

The Board of Carter County Commissioners met in regular session on Wednesday, August 26, 2026, in the Carter County Commission Board Meeting Room of the Carter County Courthouse at 214 Park Street in Ekalaka, Montana. Rod Tauck, Chairman, Pam Castleberry, Vice Chairman and Dan Dinstel, member were present.

The meeting was called to order at 9:00 am. There was no public comment.

The commissioners were joined virtually by Chad Meissner of Black Hills Roofing, Dahl Memorial CEO Darrell Messersmith and Dahl Memorial Board President Georgia Bruski and Carter County Clerk and Recorder Judy Wright. Darrell presented the latest information on water intrusion from the storm last week. Chad requested pictures of the area that the water is coming in and will have a crew out in a week or two to fix the issue. The meeting with Chad ended. The commission and Darrell discussed a lease agreement with the Ekalaka Volunteer Fire Department and Dahl Memorial. The guests left the meeting.

Carter County Museum's Executive Director Sabre Moore, PhD and Curator of Paleontology Nathan Carroll stepped into the meeting to present the action plan for the Tourism Grant as part of the Museum expansion and renovation project including Carter County tourism Infrastructure Development and Camp Needmore Tourism Infrastructure Development. Other guests included Carter County Extension Agent Amanda Williams and Clerk and Recorder Judy Wright.

Sabre and Nathan provided updates on scheduled Geological Society meeting dates and topics as well as the upcoming museum expansion and renovation ground breaking ceremony currently slated for October 2026. There was a review of the project budget with the inclusion of grants Sabre request an amendment to the museum 2026-2027 Fiscal Year Budget. Commissioner Castleberry moved to approve the budget amendment for the Tourism Grant in the amount of \$10,000 per year. Commissioner Dinstel seconded the motion. There was no public comment and the motion carried.

The Carter County Museum hired a janitor at a multiple year temporary part-time position to be paid \$18.00/ hour 10-16 hours per week. The commission asked if the custodian for Camp Needmore had been officially hired and placed on payroll. It has been discussed at a previous Camp Needmore Board meeting. Sabre and Nathan left the meeting.

There was a virtual meeting with Maze May from Spectrum Phone systems with information on internet-based phone hardware and subscription. The commissioners requested references from other Montana customers and Maze requested the number of phones that would be replaced to provide a quote. The meeting ended with Maze.

Clerk of District Court / Superintendent of Schools Tracey Walker and Deputy Clerk of District Court / Senior Coordinator Tricia Lovec joined the meeting to discuss changing the Deputy Clerk of District Court position from part time to full time.

The meeting broke for lunch at 12:15 pm and was called to order at 1:20 pm.

Commissioner Dinstel moved to approve the August 19, 2026 commissioner proceedings. Commissioner Castleberry seconded the motion. There was no public comment and the motion carried.

Dahl Memorial Healthcare Association CEO Darrell Messersmith joined the meeting for the renew of the building lease. Darrell received approval of the agreement from the Dahl Memorial Healthcare Association Board members. The commissioners are waiting for the lease agreement to be reviewed by Crowley Fleck, Bond Counsel. Darrel and the commissioners discussed a lease agreement for the storage of the ambulances with the Ekalaka Volunteer Fire Department. Darrel left the meeting.

Clerk and Recorder Judy Wright and Carter County Extension Administrative Assistant Brandi Johnstone joined the meeting to provide options and opinions for the landscaping of the courthouse lawn. The advertisement for the ad was discussed. The guests left the meeting.

Durm Road call in from Steve and Annette Ryerson. The in-person guests include Alvin and Marlee Cordell, Road and Bridge Supervisor Carl Knapp, County Attorney Corbit Harrington, Superintendent of Schools/ Clerk of District Court Tracey Walker, Clerk and Recorder Judy Wright, Jason Donahey and Ernie Melum. Ryerson's requested the conclusion of the Durm Rd access to their property. Ryerson's spoke to the court ruling made June 06, 2023 that declared the Durm Road a county road. There was discussion regarding agricultural easement, and request for clarification of the ruling. Changing the path of the road would require a petition signed by freeholders followed by an investigation. The road standards were presented including the replacement of the bridge with a culvert.

Carter County Attorney Harrington opinion:

The road cannot be abandoned arbitrarily by failure to follow the process that is required by law. Montana supreme court has found that unlawful abandonment by a county is an unlawful act that has no statute of limitations. So, if we don't resolve this now it can be open for ever to be resolved by future commissioners, as well. The facts show that the court has found that the county, in 1972 the county clearly violated the law, specifically MCA 7-14-2612 The Abandonment failed to follow virtually the entire process that is set forth in the statute and in addition violated MCA 7-14-2615 by cutting off access to public lands and further violated MCA 7-14-2615 by abandoning a road used to access private land that benefits two or more owners. The road was declared to be, is, was and always was a county road by the court order, pursuant to MCA 17- 14 -2615 sub a- sub b. The commissioners must follow the court order including the order that's included in the writ: due diligence, while a delay in filling the order in justified to accommodate the post changes to the land owner, the land owners route, that may have been mutually agreeable, any failure to follow the order likely

exceeds what is reasonable diligence, failure to follow the order opens the county up to another writ which would be the action that would require the court to reconsider it being filed and leaves the county, the commissioners, and individual commissioners in contempt as well as malfeasants and punitive damages. Efforts of private parties seeking to close the public road, especially in to the public lands is unlawful, the party could encroach upon or block county road pursuant to MCA 7-14-2-34 the road supervisor must give notice orally or in writing requiring the encroachment be removed. The Board of Carter County Commissioners may at any time order the road supervisor to remove any encroachment, notice the penalty in the process provided for in statute MCA 7-14-2135 through 2137. Regarding the removal the section does not hold any board or member responsible or liable for anything other than what is willful, intentional neglect, failure to act. Creating an unnecessary delay might constitute those things. The Supreme Court has required counties to compensate the state for roads on state ground which require the county for half the easement. That amount was already set forth by the state. My advice to the commissioners would be to follow the courts acknowledgement of the court's order that the road was, is and always has been a public road. Fail to make the road useable, functional and safe for vehicular travel on the route designated by the court unless the affected parties, can in short order, find an alternative route and go through the proper petition process. The commission, road supervisor should order the removal of any impediments in the road. Pay the state for their easement and if necessary, take counsel on stand by for any action that is necessary and designate it as a low priority, has been suggested by the chairman. MACo will not represent the county and defend the county against any writs. I cannot defend the county against a writ, as it is contrary to law and it is contrary to ethics. My legal responsibility is to advise the commissioners to avoid liability that may be imposed on the county following the courts order.

Commissioner Tauck moved to prioritize the Durm Road as a low priority road with minimal maintenance. There was no second and the motion died on the floor. Commissioner Tauck opened the meeting for public comment for the guests. There were comments received from Alvin, Tracey, Ryerson's and Ernie. The guests left the meeting

Wanda McNerny, Seth Whitney and Attorney Corbit Harrington joined the meeting to discuss the county providing property for a baseball field, dirt work, and water. The county did not make a motion to provide any portion of the property, dirt work, and water. The baseball club would be provided a lease for the property from the county if the program goes forward. The commissioners requested that the club work on getting a 5013c designation, funding and written by-laws. The guests left the meeting.

There being no further business, the meeting adjourned at 4:16 pm.

The meeting adjourned at 3:14 pm.

Commission Proceedings
08/26/2026

Board of County Commissioners

Carter County, Montana

Rod Tauck

Rod Tauck, Chairman

Attest: Judy White
Clerk of the Board