

JEFFERSON COUNTY COMMISSIONERS
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CORY KIRSCH, CHAIR

LEONARD WORTMAN

BOB MULLEN

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
January 17, 2017**

Present: Commissioners Kirsch, Wortman and Mullen; Bruce Binkowski, Events Coordinator; Tom Harrington and Micky Zurcker, MSU Extension; Jan Anderson, *Boulder Monitor*; Bob Sims, Matt Haus, Terry Murphy, Paul Backlund, Jean Reinschmidt, Jenny Scott, Lynda Ziesing, Katy James, Jenny Scott, Vera Jensen

The meeting was called to order and opened with the Pledge of Allegiance.

REPORTS

Commissioner Kirsch noted the receipt of the December expenditure budget versus actual query, budget detail, and trial balance reports from the Clerk and Recorder's office.

CORRESPONDENCE

Commissioner Wortman stated that he has received correspondence from Montana Tunnels. They have presented another agreement for the payment of their delinquent property taxes. We had discussed in the past, that if they make six timely payments, we would allow them to request forgiveness of penalties and interest. They owe over \$5 million in property and metal mines license taxes. We had discussed in the past giving them an incentive to make payments in a timely manner: the consideration of the waiver of penalties and interest after six timely payments. He would like this placed on a future agenda for discussion.

Commissioner Kirsch stated that it is in our interest to help them in any way possible; if they close up completely, the county won't get any of the money that it owed.

CALENDAR REVIEW

- 1/17 Meeting with Bill Lloyd - 3:00
Boulder Lego Robotics demonstration - Boulder Library - 4:00
DUI Task Force - 5:00
Boulder Town Council - 6:00
- 1/18 Boulder Seniors lunch and business meeting - noon
- 1/19 Area IV Agency on Aging - Helena - 10:00
Headwaters RC&D - 10:00
RMDC finance committee - Helena - 2:30
RMDC board meeting - Helena - 3:30
Beaverhead - Deer Lodge Working Group - Butte - archives
- 1/20 Dan Lucas - Extension District Manager - Whitehall - 10:00
Boulder Master Plan meeting - 10:00

COMMISSION REPORTS

Commissioner Mullen reported that on Tuesday night he and Kellie Doherty attended the Museum Board meeting. The board continues to work on their by-laws. Kellie was there to discuss positions. They are also working on a marketing study report.

Commissioner Mullen reported that on Wednesday he attended the Transportation Advisory Committee meeting in Whitehall. They discussed getting a grant from the Tracy Foundation, which would provide \$25,000/year for the next two years.

Commissioner Mullen reported that he attended a property rights conference Friday afternoon and Saturday morning in Helena, which he found to be very interesting.

Commissioner Mullen reported that yesterday he sat in on the developmental disability division's budget presentation to the house appropriations subcommittee. They did discuss SB411 and the impacts, but they didn't talk about a plan for the facility going forward. He noted that there is supposedly legislation forthcoming to keep MDC open for two more years, carried by Kirk Wagner.

Commissioner Wortman reported that on Wednesday he attended the Boyd Andrew Board of Directors meeting in Helena, then went to the legislature to testify on HB95, which would take out the requirement that there be no duplication of services. On Thursday morning he attended the STI, CTAC and emergency planning meetings in Whitehall.

Commissioner Wortman stated that yesterday he was in Whitehall for the pre-bid walk-through with nine contractors for the Sugar Beet Row sewer project. They ran into one hiccup; one of the contractors spoke to a local firm that does the re-lining, and they are not available until fall. They are not the only game in town, however.

Commissioner Kirsch reported that on Wednesday he went to Great Falls for the State Weed Conference. On Thursday morning he attended a portion of the CTAC meeting, then went to the LEPC meeting.

ITEMS FOR COMMISSIONERS' ACTION OR REVIEW

RESOLUTION 04-2017 RESOLUTION OF INTENT TO CREATE JEFFERSON VALLEY REGIONAL EMS & RESCUE AMBULANCE DISTRICT

Commissioner Wortman read the resolution as follows:

RESOLUTION NO. 04-2017

RESOLUTION OF INTENT TO CREATE JEFFERSON VALLEY REGIONAL EMS & RESCUE AMBULANCE DISTRICT

BE IT RESOLVED by the Board of County Commissioners of Jefferson County, Montana (the Commission and Jefferson County, respectively), as follows:

Section 1. **Intention to Create the Jefferson Valley Rural Ambulance District.** Pursuant to the provisions of Mont. Code Ann. § 7-11-1103(1)(a)(ii), the Commission deems it to be in the public convenience and necessity to order a referendum on the creation of a ambulance district to serve the inhabitants of the special district.

Section 2. **Proposed Name.** The proposed name of the special district is the Jefferson Valley Regional EMS & Rescue Ambulance District.

Section 3. **Necessity for Proposed Special District.** The Commission finds the provision of emergency services is paramount to the health, safety and welfare of the citizens of Jefferson County. The Commission also recognizes the Town of Whitehall has in place an ambulance service. However, the Commission has received public comment in which citizens living outside the Town of Whitehall believe they have no representation in matters regarding the Whitehall ambulance.

In this regard, it has been argued to the Commission there is an advisory board to Whitehall ambulance which includes citizens who reside outside of the Town of Whitehall. This board is advisory in nature only, and the Whitehall Town Council is the final decision-making body with respect to Whitehall ambulance. Further, the Commission has received comment from citizens who reside outside the Town of Whitehall that efforts by them to influence decisions regarding emergency medical services provided by Whitehall ambulance were dismissed out-of-hand or limited.

The Commission also received public comment regarding the perceived quality of services

provided by Whitehall ambulance. Many commented they do not want Whitehall ambulance to provide services to them or their families and desire the ability to select an alternate service provider. The Commission recognizes this reasoning may be somewhat arbitrary, but dissatisfaction with Whitehall ambulance by citizens living outside of the Town of Whitehall is apparent.

The Commission attempted to facilitate mediation between the Town of Whitehall and those citizens who sought the creation of the special district. Although Jefferson County offered to facilitate the mediation and pay for a professional mediator, the acrimony between the two sides was too much of a hurdle to overcome and the mediation process was never initiated.

When taken as a whole, the comments received in support of the creation of the proposed special district lead the Commission to conclude it in the public convenience and necessity to order a referendum on the creation of the special district. Rather than creating the special district by resolution (*see*, Mont. Code Ann. §7-11-1003(1)(a)(i)), the Commission deems it proper order a referendum to provide those citizens within the proposed district the opportunity to vote and to voice their support or opposition to the district.

Section 4. General Description of Territory or Lands Included in Special District.
(Attached to original resolution on file in the Clerk and Recorder's office.)

Section 5. General Character of Proposed Program and Location. The proposed special district will provide emergency medical services to serve the inhabitants of the district and will be available to provide emergency medical services in areas surrounding the special district when emergency situations arise which require the provision of additional emergency medical services.

The special district proposes to construct an ambulance barn on a donated half-acre lot. The proposed location for the ambulance barn is 1166 Montana Highway 55 South.

Section 6. Estimated Cost and Method of Financing. The estimated annual budget for the special district is \$120,000.00 (one hundred twenty thousand dollars) to \$130,000.00 (one hundred thirty thousand dollars). Funding for the special district annual budget and improvements will be from an initial assessment of \$29.00 (twenty-nine dollars) per year which will be imposed on each residential lot or parcel within the special district which contains a dwelling unit and upon developed commercial properties. There shall be no assessment on agricultural or vacant properties with no dwelling unit. The special district and improvements will also be funded from fees paid for emergency and non-emergency services provided by the special district.

Section 7. Specific Requirements Applicable. The annual assessment cannot be increased except upon majority approval by vote of the owners of real property residing in the special district.

Section 8. **Administration.** The special district will be administered by an elected board of five qualified citizens who reside within the boundaries of the special district.

Section 9. **Duration.** The duration of the special district shall be perpetual or until dissolved under the applicable provisions of Montana law.

Section 10. **Notice of Passage of Resolution of Intention.** Pursuant to Mont. Code Ann. § 7-11-1007(3)(a), the Jefferson County Commission shall cause to be published and mailed, in accordance with Mont. Code Ann. §§ 7-1-2121 and 2122, respectively, and mailed in accordance with Mont. Code Ann. § 7-11-1107(3)(c), notice of passage of the resolution of intent.

Passed and Adopted by the Board of County Commissioners of Jefferson County, Montana, this 17th day of January, 2017

Cory Kirsch
Chair

Leonard Wortman
Commissioner

Bob Mullen
Commissioner

Attest:

Bonnie Ramey
Jefferson County Clerk and Recorder

Commissioner Wortman moved to adopt the resolution. Commissioner Mullen seconded. Commissioner Kirsch called for discussion.

Lynda Ziesing stated that she lives in the town of Whitehall, so she will not be included in the district. She would like to bring a couple comments. She is not doing this to embarrass anyone, but this whole situation has turned into a mess. She is concerned when there are rumors, which she will not participate in. However, she has heard a rumor that Commissioner Wortman has been soliciting, encouraging people to vote for the district. Commissioner Wortman denied this; he has only encouraged people to vote, which ever way they choose. She then gave her personal experience with the Whitehall ambulance service. She stated that she was part of starting the ambulance service and it is very close to her heart. She was in an auto accident about five years ago. Two 9-1-1 calls were made and it took the Montana Highway Patrol 45 minutes to arrive. She was trapped in the vehicle until a bystander helped her get out. She stated that there was no

response from the ambulance service for some time and she was left standing in the cold for 1.5 hours with an undiagnosed head injury. Dr. Sacry stopped and offered aid and wavered as to if he should take her to the hospital himself when the ambulance finally showed up.

She stated that she has other issue of personal experience. She was a contract nurse at Liberty Place, and in that capacity her main duties were setting up medications, etc. She happened to be at the facility when a staff member came to her and said that another staff member was having difficulty. She assessed her and the ambulance was called. She said that it wasn't an extreme length of time, but first one deputy, then another responded before the ambulance arrived. The woman was hooked up to an EKG. The ambulance attendant stated that there was something wrong, but it wasn't serious and she didn't need an ambulance or to go to the hospital. She told the woman to take a baby aspirin and her husband took her home. Shortly after this the woman was traveling with her husband, had another attach and ended up in the hospital and got a pacemaker. Because of these two personal experiences, she cannot praise or trust the services offered by the ambulance service.

Lynda asked who pays for the election, when it takes place. She was told that Jefferson County pays for the election. She stated that the town of Whitehall is not included, but her taxes will pay for it. Commissioner Wortman stated that in cases like this the County pays up front, but if the district is created, the district will reimburse the county.

Terry Murphy stated that he lives in Milligan Canyon and is here to represent the people who live there. He had questions about the process. Commissioner Wortman stated that if the Commission passes the resolution of intent to form the district, a notice of the passage of a resolution of intent will be published in the paper and mailed to all landowners in the district. This will be followed by another public hearing at some point after the publication. Terry stated that the residents that he is representing appreciate being left out of the district.

Jean Reinschmidt stated that character assignation is not appropriate when the people being talked about are not present. She further thanked the Commission for giving the people outside of Whitehall a voice.

Matt Haus, attorney for the Town of Whitehall, stated that he has less comment and more questions. He asked who developed the estimate for the operating budget. Commissioner Wortman stated that he thinks it was developed based on former experience with the Whitehall ambulance. Matt asked if the county would be willing to provide that information to the public. Commissioner Wortman stated that he can ask for those figures. Matt stated that the resolution references a donated half-acre lot and asked if the Commission knows who that lot was donated to. Commissioner Wortman stated that he didn't know. Matt asked if the Commission knows the estimated annual call volume to the district. Commissioner Wortman stated that the last he heard, over a 10 month period, was around 300 calls. Matt asked about the budget. Commissioner Wortman stated that the budget would be set by the board; this is just an estimate, because one is required by statute.

Matt asked the Commission what they envision happening if there is a budget deficit and the voters don't agree to increase the fee. Commissioner Wortman stated in that instance the service might need to raise their rates.

Bob Sims stated that we have heard input from people who don't live in the proposed district and won't have any input in the district. When they decided in Whitehall to go to the new tax system where the growth in Whitehall, the taxes from that goes directly to Whitehall to spend as they want to without any money going to the County, that directly affects his taxes. He didn't get to vote on that. The Whitehall ambulance itself seems to have some budgetary problems, and they might be better off trying to fix that than worrying about the district. It seems to be an effort to slow this down. The City of Whitehall decided to go into a commercial business with the ambulance was their choice; if they can't make it go with competition, that is the way of the world.

Jean stated that they want to see our financials, but you can never get financials from Whitehall when you ask. The last she saw, the Whitehall ambulance was in the red \$265,000.

Matt stated that he gets a copy of every records request that goes to Whitehall; he hasn't seen one asking for financials.

Jenny Scott stated that they would really like to have the district passed. It gives them some representation.

Lynda stated that she went to extreme effort to not participate in rumors or say anything that she had not personally observed. She is highly offended with being accused of character assassination and feels that she is owed an apology. She has concerns with both ambulance services in general; she is afraid that by the time all of this is resolved, we might not have either service.

Commissioner Mullen stated that Whitehall shares some responsibility; they won't talk to those who are unhappy. Lynda asked if the Commission was asked to come sit down with the Town of Whitehall and discuss the issues. Commissioner Wortman stated that one of the issues with him going to the Town of Whitehall and looking through the books is that, for months, if not years, the mayor has made criminal accusations against the members of the ambulance district. The last thing he needs to do is to get in the middle of what should be a criminal investigation; two county attorneys have told him that.

Matt stated to put the facts on the table, he requested mediation and Kay Dinwiddie, agreed to do the mitigation. She agreed, but put in requirements going into the mediation that are never a part of the industry standards for mediation between two sides. She refused to do the mediation with her requirements being met and then informed the Commission that the town wasn't cooperating.

Commissioner Wortman stated that there is enough fault to go around. He certainly wants to put this to bed. If the Commission makes the decision to not allow a vote, they are essentially

deciding that there cannot be a district in that area. This resolution will not form the district, but will just allow people to do the research and decide if this is something that they want.

The motion carried unanimously.

PIPESTONE/JEFFERSON SLOUGH PROJECT ISSUES

Commissioner Wortman stated that the flooding on the Pipestone is down a couple feet still, so the mitigation worked well.

The Kountz Road bridge project will start mid-March. He is working with the ambulance and fire crews to make sure they can still have a quick response time while the bridge out.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

CORY KIRSCH, CHAIR

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BOB MULLEN, COMMISSIONER