

JEFFERSON COUNTY COMMISSIONERS  
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ROBERT MULLEN, CHAIR

LEONARD WORTMAN

CORY KIRSCH

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**PROCEEDING OF THE BOARD OF COMMISSIONERS  
COUNTY OF JEFFERSON, STATE OF MONTANA  
February 23, 2016**

**Present:** Commissioners Mullen, Wortman and Kirsch; Jerry Grebenc, Interim Planner; Steve Haddon, County Attorney; Paul Backlund

**MINUTES**

Commissioner Wortman moved to adopt the minutes of January 12. Commissioner Kirsch seconded. The motion carried.

Commissioner Kirsch moved to adopt the minutes of February 9. Commissioner Wortman seconded. The motion carried.

**REPORTS**

Commissioner Mullen noted the receipt of the expenditure budget versus actual query report, revenue budget versus actual query, revenue budget detail, trial balance report, and budget detail report for January.

**CORRESPONDENCE**

Commissioner Mullen noted the receipt of a letter from the Clerk and Recorder, with a petition for the creation of an RSID in Big Sky Acres.

Commissioner Mullen read a special declaration in honor of Doug Schmitz, former County Commissioner, who has recently passed away. The Courthouse flag will be lowered to half staff through the weekend. Commissioner Wortman moved to approve. Commissioner Kirsch seconded. The motion carried.

## **CALENDAR REVIEW**

- 2/23 Clancy Water and Sewer meeting - 6:30  
Helena Trails Motorized Users Group meeting - Helena - 7:00
- 2/24 MDC Transition Advisory Council meeting - 9:30  
Rest Area scoping meeting - Helena -
- 2/25 Meeting with Ted Dodge and John Smith - Whitehall - 9:00  
Future West TAC meeting re: re-mining - Bozeman - 1:00  
Survey review - 1:30

## **COMMISSION REPORTS**

Commissioner Kirsch reported that on Tuesday he attended the DUI Task Force meeting. They discussed the teen super bowl party, which had 35 kids in attendance. They plan to do the party again next year. They also discussed extra patrols for St. Patrick's.

Commissioner Kirsch reported that on Thursday the Commissioners met with Robert Rule, who has some big development plans.

Commissioner Kirsch reported that on Monday he met with Bill Hadfield and Jill Allen at the mosquito garage to review the chemical inventory.

Commissioner Wortman reported that on Wednesday he attended the Beaverhead-Deer Lodge working group meeting and met with the regional supervisor. There was pretty good discussion at the meeting. The Boulder/Lowlands project is still on track to start this spring and there is still no indication that there will be any protest. They are talking about doing a forest-wide aspen treatment as there is a lot of conifer encroachment. They had the project out for comments and received one comment from Sarah Jane Johnson who indicated that she would like to get together and coordinate.

Thursday evening Commissioner Wortman reported that he attended the library board meeting in Whitehall. They have hired a new librarian who will start in April.

Commissioner Wortman stated that on Monday he was in Whitehall and took part in a conference call with Ted Dodge, Mike Sanctuary, and Alice Stanley and Bob Fischer from DNRC to discuss the Pipestone project.

Commissioner Mullen reported that on Wednesday he and Commissioner Kirsch attended the JLDC meeting in Boulder. They brought everyone up-to-date on finances, building 6 at the south campus, and gave an update on BTAC and study circles.

## **SUBDIVISION REVIEW**

### **REQUEST FOR EXTENSION OF PRELIMINARY PLAT APPROVAL - AMENDED PALMER MINOR (TRACT A-1-A) LOT 1**

Jerry presented his staff report on this request for extension of preliminary plat approval. He recommended that the extension be granted.

Commissioner Wortman moved to grant a one-year extension of preliminary plat approval. Commissioner Kirsch seconded. The motion carried.

### **FINAL PLAT REVIEW - MICROWAVE HEIGHTS PHASE II MINOR SUBDIVISION**

Commissioner Mullen stated that this had to be moved to next week. Jerry stated that because the developer needed to make some revisions to the articles and bylaws, he wasn't able to get the Commissioners a final plat report with the final plat. He recommended that the final approval be put off until next week.

### **REQUEST FOR EXTENSION OF PRELIMINARY PLAT APPROVAL - TOMASKIE MINOR SUBDIVISION**

Jerry stated that this is a 4-lot minor subdivision in the Montana City area. The developer is requesting a one year extension of the preliminary plat approval.

Commissioner Wortman moved to grant the one year extension. Commissioner Kirsch seconded. The motion carried.

## **ITEMS FOR COMMISSIONERS' ACTION OR REVIEW**

### **DISCUSS AND DECIDE ON FUNDING ASSISTANCE ON POTENTIAL MDC LAWSUIT**

Commissioner Mullen stated that there are some parents that are interested in filing a lawsuit to get an injunction against the state. They do not want their children who are residents at MDC to be transferred to community treatment. They claim that under the ADA and the Olmstead Decision, they need to be consulted when their children are to be moved into a community program. He would like to recommend that we participate in the lawsuit fiscally. The parents have approached a lawyer from Bozeman, who has agreed to take a look at it.

Commissioner Wortman asked about the language; if it says that the parents must be consulted or if they have a say in where their children are placed. Commissioner Mullen stated that it is his understanding that the parents must approve.

Commissioner Wortman asked if it would be possible to get an estimate of what it might cost and the possibility of success. Steve stated that this should be certainly be doable. Commissioner Mullen stated that our lobbyist has been gathering information from a variety of sources and will

give to the attorney.

Commissioner Wortman stated that he would like to find out what the odds are of us winning; he would move to appropriate up to \$5,000. He stated that he thinks that it is worth the cost to find out if there is a chance of success. Commissioner Kirsch seconded. The motion carried.

SIGN MONTANA DEPARTMENT OF TRANSPORTATION SURVEY FOR HIGHWAY 69 PROJECT

Commissioner Wortman stated that the survey shows a land swap between the State and the County to move the approach from Highway 69 to Whitetail Road by the fairgrounds. The survey was signed.

DISCUSS AND DECIDE ON CHANGING PROJECTS ON PIPESTONE CREEK

Commissioner Wortman stated that they discussed this at the last meeting. We got a letter from the landowner's attorney with 22 demands and the stipulation that they would have the right to make additional demands as they review the project. Steve responded to that letter and sent it out via e-mail and snail mail on Friday, but we have received no response yet. He spoke yesterday with Alice Stanley and Bob Fischer with DNRC and their main concern is using grant money on the Kountz Bridge. The flooding in Whitehall is what started the project, but the discovery of Eurasian millfoil in the Slough is what got the money for the project. The projects on the Capp ranch are to deal with silt which creates a nursery for the millfoil, and the work on the Kuntz bridge is mainly to deal with flooding. Commissioner Wortman stated that he isn't sure if they will allow us to change our focus. We need to be moving dirt before the next legislature, or he doesn't think that we will get any more money. He would be reluctant to put out to bid unless we can do it in the next 30 days, or the costs will go up. The other option would be to get bids out for construction in late fall, having the project under construction during the next legislative session.

Commissioner Wortman moved that if we can't reach an agreement with the Millers and Capps by February 26 that we re-direct the money to other projects. Commissioner Kirsch seconded. The motion carried.

**MEETING ADJOURNED**

**ATTEST:**

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**BONNIE RAMEY**  
**CLERK AND RECORDER**

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**BOB MULLEN, CHAIR**

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**LEONARD WORTMAN, COMMISSIONER**

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**CORY KIRSCH, COMMISSIONER**