

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

**December 2, 9, 16, 2014**

**Tuesday**

December 2, 2014

8:30 a.m. – 1:47 p.m.

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, Vice Chair Herb Townsend, and Commissioner Rod Brewer.

***Ambulance Barn:***

Bob Rooney of Rooney's Quality Construction & Plumbing stopped by to see the Commissioners on the preliminary draft plans he is putting together. There was discussion regarding the items he was removing from the original plans of the ambulance barn in order to submit it out for the general contractor bid again. With the changes he is making, it is hoped that the bids received will be more in line with what the Ambulance budget has to work with.

Mr. Rooney discussed still needing a mechanical room and going more with an instantaneous hot water heater and wall heater units (1 or 2) rather than the radiant flooring heat and boiler system. He is also trying to accommodate for future construction for the office and meeting room.

***Planning Board:***

Nico Cantalupo with the Planning Board came in to give a preliminary update on the Planning Board's review of the Growth Policy Plan and meeting from yesterday. There will be a 30 day comment period and two weeks with notice in the paper and then the public hearing at the Senior Center on January 13, 2015 at 7:00 p.m.

There was also discussion regarding the land under the 4-H Buildings at the Fairgrounds. The property is going to be given to the County. 4-H and County will enter into an agreement that the maintenance and repairs will be done by 4-H. They will get ahold of Angie Evans and see about doing title work, and the quitclaim deed. From there, there will be a restrictive deed.

**Road Report – Bruce Smith:**

Road Supervisor, Bruce Smith, discussed gravel that he had checked on with Rod Cole. Mr. Cole wants \$7.00/yd for one pile, and \$5.00/yd for the other and he wants paid up front. With the amount of gravel there, the cost would be somewhere in the amount of \$42,000.00 Smith believes that the price is too high for the quality of the gravel and even mixing the two piles it isn't that great. Plus, the funds to pay upfront are not in the road budget this year.

Commissioner Townsend told Smith to offer Cole \$4.00/yd and let him know that he would not be paid until the new fiscal year in July. If he doesn't accept that offer, they will use the gravel

from the Voldseth pit. There was some discussion regarding road work needing to be done. Smith advised that we will be out of gravel when we are done with Voldseth.

### **Minutes:**

#### **Action #1:**

Commissioner Townsend moved to approve the Minutes from the November 25, 2014 meeting. Commissioner Brewer seconded. A vote was taken and was approved.

#### ***Gordon Butte Pumped Storage Hydro Project:***

Chair Hurwitz and Commissioner Brewer reported that they had gone to the meeting in Bozeman on Monday, December 1, 2014. Carl Borgquist of Absaroka Energy had mentioned this meeting at the last meeting of November 25, 2014 and had hoped the Commissioners could attend. The Commissioners thought it went well, and stated that the Governor has endorsed the project.

#### **Sheriff's Report – Jon Lopp:**

Sheriff Jon Lopp came in to go over the monthly Complaint Report with the Commissioners. He also advised the Commissioners that the new Deputy Sheriff, Cody Wilson, will be attending the academy in Helena in January, 2015 and that it was a 12-week course.

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

County Attorney Deschene discussed the status on a couple of the County's current lawsuits and that we had received an invoice from Hydrometric.

She asked the Commissioners for an update on the Grassy Mountain Fire District Board, and they advised that the Board currently has filled all the positions and have 5 members and that they were currently working on their by-laws.

#### **Center for Natural Resources & Environmental Policy – Mary Ellen Wolfe:**

Mary Ellen Wolfe, Facilitator for the Center for Natural Resources & Environmental Policy, through the University of Montana, was going to contact the Commissioners by conference call, but decided the weather was good enough to travel to White Sulphur Springs to attend in person.

Mrs. Wolfe stated that the Helena and Lewis & Clark National Forests are preparing to start the public participation process to revise and update the existing forest plans, and as part of this, they have engaged the Center for Natural Resources & Environmental Policy to help facilitate a public participation process. An email had been sent out as an introduction to this process on November 17, 2014, and her visit is a follow-up. She stated that the Director who teaches at the University interviewed 13 forest districts which information will be compiled to assist in the forest planning. Today's visit was part of the "listening sessions" with local government to compile answers to the four questions addressed in the email previously sent.

The current stage of the forest plan is the assessment in Phase 1. In this phase, assessments will be completed and information obtained will be compiled, and the results are expected in the planning process sometime in February or March. After examination of information from the stakeholder and forest meetings, then the next step would be in public participation to get insights,

recommendations and feedback. They are trying to “reach back before going ahead” with what has worked in the past and what hasn’t.

Attached to the email was a timeline showing the 3 Phases of the Forest Plan Revision Process Timeframe. Mrs. Wolfe proceeded to ask the questions from the Memorandum email.

1. *Clarify your interests and concerns with respect to the Helena and Lewis & Clark National Forests’ forest plans;*

The Commissioners agree that the lack of logging or harvesting timber is the number one concern. The income and jobs lost in the community is overwhelming. The next concern would be the roads that are being obliterated. Rather than spending money to maintain roads, the money is being spent obliterating roads and has affected hunters, recreationists, and in fighting fires. The third concern was weed control. The Commissioners feel the forest service needs a comprehensive plan for weeds and it is a low priority. Meagher County has a high budget for weed control, and it would be good if the Forests would start by being a good neighbor with private land owners. The last concern mentioned by Commissioners ties all of the above concern with fire danger. The roads not being maintained, but rather decommissioned, the lack of harvesting timber and lack of weed control and grazing, brings fire danger to the forests.

2. *Identify 2-3 most important topics that the public participation process should focus on.*

The Commissioners stated the number one topic should be the economic impact that the new forest plan is going to have on our community – timber / grazing and recreation. The second topic would be protecting resources from fire.

3. *Explain how you want to be involved in the forest plan revision process.*

Commissioners would prefer that the Forest Service come and make presentations to them about the progress being made on the Forest Service Plan. They would like to see more than just planning, they would like to see action. Mrs. Wolfe advised that the time line for the new Forest Plan to be completed was spring of 2018, but it should stay in place for a while. The last plan was done in 1986 and it is just being revised now.

4. *Describe what a successful public participation process looks like to you.*

The Commissioners are in agreement that sometimes there can be too much public participation without enough facts and education. Because the Forest Service has Forest Scientists who know forest management, it would seem that they should be able to inform the public what the forests need and explain why – educate the public on timber and clear cutting and enhancing grazing for wildlife habitat. Someone that understands timber and forest management needs to educate the public.

### **Lunch:**

Commissioners broke for lunch at 11:35 a.m. and returned at 1:20 p.m.

### **Planning Board:**

Nico Cantalupo had presented his update earlier, and did not have anything further to report.

**Public Comment:**

No public comment.

**Claims Approved:**

Commissioners were presented with Voucher #1529, with Check #47617 through Check #47653, totaling \$12,634.78. All Checks were signed as presented.

**Meeting Adjourned:**

The meeting was adjourned at 1:47 p.m.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, December 9, 2014.

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**CLERK & RECORDER**

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**CHAIRMAN**

**SEAL**

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**VICE-CHAIRMAN**

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**COMMISSIONER**

Note: Minutes taken by Assistant to the Clerk & Recorder, Penny Plachy.  
Distributed: December 9, 2014 to Chairman Hurwitz, Commissioner Townsend, Commissioner Brewer, and Clerk & Recorder Ogle

**Tuesday**  
December 9, 2014  
8:40 a.m. – 11:00 a.m.  
Met in Commissioner's Chambers

**Meeting Called to Order:**

Chair Hurwitz called the meeting to order at 8:40 a.m.

**Commissioners Present:**

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

***Ambulance Barn:***

Ben met with Bob Rooney first thing this morning with new plans and a call for bids to be placed in the newspaper. Chair Hurwitz discussed paying Mr. Rooney for his time on all the work he has done preparing the plans for bid by General Contractors.

**Action #1:**

**RESOLUTION 2014-#104**

Commissioner Hurwitz moved to pay Bob Rooney \$1,000.00 to be paid from PILT funds as professional consultation in regard to the ambulance barn plans. Commissioner Brewer seconded. A vote was taken and approved unanimously. It is therefore resolved.

**Action #2:**

**RESOLUTION 2014-#105**

Commissioner Hurwitz moved to transfer the \$1,000.00 from PILT Fund 2900 into the General Fund 1000 in order to pay Mr. Rooney for professional consultation. Commissioner Brewer seconded. A vote was taken and approved unanimously. It is therefore resolved.



Meagher County, Montana  
WHITE SULPHUR SPRINGS

OFFICE OF  
BOARD OF  
COUNTY COMMISSIONERS

December 9, 2014

Sue Phelan, Treasurer  
Meagher County  
White Sulphur Springs, MT 59645

RE: Resolution 2014-# 105 – Transfer of Funds

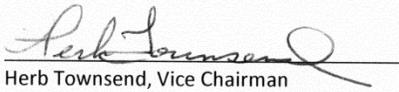
Dear Sue:

It is hereby resolved (Resolution 2014-# 105 ) to transfer \$1,000.00 out of PILT Fund 2900 into the General Fund 1000 for payment to Bob Rooney for professional consultation on the Ambulance Barn. Please contact the County Commission with any questions you may have.

Thank you.

Sincerely,

  
Ben Hurwitz, Chair

  
Herb Townsend, Vice Chairman

  
Rod Brewer, Commissioner

/pjp

**Treasurer's Report – Sue Phelan:**

Treasurer Sue Phelan brought in her monthly report and paperwork for the Commissioners' signature. There was also discussion regarding the status of taxes and protested taxes.

**Library Board – Credit Card:**

Gordon Doig of the Library Board came in to get approval from the Commissioners to get a credit card for the Librarian to use to purchase books. The Librarian has been using the County credit card to make book purchases; however, would like the Library to have their own credit card in the amount of \$1,000.00 that would be used primarily on purchases for amazon books.

**Action #3:**

**RESOLUTION 2014 -#106**

Commissioner Hurwitz moved to allow the Library Board to obtain a credit card in the amount of \$1,000.00 for the Librarian to make purchases needed; primarily for books purchased. Commissioner Brewer seconded. A vote was taken and approved unanimously.

There was discussion regarding the status of the new Library Building. Mr. Doig said they are having the building downsized and have \$700,000.00 of the \$950,000.00 amount budgeted.

**Minutes:**

**Action #4:**

Commissioner Townsend moved to approve the Minutes from the December 2, 2014 meeting. Commissioner Brewer seconded. A vote was taken and was approved.

**Department of Revenue – Judy Tice – New Staff:**

Judy Tice, Wanda Warsinski, and the new appraiser, Ray Muscarlla were unable to attend. However, Karie Frydenlund and June Pack, of the Department of Revenue were in attendance.

The Commissioners questioned the ladies regarding new staff being introduced. Ms. Frydenlund provided information regarding the new appraiser that has been hired to cover Broadwater and Meagher Counties. He lives in Broadwater County but will come to Meagher County.

There was discussion regarding what kind of a permit the County could assess on construction so the DOR could have a better idea of construction happening within the County. The Commissioners are not interested in assessing permit fees and assessing fines at this time.

The Commissioners inquired of Ms. Pack on whether she is happy and figuring things out for Meagher County as the County's one day a week representative for the DOR. She replied that she is and that she was looking forward to when the County switched to the Black Mountain software since she was more familiar with it.

The Commissioners were also updated on the fact that in Region 4 (the western half of the state), 12 positions are being cut. There is revenue being lost due to legislation passed; so there will be other Counties who will have to start sharing staff as well.

They also went over the tax assessments that will be sent out and how important it is for the citizens to review them in Meagher County. If the assessments are not challenged at the time of receipt, citizens lose their right to challenge the state again for the 6 year cycle, unless a change has occurred. The assessments should give comparisons and values, so if there is a problem with them, they need to address them with the Department of Revenue or forfeit their rights. Discussion on putting an ad in the paper and explain to the public the importance of reviewing their assessment notices was discussed. The Commissioners asked Ms. Pack to remind them when the time comes in April or May and an ad will go in the local newspaper to explain the process.

**Fire / DES Report – Rick Seidlitz:**

Commissioners called Rick Seidlitz on whether or not he had information to provide. Fire Chief Seidlitz advised that he didn't have anything new. Chair Hurwitz was to meet with Road Supervisor, Bruce Smith regarding a road issue so excused Seidlitz from coming in.

***Road Department:***

Ben Hurwitz left to meet with Bruce Smith regarding a road issue.

**Public Comment:**

No public comment.

**Claims Approved:**

Commissioners were presented with Voucher #1530, with Check #47654 through Check # 47691 totaling \$343,811.63. All Checks were signed as presented.

**Meeting Adjourned:**

The meeting was adjourned at 11:00 a.m.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, December 16, 2014.

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**CLERK & RECORDER**

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**CHAIRMAN**

**SEAL**

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**VICE-CHAIRMAN**

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**COMMISSIONER**

Note: Minutes taken by Assistant to the Clerk & Recorder, Penny Plachy.  
Distributed: December 16, 2014 to Chairman Hurwitz, Commissioner Townsend, Commissioner Brewer, and Clerk & Recorder Ogle

**Tuesday**

December 16, 2014

8:45 a.m. – 12:26 p.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.

**Tintina Resources – Nancy Schlepp & Bruce Hooper:**

Nancy Schlepp and Bruce Hooper came in from Tintina to discuss their status and Schlepp's trip to Australia. Treasurer Sue Phelan was also in attendance.

Chair Hurwitz stated that he and Commissioner Brewer had met the Governor at an unrelated meeting and had asked him for support with the mine. Tintina has not yet met with the Governor, but agreed that that was something they needed to do yet. They are looking to get state wide support and Commissioner Townsend suggested going to MACo. Schlepp stated that they had already considered MACo and she had previously spoken with Harold Blattie, but had not followed up with him; and also plan on speaking with the State Chamber of Commerce.

There will be a kick off next week and in nine months they will be ready to submit to the DEQ. They have to get a commitment from the board for a \$7,000,000.00 – \$8,000,000.00 expenditure. Hooper stated that timing was the key and that Schlepp has a great outreach program that they are very excited about.

Commissioner Hurwitz asked Schlepp if there were similarities between what they are doing in Australia and what will happen here. Schlepp stated that the level of safety is creditable and very high class. The differences between the pit mine that was the beginning in Australia makes it look different than the mine that will be done here, and while they have a living facility at the mine there, we will not have that here. She also commented that the level of expertise that goes into everything was amazing.

Hooper also went over what has been happening at the mine, the drilling and samples and the extra crew of geologists that have been here.

They also went into discussion regarding how they can help the Smith River issue. Since they know the mine will not affect the river in any way, they are still discussing how they can help improve the river. Aside from the community group, they would also like to start an outreach group of conservationist and interest groups and try to give them regular updates; be the good neighbor and help to improve the Smith River however they can.

Commissioner Brewer asked about the mining permit process, and Hooper stated that once the IES has been done it takes the DEQ approximately 2 years. The goal is to do a good mine operation plan for the DEQ. Since the laws in the State of Montana have changed, the mine has to be in compliance before the mining permit, so you are actually doing most of the work ahead of time. But in the end, it will save time – DEQ only has to look at it and make sure it meets the requirements.

Hooper also stated this was a scary process, but it is a process and it helps to know it and willing to work with it, and they are confident they will get there. He also stated that the hearts and minds will make the difference, and if they lose the community and people, they will lose the support.

The Commissioners stated that they would like Tintina to keep them informed and that they are willing to help in any way they can – they have their support.

***County Attorney:***

County Attorney, Kimberly Deschene, stopped by to visit with the Commissioners. She gave a brief update on the cases that are pending.

**Airport Grant Signatures – Mayor Julian Theriault:**

Ben Hurwitz and Julian Theriault signed paperwork that Mike Beckhoff of DOWL HKM had left for application for a grant to re-surface the airport runways.

Julian asked for approval of Jesse Secrest for the city planning board. The Commissioners approved.

**Minutes:**

**Action #1:**

Commissioner Hurwitz moved to approve the Minutes from the December 9, 2014 meeting. Commissioner Brewer seconded. A vote was taken and was approved.

**Clerk & Recorder – Dayna Ogle:**

Clerk & Recorder, Dayna Ogle, had previously advised the Commissioners that her Deputy Clerk, Christy Rogers, had given notice that she would be moving and leaving the employment of the County. Ogle asked the Commissioners at this time to approve the appointment of her other employee, Penny Plachy as her new Deputy Clerk. Pay will be set 85% of the Clerk & Recorder's salary.

**Action #2:**

**RESOLUTION 2014-#107**

Commissioner Brewer moved to approve the appointment of Penny Plachy as the new Deputy Clerk effective as of December 16, 2014, with pay set at 85% of the Clerk & Recorder's salary. Vice Chair Townsend seconded. A vote was taken and approved unanimously. It is therefore resolved.

The Commissioners asked Ogle to keep them updated on applications received for the position of Assistant to the Clerk & Recorder. They do not necessarily want to be involved in the hiring process, although the individual hired works directly with them. There will be a six month probationary period with any new position.

Ogle also informed that Commissioners that she had inquired of Mike Sehestedt regarding the Secure Rural Schools funding status and whether or not he had heard anything on it. He has not heard anything.

There was discussion regarding Grassy Mountain and going forward with correcting the tax issue. Since this was originally set up wrong to tax on acreage rather than valuation, it needs to be

corrected. It was agreed that the change has to be made. This will be placed on the Agenda for the first meeting in January so a motion can be made to change the way Grassy Mountain Subdivision is taxed.

Ogle also stated that the Grassy Mountain Fire District Board needs to have a deadline to get their By-laws completed. It was agreed that notice should be provided to the Board members that their By-laws need to be completed by the third meeting in January, 2015.

### **Elected Officials – Swearing In:**

Elected officials met in the Courtroom of the Courthouse to be sworn in by Judge Spaulding. Those being sworn in were Ben Hurwitz - Commissioner, Rod Brewer - Commissioner, Jon Lopp – Coroner / Sheriff; Kimberly Deschene – County Attorney, Dayna Ogle – Clerk & Recorder / Superintendent of Schools, Sue Phelan – Assessor / Treasurer and Penny Plachy – Deputy Clerk & Recorder.

### **Ambulance Building – Sara Driemeyer:**

In attendance for this meeting with the Commissioners were Chad Evans, Jack Berg, Deborah Eby, Douglas Eby, Angie Ringer, Eva Kerr, Laura Taylor, Maebeth Seidlitz, Lee Zehntner, Rick Seidlitz, Kelly Williamson, Denise Lopp, Sara Driemeyer, Connie Kujath, Jodi Zehntner, Jon Lopp, Melinda Vennard and Sue Phelan.

Jack Berg began by presenting to the Commissioners budget information on revenue and expense for the last 10 years. He stated that while the ambulance crew appreciates everything that has happened this year, they wanted to talk about where they are and where they needed to go on the ambulance building. The consensus of the crew is that they want the building completely done, not only half way. They need a place to clean the ambulances and have meetings and trainings. What they have now is not functioning to make things happen in an efficient way.

Sara Driemeyer provided information she had received from Intercap (State of Montana – Board of Investments), who makes loans for states and counties and with a \$100,000.00 loan, at 15 years and between 1% and 4% variable interest, payments would be around \$9,000.00 a year. Commissioner Brewer asked about revenue in order to make that kind of yearly payment. The document that Berg provided was then discussed on excess revenue that has been put into an outlay fund since 2005. They believe there is enough money generated through patient services to make the payment on a loan and still be able to put excess revenue into the outlay fund.

Everyone in attendance want the building to be completed, something to be proud of and functional. Melinda Vennard added that she was very grateful for the expertise and what is required to provide the services, and that she had confidence in those volunteers to know what is needed.

Chair Hurwitz stated that the Commission would like to speak with the individual from Intercap and ask questions and get more information to be able to make a decision on a loan and what direction to go on this. Driemeyer stated that she had the paperwork and the name of the individual that she spoke with and she would return that information to the Clerk & Recorder's office.

Since there is currently a Call for Bid on the Ambulance Barn to finish as much as funds were available, there was discussion on whether to proceed with bids and at least start the building versus cancelling the Call for Bids and waiting to see if a loan was feasible. Berg stated it didn't make sense to not complete the building, they would either be saving or paying for the building and all the volunteers would like to see the building completed. They are also intending to continue looking for grants.

**Eva Kerr, R.N.:**

Health Nurse Kerr presented her monthly report for the Commissioners review. Nurse Kerr asked if they had heard anything on the community block grant yet, and she will follow-up with that.

Nurse Kerr also stated that she would like to attend a 3-day course in April on STD's. Nurse Kerr explained what the course would offer, and the Commissioners agreed it would be good for her to attend.

**Action #3**

**RESOLUTION 2014-#108**

Vice Chair Townsend moved that Nurse Kerr attend the 3-day course in April on STD's. Chair Hurwitz seconded. A vote was taken and approved unanimously. It is therefore resolved.

The Commissioners asked Nurse Kerr about the Ebola monitoring, and she advised that there were still 3 cases being monitored in the state. The Ambulance and Hospital have suits and are ready if anything happens in White Sulphur Springs. State wide there has been a lot of meetings and education in order to be prepared for the situation should it arise.

Nurse Kerr discussed the insurance nightmare with individuals and companies switching insurance carriers, not just the County. She told them that Lorna Fox has been putting in a lot of time with it.

**Public Comment:**

No public comment.

**Claims Approved:**

Commissioners were presented with Voucher #1531, with Check #47692 through Check #47715 totaling \$10,115.71. All Checks were signed as presented.

**Meeting Adjourned:**

The meeting was adjourned at 12:26 p.m.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, January 6, 2015.

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**CLERK & RECORDER**

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**CHAIRMAN**

**SEAL**

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**VICE-CHAIRMAN**

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**COMMISSIONER**