

Minutes of Business Meeting
January 26, 2015 – 2:00 p.m.
Fergus County Commissioners
712 W. Main St., Suite 210
Lewistown, MT 59457

Present: Presiding Officer Sandy Youngbauer, Commissioner Carl Seilstad, Commissioner Ross Butcher, and Rana J. Wichman, Clerk & Recorder. Public present: See attached list.

CALL TO ORDER:

Presiding Officer Youngbauer called the meeting to order at 2:00 p.m. She announced two amendments to the agenda:

- 1) Winifred Herd District was moved from Public Comment on Agenda Items to Public Hearing, and
- 2) Under Discussion/Action Items #2 Winifred Herd District the word Resolution was added so it read “Winifred Herd District Resolution”.

APPROVAL OF MINUTES:

Presiding Officer Youngbauer indicated if there were no alterations or corrections to the January 9, 2015, minutes they would stand approved as distributed. They will be on file with the Clerk and Recorder and on the Fergus County Website.

PUBLIC HEARING:

1) Winifred Herd District: Commissioner Youngbauer opened the public hearing on the Winifred Herd District. Jeff Solomon asked who is responsible to build the perimeter fences for the herd district. Candi Zion asked about the use of electric fences, and how the herd district will affect current right-of-ways. County Attorney Tom Meissner stated that there will be no affect on right-of-ways. Robert Ehlert asked if there would be any affect on any County roads going through the property and got the same answer. Ed Butcher indicated that electric fences are legal, and that he feels a good electric fence is better than a regular fence. Ty Thomas read the definition of a legal fence according to 81.4.101 MCA. This included “fences not less than 44 inches or more than 48 inches in height”, “(1) all fences constructed of at least three barbed, horizontal, well-stretched wires...”, “(2) all fences constructed of any standard woven wire not less than 28” in height...”, “(5) all rivers, hedges, mountain ridges, bluffs, or other barriers over or through which it is impossible for stock to pass.” Ed Butcher continued to argue for electric fences. Tom Meissner stated he would have to research and advise on this at a later date. Commissioner Seilstad said the Commissioners have to follow statute in regard to establishing a herd district. Tom Meissner indicated that the Commissioners have met all of the requirements per statute to establish the Winifred Herd District, and that is where their authority and/or discretion ends. A legal fence is a requirement for a herd district, but it is not an impediment to creating a herd district. Candi Zion asked if all individuals included in the herd district are involved and responsible or only those that petitioned. While it was felt everyone is responsible, no definitive answer was given at this point. Tom Meissner said the Commissioners are obligated to approve the Winifred Herd District at this time. Candi Zion asked about instances where an elk herd tears down fences and cattle get out. Tom Meissner stated these are called unexpected consequences and a requirement would be timely repair. The residents would need to work with Ty Thomas on situations such as this. There being no more comments Commissioner Youngbauer closed the public hearing on the Winifred Herd District.

PUBLIC COMMENT ON AGENDA ITEMS: None

ANNOUNCEMENTS & REPORTS:

It was announced that there are still openings on the Port Authority Board. The Commissioners are starting to interview those interested in a position on the Fergus County Recreation District. There are two positions open within the city limits of Lewistown, and two positions open within the district but outside the city limits of Lewistown.

BID OPENINGS: None

DISCUSSION/ACTION ITEMS:

- 1) Approval of claims 1/26/2015: Commissioner Seilstad moved that the 1/26/2015 claims be approved. Commissioner Butcher seconded. Passed unanimously.
- 2) Winifred Herd District Resolution: At this point Commissioner Butcher recused himself and left the room. Commissioner Seilstad moved to adopt the Winifred Herd District Resolution. Commissioner Youngbauer seconded. Commissioner Seilstad asked Tom Meissner if the questions that have arisen regarding the herd district are something that he can research and let those involved know his findings. Mr. Meissner indicated he could do that. The issues mentioned at this point were (1) perimeter and interior fences, (2) any affect on a County Road going through the district, (3) unexpected consequences such as elk tearing a fence down, (4) electric fence, (5) if a fence is required to separate land owners property, and (6) if you don't have livestock are you required to fence. Commissioners Youngbauer and Seilstad voted in favor of adopting the resolution.

APPOINTMENTS:

- 1) Council on Aging: Juliane Lore: Commissioner Seilstad moved to appoint Juliane Lore to fill the unexpired term that ends 6/30/2015. Commissioner Youngbauer seconded. Commissioners Youngbauer and Seilstad voted in favor of the appointment.

PUBLIC INPUT: None

OTHER BUSINESS: None

NEXT MEETING DATES:

February 6, 2015 Friday – 2:00 p.m.	Business Meeting	Fergus County Commissioners 712 W. Main St., Suite 210 Lewistown, MT 59457
February 18, 2015 Wednesday – 5:15 p.m.	Regular Monthly Meeting	Fergus County Commissioners 712 W Main St., Suite 210 Lewistown, MT 59457
February 25, 2015 Wednesday – 2:00 p.m.	Business Meeting	Fergus County Commissioners 712 W. Main St., Suite 210 Lewistown, MT 59457

FERGUS COUNTY COMMISSIONERS

Sandy Youngbauer, Presiding Officer

Carl Seilstad, Commissioner

Attest:

Ross Butcher, Commissioner

Rana J. Wichman, Clerk & Recorder

