

March 17, 2025 Regular Session of the Beaverhead County Commissioners

The Board of Commissioners, in and for Beaverhead County, Montana, met in session on March 17, 2025 at 9:00 a.m. in the Commissioners Room of the Beaverhead County Courthouse. Present: Commissioner John Jackson, Commissioner Tom Rice and Commissioner Support Specialist Dana Basile.

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 was present and reported that they hauled gravel on Sweetwater and Carter Creek. They are plowing a little snow today. He is still working on getting ready for the bridge this week.

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

March 9th to March 15th, 2025
Dillon, Lima and Wisdom Areas

DILLON AREA

- Haul Gravel Sweetwater
- Equipment Repairs and Maintenance
 - Check local roads

WISDOM AREA

- Road Check
- Shop clean, oil collection
- Plow Lower North Fork, Big Swamp, Miner Lake, and Skinner Meadows
 - Plow Upper and Lower North Fork
 - Equipment Repair Shop

LIMA AREA

- Plow Snow on South Valley Road Rd
- Equipment Repair, Moved Equipment, hard Face Welding
 - Yard and Shop Maintenance
 - Road Check

Clerk and Recorder Stacey Reynolds, Planner Rob Macioroski, School Superintendent Mike Miller, Sheriff David Wendt, Weeds Supervisor Amber Burch, Facilities Manager Shonna Graham, Extension Agent Jack Bazemore, Deputy County Attorney Coty Calvin, Deputy County Attorney Margot Newman, GIS Coordinator Tracy Sawyer, and Land Use Sanitarian Tom Wagenknecht, joined the meeting.

Tracy commented he is busy still with computer stuff. There are currently a lot being replaced. He is making progress on landfill kiosk and currently helping the Treasurer with the switchover.

Jack added the Master Gardener class is today. His performance evaluation is today with MSU and intern interviews start this week for his summer intern.

Tom mentioned that Nick is out today for a radio training in Vegas. Sanitation has been getting a few permits submitted and inquiries lately. Last week he was at Ft Harrison for DES training. He is working on grants this week.

Rob mentioned last week he was asked for help working on a growth policy with Lima. At the Planning board meeting last week, Burke came in from nature conservancy to do a presentation. He will be working on flood plain violation with the engineer.

Stacey added she is just waiting on deadlines. The elections office furniture will be here next week.

Amber added she was in Helena last week. There were a few Dillon local landowners that attended the conference as well. She had some higher-ranking grants and was awarded \$128K. This week she is presenting at the Big Hole Watershed.

Shonna commented that the Public Health sign was delivered last week. It is going to be hooked up at the same time as generator in April. Alexis is gone this week for boiler training. The panic buttons have been ordered for detention officers.

Mike added he just got back from Billings. The schools need to send out information to the homeschoolers this week.

David added busy weekend with 23 downstairs.

Coty introduced Margot as the new deputy attorney and gave an update on Sky- he is still in Texas for the rest of the week. Normal business as usual.

Discussion and Action- Petition to Open Axes Canyon Road

Dorsey and Whitney LLP on behalf of High Divide Minerals, formerly known as Barrett's Minerals, submitted a petition to the Commissioners to establish and open Axes Canyon Road as a County Road.

Coty began with stating the county received the petition on March 12, 2025. It needs to be timestamped with the Clerk and Recorder. The commissioners have 30 days to look into the petition and investigate. Once the investigation is complete, they have 10 days to inform all the landowners and interested parties of their decision.

Dorsey and Whitney LLP Attorney, Gage Zobell began with Barrett Minerals wants to be very transparent about the process. High Divide has mineral rights to the Smith Dillon mine and they currently do not have access to it. In 1991, they had full access, the road was requested to be closed by the landowners and commissioners (back then) agreed contingent upon the mine still had access, this was not followed through on. Opening the road will only will directly affect the Smith land. There is one gate that is locked to thru traffic. They only need access to their mine/mineral rights in section 23 but it would be good to add access to the BLM land beyond. This opens the idea that there will be a mine open and functioning in Beaverhead County. This has the potential to bring \$300-400K in tax base to the county and approximately 80 mining jobs.

There was a question regarding the timing to complete the exploration- they would like to get on the property and begin exploration as soon as they can.

Question asked- if they make it a county road, do they have the right to go off that road past the easement? Gage answered no, they are limited to the easement. The mine owns the mineral rights not the land. They have the right to reasonable accommodation of exploration. The road goes right by where they have mineral rights in section 23.

Gage presented a map of the area to clarify.

A Community member commented that the BLM land is currently able to be accessed from a different way for hunting. Opening up Axes Canyon to the BLM land will allow the land to be overrun by public and decrease property value. Gage responded ownership of the mineral rights is dominant to the landownership. Their goal is to gain legal access to the mines, continuing the road to the BLM land can be removed from their proposal if needed.

Judy Brown commented the road was closed due to vandalism, gates not being respected, and garbage left which is why the ranchers originally wanted it closed.

Comment was made by Kami Benson expressing opposition on behalf of her family- they plead for a private resolution. (the full letter can be found with the Commissioners Clerk)

A comment was made to point out that the haul roads would affect the landowners and devalue property.

Another comment was made stating if the road goes past the mine, that is private property all the way to the BLM property and the land is currently accessible from the Sweetwater side. There is no need to open it for public recreation as it is already open.

It was also mentioned the area for parking would need to be on private property as there is nowhere for parking on the BLM land itself.

Judy Brown asked if Gage and others have ever been to the Smith Dillon site. Gage responded with no because there is no access and that is why they're here today. She questioned the Commissioners whether a valid decision can be made using aerial maps. It's considered a "jeep trail", not a scenic byway.

She also questioned Gage, how does the road being open through help the landowners.

Gage responded with stating she has a personal license for crossing the land to her property but should she ever sell, the right of access does not go with the property.

Gage added that they want to have an agreement with the county to cover the costs of repairing the road and not using taxpayers dollars.

Judy added when the road was open, there was a lot of vandalism and cutting fences.

The hunters were not respectful to the landowners. There are landowners here that had no idea this petition was being worked and they feel blindsided.

Deputy County Attorney Coty Calvin added that anyone has the right to petition to open a road under state law. This meeting is just setting that and to follow the statute to conduct the investigation.

Rice clarified that we all just received the petition last week and this is the first date available for a public meeting and discussion.

It was questioned why the landowners were not notified. Gage responded that he pushed this to be on the agenda so they are transparent. This is the public notice and letting the public know. Gage added that the only landowner that is directly affected by the petition is the Smith Unit and attempt to contact was made by High Divide.

The lawyer for the Smith Unit was present and said he was not notified of this petition nor know of any contact attempted other than the meeting notice seen in the paper regarding today's Commissioner Meeting. In 1991, the county determined that the road was "abandoned" and the landowners would like to keep it closed to public.

Greg Bell with Ruby Graphite Holdings stood for comment, he stated they have a mineral lease and mining claims in the BLM land and on Judy Browns land. When mines go through the permitting process, they look at all sorts like environmental, noise pollution, water pollution, etc and the impact on the community. DEQ also looks at it all. He currently has an off road permit and has the right to drive out there over with "minimal impact". Greg stated that the mines need to be communicating with each other to see where they can minimize the impact to all. He wanted to state that he does not want the Commissioners to grant this access- it would cause more problems with his operations.

Coty reminded the board we have until April 11th to finish and make a recommendation.

Commissioner Jackson thanked everyone for coming.

DORSEY
DORSEY & WHITNEY LLP

GAGE HART ZOBELL
Partner
(801) 933-4070
FAX (801) 933-7373
gzobell.gage@dorsey.com

March 12, 2025

Beaverhead County Board of Commissioners
2 South Pacific Street
Dillon, Montana 59725
(406) 683-3750

RE: *Petition to Open Axes Canyon Road as a County Road*

Dear Board of Commissioners of Beaverhead County,

On behalf of High Divide Minerals, a Montana limited liability company (formerly known as Burrets Minerals) (“*High Divide*”), being a resident and taxpayer of Beaverhead County, Montana (the “*County*”), and together with ten or more of the freeholders of a road district taxable therein for road purposes in the County, we submit the petition below (this “*Petition*”) and do hereby request this Beaverhead County Board of Commissioners (this “*Board*”) to establish and open Axes Canyon Road as a County road.

High Divide owns the mineral rights to the property known as the Smith Dillon Mine located within Section 22 of Township 8S Range 8W (the “*Smith Dillon*”). The Smith Dillon contains a deposit of talc minerals that have not yet been fully developed. At one point, Axes Canyon Road had been a public road and provided High Divide and/or its predecessors in interest access to the Smith Dillon. But Axes Canyon Road was closed around July of 1991.¹ When the County closed Axes Canyon Road, it was noted in the record on July 15, 1991, that, while High Divide² predecessors in interest, Pfizer, Inc., formerly known as Chas. Pfizer & Co., Inc. (“*Pfizer*”), had a verbal agreement to access the Smith Dillon over Axes Canyon Road, the County would assist Pfizer in acquiring a recorded right-of-way over Axes Canyon Road after its abandonment.³ The County’s abandonment of Axes Canyon Road, therefore, intended to allow High Divide to maintain access to the Smith Dillon. Yet no recorded right of access in favor of High Divide is known to exist. Consistent with the County’s intent in 1991, and for the public benefits set forth herein, High Divide hereby requests this Board grant this Petition.

¹ See Exhibit D, Axes Canyon Road Abandonment Documents.
² *Id.*

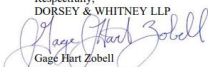
111 S. Main Street (Suite 2100) (Salt Lake City, UT 84111) | T 801.933.7360 | F 801.933.7373 | [dorsey.com](mailto:info@dorsey.com)

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DORSEY
DORSEY & WHITNEY LLP

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Opening Axes Canyon Road aligns with the best interests of Beaverhead County and its residents, supporting economic development, public safety, and community connectivity. We appreciate your attention to this matter and look forward to your consideration and response.

Respectfully,
DORSEY & WHITNEY LLP

Gage Hart Zobell
Partner

GHZ:jn

Petition to Open Axes Canyon Road

The undersigned, as identified within Exhibit B attached to this petition, being at least ten freeholders of the road district of Beaverhead County (the “*County*”), do hereby petition the Board of Beaverhead County Commissioners (this “*Board*”) to open Axes Canyon Road (the “*Road*”) pursuant to Montana Code, Title 7, Chapter 14, Part 26. Montana Code 7-14-2601(1) allows any 10, or a majority, of the real property owners of a road district that is taxable for road purposes to petition this Board to open, establish, construct, change, abandon, discontinue any county road in the district. Pursuant to section 7-14-2602, such petition must include:

- the particular road or roads to be opened, established, constructed, changed, abandoned, or discontinued;
- the general route thereof;
- the lands and owners affected;
- whether the owners who can be found consent thereto;
- where consent is not given, the probable cost of the right-of-way; and
- the necessity for and advantage of the petitioned action.

This Board is authorized to open and establish a county road upon such petition and pursuant to section 7-14-2603, M.C.A. Certain real property owners and petitioners denoted in Exhibits B and C propose opening and reestablishing the Road as a county road. In accordance with sections 7-14-2601 and 7-14-2602, M.C.A., petitioners hereby submit that it is necessary, desirable, and feasible to establish Axes Canyon Road as a county road under section 7-14-2101(4), M.C.A.

A. Necessity and desirability to establish Axes Canyon Road as a county road.

This petition requests that the Road, as particularly depicted within the enclosed Exhibit A, be opened and made available for public access. The particular and general route of the Road is also depicted within the enclosed Exhibit A. The Road had once been established as a county road and ran through sections 22 and 23 of Township 8S Range 8W.

The owner of the real property upon which the Road runs is owned by The Smith Unit Inc. (“*Smith Unit*”). Based on prior efforts to reach out to the Smith Unit to secure a private access easement, it is unsure if the Smith Unit will acquiesce to this petition. In this instance, petitioners submit that the probable cost of the right-of-way would be, at most, \$5,000 per acre for a sixty (60) foot easement, which is an estimate of the price per acre for Beaverhead County. As depicted within Exhibit A, the Road is estimated to cover around 22 acres, setting the estimated cost at around \$110,000.00. This estimate does not account for the fact that a portion of the highlighted road in Exhibit A, that portion first diverting from Buster Brown Road, is actually still a county road. This fact, along with estimating an easement’s value to be the same as purchasing the land, leads us to believe an estimate of \$110,000.00 is likely above the actual cost of the Road.

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In the event that the County is required to institute eminent domain proceedings, the Road qualifies as a public use, as those uses are enumerated in Montana Code as it benefits the County, and its inhabitants, pursuant to Mont. Code Ann. §70-30-102(7). The Road, if opened, will also be a road for a working mine, as allowable under Mont. Code Ann. §70-30-102(31).

B. Axes Canyon Road provides economic and public benefits to the County.

1. Tax Benefits.

The economic benefits that can be derived from granting this petition are based, in part, on the tax benefits associated with development of a working mine in the County. While there have been several talc mines within the Dillon area, the mines have been located in Madison County thereby limiting the tax benefits to this County. Opening the Road will allow access to and enable development of a working mine, a certain Smith Dillon Mine (the “*Smith Dillon*”) located within Section 22 of Township 8S Range 8W. Developing the Smith Dillon is an economic and public benefit because it will elevate the County’s tax base. If developed, the Smith Dillon is estimated to be of a similar size and operation as the current “Regal” or “Imperial” mine located in Madison County. At full operations, the Regal Mine has provided Madison County the following in property tax revenue.

Tax Year	Property Taxes
2024	\$292,875.59
2023	\$170,848.20
2022	\$354,401.80
2021	\$200,699.40
2020	\$444,510.36
2019	\$471,583.31
2018	\$385,548.66
2017	\$274,239.87
2016	\$252,683.74
2015	\$235,721.06
10 Year Total	\$3,083,111.99
Average	\$308,311.20

2. Viability of Long-Term Mining Operations.

Talc mining and processing by High Divide (and its predecessors) has provided a consistent job based for the County for over seventy (70) years. Over the last decade, this has resulted in consistent above average salary jobs, whether at the mining sites themselves or the mine processing plant located in Dillon along I-15, totaling approximately 80-100 current jobs. The vast majority of those jobs are filled by workers who live in the County, whose children attend County schools, and whose dollars are spent buying goods and services in the County.

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Further, a potential closure of the mining operations, in the future, would result in a loss of the existing property tax base associated with the processing facilities, which has run between \$385,000 to \$650,000 over the last ten years with the average property tax being approximately \$470,000.00 annually.

Beyond taxes and jobs, there are many additional economic benefits provided to the County to subsidiary services being in the County by virtue of the talc mining operations. In summation, the long-term economic benefit of the talc mining operation to Beaverhead is vast.

At current estimates, the existing mining operations for High Divide have under twenty (20) years left and without a suitable replacement mine, such as the Smith Dillon, future mining operations will be limited and reduced in the short-term and could end in the long-term. At present, the Smith Dillon is the best option for a future talc mine to prolong long-term viability. Through prior exploration work, the Smith Dillon has known talc reserves of sufficient quality and quantity to replace the Treasure Mine as it moves into reclamation. Further, the Smith Dillon is more proximate to existing processing operations. For these reasons, the ability to develop the Smith Dillon is vital to the long-term viability of talc mining operations in the County.

For the health of the County’s mining industry, it is essential to provide access to High Divide’s mineral reserves at the Smith Dillon. If High Divide is unable to access and develop its minerals and expand its operations, area mining jobs and subsidiary services that support the mining industry could be jeopardized.

Opening the Road will not only allow High Divide to expand its operations to the Smith Dillon, but it will provide continued economic stability to the County.

3. Public Benefits.

Access through the Road will provide other public benefits to the County. High Divide is aware of other mining companies planning development within the County for minerals other than talc, such as graphite, which development will require access through the Road. As depicted within the map enclosed as Exhibit A, Axes Canyon Road will also reach both state and federal public lands. Reestablishing the Road as a public road will provide County residents access for hunting and other recreational activities. And the Road will provide the County with access for essential services to the area, such as forest-fire response.

Based on recent subdivisions of property, it appears that the Smith Unit intends to sell off 160 acre parcels of its land for private development. These parcels would be serviced by the Road. If these developments occur, the Road will allow the County to better provide County services to these developments.

4. Historic Understanding.

The Road was traditionally a public road until approximately thirty (30) years ago. As evidenced in the abandonment documents included in Exhibit D, the original decision by the County to “abandon” the Road, even in the face of opposition from High Divide’s predecessor-in-

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interest Pfizer Inc., formerly known as Chas. Pfizer & Co., Inc. (“*Pfizer*”), was conditioned on the existence of a private agreement that would allow future development of the Smith Dillon. That “private agreement” is not recorded in the County Records and access to the Smith Dillon is being denied. Pfizer originally agreed to not pursue an objection to the abandonment contingent on the County’s assistance in securing the private right of access and placing it of record.¹

Thirty years later, the future of talc mining in the County is threatened and we return to the tacit agreement of the County to abandon the Road conditioned on the mine being allowed future access to the Smith Dillon. As private access does not appear to be an option, we urge the County to move forward with the reestablishment of a public road.

Contrary to the facts in 1991, when the Road was abandoned, there is future development of private property that will be serviced by the road, the economic stability of the County is threatened long-term if the Smith Dillon cannot be developed, and the County would see additional economic benefits in the form of increased property taxes upon development of the Smith Dillon. For these reasons, reestablishment of the Road is in the County and public’s best interest. As the County continues to grow and expand, so does the need for its roads. The Road is essential to the growth and development of the County. Reestablishing the Road as a county road will provide a foundation for mining development and economic stability in the County, job security, and general public-use benefits.

C. Documents included in this Petition.

The Petition includes the following documents in accordance with MCA §7-14-2601(1).

Exhibit A: Depiction of Axes Canyon Road.

Exhibit B: Signature Form for Freeholders Requesting the Opening of the Road.

Exhibit C: Affidavit for Petition Circulation.

Exhibit D: Axes Canyon Road Abandonment Documents.

D. Requested action.

Consistent with this Petition, we respectfully request that this Board:

- Investigate the feasibility, desirability, and costs associated with opening Axes Canyon Road within 30 days of receiving this Petition, in collaboration with the County Surveyor, pursuant to section 7-14-2603(1), M.C.A.
- Hold a regular or special meeting to enter a decision on this Petition.

¹ See Beaverhead County Public Records, Book Q, Page 145, dated July 15, 1991.

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Signature Form for Freeholders Requesting the Opening of The Road

We, the undersigned freeholders, in accordance with MCA § 7-14-210(4)(b)(i) and MCA § 7-14-260, hereby request that the Axes Canyon Road be opened as a public county road in Beaverhead County, Montana. We affirm that the opening of Axes Canyon Road is in the best interest of the public and will support the economic, safety, and community needs of our county.

Axes Canyon Road is located in Sections 22 and 23 of Township 8 South, Range 8 West, PMM, as shown on the map accompanying this petition. By signing this form, we affirm our support for the opening of Axes Canyon Road and agree to its circulation to the Beaverhead County Board of County Commissioners for their consideration.

Signature: <u>[Signature]</u> Name (Printed): <u>Verad Veritas</u> Address: <u>461 Goshawk Lane</u> <u>Dillon MT 59725</u> Property Tax ID Number: <u>9710</u> Date: <u>2/5/2025</u>	Signature: <u>[Signature]</u> Name (Printed): <u>David Armstrong</u> Address: <u>592 EXPEDITION DRIVE</u> <u>Dillon MT 59725</u> Property Tax ID Number: <u>9770</u> Date: <u>05-Feb-2025</u>
Signature: <u>[Signature]</u> Name (Printed): <u>Jason Nelson</u> Address: <u>65 Goshawk Lane</u> <u>Dillon MT 59725</u> Property Tax ID Number: <u>9123</u> Date: <u>2/5/25</u>	Signature: <u>[Signature]</u> Name (Printed): <u>Jennifer Tash</u> Address: <u>1116 E. Helena St.</u> <u>Dillon, MT 59725</u> Property Tax ID Number: <u>401475</u> Date: <u>05-Feb-2025</u>

Signature: <u>[Signature]</u> Name (Printed): <u>Cody Haggerson</u> Address: <u>940 East Parkview Ct</u> <u>Dillon, MT 59725</u> Property Tax ID Number: <u>400717</u> Date: <u>02/05/25</u>	Signature: <u>[Signature]</u> Name (Printed): <u>Matthew Caltrider</u> Address: <u>505 Southwind Ln</u> <u>Dillon MT 59725</u> Property Tax ID Number: <u>8947</u> Date: <u>03/05/25</u>
Signature: <u>[Signature]</u> Name (Printed): <u>Robert Reap</u> Address: <u>1459 Lakonia Lane</u> Property Tax ID Number: <u>100194</u> Date: <u>02/05/25</u>	Signature: <u>[Signature]</u> Name (Printed): <u>Josh Reap</u> Address: <u>110 Sequoia Lane</u> Property Tax ID Number: <u>0000009171</u> Date: <u>02/05/2025</u>

Signature: <u>[Signature]</u> Name (Printed): <u>Benjamin Rattley</u> Address: <u>75 Cathys Cv</u> <u>Dillon, MT 59725</u> Property Tax ID Number: <u>8692</u> Date: <u>2/5/25</u>	Signature: <u>[Signature]</u> Name (Printed): <u>Dean DeCock</u> Address: <u>200 Redtail Ln</u> <u>Dillon MT 59725</u> Property Tax ID Number: <u>8571</u> Date: <u>Feb 6 2025</u>
Signature: <u>[Signature]</u> Name (Printed): <u>Kevin Hatfield</u> Address: <u>330 Goshawk Ln</u> <u>Dillon MT 59725</u> Property Tax ID Number: <u>101180</u> Date: <u>2/6/25</u>	Signature: <u>[Signature]</u> Name (Printed): <u>Matthew Lund</u> Address: <u>650 S. Pacific</u> <u>Dillon MT 59725</u> Property Tax ID Number: <u>400895</u> Date: <u>2/6/25</u>

Signature: <u>[Signature]</u> Name (Printed): <u>John Cornia</u> Address: <u>20 DRY FIELD LN</u> <u>DILLON, MT 59725</u> Property Tax ID Number: <u>8630</u> Date: <u>02/06/2025</u>	Signature: <u>[Signature]</u> Name (Printed): <u>Mike Cerino</u> Address: <u>109 Schultz Ln</u> <u>Dillon, MT 59725</u> Property Tax ID Number: <u>100498</u> Date: <u>2/6/2025</u>
Signature: <u>[Signature]</u> Name (Printed): <u>Brian Walker</u> Address: <u>1233 Laknar Lane</u> <u>Dillon, MT 59725</u> Property Tax ID Number: <u>100459</u> Date: <u>2-6-25</u>	Signature: <u>[Signature]</u> Name (Printed): <u>Brad Watkins</u> Address: <u>24 Reynolds Dr</u> <u>Dillon, MT 59725</u> Property Tax ID Number: <u>9390</u> Date: <u>2-6-25</u>

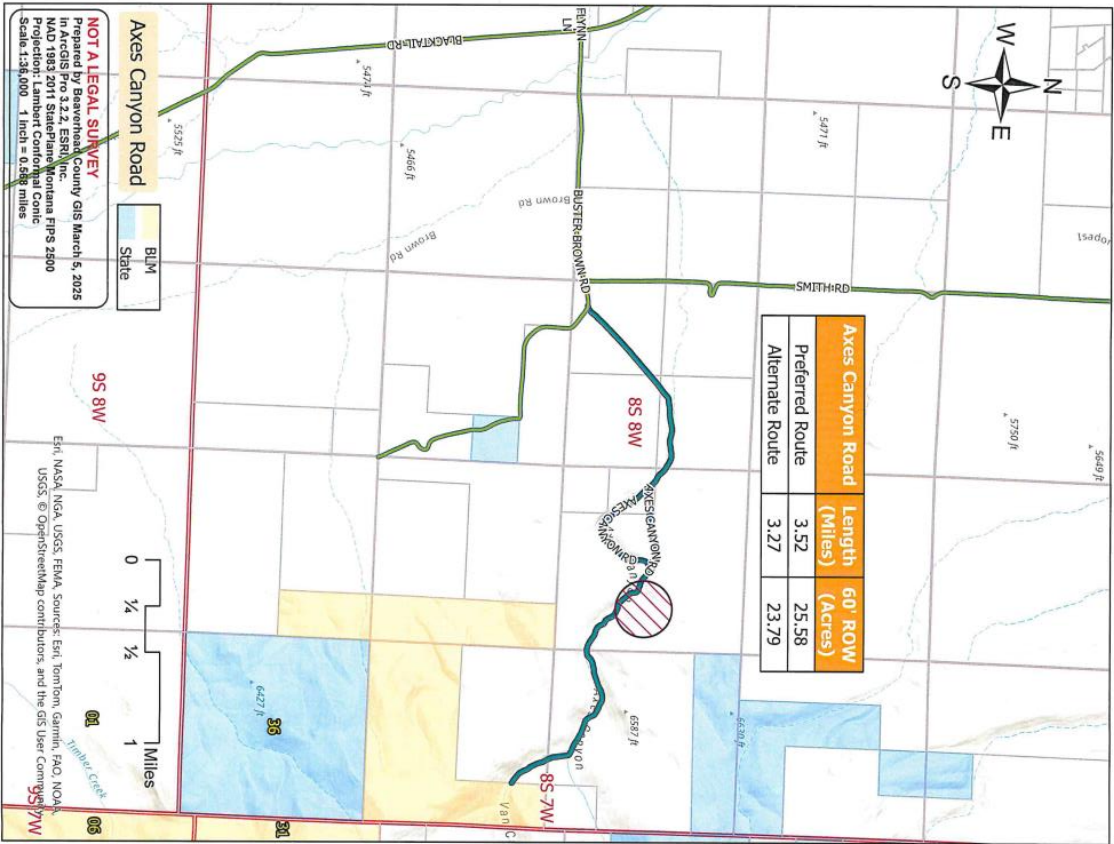


Exhibit C

Affidavit for Petition Circulation

I, Josh Regan with High Divide Minerals, a Montana limited liability company, hereby affirm under oath that I was actively involved in circulating the Petition to Open Axes Canyon Road. In doing so, it now attests to the following facts:

First, I confirmed the genuineness of the signatures on the Exhibit B of this Petition. Each signature accurately represents the individual whose name appears on "Signatures of Freeholders Requesting the Opening of the Road" form. I further affirm that every signer was fully informed about the purpose of the petition and had a clear understanding of the description of the proposed road before providing their signature.

By signing this affidavit, I declare my belief that the Petition accurately reflects the collective intent of the signers, who support the reestablishment of Axes Canyon Road as a public thoroughfare.

Signature: [Signature]
Date: 3-12-25
Property Tax ID Number: 00000 9171
Address: 110 SUMMIT LANE, DEER ME

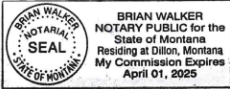
State of Montana

County of Beaverhead

This affidavit was signed or acknowledged before me on this 12 day of March 2025, by

Josh Regan
[Signature]
(Notary Signature)

[Affix seal/stamp to the left or below]



4899-3382-86263

Book 145

July 15, 1991

At 3:30 the Commissioners turned their attention to making a decision on whether or not to abandon Axe's Canyon Road and Axe's Canyon Road Connection. These roads have been petitioned to be abandoned, and a public hearing has been held according to law. Jim Taiple from Pfizer joined the meeting. The first road brought up for a decision was Axe's Canyon Road Connection. After discussion the following motion was made.

MOTION: Commissioner Tomerup moved that Axe's Canyon Road Connection described as commencing at a point on the present county road at the southwest corner of Section 3, T8S, R8W, NPM, and running thence east 1/2 mile to the 1/4 corner of the south side of the said Section 3, thence south easterly, following the best route along the ridge to the north west corner of the south east 1/4 of Section 10, thence east along the north line of the south east 1/4 of the north east 1/4 approximately 40 rods to an intersection with said "Old Trail" coming from Axe's Canyon, thence southerly along said trail through Sections 11, 14, and 23 to the intersection with said "Old Trail" coming from Axe's Canyon in Section 23, T8S, R8W, NPM be abandoned because it is not cost effective, feasible or desirable to the County to have or maintain this road as a County road. There is also a parallel route to this connection. Commissioner Peterson seconded; the motion carried unanimously.

MOTION: Commissioner Tomerup moved to abandon Axe's Canyon Road from a point at which a fence and gate are presently in place in approximately the center of Section 22, T8S, R8W NPM, thence easterly, along said Axe's Canyon Road in Sections 22, 23, 24, said T8S, R8W, NPM to the easterly fork of Axe's Canyon Creek (Van Camp Canyon Creek) and thence easterly along said Van Camp Canyon Creek through sections 24 and 25, T8S, R8W, NPM, thence along said Van Camp Canyon Creek through Sections 20 and 29, T8S, R8W, NPM, to the Dixon Ranch buildings in said Section 29, thence easterly up the middle fork of Van Camp Canyon Creek to the point of intersection of said Axe's Canyon Road, with the Beaverhead-Nadison County line. Commissioner Peterson seconded; the motion carried by a 2 to 1 vote with Chairman Moss voting against the motion.

Commissioner Tomerup read into the minutes an inspection report of this road written by Road Manager Richard Miller. The report states:

On the morning of July 5, 1991, Mr. Tomerup and I drove the section of Axe's Canyon Road that has been petitioned to be abandoned. The road is not much more than a jeep trail. The cost to upgrade this road to minimum safe standards for automobile traffic is not within the County Road Department's fiscal means. This is not a typical farm to market road as no one lives on the road and it dead ends on the Beaverhead-Nadison County line.

Commissioner Tomerup also stated for the record that it is not feasible or desirable to the County to have or maintain this road as a County road. Chairman Moss said that this concerns were an alternative route and that the miners object to the closure. The Commissioners and Jim Taiple reviewed the map. Jim Taiple, representing Pfizer, stated that Pfizer would like the following remarks to be made part of the public record. Pfizer will follow up with a written statement:

- 1) Pfizer will support the abandonment of Axes Canyon Road only if Pfizer can obtain an easement deed from the private landowners.
- 2) Pfizer currently has a right-of-way with the private landowners, however, it is not part of the public record. The owners locate the existing road route per lease agreement.

Commissioner Tomerup stated that the County will help Pfizer get a written record for a right-of-way.

County Attorney Tom Scott joined the meeting.

At this time the Commissioners read House Bill 813 an act creating a County records preservation fund; increasing the fee for recording a document by mechanical means; amending section 7-4-2032, MCA; and providing an effective date. Later in the meeting this bill was discussed with Tom. Tom stated that the Commissioners should think about contracting with the Museum for preservation of records.

MOTION: Commissioner Tomerup moved that the County Clerk and Recorder charge \$5 for each page or fraction of a page of instrument recording and shall deposit 5% of the fee into the records preservation fund. Commissioner Peterson seconded; the motion carried unanimously.

John Ellet joined the meeting to discuss with the Commissioners the capital improvement fund in the airport budget.

Don Elliott, Donna Jones and Sally McIsidory from Beaverhead Allied Senior Services (BASS) joined the meeting. The property located by the pool course was once again discussed. The Commissioners stated that they would want \$5,000 per acre for lease of this property. Donna, Sally and Don thought that this amount was too high. The land had been appraised at \$18,000. It was agreed that both BASS and the County would each get another appraisal of this property. Commissioner Tomerup mentioned that maybe a public hearing should be held. Donna stated that for annexation a public hearing does have to be held. Later in the meeting the County Attorney stated that if the property in question is in the County Club lease, this property would have to be released before continuing ahead. Tom will do further research on this subject.

BEAVERHEAD COUNTY

Alex's Canyon Rd. middle 22

85 9W

ROAD NAME OR REFERENCESECTIONTWP/RGE

Closed

COMMISSIONERS JOURNALS

BOOK/PAGE

DATE

ACTION

Q 127

June 17, 1991

It can be acted at another time

145

July 15 1991

Seconded carried unanimously

REMARKS:

acrossed sec. 22, 23, + 24, 25

T. 8^s R. 8^w and Sec. 30, 31, 29, + 31

T. 8^s R. 7^w to intersection

Discussion and Action- Resolution 2025-05 – Appointing Special Deputy County Attorney for a Confidential Case

Deputy County Attorney Coty Calvin was present and briefly discussed the circumstances with the Commissioners. Madison County district attorney David Buchler will be appointed with approval.

MOTION: Commissioner Rice moved and Commissioner Jackson seconded that Resolution 2025-05 be signed and approved. A verbal vote was taken and the motion carried unanimously.

114600 Fee:\$ 0.00 File: RESOLUTION 2025-05

BEAVERHEAD COUNTY Filed 3/17/2025 At 1:40 PM

Stacey Reynolds, Clerk and Recorder

By: 



RESOLUTION 2025-05

RESOLUTION APPOINTING SPECIAL DEPUTY COUNTY ATTORNEY

WHEREAS, the Beaverhead County Attorney's Office has identified a conflict of interest in a matter, the Beaverhead County Attorney has requested prosecutorial assistance in the prosecution of that case, and as the matter involves a minor, is confidential in nature and disclosure of the names associated or any potential case identifying information would be inappropriate; and

WHEREAS, it is desired and deemed appropriate that a Special Deputy County Attorney be appointed to take over the prosecution of the aforementioned case; and

WHEREAS, Mont. Code Ann. § 7-4-2705 authorizes the County Commissioners to authorize the county attorney to employ special counsel to assist in the prosecution of any criminal case pending in the county; and

WHEREAS, The Beaverhead County Attorney consents to such arrangement for the sole responsibility of prosecuting the above-referenced cases; and

WHEREAS, David Buchler, Madison County Attorney, consents to said appointment and arrangement for the sole responsibility of prosecuting the above-referenced cases;

IT IS HEREBY RESOLVED:

That Madison County Attorney David Buchler is hereby appointed as Special Deputy County Attorney for Beaverhead County for the purpose of handling the prosecution of the aforementioned cases.

IT IS FURTHER RESOLVED:

That under the terms of this agreement, witness fees and expenses, jury costs, and other normal costs associated with trial will be the County's responsibility as with all other prosecutions. As is reasonable, Beaverhead County will also be responsible for travel costs accumulated by Madison County Attorney David Buchler and his staff in conjunction with his prosecution of this case.

DATED THIS 17th day of March, 2025.

ATTEST:


Stacey Reynolds
Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS


C. Thomas Rice
Commissioner

Michael J. McGinley
Commissioner


John H. Jackson
Chairman

Action on Previous Meeting Minutes

The minutes of the March 10, 2025 meeting were read and the following motion was made:

MOTION: Commissioner Jackson moved and Commissioner Rice seconded that the minutes be approved. A verbal vote was taken and the motion carried unanimously.

257

Recess

At 12:00 noon, Commissioner Jackson recessed the meeting. At 1:30 p.m., Commissioner Jackson, and Commissioner Rice reconvened the meeting with and their Assistant Dana Basile present.

Legislative Update

No one was present for the update this week.

Public Comments on Subjects Under County Jurisdiction Not on Agenda**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 did not review or approve any invoices today. The Invoice Payment Schedule is located in the Financial Administrator's Office.

Public Comments on Subjects Under County Jurisdiction**Adjourn**

There being no further business to come before the Board, the meeting was adjourned at 5:00 p.m.

Attest: _____ Approved: _____
Clerk of the Board Chairman of the Board