

PROCEEDINGS OF THE BOARD OF THE COMMISSIONERS
MEAGHER COUNTY, MONTANA

May 1, 8, 15, 22, 2012

Tuesday

May 1, 2012

8:30am-3:20pm

Met in Commissioner's Chambers

Meeting Called to Order:

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

Commissioners Present:

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

Sue Phelan—Mobile Home Taxes:

County Treasurer, Sue Phelan, met with the commissioners to discuss the possibility of forgiving the taxes on three mobile homes, two on land owned by Ken Mikesell, and one on land owned by Florence McAfee.

Action 1:

RESOLUTION 2012-#28

Commissioner Townsend moved to forgive the taxes on and remove from the tax rolls the following mobile homes: one owned by Michelle DeWald, with unpaid taxes totaling \$313.76; one owned by Dennis Bender, with unpaid taxes totaling \$160.66; and one owned by Dorothy Hemsworth, with unpaid taxes totaling \$279.32. Vice Chair Hurwitz seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

Mike Leonard, from Grassy Mountain, came to sit in on the meeting.

Kyle Harlan—Building Inspection Contract:

Kyle Harlan, the County's contract non-residential building inspector, met with the commissioners to give an update. He said the commissioners still need to adopt the state building codes, submit that to the state with his certifications, and form a five-person board of appeals. It was agreed to put the resolution on the agenda at a future meeting. Harlan told the commissioners he would put together a board of appeals.

Rich Siebken, Grassy Mountain—Subdivision Fencing/Money Collected:

Rich Siebken and his wife, Valerie, joined the commissioners to discuss a few issues regarding Grassy Mountain. Also present were County Attorney, Kimberly Deschene and County Fire Chief, Rick Seidlitz. Siebken told the commissioners he still had some questions he had previously asked the Commission that have yet to be answered. Namely, if the CCNRs need changed do the commissioners need to sign off on them? The current covenants, he added, state that ranchers will deal with the subdivision as a whole, not the individual landowners. He said he would like a copy of the contract giving the subdivision that responsibility.

He asked if there was a way to access the \$80,000 held in the subdivision checking account in order to repair the fencing. Deschene told the commissioners that they can and should take over the Homeowners Association and then disband it. Then the landowners could re-form the association and start from scratch making their own covenants. Schlepp asked if they are still paying dues to the Homeowners Association. Not since 2008, Siebken replied. Valerie asked whom the Forest Service would sue to get the fence repaired. Hurwitz told her it would be the individual landowners. She asked who gets the money in the account. Deschene said it should be given back to the homeowners. There was wide disagreement that this was even possible. She then suggested putting the money into a trust and letting it sit. Then a newly formed Homeowners Association could access it.

Siebken contended that when the subdivision was created, the County had input regarding rules, regulations, and covenants. Therefore, the responsibility for the subdivision falls back on them in the absence of a functioning Homeowners Association.

Hurwitz moved to abandon the Homeowners Association.

Deschene said it might be illegal to do so but it is important to act. Schlepp countered that she wanted things done right. Siebken said there may be people to work on these issues on an interim basis but they need the Commission's support. Hurwitz told him it is not the County's problem. He said he sympathized with their situation but they really need to hire an attorney. Deschene told the commissioners the biggest favor they can do for the residents at Grassy is to disband the Homeowners Association and allow them to re-form. They could call a meeting, elect themselves, and start making decisions. Valerie pointed out that only 5% of the homeowners needed to be present in order to make decisions, which would be eight people.

Hurwitz reminded the group that he had a motion on the floor. Schlepp told him she was not comfortable acting since this was not on the agenda. The motion died as there was no second. Seidlitz contended that if the homeowners association was disbanded, the money would be stuck in that account forever.

Siebken asked why it was even necessary to have a Fire District if there was no Homeowners Association. Hurwitz agreed, saying he would love for the District to disband and have everyone covered the same as everyone else in the County. Schlepp pointed out there was money in the Fire District fund which they would like to use. Hurwitz stated that the County does not want to collect it anymore. Valerie said they don't want to pay it anymore. Hurwitz added that the County does not want anyone under the illusion that their structures are protected. Siebken said he knew of several people who would be interested in serving on the Fire District Board of Directors.

The Siebkens and Mike Leonard left the meeting at 10:35 am.

John Dracon:

John Dracon met with the commissioners to review some issues that arose the previous time he met with the commissioners during public comment time on April 10. With him was Steve Sundstrom. Also present were Rick Seidlitz and County Extension Agent, Nico Cantalupo. He told the commissioners he would like to address the conduct of the commissioners when there are members of the public speaking to them. He presented two letters, one which was addressed to CEO of Mountainview Medical Center, Aaron Rogers. The other was addressed to Commission Chair, Nancy Schlepp. He read both letters to the commissioners and requested they be added to the public record.

He told Schlepp that the Chair is required to maintain civil discourse. He added that while he was out of line during the meeting, it was due to "sufficient provocation" and "rudeness beyond belief", when he was interrupted from behind by Rogers. He asked the commissioners to review their protocol. Hurwitz agreed with Dracon, telling him if someone was allowed to talk over him, that was wrong.

Townsend countered that the letter addressed to Rogers should not be made public as it was addressed to him personally and not to the commissioners. He said the other one was addressed to a commissioner so that should be made public. Schlepp told Dracon that he could not see it, but she did call on Rogers to speak. Sundstrom added that in light of Rogers "coming unglued" in the meeting previous to the last one, something needs to be done.

Dracon and Sundstrom left the meeting at 10:50.

Kimberly Deschene—Policy Handbook Review/County Attorney Update:

Deschene rejoined the commissioners to discuss a change to the Policy Handbook and to give her weekly update to the commissioners. Also present was Clerk & Recorder Ogle. Deschene

handed out some sample language that she suggested could replace the County's Disciplinary Policy.

She mentioned the most recent legal action against the County, involving a former employee who claims discrimination and retaliation. While she realized the commissioners really wanted her to take on the case, she would rather not, she told them, as she is incredibly busy. If MACo will handle the case, she continued, the County should let them since they already pay them top dollar to do this kind of work. Hurwitz disagreed, telling her he wants her to do this. That it will be good for her. And good for the County. Deschene countered that she has never done a response in a case like this before and does not want to make a mistake. Hurwitz told her she should ask them for guidance. If she hands off to MACo, he told her, they would hand it to the insurance company, who would then settle. "I hate that!" he concluded. Deschene argued that once she starts, she would not be able to get out of the case. She was not even sure she can handle the case. Schlepp told her she was excited to have her handle the case, but conceded that because she is an elected official, the decision should be hers. Deschene pointed out that the case revolves around human rights. She is concerned that MACo might not handle the claim if she were to lose.

Deschene then informed the commissioners that the State Attorney General is going to force the County to open the gate put up across a county road by Howard Zehntner in the Tenderfoot area. She cited letters the commissioners had signed a few weeks previous supporting the land acquisition program by the Forest Service in that area, where they supported continued public access to the area. By not opening the gate, the Attorney General said, the commissioners are effectively talking out both sides of their mouths. Deschene wondered if they should send the Sheriff out to unlock the gate. Hurwitz said they should. Schlepp suggested speaking with Zehntner first. Deschene agreed, saying that after that she will issue tickets and send the Sheriff with bolt cutters.

Schlepp made it clear that unlocking the gate does not mean they agree with opening it. The gate is on state property and should therefore be handled by the state, she added. Hurwitz added that the state controls all roads on state lands.

Ogle then showed the commissioners a copy of the Drug and Alcohol Policy she had received from Lane & Associates, the group that administers the County's drug testing program. She suggested they just adopt it as is as the County's new policy. She then addressed changes that had been discussed in previous meetings to the Probationary Period and Insurance Benefits sections of the Policy Handbook.

Action 2:

RESOLUTION 2012-#29

Townsend moved to accept the changes to the Probationary Period and Insurance Benefits sections of the Meagher County Personnel Policy Handbook as presented, and to adopt the Drug and Alcohol Policy from Lane & Associates in its entirety. Hurwitz seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

Minutes:

Action 3:

Townsend moved to approve the minutes from the April 10 and April 17 meetings without change. Hurwitz seconded. A vote was held and passed unanimously (3-0).

Russell van Lieshout—Personal vs. County E-mail Usage:

Van Lieshout met with the commissioners to discuss the advantages of using the official county e-mail accounts versus the private accounts each is currently using. Namely, he cited security and privacy as the two major issues.

PUBLIC COMMENT:

Carol Hatfield, Ranger, USFS—Letter Supporting Tenderfoot Land Acquisition:

Carol Hatfield joined the commissioners to have them sign another letter in support of the Tenderfoot land acquisition program being undertaken by the Foreign Service. She said the House Appropriations Committee was still inquiring about the commissioners' support and the letter Chair Schlepp had signed weeks before in support of the program. Hatfield said there were rumors on the Hill that one of the commissioners did not support the program. Schlepp pointed out that she signed on behalf of all three commissioners after a unanimously approved resolution reiterating Meagher County's support for the program. She was not sure why they needed to sign another letter saying basically the same thing.

Hurwitz said the commissioners agree that the gate needs to be opened. He mentioned he had suggested to Bob Dennee repeatedly the option of building a road up and around the gate off of Howard Zehntner's property. Hatfield stressed the importance of maintaining historical access to the road. Hurwitz told her the main problem is that the road has changed through the years and they cannot prove the road is where it was when it was first made public.

Hatfield mentioned that she was aware the Attorney General was looking into this. Hurwitz suggested making everything past the gate historical, building the new road to get there, naming it a county road, and the Forest Service maintaining it. Hatfield replied that she is just trying to get this project done. Without the support of the commissioners, she told them, it could fall through.

Hurwitz stated that the way this issue has been handled so far is killing fifty years of goodwill between the Zehntners and the community. He has let everyone who asked hunt, fish, camp, on his property. It would leave a sour taste in the commissioners' mouths having to force Zehntner to open the gate, he continued. Schlepp suggested removing from the letter the sentence about the road and just support the land purchase, keeping the issues separate. Hatfield said she just wants to get past the gate. Once they are past the gate, she said, they could just drop right down to the creek on Forest Service land. She cannot even get the public on to the Forest Service land as things stand, she continued. Hurwitz expressed his surprise, saying he thought the plan was to go across the Mongar, which is Zehntner's property. This makes things much easier, he said. He told her the County could open the gate. Townsend countered that it is not the County's business. Schlepp reminded him they had already agreed to open the gate that morning. Hurwitz said he did not realize the road goes directly from state land to Forest Service land. He asked Hatfield if the Forest Service would maintain the road. Townsend wondered again why the County is being forced to open the gate when it is on state land. Hatfield pointed out that it is a county road. Schlepp pointed out that the County Attorney is being directed by the State to open the gate.

Schlepp asked Hurwitz and Townsend if, knowing what Hatfield needs, they sign the letter. Hurwitz said he wanted something in writing that the Forest Service would maintain the road, forever. Hatfield told him she would bring him a copy of the road use agreement. Townsend wanted it made clear that the County is not endorsing the taking of private land. Schlepp asked again, do they sign the letter? Townsend said they need to make it clear that it is state and federal, not private, property. In the end, it was agreed to sign the letter, which they did.

Claims:

Commission was presented Voucher #1265, CK#43948 through CK#44002 totaling \$54,423.99. Commission approved and signed checks as presented. Also presented were Health Insurance Voucher #1264, CK#218091 through CK#218099, totaling \$19,285.07; Payroll Deduction Voucher #1263, CK#218084 through CK#218090, totaling \$89,966.34; and Payroll Voucher #15, CK#218068 through CK#218083, totaling \$21,421.45. Commission approved as presented.

Meeting Adjourned:

Chair Schlepp adjourned the meeting at 3:20pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, May 8, 2012.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Nathan Sanders
Distributed May 8, 2012 to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle

Tuesday
May 8, 2012
8:30am-4:00pm
Met in Commissioner's Chambers

Meeting Called to Order:

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

Commissioners Present:

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

Road Department Wages:

Road Department Supervisor, Bruce Smith, met with the commissioners to make official new wages and positions for Road Department personnel. Also present was Clerk & Recorder, Dayna Ogle.

Action 1:

RESOLUTION 2012-#30

Vice Chair Hurwitz moved to give Tim Collins a promotion to Road Department Foreman with an hourly wage of \$16.30 and a monthly \$50 cell phone stipend, effective March 27, 2012. Commissioner Townsend seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

Action 2:

RESOLUTION 2012-#31

Chair Schlepp moved to give Bruce Smith a promotion to Road Department Supervisor with an hourly wage of \$21.00, effective March 27, 2012. Townsend seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

Budget Discussion:

Action 3:

RESOLUTION 2012-#32

Hurwitz moved to accept the final budget for fiscal year 2011/2012 as presented on September 6, 2011. Schlepp seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

Janitor/Maintenance Person:

The commissioners briefly discussed the possibility of hiring a janitor and/or maintenance person. It was decided to run an ad starting the following week that the County was looking to hire a janitor.

IT Discussion:

IT consultant, Jim McDanel, briefly met with the commissioners to discuss the e-mail issue—whether commissioners would use their private e-mails or the county e-mails. He also told them he did not think the new server he had been talking about installing, would be necessary. Ogle suggested they consider budgeting for it regardless.

Ambulance Barn Bids:

Sara Driemeyer, Ambulance Board Chair; Jack Berg, Board Member; Fire Chief and EMT, Rick Seidlitz; and Mayor, Julian Theriault met with the commissioners to discuss the bids received to build the new ambulance garage. First, Theriault presented the commissioners with a lease agreement for the garage to sit on city land at a cost of ten dollars per year for 99 years. Schlepp duly signed.

Berg explained that they had received five bids total, four on the structure and one on electrical alone. He shared his frustration that the bids were all over the place, ranging from less than \$50,000 just for the structure alone, up to \$300,000 for everything included. He asked the commissioners whether they felt the whole project should be re-bid or if they should go back to each bidder asking for more details. After further discussion, it was agreed that they would work with the County's non-residential building inspector, Kyle Harlan, to come up with a more detailed set of plans that meets the state building codes.

Berg then gave an overview of the finances involved in building the new garage. The Ambulance received \$15,000 in a grant from the Bair Family Foundation. There is currently \$230,000 in the capital fund, of which \$80-90,000 needs to remain there for ambulance replacement. That leaves \$150,000 for the building itself. At the bare minimum, he continued, they would need \$130,000 for the most basic package for the structure. He asked if the County had any resources available to help out. Hurwitz asked what the Ambulance's mil is. Berg replied that it was one mil, last time there was one assessed. Schlepp pointed out that they would be budgeting next month and recommended they wait till then. Townsend asked if there was any revenue from operations, excess of expenses. Berg replied they are \$23,000 over expenses, but stressed that he did not want to count on using that money for a garage. Townsend wondered if the Forest Service money, Title I and Title II, could somehow be used for this, and if the Ambulance could somehow be tied in with Fire.

Hurwitz asked about the possibility of borrowing, and committing one mile to pay off the loan. Schlepp recommended they meet with Harlan to nail down the specs. The earliest they would know about finances, she added, is the second or third week of June. Berg asked to make it clear that the Ambulance Board had made no decisions, but rather came to the commissioners in an advisory role. He asked how they should proceed. Hurwitz told him that after working with Harlan to shore up the specs, they would return to the bidders and ask them to resubmit. They will tell them the bid process was inconclusive and need to rebid.

Action 4:

Townsend moved to reject the bids received for the construction of the new Ambulance garage, and to re-bid with more specific requirements. Hurwitz seconded. A vote was held and passed unanimously (3-0).

Grassy Mountain Fire District:

The following residents of Grassy Mountain met with the commissioners to discuss the Fire District: Rich and Valarie Siebken, Rita Hickey, Jack Lutgen, Sam Bakke, and Kevin Moyer. Also present were Fire Chief, Rick Seidlitz, and Chris Schlepp. Seidlitz began by giving a brief historical background of Grassy Mountain and the Fire District. He said originally there was a contract between the Fire District and the County in which the County would provide fire protection for ten years. The contract expired in 2005 and has yet to be renewed. As things stand currently, the commissioners are the de-facto board of the Fire District, as it is no longer active. Up until three years ago, he continued, the County was spending the money brought in through taxes from the Grassy landowners for the purpose of fire protection. Since then it has simply collected the money and let it sit in an account. Seidlitz told the group that the commissioners do not want to make any decisions on behalf of the Fire District as they do not know what the landowners want. That is why they called the meeting, to get an idea which direction the landowners want to head.

He told them they have two decisions. First, they can dissolve the Fire District. If they did that, they would have the same fire protection as the rest of the County. He pointed out the County Fire Department is strictly a wild land firefighting unit, whereas the City is structure. They would respond to a structure fire though. Rita Hickey asked him what his professional opinion was. He said if it were his decision, he would build a barn, keep two trucks there, and handle the training.

Schlepp explained the dissolution process. She said 40% of the landowners and 40% of the landmass would have to vote to dissolve. Moyer contended that even with a garage and two trucks, there just isn't the manpower to maintain a fire crew. Seidlitz conceded that was true. That was true with the County too. But the alternative was to quit fighting fires. Hurwitz stated that with no access in winter, a wild lands fire entity is the right option.

Lutgen asked what it would cost to build a two-stall firehouse. Seidlitz said they would build the same thing they are building in Ringling, a three-stall garage. There would only be two trucks there for now but he foresaw keeping one more there in the future. It would be cheaper to build for that now than to have to make changes in the future. As for the cost, it would have to be bid. Hickey asked where the money would come from. Schlepp replied that it would come from the Fire District taxes. Currently there is \$20,397 in the GMFD fund, with another \$7000+ coming in this year in taxes. Seidlitz told her that low-interest financing is available for government entities.

Seidlitz explained that in exchange for the County providing the trucks and the training, mutual aid would be expected. Meagher County Fire would come to Grassy to fight fires but Grassy would be expected to come help Meagher County Fire in return. Hurwitz told the group that one of his main concerns is that there is no structure protection. He does not want anyone under the illusion that their structures are protected.

Schlepp then addressed four questions that were e-mailed in by the Turners, Grassy landowners who were unable to attend the meeting. First, they wondered how the fire hall would be paid for. Schlepp responded that it would be paid for with the tax money that had already been brought in, currently \$20,397. Second, they wondered if the road to the fire hall would be maintained. It would be plowed in winter, Schlepp stated. Third, is the fire hall on the north side of the subdivision? Yes it is. And finally, can a deal be negotiated with the County for snow removal beyond the fire hall in winter. Schlepp said the road would be treated as any other road in the County. It could be plowed for a fee if there was a plow already in the area. The County would not compete with private business, however, if someone was already doing the job.

Seidlitz presented a list of eight Grassy landowners willing to serve on the Fire District Board. He said ideally it is best not to have firefighters on the Board, which eliminated three on the list. He gave an overview of what would be required of the Board, including writing by-laws, building the garage, and purchasing liability insurance. Townsend reiterated to the group that first they need to decide whether to have a Fire District or not. Schlepp said the commissioners cannot do anything for them. Hurwitz said he does not want to force a board on them. Schlepp told them it is to their benefit to have a board. Seidlitz told them that right now they have no board. The commissioners are the de facto board but they will not act. Bakke asked Seidlitz if the County would provide fire protection if they disbanded. He said they would.

Hurwitz explained that the County had used the money collected in Fire District taxes up until three years ago, but then they stopped using it. They no longer want to collect it.

Action 5:

Schlepp moved to appoint the following as trustees on the Grassy Mountain Fire District Board: Erin Fryer, Rich Siebken, Joe Hickey, Kelly Tilleman, and Tracy van Wormer. A vote was held and passed 2-1, with Hurwitz voting against.

Hurwitz said he voted against the Board because the assembled group did not seem sure what they wanted. Seidlitz agreed but argued there is already a Fire District, so something had to happen. Hickey suggested that even before the Board is up and running they could do many things to make Grassy a fire safe neighborhood.

Clean Up Day:

Mayor Julian Theriault joined the commissioners to discuss the annual Clean Up Day. City Council had decided that Clean Up Day would be on Saturday, June 2, from 8:00am to 4:00pm, he told the commissioners.

Action 6:

RESOLUTION 2012-#33

Hurwitz moved to make June 2, 2012, County Clean Up Day, with the hours from 8:00am through 4:00pm, and all County employees who volunteer at least half a day will be given a full day off in exchange, with the department head's prior approval. Townsend seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

Adopt State Building Codes:

Action 7:

RESOLUTION 2012-#34

Townsend moved that Meagher County adopt the State's building codes. Hurwitz seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

Kari Jo Kiff—Health Nurse Report:

Health Nurse, Kari Jo Kiff, met with the commissioners to give her monthly report. Of note, she told them the Public Health Department has received a Charles M. Bair Family Trust grant for \$6000. She discussed possibly doing employee evaluations with (her assistants) Lorna Fox and Aaron Blair. It was strongly recommended that she not do this. And she mentioned \$9 in refunds to two families she has to give for mistakenly receiving co-pays for immunization visits in which co-pays are not required.

Tenderfoot Gate:

Howard Zehntner visited with the commissioners to discuss the locked gate he has put up near his property over a county road on state property. Also present were Sheriff, Jon Lopp, and County Attorney, Kimberly Deschene. Townsend showed Zehntner a copy of the letter the County had received from the State Attorney General saying the State will sue the County if the gate is not unlocked. Zehntner countered that the state has no leg to stand on. He is renting state ground and can therefore put a fence up. Townsend countered that the state will cancel his lease. Zehntner said they can but only every ten years.

Hurwitz assured Zehntner that the commissioners were on his side when it comes to *his* land. But the state will sue if the County does not force him to open his gate, he continued. Zehntner told him that (former County Attorney) John Potter maintained that a road that is not maintained is not a road. And this road has never been maintained. He showed Hurwitz a survey in which the gate is at the point where the county road ends. Schlepp countered that the state road begins past the gate. Zehntner argued that he owns the improvements.

Deschene assured Zehntner that she was on his side as well, but that the state will enact a special supervisory role over her forcing her, as an officer of the state, to proceed with prosecution if the gate is not unlocked. Zehntner showed the commissioners pictures of a sign that has been up for 60 years saying the road dead ends in six miles, right where the gate is located, he contends. Deschene countered that First American Title did a survey of the area and they are certain that the county road extends past the gate. She does not know how to dispute that, she said. Zehntner said they need to get the Attorney General out to see the area for himself.

Schlepp told Zehntner that the big issue in this case is that the gate is on state land. The state tells Deschene to handle this, and as an officer of the state, she has no choice but to do so. If the gate were on his land, she told him, there would be no problem. Hurwitz reiterated that he cannot lock the gate on state land. After further discussion, Zehntner finally agreed, saying he would unlock the gate. He is not happy about it. And he will not help anyone who gets stuck, as he has in the past. Deschene told Zehntner that's all she is asking, to open the gate. She told the state she would do that and nothing more. Hurwitz stated that all along they have told everyone to leave the Zehntners alone and build the road up on the logging track around their property. Zehntner said he even told them that too, that that they do not have to cross his land.

By way of confirmation, Schlepp told Zehntner that Deschene would tell the Attorney General that he would leave the gate unlocked. Zehntner agreed, adding that he was still going to write the Attorney General a letter. Townsend suggested posting a sign saying "Travel at Your Own Risk." Schlepp thanked Zehntner and assured him he was saving himself a lot of heartache.

Jon Lopp—Sheriff Report:

Sheriff Lopp met with the commissioners to give his monthly report. First he discussed the Red Ants Pants Music Festival, telling the commissioners they were not planning to spend any more than they did last year. He then mentioned the transient assistance program, in which transients passing through the County who need help are given \$5 vouchers for food and \$10 vouchers for

gas. If it's the winter time and a child is present as well, the County puts them up in a hotel for the night. He suggested raising the amounts of the vouchers.

Action 8:

RESOLUTION 2012-#35

Hurwitz moved to raise the amount given out in the transient assistance program from \$10 to \$20 for gas and from \$5 to \$10 for food. Townsend seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

Lopp concluded by saying he is on target to have about \$20,000 left in his budget for the year. He discussed getting the vehicles set up with videos, a total of \$9000 for three vehicles. The commissioners agreed that it was okay as long as it was in his budget.

Clerk & Recorder Update/Policy Handbook Review:

Clerk & Recorder Ogle met with the commissioners to give them an update, and also to discuss a change to the Personnel Policy Handbook.

Action 9:

RESOLUTION 2012-#36

Hurwitz moved to adopt the new Disciplinary Policy as presented. Townsend seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

Ogle then mentioned to the commissioners that auditor Sharon Tripp has to make some revisions to the final audit report.

Minutes:

Action 10:

Townsend moved to approve the minutes from May 1 meeting without change. Hurwitz seconded. A vote was held and passed unanimously (3-0).

PUBLIC COMMENT:

There was no public comment.

Claims:

Commission was presented Voucher #1266, CK#44003 through CK#44031 totaling \$17,780.78. 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, May 15, 2012.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Tuesday
May 15, 2012
8:00am-12:00pm
Met in Commissioner's Chambers

Meeting Called to Order:

Chair Schlepp called the meeting to order at 8:00am.

Commissioners Present:

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

Appoint Board of Appeals (Building Inspection):

Action 1:

Vice Chair Hurwitz moved to appoint the following to the County's new Board of Appeals for building inspections: Daniel Rooney, Jerry Churchill, Paul Kroeger, Richard Pauley, and Vince Forsman. Townsend seconded. A vote was held and passed unanimously (3-0).

INSURANCE PROPOSAL REVIEW:

Schlepp welcomed the gathering in the courtroom at 8:30am. Present for the meeting were Clerk & Recorder, Dayna Ogle; Treasurer, Sue Phelan; Deputy Treasurer, Shauna Porter; 4-H Program Assistant, Bethany Steinken; Road Supervisor, Bruce Smith; Road Foreman, Tim Collins; Road Crew members, Jim Gregory and Nick Lester; City employee, Daryl Mesecher; from the MACo Health Care Trust, Sheryl Wood, Pam Walling, and Tracy Thatcher; and Julie Blockey.

Julie Blockey:

Blockey briefly introduced herself and then gave an overview of her proposal. She presented Blue Cross/Blue Shield as the health insurance option. She said normally a proposal would include a "bells and whistles" package and a high-deductible package. She included the "bells and whistles" package but substituted the high deductible plan with a modified "bells and whistles" plan. She walked through the benefits and costs of the two plans. The City workers, she said, had had some concerns about a possible \$35 deductible. Also her biggest concern was making sure everyone had pharmacy coverage. An Employee Assistance Program (EAP) would be included as well. Group life, through Unum, would include \$20,000 available to all regardless of health status. She briefly touched on dental, offered through Guardian, and vision packages as well.

Janine Rooney:

Rooney briefly introduced herself and gave an overview of her proposal. She said she tried to match her proposal as closely as possible to the plans currently held by the County. The rates are considerably lower and in some cases the benefits are significantly different. Her proposal for health was also Blue Cross/Blue Shield. She gave two dental options, one from Guardian and one from Delta. She also had a vision option from Guardian. She included two group life options as well, one from United Heritage, which would have no portability, and one from Guardian, both for \$20,000 of coverage. She concluded by addressing the option of a high-deductible plan with a health savings account.

At 9:15am Gene Dreidlein joined the meeting.

Pam Walling:

Walling, from the MACo Health Care Trust, was joined by Sheryl Wood and Tracy Thatcher. Wood began the MACo presentation by focusing on the value-added benefits they provide, namely that their number one concern is for the counties they serve and their employees. They take a proactive approach focusing on wellness. Thatcher mentioned that she has individual options as well. Walling told the gathering that with MACo they can actually offer five plans to

employees. Allegiance is their partner and 98% of providers in Montana contract with them so there are no worries about networks. And all plans have first dollar coverage. She covered some more details of their plans, including a case manager who will get involved in certain cases, a wellness program, and 24-hour nurse hotline. Then she briefly touched on dental, vision, and group life, \$20,000 of which is included with the plan.

One of the advantages to staying with MACo, she continued, is that rates will not increase by more than 5% over the average. Townsend mentioned that in the past 36 months, Meagher County has received in claims 106% of the premiums it has paid. Wood added that actuaries have come in with almost a 50% premium increase for the year. But the trustees have decided to offer the County a three-year commitment, with proposed rates about 50% lower than they would be otherwise. Hurwitz countered that MACo is a small group, and as unhealthy as Meagher County is, the County might need to be in a larger group that can more effectively absorb the risk.

Plan Comparison:

Schlepp addressed the assembled employees, telling them that the commissioners take the insurance issue very seriously. That if they can get a lower premium, more families can be covered. Mesecher asked her if they had talked to other counties who have used Blue Cross/Blue Shield. Porter said her sons worked there and they both agree that Blue Cross is terrible at paying claims. Mesecher added that he heard that once Blue Cross gets your history, your rates will go up. Hurwitz pointed out that they will go up every year regardless.

Thatcher jumped in saying that pooling is the key. Even in a larger group, she said, one is not rated as a larger group until they have at least 100 participants. That is the big difference between the 35 participants of Meagher County in a group like Blue Cross's versus being in a pool with the 2200 participants MACo has. MACo has a claims history for Meagher County, she continued. Blue Cross does not. That is why they can offer lower rates for one year. Schlepp suggested that if the County were in a true pool, all costs would be spread. She asked if the County can require employees to have annual physicals. Wood answered that they cannot but they can incentivize them to do so. Smith commented that they have been with MACo as long as they have with any company, at least for as long as he has been with the County. Schlepp then posed the question, whether to stay with the continuity of MACo, or to switch and save the employees and the taxpayers money. Walling reminded her that if the County were to leave, they would not be able to return for three years.

Rick Seidlitz—Fire/DNRC:

Fire Chief Seidlitz met with the commissioners to discuss the working relationship between the County and the State when it comes to fighting fires. Also joining Seidlitz were Greg Archie and John Houston, from DNRC, and Jess Secret from the US Forest Service. Houston explained that the State's responsibilities include providing equipment and training, annually inspecting the County Coop equipment, and providing mutual aid and county assist on wildland fires. The County's responsibilities are to designate a fire warden, take on fire in land not otherwise protected, and maintaining the County Coop equipment. They briefly discussed payment agreements.

Automark Public Test:

Clerk & Recorder Ogle ran a test of the Automark voting machine.

PUBLIC COMMENT:

Jim Richard—Golf Course Liability Insurance:

Richard visited with the commissioners to inform them that Jodi Tierney, the County's insurance agent for liability and worker's comp, suggested to the golf course to ask the County to enter into an agreement where the County pays their liability insurance, and the golf course reimburses the County. Schlepp said she supported the idea if it is legal and saves the golf course money. It was agreed to discuss the matter at a future meeting.

Minutes:

Action 2:

Townsend moved to approve the minutes from the previous meeting (May 8) without change. Hurwitz seconded. A vote was held and passed unanimously (3-0).

Claims:

Commission was presented Voucher #1267, CK#44032 through CK#44051 totaling \$8,103.00. Commission approved and signed checks as presented.

Meeting Adjourned:

Chair Schlepp adjourned the meeting at 12:00pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, May 22, 2012.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Nathan Sanders
Distributed May 22, 2012 to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle

SPECIAL SESSION

Tuesday

May 22, 2012

8:15am-11:15am

Met in Commissioner's Chambers

Meeting Called to Order:

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

Commissioners Present:

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

Salary Compensation Board Meeting:

Present from the Salary Compensation Board were Mike Eby and Tary Buckingham. Also present were Clerk of the Court, Donna Morris; Treasurer, Sue Phelan; Clerk & Recorder, Dayna Ogle; and County Attorney, Kimberly Deschene.

Ogle handed out three sheets to the group, one from MACo regarding the recommended COLA for the upcoming year, one with recommended salary increases, and one with Clerk & Recorder wages from surrounding counties. Eby asked if there were any results for projected tax revenue for the year. Schlepp told him it would be at least the same as last year, plus growth, which would likely be very little. Townsend suggested giving the 3.2% COLA to the employees so the County does not fall behind. Hurwitz and Schlepp agreed. Townsend also said he would like to see employees continue to receive insurance contributions, if it came down to that or a raise in wages, simply because the contributions were tax-free.

Justice of the Peace, Jerry Churchill, and County Assessor, Becky Hurwitz-Leger, joined the meeting at 8:30am.

Hurwitz-Leger told the group that the county wide taxable value for this current year is \$2,979,970 and it is projected to be \$3,136,334 for the coming year but is subject to change. The County could lose quite a bit, she added, in protested taxes. Hurwitz suggested getting the Department of Revenue folks to meet with the commissioners again in the near future. Hurwitz-Leger said she would take care of it.

Hurwitz added that because of the two positions eliminated in the past year, salaries should be down. Townsend agreed, adding that if Hurwitz-Leger's numbers are right, there will be enough money to cover the COLA.

Action 1:

RESOLUTION 2012-#37

Townsend moved to grant the Cost of Living Adjustment of 3.2% to County employees for the fiscal year 2012/2013. Hurwitz seconded. A vote was held and passed unanimously. It is therefore resolved.

Schlepp said that as far as insurance contributions go, they really need to wait until a decision is made on which insurance carrier they will use. Townsend said if they save money by eliminating positions, he would like to see the money go toward salaries. Schlepp said they need to look at Ogle, who is taking on huge responsibility over and above her job. Buckingham suggested they look at the Treasurer too. Phelan said they receive 3% from the school as an administrative fee for managing their money. Hurwitz-Leger said they have not certified values and will not until July.

Schlepp adjourned the meeting at 8:45am.

Insurance Proposal Final Review/Decision:

Schlepp called the meeting to order at 9:10am. Present were Deputy Clerk & Recorder, Christy Rogers; Deputy Treasurer, Shauna Porter; Clerk of the Court, Donna Morris; County Attorney, Kimberly Deschene; City employees Daryl Mesecher, Lonnie Ripple, and Rocky Vinton; Tary Buckingham; and Julie Blockey.

Health/Life Insurance

Rogers began the meeting by giving a brief overview of the options on the table. She said they had run the numbers and MACo's premiums were astronomical. Julie Blockey, of the Southwestern Montana Financial Center, had already narrowed the options down to two for the County, a Tier 1 option and a Tier 2 option, which is the equivalent to the basic plan the County has now. With Tier 2, employees with families would get increases but it would be the lowest increase among the various options offered. Janine Rooney, from Western States, offered seven plans.

Next, Porter read a letter she and some colleagues had written to the commissioners with their recommendations regarding health insurance. They would like to see a plan from each end of the spectrum, namely something the equivalent of the current RM1000 plan and also a high-deductible plan with a health savings account.

Schlepp pointed out that Rooney's rates are higher than Blockey's but Blockey's life insurance rates are higher. Blockey pointed out that her life rates include no reduction in coverage before age 70 and they include all employees and spouses. With Unum, she added, an employee can buy \$10,000 to start and can add \$50,000 more up until the next open enrollment period, no questions asked. And it's portable!

Schlepp asked Blockey if 90-day supplies of prescriptions are available. Blockey said they are, and they are available through the local pharmacy.

Blockey said she was a huge fan of the high-deductible plan, but after meeting with the employees, many of whom have little money, she felt it was more important to get all employees prescription benefits and an ER copay. Schlepp asked about pooling. Blockey conceded that that was one of the drawbacks of the plans she proposed, that the County would have a commercial rate in a commercial pool and would therefore be on their own. Schlepp asked if Blockey's proposed Tier 2 plan could have an HAS attached. Blockey replied that it could not. It is non-qualified and has first-dollar coverage.

Townsend said he could not understand how other companies can come in and take \$54,000 off the table with lower premiums when Meagher County has received in claims 106% of what it has paid in premiums. Blockey told him the County is maxed out. The companies would charge more if they could. They took the lowest rate and added 67%, which they are allowed to do by law. Schlepp suggested that if the base rate is \$522, the County contribution should drop to \$550. If the individual is paying less, so should the County.

Schlepp asked Blockey about the prescription benefit and particularly how it would affect one of the employees, whose spouse uses many expensive prescriptions. Blockey said they can integrate the drug plan. Porter pointed out that the Tier 2 deductible is \$2000 whereas the high-deductible plan's is \$2400, not significantly higher, and there is not much difference in premium either.

Townsend said he would like to stay with the \$610 contribution. If the County gets a lower premium, he continued, so be it. Any difference can go into HSAs. He does not want to cut salaries. Hurwitz added that insurance is huge in recruiting new employees. And MACo is not even competitive.

Schlepp suggested using Buckingham as an example. The Tier 1 and high-deductible premiums are close but Tier 1 has much better benefits, except for drugs coverage. She thought the County should do something for Phelan. Blockey suggested she and her husband look into a Part D plan.

There was a brief discussion about implementing a flex plan for employees and the possibility of starting an HSA in December. Schlepp pointed out that the County has to set mills in July. Blockey reiterated that they will get better coverage from the Tier 1 plan, with first dollar

coverage, for about the same cost as the high-deductible plan. Hurwitz added that from a taxpayer's perspective, if the employees benefit, so should the taxpayers.

Blockey said she had found that many of the employees who were enrolled in the Tier 2 plan did so out of financial necessity. Now she is building it into a solid financial product. Schlepp said she agrees with Townsend's previous assertion, that the County should stay at \$610 for a monthly contribution toward health insurance. That would allow more people to be covered. Rogers pointed out that not everyone would sign up for the HSA so the County would still be saving money. Hurwitz and Schlepp agreed that the County should go with Blockey's proposed Tier 1/Tier 2 proposal and keep its monthly contribution at \$610. Blockey pointed out the County would be saving \$2200 per month.

Action 2:

RESOLUTION 2012-#38

Hurwitz moved that the County adopt the insurance proposal presented by Southwestern Montana Financial Center, namely the Tier 1/Tier 2 Blue Cross/Blue Shield plan, including \$20,000 of life insurance coverage through Unum for all employees, and to keep the monthly contribution for health insurance at \$610. Schlepp seconded. A vote was held and passed 2-0, with Townsend abstaining. It is therefore resolved.

Mesecher, Ripple, and Vinton left the meeting at 10:45 am.

Dental/Vision Insurance

Rogers explained the situation with the two current dental plans offered by the County. Fort Dearborn's rates are set for the coming year, with no changes. Best Life rates are set to go up. Rooney included Fort Dearborn as a possibility in her proposal, and Rooney and Blockey both proposed Guardian for dental.

Action 3:

RESOLUTION 2012-#39

Hurwitz moved that the County keep Brokers Vision as its vision plan and to incorporate all participants in the Insurance Coordinators VSP plan into Brokers Vision as well. The broker of record on Brokers Vision will be changed to Julie Blockey. Townsend seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

Action 4:

RESOLUTION 2012-#40

Hurwitz moved that the County change its dental insurance coverage to Guardian, with Julie Blockey as broker of record. All participants in Best Life and Fort Dearborn will be consolidated into Guardian. Townsend seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

Minutes:

The minutes from the previous meeting, May 15, 2012, were not acted upon.

Claims:

Commission was presented Voucher #1268, CK#44052 through CK#44077 totaling \$9,472.19. Commission approved and signed checks as presented.

Meeting Adjourned:

Chair Schlepp adjourned the meeting at 11:15am.

Next Meeting:

Commissioners are scheduled to meet Tuesday, June 5, 2012.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Nathan Sanders
Distributed June 5, 2012 to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle