

**COMMISSIONERS' PROCEEDINGS**

December 31, 2024

Commissioners Scott Miller, Scott Blain, and Bill Bullock and Finance Coordinator Piney Helmuth were present.

8:30 **Pledge of Allegiance**

8:30 **Public Comment** No public comment.

8:32 Recess

9:00 **Montana Department of Justice Prosecutorial Assistance: State V Sherrod.**

Commissioner Blain moved to approve Prosecutorial Assistance in the case of State v. Travis Sherrod, Commissioner Bullock seconded. Comment: Commissioner Bullock asked if a specific attorney was appointed. It was determined that the Prosecution Services Bureau of the Department of Justice is being appointed. After no further discussion, motion carried and Resolution 2024-31 was signed. (Resolution 2024-31 attached.)

9:04 **Motor Vehicle Lease.** Commissioner Bullock moved to postpone the renewal of the Motor Vehicle Division lease until January 9, 2025. Commissioner Blain seconded. Comment: A copy of the lease was not located. Motion to postpone carried.

9:05 Recess

9:30 **High Country Acres Subdivision**

Travis West of Engineering West, Contract Planner Forrest Mandeville, Clerk & Recorder Macque Bohleen, GIS Coordinator Tom Kohley, Brad Stephenson, Nate Anderson, Debbie Pierce, and Richard Pierce joined the meeting to discuss the application for a 2 Lot Minor Subdivision Plat for Single Family Use. Planner Mandeville reported the property is located on May Grade Road, on the northeast corner of the intersection with Highway 78, approximately 10 miles northwest of Red Lodge. Planner Mandeville reported on traffic, water, fire and emergency services and road maintenance and suggests adverse impacts would be minimal. To ensure water is limited to 10-acre feet per year for the entire subdivision, a subdivision improvements agreement (SIA) should be filed with the final plat, including water use restrictions. Each lot shall be limited to no more than 5-acre feet of water per year. Noxious Weeds on the property shall be sprayed prior to final plat approval and sufficient evidence of such is provided to the County and to the Weed District. The Planning Board recommended approval subject to conditions. Commissioner Bullock moved to approve High Country Subdivision with the findings and conditions included in the project memorandum; Commissioner Blain seconded. Commissioner Miller called for discussion. Commissioner Bullock requested an additional condition.

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He would like to require bear resistant garbage containers as grizzly bear activity has greatly increased in the area. Commissioner Bullock moved to approve High Country Subdivision with the findings and conditions included in the project memorandum and with the bear resistant garbage container amendment; Commissioner Blain seconded. Discussion was held regarding whether the subdivision would have one or two approaches. Planner Mandeville stated that two approaches were included in the preliminary plans. Discussion about if permits were obtained for the approaches. Planner Mandeville stated that they would be obtained before the final plat. No public comment. Seeing no further discussion, amended motion carried. Travis West of Engineering West and GIS Coordinator Tom Kohley left the meeting.

9:51 Recess

**10:00 Young Subdivision**

Expedited Young Preliminary and Final Subdivision and Revocation of Ag Covenant. Kate Stout, Red Lodge Surveying joined the meeting. Planner Mandeville reported that this is a survey to create a one-lot minor subdivision removing ag covenant from a 1-acre tract. The tract was created using an agricultural covenant in 1988. In order for the property to be used for any non-agriculture purposes, the covenant needs to be revoked. The property is being designed for residential, single-family use. Planner Mandeville reported the property is located on Montaqu Road, about 1.25 miles south of the intersection with Highway 212 and about 750 feet south of the intersection with Young Road. The subdivision meets the criteria for expedited review under Section IV-E of the Subdivision Regulations by meeting the following conditions: a.) The division of land is for 1 lot subdivisions that meets the definition of a first minor subdivision from a tract of record; b.) Legal and Physical access to all lots is provided; c.) No land in the subdivision will be dedicated to the public use for parks and playgrounds; d.) The plat has been approved by DEQ or county environmental health when approval is required. When a subdivision requires sanitary restrictions to be lifted the DEQ approval must be submitted with the final plat; and e.) No public improvements are required. Because these criteria are met, the Commission may approve the subdivision without conditions, and the final plat can be filed. Planner Mandeville reported on agriculture, water, fire and emergency services and natural environment. After Planner Mandeville read the summary, he stated that an email was sent to himself and the County Commissioners from Berg Lilly PC. The email states that there are restrictions on the property not noticed on Mr. Young's application. The restrictions include a no-build restriction and an Option to Purchase. Commissioner Bullock moved to approve Young Subdivision without conditions; Commissioner Blain seconded. Discussion was held regarding the email, and decision timeline. Surveyor Stout stated that she had received the email this morning and has not had a chance to contact Mr. Young. Commissioner Blain asked if the Staff Report would have changed after the email.

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Planner Mandeville stated that he would have noted the restrictions and let all applicants know immediately. He mentioned that the Commissioners have the ability to table the subdivision to allow the applicant to discuss with the landowner or they could approve the subdivision with the understanding that the applicant would still have to discuss with the landowner. The timeline for a decision is February 3, 2025.

Commissioner Bullock moved to withdraw the motion to approve Young Subdivision without conditions; Commissioner Blain seconded; motion carried. Commissioner Bullock moved to postpone the Young Subdivision until January 28, 2025 at 11:00 A.M.; Commissioner Blain seconded; motion carried.

Comments: Nate Anderson, neighboring land owner, stated he had not received the notice for public hearing until December 24, 2024 and there are still contractual restrictions on the property.

Richard and Debbie Pierce, neighboring landowners, also stated they had not received the notice for public hearing until December 24, 2024.

Brad Stephenson, neighboring land owner, states that there is an Ag Impact on the property. He utilized that property to access his field and his center pivot travels over the acreage. If a house was to be placed on the property, he would have to adjust the path of his pivot.

Clerk Bohleen commented again about the fact that this information should have been on the Title Report.

Commissioner Miller asked what will need to be reported for the meeting on January 28, 2024. Planner Mandeville stated that Surveyor Stout needs to have information to him by January 15, 2024. He will get the information to the Commissioners so that they have the ability to have Attorney Nixon review, if required.

10:30 Recess

**10:35 Consent Agenda**

Commissioner Bullock moved to approve the Consent Agenda consisting of ARPA and LATCF claims: Archie Cochran Motors Inc. \$207,285.00; Red Lodge Friends of the Library \$848.04; Red Lodge Library \$20,430.00; North Star Equipment \$39,000.00; Peterson Quality Office \$7200.40, RDO \$35,000.00. An Extension office purchase request for Lowes \$1197.96 was also submitted. Commissioner Blain seconded the motion, motion carried.

10:39 Recess

**COMMISSIONERS' PROCEEDINGS**

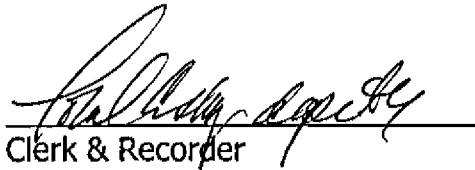
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**11:00 RDO Purchase Order**

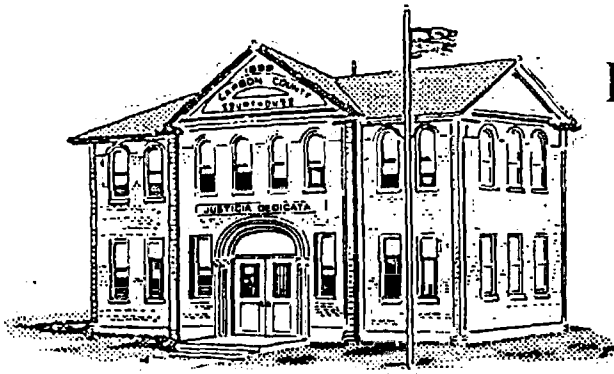
Commissioner Bullock moved to approve the RDO purchase order for a new V-Plow; Commissioner Blain seconded. Comments: Commissioner Bullock solicited bids from Tractor & Equipment and Bulldogger Services Inc and had not received a response. Motion carried and Commissioner Miller signed the electronic Retail Purchase Order.

11:15 Seeing no further agenda items, Presiding Commissioner Miller adjourned the meeting.

ATTEST:

  
Clerk & Recorder  
Commission Presiding Officer

Respectfully submitted: Finance Coordinator, Piney Helmuth



# 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 2024-31 PROSECUTORIAL ASSISTANCE: STATE V SHERROD

**WHEREAS**, the Carbon County Attorney has requested prosecutorial assistance in the case of State v. Travis Sherrod, and;

**WHEREAS**, it is desired and deemed appropriate that a special deputy county attorney be appointed to assist in the prosecution of the aforementioned case, and Whereas, Mont. Code Ann. § 44-4-111 authorizes and contemplates that the training coordinator for county attorneys and the bureau chief of Prosecution Services Bureau (together with the deputies within said bureau) act as special counsel on request of the county attorney and upon the approval of the board of county commissioners, and Whereas, Mont. Code Ann. § 2-15-501(6) authorizes the Attorney General to provide assistance to county attorneys in the discharge of his or her duties.

### **NOW THEREFORE IT IS HEREBY RESOLVED:**


That the attorneys assigned to the Prosecution Services Bureau of the Department of Justice are hereby appointed as special deputy county attorneys for Carbon County for the purpose of assisting in the prosecution of the aforementioned case and that any of said deputies can fulfill the functions set out in Mont. Code Ann. § 44-4-103.

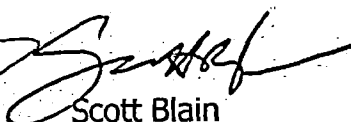
### **IT IS FURTHER RESOLVED:**


That under the terms of this agreement, no fee will be charged for attorney time provided by the Bureau. Assistance in such cases is provided without an hourly fee. Witness fees and expenses, transcript costs, jury costs, and other normal costs associated with trial will be the County's responsibility as with all other prosecutions.

<sup>31<sup>st</sup></sup>  
Dated this<sup>th</sup> Day of December, 2024.

Carbon County Commissioners

  
Scott C. Miller  
Commissioner Dist. #1

  
Scott Blain  
Commissioner Dist. #2

  
Bill E Bullock  
Commissioner Dist. #3

ATTEST



Macque L. Bohlen

Macque L. Bohlen, Clerk and Recorder