

COMMISSIONERS' PROCEEDINGS

July 30, 2024

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

8:30 Pledge of Allegiance.

Commissioners discussed the 4-H and FFA Youth Fair last week. Blain noted the letter to vendors did not appear to bring in any new buyers, but there was still a great sale.

Newell noted 2023 Flood projects and FEMA payments due (roughly \$1.4M).

9:00 Representatives from Interstate Engineering Brent Moore, Gina Berry, and Rebecca Shaw-Quinones were in attendance. Blain moved to approve the DNRC - Renewable Resource Planning Grant Agreement for the Edgar Waste Water Lagoon Preliminary Engineering Report; Bullock seconded; discussion of efforts to create a formal Water and Sewer District rather than continuing to operate as a Rural Special Improvement District under the County; motion carried.

Bullock moved to approve the Contracted Attorney Services agreement with Julie Pierce Law; Blain seconded; Newell noted this is for time-sensitive juvenile issues and requires a \$5,000 retainer; motion carried.

9:30 Sheriff Josh McQuillan, DES Coordinator Cyrina Allen, and Deputy Kelly Carrington met to discuss the Communications and Public Safety Budgets. Carrington provided an update on the State Radio Trunking System, noting most emergency responder radios in the county are trunk-compatible, and many already have the software enabled. Carrington noted the cost of equipment for 3 sites is about \$748,000 plus the installation costs if the State is unable to have their in-house staff do the installation. Possible funding sources were discussed including ARPA, 911, and possibly Wind Farm Impact fees to cover the costs. Discussion of the impact on other communications and the need to transfer VHF frequencies onto the system. Discussion of the County's relationship with CODAN and Tom Dunn.

Discussion of the Sheriff's next priority for ARPA funding including body and car cameras, mobile radios, and portable radios. Carrington noted there may be grant opportunities for cameras but the system is becoming outdated. There is an encryption mandate from CJIN that will require updating radios.

McQuillan and the Commissioners discussed having Alternative Detention in-house. McQuillan believes it has been a positive move noting the need for additional equipment.

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McQuillan and Commissioners reviewed the preliminary Public Safety Fund budget and discussed line item increases for tasers, detention services, and dispatch wages to accommodate the dispatch reorganization.

Blain moved to approve employee time as submitted; Miller seconded; motion carried.

10:30 Contract Planner Forrest Mandeville and Kate Stout of Red Lodge Surveying joined the meeting for the RnR Elk Subdivision Amended Plat for Lot 9. Mandeville reviewed the project memorandum noting the amendment would split Lot 9 of the original subdivision, concerns regarding cumulative road impacts, and the possible need for a Rural Special Improvement District or to require road impact studies going forward. 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 RnR Elk Resort Subdivision, Amended Plat Lot 9, with the findings and conditions included in the project memorandum; Blain seconded; discussion of DNRC adjudication process and possible impacts to senior water rights. Commissioners are concerned that there may not be standing to contest agricultural wells as they are outside of the scope of subdivision review and fall under DNRC's authority. Bullock noted the cistern requirement and the potential for someone to try to connect an agricultural well to their cistern. Motion carried.

11:00 Montana Sky Minor Subdivision. Mandeville, Douglas Wadkins, Joe Yedlika, Paul Anderson, **** Anderson, John Combs, and Robin George. Mandeville reviewed the Planning Board's Recommendation. 160 Acres into 5 lot subdivision. Bullock Having reviewed and considered the application materials, project memorandum, public comments, Planning Board recommendation, and all of the information presented, moved to approve of the Montana Sky Minor Subdivision, with the findings and conditions included in the project memorandum; Blain seconded. Board discussion ensued. Bullock asked about the Planning Board's protocol regarding how the issue was voted on multiple times. Mandeville noted discussion after the first vote resulted in more conditions to meet concerns as their oversight allowed. Mandeville did note that the Planning Board hoped the Commission would be better equipped to address road concerns and impose appropriate conditions. Blain discussed the road maintenance levels for North Two Bear Road; it is a priority two road up to the cattleguard which is at the proposed subdivision entrance and receives minimal maintenance and no snow plowing after that point. Blain discussed his concerns on the road going into the subdivision; it is a two-track road and it is not clear where the County Road ends. Blain also expressed

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concerns about road maintenance expectations and would like to see the conditions of approval amended to require a waiver of the right to protest the creation of a rural special improvement district. Blain would also like to add a condition that would require North Two Bear Road to be improved to meet subdivision road standards. Miller and Mandeville discussed the Planning Board's vote procedures; Mandeville noted the Board could not agree on how to change their findings to recommend denial and eventually settled on the conditions to recommend approval. Blain expressed concerns about the size of lot 2; it was noted that with the road, there is no way to make the lot bigger. Blain discussed the proposed Covenants and his concerns with how the limits on animal numbers are written. Commissioners discussed the road impacts from water hauling. Miller noted it is the owner's responsibility for cattleguard replacements and expressed his concerns about the existing cattleguard with increased traffic from the subdivision. Miller expressed concerns about fire response and the Subdivision only having one point of access. There was a discussion regarding the proposal for the Subdivision to be cisterns only; once State DEQ and the Local Sanitarian provide the Certificate of Subdivision Approval, lots would be required to have cisterns for potable water and would need a sanitary review rewrite to allow for a well.

Blain moved to amend the Conditions of Approval to require the Developer to improve the County road structure to meet subdivision standards before filing the plat and that the final plat be accompanied by an engineering certification that the road meets Subdivision standards; Bullock seconded; clarified the improvements would be from cattleguard to the end of the lot; the Public asked about tax revenue and maintenance of the County road going forward; Blain confirmed the road would be maintained at its current level, Bullock expressed concerns about verification that the internal road is, in fact, a County road all the way through; Blain noted it was a petitioned road he would like confirmation it was accepted to the middle of Section 14. John Combs noted there are two cattleguards, he is concerned that his cattle guard will need replacement due to increased traffic from the subdivision. Robin George, noted road had been graded 1x in 6 years; Blain noted he does not have a record of the road being bladed since June 2023 and was mowed in June 2022. Concerned about the other cattleguard that is loose. Motion to amend conditions carries.

Commissioners resumed their discussion on the main motion. Miller is concerned that there are a significant number of questions to be answered and asked if the decision should be delayed. Mandeville noted 35-day time period for a decision, and that if there was new information the Subdivision should be sent back to the Planning Board to consider that information.

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Bullock moved to amend conditions to require acceptance and recording of County Road Easement for the full length of the County Road to the end of the Subdivision within two years of final plat approval; Blain seconded; Bullock moved to alter the time line of the amendment to require the easement before final plat approval; Blain seconded; the Amendment as amended carried. Clerk and Recorder Macque Bohleen and Fire Warden Tom Kohley joined the meeting.

Members of the public expressed concerns about water, limitations of grazing because of water availability, and impacts to the aquifer and neighboring wells. Mandeville confirmed that regulation of agricultural wells is outside of the scope of subdivision review. There was a discussion of the likelihood of parcels being further divided; further subdivision is prevented in the Subdivision's Covenants.

Blain discussed expectations regarding cattle guard use by neighbors; and noted whether or not it is the best place for a subdivision is ultimately up to buyers. Blain moved to add the condition of waiver of the right to protest the creation of an RSID; Bullock seconded; motion carried.

Motion to approve the Subdivision carried; with Miller voting in opposition.

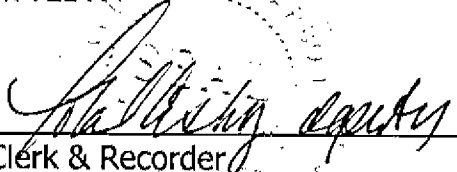
Bullock moved to approve the consent agenda consisting of 6/25/2024 minutes, procurement variance request for Road Training lunch, Health Is Wellness Order Form, Langlas and Associates Salt Shed Change order; Blain seconded; motion carried.

12:45 Kohley and the Commissioners discussed fire restrictions. Kohley noted most surrounding counties are in stage 1 with Sweet Grass in stage 2. Kohley noted continued isolated moisture and low fire activity.

Discussed Code Enforcement process and complaints. Mandeville noted complaints are being funneled through the complaint system.

12:51 Adjourned.

ATTEST:


Clerk & Recorder


Commission Presiding Officer

Respectfully submitted: Angela Newell, Administrative Officer