

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

**September 6, 13, 20, 2011**

**Tuesday**

September 6, 2011

8:30am – 4:10pm

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.

**Ray Ringer—Road Report:**

Road Department Supervisor, Ray Ringer, met with the commissioners to give his monthly road report. He told the commissioners that repair work on Benton Gulch Road, damaged by recent flooding, has been underway for about a week and things are moving smoothly. Chair Schlepp shared that she had received calls from FWP to make sure the road would be open by hunting season.

Clerk and Recorder Dayna Ogle joined the meeting at 9:05 am.

Townsend asked Ringer how they were doing with their trucks. Ringer said they were getting by with the red tractor, which pulls the belly dump, but that the engine is worn down. Hurwitz suggested three options: 1) to buy one outright; 2) to lease; and 3) to buy on dealer credit. Townsend asked if they might be able to replace the engine for around \$10,000. Schlepp agreed that it would make sense but with interest rates so low, they should know their options before making a decision. Ringer said they would be able to get by till fall. He added that they would need more gravel for Lennep next year. Schlepp asked Ringer to take (Road Foreman Bruce) Smith with him to shop trucks since Ringer is retiring next spring. Ringer said he would do that and also take him to the MACCRS convention next spring as well.

Schlepp asked how the permitting for the gravel pit was going. Hurwitz replied that the permitting was complete. The company was simply running behind schedule. Ringer told the commissioners he had received a report that the gate at the Tenderfoot was still locked. Schlepp contended that the issue will have to be decided in the courts. Hurwitz agreed but wondered who, if anyone, would take it to court.

**Library Board—Budget:**

Leone Michalec and Gordon Doig from the Library Board met with the commissioners to discuss cuts the commissioners had made to their budget proposal. Doig told the commissioners that a new sign would be going up on the exterior. All the previous renovation work was donated. Schlepp suggested putting a thank you note in the paper, to be paid for by the commissioners. It was agreed.

In response to the board's pleas to reduce the cuts to the library's budget, Townsend suggested asking the community next year for more mils. Schlepp added that the Commission would support them if they did. She also added that she is comfortable with how things are and if a need arises, there is PILT money available. In the end the cuts were kept in place, but the commissioners reassured them that they would help out should the need arise.

**Rick Seidlitz—Title 3 Fund Allocation:**

Rick Seidlitz, Fire Chief and DES Director, met with the commissioners to discuss allocating remaining Title 3 funds. He presented them with a packet containing his monthly report and a

proposal from Steerman Contracting to set up a wildfire education and outreach program for the County. Seidlitz recommended signing up for the plan, which would allow him to write the program, and bring in a person to train volunteers how to triage homes. Schlepp confirmed that Title 3 funds can be used for this. Seidlitz replied that they could. Hurwitz asked how much would go to Steerman. Seidlitz replied \$600 a day plus expenses for a two-day training.

**Action 1:**

**RESOLUTION 2011-#60**

Hurwitz moved to sign an agreement with Steerman Contracting LLC to use Title 3 funds to set up a wildfire education and outreach program for Meagher County. Townsend seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

Seidlitz then recommended to the commissioners using federal funds to pay county volunteers who fight wildfires on federal land.

**Action 2:**

**RESOLUTION 2011-#61**

Townsend moved to pay county volunteers for fighting fires on federal land. Hurwitz seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

**Kari Jo Kiff—County Health Nurse Update:**

County Health Nurse, Kari Jo Kiff, met with the commissioners to give her monthly report. Of primary concern were home health issues. At issue is Frontier Home Health and Hospice, which has sole rights to provide home health care in Meagher County, but does not. Kiff said that Mountainview Medical Center CEO, Aaron Rogers, has been calling aggressively to try to straighten out the situation. Schlepp added that she had called as well. Townsend asked what the advantage was for them having Meagher County on its list of communities served. Schlepp replied that it looks good on grant applications to be serving rural communities. Kiff added that there are two levels of care involved. Frontier handles skilled care while a group called A+ handles custodial care. She said that Rogers told Frontier that skilled care is Mountainview Medical Center's area of expertise.

Schlepp asked what can be done to get rid of them. Kiff replied that at a recent meeting, Frontier had expressed a commitment to the community. They have posted a job listing and A+ would do the same thing, Kiff was sure. She added that Rogers does not necessarily want the hospital to have the responsibility. He simply wants to make sure some entity is providing the needed service.

Schlepp said the County will get involved and go to the DPHHS if necessary. She was certain the law reads that if you list a community as one you are serving, and receive benefits based on that, then you are required to serve the area. She added that she knows someone in the auditor's office whom she can call. Kiff added that the hospital said they have a few nurses that would be interested in offering home health services on the side. Schlepp concluded by saying the County needs to be an advocate to keep people who want to stay in their homes.

Kiff then continued on to her monthly report. She told the commissioners that Lorna Fox, her new billing clerk is doing a great job learning the billing program and getting caught up. The new refrigerator for the clinic has been ordered and will be delivered September 14. She is planning to start a new budget year with CSBG funds. And she asked the commissioners to grant Fox a \$25 a month stipend for working out of her home. It was agreed to do so.

**Jack Berg—Ambulance Budget:**

Jack Berg met with the commissioners to discuss some cuts to his proposed budget. It was discovered that errors were made in the original calculations. He also discussed the possibility of asking for a small mil assessment the following year, even if it is just for half a mil. Often, he said, people in need of ambulance service are not in a position to pay for it and are too proud to accept the service at no cost. He often assures them as taxpayers that they have already paid for the service through their taxes. He just wants to make sure he is telling the truth when he says this. Schlepp thought that was fair.

Townsend asked him about any potential building plans. He replied that they do need a new building, and something more than just the current barn. It is extremely cold in the winter and there are issues with blood-borne pathogens. They need, he continued, showers, laundry facilities, and special sewer facilities for blood and other hazardous medical waste. Schlepp asked if he envisioned replacing the barn all together. Townsend asked what the plan is. Somebody needs to take the bull by the horns and start planning he suggested. Schlepp suggested he consider joining forces with Kari Jo Kiff, who is a great grant writer. Berg said that he would contact Wheatland County, which has a great new facility, for ideas. Hurwitz asked if there was any chance of remodeling the current barn. Berg replied that there was not.

**Jodi Tierney, Mid-Montana Insurance; Angie Ringer, County Safety Officer—Follow Up Regarding Safety Meeting:**

Tierney and Ringer met with the commissioners to recap a recent meeting Ringer had with department heads regarding workplace safety. Ringer said she had met recently with department heads and had decent turnout, with only a few not in attendance. She said she should have the system up in the next month. She said the Road and Sheriff Departments were neck and neck in the number of claims. The department heads did a great job, she added, getting her employee's e-mail addresses so she can e-mail the training modules to the employees directly.

Schlepp asked Ringer if she would be the one managing the training. Ringer replied that she would send out the modules to the employees. Tierney suggested that the commissioners join Ringer in the future when she meets with the department heads.

Schlepp mentioned to Tierney that she had recently toured Arch Coal Mine in Wyoming, which has been accident free for three and a half years. She said they have an incentive-based safety program. She then asked if they could require employees to have annual physicals. Tierney replied that it was okay if it was in the county policy. If not, she added, they would need to consult Jack Holstrom with MACo. Schlepp then asked if any counties have an incentive-based safety program. Tierney replied that Wheatland County does.

At 1:10pm, Emilia McEwen from MACo joined the meeting.

Townsend asked what can be done when a problem with an employee is identified. Schlepp asked which counties would be good models to review. McEwen mentioned Lewis & Clark County's wellness program and also a program in Lincoln County run by the director of DES. Townsend mentioned that one of the biggest problem areas is back and shoulder injuries. What if an annual physical shows an employee can no longer do a certain job, he asked. McEwen replied that if it is not work-related, there is no need to provide accommodation. Granite County's policy of physicals for new hires, she added, prevented them from hiring many people with health issues. She stressed the necessity of starting prevention and education programs, especially for new hires.

Schlepp pointed out that the perception needs to change as well. She mentioned feedback from the meeting that the county was simply going through the motions. Ringer countered that it was *not* due to her lack of effort. She has had little help for a year, she added. She would ask for things and never get them. Schlepp asked her if she would rather not do this job. Ringer replied that she would rather not but would continue if no one else would do it. Plus it is not fair to have her safety officer pay, Ringer added, come out of the Treasurer's office budget. Schlepp countered that they had spoken with (Treasurer) Phelan and part of the raise she requested was with the understanding that she (Ringer) would do this job. Ringer replied that she disagreed with that too. That it was wrong to hold this job over her head in order to get a raise.

Schlepp told Ringer the commissioners would work with her, that she would come to safety meetings. Hurwitz added that they would back her 100%. We need you to do this, he told Ringer. Accidents are killing us! Ringer told the commissioners her current Treasurer's Office workload has her swamped right now but that Nate (Sanders, Clerk and Recorder Administrative Assistant) had offered to help. McEwen offered to come back and help Ringer as well. Schlepp told Ringer and McEwen it would be great if they could spend a day together before next month.

**Action 3:**

**RESOLUTION 2011-#62**

Vice Chair Hurwitz moved that \$28,795.00 be moved from PILT (2900.000.265.521000.820) to the General Fund (1000.000.000.383000.000) in order to pay for the removal and replacement of the existing boiler in the Meagher County Jail, 50% to be paid now and 50% to be paid upon completion. Townsend seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

### **Minutes:**

#### **Action 4:**

Hurwitz moved to accept the minutes from August 23 without change. Townsend seconded. A vote was held and passed unanimously (3-0).

It was agreed to get Kyle Harland, Contract Building Inspector on the agenda for a future meeting to discuss accepting a previous proposal he had made to the commissioners.

### **Public Comment:**

*Shanna Huckins and Cedar Bosser from the NRCS* met with the commissioners to discuss the Emergency Watershed Protection (EWP) Program and how it might be applicable to a piece of land in Martinsdale owned by Errol Galt. Galt also was present. Huckins began by explaining the program and how, to be eligible, a program sponsor is required. That sponsor would have to be able to receive grant money and would be required to match 25% (which would include labor and equipment). Townsend said that the county does need gravel out there. Galt agreed. It could be gravel or sand but they would not know until they started digging. Townsend suggested if the county does not do this, they might need to repair a road. And a power line, Galt added. Galt said the area in question is where Cottonwood Creek meets Route 294. It is completely dry right now and it would be a good time to get some heavy equipment in to remove the sediment. Hurwitz pointed out that even though this is not the county's problem, they could get some much-needed sand and/or gravel out of the deal. Huckins agreed. She said the county can do whatever it chooses with the removed material. The area just has to be restored to its pre-disaster condition.

Galt asked Huckins what happens if they state does not agree to classify the area as "emergency." There is still the power pole, she replied. Hurwitz offered that one truck and one excavator should be sufficient. Galt agreed. Hurwitz asked if it would be okay to stockpile the material on Galt's land. He agreed. Schlepp agreed with the plan but wanted to have Road Department Supervisor Ray Ringer assess things first. Huckins gave the commissioners a handout outlining the program and she said she would get in touch with the Department of Transportation to assess the potential damage.

*Beth Hunt from the Meagher County Senior Center* then met with the commissioners to discuss receiving \$10,000 in grant match funds. She told the commissioners she had always received a check from them and that the match goes into an account as unrestricted funds.

Clerk and Recorder Ogle rejoined the meeting at 3:50.

She explained that the funds would be for a 25% match, meaning she would use the \$10,000 to receive \$30,000, which all would be used for meals on wheels, congregate meals, transportation, among other things. Ogle showed them that \$10,000 from a previous year was still in an account so the commissioners decided to use those funds to pay the Senior Center.

Hunt then briefly shared some ideas regarding USDA Rural Development grants and the possibility of using it to relocate and rebuild senior housing for the community.

### **Claims:**

Commission was presented Voucher #1213, CK#42880 through CK#42914, totaling \$30,945.86. Commission approved and signed checks as presented. CK#42850 totaling \$60.00 was voided as it was processed for the wrong vendor. Payroll Voucher #4, CK#217948-CK#217963, totaling \$9740.82; Payroll Deduction Voucher #1210, CK#42861 through CK#42867, totaling \$87,978.76; and Health Insurance Voucher # 1211, CK#42868 through CK#42876, totaling \$22,593.04 were also presented and approved.

**Meeting Adjourned:**

Chair Schlepp adjourned the meeting at 4:10pm.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, September 13, 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 September 13, 2011 to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle

**Tuesday**  
September 13, 2011  
9:45am – 4:00pm  
Met in Commissioner's Chambers

**Meeting Called to Order:**

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

**Commissioners Present:**

Chairperson Nancy Schlepp and Vice Chair Ben Hurwitz.

**Andy Lind, School Superintendent—Ringling School Property:**

Superintendent Lind was not present. County Attorney Deschene joined the meeting at 10:15am. Schlepp gave Deschene a brief overview of the situation, in which the County is hoping that School District 8 would donate the proceeds from the sale of the Ringling School to the County in order to build a fire house for the people of Ringling. It was originally the School District's idea, she added. Some current board members support it while others do not. Superintendent Lind does not think it is legal, she continued. She asked Deschene to research the issue so they know for sure it is not legal before they give up. Lind contended that the district can only dispose of the land the school is on, not money, she said. Deschene wondered why the school district does not simply donate the property to the County to sell. Hurwitz suggested it would be logical since taxes go to the school district. Deschene read from case law which stated sale proceeds must go the school district.

**Minutes:**

**Action 1:**

Chair Schlepp moved to approve the minutes from the previous (September 6) commission meeting. Hurwitz seconded but opened discussion, saying there were a few changes he wanted made. Schlepp agreed with his suggestions. A vote was held and passed unanimously (2-0). It is therefore moved that the minutes from September 6 be approved with changes.

**Kyle Harlan—Contract Building Inspections:**

Kyle Harlan met with the commissioners to discuss signing a contract to become the building inspector for the County. Deschene was present as well. Schlepp told Harlan the County was interested in pursuing a contract with him. Harlan presented the commissioners with a disk and a sample contract and other documents for the County Attorney to review. He pointed out that the contract could be terminated at any time, with or without cause.

Deschene asked if inspections needed to be done through the state. Harlan replied that he could do it as an independent contractor. Schlepp asked if he had his independent contractor's license. He replied that he did not but that he is also working on other certifications to be a one-stop shop of sorts. Schlepp suggested they wait till he gets his license. He replied that it is not necessary as he receives an exemption for having an LLC. Hurwitz wondered if they could sign a contract subject to Harlan receiving the license. Harlan responded that the County can hire him. He just cannot do any work yet. Deschene confirmed that Harlan was right, that he receives an exemption from the license requirement due to his LLC. Hurwitz and Schlepp agreed to sign the contract once Deschene had a chance to review it.

**Action 2:**

**RESOLUTION 2011-#63**

Hurwitz moved to contract with Kyle Harlan to serve as the building inspector for non-residential property in Meagher County. Schlepp seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

### **Will Selph, Assistant to Rep. Denny Rehberg—Legislative Update:**

Will Selph, Assistant to Rep. Denny Rehberg, met with the commissioners to update them on legislative issues in Washington. He mentioned several issues; of note were post office closings and PILT money. He said that the government was picking up steam with the post office closings. Schlepp voiced her concern about Ringling Post Office being on the list and said she would like it removed. Selph responded that Rehberg is pushing his Mail Call Montana Initiative, in which he encourages people to stop using phone and e-mails, but to write letters instead.

County Treasurer Sue Phelan joined the meeting at 1:00pm.

Selph said the Rehberg is also proposing a village post office concept, where the post office in smaller rural communities would move into a local business.

Schlepp then pointed out that PILT is scheduled to sunset in 2013 and the County relies immensely on that. Selph admitted he was not very familiar with the issue but that the significant depth of opposition he has seen against cuts to the program suggests that there is strong support for keeping the program.

Selph mentioned a few other bills in committee, and then left the meeting.

### **Update County Boards:**

The commissioners reviewed the list of county boards and made updates where necessary.

#### **Action 3:**

Schlepp moved to re-appoint Herb Townsend to another term on the County Board of Health. Hurwitz seconded. A vote was held and passed unanimously. (2-0)

### **Hospital District Board—Draft District Report Presentation and Update on Remaining Issues:**

From the Hospital District Board, current members Marcy Rethwisch, Pam Sundstrom, and Michael Kakuk were present. Former member and chair, John Dracon was also present. Gordon Doig, Clerk and Recorder Ogle, County Attorney Deschene, and Chris Schlepp were also present.

Dracon handled the presentation. He began by stressing that this version is simply a draft and that they would have the final report to the commissioners by November 1. He distributed the draft to the commissioners and began walking them through section by section.

Jason Phillips from Meagher County News joined the meeting at 3:05pm.

When Dracon was done with his overview, Hurwitz commended him and the members of the district board for their hard work, suggesting that the report would be useful as a reference in the future as the people involved with the hospital come and go. Schlepp added her appreciation, saying that volunteering is thankless at times.

Dracon stressed that the report is still in draft form and they will be accepting comment. Dracon concluded his presentation.

Kakuk then raised the issue of the County response to the letter written by Mountainview Medical Center Board Member, Otto Ohlson, to former chair of the District Board, Dracon. He asked where things stood. Hurwitz replied that it was a lousy thing that happened but they really do not know where to go with things. Kakuk countered that it sends the wrong message to do nothing, especially when the letter was on official letterhead. Dracon suggested the hospital board might be asked to look into this, as Ohlson represents them.

Hurwitz wondered if they should dignify things with a response. Sundstrom countered that it really does come down to the message they want to send to kids. We all agree this was wrong,

she continued. Rethwisch added that it is hard enough to get community members to volunteer for boards. This will just make it harder.

Schlepp asked if there was another issue. Kakuk replied that there was not but that he would like resolution on this issue. Schlepp told him that they have taken action, and they just need to see where things stand. The commissioners had asked Deschene to look into it and draft a letter. Hurwitz said he would prefer not to bring it up again.

### **Public Comment:**

*School Superintendent, Andy Lind*, met with the commissioners to discuss the Ringling school situation. He told them the issue was briefly discussed in an administrative review meeting two weeks ago. The school district had a surveyor replat the property into two plots, one for sale and the other for the county. It is up for sale, he continued, and there have been a few prospective buyers look at it. He added that by law the school district cannot donate the sale proceeds to the county, but it can donate the land.

Hurwitz told him the county's thought is that it is a Ringling schoolhouse paid for with Ringling money. The people of Ringling want to get something out of this, he continued. Hurwitz told him he understood the money could not be donated, but he suggested that the district give the county the land and the building to sell.

Lind pointed out that the school district asked for and received a special levy in the spring. He is concerned that there will be critics if the district turns around and gives the property away, maybe costing the district the possibility of receiving another levy in the future. Hurwitz assured him that the people of Meagher County have always been generous and that there is little worry about any future levies failing. Lind mentioned that the issue would be discussed at the next school board meeting the following week.

Schlepp told Lind she understands they had the land surveyed and want to get their money back. Lind reminded the commissioners that the property is already listed and they have had a few potential buyers already. Hurwitz concluded by telling Lind there is a way for the district to get the money to the county, and that the ball is in the district's court now. He added it would be great to have and turn into a nice fire hall for the people of Ringling.

*Sheriff Jon Lopp* met with the commissioners to give his monthly report. He first shared with them a press release regarding the Taylor Hills fire. Then he gave them his Sheriff report. Hurwitz asked him about the overtime issue. Lopp told him that sixteen hours was for forest patrol and much of the remainder was due to the RAP festival. He said it would be similar this month due to Labor Day weekend. But he assured Hurwitz it shouldn't be more than about ten hours a piece per deputy.

Schlepp asked about the new boiler at the jail. Lopp responded that the old one is out and they are just waiting for a new one. He also informed the commissioners that the FBI is starting to crack down on access to the jail cells and that they might be required to replace the current gate with a door so the dispatchers can control access. Hurwitz and Schlepp agreed that there is no money to spend and that they will sit tight. If the Feds have an issue, they can deal with it then.

A few more issues were discussed. Lopp told the commissioners that Deputy Shane Sereday would be at the police academy for the next three months. Hurwitz thanked Lopp for his effort on the overtime. Schlepp suggested he talk to Jack Berg about the possibility of sharing space when and if a new ambulance building is constructed.

### **Claims:**

Commission was presented Voucher #1214, CK#42915 through CK#42970, totaling \$64,763.90. Commission approved and signed checks as presented.

### **Meeting Adjourned:**

Chair Schlepp adjourned the meeting at 4:00pm.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, September 20, 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 September 20, 2011 to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle

**Tuesday**  
September 20, 2011  
8:30am – 4:15pm  
Met in Commissioner's Chambers

**Meeting Called to Order:**

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

**Commissioners Present:**

Vice Chair Ben Hurwitz and Commissioner Herb Townsend.

**Visitors Present:**

Sandra Yardley was present for the entire day's meeting.

**Minutes:**

**Action 1:**

Townsend moved to approved the minutes of the previous meeting (September 13) without change. Hurwitz seconded. A vote was held and passed unanimously (2-0).

**Open Sealed Bids—County Shop Roof Replacement:**

The commissioners opened the three sealed bids that had been submitted to remove and replace the roof at the County Shop. The first bid opened was from B&B Construction, for a total of \$10,051.80. That amount includes \$6251.80 for metal roofing, eave trim, gable trim, ridge cap, screws and closure strips, and \$3800 for the labor to remove and dispose of the existing metal and to install the new roof.

The second bid opened was from Scotch Gravel Road Maintenance LLC, for a total of \$12,765.00. That amount includes removing and disposing of the old metal roof and installing the new metal roof, which would include labor, underlay (felt or woven), new screws, ridge vent cap, and warranty. The wood under the metal roof is not included in the quote.

The final bid opened was from Paul Kroeger Construction LLC, totaling \$25,930.10. That amount includes re-nailing the old roof (but no new sheathing), and Galv/Zinc or Galvanized 25-year Tuff Rib by Bridger Steel. That, however, does not include gable trim or eave trim. Another option was listed for \$26,712.17, which would use Painted Tuf-Rib 40-year (excluding copper penny color). And there would be an additional \$3086.78 for 7/16 OSB sheathing.

Vice Chair Hurwitz called Road Department Supervisor, Ray Ringer, to ask what specs he gave the bidders. Ringer replied that he had only told them the department needed a galvanized roof, but beyond that, there were no gauge specifications.

After a brief discussion the commissioners reached a conclusion.

**Action 2:**

**RESOLUTION 2011-#64**

Commissioner Townsend moved to accept the lowest bid, from B&B Construction, for \$10,051.80, to remove and replace the roof at the County Road Department Shop. Hurwitz seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

Hurwitz stepped away from the meeting at 9:30am to meet with Kris Todd from the Department of Revenue.

**Kari Jo Kiff—Bid Approval for Emergency Power:**

County Health Nurse, Kari Jo Kiff, met with the Commission to discuss a proposal she had received from Fisher Electric to install emergency power in the Mountainview Medical Center Clinic. She gave the proposal to the commissioners. She told them that sometimes the clinic receives vaccines when she is not there and they keep them in their refrigerator. However, there is no emergency power source there if something were to happen to the power in the area. She told them she has plenty of money left in her Emergency Preparedness budget which needs to be spent.

Townsend asked her if this is the County's responsibility or the hospital's. Kiff replied that a lot of the grant is expected to be used in cooperation with other agencies. Townsend responded that he would like to hear from the hospital to make sure they were on board. Kiff pointed out that they were on board for the refrigerator the County had recently purchased.

Hurwitz rejoined the meeting at 9:55am.

Townsend wondered if the County should own the refrigerator and let the hospital use it or just give it to them. After further discussion, it was agreed to give the refrigerator to the hospital and let them handle the maintenance and other issues that arise.

**Action 3:**

**RESOLUTION 2011-#65**

Hurwitz moved to hire Fisher Electric to wire a new outlet in the Mountainview Medical Center Clinic for emergency electric and to donate the previously purchased refrigerator to the clinic for temporary storage of County Health vaccines. Townsend seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

**PUBLIC HEARING: Gordon Butte Wind Farm Request for 10-Year Tax Abatement:**

Present for the public hearing were Errol Galt and Brian Rogan, representing the Gordon Butte Wind Farm, Kris Todd from the Department of Revenue, County Treasurer Sue Phelan, Deputy Treasurer Shauna Porter, County Attorney Kimberly Deschene, Building Maintenance Supervisor J.R. Shinabarger, and Sandra Yardley.

Hurwitz began by saying he did not feel the need for any impact fees. He then confirmed with Todd that the State never grants abatements. Rogan told the commissioners that each tower is 260 feet high to the center and 350 to the top of the blade. Galt added that the blades had been in storage in New York for five years. Porter asked if what is there now is the whole scope. Galt replied that he hopes there will be more, that there are 20 megawatts in the queue. But the cash grant from the government is going away, he pointed out. He then added that he felt the \$20 million tentatively assessed as the value of the wind farm was probably a little high, due to joint ownership of certain parts with other entities like Northwestern Energy.

**Action 4:**

**RESOLUTION 2011-#66**

The Gordon Butte Wind Farm has begun construction of a wind farm near Martinsdale in Meagher County, Montana. Said wind farm is a new industry as defined by 15-24-1401(f) MCA. Gordon Butte Wind Farm has approached the Meagher County Commissioners requesting that as a qualifying company the County governing body pass a resolution allowing 15-24-1402 MCA to be implemented. The implementation of this statutory section will allow the Gordon Butte Wind Farm to be taxed at 50% of their taxable value for a five (5) year period of time. Then, subject to 15-10-420 MCA, each year thereafter, the percentage must be increased by equal percentages until the full taxable value is attained in the tenth (10<sup>th</sup>) year. In subsequent years, the property must be taxed at 100% of its taxable value.

Due notice as defined in 76-15-103 MCA has been given by publication of notice of public hearing in the Meagher County News, a newspaper of general circulation in Meagher County, on September 8, 2011 and September 15, 2011.

A public meeting was held on September 20, 2011 in the Meagher County Commissioners' chambers, at the Meagher County Courthouse, in White Sulphur Springs, MT.

THEREFORE, it is hereby RESOLVED THAT:

Gordon Butte Wind Farm, which is engaged in the production of electrical energy in an amount of 1 megawatt or more by means of alternative renewable energy source as defined in 15-6-225 MCA, qualifies as a new industry for the tax treatment hereinabove described under 15-24-1402 MCA for its machinery and equipment in said facility.

DATED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011

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Meagher County Commission Chair, Nancy Higgins Schlepp

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Meagher County Commission Vice Chair, Ben Hurwitz

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Meagher County Commissioner, Herb Townsend

Hurwitz asked when they would be operational. Galt replied that the original online date was October 30 but there have been delays. He said all the complicated issues went smoothly but that it was the substation construction that is holding things up.

Rogan then suggested the taxable value of the wind farm was closer to \$15 million. Hurwitz asked about Northwestern Energy's involvement. Rogan replied that it is costing Northwestern \$1.7 million for Gordon Butte to install their equipment. Galt added that Northwestern will pay a much higher tax rate. Todd verified that that is the case. Galt then said there was an office with a residence above it for round-the-clock monitoring. Also the farm is monitored from New York and can be shut down from there.

Hurwitz asked if they would expand on the same location. Galt replied that with a power purchase agreement and the right government incentives they will stay right there. Rogan added that the wind farm is available as an education resource to the community as well. Todd pointed out that with each expansion, they can apply for a new abatement, which would start a new five-year period.

The public hearing adjourned at 1:30pm.

**County Attorney:**

County Attorney Deschene remained with the commissioners to discuss several issues of ongoing concern: namely the proposed draft letter in response to Otto Ohlson's letter to John Dracon; the Hospital District Board; the Ringling School.

Kyle Harlan joined the meeting at 1:55pm. Deschene told him that everything about his proposed contract to inspect non-residential properties in the county looked in order. It was agreed to have the commissioners sign and return the contract to him.

**Montana Independent Living Project, Inc.—Introduction:**

Representatives of the Montana Independent Living Project, Inc., met with the commissioners to introduce themselves and the services they hope to provide to Meagher County when they open an office in town. From the organization were Executive Director Bob Maffit, Program Director Tami Hoar, Independent Living Specialist Scott Birkenbuel, and Independent Living Program

Specialist Kari Halvorson. Also present were Treasurer Sue Phelan, Deputy Treasurer Shauna Porter, Building and Maintenance Supervisor J.R. Shinabarger, and Sandra Yardley. The meeting was held in the basement of the courthouse due to accessibility issues.

Maffit explained that the group uses stimulus money to provide the services they do. They had chatted earlier with local disabled folks at the Senior Center. Their focus is to provide independent living services and to help people with disabilities live as independently as they can. It is all driven by the format of the Americans with Disabilities Act.

Hoar then explained her role as Program Director. She does anything from providing information about services, to helping people apply for benefits, to helping finding housing. The goal is to help people with disabilities to empower themselves. There are classes teaching how to live well with disabilities and on budgeting, for example. They also work within the community to advocate for service changes.

Birkenbuel then explained his role. He answers the phone and puts people in touch with the resources relevant to their need.

Maffit explained that they were looking to rent an office as soon as possible and to hire someone locally part time to run the office. He felt the stimulus money they had available would last another year but hoped that they could be self sustaining once the funds run out. Hoar stressed the importance of hiring someone locally as each community is different and has differing needs.

**Public Comment:**

*Todd Klassy, Right of Way Agent for Triangle Communications*, met with the commissioners to give them an update on Triangle's progress in installing fiber optic cable county wide. Hurwitz complimented him on the work ethic and character of his crew. Klassy told the commissioners that of the 705 entities for which easements were needed, there were only 40 left to obtain. He felt the following week would be his last full week in town.

There have been some delays for materials coming from Japan due to the earthquake and tsunami but they have all the materials now and he felt they could finish the northern part of the County by winter. Triangle crews would be all over the southern part of the County through next summer, he added.

**Claims:**

Commission was presented Voucher #1215, CK#42971 through CK#42997, totaling \$21,528.07. Commission approved and signed checks as presented.

**Meeting Adjourned:**

Vice Chair Hurwitz adjourned the meeting at 4:15pm.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, October 4, 2011.

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**CLERK & RECORDER**

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**CHAIRMAN**

**SEAL**

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**VICE-CHAIRMAN**

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**COMMISSIONER**

