

COMMISSIONER MEETING

August 12, 2019

Commissioner Mike Delger called the meeting to order at 10:00 a.m. Commissioner Laura Obert and Darrel Folkvord were also present.

Public Comment: Lou Reeves expressed concern to Mike Delger and asked him explain why there has been a delay into the investigation and what the charges are. Mike Delger stated he was told the charges were “official misconduct”.

Communications received: Letter from Department of Public Health and Human Services (DPHHS) regarding the SFY-2020 Alcohol Earmarked Tax Distribution; Letter from Townsend School District regarding the ‘Interdisciplinary Child Information and School Safety Team (CPT)

Commissioner Obert moved to pay the approved June 2019 claims in the amount of \$22,310.44. Motion seconded by Commissioner Folkvord and carried.

Peter Simon on behalf of the Trust Board, Rod and Gun Club and Old Baldy Recreation Association presented the commission with Concession Agreements, between Broadwater County and Old Baldy Recreation Association and Broadwater County and Broadwater Rod and Gun Club. Commissioner Obert moved to approve and sign both these agreements. Motion seconded by Commissioner Folkvord and carried.

Rod Barrick, Wheatland Property, presented a sample plan of an alternate site for the Emergency Services or Public Works building. Mr. Barrick is looking for a discussion with the Commissioners, he explained at this time there is no septic, he has not proposed a price yet, and he would be the one to build at the site. Commissioner Folkvord expressed an interest in having a discussion.

Commissioner Delger adjourned the meeting until 10:45.

County Attorney, Cory Swanson, presented the Copper City Road Resolution to the Commissioners for abandonment and establishment. Cory provided a resolution at that time. Cory stated, in September 1999 an agreement between the County, BLM and Don and Patsy Scofield was formed. The Scofields granted a public road easement for the new Copper City Road through their property for access to BLM and State Land. In return the County would abandon the old Copper City Road and declare the new Copper City Road a County Road. Cory can’t find any record declaring the road a county road. Cory stated that this issue has come up two times in the past and each time the commission voted to close the road instead of abandon.

Commissioner Delger asked for public comments. Attorney Mimi Faller speaking on behalf of property owner, Gene Gauss, stated that they are in favor of the resolution and would like to see the commission use the word abandon in their motion instead of the word close, which was the

word used in the past motions made. Mary Hendrickson, Public Works Dept., expressed some concerns she has regarding the cost of bringing the new road up to county standard, maintenance and the easement is only 40', county road standards are 60' Mary stated the Road Dept. has no money set aside for these expenses.

Steve McCullough suggested fulfill the original contract obligation and abandon the road. The road already gives access. Cory stated the commissioners could do what Mr. McCullough suggested without violating statute, it doesn't need to be a county road, and it's already been granted and accepted by the county as a public road.

Commissioner Delger closed the public hearing and moved on to the decision to abandon the Copper City Road. Commissioner Obert asked if a legal ad was published. Commissioner Delger said no, they were told that there is no requirement time frame wise for a resolution, that it was put on the agenda was all that was needed. Commissioner Obert also asked if the resolution was published for the public to review in the Clerk and Recorder's office. Commissioner Delger stated not that he knows of. Commissioner Obert stated, she doesn't disagree with addressing the subject, but with all the challenges against the Commission, the process must comply with the law. Commissioner Obert retrieved and read from the *Broadwater County Commissioner Meeting Agenda and Open Meeting Law Policy*, Section 7-14-2615 MCA and 7-1-2121 MCA. She believes they are not following the law by not following MCA and County policy

After much discussion Commissioner Folkvord moved to abandon the old Copper City Road and adopt the new Copper City Road as a county road; Commissioner Obert declined to second the motion stating she would not participate as MCA requirements have not been met for a public hearing or public disclosure. Commissioner Delger seconded the motion but only for discussion.

Commissioner Delger expressed concern on whether or not the county can get sued because the public hearing may not meet MCA requirements. He suggested that they continue and publish the public hearing for 2 weeks. Commissioner Delger asked Gene Gauss, the landowner, what he thought. Mr. Gauss wanted this issue completed.

Commissioner Delger called for a vote: in favor - Delger and Folkvord; voting no - Obert, stating she opposed, not the decision to abandon the old Copper City Road and establish the new Copper City Road a county road but the vote at this time based on her previous reasons. Motion carried.

The collective bargaining agreement for the Sheriff's office was brought forward for adoption. Commissioner Obert moved to sign the collective bargaining agreement and any continuing health insurance contracts that go with it, Commissioner Folkvord seconded for discussion.

Commissioner Delger called for a vote to sign the collective bargaining agreement for the Sheriff's office, all in favor, motion carried.

Debbie Kelly went over the tax valuation report with the commissioners. She stated the county will realize a 6% growth, 5.47 of that will be taxed. As a result of higher revenue, the mill

number decreases. Commissioner Delger asked the value of the mill; the value for FY 202 is \$17,629.00.

Commissioner Delger asked if most of our budgets are in line with the tax valuation report, Debbie answered yes. Commissioner Obert suggests making sure next week the agenda allows for the commission to do some serious budget work, September 3, 2019 is the deadline and two weeks is necessary to advertise the budget for the required public hearings.

County Attorney, Cory Swanson, presented the Commissioners with an Authorization for Special Counsel Agreement. After some discussion Commissioner Folkvord moved to adopt the Authorization for Special Counsel Agreement, Commissioner Obert stated she will not participate because she only just received the resolution. Commissioner Delger seconded the motion, motion carried, 2 - 0.

Commissioner Folkvord moved to approve the August 5, 2019 minutes, Commissioner Obert seconded, motion carried.

The meeting was adjourned at 12:22 p.m. The next regular meeting is scheduled for August 19, 2019 at 10:00 a.m.

Mike Delger, Chairman

ATTEST:
Melissa Franks, Deputy Clerk and Recorder