February 4, 2014

Commissioner Gartner opened the meeting at 10:00 a.m., with Adam Gartner, Jim Skillestad and Doug Buxbaum, present. Also present were, Grant Kubesh, Mary Kubesh, Larry Evans, Connie Hilger, Wade Nielsen, Jason Stewart, 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 January 21, 2014. The motion was seconded. Motion carried.

Administrative Items:
Capital Outlay Authorization- A Capital Outlay Authorization from Joe Sharbono, Road Supervisor was approved for a purchase from Baker Metal for $6,733.60 from the Bridge Fund on January 22, 2013.

Confirmation of Audit Representations FY13- The commissioners signed a confirmation of the audit representations on January 30, 2014.

Board Appointments- Board Appointments for 2014 were made in January 2014. The appointments were made:

- Airport Board: Craig Hostetler, Warren Pierce
- Alcohol & Drug Board: James K. Holderman
- Cemetery Board: Marcia Mitchell
- County Council on Aging: CC Clark, Terry Meyers, Kari Robinson, Gloria Glaser, Agnes Kinney, Linda O’Connor
- Fair Board: Olivia Norlin-Rieger, Brady Smelser
- Health Board: Parker Powell, Meghan Gambee, Tracy Miller
- Local Housing Authority Board: April Spencer
- Richey Cemetery Board: Jerome Brown, Robert Raisl
- River Road Zoning Board of Adjustments: Nicki Dunfer, Mike Haggerty, Gordon Mills
- RSVP & Senior Volunteer Program Adv Council: Cindi Byron, Kay Gehnert, Christine Whitlatch, Audre Barthel, Ellen Robinson, Betty Mawbey
- Tax Appeal Board: Pat Mischel
- Weed Board: Steve Hinebauch
- Bell St Bridge Committee: Matt Tiedje, Judy Reddig, Mary Jo Gehnert, Helen Beres, Gerald Reichert, Jerry Glaser, Phil Evans
- Highland Park Irrigation Board
- Chad Maher
- 1 position not filled

Unfinished Business:
Great West Engineering, Amendment to Owner-Engineer Agreement for West Glendive Wastewater Improvements-Tabled (Waiting for updated agreement)

Kubesh, Oaks Disposal-Road Proposal – Commissioner Gartner read the following statement in regards to the questions and proposal submitted by Grant Kubesh.

We want everyone to be aware that all the issues/comments/concerns have been expressed and shared with us that are associated with Oaks Disposal, LLC are not being taken lightly. We have investigated, researched, and done everything within our abilities to address and resolve them.

In response to the issues brought forth at our January 21st, 2014, the following are our findings:
1. The spills, as stated prior to this meeting, are controlled by DEQ, and we have no judicial authority. The County Sanitarian has been involved to the extent of his authority in every issue/comments brought to us. Anything that involves actions at the disposal site also comes under DEQ’s authority.
2. As far as the road conditions referred to, that falls under the road supervisor’s authority. The road department has a road haul agreement with Ross Oakland who has agreed to take the responsibility of any conditions that are caused by the traffic to the disposal site.
If the road supervisor receives a report concerning road conditions, he will address it as soon as he is able. We have to remember that there are 1200 miles of county road that the department has to maintain. Every issue concerning maintenance issue must be dealt on a priority basis. When on a job site, the grader cannot be dispatched on a spur of the moment. Ross Oakland has enabled the county to utilize his grader to assist in getting a grader in the area that pertains to his disposal site. This assistance enables the supervisor to dispatch an operator which may mean that he will operate the grader if absolutely needed at the time.

3. As far as dust is concerned, that issue has also been addressed by the road department along with financial assistance from Ross Oakland.

4. Concerning the resolution proposing alternative roads, the roads proposed are included in the road haul agreement. From a business point of view, the shortest and most feasible route to a destination would be the road chosen.

Public Comments from January 21 regarding Jail Expansion Feasibility Study Grants-
Commissioner Gartner read a statement addressing the public comments from last session:

Grants awarded toward the jail facility

- Q: Shouldn’t we be voting on it? Isn’t this a waste of time? What if it is voted down?
  - A: We are assuming that you are asking about voting on the feasibility study. Before we can bring something to a vote by the public, we are statutorily required to have a feasibility study and plans put together. The jail area that houses county inmates does not have the required number of cells for the number of inmates received through the court systems. Surrounding counties are all experiencing either no jails or are in the same situation we are. Richland County put a new justice center and is at capacity now. Miles City had to close their jail facility and are transporting their inmates to Valley County until they get a new jail built. If that happens for Dawson County the costs of that option would be astronomical. All jail facilities have to meet Montana jail standards. Before we face that situation, we have to look at options. The feasibility study is the first step to determine the process/option to address the issue.

Chamber of Commerce Membership Request-Commissioner Skillestad stated that he had talked to Maco about whether or not there would be a conflict of interest if the Chamber does any lobbying. He was told this would not be a conflict. A motion was made to submit the dues to become a Chamber member. All voted in favor. Motion carried.

Local Government Study Commission-This item will be placed on the primary ballot. The question was the dollar amount that would be placed on the ballot with the question. There was discussion about the costs and how it would be determined. The Clerk and Recorder stated that there would be training and travel costs, but she was unsure beyond that what costs they may incur. They discussed the fact that the City of Glendive was estimating $5,000 and they were having a 5 member commission. The commissioners discussed having a 3 member commission. A motion was made to draw up a resolution for the study to be placed on the ballot with a 3 member commission with the estimated cost of $5,000.00. The motion was seconded. All voted in favor. Motion carried.

Fair Board-Bathroom Request-Fair Manager, Connie Hilger stated that since the commissioners last session where she was given the go ahead to pursue a USDA Grant for the building of a new bathroom facility at the fairgrounds, she has done some research. She distributed a drawing. Williston Basin has assisted in drafting the drawing for a bathroom facility. They qualify for the grant, but once the grant is written, it would proceed through Mid-Rivers and then be passed through USDA and it would be at a year before they would even hear if they would receive a grant. She feels that they should not put it off for that long. Their new bathrooms are now 30 years old as they were built in 1984. With the $50,000 that they have from fundraising and their capital improvement fund, she did talk to Stockman Bank about pursuing a loan. They told her they would be able to give a low interest loan of 3 ½ to 4% interest loan. If they figure that over 10 years, they feel we could handle that with what they’ve been budgeting for improvements. The bank would need a letter from the County Attorney stating that it is county ownership. Commissioner Buxbaum asked at how they arrived at the estimate of $150,000-$175,000? She stated it was an estimate from a local contractor. Commissioner Skillestad stated that he was concerned about taking that much from their general...
capital improvement fund. Buxbaum felt the county needed to approach other banks and go out for bids on the loan and wanted to make sure it was a fixed rate. It was also mentioned they would save on the cost that they incur for renting porta-potties, which was $1600 last year. A motion was made to give approval to the Fair Board to seek bids for a loan for the facility. The motion was seconded. All voted in favor. Motion carried.

New Business:
Resolution #2014-2 Appointment of Shirley Kreiman as Elections Administrator-A motion was made to approve Resolution #2014-2 to appoint Shirley Kreiman as Elections Administrator following the retirement of Jeanne Clapp in December 2013. The motion was seconded. All voted in favor. Motion carried.

Consolidation of RSID Special Improvement Districts-Chairman Gartner read an opinion from the County Attorney in regards to consolidating the special improvement districts of fund #2510 (West Glendive RSID 10M) fund #2531 (Highland Park Sewer RSID 31M) and fund #2610 (West Glendive Sewer Lagoon RSID 10 SLM) In reference to MCA 7-12-2161 this allows the commissioners to change the boundaries of a maintenance district. This would require that the commission give notice to all owners of tracts, lots and parcels in all of the districts being consolidated, following the notice the commission would then hold a public hearing and consider all comments in favor or protest. The commission would then act upon the consolidation proposal and render a decision with a Resolution amending the boundaries. Upon some discussion of the matter, a motion was made to move forward with the consolidation process. The motion was seconded. All voted in favor. Motion carried.

Estimate on Assessor Office Remodel-Commissioner Gartner stated that they received an estimate from Richard Schwartz Construction on making 3 walls in the old assessor’s office to make private offices for the commissioners. Commissioner Buxbaum expressed concern with the lack of communication, when someone would come in to talk to them about a matter and having to relay the information on to the other commissioners. Commissioner Gartner stated that he felt it was necessary so that all of their discussions would be held during session and transparent. Commissioner Buxbaum is concerned about being isolated from the other commissioners and losing the communication. He agreed that they are too close the way that they are but with the larger rooms they could consider dividers. Commissioner Skillestad stated that he felt it would be too much money to spend for now. Commissioner Gartner asked about the cost of dividers, which Buxbaum thought were about $1,000 apiece. Buxbaum also expressed concern about the cost. Commissioner Gartner stated that he does most of the correspondence and without a door, he can’t do any typing with all of the disruptions and he is opposed to just dividers. They all agreed they have a number of projects looming that demand funding. A motion was made to move forward with the project, but to look at the cost of dividers and get estimates for going that route. The motion was seconded. All voted in favor. Motion carried.

Travel Requests- A motion was made to approve travel requests for:
- Bruce Smith to Minot ND for ND Local foods conference on February 14-15
- Dawn Kingstad to Helena, February 6-8 for Library Offline workshop
- Adam Gartner & Doug Buxbaum to MaCo Mid-Winter meeting in Billings February 10th-13th

Correspondence/Information:
- MT Fish Wildlife and Parks notice of completion of final drafts of EIS documents for the Southwest Grizzly Bear Management Plan. Also a notice requesting public comment on the Keep Cool Hills Management Area Biennial Rule. Deadline for Comment is 5:00 pm. Friday, February 14th.
- Thank you from Safety Director following County Safety Day.
- Notice from State of Montana that Annual Financial Report is delinquent

Public Comment:
Grant Kubesh-I’m here because of the radioactive waste that is being transported to the dump site near my home. No one is accepting responsibility for spills. I’m not here asking for cash. I
want you to consider he health and well being of citizens in Dawson County. It was wrongly stated in the paper I am not wanting to close road 254, we are asking that you limit traffic on the east end of Road 454. This road is clearly showing deterioration in mid winter. There is a culvert with a red flag that has never been repaired. There is a spot on a blind hill that has deterioration. I am pleading with you to consider to limiting Oakland’s travel o this road. I have cattle right beside the road. The dust can cause pneumonia. I have been seeing it since the first of June. I would like a copy of your explanation. Did you vote on this? Can I have a copy? We did what you asked, but is it not up for a vote?

Commissioner Gartner-We addressed your comments.

Mary Kubesh-We asked for the east end of road 454 to be closed as route for trucks carrying radioactive toxic waste. Our home and barn are within 25 ft of the road. We asked you to eliminate the use of the east end of the road. Will you take a vote?

Commissioner Gartner. We will respond to this next week in an appropriate manner.

Grant Kubesh-We understand that DEQ is the sole controller of the situation. We have been in contact with them. Our last comment from them was that they do not have the authority to control water or radioactive material. I am concerned with the water for livestock. I have 5 water wells. Don Lewis has a house water well. No one is taking responsibility for the situation.

Mary Kubesh-The RBSL’s from the truck that spilled tested above the risk base value. That is 1 truck with many going by in weeks and months. Not one of you has been there. There is an aquifer that runs into Glendive and Deer Creek. What is going down the roads is toxic radioactive waste. Please understand where we are coming from. We don’t understand why no one is concerned.

Commissioner Skillestad-I will talk to the Sanitarian regarding the RBSL’s

Meeting adjourned at 11:00 a.m.

DATED this 4th day of February, 2014.

________________________________________
Adam J. Gartner, Chairman

________________________________________
Douglas A. Buxbaum, Member

________________________________________
James A. Skillestad, Member

ATTEST:

________________________________________
Shirley A. Kreiman, Clerk & Recorder
February 7, 2014

Commissioner Buxbaum opened the meeting at 9:30 a.m., with Jim Skillestad and Doug Buxbaum, present. Also present were Allen Rapacz, Bob Johnson, and Shirley Kreiman, Clerk & Recorder.

Commissioner Buxbaum stated that they were present to review the updated architect agreement with Schutz Foss Architects regarding the Dawson County Jail & Justice Center master planning. Jason Rittal with Eastern Plains Economic Development reviewed the agreement earlier on behalf of the county and requested some additions in regards to the CDBG Grant. The cost will be $70,000 plus reimbursable expenses not to exceed $9,000.00. There will be a separate contract from Jason for the Department of Commerce. After reviewing the agreement, Commissioner Skillestad made a motion to accept the agreement. The motion was seconded. All voted in favor. Motion carried.

Meeting adjourned at 9:45 a.m.

DATED this 4th day of February, 2014.

________________________________________
Douglas A. Buxbaum, Acting Chairman

________________________________________
James A. Skillestad, Member

ATTEST:
________________________________________
Shirley A. Kreiman, Clerk & Recorder
February 18, 2014

Commissioner Gartner opened the meeting at 5:30 p.m., with Adam Gartner, Jim Skillestad and Doug Buxbaum, present. Also present were, Grant Kubesh, Mary Kubesh, Gary Kartevold, Olivia Rieger, Jamie Ausk Crisafulli, 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 February 4 & 7, 2014. The motion was seconded. Motion carried.

Administrative Items:
Architect Agreement Schutz Foss Architects, P.C. - On February 7, 2014 the commissioners entered into an agreement with Schutz Foss Architects, PC. for the Dawson County Jail & Justice Center. It is a two-phased project. Phase I is to provide master planning and concept design and cost modeling, which may be followed by a bond election in November 2014. Phase 2 will include further project design development if approved by the voters. Full design services and bidding and construction administration will be included in this phase. Cost for phase 1 will be $70,000 plus reimbursable expenses not to exceed $9,000.00. Supplemental conditions for CDBG Grants included.

Response to Audit Findings - On February 18, 2014 a response was sent to Olness & Associates PC in regards to the audit findings for the fiscal year ended June 30, 2014.

Old Business:
Great West Engineering, Amendment to owner-engineer agreement for West Glendive Wastewater Improvements. Chairman Gartner stated that this item was tabled as they are still in discussions.

Kubesh-Oaks Disposal - Response to comments at last session - Commissioner Gartner read the following statement in response to the comments made the session held on February 4, 2014.

Responses to comments on road 454 at the Commissioners public meeting held on 2/4/14:

1. You asked for a vote and why we didn’t have one. There was no action taken to vote on that meeting. In the proposal by Adam Haight on 1/21/14 concerning using other routes to the oak disposal site, we responded that they were already being used.
2. The spills and the toxicity & contamination you stated must be presented to DEQ. We have no authority concerning that issue.
3. You asked the commissioners to close the east end of rd. 454 – we have informed you time and again that we do not have the authority to restrict or close a county road especially to specific business or individuals.
4. RBSL’s – neither the Sanitarian nor one of us have any knowledge of what they stand for. That is a DEQ’s question.
5. Deterioration and dust on the road does come under our authority. That has also been answered already. The Road Department takes care of those issues.

7-14-2127. Temporary limitation or prohibition of traffic. (1) A board of county commissioners may in its discretion limit or forbid, temporarily, any traffic or class of traffic on the county roads or any part of a county road when it is necessary in order to preserve or repair the roads.

(2) A board of county commissioners may temporarily close a county road or bridge or any part of a county road for maintenance or repair if the board determines that the road or bridge is unsafe. This temporary closure is not considered abandonment. The board of county commissioners shall erect signs indicating that the road is closed.

The intend of the above section is to be able to temporarily restrict weights during spring break-up. It is applicable only to county roads. If the roads in question are private roads, open to the public within a subdivision, a county has no authority.
Local Govt Study Commission-Resolution #2014-___The commissioners discussed some of the information that they received at the Maco mid-winter meeting. It was strongly suggested to have a 5 member committee. There was also more discussion about the actual costs the committee may have. If they increase the # of people on the committee they do not feel that $5,000 would probably be enough. They discussed increasing it to either $10,000 or a mill. The Clerk and Recorder stated that it was the intention of the City of Glendive that their ballot funds would be above their additional mills. She did not feel the language that was provided to them in the draft resolution from Maco made it clear to the voters that it would be in addition to the normal mills if that was the commissioner’s intention. A motion was made to amend the draft of the resolution to 5 members and levy an additional mill and revise the ballot language to make it clear to the voters it is in addition to the normal mills. The motion was seconded. All voted in favor. Motion carried.

New Business: Historic County Right of Way Application #15317- A right of way application was returned from the state regarding Road 205. The commissioners reviewed a map and thought that this road was included in another application that had already been approved. They agreed to table this application until they can review this with Betty Lou Eggert who had been working on the maps and applications.

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 $5,673.32 for the month of November and December 2013. The motion was seconded. All voted in favor. Motion carried.

Certificate of State or Local Govt Unit for Petroleum Purchase- A certificate was presented from Cross Petroleum regarding the purchase of petroleum for state and local governments. There was a question regarding the length of time the certificate is for and the item was tabled.

Resolution Relating to Issuance of Wastewater System Revenue Bonds- Declaring official intent for certain expenses to be reimbursed from the proceeds of the bonds; and authorizing participation and assistance in the negotiation, issuance and sale of such bonds. –The commissioners met with Jason Rittal regarding this matter. Following discussion they wanted clarification with Jason concerning the $4,100,000. A motion was made to approve the resolution providing that Jason does not recommend any changes to the draft. The motion was seconded. All voted in favor. Motion carried.

Resolution #2014-3 Prosecutorial Assistance- A motion was made to approve Resolution #2014-3 requesting prosecutorial assistance from the state attorney general for the case of State v. Amari Black. The motion was seconded. All voted in favor. Motion carried.

November & December 2013 Payroll- The board of Commissioners certified the payroll warrants register total and the Invoice Journal total for the month of November and December 2013 and noted they were in agreement.

<table>
<thead>
<tr>
<th>FUND</th>
<th>ACCT</th>
<th>DEPT</th>
<th>DEPARTMENT</th>
<th>Amount</th>
<th>FUND</th>
<th>ACCT</th>
<th>DEPT</th>
<th>DEPARTMENT</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1000</td>
<td>410100</td>
<td>10</td>
<td>Commissioner</td>
<td>14,830.05</td>
<td>2280</td>
<td>450310</td>
<td>537</td>
<td>Sr. Citizens Center</td>
<td>4,631.75</td>
</tr>
<tr>
<td>1000</td>
<td>410340</td>
<td>20</td>
<td>Justice Court</td>
<td>7,879.13</td>
<td>2280</td>
<td>450320</td>
<td>538</td>
<td>Homemaker Grants</td>
<td>1,828.62</td>
</tr>
<tr>
<td>1000</td>
<td>410540</td>
<td>30</td>
<td>Treasurer</td>
<td>15,486.51</td>
<td>2280</td>
<td>450321</td>
<td>531</td>
<td>Respite Care</td>
<td>148.84</td>
</tr>
<tr>
<td>1000</td>
<td>410600</td>
<td>40</td>
<td>Elections</td>
<td>2,913.50</td>
<td>2280</td>
<td>450323</td>
<td>533</td>
<td>Congregate Meals Grant</td>
<td>3,469.77</td>
</tr>
<tr>
<td>1000</td>
<td>410800</td>
<td>45</td>
<td>Human Resources</td>
<td>3,177.02</td>
<td>2280</td>
<td>450325</td>
<td>539</td>
<td>RSVP Federal</td>
<td>3,410.06</td>
</tr>
<tr>
<td>1000</td>
<td>410940</td>
<td>60</td>
<td>Clerk &amp; Recorder</td>
<td>16,953.36</td>
<td>2280</td>
<td>450329</td>
<td>529</td>
<td>Health Screening</td>
<td>203.18</td>
</tr>
<tr>
<td>1000</td>
<td>411100</td>
<td>70</td>
<td>Attorney</td>
<td>21,558.24</td>
<td>2280</td>
<td>450330</td>
<td>541</td>
<td>RSVP Non-Federal</td>
<td>1,222.96</td>
</tr>
<tr>
<td>1000</td>
<td>411230</td>
<td>80</td>
<td>Maintenance</td>
<td>5,101.17</td>
<td>2280</td>
<td>450333</td>
<td>553</td>
<td>RSVP-Fund Raising</td>
<td>40,739.11</td>
</tr>
<tr>
<td>1000</td>
<td>411235</td>
<td>85</td>
<td>Safety Director</td>
<td>15.53</td>
<td>2300</td>
<td>420100</td>
<td>110</td>
<td>Public Safety-Sheriff</td>
<td>40,739.11</td>
</tr>
<tr>
<td>1000</td>
<td>411600</td>
<td>100</td>
<td>Supt of Schools</td>
<td>4,772.29</td>
<td>2300</td>
<td>420100</td>
<td>120</td>
<td>Sheriff OVT</td>
<td>40,739.11</td>
</tr>
<tr>
<td>1000</td>
<td>411847</td>
<td>207</td>
<td>Sexual Assault Grant</td>
<td>3,338.05</td>
<td>2300</td>
<td>420130</td>
<td>133</td>
<td>Public Safety-Cty Pri</td>
<td>33,217.05</td>
</tr>
<tr>
<td>1000</td>
<td>420660</td>
<td>140</td>
<td>D.E.S.</td>
<td>3,338.05</td>
<td>2300</td>
<td>420230</td>
<td>133</td>
<td>Public Safety-Non U</td>
<td>33,217.05</td>
</tr>
<tr>
<td>1000</td>
<td>420643</td>
<td>143</td>
<td>Home Preparedness</td>
<td>767.74</td>
<td>2300</td>
<td>121</td>
<td>EUDL Grant</td>
<td>33,217.05</td>
<td></td>
</tr>
<tr>
<td>1000</td>
<td>420800</td>
<td>150</td>
<td>County Coroner</td>
<td>767.74</td>
<td>2300</td>
<td>122</td>
<td>STEP Grant</td>
<td>33,217.05</td>
<td></td>
</tr>
<tr>
<td>1000</td>
<td>430912</td>
<td>155</td>
<td>Cemetery</td>
<td>9,350.70</td>
<td>2371</td>
<td>410551</td>
<td>548</td>
<td>Ins Fund Gen Govt</td>
<td>13,125.00</td>
</tr>
</tbody>
</table>
222.940.21
Subtotal 364,155.11

Total 587,095.32

PAYROLL EXPENSE FOR PERIOD OF DECEMBER 1 THROUGH DECEMBER 31
(Employer Costs Includes Gross plus taxes and benefits including Health & Life Insurance for 2 pay periods)
Travel Requests - A motion was made to approve travel requests for:
- Stacey Nerison to travel to Helena on March 31-April 2, 2014 for the Clerk’s Conference. The motion was seconded. All voted in favor. Motion carried.

Correspondence:
- A Notice was received from MT DEQ about a proposed amendment to the temporary water quality standards applied to Daisy Creek, upper portions of the Stillwater River, and Fisher Creek within the New World Mine District near Cooke city MT. Public hearing will occur February 20, 2014 at 1:30 pm in the DEQ Building in Helena.
- There will be a meeting with Road Supervisor on March 5th in Commissioners office to review a draft of updated road policy.
- A notice was received from the Clerk of Recorder that she will be out of office the week of March 10th.
- A notice was received from the Public Service Commission of a notice of application for operating authority for Ilan Henry Kaufmann dba Suave Sedan for Class B Intrastate Certificate of Public Convenience and Necessity between all points and places in Carbon, Stillwater and Yellowstone Counties. Public comment period ends February 25th, 2014.
- Announcement from MT Fish & Wildlife Conservation Trust that they will be accepting proposals for project funding for 2014. They will accept proposals from January 29th-March 31st, 2014.

Meeting adjourned at 6:05 p.m.

DATED this 18th day of February, 2014.

________________________________________
Adam J. Gartner, Chairman

________________________________________
Douglas A. Buxbaum, Member

________________________________________
James A. Skillestad, Member

ATTEST:

________________________________________
Shirley A. Kreiman, Clerk & Recorder