

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

**July 2, 9, 16, 2013**

**Tuesday**

July 2, 2013

9:00 a.m. - 3:30 p.m.

Met in Commissioner's Chambers

**Meeting Called to Order:**

Meeting called to order at 9:00 a.m. by Vice Chair Herb Townsend. Chair Ben Hurwitz entered the meeting at 9:10 a.m.

**Commissioners Present:**

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

**Claims Review / Minutes:**

Chair Hurwitz pulled the Claim from Red Ants Pants in the amount of \$25.00 for research on why we should pay an additional amount when we have already paid for the advertising.

**Road Report:**

Road Supervisor, Bruce Smith, visited with the Commissioners to give his monthly report. They discussed his conversations with Kimberly Smith regarding tractor mowing along the roads. There was also discussion on the watering of the roads. Bruce wondered why if the City uses the water trucks, the county has to buy water from the city. The city borrows trucks and gravel – he is feeling like it is a 1-sided relationship. Commissioner Schlepp asked about a rough price tag – Bruce would have to think about.

The gravel pit was also brought up and the fact that the city thinks it owns half. After discussion, it was decided that some research should be done to see when the pit was purchased from Bill and Thelma Miller in the early 70's and who exactly owns it.

Smith mentioned that he included in his new budget enough for at least 1 new pickup and that 2 needed to go. – both have over 200,000 miles.

**Ambulance Sealed Bids:**

Sara Driemeyer, Ambulance Board Chair, reported there were no bids to open. The Hutterites are agreeable to do the job for \$24,000.00 but did not want to put in a bid. It was discussed that a contract needed to be in place that would set forth a confirmed price for the job, and to make sure they had insurance and work comp for the project. Sara will contact Attorney Kimberly Deschene on preparing a contract.

Discussion continued on the original contract amount of \$65,000.00 versus the updated bid of \$116,000.00 presented a month later. Vice Chair Townsend was trying to find the difference and what can be deducted from balance remaining. There was an amount of \$32,000 added for the roof pitch for snow load. The amount of \$5,580.00 for the doors and \$15,450.00 for insulation can be deducted.

Commissioner Schlepp recommended putting in for a grant from the Bair Grants for the finishing items and reminded her that she should put in for a grant in March. Sara left the meeting at 9:51 a.m.

### **Harmon Funds:**

Jason Jewett and Bill Northey met with the Commissioners in regard to the investments with the Harmon Fund. There was a lengthy discussion on public money versus county money and the possible change in investment options. The Commissioners would like to see more aggressive investments on the funds. Mr. Northey said with governmental funds – government investing rules apply. The Commissioners will have the County Attorney, Kimberly Deschene provide an opinion letter on whether the funds are public money or county money which can then be used to make changes in the investment portfolio.

Mr. Jewett and Mr. Northey left at 10:00 a.m.

The Commissioners asked Shauna Porter what was new with the Puget Sound settlement. She will know more on that after the 10<sup>th</sup>. When they have more information, she will pull together a report on who gets what.

### **New Fund:**

Dayna Ogle, Clerk & Recorder, reported that Kari Jo Kiff, County Nurse, received a grant – immunization which is titled Fund #2987 – IZ Billing. The State provided her the funds which also pays for Lorna.

### **Action 1:**

#### **1. RESOLUTION #2013-54**

Commissioner Schlepp made a motion to approve to create fund line 2987 for IZ Billing, Chair Hurwitz seconded. Vote held and passed unanimously, therefore it is resolved.

On Budgets, Dayna will put books together after all claims finished for the last fiscal year. It will be open for 2 weeks. Commissioner Schlepp reminded Dayna that she will be gone the first Tuesday in August.

Some discussion was given over the truck that Sheriff Lopp would like to buy and how he would like to carry over the \$25,000.00 for that expense from last year's budget. Since it is the City's turn to purchase a truck, they are not inclined to carry over. They will wait and see what is in the Sheriff's budget.

Two meetings were mentioned for the month that the Commissioners should be aware of. Resource vs. Planning Board meeting on the 16<sup>th</sup> and the Department of Revenue meeting on the 18<sup>th</sup>.

The topic of our current insurance agent, Julie Blockey, was mentioned regarding the disappointment with her service. Chair Hurwitz is concerned about telling Julie to take a hike without something in writing about why we are displeased. Commissioner Schlepp said she was not too worried about and feels she is just a salesman. Vice Chair Townsend wants reason for dismissing someone who is our agent and a recommendation that we change with those reasons and it needs to be written down. Chair Hurwitz agreed with that.

### **County Attorney Update:**

Kimberly Deschene and Nels Swandel reported that they have several new JP cases; mainly due to the new highway patrolman. She is preparing for trial which is scheduled July 26<sup>th</sup>.

Chair Hurwitz asked Kimberly to research the county money versus public money regarding the Harmon Funds and provide a letter with her opinion.

Deschene brought up the County Attorneys' conference for summer and would like to include Mr. Swandel's participation at the conference. She would forego the winter conference.

**Action 2:**

**RESOLUTION 2013-#55**

Chair Hurwitz moved that we pay Nels' registration - \$250.00, plus room, no mileage. Commissioner Schlepp seconded. Votes were taken, Vice Chair Townsend voted against, motion carried (2-1) Therefore it is resolved.

Deschene mentioned that a private company for Child Protective Services is hiring a community person to work with the school psychologist. This will not cost the school anything, as it is funded by insurance. .

**Lunch:**

The Commissioners broke for lunch at 12:03 p.m. The meeting was called back to order at 1:28 p.m.

**Health Insurance Agent Change:**

Commissioner Schlepp made a motion to change our insurance agent to Jeannine Rooney. Vice Chair Townsend wants to discuss dissatisfaction with the present agent before firing her. Commissioner Hurwitz agreed that would be fair to do. Ms. Rooney agreed also that that would be fair. Motion failed for lack of second. Commissioner Hurwitz said they will call and meet with her and explain why they are going to let her go.

**Recycling:**

Melinda Vennard and Cal Moore gave a report on recycling and what it could save us in waste removal. They are putting together bids from other sources than Headwaters since their bid was too high.

The Commissioners would like to see a copy of the agreement between Montana Waste and the City. It isn't believed that there is such an agreement. Nate Sanders will follow up on that. Mrs. Vennard believes there is a savings if people are recycling. Since, the savings would be in the operation of the dump site and would save the City money, not the county, the Commissioners would like the City to contribute to the amount of the recycling / waste expense. They could like to see a contract with the City ahead of time before we start program – maybe an inter government agreement between the city and county. The Commissioners will ask the County Attorney to draw up a letter to the City requesting it contribute toward the expense. Mr. Moore will continue to do research on who is currently paying for what. Commissioner Schlepp also mentioned that Arnold should be recognized somehow for the thankless job he does.

Vice Chair Townsend thinks Mrs. Vennard and Mr. Moore should put something together to make it biddable. He would like to see a breakdown of costs of complete recycling.

**Indigent Burial Policy:**

Christy Rogers presented papers to commissioners to show that the new funeral home is working with us. Policies concerning if someone dies outside the county and county resident, and how that is paid was discussed. Some clarification in contract to define residency was also discussed. Also, the cost of burial versus cremation. While the cost for a cremation is lower, the rules for the State of Montana is that the spouse, majority of children, majority of parents or closest relative has to make the decision to cremate. The mortuary relies on another person and their efforts to locate. Chuck has waived the vault in the indigent section, but will need one if they choose to be buried somewhere besides where designated.

**Action 3:**

**RESOLUTION 2013-#56**

Vice Chair Townsend moved to accept contract with changes. Commissioner Schlepp seconded. Vote approved unanimously, therefore it is resolved.

**Library Board Reappointment:**

**Action 4:**

Commissioner Schlepp moved to reappoint Leone Mchalec to library board, Vice Chair Townsend seconded. Voted and passed unanimously.

**County Extension Office:**

Nico Cantalupo, 4-H Extension Officer, and Sarah Hamlen spoke with the Commissioners about Sarah’s need for temporary office space. They have her set up working off a table in their office downstairs for now. Will have a better idea of what’s going on in 2 – 3 weeks and will come back with a better understanding then. If it would become permanent, then there will be a discussion about financial reimbursement.

**Sheriff Report:**

Jon Lopp, Sheriff, reported that June was a busy month, with 116 incidents. He shared his monthly report with the Commissioners. There was also discussion on 2 fires in Tenderfoot and the Red Ants Pants’ security.

**Public Comment:**

There was no public comment.

**Claims:**

Commission was presented with Voucher # 1381, CK # 45633 through CK #45686 totaling \$39,663.51. Commission approved and signed all checks as presented.

Chair Hurwitz moved to approve the minutes. Commissioner Schlepp seconded, vote taken and passed unanimously.

**Meeting Adjourned:**

Chair Hurwitz adjourned the meeting at 3:22 p.m.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, July 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, Penny Plachy.  
Distributed July 9, 2013 to Chairman Hurwitz, Commissioner Townsend, Commissioner Schlepp, and Clerk & Recorder Ogle

**Tuesday**  
July 9, 2013  
9:00 a.m - 2:30 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.

**Claims Review / Minutes:**

Claims review was delayed because of the computer issues of Monday, July 8, 2013.

**Action 1:**

Chair Hurwitz moved that the Minutes be approved, with one minor name change. Herb seconded. A vote was taken and passed unanimously.

**Treasurer Report – Sue Phelan:**

Sue Phelan, Treasurer, presented the Commissioners with the Treasurer's report.

**Health Agent – Change of Agent:**

Julie Blockey and her assistant, Michelle, were here on behalf of our current insurance agency, Southwestern Montana Financial Center, Inc. Also present were Dayna Ogle and Jeannine Rooney.

**Action 2:**

After discussion in which concerns were addressed, a Motion was made by Chair Hurwitz to keep Julie Blockey as our current insurance agent for 1 year. Vice Chair Townsend seconded the Motion. A vote was taken wherein Commissioner Schlepp voted against. Motion passed (2-1).

**Fire/DES – Rick Seidlitz:**

Rick Seidlitz and Bob Fry of the Montana DES presented an update on fires. Discussed Forest Service ground and how it affects the fire budget. Forest service where public ground is within, if it doesn't meet criteria forest service won't protect.

With a fire district approved, it will need at least 2 mills to function. There was discussion on the mills and where the funds will be coming from.

**Health Nurse – Kari Jo Kiff:**

Kari Jo Kiff, Public Health Nurse, presented the commissioners with a written report from the County Health Department for the month of June. It included all the projects she has been busy with, but did mention that June was a slow month for immunizations. She has also been busy working on the Safety Manual.

The Commissioners asked her about the \$25.00 invoice on the RAP claim for advertising, which she explained, and they approved for payment.

Kari jo also advised that Brett Williams, FNP would be leaving as the Health Public Officer. He has recommended Jennifer Brunson as a replacement. He will work until the end of July. Kari Jo will follow-up to see if Dr. Brunson is interested.

There was also discussion on getting ready for the Red Ants Pants Festival.

### **County Board of Health:**

Present for this meeting was Aaron Blair, Julian Therault and Kari Jo Kiff, Public Health Nurse, plus the Commissioners.

Kari Jo presented the Commissioners an updated report from the Meagher County Health Department.

They reviewed the CIAA Policy for the Tobacco prevention update. No recommendations for changes were made. No motion was needed to approve, since the policy and procedure just gets reviewed yearly.

Sandy Harris' term has expired and appointment is up for renewal. Kari Jo will follow-up with her on whether she would like to continue.

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

Kimberly Deschene and Nels Swandal were present for the County Attorney update with the Commissioners. Deschene presented letters to the Commissioners to the City Council and Disposal Services on the recycling. She is working on the opinion letter for the Harmon Trust, but a copy of the Potter letter was requested for their review before finishing that opinion. All letters were approved to be sent.

Also presented was an Indigent Burial Agreement which she prepared for review of the Commissioners. The \$2,100.00 is to be a flat rate; however, would like it to say "up to \$2,100.00" for future negotiations. The Agreement will be sent to WSS Stevenson Wilke funeral home for their review and approval.

Kimberly mentioned that the attorney general would be using the county attorney's office here in the courthouse on July 10<sup>th</sup> to do interviews. Also, she would bring in the new highway patrolman the second Tuesday of August to meet the Commissioners.

### **LEPC LUNCH:**

The Commissioners broke for lunch at 11:50 a.m.

### **RAP Festival Planning # 2:**

This meeting was held outside of the Courthouse. Commissioners Schlepp and Townsend returned at 2:00 p.m. Chair Hurtwitz did not return to the meeting.

### **Public TV Contract – BJ Hawkins:**

Chuck and BJ Hawkins presented the Commissioners the new year's budget information for the Meagher County Public Television, Inc.

Mrs. Hawkins is expecting to stay on budget for a while, with needing very little maintenance, equipment covered under warranties and new equipment insured and under warranty.

Mrs. Hawkins presented a new Agreement to Provide Educational Television Service to the Commissioners for their review.

### **Action 3:**

A motion was made by Commissioner Schlepp to sign the new contract, Vice Chair Townsend seconded. Vote taken, passed unanimously.

It was also mentioned that Mrs. Hawkins should keep in touch with the LEPC group and work with them on procedures.

**Public Comment:**

There was no public comment.

**Claims:**

Commission was presented Voucher #1382, CK # 45687 to CK #45705 for the fiscal year 2012/2013 totaling \$100,273.87; and Voucher #1400, CK #45706 to CK #45730 for the new fiscal year 2013/2014 totaling \$11,824.55..

**Meeting Adjourned:**

The meeting was adjourned at 2:26 p.m.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, July 16, 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 July 16, 2013 to Chairman Hurwitz, Commissioner Townsend, Commissioner Schlepp, and Clerk & Recorder Ogle

**Tuesday**  
July 16, 2013  
9:30 a.m. - 2:20 p.m.  
Met in Commissioner's Chambers

**Meeting Called to Order:**

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

**Commissioners Present:**

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

**Claims Review / Minutes:**

Reviewed claims and Minutes of July 9<sup>th</sup> meeting.

**Action 1:**

Vice Chair Townsend moved that Minutes be approved. Commissioner Schlepp seconded, voted and approved unanimously.

**Grassy Mountain Fire District Update – Rich Siebken:**

Rich Siebken was present for the Grassy Mountain Fire District and was accompanied by Mike Leonard, Bruce Highland and Tracy VanWormer.

Grassy Mountain homeowners are concerned about the Meagher County Fire District and what it will offer to the homeowners as far as fire protection and if the taxes will be increased. Mr. Siebken mentioned he was going to send a letter out to members to disband the Grassy Mountain Fire District.

There was discussion regarding the volunteers only being permitted to currently fight range fires and not structural fires because of the liability insurance coverage. Meagher County is in the process of trying to establish a Fire District and Chair Hurwitz recommended that it would probably be better for the Grassy Mountain homeowners to join with the Meagher County Fire District to save them the expense of having their own fire district.

The question was asked about the tax money that has been paid into the County for a fire district and where those funds would go if the Grassy Mountain Fire District consolidated. The Commissioners explained that those funds would be absorbed into the Meagher County Fire District and then the tax would be cancelled for the Grassy Mountain Fire District.

**Recycling – Cal Moore and Melinda Vennard:**

Cal Moore and Melinda Vennard presented an update on recycling. Mr. Moore began the meeting with the fact that there has been no agreement with Disposal Services for 5 years. However, it was believed that an agreement was not needed because the individual customer with Disposal Services pays through their service for the removal of waste from the transfer site. The County does pay for 2 state permits and insurance which is included in the general insurance of the County.

To date, there has not been a bid put out there for the recycling program; however, there have been a couple of estimates given with regard to approximate cost. Still trying to determine what the community would need. The school Close up students have been doing can recycling and there has been an interest by Jake Lind to handle the cardboard recycling. There is still a need for classification 1-2 clear plastics and papers.

Montana Waste Disposal and 4-Corners have been the primary contacts for the recycling information. Mr. Moore and Mrs. Vennard feel strongly that this is a needed service for our community. They would like to put out a request for an official bid and see if there are any other entities interested.

The community would be able to save money on their disposal expense if they could downsize their containers for garbage collection through recycling. Neither the County nor the City would see any reduced costs. The Commissioners would still like the City contribute to the expense of a recycling program. Mr. Moore will attend the City Council meeting and see if the City is willing to contribute. At that point, a bid will be initiated.

On a different issue, Mr. Moore recommended keeping a community council separate from a government entity regarding the later item on the Agenda concerning the Mining Workshop.

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

Kimberly Deschene presented her report to Commissioners. The Commissioners asked Ms. Deschene about the Grassy Mountain Fire District and whether they could disband without having to go through the homeowners for a vote. It was her opinion that they could disband and go through another Fire District. Ms. Deschene is going to write the board members to advise them of that.

Ms. Deschene has not heard anything back from the City regarding Recycling. The Commissioners let her know that Mr. Moore was going to attend the City Council meeting and bring back whether they were going to contribute to the program.

### **LUNCH**

The Commissioners broke for lunch at 12:15 and returned at 1:08 p.m.

### **Mining Workshop:**

Present were Jim Richards, Sarah Hamlen, Gordon Doig, Jason Phillips (Meagher County Newspaper), Bonnie Swandel, Nico Cantalupo, Beth Hunt, Helen Hanson, Michael Vennard and Melinda Vennard.

The Commissioners related to the group that Mr. Moore had recommended keeping a community council as citizen run and a non-governmental advocacy group. Gordon Doig also told them that Brian of MT Business Connection wants to be involved and also recommended keeping separate. Mr. Doig also thought one Commissioner and one City Council Member should participate.

### **Action 2:**

Vice Chair Townsend made a Motion that Chair Hurwitz be the Commissioner appointed to participate, Commissioner Schlepp seconded; motion passed unanimously.

Chair Hurwitz suggested that Mr. Doig should get things rolling by leading the group as the Chairman. They will meet again on Thursday, July 18<sup>th</sup> at the Senior Center to discuss a plan of action. Commissioner Townsend believed the group present at the meeting should be considered the base group / board. Commissioner Schlepp added that it will be up to this group to pick additional members. At their meeting Thursday, it can be decided who to formally appoint as Chairman and discuss structure, membership and goals.

Nico Cantalupo will do some research and see how other similar groups are structured. Sarah Hamlen also will do some research on where authority is for non-profit.

### **PUBLIC COMMENT:**

Jim McDanel came in to talk to the Commissioners about the lightning hit sometime during the weekend of July 6<sup>th</sup>. It took out 9 phones, network cards in 8 computer and 4 switches where the

servers are at. Would like to invest in grounding wires and surge suppression units at a cost of approximately \$300 - \$400 each. Commissioners were fine with this proposal and agreed to incur the expense.

**Claims:**

Commission was presented with Voucher #1402, CK # 45732 through CK # 45748, totaling \$11,346.80. They approved and signed as presented. They were also presented with a Void Report for CK # 45582 dated 06/11/13 which was never received. This claim was re-issued.

**Meeting Adjourned:**

The meeting was adjourned at 2:20 p.m.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, August 6, 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 6, 2013 to Chairman Hurwitz, Commissioner Townsend, Commissioner Schlepp, and Clerk & Recorder Ogle