

PROCEEDINGS OF THE BOARD OF THE COMMISSIONERS
MEAGHER COUNTY, MONTANA

October 4, 11, 18, 2011

Tuesday

October 4, 2011

8:45am – 3:50pm

Met in Commissioner's Chambers

Meeting Called to Order:

Vice Chair Hurwitz called the meeting to order at 8:45am.

Commissioners Present:

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 first told them that the repairs to Benton Gulch Road had been completed. The cost would be split between FEMA and the Forest Service. It took two men two weeks with two machines. Hurwitz asked if they had to haul any materials. Ringer replied they did not, that under FEMA guidelines they were required to use native materials. Hurwitz commented that (DES Director) Rick Seidlitz has to get much credit. Ringer agreed, saying he had everything in order before FEMA even arrived on scene.

Hurwitz pulled out a quote for a 2012 Freightliner to review. The quote, which was for a new Freightliner with Road Department specs was for \$91,886, from I-State in Missoula, considerably lower than the other two quotes from Kenworth and Mack, both around \$112,000. Townsend asked Ringer, if the County made this purchase, what they would have truck wise. Ringer replied there would be no trades and they would keep the red tractor, which has 1.5 million miles on it, as a spare. They also have the purple Freightliner that (Road Department Foreman) Bruce Smith drives. They have three belly dumps.

Chairperson Nancy Schlepp arrived at 9:10am.

Forest Service Patrol:

Hurwitz addressed the contract the Forest Service has with the Sheriff Department for Forest patrols. The deputies doing the patrols get paid time and a half from the Forest Service and the County gets paid \$.58 a mile. He argued that the County is losing money on the deal and it needs to stop. Townsend countered that he liked that the deputies received this pay for extra spending money. Hurwitz agreed but suggested that the County needs to receive more per mile to make it worthwhile. It was agreed to get Ranger Carol Hatfield on the agenda for a future meeting to discuss the contract and Forest Service payment for the Benton Gulch repairs.

Schlepp asked Ringer the status of gravel in the eastern part of the County. She mentioned the NRCS proposal to take the gravel/sand out of the creek bed on Errol Galt's property, suggesting that NRCS draw up the plan and the County use its equipment and keep the gravel. Ringer replied that it was not great gravel. Hurwitz suggested talking to Norm Voldseth about crushing some gravel for them. It was agreed to look into that for the following fiscal year.

Hurwitz then reviewed the Freightliner quote with Schlepp saying they can have the truck by December. Ringer added that they are piggybacking off a state bid, which is why the price is considerably lower than the other two quotes received. Schlepp and Hurwitz both expressed support, with Hurwitz adding that he is willing to take some flak from the public. Townsend wondered how this would affect the budget. Hurwitz replied that the money for the truck is in reserve, which stands at around \$300,000.

Action 1:

RESOLUTION 2011-#67

Hurwitz moved to purchase the 2012 Freightliner for \$91,866 from I-State in Missoula, as it was the lowest of the three quotes. Townsend seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

J.R. Shinabarger—Personnel:

The meeting opened with Shinabarger being asked whether he wanted an open or closed session. He requested an open session. He also asked for permission to tape record the session. It was granted. Also present were County Attorney, Kimberly Deschene, and Clerk and Recorder, Dayna Ogle. Schlepp began by telling Shinabarger the goal of the County was to make it so his job works for him. Shinabarger said that he and Ogle had had some miscommunication in a previous meeting. He talked to her, he said, about making his job easier based on his physical condition. He feels that on several occasions, when he has asked for accommodations due to his condition, he has been chastised. Schlepp replied that they do not want to change the job description that is in the book, but asked what the commissioners can do to help him get the job done. Shinabarger gave as an example the 42-pound water bottles, 58-pound salt buckets, and 58-pound boxes of paper which he has to move. He can lift them, he continued, but the risk remains of reinjuring his back. He does his job and always has, he added. Schlepp told him those were good examples and asked if the County could get a cart to help Shinabarger moved heavy objects. Ogle replied that they do have one. Schlepp mentioned his back brace and asked if Dr. Gudmondson was in favor of it. Shinabarger replied that he is. It protects his back in case he twists wrong.

Deschene then told Shinabarger that the County would need a letter from an M.D., not a chiropractor, giving detailed job restrictions. Ogle pointed out that the Disability Rights letter mentioned letters from Dr. Gudmondson and Dr. Ayler. Deschene said they would need a letter directly from the doctor.

Shinabarger mentioned a letter he had written to the commissioners on August 22 regarding the replacement of the carpet in the OPA office and requesting help to move things out for the carpet guys, then to move everything back in. He said the things were not moved back in after the carpet was replaced and he had to do it himself. Schlepp and Ogle both commented it was the first time they heard about it.

Deschene told Shinabarger she was trying to understand just what his goal was. He replied that all he was asking for was reasonable accommodations based on the law without fear of reprisal. Deschene asked him what would help. Shinabarger replied that the hospital has four people do what he does by himself at the Courthouse. Deschene asked if he wanted an employee. Shinabarger replied that he just wants the commissioners to do what the law requires. Deschene replied that they needed a letter from his physician first.

Townsend assured Shinabarger that they were willing to get him what he needs to do his job. He has limitations himself, he added. Ogle added the importance of communication with each department. If the department heads know what you need, we can take care of it, she told him. Deschene suggested there might be a logistical gap. Who can be called when Shinabarger needs help, she wondered. Ogle mentioned Wayne Johnson, who is a contractor for the County. He would have to agree to come in when he is not driving the school bus. And it would have to be economically feasible, she added. It was agreed that this was a good idea. Townsend suggested the Sheriff Department or Road Department if Johnson was not available. He added that his sons could come in and help as well. Ogle added she did not think it was a good idea to use non-county personnel due to liability concerns. She then told Shinabarger to make it clear to department heads that when they asked him to do a job for which he might need help, to let the department heads know the job would be done but perhaps not till the next day or when he could get help.

Closed Session—County Attorney Business:

County Attorney, Kimberly Deschene, met with the commissioners in closed session.

Tenderfoot Road:

George Bower from the PLWA met with the commissioners to discuss the Tenderfoot Road issue.

Rich Siebken—Grassy Mountain Gate:

Present for this segment of the meeting were Rich and Valerie Siebken, Dee Kinnick, Joel Van Antwerp, and Heather DeGeest, who represented the Forest Service.

Siebken began by asking how long ago it was that George Ioerger asked the commissioners for permission to put up a gate. Hurwitz replied that it had been at least 18 months. Siebken stated that the Forest Service road extends past the cattle guard in question by 126 feet. He handed the commissioners letters of consideration. He mentioned that Hurwitz had suggested that the affected landowners pool their funds and put in a cattle guard if the Forest Service removes the remaining one. He said Ioerger turned down the offer as he would be responsible for maintenance and liability. He then cited the Grassy Mountain covenants and 30-11-109 MCA regarding encumbrances. He concluded by telling the commissioners he was asking them to make it clear that a gate cannot be put up.

DeGeest added that the cattle guard is full and serves no purpose whatsoever. It is at the forest boundary. The one that was removed previously was taken out for the same reason. It was in disrepair and served no purpose. Schlepp asked what the Forest Service responsibility is. You have the easement, she told DeGeest. Do you also maintain, she asked. The Forest Service will not maintain a private cattle guard, she replied. Ioerger can put another cattle guard in, she said, but he cannot put a gate on the easement.

Schlepp pointed out that this is a strange situation as it has yet to happen. Hurwitz added that when Ioerger did come to the commissioners he asked if he could put the gate at the end of the county road. Valerie Siebken pointed out that it was not even his property. Rich Siebken said that this just needs to be stopped before it happens or there will be serious repercussions.

Schlepp asked where Ioerger's property starts. Valerie pulled out a map and showed the commissioners. Rich added that Ioerger had told him he was going to put the gate in, and he is just trying to forestall it. Schlepp pointed out that these were all private property issues. DeGeest stated that if a gate goes up on Forest Service road, it will come down. Hurwitz asked DeGeest for clarification, that the cattle guard is full of dirt and the fence is down on either side. DeGeest said that is the case. In the end, Schlepp told the assembled group that this is a Forest Service issue and not one for the County.

VFW—Cemetery Plaques:

J.R. Shinabarger and Dee Kinnick, from the cemetery board, along with Julian Theriault from the V.F.W., and Gene Harris, sexton of the Mayn Cemetery, met with the commissioners to discuss ideas for honoring county veterans. Theriault told the commissioners that all vets receive a memorial plaque. Shinabarger showed the commissioners on a cemetery map the four lots that would be dedicated to the memorial section. He added that no one would be buried here, just that the plaques would be on the ground. Theriault added that everyone seemed to be in favor but that it is a County deal.

Schlepp asked about Cemetery Board rules. Shinabarger replied that there is nothing against it in the board by-laws and also that the state has nothing against it either. He did say that some veterans are already buried in the veteran section of the cemetery with their plaques.

Kinnick stated that she really likes the idea of honoring the veterans but she is concerned. The section proposed as the memorial section, she continued, is right next to agricultural land and gets covered in silt. If veterans are to be honored, it should happen somewhere else. She mentioned the idea of building a wall memorial instead, using wood, as cement would be expensive. The regular markers received by veterans are 24 inches by 12 inches and weigh 18 pounds. For the wall, smaller plaques (8.5 inches by 5.5 inches) containing the same information could be used. This would be a way to honor all vets, not just the ones whose families can pay for putting a plaque down. Besides, she added, there will be a lot of confusion if the plaques are on the ground. People might think the veterans are actually buried there.

Schlepp asked Harris how much extra work a memorial section would create. Harris replied that he is the caretaker and will do whatever is required of him. Schlepp then suggested that this is a matter for the cemetery board to decide. Once they decide, she continues, then the commissioners can help with the funding of the project. Hurwitz agreed.

Discuss Possible Response to Ohlson Letter:

After a brief discussion, it was unanimously agreed not to address any further the letter that Hospital Board Member, Otto Ohlson, had sent to then Hospital District Board Chair, John Dracon.

Martinsdale Water District Issues:

The commissioners briefly discussed the request by the Martinsdale Water District to add the delinquent water fees of three Martinsdale residents to the County tax roles, as allowed by law. As it is allowed by law, they agreed that it would be fine to do so.

Jon Lopp—Sheriff Report:

County Sheriff Jon Lopp met with the commissioners to give them his monthly report. He handed each his Sheriff Report for the Month of September 2011. Schlepp asked him about a claim for a tough book computer and wondered if it was the same one they had discussed in July. Lopp replied that it was, and that he realized they had not received a bill for it yet. The purchase, he added, was to be reimbursed from Forest Service money. Hurwitz asked for clarification. Lopp explained that the Forest patrol contract the County has with the Forest Service is worth about \$8000, up to 50% of which can be used for equipment. Hurwitz asked if that was from the mileage paid to the County. Lopp replied that it was not. Fifty percent could be used for equipment and the other half would cover labor and mileage. The contract states the County would be paid up to \$8000 for the year to do the patrols. If the money is not used, it is gone.

Clerk and Recorder Ogle joined the meeting at 3:10pm.

Hurwitz said this would be a question for next year. He told Lopp he cannot drive a four wheel drive for \$.58 a mile. It is a win-win for the deputies but the County is losing money. Lopp agreed, stating the cost was probably closer to \$.70 a mile. Hurwitz suggested even \$1 a mile. Hurwitz added that it is not that he does not want to sign the contract. He just wants the Forest Service to pay more and make it worthwhile for the County.

School District Superintendent Andy Lind joined the meeting at 3:15pm.

Ogle mentioned to Lopp the importance of doing a budget amendment each time unexpected revenue comes in. Lopp shared that the County Sheriff Department got high scores on recent CJIN audits. And he mentioned that they broke even on the recent Sheriff's sale for abandoned vehicles, bringing in \$675 for six vehicles.

Hurwitz raised the issue of overtime, telling Lopp that he does not want to micromanage but the County cannot keep paying overtime. Lopp acknowledged the problem. You don't have enough men, Hurwitz continued, and we don't have enough money. I don't care about reasons, he added. I don't want to pay overtime. Lopp replied that he does not either. Hurwitz told him just to figure it out.

Lopp told him that if they could do three 8-hour shifts a day, there would be no overtime, but they do not have enough officers to cover an entire week. Townsend asked how things would go if Lopp had another officer. Lopp replied that they would then be able to do five 8-hour shifts. Schlepp suggested that Lopp might need a quarter- or half-time officer. She then asked if any of the reserve officers might be interested. One might, Lopp replied. She asked if he would be interested. He said he would. Townsend said the job has to be done and if it cannot be done with four officers, maybe they need to consider hiring another.

After further discussion, Lopp left the meeting.

Public Comment:

School District Superintendent, Andy Lind, met with the commissioners to request a place on the agenda for the following week's meeting. He told them he was in the process of updating the schools' Emergency Evacuation Relocation Plan and would like to use the courthouse as one of the evacuation sites. He was added to the agenda for October 11.

Minutes:

Townsend moved to approve the minutes from the previous meeting without changes. Schlepp seconded. Hurwitz said he would like more time to read through them. A vote was held and passed 2-0, with Hurwitz abstaining.

Claims:

Commission was presented Voucher #1218, CK#43014 through CK#43072, totaling \$33,360.98, and Voucher # 1219, CK#43073 through CK#43074, totaling \$5140.00. Commission approved and signed checks as presented. CK#42887 totaling \$58.00 was voided as it was a per diem for a training workshop which never happened. CK#42901, totaling \$269.80, was also voided as it was payment for lodging for the aforementioned training. Payroll Voucher #6, CK#217965-CK#217985, totaling \$13,480.29; Health Insurance Voucher #1216, CK#42998 through CK#43006, totaling \$21,976.68; and Payroll Deduction Voucher # 1217, CK#43007 through CK#43013, totaling \$84,533.02 were also presented and approved.

Meeting Adjourned:

Chair Schlepp adjourned the meeting at 3:50pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, October 11, 2011.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Nathan Sanders
Distributed October 11, 2011 to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle

Tuesday
October 11, 2011
9:30am – 4:00pm
Met in Commissioner's Chambers

Meeting Called to Order:

Vice Chair Hurwitz called the meeting to order at 9:30am.

Commissioners Present:

Vice Chair Ben Hurwitz and Commissioner Herb Townsend.

Nico Cantalupo, County Extension Agent—Contract Agreement with MSU:

County Extension Agent, Nico Cantalupo, met with the commissioners to have them sign the FY2012 Extension Services Agreement between Montana State University Extension and Meagher County. They duly signed.

Chairperson Nancy Schlepp arrived at 10:30 am.

Rick Seidlitz—DES Update:

Rick Seidlitz met with the commissioners to give them his monthly DES update. Also present was Clerk and Recorder, Dayna Ogle. Ogle raised the issue of getting Galt Aviation paid for help in the recent search and rescue operation on the Smith River. Seidlitz suggested Ogle talk to (Sheriff) Jon Lopp regarding money that was donated to Search and Rescue by the Stone Temple Ranch for the purpose of helicopter operations

Hurwitz complimented Seidlitz on the great job he did coordinating the County's flood disaster recovery efforts with FEMA. Seidlitz gave all the credit to Road Department Supervisor, Ray Ringer, and the girls (Clerk and Recorder Ogle and Deputy Clerk and Recorder Christy Rogers). He pointed out that the County also received mitigation funds for disaster recovery, to make the roads better so the damage would not happen again in the future. It has not been used yet, he pointed out. He added that the County will have thousands of dollars in a disaster fund unused, as well. Even a couple thousand, he continued, would trigger a red flag for auditors. The County would also receive a check from the State along with the FEMA check. Hurwitz asked who they should contact if the state check did not arrive. Seidlitz responded that State DES would be responsible for that.

Dayna Ogle, Clerk and Recorder—Outstanding Issues:

County Auditor

Ogle met with the commissioners to update them on several issues. First, she had spoken with Sharon Tripp about the possibility of becoming the auditor for the County. Tripp told her she could do the County's audit for \$12,000, including the federal portion. She will also prepare a fixed asset spreadsheet and develop a monthly balance process to help keep things in order. Ogle added that Tripp would also look at some ongoing issues and see where she might be able to help out, if at all. Hurwitz said he was comfortable using her services, that they have had a great experience working with her in the past. Plus she will provide services above and beyond just auditing. It was agreed to use her services. Ogle said the audit is scheduled January 16, 2012. She said she would talk to Craig Shepherd, who prepares the County financial report, about having it ready to review in November for Sharon Tripp in preparation for the audit.

Personnel Issue

The Office of Public Assistance was scheduled to have its carpet and the underlying asbestos tiles removed and new carpet put down last month. But it had to happen over the weekend in order not to interfere with OPA business. Building Maintenance Supervisor, J.R. Shinabarger was not going to be in town then, however, so he had made arrangements with County IT Consultant, Jim McDanel, to take care of moving things out of the office that Friday night and then back in when the floor work was done. He told the commissioners in last week's meeting

that he came back Sunday to check on the job and the carpet replacement had been completed but the things from the office were still out in the hallway. So he had to move everything back into the office by himself, he concluded. As it turns out, Ogle told the commissioners, Shinabarger came to her after that meeting and told her that he had called Jim McDanel and Wayne Johnson to see if they could help. Which they did.

PILT Transfer

Ogle then handed the commissioners a letter from them addressed to County Treasurer, Sue Phelan, instructing her to proceed with the PILT and Entitlement transfers that had been agreed to during the budget process. Townsend suggested that many of the items on the list should be put to voters. If the library needs more money, he suggested, they can ask the voters for it. Schlepp countered that based on her understanding of PILT, Payment in Lieu of Taxes, the money can be used at the County's discretion. Townsend agreed but felt it should only be used for capital improvements and not operations. Ogle asked Townsend if he was expecting each department to run solely on the revenue it generates. Hurwitz offered that the Clerk and Recorder, Treasurer, Commissioners office run the County. Whereas the library, weed, and airport, for example, all have their own boards and are run differently. Townsend agreed and added that those entities like the library should need to ask taxpayers for more money when needed. Schlepp voiced her concern that that would start a huge fight. Hurwitz countered that it could be avoided if the wording on the ballot was positive. Ogle felt that the voters would say no to everything if all these funding requests from various boards were on the ballot all at one time.

Sheriff Department Overtime

Schlepp mentioned that Sheriff Jon Lopp told her he found a statute relating to small counties that does not require them to pay overtime up to a certain number of hours worked. Hurwitz said he does not want to pay overtime except in extreme emergencies, that they should receive permission beforehand. Townsend asked what would happen in cases of accidents where this is no time to ask permission. Schlepp wondered if this was something they should discuss with Lopp. She does not want to give more shifts just for the sake of extra pay, she continued, but if the Sheriff could keep his department's hours down to what they have been the last three months using this 170-hour exception, it might fix the problem. It considers overtime on a monthly basis versus a weekly basis.

The commissioners then briefly discussed the IT budget and the forest patrol contract the County has with the Forest Service.

County Board of Health Meeting:

Chair Schlepp called the meeting to order at 1:20pm. Present in addition to the commissioners were Health Nurse, Kari Jo Kiff; her assistant, Brooke Weishaar; Sanitarian, Deen Pomeroy; Tobacco Prevention Specialist, Aaron Blair, and Sandy Harris. County Health Officer, Brett Williams, was not present.

Kiff began by presenting her report. Of note she discussed her disease report (probable influenza-A; dog bite, and Lyme disease); an outbreak of gastro-intestinal illness; concerns regarding listeriosis; visits to the colonies; follow up to the RAP Music Festival; school records.

Blair presented his Tobacco Prevention Report next. He told the commissioners there have been three violations since the last meeting, two at the Roadhouse and one at the Lane. He was particularly concerned that the Roadhouse is charging two dollars to let people smoke. Pomeroy suggested taking a stronger stance, including a \$200-per-day fine for non-compliance. Hurwitz rejected the idea, arguing against the "nanny state." Kiff asked him what message the Board of Health would be sending the public if they were to allow smoking to continue in public places, against state law. Schlepp wondered if there was an alternative, like the Roadhouse becoming a private club instead. Kiff thought there was no such designation. Blair asked for guidance on how to proceed with enforcement of the Clean Indoor Air Act. Hurwitz told him to do what he has to. Townsend pointed out that a law is a law and must be followed whether one agrees with it or not. Pomeroy pointed out that the bill was intended to protect patrons from second-hand smoke, not to get people to stop smoking. Kiff wondered if County Attorney, Kimberly Deschene would prosecute. Schlepp and Hurwitz agreed it was her decision to make. Blair added that he has to follow up every complaint. Kiff added that it would put the tobacco prevention program in a difficult place if it did not have the support of the County Commissioners. Hurwitz

countered that when they agreed to the program, they told Kiff and Blair to focus on the kids, not on the new law.

Pomeroy gave a brief update on his activities. He had attended a workshop in Irvine, CA funded by the USDA and covering topics relating to food safety. A couple of septic systems have been installed in the County. And he has been working on food service inspections, which are due by the end of the calendar year. There were no complaints, he added.

Kari Jo Kiff—County Health Nurse Report:

Kiff gave her monthly report to the commissioners. Of note, she mentioned how well Lorna Fox is doing on the billing. And she also mentioned that she is moving forward with CSBG funds assuming the same amount as the previous year, \$3000.

Audit Contract:

Ogle brought the commissioners the contract from Tripp & Associates. They duly signed, making her the new auditor for Meagher County.

Andy Lind, School District Superintendent—Emergency Offsite Evacuation Plan:

School District Superintendent Lind requested the use of the county courtroom as a potential offsite evacuation location in the case of emergency at the schools or in the community.

Action 1:

RESOLUTION 2011-#68

Townsend moved to allow School District 8 to use the county courtroom as a potential off-site evacuation location in case of emergency. Hurwitz seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

Schlepp told Lind that the County LEPC would like a copy of the plan forwarded to them as soon as it is finalized. Lind said he hopes to have the plan in place before winter.

Minutes:

Townsend moved to approve the minutes from the previous week's meeting (October 4) with changes. Hurwitz seconded. A vote was held and passed unanimously (3-0).

A correction to last week's minutes when Building Supervisor Shinabarger stated he moved the desk and furniture back into the OPA by himself. Shinabarger later stated that he called Jim McDanel (IT) and Wayne Johnson. They both came in on Sunday to help move the desk, furniture, and computer equipment back into the office after the carpet was installed.

Meagher County Hospital District Board:

The District Board members—Michael Kakuk, Pam Sundstrom, and Marcy Rethwisch—met with the commissioners to discuss the public comment received on the draft report regarding Mountainview Medical Center's finances. Also present was County Attorney Deschene and Jason Phillips from Meagher County News.

Schlepp asked how the public comment period has been going. Sundstrom replied that there has not been much, but what they did receive has been worthwhile. It was suggested, she said, to add letters from Linda Hickman and John Potter, which they will do, placing them in the appendices. Sundstrom then asked Schlepp if she had any comments. Schlepp replied that she did not have anything aside from comments she has previously made. Hurwitz praised the Board for being even-handed and creating an exhaustive and historical document, one that future boards and county commissions can use as a reference. Sundstrom added that they will be taking public comment till October 14 and hope to have the final version published and distributed to the library, the courthouse, and the news office by November 1.

Kakuk then addressed a letter he had delivered to the commissioners earlier in the day, requesting a written response to the question of the future of the District Board and its role. He

asked if the Commission has requested a legal opinion outside of the County Attorney or MACo. Schlepp replied that they had not formally done that. Hurwitz said they had discussed it. Hurwitz also mentioned a letter they had received from MACo Chief Legal Counsel, Mike Sehestedt, regarding the status of the Harmon Trust funds. Copies of the letter were distributed to the members of the District Board. Kakuk asked Deschene what her opinion on the matter was, whether the Harmon Trust funds are to be considered public money. She replied that she agreed with the Sehestedt letter, that the funds from the Harmon Trust were public. Kakuk then told the commissioners that if the hospital is receiving these funds, which are public, and they are not earmarked, then the District Board should have access to all financial information of the hospital.

Townsend pointed out that it was earmarked, as the commissioners decided years ago the funds would be used to pay off a mortgage used to build the nursing home. Hurwitz told Kakuk he believed there is a difference between public money and tax money. Public money could be used in any way for the public good. Sundstrom countered that all the information they would like to see is public anyway. So shouldn't they have access to it, she wondered. Deschene said that her understanding was that, as a not-for-profit public benefit corporation, the hospital is subject to open meeting laws.

Hurwitz told the board members that the commissioners helped form the Hospital District, which has done a great job, and that he has no problem with them continuing to look over the shoulder of the hospital. If there is a problem then, he continued, the public can be made aware. And if the hospital should run into financial difficulty, he told the board members, they can tell the public why.

Deschene said that she agrees but this exceeds the scope of the mission they were originally charged with: to follow the money. Schlepp added that she felt the mission is strictly to see that public money be looked at only as it pertains to the Harmon Trust. Kakuk countered that according to statute, their mission is all encompassing. But he did verify with Schlepp that she felt since the money has been earmarked, the scope has been narrowed. She said that was indeed her opinion. Kakuk thanked her and told her that is what the board needs, clarification from the commissioners as to what the mission is. They do not want to go against the wishes of the commissioners, even if they disagree with them. Rethwisch asked what happens if the hospital decides they want the perpetual 8 mils again in the future. They don't need to go back to voters, right? Hurwitz told her that was correct. Townsend said it does not mean they have to approve the request. Deschene said that in her view, nothing changed when the hospital decided to refuse the mils. Rethwisch suggested it would be counterproductive to limit the scope of the board. It would be easier for the hospital to receive money in the future if the District Board has had oversight all along.

Kakuk concluded by saying they are not asking for immediate action. They are just making a request and want the commissioners to take their time. Rethwisch asked if it would be easier to ask the Attorney General for an opinion. Deschene replied that she was not ready to do so yet, saying she needed more clarity on the issues at hand. Schlepp pointed out that they have yet to ask MACo counsel for his opinion in this matter. Deschene suggested that the best approach might be for the commissioners to decide what they need the Board to do, then to look at where the scope lies.

Public Comment:

There was no public comment.

Claims:

Commission was presented Voucher #1220, CK#43075 through CK#43101, totaling \$49,311.38. Commission approved and signed checks as presented.

Meeting Adjourned:

Chair Schlepp adjourned the meeting at 3:45pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, October 18, 2011.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Nathan Sanders
Distributed October 18, 2011 to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle

Tuesday
October 18, 2011
9:00am – 12:00pm
Met in Commissioner's Chambers

Meeting Called to Order:

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

Commissioners Present:

Vice Chair Ben Hurwitz and Commissioner Herb Townsend.

Road Department Policy Review:

Road Department Supervisor, Ray Ringer, met with the commissioners to discuss updating the Road Department's policies so they are in line with County policies. Also present was Clerk and Recorder, Dayna Ogle. Ogle reviewed the County Road Department policy manual at length with Ringer.

County Attorney, Kimberly Deschene, joined the meeting at 10:25 am. She told the commissioners that Jack Lutgen had visited her to discuss a cattle guard on Schendel Road in Grassy Mountain that was in disrepair. Ringer stated that that is a county road but that county policy is such that the landowner owns the cattle guard and is responsible for maintenance. In this case, however, he added, there is no landowner. Deschene said that Lutgen claims it is broken. Hurwitz suggested that if a cattle guard was not maintained it should be removed.

Action 1:

RESOLUTION 2011-#69

Hurwitz moved to remove the cattle guard and fill in the hole on Schendel Road just off US Hwy 12 at the entrance to Grassy Mountain. Townsend seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

Bill Dodson—Golf Course Equipment Maintenance:

Bill Dodson from Arrowhead Meadows Golf Course met with the commissioners to discuss maintenance of some of the golf course's equipment. Ringer remained for this portion of the meeting. Dodson first gave an update of the financial status of the golf course. This was a good year, he said. They have \$7200 in checking right now and will finish the year with \$569 after all outstanding expenses are paid. He then mentioned the Junior League account. The money that comes into that, mainly from the golf tournament Dave Ringer organizes, goes toward things that benefit the youth. The course will use that money to rebuild the tees at the driving range, for example.

Ringer asked the commissioners if there was any chance there might be some PILT money available. Dodson added that they would like to replace the reels on the mowers at the course, at a total cost of \$3320. He said they would be grateful if the County could pay half of that cost. Townsend asked if they had the money for the reels. Dodson replied that they did but it would leave them basically with nothing.

Clerk and Recorder Ogle joined the meeting at 11:20am to show Hurwitz how much PILT money was remaining for the fiscal year, about \$4000. Townsend asked Dodson if the golf course has been paying liability. Ringer replied that they have. Townsend wondered why that was not on the County policy. Ogle replied that she was not sure but would look into it. She left the meeting Hurwitz added that it is necessary to find out so the golf course liability is not being paid twice. It should be a county expense, he added.

Townsend said he had no problem giving the golf course the funds they were requesting. He suggested giving them a couple thousand. Ogle returned to the meeting. She said the County pays premiums on two buildings at the course but would have to check further to see about

liability. Dodson said he would work on a few documents during the off-season regarding liability on the course's carts and members' carts.

Action 2:

RESOLUTION 2011-#70

Townsend moved to give the Arrowhead Meadows Golf Course \$2000 out of PILT money. Hurwitz seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

Hurwitz told Dodson that a few years ago when the County gave the golf course \$10,000 to buy a new mower, he had asked for an income statement and balance sheet. He had never received them. Dodson assured him he would get those for Hurwitz.

Public Comment:

Linda Banks met with the commissioners to discuss the possibility of a county-wide Sarah Calhoun Day, or some kind of recognition. Banks told them that Calhoun had just been invited to the White House as one of two small-business owners from Montana. Banks felt, given the success with the Music Festival and all of her recent recognition, it might be nice if the county could recognize her somehow as well. Hurwitz and Townsend both agreed and told her they would look into doing something like that.

County Attorney Kimberly Deschene met with the commissioners to have them sign an addendum to her lease agreement with the County. The addendum stated that the address of the County Attorney office is changing to 201 W. Main Street in White Sulphur Springs. She told them the rent on her current office was being raised and that she would not be surprised if the building had to be sold to settle the estate of the previous owner, the late John Potter. She then discussed likely expenses involved in the move.

Minutes:

Action 3:

Townsend moved to approve the minutes from the previous meeting (October 11, 2011) without change. Hurwitz seconded. A vote was held and passed unanimously (2-0).

Claims:

Commission was presented Voucher #1222, CK#43103 through CK#43133, totaling \$8,869.97. Commission approved and signed checks as presented.

Meeting Adjourned:

Hurwitz adjourned the meeting at 12:00pm.

Next Meeting:

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

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

