

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

Permit to the Meagher County Clerk and Recorder's Office. Blank Permit forms will be maintained, and updated periodically, by the Clerk and Recorder's office.

4. The Clerk and Recorder shall forward complete applications to the Road Department. The Road Department will schedule a site inspection within thirty (30) days, or later by agreement of the Road Department and Applicant. The Road Department may conduct a site inspection without the Applicant.
 5. Within two (2) weeks of the site inspection, the Road Supervisor shall submit the original permit application and a written report by the Road Supervisor containing a recommendation to deny, modify, or grant the application to the Meagher County Commission. The Chairperson of the Commission shall put the application on the Commission's agenda within thirty (30) days, or later by agreement of the Commission and the Applicant.
 6. At the Commission hearing, the application may be denied, approved with conditions, granted, or tabled so that more information may be gathered or to allow the Commission additional time to inspect the site. Any actions taken by the Commission will be recorded in the Commission minutes, and all documents, including the record of actions taken by the Commissioners will be maintained by the Clerk and Recorder's office. The permits shall not attach to specific pieces of property in the chain of title, but shall be maintained independently and organized according to township and range.
 7. The cost of installation and of ongoing maintenance of cattle guards will be borne by the Applicant. Work may be performed by the Meagher County Road Department, or by a contractor approved by the Road Supervisor. At all times, it is the Road Department's sole discretion to determine whether the work has met the County's standard.
 8. Cattle guards will meet or exceed the following standards:
 - a. A minimum load rating of H-20 (32,000 lbs. per axle).
 - b. A minimum dimension of 7 feet wide by 24 feet long.
 - c. Installed on poured concrete or cast concrete footings with a minimum of 2 feet of support along the full length of the cattle guard.
 - d. Posts set back from the end of the cattle guard between 3 and 6 feet to allow for the placement of fencing.
 - e. The permit may request a modification of any of the above standards based on site specific conditions, however, it is a strong preference of the Commission to maintain consistency of cattle guard installation countywide.
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Liv A. West Clerk & Recorder, MEAGHER COUNTY By BD


9. The cost of a cattle guard installed or cost of maintenance by Meagher County will be set by the Road Department and reviewed by the Commission periodically. Up-to-date costs will be provided by the Clerk and Recorder's office with new applications.
10. In the event that a member of the public gives notice to the County, or the Road Department becomes aware in the course of normal duties that a cattle guard is in the need of maintenance, the Road Department shall give notice to the person on the permit, or if there is no permit, or they cannot be reached, shall place notice on the cattle guard pursuant to Mont. Code Ann. §7-14-2135. In the event the Road Department determines, in their sole discretion, that the cattle guard is no longer safe, the County may remove it immediately and provide notice thereof as quickly as possible.

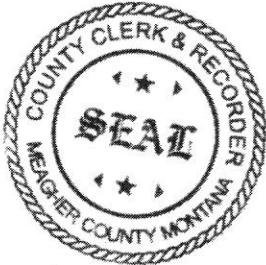
Dated this 2 day of July, 2024.

MEAGHER COUNTY COMMISSION



Rod Brewer, Chairman


Errol Galt, Commissioner


Ben Hurwitz, Commissioner



ATTEST


Meagher County Clerk and Recorder,
Liv West

Meagher County Vehicle Use Policy – Dayna Ogle

Chief Finance Officer, Dayna Ogle entered the chambers at 10:30 a.m.

Ogle presented the Commissioners with a rough draft of a County Vehicle Use Policy for review. Ogle and the Commissioners discussed several aspects of the policy. Ogle stated Montana Association of Counties (MACo) is also working on a Vehicle Policy. Ogle suggested waiting for the MACo policy to compare with. The issue has been tabled until the MACo policy is finished.

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Liv A. West Clerk & Recorder, MEAGHER COUNTY BY

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Grassy Mountain Fire District – Ben Haugan, Penny Plachy

Chairman, Ben Haugan and Vice-Chair, Panny Placy entered the chambers at 11:00 a.m.

Haugan and Plachy sought clarification from the Commissioners regarding the reappointment of Board member Rich Siebken for the Grassy Mountain Fire District (GMFD). The Commissioners confirmed that according to Liv West, Election Administrator, Mr Seibken did not submit a Candidate Filing form for a board position and therefore that position is vacant. The Commissioners have requested that the GMFD board recommend candidates for appointment, and they will subsequently appoint based on those recommendations. The GMFD Board will be on the Commissioner’s Agenda on July 9th, 2024

Claims Approved:

Commissioners were presented with Check #61534 through Check #61558 totaling \$77,013.27 and electronic check #-99899 through electronic check # -99888 totaling \$4,458.04. All Checks were signed as presented.

Commissioners were also presented with payroll check#14083 through check#14091 totaling \$36,287.01 and electronic check# -85084 through electronic check# -85026 totaling \$187,175.12. All checks were signed as presented.

Meeting Adjourned:

Meeting was adjourned at 11:40 a.m.

Next Meeting:

Commissioners are scheduled to meet Tuesday, July 9th, 2024.

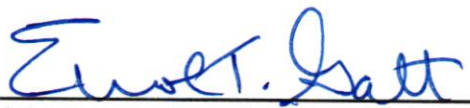


CLERK & RECORDER



CHAIRMAN



VICE-CHAIRMAN


COMMISSIONER

Note: Minutes taken by Clerk to the Commission Jennifer Deems
Distributed July 9th ,2024 to Chairman Rod Brewer, Vice Chair Ben Hurwitz, and Commissioner Errol Galt, and Clerk & Recorder Liv West.

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