

PROCEEDINGS FOR THE BOARD OF THE COMMISSIONERS
MEAGHER COUNTY, MONTANA

September 3, 10, and 17, 2013

Tuesday

September 3, 2013

9:08 a.m. - 2:05 p.m.

Met in Commissioner's Chambers

Meeting Called to Order:

Chair Hurwitz called the meeting to order at 9:08 a.m.

Commissioners Present:

Chair Ben Hurwitz and Vice Chair Herb Townsend.

Road Report – Bruce Smith

Bruce Smith was present to give a road report to the Commissioners. Mr. Smith informed the Commissioners that a new statement was received from Sierra Rock for the approximate sum of \$17,000.00. He didn't believe we owed quite that much, so was planning on making a trip out to visit with them and that he would get it measured up before the final bill is paid.

Mr. Smith also presented information on pickups that he had looked at for purchase. He was planning on using \$40,000.00 to purchase a new truck, but found a deal with Ford that provided government discounts so could purchase 2 pickups for \$57,000.00. The money is in the budget and they have two trucks that have high mileage and that need to be gotten rid of. The Commissioners thought it was a good purchase and gave their approval.

Action #1

RESOLUTION – 2013 - #60

Chair Hurwitz moved that we go ahead and purchase the two 2014 pickups (\$28,000.00 and \$29,000.00) to come out of the road outlay funds. Vice Chair Townsend seconded. Voted and unanimously approved, therefore it is resolved.

There was then discussion on the other road equipment as far what shape it is in. The scraper will not be purchased this year, but Mr. Smith will continue to look for a used scraper and tractor for next year.

The Commissioners also advised Mr. Smith that the job description still needs to be changed for Mr. Collins.

Budget – Dayna Ogle:

Dayna Ogle provided a couple of inserts into the budget binders and discussed what had been changed.

There was also discussion regarding the County Attorney's IT expenses and how those expenses should come out of the County Attorney's budget rather than the IT's.

Action # 2:

RESOLUTION 2013-#61

Vice Chair Townsend moved to accept the Budget as presented, Chair Hurwitz seconded. Voted and approved unanimously.

County Board Appointments

Action #3:

Chair Hurwitz made a motion to approve Sandy Harris to the County Health Board. Herb Seconded, voted and approved unanimously. Her term will last for 4 years, from September 3, 2013 until June 30, 2017.

Action #4:

Vice Chair Townsend made a motion to approve Jennifer Brundson as the County Health Officer. Chair Hurwitz seconded. It was voted and approved unanimously.

The application of Dennis Heinrich to the Checkerboard TV District was tabled until further research could be done.

School Budgets – Helen Hanson

Helen Hanson presented budgets for 3 districts. Chair Hurwitz signed the budgets as presented.

There was also discussion about the school buses and that they have 4 buses running. Clint Davis stayed on and was the 4th bus driver. They thought they would only be down to three because he had planned on retiring. One bus goes to Birch Creek; one to Fort Logan, one to Forest Green and then the last to Ringling / Lennep. There is no bus to Martinsdale, as those kids are attending Harlowton.

County Attorney Update – Kimberly Deschene:

Kimberly Deschene and Nels Swandal were present for the County Attorney Update. Ms. Deschene advised the Commissioners that she felt she only needed to meet once a month at this point. If she is needed more, they can advise her.

Nels Swandal asked about the replacement for Commissioner Schlepp and suggested that Ms. Deschene write a letter to the Central Committee to provide names for the Commission to fill Commissioner Schlepp's position. He also advised if anyone is interested in serving, they would need to write a letter to the Central Committee. It was decided that maybe a phone call with a follow-up letter would be a good idea.

Ms. Deschene advised that things were pretty quiet during both the Red Ants Pants and Labor Day weekend. She also brought up that the City has had more activity than the county. The Commissioners advised that the Law enforcement agreement is progressing, but it hasn't been signed yet. City still owes for \$25,000 for a vehicle this year for the Sheriff's Department.

There was also some discussion on the public meeting of the Gordon Butte Wind deal.

Ms. Deschene addressed that the budget is set but a \$2,000.00 line item for IT items was accidentally left off as a budget item. She asked the Commissioners how she was to claim out those items that would arise. Chair Hurwitz advised that each department was responsible for their own IT items, except software licensing and the IT's labor expense and that it didn't matter if she claimed it against the line item for IT and it was in the negative, so her overall budget came out

Ms. Deschene was asked for an opinion on whether the Board Members of the Checkerboard TV had to dissolve the Board or whether the Commissioners could dissolve it since it is non-functioning. It was agreed that the Commissioners could dissolve the Board and she will draft a resolution to dissolve. After all debts are paid, any funds remaining shall be absorbed into the general fund.

LUNCH:

The Commissioners broke for lunch at 12:00 p.m. and returned at 1:00 p.m.

Sheriff Report – Jon Lopp:

Sheriff Lopp was unavailable to attend.

Recycling – Cal Moore:

Cal Moore updated the Commissioners on where the recycling project was. At this point, advertising for a Request for Proposal should be the next step with specific letters to 4-Corners Recycling, Montana Waste (Disposal Services) and Jake Lind. A Request for Proposal will be put together for a 30-40 cubic yard container with 3 compartments. Mr. Moore believes the fewer pick-ups there are, the less expensive it will cost to have the container. Mr. Moore also thought it would be a good idea to have large containers delivered 2 times a year to the Ringling and possibly Martinsdale/Lennep area and let them make a loop to pick up. Mainly the County should concentrate on plastics and newspapers. Close-up is doing aluminum cans and Jake Lind is doing cardboard. 4-Corners had mentioned they could collect the aluminum cans and give the funds back to the school which is something to think about as well. It would be advantageous so the parents or school would not have to worry about taking them out of town. As to a deadline, it was agreed that 3-4 weeks from this meeting would be a good time frame. A week to put an ad and get letters out and 2 weeks to run the ad and get responses back.

The City has agreed to pay one-half of the expense, as long as they are involved in deciding who would get the contract.

PUBLIC COMMENT:

No public comment.

Claims:

The Commission was presented with Voucher #1411, Ck # 45875 through Ck #45911 totaling \$37,035.64. The Commission was also presented with Voided Reports for Ck #45840 and Ck #45866. All claims were signed as presented.

Minutes:

Action 5:

Vice Chair Townsend approved the minutes of August 20, 2013. Chair Hurwitz seconded. A vote was taken and passed unanimously.

Meeting Adjourned:

The meeting was adjourned at 2:05 p.m.

Next Meeting:

Commissioners are scheduled to meet Tuesday, September 10, 2013.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Penny Plachy.
Distributed September 10, 2013 to Chairman Hurwitz, Commissioner Townsend and Clerk & Recorder Ogle

Tuesday
September 10, 2013
9:00 a.m. – 2:06 p.m.
Met in Commissioner's Chambers

Meeting Called to Order:

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

Commissioners Present:

Chair Ben Hurwitz and Vice Chair Herb Townsend.

Treasurer's Report – Sue Phelan:

Treasurer Sue Phelan presented her report to the Commissioners. Vice Chair Townsend went over the monthly report with her. Chair Hurwitz inquired where we ended the year fiscally and she guided him to the June report for year-end information.

Clerk & Recorder - Dayna Ogle:

Road

Clerk & Recorder, Dayna Ogle, discussed the problems with Sierra Rock and the fact, to date; we have paid them in advance for the gravel to be crushed. The main concern is that their equipment has broken down according to Road Supervisor, Bruce Smith. There was supposed to be 20,000 yards crushed in Lennep (Voldseth) and 10,000 yards crushed at County Pit #1. Currently, we have paid for 27,450 yards and they have only crushed 19,500. Total paid to date is approximately \$160,033.50 which is 5.83/yard. Otto Ohlson believes that they have crushed the 10,000 yards in County Pit #1, but only 9,500 crushed at Lennep. They will be sending someone out to measure the crushed gravel themselves. We will hold that payment for their last invoice presented until that is accomplished.

It was agreed to put the Road Department on the Agenda for the September 17, 2013 meeting which should give them plenty of time to measure up what has been crushed. Bruce Smith, along with Rick McDaniel, will be contacted.

WSS TV

Tim McGuire spoke with Clerk & Recorder Ogle regarding the building for the WSS TV. He told her that they have \$90,000.00 worth of equipment that has to be kept cool, and only a \$200.00 air conditioner doing the job. He would like to have an air conditioning system installed and gave the estimate of \$3,500.00. The money is in the budget, so the Commissioners gave their approval.

Audit Contract

Clerk & Recorder Ogle went over the audit contract with the Commissioners, explaining that it was more of a Letter of Understanding since we were under a 3-year contract with Tripp & Associates. This Letter of Understanding was prompted because billing requirements for services had to be broken down a little differently, but the contract price did not change.

Craig Shepherd

Clerk & Recorder Ogle also presented an Engagement Letter from Craig Shepherd for the Annual Financial Report for Meagher County for the year ended June 30, 2013 for signature.

County Attorney

Harold Blattie called Clerk & Recorder Ogle today. He had received an e-mail from Mike Eby regarding how a county attorney's salary is set. She related their discussion and how Meagher County had come up with Attorney's salary. The salary compensation board may need to be convened to go over FY 13/14 salaries.

She also advised the Commissioners that an invoice had been received in the approximate amount of \$7,200.00 for a commitment to the Montana State Hospital. Generally that expense has come from the County Attorney's budget and it has to be paid until the State takes over the payments. The Commissioners approved the payment of this invoice.

Recycling

Clerk & Recorder Ogle received a phone call from Melinda Vennard regarding the recycling bins located by Mathis Grocery. Mathis didn't know anything about them and neither did the City nor County. Evidently Jake Lind has placed bins there and said the County gave permission. Ogle looked up minutes of the meeting he referred to, and while it was discussed there was no motion made and no permission given. The discussion was tabled and the Commissioners asked to have this item placed on the Agenda for the following week's meeting.

Checkerboard TV

The Commissioners would also like to abandon the Checkerboard TV Board. Tabled this discussion until next week when they would like to put this on the Agenda and bring in the Board Members.

County Attorney Kimberly Deschene is to write an opinion letter before this meeting regarding dissolving the Board by the Commissioners.

Sheriff Update

Sheriff Lopp was unable to give an update last week, so the Commission asked that he be contacted to be put on the Agenda for the September 17th meeting.

Human Rights Issue

Clerk & Recorder Ogle had had a conversation with Steve Lehman, Attorney at Law, regarding a human rights issue. Keith Stapley from MaCo had also visited and took pictures of the building for accessibility.

Vice Chair Townsend had to leave the meeting at 10:15 a.m.

Health Nurse – Kari Jo Kiff:

Health Nurse Kari Jo Kiff presented the Commission with her monthly report and went over it with them.

She also reported that the Public Health Officer, Jennifer Brundson, had been sent a letter from her going over the duties she was going to assume from the previous Public Health Officer. Dr. Brundson does not want to receive the stipend; she will be doing this position as a volunteer.

She also presented an estimate which pertains to the refrigeration in the clinic. Her refrigerator in her office has all the items listed on the estimate. However, there are times when vaccines are received and she is not available, so they are placed in the Mountainview Clinic's refrigerator. She would like to update their system in order for her to know that it is meeting the same standards as she has. She will take the funds from the Emergency Preparedness fund. The Commission approved the purchase.

Vice Chair Townsend returned to the meeting at 10:50 a.m.

Fire / DES – Rick Seidlitz:

Fire Chief Rick Seidlitz reported that Meagher County has had several fires; however, nothing big. There was discussion on the addressing project and all the changes that were taking place due to road name changes and clerical errors that were previously made.

The Commissioners inquired the status of the county wide fire district. Vice Chair Townsend thought it looked like there is enough people – 60% of land mass & 49% of the value – market value, not the taxable value. Fire Chief Seidlitz explained to them that it depended on what the taxable value was however. Vice Chair Townsend asked about the procedures after all the petitions had been received, and the Commissioners are thinking it will be December before everything is accomplished.

Minutes:

Action 1:

Vice Chair Townsend moved to accept the minutes of September 3, 2013. Chair Hurwitz seconded. A vote was taken and approved unanimously.

LUNCH:

Commissioners broke for lunch at 12:09 p.m. and Commissioner Hurwitz returned at 1:00 p.m.

PUBLIC COMMENT:

Mr. Chris Shove was present as a representative of the Montana Business Assistance Connection. There was discussion on the mine and how it would affect our community and its growth. Mr. Shove went over his credentials with Vice Chair Hurwitz and how he thinks he can assist our community with its growth. Mr. Shove expressed that there was grant funds out there, we just have to apply for them, including grant money to help with infrastructure, but a growth policy needs to be put in force.

There was discussion on the Hard Rock Mining Act and that it covers a lot of issues that would be vital for our community. Mr. Shove explained that the starting point is a growth policy for grant funds. We would also need to do an economic development strategy and that would be simultaneously done with the growth policy.

He will be meeting with the City as well.

Claims:

The Commission was presented with Voucher #1412, Ck # 45912 – Ck # 95940, totaling \$7,750.55.

Meeting Adjourned:

The meeting was adjourned at 2:06 p.m.

Next Meeting:

Commissioners are scheduled to meet Tuesday, September 17, 2013.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Penny Plachy.
Distributed September 17, 2013 to Chairman Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle

Tuesday
September 17, 2013
8:30am-3:30pm
Met in Commissioner's Chambers

Meeting Called to Order:

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

Commissioners Present:

Chair Ben Hurwitz was present. Vice Chair Townsend was unable to attend.

Recycling

Present for the recycling meeting were Melinda Vennard, Betsy Hammond, and Cal Moore. Neither Mayor Julian Theriault nor Jake Lind attended even though the Commissioners had requested attendance, both in person or by telephone conference.

The discussion was based around the recycling bins that had been placed by Mathis Food Farm and the school by Jake Lind. While everyone was glad that there were bins back in White Sulphur Springs it was discussed that the bins are a hazard and not what was intended nor would they meet the criteria of the Request for Proposal. The bins were not marked, so Mrs. Vennard had to make several telephone calls to find out who placed them out. Neither the County nor the City had given permission, nor had they known the bins had been placed.

The Request for Proposal had been put on hold until this meeting to inquire what the intent was behind putting out the bins without going through the proper procedure. Even though neither Jake Lind nor the Mayor attended, the Request for Proposal will be placed in the newspaper and sent out by next week.

Since the City's requirement for contribution of half the payment for the recycling bins is to help the County pick out who will supply the bins and enter into an Agreement, Chair Hurwitz will contact Mr. Lind to find out under whose authority he put the bins out and see what was going on. It had been previously discussed that Mr. Lind was interested in doing cardboard recycling and the County had been keeping that in mind during the process of knowing what criteria to add in the Request for Proposal. However, there have been complaints of how the bins for the cardboard recycling are being handled. Mr. Moore went over his understanding regarding Jake Lind's desire to handle the cardboard recycling and his conversations with him.

Chair Hurwitz will contact Vice Chair Townsend, then Jake Lind and will let Mrs. Vennard know how it stands.

Road Report – Bruce Smith

Road Supervisor, Bruce Smith, was present with Rick McDaniel, and Ernie from Sierra Rock & Dirt. Mr. McDaniel started out telling Chair Hurwitz that there was a discrepancy in the amount that Otto Ohlson calculated and what was digitally surveyed by KLJ. It was 15% more than Mr. Ohlson calculated – approximately 1,000 yards. Mr. Ohlson had estimated 9,500 yards and KLJ's baseline survey was at 10,700. He understands, however, that Sierra Rock & Gravel are still under what they need to be and they will finish it up. The pit at Voldseth is smaller and they will have to move the operation – office trailer and everything to continue, there is just not enough room. Also he informed Chair Hurwitz regarding their catastrophic breakdown and that that has caused part of the delays.

The cost to have KLJ measure is \$1,000.00, so Chair Hurwitz suggested using Mr. Ohlson to measure more often in between – that even though it is not as accurate, there would be a good handle on how much gravel has been crushed.

Clerk & Recorder - Dayna Ogle

Clerk & Recorder, Dayna Ogle was present to update the Commissioners on the budget. She also addressed the internal posting for a Dispatcher at the Sheriff's Department.

Checkerboard TV

Present were Sally Fredenburg and Francien Hutzenbiler, County Attorneys Kimberly Deschene and Nels Swandal. Ms. Hutzenbiler is of the opinion that everyone in Checkerboard wants the District to continue. Even though they only receive one channel, it is a news channel and everyone enjoys having it. The Commission is concerned since the translator station was hit by lightning, that this is a non-functioning tax district that should be eliminated. The Translator station has never been insured, and was not insured for this lightning strike. County Attorney Deschene explained to the Board Members that if they can get 40% of property owners and 40% in the district that pay the fees to protest dissolving the District, that the District could remain; otherwise, the Commission could dissolve.

Sally Fredenberg is estimating that it will cost approximately \$5,000.00 to do the repairs from the lightning strike.

It was suggested by the County Attorney that if this District is eliminated, rather than the funds going back into the general fund, perhaps it could be earmarked for something that would benefit Checkerboard. They will check into the where else the money could be used for the benefit of Checkerboard and the legality.

The discussion was tabled until the Board Members can reach its members and see if 40% would be interested in keeping the district open. Chair Hurwitz agreed to give them a year to see if it can work, although would like to hear from them sooner.

Ambulance Barn

In attendance for this meeting were Sara Driemeyer, County Attorneys Kimberly Deschene and Nels Swandal, and by telephone conference call Kelton Olney, Attorney for Coast to Coast.

Kelton Olney brought an offer from Coast to Coast for consideration. They would like to be paid for the Ambulance Barn in full, and propose that the County hold \$16,000.00 in reserve until the building is completed. Chair Hurwitz explained that that was not acceptable to the County. Sara Driemeyer from the Ambulance Board also explained the issues that have occurred, including no material list provided with the deliveries; and when parts have been requested, the deliveries run 1 – 2 weeks late.

Mr. Olney understood that the County is pretty firm in its decision and why; and would pass that on to Coast to Coast. The completion of the Ambulance Barn is anticipated to be within the month. It was agreed by the parties that Mr. Olney would go back to Coast to Coast and request that they give a month to see if the construction is completed and if not, would re-address the \$16,000.00 in reserve and paying the amount due.

PUBLIC COMMENT:

Bobbie Secrest and Alvin Kujath came to see the Commission regarding the food bank. The Food Bank would like to do some improvements to create more space and since the County owns the building, they were looking to get approval before making those improvements. There will be no cost involved and all the volunteers were lined up to do the work.

There was discussion regarding the Food Bank program and the benefits to the community and the new program they were going to start with a backpack program to make sure that kids were eating on the weekends.

Mrs. Secrest and Mr. Kujath asked Chair Hurwitz to come by the Food Bank after the Commission meeting to see the space and what they were talking about as far as the improvements they wanted to make. Chair Hurwitz agreed to meet them there.

Claims

The Commission was presented with Voucher # 1413, Ck #45941 through Ck # 45973 totaling \$25,126.20. Commission approved and signed checks as presented

Minutes

Minutes could not be approved as there was not a quorum.

Meeting Adjourned:

The meeting was adjourned at 11:40 A.M.

Next Meeting:

Commissioners are scheduled to meet Tuesday, October 1, 2013.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Penny Plachy.
Distributed October 1, 2013 to Chairman Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle