

March 3, 2015

Commissioner Gartner opened the meeting at 10:00 a.m., with Adam Gartner, Doug Buxbaum and Gary Kartevold present. Also present were, Joe Sharbono, Linda Prescott, Jason Stuart, Ranger Review Reporter, and Shirley Kreiman, Clerk & Recorder.

Prior Meeting Minutes:

A motion was made to accept and approve minutes for February 17th 2015. The motion was seconded. All voted in favor. Motion carried.

Previously Approved Administrative Items:

Mid-Rivers Internet Service Agreement-A 2 year internet service agreement for the Dawson County Attorney's office was signed on February 24, 2015.

1)MID-RIVERS
INTERNET
AGRMT
COUNTY
ATTNY

Transfer of Interest-The commissioner approved a transfer on February 12, 2015 of funds from Interest Clearing fund to cover interest from investments to the appropriate designated funds in the amount of \$10,672.66 for the month of January 2015.

Capital Outlay Authorization-The commissioners approved a capital outlay authorization for the Correction Facility to purchase a pickup from the Sheriff's Department for \$13,000 on February 1, 2015.

Travel Request-Travel authorization was given to Patty Atwell on February 23rd to travel to Salt Lake City Utah for the National Service Conference March 23-26th.

2)BLOOD-
BORNE
PATHOGENS
EXPOSURE
CONTROL
PLAN

Bloodborne Pathogens Exposure Control Plan-The commissioners approved the Bloodborne Pathogens Exposure Control Plan on February 24, 2015.

Access Agreements-Wastewater Improvement Project-Access agreements were received from the Montana Department of Transportation and Angelo Crisafulli for the county to access their property which is the proposed location for a pipeline route in order to perform a site survey and geotechnical investigation and drilling one boring near the river's edge.

3)ACCESS
AGRMTS
MDT/CRISAFUL
LI - MSSD
WASTEWTAER
IMPR

Old Business:

Airport Lease-Commissioner Buxbaum stated that this was discussed at the last airport board meeting and they would like a change in one paragraph. The current language states that the hangers may be inspected at any time. They would like to add that the owner needs to be present. The commissioners agreed to the change and commented they would like to have the lease ready by the next meeting.

Road Ordinance #8-Commissioner Gartner stated that they have revised the draft of the Road Ordinance and they will be posting the changes on the website with the dates they are going to schedule for the 1st reading.

4)ROAD
ORDINANCE #8

Board Appointments needed:

- Planning Board, waiting for confirmation
- Tax Appeal Board, looking for volunteers
- Frontier Gateway Museum-waiting for a reply

Highland Park Irrigation Maintenance Contracts-They have been mailed and are waiting for them to be returned. They may need to follow up with them if they don't hear from them shortly.

New Business:

Release of Right-Of-Way Easement-T16 R55E S24, Northeast QTR, see full legal description on document (near fairgrounds, old airport) Commissioner Gartner explained that this easement came into being in the 60's when the airport used to be located here. Since the airport no longer exists there, there would be no need to have an easement across this certain portion of land. A motion was made to file a release of easement to Lloyd Murray Dallas the current owner. The motion was seconded. All voted in favor. Motion carried.

5)RELEASE OF
RIGHT OF WAY
EASEMENT-
DALLAS

6)RESOLUTION
#2015-4
BUDGETARY
AMENDMENT

Resolution #2015-4 Resolution Budgetary Amendment-A motion was made to approve the budgetary amendment to increase the Sheriff capital outlay budget for \$36,485.00 due to a entry made by the auditors for a prepaid expense that was charged to this fiscal year. The motion was seconded. All voted in favor. Motion carried.

7)JUVENILE
DETENTION

Juvenile Detention-Steven Bailey was present to discuss the letter he sent to the Dawson County Commissioners in regards to juveniles that are being held in detention in the Billings Youth Court. He had budgeted \$79,000 and he estimates that by the end of March he will incur an additional \$29,309 in costs with 3 months left in the fiscal year. The commissioners questioned him about the use of ankle bracelets rather than detention. He stated that detention is the last resort. They do use them in some instances as well as some other situations, but there are times when detention is the only viable option. He reviewed with them that Pine Hills and the Home on the Range Boys ranch are options but they only come at the end of a court situation and detention is the option while awaiting the court decision. The cost is \$235 per child per day. It adds up quickly with 7 juveniles who were placed there and 4 of them remain there. Shirley Kreiman, clerk and recorder suggested moving a portion of the District Court fund’s transfer line item budget that is in place to handle unexpected court costs. The commissioners agreed that this budget could be moved at year end.

Correspondence:

The commissioners stated they had a list of questions from Kelly Pulse and they had asked him to be present to discuss them, but since he is not here, they will table this and see if he can come at another time.

Road Report:

Joe Sharbono stated that they have gotten approval on their gravel permit application. They would like to expand the Oakland pit and apply for a permit to open a location on Mitch Senner’s property. He has looked at the gravel and it looks good and would work for them to put on Road 431, which they plan on graveling when they can. The Snake Trail is now a lot safer if the lower road washes out. It is not great, but it is better. They have put a motor in a mower tractor and done quite a bit of shop work. They will probably take the wings off of the blades in a few weeks.

Public Comment: None

The meeting adjourned at 10:30 a.m.

DATED this 3rd day of March, 2015.

Adam J. Gartner, Chairman

Douglas A. Buxbaum, Member

Gary Kartevold, Member

ATTEST: _____
Shirley A. Kreiman, Clerk & Recorder

March 17, 2015

Commissioner Gartner opened the meeting at 5:30 p.m., with Adam Gartner, Doug Buxbaum and Gary Kartevold present. Also present were, Joe Sharbono, Jerald Dobson, Russ and Diane Hoagland, Gerald Tweeten, Zach Kubesh, Anthony Varriano, Aaron Redland, Bruce Smith, Mark Franks, Duane Cudmore, Emilie Boyles, KXGN Newscaster, and Shirley Kreiman, Clerk & Recorder.

Prior Meeting Minutes:

A motion was made to accept and approve minutes for March 3, 2015. The motion was seconded. All voted in favor. Motion carried.

Previously Approved Administrative Items:

Consultant Services Agreement-Interstate Engineering, Inc.- CTEP services agreement regarding construction of sidewalk with associated improvements located within Dawson County. The agreement was signed on March 9th. Estimated engineering fees of \$9,388.01.

8)INTERSTATE
ENGINEERING
CONSULTANT
SERVICES,
CTEP

Capital Outlay Authorization to rekey the Sheriff's offices, \$14,239.66. Authorization given on March 4, 2015

Travel authorization:

- Steve Engebretson - travel to Houston for ASCD Annual Educators Conference March 19-24. The county will be reimbursed for registration, airline and lodging. They county will pay for meals and other incidental costs from Supt of School Budget.
- Jen Fladager to travel to Billings for PHEP regional meeting on May 19, 2015.
- Joe Beery, John Schreiber & Cody Miller to Great Falls March 31-April 2 for MACRs meeting.

Airport Grant Application-An application for Federal Assistance SF-424 was signed on March 11, 2015. (Airfield REIL's installation, AIP 3-30-0035-015-2015, Federal portion \$43,515, County portion \$4,835)

9)AIRPORT
GRANT
APPLICATION

Old Business:

Airport Lease-Close to having this ready to submit to the Leasee's.

Road Ordinance-See Resolution under new business.

Board Appointments still needed, Planning Board, Tax Appeal Board, Frontier Gateway Museum.

Highland Park Irrigation Maintenance Contracts-The commissioners met with the individuals and they have agreed to make them employees rather than contractors.

10) HIGHLAND
PARK
IRRIGATION
MAINTENANCE
CONTRACTS

New Business:

Public input prior to agenda items:

Highland Park Community Garden-

*Jerald Dobson-*I disagree with the closure of the lots and the street. The commissioners will have a problem with access to the park, it will be more difficult. Also this was not done in the correct manner. A petition form should have been completed. I am against the closure.

*Phil Gingerly-*resident of 7th street. Eighth street should not be closed. I don't want to see the dumpsters moved from one person's back yard to another person's front yard.

*Mark Franks-*I agree. Don't get rid of 8th street for access.

*Russ Hoagland-*I agree you shouldn't close it. I'm against the community garden. I don't want the garden. There will be too much traffic in the area.

*Gerald Tweeten-*I agree with the above as well. This should be maintained as a parking area, not a garden. It may be open to the public, but we don't need all the clutter there.

*Duane Cudmore-*I also agree with them.

*Jerald Dobson-*Who will pay for the irrigation fees? The electric fence will be a danger to kids. What should go into that park is a recreation play area for the kids.

11) HIGHLAND
PARK
COMMUNITY
GARDEN

Electric Coop Road Ordinance #8-

John Sokolaski-I understand the intent is to protect the roads. Encroachments are not only for boring under the roads but they also include overhead crossings. We have 100's of overhead crossings that are also an encroachment and we would request an exclusion for overhead crossings. My attorney has drafted some suggested changes to help you reach your intent. We are servicing Dawson County and we have never had to get a permit for Section 4. In the definitions, the attorney would suggest that you could change the language from trenching and boring and excavating and all forms of cabling and pipes to include an exclusion for overhead lines. Also on the notice requirements the time to repair. Boring is 15 calendars days. We would request you grant more time for this.

Commissioner Gartner-apologized that the old draft of the ordinance had been online, but explained that much of this has been corrected and is in the new draft that was placed online today.

Proposed Highland Park Community Garden/Petition from Ty Ripley to Vacate Lots 16, 17, & 18 of Block 10 in Highland Park together with entire portion of 8th street that lies to the east of lots 16, 17, & 18.-The commissioners discussed that they did not feel that vacating the portion of the street would have an adverse effect on the public and reviewed the map where the street was petitioned to be vacated. We probably should table a decision on this matter.

Jerald Dobson-I have a copy of the original plans for the park if anyone would like to have a copy.

Mark Frank-I have concerns about the garden. It has already been tilled and manure hauled in. There were dumpsters next to the well. Residents have talked about closing a portion of 8th street. Placing dumpsters off the end of 8th street up from B Ave. There needs to be a parking area and turn around. There is traffic associated with the public using this. They will come up B avenue. People from all over come and put garbage in the dumpsters. The electric fence will be a danger to kids.

Commissioner Buxbaum-Possibly some signage about use of the dumpsters would help.

Bruce Smith-It would not require being electrified. It was intended to keep deer out. A fence that is a 10 wire and 6 ft high at an angle could be put in.

Jerald Dobson-Have you seen a plan for the garden? Is there a plan?

Commissioner Gartner-We have checked the regulations and a community garden is an acceptable use for a public park. If you have any more comments, you may certainly submit them to us. There was a public meeting Thursday night and there were 11 people there who were all for the community garden.

Phil Gingerly-(brought out a map) This park gets busier every year. You say the park doesn't get used, but that is because it doesn't get maintained. I would like to see it get mowed, so it gets used as a park. A shed will be donated if the garden doesn't go in. The trees have died because they don't get watered. There are a lot of plans in place, but with no resources to get it done. There are a lot of kids here and other parks get maintained. The one in Forest Park gets maintained. Highland Park deserves one.

Jerald Dobson-Will the garden be handicapped accessible? It should be if it's in a public park.

Phil Gingerly-People are coming from all over town to bring out garbage into these dumpsters.

Commissioners-If you can please write down the license plates and report this to the public works director. Notify him if there are any violations.

?-Community Gardens have a poor track record and it has been moved a couple of times because it hasn't been maintained.

Russ Hoagland-Do you have any other possible locations for the garden?

Dobson-How about behind the armory?

Commissioners-That location wouldn't work.

Gerald Tweeten-Kevin Pena didn't know anything about the garden being put in. We contacted him after the 2 tractors ripped it up and had the road all torn up. People are going to use this for just a turn around. What we need is a park.

Commissioner Gartner-We will table this item until we can research some of these issues a little further.

Resolution-#2015-5 Amendment to Complete Streets Program-We have agreed to withdraw this item from the agenda.

12) ROAD
ORDINANCE
COMMENTS
ELECTRIC
COOPS

13) HIGHLAND
PARK
COMMUNITY
GARDEN/
VACATE LOTS
AND STREET
PETITION

Vacate Subdivision Plat, Terrace View Subdivision-A request was received by the county planner from Earl Corneliusen to vacate the Terrace View Subdivision. Planner Dianne Broadie reviewed her summary of the request with the commissioners. Mr. Corneliusen wanted to do a boundary line adjustment, but it would involve a rearrangement of more than 6 lots. No improvements have ever been made. No utilities and no roadways. She recommended to vacate the plat with the condition that the portion of Buffalo Drive shown as an access easement on COS 429 not be vacated in order to allow a full utility and road access in the future should the property that is being vacated develop later. This would also allow Scott and Ann Mills access to their property from this road. There was some discussion as to whether the easement existed prior to the plat or if a separate easement needed to be filed. Aaron Redland was there and stated that she was there on behalf of her client Earl Corneliusen and Earl would prefer to keep the road. A motion was made to vacate the Terrace View Subdivision with the exception of the access easement as shown on COS 429. The motion was seconded. All voted in favor. Motion carried.

14)VACATE
SUBDIVISION
PLAT-
TERRACE
VIEW
SUBDIVISION

Bromeling Minor Subdivision-Dianne Broadie has not received all of the necessary paperwork and this item will be continued to the next session.

Action for Eastern Montana-A request was received from Action for Eastern Montana for \$1,250 for the upcoming year for the Senior Companion Program. It was noted that this is the same amount that was requested last year. A motion was made to approve the request. The motion was seconded. All voted in favor. Motion carried.

Resolution #2015-__ - Resolution of Intent to adopt ordinance #8 revoking and replacing Ordinance #4 Regulating the Use of Dawson County Roads. The resolution of intent was read, noting that the 1st reading of the ordinance will be held on Tuesday, April 7, 2014 and the second reading will be held on April 21st. A notice or copy of the ordinance will be published in the Ranger Review in the April 12, 2015 edition. A motion was made to adopt the ordinance.

15)
RESOLUTION
#2015-__
RESOLUTION
OF INTENT TO
ADOPT
ORDINANCE
#8-ROAD USE

Zach Kubesh-He stated that he felt the county was exceeding their authority with the resolution and it is giving a false sense of protection.

Commissioner Gartner-He apologized that an old draft was on the web page, but upon realizing it a newer draft had been uploaded today. He would like him to read the new draft and he could submit any further comments to them. He could submit them any time prior to the 1st reading. As well any comments can be presented at the first reading on April 7th, but prior to this allows them time to review them.

Road Report: Road Supervisor, Joe Sharbono stated that there was major damage on the Redwater crossing north of Richey. It will be a major undertaking to fix it. Water ran on the underside of pilings and it was washed out 12 years ago. They put in a low water crossing. There is a lot of damage on various black top roads from the frost heaving. He specifically mentioned Seven mile drive. They will do what they can. They have the mowing and spraying equipment ready for the spring season. He has looked at some old documentation about using millings on the intake road and he plans to check with the state to see if they have any oil available to use and that would be a great help to fix the Intake Road, but it may cost a lot to get the oil.

16)
REDWATER
CROSSING

17)INTAKE
ROAD

Correspondence/Information:

- Notice of application for operating authority-MT Public Service Commission-1)Montana Trolley Co, Class B passengers between all point and places in Flathead, Glacier, Lake and Lincoln Counties 2) Montana Waste Services, Class D, garbage within the City of Bozeman and 30 miles radius, 3) In Style Arrivals, Class B Passengers between all points and places in Gallatin, Madison and Park Counties
- Notice from Action for Eastern Montana for the requested match to include in 2015-2016 Budgets \$5,196
- Letter to Jerald Dobson addressing concerns regarding the proposed community garden in Highland Park
- Public notice-Intake Diversion Dam-The commissioners noted that they just received this notice from the Corp of Engineers and a public hearing may be requested. They discussed placing an ad in the paper to see if there was significant interest to hold a public hearing regarding the matter.

18) HIGHLAND
PARK
COMMUNITY
GARDEN

Public Comment:

Jerald Dobson-In regards to the road closure for 8th street. They need to complete the proper petition form to alter or close a road and follow the applicable MCA rules. He asked if they received any phone calls on Highland Park. Commissioner Buxbaum stated that he had received 3 calls, 1 identified themselves, the other 2 did not. He stated he wanted to relay a message from Kirschenmann that a culvert has collapsed on the road right of way.

Phil Gingerly-B Avenue Subdivision Right of Way, the culvert is non-existent, who do we take this to?

Commissioner Gartner-Zoning & Planning Commission

Jerald Dobson-Was a plan for the community garden ever submitted? Is there liability insurance on the garden?

?-I have observed others filling the dumpsters.

Commissioner Gartner-They need to be reported to Doug Kever at West Glendive Public Works.

Commissioner Buxbaum-Is anyone being charged for the use of those dumpsters?

Jerald Dobson-They are paid for by the Highland Park Residents. They are furnished free of charge from Kurtz Sanitation for use of organic matter as they are not charged for organic matter if it is separated. There are no itemized fees on the bills.

Commissioner Gartner-Agreed this is the way it was handled.

The meeting adjourned at 6:30 p.m.

DATED this 17th day of March, 2015.

Adam J. Gartner, Chairman

Douglas A. Buxbaum, Member

Gary Kartevold, Member

ATTEST: _____
Shirley A. Kreiman, Clerk & Recorder