

JEFFERSON COUNTY COMMISSIONERS
COURTHOUSE, BOX H
BOULDER, MT 59632
PHONE 406-225-4025
FAX 406-225-4148

ROBERT MULLEN, CHAIR

LEONARD WORTMAN

CORY KIRSCH

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
August 30, 2016**

Present: Commissioners Mullen, Wortman and Kirsch; LaDana Hintz, County Planner; Drew Dawson, BTAC chair; Mike Johnson, County Undersheriff; Jan Anderson, *Boulder Monitor*; Dave Sabo, Beaverhead-Deerlodge District Ranger; Tony Prothro, Shedhorn Engineering; Mark Taylor, Greg Dahl

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

CORRESPONDENCE

Commissioner Mullen noted the receipt of a pay request for the TSEP planning grant work done by Great West Engineering. The agreement was signed.

CALENDAR REVIEW

8/30 MDC re-purposing meeting - 3:30
9/01 Jefferson river watershed council - Whitehall - 4:00

COMMISSION REPORTS

Commissioner Kirsch reported that on Tuesday he attended the Clancy Water and Sewer meeting; they are still trying to get interest from the public. Megan Bullock, County Sanitarian, is working on a DNRC grant for administrative uses. She has also talked to someone at Montana Tech about a groundwater study by Tech students.

Commissioner Kirsch reported that on Friday morning they attended a meeting to discuss the Clerk & Recorder building sewer problems. He thinks they have a good solution figured out; they will remove the manhole and have the pipe go straight through.

Commissioner Wortman reported that on Monday the Commissioners attended the MACo District meeting in Whitehall. He noted that there were 30-40 people in attendance from 12 counties. It was a good meeting with a presentation from Mike Sanctuary regarding the Pipestone/Jefferson Slough project and Tom Harrington regarding the Bordens update.

PUBLIC COMMENT

Dave Sabo, District Ranger came to give an update on the Nez Pierce fire that is burning east of Elk Park. The fire is increasing in size. They will be having a helicopter coming in to assess the fire status; they will also be doing some modeling to try to predict the fire behavior based on fuels, terrain, weather, etc. Dave gave an overview of the activity and treatment to date.

SUBDIVISION REVIEW

PRELIMINARY PLAT REVIEW - ELKHORN CROSSING MINOR SUBDIVISION - MONTANA CITY

LaDana Hintz, County Planner, presented her staff report on this five lot subdivision off of Jackson Creek Road. The parcel contains approximately 10 acres, and each lot will be roughly 2 acres in size. All lots will be accessed from Moonlight Ridge Road, with no access from the County road. The developer has requested two variances, one for streets ending in a cul-de-sac not being longer than 1500 feet and two points on ingress/egress. Because Jackson Creek Road is the way to access the subdivision, those standards are exceeded. She noted that there are findings to support approval of the variances. LaDana noted that Condition of Approval 18 states “The developer and the subdivision’s future lot owners shall waive their right to protest the creation of a Rural Improvement District (RID) if the district would be created in association with building new roadways and associated infrastructure if such facilities would benefit the proposed subdivision of the final plat and shall remain in effect as long as allowed under State law.”

Commissioner Mullen asked about the process to join the RMD; if they would be paying the same thing as the Moonlight Ridge homeowners, or are they combining their costs with the new roads. Mark Taylor, the developer, stated that as he understands it, he purchased the land from Greg Dahl, and that property is already within the RID/RMD boundary. What he is doing is saying for each tract of land that is created through the subdivision, we are willing to add a per person augmentation to the fund at the current rate.

Commissioner Wortman moved to grant preliminary plat approval. Commissioner Kirsch seconded. Commissioner Mullen called for comment. Mark Taylor, developer, presented the Commission with documents - a memo from him and a letter from the CenturyLink engineer. He stated that he has appreciated working with the county staff on his project. He said that he agrees with all the conditions associated with the subdivision, with one caveat: condition 6, which states that power and telephone lines shall be extended to each subdivision lot prior to receiving final

plat approval. He stated that he basically has the lots sold already and none of the lot owners have a desire for a telephone land line. He doesn't want to pay to install antiquated equipment that no one wants. This is the only condition that he would ask for relief from. An alternative would be to bore under the road to run conduit, if someone would want a land line at some point in the future.

Greg Dahl stated that he is the original developer of the Moonlight Ridge subdivision. He gave a brief history of the ingress/egress to his subdivision and offered several emergency points of egress.

Commissioner Mullen moved to rescind the previous motion. Commissioner Wortman seconded. The motion carried.

Commissioner Wortman moved to include amending condition of approval 6, by doing alternative #3 - placing conduit under the road in two locations. Commissioner Kirsch seconded the amendment. The motion carried.

Commissioner Wortman moved to grant the variances to the ingress/egress. Commissioner Kirsch seconded. The motion carried.

Commissioner Kirsch moved to grant preliminary plat approval and adopt the findings of fact, with the changes just made. Commissioner Wortman seconded. The motion carried.

ITEMS FOR COMMISSIONERS' ACTION OR REVIEW

DESIGNATE POLLING PLACES

Commissioner Mullen read a memo from the Clerk and Recorder requesting the designation of polling places in Jefferson County. The Montana City area polling places have been changed from the Montana City School to the Montana City Fire Hall. Commissioner Wortman moved to approve the listed sites. Commissioner Kirsch seconded. The motion carried.

PUBLIC HEARING - PRELIMINARY BUDGET

Commissioner Mullen called the hearing to order and called for comments.

Commissioner Mullen stated that there is good news - our mill value went up. We have 10 classes of property, 6 of those went up and 4 went down. He went on to give some budget highlights.

Jan Anderson, *Boulder Monitor*, asked about the rent at Montana City. Commissioner Mullen stated that \$1000 month has been budgeted for rental of office space at the new Montana City fire hall.

Commissioner Wortman moved to approve the preliminary budget. Commissioner Kirsch seconded. The motion carried.

Hearing no further comment, Commissioner Mullen closed the public hearing.

RESOLUTION 26-2016 RESOLUTION ESTABLISHING QUALIFICATIONS FOR
JEFFERSON VALLEY RURAL AMBULANCE DISTRICT ADMINISTRATIVE BOARD

Commissioner Mullen read the resolution as follows:

RESOLUTION NO. 26-2016

**RESOLUTION ESTABLISHING QUALIFICATIONS FOR JEFFERSON VALLEY
RURAL AMBULANCE DISTRICT ADMINISTRATIVE BOARD AND ESTABLISHING
AUTHORITY, DUTIES AND RESPONSIBILITIES THEREOF**

Whereas, on August 23, 2016, the Jefferson County Commission (Commission) passed Resolution No. 25-2016, *Resolution Ordering a Referendum on the Creation of the Jefferson Valley Rural Ambulance District and Providing for the Election of the Administering Board of the Special District*. Resolution No. 25-2016 provided for a referendum on the creation of the Jefferson Valley Rural Ambulance District (Special District) by Special Election to be conducted by mail ballot on January 10, 2017. Resolution No. 25-2016 also provided for the election of five (5) individuals who reside within the boundaries of the Special District to administer the Special District, and to have the election of the board conducted at the same time and in the same manner as the referendum on the creation of the Special District; and

Whereas, Mont. Code Ann. § 7-11-1021 provides where a Special District is to be governed by a separate board, the governing body is to establish the board in accordance with Title 7, chapter 1, part 2, Montana Code Annotated, and must specify the powers and duties granted to the board; and,

Whereas, although Mont. Code Ann. § 7-1-201(1)(b) contemplates the resolution

creating the board is to specify the term of the members of the boards, it does not provide guidance with respect to staggering the terms of the initial directors elected to serve on the administering board, or to filling vacancies on the elected board; and,

Whereas, the Commission deems it necessary to stagger the terms of the board members to ensure continuity of institutional knowledge and to provide for the filling of a vacancies on the board; and,

Whereas, as Title 7, chapter 13, part 22, Montana Code Annotated (pertaining to the creation of Water and Sewer Districts) contains provision relating to staggering of the terms of the initial directors and for the filling of vacancies on the board, the Commission deems is appropriate to reference Title 7, chapter 13, part 22, Montana Code Annotated, for guidance on these issues.

NOW THEREFORE, IT IS RESOLVED, pursuant to Mont. Code Ann. § 7-11-1021 and Mont. Code Ann. § 7-1-201, *et seq.*, the Board of Commissioners of Jefferson County creates the Jefferson Valley Rural Ambulance Special District Board (Special District Board); and,

IT IS FURTHER RESOLVED, the Special District Board shall consist of five (5) members and each member of the board shall be a resident of the Special District. Except for the term of three (3) of the initial board members, board members shall serve four (4) year terms. The term of three (3) of the initial board members shall be two (2) years, and two (2) of the initial board members shall serve four (4) year terms. Thereafter, all directors shall serve four (4) year terms. Commencing in 2018, elections shall be conducted in accordance with Mont. Code Ann. § 13-1-504. At the first meeting following the initial election of the board members, the directors

shall determine by lot who shall serve initial two (2) year terms.

If a vacancy occurs on the board of directors it shall be filled by a majority vote of the remaining directors. A vacancy is created when any of the following occurs prior to the expiration of the term of the board member:

1. death;
2. a determination pursuant to Title 53, chapter 21, part 1, Montana Code Annotated, the board member is mentally ill;
3. resignation;
4. neglect or refusal to perform required duties for 3 consecutive months, except when prevented by sickness or when absent from the Special District by permission of the board;
5. removal from office;
6. conviction of a felony; or,
7. the decision by a Court of competent jurisdiction declaring the board member's election or appointment void; and,

IT IS FURTHER RESOLVED:

1. The Special District Board is granted all powers necessary and proper to the establishment, operation, improvement, maintenance, and administration of the Special District;
2. The Special District Board shall ensure an appropriate response to requests service within the Special District, shall approve an annual budget, set and approve fees for services and wages (if any), and provide adequate vehicles, equipment, and supplies;
3. The Special District Board may exercise those powers provided in Mont. Code Ann. § 7-11-1021(3)(a) through (f), and (h);
4. The Special District Board may use privately contracted legal counsel or the Jefferson County Attorney. If privately contracted legal counsel is used, the board shall provide written notice to the Jefferson County Attorney;
5. Within ninety (90) days of election of the Special District Board, the board shall

submit to the Jefferson County Commission a budget for review and approval. Thereafter, the board shall submit an annual budget and work plans to the Jefferson County Commission for review and approval no later than June 10 of each year;

6. A majority of the members of the Special District Board shall constitute a quorum for purposes of any action taken by the Special Board;
7. The Special District Board shall provide for the keeping of written minutes, including the final vote on all actions and the vote of each member. Within thirty (30) days after the minutes have been approved by the Special District Board for electronic storage and retention in accordance with Title 2, chapter 6, part 12, Montana Code Annotated, the Special District Board shall submit the minutes for electronic storage to the Jefferson County Clerk and Recorder;
8. The Special District Board may not pledge the credit of Jefferson County or impose any tax unless specifically authorized by state law;
9. At its initial meeting following the election of the Special District Board, the board shall select a Chair from its members by majority vote. The Chair shall be responsible for the oversight and conduct of board meetings and shall handle oversight of ministerial administrative duties. The Chair shall serve a one (1) year term. A board member may serve successive terms as Chair;
10. The Special District Board may employ personnel to assist in its functions;
11. The Special District Board may adopt procedural rules so long as any such rules do not conflict with Montana law or Jefferson County Policy, and shall provide by rule for the date, time, and place of regularly scheduled meetings and file the information with the Commissioners; and,
12. Members of the Special District Board may not receive compensation but are entitled to reimbursement for mileage and for reasonable expenses which are incurred by board members for travel on Special District Business. Except for mileage, reimbursement for per diem and lodging shall be at an equivalent rate to those established by the Montana Department of Administration for state employee travel. Mileage shall be reimbursed at the current rate set by the Internal Revenue Service for business travel.

Dated this 30th day of August, 2016.

Jefferson County Commission

Bob Mullen, Chair

Leonard Wortman, Commissioner

Cory Kirsch, Commissioner

Attest:

Bonnie Ramey
Jefferson County Clerk & Recorder

Commissioner Wortman moved to adopt the resolution. Commissioner Kirsch seconded. The motion carried.

AMEND RESOLUTION 21-2016 RESOLUTION TO PLACE EMERGENCY
BROADCASTING SYSTEM MILLS ON THE GENERAL ELECTION BALLOT

Commissioner Wortman moved to adopt the amended resolution. Commissioner Kirsch seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

BOB MULLEN, CHAIR

LEONARD WORTMAN, COMMISSIONER

CORY KIRSCH, COMMISSIONER