

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

**April 2, 9, 16, 2013**

**Tuesday**

April 2, 2013

8:30am-3:50pm

Met in Commissioner's Chambers

**Meeting Called to Order:**

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

**Commissioners Present:**

Chair Ben Hurwitz and Vice Chair Herb Townsend.

**Predator Control/Aerial Hunting:**

Hurwitz told Townsend that he had spoken with Dennis Biggs from the USDA the previous week. On March 29, the USDA had flown 5.2 hours in Meagher County and killed 17 coyotes: 8 on Bill Galt's property, 4 on Ben Galt's, 2 on Ralph Miller's, 1 at Camas Creek, 1 on Bodell's, and 1 on Schlepp's. It was also pilot training so there was no cost to the County.

**Bruce Smith—Road Report:**

*Road Equipment for Bid*

Road Supervisor, Bruce Smith, updated the commissioners on the road equipment he has advertised for bid. He has received calls of interest on each piece listed, mostly from out of state. He contacted his RDO salesman for trade-in values on the D6 bulldozer (\$6500) and the scraper (\$3500).

*Piping Job at Leger's*

Hurwitz mentioned a project that was begun in 2009 in which the County was laying pipe to carry irrigation water past the County pit to Becky and Keith Leger's property. Sean Ringer was doing the work for the County. Keith stopped him though about 1300 feet short of the property, so the irrigation water continues to flow into the County pit. Hurwitz and Smith agreed that they need to finish the project. Smith has priced 1300 feet of 18-inch plastic pipe (\$18,980). Ringer said he is able to finish the project. After a brief discussion, it was decided to take the necessary funds from Road's Purchase Services and Culverts funding lines.

*Helena Sand and Gravel Letter*

They discussed a letter from Helena Sand and Gravel, which was a reply to the County's letter to them on March 4, 2013. There is an issue regarding the gravel that was crushed on Becky Johnston's property. It had so much clay in it, they stopped crushing it. The County would like Helena Sand to return and screen the gravel to remove the clay. Helena Sand wants time and material costs to screen it. Hurwitz said he would call them and get a quote. They would also ask Rick McDaniel of Sierra Rock & Dirt for a quote.

*Asphalt Millings*

Smith and Hurwitz then shared with Townsend information from a seminar they attended at the recent MACRS Convention. They learned that it does not make sense for smaller counties without larger budgets to try to use the asphalt millings available from the State Department of Transportation.

**MACo Annual Safety Evaluation—Emelia McEwen:**

McEwen, from MACo, and Jodi Tierney, from Mid-Montana Insurance, joined Safety Coordinator, Helen Hanson, the Commissioners, and Department Heads for the Annual Safety Evaluation. Present were Commissioner Townsend, Sheriff Jon Lopp, Dispatch Supervisor Maebeth Seidlitz, County Fire Chief/DES Coordinator Rick Seidlitz, Road Supervisor Smith,

Treasurer Sue Phelan, Health Nurse Kari Jo Kiff, Librarian Debbie Benedict, Clerk of the Court Donna Morris, Extension Agent Nico Cantalupo, Justice of the Peace Paula Wildman, and Clerk & Recorder Dayna Ogle.

**Redistricting:**

**Action 1:**

**Resolution 2013 –# 29**

**A RESOLUTION CONFORMING PRECINCT BOUNDARIES TO LEGISLATIVE DISTRICT BOUNDARIES FOLLOWING THE ADOPTION OF THE 2013 LEGISLATIVE DISTRICTING PLAN UNDER ARTICLE V SECTION 14 OF THE MONTANA CONSTITUTION**

**WHEREAS**, on February 12, 2013, the Montana Districting and Apportionment Commission adopted the final Legislative Districting Plan and filed the plan with the Montana Secretary of State;

**WHEREAS**, the Montana Secretary of State filed the submitted plan on February 12, 2013;

**WHEREAS**, MCA 13-3-102(1) requires that precinct boundaries conform to legislative boundaries.

**WHEREAS**, the legislative boundaries within Meagher County are staying the same.

**NOW THEREFORE LET IT BE KNOWN AND HEREBY RESOLVED**, that the Board of Meagher County Commissioners are recognizing the new legislative boundaries and that those boundaries are not changing within the county.

Dated this 2<sup>nd</sup> day of April, 2013

Attest:

Board of County Commissioners:

  
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Dayna Ogle

  
\_\_\_\_\_  
Chairman Ben Hurwitz

  
\_\_\_\_\_  
Commissioner Herb Townsend

  
\_\_\_\_\_  
Commissioner Nancy Schlepp



**Short-Term Boiler Maintenance Person:**

**Action 2:**

**RESOLUTION 2013-#30**

Townsend moved to hire Hal Haugan on a short-term, part-time basis to work one hour per day to check the boilers at the Courthouse and the Jail, until Ken Martin receives his boiler license. His hourly wage will be \$18 per hour. Hurwitz seconded. A vote was taken and passed unanimously (2-0). It is therefore resolved.

### **Fire District—Rick Seidlitz:**

Fire Chief Seidlitz told the commissioners the petition process for the County fire district is proceeding well. He showed them its progress on a county map. He said that Errol Galt would like Martinsdale Fire Service Area to join as soon as possible. The main issue here is that fire service areas are supposed to return their assets to their residents upon disbanding. Galt felt they could get around that by writing in to the petition itself that the assets would go in to the new fire district.

*County Attorney, Kimberly Deschene, joined the meeting at 11:25am.*

Deschene said the law was murky on this issue but felt confident that Galt could go ahead and write the petition that way.

### *Community Wide Fire Protection Plan (CWPP)*

Seidlitz told the commissioners that it was time to update the County's CWPP. The last time they did it cost \$20,000. Jess Secrest, recently retired from the Forest Service, would do it for \$4200. He added that Title 3 money is earmarked for that. No action was taken.

### **County Attorney Report—Kimberly Deschene:**

Deschene presented her weekly report to the commissioners. Of note, she mentioned a few criminal cases she was working on.

### *Law Enforcement Agreement with City*

Next they discussed the law enforcement agreement Sheriff Lopp is trying to work out with the City of White Sulphur Springs. Deschene felt the amount the City contributes to the County for law enforcement was pitiful, namely \$23,000 of an overall \$500,000 budget. She encouraged the commissioners to negotiate for the City to pay a percentage of the Sheriff Department's overall budget. She added that the County has significant leverage, as it is not obligated to provide the City with law enforcement service.

Townsend pointed out that City residents pay for their water, so that is not taken out of the taxes the City brings in. He felt it would be helpful to look at the City's budget.

### **Lunch:**

The commissioners broke for lunch at 12:05pm. They returned at 1:00pm.

*Commissioner Schlepp joined the meeting at 1:00pm.*

### **CTEP Paperwork—Jim Richard:**

#### **Action 3:**

Townsend moved to approve and sign the CTEP paperwork that Richard presented (copies are on file in the Clerk & Recorder's Office). Hurwitz seconded. A vote was held and passed unanimously (3-0). Hurwitz signed.

Richard told the commissioners the CTEP committee would like to use the \$9000 remaining from being under budget to extend the sidewalks that are going to be part of the coming Main Street project.

### **Return to Work Policy/County Safety Manual—Helen Hanson:**

Safety Coordinator Hanson gave a brief overview of the morning's safety meeting. She then discussed the Return to Work Policy and the County Safety Manual. If things met with the Commission's approval, the next step would be to have two public hearings, after which they could formally adopt them. The public hearings were added to the agendas for the next two Commission meetings.

She concluded by telling the commissioners the members of the newly formed Safety Committee: Health Nurse Kiff, Maintenance Man Ken Martin, Road Foreman Tim Collins, Dispatch Supervisor Seidlitz, and Hanson.

### **Dowl HKM Engineering—Jim Greil and Mike Beckhoff:**

Greil, who was Chief of the Airports and Airways Bureau at Montana Aeronautics, and Beckhoff, who until recently was with Stelling Engineers, dropped by to introduce their firm to the commissioners. Greil said 70% of all airport work in Alaska is done by their firm. Their office will cover all of Montana. They also have offices which cover northern Idaho, eastern Washington, and Wyoming.

Schlepp mentioned the jet fuel, which the County had once considered selling at the airport. She said the primary issue was the 9-month shelf life of the fuel. She asked them what other small airports do. Beckhoff replied that the ones that sell it successfully somehow have enough turnover to make it happen. Often they are airports with in areas where lots of aerial spraying occurs by planes with turbine engines. Greil added that the difficult part is no pilots want to pump their own fuel, so they often go to airports where they do not have to. If the local airport had someone on call who could meet incoming flights, it might work. He added that White Sulphur Springs Airport does have enough traffic that it is close to being able to support jet fuel sales. Greil and Beckhoff left the meeting at 2:20pm.

### **Minutes:**

#### **Action 4:**

Schlepp moved to approve the minutes from the March 19 meeting with changes. Townsend seconded. A vote was held and passed unanimously (3-0).

### **Sheriff Report—Jon Lopp:**

Sheriff Lopp gave the commissioners his monthly report. Of note, he said there would be some overtime from the previous day, as there was a fatal accident west of the City. He also discussed some recent attempts at illegal purchases of prescription drugs from the local pharmacy.

#### *Law Enforcement Agreement with City*

Lopp and the commissioners next discussed the terms of the law enforcement agreement with the City. He has dollar amounts he is prepared to give to them but he prefers Deschene's idea of using percentages. Schlepp pointed out the City will need actual dollar amounts in order to know what to assess in taxes. Lopp added that the City wants a twelve-year agreement. He prefers five. Schlepp suggested three, with the mine coming in soon.

They also discussed vehicle options. The City's auditor wants the City to get the vehicle they supply for the County back at the end of four years, when they supply the next one. Lopp has no problem returning the vehicle, but not till the department is done with it.

*County Attorney Deschene rejoined the meeting at 3:10pm.*

Deschene reiterated her recommendation of negotiating for a percentage of the Sheriff budget. Schlepp pointed out that people in the City pay taxes to the City and to the County. She said it would be important to know how much of those taxes paid by City residents to the County goes to law enforcement.

After further discussion, it was agreed that Schlepp would join Lopp at the City's working meeting the following Tuesday, April 9, at 7:00pm, to discuss these issues. Deschene stressed the importance of having the commissioners involved in the negotiations. The Sheriff Department would have its budget met regardless of where the funds came from. But it is the County that really has something to gain from this.

Hurwitz concluded by asking Lopp what his preference with the vehicle was. Lopp said he would like to receive money from the City, use it to buy a new vehicle, and give the City the vehicle when the County is done with it.

**PUBLIC COMMENT:**

There was no public comment.

**Claims:**

Commission was presented Voucher #1359, CK#45274 through CK #45327, totaling \$29,860.98, and Voucher #1355, CK#45273, totaling \$1800.00. Commission approved and signed checks as presented. Also presented were Health Insurance Voucher #1356, CK#218443 through CK#218449, totaling \$21,394.45; Payroll Deduction Voucher #1357, CK#218450 through CK#218456, totaling \$87,690; Payroll Deduction Voucher #1358, CK#218457, totaling \$12.78; and Payroll Voucher #10, CK#218426 through CK#218442, totaling \$8,700.56. Commission approved as presented.

**Meeting Adjourned:**

The meeting was adjourned at 3:50pm.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, April 9, 2013.

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**CLERK & RECORDER**

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**CHAIRMAN**

**SEAL**

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**VICE-CHAIRMAN**

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**COMMISSIONER**

Note: Minutes taken by Assistant to the Clerk & Recorder, Nate Sanders.  
Distributed April 9, 2013 to Chairman Hurwitz, Commissioner Townsend, Commissioner Schlepp, and Clerk & Recorder Ogle

**Tuesday**  
April 9, 2013  
9:30am-3:05pm  
Met in Commissioner's Chambers

**Meeting Called to Order:**

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

**Commissioners Present:**

Chair Ben Hurwitz and Vice Chair Herb Townsend.

**Road Equipment—Bruce Smith:**

Road Supervisor Smith dropped by with some quotes on bulldozers. The one he was interested in was a 1996 model with 8400 hours on it. The owner was asking \$85,000 for it. The only thing needed would be air conditioning for the cab. After further discussion and a review of the budget, which showed \$268,000 available, it was agreed that Smith would go meet with the owner the following day to look at the dozer. At the next week's meeting, the commissioners would finalize the decision. Hurwitz commented that the Road Department should try to replace a piece of equipment each year to stay ahead of things.

**Minutes:**

**Action 1:**

Townsend moved to approved the minutes from the previous meeting (April 2, 2013) without change. Hurwitz seconded. A vote was held and passed unanimously (2-0).

*Commissioner Schlepp joined the meeting at 9:55am.*

**Public Hearing—Return to Work Policy:**

Safety Coordinator, Helen Hanson, joined the meeting for a public hearing on the proposed Return to Work Policy. There was no public comment.

**Transportation Advisory Committee—Tentative Budget:**

County Tobacco Prevention Specialist, Aaron Blair, and Colleen Owens, both members of the Meagher County Transportation Advisory Committee, presented a tentative budget to the commissioners. They estimated it would cost around \$18,000 per year to run the program, including about \$6000 for Blair to work ten hours a week at \$12.64 per hour to handle dispatch and administrative duties. They estimated 1500 miles a month at \$.55 a mile, which works out to \$9900 a year.

Townsend wondered what happened to the Montana Independent Living Program, who was originally spearheading the TAC. Owens told him they would like to be involved but have run out of funding. Hurwitz commented that not everyone who takes advantage of this transportation program is poverty-stricken, yet no one appears to offer even to pay for a tank of gas. Owens agreed, saying she has never been paid a cent in all the years she has been giving people rides. She estimated that maybe a quarter of the people they give rides to are truly destitute.

Schlepp asked if they were hoping to use some of the Harmon funds for this program. Owens conceded that any financial support they could get would be welcome, as grant funds are scarce. Hurwitz shared his fear that the County would be starting a new "welfare" program. They would not get paid for it, but would not be able to get rid of it either. It is a huge step and needs to be considered seriously.

He added that the Harmon funds were committed by the commissioners to the hospital. Even though they are not receiving any funds from it currently, the County is still on the hook should the hospital need assistance paying their loans in the future. Schlepp told Owens and Blair that

she truly appreciates what they do but she is not sure that funding a program like this is the role of government.

Townsend wondered if one person alone could handle the entire program—driving, administration, etc. Hurwitz mentioned a program in Chester where they have a bus running every day to various locales. It's a program run by the County.

Townsend expressed his support for the work the TAC is doing but said it would be ideal if they could continue without the County's help. He suggested charging a fee. People will start expecting to pay that way. And they can still give rides to those folks who cannot afford to pay.

It was agreed that the TAC would look in to the program in Chester and another one in Harlowton where fees are charged for transportation. They would also try to come up with a fee schedule for trips to and from various locations. Blair and Owens left the meeting at 11:10 am.

**Fire/DES Update—Rick Seidlitz:**

County Fire Chief/DES Coordinator, Rick Seidlitz, visited with the commissioners to see if they had any questions about Fire or DES. They did not.

*National Public Safety Telecommunications Week*

The commissioners reviewed a request by Communications Supervisor, Maebeth Seidlitz, to recognize the week of April 14-20, 2013, as National Public Safety Telecommunications Week.

**Action 2:**

**RESOLUTION 2013-#31**

**Proclamation**

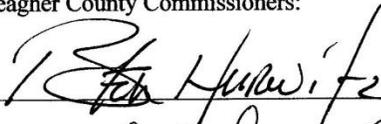
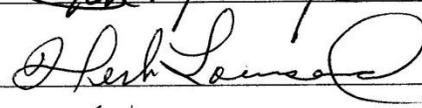
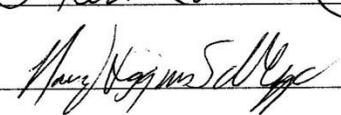
**National Public Safety Telecommunications Week**

**April 14-20, 2013**

Whereas emergencies can occur at anytime that require law enforcement, fire or emergency medical services;  
And Whereas when an emergency occurs the prompt response of law enforcement, firefighters and EMT's is critical to the protection of life and preservation of property;  
And Whereas the safety of our Sheriff's officers, firefighters and EMT's is dependant upon the quality and accuracy of information obtained from citizens who telephone the Meagher County Sheriff's Office/9-1-1 Communications Center;  
And Whereas Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services;  
And Whereas Public Safety Telecommunicators are the single vital link for our law enforcement officers, firefighters and EMT's by monitoring their activities by radio, providing them information and insuring their safety;  
And Whereas Public Safety Telecommunicators of the Meagher County Sheriff's Office/9-1-1 have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients;  
And Whereas each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;  
Therefore Be It Resolved that the County Commissioners of Meagher County declare the week of April 14 through 20, 2013 to be National Public Safety Telecommunications Week in Meagher County in honor of the Dispatchers whose diligence and professionalism keep our county and citizens safe.

Signed this 9 day of APRIL, 2013

Meagher County Commissioners:

  
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**County Attorney Update—Kimberly Deschene:**

*MACo Mediator*

County Attorney Deschene visited with the commissioners to discuss a few issues. She said she had called MACo Chief Counsel, Mike Sehestedt, about the possibility of using their mediator, Maureen, to help smooth out some communication issues between her office and the Sheriff Office. She found out that Maureen cannot in fact help out. It was agreed to discuss with Lopp later to see if there was still a need for a mediator.

*Deputy County Attorney*

They next discussed the possibility of retired District Court Judge, Nels Swandal, becoming a Deputy County Attorney in order to mentor Deschene, especially in criminal matters. He had offered to do so at no cost to the County, other than to be covered under the County's liability insurance for errors and omissions. Schlepp said she would only feel comfortable with Swandal acting in a mentoring role, not acting on his own. She suggested trying it for a set amount of time. It was agreed.

**Action 3:**

**RESOLUTION 2013-#32**

Schlepp moved to appoint Nels Swandal as Deputy County Attorney from June 1, 2013 through May 31, 2014. He will work for no pay but will be covered under the County's Liability Insurance for Errors and Omissions. Townsend seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

**Chemical Dependency Service Provider Designation:**

Hurwitz signed a letter re-designating Southwest Chemical Dependency as State-Approved Chemical Dependency Service Provider for Meagher County for SFY2014, and thus as recipient of the County's alcohol tax monies earmarked for the provision of chemical dependency services in Meagher County.

**Treasurer Report—Sue Phelan:**

*Bank of the Rockies Deposit Program*

Joining Phelan was Deputy Treasurer, Shauna Porter. Phelan mentioned that Bank of the Rockies has a new program for savings and cash equivalents. The bank is now able to send deposits electronically to various banks so that the County's savings, which exceeds the \$250,000 FDIC insurance limit, would still be insured. The drawback is that it yields about .02% less than the State's STIP program, where the County's cash is now.

*Law Enforcement Agreement with City*

They next discussed a report that Phelan and Porter had written regarding the various sources of funding for the Sheriff Department budget. Hurwitz was surprised that only 13% of the taxable value in the County was in the City of White Sulphur Springs. Schlepp said a big part of that is because residential property tax rates, at 1.34%, have been kept revenue neutral for years, whereas commercial and agricultural rates are significantly higher.

The report (which is on file in the Clerk & Recorder's Office) broke down four sections of the Sheriff Department budget—Communications, Jail, Special Police, and 911—by amount and sources of funding. In particular, they point out that amounts attributed to the County in Special Police and 911 in a report presented by Sheriff Lopp the previous week, are actually carry-overs from prior year's budgets. The County does not contribute to either.

It was agreed that there are many different ways to view the numbers. Schlepp conceded that things would essentially come down to a negotiation with the City to review terms of an informal agreement that have not been updated in several years. She felt it was important that the City agree to pay more for law enforcement.

**County Board of Health:**

Present for the Board of Health meeting, in addition to the three commissioners, were County Health Nurse, Kari Jo Kiff; County Sanitarian, Deen Pomeroy; County Tobacco Prevention Specialist, Aaron Blair. Not present were County Public Health Officer, Brett Williams; WSS Mayor, Julian Theriault; and Sandy Harris.

*County Health*

Kiff presented her report first. Of note, there were two cases of influenza over the last quarter and multiple cases of Norovirus in February. She is working on a Tdap campaign with the Springdale colony and the newly relocated colony near Great Falls. There are a couple children attending pre-school conditionally who will soon be due for immunizations. The Child Find screening will be done next week. She will be attending the Family and Community Health Conference and the Annual Immunization Workshop this month. And the Public Health Officer's job description has been updated. Hurwitz signed off on it.

*Tobacco*

Next, Blair presented an update on the Tobacco Prevention Program. He gave the gathering a calendar of upcoming events and said he also had work plans available. The Community Health Expo is coming up at the end of April and the kids are working on a maze in the elementary school gym for the same day. He showed a report of monthly activity for the Tobacco Quit Line and discussed the possibility of the hospital going tobacco free campus wide.

*Sanitarian*

Sanitarian Pomeroy presented his report. Two new homes are being built in the County, one on Luppold Road and one in Martinsdale. He got the septic issue at Mitzpah straightened out, by recommending where to put the drain field. There are two food establishments without licenses for the year—the Barnwood Restaurant and Lanita Wheeler’s Grub Shack. They both forgot and said they will take care of it. He mentioned a few bills that are currently in the legislature which concern him. One is a bill that would allow small producers to sell raw milk. The other bill would allow home canned, high acid foods to be sold at farmer’s markets. He is concerned because either bill would put the public at risk.

Hurwitz adjourned the meeting at 2:35pm

**Health Nurse Report—Kari Jo Kiff:**

The commissioners were running behind schedule so Kiff handed them her health nurse report (which is on file in the Clerk & Recorder’s Office) to read on their own.

**Law Enforcement Agreement with City:**

Phelan and Porter returned to discuss the law enforcement agreement with the City. Also present was Clerk & Recorder, Dayna Ogle. They briefly revisited what they had discussed earlier in the meeting, namely the amount contributed to the Sheriff budget by the City. Schlepp reiterated her previous assertion that it would simply come down to a negotiation with the City to get them to agree to increase the amount they pay the County for law enforcement.

**PUBLIC COMMENT:**

*CTEP*

Jim Richard came to the commissioners to ask for some informal guidance regarding the welcome signs and directional signs involved in the CTEP projects. He said he had structured the bid request for signs so that the actual prep work could be done locally. The problem is no local folks appear to be interested. AJ Clayton said he would do it if there was no other option, but he also recommended contacting the sign maker to see if he would do it. He said he would. Richard next contacted the State and they recommended amending the contract to have the sign maker handle all the sign work. Richard requested the approval of the commissioners to do so. They told him to go ahead and do whatever was easiest.

**Claims:**

Commission was presented Voucher #1360, CK#45328 through CK #45352, totaling \$25,027.18. Commission approved and signed checks as presented.

**Meeting Adjourned:**

The meeting was adjourned at 3:05pm.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, April 16, 2013.

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CLERK & RECORDER

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CHAIRMAN

SEAL

\_\_\_\_\_  
VICE-CHAIRMAN

\_\_\_\_\_  
COMMISSIONER

**Tuesday**  
April 16, 2013  
9:00am-3:20pm  
Met in Commissioner's Chambers

**Meeting Called to Order:**

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

**Commissioners Present:**

Vice Chair Herb Townsend.

**Open Sealed Bids—Road Department Equipment:**

Road Supervisor, Bruce Smith, and Sierra Rock & Dirt President, Rick McDaniel, joined Townsend for the opening of the bids for the four pieces of road equipment for sale by the County: a Heata/mix, a Spreadmaster Chip Spreader, a Bomag Self-Propelled Roller, and a Terex Scraper.

The bids are as follows (high bids are in italics):

- 1) Rehbein Enterprises, Inc. (Polson, MT) bid *\$2700 for the Chip Spreader.*
- 2) Sierra Rock & Dirt (Great Falls, MT) bid:
  - a) *\$9100 for the Scraper*
  - b) \$4001 for the Roller
  - c) \$1500 for the Chip Spreader
- 3) Deer Lodge Asphalt (Deer Lodge, MT) bid:
  - a) *\$250 for the Heata/mix*
  - b) \$2100 for the Chip Spreader
  - c) \$2500 for the Roller
  - d) \$5000 for the Scraper
- 4) Steve Stoican (Ryegate, MT) bid:
  - a) \$5000 for the Scraper
  - b) \$3100 for the Roller
- 5) City of White Sulphur Springs bid *\$5000 for the Roller.*

Sierra Rock and Dirt also gave alternate bids to be paid in crushed gravel.

Townsend and Smith were satisfied with the bids. Townsend tabled the subject till later in the meeting when Chair Hurwitz would be present, at which time there would be a quorum to accept the bids officially.

**Bulldozer Purchase:**

Townsend tabled the bulldozer purchase as well.

**Public Hearing—Return to Work Policy/Safety Manual:**

Safety Coordinator, Helen Hanson, joined the meeting for the second public hearing on the Return to Work Policy. There was no public comment. Townsend tabled the policy to be adopted later in the meeting.

**Justice of the Peace—Office Hours:**

Justice of the Peace, Paula Wildman, dropped by to get permission from the commissioners to change her office hours from Monday through Thursday, 10:00am-4:00pm to Tuesday through Friday, at the same time. Townsend told her it was her decision but to make sure everyone is aware of the change. She agreed.

## **County Attorney Update—Kimberly Deschene:**

County Attorney Deschene met with Townsend to give her weekly update. She told him she was having difficulty getting some evidence from one of the Sheriff deputies. He had been investigating a case with a person from the State involving illegal purchases of prescription drugs from the Castle Mountain Pharmacy. The investigation ended and the deputy told the person from the State that the Attorney General's office would be handling the case, which, Deschene said, was not true. Their office could not handle the case unless she requested them to do so. So now the deputy will not turn over the evidence to her.

*Chair Hurwitz joined the meeting at 11:40am. Deschene told him what she had just told Townsend about the problems with the deputy.*

Hurwitz called Sheriff Jon Lopp, who assured him that he would talk to the deputy and make sure he hands over the evidence to Deschene on Thursday when he returns to town.

Deschene then mentioned a potential lawsuit against the County from a gentleman who fell down the Courthouse steps on his way up to the Courtroom. She said that MACo would be defending the County if there was legal action taken.

## **Minutes:**

### **Action 1:**

Townsend moved to approved the minutes from the previous meeting (April 9, 2013) with one change. Hurwitz seconded. A vote was held and passed unanimously (2-0).

## **Road Equipment Bids:**

### **Action 2:**

#### **RESOLUTION 2013-#33**

Townsend moved to accept the highest bids for each of the four pieces of road equipment for sale by the County. Namely:

- 1) Heata/Mix (Wylie Manufacturing, 30-R, SN#: #38142) would go to Deer Lodge Asphalt of 1140 Kelley Street in Deer Lodge, for \$250.
- 2) Spreadmaster Chip Spreader (Flaherty Mfg Div of Koehring, SN: #5MD874) would go to Rehbein Enterprises, Inc. of 41448 Ranch Road in Polson, for \$2700.00.
- 3) Bomag self-propelled Roller (Model 210AV, SN: #83160) would go the City of White Sulphur Springs for \$5000.
- 4) Terex Scraper S11E (serial #23540, tractor, SN: #59359) would go to Sierra Rock & Dirt of Great Falls, for \$9001.

Hurwitz seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

## **Bulldozer Purchase:**

### **Action 3:**

#### **RESOLUTION 2013-#34**

Townsend moved that the County Road Department purchase out of the Road Department Outlay Fund (4010) a 1996 Caterpillar D6H XL II Dozer (Serial #9KJ-01444) from Riley Denning of D-Cat Contracting in Sun River, MT for \$85,000. Payment would be made by wire transfer. Hurwitz seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

## **Return to Work Policy/Safety Manual:**

### **Action 4:**

#### **RESOLUTION 2013-#35**

Townsend moved that Meagher County adopt the Return to Work Policy and new Safety Manual as presented by Safety Coordinator, Helen Hanson. Hurwitz seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

### **Predator Control—Aerial Hunting:**

Hurwitz informed Townsend that he had spoken with Dennis Biggs of the USDA regarding a recent flight in Meagher County. They had flown three hours and killed four coyotes, two on Bill Galt's property on Lingshire, and two on Bodell's property. Biggs told Hurwitz that the USDA no longer charges for ferry time. And in a new policy, they will now shoot any wolf they see anywhere with livestock.

### **Lunch:**

Hurwitz left the meeting at 12:15pm and Townsend broke for lunch. Townsend returned at 1:00pm.

### **CTEP Update—Jim Richard:**

Richard was unable to come up with the information he needed for the update he planned to present, so he did not attend the meeting.

### **Third Quarter Budget Review—Clerk & Recorder Dayna Ogle:**

Clerk & Recorder Ogle met with Townsend to give him an overview of the budget through the third quarter. She put blue flags on accounts that had less than 25% left for the year and red flags for those over budget. There were only three funds over budget. Solid waste was over because the pump at the transfer site needed replaced unexpectedly and some of the license fees got paid outside of the correct fiscal year. The remaining funds—Alcohol Rehab and Weed—were over budget due to unexpected revenue and unexpected expense. All three funds would require budget amendments.

### **Sprinkler Discussion—Mayn Cemetery:**

Cemetery Sexton, Gene Harris, and Sandy Harris, joined the meeting to discuss purchasing a new sprinkler system at the cemetery.

Harris began by telling Townsend it takes him ten days to water the Main Section by handline and ten more days for the new section. There is plenty of water from the well—85 gallons per minute—but the delivery is insufficient. Hence the need for a sprinkler.

Cemetery Board member, Cindy Mesecher, joined the meeting at 1:50pm.

Sandy mentioned a small grant the cemetery would receive from the community's annual Fourth of July Fun Run. They were too late for all the other grants they looked at.

Cemetery Board Chair, Chuck Lucas, joined the meeting at 2:00pm.

Townsend felt confident that with grant money they would be able to get the job done. He asked about the possibility of doing the sprinklers in sections. Harris replied that he had discussed with the folks who gave him estimates the possibility of doing the project in thirds. It is possible but that estimates are based on 2013 costs. Costs might rise in the future.

Townsend said that because the project would cost more than \$50,000 he thought it would need to be bid out. The first step would be to find an engineer to draw up specs for the plan so everyone was bidding on the same thing. Lucas said he just wanted to see how much the County could put in to the project. Townsend told him they might be able to help a little bit but it would be best to get as much grant money as they could.

Townsend asked Harris if he could get by another year without a sprinkler. Harris said he got by this long without one so he could handle one more year. Townsend suggested getting some extra help for this summer, having some specs drawn up, getting an idea of the cost involved, applying for some grants, then going out for bid. Townsend encouraged them saying they should definitely do this. He was just skeptical that it could happen this year.

It was agreed that Harris and the Cemetery Board would have some specs drawn up and then proceed from there.

**Recycling—Dave Leverett, Four Corners Recycling and Jake Lind:**

Dave Leverett, from Four Corners Recycling, and Jake Lind met with Townsend to discuss the possibility of taking over recycling in Meagher County. They presented a proposal (which is on file in the Clerk & Recorder's office) which would include Lind handling cardboard collection and baling, and Four Corners handling collection of 1-7 plastics, newspaper, office paper, and steel and aluminum cans. Leverett stressed that Four Corners works with each of its clients to formulate a plan that works best.

The overall cost of the program would include \$250.00 per month for the rental of a down stroke baler for the cardboard, and \$250.00 per month for the rental of a 44-yard triple bin roll off for the other commodities. Trucking, based on 2 roll off collections, would be \$600.00 per trip. He told Townsend that if Meagher County decided to go with Four Corners to handle its recycling needs, they would need six weeks' notice to get a roll off bin.

**PUBLIC COMMENT:**

There was no public comment.

**Claims:**

Commission was presented Voucher #1361, CK#45353 through CK #45387, totaling \$34,520.09, and Voucher #1362, CK#45388, totaling \$85,030.00. Commission approved and signed checks as presented.

**Meeting Adjourned:**

The meeting was adjourned at 3:20pm.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, May 7, 2013.

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**CLERK & RECORDER**

\_\_\_\_\_  
**CHAIRMAN**

**SEAL**

\_\_\_\_\_  
**VICE-CHAIRMAN**

\_\_\_\_\_  
**COMMISSIONER**

Note: Minutes taken by Assistant to the Clerk & Recorder, Nate Sanders.  
Distributed May 7, 2013 to Chairman Hurwitz, Commissioner Townsend, Commissioner Schlepp, and Clerk & Recorder Ogle.