

**PROCEEDINGS OF THE BOARD OF THE COUNTY COMMISSIONERS  
OF MINERAL COUNTY, MONTANA**

**December 2, 2022**

The Board of County Commissioners of Mineral County, Montana, met in a regular session on Friday, December 2, 2022. Present were Commissioner Roman Zylawy, Commissioner Duane Simons, and Commissioner Dawn Terrill.

**9:00 Route of the Olympian Bridge Repairs Bid Opening and Award Jason McLees – Road Foreman**

**Present:** Kasey Feasel- Deputy Clerk and Recorder, Michael Frawley

One Bid was received from Razz Construction in the amount of \$497,740.00. It was suggested to wait and re-advertise. The Bid was rejected.

**Commissioner Simons moved, and Commissioner Terrill seconded to reject the Bid and re-advertise. Motion carried unanimously.**

**9:15 AM Subdivision Improvement Agreement for Lower Meadow Subdivision – Andy Short**

**Present:** Andy Short- Environmental Health and Planning Director

**Commissioner Zylawy moved, and Commissioner Simons seconded to approve the Subdivision Improvement Agreement with conditions. Motion carried unanimously.**

**10:00 AM Discussion as to how others can help the County sustain the roads, the fair, the museum, law enforcement and the Health Department – Ken Verley**

**Present:** Andy Short- Environmental Health and Planning Director, Candis Hampton- Environmental Health and Planning Assistant, Officer Ryan Funk, and Willy Peck.

Ken asked to discuss infrastructure and program issues in hopes of gaining an understanding about where the commissioners' stand on the issues and what plans are being made to adequately maintain current programs and infrastructure and be prepared for the inevitable and desirable future growth in Mineral County. Ken requested a meeting with the Department of Revenue regarding questions regarding funding, revenue and tax dollars, and if there was any monies or funding that could be moved around to help with the roads. Zylawy explained that the money has been earmarked and can't be moved. A follow up meeting will be scheduled.

### **11:30 AM Public Comment**

**Present:** AnnaMarie White – from the Mineral County Juliette Girl Scout Troop requested to be added to the County Commissioners’ Swearing-In Ceremonies. The Girl Scouts would like to lead the Flag Ceremonies with the Pledge of Allegiance.

### **1:00 PM- Read and sign Water Compact Objection Letter – Deputy County Attorney Wally Congdon**

Wally presented a summarization of what the letter will look like, and will submit for signatures at a later date.

### **Administrative Business**

**Commissioner Zylawy moved, and Commissioner Terrill seconded to approve payroll paid on December 2, 2022, for the amount of \$111,398.81 with check numbers 18854 through 18864, and electronic deposit numbers 65544 through 65474. Motion carried unanimously.**

#### **Documents signed:**

- 1) Extension Contract – signed by Zylawy, Simons, and Terrill
- 2) Proposal for Geotechnical Engineering Services – signed by Zylawy
- 3) Standard Audit Amendment

#### **Meeting adjourned at**

**The next regular meeting will be Friday, December 9, 2022, in the Commissioners’ Meeting Room.**

**Minutes were taken by**

**Rene’ Woldridge**

**PROCEEDINGS OF THE BOARD OF THE COUNTY COMMISSIONERS  
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**December 9, 2022**

The Board of County Commissioners of Mineral County, Montana, met in a regular session on Friday, December 9, 2022. Present were Commissioner Duane Simons, and Commissioner Dawn Terrill, Commissioner Zylawy was absent.

**9:30 AM Policy Manual update – Deputy County Attorney Wally Congdon**

**Present:** Kasey Feasel, Deputy Clerk and Recorder, Kelann McLees-Clerk and Recorder, Jamie Talbot-Clerk of District Court

Deputy County Attorney Wally Congdon explained that the verbiage for the amendments to the County Policy is not yet written, but will include the Commissioners' role in hiring.

**9:45 AM Requesting a subscription to MLDD – Criminal information disclosing and investigation sharing**

**Present:** Wally Congdon – Deputy County Attorney

The subscription with MLDD (Machine Learning for Drug Discovery) would include communication with RMIN (Rocky Mountain Information Network) Law Enforcement Information Coordinators in other states. This would include information sharing, officer safety, specialized equipment, training, analytical services, intelligence research and investigative resources. The subscription and services provided would also help the Sheriff's office. The subscription is \$50.00 per year and will be paid out of the Commissioners' budget.

**Commissioner Terrill moved, and Commissioner Simons seconded to approve the subscription for MLDD and for the \$50.00 subscription fee be paid from the Commissioners' budget. Motion carried unanimously.**

**10:00 AM The USFS update and Forest Plan Revision– Abigail Lane**

**Present:** Abigail Lane-Superior District Forest Service Ranger, and Chris Gauger-Nine Mile District Forest Service Ranger.

Chris:

The Forest Plan revision will take about 2 years to fully revise. Chris gave a summary of the January and February webinars that will be available for the public.

Abigail:

The Superior Ranger District is working on dwindling down the land that the State has already identified for exchange all based on the Montana Water Rights Settlement.

Rocky Mountain Elk Foundation has expressed interest in purchasing the block managed MKH properties in Superior and Sanders County; these lands would eventually be sold to the Forest Service.

Commissioners' Terrill and Simons voiced concerns with the Forest Service owning more land in Mineral County and asked for the benefits to Mineral County with such a purchase.

### **10:30 AM Medicaid Rates op-ed**

Eric Bryson from Montana Association of Counties, sent a letter requesting approval of Medicaid rates for Nursing homes. Commissioner Terrill read the letter aloud.

**Commissioner Terrill moved, and Commissioner Simons seconded to approve and support the Medicaid rates for Nursing Homes letter. Motion carried unanimously.**

### **11:30 AM Public Comment**

**Present:** Juliet Miller – Citizen, and Ryan Funke – Sheriff Elect

A citizen inquired about a Communication Committee being a part of the County. Commissioner Terrill explained the communication committee is a part of LEPC, not the County.

A citizen asked Commissioner Simons and Commissioner Terrill if they would be running for Commissioner again. Commissioner Simons said he is in a six-year term and Commissioner Terrill said yes.

A citizen asked the Commissioners' to ZOOM the meetings. Response was no.

The Sheriff Elect inquired about his right to ask to advertise and fill vacancies in the Sheriff's office. Commissioner Terrill responded that only the Sheriff or Under Sheriff can make that request according to Policy.

### **1:00 PM Requesting approval to provide \$4200.00 from the ARPA funds**

**Present:** Sharon Patterson-MSU Administrative Assistant and Laura Acker-Parent Educator

A request for approval to provide \$4200.00 from the ARPA funds to support Death Doula training.

**Commissioner Terrill moved, and Commissioner Simons seconded to approve the \$4200.00 from the ARPA funds to support the Bathing Breath for Death Doula Training. Motion carried unanimously.**

**Administrative Business**

**Commissioner Terrill moved, and Commissioner Simons seconded to approve claims paid on December 9, 2022, for the amount of \$202,877.24 with claim numbers 40948 through 41006 and warrant numbers 16465 through 16523. Motion carried unanimously.**

**Documents signed:**

- Medicaid rates for nursing homes letter, signed by Commissioners' Simons and Terrill

**Meeting adjourned at 2:00 PM**

**The next regular meeting will be Friday, December 16, 2022, in the Commissioners' Meeting Room.**

**Minutes were taken by**

**Rene' Woldridge**

**PROCEEDINGS OF THE BOARD OF THE COUNTY COMMISSIONERS  
OF MINERAL COUNTY, MONTANA**

**December 16, 2022**

The Board of County Commissioners of Mineral County, Montana, met in a regular session on Friday, December 16, 2022. Present were Commissioner Duane Simons, and Commissioner Dawn Terrill, Commissioner Zylawy was absent.

**9:00 AM Rails to Trails – requesting to apply for a County Planning Grant – Diane Magone**

**Present:** Diane Magone – Citizen, Amanda Cooley – Planning Director from Powell County, Jim Goss – Rails to Trails Board member, Emily Park – Extension Agent and Denley Loge – House District 14 Representative

Diane Magone and Amanda Cooley requested permission to apply for a County planning Grant.

- The project we are proposing is to work with a six-county region – led by Powell County, to develop a grant application for a federal RAISE *planning* grant.
- The grant would pay for each county to identify their alternative transportation priorities associated with the Great American Rail Trail. In Mineral County, this is the section of trail extending from the ID-MT border to Missoula County.
- Mineral County would work with our grant writer to decide how much money to ask for in the planning grant, to plan out and design these priorities.
- Creating this plan is the first step to securing funding for construction on any projects identified.
- Right now, we are just asking Mineral County to formally partner with Powell County on this project. We will not need to secure funding to pay for the grant application until May 31, 2023. We would ask that Mineral agree to their portion of a contribution.
- The RAISE grant application will cost \$15,000 to write. We are asking Mineral to contribute up to \$2,500. I've applied for money to offset this cost. There is a chance that the Mineral County contribution could be only \$550. It will depend on if I get the money I applied for, and how many counties choose to participate.

**Commissioner Terrill moved, and Commissioner Simons seconded to approve applying for a Planning Grant for improvements of the Great American Rail Trail. Motion carried unanimously.**

**10:00 AM Approve the annexation to the Superior Rural Fire District, and adopt the approving resolution – Steve Temple**

**Present:** Steve Temple – Superior Fire Chief, Billye Ann Bricker – citizen  
Steve Temple requested approval of Resolution 12-16--22 Annexation to the Superior Rural Fire District parcels of land located in Mineral County.

**Commissioner Terrill moved, and Commissioner Simons seconded to approve Resolution 12-16-22 Annexation to the Superior Rural Fire District parcels of land located in Mineral County. Motion carried unanimously.**

**10:30 AM Writ of Mandamus, progress, needs, and request to hire an experienced officer to assist the Sheriff and County Attorney- Lance Jasper**

**Present:** Lance Jasper

Lance is requesting Mineral County hire a full-time experienced Detective and a full-time County Attorney to assist with public safety, officer safety and public trust.  
The commissioners will confer with Attorney Deb Jackson regarding her needs for assistance.

**11:30 AM Public Comment**

**Present:** Juliet Miller – Citizen, Sheriff Elect Ryan Funke

Citizen inquired about the time of the swearing in on December 30, 2022. Response: 1:00 PM December 30, 2022

Citizen asked Deputy County Attorney Wally Condon about three Brady officers that were involved in the Mandamus. Deputy County Attorney Wally Condon explained that issues were no disclosure.

Citizen asked Sheriff Elect Ryan Funke about traffic stops, and activating lights and sirens, and if citizens refuse to pull over its considered alluding a Police officer, and if that could result in a Police pursuit? Sheriff Elect Ryan Funke answered yes, it could.

Citizen asked Sheriff Elect Ryan Funke if there were any officers that we should be afraid of and run from. Sheriff Elect Ryan Funke responded not that he is aware of.

Citizen asked the Commissioners at what point they recognize the extreme liability that continues to happen by having a third deputy still employed. Commissioner Terrill stated that they haven't heard from the Sheriff's office that there is a deputy that needs to be removed.

Citizen asked Sheriff Elect Ryan Funke why so many warnings are issued and not citations. Sheriff Elect Ryan Funke explained each officer uses their own discretion when making traffic stops.

**1:00 PM Addressing a vicious dog ordinance, inquiry and clarification – Wally Congdon**

**Present:** Wally Congdon- County Deputy Attorney, and Bessie Spangler- citizen

Deputy County Attorney Wally Congdon explained that there was a resolution but there is no ordinance. There will be an ordinance written very soon. A tentative date was set for discussion on the ordinance and will be discussed at a future public meeting.

**1:15 PM Policy Manual update – Deputy County Attorney – Wally Congdon**

**Present:** Patti Curtin- citizen, Kim Taron -Justice Court Clerk, Claudia Boye Treasurer Deputy and Kelann McLees- Clerk and Recorder

Deputy County Attorney – Wally Congdon advised that the county is making progress on a checklist to cover specific aspects of hiring but is waiting to receive more information needed to move forward. The changes would be in regards to discipline, hiring, firing, background checks, and compliance with the Judge Vanatta’s recent order.

**1:30 PM Request to advertise and fill one Deputy and two Detention officer positions – Wayne Cashman**

**Present:** Undersheriff Wayne Cashman and Sheriff Elect Ryan Funke  
Undersheriff Wayne Cashman requested to advertise and fill one deputy sheriff position and two Detention officer positions to fully staff the Sheriff’s office.

**Commissioner Terrill moved, and Commissioner Simons seconded to approve and advertise for one Deputy Sheriff and two Detention officers. Motion carried unanimously.**

**1:45 PM Request to hire MSU Administrative Assistant new hire -**

**Commissioner Terrill moved, and Commissioner Simons seconded to approve the MSU Administrative Assistant new hire. Motion carried unanimously.**

**Administrative Business**

**Commissioner Terrill moved, and Commissioner Simons seconded to approve payroll paid on December 16, 2022, for the amount of \$114,988.77 with check numbers 18868 through 65402 and electronic deposits numbers 18868 through 18881. Motion carried unanimously.**

**Meeting adjourned at 2:15 PM**

**The next regular meeting will be Friday, December 23, 2022, in the Commissioners’ Meeting Room. Minutes were taken by Rene’ Woldridge**



**PROCEEDINGS OF THE BOARD OF THE COUNTY COMMISSIONERS  
OF MINERAL COUNTY, MONTANA**

**December 24, 2022**

The Board of County Commissioners of Mineral County, Montana, met in a regular session on Friday, December 24, 2022. Present were Commissioner Duane Simons, Commissioner Dawn Terrill, and Commissioner Zylawy.

**9:00 AM follow up on how others can help the county sustain the roads, the fair, the museum, law enforcement and the Health Department – Ken Verley & Will Peck**

**Present:** Ken Verley- citizen, Willy Peck -citizen, Wally Congdon- Deputy County Attorney, Mike Galloway- citizen, Bill Wordford- citizen, and Kathy Verley - citizen

Commissioner Terrill responded to Ken Verley’s concerns regarding annual fair growth, hospital land, Health Department funding, and the 1965 road agreement (which is not recorded with the county and cannot be verified- the search will continue).

Road discussion ensued leaving questions remaining for a follow up.

Deputy County Attorney Wally Congdon responded to the questions regarding law enforcement.

Ken was asked if there would be a follow up to this meeting / Response: yes.

**11:30 AM Public Comment**

**Present:** Juliet Miller – citizen, Mike Galloway- citizen, Ken Verley- citizen, Denley Loge- citizen, Kathy Verley- citizen

Citizen asked Commissioner Terrill the significance of asking Ken Verley if Attorney Lance Jasper would be part of his upcoming agenda/ Response: Commissioner Terrill stated the significance was to keep the agenda accurate and if Atty Jasper was to be part of Ken’s agenda items, it should be noted on the agenda.

Citizen inquired about the agenda form/Response: the agenda form has been in place for quite some time, and is a requirement for any person requesting an agenda meeting time.

Citizen asked about the website, referring to Commissioner Terrill’s statement that the website is not working at 100%. Response: the county is working with the website managers and have a meeting scheduled in the near future to get it running at maximum performance.

Citizen asked Chairman Zylawy questions regarding his MACo presidency/ Response: Commissioner Zylawy stated he has missed two meetings and his role as president will benefit the county for networking toward financial growth and other benefits. Comments supporting these statements were

heard from other citizens.

**Administrative Business**

**Commissioner Terrill moved, and Commissioner Simons seconded to approve claims paid on December 23, 2022, for the amount of \$59,393.78 with warrant numbers 16524 through 16572 and claims numbers 41008 through 41056. Motion carried unanimously.**

**Documents signed:**

TASK Order Amendment Number One Task Order for Healthy Montana Families Task Order 22-25-541-178-0

**Meeting adjourned at 3:00 PM**

**The next regular meeting will be Friday, December 30, 2022, in the Commissioners' Meeting Room.**

**Minutes were taken by**

**Rene' Woldridge**

**PROCEEDINGS OF THE BOARD OF THE COUNTY COMMISSIONERS  
OF MINERAL COUNTY, MONTANA**

**December 30, 2022**

The Board of County Commissioners of Mineral County, Montana, met in a regular session on Friday, December 30, 2022. Present were Commissioner Duane Simons, Commissioner Dawn Terrill, and Commissioner Zylawy.

**9:00 AM Writ of Mandamus, Commissioners' to determine whether to hire a County Attorney and full time Detective**

**Present:** Lance Jasper – Attorney, Monte Turner – citizen, Diane Magone – citizen, Gretchen Webb – citizen, Debra Jackson – County Attorney

Lance stated in his mind there are three areas of concern, Public Safety, Officer Safety, and the Constitutional rights of the accused. Lance stated there are several cases of victims that aren't being addressed. An experienced Detective is needed to help train the deputies and provide them the experience to investigate and not just routine stops.

Commissioner Terrill asked to hear from Attorney Deb Jackson in reference to Lance Jasper's comments. Attorney Jackson explained to the Commissioners' that she does in fact need a Detective to help with the investigations and follow up on each case and all the paperwork and documents that are returned in a timely manner.

Lance requested to see letters that were sent out by District Court regarding Brady cases. Attorney Deb Jackson showed the letters to Lance and advised him that all the information and copies of the letters were sent to his office.

Commissioner Terrill made a motion, commissioner Simons seconded. that the County Attorney's pursue Federal Help for investigation and detective for assistance with cases in Mineral County. Motion carried unanimously.

**11:30 AM Public Comment**

**Present:** Diane Magone, Juliet Miller, Clayton Ward and Gretchen Webb

Citizen asked about a comment Lance made about driving to a safe location if being pulled over by a deputy. Citizen

**1:00 PM Swearing-In Elected Officials**

Ryan Funke- Sheriff  
Merry Mueller- Treasurer

Kim Taron- Justice of the Peace  
Roman Zylawy- County Commissioner  
Kelann Mclees- Clerk and Recorder  
Deborah Jackson- County Attorney

**Administrative Business**

**Commissioner Terrill moved, and Commissioner Simons seconded to approve payroll paid on December 30, 2022, for the amount of \$119,636.71 with check numbers 18882 through 18893 and electronic numbers 65329 through 65400. Motion carried unanimously.**

**Documents signed:**

**Meeting adjourned at 3:50 PM**

**The next regular meeting will be Friday, January 6, 2023, in the Commissioners' Meeting Room.**

**Minutes were taken by**

**Rene' Woldridge**