

PROCEEDINGS OF THE BOARD OF THE COMMISSIONERS
MEAGHER COUNTY, MONTANA

May 3, 10, 17, 2011

Tuesday

May 3, 2011

8:30am – 4:00pm

Met in Commissioner's Chambers

Meeting Called to Order:

Chair Schlepp called the meeting to order at 8:30am.

Commissioners Present:

Chairperson Nancy Schlepp, Vice Chair Ben Hurwitz, and Commissioner Herb Townsend.

Road Report:

Road Department Supervisor, Ray Ringer, met with the Commission to give his monthly road report. Also present was Bruce Smith, Road Crew Foreman. The first item of discussion was finding a temporary employee to fill in for Ivan Bodell, until he returns from his time off to recover from his accident. Smith told the Commission that he was expected to be off at least six months.

Action 1:

Commissioner Townsend moved to place an ad in the newspaper for two weeks to hire someone temporarily to replace Bodell until he returns to work. Vice Chair Hurwitz seconded. A vote was held and passed unanimously (3-0).

Schlepp then asked about a recent Mercy Flight that was unable to get into the airport due to weather. Smith replied that planes will not even leave Billings or Great Falls unless the runway is open. If there is ice, he continued, there is nothing that can be done.

Hurwitz then told the commissioners, Ringer and Smith that he had finally spoken with FWP Head Joe Moriet regarding financial assistance in maintaining the county road running from the Cascade County line to Camp Baker. Moriet, he said, agrees that the county has a serious problem with floaters using that road and what the county is requesting is not outrageous. He said they would try to figure out a way to compensate Meagher County. Hurwitz then said that he had told Moriet he realized they don't want to set a precedent for other counties so he offered to shape up the road from the bridge to the office and even fix up fishing access to make it look like the county is paying for their services.

Fence at County Shop:

Jim McDanel then joined the meeting to discuss putting up a new fence at the County Shop. Ringer and Smith remained and Mayor Julian Theriault also was present. The current fence at the shop is partially on a city road. Theriault pointed out that the road is already closed and the City Council has made a motion to allow the county to put its new fence there indefinitely. He said he would provide written documentation.

The upcoming City/County Clean Up Day was then briefly discussed, particularly how to get county employees interested in volunteering to help out that day.

Action 2:

RESOLUTION 2011-#25

Vice Chair Hurwitz moved that County employees who volunteer at least half a day at the transfer site on Clean Up Day receive a full comp day off (to be approved in advance by the department head). Townsend seconded. A vote was held and passed unanimously (3-0).

Ringer, Smith and Theriault left the meeting.

Activate County Website:

Jim McDanel then addressed the issue of the new county website. He recommended to the commissioners to use a site like GoDaddy.com to host the site. It would be cheaper over the long term and there would be no restrictions as to content or links, like there would be using the state to host the site. It would cost \$650 up front to use GoDaddy and that would include everything for three years, at which point the County would be required to renew.

Action 3:

Vice Chair Hurwitz moved that Meagher County go live with its website. Townsend seconded. A vote was held and passed unanimously (3-0).

Recommendations Regarding Personnel Relations:

Clerk and Recorder, Dayna Ogle, joined the meeting to discuss recommendations made in a previous meeting by Attorney Michael Kakuk to resolve some personnel relations issues. Also present was Kakuk. Ogle presented the commissioners with a job description for the building maintenance supervisor, the first recommendation of Kakuk. She then presented them with a written maintenance request form she had developed for the building supervisor, Kakuk's second recommendation.

Action 4:

Commissioner Townsend moved to adopt the maintenance request form presented by Ogle. Hurwitz seconded. A vote was held and passed unanimously (3-0).

Schlepp then said she would like to make Clerk and Recorder Ogle the new HR person for the county, part of recommendation three.

Action 5:

Commissioner Townsend moved to put Clerk and Recorder, Dayna Ogle, in charge of human resources issues for the County. Hurwitz seconded. A vote was held and passed unanimously (3-0).

Hurwitz wondered if there was a stipend available to Ogle to reflect her added responsibility. It was briefly discussed and tabled for further review at a later time.

The fourth recommendation made by Kakuk—amending the county employee disciplinary policy—was then addressed. Hurwitz asked Kakuk what is missing from the current policy. Kakuk replied that the policy is currently unclear. He told the commissioners he would send them some sample language to review. They thanked him and decided to revisit the issue at a later time. No decisions were made.

Kakuk then asked the commissioners about the Sheriff's Office and whether the building maintenance supervisor's duties included maintenance there, as spelled out in the job description. Only for boiler maintenance, replied Schlepp.

County Nepotism Policy:

County Attorney, Kimberly Deschene, joined the meeting. Kakuk remained.

Next, the county's nepotism policy was addressed. After much discussion it was agreed to adopt the state's nepotism policy.

Action 6:

RESOLUTION 2011-#26

Vice Chair Hurwitz moved that Meagher County adopt in its entirety MCA 2-2-302 to replace the nepotism policy currently in place. Townsend seconded. A vote was held and passed unanimously (3-0).

County Attorney:

Kakuk left the meeting. Deschene remained to give a brief update on her activities. She said that four employee complaints were lodged by a private citizen against the Sheriff's Department. Sheriff Lopp, she said, responded appropriately. She agreed with Lopp, she continued, that the complaints were without merit.

Susan Bowden—Headwaters Recycling:

Susan Bowden, Executive Director of Headwaters Recycling, met with the commissioners to address their concerns about the cost of the county's recycling program. She pointed out that, in addition to having its commodities hauled away, the county is also receiving: a seat on the board; a proven business model for recycling in rural communities; the Woodsy the Owl education program; special event roll offs at no extra cost; and the only recycler that picks up glass.

Townsend then pointed out that the county's biggest concern is the \$6200 they are paying each year. Bowden said she understood the concerns with cost but suggested that, by making changes to the location of the bins, for example, the county could increase the visibility of the program, bring in more commodities, and make the program more cost effective.

Townsend then asked her where the county is with the program contract-wise. Bowden replied that the county would have had to give notice by April 1st to get out of the program for the next fiscal year. She added that she can work with the county on this point, but requested that they give the program one more year to improve itself.

After Bowden left the meeting, Ogle presented the commissioners with a proposal received from Montana Waste for a recycling program they could implement in the county. Schlepp said she liked the idea of going a different route, especially if it were considerably less expensive. After further discussion, the commissioners agreed to find out a few more things about the proposal. First, is there a bailer available or would Montana Waste even pick up materials and bail them for the county? Second, is a three-year contract necessary? And finally, is it possible to recycle cardboard through Montana Waste?

Bill Dodson—Golf Association President:

Bill Dodson, the president of the golf association, met with the commissioners to address an issue that has arisen lately. One of the neighbors of the golf course, Vince Forsman, has asked the golf course to put up poles along the edge of the course/driving range to protect his home from golf balls. Dodson said he felt it was not the responsibility of the golf course, but rather that Forsman should put the poles up on his own property. Hurwitz agreed, saying he did not want to set a precedent for other people in the county. It was decided that the commissioners would write Forsman a letter denying his request.

Michael Kakuk—Hospital District Board Business:

Michael Kakuk, a member of the County Hospital District Board, met with the commissioners to give them an update on the District Board's progress on its final report. County Attorney Deschene was also present. He stated that the main issue with the hospital board is whether subcommittee meetings are open to the public. He feels they are, he said, but someone needs to decide how to proceed. He said this issue is on the agenda for the District Board's meeting tonight and that they might return to the commission with a recommendation.

Deschene pointed out that the hospital's counsel has advised their board that subcommittee meetings can be closed. They are wrong, she continued, but how do they proceed? She suggested that a private citizen needs to take them on as there are true taxpayer issues involved.

Kakuk concluded, saying the final report would be informative. He did give the hospital credit for providing all the financial information they had requested but stated that the open meeting issue will remain outstanding.

Outstanding Issues:

Action 7:

Vice Chair Hurwitz moved to move the County Commission meetings from their current location to the County Attorney's former office on the second floor of the courthouse. Schlepp seconded. After further discussion, a vote was held and passed 2-1.

Vice Chair Hurwitz stepped out at 2:45.

Action 8:

Commissioner Townsend moved to offer the same health plans next year as the county is offering this year. Schlepp seconded. A vote was held and passed unanimously (2-0).

Otto Ohlson—Weed Grant/Creation of Weed Board:

Otto Ohlson met with the commissioners to give an update on a weed grant and also to explain to them that a newly passed house bill requires counties receiving state money for weed control to provide a copy of the resolution that created that county's weed board.

Commissioner Townsend left the meeting at 3:15. Hurwitz returned at 3:20.

Action 9:

RESOLUTION 2011-#27

Vice Chair Hurwitz moved to create a Weed Board for Meagher County. Schlepp seconded. A vote was held and passed unanimously (2-0).

Public Comment:

There was no public comment.

Minutes:

Minutes from April 19, 2011 were approved without change.

Claims:

Commission was presented Voucher #1162, CK#42334 through CK#42379, totaling \$33,731.35. Commission approved and signed checks as presented. Payroll Voucher #12, CK#217897 through CK#217906, totaling \$8196.23; Health Insurance Voucher #1160, CK#42318 through CK#42326, totaling \$18,162.18; and Payroll Deduction Voucher #1161, CK#42327 through CK#42333, totaling \$82,771.05 were also presented and approved.

Meeting Adjourned:

Chairperson Schlepp adjourned the meeting at 4:00pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, May 10, 2011.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Nathan Sanders
Distributed May 10, 2011 to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle

Tuesday
May 10, 2011
8:40am – 4:20pm
Met in Commissioner's Chambers

Meeting Called to Order:

Chairperson Schlepp called the meeting to order at 8:40am.

Commissioners Present:

Chairperson Nancy Schlepp, Vice Chairman Ben Hurwitz and Commissioner Herb Townsend.

Sue Phelan, County Treasurer:

Sue Phelan met with the commissioners to discuss an issue that had arisen recently. Ken Mikesell, she told them, had approached her with a proposition. A couple owes him \$2500 for a piece of land he owns. The same couple has a trailer on the same land that has outstanding taxes of \$656.18. Mikesell has offered to pay the back taxes on the trailer if the Commission would cut the taxes owed in half. Then he could take ownership of the trailer, and the County would at least receive a portion of the back taxes.

Chair Schlepp questioned the legality of what Mikesell was requesting. A brief discussion ensued and it was agreed to decline the request.

Carol Hatfield, Jess Secrest—National Forest Service:

Carol Hatfield and Jess Secrest from the Forest Service met with the commissioners to update them on a significant amount of grant money available to the County. Hatfield explained how a new Resource Advisory Committee (RAC) had recently been set up to help counties in the central part of Montana access federal money for projects. Federal grant money had been accumulating over the last five years, she continued, and now that there is a RAC in place, the county has a way to access it. The criterion to use the money is simple, she said. Any project using that money has to benefit national forest lands or lands leading to forest lands. She would help write the proposals to make sure they meet the criteria, before sending them on to Ron Weismann, the designated federal officer in Stanford responsible for vetting the RAC proposals. Once it passes his desk, the entire RAC would meet to review it and other proposals. The next RAC meeting, she said, is June 1 in Stanford and she encouraged the Commissioners to be in attendance when county proposals were being reviewed.

It is vital to get the word out about the grant money, she said, as there is a deadline of September 2012 to have the money either spent or allocated. Hurwitz asked her if there was some way the Forest Service could step up and help out Otto Ohlson (the County Weed Dept director). He's incredibly busy and could use the help, Hurwitz continued. Secrest replied that they could certainly help out. There is \$250,000 available for Meagher County projects, he said, and projects can be all across the board. Hatfield added that it needs to meet the criteria and be on a proposal form. Schlepp asked what kinds of projects get the biggest bang for the buck. Secrest responded that noxious weeds, roads, and hazardous fuel reduction would be good projects.

Hatfield then stressed to the commissioners the importance of getting the relevant department heads on board. The commissioners agreed and decided to request that Otto Ohlson (Weed), Rick Seidlitz (Fire and DES), and Ray Ringer (Road) meet with Hatfield at the following week's Commission meeting.

CTEP Funds:

Hatfield and Secrest left the meeting. The commissioners were joined by Clerk and Recorder Dayna Ogle, who gave them a brief overview of the CTEP program of the Department of Transportation. There is \$42,000 available for programs involving the beautification of areas visible from highways passing through town. The county is required to contribute 13.42% of the total amount required for a project.

Commissioner Townsend stepped out at 10:00am for a doctor's appointment.

Rick Seidlitz—DES/Fire Update:

Fire Chief Rick Seidlitz met with the commissioners to give them his monthly update. First he presented them a copy of the Wildlands Fire Reduction Plan agreement for signature. Hurwitz and Schlepp duly signed. Then he explained the Plan. The RNDC has made available up to \$100,000 to Meagher County for fire reduction. \$15,000 of that will go directly to Meagher County Fire to be used for education and public awareness. The remainder will go toward fire abatement for private structures on forest lands. Homeowners will get a match for the value of abatement measures taken on their properties. The match can be for hard cash or for actual work done.

Hurwitz then asked Seidlitz if he could attend the following week's meeting to meet with Carol Hatfield regarding the RAC grant money. He replied that he would not and that the county should focus on helping Ohlson with weeds. Besides, he said, he has plenty of grant money available already to do the necessary projects.

Schlepp then asked him about the new computer system he would like to purchase. Seidlitz replied that it is actually a palm pilot, one that would be loaded with a program that would allow him to track Monarch Fire and the Forest Service. There would be no overlap and everyone would have the same information, he continued. He said it would cost between \$1200 and \$1500. Schlepp asked if it could be funded with grant money. He said it would but he would like permission to spend up to \$5000 of the grant money in case it was necessary.

Action 1:

Chair Schlepp moved to allow Seidlitz to buy the Red Zone computer package to improve efficiency. Hurwitz seconded. A vote was held and passed unanimously (2-0).

Kari Jo Kiff—County Health Nurse Update:

County Health Nurse Kari Jo Kiff met with the commissioners to give them her monthly update. Marcy Rethwisch was also present. Of note, she mentioned the cell phone boosters that were installed at the elementary gym and training center and the satellite phones—one portable and one base station for the communications trailer—which have been purchased. Hurwitz stated that he saw no need for satellite phones and does not remember it being discussed. Schlepp said that they had been discussed at an LEPC meeting. Rethwisch then asked Kiff why the base unit was not at the hospital. It's important, she added, that the hospital be involved in any LEPC planning. Also of note, Kiff mentioned finally receiving reimbursement checks from insurance companies, even though they were made out to the ambulance by accident. She also briefly discussed CSBG funds from HRDC and tobacco funding. Finally, she told the commissioners she would like to discuss becoming a county employee instead of a contractor, but that she would meet them at the next meeting to discuss that in more detail.

Schlepp asked Kiff how the planning for the Red Ants Pants Music Festival is going. Kiff replied that there was recently a meeting with all parties involved and that different committees are working on different issues. The next planning meeting, she said, is Wednesday, June 8 at 9:00 am.

Commissioner Townsend rejoined the meeting at 10:55am.

Lunch at the Senior Center:

The commissioners then attended a luncheon for elected officials at the Senior Center.

MACo Health Plans/Premiums:

Clerk and Recorder Dayna Ogle then joined the commissioners to give them an overview of the rate increases for the MACo health plans and discuss by how much to increase the amount the county supplements county employees to cover the cost of health insurance. She explained that if the county continued to pay all but \$28 for the cost of a single person's premium, for example, it would cost the county an extra \$30,000 a year. She then gave an overview of the costs to the county if they covered all but \$50 and all but \$75. There will also be a COLA of 1.6% for the year, she continued.

Schlepp said that one of the major problems of covering more of the cost for the employees is that people will stay on the plan longer, which increases the average age of participants, resulting

in even higher premiums across the board. This is a permissive issue, she continued, which does not fall under any budget caps. She said she would be for either the all-but-\$50- or the all-but-\$75-option. Townsend countered that he wanted to keep the county's employees and if it meant spending \$30,000 more, then so be it. Schlepp said she would go for the \$50 option even though she wishes they could cover it all. Hurwitz agreed with Schlepp saying it would only cost the employees \$22 more each month.

After further discussion, it was agreed to convene a meeting of the Salary Compensation Board at the following meeting and wait to receive their recommendations before making a final decision.

Nico Cantalupo—Count Extension Update:

County Extension Agent, Nico Cantalupo, met with the Commission to give them an update on his activity the past few months. He said he was planning to host a financial checkup workshop sometime this summer, to be followed up with one on estate planning in September. He had guest speakers in mind. He then mentioned that he had attended a water meeting and spoke at length with Otto Ohlson about various issues. He then asked for permission to take an old printer from the Treasurer's Office which is no longer being used to replace his current one, which no longer works. The commissioners agreed.

Schlepp commented that it appeared like people are starting to come to Cantalupo for assistance and advice on various topics. Cantalupo agreed, saying that he gets to Conservation District and other meetings, which gets him in front of people.

Cantalupo left the meeting.

Action 2:

Hurwitz moved to accept the minutes from the May 3, 2011 meeting without change. Townsend seconded. A vote was held and passed unanimously (3-0).

Action 3:

RESOLUTION 2011-#28

Commissioner Townsend moved that the \$6000 received by the county in CSBG funds be divided equally between the golf course and the cemetery, each receiving \$3000 to employ a local youth for the summer. Hurwitz seconded. A vote was held and passed unanimously (3-0).

Jon Lopp—Sheriff Update:

County Sheriff Jon Lopp met with the Commission to give his monthly update. First he informed then that he hired Shane Sereday as a new deputy sheriff to replace Rodger Shroyer. He will begin May 27. Hurwitz raised the issue of overtime. Lopp replied that it will no longer be a problem. Lopp went on to tell the commissioners that the Betty Fouts lawsuit he had mentioned in a previous meeting was found to be without merit.

Schlepp asked Lopp how he felt about the new medical marijuana law. Lopp replied that it will be an improvement. Caregivers, he said, are only allowed three patients. Patients cannot be caregivers. It will be much more difficult to get a card now. And those who have cards already will have to renew them when they expire after a year. So many will be losing them all together.

Lopp then told the commissioners that it is time to replace a pick-up, an old diesel. Hurwitz asked whether it is possible to keep the trim from the old truck. Lopp said they try to keep what they can. The biggest expense, however, will be the in-car video, which costs \$6000 per vehicle. He said they were exploring other options however.

Public Comment:

Jason Phillips from the Meagher County News dropped by to ask the commissioners to review the high points of the meeting so far. Hurwitz filled him in on the grant money available to the county through the Secure Rural Schools Title 2 program (RAC), the Wildlands Fire Reduction Plan, and CTEP.

County Attorney Kimberly Deschene met with the commissioners to ask if they had any questions. Schlepp reminded her about one of the members of the County Hospital District Board saying he might seek an opinion from the state attorney general regarding the hospital and

whether they can close subcommittee meetings. Deschene replied that only she as county attorney can ask the attorney general for opinions.

Jim Richard then came by to meet with the commissioners regarding the CTEP money and how to go about accessing it. He said he had attended the Meagher County Community Foundation meeting the previous night. The main potential projects discussed were improving the welcome signs at either end of town and repairing the fence along the golf course. Hurwitz asked about expanding the planter project along Main Street. He replied that that was another project being considered. In short, he continued, there are three organizations in town supporting these projects—the Community Foundation, the Chamber of Commerce, and the Rotary Club. What is needed now, he continued, is the sponsorship of the County Commissioners, and Department of Transportation approval, of course.

Townsend told him the commissioners need someone to draw this all up. Richard replied that he would do it. He explained the match required from the county of 13.42%. Estimating a total cost of \$8-9000 for the projects he had mentioned, there would be an out-of-pocket cost to the county of only \$1100. He thought that that money could even be raised by the three groups supporting the projects. It is simply a matter of writing a proposal the Department of Transportation will accept.

Hurwitz told him the county would hire him. He asked Richard to give him a number. Richard said he would have to think about it and get back to the commissioners.

Claims:

Commission was presented Voucher #1163, CK#42380-42405, totaling \$11,157.13. Vouchers were approved and checks signed as presented.

Meeting Adjourned:

Chair Schlepp adjourned the meeting at 4:20pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, May 17, 2011.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Nathan Sanders
Distributed May 17, 2011 to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle

Tuesday
May 17, 2011
8:30am – 4:30pm
Met in Commissioner's Chambers

Meeting Called to Order:

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

Commissioners Present:

Chairperson Nancy Schlepp, Vice Chairman Ben Hurwitz and Commissioner Herb Townsend.

Sue Phelan, County Treasurer:

Sue Phelan met with the Commission to inform them that the Treasurer's office annually distributes a portion of the interest earned by the County to Lennep School (1%) and WSS Elementary School (15%), but that she needs a resolution to approve the funds transfer.

Action 1:

RESOLUTION 2011-#29

Vice Chair Hurwitz moved that \$3771.23 (Three thousand Seven hundred Seventy-one and 23/100) be transferred from the County General Fund, interest earned, into the County School Funds. The amount is 16% of the interest, minus 3% for the Treasurer's management, on all monies invested by the County from May 1, 2010 to April 30, 2011.

Distributed as follows:

School Dist #4	1%	235.70
School Dist #8	15%	<u>3,535.53</u>
		\$3,771.23

Commissioner Townsend seconded. A vote was held and passed unanimously (3-0).

Salary Compensation Board:

The Salary Compensation Board convened its annual meeting. Present from the Board, in addition to the three county commissioners, were Mike Eby, Mary Jane Indreland, and Tary Buckingham; Clerk & Recorder, Dayna Ogle, County Attorney, Kimberly Deschene, County Treasurer, Sue Phelan, and Clerk of the Court, Donna Morris.

Chair Schlepp began the meeting by reviewing some of the issues the Commission had already discussed. MACo premiums will increase the coming year by 19.2% for Meagher County, she said, and the commissioners have been looking at the employee share (based on the RM 1000 option) going up to \$50. The rate for the RM 1000 plan went up by \$106, added Ogle, and she is estimating 25 employees on the plan for the coming year.

Becky Hurwitz-Leger, the County Assessor, dropped by briefly to answer some questions regarding the tax rolls and then left the meeting.

Ogle then explained that a cost of living adjustment (COLA) of 1.6% was recommended by MACo. Townsend said that if the County does not give employees the COLA, it accumulates and eventually will need to be paid up. Eby asked the commissioners where they stand on the COLA. Schlepp replied that it is up to the Board. Townsend responded that most employees would prefer to take the COLA in the form of an insurance premium supplement since it is pre-tax. Schlepp countered that not every employee takes the county health insurance, and they would forfeit the COLA if it were in the form of a premium supplement.

Eby asked Ogle what other counties are doing for comparison sake. Ogle replied that many counties pay more toward insurance and many pay less. Meagher County appears to be right in the middle somewhere. Indreland asked if the county could receive lower rates by making a three-year commitment. Townsend replied that the county did make such a commitment when they started with the MACo plans but that they are year to year now. Buckingham asked if the county had looked at other insurance companies. Hurwitz replied that they had looked at Blue Cross/Blue Shield when he first became a commissioner. It was similar, he said, but he is not

sure how it would compare now. Deschene asked if it was too late to change. Schlepp replied that it would be difficult for this year.

Indreland told the commissioners she strongly recommends looking hard at other insurance companies next year. She then asked if the County has the money to pay for the premium increases. Townsend replied that the County will raise taxes as necessary. Schlepp pointed out that insurance is permissive, that taxes would go up automatically. Buckingham then stated that the County should give its employees the COLA, and that she also agrees with paying more for the employees' health premiums. As a taxpayer, she continued, she does not want to take a hit every year to make up for past COLAs. Deschene then asked if it was possible, since last year's COLA was negative, to give employees a 1.2% raise to account for the -.6% COLA last year. Schlepp suggested it seemed logical. She called MACo attorney Jack Holstrom to ask him. He said COLAs are not cumulative and were only mandatory up through 2001. Now that is no longer true.

Indreland stated that she has no problem giving the county employees the COLA as long as the County can afford it. Eby then recommended on behalf of the Salary Compensation Board that the Commission grant the county employees the 1.6% COLA and pay up to \$610 of their health insurance premiums. Indreland, Buckingham and the rest of the board agreed.

Action 2:

RESOLUTION 2011-#30

Vice Chair Hurwitz moved to accept and adopt the recommendations of the Salary Compensation Board to give Meagher County employees the 1.6% COLA and to pay up to \$610 toward the cost of health insurance premiums. Townsend seconded. A vote was held and passed unanimously (3-0).

Jon Lopp—Replacement of Truck:

County Sheriff, Jon Lopp, met with the commissioners to ask for permission to purchase a new truck to replace the older diesel truck used by the department. The Commission told him they would discuss this and decide at the next meeting (June 7, 2011).

National Forest Service et al: Land Acquisition/Tenderfoot Ranch:

Present for this portion of the meeting, in addition to the commissioners and County Attorney Deschene, were Bob Dennee and Carol Hatfield, from the US Forest Service; Ernie Nunn and Mitch Godfrey, from the Tenderfoot Trust; Mike Mueller from the Rocky Mountain Elk Foundation; and Glenn Hough from the Bair Ranch Foundation.

Hatfield began by giving an update on a series of land acquisitions in the works by the Forest Service to purchase privately-held land. So far 700-plus acres have been purchased at a cost of \$1.4 million. With two phases remaining, the amount of land acquired will depend on the amount of funding available.

Next Mike Mueller from the Rocky Mountain Elk Foundation gave a brief overview of the foundation and how it is involved in the land acquisition program. Mitch Godfrey from the Tenderfoot Trust followed with an outline of the trust and how it is involved. The Tenderfoot Trust, he said, purchases critical habitat lands and lands that are locked up and sells them back to the Forest Service for the purpose of preserving access. Ernie Nunn, also from the Tenderfoot Trust, added that they got involved because the people of Meagher County want these lands opened up.

Bob Dennee from the US Forest Service followed. He stated that his goal was to leave the meeting with full agreement on how to proceed on County Road 13, also known as Tenderfoot Road. The issue at hand is Howard Zehntner, who leases Forest Service land and has put up a gate across the road and a sign threatening prosecution to trespassers. Dennee gave everyone present a packet of historical materials to support his case that the road in question is county owned. The first document dated to 1899. It was a petition to the County Commissioners to lay out a county road from Eagle Creek to Tenderfoot Creek. Then he presented a 1900 report of county officers in which the commissioners declare that road a county road. Surveys from 1913 and 1916, he pointed out, make repeated reference to this county road. So fifty years prior to the Zehntner purchase, he continued, the road had already been declared and recognized as county road. In 1965, Dennee pointed out, it was first agreed by the County and the Forest Service to share maintenance of this road. In 1987 the agreement was updated and is still in effect today.

And as recently as 1998, he concluded, the Chair of the County Commissioners, Errol Galt, wrote a letter to the District Ranger of the US Forest Service verifying the road's designation as county road. There has been no evidence since then of abandonment or efforts thereof.

Erin Fryer, of the US Forest Service, joined the meeting at 1:26 pm.

Dennee continued stating that the Forest Service's lead attorneys, the DNRC staff and their attorneys are all in agreement that Tenderfoot Road is county road. Furthermore, he added, in 2010 Gary Williams of the DNRC wrote a letter determining that roads on state lands are open to motor vehicles. He then requested that the commissioners acknowledge that the road is a county road and take steps to remove the private gate. Townsend asked why the Forest Service doesn't remove the gate. The commissioners have never said it was not a county road, he added. Hurwitz stated that the Zehntners want to sue over this but they will lose. The Forest Service will win any legal action, he said, but it will generate all sorts of ill will. Why not keep the road above the ranch and just ignore them, he asked. Hatfield responded that it could not be done, for two reasons. First, it would eliminate access to Trail 342, and secondly, it would cost too much money. Dennee added that it would cost approximately \$1 million to build a road up to safety standards.

Hurwitz then raised another issue. The County, he said, does not want to build a new road or maintain another existing road. The commissioners believe that if the Forest Service is able to raise \$10 million to buy all the land. So they should be able to raise money to maintain it too, he told Dennee and Hatfield. Dennee responded that the Forest Service is open to taking over the road if the County Commissioners acknowledge that it is a county road, and the County Commissioners remove the gate. Schlepp argued that this is a DNRC issue since the gate is on their land.

Dennee discussed the possibility of a long-term agreement for maintenance of the road. He then stated that the Forest Service is willing to exchange easements with the Zehntners at no cost since the northern portion of their land is legally inaccessible. Hurwitz pointed out that they would need a deeded easement to obtain title insurance if they ever decide to sell their land.

Townsend then stated that he is not in favor of taking over the road and having to maintain or build anything. It is a huge expense to the County, he added. Schlepp argued that she never wants Meagher County to be accused of denying access to roads such as these. Hurwitz then told Dennee that if the county got an agreement with the Forest Service to maintain the road in a passable manner in perpetuity, he would be okay with opening up the road.

Deschene then pointed out that the fence over a county road can be seen as a case of encroachment. There are ways of addressing the issue, she continued, from mediation to legal action.

Dennee then told the commissioners that if they agreed to his two previous conditions—that they acknowledge the road as a county road, and they remove the fence—then he will offer to exchange easements with the Zehntners at no cost; and he will write to the County Commission offering to take over or share maintenance. If the Zehntners accept the easements, then the Forest Service will agree to pursue funding for a new bridge over Main Tenderfoot Creek.

Hurwitz retorted that the county wants more than just shared maintenance. Townsend stated that he wants the Forest Service to take over the road completely. Schlepp and Hurwitz both said they just want the Forest Service to take over maintenance, an agreement to continue indefinitely.

Ray Ringer, Head of the Road Department, joined the meeting at 2:15pm.

Hurwitz stated that everyone's fear about Forest Service ownership of the road is that someday the road will be closed to the County all together. Hatfield replied that there already is a perception that the Forest Service has put the gate on the road, not the Zehntners. Nunn added that the Tenderfoot Trust had made a commitment to the people of Meagher County to buy this land and keep it accessible to all. If word is already out about the closed gate, that is a problem. Mueller added that he likes mediation. He likes compromise.

Schlepp suggested they move forward. She asked Dennee to write a proposal regarding the exchange of deeded easements to federal land and the maintenance of the road. Then she asked Hatfield to work together with Deschene to come up with ideas of how to present the proposal to

the Zehntners. Then when all that is complete, she concluded, they could have Ray Ringer return with cost estimates for road maintenance.

Glenn Hough, from the Bair Ranch Foundation, mentioned that he would be setting aside \$500,000 from the land sales to be put toward maintenance. Hurwitz suggested if that money could be shared with the Weed and Road Departments, that would go a long way toward showing the Zehntners they were serious about maintenance.

Deschene suggested that there appears to be only one outcome. The main issue is how to arrive there. It was agreed to present the proposal to the Zehntners. If that failed, mediation would be suggested. And if that failed, Hurwitz proposed, then it's time to take care of this matter through legal channels.

Hurwitz concluded by asking Hatfield if the Forest Service would be willing to put in writing that it will maintain that road with whatever money is available. Yes, she replied.

US Forest Service—Allocation of RAC Funds:

Hatfield and Fryer of the Forest Service remained at the meeting to meet with Otto Ohlson, head of the Weed District, and Ray Ringer, head of the Road Department, to discuss the availability of \$250,000 in federal funds for the County and how it should be spent. Also present was County Attorney Deschene.

Hatfield began by explaining to Ohlson and Ringer how the County has Title II money available that can go toward any project or department as long as it somehow benefits the Forest Service. There is \$250,000 available that either needs to be spent or allocated by the end of September 2012. The next meeting of RAC is June 1, she said, and now is the time to put together proposals. Fryer told the group that the Forest Service had met the previous day to brainstorm ideas for potential project proposals ready to take to the June 1 meeting. Most of the ideas were Forest Service projects, she continued, but they wanted county ideas too. Hatfield said her goal was take some of these ideas to the first RAC meeting and get as many funded as possible. Fryer added that she was hoping to come back with \$100,000 to \$150,000 in funding approved for the County.

Schlepp asked for some examples of viable project ideas. Fryer replied that gravel crushing and weed spraying have been popular projects nationwide, which is why they had invited Ringer and Ohlson to this meeting. Hurwitz asked if some of this money could be used for the Camp Baker gravel crushing project, which will cost about \$120,000. Hatfield said not only could it be used for that, but it could pay for the whole project, from crushing to application of the gravel.

Hatfield said she would write all the proposals for the County. Townsend said the number one priority should be to get \$250,000 into the county economy. Schlepp thanked Hatfield and Fryer for their work and asked them to keep the commissioners updated on progress as the Commission does not meet again until after the June 1 RAC meeting.

Kari Jo Kiff, Public Health Nurse—To Become County Employee or Remain Contractor:

Kari Jo Kiff, the County's Health Nurse, met with the commissioners to make her case for becoming an employee of the County. Also present were County Attorney Deschene and Clerk and Recorder Ogle.

Kiff handed the group a handout and began her presentation pointing out that she meets very few of the requirements to be legally considered an independent contractor. MACo attorney Jack Holstrom and County Attorney Deschene agree, she continued, that it is neither legal nor appropriate for her to continue on in her current status. Her becoming a county employee is in the best interest of the County, she added, to protect it from liability. Her proposal is for the county to bring her on as a part-time employee, designated as department head, to receive part-time benefits. Aaron (Blair) and Brooke (Weishaar) should also be brought on as part-time county employees with no benefits but covered under Workers' Compensation.

Deschene told the commissioners that Kiff's situation does not seem right. Schlepp agreed that she clearly does not meet the requirements for being a contractor. She then asked Kiff if it would be possible to reduce her hourly wage to make up for the costs to the County. Kiff replied that the current revenue to the County from her grants is \$56,000 and that her goal is to get \$10,000 in self-pay and reimbursement revenue annually.

After looking at a series of possible wages, Hurwitz told Kiff he supports her becoming a county employee as long as it does not cost the County any additional money. Schlepp complimented Kiff on her job of bringing in grant money to the County but told her they will not make a decision today. Everyone just needs to agree on a fair wage, she concluded. Kiff then suggested that for the sake of a smooth transition she begin July 1 as a Meagher County employee. It was agreed.

Public Comment:

Tim Barth met with the commissioners to discuss the upcoming meeting (June 7) regarding CTEP funds. He told them he had bid on some projects in the past and did not receive approval. He wanted to make sure he did everything the way the Commission would want so that he would be in the running to get one or two of the potential projects. After further discussion, Hurwitz recommended he wait until the June 7 meeting to see which ideas are selected, then decide which project(s) to bid on.

Marcy Rethwisch then joined the meeting to discuss some ongoing issues she has with the Sheriff Department.

Ray Ringer then met with the commissioners to discuss the candidates for the temporary Road Department job.

Action 3:

Chair Schlepp moved that Ringer hire the best available candidate for the temporary Road Department position. Hurwitz seconded. A vote was held and passed unanimously (3-0).

The Commission then discussed recent issues with department heads submitting claims for reimbursement exceeding the amount adopted by the County from the state rates.

Action 4:

Chair Schlepp moved to send a memo to department heads reminding them of the per diem rates in effect. Townsend seconded. A vote was held and passed unanimously (3-0).

Claims:

Commission was presented Voucher #1164, CK#42406-CK#42434, totaling \$9,116.30. Voucher was approved and checks signed as presented.

Minutes:

Minutes for the previous meeting, May 10, 2011, were approved without change.

Meeting Adjourned:

Chair Schlepp adjourned the meeting at 4:30pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, June 7, 2011.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER