

PROCEEDINGS OF THE BOARD OF THE COMMISSIONERS
MEAGHER COUNTY, MONTANA

Tuesday

July 2nd, 2024

9:00 a.m. –11:40 a.m.

Met in Commissioner's Chambers

Meeting Called to Order:

Chair Brewer called the meeting to order at 9:00 a.m.

Commissioners Present:

Chair Rod Brewer and Commissioner Errol Galt were present for the meeting.

Minutes:

ACTION #1

Commissioner Galt moved to approve the minutes from June 18th 2024, Commissioner Brewer seconded the motion. A vote was taken and the minutes were approved.

Monthly Sheriff Report – Jon Lopp:

Cancelled

Monthly Road Report – Jake Kusek

Cancelled

Adopt Cattleguard Policy

Commission Clerk Jennifer Deems presented the Commissioners with the Meagher County Cattleguard Policy for signature.

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Recorded at 8:30 AM on 7/10/2024 Fee: \$0.00

Liv A. West Clerk & Recorder, MEAGHER COUNTY By BD

Resolution No. FY24.25 #1

**RESOLUTION ESTABLISHING REGULATIONS AND PROCEDURES FOR THE
INSTALLATION, MAINTENANCE, AND REPLACEMENT OF CATTLE GUARDS ON
MEAGHER COUNTY ROADS**

WHEREAS, The Meagher County Commission is directed by statute to supervise all County roads within the County, see Mont. Code Ann. § 7-14-2103;

WHEREAS, Meagher County is further directed to ensure that no encroachments on County roads prevent or obstruct traffic, such as gates, but may permit encroachments, such as a cattle guard, following a public hearing, see Mont. Code Ann. § 7-14-2134;

WHEREAS, there having been no written regulation or procedure in place for the installation of cattle guards, the cost and the work typically having been borne by the beneficiary of the cattle guard, the Meagher County Commission has determined that all new and/or replacement cattle guards conform to the regulations and procedures set forth below;

WHEREAS, due to recent controversies about the rights and responsibilities of the beneficiaries of cattle guards on County roads, the Meagher County Commission has determined that regulations as to the maintenance and repair of the approximately 104 existing, and all future cattle guards is necessary to ensure installation and maintenance is consistent throughout Meagher County;

WHEREAS, Meagher County Commission desires to limit the County's liability with regard to the installation and maintenance of cattle guards;

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. The recitals set forth above are incorporated as part of the resolution.
2. It is the policy of Meagher County to allow for the placement of cattle guards on County roads for the convenience of landowners and the public. This policy is conditioned upon the cost of installation and maintenance being born by the party primarily benefitting from the cattle guard (in other words, the party seeking to install or replace the cattle guard) and that an appropriate placement of the cattle guard on the County road can be located. Meagher County may deny a permit or remove a cattle guard if it determines that the location is: unsafe, unnecessary, prone to drifting, flooding, prone to runoff filling the cattle guard, poor visibility, blind hills or corners, or any other condition articulated by the Road Department. Nothing herein shall conflict with or abrogate the County's duties regarding County roads pursuant to Mont. Code Ann. § 7-14-2101 (2023).
3. Any individual or entity seeking to install or replace a cattle guard on a County road ("Applicant") shall submit an application for a Meagher County Encroachment

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Liv A. West Clerk & Recorder, MEAGHER COUNTY By 30