

PROCEEDINGS OF THE BOARD OF THE COMMISSIONERS
MEAGHER COUNTY, MONTANA

August 5, 12, 19, 2014

Tuesday

August 5, 2014

8:36 a.m. – 3:30 p.m.

Met in Commissioner's Chambers

Meeting Called to Order:

Chair Hurwitz called the meeting to order at 8:36 a.m.

Commissioners Present:

Chair Ben Hurwitz and Commissioner Rod Brewer.

Minutes:

Minutes from the July 15, 2014 and July 22, 2014 meetings were tabled until the next meeting of August 12, 2014.

Road Report – Bruce Smith:

Bruce Smith, Road Supervisor, provided a copy of the response made by Otto Ohlson to the DEQ's latest request for information on the Bodell Pit. Mr. Smith expects a reply in 10 days from the DEQ.

Growth Policy Plan:

Chris Shove of the Montana Business Assistance Connection and Jim Richard on behalf of the Planning Board were in attendance.

Mr. Richard has reviewed the draft Growth Policy Plan prepared by MBAC and has come to the Commission to request that the Planning Board be given the opportunity to review it and present any changes to the Commission before it is adopted.

There was discussion on the current status of the Planning Board and the need for additional members to serve on the Board. Mr. Shove and Mr. Richard had met with the City Council on Monday evening, August 4, 2014 on their Growth Policy Plan and the City would like to join with the County's Planning Board. The decision was made to appoint 5 County members to the Planning Board and then discuss with the City how many they would like to appoint. Currently, the members are Jim Richard, Nico Cantalupo, Rick Berg and City appointed member, Mike Eby. Jim Richard has agreed that he will facilitate finding the additional members needed to serve and return for Commission approval. The importance of the Growth Policy Plan was discussed and the need of a Plan in place in order to apply for grants. Mr. Richard stated that the Planning Board is the only entity that can prepare a Growth Policy Plan. The Commissioners stated that the first objective for the Planning Board will be to review the Growth Policy Plan draft prepared by MBAC and make any recommendations for corrections, additions or changes to the Plan.

Mr. Richard also advised the Commissioners that the Planning Board will make sure that all the procedures are followed in order that the Growth Policy Plan can be adopted in final form.

Mr. Shove reminded the Commission about the timing issue for applying for grants, and the need to have at least 6 months lead time.

Sheriff's Report – Jon Lopp:

Sheriff Jon Lopp presented his monthly report to the Commission. The Red Ants Pants Festival was discussed and he mentioned there was a close-out meeting today at noon.

Sheriff Lopp advised that the City has not paid anything toward the expense of the City's prisoners. It was decided that a letter should be written telling the City that we expect them to honor their contract.

Sheriff Lopp also advised that the new vehicle should be received next week.

Grassy Mountain Fire District Board:

Mike Leonard, Paul Kroeger and Rich Seibken were present for the Grassy Mountain Fire District. Dayna Ogle, Clerk & Recorder, was also in attendance.

Mr. Leonard advised that GMFD President, Erin Fryer, and Secretary/Treasurer, Kelley Tillman, had both resigned. The defunct board was currently without officers. He also reported that there had not been a meeting for some time.

The Commissioners are concerned because no action has been taken by the GMFD board and there has been no decision made by the homeowners on whether they will disband the fire district and join the Meagher County Service Area. Getting a vote of the homeowners has still not been achieved and letters have not been sent out which was going to be accomplished last year. There still needs to be a 40% / 40% landowner approval to disband and a vote needs to be addressed immediately. Fire Chief Seidlitz has already provided the board with the procedures on disbanding.

Mr. Leonard, Mr. Kroeger and Mr. Seibken discussed their thoughts for the funds set aside for the Fire District being used to drill additional fire wells. There was also discussion on where to locate the wells in the Grassy Mountain subdivision that has year-round access, as well as the space to house a fire shed and truck.

It was decided that an active board needs to be put in place that can function as a board. Bylaws needed to be accepted and a vote taken from the homeowners on whether to disband or move forward with a fully functioning fire district. There also needs to be an agreement in place between the Grassy Mountain Fire District and Meagher County Fire Service Area for fire protection.

Action #1:

RESOLUTION 2014-#83

Commissioner Brewer moved to appoint Mike Leonard, Paul Kroeger and Rich Seibken to the Grassy Mountain Fire District Board. Chair Hurwitz seconded. A vote was taken and approved unanimously. It is therefore resolved.

The GMFD Board members requested that they have until next week to provide the officers and terms of office for the Board Members' terms. Mr. Kroeger advised that he had a couple of homeowners in mind that they may be able to recruit to serve on the board as well to make it a 5-person board.

Clerk & Recorder Ogle reminded them that they needed to accept bylaws in order to be a true board. The Board members will also plan on moving forward with drilling wells. They will request Fire Chief Rick Seidlitz's help with the location of where they should be in the subdivision.

They will look for two additional members to serve on the GMFD board and will return with those individuals so they may be appointed as members as well.

Airport Board – Kurt Burns:

Kurt Burns from the Airport Board and Mike Beckhoff from Dowl HKM were present to discuss airport matters. While Kurt had original scheduled to come in to discuss mowing of the airport, this morning the road crew had started the project. Mr. Burns was wondering about the mower that the Road Department was trying to sell, and was advised by the Commission that there wasn't a tractor for it and they would prefer selling it and having the Road Department mow.

Mr. Beckhoff discussed with the Commission the next maintenance project on the airport. The maintenance on the runway gets done every 5 years, and next year will be year 5. The County's share of the expense is \$18,400.00; however their half is \$9,200.00, with a grant covering the other half. There are areas and cracks that need to be re-sealed. They will also repaint the runway. This will need to be added to the budget for maintenance.

There was also discussion regarding the weight bearing on the runway and Mr. Burns' thought of sending out a letter requesting contributions from the individuals who could use the improvement to land bigger aircrafts on the runway. The current weight limit is 16,500, and with the improvement, would be up to 30,000 pounds.

Mr. Beckhoff also left the Master Task Order Agreement for Professional Services for the Commissioners review and signature. They will have the County Attorney review as well.

County Attorney Report – Kimberly Deschene:

County Attorney, Kimberly Deschene, presented a monthly report to the Commissioners for their review.

Attorney Deschene discussed the letter received from the DEQ regarding the Meagher County Road Department. She feels we are not in a position of power and should do what they want. Chair Hurwitz does not agree and feels that this wasn't caused by the County and they need to prove to the County there is a problem and it is up to the County to fix. Hydrometrics will be contacted to meet with the Commissioners to discuss this issue, explain their report, and see what resolution they can provide. If they are unwilling to provide a resolution, an independent engineering firm will be considered to do testing to verify whether or not there is a problem. We have until August 29th to comply, and Attorney Deschene will see about getting an extension on that deadline.

Attorney Deschene also discussed the contract with the City and the fact they are not cooperating in the payment of the prisoner costs. She advised that we should re-negotiate the agreement. The Commissioners are of the opinion that the City signed an agreement with the County and they should honor that agreement. That while they may not have to legally pay for the inmates' costs, they agreed in the agreement, and in the big picture for future dealings and the fact they cannot afford a City Police Department, it would be in their best interest to stand by the agreement they signed.

The Commissioners also advised Attorney Deschene that they reappointed the Grassy Mountain Fire District Board and they will be using funds collected through taxes to drill a fire well and if possible two.

Lunch:

The Commissioners broke for lunch at 12:20 p.m. and returned at 1:41 p.m.

Library Board:

Gordon Doig was present representing the Library Board. He informed the Commissioners that the Librarian, Malvina Libman, had given her notice and will be leaving at the end of the month. There was discussion on hiring a part-time employee at this time as the temporary summer help will be leaving soon as well. Options were discussed on finding a replacement for the librarian position.

Ambulance Building Review – Bob Rooney:

Jack Berg of the Ambulance Board and Bob Rooney from Rooney's Quality Construction & Plumbing were in to discuss the new Ambulance barn. Mr. Rooney had toured the facility with the building inspector and brought his findings in to discuss with the Commissioners.

Additional work needs to be done by the insulation and electrical contractors. The insulation doesn't meet code and all foam needs to be fireproofed. He is also working with Sean Ringer on the outside drive-up to the doors and would like to keep that out of a general bid. Mr. Rooney advised against getting a general contractor and just working with the sub-contractors direct. That the general contractor will do a mark-up and possibly use different sub-contractors.

The Commission would still like to see a general contractor take care of the project and make sure the work is complete and done correctly. There was discussion on the possibility that Mr. Rooney could oversee the sub-contractors' work as a consultant.

Mr. Rooney will get with Townsend Electric and took information on Elkhorn Insulation. He also feels like there needs to be more research before taking the information into a general bid package. If it can go to subs for mechanical / plumbing and heating / electrical and insulation bids to complete what is needed, Rooney believes it would be more cost effective.

Budget Workshop – Clerk & Recorder – Dayna Ogle:

Dayna Ogle, Clerk & Recorder, brought information to discuss with the Commissioners on the County budget. With Commissioner Townsend absent from the meeting, a special budget workshop was scheduled for Monday, August 11, 2014 at 8:30 a.m.

Public Comment:

No public comment

Claims Approved:

Commissioners were presented with Voucher #1508, with Check #47159 through Check # 47224 totaling \$45,006.18. All Checks were signed as presented. A Voided Check Report was also represented for Check #47157 for \$46.12. This check was made payable to the wrong vendor.

Meeting Adjourned:

The meeting was adjourned at 3:30 p.m.

Next Meeting:

Commissioners are scheduled to meet Monday, August 11, 2014 for a special budget workshop and Tuesday, August 12, 2014 for the regular Commission meeting.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Penny Plachy.
Distributed August 12, 2014 to Chairman Hurwitz, Commissioner Townsend, Commissioner Brewer, and Clerk & Recorder Ogle

Tuesday
August 19, 2014
8:55 a.m. – 3:15 p.m.
Met in Commissioner's Chambers

Meeting Called to Order:

Chair Hurwitz called the meeting to order at 8:55 a.m.

Commissioners Present:

Chair Ben Hurwitz, Vice Chair Herb Townsend, and Commissioner Rod Brewer.

Claims Review / Minutes Review:

Commission approved claims that were presented. Minutes were not reviewed and were tabled until the next meeting scheduled for September 2, 2014.

Grassy Mountain Fire District Board Update:

Grassy Mountain Fire District (GMFD) Board Members, Rich Seibken; Paul Kroeger; and Mike Leonard met with the commission to discuss the process to appoint additional fire district board members. Mr. Seibken stated they are having a meeting with land owners to find out who is interested in the vacancy. This meeting is scheduled for August 29, 2014. GMFD board will meet with the commission September 2, 2014 to appoint final board members and discuss the next course of action.

Lengthy discussion of options followed. It was decided once the final board members are appointed, GMFD will hold a meeting, adopt bylaws and set terms. They then will decide between the two options they have. They can organize and implement a self-sufficient fire district, or they can go through the dissolution process to try to dissolve district.

Treasurer's Report:

Treasurer Sue Phelan met with commission and discussed monthly report and current financials.

Phelan sked commission to sign application to have county records destroyed. Chairman Hurwitz signed when presented.

Mrs. Phelan asked what the status was for the Department of Revenue. Commission will try to set up an appointment with Mike Kadas for their next meeting to let him know the importance of having a DOR employee here as much as possible. Commission would like to prepare a list of structures that have not been added to tax rolls to show the need for a full time DOR employee in Meagher County. They will also ask for a report of what they have added since the last full time employee resigned.

Hydrometrics:

County Attorney Deschene joined commission to discuss current situation at the county shop yard. Bob Anderson from Hydrometrics joined the meeting by phone. Hurwitz asked for Mr. Anderson to come and inspect the yard, test and see if any further treatment is needed. Bob agreed that would be a good starting point. The findings will determine how the county moves forward. Mr. Anderson also agreed to prepare a work plan and do initial testing at an estimated cost of \$7,500-\$10,000. He will forward findings to DEQ and keep them informed of the situation. The actual cost will be determined by work required. He may need to re-install test wells if they have been removed or damaged. There were 4 wells in the yard, 2 outside the yard, and 2 to the west, all of which were 10-15 feet deep.

Mr. Anderson explained the original issue was located at two different sites in the yard from waste oil. They will test those areas and see if there is a need to continue, or if they can submit

a final report to DEQ that a problem no longer exists. If they find issues still exist they will move forward accordingly. County would have the option to do some of the work to save on cost.

Mr. Anderson informed commission that there is a Petroleum Release Compensation Board that the county could contact and ask to be compensated for a portion of the expenses. Attorney Deschene will look into and find out details.

Budget Workshop:

Clerk & Recorder Dayna Ogle met with commission to continue working on FY14/15 Budget.

Lunch:

Commission broke for lunch at 12:15 p.m.

Budget Workshop:

Clerk & Recorder Ogle and Commission continued budget process.

Public Comment:

Road Supervisor Bruce Smith met with commission to ask if he could begin the bid process to have gravel crushed at the Bodell pit. Commission decided to hold off for now. They will revisit this request once the FY 14/15 budget is set.

Ken Martin had Treasurer Phelan present an estimate to repair and seal courthouse parking lot for \$5,000. They agreed they would not include this project in FY14/15 budget but would consider it for next year.

Claims Approved:

Commissioners were presented with Voucher #1510, with Check #47246 through Check #47259 totaling \$25,280.90. All Checks were signed as presented.

Meeting Adjourned:

The meeting was adjourned at 3:15p.m.

Next Meeting:

Commissioners are scheduled to meet Tuesday, September 2, 2014.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Tuesday
August 12, 2014
8:45 a.m. – 11:36 a.m.
Met in Commissioner's Chambers

Meeting Called to Order:

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

Commissioners Present:

Chair Ben Hurwitz, Vice Chair Herb Townsend, and Commissioner Rod Brewer.

Minutes:

Action #1:

Commissioner Brewer moved to approve the Minutes from the July 15, July 22 and August 5, 2014 meetings. Vice Chair Townsend seconded. A vote was taken and approved unanimously.

Treasurer's Report – Sue Phelan:

Treasurer Sue Phelan was unable to attend and will be rescheduled to next week.

Library Board:

Gordon Doig stopped by to give the Commissioner an update on the library. They hired Jessica Ketola to work in a temporary part-time position for the Library.

The Library Board will open the position and request the Clerk & Recorder advertise locally for a Librarian.

Superintendent of Schools – Helen Hanson:

Helen Hanson, Superintendent of Schools, reported that the Lennep School is closed. Because the due dates are not in alignment with the tax rollover date of January 1, 2015, this year's taxes will be the same, and then there will be a decrease.

Hanson reported that there is now one school district in Meagher County. There will still be a Lennep school board member who will remain on the School District #8 board. The board will appoint her and then she will have to run in the next election.

There was also discussion regarding the piece of land that the school sits on and the fact it will revert back to the State of Montana. It was discussed whether or not the school district should try to sell the school building and have it moved. Otherwise, the State of Montana will receive it with the property.

The Commissioners asked Helen if she were going to continue now as the Safety person for Meagher County and she intends to proceed in that direction.

Health Nurse – Eva Kerr:

Eva Kerr, County Health Nurse, presented the Commissioners with her monthly report for their review.

The Commissioners discussed the WIC program with Nurse Kerr, and the items that were moved into the new office.

Nurse Kerr then went through her report with the Commissioners. She advised the Commission that the copy machine in her office needs repaired and she has priced the parts. She is not sure whether to spend the \$300.00 to repair the machine and hope nothing else breaks on it or to replace it. Right now it is taking up space in her office and not working. They suggested she call Jim McDanel and add to his items he is taking to Pacific Steel.

Nurse Kerr also requested permission to be on call for the Ambulance service. They are low on coverage right now and need some extra help. She stated that it would depend on her schedule so it wouldn't interfere with any appointments she may have but if she were available she would like to help. The Commissioners were in full support of her being on call as needed.

Fire / DES – Rick Seidlitz:

Rick Seidlitz, Fire Chief, was unable to attend.

Department of Revenue:

The Commission called Tracy Grimm who was formerly employed by the Department of Revenue to discuss the current status of Meagher County's need for someone in the office at the Courthouse more than once a week.

There was discussion regarding the needs of Meagher County and how they were not being met. There are properties that are not on the tax roll and the County is losing revenue because of it. She believes that a local person should be hired to do both the paperwork and get out in the County to do the appraising that is not currently being done. It would be beneficial to hire someone that knows this area and the people rather than having someone sent here from Helena or Townsend. She also believes the County's problem should be elevated from Judy Tice and Rocky Halverson to Mike Kadas and that the Commission should consider a personal visit with him.

Public Comment:

No public comment.

Claims Approved:

Commissioners were presented with Voucher #1509, with Check #47225 through Check #47245 totaling \$58,949.97. All Checks were signed as presented.

Meeting Adjourned:

The meeting was adjourned at 11:36 a.m.

Next Meeting:

Commissioners are scheduled to meet Tuesday, August 19, 2014.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Penny Plachy.
Distributed August 19, 2014 to Chairman Hurwitz, Commissioner Townsend, Commissioner Brewer, and Clerk & Recorder Ogle