

COMMISSIONERS' PROCEEDINGS

July 11, 2023

Commissioners Scott Miller, Scott Blain, and Bill Bullock; and Administrative Officer Angela Newell were present.

8:30 Pledge of Allegiance.

Discussed the culvert replacement on Pryor Mountain Road. Will place a Resolution on the agenda to allocate Wind Impact Fees to pay for the project.

Discussed E. Pryor Road Bridge repairs from the 2022 flood; information needs to be provided to the State for reimbursement if the road is designated as a Major Collector and is not eligible under FEMA's Public Assistance program.

9:00 Public Hearing Annexation of Eagle Point Estates into Herd District No. 1. Kristine Kelly, Constance Force, Nancy Hossfeld, Jeff Gardner, Marc Brainard, Tom Chicklo, Guy Osburn, Don Hartung, Doris Donohoe, Diane Hageman, and Deputy Clerk and Recorder Piney Helmuth were in attendance. Blain moved to open the Public Hearing to Annex Eagle Point Estates into Herd District No. 1; Bullock seconded; discussion of the previous public hearing not receiving the proper number of notices (2 instead of 3 as required under 81-4-310 MCA); motion carried. Marcus Branger HOA president, stated that he does not believe those that do not live in the subdivision should have an input on the annexation. Kristine Kelly, an Eagle Point Estates resident, noted sections of the Code of the West that state: that this is an open-range State, the importance of agriculture and that residents shouldn't expect the Government to intervene in agriculture operations. Kelly also quoted a section of Montana Code regarding fencing responsibility when a herd district is created. Kelly stated she would like to see more cooperation, not more rules. Gardner echoed Kelly's comments. Discussion of the history of fence repairs (or lack of), responsibility to fence, the acreage available to the adjoining livestock, and topography challenges to fence maintenance. Commissioners determine the boundaries are reasonably regular and symmetrical in shape in relation to the geographical features of the properties proposed for annexation. Blain moved to close the Public Hearing; Bullock seconded; motion carried.

Blain moved to grant the prayer of petition to annex Eagle Point Estates into Herd Dist. No. 1; Bullock seconded. Blain noted he has cattle, his land is split between the herd district and open range, and he works with neighbors to keep fences maintained. Bullock noted that he believes it is the landowners' responsibility to keep things out of their property. Blain emphasized good fences make good neighbors and noted he has crawled on hands and knees to maintain fences on steep ground. Blain noted that although he appreciates the Code of the West and Montana's Open Range

COMMISSIONERS' PROCEEDINGS

July 11, 2023 (cont.)

history, there is also a mechanism under Montana law to create or annex property into a herd district. Miller believes cattle owners and neighbors need to work cooperatively and noted ultimately this is a civil issue; he does not like implementing government solutions for interpersonal issues. Blain stated most significant difference between open range and herd district is who pays for the damage to the animal or vehicle when a cow gets hit. Blain noted in the creation of a herd district will require subdivision fences to be brought up to code; it does not become Hossfeld's responsibility to construct fences. Bullock reiterated that the dispute is a civil matter and the County has no interest in refereeing the issue. Public comments noted the disrepair of the Subdivision's perimeter fence and requested a 30-day delay as they believe the petition was misleading in that it indicated it would become the cattle owner's responsibility to fence their cattle in. Blain and Bullock voted in favor; Miller voted against.

9:55 Contract Planner Forrest Mandeville and Kate Stout of Red Lodge surveying met for the Mountain Meadows Subdivision Preliminary Plat Application. Mandeville reviewed Planning Board's recommendation. Clerk and Recorder Macque Bohleen joined the meeting. Blain having reviewed and considered the application materials, project memorandum, public comments and all of the information presented, moved to approve of the Martin Meadows Subdivision, with the findings and conditions included in the project memorandum; Bullock seconded. Discussion of possible traffic impacts which are expected to be minimal as the 5-lot commercial subdivision is for businesses with less than 5 employees. Discussion that it would be difficult to place a residence in the subdivision as it would require a Department of Environmental Quality re-write. Bullock noted the number of conditions recommended by the Planning Board is significant. Mandeville clarified that the hydrant and wetland issues make this subdivision untypical and believes many of the conditions are related to those issues. Blain asked about notice regarding the subdivision; Mandeville noted adjoining landowners were notified by mail and that few comments were received. Blain noted he does not believe it is a good place to build, but agrees that the conditions are manageable. Miller echoed Blain and Bullock's concerns; asked about effects to ditch, and expressed concerns about building on what is essentially swamp land. Discussion of sage grouse habitat, not core habitat area. Stout noted Krizek has required additional groundwater monitoring as last year's monitoring was so late in the season. Bohleen asked about enforcement of no residential use, Mandeville noted DEQ permitting, Development Permit, or Septic Permit could catch residential use. Motion carried.

10:30 Mandeville, Stout, and Bohleen met for the Fallen Tree Subdivision Final Plat. Blain moved to approve the final plat; Blain seconded; motion carried.

COMMISSIONERS' PROCEEDINGS

July 11, 2023 (cont.)

Bullock moved to approve Commissioner's proceedings for May 18, 22, and 23; Blain seconded; motion carried.

10:40 Disaster and Emergency Services (DES) Coordinator Cyrina Allen met to discuss an emergency declaration for this spring's flooding. The Declaration would help Bearcreek address the damages to its spring boxes. Bullock moved to approve Resolution 2023-21 to Declare an Emergency related to Spring Flooding; Blain seconded; motion carried.

10:50 Geospatial Information Systems Coordinator / Fire Warden Tom Kohley met for his monthly update. Kohley reviewed his written report (attached). Discussed grant for fuels mitigation at Red Lodge; Kohley noted similar projects in other areas of the county require more leg work for the required cost benefit analysis. Discussed Fire Boot eligibility – Bergum did not attend training this year but has historically been on the fire team. Discussion of Road Fire Crew SOP, and requirements to be on the team, requirement to attend, discussion of providing alternate time to provide training Kohley and Miller will discuss further.

11:15 Kohley, Red Lodge Rural Fire Chief Tom Kuntz, Deputy Chief Tim Ryan, Mary Cameron, and Diane Dimich met to discuss addressing for the City of Red Lodge. Kohley clarified that the discussion is about options to streamline addressing procedures; is not meant to correct addressing issues within the City of Red Lodge. Kuntz noted efforts a number of years ago to evaluate addressing in Red Lodge, 11th Street is designated as the center so house numbers start at 11th going north and south; as a result, the cross-numbered streets (East-West) do not align with block address numbering. Kuntz noted currently Red Lodge Fire initiates addressing in the City, but they mostly collect the fee and then go through Kohley for the formal address assignment and adding the address to the database. Kuntz believes it would streamline the process and have applicants go directly to Kohley. Discussion about Kohley already performing this function for the other municipalities; Commissioners asked about the capacity to take on Red Lodge. Kohley reviewed the process with other municipalities; noted Red Lodge volume is 2 or 3 addresses per month unless there is a significant development. Bullock believes it makes sense to centralize addressing but would like to keep addressing fee for Red Lodge at \$100. Kohley's concern is not with new address assignments, but the time that could be required to correct old issues. Kuntz noted they would contemplate subcontracting the new assignments with the County so the agreement would be between the Rural Fire District and Carbon County.

COMMISSIONERS' PROCEEDINGS

July 11, 2023 (cont.)

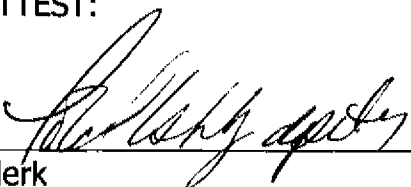
The Philips Gravel Pit Lease was postponed a week as the landowner was out of town.

11:35 Kohley circled back on his monthly update. Discussed providing shirts on fire team.

Bullock moved to close the meeting to discuss a personnel issue; Blain seconded; motion carried.

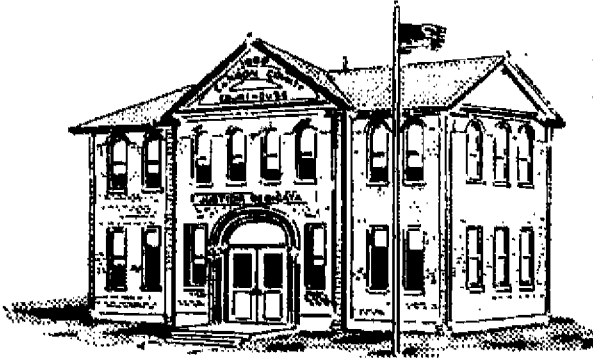
12:00 Adjourned.

ATTEST:


Clerk


Commission Presiding Officer

Respectfully submitted: Angela Newell, Administrative Officer



BOARD of COMMISSIONERS

COUNTY OF CARBON • STATE OF MONTANA

Post Office Box 887
Red Lodge, MT 59068

Phone: (406) 446-1595
Fax: (406) 446-2640

RESOLUTION 2023-20 DECLARING AN ANNEXATION INTO HERD DISTRICT NO 1

WHEREAS, on the 4th day of September 1921 the Board of County Commissioners of Carbon County Montana adopted established Herd District #1,

WHEREAS, the Carbon County Board of Commissioners received petitions to add properties in the Eagle Point Tracts Subdivision to Herd District No. 1 in the spring of 2023; and

WHEREAS, the County Clerk and Recorder's Office verified 17 petitions constituting at least 55% of the affected land requesting to be annexed; and

WHEREAS, Board of Commissioners conducted a Public Hearing 11th Day of July, 2023 in accordance with MCA 81-4-310; and

WHEREAS, at the Public Hearing Commissioner Blain moved and Commissioner Bullock seconded to declare the properties annexed into Herd District No. 1.

NOW THEREFORE BE IT RESOLVED, the prayer of the petitioners is hereby granted and the Board of Commissioners declare that Section 3 & NE ¼ Section 10, Township 6 S, Range 22E Certificate of Survey No. 1323, known as Eagle Point Tracts.

NOW THEREFORE BE IT FURTHER RESOLVED, the Board of Commissioners shall hereby give notice of the annexation by four weekly publications in the Carbon County News on the following dates July 20, July 27, August 3, and August 10.

PASSED AND ADOPTED, by the Board of Commissioners of Carbon County Montana this 11th day of July, 2023.

Carbon County Commissioners

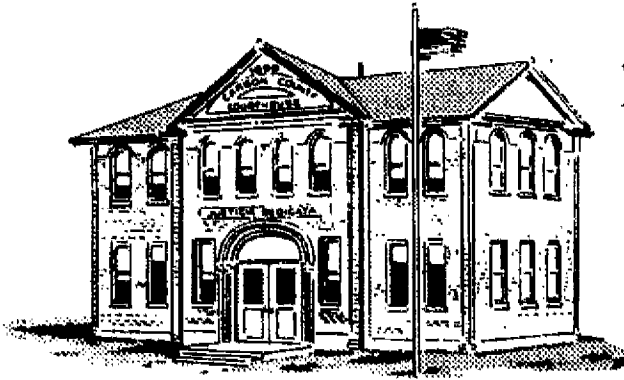
Scott C. Miller
Commissioner Dist. #1


Scott Blain
Commissioner Dist. #2


Bill E. Bullock
Commissioner Dist. #3

ATTEST:


Macque L. Bohnen, Clerk and Recorder



BOARD of COMMISSIONERS

COUNTY OF CARBON • STATE OF MONTANA

Post Office Box 887
Red Lodge, MT 59068

Phone: (406) 446-1595
Fax: (406) 446-2640

RESOLUTION 2023-21

EMERGENCY DECLARATION – SPRING FLOODING

WHEREAS, on May 25, 2023 torrential rains and flash flooding was seen county wide, and

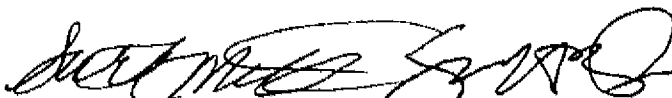
WHEREAS, said flooding has caused damage to County roads and culverts, and other public infrastructure.

IT IS HEREBY RESOLVED, by the Carbon County Commissioners that an emergency is hereby declared pursuant to Section 10-3-402 MCA.

BE IT FURTHER RESOLVED, that copies of this resolution be filed with the County Clerk and Recorder, County Assessor, and the Montana Disaster and Emergency Services Division in Helena.

PASSED AND ADOPTED by the Carbon County Board of Commissioners this 11 day of July, 2023.

Carbon County Commissioners


Scott C. Miller
Commissioner Dist. #1


Scott Blain
Commissioner Dist. #2


Bill E. Bullock
Commissioner Dist. #3

ATTEST:


Macque L. Bohlen, Clerk and Recorder

GIS/Addressing/Fire Warden Briefing to County Commissioner July 11, 2023

GIS

- Produced the following 72x40 laminated Road/ESZ maps:
 - Two for County Weed Department
 - Four for County Road Departments
 - Seven for Rural Fire Districts
 - Six for C&R, retail sale (and finalized cost-recover price model)
 - Two for Personal Services Building
- Supplied Clerk's desk with approximately 25 new 40x24 folded maps for retail purchase
- Delivered digital copies of County Maps to MarketMaps for production of roller map system for Dispatch office
- Produced and invoiced for four 42x46 laminated road maps for RL Beverages
- Met with City of Red Lodge Planner to discuss GIS licensing needs; Invoiced City for 2022-23 licensing
- Delivered structure point file geodatabase to State Library for inclusion into ElectMT

County Permitting

- New addresses issued/documentation provided: 12 County, 2 City of Red Lodge
- Road approach permits: 7
- Reviewed all Group 1 and 2 development permits and provided comments to Planning Dept
- Attended GovOS / SeamlessDocs meeting on 6/5 to discuss recommended updates
- Attended meeting/petition to alter Edgar alley
- Completed address placard placement for Sage Creek and North Fork Sage Creek structures
- Resolved apartment complex addressing issues in Town of Bridger
- Worked with Election Administrator to resolve road name / address issues in TotalAddressing System

Fire Warden

- Purchased seven Winex XLC air purifiers and nine extra HEPA filters for Community Clean Air Program grant and working with Public Health to have them installed in smoke refuge facilities around the County. Grant closeout underway.
- Completed responses to FEMA RFI 5392-4R; Red Lodge Mountain Hazardous Fuel Mitigation and Defensible Space Project; Met with Jeff Schmidt to review grant objectives/obligations
- Ordered and (in-process of) delivering fire supplies to road crew members including: Nomex shirts/pants, helmets, gloves, Fusees, MREs, and reflective flagging
- Updated road crew fire boot purchase spreadsheet
- Completed First Responder ID cards for Rural Fire District 1
- Attended LEPC meeting on 6/7
- Attended SFPE WUI training in Big Sky on 6/13
- Conducted home assessment training with Deputy Fire Warden on 6/14
- Met with USFS AFMO to discuss syncing of radio comm plans and test digital channels
- Attended radio committee meeting on 6/21
- Completed 2nd quarter report and reimbursement request for Cooperative Fire Protection Capacity Grant

Miscellaneous

- Met with Arete on 6/1 to discuss Addressing/GIS Dept space needs
- Attended Department head meeting 6/27
- Updated content for public monitor at Admin building

Discussion / Action Items

- Fire boot eligibility
- Fire Tees for Fire Response Team members
- Letter