

PROCEEDINGS OF THE BOARD OF THE COMMISSIONERS
MEAGHER COUNTY, MONTANA

June 5, 12, 19, 2012

Tuesday

June 5, 2012

8:30am-3:30pm

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.

Bruce Smith—Road Report:

Road Supervisor, Bruce Smith, met with the commissioners to present his monthly road report. Of note, they discussed an offer made by David Voldseth to allow the County to crush gravel on his property in exchange for the County graveling the (County) road to his ranch, approximately four miles. It was agreed to have County Attorney, Kimberly Deschene, draw up an agreement to crush 20,000 yards on his property.

Ambulance Building Bids:

Sara Driemeyer and Jack Berg from the Meagher County Ambulance Board met with the commissioners to make a recommendation on the bids they received for the new ambulance garage. The four bids were as follows. The first bid was from Heith Stidham, authorized dealer for Coast to Coast Carports, Inc., for \$116,000.00 for construction of the metal building. The second bid was from Pauley Plumbing for \$29,268 for basic plumbing of the building. The third bid was from Paul Kroeger Construction, LLC, for \$444,955.20, for the entire project. And the fourth and final bid was from Townsend Electric for \$14,859.00 for basic installation of electric.

The Ambulance Board had decided to recommend the commissioners accept the first bid, from Coast to Coast Carports, the second bid, from Pauley Plumbing, and the fourth bid, from Townsend Electric, as they were the lowest cost options to completing the new building.

Action 1:

RESOLUTION 2012-#41

Hurwitz moved to accept the recommendations of the Ambulance Board, namely that Coast to Coast Carports, Inc., represented by Heith Stidham, build the metal ambulance structure for \$116,078.00; that Pauley Plumbing handle the plumbing for the new ambulance building for \$29,268; and that Townsend Electric handle the electrical for the new ambulance building for \$14,859. Townsend seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

Sue Phelan—Fund Transfers:

Action 2:

RESOLUTION 2012-#42

June 5, 2012

Sue Phefan
Meagher County Treasurer
White Sulphur Springs, MT 59645

Dear Sue;

IT IS HEREBY RESOLVED WITH RESOLUTION NUMBER 2012-#42 THAT \$2574.90 (two thousand five hundred seventy-four and 90/100) shall be transferred from the County General Fund into the County School Funds. That \$612.59 (six hundred twelve and 59/100) be transferred from General Investment Earnings into General Treasurer Fees. The amount of the School interest is 16% of the total interest earned, minus 3% (\$612.59) for the Treasurer's management on all monies invested by the County from May 1, 2011, to April 30, 2012.

Distributed as follows:

Treasurer's Share	3%	\$ 612.59
School Dist #4	1%	\$ 198.07
School Dist #8	21%	<u>2,376.83</u>
		\$ 3,187.49

Meagher County Commissioner's



Nancy Higgins-Schlepp, Chairman



Ben Hurwitz



Herb Townsend

Courthouse—Maintenance/Janitorial Needs:

The commissioners discussed the need for a new janitor and whether to include a maintenance component to the position.

Action 3:

RESOLUTION 2012-#43

Townsend moved to hire a permanent part-time janitor/light maintenance person to work flexible hours. Schlepp seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

Dayna Ogle—Clerk & Recorder Update/New Funds:

Clerk and Recorder, Dayna Ogle, met with the commissioners to discuss some housekeeping issues.

Sarah Calhoun—Red Ants Pants Music Festival:

Sarah Calhoun met with the commissioners to discuss some issues related to the upcoming Red Ants Pants Music Festival. Of note, they discussed getting signs on Jackson Lane to lower the speed limit, controlling for dust, and spraying for bugs.

Steve Garcia—Professional Health Planning:

Steve Garcia met with the commissioners to make one last effort to convince the County to stay with his insurance plans for vision and health and not to change the broker of record from him to Julie Blockey. He said he helped the County implement the accident benefit twelve years ago. The dental and vision plans he has overseen, have received no complaints from participants in the last two years.

Sheriff Report:

Sheriff, Jon Lopp, met with the commissioners to give his monthly report. Of note, he discussed putting roll bars in two of the department vehicles. The commissioners told him as long as he has money in his budget, they are fine with it.

Minutes:

Action 4:

Hurwitz moved to approve the minutes from the previous two meetings (May 15 and May 22) without change. Townsend seconded. A vote was held and passed unanimously (3-0).

Public Comment:

There was no public comment.

Claims:

Commission was presented Voucher #1271, CK#44078 through CK#44140 totaling \$35,325.98. Commission approved and signed checks as presented. Also presented were Health Insurance Voucher #1269, CK#218119 through CK#218127, totaling \$21,432.48; Payroll Deduction Voucher #1270, CK#218128 through CK#218134, totaling \$79,195.59; and Payroll Voucher #16, CK#218100 through CK#218118, totaling \$13,463.03. Commission approved as presented.

Meeting Adjourned:

Chair Schlepp adjourned the meeting at 3:30pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, June 12, 2012.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Chair Nancy Schlepp.
Distributed June 12, 2012 to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle

Tuesday
June 12, 2012
8:45am-3:30pm
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.

Sue Phelan—Treasurer Report:

Treasurer Sue Phelan met with the commissioners to give them an update on Treasurer business. She gave an update on protested taxes, with \$620,000 from Puget Sound Energy sitting in protest. She had put a listing for a tax sale in the newspaper. Hurwitz asked Phelan if she would oversee the Janitor/Maintenance person when someone was hired. She said she would and told them she would write a job description.

Chair Nancy Schlepp joined the meeting at 9:30am.

Ken Mikesell—Lien Release from Supplier:

Ken Mikesell met with the commissioners to discuss an issue where he still has not received payment for concrete he supplied to Rod Bergan in November 2010 when Bergan was replacing the steps at the jail. Townsend asked him if he had tried small business court. He said too much time has passed for that. Hurwitz wondered if they could withhold the \$500 Bergan owes Mikesell from the roofing job he is doing at the County Shop. Mikesell suggested the County require lien releases from suppliers for future projects. Hurwitz told Mikesell they can try to pressure him but he didn't feel they would have much luck. Schlepp suggested maybe before making the last payment to Bergan on the roof they could get a lien release. All they can do, she added, is talk to the contractor and try to get him to pay. She didn't feel the County had much legal standing in the matter. Mikesell asked if the County could put pressure on him. Call him. Send him a letter. Maybe deduct from the roof job. Schlepp replied that they can pressure him and see what happens. Hurwitz said they will tell him the County is done working with him.

Grassy Mountain Fire District Board:

Present for the Board Meeting in addition to the three commissioners were Board members Erin Fryer, Rich Siebken, and Kelly Tilleman (who joined the meeting by phone); Grassy Mountain resident Bruce Highland; County Fire Chief Rick Seidlitz.

Schlepp called the meeting to order at 10:10am. Siebken began by saying that it does not appear that people want to be involved. They are tired of what has always happened in the past. Highland suggested that it will be difficult to get the Fire District working without an active homeowners association. Schlepp pointed out that the commissioners were able to appoint a board for the Fire District and there is money available that they can use to publicize meetings and other activities.

Tilleman asked for clarification whether the Fire Board actually exists, what the benefit of having it is, and what its purpose is. Seidlitz responded that without a Fire District, the landowners would have the same protection as the other residents in the County—namely wild land fire protection. If there is a Fire District, then there would be structure protection as well. If they were to dissolve the Fire District, insurance rates could jump \$2000-\$3000 in premiums.

Highland told Tilleman that one of the biggest issues to the Fire District will be the roads in wintertime. People have said they will sue the District if their structure burns and the fire department cannot get there to save it. Seidlitz pointed out that that might happen but there would only be liability if true negligence were involved.

Schlepp said with the three board members present, they should decide whether to have another meeting. Tilleman contended that this is for everyone's benefit and they need to do this. Fryer agreed, arguing they should just do it and tell people why. They need to make the decision to move on, and then move on. Hurwitz encouraged them to take the ball and run with it.

Townsend argued that people would want to know the cost in running a Fire District before they decide whether they want one. If the status quo is in place, where insurance rates are low and landowners are paying a maximum of \$80 in taxes, they might not care whether there's a district or not. That's why the County needs to raise the cost above \$80 to provide the service, he continued. Seidlitz agreed, adding that one of the major issues facing the board is changing the taxation to valuation, not acreage. Hurwitz wondered if the board could just raise the fee. Seidlitz said he was not sure but that three districts in Cascade County had done so.

It was agreed to have a follow-up meeting the following Wednesday, June 20, at 6:00pm at the Fire Training Center, in which they would discuss officers, by-laws, time to meet. Townsend asked what would happen if the commissioners wind up being the de facto board again. Schlepp said they would raise taxes on the landowners. Townsend said they need to make that clear then.

Schlepp adjourned the meeting at 10:50am.

Bruce Highland—Ambulance Building Bidding Issues:

Bruce Highland remained with the commissioners to share some frustrations he had with the re-bidding of the ambulance building. He said he had e-mailed Schlepp asking her what the submittal deadline was and never heard back from her. Then he received the updated packet in the mail two days after the deadline. He said he was pretty sure he was the lowest bidder the first time and that he would have been the second time around as well. The second drawing, he added, is still not complete. It did not include smoke detectors or emergency lighting, for example, both of which were in his original plan. Hurwitz told him that they had worked with the state inspector to come up with the revised plan. He told him it was unfortunate but there is no one overseeing the whole process. Schlepp apologized for not getting back to him.

Highland described his business, concluding by pointing out that he had saved the hospital \$30,000 by redesigning the plan for the wiring of the room for the new CT scan machine there. Schlepp told Highland they were having a meeting with the Ambulance Board today, who are all volunteers, she added. Highland showed the commissioners what his bid would have been-- \$8400—compared to the winning bid of \$14,000 by Townsend Electric. Hurwitz agreed it was a bad situation. Seidlitz assured Highland they would try to fix things.

Minutes:

Action 1:

Hurwitz moved to approve the minutes from the previous meeting (May 22, 2012) with one change. Townsend seconded. A vote was held and passed unanimously (3-0).

Rick Seidlitz—Fire/DES Update:

Fire Chief/DES Director Rick Seidlitz met with the commissioners to give his monthly update. Of note, the State Library bought the data from the addressing project Seidlitz has been working on for \$5000, which is to go toward salaries. He pointed out that he has not been paid at all for doing this work. Schlepp agreed that he should receive some of this money but that she wanted to think about it some more. There are other people in the County, she told Seidlitz, who bring in grant money. Seidlitz countered that this money is specified for salaries and supplies.

Seidlitz then addressed Title 3 funds. He said the Steerman person they had originally planned to contract with for triaging homes seems to have disappeared. He would like to keep the money local and not use the contractor.

He told the commissioners there was still \$104,000 in disaster funds—the 2 mils plus the FEMA money received—that needs transferred into the appropriate accounts. He said the trucks have been inspected and fixed by the state.

Action 2:

RESOLUTION 2012-#44

Hurwitz moved to reimburse Rick Seidlitz \$5000 for the work he has done and continues to do on rural addressing, which gives Meagher County shape files for roads and structures. Townsend seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

County Attorney Update:

County Attorney, Kimberly Deschene, met with the commissioners to give them a report. She mentioned a few cases she is working on and discussed the issue of the County's insurance rates rising.

Dayna Ogle—Clearing Accounts/New Funds:

Clerk and Recorder Ogle explained to the commissioners that there is a claims clearing account (7930) that is and has been in the hole \$73,000 for years. She said that the cash accounts balance but that something is over-reported somewhere. The County's auditor, Sharon Trip, had made some recommendations how to clear up the issue. After further discussion, it was decided to hold out on the changes and see if it would be possible to write off the discrepancy.

Action 3:

RESOLUTION 2012-#45

Schlepp moved to create a new Pay Advance Payback Fund (2015). Hurwitz seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

Action 4:

RESOLUTION 2012-#46

Schlepp moved that the \$26,501.93 in the 7915 fund be moved into the new 2015 fund. Hurwitz seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

Action 5:

RESOLUTION 2012-#47

Schlepp moved that current year revenue of \$675.00 be moved from the 7915 into the 2015 fund. A vote was held and passed unanimously (3-0). It is therefore resolved.

Kari Jo Kiff—Health Nurse Report:

County Health Nurse Kiff gave her monthly report to the commissioners. Of note, she told them that Meagher County was the number one county statewide in revenue received among counties participating in the Health-e Web pilot billing project.

Tyler Holland and Sam Buchanan, Western States Insurance—Worker's Comp/Liability

Holland explained to the commissioners that he had heard from a client that Meagher County could use help getting its insurance premiums down. He introduced Buchanan, Loss Control Manager, who he said could work with the County to help it do the things necessary to receive premium credits from MACo and to reduce its mod factor. They told the commissioners they would receive a 6% commission, same as current agent, Jodi Tierney from Mid-Montana Insurance, for servicing the account and handling claims. The difference though is that 6% commission would include Buchanan's services as loss control specialist. He would work with the County as much or as little as it desired in order to bring down premiums. Schlepp told them she does not want to consider making any changes without first speaking with Tierney. Hurwitz asked if they could replace MACo altogether. Holland said it was possible, but not advised, as MACo pools risk with other counties, and they cap the mod factor, for now at least, at 1.25. It was agreed to meet with Tierney and then discuss the matter further.

PUBLIC COMMENT:

Ambulance Building Bids:

Jack Berg and Rick Seidlitz, from Meagher County Ambulance; Heith Stidham, representing Coast to Coast Carports; Richard Pauley, from Pauley Plumbing; and County Building Inspector, Kyle Harlan, met with the commissioners to discuss the ambulance building project. The first issue discussed was whether it was okay to add to the original bids. Pauley said he would usually bid a project based on established plans. Since the plans for the structure were not finalized, the best he could do was an estimate. Stidham said the plans would be coming from the company in about three to four weeks. The plans were only for the engineering of the outer structure.

Seidlitz stressed the importance of having a contractor take the lead. Harlan told the group if there is something they wanted included in the building, they need to spec it. Pauley said he would not mind having volunteer help, as has been discussed, but they have to be covered somehow insurance-wise. Berg agreed, saying that volunteer help would raise worker's comp issues.

Townsend asked Berg if he would be willing to be the point man. Berg refused. Townsend asked Seidlitz. Berg refused on his behalf, suggesting Dave Wendt instead. Harlan said it was important to start with a good set of working drawings. Berg said he would talk to Dick Weitz, an architect, to see if he wouldn't be willing to help out.

Schlepp conceded that maybe it would be necessary to proceed one step at a time. Townsend wondered what they ordered. Stidham replied they ordered just the engineered building, with no insulation package. It was agreed that Stidham would get the building plans. Berg would meet with Weitz, with the building plans, and then they would meet again to discuss the next steps.

Claims:

Commission was presented Voucher #1274, CK#44141 through CK#44172 totaling \$74,993.34. Commission approved and signed checks as presented.

Meeting Adjourned:

Chair Schlepp adjourned the meeting at 3:30pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, June 19, 2012.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Chair Nancy Schlepp.
Distributed June 19, 2012 to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle

Tuesday
June 19, 2012
8:30am-4:20pm
Met in Commissioner's Chambers

Meeting Called to Order:

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

Commissioners Present:

Chair Nancy Schlepp and Vice Chair Ben Hurwitz.

Canvass Election:

Clerk & Recorder, and Election Administrator, Dayna Ogle joined the commissioners to oversee the canvassing of the recent June 5 primary election. Justice of the Peace, Jerry Churchill, and County Treasurer, Sue Phelan, joined Hurwitz to canvass.

Commissioner Herb Townsend joined the meeting at 9:00am.

The canvassing was completed and totals were tallied and matched with the original numbers.

TV District:

There was a brief discussion on the possibility of putting on a ballot a question to TV District taxpayers whether they support the TV District or not.

Budget Amendments:

Clerk & Recorder Ogle presented the commissioners with the following budget amendments to sign and approve:

Actions 1-11:

Resolution 2012 – 48

Budget Amendment

WHEREAS, the 2012-2013 budget has been set, and

WHEREAS, the General Jail (1000.209) had to purchase a new boiler for the jail and,

WHEREAS, the General Jail had unexpected expenses totaling \$28,795.00 and,

WHEREAS, the Meagher County Board of Commissioners have agreed to transfer \$28,975.00 out of the PILT Fund (2900) into the General Fund (1000) to cover the cost of the new boiler.

NOW THREFORE LET IT BE KNOWN AND HEREBY RESOLVED that the Meagher County Board of commissioners are amending the budget for the unexpected expense to the General Jail Fund (1000.209) totaling \$28,795.00 (twenty nine thousand seven hundred ninety five dollars and no cents) and that the money will be transfer from the PILT Fund (2900) into the General Fund (1000).

Dated this 19th day of June, 2012

Attest:

Board of County Commissioners:



Dayna Ogle



Chairman Nancy Schlep



Commissioner Ben Hurwitz



Commissioner Herb Townsend

Resolution 2012 – 49

Budget Amendment

WHEREAS, the 2012-2013 budget has been set, and

WHEREAS, the Airport Fund (2170) had unexpected revenue of \$25,542.00 and,

WHEREAS, the Airport Fund (2170) unexpected expenses of \$30,007.87 and expected expenses for the remainder of the fiscal year to be approximately \$3,500.00,

NOW THEREFORE LET IT BE KNOWN AND HEREBY RESOLVED that the Meagher County Board of Commissioner are amending the budget for the Airport Fund (2170) for unexpected revenue of \$25,542.00 (twenty five thousand five hundred forty tow and no cents) and for unexpected expenses of \$30007.87 (thirty thousand seven dollars and eighty seven cents) and for anticipated expenses of \$3,500.00 (three thousand five hundred dollars and no cents).

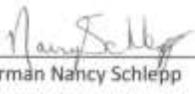
Dated this 19th day of June, 2012

Attest:

Board of County Commissioners:



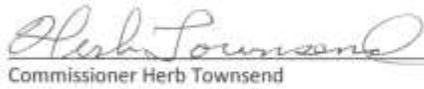
Dayna Ogle



Chairman Nancy Schlepp



Commissioner Ben Hurwitz



Commissioner Herb Townsend

Resolution 2012 – 50

Budget Amendment

WHEREAS, the 2012-2013 budget has been set, and

WHEREAS, the Library Grant Fund (2221) did not have a budget set and, the library board agreed to purchase large print books out of the Library Grant Fund and

WHEREAS, the Library Grant Fund (2221) had unexpected expenses for the large print books and

WHEREAS, the Library board wishes to have the authority to expend the money in the fund totaling \$1,772.92.

NOW THEREFORE LET IT BE KNOWN AND HEREBY RESOLVED that the Meagher County Board of Commissioner are amending the budget for the Library Grant Fund (2221) for unexpected expenses of \$1772.92 (one thousand seven hundred seventy two dollars and ninety two cents).

Dated this 19th day of June, 2012

Attest:

Board of County Commissioners:



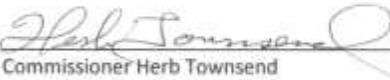
Dayna Ogle



Chairman Nancy Schlep



Commissioner Ben Hurwitz



Commissioner Herb Townsend

Resolution 2012 – 51

Budget Amendment

WHEREAS, the 2012-2013 budget has been set and,

WHEREAS, the Library Board authorized the transfer of funds from the general Library Fund (2220) into the Library Depreciation Reserve Fund (2224) and,

WHEREAS, the Library Depreciation Reserve Fund (2224) had unexpected revenue of \$4603.84 and,

WHEREAS, the Library Depreciation Reserve Fund (2224) may have unexpected expenses of \$4603.84 as the board wishes to have the authority to expend the money during this fiscal year.

NOW THEREFORE LET IT BE KNOWN AND HEREBY RESOLVED that the Meagher County Board of Commissioners are amending the budget for the unexpected revenue and unexpected expense of \$4,603.84 (four thousand six hundred three dollars and eighty four cents) in the Library Depreciation Reserve Fund (2224).

Dated this 19th day of June, 2012

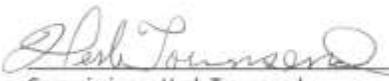
Attest:

Board of County Commissioners:


Dayna Ogle


Chairman Nancy Schlep


Commissioner Ben Hurwitz


Commissioner Herb Townsend

Resolution 2012 – 52

Budget Amendment

WHEREAS, the 2012-2013 budget has been set, and

WHEREAS, the Ambulance Fund (2230) received a grant from the Bair Family Trust and,

WHEREAS, the Ambulance Fund (2230) incurred unexpected revenue of \$15,000 from the Bair Family Trust for a new ambulance building and,

WHEREAS, the Ambulance Fund (2230) will have unexpected expenses of \$15,000.00 as the board wishes to expend the grant money in this fiscal year.

NOW THEREFORE LET IT BE KNOWN AND HEREBY RESOLVED that the Meagher County Board of Commissioners are amending the budget for the unexpected revenue and the unexpected expense of \$15,000 (fifteen thousand dollars) in the Ambulance Fund (2230).

Dated this 19th day of June, 2012

Attest:

Board of County Commissioners:



Dayna Ogle



Chairman Nancy Schlep



Commissioner Ben Horwitz



Commissioner Herb Townsend

Resolution 2012 – 53

Budget Amendment

WHEREAS, the 2012-2013 budget has been set, and

WHEREAS, the building at the transfer site incurred damage from a wind storm and,

WHEREAS, the Liability Insurance Fund (2384) had unexpected expenses of \$11,022.00 due to the damage to the building and,

WHEREAS, the Liability Insurance Fund (2384) had unexpected revenue of \$10,022.00 from an insurance payment received for the damage to the building.

NOW THREFORE LET IT BE KNOWN AND HEREBY RESOLVED that the Meagher County Board of Commissioners are amending the budget for the unexpected expense of \$11,022.00 (eleven thousand twenty two dollars) and for unexpected revenue of \$10,022.00 (ten thousand twenty two dollars) in the Liability Insurance Fund (2384).

Dated this 19th day of June, 2012

Attest:

Board of County Commissioners:



Dayna Ogle



Chairman Nancy Schlep



Commissioner Ben Hurwitz



Commissioner Herb Townsend

Resolution 2012 – 54

Budget Amendment

WHEREAS, the 2012-2013 budget has been set, and

WHEREAS, the auditor for Meagher County requested that the county stop using the Harmon Endowment Fund (7090) as this category of funds is for fiduciary funds and the Harmon Endowment money should be classified as a governmental fund. The auditor also suggested that the county create a new governmental fund for the Harmon Endowment and,

WHEREAS, the Meagher County board of Commissioners approved the creation of the new Harmon Endowment Fund (2790) and approved the transfer of all activity from the old Harmon Endowment Fund (7090) into the newly created Harmon Endowment Fund (2790) and

WHEREAS, the newly created Harmon Endowment Fund (2790) did not have a previous budget and,

WHEREAS, the newly created Harmon Endowment Fund (2790) had unexpected revenue totaling \$1,091,069.91 due to the transfer of activity and unexpected expenses totaling \$26,250.00.

NOW THEREFORE LET IT BE KNOWN AND HEREBY RESOLVED that the Meagher County Board of Commissioner are amending the budget for the transfer of activity from the old Harmon Endowment Fund (7090) into the newly created Harmon Endowment Fund (2790) for unexpected revenue of \$1,091,069.91(one million ninety one thousand sixty nine dollars and ninety one cents) and unexpected expenses of \$26,250.00 (twenty six thousand two hundred fifty dollars and no cents).

Dated this 19th day of June, 2012

Attest:

Board of County Commissioners:



Dayna Ogle



Chairman Nancy Schiepp



Commissioner Ben Hurwitz



Commissioner Herb Townsend

Resolution 2012 – 55

Budget Amendment

WHEREAS, the 2012-2013 budget has been set, and

WHEREAS, the DUI Prevention Fund (2811) did not have a budget for the current fiscal year and

WHEREAS, the DUI Prevention Fund (2811) had unexpected revenue of \$450.00 and unexpected expense of \$190.57 and,

WHEREAS, the county would like to have the authority to expend the funds available in the DUI Prevention Fund (2811).

NOW THEREFORE LET IT BE KNOWN AND HEREBY RESOLVED that the Meagher County Board of Commissioners are amending the budget for the DUI Prevention Fund (2811) for the unexpected revenue of \$450.00 (four hundred fifty dollars and no cents) and for unexpected expenses of \$ 1,044.60 (one thousand forty four dollars and sixty cents) total funds available.

Dated this 19th day of June, 2012

Attest:

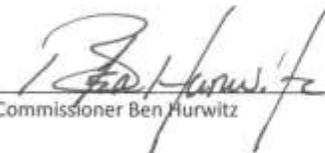
Board of County Commissioners:



Dayna Ogle



Chairman Nancy Schiepp



Commissioner Ben Hurwitz



Commissioner Herb Townsend

Resolution 2012 – 56

Budget Amendment

WHEREAS, the 2012-2013 budget has been set, and

WHEREAS, the Bair Family Trust Grant was a sub account with in the Immunization Fund (2976) and

WHEREAS, the county health nurse requested to move the Bair Family Trust Grant into a separate fund for better tracking and,

WHEREAS, the fund 2969 was already created and not being used and,

WHEREAS, the new Bair Family Trust Grant Fund (2969) had unexpected expenses totaling \$ 2155.30 and unexpected revenue of \$6000.00.

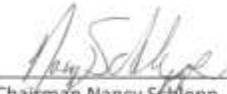
NOW THREFORE LET IT BE KNOWN AND HEREBY RESOLVED that the Meagher County Board of County Commissioners are amending the budget for unexpected expenses of \$2155.30 (two thousand one hundred fifty five dollars and thirty cents) and for unexpected revenue of \$6000.00 (six thousand dollars) in the Bair Family Trust Grant Fund (2969).

Dated this 19th day of June, 2012

Attest:

Board of County Commissioners:


Dayna Ogle


Chairman Nancy Schlep


Commissioner Ben Hurwitz


Commissioner Herb Townsend

Resolution 2012 – 51

Budget Amendment

WHEREAS, the 2012-2013 budget has been set, and

WHEREAS, Alcohol Rehab Abuse (2800) is a fund that receives revenue from the state for the "treatment, rehabilitation and prevention of alcoholism" and,

WHEREAS, the county pays Southwest Chemical Dependency for such services and,

WHEREAS, the third and final payment for fiscal year 10/11 was not paid until July FY 11/12

WHEREAS, the alcohol Rehab Fund (2800) had unanticipated expenses of \$1300

NOW THEREFORE LET IT BE KNOWN AND HEREBY RESOLVED that the Meagher County Commissioner are amending the FY 2011/2012 budget and \$1300.00 (one thousand three hundred dollars) in expenses will be added to the Alcohol Rehab Fund (2800) budget.

Dated this 19th day of June, 2012

Attest:

Board of County Commissioners:



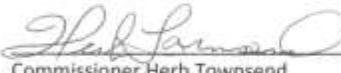
Dayna Ogle



Chairman Nancy Schlepp



Commissioner Ben Horwitz



Commissioner Herb Townsend

Resolution 2012 – 58

Budget Amendment

WHEREAS, the 2012-2013 budget has been set, and

WHEREAS, the county health nurse is requesting to move \$2,000.00 out of HAN Fund (2974) into Bio Equipment Reserve (2976.102320) and move \$10,000.00 out of Han Fund (2974) into Bio Outbreak Reserve (2976.102330) for the purpose of a health related emergency and,

WHEREAS, the county health nurse is requesting after the afore mentioned transaction is completed that the Bio Equipment Reserve and the Bio Outbreak Reserve lines be relocated into the HAN-PHEP Fund (2974) creating two additional cash lines in that fund for Bio Equipment Outbreak Reserve (2974.102131) and Bio Outbreak Reserve (2974.102132)and,

WHEREAS, the newly created cash reserve lines will only be used with special request and approval of the Meagher County Board of Commissioners.

NOW THREFORE LET IT BE KNOWN AND HEREBY RESOLVED that the Meagher County Board of County Commissioners are amending the budget for the transfer of funds totaling \$18,000.00 (eighteen thousand dollars and no cents) out of the Immunization Fund (2976) into the HAN – PHEP (2974).

Dated this 19th day of June, 2012

Attest:

Board of County Commissioners:


Dayna Ogle


Chairman Nancy Schiepp


Commissioner Ben Hurwitz


Commissioner Herb Townsend

Title 3 Funds:

Action 12:

RESOLUTION 2012-#59

Hurwitz moved that the \$46,821.98 in the Old Title 3 fund be transferred to the new Title 3 fund. Townsend seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

Disaster Funds:

Ogle told the commissioners she was awaiting a call on the Benton Gulch RAC funds. She said it sounds like the RAC people are willing to work with the County to make things work out. She then told them there is still money sitting in the Disaster Fund. The beginning balance was \$18,331. To that was added \$13,290, the 2 mils assessed with the disaster declaration. And \$63,579 in FEMA funds was added as well. She asked if they wanted to move all that money to the Road Fund. The commissioners decided to move the FEMA funds only, leaving the rest behind in case of fire.

Action 13:

RESOLUTION 2012-#60

Hurwitz moved that the \$63,579.62 in FEMA funds that is in the Disaster Fund be transferred to the Road Fund. Townsend seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

DNRC Fire Trucks:

Fire Chief, Rick Seidlitz, invited the commissioners to join him outside with two DNRC representatives, Greg Archie and Kurt Miller, and Jess Secrest from the Forest Service, for a photo op, receiving the keys to two new fire engines given the County by DNRC.

Russell County Board Appointments:

Action 14:

Schlepp moved to recommend the re-appointment of Sally Stewart and Deborah Eby to three-year terms on the Central Montana/Russell Country board. Hurwitz seconded. A vote was held and passed unanimously (3-0).

Library Board Appointment:

Action 15:

Schlepp moved to accept the recommendation of the Meagher County City Library Board and appoint Gretchen Rader to fill the library board vacancy created by the resignation of Mari Johnston-Hamm, effective July 1, 2012 and running through June 30, 2017. Hurwitz seconded. A vote was held and passed unanimously (3-0).

County Attorney Update:

County Attorney, Kimberly Deschene joined the meeting to give her weekly update. Schlepp asked her to write a letter to all the bidders for the ambulance building explaining to them that the project was bid without sufficient information and will be bid, once again.

Deschene asked the commissioners to take action on her request to amend the lease agreement her practice, Deschene and Swandal, has with the County. She said her budget was going up \$2100. She has between \$3-4,000 in monthly overhead and currently the practice is subsidizing the County. Schlepp explained to her that they adopt the budget for the County as a whole. She assured her they would try to keep the monthly lease as close as possible to her request (\$1800 a month) but could not guarantee anything at the time.

Deschene said she has already cut her budget as much as possible. She said if they did not approve the amendment, she would terminate the agreement with the County and begin submitting claims for everything. Hurwitz assured her she would receive her request. Schlepp added that she was pretty sure too, but that it cannot be black and white until the budget process is complete. Deschene asked if they could sign the addendum without setting her budget.

Action 16:

RESOLUTION 2012-#61

The commissioners agreed to sign the amended Meagher County Office Lease:



MEAGHER COUNTY ATTORNEY OFFICE LEASE

THIS AGREEMENT is made and entered into on the 19th day of June, 2012 by and between Deschene & Swandal PC, a Montana Professional Corporation of PO Box 809, White Sulphur Springs, Montana, hereinafter "Lessor", and Meagher County, hereinafter "Lessee".

RECITALS:

1. **WHEREAS** Kimberly Deschene is presently serving as County Attorney of Meagher County, Montana;
2. **WHEREAS** in the past the County has leased office space from a private law firm from which the county attorney will operate;
3. **WHEREAS** there is not adequate space in the Meagher County courthouse;
4. **WHEREAS** the County Attorney is a part-time official, but is required by the County to hold consistent office hours and be available for services, such as obtaining warrants, twenty-four (24) hours per day;
5. **WHEREAS** this practice has been followed for many years and has included the County Attorney's predecessors in office;
6. **WHEREAS** this arrangement benefits the County in several ways, and the County Commissioners believe it is in the best interest of the County and its citizens to enter into this agreement;

THEREFORE, the parties hereto agree as follows:

1. Lessor hereby grants, bargains and leases unto Lessee, and Lessee hereby agrees to rent the following real property, equipment and support:
 - a.) The building located at 201 W. Main, White Sulphur Springs, MT, 59645.
 - b.) All office equipment, books and supplies under the control of Deschene & Swandal PC.
 - c.) Support staff for reception duties during the following office hours: Monday – Thursday from 10:00 a.m. to 4:00 p.m.
 - d.) This office may be closed from 12:00 p.m. to 1:00 p.m. for lunch.
2. In exchange for the use of said property, equipment and staff, Lessee shall monthly pay Lessor the sum of one thousand eight hundred dollars (\$1,800) beginning on or

before the first day of the month, beginning on July 1, 2012. Further, County Attorney agrees to provide the following valuable services to Lessor as additional consideration:

- a. County Attorney shall hold regular office hours at 201 W. Main, as agreed with the Lessee, during which Lessor shall be available for conferences and to provide services requested by Lessee and its departments;
 - b. County Attorney shall be available on a twenty-four (24) hour per day basis for certain services such as obtaining warrants;
 - c. County Attorney shall consider services to Lessee to have first priority, and shall give said services immediate attention whenever possible; and
3. Lessor shall be responsible for all taxes, costs of insurance, maintenance, repair and replacement for any of the real property and equipment rented.
 4. Lessor shall be responsible for the compensation and employment of support staff.
 5. Lessor shall be responsible to ensuring that confidential information is not disseminated to the public by staff.
 6. Lessee will allow Lessor to use any county equipment that is currently under the control of the County Attorney, in consideration of this agreement.
 7. This Lease may be modified by mutual, written agreement of the parties.
 8. The parties hereby declare that the consideration set forth herein is sufficient and proper.
 9. This lease shall remain in effect for the length of time that Kimberly Deschene serves as Meagher County Attorney or until a new arrangement becomes necessary for either party.

DATED this 19th day of June, 2012.

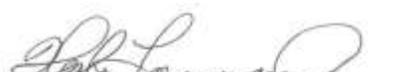
LESSOR:


Kimberly Deschene,
Meagher County Attorney

LESSEE:


Nancy Schlerf
Meagher County Commissioner


Bonnie Swandal, Partner
Deschene & Swandal PC


Herb Townsend
Meagher County Commissioner


Ben Hurwitz
Meagher County Commissioner

Health Insurance:

Deschene and the commissioners briefly discussed the situation in which the County switched insurance providers, signed a contract with the new agent, and then realized that the premiums originally quoted were rising as a result of the City leaving the plan and some employees making changes to their selections.

Meagher County Community Center:

Beth Hunt, Director of the Community (Senior) Center, along with some of her board members—ElDonna Pierce, Melinda Vennard, and DellaMae Lind—met with the commissioners. Hunt began by handing the commissioners a copy of the Center’s budget. She explained that many of the funds used are a result of a match grant by the Area Agency on Aging.

Hurwitz explained to her that all funds from the County going forward would have to be run through claims, for the sake of documentation for the auditor. Hunt understood.

She said that in the current fiscal year there have been 249 days where meals were served at the Center and 328 days where the Center was used in some way. She said they had to start charging groups to use the facility, just to keep up with costs. She said while meals are up this year, there has been a gradual decline over the last ten years. The community sense of ownership is disappearing. The year saw volunteers donate 1994 hours. The loan closet is a huge success. The bus usage is declining, but she hopes the Montana Independent Living Program will take over transportation needs. The supplemental food program goes in waves. They have a wish list, which includes air conditioning and a sturdy ladder. And the Fourth of July Fun Run has decided that the funds raised this year will go toward items on the wish list.

Aaron Blair—Tobacco Prevention Update:

Present in addition to the three commissioners were County Health Nurse, Kari Jo Kiff; County Attorney Deschene; District School Superintendent, Andy Lind; and Angie Evans from First American Title.

Blair began by telling the commissioners that the County receives \$22,313 from the State, which is earmarked for tobacco prevention. He asked them if they would renew that program for Meagher County. Kiff added that it would be essentially the same program. Hurwitz shared his frustrations with the program. He said he has always been 100% behind Blair and his work with the kids, but whenever he stayed from that into the realm of enforcement, he had serious problems. All he has ever wanted is for the focus to be on the kids, not on adults. Kiff asked him then what should be done when complaints are filed from adults bothered by smoking at local establishments. Blair suggested that the interaction between kids and adults is key. Schlepp said she does not want the County to have rules stronger than what's outlined in State law. She shared her support of Blair with the group, saying he does a great job with kids, and conceded that he is required to follow up on complaints. Hurwitz countered, saying he was worried Blair gets carried away, becoming less of an educator and more of a smoking cop.

Blair said he does visit the local bars, but only to see if they have the required signs posted or if they need anything else. Kiff said they are not out looking for smokers. That comes from the public. Townsend asked the guests if they had any remarks. Superintendent Lind commented that every minute the kids are involved in this activity helps create a foundation for making healthy decisions. Evans said as a citizen and as the president of the Chamber of Commerce, she supports it. It is good for the community—kids and grown-ups alike. Deschene said the guidelines drawn up by Kiff and Blair to deal with smoking complaints really help her prosecute the complaints that come in from the State.

Townsend said any program like this should be goal-oriented. He asked how effective the program is at keeping kids from smoking. Blair replied that he had two people access the quit line last month alone. Lind added that as a general impression of the program in the schools, he feels every student in the group can be a source of positive peer pressure

Action 17:

RESOLUTION 2012-#62

Schlepp moved to approve the Tobacco Prevention Contract for the Fiscal Year 2012/13. There was a brief discussion, with Hurwitz stating he was voting no because, even though Blair has done a great job with the kids, he has strayed. Townsend seconded. A vote was held and passed 2-1, with Hurwitz voting against. It is therefore resolved.

Jennifer Anders, Assistant Attorney General—Tenderfoot Land Exchange:

Joining the meeting were Bob Dennee, Carol Hatfield and Alex Gavrishoff, from the U.S. Forest Service; Ernie Nunn and Mitchell Godfrey from the Tenderfoot Trust; George Bauer from the PLWA; John Gibson from the Public Land Access Association; Mike Mueller from the Rocky Mountain Elk Foundation; Ray Ringer and Eugene Dreidlein, retired County Road Supervisors; Angie Evans from First American Title; Bill and Wilda McGraw, long-time Tenderfoot users and recreationalists; Edward Roatch, cabin owner; Howard and Lee Zehntner; and William Jones.

Anders began the meeting by giving her personal thanks to the commissioners for ensuring public access to the Tenderfoot area. She also said she would answer any questions regarding the

land exchange project. She had no intent to ask them for a formal action on any matters, but was there simply to share information.

Townsend asked Anders what her understanding was of the access situation. Anders replied that the commissioners had met with Zehntner, the gate is open and the bar is no longer across the road. Zehntner added that the Forest Service was gaining three-quarters of a mile of access, at which point the gate will be locked. The Forest Service is 65 years behind, he continued, saying that the “Dead End 6 Miles” road sign is exactly six miles from where the gate has been. Dennee said he and his Forest Service colleagues were there to try to clarify matters and settle the access issue. Schlepp pointed out that the commissioners’ motion was to open the road to Zehntner’s land, period, as that is what the State said they had to do.

Hatfield said there was one route to the creek, on Forest Service and County road. Hurwitz asked Dennee if they got an easement when the land was purchased. Dennee replied that they had traded easements with the Bair Company. The Forest Service bases its arguments on historical documents. In 1899, he said, there is mention of petitioning the road. Zehntner countered that the road used to go over the hay meadow but has since been abandoned because it was so bad. When Zehntners took over in 1959, he continued, they were unable to get to the creek. Dennee pointed to a map he had brought, pointing to a white line he says represents the petitioned County road. He has lots of documentation of the road going through the Mongar he said. Zehntner said he would love to see it.

Townsend argued that he would not force a road, especially one they do not even know where it went historically, through someone’s private property. Schlepp said they were not arguing that the road goes to the creek. The Zehntners are arguing that no one knows where the road goes. Hatfield pointed to a location on the map, stating that it is the goal to establish a trailhead there to access the trail system. She pointed to the logging road on the map but said it is not drivable.

Lee Zehntner said there is no gate yet on their property but they are planning to put one up. He also pointed on the map to a parallel road crossing State land to Forest Service land. Anders asserted that the State’s position is that there may be an option to build a road. They have spent considerable money researching the issue. There is, however, a basis for the State, with or without the County’s support, to ask the courts to declare the road a County road.

Hurwitz said they expected this. But they are also in agreement that they will not force the Zehntners to do anything. He also pointed out, from the minutes of the May 8 meeting when Hatfield visited with the commissioners, that the impression was given that it was possible to get from State land to Forest Service land without crossing Zehntner’s property.

Lee Zehntner suggested a meeting with all relevant parties to see in person where the historical County road went. Schlepp asked if the Forest Service has met Zehntner on the land in question. Dennee said they had spent a day there and offered to exchange road easements. He added that they have had a cooperative road maintenance agreement with the County, which they would like to renew. Ringer said the County has had a verbal agreement with the Forest Service to maintain the road, but he has never seen any Forest Service equipment there.

Lee Zehntner said in 1899 they did not have the equipment to put the road where it is now. He reiterated his desire to meet the relevant parties there. Dennee said a 1916 survey shows where the road enters and exits the Mongar. Anders said she would love to go out there. It was agreed that the Zehntners, would meet with Anders, Forest Service representatives, and Hurwitz to view the situation.

Schlepp reiterated the County’s gratitude to the Zehntners for opening the gate. She also complimented Hatfield for everything she does, saying she is good to work with.

Schlepp adjourned the meeting at 2:50pm.

Wayne Shong—Sixteenmile Creek Fencing:

Shong visited with the commissioners to talk about closing off the lots his wife owns in Sixteen. He does not want to pay taxes on them anymore as individual lots if they are not going to be developed. Hurwitz said he supports that. County Planner, Brian Clifton, joined the meeting by

phone to explain the options. First, Shong could do an exempted survey, which would be exclusive of the streets and alleys. All that would be required is a re-survey.

The second option would be to include the streets and alleys, in which case they would need to be abandoned first. Before doing so, however, it is necessary to make sure the County does not have an easement on them. That research can be done in the Clerk & Recorder's office. If there is no easement, then he can petition to abandon the County road, which would be handled by the County Attorney

Clifton left the meeting at 3:25pm.

Health Insurance Review:

Joining the commissioners were Clerk & Recorder Ogle; Deputy Clerk & Recorder, Christy Rogers; Treasurer, Sue Phelan; Deputy Treasurer, Shauna Porter; Sheriff, Jon Lopp; Fire Chief/DES Coordinator, Rick Seidlitz; and County Attorney Deschene.

Rogers ran the commissioners through a series of spreadsheets showing hypothetical scenarios involving different levels of County contributions toward employee health insurance premiums. Deschene asked the commissioners to pay her a full-time health insurance benefit. She argued that she is a full-time employee in many ways, including being on call 24/7. She told the commissioners if they gave her a full-time benefit, she would definitely put her family on the plan, which would help reduce premiums.

Schlepp said there were two issues. First, should the County increase the level of its contributions toward employee health insurance premiums, and by how much? And, do part-time employees like Deschene and Health Nurse Kiff receive a full-time benefit?

Action 18:

RESOLUTION 2012-#63

Hurwitz moved to increase the County's contribution to employee health insurance premiums from \$610 to \$800 under the permissive mil. Townsend seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

Action 19:

RESOLUTION 2012-#64

Hurwitz moved that part-time employees (over 20 hours per week) receive a full benefit for the purpose of health insurance. Townsend seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

Minutes:

Action 20:

Townsend moved to approve the minutes from the previous meeting (June 12, 2012) without change. Hurwitz seconded. A vote was held and passed unanimously (3-0).

PUBLIC COMMENT:

Sheriff Department Radio:

Sheriff Lopp visited with the commissioners to inform them he needs to purchase a new radio. It would cost \$2500. The commissioners agreed.

Ann Booth, Economic Development Director with Triangle Communications:

Ann Booth dropped by to introduce herself to the commissioners and share some of the programs available to the County, including access to 0% loans for up to ten years through the USDA. She told them if the County has any large projects coming up to consider contacting her to see how Triangle may be able to help. Schlepp asked her when they were going live with their fiber optics. She said it would probably be next spring.

Claims:

Commission was presented Voucher #1275, CK#44173 through CK#44189 totaling \$13,540.17. Commission approved and signed checks as presented.

Meeting Adjourned:

Chair Schlepp adjourned the meeting at 4:20pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, July 3, 2012.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Chair Nancy Schlepp.
Distributed July 3, 2012 to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle