

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

**August 6, 13 and 20, 2013**

**Tuesday**

August 6, 2013

9:00 a.m. - 4:00 p.m.

Met in Commissioner's Chambers

**Meeting Called to Order:**

Chair Hurwitz called the meeting to order at 9:00 a.m.

**Commissioners Present:**

Chair Ben Hurwitz and Commissioner Nancy Schlepp.

**Road Report – Bruce Smith:**

Bruce Smith was present to give the Road Report. Chair Hurwitz brought up that Mr. Smith was at the meeting to present putting in the budget next year a mowing machine. Mr. Smith would like to replace the current mower with one that goes on the side of the grader. He also recommends selling the mower we currently have. The State has a new regulation on requiring 6 inches and they are concerned with the current mower throwing rocks. There was also discussion on adding additional snow equipment as well. They are checking into used graders. It is believed that there is money in reserve and if they sell the current mower to make up the cost both a mower and snow equipment would be doable.

Mr. Smith would also like to give his employee a raise. He is currently doing things that had previously been subbed out to others. The Commissioners recommended compiling a list of changes in his current job description and presenting that for consideration.

**Ambulance – Open Sealed Bids (Wiring)**

Sara Driemeyer and the Commissioners opened the sealed bids. There were only two bids received; High Voltage Electric in the amount of \$12,610.00, and Townsend Electric in the amount of \$10,620.00. The Commissioners asked Mrs. Driemeyer to compare the two bids with the specs provided to make sure they met the requirements and tabled until August 13th.

The Commissioners also asked Ms. Driemeyer if Coast to Coast has delivered all the materials for the Ambulance barn. Mrs. Driemeyer responded that there was a 2<sup>nd</sup> delivery this morning of items we had not received. Final payment is being withheld until the building is completed and the bill has been adjusted to reflect the credits.

**Grassy Mountain – Paul Kroeger / Rich Seibken:**

Paul Kroeger scheduled his portion of the meeting with the Commissioners to request the County pay for a mailing to the land owners regarding the Homeowners Association of Grassy Mountain, including postage. The Commissioners informed him that that cost would not be paid by the County and what the County could do was provide him with a list of names and addresses from the Treasurer's office of the Grassy Mountain owners in Meagher County. Any owners from Broadwater County would have to be retrieved from the Townsend Courthouse.

Rich Seibken scheduled his portion of the meeting to re-address concerns on the Fire District. Mike Leonard and Bruce Highland were also present from Grassy Mountain. Fire Chief Rick

Seidlitz, County Attorney Kimberly Deschene, and Christy Rogers from the Clerk & Recorder's Office were also in attendance.

Mr. Seibken presented the Commissioners and the County Attorney with a letter he had written to the land owners of Grassy Mountain. He wants to send out a letter to the owners asking them to vote on dissolving the Grassy Mountain Fire District. After discussion on whether the Fire District should be dissolved or consolidated with Meagher County, it was suggested by the Commissioners that the County Attorney draft a letter for the Fire District Board's review as a starting point for a letter to be signed by the members of the Board rather than Mr. Seibken personally.

Mr. Seibken said he understood where the money has gone that has been paid through taxes, and that there was no contention with that issue. However, the same issue exists on whether they should dissolve the Fire District or continue with it and that is why Mr. Seibken wants to get a letter to the owners asking them to vote. There was also clarification that an appointed board has the same authority as an elected board, since Mr. Seibken was not aware of what decisions could be made by the board since they were appointed members.

At this point, Erin Fryer called in and joined by speaker phone. Ms. Fryer confirmed she is still on the Grassy Mountain fire Board

It was suggested by the Commissioners that the Grassy Mountain Fire District have a meeting to discuss the letter that the County Attorney will draft as a starting point to the owners, specifying their duties as a Board to make decisions. That way they can ask their owners if they would like to proceed with their own fire district or consolidate with Meagher County, it is up to the Board to make that final decision. County Attorney Deschene and Fire Chief Seidlitz both pointed out that timing however was everything. That even if it was decided that the owners wanted to dissolve, they should wait and consolidate with Meagher County; otherwise, they would have to go through the process of being annexed into the Meagher County Fire District.

The Fire District Board needs to decide whether to supply the envelopes and stamps to do a mailing to the owners, then advise the Clerk & Recorder's office

#### **Health Nurse Update – Kari Jo Kiff:**

Health Nurse, Kari Jo Kiff gave the Commissioners her report for review

Aaron Blair of the Tobacco Prevention has submitted a letter of resignation effective as of 08/15/2013. She would like some idea on how to proceed, whether to find a replacement and continue on. Kiff does not believe she can handle the work load by the Health Nurse and Tobacco Prevention on her own if they continue on.

Health Nurse Kiff has emailed to see what happens if we revoke the contract with the State. Commissioner Schlepp suggested looking at all the options. This item was tabled until next week.

Health Nurse Kiff advised that Sandy Harris will continue on the Board of Health and that Jennifer Brundson will assume the responsibilities of the Medical Advisor and Public Health Officer. Kiff will be working on getting an agreement together with her.

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

County Attorney Deschene advised that she had attended the City Council meeting. On the vehicle purchase for the Sheriff, the City will not be providing that \$25,000. They are willing to increase what they pay towards the Sheriff's budget from \$23,400.00 to \$29,000.00, but will not be contributing the \$25,000.00 for a new pick up every 4 years.

#### **LEPC / Red Ants Pants Update LUNCH:**

The Commissioners broke for lunch at 12:08 p.m. and returned 1:17 p.m.

### **Clerk & Recorder – Dayna Ogle:**

Dayna Ogle, Clerk & Recorder reminded Commissioner Schlepp that she needed her formal letter of resignation. Clerk & Recorder Ogle will check to see if when the Commissioners vote to replace her position, whether Commissioner Schlepp can vote as well.

DES is giving the County a \$16,000.00 payment on last fiscal year (July, August & September). After this payment, they will do a full year.

The City Council is trying to schedule a meeting with the County Commissioners to discuss joint City/County issues. The Thursday meeting will not work, will keep trying to schedule.

Certified values are in and Clerk & Recorder Ogle is working on budget for the new fiscal year. There is a Clerk & Recorder's convention next week which she would like to attend, so hoping to schedule a half day workshop to work on the budget with the Commissioners before then.

### **Tintina Resources Rep – Cal Moore:**

On an unrelated issue, Mr. Moore told the Commissioners that he attended the City Council meeting and they were agreeable to paying half of the expense on the recycling, but the City wants to be more involved. Mr. Moore will put together types of service to bid on and bring it back to the commissioners for review.

On Tintina Resources, Mr. Moore advised of a public meeting on August 7th at 6:00 p.m. in the high school gymnasium. Tintina would appreciate a letter of support from the County Commissioners. The Commissioners agreed that Commissioner Hurwitz will plan to attend the meetin and speak in support.

### **Sheriff Report – Jon Lopp:**

Sheriff Jon Lopp provided the Commissioners a police report for review and comment.

At 3:10 p.m. there was a closed door session on an emergency personnel issue. The session re-opened the door at 3:30 pm. wherein County Attorney Deschene joined. There was discussion on the City agreement and what they are willing to contribute to the Sheriff's budget. It was suggested that we find out what other city/county relationships are.

### **PUBLIC COMMENT:**

No public comment

### **Claims:**

Commission was presented with Voucher # 1406, CK # 45749 through CK #45819, totaling \$60,517.65. They were also presented with a Void Report for CK # 45729 dated 070/9/1 which was voided and re-submitted. The commission was presented the payroll for July PP1, Voucher # 1, CK # 218568 through 218586, totaling \$11,320.73; Voucher #1403, CK # 218587 through CK # 218594, totaling \$101,302.52 and Voucher # 1404, CK # 218595 – 218601 totaling \$22,320.47. Commission approved and signed all checks as presented.

### **Minutes:**

#### **Action 1:**

Chair Hurwitz moved to table approving the minutes of the July 16<sup>th</sup> meeting until the next meeting. Commissioner Schlepp seconded, passed.

### **Meeting Adjourned:**

The meeting was adjourned at 4:00 p.m.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, August 13, 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, Penny Plachy.  
Distributed August 13, 2013 to Chairman Hurwitz, Commissioner Townsend, Commissioner Schlepp, and Clerk & Recorder Ogle

**Tuesday**  
August 13, 2013  
11:08 a.m. - 2:30 p.m.  
Met in Commissioner's Chambers

**Meeting Called to Order:**

Vice Chair Townsend called the meeting to order at 11:08 a.m.

**Commissioners Present:**

Vice Chair Herb Townsend and Commissioner Nancy Schlepp were present.

**Treasurer's Report:**

Sue Phelan presented the commissioners a report from the Treasurer's office.

**County Attorney Update – Kimberly Deschene:**

Kimberly Deschene and Nels Swandal were present to give the County Attorney update.

Attorney Deschene advised that she has not yet written the letter for the Grassy Mountain Fire District and was looking for a time frame. Commissioner Schlepp suggested as soon as possible and Attorney Deschene will try to put one together by next week.

On the opinion letter and research for the Harmon trust, Attorney Deschene was also looking for a time frame in finalizing. Commissioner Schlepp advised that as soon as the opinion was received, the funds could be invested more aggressively. Attorney Swandal thought it would be in the best interest of the Commission if a policy was put in place before changing how the funds were invested. Attorney Deschene will draft an investment policy for the Commissioners' review.

Attorneys Deschene and Swandal also advised that Sheriff Jon Lopp has been sending the County Attorney's office daily reports, providing better communication between the two parties.

**Ambulance Barn Review:**

After considerable review and comparison by the Chair of the Ambulance Board and the Commissioners, it was decided that both bids met the requirements set forth in the Call for Bids. Vice Chair Townsend made the point that the lowest bid had to be taken unless there was a reason to reject it.

**Action 1:**

**RESOLUTION 2013 - #57**

Vice Chair Townsend moved that we take the \$10,620.00 bid of Townsend Electric. Nancy seconded the motion on the condition that the bid is tied to the specs provided. The motion was voted and passed unanimously, therefore it is resolved. A letter will be sent to each contractor who bid the project.

**LUNCH:**

The Commissioners broke for lunch at 12:19 p.m. and returned at 1:22 p.m.

**Budget Review:**

The Clerk & Recorder provided binders for the Commissioners to review for budget items. A meeting is scheduled for Thursday to go over with the Commissioners and the Clerk & Recorder.

**Health Nurse – Kari Jo Kiff:**

Kari Jo Kiff updated that the State was fully committed to having a Tobacco Prevention program in Meagher County. With Aaron Blair leaving the position, Meagher County was looking at four options: 1) replace Mr. Blair and continue on with program; 2) dissolve the contract with the State; 3) do a partial contract; or 4) because the State does not want to lose the program in Meagher County, they could look to another county to pick up Meagher County's contract and implement. Kiff reminded the Commissioners that if this program does not go forward in Meagher County that the money goes back to the Tobacco fund, not the general fund.

Vice Chair Townsend tabled the discussion until the following week, at which time all Commissioners will be present to vote.

**PUBLIC COMMENT:**

There was no public comment.

**Claims:**

Commission was presented with Voucher # 1407, CK # 45820 through CK # 458747, totaling \$40,100.56. The Commission was also presented with a Void Report on CK #45807, dated 08/06/13 in the amount of \$439.94.

**Minutes:**

**Action 2:**

Commissioner Schlepp moved to approve the Minutes of the July 16, 2013 meeting. Vice Chair Townsend seconded. A vote was taken, and passed unanimously. The approval of the Minutes of the August 6, 2013 meeting was tabled since Herb had not been present for that meeting.

**Meeting Adjourned:**

The meeting was adjourned at 2:30 p.m.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, August 20, 2013.

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**CLERK & RECORDER**

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**CHAIRMAN**

**SEAL**

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**VICE-CHAIRMAN**

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**COMMISSIONER**

**Tuesday**  
August 20, 2013  
9:00 a.m. – 4:00 p.m.  
Met in Commissioner's Chambers

**Meeting Called to Order:**

Chair Hurwitz called the meeting to order at 9:00 a.m.

**Commissioners Present:**

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

**Budget Workshop**

Clerk & Recorder, Dayna Ogle, and the Commissioners worked on budget items in between other scheduled Agenda items today. Another meeting will be scheduled for Tuesday, August 27, 2013.

**FWP / Camas Lake – David Moser**

Representatives from the Montana Fish, Wildlife & Parks were present to respond to the Commissioners' letter and concerns regarding the Restoration of Westslope Cutthroat Trout to Camas Lake. Also present were Annie Lester and Geraldine Ogle, local ranchers with concerns of their livestock in the Camas Lake area.

David Moser and George Liknes explained the process of what was intended for this project (from poisoning to restocking) and what the affects would be to the livestock and wildlife in that area. The main objective is to keep the Westslope Cutthroat Trout off the endangered list.

The Commissioners would like to see the Montana Fish, Wildlife & Parks have a public hearing to address the questions and concerns of the residents of Meagher County and to explain what it is they are proposing and why. This would delay the project until next year. It was acknowledged that if the public doesn't understand why and how this will be accomplished, they will fight against it.

**Action 1:**

Vice Chair Townsend moved to have a public hearing on this matter so any opposition would be given the opportunity to comment. Nancy seconded, all voted and passed unanimously.

It was agreed that the Senior Center in the evening after 6:30 p.m. any day of the week would work well. Montana Fish, Wildlife & Parks will set up a public hearing date and advertise with the Meagher County News.

**Public Hearing – Updated Subdivision Regulations:**

Brian Clifton, M.S., R.S., C.F.M. was present to address the update on the Meagher County Subdivision Regulations which were changed to match new legislation passed during the previous legislative session. Others present were Mike Eby (Meagher County Planning Board) and Mr. and Mrs. Masee.

The regulations had not been updated or changed since 2007, and the changes were minor at this time.

For the Public Comment, Mr. Masee had a question regarding property he owned and how to change a classification on that property. Mr. Clifton addressed those issues and concerns, after which Mr. and Mrs. Masee left the meeting.

With the changes that are inevitable in the future for White Sulphur Springs and Meagher County, the topic of zoning or "land use regulations" came up for discussion. Mr. Clifton gave examples of why zoning would be important for the County to take a look at. The Subdivision Regulations pertain only to subdivision issues; while zoning would handle the other issues.

Mr. Clifton told the Commissioners that zoning is really a citizens' tool and agreed that it protects the property values for the owners. He also suggested that the County should start by implementing only concerns it has now and re-address and expand as needed. He also advised that the County should be thinking 20 years in the future, not just 5 years. Mr. Clifton also recommended that the City be involved in zoning discussions for the City. Mr. Eby was provided a copy of the Subdivision Regulations for the Planning Board and also the City Commission.

**Action 2:**

Vice Chair Townsend moved to approve and accept the Subdivision Regulations as presented; Nancy seconded. Voted, and passed unanimously.

**RESOLUTION 2013-#58**

**Resolution # 2013-58**

**Final Resolution to Adopt the Amended Subdivision Regulations of Meagher County**

WHEREAS, under the provisions of Title 76, Chapter 3, Montana Codes Annotated, the Board of County Commissioners of Meagher County is authorized to adopt and amend local subdivision regulations; and,

WHEREAS, the Meagher County Planning Board and the Meagher County Board of County Commissioners have reviewed the proposed amended local subdivision regulations and deemed them to be proper and needed; and

WHEREAS, public notice of the Meagher County Planning Board's intent to adopt and amend local subdivision regulations and of the public hearing was published on July 11, 2013 and July 18, 2013 in The Meagher County News; and

WHEREAS, a public hearing was held by the Meagher County Planning Board on July 29, 2013 in the Meagher County Courthouse; and

WHEREAS, the Meagher County Planning Board adopted the revised Subdivision Regulations for Meagher County on July 29, 2013; and

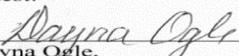
WHEREAS, public notice of the Meagher County Commissioner's intent to adopt and amend local subdivision regulations and of the public hearing was published on August 8, 2013 and August 15, 2013 in The Meagher County News; and

WHEREAS, the Meagher County Commissioners held a public hearing on August 20, 2013;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Meagher County, Montana that the attached Amended Subdivision Regulations of Meagher County are hereby adopted. These amended regulations shall take and be in full force and effect as of the passage date below.

Passed by the Board of County Commissioners of Meagher County on this 20th day of August, 2013.

Attest:

  
Dayna Ogle,  
Meagher County Clerk & Recorder

BOARD OF COUNTY COMMISSIONERS  
OF MEAGHER COUNTY, MONTANA

  
Ben Hurwitz, Chairman

  
Herb Townsend, Vice Chairman

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Nancy Schlepp, Commissioner

**Tobacco Prevention Program Review – Kari Jo Kiff**

**Action 3:**

**RESOLUTION 2013-#59**

After brief discussion, Chair Hurwitz moved that we no longer have a Tobacco Prevention Program. Vice Chair Townsend seconded. A vote was taken and passed unanimously. Therefore it is resolved.

**PUBLIC COMMENT:**

There was no public comment

**Claims:**

Commission was presented with Voucher # 1408, CK # 45850 through 45874, totaling \$20,005.17. Commission approved and signed all checks as presented.

**Minutes:**

**Action 4:**

Commissioner Schlepp moved that the Minutes from August 6, 2013 be approved. Chair Hurwitz seconded. A vote was taken and passed unanimously.

**Action 5:**

Commissioner Schlepp moved that the Minutes of August 13, 2013 be approved as presented. Vice Chair Townsend seconded. A vote was taken and approved unanimously.

**Meeting Adjourned:**

The meeting was adjourned at 4:00 p.m.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, September 3, 2013.

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**CLERK & RECORDER**

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**CHAIRMAN**

**SEAL**

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**VICE-CHAIRMAN**

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**COMMISSIONER**