

JEFFERSON COUNTY COMMISSIONERS
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ROBERT MULLEN, CHAIR

LEONARD WORTMAN

CORY KIRSCH

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
August 16, 2016**

Present: Commissioners Mullen, Wortman and Kirsch; Drew Dawson, BTAC; David Stinar, AirMedCare; Ellen Stinar, REACH Inc.; Paul Backlund, Shannon Gardner

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

MINUTES

Commissioner Kirsch moved to adopt the minutes of July 12. Commissioner Mullen seconded. The motion carried.

CORRESPONDENCE

Commissioner Mullen noted the receipt of the letter to MDC staff, thanking them for their service, for his signature. The letter will also be signed by the Boulder Chamber and Mayor.

Commissioner Mullen noted the receipt of a petition for abandonment of a portion of the Whitetail. The petition has been certified by the Clerk and Recorder.

Commissioner Mullen noted the receipt of a petition for abandonment of a portion of Henry Street. The petition has been certified by the Clerk and Recorder.

CALENDAR REVIEW

8/16 DUI Task Force - 6:00
8/17 Boulder Senior Center lunch and business meeting - noon
JLDC - Boulder - 2:00
Whitehall Town Council - 6:00
8/18 Survey Review - 1:30
BTAC meeting - 7:00

COMMISSION REPORTS

Commissioner Mullen reported that the previous day he went to tour the new Montana City fire department. He toured the space that the County has agreed to rent from the fire department.

Commissioner Kirsch reported on the Boulder chamber meeting. They are finalizing the details of the Philipsburg tour. The farmers market is well underway, and they have added music. The music and art festival is scheduled for mid-September.

Commissioner Kirsch reported that he attended the mosquito district meeting. Jeff Palister will be resigning in September, so they will be looking for someone to replace him.

Commissioner Kirsch reported that the weed board met at Whitehall field office for their regular meeting and then went to look at the effects of the millfoil treatment in the Jefferson Slough.

Commissioner Kirsch reported that on Monday night he attended a portion of the Boulder town council meeting. The local highway patrol officer got a grant to get an AED in her vehicle. Fritz Bieler has vacated his position as he moved out of town. The council appointed another to fill the position.

Commissioner Wortman reported that he attended the STI meeting in Whitehall on Thursday morning. They discussed high speed internet and the developer is hoping to get high speed internet into Boulder in the future. He stated that the CTAC meeting which followed was not well attended. Golden Sunlight is above projections for July and they are moving forward with the permitting for expansion.

Commissioner Wortman stated that on Wednesday he met with the wind developers. They are looking to get a prototype up in September. They have also done some research on removing uranium and arsenic from the water in Whitehall, and want to set up demonstration at the business park. After that meeting he and Commissioner Mullen had visual tour of the Jefferson Slough project.

Commissioner Mullen reported that on Friday he and Commissioner Kirsch had a short meeting with Dylan Laslovitch, Senator Testor's legislative aide. They discussed public land, PILT, and SRS.

ITEMS FOR COMMISSIONERS' ACTION OR REVIEW

DISCUSSION OF LOCKED GATE - SHANNON GARDNER

Commissioner Mullen stated that the Commissioners asked Shannon to attend the meeting to discuss a locked gated across Rocky Road.

Shannon stated that they filed suit in 2008 and were granted counts 1, 2 and 3 on May 29, 2013. These counts were quiet title, declaratory relief and permanently enjoined the plaintiff from using their property to access Jack Creek Estates. It also allowed her to fence her property to restrict access. She stated that they have tried no trespassing signs, but they don't work; she feels that the locked gate is a necessity. Since this is not a legal access to Jack Creek Estates, the gate is not impeding their access to emergency services. As far as Jenifer Wise's property, beyond the subdivision the road is just dirt. She lives up in the middle of nowhere without great access. She may need to get some clarification on the ruling, but it clearly states that we can fence our property to prevent unlawful access. Commissioner Mullen stated that it is the part that the Commission doesn't understand. Her interpretation is that it prevents the general public from further using it for any and all purposes, and it really didn't have any exclusions for people with a deeded access.

Commissioner Wortman stated that one of his questions is that this was a lawsuit between her and Dan Felska; there are recorded surveys that have a 60-foot public access easements for properties lying west and south of her property. He is wondering where Dan got the authority to remove that. Why would a lawsuit against Dan Felska take away a public access that is recorded here at the county. Shannon stated that is something that would be asked of Judge Tucker. The way her attorney explained it is that Coyote Trail to the edge of her property is not a public section. That left her with a landlocked easement that no one can cross. Commissioner Wortman stated that if a change has been made, something should be filed with the Clerk and Recorders office.

The County Attorney will look at the additional information provided.

DAVID STINAR - AirMedCare - DISCUSS AND DECIDE ON COUNTY CONTRACT FOR SERVICE

David Stinar, AirMedCare, presented a copy of the letter that Madison County drew up to send to county residents about their enrollment in the program. He discussed the number of flights for Jefferson County residents over the past seven months, as well as information on other member counties.

Ellen Stinar, REACH, Inc., stated that they also help with training ambulance crews, QRUs, and fire departments.

Commissioner Wortman stated that while he understands what a huge benefit this would be if someone were to use the service, his biggest concern is that we are buying basically an insurance policy for one company. He said that if we could pay to have the ability for any air service to be covered, he would jump on it. He has a problem with the fact that if someone gets into an accident and gets picked up by the service out of Butte, they won't be covered, even though their taxes are paying for the membership.

Drew Dawson asked how they handle uninsured patients. David stated that they bill at Medicare

rates. People are able to purchase the coverage for the 32 states that they are in and if the County they reside in has the MSP, it reduces the rate from \$65 to \$35/year.

Commissioner Wortman stated that if we are looking at spending almost \$50,000, if another service available in the area, he thinks we would have to go out for proposals. If we did this deal and the Sheriff's Office dispatch called Butte and the resident gets stuck with the bill, he feels it would leave the County liable. He would rather have a proposal and contract with one service and have them be the exclusive provider. Drew stated that he thinks this would conflict with the airline deregulation act.

Commissioner Kirsch stated that if this was exclusive, he would be all for it, but since the Butte service is not included, he can't agree it. Commissioner Wortman stated that he would like it better if we could go for a bid; he isn't ready to do anything right now. Drew stated that he can review this with Steve to check on the legality.

Commissioner Kirsch moved to table this until we can get further direction from legal council. Commissioner Wortman seconded. The motion carried.

Drew stated that he really won't have any time to sit down with Steve until the first of October and noted that there also may be something coming before the legislature.

DISCUSS AND DECIDE ON ENTERING A PAYMENT AGREEMENT WITH MONTANA TUNNELS

Commissioner Wortman stated that as the Commissioners are aware, we have entered several payment agreements with Montana Tunnels over the years, with limited success. They now have a lender that was going to lend them some money, but they wanted the County to subordinate our lien interest on the back taxes. Steve Haddon, County Attorney, did hours and hours of research and found that we cannot do that. However, while it would be a great thing to have the back taxes paid, it would be best to have the mine up and running and paying taxes going forward. They have found another lender that would like to see an updated payment agreement. He has talked to Patrick Imenson, and he feels that they will be in a place to start making payments by March 2017. Those payments are up to \$5.1 million now.

Commissioner Wortman stated that he would like to amend the current taxpayers agreement, leaving the payment amounts the same. He would have Steve add some language that if payments are made on time, that the Commission would consider waiving the penalty and interest for the remaining payments, or something to that effect.

Commissioner Kirsch stated that he is all for doing whatever we need to do to get the mine up and running again.

Commissioner Wortman moved to move forward with re-doing the tax payment agreement, with the added language that the Commission will consider the waiver of penalties and interest, after

six timely payments. Commissioner Kirsch seconded. The motion carried.

SIGN MOUS WITH MONTANA WOOLGROWERS AND STOCKGROWERS FRO
PREDATOR CONTROL

Commissioner Wortman stated that he thinks that the agreement with the Stockgrowers has sunset. This will be tabled until we can check the end date.

Commissioner Wortman moved to sign the MOU with the Woolgrowers. Commissioner Kirsch seconded. The motion carried

APPOINT BOARD MEMBERS

Commissioner Wortman moved to appoint John Hilton to the Board of Adjustment. Commissioner Kirsch seconded. The motion carried. He was appointed to a 2 - year term.

Commissioner Wortman moved to appoint Dave Duffy to the Board of Adjustment. Commissioner Kirsch seconded. The motion carried. He was appointed to a 2 - year term.

Commissioner Wortman moved to appoint John Barbee to the Board of Adjustment. Commissioner Kirsch seconded. The motion carried. He was appointed to a 1 - year term.

Commissioner Kirsch moved to appoint Chris Barry to the Board of Adjustment. Commissioner Wortman seconded. The motion carried. He was appointed to serve a 1 - year term.

Commissioner Wortman moved to appoint Jamie Guenther to the Museum Board. Commissioner Kirsch seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

BOB MULLEN, CHAIR

LEONARD WORTMAN, COMMISSIONER

CORY KIRSCH, COMMISSIONER