

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

December 2, 8, 11, 15, 2009

**WEDNESDAY
December 2, 2009**

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

Commissioners read minutes and approved minutes from previous meeting.

Road Supervisor Report:

Road Supervisor Ray Ringer reported that the Leger Pipe Project is now completed. The road crew was successful in laying 1000' of 18" plastic pipe to redirect water from the gravel pit. Mr. Ringer reported that Benton Gulch gravel Project used reject gravel for 1 mile. The road crew now is addressing Lingshire Road. They will gravel approximately 3 miles of Lingshire from Benton turn off to the Clear Range turn off. The final project the road crew will work on this winter is the Smith River Road. They plan to address problem areas of the road and gravel as needed.

Treasurer Report:

Treasurer Sue Phelan discussed property tax protests with commission.

Road Price Quote:

RESOLUTION 2009-68

Commission received price quotes for a tractor, driver and fuel for hauling gravel for the road department the next 4 months. Three quotes were received: Mikesell quoted \$74/hr, Mark Ogle quoted \$78/hr and Ringer Trucking quoted \$70/hr. Commissioner Hurwitz moved to contract with Ringer Trucking for 4 months at \$70/hr. Commissioner Lucas seconded. Therefore it is resolved.

Personnel:

RESOLUTION 2009-69

Communication Supervisor Maebeth Seidlitz met with Commission to finalize pay rate changes. After further discussion Commissioner Townsend moved and Commissioner Hurwitz seconded to change Communication Supervisor from an hourly rate to a salary; which will be \$2,600/month - \$31,200/year. Dispatcher's wages will be increased as follows: Sibley \$11.53/hr, Driemeyer \$11.37/hr, Boyd \$9/hr, Rousseau \$9.58, Ohlsen \$9/hr, Lopp \$11/hr and open part time positions will start at \$9/hr. Approved rates will be effective as of November 27, 2009.

Sixteen Mile Creek Public Access Proposal:

Steven Johnson and Darlene from Fish Wildlife and Park were to come and inform Commission and Land Owners of the possible easement purchase to access a state owned section and open it to the public. Steven Johnson phoned and apologized because he was unable to come. Commission contacted as many land owners as possible to notify them of the cancellation. Larry Rickmeyer, Tom Lane, Jim Higgins, and Chris Schlepp are land owners that were not notified and came for the informational meeting. Commission listened and discussed land owners opinions and concerns. Commission unanimously agreed with the land owners concerns regarding Sixteen Mile Creek Access Project. Some key points were as follows:

- Project is an inappropriate use of government funds
- Questionable access to old railroad easement
- Adverse impact on adjoining land
- Spread of Noxious Weeds

RESOLUTION 2009-70

Meagher County Commission opposes the Sixteen Mile Creek Recreation Proposed Access Project in support of Meagher County private land owners.

Policy Handbook Workshop:

Clerk and Recorder Dayna Ogle, and Commission met and discussed another chapter in the Policy Handbook. They will continue to work through a chapter at a time until completed. Once Commission is done updating policy handbook a copy will be given to all employees for comments and/or suggestions prior to commission's final approval.

White Sulphur Springs Mayor:

Mayor Julian Theriault met with commission to discuss current activities of the city. Commission addressed the past occurrence of the county purchasing asphalt for the city and the city reimbursing the county. It was agreed by Commission and Mayor Theriault that in the future the WSS City will purchase the asphalt directly.

Courthouse Building:

Commission approved the purchase of blinds for the Treasurer and Clerk and Recorder offices using the Recovery Act Funds.

Payroll:

Pay Period 5 October 27 – November 26, Voucher #8, Ck#217640 – 217656 totaling \$16,607.97. Voucher #1033 Ck#40086 – 40103 totaling \$106,929.52. Direct Deposit \$51,832. Direct Deposit savings \$500.

Claims:

Voucher #1034 Ck#40104 – 40137 totaling 24,111.66

Meeting Adjourned

CLERK

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

TUESDAY
December 8, 2009

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

Commissioners read minutes and approved minutes from previous meeting.

FIRE DEPARTMENT REPORT:

Fire Chief Rick Seidlitz presented commission with a contract between Meagher County and the Department of Military Affairs to receive \$15,476.81 of federal funds to update the Emergency Operational Plan (EOP). DES will be the acting facilitator of said

contract. Rick Seidlitz is Meagher County's liaison, Ken Mesch is DES's liaison, and Amy Maracle is the Department of Military Affairs' liaison.

County Health Nurse Report:

County Health Nurse Kari Jo Kiff reported that the PHEP grant money will be used to purchase a refrigerator and a freezer to replace the old ones and to purchase other office equipment and supplies. Mrs. Kiff presented a new contract for county health nurse position to commission to review. If agreed upon it will replace existing contract. Commission is considering not contracting for a county health nurse but rather to have the nurse be a county employee. No decision was made at this time.

County Attorney Report:

Linda Hickman Meagher County Attorney discussed in detail the alleged embezzlement of county funds.

Interlocal Agreement:

RESOLUTION #2009-71

Horizon Wind Energy, Inc. is establishing a wind generation facility in Meagher County that is expected to have impact fees that will be paid into the county. This Interlocal Agreement is between Meagher County Commission, White Sulphur Springs Superintendent, and the County Superintendent for the purpose of setting up an appropriate fund for the anticipated impact monies and to enter into an agreement specifying the use of said funds. Commissioner Lucas moved to accept the Interlocal Agreement. Commissioner Hurwitz seconded. A vote was taken and approved unanimously. Therefore it is resolved. Agreement will be kept on file in the Meagher County Clerk and Recorder's Office.

Claims:

Voucher #1035 Ck#40138– CK#40166 . Voucher #1036 Ck#40167. Voided Ck#40018 and Ck#39972. Commission reviewed and approved as presented.

Meeting Adjourned

CLERK

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Tuesday
December 15, 2009

Commissioners Present: Ben Hurwitz, Herb Townsend (left prior to Rural Fire Report), Bernie Lucas (arrived after C&R Report)

Commissioners read minutes and approved minutes from previous meeting.

Clerk and Recorder Report:

Clerk and Recorder Dayna Ogle reported on the status of finalizing the budget. Before she disperses to department heads she had a few questions for the Commission. Mrs. Ogle asked questions regarding Civil Defense Budget and also the Bridge Budget.

Commission discussed and decided the budget will be left the way it is and if needed, they would transfer funds to cover. Commissioner Townsend requested the finalized budget and update when completed. Commission decided once the budget is in CSA that department heads and Commission will receive a quarterly report that shows the status of the funds. Mrs. Ogle reported that she is still working with IRS to rectify reports that were filed incorrectly. She has already had the penalty fee reduced significantly but is trying to have them dismissed all together due to the extenuating circumstances. Clerk and Recorder Ogle also informed the Commission of individual employee filings that were reported inaccurately and she is researching to correct. Clerk and Recorder Ogle finished with telling commission that the blinds for the courthouse are coming in soon. Commissioner Hurwitz requested that she look into hiring someone to install because our building maintenance employee is injured at this time and unable to install.

RESOLUTION #2009-72

Joyce Wofford and Clerk and Recorder discussed with Commission an issue with payroll clearing. It appears that \$27, 503.00 was not transferred from the cash available fund to payroll fund for the federal direct deposit. Commission discussed what action should be taken to rectify situation. After much discussion Chairman Townsend moved to have Clerk & Recorder Ogle contact Strom and Associates to find out if we transfers said amount from PILT into payroll fund if we are within compliance and if not what action would be best to correct error. Commissioner Townsend added that Mrs. Ogle has commission approval to take advised action. Commissioner Lucas seconded. A vote was taken and passed unanimously. Therefore it is resolved.

Harold Blattie MACo:

Commission had a conference call with Harold Blattie from MACo to discuss impact of property tax protests for agriculture land on the county budget. Mr. Blattie discussed proper procedure to appeal and encouraged commission to make sure it is clear to county land owners. Mr. Blattie advised commission to analyze reserve funds and decide if it is time to implement spending restrictions for county departments. There is a form that the state tax appeal board uses on-line and commission could download forms to utilize. Blattie noted you can only be refunded money amount that is paid under protest unless it was proven there was an error and at that time a portion of paid taxes could be reimbursed. He also advised that tax payers should error on the side of caution and pay under protest so it is more likely they could receive a refund. Commission thanked Mr. Blattie for his insight.

Grassy Mountain Residents Inquiry about Snow Plowing:

Mrs. Hickey, and Mrs. Vanwormer inquired if Road Department could contract out to snowplow their road for the road crews hourly rate. Grassy Mountain Residents have utilized county road crew and private contractors in the past. They prefer the county because they have the right equipment and do a good job. Commissioner Hurwitz said that they would look into other contractors and if no one is interested then they would consider allowing county road department to do the work. Commission will discuss and contact Mrs. Vanwormer and Mrs. Hickey with decision.

County Extension Office:

Rachel Soto and Bethany Steinken asked commission if it is possible to increase County Extension Assistant's wage. The assistant has not had a raise in the last two years besides COLA. Mrs. Soto noted that there is enough money allocated in the budget to allow this wage increase. Commission stated that budgets are going to be reduced due to the property tax impact and unfortunately can not increase the wage at this time.

Treasurer Report:

RESOLUTION #2009-73

Treasurer Sue Phelan asked for permission to take measures to rectify bookkeeping error.

Commissioner Hurwitz moved to have Clerk and Recorder Dayna Ogle write a check for \$369.08 from petty cash to Meagher County Treasurer to lower Clerk & Recorder's petty cash account, increase the GL and Treasurer's petty cash. When the aforementioned actions are taken and fulfilled in completion, the cash and GL will then balance. Chairman Townsend seconded. A vote was taken and passed unanimously. Therefore it is resolved.

Meagher County Tax Appeal Information:

On Friday Dallas Reiss, a representative of Department of Revenue indicated that the County Commission had authority to determine what forms and or letters would be accepted to appeal property taxes. Commission asked Harold Blatie from MACo if they in fact had said authority and he confirmed. The date to submit an AB 26 has passed so the Commission decided that due to the extenuating circumstances property tax appeals would be accepted with a Property Tax Appeal form in the Clerk and Recorder's office prior to the property tax due date.

Rural Fire Report:

Fire Chief Rick Seidlitz discussed a past situation in a different county that a DNRC truck was used to respond to a wreck. DNRC contract specifically states vehicles are for wild land fires only and the state pays for insurance of those trucks. If you utilize trucks for other types of fires and/or wrecks the county would be responsible to pay vehicle insurance. Commissioner Hurwitz wants to make sure we utilize trucks correctly so we are not responsible for the insurance. Fire Chief Seidlitz insured he has and will continue to utilize trucks properly. Mr. Seidlitz is also continuing work on implementing a rural fire district. He will meet with County Attorney Hickman in the near future for counsel in creating a rural fire district. He found that MACo would assist with funds if County Commissioners were on the board of the fire district. Commission agreed they would be a part of the board to be eligible for funds from MACo.

Claims:

Claims were reviewed and approved as presented. Voucher #1037, CK# 40168 - CK#40206 totaling \$848,715.73. Voided CK#40131 \$191.37, CK#39972 \$19.50, CK#40018 \$1428.00.

Meeting Adjourned

CLERK

SEAL

CHAIRMAN

VICE-CHAIRMAN

COMMISSIONER