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COMMISSIONERS' PROCEEDINGS

June 20, 2024

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

8:30 Pledge of Allegiance.

Discussion of Dust control application.

8:40 Clerk and Recorder Macque Bohleen met to provide an update on properties in the Tax Deed process. Bullock moved to approve the Tax Title Report Acquisition with First Montana Title Company for Title searches; Blain seconded; motion carried.

9:30 Mayor Dave Westwood met for his regular appointment. Discussed the opening of the City Pool, a meeting with the Fair Board to work through the organization of large events (especially the Renaissance Fair), the abandonment of right-of-ways when the Fairgrounds were de-annexed (per the Resolution all right-of-ways were abandoned), and possible locations for the Rodeo Wall and Hall of Fame, an inquiry on the development of a crematorium in the City or a commercial subdivision in the county, possible zoning changes for the Spires Subdivision to allow for higher density for Planned Units of Development (PUDs) including revisiting the current 4 plex limitation. Westwood also noted the City will be holding a Public Hearing for a Conditional Use Permit to make alterations to the old Hospital building on White Ave.

10:00 Deputy County Attorney Robert Spoja and Contracted Deputy County Attorney Jacque Papez met for the regular County Attorney appointment. Bullock moved to close the meeting to discuss Matriarch litigation; Blain seconded; motion carried.

10:05 Port Authority Discussion. Deputy County Attorney Robert Spoja, Contracted Deputy County Attorney Jacque Papez, Beartooth RC&D's Myrna Latuskey, Red Lodge Mayor Dave Westwood, Angela Getchell and Brad Canton from the Red Lodge Area Community Foundation, Denise Rivette, and Steve Keebler were in attendance. Miller noted the commissioners first considered starting a Port Authority in planning for the Detention Facility Bond in 2021. Bullock recognized the county-wide housing frustrations and noted a Housing Authority has a very narrow focus. A Port Authority has opportunities to address economic issues holistically. Papez discussed the legal authority of a Port Authority as an Economic Development entity. Bullock noted he has had some preliminary conversations with Stillwater and Sweet Grass Counties about the possibility of starting a regional Port Authority with all three counties tied to Stillwater Mine for employment. Discussion of other Port Authorities in the State, the

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benefits of the Port Authority shielding the County from liability, the ability of the Port Authority to own property, and the ability of the Port Authority to apply for State and Federal grant programs. Commissioners discussed the expenses associated with managing the Authority and possible funding sources. Commissioners requested Papez prepare a memo on the process for creating a single county vs. a regional Port Authority. There was a discussion of the benefits of a Port Authority also acting as a Community Reinvestment Organization.

10:47 Meeting recessed.

11:00 Hellroaring Ranch Subdivision. Contract Planner Forrest Mandeville, Clerk and Recorder Macque Bohleen, and Kate Stout of Red Lodge Surveying were in attendance. Mandeville reviewed the Planning Board's recommendation. Bullock, having reviewed and considered the application materials, project memorandum, public comments, Planning Board recommendation, and all of the information presented, moved to approve the Hellroaring Ranch Subdivision, with the findings and conditions included in the project memorandum; Blain seconded; discussion of the use of existing approach and the sage grouse compliance fee; motion carried.

11:20 Meeting recessed

11:30 Carbon County Road and Bridge Group 2 Development Permit Appeal. Contract Planner Forrest Mandeville, Denise Rivette, Elizabeth Testa, Sue Tarbell, and Mark Schubert were present. Bullock noted he would be recusing himself from the vote as he attended the Planning Board meeting and was involved in submitting the Permit Application. Mandeville reviewed the staff report and the appeal filed by Elizabeth Testa noting the Commission's role is to determine if the decision is consistent with the meaning and intent of these Regulations and the Carbon County Growth Policy; whether strict compliance with these Regulations or conditions of approval would create an unnecessary hardship or unreasonable situation on the particular property; and evidence of any adverse effects on other property or the general health, safety and welfare of the County.

Blain having reviewed and considered the staff report, public comment, Planning Board decision, and all of the information presented, moved to uphold the Planning Board's approval of the Group 2 Development Permit from the Carbon County Road and Bridge District #3 for the construction of a County Road Department storage building; Miller seconded; no board discussion opened for public comment. Testa noted the change to the County's property from the time they purchased their property in the Remington Ranch Subdivision. Testa noted her original opposition to the project was related to it

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being an "eye sore" because of the road construction equipment and materials, including old tires and old culverts, stored on site. Testa now believes that sand and salt storage has significant environmental impacts including potable well contamination and fish and wildlife impacts. 11:40 County Attorney Alex Nixon joined the meeting. Testa continued the presentation of her appeal. There was a discussion of construction plans and if they included impervious material on the floor and other containment measures. Bullock confirmed the design includes a concrete floor noting the current facility's proximity to irrigation ditches and residences with no concrete floor, Bullock also noted impacts to Red Lodge Mountain and public safety concerns with not having sand storage. Shubert believes there should be a hydrological evaluation of the area because of potential impacts to irrigation ditches and wells. Schubert also expressed concerns about impediments to Fairgrounds expansion in the future. Tarbell asked that efforts be made to mitigate well impacts. Schubert noted the property was returned to the County in 1997 for Fair purposes per City minutes. Bullock noted the same sand was used for sandbags for 2022 flooding and no DEQ permit was required. Discussion about change in process for Group 2 zoning. Discussion of the proximity of wells for adjacent landowners and the Fair. Discussion of building dimensions, efforts to minimize impacts, and monitoring efforts for other impacts. Blain noted the water is likely to flow away from the Remington Ranch Subdivision based on topography and that other land options are quite expensive at this time, and that the Fairgrounds well is tested annually and should show a good baseline for possible contamination. Blain moved to add a condition to require a concrete pad and a minimum 10' apron and a requirement for annual testing at fairgrounds to test for appropriate contaminants; Miller second; motion carried. Vote on main motion. Motion carried.

12:50 Bullock moved to approve consent agenda as presented for minutes from May 21, May 23, and the closed portion of May 23, and purchase requests for Environmental Health filing cabinets and additional meeting room AV equipment; Blain second; motion carried.

12:55 Adjourned.

ATTEST:


Clerk & Recorder


Commission Presiding Officer

Respectfully submitted: Angela Newell, Administrative Officer