

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

**March 5, 12, 19, 2013**

**Tuesday**

March 5, 2013

8:45am-3:55pm

Met in Commissioner's Chambers

**Meeting Called to Order:**

Chair Hurwitz called the meeting to order at 8:45am.

**Commissioners Present:**

Chair Ben Hurwitz and Vice Chair Herb Townsend.

**Bruce Smith—Road Report:**

Smith was unable to attend, so Road Foreman, Tim Collins came in his place. First, he had the annual Fuel Tax Map for Hurwitz to sign, verifying the mileage of off-system and secondary/urban system roads in the County. They reviewed the map, decided there were no changes, and Hurwitz signed.

Then Collins shared his experience from the Safety Fest conference he had attended the previous week in Missoula. He said it was geared more toward upper level employees like safety officers. The instructor told them they would learn maybe 10% of what he taught, so Collins just focused on what was relevant to the Road Department. The instructor suggested that every one dollar that is invested in safety yields a 400% return. Hurwitz agreed that safety must be a priority for Meagher County.

There are a few ways to get the Worker's Comp premiums lower, Collins continued. One is to have a written safety plan, whether there is one for the entire County or one for each department. It could result in a 5% drop in premiums. Realistically the safety officer should be on the job site. With the Road Crew going four different directions every morning though, that is not realistic for Meagher County. And there should probably be a safety officer for each department. Townsend agreed, saying that ideally it is the department head that is more familiar with safety issues in his department than the County's one safety officer. Hurwitz agreed, but said it just is not feasible for a county the size of Meagher to have multiple safety officers.

Collins said the other main way to lower premiums is always to negotiate with the insurance company. Hurwitz thanked Collins for attending the meeting and encouraged him to share his knowledge with his co-workers.

**Greg Jackson, MACo—JPIA/JPA Mid Policy Year Visit:**

Joining Jackson was the County's insurance agent, Jodi Tierney, from Mid-Montana Insurance. Also present was Clerk & Recorder, Dayna Ogle. Jackson began by telling the commissioners there were a few new trustees, recently appointed to the two trusts (JPIA Property & Liability Trust and JPA Workers' Compensation Trust). The boards of trustees would be meeting the second week in April to set renewal rates. Jackson would return to Meagher County with Tierney in May or June to share those rates.

Jackson gave an overview of the Property and Liability Trust. The reserves for fiscal year ending June 30, 2012, were \$7.5 million. The equity position for the same period was \$1.5 million, which is the same as it was the two previous years as well. Jackson conceded that that amount is not sufficient, but it will take them a few years to meet their benchmark. He stated that the best way to hit that benchmark is to reduce claims, not to raise rates. He stressed the importance of equity, stating that it used to be at over \$3 million, but there was a sheriff deputy in another county who was convicted of molesting eight children. MACo settled that case for \$2.4 million total, which all but wiped out the equity it had built up.

Next Jackson touched briefly on the Fidelity & Crime Boiler & Machinery coverage. Meagher County is covered up to \$100,000 after its \$2000 deductible. Ogle mentioned some repairs the Courthouse had just had done on its boiler, namely replacing the motor, but the amount was less than the deductible. Jackson encouraged her to report the repairs anyway in case it turned out to be part of a larger problem later.

Jackson next moved on to the property side. He said the appraisals that had been done recently resulted in an average increase of 30% in statement of values. For buildings newly added to the schedule, the county would be responsible for 100% of the increase. For buildings already on the schedule at the time of the appraisals, the county would be responsible for only one third of the 30% increase. There is also a blanket of \$100 million, he explained. In other words, if the Meagher County Courthouse went up in value from \$3 million to \$5million but it costs \$7 million to replace it, then the county would receive the full cost of replacement.

Ogle asked Jackson about three repeater towers that were not included in the appraisal, but which she had added. Jackson said these would be covered at the stated value. He added that it was important in the case of any tower like that, to be sure to cover only the County's property. Many times the state or feds or other entities will rent usage of the tower and have some of their own equipment there.

Back to the liability side, until two years ago MACo had specific rates for specific claims. Then they contracted with Brit to provide reinsurance. MACo now pays up to \$500,000 per claim and Brit covers the remainder, up to \$5 million for federal and out-of-state claims, which are not subject to the State's caps on tort claims.

Jackson next touched on the bond, which MACo took out in 2003, to help shore up its reserves. The first call date was October 1, 2013, at which time the trustees voted not to call the bond, but to leave it in force for the foreseeable future. Meagher County's portion of the bond payment is included in its liability premium. He estimated it was \$5000 to \$6000 a year.

Jackson then addressed cyber liability. He said he was skeptical at first about coverage against this as much info used by counties is public, and the counties rely on the state so much. But the state is liable only up to a certain extent. The main exposure is the recovery cost, meaning follow up, figuring out how an incident happened, monitoring. The coverage includes all of that. Case in point, the state has 2 million attempted hits on its system each day. There have been seven major breaches so far, and the liability coverage has covered everything. Ogle pointed out to the commissioners that Meagher County has its e-mail through the state, but most of the sensitive information is on CSA, not the state. That is what the coverage is for. Jackson said they have a third party that will review the applications by each county and then the trustees will decide how the coverage will be offered—individually by county, or in a pool.

Jackson briefly touched on several other topics, before concluding his presentation. Namely, he stressed the importance for the Treasurer's office to have a protocol in place regarding bank transfers, as that is one way a county was recently targeted. There is training available free of charge for growth policy and land use, commonly geared towards planning boards. MACo has a new loss control specialist, who will be contacting counties in the future to arrange meetings. Jail suicides are an issue, as Montana averages two a year in its jails. And finally, Workers' Comp claims are trending downward. Rates should still stay the same as there is a three-year claims record involved in setting rates. Jackson encouraged the commissioners and Ogle to talk to their Workers' Comp adjusters as well, if they have any questions regarding open claims, for example.

### **Airport—Jet Fuel Tank/Fuel Tank Monitor:**

Members of the Airport Board (Chair, Ed Roatch; Airport Manager, Kurt Burns; WSS Mayor, Julian Theriault; Sam Berg; and John Zawada) visited with the commissioners regarding selling jet fuel at the airport. Also present was Clerk & Recorder Ogle. Hurwitz began by referencing a letter from Steve Brown, of Stelling Engineers, giving a general overview of jet fuel, what is involved in selling it, and Stelling's own recommendations. Burns shared his concern that Jet A fuel has a shelf-life of only nine months. Hurwitz commented on the required weekly checking of the fuel. He verified with Burns that that is not the case with avgas. Burns replied that he had

been checking it monthly. Hurwitz told Burns that he would not be opposed to paying Burns to continue monitoring it, as important a task it is. It should be done right and as frequently as necessary.

Burns responded that the Board had decided that it should be a third party who handles the fuel, the sales, the monitoring. Townsend wondered if that would relieve the County of the liability associated with the fuel. Burns told him that was one of the considerations. Roatch added that by including both avgas and jet fuel, it would make it more attractive to a third party. It would be a while before the jet fuel results in income, so having the avgas would be a way for a third party to supplement the meager early jet fuel sales.

Hurwitz wondered if other airports the size of White Sulphur contract fuel services to a third party. Burns said Deer Lodge does. And at most larger airports, fuel service is just a private business. Roatch added that the fuel person would get most of the revenue from mining business and the Forest Service. The pilots who fly the fancy corporate jets will not pump their own fuel.

Townsend contented that he does not see anyone wanting to do this, as the market is not solid. Burns countered that the market is unknown. Hurwitz shared his concern about getting stuck with a load of fuel that was bought at a high price and cannot be sold at a profit. Burns added that anyone who might be interested in doing this would likely already be doing the same thing elsewhere. Theriault said they just want to have someone do this for a few years until they have a better idea what the market is. Burns thought even having someone park a fuel truck out there for five years would give them a much better idea how to proceed in the future.

Ogle asked what the consensus was. Not to do the project but see if a third party would handle fuel? Or just not to move at all for now? Zawada asked if there was a way to post a survey online or somewhere else to gauge interest in purchasing jet fuel. Hurwitz wondered if they could contact someone already doing this elsewhere.

Ogle suggested paying Burns to continue monitoring the avgas. Burns asked about liability. Ogle replied that if he was made a County employee, then the liability belongs to the County. Burns said he would do it until they found someone else to do it. And he would do it for \$35 an hour. He would check the fuel itself once a week and some of the other things he has been checking—fire extinguishers, ground continuity of wires, etc.—he would do once a month. It would probably take five or six hours a month he thought.

After a brief discussion, it was decided to make Burns a county employee.

**Action 1:**

**RESOLUTION 2013-#20**

Townsend moved that Kurt Burns be hired as a permanent, part-time County employee in charge of monitoring the fuel system at the White Sulphur Springs Airport, with an hourly wage of \$35.00. Hurwitz seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

Hurwitz suggested they put jet fuel on hold for now and revisit it later.

**Minutes:**

**Action 2:**

Townsend moved to approve the minutes from the previous meeting (February 19) with one change. Hurwitz seconded. A vote was held and passed unanimously (2-0).

**Becky Hurwitz-Leger—County Assessor:**

Hurwitz-Leger joined the meeting at 11:20am to discuss a bill in the House that would provide personal property tax relief of up to 80% to property owners under a certain income level. There was general frustration as a high proportion of Meagher County residents would qualify for tax relief.

**Kimberly Deschene—County Attorney Report:**

*Resolution for Attorney General Prosecutorial Assistance*

**Action 3:**

Document # 140422 Page: 1 of 2 File # M78  
Filed at 3:45 PM on 3/5/2013 Fee: \$0.00  
Dayna Ogle Clerk & Recorder, MEAGHER COUNTY By *DO*

RESOLUTION 2013 -#21

Whereas, the Meagher County Attorney has requested prosecutorial assistance in the cases of *State v. Mackenstadt* and *State v. Leger*, and

Whereas, it is desired and deemed appropriate that a special deputy county attorney be appointed to assist in the prosecution of the aforementioned cases, and

Whereas, Mont. Code Ann. § 44-4-111 authorizes and contemplates that the training coordinator for county attorneys and the bureau chief of Prosecution Services Bureau (together with the deputies within said bureau) act as special counsel on request of the county attorney and upon the approval of the board of county commissioners, and

Whereas, Mont. Code Ann. § 2-15-501(6) authorizes the Attorney General to provide assistance to county attorneys in the discharge of his or her duties.

It Is Hereby Resolved:

That the attorneys assigned to the Prosecution Services Bureau of the Department of Justice are hereby appointed as special deputy county attorneys for Meagher County for the purpose of assisting in the prosecution of the aforementioned cases and that any of said deputies can fulfill the functions set out in Mont. Code Ann. § 44-4-103.

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Filed at 3:45 PM on 3/5/2013 Fee: \$0.00  
Dayna Ogle Clerk & Recorder, MEAGHER COUNTY By *CO*

It is Further Resolved:

That under the terms of this agreement, no fee will be charged for attorney time provided by the Bureau based upon the fact that pursuant to the internal operational policies adopted by the Attorney General September 1, 1999, assistance in such cases is provided without an hourly fee. Witness fees and expenses, jury costs, and other normal costs associated with trial will be the County's responsibility as with all other prosecutions.

Dated this 27<sup>th</sup> day of Feb, 2013.



ATTEST:

*[Signature]*  
CHAIRMAN

*[Signature]*  
MEMBER

*[Signature]*  
CLERK AND RECORDER

*[Signature]*  
MEMBER

RESOLUTION  
PAGE 2

*County Attorney Update*

Deschene reported on a criminal case she has been working on, and on some bullying issues at the school. Hurwitz told her about the situation with Headwaters Recycling raising their per capita fee mid-year. Meagher County paid its last quarterly per capita fee under the old rate with the understanding that Headwaters would continue to empty Meagher County's bins till the end of the fiscal year. That turned out to be a misunderstanding. Headwaters is planning to remove the bins immediately. So the County would like its last quarterly payment refunded. Deschene said she would write a letter to the Board of Headwaters Recycling requesting the fee back.

**LUNCH:**

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

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

**Public Hearing—Budget Amendment:**

Clerk & Recorder Ogle joined the commissioners for a public hearing for a budget amendment. There was no comment.

**Action 4:**

**Resolution 2013 – 22**

**Budget Amendment**

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

WHEREAS, the Meagher County Health Nurse oversees the budget for the CSBG Fund (2979) and,

WHEREAS, the Meagher County Health Nurse is receiving an additional \$1000 in grant money in the CSBG Fund (2979) and will be expending the additional \$1000.00 this fiscal year.

NOW THEREFORE LET IT BE KNOWN AND HEREBY RESOLVED that the Meagher County Commissioners are amending the FY 12.13 budget for the unexpected revenue and unexpected expense in the amount of \$1000.00 (one thousand dollars) in the CSBG Fund (2979).

Dated this 5th<sup>h</sup> day of March, 2013

Attest:

Board of County Commissioners:

  
Dayna Ogle

  
Chairman Ben Hurwitz



  
Commissioner Herb Townsend

  
Commissioner Nancy Schlepp

**Fire/DES Clerk:**

Ogle mentioned that she had joined Fire Chief/DES Coordinator, Rick Seidlitz, and Deputy Clerk & Recorder, Christy Rogers, the previous day to interview two candidates for the new Fire/DES Clerk position. They interviewed Lorna Fox and Laura Taylor. Ogle suggested to the commissioners that Rick be allowed to hire both of them. Fox is looking for minimal hours and something that is temporary. She could handle the clerical side of the work, including the filing. Taylor has more of a long-term horizon and is familiar with and interested in the mapping that Seidlitz does. So why not hire both, Ogle suggested.

### **County Credit Card:**

Hurwitz asked Ogle about a purchase made on the County credit card by Seidlitz. The purchase was for a mapping program and cost just under \$4000. Townsend had wondered earlier in the meeting how a purchase that costly could be done on the credit card without previous commissioner approval. Ogle said it was for an online purchase for something that was downloaded right off the internet. Townsend wondered if there was a way to approve purchases over \$1000 before they go on the credit card. Ogle pointed out that that would mean Road Supervisor, Bruce Smith, would need to come to the commissioners for approval then every time he bought a tire.

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

County Health Nurse, Kari Jo Kiff, made her monthly report to the commissioners. Of note, she told them she has been having issues arranging a visit to Springdale Colony. The Colony just split and she needs to update her records and forward records of folks who were moved to the new colony in Cascade County, to Cascade County.

Schlepp asked her about children's immunizations and kids who were exempt. Kiff told her there are two main exemptions. One is for kids who are deathly allergic of something. The other is due to religious beliefs. Children are not allowed to exempt out of immunizations if they are going to daycare or pre-school. Children going to primary school, however, are able to apply for exemptions. If there is an outbreak of a virus for which they are not immunized though, they will be pulled from school, for their own protection. They can receive a dose of antibiotics preemptively. Or they can be quarantined for up to the thirty days.

She mentioned that she will have two conferences to attend in April: Family and Community Health Conference in Missoula, and the Regional Immunization Workshop in Great Falls. She and Tobacco Prevention Specialist, Aaron Blair, took a group of ReACT students to Helena recently to view the movie Addiction Incorporated, which features a former employee of Philip Morris, who will be speaking in Townsend in the coming weeks. They will be going back to hear him speak. Kiff said she will be involved in the bullying training in the school on April 2<sup>nd</sup>. There will be LEPC and Board of Health meetings in April. And the Community Health Expo also happens in April.

### **Minutes:**

#### **Action 5:**

Schlepp moved to approve the minutes from the January 22 and February 5 meetings with changes. Townsend seconded. A vote was held and passed unanimously (3-0).

### **Jon Lopp—Sheriff Report:**

Sheriff, Jon Lopp, presented his monthly Sheriff report. He also discussed four pagers he would like to purchase for himself and his deputies. The pagers would allow dispatch to page all the deputies at once in case of a serious emergency instead of calling them individually on their cell phones.

He mentioned software upgrades they were considering for Dispatch. They are looking at switching to Computer-Aided Dispatch (CAD), which would allow them to eliminate the dispatch logs they use now. The program would handle all the record-keeping, reporting, and storage of information, electronically. It would also integrate with the deputies' laptops, allowing them to remain in the field and file incident reports from their vehicles instead of returning to the jail, as they do now. The cost is \$25,000 and the funds would come from 911, funds they already have.

Schlepp asked if he planned to wait till the next fiscal year for the pagers or if he wanted them now. Lopp said he would wait at least till the end of the year. If there is money available he would like to go ahead with the purchase. If not, he would wait and budget for next year.

Lopp then told the commissioners the County would be getting a new Highway Patrolman. Originally, it was going to be someone who is still in the academy. But MHP has reopened the bidding so there is now a chance of getting an MHP veteran.

*Chris Schlepp joined the meeting at 3:10pm.*

The Forest Service would also have a new Law Enforcement Officer assigned to the County as well.

*Chris Schlepp left at 3:20pm. Lopp left at 3:25pm*

### **PUBLIC COMMENT:**

*Weed Supervisor, Otto Ohlson*

Weed Supervisor, Otto Ohlson, joined the meeting at the commissioners' request. At issue were two weed bills that Ohlson had been having difficulty collecting on. At a previous meeting he asked the commissioners if they would allow him to put the bills on the individuals' tax rolls. Hurwitz agreed they needed to be paid but asked Ohlson to let him call these folks first.

Hurwitz told Ohlson he had spoken with Mrs. Richtmyer, who, with her husband, was the first of these delinquent payers he had spoken to. Hurwitz said they were just shocked when they received the bill for \$5000. Hurwitz asked her if she was aware they would be spraying by helicopter. She told him she was not sure, that he would have to talk to Mr. Richtmyer.

Ohlson told Hurwitz that what the Richtmyer's were charged is incredibly reasonable. First of all, grant money picked up half the cost. The gentleman who did the spraying charges \$16 per acre, which is less than half of what others in the area would charge. The chemical is provided at cost, \$46 per gallon. Richtmyer's have 400 acres, many of which are along the Milwaukee Railroad and hard to reach. Ohlson asserted that Richtmyer went into this knowing the cost. He even double checked a map with Ohlson to make sure they had everything that needed spraying.

Hurwitz then mentioned Rick Jacobs, the other individual who has yet to pay his weed spraying bill. Hurwitz said Jacobs apologized for being late and said he would take care of it.

*County Attorney Deschene joined the meeting at 3:45pm.*

Townsend told Ohlson that when he sprays privately, he should advertise. Ohlson told him the County makes it a policy not to compete with private enterprise. Besides they already are stretched resource-wise to do more than they already do. Townsend's concern is that as things are, spraying just is not getting done. If the Weed Department has the equipment and the necessary help, the County should promote it. Ohlson told the commissioners he was okay if they promote it. But he does not want to get involved in that.

Hurwitz asked him if there are any grants in the works. Ohlson said he had spent the day in Helena, testifying at the Noxious Weed Trust Fund grant hearings. There are \$2.4 million worth of requests for funding this year, out of \$1 million in available funds. He has been lucky in recent years, he continued, so hopefully he will be again this time around.

*Ohlson left the meeting at 3:50pm.*

### **Claims:**

Commission was presented Voucher #1351, CK#45169, totaling \$434.00 and Voucher #1352, CK #45170 through CK #45217, totaling \$32,711.82. Commission approved and signed checks as presented. Also presented were Health Insurance Voucher #1349, CK#218398 through CK#218404, totaling \$20,854.73; Payroll Deduction Voucher #1350, CK#218405 through CK#218411, totaling \$93,554.34; and Payroll Voucher #9, CK#218412 through CK#218425, totaling \$9,468.28. Commission approved as presented.

**Meeting Adjourned:**

**Action 6:**

At 3:55pm, Schlepp moved to adjourn the meeting. Townsend seconded. A vote was held and passed unanimously (3-0).

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, March 12, 2013.

\_\_\_\_\_  
**CLERK & RECORDER**

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

**SEAL**

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

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

Note: Minutes taken by Assistant to the Clerk & Recorder, Nate Sanders.  
Distributed March 12, 2013 to Chairman Hurwitz, Commissioner Townsend, Commissioner Schlepp, and Clerk & Recorder Ogle

March 12, 2013  
9:00am-3:10pm  
Met in Commissioner's Chambers

**Meeting Called to Order:**

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

**Commissioners Present:**

Chair Ben Hurwitz and Vice Chair Herb Townsend.

**County Extension Agent—Nico Cantalupo:**

Cantalupo met with the commissioners to seek their approval for him to accept a part-time job offer from the Park County Livestock Association. He would work for them in evenings and on weekends to help them market their calves. If necessary, he would take vacation time from Meagher County during shipping time in the fall and other busy times. Townsend and Hurwitz agreed that it would take a lot of time, but they were okay with him trying it and seeing how it goes.

*Commissioner Schlepp arrived at 9:40am.*

**Gravel Crushing Discrepancy:**

Hurwitz updated Townsend and Schlepp on a discrepancy between the amount of gravel Rick McDaniel felt he had crushed at Pit Number One, and the amount Weed Supervisor, Otto Ohlson, had measured. They were going to discuss the issue later in the meeting.

**Treasurer Update—Sue Phelan:**

Joining Treasurer Phelan was County Attorney, Kimberly Deschene. Phelan came to discuss the personal property taxes of three entities: the Stockman Bar, White Sulphur Springs Cable and Internet, and Smith River Fencing. Phelan said the delinquent taxes of the Stockman date back to 1999 and 2000. **When personal property taxes become delinquent, the following January 1, a lien is attached to any related real property for up to ten years. If there is no real property, then the County has five years to do everything necessary to collect the unpaid taxes. If they are unsuccessful after five years, they are required by law to write off the delinquent taxes. Therefore, the Stockman's delinquent personal property taxes need to be written off.**

The taxes on White Sulphur Springs Cable and Internet were assessed in years that the business no longer existed, so it makes no sense not to write those off as well. Owner, Jake Odom, had never written the County a letter requesting to be taken off the tax rolls. That is why the taxes were assessed in the first place.

The situation with Smith River Fencing was more difficult. Phelan has spoken with owner, Jim McDanel, repeatedly, and he always promises to pay. But so far he has not. Hurwitz asked Deschene if it was possible to garnish the wages of someone who does work for the County if they are behind in their taxes. His taxes on his business equipment exceed \$4000. Phelan said she could put a lien on the equipment instead.

**Action 1:**

**RESOLUTION 2013-#23**

Schlepp moved that the County write off the personal property taxes on the Stockman Bar for the years 1999 and 2000 (\$452.42 in actual taxes, not including penalties and interest), and the personal property taxes on White Sulphur Springs Cable and Internet for the years 2011 and 2012 (\$774.14 in actual taxes, not including penalties and interest).

*Townsend said he would vote against it. Deschene contended that Stockman owner, Joyce Matson, and Odom would get out of the taxes if they fought them. Townsend said he was voting against it on principle. Phelan pointed out that Odom paid the taxes right up until he went out of business. He just never notified her office that he had gone out of business. Townsend said he would approve writing off Odom's taxes but not Matson's. Deschene argued that the County had been mistaken going back several years in not collecting on Matson's taxes.*

**Hurwitz seconded Schlepp's motion. A vote was held and passed 2-1, with Townsend opposing. It is therefore resolved.**

Next, they revisited Smith River Fencing's taxes. They discussed various options, including putting a lien on his equipment. Deschene said they could do that but it was important that they put the property up for sale. Deschene suggested a creative solution, perhaps giving him a large project to work on, with the understanding that he accept payment and turn around and use it to pay off his taxes. Hurwitz said he would talk to McDanel.

No further action was taken.

*County Fire Chief/DES Coordinator, Rick Seidlitz, joined the meeting at 11:00am.*

**County Attorney Update—Kimberly Deschene:**

Deschene presented a letter she had written to Headwaters Recycling requesting that they either honor their agreement with Meagher County to provide recycling service to Meagher County through June 30, or repay the County its last quarterly per capita fee payment, which the County had made under the mistaken impression that they could finish out the year in the program.

Schlepp wondered if the Close-Up group at the school might be interested in taking over the recycling program for the same \$6000 that the County had been paying Headwaters. It was agreed to contact Headwaters to see if the recycling bins were available for purchase. It was also agreed to contact Disposal Service of Montana to get an estimate from them to take over recycling in Meagher County.

## **Fire/DES Update—Rick Seidlitz:**

### *Fire District Petition*

Seidlitz presented each of the commissioners with a petition he is distributing around the County to establish a countywide fire district. He explained that in order for a signature to be valid, it would require the signatures of all parties who would be required to sign off if the property were sold. There would have to be some public meetings as well. Hurwitz pointed out that it was a bad time of year to get ranchers to a meeting because of calving. Seidlitz said he would like to have the first meeting soon, maybe in April, and the second one at the end of May to catch more of the ranchers. He is also going to run articles in the newspaper and have some flyers ready to hand out with the petitions. His main concern is that everyone is educated so they can make an informed choice.

*Schlepp left the meeting at 11:10am. Deschene left at 11:15am.*

Property owners need to understand they will have to pay a little more to receive structure protection, Seidlitz continued. Hurwitz asked if the taxes for city residents would go up. Seidlitz was unsure but felt they would likely stay about the same. Townsend asked whether the County tax to City people would go away. Seidlitz said they would still pay it. Hurwitz suggested somehow setting up a focus group to see what people were thinking on the issue. Seidlitz said the main selling point is that people living outside the City would have structure protection with a countywide fire district.

Seidlitz stressed the need to focus on the property owners outside the city. If the City wanted to join it would be in the future. Hurwitz asked Seidlitz what would happen, assuming a countywide fire district is established, and Grassy Mountain Fire District decided not to join. Seidlitz said he would really have to put the heat on them on mutual aid.

There was further discussion about workers' compensation and retirement benefits for volunteer firefighters.

### *Rural Addressing—Luppold Road*

Seidlitz mentioned he was hearing more and more from people who live on Luppold Road about getting the spelling corrected. When the old Cemetery Road was changed to Luppold Road, its name was misspelled (Lueppold). Now some residents are getting more and more vociferous about the need to fix the spelling, and the road signs. Seidlitz is working on that, with Road Supervisor, Bruce Smith.

## **LUNCH:**

The commissioners broke for lunch at 12:20pm. They returned at 1:30pm.

## **Meagher County Transportation Advisory Committee (TAC)—Cynthia Stuhlberg, MILP:**

Stuhlberg rescheduled her meeting with the commissioners to the following week's meeting.

**Gravel Crushing—Road Supervisor, Bruce Smith/Sierra Rock & Dirt, President, Rick McDaniel:**

Smith and McDaniel met with the commissioners to discuss a discrepancy between the amount of gravel McDaniel felt he had crushed at County Pit Number One, and the amount that was measured by Otto Ohlson. Hurwitz suggested that McDaniel accompany Ohlson and they re-measure the gravel pile together. If they were still in disagreement, they would call in Staley Engineering, who does a lot of measuring for state projects.

McDaniel said the issue is the pile sits on a hole. More gravel came out of the hole than is visible in the pile. The volume generally swells on average 20% which suggests there is actually more gravel in the pile than was measured by Ohlson. The only option, he continued, was to pick up the pile and move it, which he could do in three days.

Hurwitz said he wanted to be fair. The commissioners like his price and the quality of rock. He asked if it was normal to measure the hole. McDaniel said they track both the hole and the pile. Hurwitz asked how much it would cost to move the pile. McDaniel said it would be \$3000. He said he would pick it up, move it over, stack it better, and whatever they still owe the County, he would crush the difference. Hurwitz thought maybe a Road Crew member or two could even help.

Townsend suggested just crushing 1500 yards more and calling it even. Smith said he was fine with that. Hurwitz clarified that he would just measure the hole, not the pile itself. McDaniel agreed. All parties agreed that McDaniel would do just that. He would crush 1500 more yards, as measured by the hole. Then he and the County would be even.

*Helena Sand and Gravel*

Hurwitz briefly gave an overview of a situation with Helena Sand and Gravel. They had begun crushing gravel a few years ago on the Johnston property, but the County stopped them when it became clear the gravel had too much clay in it. It is the County's position that they removed their equipment prematurely, before they gave the County a chance to have them rescreen the gravel. So now the County is trying to get them to return to rescreen it. McDaniel said he would give the County an estimate too, if they had problems with Helena Sand.

*County Clerk & Recorder, Dayna Ogle, joined the meeting at 2:40pm.*

*Road Equipment for Sale*

They discussed some equipment that the Road Department has been trying to sell, including a roller that the City had offered to buy for \$4000. Ogle explained that equipment the County wished to sell over \$2500 in value needed to go out to auction or let out to bid. Hurwitz wondered what would happen if there were no bids. Ogle did not know.

McDaniel mentioned a website called Public Surplus, which is essentially an auction.

Smith, who has run an ad in My Little Salesman, a trade journal, asked what he should do when he receives calls from the ad, just ask them to submit a bid? Ogle said yes, once it is advertised

as a call for bid. Smith pointed out that listing the equipment in the Meagher County News is not going to result in any bids. Townsend wondered if he could just change the ad in the trade journal and make it a call for bid with a minimum price. Ogle said all they needed to do was include that Meagher County reserves the right to reject all bids. Hurwitz suggested changing the ad to “call for bids” and run it in the Meagher County News. Ogle did share that it was required to run for two consecutive weeks in the local newspaper. They could still run it in the monthly trade journal with a deadline for the sealed bids.

**Public Comment:**

There was no public comment.

**Minutes:**

**Action 2:**

Hurwitz moved to approve the minutes from the previous meeting, March 5, 2013, without change. Townsend seconded. A vote was held and passed unanimously (2-0).

**Claims:**

Commission was presented Voucher #1353, CK #45218 through CK #45254, totaling \$42,970.33. Commission approved and signed checks as presented.

**Meeting Adjourned:**

**Action 3:**

At 3:10pm, Hurwitz moved to adjourn the meeting. Townsend seconded. A vote was held and passed unanimously (2-0).

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, March 19, 2013.

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**CLERK & RECORDER**

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**CHAIRMAN**

**SEAL**

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**VICE-CHAIRMAN**

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**COMMISSIONER**

March 19, 2013  
1:00pm-3:45pm  
Met in Commissioner's Chambers

**Meeting Called to Order:**

Chair Hurwitz called the meeting to order at 1:00pm.

**Commissioners Present:**

Chair Ben Hurwitz and Vice Chair Herb Townsend.

**Meagher County Transportation Advisory Committee (TAC):**

Cynthia Stuhlberg, from the Montana Independent Living Project, joined Beth Hunt from the Senior Center, Aaron Blair from the County's Tobacco Prevention program, and Colleen Owens, all members of the Meagher County Transportation Advisory Committee (TAC), to discuss funding a transportation program. Stuhlberg began by telling the commissioners the TAC was formed to address transportation needs in the County. There was a voucher program in place between August and December of the previous, but the funding, which was all federal, dried up. The program served Meagher and Wheatland Counties and served 22 people in Meagher County. Since the funding went away, even more people have expressed a need for transportation. Stuhlberg said most of those in need are elderly and people with disabilities. She told the commissioners they would like to use some of the money from the Harmon account, which is no longer being used by the hospital to pay off its loans on the nursing home, to fund the program.

Hurwitz asked how much they would need. Stuhlberg pointed out one of the sheets in the handout the commissioners received that showed \$30,000 required for the program if it were administered by MILP. She felt they could administer it themselves at much less cost. Blair has offered to help with some of the administrative tasks.

Townsend told the TAC members that the Harmon corpus has a little over \$1 million. With a rate of return a little over 1% it is generating about \$10,000 in annual income. He added that the commissioners had resolved not to dip in to the corpus. They would like to help but it would have to be for less than \$30,000. Stuhlberg told him they would be happy with \$10,000 from the County.

Owens told the group that Jane Townsend has been providing rides for people for years and does not even get paid for gas. Owens herself has been driving people since 2005, and she gets nothing in return. Hurwitz commented that they had been doing this even before MILP came along. Hunt said they worked on grants for three or four years to do just this. They had tried to get a TAC together. Then Betty Clay was successful in forming an ecumenical parish, which provided many rides. But she left the area and the group basically fell apart.

Hunt stressed that there is a tremendous need in Meagher County for a program like this to help people with their transportation needs. Hurwitz agreed, saying it is something they need to address as commissioners. Townsend asked about liability. Stuhlberg told him that because the driver is not making a wage, there is no liability. They make sure all their drivers have appropriate auto insurance.

Townsend wondered if the County might be able to subsidize Blair's income if he were to help administer this program. Hurwitz said they should figure out how many trips would be involved and put together a skeleton plan first.

After further discussion, it was agreed that the TAC would come up with a tentative plan, including estimates of fuel, miles, number of trips, time, and cost. Stuhlberg said they would work on that at their next meeting at the end of the month. Hurwitz said they would then meet again before budget time. He said the commissioners would look into this issue.

### **Amendment to Resolution 2013-#23:**

*County Treasurer, Sue Phelan, joined the meeting at 1:45pm.*

Phelan explained that White Sulphur Springs Cable and Internet should not have been forgiven its personal property taxes the previous week as owner, Jake Odom, did actually still have the business at the time, unlike they had originally thought. Dan Tousley, however, should never have been assessed personal property taxes as he did not meet the tax threshold of \$20,000 in the first place.

#### **Action 1:**

##### **RESOLUTION 2013-#24**

Hurwitz moved to amend Resolution 2013-#23 so that the personal property taxes of White Sulphur Springs Cable and Internet are not written off; and that the personal property tax bill of Dan Tousley is reversed as it was assessed in error. Townsend seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

### **Smith River Fencing:**

Hurwitz said he had spoken with Smith River Fencing owner, Jim McDanel, regarding his delinquent personal property taxes. McDanel said he was selling the fencing business after completing two big jobs. He also had more jobs at the Courthouse.

*Phelan left the meeting at 1:50pm. Commissioner Nancy Schlepp joined the meeting at 2:10pm with Clerk & Recorder, Dayna Ogle.*

### **Clerk & Recorder Update—Dayna Ogle:**

Ogle met with the commissioners to address several issues.

#### *Courthouse Windows*

She said Rooney's would be able to begin replacing windows in the Clerk of Court and Treasurer offices by the end of the week.

#### *Courtroom Carpet Bid*

Ogle had received a bid from Pierce Flooring to replace the carpet in the courtroom, the jury room, the judge's chamber, and the Justice of the Peace office. To do all four rooms, including removing the old carpet and installing the new carpet, would cost \$7771. If the County moved the furniture and removed the old carpet, there would be a \$1099 discount. Hurwitz contended that the \$1099 is worth it, not to have to do that. Ogle said they should expect two weeks lag time from the time they order till installation. Pierce Flooring laid the previous carpet and can still get the exact carpet to match what was used a few years ago in the second floor hallway.

#### **Action 2:**

##### **RESOLUTION 2013-#25**

Hurwitz moved to accept the bid from Pierce Flooring, to carpet the courtroom, the jury room, the judge's chamber, and the Justice of the Peace office for \$7771. Schlepp seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

#### *Courthouse Boiler*

Ogle said that Marc Pryor had called her to let her know he had received the welding job he applied for. He had said the County could work "under his license" to maintain the boiler. Ogle said it puts the County in a pickle, as Ken Martin will not be going to boiler school until April 16. Plus he needs forty hours apprentice work. Hurwitz wondered if he could work under the hospital. Schlepp felt that was the only option. Ogle said she would contact the hospital to look into it.

#### *Road Department Equipment for Sale*

Ogle had looked in to what would happen if the Road Department equipment that Road Supervisor, Bruce Smith, had put out to bid brought in no bids. She said that according to MCA 7-8-22-18, the County would be able to sell the equipment in a private sale at not less than 70% of its appraised value.

*Forgive PILT Loan*

Ogle said the commissioners had passed a resolution (2011-#55) August 9, 2011, taking a loan from PILT to purchase a tank of avgas for the airport, then tracking the revenue from its sales to pay back PILT. She said they had discussed during the budget process forgiving the loan so they would be able to use the sales proceeds to purchase the next tank of fuel but they had never acted upon the idea.

**Action 3:**

**RESOLUTION 2013-#26**

Schlepp moved that the loan from PILT in Resolution 2011-#55, used to purchase a truckload of avgas fuel for the airport, be changed to a gift so that the sales proceeds of the fuel could be used to purchase another truckload of fuel. Townsend seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

*Title III Funds*

**Action 4:**

**RESOLUTION 2013-#27**

Townsend moved that the \$665.55 in the Forest Service Title III Fund (2902) be moved to the new Title III Fund (2903). Schlepp seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

*Clerk of Court Funds*

Ogle explained that in prior years, multiple journal vouchers from Fund 7160, a fund used by the Clerk of the Court for incoming and outgoing funds, have left it short.

**Action 5:**

**RESOLUTION 2013-#28**

Schlepp moved that \$1200 be transferred from the General Fund (1000) into Fund 7160 to bring the fund back into balance. Townsend seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

*Ogle left the meeting at 2:35pm.*

**Law Enforcement Contract with City—Sheriff Jon Lopp:**

Sheriff Lopp presented the commissioners with a copy of the Law Enforcement Agreement the City would like to enter into with the County. The City would pay the County \$22,409 per year for a term of twelve fiscal years, July 1, 2013 through June 30, 2025. That would include \$5000 for Prisoner board/meals; \$6000 for Sheriff 911 dispatch; \$2500 for Sheriff Dispatch; \$7500 for Law Enforcement; and \$1409 for Police Training. They would also pay the County \$25,000 every four years, beginning July 1, 2013, for the purchase of one vehicle.

Lopp said the prisoner board and meals the City has been paying \$5000 for years. Maebeth Seidlitz has calculated that the cost is actually \$8000 per year. He wondered if they should increase the amount they request from the City or just track it and bill them at the end of the year. Hurwitz said he preferred that option, but Schlepp pointed out it would be difficult for the City to budget for that.

Lopp told the commissioners that the City's auditor told the City they need to get back the vehicle they purchase for the County every four years. Lopp said the vehicle that Undersheriff Wendt has been driving would be the next to be replaced. The plan for that vehicle was to send it to Martinsdale for Reserve Officer Ted Jones to use. They have a 1993 Chevy truck for the City, which Mayor Theriault does not like, but it is okay with the Council. Townsend suggested just having the City provide a vehicle every four years.

After further discussion, Schlepp told Lopp to go back to the City with the contract he wants. Lopp agreed, pointing out that this is the contract they have been working with for at least ten years. Townsend pointed out that half of the Sheriff's business is within the City so this would be a great deal for them. Schlepp said she would be curious to see if the numbers suggested on the agreement have changed at all over the years. Lopp said his over budget is \$350,000. Schlepp said the \$22,000 the City offers is not even 10%.

*Treasurer Phelan rejoined the meeting at 2:50pm. Fire Chief Seidlitz joined the meeting at 3:00pm.*

Phelan told the commissioners that the City brings in \$153,663.26 in taxes. Seidlitz said that closer to 70-80% is what the Sheriff Office does in the City. Lopp said that Ogle had told him that City taxes pay \$23,000 in taxes toward law enforcement.

**Public Comment:**

*CTEP*

Jim Richard joined the meeting to give the commissioners a report on the status of the CTEP projects. He said that bids have been let and accepted for three out of four of the projects. The fence at the golf course, the landscaping around the signs, and the signs themselves have all been taken care of. The bidding for planting more trees at the golf course is on hold until the greens keeper, who is in Arizona, returns. He knows where the drip lines are for irrigation. They are about \$11,000 under budget total, accounting for the golf course trees.

In September, the CTEP program is changing, Richard continued. This year's projects will no longer be competitive. If the County would like to do more little projects like the ones they are working on now, he can amend the contract. The City is using its funds towards a Main Street beautification project. Hurwitz thought the County might want to do the same.

Schlepp asked if the CTEP committee had input all along. Richard said they had. Schlepp she would like to hear input from them at some point. Richard said there was a Department of Transportation meeting this coming Thursday. Maybe there would be a CTEP meeting not long after.

Townsend verified that there was still \$50,000 available, plus \$7000 (the County portion of the amount under budget). Richard said that was correct. The County had until September 30 of this year to commit the money to certain uses. It does not have to be used by then, just committed. Townsend wondered if those funds could be used to put trees up on County property along the highway. He thought if they could plant trees in front of the Weed Department building, they might be able to block the sight of Gluhm's tire fence. Richard told him the timing was good. The golf course trees have not been bid out yet. They could add more and consider watering as well.

*Richard left at 3:15pm.*

*Fire District—Rick Seidlitz*

Fire Chief Seidlitz showed the commissioners a map which shows the amount of support so far for the Meagher County Fire District. He was confident he was well on his way to attaining the 40% needed to put the fire district into effect (40% of landowners and 40% of taxable value). He said it is becoming more crucial as the County's firefighters appear less inclined to go to structure fires, as they are not covered by County workers' comp insurance to fight structure fires.

Schlepp mentioned to Seidlitz that, according to MACo's Harold Blatty, a change in the taxation of the Castle Valley Meadows Fire District, should go to a vote of the residents. The commissioners had resolved to change it earlier to taxable value from livable residence.

**Minutes:**

**Action 6:**

Hurwitz moved to approve the minutes from the previous meeting, March 12, 2013, with changes. Townsend seconded. A vote was held and passed unanimously (3-0).

**Claims:**

Commission was presented Voucher #1354, CK #45255 through CK #45272, totaling \$6,586.73. Commission approved and signed checks as presented.

**Meeting Adjourned:**

The meeting was adjourned at 3:45pm.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, April 2, 2013.

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**CLERK & RECORDER**

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**CHAIRMAN**

**SEAL**

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**VICE-CHAIRMAN**

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**COMMISSIONER**

Note: Minutes taken by Assistant to the Clerk & Recorder, Nate Sanders.  
Distributed April 2, 2013 to Chairman Hurwitz, Commissioner Townsend, Commissioner Schlepp, and Clerk & Recorder Ogle