

COMMISSIONERS APPROVAL

IMAN

CHILCOTT 

FOSS 

STOLTZ 

KANENWISHER 

PLETTENBERG (Clerk & Recorder)

Members Present.....Commissioner J.R. Iman, Commissioner Greg Chilcott, Commissioner Suzy Foss, Commissioner Ron Stoltz and Commissioner Matt Kanenwisher

Date.....March 17, 2011

► Minutes: Glenda Wiles

► The Board met at 8:50 a.m. with Ravalli County Economic Authority Director Julie Foster to review and approve the CDBG (Economic Development) Grant Contract for Ironhaus Inc., which includes the Sub-recipient Agreement/Management Plan/Finding of Exemption for Project activities as well as a Resolution naming the environmental certifying official for the Stevensville Pantry Partner CDBG Project.

**Ironhaus Project: Commissioner Chilcott made a motion to execute the Montana Community Development Block Grant Economic Development Program – Montana Department of Commerce Contract # MT-CDBG-ED10-06 in the amount of \$200,000 for Ironhaus Inc. Commissioner Kanenwisher seconded the motion. Discussion included CDBG funding, development of products & marketing. All voted “aye”.**

Glenda brought forth an email from Civil Counsel Dan Browder in regard to the Commissioners approval on this CDBG Contract, specifically the Management Plan Appendix. His comment was that Commission Chair J.R. Iman can have responsibility of all official contracts with MDOC as long as he is not acting for the County without specific and express Board authorization. Glenda noted as with any CDBG Project all forth coming documents will be brought before the full board for review and approval of Board Chair’s signature. **Commissioner Kanenwisher made a motion to have Chairman Iman execute all documents as required for this CDBG Contract with Department of Commerce. Commissioner Foss seconded the motion and all voted.**

**Commissioner Kanenwisher made a motion to approve of the Appendix approving the Management Plan. Commissioner Chilcott seconded the motion and all voted “aye”.**

**Commissioner Chilcott made a motion to approve of the Sub-Recipient Plan between Ravalli County and RCEDA (revolving loan fund and manage the project on the County’s behalf). Commissioner Kanenwisher seconded the motion and all voted “aye”.**

**Commissioner Kanenwisher made a motion to approve the Finding of Exemption for all Project Activities. Commissioner Chilcott seconded the motion and all voted “aye”.**

**Pantry Partner Project: In regard to the Environmental Certifying Official for the CDBG Contract for the Pantry Partners project, Glenda noted the Resolution originally approved by the previous Commission named John Lavey as the Environmental Certifying Official. With John’s separation from the county, it is necessary to appoint another Environmental Certifying Official, which falls to Interim Planning Director Tristan Riddell. Therefore a new resolution has been prepared amending the previous resolution. Commissioner Chilcott made a motion to adopt Resolution No. 2666 which amends Resolution No. 2557 now naming Tristan Riddell as the Environmental Certifying Official. Commissioner Chilcott seconded the motion and all voted “aye”.**

► The Board met at 9:30 a.m. to discuss the various grants housed by the county and the administration thereof. Due to Chief Financial Officer’s absence, Glenda asked that this discussion be set to a later date. The Board concurred.

► The Board met at 10:30 a.m. with Road Supervisor David Ohnstad to discuss and make decision on the gravel roads level of service (Surface Stabilization). Several citizens were in the audience. David addressed the history of that service, complete inventory of these roads establishment of potential districts, contribution of costs from the county. David also addressed House Bill No. 61 which allows a local authority to set reduced speed limits on certain unpaved roads (third reading referred back to the House). Questions included who makes decisions on adding material and grading roads. David responded the motor grader operator addresses the condition of the roads with the Road Supervisor and the needed service is performed as weather allows. Commissioner Stoltz indicated in January he asked for a schedule of the roads ready and in need of service but he has not received it. David stated he does not remember that request but he can provide a list to the Board.

Commissioner Iman indicated it is important not to treat road service/construction projects ‘when we get around to it’. He also expressed concern of the gravel piles that are sitting and can be utilized. The road department is the largest Commissioners budgeted item with a Department Head, so it is important to ask ‘what is exactly being done’. Communication with the citizens is important according to Commissioner Foss and she suggested a news release be done on the road programs which include paving.

Commissioner Kanenwisher concurred noting it would be beneficial for their office to have a list of those projects in order to answer the citizen's questions. David noted public service announcements are on going, the only gravel stock pile in existence is in quarantine, and explained the continued gravel mining operations around the county producing aggregate. He also noted each motor grader operator is first line with the crew chief for each grader district. In regard to priority – these gravel roads are not the highest priority, which was a decision made by the Board. He indicated if a greater service is desired, then this conversation is an attempt to have the Board make that decision.

Commissioner Stoltz asked who approves the time cards. David indicated either he or the Road Foreman approves the time cards. Commissioner Stoltz also noted he asked for daily records on the employee's time being spent 'checking roads' and he still has not received that information. David indicated that information will come at the end of the week. Commissioner Stoltz also noted he has asked for the amount of gravel and sand use for the past two year. Commissioner Kanenwisher asked if the preparation for magnesium chloride upsets the schedule for other road maintenance. David stated it does but it is not a huge scheduling problem noting it is a very good return on their labor investment.

Further discussion included easements and right of way issues when the road is reconstructed versus simple magnesium chloride dust abatement.

Public comment was called for. Chris Hockman of Alvista Loop asked about a dollar amount for half mile application and utilizing square yards instead of square feet for magnesium chloride application. Chris referred to the County Gravel Roads Management Policy noting one mile equates to 18 tons (182 gallons) tons per mile, and encourages greater lengths to be done for volume discounts. Chris made some calculations assuming a 24' road width and indicated if the road is 18' it becomes necessary to utilize the square yards instead of square feet for application. David stated the price is the same whether it is by the ton or yardage because they do not over-apply the width if not necessary. Chris indicated his calculations for the material is .24 cents per yard. David noted he believes the calculations will end up the same. David addressed page 18 as an example only. He can review that example, but assured the county they are following a standard practice. Commissioner Stoltz stated this example in the policy should be changed as it is confusing and incorrect. David stated they charge only for the material.

Stephanie Hockman stated if the county is following the Roads Management Policy then she has news for the Commissioners, the employees are not following that policy. For example, if the motor graders followed the policy Alvista Loop would be graded once ever 5 weeks and she can guarantee their road has not been graded one during the season.

Tonya Bloom suggested the policy for magnesium chloride be simplified for the citizens.

David indicated the bid was just let on the magnesium chloride so the Board will need to address any changes they want so the citizens know what their participation level will be.

**The Board concurred if there is a problem in the cost calculations of magnesium chloride it should be corrected. Secondly the Board concurred to separate the dust abatement (magnesium chloride) program out from the road management program for better public awareness (press releases etc.).**

**Commissioner Stoltz indicated he has heard many complaints from citizens in regard to not having their phone calls to the Road Department returned on the magnesium chloride program or other road complaints as well. He wants all of those calls sent to him.**

Tonya stated citizens need to know the price and time table and understand the volume discounts for the length of roadway.

Commissioner Iman indicated this program should have some time limits; the application should be done in a season of specific time. Chris Hockman indicated the policy addresses the deadline for applications.

**David stated he is hoping for some direction on the 'Priority Status for the Surface Stabilization' so his staff can move forward on any required issues prior to the road work being done. The roads are listed in priority 1 -3 on this management plan. No decision has been made at this time but will be deferred to March 23<sup>rd</sup>.**

Commissioner Stoltz reminded David he wants better records (time management) on the employee time cards.

► The Board met at 2:00 p.m. with County Attorney Bill Fulbright for a discussion of the time being spent on civil issues with the Commissioners, including office hours & space. Also present was Deputy County Attorney Karen Mahar. Bill introduced Peggy Tonan, new Deputy County Attorney. Peggy will be serving until July when another attorney will be filling this position.

Outside of the regularly calendared meeting Citizen Mark Halverson was present at the beginning of this meeting with County Attorney Bill Fulbright to obtain signatures on a DOR certificate. **Commissioner Chilcott made a motion to have the Commission Chair sign on behalf of the Commission that this Victor Liquor Store location complies with the DOR Certificate of Service. Commissioner Stoltz seconded the motion and all voted "aye". County Attorney Bill Fulbright also signed off on this form.**

Bill indicated he can not present an exact answer today to the question of civil counsel's presence at the Administrative Center due to open slots in his office and Peggy Tonan's recent hire. Discussion included the history of civil counsel's assistance to the Commissioners, the various needs of attorney advice and the current process for county attorney opinion. It was agreed that after the County Attorney's Office is back to full staff, Bill will come back to the Board for a discussion and decision on this issue. It was

also agreed that Bill and Karen will review the list of priority projects and bring that to the Commissioners for review shortly.

► The Board met at 2:30 p.m. for litigation strategy with Deputy County Attorney Karen Mahar and County Attorney Bill Fulbright. Due to the litigation strategy closed door was invoked.

## 2011 Montana Legislature

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HOUSE BILL NO. 61

INTRODUCED BY G. MACLAREN

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LOCAL AUTHORITY TO SET REDUCED SPEED LIMITS ON CERTAIN UNPAVED ROADS; AND AMENDING SECTION 61-8-310, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 61-8-310, MCA, is amended to read:

**"61-8-310. When local authorities may and shall alter limits or establish or alter area of school zone.**

(1) If a local authority in its jurisdiction determines on the basis of an engineering and traffic investigation that the speed permitted under 61-8-303 and 61-8-309 through 61-8-313 is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may set a reasonable and safe limit that:

(a) decreases the limit at an intersection;

(b) increases the limit within an urban district, but not to more than 65 miles an hour during the nighttime;

(c) decreases the limit outside an urban district, but not to less than 35 miles an hour on a paved road or less than 25 miles an hour on an unpaved road OR LESS THAN 25 MILES AN HOUR ON AN UNPAVED ROAD; or  
OR

~~(D) DECREASES THE LIMIT OUTSIDE AN URBAN DISTRICT ON AN UNPAVED ROAD TO A SPEED TO BE DETERMINED BY THE LOCAL AUTHORITY; OR~~

~~(d)(E)(D)~~ decreases the limit in a school zone or in an area near a senior citizen center, as defined in 23-5-112, or a designated crosswalk that is close to a school or a senior citizen center to not less than 80%, rounded down to the nearest whole number evenly divisible by 5, of the limit that would be set on the basis of an engineering and traffic investigation, but not less than 15 miles an hour. If warranted by an engineering and traffic *investigation*, a local authority may adopt variable speed limits to adapt to traffic conditions by time of day, provided that the variable limits comply with the provisions of 61-8-206.

(2) A board of county commissioners may set limits, as provided in subsection (1)(c), without an engineering and traffic investigation on a county road.

(3) A local authority in its jurisdiction may determine the proper speed for all arterial streets and shall set a reasonable and safe limit on arterial streets that may be greater or less than the speed permitted under 61-8-303

for an urban district.

(4) (a) An altered limit established as authorized under this section is effective at all times or at other times determined by the authority when appropriate signs giving notice of the altered limit are erected upon the highway.

(b) If a local authority decreases a speed limit in a school zone, the local authority shall erect signs conforming with the manual adopted by the department of transportation under 61-8-202 giving notice that the school zone has been entered, of the altered speed limit and the penalty provided in 61-8-726, and that the school zone has ended.

(5) Except as provided in subsection (1)(d), the commission has exclusive jurisdiction to set special speed limits on all federal-aid highways or extensions of federal-aid highways in all municipalities or urban areas. The commission shall set these limits in accordance with 61-8-309.

(6) A local authority establishing or altering the area of a school zone shall consult with the department of transportation and the commission if the school zone includes a state highway or a federal-aid highway or extension of a federal-aid highway.

(7) A local authority shall consult with district officials for a school when:

(a) establishing or altering the area of a school zone near the school; or

(b) setting a speed limit pursuant to subsection (1)(d) in a school zone near the school.

(8) A SPEED LIMIT SET ON AN UNPAVED ROAD UNDER SUBSECTION (1)(C) MUST BE THE SAME FOR ALL TYPES OF MOTOR VEHICLES THAT MAY BE OPERATED ON THE ROAD."

- END -

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**Latest Version of HB 61 (HB0061.03)**

Processed for the Web on March 12, 2011 (9:40am)

New language in a bill appears underlined, deleted material appears stricken.

Sponsor names are handwritten on introduced bills, hence do not appear on the bill until it is reprinted.

See the [status of this bill](#) for the bill's primary sponsor.

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