

PROCEEDINGS OF THE BOARD OF THE COMMISSIONERS
MEAGHER COUNTY, MONTANA

July 6, 13, 20 2010

Tuesday

July 6, 2010

8:30am – 4:30pm

Met in Commissioner's Chambers in the Meagher County Courthouse

Meeting Called to Order:

Meeting called to order at 8:30am On Tuesday, July 6, 2010 in Meagher County.

Commissioners Present:

Chairman Herb Townsend, Commissioner Ben Hurwitz, and Commissioner Nancy Schlepp

Minutes:

April, May, and June minutes were approved as presented with exception to the actions listed below.

Action 1:

Resolution 2010-25

Commissioner Schlepp moved to correct minutes for May 18, 2010. The Library board is not responsible for the \$150/month stipend for Building Supervisor to take on additional duties at the library. The Building budget will be responsible for the monthly stipend. Commissioner Hurwitz seconded. A vote was taken and passed unanimously.

Action 2:

Resolution 2010-26

Commissioner Hurwitz moved to change the minutes for June 8, 2010. Treasurer Sue Phelan originally asked to transfer \$30,000 from the Harmon Revolving Account to the corpus but the correct amount is \$30,007.82. Commissioner Schlepp seconded. A vote was taken and passed unanimously.

Claims:

Deputy Clerk & Recorder Becky Hurwitz-Leger presented claims for review.

Clerk & Recorder:

Clerk & Recorder Dayna Ogle asked if the commission would approve increasing the county contribution for the county attorney's insurance premium. Commission discussed.

Action 3:

Resolution 2010-27

Commissioner Schlepp moved to pay the increase in county attorney's insurance premium. Townsend seconded. A vote was taken and passed unanimously.

Road Department Report:

Road Supervisor Ray Ringer met with commission and Clerk and Recorder Ogle. Mr. Ringer reported they are currently working on Camas Creek Road. He also gave an update on personnel status. Clerk and Recorder Ogle will follow up with MACo regarding a worker's compensation claim. Mr. Ringer reported the rock crusher is gone from Martinsdale but he is going to talk to the Bair Co. to see if he can utilize their reject gravel to finish up graveling in Martinsdale area. Mr. Ringer agreed to find a rock crushing company that can crush rock and remove clay. Ringer asked if he could go to bid to have the fence and roof of the shop replaced at the county yard. Commission agreed he could request bids and once they are submitted they will determine if and when the repairs could be done.

Action 4:

Commissioner Schlepp moved to call for bids for both the fence and roof replacement at the county yard. Commissioner Hurwitz seconded. A vote was taken and passed unanimously.

Mr. Ringer noted he is taking vacation, and Mr. Fuller will be acting supervisor during his leave.

Meagher County Public TV:

BJ Hawkins met with commission to give an update on the Public TV. Mrs. Hawkins explained how the broadcasting station operates. She gave commission a handout to review. Discussed taxes, availability of station channel, and other community services they provide. Mrs. Hawkins presented contract for Chairman Herb Townsend to read and sign. Contract is on file in the 2010 Commissioner Correspondence Binder. It is understood and agreed that Meagher County Public Television Inc shall receive \$15,000 per year, on a fiscal year basis.

Closed Session:

Commission discussed personnel issue.

Clerk and Recorder Report:

Clerk and Recorder Ogle, and Deputy Clerk and Recorder Hurwitz Leger asked commission if they have permission to destroy blank checks that are not compatible with the computer software.

Action 5:**Resolution 2010-28**

Chairman Townsend motioned to give Clerk and Recorder's Office and Treasurer's Office permission to shred blank warrants claim checks that were duplicate numbers, out of sequence, and incorrect format. Check listing 35883-35950, 35951-36200, 36201-36450, 36451-36700, 216821-217070, 217071-217320, 217367-217150. Commissioner Hurwitz seconded. A vote was taken and passed unanimously.

Mrs. Ogle asked if the commission would approve paying back interest totaling \$37.57 for an employee that was delinquent in paying their PERS. Commission agreed unanimously to not pay employees back interest, that it is his responsibility. Ogle asked if the Clerk and Recorders Office could have 10 hour days 4 days a week opposed to the current schedule. Commission discussed pros and cons and agreed to consider but would like to hear from the other departments. Tax Appeal Board Secretary resigned and commission will need to appoint a replacement. Mrs. Ogle presented performance appraisals she would like to start using county wide and asked commission to decide which format they preferred.

Action 6:

Commissioner Schlepp moved to adopt disciplinary form and time off request form. Chairman Townsend seconded. A vote was taken and passed unanimously.

FY 10-11 Budget Workshop:

Commission and Clerk and Recorder Ogle met and discussed budget for the new fiscal year.

Attendance:

Marcy Rethwisch was in attendance of the commissioner meeting the remainder of the day.

County Representative for Hospital Board:

Michael Kakuk, Jason Phillips, and Marcy Rethwisch met with commission. Mr. Kakuk gave commission a letter asking commission to appoint him to the hospital board as a county representative. Discussed hospital and the issues they are dealing with at length. Commission shared they have one representative and have two more seats they can appoint. Commission shared they are wrestling with the idea of appointing representatives or going to the public to have them elect representatives. Commission added they would like to know the status of the hospital district, and if there is one what are the duties and obligations of the county commission. Commission stated their interest is that tax payer money is collected and their obligation is to

make sure the tax payers are represented. Mrs. Rethwisch explained time line of the district and the status. It was clarified by Mr. Kakuk that if there is a hospital district and the bylaws are not in place then the responsibility defaults to the commission to be the district board. He added that the district board does not govern over the facility operations, only over the district finances. Mr. Kakuk shared with commission that the hospital chairman is supporting the idea of an investigation committee looking into necessary matters. He would address the needs to have documents readily available to the public. Discussed with Mrs. Rethwisch her being removed from the hospital facility and legalities of her attending hospital board meetings.

Action 7:

Commissioner Schlepp moved to appoint Mr. Kakuk to represent the county on the Mountainview Medical Center Board. Commissioner Hurwitz seconded. A vote was taken, Commissioners Schlepp and Hurwitz for and Chairman Townsend against. Motion passed.

Commissioner Hurwitz moved to appoint Marcy Rethwisch to the MVMC Board. There was not a second to the motion so motion dies for a lack of a second.

Mrs. Rethwisch noted her concern about the investigation committee and how open they will be to the public and if they will be able to share information with the community. Kakuk assured her the public will be informed and that the bylaws will be addressed and changed.

County Boards:

Action 8:

Chairman Townsend moved to appoint Otto Ohlson until 2013 and Michael Held until 2013 to the Mosquito District Board. Commissioner Shlepp seconded. A vote was taken and passed unanimously.

Action 9:

Chairman Townsend moved to appoint Bill Galt until 2013, Ed Roach until 2013, and Jim Higgins until 2011 to the Airport Board. Commissioner Schlepp seconded. A vote was taken and passed with 2 for. Hurwitz was absent.

Action 10:

Chairman Townsend moved to appoint Jack Berg until 2013, and Darci Shane until 2012 to the Ambulance Board. Commissioner Schlepp seconded. A vote was taken and passed unanimously.

Action 11:

Chairman Townsend move to appoint Stan Freedenberg until 2013, Francein Hutzenbiler 2012, Max Hunt until 2013 to the Checkerboard TV Board. Commissioner Schlepp seconded. A vote was taken and passed with 2 for. Hurwitz was absent.

Action 12:

Commisisoner Hurwitz moved to appoint Rod Brewer until 2012, Wally Bailey until 2013, and Phil Rostad until 2012 to the Weed Board. Chairman Townsend seconded. A vote was taken and passed unanimously.

Action 13:

Commissioner Townsend moved to appoint Mel Peterson until 2013 to the TV District Board. Commissioner Schlepp seconded. A vote was taken and passed unanimously.

Sheriff Report:

Sheriff Lopp met with commission and handed out his report. Hurwitz inquired about Mrs. Rethwisch attending MVMC Board meeting. Lopp clarified procedure for removal. Commission discussed sheriff budget for FY 2011-2012. Sheriff Lopp would like to increase the cost of holding inmates. Current charges are \$35/day. He would like commission to review and increase the fee. Clerk & Recorder will look for paper work to justify cost to officially make increase. Lopp reported the going rate is \$75/day.

IT Report:

Mr. McDanel and Clerk & Recorder Ogle met with commission to discuss bids for wiring for computers and phones in the basement. He has received one bid totaling \$14,000.

Action 14:

Commissioner Schlepp moved the county place an ad in the paper calling for bids for the wiring needed down in the basement. Chairman Townsend seconded. A vote was taken and passed unanimously.

McDanel asked commission look at the wiring downstairs so they know what he is dealing with. McDanel explained wiring and the needed upgrades at length. Discussed training McDanel will attend regarding 911 system.

Treasurer Report:

Treasurer Sue Phelan requested to receive an additional set of keys for her deputy treasurer. Commissioner Hurwitz stated he would get the extra keys from the safety deposit box. He noted they will discontinue renting the box because the keys can be kept at the courthouse and the signature stamps destroyed. Treasurer Phelan asked if she could have a letter referring to resolution 2010-20 to give her permission to transfer the Harmon Trust money. Commission discussed 10 hr a day for 4 days a week with Mrs. Phelan.

Action 15:

Commissioner Hurwitz moved to approve availability of 10 hour days for 4 days a week for the courthouse employees until September 1, 2010. Commissioner Schlepp seconded. A vote was taken and passed unanimously.

MACo Health Insurance:

Clerk and Recorder Ogle discussed insurance availability to widows of retirees.

Action 16:**Resolution 2010-29**

Commissioner Schlepp moved to amend the policy to allow surviving spouses of retired employees who are currently enrolled to be eligible to continue their health insurance coverage through the county until they remarry, or are delinquent by thirty days, at that time they will be dropped. Commissioner Hurwitz seconded. A vote was taken and passed unanimously.

Gravel Purchase Request:

Sean Ringer asked to purchase 100 yards of gravel from the Weingartner pit.

Action 17:**Resolution 2010-30**

Chairman Townsend moved to sale 100 yards of gravel at \$10.00/yard from the Weingartner Gravel Pit. Commissioner Hurwitz seconded. A vote was taken and passed unanimously.

Hospital District:

Marcy Rethwisch shared her research and feels the district is not dissolved. She offered to share any documentation that may help the commission. She asked the commission to request from the hospital clarification and copies of documentation they have. Commission discussed her research and hospital district status at length.

MSU Extension Agency:

Dave Phillips met with commission and gave an update on the MSU Extension Agency. Mr. Phillips handed out discussion points. Commission and Mr. Phillips discussed various options for the extension program and position at Meagher County. He noted MSU feels it is important to have the administrative assistant position to make the extension agent successful. He explained the commission has been in on the selection committee in the past and would hope at least one if not all would sit on the committee when and if they hire the new agent. Whatever option (full time or part time agent) the commission approves is what they would hire for. As soon as the commission notifies him on which option they want he will move forward and prepare the job announcement. Commission discussed options.

Action 18:

Chairman Townsend moved to draft a position announcement with a full time extension agent with the possibility of MSU to buy out a ¼ of that position. Commissioner Schlepp seconded. A vote was taken and passed unanimously.

Mr. Phillips also handed out an inventory of what MSU owns down in the extension agents office.

Claims:

Deputy Clerk and Recorder Becky Hurwitz Leger presented claims. Commission approved and signed as presented. Void JE#602 6/23/2010 CK#40937 totaling \$585.95 (WSS Cable did not sign MOU Per Commissioners). Voucher 1080 6/30/2010 CK#41011-41012 totaling \$40,184.50. Void JE #625 7/1/2010 CK#41012 totaling \$38,084.52 (Wrong Amount to Rooney’s). Voucher 1081 7/1/2010 CK#41013 totaling \$32,084.50 for Rooney’s. Void JE#630 07/01/2010 totaling \$32,084.50 (Wrong Fiscal Year on Check). Voucher 1082 6/30/2010 CK#41014 totaling \$32,084.50. Voucher 1083 6/30/2010 CK#41015-41052 totaling \$34,758.77 JE 596, 597, 598, 599 to correct over spent budget for Meagher County Health Nurse Funds. JE 610, 611, 612, 613, 614, 615, 616, 617 Budget Adjustments. JE 635 to reimburse road department for fuel used by SO. Void JE 608 6/25/2010 CK#40951 totaling \$400.00 (Treasurer paid and then C& R paid). Out of Session Voucher 1075 6/9/2010 CK#40938 - CK#40941 totaling \$54,547.70. Voucher 1083 CK#41015 – CK#41052 totaling \$34,758.77 (back dated to 6/30/2010 for end of year, processed 7/6/2010. Bond for Duplicate Warrant issued to Julie Witt Meagher County Library Board Lost Warrant #409756 for \$88.00 dated 6/19/2010, duplicate Warrant #41031 on 7/08/2010.

Payroll:

June 30, 2010, Payroll Voucher 16 CK#217744 – CK#217767 totaling \$11,377.54. Health Voucher 1079 CK#41001 – CK#41010 totaling \$17,665.57. Deduction Voucher 1078 CK#40993 – CK#41000 totaling \$88,110.25.

Helena Sand and Gravel:

Helena sand and gravel owes Meagher county \$27,941.50 for gravel for the airport improvements project. Commission noted the last payment to Helena Sand and Gravel will be held until they pay in full.

Meeting Adjourned:

Chairman Townsend adjourned meeting at 5:05pm

Next Meeting:

Next Commissioner Meeting is scheduled for July 13, 2010 at 8:30am in the Commissioner Chambers. Commissioner Schlepp will be absent.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Christy Rogers, Administrative Assistant
Distributed July 13, 2010 to Chairman Townsend, Commissioner Hurwitz, Commissioner Schlepp, and Clerk & Recorder Ogle

Tuesday

July 13, 2010

8:30am – 3:30pm

Met in Commissioner's Chambers in the Meagher County Courthouse

Meeting Called to Order:

Meeting called to order at 8:30am On Tuesday, July 13, 2010 in Meagher County.

Commissioners Present:

Chairman Herb Townsend, and Commissioner Ben Hurwitz present.

Minutes:

Commissioner Hurwitz gave Administration Assistant Rogers his corrections and changes to July 6, 2010 minutes. Commission will review July 6, 2010 minutes at their next regular scheduled meeting July 20, 2010.

Building Report:

Building Supervisor JR Shinabarger discussed the installation of the windows in the Clerk & Recorder's Office and the Treasurer's Office.

Tenderfoot Road:

Commission discussed the status of the Tenderfoot Road. Commission contacted the newspaper to place an ad in the paper to notify the public that the road is open. Commission will follow up with the Forest Service to get a maintenance contract in writing for the road.

Department of Revenue:

Chris Todd & John Becken from DOR explained how they will be accomplishing the assessor duties. At this time Chris plans to be in Meagher County Tuesdays and Wednesdays. Linda Lennington will assist.

County Attorney:

Action 1:

Resolution 2010-31

Chairman Townsend moved to keep the County Attorney position at a part time status at \$45,654.96 per year. Commissioner Hurwitz seconded. A vote was taken and passed unanimously.

Personnel:

Action 2:

Chairman Townsend moved that holiday pay for all employees is limited to eight hours, even if the employee is working four ten hour days. Commissioner Hurwitz seconded. A vote was taken and passed unanimously.

Fund Transfer:

Deputy Clerk and Recorder Becky Hurwitz Leger explained an error she found. When the county was reimbursed from the insurance claim for the women's bathroom flooding \$1,180 was deposited into the Insurance Liability Fund opposed to the Building Fund. She will work with Clerk and Recorder Ogle to rectify.

Treasurer Report:

Treasurer Sue Phelan reported on the status of the county's financials.

2007 Airport Grant Entitlement Funds:

Agreement for transfer of Entitlements. Meagher County transferred \$127,359 of Entitlement money to Rosebud County for Colstrip Airport. In so doing Meagher County waived receipt of said funds until Colstrip repays.

Recycle Bins:

Superintendent Lind met with commission and discussed recycle bins behind the high school. He told commission of an issue they have had with youths getting into the glass bottles and then throwing and breaking them on the football field. He asked that the Sheriff’s Department patrol the area. Commission agreed and will pass the information on to the sheriff.

Budget Workshop:

Commission and Clerk & Recorder Dayna Ogle discussed and worked through department budget requests.

Fire/DES Report:

Fire Chief Rick Seidlitz met with commission and distributed his Fire and DES report to commissioners. Seidlitz also discussed his department’s budget with commission in detail.

LEPC Lunch Meeting:

Commissioner Hurwitz and Chairman Townsend attended the LEPC Meeting during lunch.

Library Board Update:

Tary Buckingham, and Gordon Doig from the Library Board met with the commission. They discussed the Library’s budget. Library Board notified commission both Tary Buckingham and Julie Witt resigned from the board. Commission will appoint new members when possible.

County Health Nurse Report:

County Health Nurse Kari Jo Kiff was unable to attend the meeting due to a family emergency.

County Board of Health:

Julian Theriault, Herb Townsend, Brian Clifton, and Ben Hurwitz were present. Brian will concentrate on county planning while Dean Pomeroy will handle sanitarian duties.

Claims:

Deputy Clerk and Recorder Becky Hurwitz Leger presented Voucher #1084 CK#41053 – CK#41087 totaling \$20,023.87. Commission approved and signed as presented. Note: Warrants were processed July 13, 2010 but are dated June 30, 2010 for fiscal year end reporting.

Meeting Adjourned:

Chairman Townsend adjourned meeting at 3:30pm.

Next Meeting:

Next commissioner meeting is scheduled for July 20, 2010 in the Commissioner Chambers.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Commissioner Ben Hurwitz
Draft distributed via email July 14, 2010 to Commissioner Hurwitz, Commissioner Schlepp, Chairman Townsend and Clerk & Recorder Ogle.

Tuesday

July 20, 2010

8:30am – 3:30pm

Met in Commissioner's Chambers in the Meagher County Courthouse

Meeting Called to Order:

Meeting called to order at 8:30am On Tuesday, July 20, 2010 in Meagher County.

Commissioners Present:

Chairman Herb Townsend, Commissioner Nancy Schlepp and Commissioner Ben Hurwitz were present.

Closed Session:

Commission reviewed and edited July 6, 2010 and July 13, 2010 minutes.

Fire/Sheriff Report:

Fire Chief Rick Seidlitz and Sheriff Jon Lopp met with commission. They reported that on July 2nd there was a tornado at Smith Creek, Gold Mountain. There was no structure damage but 2 cows were killed. Discussed WSS Live claim for \$129/month for their internet services which is split between the Sheriff's Office and the DES Office. Jim McDanel took training on 911 system. Commission would ultimately want county to be on the same state network, but it is too expensive to do right now.

Sheriff Lopp reported he currently uses both Mr. Odom and Mr. McDanel for IT Support. Sheriff Lopp asked for approval to purchase a new server for the sheriff office, and also a \$400 Bond to sell fire permits to public. Commission felt it was not the sheriff office's obligation to sell fire permits so if the forest service wants the county to sell permits then they can pay for the bond.

16 Mile Creek:

Rod Brewer, and Kevin Brewer met with commission to discuss the Fish Wildlife and Park land acquisition in the 16 Mile Creek area. Commission discussed the current status and the details of the proposed land acquisition and public access. A retracement that was done shows access, but the original surveys do not reflect the same access. Mr. Rod Brewer questions the status of the private easement and how they can put a public road on a private easement. FWP contacted Clerk & Recorder's office asking commission to consider putting in an approach. The road department and commission will review and make determination when it is formally presented. Public comment period ends the 30th day of July. Commission is concerned about the impact this will have. The proposed purchase is about 89 acres which is appraised at \$315,000.

Action 1:

Commissioner Schlepp moves that the commission write an official letter with their comments regarding opposing the sixteen mile creek purchase. Hurwitz seconded. A vote was taken and passed unanimously.

Commissioner Schlepp will work with staff to compose a letter to submit. She will also follow up with Representative Harry Klock and Senator Dave Lewis.

County Hospital District:

Commission, Mountainview Medical Center Hospital Board, and Community members totaling 23 were in attendance to discuss the status of the County Hospital District Board.

Mr. Rogers reported they are recruiting and interviewing doctors. Director of Nursing Doug Van Sickle has stated he is resigning but has not submitted a written notice.

Chairman Townsend stated the county wants to make sure that the commission is fulfilling their obligation. He reported that the county hospital district is still in existence. It has never been dissolved but has had no activity for many years. He explained that because there are no elected board members the district responsibilities has defaulted back to the commission. He added that

community members have voiced concern about a non elected board for the hospital, so the commission would like to go to the community to elect the county hospital district board. Chairman Townsend said this meeting is to have open communication so it is clear where we stand and who is responsible for what.

County Attorney Linda Hickman then took the floor and explained the district was created in 1962 and is still in existence. The district was created under a statute that is not in existence now. The intent and purpose of the district was to help aid in the maintenance and operation of the hospital. That was the intent and purpose of the taxpayers and commissioners then. The hospital has its own board. The consensus then was that it was created to aide in the maintenance and operation of the hospital. Hickman did a history of the statute. She referred to a memo from John Potter, which reflects that the corporation runs the hospital. The intention of the commission was to only aid in the maintenance and operation. Potter addresses the record keeping and maintaining the financial records and what responsibility the county treasurer has. The Attorney General, and Potter agreed that the county treasurer's responsibility was to track the levy funds. The law reads now that the county hospital district would have many responsibilities. The law states that there would be 3 seats that are elected with staggered terms

Commission would like the community to elect trustee board and does not want commission to operate the board. Townsend noted Jack Holstrom from MACo said most counties just give the levy money to the hospital; they are just a pass through.

Hospital Board Members, and Community Members discussed current situation and options (electing 3 board members, dissolving district, leaving it as is and levy mills under Title 15) with the commission at length. Commission answered all questions that were asked. Commission notified that they will look into the details of holding an election to elect 3 people to the hospital board district. Commission will keep everyone informed and noted the community wants the hospital to succeed so that is why the levy was voted in and the county needs to be responsible and do what the community wanted. The consensus was to work together and to move forward from this point.

County Hospital District Election:

Commission discussed dates, and filing dates for the county hospital district. Three seats with staggered terms. Commission would like to know details of how the election would work. Ogle agreed to look into the details and let the commission know what she finds. Commission noted Kakuk would only like to be on the hospital board short term and Witt would also be okay with his term being over. Hickman is going to look into the liability the county may have by appointing reps to the hospital board and will let commission know. Once they have all the information they will make a determination of what action they will take.

Hospital Payment:

Ogle stated the Second payment of the hospital levy is due. Commission discussed past payments and what is due at this time.

Action 2:

RESOLUTION 2010-32

Schlepp moved to pay the second half of the levy that is due to MVMC which is \$110,852. Hurwitz seconded. A vote was taken and passed unanimously.

Commission discussed budget and the end of the year roll and closing the books with Ogle.

Claims:

Deputy Clerk and Recorder Becky Hurwitz Leger presented Voucher #1085 Ck#41121 dated June 30, 2010. She also presented Voucher #1000 CK#41088-41120 totaling \$52,135.38. 2 Voids #41028 and #41011. Commission approved and signed as presented.

Meeting Adjourned:

Chairman Townsend adjourned meeting at 4:30pm

Next Meeting:

Next Commissioner Meeting is scheduled for August 3, 2010 in the Commissioner Chambers.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Dayna Ogle Clerk & Recorder and Christy Rogers, Administrative Assistant
Distributed August 3, 2010 to Chairman Townsend, Commissioner Hurwitz, Commissioner Schlepp, and Clerk & Recorder Ogle