

PROCEEDINGS OF THE BOARD OF THE COMMISSIONERS
MEAGHER COUNTY, MONTANA

November 1, 8, 15, 2011

Tuesday

November 1, 2011

8:45am – 4:00pm

Met in Commissioner's Chambers

Meeting Called to Order:

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

Commissioners Present:

Chair 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 report. Chair Schlepp first shared that she had recently taken a tour of the future Tintina mine site. Ringer mentioned that they had to put the gravel crushing project temporarily on hold due to an excess of clay in the rock. Vice Chair Hurwitz added that it can either be screened, on site, or chips can be hauled from town, which would be too expensive.

Clerk and Recorder, Dayna Ogle joined the meeting at 9:15am to discuss changes to the Road Department Policy Manual.

Road Department Policy Changes:

Action 1:

Commissioner Townsend moved to accept and adopt the changes to the Road Department Policy Manual. Hurwitz seconded. A vote was taken and passed unanimously 3-0.

The commissioners proceeded to sign ten copies of the updated manual. Ringer then told the commissioners the Road Crew had removed a cattle guard from Schendel Road at the entrance to Grassy Mountain off of Highway 12. He concluded by sharing a complaint from a resident of Martinsdale about a county road that was half washed out. Ringer added that it is county policy that if a washout occurs due to irrigation, it is the responsibility of the landowner. It was decided to visit the road the following week during the afternoon portion of the Commission meeting (11/8).

Congratulations Ad for Retiring State Trooper:

It was agreed by the commissioners to run a small box ad in the Meagher County News congratulating recently retired State Trooper, Kirk Barfuss, on his retirement, and thanking him for his years of service to Meagher County and the surrounding areas.

Hospital District Board—Defining Its Role:

Pam Sundstrom and Michael Kakuk, members of the Meagher County Hospital District Board, met with the commissioners to discuss the future scope of the Hospital District Board. A brief discussion on the status of the Meagher County News's lawsuit against the Mountainview Medical Center ensued. Townsend shared his concerns that if a hefty cash settlement were levied against the hospital, it would fall back on the county to pick up the bill. Schlepp shared her opinion that the lawsuit and the Hospital District Board are separate. She said she had spoken with County Attorney, Kimberly Deschene, who pointed out that since open meeting laws have yet to be decided in the courts, there would be no significant money involved.

County Attorney Deschene joined the meeting at 10:00am.

Townsend then pointed out that there are other issues that could lead to large financial settlements. He suggested that the District Board could report monthly. Hurwitz agreed, saying nobody wants to be surprised if something bad were to happen.

Kakuk then told the commissioners that the original scope of the board was narrow but deep. But now that the hospital is eschewing public funds, they are narrow and shallow in scope. He asked if the commissioners wanted the board to stay that way or return to being deep, which he pointed out would lead to more bickering between the district board and the hospital board.

Schlepp said she preferred narrow and shallow. Hurwitz contended there is no harm in looking at things over their shoulder. Sundstrom argued that the district board has a duty to make sure everything is in order. The commissioners, she added, revived the hospital district for that very purpose. Schlepp told Sundstrom she was correct but that she only voted for the Hospital District Board with the purpose of staying narrow and following the flow of county money.

Sundstrom stated that she was under the impression that a hospital district board could be designed by the county commissioners. Kakuk argued that this situation is different, that they came into being at the bidding of the commissioners and therefore they take orders from them.

Kakuk then suggested that the commissioners move that the Hospital District Board's authority and responsibility stay as reported in the District Board's report, namely financial oversight.

Action 2:

Hurwitz moved that the Hospital District Board's authority and responsibility stay as reported in the District Board's report, namely financial oversight. Townsend seconded but asked for further discussion.

Townsend read the section from the statute giving hospital district boards "all powers necessary." Kakuk asked if that was still their charge. Townsend questioned the authority the Commission has over the District Board, arguing that they are an elected body. Kakuk said that might be true but they want to be on the same page with the County.

Townsend moved to amend the motion adding: Meagher County feels responsible for the continuation of this board, and any action that Mountainview Medical Center does that could fall back on the County needs to be addressed. There was no second. The amendment dies.

County Superintendent and member of the Mountainview Medical Center board of directors, Helen Hanson, joined the meeting at 10:10am.

Kakuk asked Townsend if what he means is overseeing anything at all, not just relating to finances. Townsend said he did, as long as it could somehow lead to finance issues. Hurwitz countered that that was not the original charge. Schlepp told Kakuk and Sundstrom the District Board followed the original charge and wrote a great report regarding the 28 mils the hospital had been receiving. But she feels, she continued, that they need to remain focused on the Harmon Trust moneys. The hospital board is doing their best, she continued, and it is time for the community to heal and move on.

Hurwitz argued that he wants financials only, not something that might become financial. He wants to know monthly what's going on. Hanson then said that at the school district, there is a chain of command. As a new hospital board member, she suggested the District Board follow a chain of command as well. Instead of running to the commissioners with a problem, call the hospital or the hospital board first. This is micromanagement, she argued.

Hurwitz asked her if she saw financials as a problem. She replied it is not, and that she would even share her reports with him. Hurwitz said he sees no need to change the role of the District Board. Schlepp asked Sundstrom and Kakuk what they saw their role to be, how much time the plan to spend. Kakuk replied that there were a few questions asked by the public that they were unable to answer. Namely, why does it look like the hospital is paying two people to do what one person used to do? Hanson asked if this was something that needed to be pursued. Schlepp replied it was not. Deschene verified that what they were looking for was a heads-up when there were looming problems. Schlepp countered that the hospital is not in the red. Deschene stated that if the hospital is in the black, it is not the county's business. Schlepp suggested that shallow

is better then. Deschene agreed, stating that the board hired a management company, and that is it! Sundstrom asked then if they would not be looking at 990's, monthly financials, or audits. Schlepp replied that that is all they will look at. Deschene added that all the District Board should care about is whether the hospital fails or not.

Schlepp suggested amending the motion on the table to make the scope more narrow, specifically mentioning monthly financials and audits. Hurwitz argued that he does not care whether the hospital does so well it decides to pay off the FHA loan, he still wants to know the financial situation of the hospital. Sundstrom agreed, stating that the County has had to save the hospital before.

Kakuk suggested the wording for another motion. That due to the clinic declining the acceptance of county mills, Meagher County supports the continuation of the Hospital District Board and the narrowing of its scope to a monthly report of financial information, namely anything publicly available.

Action3:

RESOLUTION 2011-#71

Hurwitz moved that, due to the clinic declining the acceptance of county mills, the Meagher County Commissioners support the continuation of the Meagher County Hospital District Board and the narrowing of its scope to a monthly report of any publicly available financial information. Townsend seconded but requested further discussion.

After further discussion, Townsend moved to amend the motion to include any activities that could adversely affect the Mountainview Medical Center in the future. There was no second to the proposed amendment. A vote was held and the original motion passed unanimously (3-0). It is therefore resolved.

Rich Siebken—CCNR Covenants/Fire District Discussion (Grassy Mountain):

Rich Siebken met with the commissioners to discuss a few issues regarding Grassy Mountain. Also present were Valerie Siebken, Paul Kroeger, and Clerk and Recorder Ogle.

Siebken began by stating he was only there on his own behalf and his wife's. He told the commissioners he had heard from the Forest Service that the mile of fence separating Helena Forest from the Grassy Mountain Subdivision will be repaired by the responsible party, which would usually be the subdivision. But as there is no active homeowner's association representing the subdivision, according to the Forest Service the responsibility falls with the county commissioners. He added that he understood there is \$80,000 in an account, which he felt should be used to make the necessary repairs.

Schlepp asked him what it would take to get an active homeowner's association. Siebken replied that they need the commissioners' help, maybe by holding monthly meetings or raising fees to \$300 to buy a new fence. Schlepp told him that is what the Commission has been looking at doing. Siebken continued that there are many people that have not paid any dues in years, which is obviously a problem.

Schlepp told Siebken that in the next year the association either needs to get active or disband. Siebken told her if she could come up with a solution and get a meeting together that would help greatly. Townsend asked who has the authority to enforce the covenants if they are not followed. Siebken replied that he really had no idea but thought it would be the commissioners themselves de facto if they had anything to with the founding of the subdivision originally.

Schlepp told Siebken she was hearing a lot of frustration. He replied that he was just trying to stop a lawsuit when they actually have money in the bank. He asked her to look at the issue and try to come up with an idea. Schlepp said they would have to consult the County Attorney. She added that she hopes they can appoint a few people from Grassy to a committee and let them take over. If not, she concluded, a petition needs to be started.

Siebken then raised the issue of a fire district. Schlepp told him the Commission's position has not changed. They had accounted for how the money was spent up until two years ago and now

the money is just sitting in an account. Siebken reiterated his plea for help, thanked the commissioners, and left.

Townsend left the meeting at 11:20am.

County Attorney Office Lease—Addendum:

Action 4:

RESOLUTION 2011-#72

Schlepp moved to approve the Addendum to the Meagher County Attorney Office Lease changing the address of the County Attorney Office to 201 West Main Street, effective November 1, 2011. Hurwitz seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

County Attorney:

County Attorney Deschene joined the meeting to discuss her office move and related expenses. They also discussed the Grassy Mountain situation and RC&D.

Meagher County Policy Amendment—Part-Time Holiday Pay:

There was a public comment period regarding a potential change to the Meagher County policy regarding part-time holiday pay. Present for the comment period was Clerk and Recorder Ogle. There was no comment.

Sheriff Department Overtime:

Ogle remained with the commissioners to discuss her findings on a potential change to the pay period for Sheriff deputies making overtime pay more cost-effective. She told them she had reviewed the last six pay periods and found the savings were not significant.

Minutes:

Hurwitz moved to approve the minutes from the previous meeting (October 18) without change. Schlepp seconded. A vote was held and passed unanimously (2-0).

Jim McDanel—IT Issues:

County IT Consultant, Jim McDanel, met with the commissioners to discuss an issue that had arisen recently regarding getting every county employee on the same system. Ogle remained for this portion of the meeting. Hurwitz commented that they thought they had it arranged until recently. He added that McDanel said Triangle Communications had agreed previously to use the existing copper wire between the courthouse and the jail to connect the two for backup purposes. Now they want the county to use their new fiber optic cable, at a cost of \$600 a month. It was agreed to contact Triangle Right-of-Way Agent, Todd Klassy to see if he would lobby Triangle on behalf of the County.

Jon Lopp—Sheriff Report:

Sheriff Lopp met with the commissioners to present his monthly Sheriff report. Ogle was present for this meeting as well. He discussed one criminal case and a mental health case. Schlepp asked him about a claim for a portable weather station. Schlepp pointed out they had reached an agreement previously that large purchases would wait till the end of the year. Lopp replied that he was not aware what the cutoff was for a large purchase. Schlepp told him \$500. Lopp told her he would put it to the Search & Rescue budget and get reimbursed for it.

They then discussed the issue of overtime. Hurwitz reiterated his frustration with the overtime situation, admitting that the ideal solution would be putting all the deputies on salary. Lopp agreed. Ogle pointed out that they do not meet the requirements for becoming salaried employees. Hurwitz also agreed that scheduling is an issue when one needs to schedule for a 40-hour work week. The second there is an emergency, overtime is triggered. Schlepp suggested having each officer write an explanation of the overtime and the situation that caused it. Lopp

said he already does that and will attach those forms to the time sheets from now on. Schlepp felt it would help greatly if the commissioners knew what caused each instance of overtime. Lopp added that Deputy Shane Sereday would return from the Academy on December 9, which would help the overtime situation greatly.

Schlepp left the meeting at 3:35pm.

Public Comment:

There was no public comment.

Claims:

Commission was presented Voucher #1226, CK#43153 through CK#43217, totaling \$34,279.58; and Voucher#1227, CK#43218 through CK#43219, totaling \$2595.80. Commission approved and signed checks as presented. CK#43130 totaling \$652.50 was voided as it needed to be divided into two separate checks. Payroll Voucher#7, CK#217986 through CK#217999 totaling \$11,939.06; Payroll Deductions Voucher#1224, CK#43137 through CK#43143, totaling \$86,772.23; and Health Insurance Voucher#1225, CK#43144 through CK#43152, totaling \$21,976.68 were also presented and approved.

Meeting Adjourned:

Vice Chair Hurwitz adjourned the meeting at 4:00pm..

Next Meeting:

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

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

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

Tuesday
November 8, 2011
8:45am – 3:30pm
Met in Commissioner's Chambers

Meeting Called to Order:

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

Commissioners Present:

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

Travis Monroe—Senator Baucus Field Representative:

The commissioners visited with Travis Monroe, the Field Representative from Senator Max Baucus's Bozeman office.

J.R. Shinabarger—Jail Boiler:

Building Maintenance Supervisor, J.R. Shinabarger, met with the commissioners to inform them that the new boiler is up and running.

Kyle Harlan—Non-Residential Building Inspections:

Kyle Harlan, the newly contracted inspector for non-residential buildings in Meagher met with the commissioners to leave some business cards and other information.

Increase in Mil Levy:

There was a lengthy discussion on where and why the number of mils levied increased. Ten mils were due to changes made by the Commission and nineteen were for education.

Aaron Blair—Tobacco Prevention:

Tobacco Prevention Specialist, Aaron Blair, visited with the commissioners to give an update on the Tobacco Prevention Program.

Rick Seidlitz—Fire/DES Update:

Rick Seidlitz visited with the commissioners regarding fire information.

Harold Jerrell—Martinsdale Water:

Harold Jerrell met with the commissioners to discuss his unpaid fees to the Martinsdale Water District, which had recently been added to the County tax rolls.

Tour of County Road in Martinsdale Area:

The commissioners were away from chambers in the afternoon in order to tour a damaged county road in the Martinsdale area. Road Department Supervisor Ray Ringer joined them.

Public Comment:

There was no public comment.

Minutes:

Minutes from the previous meeting were not discussed.

Claims:

Commission was presented Voucher #1228, CK#43220 through CK#43250, totaling \$21,981.04. 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 15, 2011.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Commission Chair, Nancy Schlepp
Distributed November 15, 2011 to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle

Tuesday
November 15, 2011
8:30am – 3:35pm
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.

Canvass City Election Results:

Clerk & Recorder, Dayna Ogle and Clerk of the Courts, Donna Morris, joined the commissioners to canvass the votes from the recent city election. Morris left the meeting.

County Bidding Policy:

Hurwitz raised the issue of a claim for equipment rental from Ringer Trucking and signed by Road Department Supervisor, Ray Ringer. Ogle had left a note on the claim wondering if the equipment rental had gone to bid. The original bid from December 2009 was for four months. It was agreed not only that Road Foreman Bruce Smith should sign off on any claims submitted by Ringer for Ringer Trucking, but that things like this need to be re-bid if the original bid period has expired.

Agreement with Stelling Engineers—WSS Airport:

The commissioners signed a letter of intent to extend the County's contract with Stelling Engineers for another five years to help manage grants for the White Sulphur Springs Airport.

Chairperson Schlepp joined the meeting at 11:15am.

Kari Jo Kiff—County Health Nurse Monthly Report:

County Health Nurse, Kari Jo Kiff, visited with the commissioners to share her monthly County health update. Of particular concern, she mentioned that she would be doing the final report on the Billing Pilot Project. It will focus on how the billing went with respect to reimbursements on private vaccine. Also some new provider agreements are put in place, including with Medicare. Also of interest, there is a Pertussis outbreak in Gallatin, Park and Lewis and Clark Counties. As of the moment, there have been no confirmed cases in Meagher County. And finally, Kiff shared that she had administered 157 flu shots in the month of October.

Pam Walling—MACo Health Care Trust Update:

Pam Walling from MACo Health Care Trust met with the commissioners to share some updates MACo has made to the Health Care Trust. Also present was Clerk and Recorder Ogle and Ivan Bodell. Walling handed out copies of the updated trust document to the commissioners and Ogle and walked them through the changes. The changes, she added, were part of an effort on the part of MACo to strengthen the Trust and bring it up to date.

She also mentioned a 15-page mailing the enrollees received recently. Due to Federal Health Care Reform, she said, MACoHCT is required to distribute the recent amendment to its members 60 days prior to the effective date. She handed the commissioners and Ogle a sheet with bullet points highlighting the changes.

She addressed changes to the Caremark pharmacy benefit program, namely efforts to encourage the use of generics and to improve pharmacy benefits for basic or high deductible plans. She mentioned the possibility of doing another wellness screening for the Health Care Trust enrollees and spouses. It was agreed to do it once again.

Ivan Bodell:

Road Crew employee Ivan Bodell visited with the commissioners to share an update on his recovery from the accident he had earlier in the year.

Public Comment:

Jim Richard, who has been spearheading efforts to develop proposals for Meagher County and the City of White Sulphur Springs for projects to utilize Montana Department of Transportation Community Transportation Enhancement Program (CTEP) funds, met with the commissioners to share his final grant application. The proposal for the County includes six separate projects—three for the golf course and three for signage—for a total project cost of \$12,600-\$24,800, including a 13.42% local match of \$1691-\$3328. Richard said some of his committee members did not feel comfortable allotting so much of the fund money to the golf course. It was agreed by the commissioners to use CTEP funds to purchase materials for the new fence at the golf course, but that the golf course should find volunteers to put up the fence. Richard said he would make that change in the grant application. It was agreed by the commissioners to sign the application, conditional on the change being made. Schlepp signed.

Minutes:

Minutes from the previous meeting were not discussed.

Claims:

Commission was presented Voucher #1229, CK#43251 through CK#43264, totaling \$10,031.19. Commission approved and signed checks as presented.

Meeting Adjourned:

Schlepp adjourned the meeting at 3:35pm.

Next Meeting:

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

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Nathan Sanders
Distributed December 6, 2011 to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle