

PROCEEDINGS OF THE BOARD OF THE COMMISSIONERS
MEAGHER COUNTY, MONTANA

January 8, 15, 22, 2013

Tuesday

January 8, 2013

8:45am-3:40pm

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.

Bruce Smith—Road Report:

Road Supervisor, Bruce Smith, visited with the commissioners to give his monthly report. He presented them with a list of equipment that is no longer used by the County. They discussed how it could be disposed of. Hurwitz suggested putting it in an auction. Townsend preferred advertising it online so they had the freedom not to sell it if the offered price was insufficient. It was agreed that Smith would contact the dealer of the front-mounted retriever to see what they cost new, so they could discount from that price.

Rick McDaniel, of Sierra Rock & Dirt, was done crushing gravel at Pit #1. It was agreed to have Otto Ohlson go measure the pile. Smith said that McDaniel was doing some maintenance on his equipment before heading to the Voldseth property to finish crushing.

New Year's Resolutions:

Action 1:

RESOLUTION 2013-# 1

Whereas, the board of county commissioners must elect one its members presiding officer (MCA §7-5-2109), and

Whereas, the presiding officer shall preside at all meetings of the board, and in case of the presiding officer's absence or inability to act, the members present shall select one of their number to act temporarily as presiding officer,

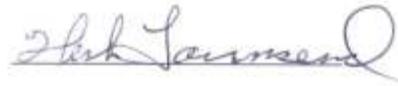
It Is Hereby Resolved:

Ben Hurwitz shall be the Chairperson of the Meagher County Board of County Commissioners through December 31, 2013, effective immediately.

Dated this 8 day of JAN., 2013.




CHAIRPERSON


VICE CHAIR


CLERK & RECORDER


COMMISSIONER

Action 2:

RESOLUTION 2013-# 2

Whereas, the governing body of the county shall establish by resolution a regular meeting date and notify the public of that date (MCA §7-5-2122), and

Whereas, the governing body of the county, except as may be otherwise required of them, may meet at the county seat of their respective counties at any time for the purpose of attending to county business, and

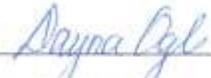
Whereas, the commissioners may, by resolution and prior two days' posted notice, designate another meeting time and place,

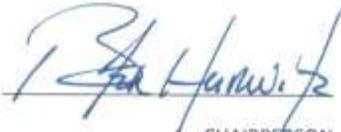
It is Hereby Resolved:

The Meagher County Board of County Commissioners shall meet the first three (3) Tuesdays of each month beginning at 8:30 a.m. and running till said meeting is complete. The meetings shall take place in the Meagher County Courthouse.

Dated this 8 day of JAN, 2013.




CLERK & RECORDER


CHAIRPERSON


VICE CHAIR


COMMISSIONER

Action 3:

RESOLUTION 2013-# 3

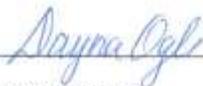
Whereas, unless otherwise provided by law, each officer shall keep the officer's office open for the transaction of business during the office hours determined by the governing body by resolution after a public hearing and only if consented to by any affected elected county officer each day except Saturdays and legal holidays,

It is Hereby Resolved:

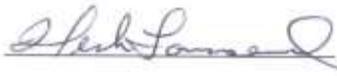
The Meagher County Courthouse will be open to the public from 8:00 a.m. through 4:00 p.m. Monday through Friday.

Dated this 8 day of JAN, 2013.




CLERK & RECORDER


CHAIRPERSON


VICE CHAIR


COMMISSIONER

Action 4:

RESOLUTION 2013-# 4

Whereas, it is recommended that counties adopt a resolution establishing mileage, lodging and per diem rates for business travel,

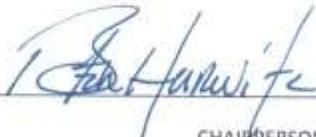
It Is Hereby Resolved:

Meagher County will use the prevailing state rates for the year 2013,

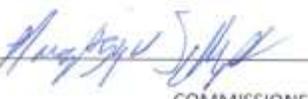
Dated this 8 day of JAN, 2013.




CLERK & RECORDER


CHAIRPERSON


VICE CHAIR


COMMISSIONER

Action 5:

RESOLUTION 2013-#5

Whereas, Section 46-18-403, MCA, states that "the daily rate for incarceration must be established annually by the Board of County commissioners by resolution" and that the daily rate must be equal to the actual cost incurred by the detention facility and it has been determined that the actual cost incurred by the Meagher County detention facility, on an average daily basis, is equal to Seventy-Five dollars (\$75.00);

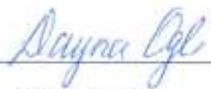
Now, therefore, be it resolved by the Board of County Commissioners of Meagher County that the daily rate for confinement costs, other than for actual medical costs, as ordered by the court and paid in advance for confinement and prior to payment of any fine, is hereby established at \$75.00 per day; and

Be it further resolved, if a judgment is for a fine and imprisonment until the fine is paid, the detainee shall be allowed a credit of \$75.00 for each day of incarceration; and that an inmate is responsible for the actual costs of medication, medical services, or hospitalization while detained in a detention center, based upon the individual's ability to pay and/or private provider health care coverage, or a bona fide and responsible third-party payer; and

Be it further resolved, that the County Attorney shall initiate proceedings to collect from the inmate any charges arising from the medical services or hospitalization in accordance with 7-32-2245, MCA.

Dated this 8 day of JAN, 2013.




CLERK & RECORDER


CHAIRPERSON


VICE CHAIR


COMMISSIONER

Clerk & Recorder, Dayna Ogle, joined the meeting at 9:30am.

Action 6:

RESOLUTION 2013-#6

Townsend moved that Christmas Eve be a half workday for Meagher County employees. Office hours in the Courthouse will be 8:00am through 12:00pm. Hurwitz seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

Action 7:

Resolution 2013 – 7

Budget Amendment

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

WHEREAS, the Meagher County Ambulance was involved in an accident on October 21, 2012 incurring unexpected expense to the Liability Insurance fund (2384), and

WHEREAS, the Meagher County Commissioners have agreed to transfer \$2000.000 of the General Fund's (1000) entitlement share into the Liability Insurance Fund (2384).

NOW THREFORE LET IT BE KNOWN AND HEREBY RESOLVED that the Meagher County Commissioners are amending the FY 12.13 budget for the unexpected expense of \$2000.00 (two thousand dollars and zero cents) and transferring \$2000.00 from the General Fund(1000) into the Liability Fund (2384).

Dated this 8thⁿ day of January, 2013

Attest:

Board of County Commissioners:


Dayna Ogle


Chairman Ben Hurwitz


Commissioner Herb Townsend




Commissioner Nancy Schlepp

County Health Funds:

Ogle explained to the commissioners that when County Health Nurse, Kari Jo Kiff, had decided to start individual funds for each of her grants, some of the money did not get transferred. As a result, the Bair Fund was over by \$123.42 and the Immunization Fund was under by the same amount.

Action 8:

RESOLUTION 2013-#8

Hurwitz moved that \$123.42 cash be transferred from the Bair Fund (2969) to the Immunization Fund (2976) in order to balance the two funds. Townsend seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

Medicare Versus County Health Plan:

Ogle and the commissioners briefly discussed the situation of an employee who recently became eligible for Medicare. She has been facing a dilemma of whether to drop the County's Blue Cross plan, which is paid for by the County, in favor of Medicare, which is better coverage but

would likely have to be paid for out of her own pocket. Ogle pointed out that if they gave the employee a \$300 monthly stipend to cover the Medicare premiums, they would have to give that to other employees the same age, whether they used it for insurance or not. Hurwitz suggested something along the lines of a longevity bonus, for example, to employees who have worked for the County for twenty years and are 65 years or older. Ogle also reminded the commissioners that a stipend was not included in the budget and, as it could not be included under the permissive mil for health insurance, the funds would have to come from somewhere else.

County Treasurer, Sue Phelan, joined the meeting at 9:50am.

County Cash and Cash Equivalents:

The commissioners asked Phelan what she has decided to do with Meagher County's cash, as Bank of the Rockies, where it had mostly been kept, reduced the amount covered by its pledge. She said they are now even trying to get the County to remove its money as quickly as possible. Phelan said she has some money at Dutton State Bank in a certificate of deposit, and is going to add some more. As they are only insured up to \$250,000, however, she is going to consider keeping the rest with STIP.

Jim Richard, CTEP—Meagher County Welcome Signs:

Richard, as the County's writer for CTEP grants, presented the results of a bid solicitation he had done for Meagher County welcome signs. There were three bidders. Mid-State Signs from Winifred bid \$2400 for three Welcome to Meagher County signs, \$1200 for two Visit the Castle Signs, \$200 for a Rodeo Grounds directional sign, and \$2250 for a Welcome to White Sulphur Springs sign. The total bid came out to \$6050. The second bid was from Signs Designs Unlimited from Bozeman. Their bid included \$5850 for three Welcome to Meagher County signs, \$3500 for two Visit the Castle signs, \$400 for a Rodeo Grounds directional sign, and \$4000 for a Welcome to White Sulphur Springs sign. Their total bid was \$13,750. The final bid was from Top Sign & Graphics, of East Helena. Their bid included \$2505 for three Welcome to Meagher County signs, \$1470 for two Visit the Castle signs, \$540 for a Rodeo Grounds directional sign, and \$3350 for a Welcome to White Sulphur Springs sign. Their total bid was \$7,865.

While the actual proposals varied in content significantly, the bids themselves were far enough apart that, according to an official from the CTEP program, the lowest bid had to be accepted. Richard said he would contact the lowest bidder to try to finalize the designs of the signs. Townsend asked Richard if he knew anything about the gentleman from Winifred. Richard replied that he had spoken to a few folks who had used him previously and they were all complimentary of his work.

Action 9:

RESOLUTION 2013-#9

Townsend moved that the County accept the bid from Mid-State Signs of Winifred to provide the signs included in the CTEP proposal. Their bid includes \$2400 for three Welcome to Meagher County signs, \$1200 for two Visit the Castle Signs, \$200 for a Rodeo Grounds directional sign, and \$2250 for a Welcome to White Sulphur Springs sign. The total bid came out to \$6050. Hurwitz seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

Richard told the commissioners that he would be going out for more bids in the near future, for landscaping around the signs, and for the fence and trees at the golf course.

Allocation of CSBG Funds:

Action 10:

RESOLUTION 2013-#10

Townsend moved that fifty percent of the \$6000 received in CSBG funds from HRDC for the funding cycle that began on September 1, 2012 and runs through August 31, 2013 be allocated to summer youth employment, and the other fifty percent be allocated to public health. Hurwitz seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

Cemetery Fee Increase:

Action 11:

RESOLUTION 2013-#11

Townsend moved that the County accept the Mayn Cemetery Board's recommendation to raise the fee on a burial plot to \$400 from \$300, effective January 1, 2013. Hurwitz seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

Minutes:

Action 12:

Townsend moved to approve the minutes from the previous meeting (December 18, 2012) without change. Hurwitz seconded. A vote was held and passed unanimously (2-0). It is thus moved.

Tree Survey Findings:

Patrick Plantenberg, from the Townsend Tree Board, Craig Jones, a GIS Consultant, and Mike Long, from the US Forest Service, joined the meeting to share the findings of a recent survey of trees done in the City of White Sulphur Springs and in the Mayn Cemetery. Also present were County Extension Agent, Nico Cantalupo; Cemetery Board Chair, Chuck Lucas; Cemetery Sexton, Gene Harris; Sandy Harris; and Jim Richard.

Plantenberg told the gathering that DNRC interns did the inventory in June of last year using DNRC Arbor Day grant money. They surveyed location, DBH (diameter at breast height), species, etc. Of note, there were 380 trees surveyed in the Cemetery, but only 10 species, four of which made up 77% of the trees. Three of those four are susceptible to the same bug. Also, only 25% of the trees are less than 12" in size, denoting young trees. The replacement value of the trees in the Cemetery is \$1,945,000, based on a model used by the Forest Service.

Plantenberg concluded his presentation by encouraging the County to consider a yearly tree-management budget, to implement a five-year plan, to apply for more DNRC grants, to implement and publicize a memorial tree program, and to place an article in the paper outlining the work Sexton Gene Harris has done over the previous year managing the trees at the Cemetery.

Kimberly Deschene—County Attorney Update:

County Attorney Deschene visited with the commissioners to give her weekly update. She told them she had received a work flow plan from Deputy Clerk & Recorder, Christy Rogers, regarding the future plans for a countywide fire district. She had just received the plan so she would take some more time and review it.

Next, Hurwitz told Deschene they were considering longevity pay for employees who have reached the age of Medicare eligibility, perhaps after 20 years of service. Deschene told him they could not use age at all, as it is discriminatory. She suggested they just give the employee in question a raise. Tell her she has done such a good job and dedicated so many years to the County that you are giving her a raise. Hurwitz asked her to double check to make sure that was legal.

Finally, they discussed the situation with the delay in the ambulance garage. Deschene conceded there was little she could do as there was not much of a contract to begin with and no timeframe was specified.

Commissioner Nancy Schlepp arrived at 11:45am.

Hurwitz suggested at least getting the 10% deposit back that the County paid up front. Deschene said she wanted to do just that but Board members Sara Driemeyer and Jack Berg wanted to give the company more time.

Townsend argued that the County should wash their hands of the whole issue. The ambulance department will either get its garage or it will not. Deschene said she agrees but the ambulance

board wants her to put parameters in place. Hurwitz countered that she can't, as long as the board is willing to give the company more time. There was further discussion and it was agreed by the commissioners to wash their hands of the situation.

LEPC LUNCH:

The commissioners broke for lunch at noon and returned at 1:00pm.

Hospital District Board Update:

District Board members, Pam Sundstrom and Sandy Harris visited with the commissioners to discuss the District Board. Sundstrom had submitted a letter of resignation from the board, effective January 8, 2013, prior to the meeting. She said it is necessary to acknowledge the success of Mountainview Medical Center. They are no longer receiving taxpayer money but seem to be thriving. Hurwitz agreed, sharing his pleasure that the hospital seems to be doing great. Sundstrom recommended putting things on the back burner with the Hospital District. And should they request taxpayer money in the future, the Board could be reactivated. After a brief discussion it was decided to do just that.

Action 13:

Schlepp moved that the Meagher County Hospital District Board become inactive until such time as county funds are requested again by the Mountainview Medical Center. Townsend seconded. A vote was held and passed unanimously (3-0). It is thus moved.

Sundstrom agreed to remain on the District Board while it is in its inactive state.

County Board of Health:

Present from the Board for this meeting, in addition to the three commissioners, were Sandy Harris and White Sulphur Springs Mayor, Julian Theriault. Also present were Tobacco Prevention Specialist, Aaron Blair, and County Health Nurse Assistant, Cynthia Stuhlberg. County Health Nurse, Kari Jo Kiff, was not present. Nor was Sanitarian, Deen Pomeroy or County Health Official, Brett Williams.

Stuhlberg presented the Health Nurse report on behalf of Kiff. Of note, the first confirmed case of influenza occurred in the County. Kiff continues to visit Springdale and Martinsdale colonies every month or two to give flu shots. The adolescent vaccine campaign began in November with sixth grade and the high school. There is some interest in HPV vaccine for males.

Blair then gave his Tobacco Prevention update. He handed the group a Progress Report for July 2010 through June 2012. After touching on some highlights of the booklet, he mentioned that he is working with Mountainview Medical Center to help them decide whether to go smoke-free campus-wide. He said he is on track budget-wise, with 50% spent so far. He has also been in contact with the Center for Mental Health discussing possible cessation programs, maybe as a reason for the Center to remain open in town.

Kari Jo Kiff—Health Nurse Update:

Kiff was unable to attend due to illness, but her assistant, Cynthia Stuhlberg, handed the commissioners Kiff's monthly report as part of the Health Board meeting.

Aaron Blair—Tobacco Prevention Report:

Blair presented his report as part of the Health Board meeting.

County Selling Pit Run Gravel to the Public:

Ogle re-joined the meeting. They discussed a recent sale of pit run gravel to Ringer Trucking. Hurwitz pointed out that if Ken Mikesell would sell pit run, the County should not be competing with him. Schlepp said they need to consider it. Townsend said the commissioners had decided in the past that the County would sell pit run. It was agreed to have Road Supervisor Smith meet with the commissioners to discuss it further.

Ambulance Donations/Meagher County Community Foundation:

There was a discussion about the letter the Meagher County Ambulance sent to the community soliciting donations at the end of last year. The bottom of the letter mentioned sending donations to the Meagher County Community Foundation. Townsend wondered if anyone could do that. Schlepp said they could. It is a way for groups in the community who do not have 501(c)3 status to receive charitable donations. Townsend wondered under whose authority that happens. His wife is on the Foundation Board and she was not aware the ambulance was doing that. He also wondered what responsibility the County has to the Foundation.

Jon Lopp—Sheriff Report:

Lopp met with the commissioners. He had to discuss a fellow elected official. The meeting was closed. At 3:30, the meeting was re-opened.

PUBLIC COMMENT:

There was no public comment.

Claims:

Commission was presented Voucher #1340, CK#44940 through CK#45003, totaling \$46,150.68. Commission approved and signed checks as presented. Also presented was Voucher #1337, CK#44938 and CK#44939, totaling \$24,320.00. Also presented were Health Insurance Voucher #1339, CK#218365 through CK#218370, totaling \$21,844.23; Payroll Deduction Voucher #1338, CK#218357 through CK#218364, totaling \$91,692.08; and Payroll Voucher #6, CK#218345 through CK#218356, totaling \$9,040.25. Commission approved as presented.

Meeting Adjourned:

Chair Hurwitz adjourned the meeting at 3:40pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, January 15, 2013.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Nate Sanders.
Distributed January 15, 2013 to Chairman Hurwitz, Commissioner Townsend, Commissioner Schlepp, and Clerk & Recorder Ogle

Tuesday
January 15, 2013
10:30am-3:45pm
Met in Commissioner's Chambers

Meeting Called to Order:

Chair Hurwitz called the meeting to order at 10:30am.

Commissioners Present:

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

Joe Broesder—MSU Extension:

Joe Broesder, from MSU Extension, visited with the commissioners to thank Meagher County for its support of the Extension Program and to discuss the performance of County Extension Agent, Nico Cantalupo. Broesder recently took over as Cantalupo's supervisor. Hurwitz confessed that he was skeptical of having a new agent at first but has been extremely pleased with Cantalupo. He is doing great and is extremely active. The other commissioners agreed.

Broesder said he started in Extension in Shelby, and then moved on to Choteau. He spent seven years ranching after that but decided ranching was not for him. So he returned to Extension in Havre. He is currently in Great Falls. Townsend asked how finances were for Extension Services. Broesder replied that they had lost support for their Schutter Diagnostic Lab. They are working hard to get that back. They also lost funding for their Local Government Center. In the last six years, he continued, Extension is down eight specialists. So they are trying to get all that back.

Meagher County Community Foundation:

Vice Chair Townsend began the discussion by saying that, according to the Foundation's by-laws, the County Commission is supposed to have two commissioners, or appointees thereof, on the Foundation's board of directors. There is a minimum of five and a maximum of 13 directors. Their last meeting was in January of 2012. Their 501(c)3 status has lapsed so he was not sure ambulance donors would get a tax deduction for any donations.

At 10:55am, Fire Chief Rick Seidlitz joined the meeting.

Townsend feels the commissioners should step in and get things going on the right track. The 501(c)3 needs reinstated. Board trustee, Sarah Hamlen, is working on that but said it could be July till things are fixed due to a backlog. It was agreed to get the Foundation on the agenda for a February meeting. Townsend and Schlepp both agreed to be on the Board if it came to that.

Rick Seidlitz—Fire/DES:

County Fire Chief, Rick Seidlitz, gave his monthly report to the commissioners. He said they are finally getting paid for the equipment they rented out for the Park County and Mud fires. They are working on the tender and the engines. He needs to work on updating the Arc Map10, which contains the rural addressing and all other layers. They continue to work on the countywide fire district. He has had lots of burning requests. There is still a lot of DES paperwork involved for federal grants.

Seidlitz briefly explained the amount of work involved each week in handling the mapping. Seidlitz mentioned the research that Deputy Clerk & Recorder, Christy Rogers, has done on fire districts. Any funds from existing fire districts consolidated in to a new countywide district would go into the new district. Any funds from the Martinsdale Fee Service Area are supposed to go back to the taxpayers.

Minutes:

Action 1:

Schlepp moved to approve the minutes from the previous meeting (January 8, 2013) without change. Townsend seconded. A vote was held and passed unanimously (3-0).

Kyle Harlan, County Building Inspector:

Hurwitz said he had spoken with Kyle Harlan to see whether he had received his remaining certifications in order to be the County's non-residential building inspector. Hurwitz said he is not certified yet but he is taking on someone who is certified in plumbing and electric so that the County can use him. There was no further discussion.

Kimberly Deschene—County Attorney Update:

County Attorney Deschene gave her weekly update to the commissioners. Of note, she said the plan to help an elected official, who recently dropped the County health coverage for Medicare, pay her premiums is going to be more difficult than she had expected. Deschene said the main option is a bad one, to do a monthly \$300 payment in lieu of insurance. Schlepp asked about giving the employee a raise, the option she had suggested last week. Deschene said elected officials are in the same group. If one were to get a raise, they would all have to get a raise.

Townsend asked about the possibility of the County buying supplemental coverage for its employees. Schlepp said it would have to be for all employees, and a primary plan is required in order to get supplemental.

There was a brief discussion of some of the criminal cases Deschene is working on.

LUNCH:

The commissioners broke for lunch at 12:00pm. They returned at 1:15pm.

John Schafer—RC&D Update:

John Schafer, from RC&D, visited with the commissioners to give an update on RC&D activity. Also present was County Extension Agent, Nico Cantalupo. Of note, they discussed the possibility of using solar energy at the new ambulance garage. They also discussed the Springs Manor complex, and how it might make a good assisted living facility.

They also discussed the status of the copper mine. Cantalupo said they were in Phase 2 now. Hurwitz added that they hope to do exploratory drilling by next summer. Schlepp mentioned she has been speaking with Brian Obert about Main Street beautification, which they want to put off till the new highway comes through.

Ambulance Board Director, Sara Driemeyer, joined the meeting at 1:30pm.

The discussion shifted to the ambulance garage, which has been on hold as the company supplying the building has yet to deliver it. Townsend said it was important to have alternatives before negotiating. Driemeyer mentioned she would talk to a business in Chinook to try to get a quote, to see if it might be worth walking away from the 10% deposit they have already paid Coast to Coast Carports. Hurwitz pointed out the 10% was made out to Heith Stidham, their agent, directly. He is the one they should pursue for the money. Hurwitz said he would call Stidham.

Driemeyer told the commissioners that she would contact a grant writer in February for help writing a grant to purchase a new ambulance. She said they had also received \$20,000 in donations so far.

Driemeyer, Schafer, and Cantalupo left the meeting at 1:45pm. Road Supervisor, Bruce Smith, joined the meeting at 1:45pm.

Bruce Smith—Discuss Selling Pit Run:

Hurwitz asked Smith if he wanted the County to sell pit run. Smith said he does not mind as long as people do not just drop by anytime. Hurwitz said he would call Ken Mikesell to see if he sells it. If he does not, it was agreed that the County would. But Smith did not want to advertise it.

Jodi Tierney, Mid-Montana Insurance—Building Appraisals:

Jodi Tierney, the County's insurance agent, shared the recent appraisals of County buildings and their contents. She pointed out, on one of the reports she gave the commissioners, buildings highlighted in yellow. Those buildings are currently uninsured. They can remain uninsured. They just need designated as such. They can be insured for the stated value. Or they can be insured for the replacement value.

The Courthouse, she pointed out, currently has \$1,884,448 of coverage. It was appraised at \$2,040,141. These amounts are building values only, she added. The contents values were listed separately. The value of Courthouse contents was appraised at \$320,549.28, which Schlepp felt seemed low. Tierney told them that MACo recommends a 1.2% increase per year on contents coverage due to inflation. Tierney pointed out that the library building went down in replacement cost. Schlepp asked what the bottom line is if they just went with the same coverage but on the re-appraised values. Tierney replied that County buildings are currently insured for \$3,925,258, at a rate of \$62,804. The newly appraised value for County buildings is \$5,473,391, for a new premium of \$87,574. That is an increase in premium of \$24,770.

Several ideas were shared. Schlepp suggested dropping coverage on any building valued at less than \$10,000. She also suggested raising the deductible, from the current \$1000 to \$2500, for example. Schlepp suggested raising the coverage on the jail, which had a replacement value of \$750,000. Given new federal regulations, there was no way they could replace the building for that little. Townsend said he would increase the coverage to the newly appraised amounts, but also increase the deductibles. It was agreed to put off a decision till the following meeting. Tierney agreed to get the commissioners some updated numbers using various amounts of coverage and various deductibles.

Longevity Pay:

County Treasurer, Sue Phelan; Deputy Treasurer, Shauna Porter; and Clerk of the Court, Donna Morris, joined the meeting to discuss instituting longevity pay for County employees. After a brief discussion, Morris asked the commissioners what their feelings were. They all agreed that it would not happen. Porter said she was unsure how to make it affordable. Phelan said she would love to see it happen. The discussion ended.

Townsend and Schlepp left the meeting at 3:25pm.

PUBLIC COMMENT:

Jim Murphy—Plowing Lingshire Road:

Jim Murphy came to ask if the County would plow Lingshire Road to the County line. He is part of a group who is using RC&D grant money to reduce fuel there. Cascade County has cleared the road to the Meagher County line, so they are going through Great Falls to get to the work site. He said it would help immensely if the County could clear their portion of the road.

Claims:

Commission was presented Voucher #1341, CK#45004 through CK#45038, totaling \$10,501.81. Commission approved and signed checks as presented.

Meeting Adjourned:

Chair Hurwitz adjourned the meeting at 3:45pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, January 22, 2013.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Nate Sanders.
Distributed January 22, 2013 to Chairman Hurwitz, Commissioner Townsend, Commissioner Schlepp, and Clerk & Recorder Ogle

Tuesday
January 22, 2013
10:45am-3:30pm
Met in Commissioner's Chambers

Meeting Called to Order:

Chair Hurwitz called the meeting to order at 10:45am.

Commissioners Present:

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

Rick Seidlitz—Forest Service Changes/Rename Castle Valley Meadows Fire District/Home Office Expenses:

Fire Chief, Rick Seidlitz, visited with the commissioners, along with Jess Secrest, recently retired from the US Forest Service.

Forest Service Changes

Seidlitz told the commissioners that with Secrest's retirement, the Forest Service was considering moving his position to Belt Creek. He said that Secrest had worked hard over the past twenty years to turn Meagher County into a premier county in its relations with the Forest Service. Before Secrest started things were a mess. It would be a shame to lose that position. After a brief discussion, it was decided to send a letter to District Ranger, Carol Hatfield, and her superior, Bill Avey, in support of keeping the position in the White Sulphur Springs District.

Seidlitz added that Secrest would be helping him with county fire business, namely CWPP at Birch Creek, and the PDM (Pre-Disaster Mitigation) Plan, which would likely require some grant money.

County Attorney, Kimberly Deschene, joined the meeting at 11:15am.

Castle Valley Meadows Fire District

Action 1:

RESOLUTION 2013-#12

Schlepp moved to change the name of the Castle Valley Meadows Fire District to the Meagher County Fire District. Townsend seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

Seidlitz said he is working on the by-laws for the new potential countywide fire district. He also has the crosswalk, or timeline, of steps involved, that Deputy Clerk & Recorder, Christy Rogers put together for him. Deschene said the next step would be to write up the petition itself, which she would do in conjunction with Seidlitz. After that, Seidlitz added, they would need to get out and sell the idea to the community. Secrest suggested coming up with some talking points, including cost estimates. Seidlitz said it would likely cost a little more for people not currently in a fire district and a little less for those already in a fire district.

Seidlitz said the big issue currently is that Meagher County Fire is responding to structure fires, which they are not supposed to do. A countywide fire district will allow them to fight structure fires. He is confident that they can get the 40/40 approval (40% of landowners and 40% of taxable valuation) required. He would feel more comfortable moving ahead though with a large majority in support. Hurwitz felt that most people's fear is an over-reaching bureaucracy. What needs to be stressed is that nothing really changes. Rather they are simply consolidating and cleaning things up. Seidlitz stressed the importance of figuring out the financial impact this change would have. For example, what are the needs of Ringling, say, or Grassy Mountain?

Home Office Expenses:

Seidlitz works out of an office at home. He has been paying his internet and other expenses himself. He told the commissioners that his DES budget includes half of his internet costs. He has not billed the County previously but is going to start to do so. The commissioners agreed.

Fire/DES Assistant

Seidlitz briefly discussed the possibility of using a part-time employee in Dispatch for filing for four hours a week. The employee's department head was hoping to get her four more hours of work per week to get her up to the 20-hour threshold, which would entitle her to insurance benefits. Seidlitz said he could definitely use the help if they could work things out. Schleppe suggested they wait and see what he has left budget-wise, then look at options.

Kimberly Deschene: County Attorney Update:

County Attorney Deschene visited with the commissioners to give her weekly update. Of note, she shared her concern with two felony cases she felt she could not properly prosecute because evidence was mishandled.

At Hurwitz's request, Sheriff Jon Lopp joined the meeting at 11:55am to discuss these issues.

Hurwitz told Lopp that there is concern that a lack of communication between his department and the County Attorney is compromising her ability to prosecute cases. She does not feel like she is getting his department's full cooperation. They discussed two cases in particular, one in which Deschene felt evidence was obtained illegally. The other in which she felt one of the deputies was slow in getting evidence to her. Lopp disagreed, arguing that he felt the evidence was obtained legally. He agreed that if one of his deputies was slow in turning over evidence, it needed to be dealt with.

After further discussion, it was agreed that Deschene and Lopp would meet monthly to discuss these and various other issues, as a means to improve communication and mutual understanding.

LUNCH:

The commissioners broke for lunch at 12:40pm. They returned at 1:00pm.

Joe Silverthorn, Rick Bence—Tyler Technologies:

Joe Silverthorn and Rick Bence, from Tyler Technologies visited with the commissioners to discuss the County's software. Silverthorn was in attendance. Bence joined by telephone. County IT Consultant, Jim McDanel, and Clerk & Recorder, Dayna Ogle, were also present.

Bence began by describing the BCAP program Tyler has in place for business continuity in the event of server malfunction. The data entered in Tyler's three programs is backed up nightly on a server based in Dallas, TX. Worst case scenario, if the County were to go down, it would only lose that day's data. He added that the replication plan McDanel had in mind, Microsoft Sequel, does everything their BCAP program does, except it does not replicate images from Document Pro (the recording software used by the Clerk & Recorder's office). Those images would need rescanned. He said the County could certainly move in that direction but everything would need to be handled by McDanel.

McDanel explained that he wanted to replicate everything, not just the Tyler software. He stressed that the second server is not a backup. If the other server went down, this one would kick in and be fully functional. According to Microsoft, he added, the secondary server would be considered passive. No licensing fees would be required unless the server went online. He added that the replication by the Microsoft Progress package could be constant or it could be scheduled.

McDanel asked Bence what the cost would be from Tyler if the County were to go with the Progress plan. Bence said they would not be involved at all, so there would be no cost.

McDanel told Bence and Silverthorn the County has one server now, which they have had since around 2009. They wanted it to be a 64-bit server but were told by CSA that they were still limited with 32-bit capacity. So the County stayed 32-bit. Now, 90-95% of the server's memory is full and they *have* to upgrade to 64-bit. Bence told McDanel that normally there is a \$1900 migration fee. Actually it is an old fee from before CSA was bought by Tyler. They are still honoring the old, lower rate though. (Now it would be \$1000 per program, so \$3000 total.) Hurwitz contended that they would not have had to "migrate" the software had they been able to

go with 64-bit right from the start. So the County would like to forego the \$1900 fee, as the glitch was not caused by the County.

Bence replied that Tyler does its best to keep up with technology, and that the migration cost would have happened regardless. But it is negotiable, he conceded. After further discussion, it was agreed that Tyler would forego the \$1900 migration fee for transferring its three software packages used by Meagher County from its current server to its new server. Any fees for future upgrades, however, would not be waived. It was agreed.

Bence told McDanel to contact him once he has an operating system on the new server. Tyler would then pre-prepare things on their end for the migration. Then, with McDanel onsite at the Courthouse, they could cut everything over. McDanel asked if they would need the extra licensing from Progress. Silverthorn replied that it would only be necessary if the server went live. Bence suggested that if Microsoft would replicate the entire server, licensing should not be needed.

McDanel concluded by verifying that Tyler was indeed willing to forego the \$1900 migration fee. They agreed to do it, this time.

Minutes:

Townsend moved to approve the minutes from the previous meeting (January 15) with one change. Hurwitz seconded. A vote was held and passed unanimously (3-0).

MT Votes Funding:

Clerk & Recorder Ogle returned at 2:10pm to explain to the commissioners that funding for the statewide MT Votes system may be cut, which would leave it the responsibility of the individual counties. For Meagher County that would be about \$10,000. Ogle had some letters to various legislators encouraging them to renew the funding. The commissioners duly signed.

Lumber to Cover Exposed Wiring:

IT Consultant McDanel and Building Janitor/Maintenance Person, Ken Martin, dropped by to ask permission to purchase some lumber to use to build covers for exposed wiring in the courthouse. The commissioners agreed.

Property Insurance:

The commissioners continued their discussion from the previous week in which they reviewed the newly appraised values of the County buildings in order to decide on new levels of coverage. Jodi Tierney, the County's insurance agent, joined the meeting by telephone.

Hurwitz asked her what the significance was of the depreciated value, which was listed on the appraisals. She replied that it was there in case the County simply wanted to insure up to that stated value, maybe to replace the building with something considerably smaller, for example.

He then asked for an explanation of an e-mail she had sent to Administrative Assistant, Nate Sanders. In it she explained that the counties in the central part of Montana would only be paying for a third of the overall rate increase this year, which would only be \$2437. He said that, according to the materials she presented last week, the increase in premium, if they were to insure to the new values, would be closer to \$25,000, which means a third would be \$8000+, not \$2400. She replied that that was the number she had received from Greg Jackson, of MACo. She would verify the number with him.

Hurwitz told her that they would also like to add coverage to the generator building next to the jail, the weed building, and the weed shed. And they would like to drop coverage on the two pit privies.

Townsend asked why an increase in deductible yielded no corresponding decrease in premium. Tierney explained that all the buildings covered by MACo statewide are pooled together and are covered at the same rate.

The commissioners agreed that if they could cover the County buildings up to the new valuations for a premium increase of only \$2437, they would do that. But they asked Tierney to double check to make sure that was indeed the case. She agreed to do that. And the commissioners decided to put off a decision until they received verification from Tierney on the rates.

Meagher County Community Foundation:

Gene Richeson, Kelly Huffield, Sarah Calhoun, and Judy Berg, from the Meagher County Community Foundation, visited with the commissioners regarding the current status of the Foundation. Townsend began by sharing his feelings. He was concerned that nobody on the Foundation board seemed aware that the Ambulance Department was using the Foundation as a conduit for tax-deductible donations to help support the construction of its new garage. He said according to the Foundation by-laws, two of the commissioners, or appointees thereof, shall be board members. Who appoints other board members, he wondered. Is there a need for a community foundation, when so many other entities in the community, like the library, already have their own foundations?

Berg stated that the foundation is private. When it was first set up, the Commission helped get the ball rolling. And giving the Commission two places on the board was more of a courtesy to keep them informed of the Foundation's activities. But the Foundation is not part of the County, she asserted. It first got rolling when the Horizons project neared its completion. It was concerned primarily with quality-of-life issues. One of its focuses was beautification, which led to the planter project on Main Street. Since then there have been fundraising efforts. She said that Sarah Hamlen, even though she is not a board member, is essentially the executive director. The officers are in a state of flux.

The primary issue currently facing the Foundation is that it lost its 501(c)3 status when the IRS changed its rules, requiring all non-profits to re-apply for non-profit status. They submitted the required paperwork last July but it is held up, due to a backlog.

Townsend clarified that he does not want the Foundation to feel like the commissioners are forcing themselves on them, especially if they are satisfied with the way things are going. He just wants some kind of notice when a County entity, like the ambulance, uses them for donations. Huffield replied that they were not aware of it either, but that they had given them permission in the past for something else.

Townsend asked if they can do better, if changes were needed, if things were okay as is. Calhoun told the commissioners she assumes the invitation to the commissioners to participate on the Board still stands. She added that they have not been actively recruiting as they are waiting for their non-profit status to be reinstated.

Hurwitz asked what would happen to the ambulance donations, whether they would be able to be considered tax deductible. Berg told him the donations are being run through the Senior Center, since they do have 501(c)3 status. After further discussion, it was decided that Townsend and Schlepp would join the Board.

Action 2:

Schlepp moved that she and Townsend be appointed to the Board of Directors of the Meagher County Community Foundation, as the two appointees of the Meagher County Board of County Commissioners. Townsend seconded. A vote was held and passed unanimously (3-0).

PUBLIC COMMENT:

Fire Chief, Rick Seidlitz, returned for public comment. He came to discuss the potential of giving the Dispatch employee four more hours a week to help him with filing. He said he thought he had everything worked out budget wise until he realized how much the insurance would cost. So currently it is not a viable option.

Claims:

Commission was presented Voucher #1342, CK#45039 through CK#45063, totaling \$43,309.00. Commission approved and signed checks as presented. Check # 45008 totaling \$287.89 to Castle Mountain Drug PLLC was voided.

Meeting Adjourned:

Chair Hurwitz adjourned the meeting at 3:30pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, February 5, 2013.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Nate Sanders.
Distributed February 5, 2013 to Chairman Hurwitz, Commissioner Townsend, Commissioner Schleppe, and Clerk & Recorder Ogle