

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

September 1, 8, 15, 25, 2009

**TUESDAY
September 1, 2009**

Commissioners Present: Herb Townsend, C.B. Lucas and Ben Hurwitz.

Commissioners read minutes and approved minutes from previous meeting.

Road Department Report:

Ray Ringer discussed Road Department status. We also discussed issues regarding Water User Board of Martinsdale. It was decided the commission would ask Russell Berg to meet with us about installing a culvert in the Martinsdale Canal.

Ringer reported that the Eagle Creek culvert, 310 permit is complete except for fish and wildlife and parks approval. He will be meeting them September 2nd for inspection. The Falkner Creek Culvert he stated it is 60" in diameter and will be installed this fall. Ringer agreed to look into mowing some of the roadsides. He will check into purchasing a mower.

Discussed road abandonment for Mari & Libby Johnston. Commission will check into a road abandonment petition and forward it to the Johnston's.

Treasurer's Report:

RESOLUTION #2009-57

Treasurer Sue Phelan reported on delinquent taxes on garbage fees dating back to 1997. Phelan spoke with our auditor and was advised the county write off the delinquent charges. Commissioner Hurwitz moved to write off delinquent garbage taxes. Commissioner Lucas seconded. A vote was taken and passed unanimously. It is therefore resolved.

Phelan also reported she is having serious problems with CSA (Computer Software Associates). Phelan will speak to Pat Ryan from CSA to see what can be improved.



Meagher County, Montana

WHITE SULPHUR SPRINGS

OFFICE OF
BOARD OF
COUNTY COMMISSIONERS

September 1, 2009

Sue Phelan
Meagher County Treasurer
White Sulphur Springs, MT 59645

Dear Sue:

IT IS HEREBY RESOLVED WITH RESOLUTION #2009-57 THAT DELINQUENT TAXES for the following residents in Meagher County be written off:

0000400426 Burk, William L.(Burk,Jaci) 1994
0000400513 Lester, Richard & Ardith 1993,1994
0000400530 Matson, Joyce M 1993,1994
0000400845 Potter & CO. 1991,1992,1993,1994
0000400925 Tellock, Dave & Brockpahler, David W 1993,1994
0000401045 Nielson, Charlic & Dede 1997
0000401049 Petit, Joseph Author & June 1991,1992,1993,1994
0000401072 Smith, Darla 1997
0000401081 Matson, Joyce M.,McCullough ETAL 1993,1994
0000401125 Feddes, Jack N. & Bonnie L. 1993,1994

Total:\$4416.00.

Sincerely,

Herb Townsend, Chairman
Board of County Commissioners

2009-57

09/01/2009
11:41 AM

DELINQUENT TAX REPORT for PERSONAL PROPERTY
MEAGHER COUNTY
AS OF 09/01/2009

PAGE # 1

| Year | Parcel# | Name | Tax Amount | 1st Half | 2nd Half |
|------|------------|-------------------------------------|------------|----------|----------|
| 1994 | 0000400426 | BURK, WILLIAM L. (BURK, JACI) | 50.00 | 25.00 | 25.00 |
| 1993 | 0000400513 | LESTER, RICHARD & ARDITH | 150.00 | 75.00 | 75.00 |
| 1994 | 0000400513 | LESTER, RICHARD & ARDITH | 150.00 | 75.00 | 75.00 |
| 1993 | 0000400530 | MATSON JOYCE M | 185.00 | 92.50 | 92.50 |
| 1994 | 0000400530 | MATSON JOYCE M | 129.50 | 92.50 | 37.00 |
| 1991 | 0000400845 | POTTER & CO. | 555.00 | 277.50 | 277.50 |
| 1992 | 0000400845 | POTTER & CO. | 555.00 | 277.50 | 277.50 |
| 1993 | 0000400845 | POTTER & CO. | 555.00 | 277.50 | 277.50 |
| 1994 | 0000400845 | POTTER & CO. | 388.50 | 277.50 | 111.00 |
| 1993 | 0000400925 | TELLOCK, DAVE& BROCKPAHLER, DAVID W | 185.00 | 92.50 | 92.50 |
| 1994 | 0000400925 | TELLOCK, DAVE& BROCKPAHLER, DAVID W | 129.50 | 92.50 | 37.00 |
| 1997 | 0000401045 | NIELSEN, CHARLIE & DEDE | 35.00 | 17.50 | 17.50 |
| 1991 | 0000401049 | PETIT, JOSEPH ARTHUR & JUNE | 185.00 | 92.50 | 92.50 |
| 1992 | 0000401049 | PETIT, JOSEPH ARTHUR & JUNE | 185.00 | 92.50 | 92.50 |
| 1993 | 0000401049 | PETIT, JOSEPH ARTHUR & JUNE | 185.00 | 92.50 | 92.50 |
| 1994 | 0000401049 | PETIT, JOSEPH ARTHUR & JUNE | 129.50 | 92.50 | 37.00 |
| 1997 | 0000401072 | SMITH, DARLA D. | 35.00 | 17.50 | 17.50 |
| 1993 | 0000401081 | MATSON, JOYCE M. MCCULLOUGH ETAL | 185.00 | 92.50 | 92.50 |
| 1994 | 0000401081 | MATSON, JOYCE M. MCCULLOUGH ETAL | 129.50 | 92.50 | 37.00 |
| 1993 | 0000401125 | FEDDES, JACK N. & BONNIE L. | 185.00 | 92.50 | 92.50 |
| 1994 | 0000401125 | FEDDES, JACK N. & BONNIE L. | 129.50 | 92.50 | 37.00 |

| Levy | | | Total | 1st Half | 2nd Half |
|--------|----------|-----------------|---------|----------|----------|
| Year | District | Sub Description | | | |
| 1991 | REF | REF Misc Charge | 740.00 | 370.00 | 370.00 |
| SUBTOT | | | 740.00 | 370.00 | 370.00 |
| 1992 | REF | REF Misc Charge | 740.00 | 370.00 | 370.00 |
| SUBTOT | | | 740.00 | 370.00 | 370.00 |
| 1993 | REF | REF Misc Charge | 1630.00 | 815.00 | 815.00 |
| SUBTOT | | | 1630.00 | 815.00 | 815.00 |
| 1994 | REF | REF Misc Charge | 1236.00 | 840.00 | 396.00 |
| SUBTOT | | | 1236.00 | 840.00 | 396.00 |
| 1997 | REF | REF Misc Charge | 70.00 | 35.00 | 35.00 |
| SUBTOT | | | 70.00 | 35.00 | 35.00 |
| TOTAL | | | 4416.00 | 2,430.00 | 1,986.00 |

Clerk & Recorder's Report:

Clerk and Recorder Dayna Ogle met with the commission and gave a brief overview. She reported on recording charge accounts, digital scans of recordings, budget status, and elections.

Sheriff Report:

Jon Lopp presented Sheriff's Budget. Commission looked over and discussed proposed changes.

IT Department Report:

Jake Odom discussed at length on salary versus hourly wage. The problem is if Odom is salaried he is not eligible for vacation and sick leave. We are contemplating keeping him on salary and giving him 2 weeks of vacation each year. After much discussion no decision was made at this time.

Meagher County Fire Report:

Fire Chief Rick Siedlitz gave a brief report on the fire district and presented proposed budget.

County Classification:

RESOLUTION #2009-58

Commissioners discussed and reviewed county classifications. Commissioner Lucas moved that Meagher County remain a Class 6 County. Commissioner Hurwitz seconded. A vote was taken and passed unanimously. It is therefore resolved.

Claims:

Claims were presented and approved, Check # 39685-39733 , voucher # 1013, totaling \$33,690.91. Voided Check # 39625, Journal Entry #69 for \$1.73. Voided due to “wrong vendor.”

Meagher County-City Library:

*Meagher County-City
Library Hearing
September 1, 2009 @ 3:00pm*

In attendance: Commissioner Chairman Herb Townsend, Commissioner Vice-Chairman Bernie Lucas, Commissioner Ben Hurwitz, Library Board of Trustees, Librarian Debbie Benedict, and Community Members. Twenty-Nine (29) were in attendance.

Commissioner Chairman Herb Townsend opened the hearing and briefly stated that the purpose of the hearing is to allow the Library Board of Trustees to address the issues at hand.

Library Board of Trustees chairman Lucy Zarr then took the floor and stated she had just taken the Commissioners on an inspection of the Library so they saw first hand the existing condition of the Library. She continued by informing the community of what has transpired at the County-City Library and what obstacles they face at present time:

- *Last Wednesday Librarian Benedict noticed a smell and asked if Zarr could also smell it. They agreed it was noticeable.*
- *Friday, odor was stronger and needed to be investigated. Benedict found that ceiling tiles with water stains and thought they may be the source. They also looked in the storage room that has a sink in it and found that there was mold on the wall and pipes. Benedict tried to notify Zarr but was unable to reach her*
- *Saturday, Zarr was notified & it was arranged to meet at the Library at 7:00pm. Mr. & Mrs. Benedict, Lucy Zarr, and Gerald met at the Library and took a number of pictures of the obvious problems. They also took a look at the heating and cooling units and noticed the filter was in need of being cleaned.*
- *Discussed closing Library building and decided to leave it up to Benedict.*
- *Wednesday Library was closed while Benedict went to see a physician. Physician diagnosed her with sick building syndrome. Board discussed with Benedict if the Library should be closed and no decision was made at that time.*
- *Thursday morning Zarr decided to close the Library for the well being of our Librarian and patrons. She would prefer to error on the side of caution, and look out for the health and safety of the community.*
- *Zarr wanted to find out and look into what type of mold is present and if it is harmful.*
- *Zarr contacted Commissioner Lucas and brought him up to speed. He referred her to the county attorney and the Sanitarian, Brian Clifton.*
- *Clifton referred her to Dean Pomeroy who is more knowledgeable in mold.*
- *Dean Pomeroy advised Zarr to eliminate the source of the mold. To do so clean the surface with a bleach and water solution. If the sheet rock is moist remove and wipe down studs. Pomeroy advised Zarr to contact the state because mold can be extensive or simple.*
- *Zarr contacted the state and advised to have mold sample tested to find out what kind is in the Library. Until the mold is identified they advised to not open the wall because mold spores can be detrimental to ones health.*
- *Zarr contacted Insurance representative Jody Terney. Terney informed Zarr that the current policy does not cover mold and that any fees incurred would need to be paid out of pocket.*
- *Zarr contacted County Health Nurse Kari Jo Kiff. Kiff did not know much about mold but offered to contact DPHHS for more information.*
- *Mary Simmons from DPHHS advised that the source be cleaned and then test air quality. She noted that most of the time mold is not harmful.*
- *Zarr also contacted Debra Grim from DEQ. She told Zarr that the entire library does not need to be closed down, just the areas with noticeable mold. She recommended hiring a construction company that can fix issue. She said seal area, have good ventilation in the rest of the library. She noted that ducts should be closed if they adjoin the rest of the building.*

- Zarr checked in with Commissioner Lucas and he advised her to contact a local contractor Bob Rooney.
- Bob Rooney met Zarr at Library and looked at the areas they were concerned with. Rooney checked areas and they were dry. He noted that if the mold is dry that it is dead. The wall was totally dry when he inspected. After a thorough inspection he thought it should be cleaned sealed and painted. He also noted that the water spots on the ceiling tiles could be old or new so he advised that they be painted so you could know when you had an active leak. He also thought a roof inspection would be a good idea. The mold on the carpet is due from condensation building behind closed blinds and the moisture running down onto the carpet. His recommendation is to clean, seal, and paint and to have normal maintenance done on a regular basis to prevent this from happening again.
- Zarr found that if a construction company was hired no certification or license is needed to address the mold. Construction companies that have knowledge in negative pressure, or an environmental, or an engineering firm can be expensive.
- Zarr had a quote of \$35 - \$50 to test sample at the lab. Lab would give an analytical report to Library Board informing them of the type of mold. There will be an additional expense for an engineering firm that is licensed to extract samples and maintain a chain of possession.
- Library board discussed moving into an interim building but felt a number of buildings could possibly have the same issues.
- Zarr contacted Andy Lind, School Superintendent. Lind told Zarr how DEQ could come and inspect, test, and do an air quality test for no charge.
- Zarr contacted DEQ and they did not know of a free service but said some grants can cover such a service.
- Librarian Deb Benedict felt a window in her office would improve ventilation and would like library board to have one installed.
- Library board met and voted to replace sheetrock, clean cocking, install a vent in the utility room, check roof, check for any other mold, and to seal off back room.
- Zarr asked who was responsible and Townsend responded that the Library Board is responsible for building and the maintenance.
- Zarr felt that the county is responsible to pay for any necessary repairs and/or improvements.
- Townsend shared he felt is important to know the air quality before re-opening. Health and safety of the community is the first priority.
- JR Shinabarger had an asbestos worker in the courthouse working and asked if he would share his knowledge in dealing with situations similar to this. Scott agreed and joined hearing.
- Scott advised that an inspector be hired to know what type of mold. Once you know the type you know what process you need to use to make building safe for the public. He gave names: Chris 788-0426, and Ryan McGhee 461-4037. Both men are licensed and capable of handling job. He added it can be pricey, 3,000sqft can run around \$7,000. Scott noted the most important thing to do is identifying mold and then treat it.
- Hurwitz added that Judy Murphy from the state can inspect and head us in the right direction for free.
- JR added that Judy Murphy helped the school board and did a very thorough job, was free, and gives a list of recommendations at the conclusion of her inspection.
- Townsend stated the first step is to contact Judy Murphy.
- Rooney added that 72 hours is the normal gestation time for typical mold and 99% of mold issues are fixed with surface cleaning. He has a cleaner that can treat and remove mildew and mold. He said it would be good to take care of the obvious and then test, to see if there are any other concerns. Rooney volunteered his time to inform a contractor of building history but does not have time himself to do job. He is willing to help library before a bunch of money is sunk into it.
- Townsend agreed and felt the first step should be clean up surface and the second is to test.
- Tim Benedict informed group that he took samples of sheet rock to have tested without permission out of concern for his wife. He felt the number one concern should be the health of employees and community. He stated his wife was diagnosed with "sick building syndrome."
- Townsend asked if Tim Benedict would return the samples and share the results he gets from the doctor with the Library Board. He agreed to return samples and to share results with the Library Board.
- Deb Benedict voiced her concerns with building and felt ventilation is bad and needs improvement.
- Rooney agreed that ventilation would affect mold and building safety. He also noted he wants what is best for community and healthiest.
- Community member added that cost is an issue but felt it was important to do the job right so it does not keep happening.
- Community member feels this is a very big deal and that the librarian's health is important and that this should be addressed right away. She wanted to know who is responsible for it and wanted them to step up and fix the problems right away.
- Townsend replied that the county owns the building but the library board is responsible for building and maintenance.

- *Lucas added that the commissioners have no control over library board, that they do not govern the library board. Library board is responsible for the maintenance of the building.*
- *Community Member stated the library has no funds and cannot use the foundation money.*
- *Commissioner Hurwitz commented that the commission would try to help but they don't know how much they will be able to. Hurwitz said he agreed that the Library Board should take care of the obvious mold and then test air quality. Once building is safe re-open it but until then it should remain shut for the wellness of all. He feels it is important to make existing building healthy and usable while library board pursues property and a new library is built.*
- *Scott offered to let Library Board use air quality machine free of charge that he had in the county building.*
- *Commissioner Townsend felt it was generous but we should have a licensed person set up the machine and oversee the test so make sure it is accurate and 100% safe before library is re-opened.*
- *Jim noted he was in the library and there was no doubt a problem that needed to be addressed right away. He added that his recollection is that the county owns the building, the library leases rent free, and if there are problems with the building the are issues the county needs to handle.*
- *Community Member stated she felt the county should do all the maintenance and all necessary repairs and changes, and they should do it now.*
- *John stated the Library was wise to close building and maybe they could get a book mobile to service area while it is closed.*
- *Commissioner Townsend thought it was something to consider but it is up to the Library board.*
- *Hurwitz asked City Councilman Otto Ohlson if the library could move back to city hall building.*
- *Ohlson stated he could not speak on behalf of the council or mayor but it could be presented to them.*
- *Zarr noted she is researching as fast as she can while looking out for cost effectiveness and safety.*
- *Hurwitz stated that Zarr has done a phenomenal job and appreciates the time she has put into this.*
- *Zarr announced that there is a Library Board meeting tonight at 6pm in the High School Library. The meeting is going to cover what actions should be taken short term.*
- *Jean said the community has needed a new building for many years; it has bounced around since 1928 until now. She asked that the community keep that in mind and do their best to help see a new building built because there is a real need.*

Meeting Adjourned

CLERK

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

TUESDAY

September 8, 2009

Commissioners Present: Herb Townsend, C B Lucas, and Ben Hurwitz.

Minutes: Minutes from September 1, 2009 were read and approved as written.

Russell Berg:

Russell Berg will meet with Charlie Atkins (406-444-6693) DNRC, the canal is 20' across and handles 300 CFS. The Martinsdale Water Users would like to accommodate over 500 CFS.

Mr. Berg will get back to the commission after meeting Mr. Atkins.

Checkerboard TV District:

Stan Fredenburg , from Checkerboard TV District is requesting \$2500.00 additional funds from the County as a loan to the TV district. The purpose of the loan is to help facilitate a new transmitter station. The TV District has \$11,000.00 in the operating account to date and the cost of the new transmitter would be \$13,500.00. The TV District has applied for a grant and stated they would repay the County when the grant comes in. At this time, Mr. Fredenburg will order the new transmitter and ask Weldon Paulson to carry the \$2500.00 until their grant comes in. If Paulson will carry the \$2500.00 then Meagher County will not need to loan them the \$2500.00.

RESOLUTION: #2009-59

Commissioner Townsend moved to loan Checkerboard TV District \$2500.00 contingent on Mr. Paulson refusing the request of \$2500.00 by the TV District. Commissioner Lucas Seconded, Commissioner Hurwitz voted No. Therefore it has been resolved.

Clerk and Recorder:

Dayna Ogle, Meagher County Clerk and Recorder requested the county purchase a new voting machine while HAVA still has funds and will pay for half of the machine. The commission decided not to purchase a voting machine at this time.

County Superintendent of Schools Report:

Helen Hanson reported to the commission, A N B stayed the same. The District #8, High School funding will need to be \$1,238,592.00 down from 1,286,318. The Grade School funding will need to be \$1,593,998.00 down from \$1,633,271.00 last year. The funding need for the one outlying school at Lennep District #4 will be \$58,568.00 down from\$63,364.00 last year.

Budget 2009-2010 fiscal year:

The remainder of the meeting was devoted to the fiscal year budget plan.

Claims:

Becky Hurwitz-Leger presented the claims for \$16,500.02 from Voucher #1014, including Check # 39734 - # 39763. Claims were approved as presented.

Meeting Adjourned

CLERK

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

TUESDAY
September 15, 2009

Commissioners Present: Herb Townsend and Ben Hurwitz.

Commissioners read minutes and approved minutes from previous meeting.

Meagher County Tax Assessor:

Pat Pallas reported there was a \$22,119 change in taxable value for School District 4 taxing jurisdiction. Commission has requested the Department of Revenue to re-certify the taxable valuation for this taxing jurisdiction.

Mountainview Medical Center:

Aaron Rogers, MMC CEO discussed the transition of the County Health Nurse from the courthouse to the hospital. Commission decided to have Mr. Rogers be the department head and he will have the duty to approve all invoices and hours worked by the County Health Nurse. Once he has approved they will be forwarded to the Clerk and Records office to have them processed. County Health Nurse will move to new location as soon as her room is available. MMC has a room in mind and will begin preparing it for the transition.

Mr. Rogers reported that the financial reports are still not available due to an issue with the new computer system and the conversion. As soon as their computer system is operational he will present commission with financials. Mr. Rogers hopes they will be available some time next week.

RESOLUTION: #2009-60

Commissioner Hurwitz moved to hold a special election on approximately 20 additional mills (\$159,240) the hospital is requesting. Commissioner Lucas seconded. A vote was taken, Hurwitz and Lucas voted in favor, and Commissioner Townsend opposed. Therefore it is resolved.

Rehberg Field Representative:

Maren Olsen reported for Rehberg's office.

Rooney's Quality Construction:

Bob Rooney turned in proposal for unisex handicap restroom. Commissioners reviewed and signed.

Proposal

**ROONCO INC. DBA:
ROONEY'S QUALITY CONSTRUCTION
& PLUMBING**

BOX 568
WHITE SULPHUR SPRINGS, MONT 59645
PHONE 406-547-2100
FAX 406-547-2138

DATE 8 -17-09 date of original estimate.

Meagher County
White Sulphur Springs, Montana

RE: UNISEX HANDICAP RESTROOM

| TO INCLUDE | |
|--|--|
| DEMO | |
| 1. 12" concrete wall at entry to hall for minimum passway | |
| 2. for new door opening to unisex bath | |
| 3. existing fixtures and partitions as needed | |
| 4. wall as needed for redoing the plumbing rough in | |
| 5. floor as needed | |
| 6. concrete exterior wall as needed for opening for exhaust fan | |
| 7. dust enclosures and floor covering as needed | |
| 8. haul and dispose of all garbage and concrete | |
| FRAMING | |
| 1. new opening for new door to bath | |
| 2. new walls to separate the areas | |
| 3. new ceiling in entire area to allow for venting and exhaust fan | |
| 4. as needed to patch walls and floors where demo needed | |
| PLUMBING | |
| 1. new materials and labor for new rough in | |
| 2. 1 new floor mount handicap water closet w lid | |
| 3. 1 new wall mount lavatory sink handicap approved w faucet | |
| 4. re-install 1 existing watercloset in existing area | |
| 5. grab bars installed as needed in new bath | |
| 6. state permit | |
| ELECTRICAL | |
| 1. New Circuit for exhaust fan | |
| 2. rewire for new lights and switches as shown | |
| 3. furnish and install 4 new fluorescent fixtures as shown | |

| | |
|---|----------------|
| 4. new outlets in hall as needed | |
| 5. remove and re-install electrical as needed for construction | |
| 6. state permit | |
| FINISHES | |
| 1. Drywall hung, taped, textured ready for paint | |
| 2. prime and paint (2 coats paint) all new drywall | |
| 3. paint the adjacent walls in baths and hall to corner of office | |
| 4. patch and refinish the terrazo as needed | |
| 5. furnish and install the new door to new unisex bath | |
| 6. furnish and install new window in existing bath | |
| 7. furnish and install signage for the doors as needed | |
| PROPOSED COSTS | |
| 18% OVERHEAD AND PROFIT | 5809.5 |
| TOTAL THIS PROPOSAL | 38084.5 |
| Proposed by <i>Robert A. Rooney</i> | |
| Date of Proposal <i>9-9-09</i> | |
| Accepted by <i>Becky Hurwitz</i> | |
| Date of Acceptance <i>9-15-09</i> | |
| NO MOLD ABATEMENT OR ASBESTOS REMOVAL INCLUDED. | |

Robert A. Rooney
Becky Hurwitz

Claims:

Becky Hurwitz-Leger presented the claims for \$31,176.26, from Voucher #1015, including Check # 39764 - # 39787. Claims were approved as presented.

Meeting Adjourned

CLERK

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

FRIDAY
September 25, 2009

Commissioners Present: Herb Townsend, C.B. Lucas and Ben Hurwitz.

Budget Hearing:

Commissioner Townsend, Commissioner Lucas, and Commissioner Hurwitz met with Clerk and Recorder Dayna Ogle and worked on the county budget. They reviewed and discussed department budgets. Nothing was finalized; commission is waiting for revised tax values from Tax Assessor Pat Pallas.

Meeting Adjourned

CLERK

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER