

PROCEEDINGS OF THE BOARD OF THE COMMISSIONERS
MEAGHER COUNTY, MONTANA

**August 2, 9, 16,
2011**

Tuesday

August 2, 2011

8:45am – 4:30pm

Met in Commissioner's Chambers

Meeting Called to Order:

Chairperson Schlepp called the meeting to order at 8:45am.

Commissioners Present:

Chair Nancy Schlepp and Vice Chair Ben Hurwitz.

Bruce Smith—Road Report:

County Road Department Foreman, Bruce Smith, met with the commissioners to give them the monthly Road Department report. He briefly discussed some complaints that were lodged by residents near the gravel pit of trucks hauling gravel and kicking up dust. It was a private company doing contract work for the Forest Service near Grassy. Hurwitz said he had left messages for the company doing the hauling that County policy states that the private entities doing the hauling must water the road in such cases. Smith also briefly discussed Benton Gulch, saying he was still waiting for the go-ahead from FEMA to begin the repairs.

Next, Smith discussed with the commissioners purchasing a new cutter for mowing alongside the roads. Hurwitz shared that he had spoken with Cliff Cox regarding a brand new rotary cutter, six feet in length, that the County could purchase for \$8000. The only problem, he added, is that they would also need an 80-horsepower tractor. Schlepp asked Smith what he would prefer when he becomes department head. Do we look at Caterpillar or Deere, she wondered. Hurwitz suggested they shop around for the best deal. He mentioned Torguson, Moody, and T & E and encouraged Smith to call around for quotes. He added that they would try to include a tractor in the budget for the current year. Schlepp then added that it would be handy if Smith could give the commissioners an inventory list of what the department has and what he would like it to have, like a new truck, for example. She added that the County does have some money from the Secure Rural Schools program so it would be good to consider equipment now.

Hurwitz and Smith agreed that they would each call around and get some quotes on tractors, then meet again at the next meeting and compare notes.

Budget Workshop:

The remainder of the morning was spent working on the budget for fiscal year 2011-2012. During the budget period, the following resolutions were made:

Action 1:

Resolution 2011 - 47

Budget Amendment

WHEREAS, the 2010-2011 budget has been set, and

WHEREAS, the Fire Fund (2340) has a negative cash flow totaling \$8421.39 for the FY 2010 - 2011 and,

WHEREAS, the Fire Fund (2340) has \$884 due from other governments and,

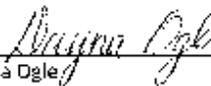
WHEREAS, the Bowman Fire Fund (2343) has a positive cash balance of \$2872.40 and the Castle Valley Fire Fund (7207) has a positive cash balance of \$1388.90,

NOW THEREFORE LET IT BE KNOWN AND HEREBY RESOLVED that the Meagher County Commissioners are amending the FY 2010-2011 budget and the Fire Fund (2340) has \$884 (eight hundred eighty four dollars) due from other governments, and \$3276.09 (three thousand two hundred seventy six dollars and nine cents) will be transferred from the General Fund (1000), \$2872.40 (two thousand eight hundred seventy two dollars and forty cents) will be transferred from the Bowman Fire Fund (2343), \$1388.90 (one thousand three hundred eighty eight dollar and ninety cents) will be transferred from the Castle Valley Fire Fund (7207) into the Fire Fund (2340).

Dated this 2nd day of August, 2011

Attest:

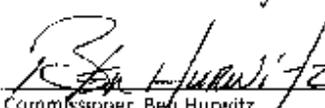
Board of County Commissioners:



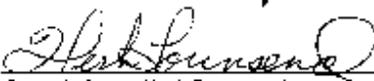
Dayna Ogle
Clerk & Recorder



Chairman Nancy Schlep



Commissioner Ben Hurwitz



Commissioner Herb Townsend

Resolution 2011 - 43

Budget Amendment

WHEREAS, the 2010-2011 budget has been set, and

WHEREAS, the following funds had unanticipated expenses of the following,

WHEREAS, the funds have sufficient revenue to cover said expenses,

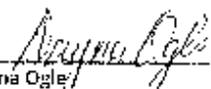
FUND	DESCRIPTION	UNANTICIPATED REVENUE	UNANTICIPATED EXPENSE
2170	Airport		\$ 98,031.00
2250	Planning Board		\$ 0.19
2275	Hospital		\$ 101,071.00
2311	Soil & Water		\$ 1,597.00
2800	Alcohol Rehab		\$ 5,136.00
2842	Weed		\$ 654.00
2900	Pit		\$ 7,104.00
2976	Immunization		\$ 42.00
7373	Checkerboard TV		\$ 1,532.00

NOW THEREFORE LET IT BE KNOWN AND HEREBY RESOLVED that the Meagher County Commissioners are amending the FY 2010-2011 budget for the above mentioned funds and figures.

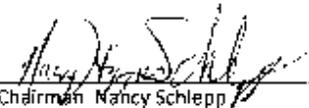
Dated this 2nd day of August, 2011

Attest.

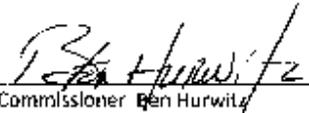
Board of County Commissioners.



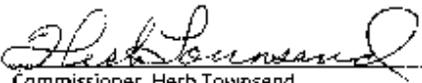
Dayna Ogle
Clerk & Recorder



Chairman Nancy Schlep



Commissioner Ben Hurwitz



Commissioner Herb Townsend

Resolution 2011 - 49

Budget Amendment

WHEREAS, the 2010-2011 budget has been set, and

WHEREAS, the Han-Phep Fund (2974) has a negative cash flow totaling \$30 for the FY 2010 - 2011 and

WHEREAS, the Bio Grant Fund (2976.500) has a positive cash flow and,

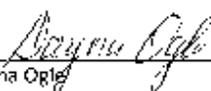
WHEREAS, the County Health Nurse who oversees these funds is requesting to move the cash out of the Bio Grant Fund (2976.500) into the Han-Phep Fund (2974) in the amount of \$111,891.23 (one hundred eleven thousand eight hundred ninety one dollars and twenty three cents) for better tracking purposes.

NOW THEREFORE LET IT BE KNOWN AND HEREBY RESOLVED that the Meagher County Commissioners are amending the FY 2010 - 2011 budget and \$111,891.23 (one hundred eleven thousand eight hundred ninety one dollars and twenty three cents) will be transferred out of the Bio Grant Fund (2976.500) into the Han-Phep Fund (2974).

Dated this 2nd day of August, 2011

Attest:

Board of County Commissioners:



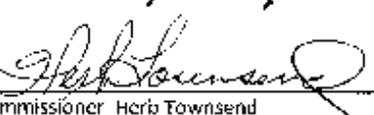
Dayna Ogle
Clerk & Recorder



Chairman Nancy Schlep



Commissioner Ben Furwitz



Commissioner Herb Townsend

Resolution 2011 - 50

Budget Amendment

WHEREAS, the 2010-2011 budget has been set, and

WHEREAS, the Mosquito Fund (2200) has a negative cash flow totaling \$1358.50 for the FY 2010-2011, and

WHEREAS, the Mosquito Fund (2200) had unanticipated expenses totaling \$3120.00, and

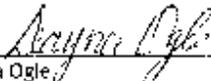
WHEREAS, the Special Police Fund (2191) has a positive cash flow, and has the same taxable value as the Mosquito Fund (2200)

NOW THEREFORE LET IT BE KNOWN AND HEREBY RESOLVED that the Meagher County Commissioners are amending the FY 2010-2011 budget and \$1358.50 (one thousand three hundred fifty eight dollars and fifty cents) will be transferred from the Special Police Fund (2191) to the Mosquito Fund (2200).

Dated this 2nd day of August, 2011.

Attest:

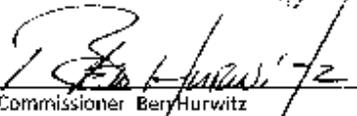
Board of County Commissioners:



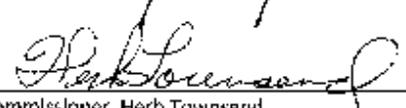
Dayna Ogle
Clerk & Recorder



Chairman Wandy Schlep



Commissioner Bern Hurwitz



Commissioner Herb Townsend

Resolution 2011 - 51

Budget Amendment

WHEREAS, the 2010-2011 budget has been set, and

WHEREAS, the following funds have a negative cash flow and, unanticipated expenses of the following, and

FUND	DESCRIPTION	UNANTICIPATED EXPENSES	CASH FLOW
2240	Cemetery	\$ 5,281.43	\$ (1,484.98)
2378	Meagher Co Health	\$ 5,373.04	\$ (5,266.16)
2384	Liability Insurance	\$ -	\$ (11,076.54)
2500	Waste Administration	\$ 6,239.18	\$ (6,128.38)
2860	Land Use	\$ 1,432.58	\$ (2,336.89)
2871	Crime Control	\$ -	\$ (158.00)
7160	Clerk of District Court	\$ 7,000.00	\$ (6,800.00)
	Total		\$ (33,250.95)

WHEREAS, the General Fund (1000) has a positive cash flow,

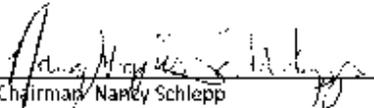
NOW THEREFORE LET IT BE KNOWN AND HEREBY RESOLVED that the Meagher County Commissioners are amending the FY 2010-2011 budget and \$33,250.95 (thirty three thousand two hundred fifty dollars and ninety five cents) will be transferred from the General Fund (1000) to the above mentioned funds and figures.

Dated this 2nd day of August, 2011

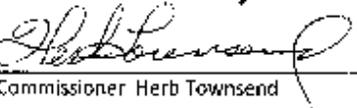
Attest:

Board of County Commissioners.


Dayna Ogle
Clerk & Recorder


Chairman Nancy Schlep


Commissioner Ben Hurwitz


Commissioner Herb Townsend

Rick Seidlitz—Allocate Title III Funds:

Rick Seidlitz, County Fire Chief and Director of DES, met with the commissioners to discuss the allocation of available Title III funds. Also present was Clerk and Recorder, Dayna Ogle. Seidlitz informed the commissioners that there is currently \$82,311 in the fund with just under \$50,000 more yet to come in. The funds, he reminded the commissioners, can only be used for fuels projects. Schlep pointed out they would need a resolution on August 16 to get all the funds allocated by the end of September, as required.

Hurwitz asked Seidlitz if all the FEMA projects were still a go. Ogle replied that she would have all the required reporting for FEMA finished by the end of the week and then a check for everything would come in.

Seidlitz concluded by giving an update on recent fires.

Kari Jo Kiff—Pay Scale for Billing Clerk:

Kiff gave the commissioners her monthly public health report and asked for permission to purchase a new refrigerator for vaccines. The commissioners agreed. Then she informed the commissioners that Nancy Hereim had resigned her position as County Health Billing Clerk and that she had hired Lorna Fox to replace her. Schlepp asked her if she was okay paying the same wage she was paying Hereim. Kiff replied that she was but did not know if she should given that Hereim had considerably more experience than Fox.

Action 2:

RESOLUTION 2011-#52

Schlepp moved to pay the County Health Department's Billing Clerk \$10 an hour to start. Hurwitz seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

Schlepp then raised the issue of CSBG funds, informing Kiff that no youth had qualified for the funds to be employed through the program at either the golf course or the cemetery. She suggested to Hurwitz reallocating the remaining \$4000 to Kiff and public health. It was agreed.

Jon Lopp—Sheriff Report:

Sheriff Jon Lopp met with the commissioners to give his monthly report. First he briefly discussed the Red Ants Pants Music Festival, which occurred the previous weekend. He said things went very smoothly and that they only issued three citations the entire weekend.

Schlepp told Lopp they might have figured out one issue that is hurting his budget. She mentioned that the deputies are combining work hours with vacation hours to result in over forty hours in a week. She argued that a work week should consist of forty hours. Hurwitz gave him an example of a deputy who, in one week in July, worked 38 hours and still took 9 hours vacation.

Lopp told the commissioners that he had told his deputies they will no longer get paid for lunch, unless they get called out. Then it would be overtime. Hurwitz asked about the overtime from June 26 and 27. Lopp replied that was when they were recovering the body of the missing floater from the river. Hurwitz argued that dealing with the drift boat was not Lopp's concern. Lopp replied that as coroner, it is his responsibility. It's his job to investigate, in case the department gets subpoenaed.

Schlepp pointed out to Lopp that his proposed budget for this year is \$60,000 over last year's. She asked him if that was from Nick (Rauser's) wages. He told her to figure \$45,000 for Rauser, including benefits.

Hurwitz argued that overtime is still killing the County. Lopp replied that the department will be saving 20 hours a month on lunch. Hurwitz countered that Lopp should not budget in 15 hours of overtime per employee per month either as he has in the past. Lopp replied that the deputies do not know about it. Hurwitz then reviewed some of the Sheriff Department claims.

Lopp then asked for a new video for the new truck, which they can get for \$3000 versus the \$6000 they paid for one last year. Hurwitz told him they would wait till the end of the fiscal year. Lopp replied that he would like it now so everything can be installed at once. Schlepp countered that they had made an agreement at the last meeting to wait till the end of the fiscal year for major purchases. She added that she might be willing to revisit the issue in a few months if the overtime situation is under control.

Public Comment:

Russell van Lieshout dropped by to take pictures of the commissioners for the County website.

County Attorney, Kimberly Deschene, met with the commissioners to ask their permission for the Attorney General to help her with an upcoming trial. The commissioners signed the following resolution:

Action 3:

RESOLUTION 2011-53

Whereas, the Meagher County Attorney has requested prosecutorial assistance in the case of State v. Eaton, and

Whereas, it is desired and deemed appropriate that a special deputy county attorney be appointed to assist in the prosecution of the aforementioned case, and

Whereas, Mont. Code Ann. § 44-4-111 authorizes and contemplates that the training coordinator for county attorneys and the bureau chief of Prosecution Services Bureau (together with the deputies within said bureau) act as special counsel on request of the county attorney and upon the approval of the board of county commissioners, and

Whereas, Mont. Code Ann. § 2-15-501(6) authorizes the Attorney General to provide assistance to county attorneys in the discharge of his or her duties.

It is Hereby Resolved:

That the attorneys assigned to the Prosecution Services Bureau of the Department of Justice are hereby appointed as special deputy county attorneys for Meagher County for the purpose of assisting in the prosecution of the aforementioned case and that any of said deputies can fulfill the functions set out in Mont. Code Ann. § 44-4-103.

It is Further Resolved:

That under the terms of this agreement, no fee will be charged for attorney time provided by the Bureau based upon the fact that pursuant to the internal operational policies adopted by the Attorney General September 1, 1999, assistance in such cases is provided without an hourly fee. Witness fees and expenses, jury costs, and other normal costs associated with trial will be the County's responsibility as with all other prosecutions.

Dated this 2nd day of August, 2011.



[Signature]
CHAIRMAN

[Signature]
MEMBER

[Signature]
CLERK AND RECORDER

MEMBER

RESOLUTION
PAGE 2

John Dracon, former Chair of the Hospital District Board, met with the commissioners to give them an update on the status of the report the District Board is still assembling. He said the report itself is not very lengthy, but the appendices attached will be voluminous. He discussed a few other issues before leaving the meeting.

Claims:

Commission was presented Voucher #1205, CK#42735 through CK#42777, totaling \$92,183.67. Commission approved and signed checks as presented. Payroll Voucher #1, CK#217935 through CK#217946, totaling \$12,016.21 was also presented and approved. Payroll Deduction Voucher # 1202, CK# 42718 through CK#42724, totaling \$87,769.17 was also presented and approved. CK#42718 totaling \$52,175.85 was voided as an ACH for a new employee in that file failed to go through due to the wrong routing number. Payroll Deduction Voucher #1204, CK# 42734 totaling \$49,729.89, the check to replace the aforementioned voided check, was presented and approved. Payroll Voucher #3, CK#217947 totaling \$2445.96, to replace the voided ACH of the

aforementioned new employee, was presented and approved. Health Insurance Voucher #1203, CK#42725 through CK#42733, totaling \$21,360.32, was also presented and approved.

Meeting Adjourned:

Chairperson Schlepp adjourned the meeting at 4:30pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, August 9, 2011.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Nathan Sanders
Distributed August 9, 2011 to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle

Tuesday
August 9, 2011
8:15am – 4:10pm
Met in Commissioner's Chambers

Meeting Called to Order:

Chairperson Schlepp called the meeting to order at 8:15am.

Commissioners Present:

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

Bruce Smith—Road Department:

County Road Department Foreman, Bruce Smith, did not attend the meeting as it was decided in advance that his presence was not needed.

Budget Workshop:

The majority of the morning was spent working on the budget with Clerk and Recorder Dayna Ogle.

Rick Seidlitz—Finalize Title III Fund Allocation:

Commissioner Townsend was not present for this portion of the meeting. Ogle remained present. Chair Schlepp informed Seidlitz that they cut his budget this year back to last year's numbers. Hurwitz said they were hoping the fire season is over for now. Seidlitz informed the commissioners that all of the projects proposed by the County for RAC money were approved. The funds for Otto Ohlson's weed projects were conditional on receiving a map from Ohlson to verify the roads are indeed U.S. Forest Service access roads. He also pointed out that they were still waiting for a permit so they could begin repairing Benton Gulch Road.

Jon Lopp—Boiler at the Jail:

Sheriff Jon Lopp met with the commissioners to discuss the boiler at the jail, which had recently failed inspection. Townsend rejoined the meeting. Ogle was also present. Ogle relayed information she had received from Building Maintenance Supervisor, J.R. Shinabarger, who is also the boiler operator for the courthouse and jail, that the boiler had not been condemned. Rather it has failed inspection, as it had the previous year as well. According to Ogle, he had brought the issue to the commissioners last year too but no action was taken. He recommended replacing it this year as replacement parts will be difficult to find. Lopp agreed to meet with the Shinabarger and report back later that afternoon.

Emelia McEwen, MACo; Jodi Tierney, Mid-Montana Insurance; Angie Ringer, Meagher County Safety Officer—Safety Program:

McEwen, Tierney and Ringer met with the commissioners to discuss setting up a safety program for County employees. McEwen began by showing the commissioners a power point presentation on the County's liability claims over the past five years. She briefly discussed incurred losses and the County's Mod Factor.

Schlepp asked her what the County should do if it has become apparent that an employee is no longer suited for their job. McEwen told her that consultation is key, that they should make every effort to see that things work out, especially since it is not possible to fire them. She went on, stressing the importance of education and prevention, which can be achieved through an effective safety program. Tierney added that they should contact Jack Holstrom (at MACo) to see what can be done. McEwen added that it needs to be an actual safety committee, not just a safety officer. Each department needs to be involved for it to work.

Schlepp asked what needs to be done on safety. McEwen reiterated that the first step was to form a committee. Townsend asked how the committee should be made up. She replied that it is important to have each department involved. Ringer pointed out that she had put together a committee but never got any support. She has never received accident reports and the ratios which are supposed to be posted publicly never have been. Hurwitz empathized with Ringer telling her she needs more cooperation. Tierney added that Ringer needs the support of the commissioners as well. Schlepp suggested she get on the agenda to give the commissioners regular reports.

McEwen told the commissioners that she has evaluation forms that include everything. Ringer pointed out they were included in her files. McEwen added that Ringer needs documentation—accident reports, etc.—whenever there is an accident so that an investigation can be undertaken. Schlepp asked if there was a model county for safety issues. McEwen replied that Jefferson County would be good to look at.

Schlepp then addressed Ringer, summarizing what would be needed, namely a safety committee that meets regularly and reports to the commissioners regularly. Tierney added that she would like to visit quarterly with the commissioners. Hurwitz assured Ringer she had the full support of the commissioners.

McEwen then added that if there is an accident, the department head is responsible for investigating, and a report must be filed immediately with Ringer. Claims have to be filed within 30 days of the accident, she continued, or else it would be too late.

Schlepp asked what happens if Ringer has a safety concern regarding a County employee. Tierney replied that in that case the County would have to fall back on its policy. McEwen added that MACo will be setting up regional meetings in October to address many of these and other issues.

Tierney reiterated that the information they had shown the commissioners regarding incurred losses was only for the last five years. Townsend pointed out that he only saw two significant accidents during that period, without which, he contended, the County would be in good shape. Schlepp asked how many counties require annual physicals for positions requiring physical labor. Hurwitz wondered if that was legal. McEwen suggested they contact Jack Holstrom.

B.J. Hawkins arrived at 1:45 pm and Tim McGuire arrived at 1:50pm.

Townsend raised the issue of the jail, saying it needs to be addressed before it becomes a problem. McEwen said she would talk to Greg Jackson (the JPIA Trust Administrator) to get an assessment done. Schlepp acknowledged it was a good idea but wanted to discuss it with (Sheriff) Jon Lopp first.

B.J. Hawkins, WSS Public TV, and Tim McGuire, WSS TV Board: Renew Public TV Contracts:

B.J. Hawkins, Director of WSS Public TV, and Tim McGuire, Chair of the WSS TV Board, met with the commissioners to discuss renewing the contract for Public TV. Townsend began by asking McGuire what's now available through WSS TV. McGuire responded that he has three digital and two analog stations: the four networks and PBS. Townsend then asked about the financial situation. McGuire replied that everyone is assessed \$40 annually. Townsend shared his concern that the \$26,000+ brought in annually is not shared evenly between the two entities. McGuire replied that he only has to pay for electric and maintenance, which runs about \$4000 a year, so whatever is left after Public TV gets its \$15,000 would be adequate.

Hawkins gave the commissioners a handout with historical numbers of users. She emphasized that three years ago the commissioners gave her the go ahead for \$15,000 annually as an operating budget. McGuire asked if the budget included upgrades to digital. Hawkins replied that it did not but that there are grants available when it becomes necessary. She added that the \$15,000 was just an operating budget. Any digital upgrades she would raise the money for herself.

Hurwitz pointed out that WSS Public TV was started 25 years ago, long before Dish Network was available in the area. Who uses Public TV now that most people have Dish, he asked. McGuire responded that a high percentage of people 60 and older watch it. Hawkins added that from 5am through 4:30 pm it is all educational programming geared toward children, making it a great asset for the community.

Townsend pointed out that Hawkins has a lot of programs for the community, not just educational but also for emergency purposes. He wondered whether the money for these programs should not come from somewhere else. Hawkins countered that the TV assessment does not pay for any of the other things. Schlepp added that it was set up in perpetuity thus precluding the commissioners from changing anything. Hurwitz asked again if the station was still needed or wanted.

Action 1:

RESOLUTION 2011-54

Townsend moved to sign the contract presented by Hawkins renewing the operating budget of \$15,000 for one more year. Hurwitz seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

After Hawkins and McGuire left the meeting, Chelsea, Rohan, and Rory from Senator Baucus's Finance Staff dropped by to greet the commissioners.

Sarah Calhoun—Red Ants Pants Music Festival Recap:

Sarah Calhoun, Founding Director of the Red Ants Pants Music Festival met with the commissioners to give them a recap of the festival. She estimated 4500 guests on Saturday and 2000 on Sunday, not counting kids or weekend tickets. So overall she felt 5000 people attended. She said that not only did she make money, but all involved did as well.

Hurwitz commented on how well planned the entire weekend was. Calhoun said it was a community-wide effort. Hurwitz asked her what she would do differently in the future. She replied that she would hire more people to manage things like the vendors, volunteers, campground, etc. She said many of the artists from this year have already expressed an interest in returning next year. And Mary Chapin Carpenter is interested too.

Hurwitz related that many folks they were coming back next year and bringing friends. He asked Calhoun how she would handle even larger crowds. She said she felt confident she could handle larger crowds but that a main priority was making sure the festival remains a home-grown event without ever taking on a corporate flavor.

Hurwitz commented that it would be great if the local vendors were more on board or prepared for something like this.

Hurwitz left the meeting.

Will Selph—Assistant to Rep. Denny Rehberg:

Selph did not show up.

Public Comment:

Building Maintenance Supervisor and Boiler Operator J.R. Shinabarger rejoined the meeting to discuss the jail boiler. Also present was Clerk and Recorder Ogle. He told the commissioners there were simply two options: replace the boiler, or hold on to it. Townsend commented that the County should use PILT money for this. Schlepp agreed. It was agreed that Shinabarger would get some quotes to replace the boiler. Sheriff Lopp appeared at 3:55pm.

County IT Director, Jim McDanel met with the commissioners to discuss buying more aviation fuel for the airport. He said that \$6000 might buy 1000 gallons, but since they will have to pay freight regardless, it might make more sense to buy a full truck's worth, 10,000 gallons, which they could get for \$4.58 per gallon.

Ogle relayed that the tank is down to 250 gallons remaining and the last time it was filled was in 2009. Schlepp suggested getting more price quotes. Then she added that if they use PILT money to buy it, they can pay PILT back with the revenue from selling the fuel. McDanel suggested setting a floor going forward at which they would automatically purchase more fuel.

Action 2:

RESOLUTION 2011-#55

Townsend moved to purchase one truckload of aviation fuel, to use PILT funds to do so, to pay back PILT with the sales revenue, and to keep it separate to track it. Schlepp seconded. A vote was held and passed unanimously (2-0).

Action 3:

Townsend moved to approve the minutes from the last two meetings (August 2 and July 19). Schlepp seconded. A vote was held and passed unanimously (2-0).

Claims:

Commission was presented Voucher #1206, CK#42778 through CK#42803, totaling \$40,824.47. Commission approved and signed checks as presented.

Meeting Adjourned:

Chairperson Schlepp adjourned the meeting at 4:10pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, August 23, 2011.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Nathan Sanders
Distributed August 23, 2011 to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle

Tuesday
August 23, 2011
8:30am – 4:00pm
Met in Commissioner's Chambers

Meeting Called to Order:

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

Commissioners Present:

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

Budget Workshop:

The morning was spent working on the budget with Clerk and Recorder Dayna Ogle.

Action 1:

RESOLUTION 2011-#56

Chair Schlepp moved to transfer \$35,410 of Non-Primary Entitlement funds to the Libby Airport as requested by the FAA, with the understanding that Libby Airport would transfer the money back next year. Hurwitz seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

It was also decided to advertise the Request for Qualifications for an airport engineering firm as required every five years under FAA rules.

The commissioners then agreed to re-bid the removal and replacement of the roof at the County Shop.

Action 2:

RESOLUTION 2011-#57

Chair Schlepp moved to transfer \$1496 from the Poor Fund (2120) into the General Fund (1000). Hurwitz seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

Action 3:

RESOLUTION 2011-#58

Chair Schlepp moved to raise County Motor Vehicle Supervisor, TAC, Angie Ringer's hourly wage to \$12.45. Hurwitz seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

Rick Seidlitz—Finalize Title III Fund Allocation:

County Fire Chief and DES Director, Rick Seidlitz, met with the commissioners to discuss finalizing his budget. Clerk and Recorder Ogle also was present. Chair Schlepp mentioned to him that the commissioners have not cut anything from his budget but that they were wondering if some of his Title 3 funds could be used to fill some holes in his budget. He replied that those funds could only be used for triaging homes. The Fire Department receives \$150 for each structure they review, and that money is already built into the budget. He also raised the possibility of paying his volunteers a wage. Not many, he stated, are willing to spend a day triaging homes without any compensation.

He said with the fire season they have been dealing with, they are already three fires over budget. Schlepp and Hurwitz asked him about the situation involving the sale of the Ringling School building. Schlepp said the original agreement with the School District was for the district to sell the building and then give the County the money from the sale and a small piece of land to use for a new fire house. Seidlitz said they are now just looking at donating some land but not the money from the sale. Hurwitz countered that that was not the original agreement.

Action 4:

Hurwitz moved that the County Commission write a letter to the School Board of School District 8 requesting verification that the proceeds from the sale of the Ringling School building are donated to the people of Ringling for the purpose of fire safety. Townsend seconded. A vote was held and passed unanimously (3-0).

Seidlitz then informed the commissioners that the FEMA paperwork has all been submitted. The total amount was just over \$80,000, of which the County will receive 75% or just over \$60,000. He added that the state will usually kick in the remaining 25%, though it was not guaranteed.

He concluded by warning the commissioners that Thursday (August 25) will be a bad day for fires. He said lighting and dry, gusty winds were both expected, which could cause serious trouble. He suggested the possibility of the County declaring a state of emergency so that if a disaster does happen in the next couple days, the documentation will have already begun.

The commissioners agreed to revisit the issue at the next meeting.

Helen Hanson, County Superintendent—Budget:

County Superintendent, Helen Hanson met with the commissioners to discuss some changes she wanted to suggest for her budget.

She presented the school budgets for the commissioners to sign, which they did.

Brian Rogan, Gordon Butte Wind Farm—Update and Request for Tax Abatement:

Brian Rogan from the Gordon Butte Wind Farm in Martinsdale, met with the commissioners to give them an update on the progress at the farm. Also present was County Attorney, Kimberly Deschene. He showed them a map giving an overview of the project. He also mentioned that he wants to discuss with Northwestern Energy the possibility of keeping power to White Sulphur Springs if something happens east of the substation, thus averting a blackout.

Environmentally, they have consulted Fish Wildlife and Parks and U.S. Fish and Wildlife to develop a wildlife conservation plan, including a process for reporting and any required mitigations. The project is a \$20 million project, and it is all Montana-based with all generated power to stay in Montana. The iron workers and crane crew working the project have been living in Martinsdale all summer. At their peak, they had 40 employees. With six turbines and nine megawatts, which will peak at 9.6, they hope to be operational by the end of November.

Townsend asked Rogan if he was concerned the government might cut the subsidy for renewable energy. Very much so, Rogan replied. Schlepp asked where things stand on tax abatement. Rogan replied that they were requesting a 50% abatement for years 1 through 5, with years 6 through 10 seeing a 20% annual increase back to year ten, when they would be paying 100% of the rate. They estimate, he continued, the tax revenue to the county the first five years would be around \$517,000, averaging around \$100,000 per year. Over the 25-year life expectancy of the program, the county should see \$2.2 million in tax revenue.

Schlepp referred back to the April 5 minutes when one of Rogan's partners, Errol Galt, visited with the commissioners to discuss the wind project. She said that according to the minutes, the project is currently Class 13 (property), but should be classified as a wind project to become Class 14 (renewable), which has favorable tax rates. The maximum tax rate for Class 14 projects, she continued, is 3% indefinitely. Townsend pointed out that the County should wait for a ruling from the Department of Revenue before they make any sort of resolution. Rogan replied that he was certain they are Class 14 already, as they have been paying Davis-Bacon wages. Schlepp summarized the choices then as straight 3% or the abatement schedule Rogan had requested.

Schlepp asked Deschene where they stand legally on the abatement issue. Deschene replied that it is clear the wind farm is entitled to ask for the abatement, but it is unclear why it is not automatic. Schlepp pointed out there would need to be a public hearing first. Townsend asked about impact fees. Rogan replied that they totally want to use the project as an educational opportunity for schools, kids, and the entire community.

Townsend asked how much electricity they could supply to White Sulphur Springs if a line goes down east of the wind farm and its substation. Rogan said he had no idea, that he has been trying to get that answer from Northwestern Energy. Townsend remarked that it would be a significant asset if they could do that.

Schlepp asked when they would finally expect to see a return as an investor. About 15 years, he replied. Schlepp asked about a timeline. Rogan said there is no reason to wait. Hurwitz suggested they shoot for after Labor Day. The public hearing was set for Tuesday, September 20, at 1:00pm.

J.R. Shinabarger—Boiler Replacement at County Jail/Sheriff's Office:

J.R. Shinabarger met with the commissioners to discuss replacing the boiler at the jail. He had received a quote of \$28,795 all inclusive for a boiler rated for 50 years. The order time would be four to eight weeks and there would be a savings of \$1500-1800 if they order it now. Hurwitz asked if there was any possibility of fixing the current one. There is not, replied Shinabarger. Townsend asked what the warranty on the new one would be. Shinabarger was not certain but he thought it would be two years.

Action 5:

RESOLUTION 2011-#59

Townsend moved that the County purchase the new boiler and have it installed by Dave Covert, the man who gave Shinabarger the quote, for \$28,795. Hurwitz seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

J.R. Shinabarger—Reappointment to Cemetery Board:

Action 6:

Townsend moved that J.R. Shinabarger be reappointed to the board of the Mayn Cemetery. Hurwitz seconded. A vote was held and passed unanimously (3-0).

Public Comment:

There was no public comment.

Claims:

Commission was presented Voucher #1209, CK#42805 through CK#42860, totaling \$44,305.50. Commission approved and signed checks as presented.

Meeting Adjourned:

Chairperson Schlepp adjourned the meeting at 4:00pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, September 6, 2011.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER