

Minutes of Fergus Co. Commissioners Business Meeting

January 25, 2017 – 2:00 p.m.

Fergus County Commissioners

712 W. Main St., Suite 210

Lewistown, MT 59457

Present: Presiding Officer Carl Seilstad, Commissioner Ross Butcher, Commissioner Sandra Youngbauer, and Clerk & Recorder Rana Wichman. Public present: See attached sign in sheet.

CALL TO ORDER:

Presiding Officer Seilstad called the meeting to order at 2:00 p.m.

APPROVAL OF MINUTES:

Presiding Officer Seilstad asked if there were any alterations or corrections to the January 10, 2017 minutes. Hearing none the minutes will stand approved as distributed and they will be on file with the Clerk and Recorder and on the Fergus County Website.

PUBLIC HEARING:

- 1) Public Hearing for Declaring the Existence of a County Road known as McKinley Avenue in the Kendall Town Site: Commissioner Seilstad opened the public hearing on McKinley Avenue. He read a letter from Kris Birdwell of Stogsdill & Birdwell, P.C., Attorneys at Law, asking that the end point of the road be changed by 200 feet so it does not access the Daisy Claim. Their letter is part of these minutes. Discussion was held regarding promised BLM improvements that have not been completed to date. Debbie Tucek with BLM commented that they are currently working on the items they have agreed to do. Commissioner Seilstad closed the hearing.

BIG OPENINGS: None

PERSONNEL ANNOUNCEMENTS:

- 1) There is an opening in the County Attorney's office for a Victim Witness Advocate.

ANNOUNCEMENTS / REPORTS:

- 1) City/County Planning Board

DISCUSSION / ACTION ITEMS:

- 1) Approval of February 10, 2017 claims: Commissioner Youngbauer moved to approve the February 10, 2017 claims as submitted. Commissioner Butcher seconded. Passed unanimously.
- 2) Discussion on Box Elder Lane Road Viewers Report: Commissioner Youngbauer moved to table this and put a public hearing notice in the paper regarding this road. Commissioner Butcher seconded. Passed unanimously.
- 3) Declaring the Existence of a County Road known as McKinley Avenue in the Kendall Town Site: Commissioner Butcher moved to delay a decision on McKinley Avenue until the February 10, 2017,

meeting. Since the public hearing was just this meeting more time was needed to consider this. Commissioner Youngbauer seconded. Passed unanimously.

- 4) Form Road Viewers Committee for Pine Ridge Lane: Commissioner Youngbauer moved to appoint John Anderson, Pam Vosen, and Commissioner Youngbauer to a road viewers committee for Pine Ridge Lane. Commissioner Butcher seconded. Passed unanimously.
- 5) Form Road Viewers Committee for Evers Road: Commissioner Butcher moved to appoint John Anderson, Pam Vosen, and Commissioner Butcher to a road viewers committee for Evers Road. Commissioner Youngbauer seconded. Passed unanimously.

APPOINTMENTS:

- 1) Roy Rural Fire: Commissioner Youngbauer moved to appoint J.D. Harrell to complete the unexpired term of Tom Byrne. This term ends 5/31/2019. Commissioner Butcher seconded. Passed unanimously.
- 2) Weed Board: Commissioner Butcher moved to appoint Thad Moseman to a first term on the weed board. The term runs 1/25/2017 – 12/31/2020. Commissioner Butcher seconded. Passed unanimously.
- 3) Port Authority: Commissioner Youngbauer moved to appoint Anthony “Tony” Brown to complete the unexpired term of Tony Pierce. This term ends 11/30/2017. Commissioner Butcher seconded. Passed unanimously.
- 4) Port Authority: Commissioner Butcher moved to appoint Chris Cooler and Mike Dowdy to the two newly created positions on the Port Authority. These terms will run 1/27/2017 – 11/30/2021 and both would be first term appointments. Commissioner Youngbauer seconded. Passed unanimously.
- 5) County Planning Board: Commissioner Youngbauer moved to appoint Laura Boyce to a first term on the County Planning Board with the term being 1/25/2017 – 12/31/2019. Commissioner Butcher seconded. Passed unanimously.

PUBLIC INPUT: None

OTHER BUSINESS:

The Commissioners are trying to come up with a checklist for activity on road requests. After some discussion it was decided to try the following:

Meeting #1: Acknowledge receipt of petition and set up road viewers committee. Committee will review, research, and submit report.

Meeting #2: Public hearing and discussion regarding road viewers report.

Meeting #3: Discussion / Action including resolution outlining decision.

This will be tried for a while to see how it is working.

NEXT MEETING DATES:

February 10, 2017 Friday, 2:00 p.m.	Business Meeting	Fergus Co. Commissioners 712 W. Main St., Suite 210 Lewistown, MT 59457
February 24, 2017 Friday, 2:00 p.m.	Business Meeting	Fergus Co. Commissioners 712 W. Main St., Suite 210 Lewistown, MT 59457

March 10, 2017
Friday, 2:00 p.m.

Business Meeting

Fergus Co. Commissioners
712 W. Main St., Suite 210
Lewistown, MT 59457

Reminder: Agenda items are due to the Commissioners 10 days prior to the meeting.

FERGUS COUNTY COMMISSIONERS:

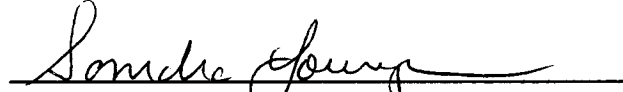


Carl Seilstad, Presiding Officer

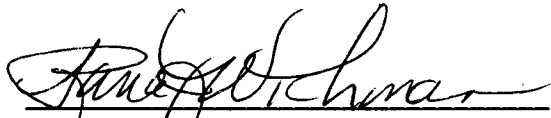


Ross Butcher, Commissioner

Attest:



Sandra Youngbauer, Commissioner



Rara J. Wichman, Clerk & Recorder

STOGSDILL & BIRDWELL, P.C.

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January 24, 2017

Fergus County Commissioners
712 W. Main
Lewistown, MT 59457

Re: Resolution Establishing a County Road on McKinley Avenue in the Town of Kendall

Dear Commissioners:

I have reviewed a copy of the proposed Resolution recognizing McKinley Avenue in the Town of Kendall as a county road. Kindly accept this letter as a request for an amendment to the proposed Resolution. I respectfully request that the County amend the Resolution so that the end point of the road is on the boundary of the Daisy mining claim. As drafted, the Resolution takes the road approximately 200 feet beyond the boundary of the Daisy mining claim.

My brother and I own Boyd Creek Properties, LLC. Boyd Creek Properties, LLC owns the Daisy mining claim. Extending the road into the Daisy claim does not provide the public access to additional land. Likewise, extending the boundary of the road into the Daisy claim does not benefit any other landowners.

I would prefer that the public not have a right to drive 200 feet into our property. Until the BLM follows through with its commitment to build fencing and natural barriers on the open face pit mines, it is dangerous to allow the public access to the mine site. Your proposed road will encourage the public to enter the mine site.

If the County has a purpose for extending the road into the Daisy mining claim, please explain that purpose to us. We may be able to find a remedy that will address the County's purpose while ending the County road on the Daisy claim boundary.

Sincerely,

STOGSDILL & BIRDWELL, P.C.



Kris A. Birdwell

KAB/tgp

