June 27, 2022 Regular Session of the Beaverhead County Commissioners

The Board of Commissioners, in and for Beaverhead County, Montana, met in session on June 27, 2022 at 9:00 a.m. in the Commissioners' Room of the Beaverhead County Courthouse. Present: Chairman Michael J. McGinley, Commissioner C. Thomas Rice, and their Assistant Amy Walker. Assistant Cindy Decker was absent on vacation. Commissioner John H. Jackson was absent.

Pledge of Allegiance

At this time, those present recited the Pledge of Allegiance aloud to begin the day.

Updates on County Projects

Road Supervisor Bob Ferris joined the meeting.

Beaverhead County Attorney Jed C. Fitch, Reporter Casey Elliott, lead Maintenance Shonna Graham, Justice of the Peace Randy Braddock, GIS Coordinator Tracy Sawyer, Superintendent of Schools Mike Miller, Land Use and Planning Rob Macioroski, Food Sanitarian Joyce Pollastro, Treasurer Kathy Hucke, Sheriff Paul Craft, DES Coordinator Tom Wagenknecht, Jerry Godecke, Marie Holt, joined the meeting.

Bob stated they have started mowing ditches alongside paved roads and leased a tractor from Frontline Ag. Last week a few passes were done on Carrigan Lane by Tyler Grover.

Bob stated a final drive through was completed at the Scenic Byway with the Federal Highways Engineer last Tuesday. Bob stated that beginning in the winter of 2023 they will be allowed to apply for further project money. The new pavement is approximately 20 years old and the older parts are nearly 30 years old. Bob believes this winter they should apply for federal money to begin repaving projects. Bob is hoping to receive Chloride soon. Rob stated he has heard great news from public citizens on the maintenance of Trapper Creek Road.

Tracy is working with DIS Technology on getting the new server installed and is hoping to have that completed soon.

Rob left a survey of the Cottonwood Cattle Ranch with the Commissioners and has another one going on with the Smith Ranch, where they divided and now have 3 new tracts. Cornell plat should be filed sometime this week.

Shonna reported that Jim Civils retired last Wednesday. Shonna looked at the boiler at the airport last week and found a lot of corrosion. Rocky Mountain Boilers will be here next week. With Tom's approval, Shonna stated she will work with them to get a quote. Shonna is also working on getting a quote for the gutters and clock tower roof. Shonna received carpet samplings from Jake Hales to replace carpet in the multi-purpose room. Shonna will be enrolling two new employees for the September boiler class, which is an eight-hour class every Monday, for four weeks. Mike asked about landscaping. Shonna said Mr. Jackson wanted metal on top of the French drains and because he is absent today she is not certain of status.

Mike Miller said the week will be quiet. OPI reports were finished last week and corrections were received today. The transportation meeting is July 20 at 10:00 am.

Joyce Pollastro stated a lot of inspections with restaurants, hotels, and vacation homes have been done. She is looking for economic money for new distillery.

Tom W. stated that he and Sheriff Paul Craft are headed to check out some radios at the Wisdom Fire Department. The gem set will be taken from Mauer. While in Wisdom they are going to check out the solid waste camera. As far as sanitation, Tom advised there are continued headaches with trailer courts. Problems are worsening. Jed stated he will review Ordinances with Sheriff Craft and Tom W. to help them enforce.

Justice of the Peace Randi Braddock stated that Justice Court is open this week with just a few initial appearances. Both Jury trials set for July have been moved to December and January. A

web camera was purchased for the multi-purpose room for Zoom appearances. She would like to add speakers to help those that are hearing impaired. Randi added she is working on replacing the carpet with Shonna.

Sheriff Paul Craft stated last Wednesday he and Tom W. went up to Sierra Site to look at the power transferring issues and found it was due to Madison County. Sheriff Craft received a call from Dunne Communications and was informed the repeater upgrade project throughout Beaverhead County is complete and this will close out the 911 fund request. The radio console grant has also been completed. Paul needs to determine the issues in Butler. Tom W. added that they need to work out a maintenance contract at the Sierra Site and split costs with Madison County. Madison County owns the site access runs through Beaverhead County.

Sheriff Craft believes the Mauer site is working to become abandoned. Paul says the road leading up to Mauer is really bad and worse than before. Paul has reviewed the contract and says he believes Beaverhead is responsible for road maintenance but will reach out to the BLM to confirm. Paul will disconnect generator from building and will map out where the road needs repaired. Jed says that in 2009 they had to fix that road to get concrete trucks up there and agrees it is likely Beaverhead Counties responsibility.

Sheriff Craft says propane contracts have been drawn up and submitted to the City for the variance. The City adopted IFC, International Fire Code. They limit storage to 500 gallons of propane. The College has four (4) – 500-gallon tanks above ground. Sheriff Craft explained that below ground is the most stable way to store propane and that is what Sheriff Craft is hoping to accomplish. A Generator will be run off natural gas. The propane will be set on a concrete slab and hooked to chains underground.

Tom W. will call to find out about the Homeland Security Grant of $122,000. Commissioner McGinley stated he would really like to see that money prior to the end of the Fiscal Year.

McGinley stated that financials need to be submitted with a hardline cutoff on Thursday June 30, 2022. The new fiscal year begins July 1, 2022.

Jed C. Fitch, reported that the County Attorney Office is busier than ever. The District Court trial schedule is very busy, however several cases will be settled with Plea Agreements.

The following Road Department Report was submitted and scanned into the minutes:

BEAVERHEAD COUNTY ROAD WORK
June 19th to June 25th, 2022
Dillon, Lima and Wisdom Areas

DILLON AREA
- Bladed on the following roads: Bond, Trapper Creek, Cherry Creek, Bighorn, Schoolhouse, Hartwig, Old Armstead, Moose Trail and Roe.
- Mowed the shoulders on Carrigan Lane.
- Final check on the Scenic Byway with Aaron Eklund from Western Federal Lands.
- Road checked Dillon area roads.
- Equipment service and repair.

LIMA AREA
- Bladed on the South Valley Road.
- Water and rolled on South Valley Road.
- Cleaned a cattle guard on South Valley Road.
- Installed signs.
- Road checked Lima and Dell area roads.
- Equipment service and repair.

WISDOM AREA
- Bladed on the following roads: Miner Lake, Little Lake Creek and Gibbonsville.
- Culvert cleaning on Skinner Meadows Road and Little Lake Creek Road.
- Culvert repair on Skinner Meadows Road.
- Brush removal at the Jackson and Wisdom dumps.
- Road checked Jackson and Wisdom area roads.
- Equipment service and repair.

Action on Previous Meeting Minutes

The minutes of the June 20, 2022 meeting were read and the following motion was made:

MOTION: Commissioner Rice moved and Commissioner McGinley seconded that the minutes of the June 20, 2022 meeting be approved. A verbal vote was taken and the motion carried unanimously.

Public Comments on Subjects Under County Jurisdiction Not on Agenda

Discussion & Action- Fair Manager Position Appointment

After brief discussion, the following motion was made:

MOTION: Commissioner Rice moved and Chairman McGinley seconded that the appointment of Courtney Brown be appointed as Fair Manager. A verbal vote was taken and the Motion carried unanimously.

Discussion & Action- Appointment to Hospital District Board

Jennifer A. Morgan, Deputy Beaverhead County Attorney, joined the meeting.

Chairman McGinley began the discussion and gave a brief history on the hospital board. Joe Morstein did not refile for election. His position ran out May 31, 2022. Chairman McGinley spoke with Shane Puyear and they asked if she would be interested in being appointed to the hospital board.

Chairman McGinley presented a letter of interest written by Jennifer A. Morgan.

Jed C. Fitch wants to compliment Jennifer on her willingness to serve and also point out that she has an LLM in medical law from the University of Washington, which is an advanced degree in medicine. Jed stated that because Jennifer is a county employee she is allowed to be appointed. If conflict comes up, Jennifer may have to recuse herself. Jennifer stated that is an unlikely situation but agrees to recuse herself if that were to occur.

McGinley reiterated county employees may be appointed but not government elected officials. McGinley stated the term to the hospital board is three years.

Clerk & Recorder Stacey Reynolds joined the meeting. McGinley asked Stacey to clarify when the election is. Stacey indicated Jennifer will have to file in May to run for election. Stacey will send notices out in January.

After brief discussion, the following motion was made:

MOTION: Commissioner Rice moved and Commissioner McGinley seconded that the appointment of Jennifer A. Morgan be appointed to serve on the Public Hospital Board. A verbal vote was taken and the Motion carried unanimously.

Discussion & Action- Resolution 2022-20 Setting Election Staff Wages

Clerk & Recorder Stacey Reynolds joined the meeting and began the discussion. Stacey informed the Commissioners that Judge wages are posted at just a few dollars above minimum wage, which is around $9.00/hour. Stacey is asking for an increase on wages for the setup manager, chief judges, judges, greeters, and office assistants.

After brief discussion, the following motion was made:

MOTION: Commissioner Rice moved and Commissioner McGinley seconded that the pay rate for additional staff and election judges be approved and that Resolution No. 22-20 be

adopted. A verbal vote was taken and the Motion carried unanimously.

111055 Fee:$ 0.00 File: 22-20 Page:1
BEAVERHEAD COUNTY Filed 6/27/2022 At 12:56 PM
Stacey Reynolds, Clerk and Recorder
By:

RESOLUTION NO: 22-20

RESOLUTION TO SET ELECTION STAFF WAGES

WHEREAS, the Election Administrator needs to hire extra staff to work during the county run elections, and

WHEREAS, the Election Administrator desires to establish pay rates for the additional election staff and election judges;

NOW, THEREFORE, BE IT RESOLVED, that the Beaverhead County Commissioner's set the pay rate for the additional staff and election judges according to the schedule attached.

ADOPTED THIS 27th day of June, 2022.

BEAVERHEAD COUNTY COMMISSION

Michael J. McGinley, Chairman

C. Thomas Rice, Commissioner

John H. Jackson, Commissioner

ATTEST:

Stacey Reynolds
Beaverhead County Clerk & Recorder

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BEAVERHEAD COUNTY Filed 6/27/2022 At 12:56 PM

BEAVERHEAD COUNTY ELECTION OFFICE
2 SOUTH PACIFIC #3
DILLON, MT 59725
406-683-3720

June 17, 2022

Board of County Commissioners
2 South Pacific
Dillon, MT 59725

Dear Commissioners,

This letter is to request that the County Commissioners accept the new proposed election staff wages for future elections. The last time a wage resolution was passed the current minimum wage was $8.50 an hour. The proposed wages are as follows:

Counting Board:	$20.00 hour plus meals (10 or MORE years of experience) (no change) $16.00 hour plus meals (10 or LESS years of experience) ($1.00 increase)
Provisional Judges:	$16.00 hour ($1.00 increase)
Poll Manager:	$16.00 hour ($1.00 increase)
Set-up Manager:	*In process of restructuring set-up process ($750 current)
Set-up Assistant:	$13.00 hour ($1.00 increase)
Chief Judges:	$14.00 hour ($3.50 increase)
Regular Judge:	$13.00 hour ($3.50 increase)
Greeter:	$12.00 hour ($2.50 increase)
Office Assistance:	$18.00 hour ($3.00 increase)
Mileage:	Current state rate (anything over 3 miles)

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BEAVERHEAD COUNTY Filed 6/27/2022 At 12:56 PM

*For any county employee working the elections the following provisions apply:

Non-Holiday Elections:
County employees will be paid at their current county wage and then anything over their 8 hours will be paid by the election office at the rate listed above.

Holiday Elections:
County employees will be paid by the election office at the rate listed above including mileage.

Thank you for your consideration.

Sincerely,

Stacey Reynolds
Election Administrator

ELECTION JUDGE WAGE HISTORY
CREATED 6/17/2022

Resolution 2019-15

POSITION	2017	2018	2019	2022	difference
Additional Election Office Staff	nil	na	$15.00	$18.00	$3.00
Counting Judges (includes meals)	$13.50	$25.00	$20.00	$20.00	same
(less than 10 years experience)			$15.00	$16.00	$1.00
Provisional Judge	$10.00	$15.00	$15.00	$16.00	$1.00
Polling Place Manager	$10.00	$15.00	$15.00	$16.00	$1.00
Chief Judge	$10.00	$10.00	$10.50	$14.00	$3.50
Regular Judge	$9.00	$9.00	$9.50	$13.00	$3.50
Greeter	$8.00	$8.50	$9.00	$12.00	$3.00
Set-up Manager (flat rate)	$250.00	$750.00	$750.00	Currently restructuring	
Setup Assistant (hourly rate)	$10.00	$10.00	$12.00	$13.00	$1.00
Mileage (anything over 3 miles)	anything	anything	only over 5m	only over 3m	increase 2m

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BEAVERHEAD COUNTY Filed 6/27/2022 At 12:56 PM

Discussion & Action ~ 2nd Amendment to the November 2021 Opioid MOU

Jed C. Fitch, Beaverhead County Attorney, began the discussion.
Jed stated the last amendment was signed in April, 2022. This second amendment changes Section C, Paragraph 13 and eliminates/deletes Section D, Paragraph 16. Jed understands some large cities and agreements are opting out of this settlement agreement but there is no way Beaverhead County can opt out. Jed makes the recommendation that Commissioner's sign the amendment. This settlement is negotiated through State Attorney General's office.

Jerry Goedeke asked about projected income for Beaverhead County. Jed and McGinley cannot recall the exact percentage. McGinley informed Goedeke this settlement is nationwide and this particular amount of money is ear marked to be used by law enforcement, etc.

Commissioner McGinley stated the Marijuana Tax Resolution will be on the Agenda for Monday, July 11, 2022 at 9:30 a.m.

After brief discussion, the following motion was made:

MOTION: Commissioner Rice moved and Commissioner McGinley seconded that Section C, Paragraph 13 replace the April 19, 2022, Seconded Amendment, to the November 2021 Opioid MOU in its entirety. A verbal vote was taken and the Motion carried unanimously.

Preliminary Approval ~ Meadowlark Acres Subsequent Minor Subdivision

Rob Macioroski, Land Use and Planning, began the discussion.

Rob read the outline for preliminary approval of Meadowlark Acres Minor Subdivision. This proposed subdivision will create two tracts; Lot 1A, 11.11 acres and Lot 1B, 8.92 acres from an existing larger tract of 20.03 acres. The owner of record is Larry H. Iager and Linda Scheller.

The proposed subdivision is located in the SW14 of Section 29, and the NW ¼ of Section 32, Township 7 South, Range 9 West, P.M.M. Beaverhead County, Montana.

Rob outlined the proposed Findings of Fact, based on local government review criteria as set forth in Section 76-3-608, MCA (2015) and the County Subdivision Regulations and presented Site Specific Conditions.

Commissioner McGinley asked about paved roads. Rob stated he had some discussion with the highway department and wants to have roads paved back to right-of-way boundary. Commissioner McGinley asked that county roads be paved not just state roads. Jed asked who pays for this. Rob said the developer must hire someone to come out to pave.

Commissioner McGinley asked about unrecorded covenants. Rob was unable to find where those outlined covenants had been recorded. Jed clarified unrecorded covenants are where a 20-acre parcel could be split but could not be split again. Those are enforceable covenants even if not recorded.

Meadowlark Acres Subsequent Minor Subdivision is a two (2) lot subdivision and there shall be no further division of these lots. This will be clearly stated on the final plat. Prior to final plat approval, any final covenants shall be submitted to the Planning Department for review and approval. The preliminary plat approval is for a period of not more than three (3) calendar years form the date of approval by the County Commissioners.

MOTION: Commissioner Rice moved and Commissioner McGinley seconded that the preliminary plat be approved for Meadowlark Acres Subsequent Minor Subdivision. A verbal vote was taken and the Motion carried unanimously.

Unfinished Business/Other Topics of Discussion

Routine matters occupied the attention of the Board for the remainder of the day.

Payment of Invoices

The Commissioners reviewed and approved invoices for a total of $89,592.64, beginning with check #210030 and ending with check #210074. The Invoice Payment Schedule is located in the Financial Administrator's Office.

Public Comments on Subjects Under County Jurisdiction

There were no public comments.

Adjourn

There being no further business to come before the Board, the meeting was adjourned at 12:00 pm for the County Commissioners to attend annual MACO Board meetings in Helena, Montana.

Attest: _____ Approved: _____

Clerk of the Board Chairman of the Board

Deputy