

Minutes of Fergus Co. Commissioners Business Meeting

November 12, 2024 – 2:00 p.m.

Fergus County Commissioners

712 W. Main St., Suite 210

Lewistown, MT 59457

Present: Commissioner Butcher, Commissioner Saunders, Commissioner Seilstad, County Attorney Kent Sipe and Clerk and Recorder Janel Tucek. In person public: see attached list.

CALL TO ORDER:

Commissioner Butcher called the meeting to order at 2:01 p.m. Agenda approved as submitted

APPROVAL OF MINUTES:

Commissioner Butcher asked if there were any alterations or corrections to the October 24th, 2024 minutes. Hearing none, he stated the minutes stand approved as presented and will be on file with the Clerk and Recorder and on the Fergus County Website.

PUBLIC COMMENT ON AGENDA ITEMS: none

PUBLIC HEARING:

1. Commissioner Butcher opened the public hearing on Resolution 27 – 2024 to declare Heggem Ln a county rd. Lester Slivka thought it already was a county road. Commissioner Seilstad advised this is a cleanup resolution due to gaps being found in past petitions. Hearing closed at 2:04
2. Commissioner Butcher opened the public hearing on Resolution 28 – 2024 to declare Tobin Ln a county rd. CA Kent Sipe read his opinion letter on Tobin Ln. Kevin Kucera gave a presentation on why it should not be declared. Jeanna Kucera read petitions 735 & 121. Krista Rowton wants to advise Commissioner Seilstad that she knows that he and John Anderson were out driving on the road on private property. Mark Heggem spoke in favor of the road. Bruce Williams advised he bought property in the Toney Tracts with an “easement of necessity” from a title search. Jerry Hanley wondering if there was legal access when the subdivision was built. Concerned that if this goes through, will this lead to future land taking. Randy Gremaux concerned this will open a can of worms of being able to open and close roads by resolution. Ed Evans wondering if this should go to the courts. Vince Gies wondering if this is taking private land for a county road. Les Slivka wondering if this will extend the road North of the subdivision and if so, he doesn't think it should. Jerry Hanley wondering if road will be built to county specs. Keith Kucera wants to know if there was an easement. Bruce Williams advised the easement of necessity is just for land owners, not everyone. Kevin Kucera again went over some maps. Mark Heggem stated that if the Kucera's want to close the road, close the whole road and charge to drive across it. Commissioner Butcher read 3 letters from 3 separate landowners in favor of the road. Commissioner Seilstad gave a history of road petitions and how many roads weren't built where petitioned. He advised that in fact he was out to that road 3 times, the first being a complaint that a gate had been built across the road, to assess the situation. Vince Gies asked how a road could be built where it wasn't petitioned. Commissioner Saunders explained that in those days, they didn't have GPS and the technology of today when building roads. Eryn Valach spoke against the road. Commissioner Saunders

looking for clarification on the easement of necessity. CA Sipe says that sort of explanation would be up to the courts. Commissioner Butcher closed the hearing at 3:04.

BID OPENINGS:

- Commissioner Butcher opened bids for the Denton Co Shop. Tintzman - \$30,127.71; White Arrow LLC - \$41,300; Coscia - \$25,600; Flategraff - \$40,079; Denton rural fire - \$10,000.

PERSONNEL ANNOUNCEMENTS:

- Planning Office/Planner in Training - perm/full-time
- Sheriff's Office/Detention Officer - perm/full-time
- Road & Bridge/Road, Bridge, & Gravel Crew Member-perm/full-time
- Treasurer's Office/Office Clerk-perm/full-time
- Treasurer's Office/Treasurer-Elected Official

ANNOUNCEMENTS / REPORTS: none

DISCUSSION /ACTION ITEMS:

1. Commissioner Saunders motioned to approve the November 12, 2024 claims. Commissioner Seilstad 2nd; **Motion Passed.**
2. Commissioner Seilstad motioned to send the bids for the Denton Shop to the County Attorney for review. Commissioner Saunders 2nd; **Motion Passed.**
3. Commissioner Saunders motioned to approve Resolution 26 – 2024 appointing a special deputy county attorney. Commissioner Seilstad 2nd; **Motion Passed.**
4. Commissioner Seilstad motioned to approve the rewrite to the 2003 Health Dept approval for the Weidner SD. Commissioner Saunders 2nd; Barb Kingery was contacted to give a history and reasoning for the change. **Motion Passed.**
5. Commissioner Saunders motioned to approve the agreement with Petroleum County for county attorney services. Commissioner Seilstad 2nd; **Motion Passed.**
6. Commissioner Seilstad motioned to approve Resolution 27 – 2024 declaring Heggem Ln a county Rd. Commissioner Saunders 2nd; **Motion Passed.**
7. Commissioner Saunders motioned to table Resolution 28 – 2024 declaring Tobin Ln a county Rd. Motion died for lack of a second. Commissioner Seilstad made a motion to approve Resolution 28 – 2024 declaring Tobin Ln a county rd. Commissioner Saunders 2nd; discussion ensued between commissioners and reviewing maps for clarification for Commissioner Saunders on just what is being asked. **Motion Passed.**

APPOINTMENTS:

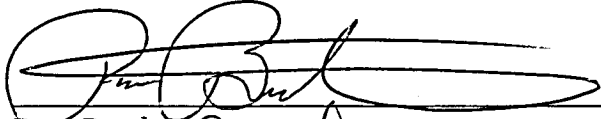
PUBLIC COMMENT ON NON-AGENDA ITEMS: none

NEXT MEETING DATES:

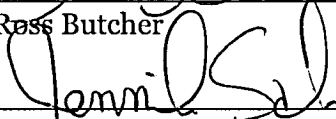
November 15, 2024 Friday – 10:00 a.m.	<i>Federal General Election Canvass</i>	Fergus County Commissioners 712 W Main St., Suite 210
November 20, 2024 Wednesday – 5:15 p.m.	Regular Business Meeting	Fergus County Commissioners 712 W Main St., Suite 210
November 25, 2024 Monday – 2:00 p.m.	Regular Business Meeting	Fergus County Commissioners 712 W Main St., Suite 210
December 10, 2024 Tuesday – 2:00 p.m.	Regular Business Meeting	Fergus County Commissioners 712 W Main St., Suite 210

Meeting adjourned at 4:06 p.m.

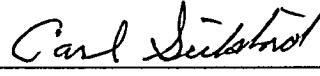
FERGUS COUNTY COMMISSIONERS:



Ross Butcher

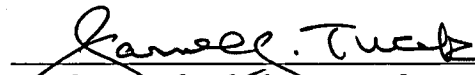


Jennifer Saunders



Carl Seilstad

Attest:



Janel J. Tucek, Clerk & Recorder

