DAWSON COUNTY BOARD OF COUNTY COMMISSIONERS
COUNTY OF DAWSON
GLENDIVE MT – January 2020

January 7, 2020

Commissioner Zander opened the meeting at 10:00 a.m., with Dennis Zander and Joe Sharbomo present. Also present were Timber Dempewolf, Brendan Heidner, Ranger Review Reporter and Shirley Kreiman Clerk & Recorder.

Prior Meeting Minutes:
A motion was made to approve the minutes for December 17, 2019. The motion was seconded. All voted in favor. Motion carried.

Items to be added to the agenda:
A motion was made to add the following items to the agenda.
- Previously Approved Administrative: Travel Requests Stinnett and Searer; Board Appointments
- New Administrative Items: Immunization Write-offs Health Department Sept-Dec 2019; Easement Agreement, Brian Wittmayer
The motion was seconded. All voted in favor. Motion carried.

Previously Approved Administrative Items:

- Resignations: Adrian Valenciano Seasonal Road Laborer resigned 12-19-19; Carl Thomas Operator II Road Department, Retired 12-31-19

- Travel requests: Travel requests were approved on January 2, 2019 for Jaycee Searer and Jackie Stinnett to attend 2020 4-H Agent Update Conference in Lewistown January 28-30th. The extension office will be closed for 3 days.

- Board Appointments: The following board appointments for 2020 were made in December:
  - Airport-Cliff Sabo to complete term for Mark Simon
  - Cemetery-Marcia Mitchell, reappointed
  - Fair-New appointment-Tory Kjelstrup, Reappointments-Terah Lynn, and Jen Rieger
  - Forest Park Street Maintenance: Reappointed-Tom Toomey and Mike Newton
  - Land Advisory Board-Reappointed by Judge Rieger-Trevor Houck
  - Weed/Mosquito-Reappointed, Nancy Cullinan
  - River Road Irrigation Pipeline-Reappointed, Bill LaBree and Herb Weiss
  - Planning Board-Reappointed, Jim Kutzler

  The commissioners are still working on filling other vacated positions.

Administrative Items:

- Immunization Write-offs: A motion was made to approve write-offs requested by the health department in regards to immunizations. Health Director Timber Dempewolf stated these were due to contract agreements with individual Health insurances, mostly medicare immunizations. The motion was seconded. All voted in favor. Motion carried.

- Easement Agreement-Brian Wittmayer: A motion was made to approve an easement agreement with Brian Wittmayer so the county may be allowed to improve the grade and extend the slopes of the portion of County Road 248 aka Bad Route Road, which runs near the section line between sections 32 & 33 of Township 16N, Rage 53 East in Dawson County. There was discussion between commissioner Zander and Sharbomo about the need for regrading of the slope on the hill. The motion was seconded. All voted in favor. Motion carried.

Old Business:

- Second Tax Deed Sale Date: Several items were discussed regarding holding a second sale on tax deed property. 1) We lien on 511 E Barry St. RTN 6631 from US Bank has not been resolved. The county attorney was going to request information. 2) The conjoining properties on 221 and 221 ½ S Pearson and 311 E Power were sold, but the check was bad and the county will need to place it back up for sale. 3) The commissioners discussed trying to have the sale towards the end of February but would like to obtain information on the 511 E. Barry property prior to the sale. Chairman Zander tabled the item.
New Business:

Resolution No. 2020-1 Elect Chairman, Establish Hours, Dates, Per Diem for 2020-
Commissioner Zander read the resolution. Office hours will remain the same with at least one
commissioner being in the office M-Thu from 8am to 5pm excluding weekends and holidays.
Regularly scheduled public meetings will be on the first Tuesday of the month at 10:00 a.m and
the Third Tuesday of the month at 5:30 p.m. Agendas will be posted on the Friday before on the
Dawson County webpage and the door of the Commissioner’s office. A copy is also available
from the Clerk & Recorder. Dennis Zander is selected to be Chairman of the Commission and Joe
Sharbono will be Vice Chairman. Per diem/travel rates will be 57.5 (.575) cents per mile for business
miles driven. For out of town travel, if a county vehicle is available and employee
chooses to use their personal vehicle, valid insurance must be maintained and the rate reimbursed
will be 33 cents less or 24.5 cents (.245) per mile. The state lodging rate is $96, other than the
specifically listed high cost areas: Gallatin/Park Oct-May $113 June-Sept $225, Lewis & Clark
$103, Missoula/Lake/Flathead $96 Sept-June and $164 for July & Aug, Missoula $102 for Sept-
June, $141 for July & Aug. Employees may be reimbursed the actual cost of lodging when the
state rates are not honored, providing there is supervisor approval. The employees may be
reimbursed actual cost of meals while traveling on county business when a receipt is provided, not
including tips or alcohol, up to $13 for the morning meal, $14 for the midday meal
and $23 for the evening meal. No reimbursements without a receipt. Association dues for elected officials
for their respective associations must be paid by the county in accordance with MCA. A motion was
made to approve the resolution. The motion was seconded. All voted in favor. Motion carried.

Resolution No. 2020-2 RSID 48 WG Sewer District Rules & Regulations-The intent of this
resolution was to update the adopted connected fee schedule, assessment procedures and policy,
classification equivalency, and rules and regulations from the Metropolitan Sanitary Sewer District
#1 to the recreated Rural Special Improvement District #48. Commissioner Zander stated that they
were still waiting for a recommendation from KLJ regarding the connection fee schedule. The
item was tabled.

December Payroll- The board of Commissioners certified the payroll warrants register total and
the Invoice Journal total for the month of December 2019 and noted they were in agreement.
($1,063,163.32 for 3 pay periods)

Jordan-Agricultural Exemption Exempt Survey-
This is a survey in the S ½ of Section 24, Township 21 North, Range 50 East, Dawson County.
The proposal is to separate the existing dwelling with 1.0 acre from the approximate 190.8 acres of
agricultural lands located along Highway 200. Total acreage involved is 191.8 acres, Tract A
190.8 acres and Tract B 1.0 acre. The commissioners reviewed the survey and planner’s staff
report. Commissioner Sharbono made a motion to approve the use of the claimed exemption and
authorize the Clerk & Recorder to file the COS as provided in the Subdivision Regulations. The
motion was seconded. All voted in favor. Motion carried.

Correspondence/Information:
- Notice from United States Department of State of Final Supplemental Impact Statement for
the proposed Keystone XL Project available at https://keystonepipeline-xl.state.gov/
following comments received during the 45 day comment period

Public Comment:
None

Meeting adjourned at 10:20 a.m.

DATED this 7th day of January 2020.

Dennis Zander, Chairman

Joe Sharbono, Member

ATTEST: ________________________________
Shirley A. Kreiman, Clerk & Recorder
Commissioner Zander opened the meeting at 5:30 p.m., with Dennis Zander, Joe Sharbano, and Gary Kartevold present. Also present were Justin Baisch, Art Gehnert, and Brendon Heidner, Ranger Review Reporter and Shirley Kreiman Clerk & Recorder.

Prior Meeting Minutes:
A motion was made to approve the minutes for January 7, 2019. The motion was seconded. All voted in favor. Motion carried.

Items to be added to the agenda:
A motion was made to add the following items to the agenda.
- Correspondence: Treasurer Cash Report, MDOT Fuel Tax Allocation Notice
- Previously Approved Administrative Items: Board Appointments, Interest Clearing Transfer
- Administrative Items: Travel Request, Firefighter Property Cooperative Agreement
The motion was seconded. All voted in favor. Motion carried.

Previously approved Administrative Items:

Resignations: Addie Canen Library 1-24-20

Board Appointments:
- County Council on Aging-Gloria Garceau-Blaser; Lew Melby; Ardie Adams
- Urban Transportation Board-Deana Allison; Lamont Lamphier
- Richey Cemetery-Jerome Brown; Robert Raisl
- Board of Appeals-Kevin Pêna; Doug Keever, Brian Huotari
- Weed/Mosquito Board-Steve Hinebauch
- Airport Board-Gary Brengle
- Board of Health-Jill Domek; Justin Cross; Cindy Heidt, Dennis Zander
- Highland Park Irrigation Board-Kyle Millspaugh
- Tax Appeal Board-Shirley Erhart
- Dawson County Housing Authority-Shelly Christianson
- Planning Board-Dave Hrubes
- Bell Street Bridge Committee-Julie Pastones

It was noted that there are 2 open positions on the Highland Park Irrigation Board and 1 position on the Zoning & Planning Commissioner with a preference for a Highland Park resident.

Victim Witness Assistance Contracts-Dallas Mitchell & Cheyenne Pollan Due to the high turnover in this position and two county employees have been completing the required duties. The commissioners entered into a contract with the two county employees to complete the duties from January 2, 2020 through October 31, 2020 unless otherwise terminated or mutually amended in writing for the sum of $5,000 each. The compensation is to be distributed over increments for each of the pay periods.

Service Agreement with Agri Industries-The Dawson County Correctional Facility entered into a service agreement with Agri Industries, Inc. to service and flush 12 Navien tankless water heaters on a bi-annual or annual basis. Plumbing contractor duties and rates will be honored through this agreement. $1,600 for each time they are cleaned. Labor rate: $90/hour per journeyman plumber, mileage $1.25/mile 25% markup on parts. Service call times from leaving shop to returning to shop. The agreement was signed on January 9, 2020.

Transfer of Interest- A motion was made to transfer funds from Interest Clearing fund to cover interest from investments to the appropriate designated funds in the amount of $41,233.31 for the month of December 2019. The motion was seconded. All voted in favor. The motion carried.

Administrative Items:
Gravel Donation Receipts-A motion was made to issue donation receipts to Sherry Evans, Craig Lewis and Everett Mitchell for gravel donations. The motion was seconded. All voted in favor. Motion carried.
File Cabinet Donation Receipt- A motion was made to issue a donation receipt to WBI for the donation of 6 lateral file cabinets. The motion was seconded. All voted in favor. Motion carried.

Travel Request-A motion was made to approve a travel request for:
- Mary Jo Gehnert to travel to Great Falls for a DES meeting during MaCo Midwinter February 10-12. The Commissioners asked if anyone else was going. The Clerk and Recorder stated that she and her deputy were going to Great Falls for Elections Training, but they were leaving on the 9th and returning on the 13th. The motion was 2nd. All voted in favor. Motion carried.

Firefighter Cooperative Agreements- A motion was made to approve Firefighter Cooperative Agreements with Montana Department of Natural Resources and Conservation Forestry Division. It is noted that the program allows the fire department to screen for military excess property that can be used for meeting the needs of fire departments. The motion was seconded. All voted in favor. Motion carried.

Old Business:
Tax Deed Sale- 2nd Sale- Commissioner Zander tabled the item as they are waiting on a response from the county attorney on an inquiry on a tax lien on a property.

Mitigation Plan Award Bid- Commissioner Zander noted they need to speak to the DES Coordinator as this was a multi-county bid and they are waiting to know if the other counties have agreed to accept the bid. The item was tabled.

New Business:
Justin Baisch- Weed Board Chairman- Justin stated that here was here to ask the Commissioners to consider hiring a secretary to do the paper work for the Weed Department. It was discussed at the last weed board meeting and they were all in agreement. They feel that the Weed Coordinator’s time is better spent in the field spraying that spending half of his time doing paper work. They wouldn’t need as much summer help and the summer help would be more productive if the supervisor were with them. We were budgeted for up to 4 summer workers. Possibly you could consider a job share with another department that has a part time secretary. Whoever it is does need to be versed in what is going on. I had a list of 3 or 4 reasons why we wanted you to consider this, but I left it at home, but the main reason was so that the Coordinator could be free to do more spraying. The summer workers are good people but they don’t know the country or the weeds. Commissioner Kartevold commented that there had been a secretary in the past, but they thought the Coordinator could utilize his time better. Since Commissioner Sharbono had been the department head for the Weed Department in the past he was asked what his thoughts were. He commented that Michael Bacon did the paperwork when he was Supervisor. At that time Heath did not have the license but Joe did. Michael did the paperwork once a month. He was not sure how many hours it took him, but he could check with Michael and find out. Baisch indicated that he estimated that 50% of his time was spent doing paper work. Art Gehnert expressed his concerns with the paperwork that was being done wasn’t accurate as he was overcharged. The board is concerned that not enough spraying is getting done. Where he has been, he has done good. Zander commented that he felt all of the Commissioners would agree that his time is best spent out in the field. They would discuss the matter and see if they could discern the best way to accomplish that. A commissioner will try to attend the next Weed Board meeting. There was also discussion about spraying that had previously been done for BLM, but they were doing their own spraying now, but they are concerned it isn’t getting taken care of. There was also discussion about the Railroad spraying. They have set back the leafy spurge. The county has been spraying in Makoshika but they can only go where they’re told they can go. Sheep are effective, but you can’t get them anymore. Until a private entity shows up to spray, they can’t keep on top of the weeds within the county. It was agreed they have a common goal to get the Weed Coordinator more time in the field and lets figure out how to solve it.

Evans Section 33 Minor Subdivision- This is a proposed one lot minor subdivision of 20 acres located in Section 33 Township 17 Range 55 East. The property is 4 miles north of Glendive on County Road 550 approximately 4 miles east of the intersection of Highway 16. This property qualified for expedited review. The commissioners reviewed the planner report and plat. A motion was made to adopt the staff report MNR-20-01 as finds of fact and approve the Evans Minor Subdivision subject to the following conditions: 1) That the final plat be in accordance with the plat, plans and specifications submitted for preliminary review except as modified by these
conditions. 2) The owners of the lots are required to waive the right of protest for the creation of a special improvement district for improvements to county roads or road improvement district that benefits the lot created by subdivision. 3) That approval is valid for three years from the date of approval by the County Commissioners. The commissioners noted that the description on the report said it was east of the intersection of Highway 16, but it was west of the intersection. The motion was seconded. All voted in favor. Motion carried.

Resolution 2020-2 RSID 48 WG Sewer District- Connection Fee Schedule, Assessment Procedures and Policy, Classification Equivalency, Rules & Regulations-This is an updated policy to replace the policy in place with the MSSD#1 that was replaced with RSID #48. Chairman Zander noted that the fees schedule was more flexible and broken down that the previous version. There was no change to the assessment or classification. The rules and regulations were clarified. A motion was made to approve the resolution and attached schedules. The motion was seconded. All voted in favor. Motion carried.

Correspondence/Information:
- Notice from DNRC that the Metropolitan Sanitary Sewer District No. 1 Bond was paid off on August 28, 2019 (replaced with RSID Bond)
- Letter to MDOT requesting a traffic and speed study with increased traffic on intersection of Towne Street and Highland Park Road on Hwy 16
- Notice of increase to minimum wage to $8.65
- Notice included in WG Sewer Billing of Policies regarding the sewer billing
- Letter of support for Eastern Plains Economic Development Corporation to serve as the Certified Regional Development Corporation for the region.
- Second notice of violation Highland Park-Murphree
- Letter to MDOT-Aeronautics Division withdrawing Grant application for rehabilitation of Taxiway A, based on conversation regarding FAA funding priorities for a proposed terminal project.
- Notice of delinquent annual Financial Report
- Treasurer’s cash report for 12-31-2019
- MDOT Fuel tax allocation notice-$95,080.44

Public Comment:
None

Meeting adjourned at 6:07 p.m.

DATED this 21st day of January 2020.

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Dennis Zander, Chairman

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Joe Sharbono, Member

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Gary Kartevold, Member

ATTEST: __________________________________
Shirley A. Kreiman, Clerk & Recorder
January 29, 2020

Commissioner Zander opened the meeting at 1:30 p.m., with Dennis Zander, Joe Sharbono, and Gary Kartevold present. Also present were Greg Johnson, Brent Cassette, Tara, Jeff, Laura, Jennifer, Forrest Sanderson, Sam Johnson, Jack Rice, Jerry Jimison, Kevin Dorwart, Becky, Brendon Heidner, Ranger Review Reporter and Shirley Kreiman Clerk & Recorder. This meeting was held based on the receipt of a request for a Corp of Engineers 205 study regarding flood plain issues.

Introductions were made. Commissioner Zander turned the meeting over to Greg Johnson with the Corp of engineers. Greg stated that there was no formal agenda, but they would talk though what they know and what it will take to do this going forward. He asked for any questions from the get go. Commissioner Zander asked about the cost of the study. Is this feasible? We don’t want to spend money we don’t have for an answer we can’t afford.

G. Johnson: The procedure on a normal 205 project is advanced pre-authorized for construction small scope projects for mitigating flood risks. We don’t have to go to congress for construction. The 205 process is streamlined and cost shared. The study should be less than 3 years, we would shoot for 2 and construction would be year 4 or 5. The first step of $100,000.00 there is no cost share on. After that it is 50/50. What we are committed to is a federal interest determination. An approval memo is coming soon. An intent to scope the rest of the study, leaving a portion of the $100,000 in tact to have for work on the study. Using the project in Miles City for guidance.

• Life safety issues. We have a new guideline that requires us to consider life safety issues. Part of the alternatives are advantageous to Glendive. If the river tops the dike there could be significant deaths. Another tool to sell the story why other solutions make sense. Economically, it may not pay for it on its own. A life safety analysis. There is a model we can use determining evacuation routes an timing parameters.
• Feasibility-The feasibility phase-real estate is part of the cost equation.
• Environmental. What are the potential impacts?

I think we should first do a risk assessment. The probabilities of it occurring (flooding over dike). That will help understand the deficiencies.

J Jimison-Are we able to get this done faster because of existing data?

G Johnson-We need to look at what tasks there are to do and what portion of the existing data can we use.

J Jimison-Since Trump repealed some of the environmental restrictions, is that in our favor?

G Johnson-We will have to see what has trickled down and if it is law or not. He will investigate.

D Zander-Even if we get over cost of what point will FEMA be satisfied?

G Johnson-If we build the levy, there is a disconnect. The Corp builds a levy that meets FEMA standards, meets or exceeds. The rub is that the corps mission is to maximize economic return for the government. A 100 year threshold is cost effective or not, then they may recommend a more cost effective ratio. Most times we get to the 100 year level, but we won’t know until a study is done. As they start the process, we will want public meetings. We want input. What do they want us to look at. There will be agency meetings and if applicable tribal meetings. Is there a FEMA map study in the queue?

F. Sanderson-It is coming. It may be available in 6 months.

S Johnson-I can look deeper into it. It could help with the cost share.

G Johnson-Updated data would be helpful and part of the in kind costs.

S Johnson-Ekalaka got some grant funding and it went towards the cost share. Would any previous cost share qualify for in-kind?
G Johnson—Costs should be cheaper. In Kind can only be used after cost-share agreement is signed. Experience shows we want the highest quality of data and the more accurate, the better the results. We wouldn’t want to use 2007 data if timing indicates that new data was going to become available.

F Sanderson—The state has a priority list. It depends on their priorities. I don’t know what they are.

G Johnson—We will keep this on the radar. Especially we would want it for the design phase. Most of the time we want it for the feasibility study. Most of the time design will require field data.

F Sanderson—Local match?

G Johnson—It must tie to the scope elements. Coordination, no match. ESA phase I survey—If you have the capabilities to do your own survey you will get credit for it. The H &H we prefer to do in house. If there is public involvement, such as setting up a venue, sending out a mailing lists, survey data, evacuation plans, environmental—what kind of wetland resources, this can qualify for in kind.

F Sanderson—Can there be a pre-qualification getting it vetted to know if it qualifies?

G Johnson—We put the scope together. There will be steps and will show the costs. You can determine what pieces you think you can do. A cost share agreement comes after that. There will be a tentative outline of what the cost share will be. It will include staff time, submit hours, with a burdened rate, including utilities to add to labor effective credit. Sufficient documentation is outlined before signing off on a cost-share.

J Jimison—Is it the longest undammed river?

G Johnson—It has a steep slope. There is a mobile bed. A northern river. More natural for rivers to flow north to south. It had ice jams before the Yellowtail. It still has ice jams.

D Zander—no analysis of the east bank?

G Johnson—My biggest uncertainty is the Cains Coulee area, the graveyard coulee, the school coulee. The impacts there and what it takes to mitigate them. I don’t think infrastructure modifications will do much good. Most likely the solution will include raising the levy and some
non structural alternatives. There is the erosion issue. (Penningter Park) a hydrant water main and a sewer main.

Q. What happened at the river at Intake. The river went up 5 feet in 5 hours.

Dennis Zander - What are the next steps?

G Johnson - We will work on the scope. Brent will set up a coordination call. Who will be the lead? Dennis Zander. The scope should be completed in the April time frame. We will put a team together and start setting up bi-weekly meetings.

K Dorwart - There should be some Geo tech data available from the city. A Geo study with well logs and borings from construction projects. Are there hourly rates for those on the team? How do we know if it will behoove us to hire our own consultants?

G Johnson - There will be an estimate of hours. A QR assessment will be first and say it is $30,000. We break out individual prices in phase groups. We would want to discuss what items you have an interest in doing.

Becky - The corp has been helpful. They will give you more information than you may ever want. They are incredibly transparent in itemizing costs.

G Johnson - I believe this will be cheaper than Miles City. There has been more work done here in the past that we can utilize. Our engineers are particular though. We’re open to discussion. This will be done before we do a cost share.

F Sanderson - How much are they in for cost at Miles City?

G Johnson - Over $300,000-$400,000. The most expensive I’ve signed for a 205 project. The total cost being 1.2 million and now at least 1.5 million. It is more complex than Glendive. The water never lies. It always goes to the lowest spot. Miles City requested a stop on the 205 with not enough funds.

G Kartevold - Is there a limit on a stop how long can you stop?

G Johnson - It may go down on the priority list and then data becomes old. In the PSA agreement there is a template standard language. You pick and choose what clauses you want to use. You can give it to the attorneys in a couple of weeks. Frankly, we were caught off guard and surprised you got the funding. Glendive was not on the list last summer. A new appropriations bill passed in December then here’s $50,000 to start your Glendive study. I suspect legislature written by WY Borosso directed the Corp to do ten 205 projects regarding ice jams in the next 10 years. We will coordinate with the Cold Regions Lab. The Yellowstone is big volume with large ice jams. Areas farthest upstream are frozen over. The farthest up are ice issues in Columbus. There is one in Paradise Valley, but on a reoccurring basis usually not past Forsyth. Some in the confluence around Billings.

D Zander - What is the DNRC role?

S Johnson - This is a whole different department from me.

Becky - I’ve seen some TSEP funding used. Miles City used $75,000 in cash.

S Johnson - We get involved in signing off on maps. County wide revision of maps are pretty rare but it happens, coordinate the modelling. We need to look at what makes the most sense when to update it? When does the city/county want it? When will the formal integration work? We submit Clomer? To FEMA, they update the maps formally. Has the city or county adopted any updates from FEMA.

Both have adopted FEMA.

The goal would be standardize at completion.
Glendive is the most blatant example I have seen of a map based on jurisdiction.

In regards to your worries on cost, you should come in way less than Miles City.

From the fallout from the 2019 budget appropriations. We have the first $100,000. There are two chunks of $50,000. The first $50,000 spent in coordination. We hope to get most of the second $50,000 to use towards the study. Glendive qualifies for section 14 for bank stabilization to protect public infrastructure. No C’s or D’s get awarded. I think Glendive is a BB on 14 funding. For that construction is 65/35. The feasibility portion never goes over $100,000. The limit is $5 million.

D Zander—What are the options where the river bank keeps eroding?

G Johnson—It might be able to fold into the 205. One option ?? a determination is needed on what is the impact? How many residents are effected? Option 2, work with regulatory or PAS study, don’t want two active studies, more sense to put in the 205. A RDG grant. Putting all your eggs in one basket. The biggest challenge you will run into. What the Railroad runs into. They can’t get permitting, so they wait until there is damage done and then request emergency help. They very rarely pro-actively mitigate. There might be things you could do. Sheet piling, its not pretty. Who would you go to ask? You may see what they’ve done in Billings.

The life safety piece is cutting edge. Previously, these have most been economic guidelines for a project.

The meeting adjourned at 3:25 p.m.

Dennis Zander, Chairman

Joe Sharbono, Member

Gary Kartevold, Member

ATTEST: __________________________
Shirley A. Kreiman, Clerk & Recorder