

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

**February 1, 8, 15, 2011**

**Tuesday**

February 1, 2011

8:30am – 4:30pm

Met in Commissioner's Chambers

**Meeting Called to Order:**

Chairperson Schlepp called meeting to order at 8:30am.

**Commissioners Present:**

Chairperson Nancy Schlepp and Vice Chairman Ben Hurwitz.

**Personnel Policy Handbook Review:**

Present for the meeting, which took place in the Courtroom: Sue Phelan and Shauna Porter, from the Treasurer's Office; Dayna Ogle and Christy Rogers, from the Clerk and Recorder's Office; Ray Ringer, Ivan Bodell, Bruce Smith, and Nick Lester, from the Road Department; Nico Cantalupo and Bethany Steinken, from County Extension; J.R. Shinabarger, Buildings; Donna Morris, Clerk of Court; Kimberly Deschene and Dayna Shepherd, from the County Attorney's Office; Jerry Churchill, Justice of the Peace. The aforementioned county employees met with the Commission to share ideas and feedback regarding the draft copy of the updated Meagher County Personnel Policy Handbook. The Commission will consider the feedback in upcoming Commission meetings when they finalize the policy handbook.

**MACo Health Care Policy Changes:**

Pam Walling, the County's new MACo Health Care Trust representative, met with the Commission and the county employees assembled in the courtroom for the previous Policy Handbook Review, to update everyone on new changes to the County's insurance coverage, which took effect January 1 this year, as a result of the healthcare reform bill.

**Road Report:**

Ray Ringer, Road Supervisor, met with the Commission to give them his monthly road report. Chairperson Schlepp handed him a letter from Helena Sand and Gravel regarding whether there were any zoning compliance issues involved in the contract recently awarded to them to crush gravel for the County. Chairperson Schlepp also shared with Ringer a letter from the State DNRC regarding an easement application from Triangle Communications. Commissioner Hurwitz noted from the claims the use of overtime for snow removal and complimented Ringer on the work his crew had done to keep the county's roads in good shape.

**Tobacco Prevention Specialist:**

Aaron Blair, the county's newly-hired Tobacco Prevention Specialist, met with the Commission to give them an update on his progress. He said his first newspaper article had just been approved. He is required to complete a work plan and budget by the 14<sup>th</sup> of the month (February). His next step, he said, was to form an implementation team to review fines to be issued for infractions of the Clean Indoor Air Act. Chairwoman Schlepp said she thought the position was just educational, that there was no enforcement involved. Commissioner Hurwitz agreed.

**Airport Land Acquisition Grant:**

Chairwoman Schlepp, along with Mayor Julian Theriault, signed a grant application to receive money from the FAA to help the County, and City of White Sulphur Springs, complete their land acquisition program at the airport.

**Action 1:**

**RESOLUTION 2011-06**

Commissioner Townsend, who called in, moved that the Meagher County Board of County Commissioners write a letter, from Meagher County, to the Montana State Legislature, opposing House Bill 316. Commissioner Hurwitz seconded. A vote was held and passed unanimously. It is therefore resolved.

**Action 2:**

**RESOLUTION 2011-07**

Chairperson Schlepp moved to forgive Hallett Minerals Company their property taxes for the second half of 2003 owed to Meagher County, as requested by the company in a letter to the Commission. Commissioner Hurwitz seconded. A vote was held and passed unanimously. The Commission determined that Hallett Minerals was correct in their contention that they did not owe the taxes.

**County Superintendent Update:**

Helen Hanson, County Superintendent, met with the Commission to give them an update on the status of the Eby case. Hanson stated that Park County Superintendent, Ed Barich, who has agreed to adjudicate the case, does not see how this is a contested case, as the Eby's are not asking for anything specific.

Hanson also gave a status update on the Lennep school situation. It appears as of now, she said, that there will only be child there next year, which would require them to go to non-operating status.

**Red Ants Pants Music Festival:**

Sarah Calhoun, owner of Red Ants Pants, met with the Commission to share her plans for the First Annual Red Ants Pants Music Festival, to be held July 29 through July 31, on the Jackson Ranch to the west of town. (Also present was Jason Phillips, from Meagher County News.) She is working with promoters, she said, from Bozeman and Livingston, who have a lot of experience do this, and they have already booked Jerry Jeff Walker as the male headliner. The plan is to have a free street dance Friday night the 29<sup>th</sup>, followed by two days of music on the Jackson ranch. Calhoun and the commissioners discussed logistics—extra emergency personnel, porta potties, security, traffic issues, etc. Calhoun estimates that the festival should draw 1500-3000 people to town for the weekend. Calhoun also mentioned that she is in the process of setting up the Red Ants Pants Foundation to support agriculture and family farms and ranches. Ideally the Foundation would run the music festival.

**County Hospital District Board:**

The County Hospital District Board met with the Commission to share the results of a report developed by the State Department of Revenue to show statistics on other counties in Montana who levy mils to support their local hospitals. Present from the District Board were Chair, John Dracon, Pam Sundstrom, and Michael Kakuk. Commissioner Townsend joined the meeting by telephone. County Attorney Kimberly Deschene was present, as was Jason Phillips from the Meagher County News.

Dracon presented the report to the commissioners. According to the report, there are fifteen counties in Montana that levy mils to help support hospitals. They are all smaller counties and Meagher County falls somewhere in the middle as far as mils levied.

Commissioner Hurwitz said that there were two payments left to the Mountain View Medical Center from the previous 20-mil levy. One was due in December 2010 but has not been requested yet, and the other comes due in June. In the past, Hurwitz said, the mils have not been paid out until requested. Pam Sundstrom said it seems as if the hospital does not want to ask for another mil levy. If they do not ask for one, she wondered, with the eight mils the hospital already receives from the county, and the Harmon Trust, wouldn't the county still have some kind of control over those funds? Michael Kakuk replied that as long as there were not any significant restrictions on those funds, that the county would still have oversight. Clerk & Recorder Dayna Ogle brought to the commissioners the ballots where the 8 mils were voted upon. The language, according to Kakuk, gave no restrictions to how the levied funds were spent, meaning that the county would indeed have oversight.

Commissioner Townsend then stated he would like to see the costs of previous management (Benefis) listed in the report. Kakuk replied that they will be in the report.

Chairperson Schlepp said she would like to see the District Board sit down with the Hospital Board before the District Board goes public with their final report so that there are no surprises. Commissioner Hurwitz concluded by thanking the members of the District Board for their service, in a task which is not easy.

### **Public Hearing: Proposed Budget Amendments—Tobacco Grant and Civil Defense**

The hearing was called to order by Chairperson Schlepp. There was no comment. The hearing was closed.

### **Public Health Nurse:**

Kari Jo Kiff, County Health Nurse, gave her report to the Commission.

### **Sheriff Report:**

Jon Lopp, Sheriff, gave his report to the Commission. Of special interest was the possibility of participating in a junk vehicle program. The primary stumbling block is appointing a person to be able to declare a vehicle junk. In the end, no decision was made.

### **County Attorney:**

County Attorney Kimberly Deschene met with the Commission to request more funding from the county for her health insurance. The normal allowance to half-time employees for their health insurance, she pointed out, is \$250, which she already receives. However, the state of Montana pays \$366.50 to counties to help pay for County Attorneys' health insurance costs. Since she is employed half time by the county, that amount would be \$183.25. All she asks, she said, is to be receive that \$183.25 a month that the county already receives from the state.

### **Action 3:**

#### **RESOLUTION 2011-08**

Commissioner Hurwitz moved that the County follow statute and pay County Attorney, Kimberly Deschene, \$183.25 a month that the state pays Meagher County for the County Attorney, on top of the \$250.00 a month they already pay half-time county employees, effective January 1, 2011. Chairperson Schlepp seconded. A vote was held and passed unanimously. It is therefore resolved.

### **Justice of the Peace:**

Jerry Churchill, Justice of the Peace, met with the Commission to present his "state of the court." He was frustrated by a couple issues, including his lean budget. He also requested from the Commission the money needed to purchase a new desk and two new filing cabinets for his office.

### **Action 4:**

#### **RESOLUTION 2011-09**

Chairperson Schlepp moved to allow the Justice of the Peace to buy a new desk for \$1000 and two filing cabinets for \$140 a piece. Commissioner Hurwitz seconded. A vote was held and passed unanimously. It is therefore resolved.

### **Action 5:**

Commissioner Hurwitz moved to accept the minutes from January 18, 2011, with changes. Chairperson Schlepp seconded. A vote was held and passed unanimously.

### **Claims:**

Commission was presented Voucher #1142, CK#41924 and CK#41926 – CK#41968 totaling \$25,259.13. Commission approved and signed as presented. CK#41925 was voided.

### **Public Comment:**

No comment was made.

### **Meeting Adjourned:**

Chairperson Schlepp adjourned the meeting at 4:30pm.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, February 8, 2011.

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**CLERK & RECORDER**

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**CHAIRMAN**

**SEAL**

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**VICE-CHAIRMAN**

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**COMMISSIONER**

Note: Minutes taken by Assistant to the Clerk & Recorder, Nathan Sanders  
Distributed February 8, 2011 to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle

**Tuesday**

February 8, 2011

9:45am – 2:55pm

Met in Commissioner's Chambers

**Meeting Called to Order:**

Chairperson Schlepp called the meeting to order at 9:45 am.

**Commissioners Present:**

Chairperson Nancy Schlepp.

**Policy Handbook Review:**

Chairperson Schlepp decided to postpone the review as she was the only Commissioner present.

Vice Chair Hurwitz arrived at 10:15am after the county snowplow opened the county road.

The Commissioners discussed the possibility of paying Ken Ogle to haul used tires from the Road Department to Helena to have them bailed. They agreed that it was something that should be discussed. They will try to get Road Supervisor Ray Ringer on the agenda for the next meeting to discuss this.

Chairperson Schlepp signed the updated contract with Strom & Associates, P.C., the county's auditor.

**Fire/DES:**

Fire Chief Rick Seidlitz was unable to attend due to an LEPC meeting.

**Mid-Montana Insurance:**

Jodi Tierney, the county's agent from Mid-Montana Insurance Agency, was unable to attend due to adverse weather.

Chairperson Schlepp received a response to a December 15, 2010 request by the Commission to the Montana Department of Commerce Community Development Division for a Budget Amendment for Contract #STMGF-60-CP-031. The request had been granted and Chair Schlepp signed the amendment, to be returned to the Department of Commerce.

**Public Hearing: Proposed Budget Amendments—Tobacco Grant and Civil Defense**

The hearing was called to order by Chairperson Schlepp. There was no comment. The hearing was closed.

**Action 1:**

**RESOLUTION 2011-10**

**WHEREAS**, the 2010-2011 budget has been set, and  
**WHEREAS**, grant money of \$13,125 is available to the County through the Montana Tobacco Use Prevention Program to hire a minimum quarter-time contractor to implement a tobacco prevention program to run from January through the end of the fiscal year 2010-2011, and  
**WHEREAS**, the Commission decided to implement the program, and  
**WHEREAS**, a Tobacco Prevention Specialist has been hired,  
**NOW THEREFORE LET IT BE KNOWN AND HEREBY RESOLVED**, that the Meagher County Board of County Commissioners is amending the budget and adding \$13,125 of unexpected revenue and unexpected expenses into the Tobacco Fund (2978) Tobacco Grant Department (279).

**Action 2:**

**RESOLUTION 2011-11**

**WHEREAS**, the 2010-2011 Civil Defense budget has been set, and  
**WHEREAS**, grant money of up to \$15,000 is available from State Disaster and Emergency Services (DES) to help municipalities develop and implement an Emergency Operations Plan (EOP), and  
**WHEREAS**, Fire Chief Seidlitz has been working on developing an EOP, and  
**WHEREAS**, the grant money is available for reimbursement, and  
**WHEREAS**, Chief Seidlitz feels that he will have worked enough hours on EOP to amount to between \$3000 and \$5000 in wages and expenses,  
**NOW THEREFORE LET IT BE KNOWN AND HEREBY RESOLVED**, that the Meagher County Board of County Commissioners is amending the budget and adding \$3000-5000 of unexpected revenue and unexpected expenses into the General Fund (1000) Civil Defense Department (249) upon reimbursement by the DES.

**Public Comment:**

There was no public comment.

**Claims:**

Commission was presented Voucher #1143, CK#41969 through CK#41997, totaling \$17,933.61. Commission approved and signed as presented.

**Action 3:**

Commissioner Hurwitz moved to approve the minutes of the previous meeting (February 1, 2011) with changes. Chair Schlepp seconded. A vote was held and passed unanimously.

**Meeting Adjourned:**

Chairperson Schlepp adjourned the meeting at 2:55pm.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, February 15, 2011.

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**CLERK & RECORDER**

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**CHAIRPERSON**

**SEAL**

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**VICE-CHAIRMAN**

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**COMMISSIONER**

**Tuesday**

February 15, 2011

9:00am – 3:45pm

Met in Commissioner's Chambers

**Meeting Called to Order:**

Vice Chair Hurwitz called the meeting to order at 9:00 am.

**Commissioners Present:**

Vice Chair Ben Hurwitz.

**Policy Handbook Review:**

Vice Chair Hurwitz decided to postpone the review as he was the only commissioner present.

**Road Department:**

Ray Ringer, Road Department Supervisor, met with the Commission to discuss several issues. Also present was Clerk and Recorder Dayna Ogle. First, the issue of tire bailing was discussed. Ogle's husband, Ken, had offered to remove the old tires from the County Shop and haul them to Helena to be bailed for a fee. Ringer commented that he is all in favor of getting rid of the county's tires but if it comes to hauling, the county can use their own trucks. Ogle said her husband now prefers the idea of renting the bailer and bringing it to Meagher County for a day, as there are local ranchers interested in using the bails. Ringer said he would definitely be willing to help pay the rent for the bailer. He also suggested placing an ad in the paper as there must be tires everywhere in the county. Ogle commented that if an ad were placed, it might lead to more than one day's work, which would mean more rent and more labor costs. Vice Chair Hurwitz said for now we should at least plan to take care of Ogle's tires and the county's tires. No decision was made on advertising or opening the bailing to the public.

Ringer then presented the Commission with a letter he had received from the State Department of Transportation regarding a bridge over the North Fork of the Musselshell near Martinsdale. The bridge is in a state of disrepair and if the county does nothing to rectify the situation, Ringer said, it would lose some federal funding. He told the Commission that he replied to the state that the county was in the process of abandoning the bridge, as it is on private land.

Rick Seidlitz, Fire Chief, then joined the meeting to discuss a request for information from the State Department of Transportation regarding the fuel tax and road inventory. Seidlitz told the Commission he would fix the road names on the map before sending it back to the state.

Next Ringer brought up the issue of the gravel pit. He said they would need water in order to keep dust down. Libby Johnston and Mari Johnston-Hamm, he said, have offered the use of their well for this, plus the electricity needed to pump the water to the surface. All they ask in exchange is to receive gravel from the county. Vice Chair Hurwitz asked who would decide how much gravel they received. Ringer suggested that the County simply supply gravel in an amount equal to the value of electricity used. Hurwitz agreed and said he would have County Attorney Kimberly Deschene draw up a final contract.

Finally Ringer and Ogle discussed an outstanding workers' compensation claim.

**Mid-Montana Insurance:**

Jodi Tierney, the county's agent from Mid-Montana Insurance Agency, was unable to attend.

**Claims:**

Commission was presented Voucher #1144, CK#41998 through CK#42035, totaling \$24,134.66. Commission approved and signed as presented. CK#42024 for \$890.00 was then voided, as it was made out to the wrong vendor. Commission was then presented Voucher #1145, CK#42036 totaling \$890.00. Commission approved and signed as presented. CK#42036 was then voided, as it was realized that the original check (#42024) had been made out to the correct vendor. Commission was then presented with Voucher #1146, CK#42037, totaling \$890.00. Commission approved and signed as presented.

**Minutes:**

Vice Chair Hurwitz provisionally accepted the minutes of the previous meeting, February 8, 2011, with changes.

**Public Comment:**

There was no public comment.

**Meeting Adjourned:**

Vice Chair Hurwitz adjourned the meeting at 3:45 pm.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, March 1, 2011.

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**CLERK & RECORDER**

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**CHAIRPERSON**

**SEAL**

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**VICE-CHAIRMAN**

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**COMMISSIONER**

Note: Minutes taken by Assistant to the Clerk & Recorder, Nathan Sanders  
Distributed March 1, 2011 to Chairperson Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle