

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

**July 1, 8, and 15, 2014**

**Tuesday**

July 1, 2014

9:00 a.m. – 12:25 p.m.

Met in Commissioner's Chambers

**Meeting Called to Order:**

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

**Commissioners Present:**

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

**Minutes:**

**Action #1:**

Commissioner Townsend moved to approve the Minutes from the June 24, 2014 meeting. Commissioner Brewer seconded. A vote was taken and approved unanimously.

**Road Report – Bruce Smith:**

Bruce Smith, Road Supervisor discussed taking the mower to Cliff Cox to be put on consignment and sold. He also has a dump truck that needs to be sold as well. Smith had spoken with Clerk & Recorder Ogle regarding this matter to make sure he was following the correct procedures. Ogle had called MACo and was advised that those items would have to go out for bid. They were already advertised for bid previously this year, with no bidders and Smith would really like to sell these items. There is a state surplus auction in September that would be another possibility. The Commissioners would like to see the mower go with Cliff Cox on consignment while it is haying season to see if it would sell. They are also fine with placing the dump truck in the state surplus sale in September.

Smith and the Commissioners also discussed the DEQ and the Bodell pit and what the status was there. There had been some exchange of mail and forms and he had just sent back paperwork again regarding this pit. They will give the DEQ the 10 days to respond and then follow-up.

**Sheriff's Report – Jon Lopp:**

Jon Lopp presented the Commissioners with the Sheriff's call report and discussed the wrecks over the weekend.

The Red Ants Pants Festival was discussed and the fact that the Sheriff's office may receive a grant from the State for DUI patrols up to \$5,000.00. The plan is to purchase 3 body video cameras and calling Cascade County for extra Deputies to work the Festival. Sheriff Lopp was also going to speak with Sarah Calhoun about the bus service extending their last call after the bars close, rather than right at 2:00 a.m.

Sheriff Lopp also reported that the new pickup truck should be here in a few weeks.

Sheriff Lopp was also asked if the City had paid the statements provided for reimbursement yet on jail expense and he advised that they had not. He will be attending the City Council meeting next Monday evening, July 7, 2014, and will talk with them then.

### **Red Ants Pants – Sarah Calhoun:**

Sarah Calhoun met with the Commissioners to discuss the upcoming Red Ants Pants Music Festival. She advised the Commissioners that advance tickets are doing better than ever. Charlie Pride will bring in a lot of people.

Ms. Calhoun also requested that the County road crew water the roads again this year to keep the dust down and they could do exactly what they did last year. She also requested the County spray for mosquitos if possible. Bruce Smith of the Road Department and Otto Ohlson of the Mosquito Board will be contacted.

The Commissioners mentioned having the buses make one more run after the bars close as per Sheriff Lopp's suggestion. Calhoun made a note of that as a good suggestion.

There was also discussion regarding the speed limit on Jackson Loop being changed to 15 mph again as it was last year. County Attorney Deschene will be contacted to draw up an ordinance changing the speed limit on Jackson Road to 15 mph for the duration of the festival.

Calhoun also requested permission to cut down a few branches that hang over the road and scratch RV's traveling to the Festival. The Commissioners asked if it was something they needed to have the Road Department look at and she responded that it was actually only one branch, and she could do it herself if it were okay with the Commission.. The Commissioners gave their permission to cut down branches.

Calhoun also asked which Commissioner would be giving the "welcome to White Sulphur Springs" announcement that Nancy Schlepp had given last year. After discussion, it was decided that Vice Chair Townsend will give that announcement on Saturday at noon on the 26<sup>th</sup> of July.

### **Forest Plan Revision – Carol Hatfield & Erin Swiader:**

Carol Hatfield and Erin Swiader from the Forest Service were present to meet with the Commissioners regarding the Forest Plan Revision. Also in attendance was Jess Secrest.

Ms. Swiader is the Team Leader of the Forest Plan Revision and she presented the Commissioners with information packets that she went over with them. Swiader explained that the intent of the meeting with Commissioners is to go over the first steps of the forest plan. The Forest Service is trying to get the word out to the public for the plan revision to get the public's input. The Plan is old and has not been updated since 1986 and there have been a lot of changes.

Swiader discussed how they are going to be changing the breakdown of counties and analyze social economic trends and how forests impact communities. There was also discussion regarding mining and logging being positive for economic impact in Meagher County.

Swiader also explained that this plan is really a zoning document; a guide to how the forest service manages the lands. In the current plan, there are standards in place that prevent them from doing what needs to be done. The standards for elk for hiding cover and protection in winter for example; they are bound by the standards and internal restraints that keep them from managing forests.

So the intent will be to focus on what is working and things that need to change and this is the opportunity to do that during the Forest Plan Revision. With that being said, they are starting this process by going out to the public to see what is working and what is not working. So far they are getting good comments on what needs to change.

There was also discussion regarding the framework for the revision process.

The Commissioners were advised that next Tuesday, July 8, 2014, there will be an open house with the Revision Team at the District Ranger's Office from 5:00 – 6:00 p.m.

Swiader also asked the Commissioners if we had a Growth Policy Plan or a county planner. The County will send a Growth plan to her electronically and provide the information for Chris Shove that is writing the Growth Policy Plan for the County.

**IT Report - Jim McDanel:**

Jim McDanel was unable to attend the meeting; however, had discussed some items with Chair Hurwitz before the meeting this morning.

The Department of Revenue's request to be permitted to have remote access was discussed and McDanel informed Chair Hurwitz that the County would have to give complete access to our server in order to do what was requested.

This will be tabled until further information can be gained as to what this involves exactly and how much access the Department of Revenue needs.

**County Attorney Report – Kimberly Deschene:**

Kimberly Deschene was present to go over her monthly report with the Commissioners. She also advised that she will not be available for the Compensation Board meeting next week, but would be available by phone if needed.

The Commissioners asked Deschene if she had signed the Agreement from last month regarding the new arrangement with the County and she responded that she had not. She had prepared an Addendum to the previous Office Lease Agreement for their signature and had changed the dollar amount offered of \$1,000.00 to \$1,200.00. Because she had previously offered to go as low as \$1,475.00, she felt meeting in the middle would be fair at \$1,200.00.

After discussion, it was decided by the Commission that this item of business needed to come to a resolution, and agreed to pay Deschene & Swandal \$1,200.00 as the County's portion of support staff and overhead expense. This amount is not to be considered rent, as the County Attorney is not taking advantage of the office space available in the Courthouse and therefore forfeits any rent contribution, this is only a monthly stipend to cover expenses of office support staff and overhead expense.

Commissioner Brewer also requested an addition to the Addendum that either party can give a 30 day notice of termination of the agreement.

**Action # 2:**

**RESOLUTION 2014-#75**

Vice Chair Townsend moved that the County pay to Deschene & Swandal the sum of \$1,200.00 as the County's contribution for office support staff and overhead expense. Commissioner Brewer seconded. A vote was taken and approved unanimously. It is therefore resolved.

**Public Comment:**

Dayna Ogle, Clerk & Recorder, met with the Commissioners to discuss budget items. There are 5 funds overspent and Ogle discussed how she would be fixing the funds for the Cemetery, District Court, and Weed Department. However, the funds regarding the Health Nurse accounts were due to payroll items and already paid out, so she will not be able to fix. One fund is only \$.08 overspent and she will call Sharon Tripp to find out if there is some way to fix or if it will end up as a finding during next year's audit report.

**Claims Approved:**

Commissioners were presented with FY 13.14 Voucher #1473, with Check #47044 through Check #47079 totaling \$33,212.11. Also presented were FY 14.15 Voucher #1500, with Check #47080 through Check #47086 totaling \$14,622.35. All Checks were signed as presented.

**Meeting Adjourned:**

The meeting was adjourned at 12:25 p.m.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, July 8, 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 July 8, 2014 to Chairman Hurwitz, Commissioner Townsend, Commissioner Brewer, and Clerk & Recorder Ogle

**Tuesday**  
July 15, 2014  
9:00 a.m. – 2:50 p.m.  
Met in Commissioner's Chambers

**Meeting Called to Order:**

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

**Commissioners Present:**

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

**Minutes:**

**Action #1:**

Commissioner Brewer moved to approve the Minutes from the meeting of July 8, 2014. Vice Chair Townsend seconded. A vote was taken and was approved unanimously.

**Treasurer's Report – Sue Phelan:**

Treasurer Sue Phelan, presented her report for the Commissioner's signatures. IT, Jim McDanel was also in attendance.

Treasurer Phelan and McDanel wanted to discuss the issues happening with the Department of Revenue with the Commissioners. They reiterated previous conversations wherein it was stated that the DOR has requested remote access. Treasurer Phelan told the Commission that she had not had any real problem with the request; however she does have issues with the underhandedness that is going on. Phelan and McDanel reported that the DOR first went to Tyler Technologies to bypass waiting for the County's approval of the request; then to the State to obtain access to our server.

McDanel then advised the Commission that when our state server went down this week that he called the state first thing in the morning. McDanel had to call back and was told that this incident was being handled by the DOR at the direction of Judy Tice. Because of new people working at the DOA IT, they assumed she had that authority and it took him some time to get it straightened out.

Treasurer Phelan and McDanel still believe that if we give the DOR remote access that there is a good chance they will not come to White Sulphur Springs at all. The Commissioners are of the same thought, and they do not want to lose the one person one day a week status that we currently have in place now. Treasurer Phelan suggested writing a letter to Mike Kadas, Director of the Montana Department of Revenue, and update him on the situation and our concerns. The Commissioners requested Phelan write the letter; which she agreed and will bring it up for signatures before they leave.

McDanel also told the Commissioners that the DOR does not have remote access from the other counties as they had told the Commission at the meeting on June 24, 2014. Phelan said she called the Treasurer in Broadwater County and they said they did not give the DOR remote access, they didn't need to because the DOR was in the same building.

**County Attorney – DEQ Letter:**

County Attorney, Kimberly Deschene and Road Supervisor, Bruce Smith, were present to discuss the letter from the DEQ regarding a petroleum spill at the road shop. It was discussed that this really wasn't a spill at the road shop, it was a leak from the service station down the road years before.

There had been a company named Hydrometric that was hired to monitor the situation and Chair Hurwitz remembers paying \$10,000.00 a year to monitor the dirt. They need to write a report and finish their investigation to the DEQ. Commissioner Townsend doesn't believe they will write a report and finish it without the County paying them additional funds. There is a deadline to respond to the DEQ's letter of September 30, 2014.

Chair Hurwitz suggested that County Attorney Deschene contact Jecyn Bremer, and attorney out of Bozeman who used to work with the DEQ and see if there is any information she can gather from her on how we respond. After that, letters should be written. The Commission believes after paying Hydrometrics all that time, it is up to them to finalize any report and submit by the due date. This was not the County's spill and the Commission would like to know what our responsibility is.

**WSS Public TV- BJ Hawkins:**

BJ and Chuck Hawkins were in attendance for the WSS Public TV. BJ Hawkins provided programming information for the Commissioners to review. There was discussion on the digital automation and what types of programs were being offered. They provided a few new things this year, like posting high school scores as they were happening.

The WSS Public TV came to request from the Commissioners the same amount of funds paid by the County that they received last year. With that, Mrs. Hawkins provided a spreadsheet of information on income/expense.

**Action #2:**

**RESOLUTION 2014-#79:**

Vice Chair Townsend moved to provide the WSS Public TV the amount of \$13,000.00, paid in quarterly payments of \$3,250.00, by the WSS TV District Fund 7371 as was paid last year. Chair Hurwitz seconded. A vote was taken and approved unanimously. It is therefore resolved.

**Budget Workshop – Dayna Ogle:**

Clerk & Recorder Ogle provided the commissioners information concerning budget information.

It was decided that there should be a fund created for Safety, led by Helen Hanson.

**Action #3:**

**RESOLUTION 2014-#80:**

Chair Hurwitz moved to utilize Fund 2385 for the Meagher County Safety Program. Commissioner Brewer seconded. A vote was taken and approved unanimously. It is therefore resolved.

### **Public Hearing – Obligate Title III Funds:**

Dayna Ogle was present for this public hearing. No one else was in attendance. Resolution 2014-#78 was passed at the July 8, 2014 meeting to obligate the Title III funds for planning and mitigation using Fire Wise Concepts for the urban interface in Meagher County.

### **Lunch:**

Commissioners broke for lunch at 12:10 p.m. and returned at 1:20 p.m.

### **Continuation of budget workshop:**

Clerk & Recorder, Dayna Ogle prepared information requested by the Commissioners before lunch for their review.

### **Salary Discussion:**

Clerk & Recorder Ogle and Commissioners discussed and compared this year's salaries to last year's. The Commissioners requested more information from Ogle concerning scenarios on longevity increases and the COLA increase by 1.5%, \$.30 elected officials and \$.27 employees. They will meet again next week to continue working on the budget so they know how much money they are working with for wage increases.

### **Bodell Gravel Pit – Bruce Smith & Otto Ohlson:**

Bruce Smith and Otto Ohlson attended the meeting with the Commissioners concerning the Bodell Pit. No one has heard from the DEQ regarding the paperwork provided. Chair Hurwitz will follow-up with a phone call to find out what the status is.

There was also discussion regarding the Smith River Road and the amount of traffic up and down the road and what they needed to do to maintain the road. Primarily there is a lot of traffic from the Smith River floaters, and they don't necessarily abide by the speed limit. The sheriff will be contacted about enforcing the speed limit of 40 mph. There will be some research done to find out if there is any way to have the Fish & Game contribute to any of the road maintenance.

### **MBAC – Chris Shove – Growth Policy Review**

Chris Shove, Montana Business Assistance Connection stopped by to update the Commissioners regarding the Senior Citizens Center looking into getting the CDBG grant to purchase the Springs Manor. He advised that Beth Hunt of the Senior Center had decided to go through the City Council.

There was discussion concerning infrastructure and also about refurbishing the depot.

Mr. Shove also wanted to remind the Commissioners that a resolution needed to be made to accept the draft copy of the Growth Policy Plan, which would then put in the public comment phase.

**Action #4:**

**RESOLUTION 2014-#81**

Vice Chair Townsend moved to accept the draft copy of the Growth Policy Plan prepared by the Montana Business Assistance Connection for Meagher County. Commissioner Brewer seconded. A vote was taken and approved unanimously. It is therefore resolved.

**Public Comment:**

No public comment

**Claims Approved:**

Commissioners were presented with Voucher #1501, with Check#47136 through Check # 47158 totaling \$81,338.15. All Checks were signed as presented.

**Meeting Adjourned:**

The meeting was adjourned at 2:50 p.m.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, July 22, 2014 for a Special Budget Workshop.

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**CLERK & RECORDER**

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**CHAIRMAN**

**SEAL**

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**VICE-CHAIRMAN**

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**COMMISSIONER**

Note: Minutes taken by Assistant to the Clerk & Recorder, Penny Plachy.  
Distributed August 5, 2014 to Chairman Hurwitz, Commissioner Townsend, Commissioner Brewer, and Clerk & Recorder Ogle

**Tuesday**  
July 15, 2014  
9:00 a.m. – 2:50 p.m.  
Met in Commissioner's Chambers

**Meeting Called to Order:**

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

**Commissioners Present:**

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

**Minutes:**

**Action #1:**

Commissioner Brewer moved to approve the Minutes from the meeting of July 8, 2014. Vice Chair Townsend seconded. A vote was taken and was approved unanimously.

**Treasurer's Report – Sue Phelan:**

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### **Continuation of budget workshop:**

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### **Salary Discussion:**

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**Action #4:**

**RESOLUTION 2014-#81**

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**Public Comment:**

No public comment

**Claims Approved:**

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**Meeting Adjourned:**

The meeting was adjourned at 2:50 p.m.

**Next Meeting:**

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**CLERK & RECORDER**

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**CHAIRMAN**

**SEAL**

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**VICE-CHAIRMAN**

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**COMMISSIONER**

Note: Minutes taken by Assistant to the Clerk & Recorder, Penny Plachy.  
Distributed August 5, 2014 to Chairman Hurwitz, Commissioner Townsend, Commissioner Brewer, and Clerk & Recorder Ogle

**MINUTES OF SPECIAL BUDGET WORKSHOP**

**Tuesday**

July 22, 2014

8:30 a.m. – 3:45 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.

**Special Budget Workshop:**

Clerk & Recorder, Dayna Ogle, met with the Commissioners to go over the County budget and department budget items.

It was agreed during the meeting that wage increases be addressed again now that the Commissioners were reviewing the budget. Salaries and wages were discussed, including those increases requested from department heads in their budgets.

**Action #1:**

**RESOLUTION – 2014-#82**

Commissioner Brewer moved to increase wages for elected officials \$.30 per hour, and all other employees receiving \$.27 per hour, with the exception of employees that received wage increases above \$.27 which were requested by their department heads. This wage increase will take effect June 27, 2014. Chair Hurwitz seconded. A vote was taken and approved unanimously. It is therefore resolved.

**Meeting Adjourned:**

The meeting was adjourned at 3:45 p.m.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, August 5, 2014.

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**CLERK & RECORDER**

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**CHAIRMAN**

**SEAL**

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**VICE-CHAIRMAN**

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**COMMISSIONER**

