SPECIAL MEETING
APPROVED MINUTES
Monday, April 6, 2026—Town Office/Firehall
6:00 p.m.

Open Special Meeting and Pledge of Allegiance: Meeting called to order at 6:02 PM.

Roll Call of the Council Members and Guests: Mayor Olson, Councilmember Gibson, Councilmember Ulrich, Councilmember Clinton, Clerk/Public Works Chance Senner, Lorraine Whiteman, Mitz Brown, Bette Brown, NaDean Brown, Carla Waters, Dave Hrubes, Gail Miller, Brendan Heidner, Martin Smith (Felt Martin) (Attended via phonecall)

Resident Dave Hrubes had asked for two minutes of the floor to give his statement. Dave Hrubes stated that the simple reality is that Richey receives no benefit from the levy, however could suffer from litigation, legal fees, guaranteed wasted taxpayer dollars and strain on relationships. Hrubes stated that active discussion of the topic increases transparency. He supported promoting common ground and working together to find a different solution. Dave Hrubes stated that Dawson County expressed interest in keeping the situation out of court, supporting that himself. NaDean Brown asked Hrubes if he was referring to an interlocal agreement. Hrubes replied yes. NaDean then stated that she had mentioned the lack of an MOU with Richey several times during March 19, 2026 special meeting. NaDean Brown expressed she felt that the Town of Glendive was not doing their due diligence, that it was being passed out to the rest of Dawson County to lessen the burden on the Town of Glendive. Resident Carla Waters stated that she used to reside in Miles City and owned property there, in which a very similar situation occurred. Carla Waters stated that taxes increased, residents had to purchase flood insurance, and stated that she did not want a similar situation for residents not effected by the floodplain living in Richey.

Old Business: Discussion and possible action on Resolution 2026-04 (Bond for West Glendive Levy Project)

Mayor Olson called in Attorney Martin Smith (Felt Martin) and gave him the floor. Martin introduced himself and stated that Mayor Jana Olson reach out to him based on the decision of the Town of Richey Council. Martin stated that his team reviewed Dawson County Resolution 2026-04 (Bond for West Glendive Levy Project) and provided Mayor Olson with their thoughts. Martin summarized by stating they believe that the county overstepped their authority by passing a resolution for a general obligation bond for a flood control project, further siting MCA 7-7-22 expressing Felt Martin's opinion that a general obligation bond including taxpayers outside of the benefited area to establish a floodplain is beyond their scope of authority. Councilmember Ulrich asked if Dawson County could modify which fund the levy project is to come out of. Martin Smith replied that yes, adding that they could change the fund without notifying constituents. Resident Dave Hrubes asked for the "exact cost" for Martin Smith's services. Martin responded asking what services he'd be referring to, noting that it was a stage by stage process. Martin recommended starting with a letter detailing circumstances. Martin further noted if the situation goes onto litigation, it is very difficult to determine cost as

there are many factors to the process. Resident NaDean Brown asked
Resident Carla Waters asked Martin Smith that if Dawson County was outside of their bounds, isn't it already illegal? Further asking what legal grounds do they have? Martin Smith replied that it is not illegal as it implies criminal activity, rather it is their firm's opinion that Dawson County is outside of their scope of authority. Carla Waters asked that if the Town of Richey chose to not pursue this further, will this set a precedent for Dawson County to not establish MOU's with Richey. Martin Smith replied that the law cannot be overthrown, using the example of, "If you were to be pulled over for speeding and not given a ticket, that does not mean you will not receive a ticket the next time". Martin reinforced that if Richey were to not pursue exemption from the bond, that does not mean that Dawson County can propose a similar situation again and not remain outside of their scope of authority.
Mayor Olson asked what Martin Smith's recommendation to proceed would be. Martin recommended that Council pass a resolution to send a letter to the commissioners and county attorney detailing Felt Martin's analysis on resolution 2026-04 being beyond the County's authority, and giving them a reasonable deadline to respond. He also recommended prepare a declaratory action petition with the court in Dawson County, asking the court to interpret the law, declaring that Dawson County was beyond their authority to include Richey in Resolution 2026-04, or wait until a response comes from the previously mentioned letter, as there would be no need to file the declaratory action petition if a positive response is received from the letter.

Mayor Olson asked for final questions from the Council and public. Mayor Olson asked that since the ballots were sent, and if the Town of Richey sends the letter, could the ballots for the Town of Richey be rescinded or exempt if the letter results in Richey's favor? Martin Smith responded that he believed so, that they would simply strike out the portion for that vote on the ballot. Resident NaDean Brown expressed that she is not against the levy, she is simply against those unaffected by it's construction having to pay for it.
Mayor Olson thanked Martin for researching the topic and joining the meeting for discussion. *Martin Smith left the meeting at 6:48*.

Resident Carla Waters stated her concern, of during the length of this project, she was worried that the tax could increase throughout the years of construction. Resident NaDean Brown felt that Council should proceed with Martin Smith's recommendation of passing a resolution to send a letter to the commissioners detailing how Dawson County is out of their authority for including the Town of Richey in the bond for the levy, and demand to the board that the Town of Richey be exempted. Mayor Olson asked for Council's recommendation. Motion made by Councilmember Gibson to send a letter to the board and Dawson County attorney explaining the legal analysis and demanding the Board rescind their Resolution 2026-04. Seconded by Councilmember Clinton. Mayor Olson asked for any final discussion. There was none. All in favor, motion carries. See attached voting record.

Adjournment: Motion to adjourn the meeting made by Councilmember Gibson. Seconded by Councilmember Clinton. All in favor, motion carries. See attached voting record. Meeting Adjourned at 7:03 PM.

ATTEST: _____ **APPROVED:** _____
Chance Senner, Clerk Jana Olson, Mayor