

COMMISSIONERS APPROVAL

IMAN 

CHILCOTT 

FOSS 

STOLTZ 

KANENWISHER 

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

Date: November 17, 2011

► Minutes: Glenda Wiles

► The Board met at 9:07 a.m. to review the proposed Communications Site Lease with the City of Hamilton. Present at this meeting was Hamilton Chief of Police Ryan Oster and Office of Emergency Management Staff Eric Hoover as well as Citizen Bill Menager. Eric stated this lease is the result of the Buffer Zone Grant that will place county equipment on property belonging to the City of Hamilton (Kurtz Lane Well Farm). **Commissioner Chilcott made a motion to adopt this site lease. Commissioner Kanenwisher seconded the motion.** Discussion: Chief Ryan Oster stated this lease is a formality for the equipment being offered to the county by the grant. There is a mutual interest between the city and county in this equipment, for its service and maintenance. In regard to the Buffer Zone Grant, the Request for Proposal has gone out; thus far they have received two proposals. They hope the bid will be awarded in about one month. Eric noted the only 'glitch' that might extend their necessary work will be an environmental review due to the federal dollars being allocated. **All voted "aye". (4-0)**

► At 9:25 a.m. Commissioner Iman brought forth a letter addressed to residents that live along certain sections of Tammany Lane, Big Corral Road and Freeze Lane in regard to deteriorated trees that may potentially compromise public safety. The Board concurred to hold a public meeting for those citizens who reside along those roads on November 29th at 6:30 p.m.

► The Board met at 9:30 a.m. to discuss and make a decision on the enforcement of illegal dumping on county property on Snyder Lane. Present at this meeting was Civil Counsel Dan Browder, Sanitarian Rod Daniels, Environmental Health Director Lea Guthrie and Citizens Larry and Ronday Richey, Brooke Devries, Alan Hull and Bill Menager. Commissioner Chilcott stated he met with the County Attorney last week about this issue learning that after a neighborhood complaint, Ravalli County Deputy Bernie Allstad investigated illegal dumping at this site. The property actually belongs to the county, but a neighbor to this property thought it belongs to him and was actually charging tipping fees to some roofing contractors. That same neighbor is now stating he will clean up what contractors have dumped there.

Dan Browder stated the Montana Code is very explicit in regard to exposure of both the person who allowed the dumping as well as those who have dumped materials. Lea noted there are roofing materials, tar, paint etc. which are deemed hazardous.

Dan stated there can be criminal and civil sanctions imposed. Local government can seek remedy through enforcement. Dan also noted there could be trespass claims and other charges.

Larry Richey stated the contractors are using the Big Ditch maintenance road as access to this dump site. Pictures were handed out, and Larry noted since they were taken, oil has now been dumped. Brooke Devries asked if county funds could be utilized to clean this up, and then make the responsible parties pay the county back. Commissioner Kanenwisher stated he likes that idea because he knows the cleanup will be done properly. Discussion included the illegal dumpers using the easement of the Big Ditch, the environmental hazards from the dumping and the liability of the county if they pay for the cleanup and then do not receive reimbursement. The Commissioners agreed the importance of knowing the easement(s) of the county property so there are no issues for the county when the clean up occurs. Dan stated if this dumping is still on-going, the county could seek a temporary retaining order to stop the dumping.

Commissioner Chilcott suggested the county not take an adversarial role in this issue but rather bring all the parties together for a discussion giving them an opportunity to clean the area.

Alan Hull suggested at the conclusion of the clean ups, steps be taken to keep people from dumping there again. The Commissioners concurred. Dan stated the county should post "No Dumping" signs. He also noted once a suit has been enacted it is easier to have insurance companies step in for coverage.

Larry doubts the person (the neighbor) who sold the dumping rights would have any insurance coverage. He also noted a few years ago the neighbor actually burned items there at 2:00 a.m.

The dump site now has 10,000 sq feet of metal piling up with all of the other materials around it.

It was agreed:

- **the property boundaries will be identified (GIS Department to handle);**
- **the access issues resolved and to seek a right to cross the Big Ditch easement (Commissioner Iman to handle);**
- **find out what materials are being dumped there, i.e., are there any hazardous materials versus solid waste materials as that will have a bearing on what the county must do (Environmental Health to handle);**
- **post the property for "No Dumping" (Road Department to handle);**
- **send letters to those businesses who are known for dumping there as well the neighbor who has 'sold' the dumping rights (County Attorney to handle);**
- **then as the process moves forward decide if a temporary restraining order should be pursued by the County Attorney's Office**

Rod noted DEQ has made a site visit and the Environmental Health Department will continue dialogue with them. **It was agreed that Rod will be the point of contact for citizens so they are aware of the progress in this issue.**

► The Board met at 10:20 a.m. with Civil Counsel Howard Recht to discuss the Nelson Vs Grant and Ravalli County with a quiet title action settlement proposal. Also present at this meeting was Civil Counsel Dan Browder and Citizen Bill Menager. Howard presented a Certificate of Survey which included the Violet Nelson and Lawrence Carpenter Properties in Grantsdale. Howard relayed Nelson and Carpenter discovered they do not have actual access to their property from Cedar Street. Some of the properties along the road are still in the name of Henry Grant and Marcus Daly. Nelson and Carpenter have brought a quiet title action in the court and the county is involved because of the county road being within that property they are attempting to quiet title. Attorney Dick Weber represents the Nelsons and Carpenters and it is their stance to retain the property owner encroachments unless the county rebuilds this road to the full 60' easement. Howard suggested the Board not accept Mr. Weber's proposal because they are attempting to claim title to something they have never paid taxes on.

Commissioner Kanenwisher made a motion to reject the counter offer from the Plaintiffs, leaving the first offer by the county. Commissioner Chilcott seconded the motion.

Public Comment: Michael asked where the property was located. (off of Grantsdale Road on Cedar Street).

Bill Menager suggested the county clean up the easements along the rest of the road. The Commissioners indicated that is costly and time consuming and they will not become involved in that until any new actions were to come forward.

All voted "aye" (4-0).