

October 1, 2013

Commissioner Skillestad opened the meeting at 10:00 a.m. with Jim Skillestad Adam Gartner and Douglas Buxbaum, present. Also present were Grant Kubesh, Tara Oakland, Kristen Thompson Chad Knudsen, Ranger Review Reporter, and Shirley Kreiman, Clerk & Recorder.

Prior Meeting Minutes:

A motion was made to accept and approve minutes for September 17. The motion was seconded. Motion carried.

Administrative Items:

Advantage Consulting LLC-A contract between Dawson County and Advantage Consulting LLC was signed on August 30, 2013 for a wildlife hazard assessment/wildlife hazard management plan for \$45,630.00, which is necessary for the construction of improvements at the Dawson Community Airport.

1) ADVANTAGE
CONSULTING
AIRPORT-
WILDLIFE
HAZARD
MNGMT PLAN

Travel Requests-A travel request for Katie Mills to travel to Billings on October 7-11 for training was approved on September 26th.

Unfinished Business:

Update on Oaks Disposal-The Commissioners stated that they received a letter from DEQ that Oaks Disposal is meeting all of their requirements. The County has no authority on the pit itself only on the roads.

2) OAKS
DISPOSAL
COMMENTS
AT END

Indigent Burial-The Clerk & Recorder reported the indigent burial request for Thomas Wayne Reape was conditionally approved by the commissioners earlier pending the acknowledgement by the Public Assistance office. She stated that Public Assistance will not verify if the deceased qualified for food stamps or Medicaid. She is working with the County Attorney to get a legal opinion from the office of public assistance if they will give inter-government assistance to verify applications for indigent burials. In the mean time this claim has not been paid. A motion was made to approve the claim. The motion was seconded. All voted in favor. Motion carried.

New Business:

MSU Extension Services Agreement FY2014-A motion was made to approve the FY2014 Extension Services Agreement with Montana State University Extension. The county will contribute \$33,000.00 towards the County Agent's salary. The motion was seconded All voted in favor. Motion carried.

3) MSU
EXTENSION
SVCS
AGREEMENT

Oil & Gas Lease-A letter from Deputy County Attorney Marvin Howe accompanied an oil and gas lease from Baseline Minerals. He stated that he received an opinion from the Wibaux County Attorney that Dawson County does own the minerals for 3.9 acres of land in Wibaux County. They negotiated an increase in the terms of the lease first offered and it was increased from \$250/acre to \$300/acres and a royalty increase of 1/16 to 3/16. The lease amount will be \$1,170.00. A motion was made to approve the lease. The motion was seconded. Motion carried.

4) OIL AND GAS
LEASE

Montana Department of Transportation-Plan of Action regarding Bridge Scour Plan of Action-A letter was received from the MDOT stating that it has been determined that the Bridge on Seven Mile Creek 2 miles West of Lindsay is critical and a high risk for failure during flooding. They are requesting a Plan of Action be submitted to them by November 1, 2013. The commissioners will forward this on to the road Supervisor, Joe Sharbono to complete.

5) MDOT PLAN
OF ACTION
SEVEN MILE
CREEK
BRIDGE

Open Cut Mining Permit-Nagle Pit-The road department has filed for an open-cut mining permit for gravel on Jim Nagle property Road 467 Lindsay. The notice was posted and the public may request a public hearing.

6) OPEN CUT
MINING
PERMING-
NAGLE

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

- Jeanne Seifert to travel to MPHA Annual Conference Oct. 7-9 in Great Falls
- Steve Engbretson to attend the County Supt. Fall Conference in Billings and then the MEA-MFT Educators Conference in Belgrade, Oct 14-19th.

The motion was seconded. All voted in favor. Motion carried.

Correspondence/Information:

Gravel Donation-A notice for donation of 4,200 Tons of Gravel was sent to Jack Downs.

Tax Appeal Board-The Tax Appeal Board is in the process of scheduling a hearing for CHS prior to December 15th.

Justice of the Peace-A notice was received from Justice of Peace Ed Williamson that he would be out of the Office Sept 23-26th and Stacy Nerison would be acting JP during his absence.

Public Comment:

Grant Kubesh-This is the 3rd time I've asked for an easement over road 454.

Commissioner Skillestad-My research shows that we do not have an easement, but it was declared a county road in 2005.

Grant K-I would like a copy.

Commissioner Gartner-As a matter of clarification, the declaration of county road, grants it to be a right of way for public use.

Grant K-I understand what you said, that the county has no obligation over the Oaks Disposal Pit, but I have an ariel photo showing a view of it overflowing and it is running out onto county property and that is your concern. Also there is a spill on the road by our property.

Skillestad-The County Sanitarian has taken a sample of it and is waiting for results.

Grant K-When can I get a copy of the Road Declaration?

Skillestad-Today.

Tara Oakland-My husband Ross and I are owners of Oaks Disposal and I would like to address the comments from Mr. Kubesh. They are not true. The site is not spilling over. We are doing everything we are suppose to be doing. I don't appreciate the comments that are misleading the public regarding the disposal. He is saying it is toxic, when it isn't.

Skillestad-The Sanitarian has asked for more information and is waiting for it.

Meeting adjourned at 10:25 a.m.

DATED this 1st day of October 2013.

James A. Skillestad, Chairman

Adam J. Gartner, Member

Douglas A. Buxbaum, Member

ATTEST:

Shirley A. Kreiman, Clerk & Recorder

October 8, 2013

7) RFP
ARCHITECT
S – JAIL
EXPANSION

Commissioner Gartner opened the meeting at 10:00 a.m. with Adam Gartner and Douglas Buxbaum, present. Also present were Sheriff Craig Anderson, Undersheriff Rich Rowe, Warden Tom Green, Deputy Warden, Ron Nodland, Captain Jon Barthel and Shirley Kreiman, Clerk & Recorder.

Commissioner Gartner stated that they were present today to review the RFQ (Requests for Proposals) from architecture firms interested in drawing up initial plans for a proposed jail facility addition and justice center. He asked that everyone present, give their comments regarding the proposals and the presentations received from Schutz Foss Architects, Billings and Integrus Architecture, Spokane in partnership with Stevenson Design, Miles City Montana.

Sheriff Anderson-Commented that he appreciated Stevenson Design offering to do a courthouse study for \$3,000 less in hopes of garnering this contract. Stated that Integrus marketing approach was defining the process, whereas Schutz Foss did not necessarily offer solutions to architectural challenges, but offered concepts with a focus on the operational costs, which would be critical.

Captain Barthel-Was impressed that the representatives from Schutz Foss were eager and wanted the job. Felt they gave an excellent presentation. He would prefer Schutz Foss.

Deputy Warden Nodland-Schutz Foss had limited information, but felt they stepped up. He felt that Bob's company has done a lot of prisons and jails. They had facts and figures and were willing to give us advice. Schutz Foss would be my choice.

Warden Green-Felt that Schutz Foss better answered the requests that were made. They would be his recommendation.

Rowe-Was unable to be at both presentations, so he did not wish to weigh in with a preference.

Buxbaum-Stated that Integrus was responsible in building the Richland County Law and Justice Center, but felt that Schutz Foss made a good pitch. Both are qualified. Schutz Foss were excellent salesmen.

Gartner-He liked the attitude of the presentation of Schutz Foss.

A motion was made by Doug Buxbaum to accept the proposal from Schutz Foss. The motion was seconded by Adam Gartner.

Undersheriff Rowe asked if anyone had contacted any of the facilities that either company worked with for their impressions.

Commissioner Buxbaum stated that they had not directly called any entities, although they were familiar with some of the work from Integra and had worked with Schutz Foss on the elevator. Commissioner Gartner stated that they appreciated working with Chris Thome from Schutz Foss and thought they had good communications with him during the elevator project.

Both Commissioners voted to accept the proposal from Schutz Foss. Motion carried.

There was some discussion concerning obtaining grants for the planning and the priorities of phases, just looking at jail expansion or including a justice center. The commissioners will include prison staff in the planning process.

Meeting adjourned at 10:25 a.m.

DATED this 8th day of October 2013.

Adam J. Gartner, Member

Douglas A. Buxbaum, Member

ATTEST:

Shirley A. Kreiman, Clerk & Recorder

October 15, 2013

Commissioner Skillestad opened the meeting at 5:30 p.m. with Jim Skillestad Adam Gartner and Douglas Buxbaum, present. Also present were Mary Kubesh, Joe Sharbono, Alicia Cool, Treven Cool, Marvin Heyen, Peggy Heyen, Jiselle Heyen, Dustin Deckert, Olivia Rieger, Chad Knudson, Wade Murphy, Kevin McGovern, Jeanne Seifert, Peggy Iba, Jamie Ausk Crisafulli, Ranger Review Reporter, and Shirley Kreiman, Clerk & Recorder.

Prior Meeting Minutes:

A motion was made to accept and approve minutes for October 1st and 8th, 2013. The motion was seconded. Motion carried.

New Business:

Weed Building-The commissioners stated that they reviewed the estimates received for upgrading the weed building to add on office space, bathrooms, showers, and an employee break room. The cheapest of the estimates was \$129,000 and that did not include the plumbing and everything. They did not feel that they could put that amount of money into the building and they spoke to Heath Craig, Spray Coordinator about just putting in a heater and electricity at the new building.

Commissioner Gartner-We're talking about a lot of money and all we have is a storage building. After visiting with the state inspector, it would take a lot of money to make the old armory building into a public building. I've talked to George Lane and we have to remodel the whole inside for it to be brought up to specs for a public building, but we can just put a door on the storage area.

Commissioner Skillestad-We had a LEPC meeting and Mary Jo says she can still smell chemical.

Gartner-We may need to wall off the upstairs and put on the door seal. The equipment is cleaned off before coming into the building. I think the smell remains from when there were some open containers in there.

Commissioner Buxbaum-We all agreed they would move, but \$129,000 was the estimate and we haven't put it out for bids.

Joe Sharbono-We just got estimates. You all also have to consider we don't have water or loading facilities there and if we have staff, there is no bathroom.

Buxbaum-We talked about water and sewer. We could put up temporary shower stalls where you are at. Not saying it can't be done in the future.

Joe Sharbono-Are you wanting us to operate out of the new building? \$150,000 is what it would cost to finish it. A lot of the plans came from the state inspector. We need to build for the future, not just to get by. If we put in a sealed door and a ventilator where we are, we can wait until it can be done right. I think we need to operate where we are at. We are set to go where we are at. We need to have a bathroom. If we just use that building for storage, we don't have to put in a bathroom.

Skillestad-If we go forward and finish the building, we don't want to commit that much money on an addition.

Sharbono-We store vehicles outside anyway. When we actually spray and operate, I don't see how we can operate with only electricity and heat.

Gartner-We need to remember the \$129,000 did not include plumbing and water.

Buxbaum-estimates less electrical

Sharbono-Lets get the electrical done and move towards that, but I don't think we can operate out of it until it is complete.

Gartner-I make a motion we get electricity and heat and table the rest of it until later.

The motion was seconded by Doug Buxbaum. All voted in favor. Motion carried.

Parkview Drive, Pedersen Drive-Roads-

Kevin McGovern-I live at 95 Parkview Drive. We drive down Pedersen Drive daily. It is a dangerous situation. Ned Lenhardt has lived there for years and says this is the worst he's ever seen it. We all know the condition of it. We want to work with you and resolve a way to make this better. On Parkview Drive, there has been no blade down this road this year. We've discussed forming a homeowners association to work together to get some help on this. We all agree we'd put in for materials, but what help can the county do?

Wade Murphy-I live at 95 Parkview Drive. I echo what Kevin has to say. My concern is we are headed for a wreck. When you come over the hill you don't know it's there and you could end

8) WEED
BUILDING

9) PARKVIEW
DRIVE,
PEDERSEN
DRIVE ROADS

up in the creek. Yesterday my wife met someone coming up the left side so they could avoid the washboards.

Skillestad-Have you seen any traffic counters placed there? The DOT said they would put some there.

Murphy-No. It only lasts about 3 days when the blades come. I have safety concerns for my family. I would like to see Pedersen Drive addressed. We can contribute to helping with Parkview Drive.

Skillestad-We have been out there 8 times this year.

McGovern-I drove a lot of roads on this last Sunday and there are no other roads as bad. What do we have to wait for? An accident? Joe, do you have any ideas what we can do?

Sharbono-We are testing in another area with something, but I'm not sure it will work.

Murphy-2 years ago you came out a couple of times with a blade, if we could get that to happen, it would be great.

Skillestad-If we help one subdivision we have to do all other subdivisions. You have the option of looking at creating an RSID, with a petition you could have a petition to create a rural improvement district.

Olivia Rieger-An assessment would be created for graveling, etc. There is part 2 zoning there, which doesn't allow for a maintenance fund, so a homeowners association would have to pay for that. Parkview Loop could essentially accomplish the same thing. The County would not be doing that. There are the 2 options, a RSID or a homeowners association. The RSID would begin with the commissioners accepting a petition for RSID. Either way could accomplish it. With the homeowners association a board would be created and you would have to have meetings and elect officers. With the RSID, it would have to be designated when established what the funds are going to be used for, such as graveling and resurfacing.

Skillestad-Gravel-this way with the RSID, you could get quality gravel. In the past there was a lawsuit over this road and it a landmark case in Montana and differentiates the rules from a county road or a public road.

Rieger-You can reference Montana code 7-5-2101 for how to create it. The code pretty well explains how it works. Part 2 zoning doesn't allow for a maintenance fund.

Skillestad-Could they include in the RSID a maintenance portion?

Rieger-I would have to check on that.

Gartner-If you form a homeowners association, you can set it up yourselves. Then you have control over the money and can use it how you want.

McGovern-So with the RSID, everyone would get assessed the amount, if they wanted to or not? If we put the money in, you designate how it is spent?

Olivia-When the RSID is created, the purpose has to be designated and it can only be spent for that purpose. I can issue the commissioners an opinion on the process.

McGovern-What can be done about Pederson drive?

Sharbono-There is nothing proven that will cure the washboard problem. The road has a lot of sand. We are experimenting in an area, but I'm not comfortable that it will work.

McGovern-It is undeniably a problem. Would it be better to experiment rather than to just let it go? I realize there is sand under it.

Buxbaum-We are limited to our options. It is bad. We agree.

Shabono-It is bladed twice as often as everyone else. Every time we go by the area on way some where we put down the blade and do it. I admit it is a sore subject because many places get only bladed once and you've gotten it 8 times. Bloomfield and Richey areas have some non stop heavy traffic moving scoria. If we make a special effort to maintain your road, we have to pull off of other jobs that haven't been bladed that we would like to finish while we are in the area.

Buxbaum-Like Joe says, everybody thinks their road is the worst. There are 2 roads, Pederson Drive, a public road, and Parkview Road, which is your road. When it is dry you can't cut out the washboards, maybe with the moisture now, they could be cut out.

McGovern-What have you tried with your experiment?

Sharbono-We have taken some material out of the Guelff pit and sent it to a lab to be tested. It has some bentonite in it. We don't know if we want to put any more on. It seems to hold better, but in the spring it may make matters worse.

Murphy-What sort of a timetable are you on for testing it?

Sharbono-We want to see what 1 winter and 1 spring will do to it. We sent it to a lab and we don't know why it seems to set up better, but like I said, it could be worse later. We don't know. Really that is about it as far as options.

Skillestad-Economically, not many options, but gumbo could be dumped in the steep portion, but is not a cure all. The sharp dip needs another 20 ft of gumbo and that would extend the bottom another 40 ft' and need longer pipes at the bottom.

Murphy-It is a safety issue for my family and kids. School buses go there. How many other places have had such a residential increase, as well as oilfield traffic uses the road.

McGovern-What about a speed limit?

Buxbaum-There is statute we need to follow to implement a speed limit change.

McGovern-I realize this is frustrating for everyone.

Gartner-Signs don't seem to make a lot of difference.

Skillestad-In other areas where the speed limit was lowered the cops are there 3-4 times a day and they don't seem to slow down. We want to move forward on this, but we do have 1,200 miles of roads in the county. The roads in the Bloomfield area are getting destroyed with trucks. We can get more information regarding the RSID and have a meeting later on again.

Buxbaum-We'll look for other options. Anything is better than doing nothing.

McGovern-How much would it cost to build it up?

Skillestad-It would easily be \$150,000, the pipe alone would be outrageous.

Revive Glendive-Creation of Recreation District-

Seifert-We are here to put in a request to create a recreation district to be placed on the ballot in either election in 2014. There are 2 ways to create the district. 1. The Commissioners can have a declaration to put it on the ballot. 2. We can put together a petition with the required percentage of voters to have it placed on the ballot. We are requesting the commissioners to do a declaration of intent and place it on the ballot. We are giving you a letter of request to do this.

Knudson-The law has changed since the last time it was on the ballot for one to be created. The process is more complicated. We feel a key component will be commissioner support. Our group is driven from grass roots and we are working from ground up to help build support for this. What is your take on putting it on the ballot? People are concerned about the quality of life. This would equalize the cost between those living in West Glendive and the city. We are looking at the High School District #1 for the boundaries.

Kreiman-Is there any reason you chose that district over the Urban Transportation District?

Knudson-To include more people.

Rieger-Are you looking to put it on the primary or the general? The time line will make a difference for the Clerk & Recorder.

Seifert-My idea is to shoot for the November ballot. But we may be looking at what else is on the ballot, Will there be a general obligation bond for the jail? We may not want to be on the same ballot, or maybe it will be better.

Knudson-I believe it was 2006 when it was on the ballot and defeated resoundingly. We've looked at it to determine the reasons. We think it was poorly promoted and poorly understood.

Buxbaum-What is the cost? I have a question on the letter regarding the city operating it.

Gartner-the board would be in charge and conduct business. The city would be out of it, but they are willing to donate their equipment to the district. The city parks would cease to exist. They would now belong to the district.

Kreiman-Would they do their own bookkeeping?

Knudson-Yes. They will govern the parks and with their rules. It would become a decision of the board. We've talked to Matt Shehan from Colstrip who has a well established park and recreation district. They've set a precedence we could follow. There are pros and cons.

Skillestad/Buxbaum?-What are the cons of putting it on the ballot?

Knudson-We can speculate. There will be opposition due to the taxes. Some will not have a personal need for it. There are currently a lot of complaints because they out of city limits and the residents do not understand why they pay more for recreation. They do not understand the city residents are paying it on their taxes.

Skillestad-Are you asking for our support?

Buxbaum-I would want to do more research and not make a decision today.

Seifert-I think I would like to know by January. You can say no. If you do then we would look at doing a petition.

Iba-But if the voters have to vote, why wouldn't it be a good idea?

Rieger-Would you let me know as well. I would like to stay informed what is going on.

Knudson-We want a transparent process. We also will be talking to the city. They are running the parks right now.

Buxbaum-We have a lot of things on the table and they all take money.

Knudson-We are looking at spreading the cost across more people.

Health Department Remodel-The commissioners and health director, Jeanne Seifert stated that they have discussed the fact that it will cost too much to do the extensive remodel of the upper level, but there is still a need to have privacy and a traffic flow from the new elevator. She would like to go out for bids for putting in walls in the extension office and Sherri would move into office behind Bruce.

Gartner-I've talked to Bruce about it and he was ok with it as long as they weren't being relocated from the same area.

Buxbaum-Is there any kind of estimate on the cost for putting in the walls at the extension office and a window into the office at the top of the stairs?

Seifert-That is why I think there is a need to go out for bids.

Buxbaum-Will it entail any electrical wiring?

Seifert felt there would need to be some for outlets and possibly lighting.

Gartner-We have discussed temporary walls or semi permanent walls with doors. They would be bolted together but would allow it to be changed later by just unbolting it.

Buxbaum-What will the space be used for?

Seifert-Mostly we would be moving Home health into that office space.

Gartner-I make a motion that we put the remodel out for bids.

Buxbaum seconded the motion. All voted in favor. Motion carried.

Health Department Write-offs-Jeanne Seifert stated that the write-offs are for immunizations they are unable to collect on. The auditors would like to write them off monthly. Write offs for August are \$85.24. September \$102.91. A motion was made to approve the write-offs. All voted in favor. Motion carried.

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

- Connie Hilger and fair board members Eric Smeltzer, Wade Nielsen, Larry Evans, Agnes Kinney, Nathan Stortz, Brady Smelser, Olivia Rieger & Adam Gartner to the Rocky Mountain Association of Fairs Conference November 13-16 in Casper Wyoming.
- Patty Maddock & Pam O'Brien to go to Billings October 21-22 for I2 Infrastructure Billing Meeting.
- Kevin Pena to Billings October 21-22 for JV Director Training

The motion was seconded. All voted in favor. Motion carried.

Correspondence/Information:

- Tax Appeal Board is in the process of scheduling a hearing for CHS prior to December 15th. They have proposed November 19th or Nov 21st as possible dates and are waiting to hear back from CHS.
- Letters were sent to architects on the Requests for Qualifications awarding it to Schutz Foss.
- Listing for State Agriculture and Grazing Leases that renew within Dawson county for 2014 are subject to competitive bidding. Bids will be accepted from December 15, 2013-January 28, 2014. The listing has been posted on the Bulletin board and the County Website.

Road Report:

Joe Sharbono stated that they are in the process to try to get the mowing done. They have 2-3 culverts they are replacing. They plan to move to the Bacon Pit and haul gravel to Road 159. They have the other grader fixed. The commissioners asked Joe about Pedersen Drive and if they could cut to the side and go around. He stated that they've tried it, but it is too sandy. The commissioners stated they have looked at the tree in Highland Park and it is in the right of way and it needs to be cut. They described the location to Joe.

Public Comment:

Mary Kubesh-I would like to know what took place with the rollover on Road 454.

Buxbaum-We talked to the Sanitarian. He talked to Ross Oakland. There was no diesel fuel spilled.

Kubesh-The truck had a Wisconsin license plate-Why would they come up 100's of miles with a load?

Skillestad-I believe it was a contracted truck.

Kubesh-There appears to be no procedure when there is a rollover. We haven't heard back from the last rollover. I can't believe your lack of concern for health hazards. What authority do Ross and Tara Oakland have to tell you what the contamination is on these loaded trucks. It is toxic waste.

Buxbaum-I am telling you what I did when you called.

Kubesh-As the community, you commissioners have a right to know what is on those trucks and what is in those samples. It has only been open since June 1st. There was no public comment period for us. We never received notice that Road 454 was going to continually occupied hauling toxic waste. I am a concerned citizen. He received his license. No one was out there. Dennis Snow was the interim Sanitarian. Was he out there? The roads were given over to him before he had a license. Why was that done, Joe?

Sharbono-I choose not to comment on this.

Kubesh-We are not letting go of this matter. The paper says the commissioners have dismissed our concerns.

Skillestad-That statement may be misleading. We have checked on the concerns, but have not found any violations.

Meeting adjourned at 7:10 p.m.

DATED this 15th day of October 2013.

James A Skillestad, Chairman

Adam J. Gartner, Member

Douglas A. Buxbaum, Member

ATTEST:

Shirley A. Kreiman, Clerk & Recorder