

Filed this 14th day of February 2014
 at 2:25 clock P M
 By Deanna Novotny, Clerk of Court
DEANNA NOVOTNY
 Clerk / Deputy

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MONTANA SIXTH JUDICIAL DISTRICT COURT, SWEET GRASS COUNTY

WILD EAGLE MOUNTAIN RANCH, LLC,)
A Montana limited liability company;)
ROCK CREEK RANCH I, LTD, LP, a limited)
Partnership; ENGWIS INVESTMENT COMPANY,)
LTD, R.F BUILDING COMPANY, LLP, and)
DIANA'S GREAT IDEA, LLC, a Montana limited)
liability company,)

Plaintiffs,)

vs.)

SWEET GRASS COUNTY, A POLITICAL)
SUBDIVISION OF THE STATE OF MONTANA,)

Defendant.)

Cause No. DV 2014-03

COMPLAINT

COME NOW, the Plaintiffs, by and through their undersigned counsel of record, and for their claim for relief against Defendant, Sweet Grass County, alleges as follows:

PARTIES

1. Plaintiff Wild Eagle Mountain Ranch, LLC (“Wild Eagle”), is a Montana limited liability company which owns property in, *inter alia*, Township 1 North, Range 12 East, Township 1 North, Range 13 East, and Township 1 South, Range 12 East, P.M.M., Park/Sweet Grass Counties, Montana.

2. Plaintiff Rock Creek Ranch I LTD, LP (“Rock Creek”), is a limited partnership registered to do business in the State of Montana, and owns real property located in, *inter alia*, Township 1 North, Range 12 East, and Township 1 South, Range 12 East, P.M.M., Park/Sweet Grass Counties, Montana.

3. Plaintiffs Engwis Investment Company, LTD, and R.F. Building Company, LLP (collectively, “Engwis”), are business entities registered to operate in the State of Montana, and own real estate located in, *inter alia*, Township 1 South, Range 13 East, P.M.M., Sweet Grass County, Montana.

4. Plaintiff Diana’s Great Idea, LLC (“Diana’s Great Idea”) is a Montana limited liability company which owns real property in Township 1 South, Range 13 East, Sweet Grass County, Montana.

5. Defendant Sweet Grass County is a Political Subdivision of the State of Montana. Sweet Grass County is administered by its Board of County Commissioners. At the time that the acts and omissions set forth in the Complaint occurred, the individuals who constituted the Sweet Grass County Board of Commissioners were Susan Mosness, Bill Wallace, Rick Reed (through 12/31/12), and Robert Faw (from 1/1/13 to present).

FACTS COMMON TO ALL COUNTS

6. Plaintiffs own property which either borders on or is in proximity to land owned by Crazy Mountain Cattle Company, a Montana general partnership. Plaintiffs have become aware that an industrial wind energy development is proposed for construction on land owned by Crazy Mountain Cattle Company (the “Crazy Mountain Wind project” or “Project”). If developed, the Crazy Mountain Wind project will cause adverse effects on the use and enjoyment of Plaintiffs’ respective properties. Plaintiffs have a direct and substantial interest in and to all activities related to the Crazy Mountain Wind project, including, without limitation, all review and consideration of this project by the Sweet Grass County Commissioners.

7. Plaintiffs Wild Eagle, Rock Creek, and Engwis were previously involved in litigation that opposed an earlier version of the Crazy Mountain Wind project based on that project’s failure to comply with the Montana Environmental Policy Act. *Wild Eagle Mountain Ranch et al. v. State of Montana ex rel. Department of Natural Res. and Cons.*, Cause No. DV-2010-09 (Mont. 6th Jud. Dist. Ct. 2009) (the “Coyote Wind case”). Plaintiffs Wild Eagle, Rock Creek, and Engwis prevailed in the Coyote Wind case, on Order of Summary Judgment, entered October 5, 2011.

8. The Coyote Wind case was covered by the *Big Timber Pioneer* newspaper, and was a matter of general, public knowledge in Sweet Grass County. Sweet Grass County Commissioners attended public hearings held in connection with the Coyote Wind project, during which Engwis and other Plaintiffs made formal objection to development of the Coyote Wind project. Sweet Grass County Commissioners also attended public hearings held in connection with the Kelly Hills Wind project, during which Engwis and David Chesnoff (on behalf of Diana’s Great Idea) formally objected to development of the Kelly Hills Wind project.

The Sweet Grass County Commissioners identified in Paragraph 5, above, knew or should have known about Plaintiffs' concerns regarding industrial wind energy development on the Crazy Mountain property and surrounding properties at all times relevant to the allegations made in this Complaint.

9. Attached as Exhibit "1" is a letter from Sweet Grass County Commissioner Susie Mosness dated September 17, 2012, and is printed on the letterhead of the Sweet Grass County Commissioners (the "Mosness letter"). The Mosness letter references a meeting between the Crazy Mountain Project developer Marty Wilde and the Commissioners concerning a "two-phase project of up to 60 mw capacity." The letter states that, "[a]s the project gets closer to development, we will look forward to working with Crazy Mountain Wind on impact fees and tax abatement issues." The Mosness letter then declares the Sweet Grass County Commissioners' support for Mr. Wilde's project.

10. The Commissioners' Minutes for the months of August and September, 2012, are attached as Exhibit "2". The only reference to the Crazy Mountain Project appears in an entry dated September 7, 2012:

Rick Jarrett stopped in to visit about a new wind company called Crazy Mountain Wind. He needs a letter of support from the Commissioners.

There is no entry in the Minutes of the Commissioners' meeting with Mr. Wilde referenced in the Mosness letter.

11. Upon information and belief, the Mosness letter is the letter of support requested by Mr. Jarrett. There is no indication, however, in the Minutes of: (1) any public notice regarding the Project, (2) any public input regarding the Project, (3) any public meeting regarding the Project, (4) any discussion of the Project by the Commissioners, or (5) any vote by the Commissioners to support the Project.

12. Plaintiffs discovered the Commissioners' failure to comply with Montana's right to know and open meetings statutes, at the earliest, on January 22, 2014, when the August/September 2012 Commissioners' Minutes were disseminated to Plaintiffs. The Minutes only refer to visit with Mr. Jarrett, and do not disclose the meeting with Mr. Wilde.

13. The first Commissioner meeting of a (nominally) public nature concerning the Crazy Mountain Project occurred on December 6, 2013. The Project developers (Martin Wilde and Rick Jarrett) requested a meeting with the Commissioners on Monday, December 2, 2013, for inclusion on the Friday, December 6, 2013 Commissioners' schedule. This request was not included on the regularly published agenda from the prior week, but was within an apparently acceptable 48 hour prior notice time frame and added to the schedule for 11:00 am on December 6th. An amended Commissioners' schedule was issued sometime on Tuesday, December 3, 2013. As such, individuals checking the regularly posted Commissioners' schedule on Friday, November 28th, would not have been aware of the added agenda item.

14. At the December 6th meeting, Mr. Wilde informed the Commissioners that Crazy Mountain Wind was now "short listed" with NorthWestern Energy under the CREP program, and that Crazy Mountain would be beginning construction on the Project before the end of the year to meet the criteria for the federal Production Tax Credit. Under legislation presently set to expire in 2013, projects started this year would qualify for credits through 2015. Therefore, Crazy Mountain Wind requested a "Special Use Permit" from the Commissioners immediately, and that the County proceed with the formalities to allow them to receive a "Tax Abatement" for the Project under the "same consideration as the prior circumstance" (referring to the Kelly Hills project abatement that the Commissioners approved in December, 2012).

15. Without any supporting documentation, Mr. Wilde testified as to the details of the project. The Project, evidently, is to consist of 14 turbines producing approximately 20 megawatts of capacity, with each tower having a projected height of 123.5 meters (approx 405 feet) placed at the western edge of the Jarrett property in some undisclosed configuration, and a tie-in to the NorthWestern's 50 kV power line via a substation also constructed as part of the Project.

16. Mr. Wilde acknowledged that modifications to County roads would be necessary, but he indicated that they did not know whether access to the Project site would be from the east or the west. Mr. Wilde offered conclusory assertions that the developers would complete the road modifications and would meet County standards, though again, no documentation or proof of financial wherewithal was submitted to substantiate this assertion. Plaintiff Engwis has since tried to locate a transportation plan for this Project, but to date such records have not been submitted to the County. The Plaintiffs, and all members of the public who use the County roads in the Project area have a direct and substantial interest in County road use because heavy construction traffic, and the transport of massive equipment, will jeopardize public access, health, safety, and welfare for members of the public who rely on the surrounding public road system. Absolutely no specifics of the Project was disclosed at the December 6, 2013 meeting.

17. Nonetheless, Mr. Wilde was given an application for a special use permit (believed to be for road modification purposes) by Commissioner Mosness. Mr. Wilde indicated the Project developers would begin the process of requesting the State and County Tax Abatement procedures and hearings.

18. Beginning with the September 17, 2012 Mosness letter, the Commissioners and Project developers have kept the public uninformed about the Project. This pattern of

suppressing public input and participation contravenes the letter and spirit of Montana's laws governing open meetings and public participation codified at MCA Section 2-3-101, *et seq.*

COUNT I: VIOLATION OF OPEN MEETING LAW/RIGHT TO KNOW

19. Plaintiff re-pleads Paragraphs 1 through 18, above.

20. The meeting described in the September 17, 2012 Mosness letter is a "meeting" as that term is defined under MCA § 2-3-202 and was required to be open to the public.

21. The Mosness Letter's statement of support adopted by the Sweet Grass County Commissioners constitutes "agency action" under Montana:

The Sweet Grass County Commissioners were pleased to hear from Crazy Mountain Wind regarding this wind generation facility. As the project gets closer to development, we will look forward to working with Crazy Mountain Wind on impact fees and tax abatement issues. This letter expresses our support for the project. We look forward to a good working relationship with Crazy Mountain Wind on responsible energy development in the County and wish you success in this venture. [Emphasis supplied.]

22. Plaintiffs were entitled to a reasonable opportunity to submit data, views or arguments prior to the Commissioners making a final decision as to adopting a policy supporting the Project.

23. Plaintiffs were entitled to observe the deliberations of the Commissioners prior to making its final decision, and Plaintiffs had a right to participate in the operation of the Commissioners deliberations prior to their final decision.

24. The Commissioners' Minutes (attached as Exhibit "2") reveal that no public meeting was noticed or held with regard to the Commissioners' decision concerning the requests made by Jarrett and Wilde. The public was not afforded any opportunity to be heard prior to the Commissioners' final decision.

25. The Commissioners' Minutes (attached as Exhibit "2") furthermore reveal that no public deliberations of any kind occurred by and among the Commissioners prior to adopting the policy expressed in the Mosness letter. Based upon the referenced Minutes, it appears that all deliberations concerning this matter of vital public interest took place "behind closed doors".

26. At the time that the Commissioners conducted their "behind closed doors" meeting(s) on the Crazy Mountain Wind project, the Commissioners knew or should have known that the Plaintiffs had a direct and substantial interest in and to the nature and outcome of the proceedings.

27. Plaintiffs learned of these violations, at the earliest, on January 22, 2014, after requesting and receiving copies of the Commissioners' Minutes for the months of August/September, 2012, from the Sweet Grass County Clerk and Recorder.

28. The decision expressed in the Mosness letter, and all subsequent decisions made by the Commissioners in furtherance of this decision, are void.

29. As the Plaintiffs have been forced to enforce their rights under Article II, section 9 of the Montana Constitution, they are entitled to an award of costs and attorneys' fees in pursuing these rights.

COUNT II: INJUNCTION

30. Plaintiffs re-plead Paragraphs 1 through 29 above.

31. The statement of support set forth in the Mosness Letter constitutes an invalid and unlawfully adopted agency decision of the County Commissioners, acting as the duly-elected representatives of the voting citizens of Sweet Grass County, Montana. The Plaintiffs herein have been and will continue to be irreparably injured by this invalid agency decision if such action is not enjoined, and pecuniary relief will not adequately compensate Plaintiffs' damages.

32. Pursuant to Montana Code Annotated Title 27, chapter 19, the Plaintiffs are entitled to preliminary and permanent injunctive relief, prohibiting the Commissioners from taking any further action in reliance on or in furtherance of their void agency decision expressing County support for the Crazy Mountain Wind Project as set forth above.

WHEREFORE, Plaintiffs pray judgment against Defendant as follows:

1. For a decree that the decision expressed in the Mosness letter, and all subsequent decisions made by the Commissioners in furtherance of this decision, are void.

2. For preliminary and permanent injunctive relief against Sweet Grass County and its Commissioners from engaging in any further decisions or deliberations concerning the Crazy Mountain Wind Project, until all remedies available to the Plaintiffs for the Commissioners' violation of the Open Meeting Law are fully implemented.

3. That any decisions made by the County Commissioners in furtherance of the Crazy Mountain Wind project during the pendency of this litigation be deemed voidable, pending a resolution on the merits of Plaintiffs' claim for violation of Montana's Open Meeting laws.

4. For an award of costs and reasonable attorney's fees pursuant to MCA Section 2-3-221, and other applicable provisions of Montana Law.

5. For such other and further relief as the Court deems just and equitable

RESPECTFULLY SUBMITTED this 14 day of February, 2014.

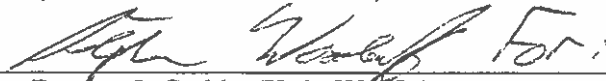
HUPPERT, SWINDLEHURST & WOODRUFF, P.C.

By: 

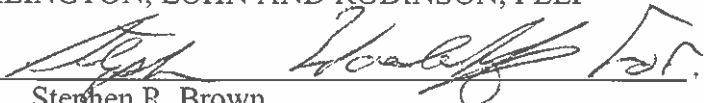
Stephen E. Woodruff

Attorney for Plaintiffs Engwis Investment Company, LTD,
and R.F Building Company, LLP

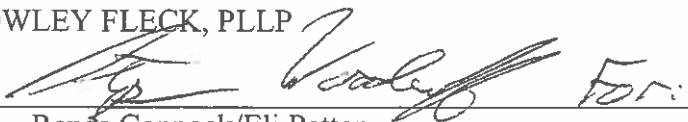
GOETZ, BALDWIN & GEDDES, P.C.

By: 
Devlan J. Geddes/Kyle W. Nelson
Attorney for Plaintiff Diana's Great Idea, LLC

GARLINGTON, LOHN AND ROBINSON, PLLP

By: 
Stephen R. Brown
Attorney for Plaintiff Wild Eagle Mountain Ranch, LLC

CROWLEY FLECK, PLLP

By: 
Renée Coppock/Eli Patten
Attorney for Plaintiff Rock Creek Ranch I, LTD, LP



Sweet Grass
COUNTY

Office of the County Commissioners

Susan Mosness, Chair
Rick Reed
Bill Wallace

September 17, 2012

Crazy Mountain Wind LLC
C/O WINData, LLC
Attn: Mr. Marty Wild
1943 Highway 408
Fairfield, MT 59436

Re: Crazy Mountain Wind Project in Sweet Grass County, Montana

Dear Mr. Wild:

We enjoyed meeting with you a few weeks ago and hearing about the Crazy Mountain Wind (formerly Coyote Wind) project in Sweet Grass County. We understand that your project contemplates a two-phase project of up to 60 mw capacity. The first phase is proposed as a 20 mw Community Renewable Energy Project. The project site for the first phase is located in Springdale, MT and will consist of 12 turbines, with a planned tie-in to the NorthWestern Energy 50 kv line and/or at the Duck Creek substation to the NorthWestern Energy 151kv line.

The Sweet Grass County Commissioners were pleased to hear from Crazy Mountain Wind regarding this wind generation facility. As the project gets closer to development, we will look forward to working with Crazy Mountain Wind on impact fees and tax abatement issues. This letter expresses our support for the project. We look forward to a good working relationship with Crazy Mountain Wind on responsible energy development in the County and wish you success in this venture.

Sincerely,

Susie Mosness
Board of Sweet Grass County Commissioners

P.O. Box 888 • 5th and Hooper • Big Timber, MT 59011
Phone: 406.932.5152 • Fax: 406.932.3026
Email: sgcommish@tsttriangle.com
www.co.sweetgrass.mt.us



AUGUST 2012
COMMISSIONER MEETINGS

Sweet Grass County Commissioner meetings are held in the office of the county commissioners in the Sweet Grass County Annex in Big Timber, Montana, unless otherwise noted in the minutes or agendas. Regular commissioner meeting days are the first working day of each week (usually Monday unless Monday is a holiday then Tuesday) and every Thursday during the month. These are the days to schedule issues that require the commissioner to take action. The first Monday of each month a department head staff meeting will be held at 9:30 a.m. Claims will be reviewed and approved for payment every Thursday unless a conflict arises. At least one commissioner will be in the office from 9:00 a.m. to 5:00 p.m. daily unless they are at a conference or meetings requiring them to be out of the office or out of town.

Acronyms

CSA – Computer Software Associates – the company that Sweet Grass County contracts with for all of financial software.

COS – Certificate of survey

DES – Disaster and Emergency Services

MACo – Montana Association of Counties

MDT – Montana Department of Transportation

RC&D – Rural Conservation and Development

RFR – request for reimbursement.

TSEP – Treasure State Endowment Program – provides matching grant funds to local government agencies for construction of infrastructure projects.

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Wednesday, August 1, 2012

Commissioners Wallace, Mosness and Reed were all arrived to usher in the month of August.

2012 Certified Taxable Values were received from the Department of Revenue. The Countywide taxable value is \$17,533,500 and the rural taxable value is \$14,054,519.

The Commissioners met with Sheriff Tronrud and Undersheriff Melham for the monthly update on happenings in the law enforcement department.

Thursday, August 2, 2012

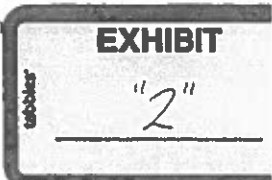
All three of the commissioners checked in then Commissioner Mosness left for a Mental Health Board meeting in Billings.

Commissioners Reed and Wallace reviewed and approved claims for payment.

The Commissioners attended an Addictive Disorders Board meeting at noon.

Friday, August 3, 2012

Commissioners Reed and Mosness were in the office for the day and Com
Wallace took the day off.



Rick and Susie compared the expense checks to the claims and stamped the checks before sending them to Clerk Bjorndal to review and stamp.

County Attorney Dringman met with the commissioners to update them on civil matters.

Monday, August 6, 2012

Commissioners Wallace, Mosness and Reed all reported for duty on this hot August Monday.

Staff meeting for the month of August was held with John Becken, Heidi Todd, Bonnie Ferguson, Daryl Hodges, Vicki Uehling, Bren Lowe, Erik Wood, Marc King, Dan Tronrud, Brooke Osen, Page Dringman, Laura Nelson from the Big Timber Pioneer and Bob Faw in attendance.

Financial Officer Uehling has been working on end of the year balancing.

PMC-CEO, Bren Lowe introduced Erik Wood who will be the new CEO as of August 23rd. Bren has been working on the evaluation of the PMC business structure and the 501-C3 status for the PMC. The ambulance station is done and they have moved into it and the CT scanner has been operational since July 15th.

Sheriff Tronrud informant the group that July was a busy month for law enforcement. Emergency services had a busy month and Sturgis is coming up causing an increase in motor cycle traffic. Officer Melham is on vacation and Officer Ronneberg is still out due to back surgery.

DES Coordinator, Brooke Osen, stated that fires and accidents have taken a lot of her time the last month. She has been working with Industrial Communications to acquire pagers and radios. She will also be meeting with parties who are potentially interested in leasing sites on the Grey Cliff tower.

Planner Page Dringman has been reviewing several COS's (a final plat and 3 preliminary plats). She held a Planning Board meeting which also dealt with a variance on the John Stene subdivision. Page and Commissioner Reed also traveled to Sidney and Glendive to see the economic impact the Bakken Oil fields are having on those communities. In these communities the county receives 25% of the taxes from the oil fields and the cities receive 0.1% causing severe hardships on the communities.

County Agent, Marc King is glad that the 4-H fair is over and feels that attendance was low. The sale was average or close to average – the gross was down about \$40,000. Mark and Kate Indreland attended the champion of champions last week.

Coroner Daryl Hodges reported that he had one call during the month of July and he has purchased a new cot for their department.

Weed Coordinator Bonnie Ferguson reported that spraying is going well and that they have done a lot of the spraying on foot due to the fire danger and driving off designated roadways. They have sprayed 85% to 90% of the county roads and are now going through town. Bonnie also attended a Soil Conservation District meeting.

Assessor John Becken has been working in Stillwater County assessing fire damage and will be going to Roundup next week to do the same.

Commissioner Reed thanked Bren Lowe for his years of service as the CEO of the Pioneer Medical Center and wished him well in his new endeavors. Rick and the other commissioners were involved in the following activities during the month of July:

Designation of Sweet Grass County as a drought disaster

Rescheduling of Fuel Reduction crew work hours and precautions due to dry conditions.

Approved the Stenberg gravel pit agreement and let the bid to Century Construction for crushing of the gravel.

Purchased a snowplow truck for the airport

Received authorization of the Secure Rural Schools funding for an additional year – these funds go to the schools and the road department.

Commissioner Wallace reported that he attended an RC&D meeting in Joliet during the month of July. He helped with the 4-H fair, met with department heads on their preliminary budgets, and met with MRL on the impact of coal train traffic on Sweet Grass County.

Commissioner Mosness attended a meeting on the RAC project on the Main Boulder Road – this project has caused some problems with phones in that area as phone

lines are buried in the road and not nearly deep enough. The county is trying to work with the church camps to get a means of communication when the phones are down. She was involved in the interview process for the new CEO at the PMC and spent some time watching the installation of the new CT scanner. She attended a Mental Health Board meeting in Billings.

Dick Rath met with the commissioners to update them on the progress of the fuels reduction crew. They will be done in about two weeks and they probably will not have a crew next year as the funding is dwindling.

Vicki Uehling and Sherry Bjorndal met with the commissioners to go over some budget information. Bob Faw and Laura Nelsons also sat in on the meeting.

Bren Lowe and Erik Wood met with the commissioners and Sherry to go over the PMC claims. Having reviewed and discussed the claims presented the commissioners approved them and Commissioner Mosness and Sherry stamped the checks for payment.

Tuesday, August 7, 2012

Commissioners Reed and Wallace were in the office for the day. Commissioner Mosness is in Helena for a Road Law seminar.

The commissioners reviewed claims and attached receipts and approved them for payment.

Commissioners Reed and Wallace attended an Airport Board meeting at 6:30 p.m.

Wednesday, August 8, 2012

Commissioner Reed was solo for the day. Commissioner Mosness and Wallace are in Helena for a budget workshop. Also attending the workshop are Clerk Bjorndal and Financial Officer Uehling.

Commissioner Reed inspected the road department's progress on the Otter Creek Road.

Jennifer Madgic from Senator Tester's office stopped in to visit about various issues around the county. She left information on a drought resource site for individuals who are interested.

Thursday, August 9, 2012

Commissioner Reed is all alone again today as Bill and Susie are still in Helena at seminars.

Tom Bulter, John Spencer, Quinn Ness, Warren Depuise, Kevin Langhus, Jerry Mahlum, Dan Tronrud, and Brook Osen met with Commissioner Reed to discuss the Grey Cliff tower and the possibility of the Montana Highway Patrol along with other agencies leasing space on the tower.

Friday, August 10, 2012

Commissioner Wallace manned the office as Commissioners Reed and Mosness took the day off.

Commissioner Wallace reviewed claims and stamped the checks for payment.

Monday, August 13, 2012

Commissioners Reed and Wallace were in the office for the day. Commissioner Mosness is out of the state.

The Commissions spent the day reviewing correspondence.

There was a weed board meeting at 2:00 p.m. in the public meeting room in the south end of the Annex. The subject of discussion was weed grants from the Montana Noxious Weed Trust Fund.

Tuesday, August 14, 2012

Commissioners Wallace and Reed were in for the day. Commissioner Mosness is sick today.

A public hearing was held at 10:00 a.m. in the commissioners' board room. Present at the hearing were Vera Pederson, Lana King, Commissioner Wallace and Commissioner Reed. The purpose of the hearing was to accept public comment on the EA for the Otter Creek Bridge TSEP project. Commissioner Reed made a motion to accept the EA for the TSEP Otter Creek Bridge project. Commissioner Wallace seconded the motion and it passed with 2 ayes. Commissioner Wallace signed the EA.

The commissioners spent the afternoon inspecting roads. They checked the Wormser Loop, Big Timber Canyon, and East Boulder Roads and also checked on the gravel crushing at the Stuart Stenberg pit.

Wednesday, August 15, 2012

All three of the commissioners were in the office for the day.

The day was spent updating Susie on what has been going on and going over correspondence.

Thursday, August 16, 2012

All of the commissioners arrived to kick off another day of county business.

Steve Juhlin and Doug Sylling from Gaelectric stopped in to visit with the commissioners about the proposed Kelly Hills wind farm project.

Friday, August 17, 2012

Commissioners Mosness, Wallace and Reed all arrived to end another week.

The Commissioners compared claims checks to the bills and stamped the checks for payment.

Monday, August 20, 2012

Commissioners Reed and Wallace attended a District 6 & 7 meeting in Lewistown. Commissioner Mosness stayed behind to hold the fort down.

Commissioner Mosness spent the day catching up on correspondence and checking on the various offices in the Annex.

Tuesday, August 21, 2012

Commissioners Reed and Wallace made it back safely from Lewistown and decided to join Commissioner Mosness in the office for the day.

Vicki Uehling and Sherry Bjorndal met with the commissioners to review the budget process now that Vicki, Sherry, Bill and Susie have just come back from a budgeting workshop. Laura Nelson from the Big Timber Pioneer sat in on the meeting.

Lana King from the planning office met with the commissioners to go through the startup conditions for the OC 1049 bridge. The TSEP grant is CTR # MT-TSEP-CG 12-700

(Otter Creek Bridge). All of the commissioners signed the required signature pages of the document.

Commissioners Mosness signed the necessary paper work to obtain county ID's for new employees: Eric Stenberg, Daryl Hodges, Bonnie Ferguson, Tracy Grazley, and a replacement ID for Vicki Uehling.

Commissioner Mosness signed Amendment #1 for the Main Boulder road RAC design.

Wednesday, August 22, 2012

All of the commissioners were in for the day.

Jane Stene came in with a list of taxes that were 5 years or more delinquent. Commissioner Reed made a motion to remove all of these delinquencies from the tax rolls. The total dollar amount is \$2,131.25. Commissioner Wallace seconded the motion and it passed with 3 ayes.

Thursday, August 23, 2012

Commissioners Mosness, Wallace and Reed all arrived ready to face another day of county happenings.

The commissioners reviewed claims and receipts and signed the claims for payment.

Jim Esp, Jerry Hauge, Bob Noland, Jin Kjarmo, and Ed Parrent met with the commissioners to talk about purchasing an air conditioner for the Senior Citizens Center. The commissioners agreed to pay for a RUUD unit costing \$8,984.00 and also the clean air option – a Honeywell ultra violet single bulb unit costing \$458.00. These are upgrades to the dining room and kitchen at the Senior citizens Center.

The Commissioners attended an LEPC meeting at 11:30 at the courthouse.

The commissioners also attended a Western Federal Land meeting at the Boulder River Ranch at 6:00 p.m.

Friday, August 24, 2012

Commissioner Reed manned the office for the morning, Commissioner Wallace is off today and Commissioner Mosness is in Billings at a Mental Health Board meeting.

Rick reviewed and compared the claims to the checks and stamped the checks for payment. The checks were then sent to Sherry to review and stamp.

Monday, August 27, 2012

Commissioners Wallace, Mosness and Reed all arrived to kick off another week.

Public works direction, Steve Bue, stopped in to update the commissioner on the happenings in the road department.

Commissioner Mosness signed a special exemption for Stage II Fire Restrictions for Roe Construction.

Tuesday, August 28, 2012

Commissioners Mosness and Wallace attended a Studer Group seminar at the ambulance station.

Commissioner Reed traveled to the East Boulder to check on the progress of the Elk Creek crossing upgrade.

Wednesday, August 29, 2012

Commissioners Reed and Mosness were in for the day. Commissioner Wallace took the day off.

Planner Dringman brought in the boundary relocation COS for Gloria Boe Yost. It is boundary line relocation with Stillwater Mining Company for East Boulder School. It is 1/2 acre addition to T 3S, R 13E, Section 10, making an 11.5 acre tract. Commissioner Mosness made a motion to accept the COS. Commissioner Reed seconded the motion and it passed with 3 Ayes.

Jase Thomas and Karl Conner met with the commissioners and Sherry to go over the preliminary budget for the fire department.

Commissioner Reed made a motion to approve the Medicaid Match contracts for county funds for transfer for the PMC. Commissioner Mosness seconded the motion and it passed with 2 ayes.

Commissioner Mosness signed the Secure Rural Schools Act state payment allocation – 85% to Title I and 15% to Title II.

Thursday, August 30, 2012

All of the commissioners were in for the day.

Claims for the week with attached receipts were presented for the commissioners to review and approve for payment.

Commissioners Wallace and Reed traveled to Livingston to attend the bid opening for the Main Boulder Road graveling project.

Commissioner Mosness signed the IMT Delegation of Authority on; the Pine Creek Fire.

Friday, August 31, 2012

Commissioner Reed came in to finish off another week and month. Commissioner Mosness is in Billings for a Mental Health Board meeting. Commissioner Wallace took the day off.

Commissioner Reed stamped the PMC payroll checks and the weekly claims checks.

PMC and County payroll for the month of August was \$608,919.25.

Claims paid during the month of August amounted to \$287,919.25.

Respectfully submitted

Sherry Bjorndal

SEPTEMBER 2012
COMMISSIONER MEETINGS

Sweet Grass County Commissioner meetings are held in the office of the county commissioners in the Sweet Grass County Annex in Big Timber, Montana, unless otherwise noted in the minutes. Regular commissioner meeting days are the first working day of each week (usually Monday unless Monday is a holiday then Tuesday) and every Thursday during the month. These are the days to schedule issues that require the commissioner to take action. The first Monday of each month a department head staff meeting will be held at 9:30 a.m. Claims will be reviewed and approved for payment every Thursday unless a conflict arises. At least one commissioner will be in the office from 9:00 a.m. to 5:00 p.m. daily unless they are at a conference or meeting requires them to be out of the office.

Acronyms

CSA – Computer Software Associates – the company that Sweet Grass County contracts with for all of financial software.

DES – Disaster and Emergency Services

MACo – Montana Association of Counties

MDT – Montana Department of Transportation

RC&D – Rural Conservation and Development

RFR – request for reimbursement.

TSEP – Treasure State Endowment Program – provides matching grant funds to local government agencies for construction of infrastructure projects.

Tyler Technology – CAS sold to Tyler – the company that Sweet Grass County contracts with for all of our financial software.

Monday, September 3, 2012

LABOR DAY HOLIDAY

Tuesday, September 4, 2012

Commissioners Wallace, Mosness and Reed all survived the Labor Day weekend and came in to kick off another month of county business.

Staff meeting for the month of September was held with Daryl Hodges, Dan Tronrud, Bonnie Ferguson, Vicki Uehling, Pat Dringman Marc King, Erik Wood, Jane Stene, Laura Nelson, with the Big Timber Pioneer, and Bob Faw present.

Sherriff Tronrud passed out the paper work showing the number of cases and complaints for the month of August. He has been staying abreast of the happenings with the Pine Creek Fire.

Erik is on his third week at the PMC and is getting up to speed and learning daily operations. The CT scanner use is increasing and meeting expectations.

Jane Stene will be attending convention in September. They have mailed out delinquent mobile home and personal property tax notices and wrote off some old delinquent taxes.

Vicki attended a technical school and the auditor is coming today for the end of the year review.

Bonnie announced that the new weed shop has been painted and carpet installed. All of the roads have been sprayed and the crew is spot spraying. All of the funds in the cost share program have been spoken for.

Daryl Hodges reported one death in the Yellowstone River and one at home death in Grey Cliff.

Commissioner Reed reported on the following actives and meetings that he attended during the month of August:

Airport board meeting – meeting on the Wormser Loop project – meeting with the Montana Highway Patrol on renting space on the Grey Cliff tower – met with Gaelectric on the proposed Kelly Hill wind generator project – attended the Dist. 6 & 7 meeting in Lewistown – met with the group from the Senior Citizens Center – attended an L.E.P.C. meeting at the courthouse – went to a Western Federal Lands meeting on the Main Boulder Road project – checked on the Elk Creek Bridge project and Century Construction is done crushing gravel at the Stenberg Pit.

Commissioner Wallace was involved in a lot of the activities that Commissioner Reed reported on as well as a budgeting 101 class in Helena and the Studer Group training at the ambulance station.

Commissioner Mosness also was involved in many of the activities that Rick and Bill reported on as well as a Road Law class in Helena, the budgeting 101 in Helena, the Studer Group training at the ambulance station (taught advances leadership skills), Mental Health Regional Board meeting in Billings, Pine Creek Fire meeting in Livingston, and the Boulder Road meeting.

MACo annual convention will be the last week in September.

Officer Ronneberg is back on light duty for half days and will go full time again about the 14th of October.

Laura Nelson introduced Lindsey Kroshkob who is the new reporter for the Big Timber Pioneer.

Alex the district ranger for the Yellowstone District of the National Forest Service stopped in to update the commissioners on the Pine Creek Fire.

Paul Westervelt and George Jackson met with the commissioners to talk about the PMC and the possible affiliation with Billings Clinic.

Commissioner Reed made a motion to approve resolution # 09-03-2012, a resolution amending the Sweet Grass Personnel Policy and Procedures Handbook to address pet and animals in the workplace. Commissioner Wallace seconded the motion and it passed with 3 ayes.

Wednesday, September 5, 2012

Commissioners Wallace and Mosness were in the office and Commissioner Reed attended the Southern Montana RAC meeting in Columbus.

Erik Wood from the PMC met with the Commissioners.

The Commissioners went to the fairgrounds for the planting of trees that were donated by northwestern Electric and planted by volunteers.

The Annex BBQ was at noon. Excellent!!

Thursday, September 6, 2012

Commissioners Reed and Wallace were in the office for the day. Commissioner Mosness is at the fairgrounds for the Farm Fair.

There was a Board of Health meeting at noon with Gary Johnson, Carol Aure, Barbara Woodbury, and Craig Carse, and Lana King.

The Commissioners reviewed and signed claims for payment.

Friday, September 7, 2012

All of the Commissioners arrived to end the week.

Rick Jarrett stopped in to visit about a new wind company called Crazy Mountain Wind. He needs a letter of support from the commissioners.

Monday, September 10, 2012

Commissioners Reed and Wallace were in for the day. Commissioner Mosness took the morning off.

Rick, Bill and Darrell Elgen unloaded all of the Carriage House stuff that had been stored at Phil and Mary Hathaway's at the fairgrounds.

Commissioner Mosness held down the fort for afternoon.

Tuesday, September 11, 2012

Commissioners Reed and Mosness were in the office for the day. Commissioner Wallace had the day off.

Steve Hanson was the high bidder on the airport crash truck at \$3,100 and Ralph Clark with the high and only bidder on the Oshkosh airport truck at \$1,000.

Wednesday, September 12, 2012

Commissioners Mosness and Reed were in the office. Commissioner Wallace is driving truck for the road department.

The commissioners signed the contract between MSU Extension and Sweet Grass County for a total of \$88,705.03 for the FY 2012/2013 extension services.

Commissioner Reed and John Becken traveled county roads. They took pictures of the new bridges on Wheeler and Otter Creek for TSEP purposes and took a picture of the new culvert on Upper Glaston Canal. They also traveled the Melville and Cremer Roads.

Thursday, September 13, 2012

All of the commissioners are in the office today.

The commissioners spent much of the day getting ready and setting up for the open house at the Annex, Courthouse and the Ambulance Station.

The Commissioners reviewed claims with attached receipts and approve the claims for payment.

Friday, September 14, 2012

All of the Commissioners were in for the day to oversee the open houses at the Annex, Courthouse and the new Ambulance Station. There was a good turnout for BBQ at noon at the ambulance station.

Monday, September 17, 2012

Commissioners Wallace, Mosness and Reed were all in the office for the day.

Commissioner Mosness reported on the Pine Creek Fire meeting that she attended on Saturday in Livingston.

John Becken came in to talk to the commissioners about taxable values and reserves.

Commissioner Reed made a motion that was seconded by Commissioner Wallace to raise the budget reserve for FY 2012/2013 to 31%. Motion passed with 3 ayes.

Commissioners Reed and Wallace returned the tables and chairs that were used for the open house to the fairgrounds.

Commissioner Mosness attended a PMC Board meeting at 5:00 p.m. at the PMC.

Tuesday, September 18, 2012

All of the commissioners arrived for another day of county happenings.

Vicki Uehling and Lana King met with the commissioners to go over the TSEP 08-411 draw down. Bill Lloyd with Great West Engineering called to update the commissions on the Wormser Loop FEM project.

Commissioner Mosness traveled to Billings for a Mental Health Advisory Board meeting.

The annual budget and permissive mill levy hearing was held at 2:00 p.m. with Commissioners Reed, Mosness and Wallace, Clerk & Recorder Sherry Bjorndal, Financial Officer Vicki Uehling, Sheriff Dan Tronrud, Undersheriff Jerry Mahlum, Bob Faw and Laura Nelson from the Big Timber Pioneer in attendance. There was some discussion about increasing the reserve from 28% to 31%. Having discussed the budget and answered any questions, Commissioner Reed made a motion to approve the FY 2012/2013 county budget as presented. Commissioner Wallace seconded the motion and it passed with 3 ayes. Commissioner Wallace made a motion to approve the 11.62 mill levy for the county insurance permissive levy. Commissioner Reed seconded the motion and it passed with 3 ayes.

Wednesday, September 19, 2012

All of the commissioners were in the office for the day.

County Attorney Pat Dringman stopped in to visit with the commissioners about Rural Improvement Districts (RID).

Commissioners Mosness and Reed toured roads in the afternoon. They traveled Lower Sweet Grass, Howie, Rapelje, and Featherbed Roads.

Thursday, September 20, 2012

Commissioners Reed, Mosness and Wallace were all in the office for the day.

The commissioners spent part of the day going over claims and attached receipts before signing the claims for payment.

Planner Page Dringman brought in the final plat application for Hatch/Skinner Minor Subdivision. After checking it over and discussing it with Page, Commissioner Reed made a motion to approve the plat. Commissioner Wallace seconded the motion and it passed with 3 ayes. Page also presented a COS for Bill Frazer. Commissioner Mosness signed the COS after it was approved by the commissioners and Page.

Vicki Uehling met with the commissioners to present audit information for the commissioners and Sherry to review. Commissioner Wallace made a motion to approve the amended audit contract with Denning Downey and Associated for the Federal Audit for FY 2012. This is an audit for the period of 7/1/2011-6/30/2012 and increases the cost of the audit from \$15,140 to \$17,640. Commissioner Reed seconded the motion and it passed with 3 ayes.

Mimi Cremer and Rex Renfrow met with the commissioners to talk about the Main Boulder Road and the proposed updates that are being explored.

Commissioner Wallace traveled to Billings to an RC&D meeting.

Friday, September 21, 2012

All of the commissioners were in the office for the morning.

Claims for the week were presented with the checks for the commissioners to compare and stamp the checks for payment. The checks and claims were then sent to Clerk Bjorndal to review and stamp the checks.

The Commissioners spent September 24th through September 27th in Great Falls for the annual Montana Association of Counties Convention.

Friday, September 28, 2012

Commissioners Wallace and Reed are back from Great Falls. Commissioner Mosness is in Billings for a Mental Health District Board meeting.

Bill and Rick compared the checks to the claims and stamped them for payment. They also stamped the PMC payroll checks for payment.

Claims for the month of September were paid in the amount of \$146,748.77.

PMC and County payroll for the month of September was \$506,881.17.

Respectfully submitted

Sherry Bjorndal