

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
BROADWATER COUNTY, STATE OF MONTANA**

LOCATION: 416 Broadway, Townsend, MT 59644

DATE: March 3, 2023

Commissioner Debi Randolph called the meeting to order at 10:00 a.m. Commissioners Darrel Folkvord and Lindsey Richtmyer were also present.

Public Comment: none.

9:30 AM Discussion on Update for Broadwater County v. Peters et al (may be closed to the public for litigation strategy discussion.)

10:00 AM Deputy County Attorney Jania Hatfield presented Settlement Agreement in Broadwater County v. Peters et al. 10:07 AM Discussion Tabled.

10:08 AM Community Development and Planning Director Nichole Brown presented Cook's Landing Building for Lease or Rent (BLR). Commissioner Richtmyer moved to approve Cooks Landing with amendments 4, 6 and 7. Commissioner Folkvord seconded and carried.

10:22 AM Discussion continued with Settlement Agreement in Broadwater County v. Peters et al regarding language of county road or public road. Hatfield recommendation that it is considered county road, rather than public road. Resolution regarding interest in dry creek cut off road was read into the record. Commissioner Richtmyer moved to approve signing the Resolution with amendments to the mutual Settlement Agreement on page 5 item 6 to remove the word "and." Also within the document remove "public road" to replace with "county road" on page 1 under Consideration for Settlement, page 2 at the top on first Whereas Clause, and page 3 in B1 and C1. Commissioner Folkvord seconded and carried. Commissioner Richtmyer moved to approve the resolution regarding the mutual settlement a with the edit to say in final sentence as amended at the meeting and dismiss the final clause. The last sentence shall read "That the Broadwater County Commissioners hereby approves and accepts the terms outlined in this release and authorizes the County Attorney and/or special council to take whatever steps necessary to finalize the terms outlined in this release as amended by the Broadwater County Commission, at their meeting on March 3, 2023 and to dismiss the civil case." Commissioner Folkvord seconded and carried.

10:34 AM Community Development & Planning Director Nichole Brown presented Quiet Lot 8 Subsequent Minor Subdivision for preliminary plat approval with

conditions. Was read into the record on February 15, 2023, meeting. Deputy County Attorney Jania Hatfield commented. Commissioner Folkvord moved to consider the Shared Driveway Access Easement as relevant and is considered new information in accordance with MCA 76-3-615 (2) (b) and that the information be sent back to the Planning Board for a subsequent public hearing and recommendation to the Commission. The Planning Board was also instructed that it can only consider the new information submitted in accordance with MCA 76-3-616 (3) (b) in its review to determine adequate and appropriate easements as listed in **Recommended Conditions**, #4 of the Quiet Lot 8 Subsequent Minor Subdivision Staff Report. Commissioner Richtmyer seconded. Bernadette Swenson with Schaubert Surveying asked what the new information is. Director Brown answered the proposed grant for shared driveway access easement. Motion carried.

10:53 AM Director Brown presented Lakeview Mini Storage Building for Lease or Rent (BLR). Read the Staff Report into the Record. Add to the next agenda March 8, 2023.

11:09 AM Director Brown presented Silos #6 Lot 71 Storage Units BLR for discussion. Director Brown read the Staff report into the record. Jeremy Scott owner of the property commented. Name of the Unit will be Kingdom Storage. Deputy County Attorney Hatfield commented. Director Brown commented. Commissioner Folkvord commented. Add to next agenda March 8, 2023.

11:22 AM Director Brown presented May family transfer request. Bernadette Swenson from Schaubert Surveying commented. Commissioner Richtmyer moved to approve May family transfer. Commissioner Folkvord seconded and carried.

11:38 AM Deputy County Attorney presented Resolution to form a temporary advisory committee on Broadband Internet in Broadwater County. Commissioner Richtmyer commented. Commissioner Richtmyer moved to approve Resolution. Commissioner Folkvord seconded and carried.

11:20 AM Broadwater County Public Health Director Ruby Taylor. Commissioner Richtmyer moves to approve the cancellation of the RXNT contract. Commissioner Folkvord seconded and carried.

Commissioner Folkvord moved to approve February 15, 2023 Minutes. Commissioner Richtmyer seconded and carried.

Commissioner Richtmyer moved to approve claims in the amount of \$18,715.74. Commissioner Folkvord seconded and carried.

Commissioner Richtmyer moved to approve claims in the amount of \$8,897.44. Commissioner Folkvord seconded and carried.

Commissioner Richtmyer moved to approve claims in the amount of \$71,764.00. Commissioner Folkvord seconded and carried.

Commissioner Folkvord moved to approve payroll claims in the amount of \$256,574.43. Commissioner Richtmyer seconded and carried.

Broadwater County received BARSAs fuel tax allocation across the state from MDOT for bridges and roads in the amount of \$94,841.45.

No commission meeting on March 29, 2023 for the MACRS Conference.

Communications Received: Settlement Agreement in Broadwater County v. Peters et al., Cook's Landing Building for Lease or Rent (BLR), Quiet Lot 8 Subsequent Minor Subdivision Staff Report, Lakeview Mini Storage Building for Lease or Rent (BLR) Staff Report, buildings for lease report application, preliminary site plan, a traffic flow plan and a review of the existing conditions, Staff report for Silos #6 Lot 71 Storage Units BLR, Bruce and Faye Diane May Certificate of Survey Affidavit Broadwater County Give or Sale to Immediate Family Member, Resolution to form a temporary advisory committee on Broadband Internet in Broadwater County.

Present at the meeting were Nancy Marks with MT43 News and Bernadette Swanson of Schauber Surveying.

Meeting adjourned at 12:09 p.m. The next regular Commissioner Meeting will be held March 8, 2023, at 10:00 a.m.



Attest:
ANGIE PAULSEN
Clerk and Recorder



DEBRA RANDOLPH
Commissioner Chairwoman