

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
March 1, 2016**

Present: Commissioners Mullen, Wortman and Kirsch; Jerry Grenbec, County Planner; Ken Vivrette

REPORTS

Commissioner Mullen noted the receipt of a report from the Clerk and Recorder regarding fire trustees that have been elected by acclamation.

CALENDAR REVIEW

- 3/1 Study Circle kick off - Jefferson High School - 6:30
- 3/2 Mental Health Local Advisory Committee - 10:00
Prickly Pear Creek Greenway feasibility study - Montana City - 5:00
Whitehall Sportsman meeting - 7:30
- 3/3 BTAC - Boulder City Hall - 8:00
Ten Mile Collaborative meeting - Helena - 1:30
Mosquito Board - 5:00
- 3/4 I.T. interviews

COMMISSION REPORTS

Commissioner Wortman reported that he attended the scoping meeting in Helena for the proposed rest area. MDT hired a consultant to study the feasibility of locating a rest area at the Boulder interchange. Commissioner Mullen asked about the time frame. Commissioner Wortman stated that the study will take about six months, then it will be a couple years before it is built, depending on funding. They discussed the possibility of the County obtaining the land and running the utilities across the interstate. This would give the state a lot more incentive to consider that site and the owners have some interest in possibly doing a commercial development on that site. If the state runs the utilities, they will only run what is necessary for the rest area. If

the County does it, we can run what is needed for more development. It is estimated that running the utilities would cost \$350,000 to \$500,000, and Tom Harrington thinks that there is the possibility of grant money to accomplish this.

Commissioner Wortman stated that on Thursday he met with Confluence and several landowners on the Jefferson Slough. There are a few items that the landowners were concerned about, and those were discussed. That afternoon he attended a TAC meeting in Bozeman on Upper Missouri Watershed project.

Commissioner Wortman reported that this morning the Commission went to Butte to meet with Forest Service and discuss Schedule A and possible FLAP projects.

Commissioner Kirsch reported that on Friday he met with Robert Rule, who is interested in obtaining a state section for his project.

Commissioner Mullen reported that he attended the MDC meeting on Wednesday. The only thing really to report from that is that the committee has realized that they have run out of money to do everything that they were charged with doing, and that they may have to go back to the legislature and ask for more money to complete all of their tasks. The committee came up with a list of six or eight issues that they still haven't funded. They couldn't decide which is the most important, so they have asked the state budget office and DPHHS to go back and cost out those items and give an idea for a time line. Because this will take more than a month, they have cancelled the March meeting. We have a bit over \$13 million to spend, and have spent \$17.1 million to date. It was suggested that they retro-fit the ASU at MDC to serve approximately a dozen difficult to serve people that probably should never leave the facility, that are too big a behavior problem to be in a community setting, that are simply dangerous. Some members of the committee didn't like that and actually cost out what it would take to serve them in a community setting. They were up to \$12 million just to serve them, compared to \$5 million at MDC for the retro-fitting, staff and operations budget. All of the costs for community programs came to \$29 million - twice the amount of money we have, and we aren't finished yet. It may be an advantage to us if this goes back to the Legislature.

Commissioner Mullen reported that he attended the RMDC board meeting. They have hired a new finance director; the former finance director became the director. He noted that Maria Pace, Boulder Elementary School principal, has agreed to take an appointment to the board.

SUBDIVISION REVIEW

FINAL PLAT APPROVAL - MICROWAVE HEIGHTS PHASE II MINOR SUBDIVISION

Jerry Grebenc, County Planner, presented his staff report on this 4-lot minor subdivision in the Montana City area. He noted that all conditions of approval have been met. Jerry recommended that final plat approval be granted.

Commissioner Wortman moved to grant final plat approval. Commissioner Kirsch seconded. The motion carried.

ITEMS FOR COMMISSIONERS' ACTION OR REVIEW

RESOLUTION 04-2016 ESTABLISHING BURNING SEASON

Commissioner Mullen read the resolution as follows:

RESOLUTION 04-2016

ESTABLISHING BURNING SEASON

WHEREAS, §7-33-2205, MCA, provides that the County governing body may, at its discretion, establish controlled burning season annually, during which, subject to § 76-13-121, a person may not ignite or set a fire, including a slash-burning fire, land-clearing fire, debris-burning fire, or open fire within the county protection area on any residential or commercial property, forest, range, or croplands without having obtained an official written permit or permission to ignite or set a fire from the recognized protection agency for that protection area; and

WHEREAS, § 7-33-2206, MCA, provides that a person who ignites or sets a fire, including a slash-burning fire, land-clearing fire, debris-burning fire, or open fire on any residential or commercial property, forest, range or cropland subject to the provisions of this part without first having obtained a written permit or permission from the recognized protection agency for that protection area to ignite or set the fire is guilty of a misdemeanor; and

WHEREAS, § 7-33-2205, MCA, provides that any person, entity, or representative of a person or entity has entered into a fire hazard reduction agreement pursuant to Title 76, Chapter 13, Part 4, and is complying with that agreement, open burning may be conducted, subject to §76-13-121, between October 1 and April 30 without obtaining a written permit or permission to set a fire, provided the person, entity or representative of a person or entity has:

- (i) obtained air quality and ventilation forecasts before igniting or setting the fire; and
- (ii) notified the County of the location of the burn area.

WHEREAS, Jefferson County has incurred costs to provide a web based, digital

permitting and notification system; and

WHEREAS, §2-17-1101, MCA, through §2-17-1103, MCA (Montana Electronic Government Services Act) and §7-5-2101, MCA and §7-5-2102, MCA, authorizes the Board of County Commissioners to charge fees to recover costs associated with electronic government and business.

NOW, THEREFORE, BE IT RESOLVED, that during the period January 1, 2016 through December 31, 2016, a person must obtain a permit on-line at www.burnpermits.mt.gov or by calling 1-888-583-6499, or in person at the Jefferson County Sheriff's Office before igniting any fire referred to above. And that during the period from December 1, 2016 through February 28, 2017 a person must obtain documentation from the State of Montana Department of Environmental Quality authorizing burning during that period and present that documentation to the recognized protection area for Jefferson County.

BE IT FURTHER RESOLVED that the annual burn permits cost \$6.00 each and can be used throughout 2016 in accordance with the burning resolution and applicable public health regulations.

BE IT FURTHER RESOLVED, that the annual burn permit renewal fee is \$6.00 each and that each permit or renewed permit may be utilized at multiple times and multiple locations with notification of the time and location with each individual burn request required.

DATED this 1st day of March, 2016.

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

BOB MULLEN, CHAIR

LEONARD WORTMAN, COMMISSIONER

CORY KIRSCH, COMMISSIONER

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

SIGN AGREEMENT FOR PROFESSIONAL SERVICES WITH GREAT WEST ENGINEERING

Commissioner Wortman moved to sign the agreement to continue to retain Great West as the County's on-call engineer for at least five years. Commissioner Kirsch seconded. The motion carried.

OPPORTUNITY FOR PUBLIC COMMENT

Ken Vivrette stated that he is on the board of the Martinez Gulch homeowners association. The board is still working on removing the resolution that changed the maintenance on the road. He is wondering what the Commission needs from him to make that happen. Commissioner Mullen stated that we are working on how to write the resolution. Commissioner Wortman asked if the County Attorney is working on that. Commissioner Mullen stated that they are all supposed to sit down and have a discussion.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

BOB MULLEN, CHAIR

LEONARD WORTMAN, COMMISSIONER

CORY KIRSCH, COMMISSIONER