed on June 25, 2012 between Rachel Salisbury and Dawson County to provide janitorial services for the office building at 121 South Douglas for \$7,500/year.

9) PILT MONEY

PILT-Department of Interior issued a PILT payment to Dawson County for \$21,724.00. The commissioners agreed to put the funds into the general fund.

Justice of Peace-Ed Williamson will be out of the office June 29-30, 2012. Kerry Burman will be the acting JP in his absence.

10) RESOLU
TION 2012-17
STAGE ONE FIRE
RESTRICTIONS

Resolution 2012-17- Stage One Fire Restrictions-On July 2nd the fire warden requested Stage One Fire Restrictions. Resolution 2012-17 imposing Stage One Fire Restrictions was signed unanimously by all commissioners. It shall be in effect beginning at 12:01 a.m. on Tuesday July 3, 2012 until such time as it may be amended or rescinded by the Board of Dawson County Commissioners.

New Business:

11) COUNT
Y COUNCIL ON
AGING
CONTRACT

Action For Eastern Montana –Lori Brengle from Action for Eastern Montana presented a preliminary contract for the council on Aging with provisions for an amendment later in the year. A motion was made to approve the contract. The motion was seconded and all voted in favor. Motion carried.

12) ECONO
MIC
DEVELOPMENT
REQUEST FOR
MILL TO BE
PLACED ON
NOVEMBER
BALLOT

Economic Development-Amy Deines spoke briefly and Scott Duke outlined their questions. They would like to be put on the ballot for 1 mill in November. However they are looking for a steady non-renewing income, possibly a dedicated 2 mills in the future, so they don't have to put it to a vote every six years. They are also trying to obtain a mill from the City for approximately \$5,000 to help with finances.

Work Camp, Trailer Court and Campground Ordinance. A draft of an ordinance for

standards for Work Camps, Trailer Courts, and Campgrounds within Dawson County was presented to the commissioners from the County Planner and County Sanitarian. The Sanitarian is currently out of town. Wade Humphries will schedule a public meeting for input.

9) WORK CAMP,
TRAILER
COURT &
CAMPGROUND
ORDINANCE

Land Sale-The commissioners have been discussing the sale of a section of land the county owns, but there are no access roads into. A motion was made to sell the property and publish a notice and set up a public sale. The motion was seconded and all voted in favor. Motion carried.

10) LAND SALE

Health Contracts-Jeanne Seifert submitted several health contracts and grants for review and approval:

- DPHHS Family Planning Services Master Contract for July 1, 2012 through June 30, 2019, Task Order 13-07-5-11-005-0
- Public Health Emergency Preparedness Master Contract for July 1, 2012 to June 30, 2019, Task Order 13-07-6-11-015-0
- DPHHS Immunization Master Contract for July 1, 2012 to June 30, 2019 task order 13-07-4-31-011-0
- WIC Farmer's Market Nutrition Program
- Maternal Child Health Block Grant, Master Contract for July 1, 2012 to June 30, 2019, Task Order 13-07-5-01-011-0
- Tobacco Use Prevention, Master Contract for July 1, 2012 to June 30, 2019, Task order 13-07-3-31-004-0
- WIC Subcontract for McCone County, Prairie County, Wibaux County and Garfield County for October 1, 2011 to September 30, 2012
- School Health Contracts for Richey Public Schools and Lindsay School for 2012/2013 School Year. Richey \$8.50 per Student, Lindsay \$21.00 per student.

11) HEALTH
CONTRACTS
& GRANTS

A motion was made to approve to approve all of the health contracts and grants. The motion was seconded. All voted in favor. Motion carried.

Travel Requests- A motion was made to approve travel requests for:

- Wade Humphries to Helena for DNRC Flood Plain Conference July 15-21
- Wade Humphries to Billings for MAP Regional Conference August 6-10
- Bob Andress to Sturgis July 2nd for Drug Interdiction Workshop
- Mary Jo Gehmert to Lewistown for Population Protection for Local Communities Course
- James Dougherty to Miles City for Eastern Montana Industries Meeting
- MaryAnn Clingingsmith and Holly Gregory to Bozeman for Montana Public Health Summer Instruction

Encroachment Permits Ordinance & Impact Fees-Darrell Hystad and Pat Bagley, Attorney from Miles City were present to speak on the need for adopting as an ordinance and not relying on policy encroachment permits and impact fees. Policy is not enforceable, while an ordinance is enforceable. It is MACO Sanctioned. This would help finance infrastructure & improvements by requiring permits, contracts, bonding and reclamation for any work done, so that businesses would share in the cost of upgrades and upkeep of infrastructure. The impact fee would allow the county to assess fines for damages that may occur. Brent Moore who spoke at CTAP is paid by the state to assist counties in establishing the ordinances and impact fees. Jack Noore was mentioned as a consultant. There is also a provision in Montana Code that allows the county to engage another attorney to care of commissioner's specific issues.

12) ENCROACHME
NT PERMITS
ORDINANCE &
IMPACT FEES

District II Alcohol & Drug Program-A letter was received requesting a renewal of the \$7,500 contribution for the next fiscal year. The item was tabled.

Correspondence/Information:

- A notice was received from the Hartford Steam Boiler Inspection that the advisory recommendations were completed.
- A notice was received that the TSEP Grant application was complete
- A notice was received that Safety Fest will be held December 3-7
- MT Fish, Wildlife and Parks are requesting input into the proposed 2012 Deer

Quotas. Comments may be made by Monday, July 9th.

- The Department of Public Service sent a notice of applications for operating Authorization to Sidney Shuttle, LLC for Class B Passengers between all points and places in Richland and Dawson County (Notice of temporary Authority) comments may be made by July 9
- The Department of Public Service sent a notice of transfer of operating authority from Floaters Shuttle Service, LLC to Paul LeGros, dba Madison River Shuttle, between FWP Access site at Black's Ford and Bureau of Land MGT, Warm Springs.

Road Report-None

Public Comment- None

Meeting adjourned at 12:00 p.m.

DATED this 3rd day of July, 2012.

James A. Skillestad, Chairman

Adam J. Gartner, Member

Douglas A. Buxbaum, Member

ATTEST:

Cheryl Shaffer, Deputy Clerk & Recorder

July 17, 2012

Commissioner Skillestad opened the meeting at 5:30 p.m. with James Skillestad, Adam Gartner and Douglas Buxbaum, present. Also present were, Gary Kartevold, Ken & Jennifer Olmstead, John Haas, Doug Byron, Roberta Christensen, Don Anderson, Bill Ball, Eric Killelea, Ranger Review Reporter, Emilie Boyles, KXGN Newscaster, and Shirley Kreiman, Clerk & Recorder.

Prior Meeting Minutes:

A motion was made to accept and approve minutes for July 3, 2012. Motion carried.

Tabled Items on hold:

Board Positions-The remaining positions to be filled are: a replacement for Eddie Crockett on the Richey Cemetery Board, Tax Appeal Board, a replacement for Joe Sharbono on the Weed Board, 2 positions on the Urban Transportation Board.

Unfinished Business:

Petition for Signs on River Road-The commissioners are still waiting to be shown the exact location requested for signs and speed limits from the petitioners.

River Road Garbage at Mobile Home-The Sanitarian is out of town and the commissioners need to speak to him about the matter.

Administrative Items

A travel request was approved on July 11, for Olivia Rieger to go to Big Sky Montana for the Montana County Attorney Conference, July 11-13.

New Business:

Olmstead Lane-Kenneth & Jennifer Olmstead stated that they were present to discuss the access from their Driveway to Highway 16. Is this a county road or a public road? Adam Gartner stated that he had checked into what information we had and there are no easements on the road. The Olmsteads asked what process it takes to make it a public road. Adam Gartner said that in order to be a county road it goes through a petition process, but the county does not declare public roads. They want to know if it is a public road or not as they had an agreement with a previous owner of adjoining land for use of the road. Once the land was purchased by Richard Schwartz Construction, they were granted another access to get on to Hwy 16 and were not suppose to use this road. They stated that they have been told this is a public road and they cannot deny access to it. They need to know if it is a public or a private road. Mr. Gartner stated that it has not been declared a county road and it usually takes a court action to make it a public road.

13)OLMSTEAD
LANE

Jeremy Ball HP Zoning Variance-A public hearing was held on July 12th regarding this variance. The recommendation from the county planner was to deny the variance as it did not meet the criteria for a variance. There was a statement from the planner that the current zoning is for a 20' setback but the state standards are usually 10'. A motion was made by Commissioner Gartner to deny the variance request. The motion was 2nd by Doug Buxbaum. There was discussion on the matter. Commissioner Buxbaum asked if the intent of the planner was to recommend a zoning change for all of Highland Park or if it was a one time variance. The recommendation and minutes from the hearing were reviewed by the commissioners. Commissioner Buxbaum stated that he thought the Planners intent was to recommend the variance if it were at 10', but the written recommendation was for a denying the variance. He was unclear what the Planners intentions were with the comment on a 10' setback. Commissioner Gartner amended his motion to deny the motion providing that upon conferring with the Wade Humphries, County Planner and if the 10' setback could be recommended as a zoning change for all of Highland Park. All voted in favor. Motion carried. Bill Ball asked on behalf of Jeremy Ball what would happen if the zoning did not apply to all of Highland Park. The Commissioners stated that they have to vote on the present variance request again. He asked what the time frame would be as they were preparing to build the garage. The Commissioners stated that although Wade was out of town, they would try to contact him by phone and get a reply to them as soon as possible.

14)JEREMY
BALL HP ZONING
VARIANCE
REQUEST

- 15) BACON PIT **Bacon Pit** – Landowners near the Bacon Gravel Pit have some concerns with the traffic on the road from this pit. They also commented that this road is now listed as an alternate bicycle route with Tour America and it sees quite a few bicyclers. The commissioners presented the landowners with a copy of the TransCanada Road-Haul agreement and suggested using this as a sample for creating a road-haul agreement with other companies. There is a possible alternate route and they will be meeting with the company owner later in the week. They may also be moving forward with a road ordinance.
- 16) ECONOMIC DEVELOPMENT MILL LEVY **Resolution #2012-___ Economic Development Renewal of Mill**-The commissioners stated that they have a problem with some of the language in the resolution received from DCEDC. The resolution was tabled.
- 17) WORK CAMP ORDINANCE **Draft of Ordinance for Work Camps, Trailer Courts, and Campgrounds within Dawson County**-The commissioners stated that they still have some concerns with some of the language and plan on reviewing this again with the Planner and the Sanitarian.
- 18) LAND SALE **Draft Resolution for Land Sale**-There was discussion concerning the sale of TWN 15N Rage 56 E Section 35. Discussion included fossil remains and oil & gas lease. A motion was made to withdraw the resolution and not sell the land. The motion was seconded. All voted in favor. Motion carried.
- 19) MT WOOLGROWERS-MEM OF UNDER **MT Woolgrowers Assn-Memorandum of Understanding**-A motion was made to approve the memorandum of understanding with the Montana Woolgrowers Association for predator control in PAC South. Shirley Kreiman noted that the sheep count they have on the form is for all of Dawson County and not just PAC South. They have listed 2,109 and PAC South is 854. She has noted the correct amount on the form. The motion was seconded. All voted in favor. Motion carried.
- 20) RETAIN OLNES & ASSOCIATES **Olness & Associates**-Letter of engagement for audit for the year ended June 30, 2012. A motion was made to retain the services of Olness & Associates to conduct the audit. The motion was seconded. All voted in favor. Motion carried.
- 21) TRANSFER OF FUNDS-FAIR **Transfer of Funds**-The fair board is requesting to transfer \$5,000 from the fair fund #2160 to the Fair Capital Improvement fund #4060. They are saving towards building a new bathroom facility. A motion was made to approve the transfer. The motion was seconded. All voted in favor. Motion carried.
- 22) WORKER'S COMPENSATION TRUST BY-LAW AMENDMENT **Joint Powers Authority**-A motion was made to attest to the Worker's Compensation Trust by-Laws Amendment that was made February 2012. The motion was seconded. All voted in favor. Motion carried.
- Transfer of Interest**- A motion was made to transfer funds from Interest Clearing fund to cover interest from investments to the appropriate designated funds in the amount of \$29,040.88 for the month of June 2012. The motion was seconded. All voted in favor. Motion carried.
- Health Department Write-off Receivables**-A motion was made to approve the request from the health department to write off accounts for \$508.00 from April 2012 and \$720.59 for June 2012. The motion was seconded. All voted in favor. Motion carried.
- Prison Accounting Clerk**-A request was received from Warden Green to increase the time worked for their accounting clerk from a ¾ time position to a full time position. Shirley Kreiman, Clerk & Recorder suggested waiting until they met with the warden as their upcoming budget requests exceed the revenue requests and she is attempting to schedule a meeting with the Warden and Sheriff to review their budget request. The item was tabled.
- 23) MISDEMEANOR PROBATION REQUEST FOR ASST FROM CITY **Misdemeanor Probation Program**-Commissioner Skillestad stated that he and Justice of Peace Ed Williamson met with the city to discuss the funding of the misdemeanor probation officer. They county had agreed to contribute \$1500 towards the program. The city does not contribute. They city had 10 cases referred to the officer and the county had

2. They are requesting the city to contribute half of the funding or \$750.00 for the 12-13 fiscal year.

Travel Requests-A motion was made to approve travel requests for:

- Jeanne Seifert to attend the Public Health Institute in Bozeman July 16-20th.
The motion was seconded. All voted in favor. Motion carried.

Correspondence/Information:

- Training Session for Governing Bodies Tuesday July 24th for Commissioners, Planners, and County Attorneys for Districts, 1,2,&3 in Sidney, 5:00 p.m.
- Joint Public notice from US Army Corps of Engineers, BNSF Railway company, application for after the fact approval of plans and issuance of a permit is being considered, riprap and culvert replacement after spring 2011 flooding on Sand Creek, Cedar Creek, the Yellowstone River, Spring Short Creek, Deep Creek, Rosebud Lake, Hay Creek, Deveny Coulee, Forty-Four Creek, Sandstone Creek, O'Fallon Creek, Glendive Creek and multiple unnamed tributaries. Comments must be made by August 3, 2012.
- MDT Notice of Availability of Draft ADA Transition Plan

Road Report-The road supervisor was unable to attend. No report given.

Public Comment-No Comments

Meeting adjourned at 12:00 p.m.

DATED this 17th day of July, 2012.

James A. Skillestad, Chairman

Adam J. Gartner, Member

Douglas A. Buxbaum, Member

ATTEST:

Shirley A. Kreiman, Clerk & Recorder

July 19, 2012

24) JEREMY BALL
HP ZONING
VARIANCE
REQUEST

Chairman Skillestad opened the meeting at 3:10 p.m.. Present were James Skillestad, Doug Buxbaum, Adam Gartner, Mike Carlson, and Shirley Kreiman, Clerk & Recorder. Skillestad stated that they called this meeting in order to render a decision on Highland Park Variance Request received from Jeremy Ball.

The commissioners had visited by phone with Planner, Wade Humphries. Adam Gartner stated that the commissioners don't have the authority to change the zoning. Currently there is no zoning committee in order to do so.

The commissioners reviewed a letter from Buffalo Rapids Irrigation District #1 submitted by Mike Carlson, manager, also a resident of Highland Park. In his letter he stated that he received a variance in the 1990's, as have all others who have requested one over the years.

Adam Gartner made a motion to approve the variance as requested. Doug Buxbaum seconded the motion. All voted in favor. Motion carried.

Meeting adjourned at 3:20 p.m.

DATED this 19th day of July, 2012.

James A. Skillestad, Chairman

Adam J. Gartner, Member

Douglas A. Buxbaum, Member

ATTEST:

Shirley A. Kreiman, Clerk & Recorder