

PROCEEDINGS OF THE BOARD OF THE COMMISSIONERS
MEAGHER COUNTY, MONTANA

February 3, 10, 17, 2015

Tuesday

February 3, 2015

8:41 a.m. – 1:50 p.m.

Met in Commissioner's Chambers

Meeting Called to Order:

Vice Chair Brewer called the meeting to order at 8:41 a.m.

Commissioners Present:

Commissioner Ben Hurwitz and Commissioner Rod Brewer.

Minutes:

Action # 1:

Commissioner Hurwitz moved to approve the Minutes from the January 20, 2015 meeting. Commissioner Brewer seconded. A vote was taken and was approved.

Road Report- Bruce Smith

Bruce Smith reported that there wasn't much happening at this time. Mr. Smith said they were starting to haul gravel up Birch Creek Road, but that was the extent of things.

The Commissioners commented on the report received from Hydrometrics. The report was encouraging because it stated that nothing new was found. The Commission feels we need to contact Bob Anderson with Hydrometrics and Laura Alvey with Department of Environmental Quality to understand what needs to be done in the future. The Commissioners will continue discussion of this with County Attorney Deschene.

Sheriff's Report- Jon Lopp

Sheriff John Lopp presented his Sheriff's Monthly Call Report for review and discussion. Commissioner Hurwitz discussed Deputy's overtime with Sheriff Lopp as some of the explanations very vague.

Fire/DES- Rick Seidlitz

The Commission informed Fire Chief, Rick Seidlitz, that there are funds available from the Community Service Block Grant for the hiring and training of someone on the 911 addressing system. Mr. Seidlitz advised that he had spoken with Clerk & Recorder Dayna Ogle, and she was going to help him with the process of hiring someone to fulfill this position. Mr. Seidlitz said he would talk more with Mrs. Ogle.

Commissioner Hurwitz inquired about burning policies for the county. Mr. Seidlitz stated there are no regulations with the county, but there is a recommendation that the person burning call the Sheriff's office and let them know they plan to burn. With that being said, Mr. Seidlitz did say that the state probably does have regulations in place that we might want. Commissioner Hurwitz said they will have County Attorney Deschene look into it for them.

Mr. Seidlitz brought up that in the near future the Fire Department will be needing to replace the fire truck at Two Creeks, and that he was also be looking at building a 2-stall garage in Ringling.

Checkerboard TV

The commission reviewed the Board Application of Jay Kinsey to be added to the Checkerboard TV Board.

Action # 2

Resolution 2015 #16

Commissioner Hurwitz moved to approve Jay Kinsey to the Checkerboard TV Board for a term of 3 years to be effective February 3, 2015 and end June 30, 2018. Commissioner Brewer second. A vote was taken and approved.

A letter was signed welcoming Jay Kinsey to the Checkerboard TV Board.

County Attorney- Kimberly Deschene

Work is in progress with the 4-H Building Quit Claim Deed. Initial research found that the Rodeo Club's deed to the Montana Stockgrowers had errors and is being corrected. The Clerk & Records Office looked into our insurance policy and verified that the 4-H buildings are covered under the County's insurance and the Extension Office has noted that they also have Event Insurance that covers during event occasions. Deschene will draft an agreement between the County and Meagher County 4-H Council stating that 4-H will not be charged for the use of the buildings in exchange for building up-keep and maintenance.

County Attorney, Deschene, asked for a conference call with Steve Lahman from Crowley Fleck to discuss the direction the county wants to take with regards to the lawsuit fill by Dave Ellington. The conference call is scheduled for 1:30 p.m. on February 17, 2015.

Ms. Deschene asked if she could provide the County with an out-side resource for ethical purposes when it comes to issues with her owning Bar 47. She has asked County Attorney, Kent Sype, of Musselshell County if a conflict of interest arose would he be able to take the case. Mr. Sype has agreed to do this at no charge to Meagher County. Ms. Deschene will also ask Justice of the Peace, Paula Wildman, if she would like to use his services. The Commission agreed.

The Commission asked Ms. Deschene to set up a meeting with Laura Alvey, Department of Environmental Quality, and Bob Anderson of Hydrometrics for March to discuss what the future requirements for monitoring of the wells will be. The Commission also asked for her to investigate what the state laws and regulations would be for open burning.

Ms. Deschene stated that she had several small cases that she was working on.

Lunch:

Commissioners broke for lunch at 11:50 a.m. and returned at 1:00 p.m.

County Attorney- Kimberly Deschene & Trent Townsend- Easement

Trent Townsend came in to discuss with the Commissioners the possibility of receiving an easement from the county in Section 17, T9N, R7E. Mr. Townsend's request is that the county grant him a 60 x 100 feet easement that would allow him to access his property that is adjacent to the county transfer site. Mr. Townsend has agreed to move the gate onto county property, build a turnaround, fence the area as needed and post new signs on 6th Ave SE.

Attorney Kimberly Deschene enters meeting.

Attorney Deschene agreed to prepare an Easement for Mr. Townsend from the County. Deschene will have agreement ready by February 17, 2015 for the Commissioners to review.

Action # 3:

Resolution 2015 # 17

Commissioner Hurwitz moved to create a 60 x 100 foot Easement between the County and Trent Townsend in Section 17, T9N, 7E, to access his property adjacent to the county transfer site. Mr. Townsend agreed to move the gate, make a turnaround, fence the area and put up signs. Commissioner Brewer second. A vote was taken and approved.

Senator Daines Office- Morgan Darlington

Morgan called to cancel. Will schedule to come again at a later date.

Public Comment:

No public comment.

Claims Approved:

Commissioners were presented with Voucher #1540, with Check #47830 through Check #47849 totaling \$5,222.57, Voucher #1542, with Check #47850 through Check # 47883 totaling \$24,774.44, Voucher #1541, with Check # 219141 through Check # 219155 totaling \$122,772.46, and Voucher #12, with Check #219156 through Check #219168 totaling \$9,188.08. All Checks were signed as presented.

Meeting Adjourned:

The meeting was adjourned at 1:50 p.m.

Next Meeting:

Commissioners are scheduled to meet Tuesday, February 10, 2015.

CLERK & RECORDER

CHAIRMAN

VICE-CHAIR

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder Melody Forkin..
Distributed February 10, 2015 to Chairman Hurwitz, Commissioner Townsend, Commissioner Brewer, and Clerk & Recorder Ogle

Tuesday
February 10, 2015
1:00 p.m. – 3:23 p.m.
Met in Commissioner's Chambers

Meeting Called to Order:

Chair Brewer called the meeting to order at 1:00 p.m.

Commissioners Present:

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

County Attorney- Approval of Substitute Attorney

Action # 1

RESOLUTION 2015-# 18

Vice Chair Brewer moved that when a conflict of interest arises that Meagher County Attorney Kimberly Deschene may call upon Musselshell's County Attorney Kent Sipe to take the case. Commissioner Hurwitz second. A vote was taken and approved. It is therefore resolved.

Treasure's Report- Sue Phelan

Treasurer Phelan presented her monthly reports to the Commissioners for their review and signatures.

Health Nurse- Eva Kerr RN

Heath Nurse Kerr provided a handout with her monthly activity.

Commissioners asked if anything new was reported on the Ebola situation. Kerr stated that Measles is the new crisis and nothing is being discussed about Ebola. The Measles crisis has made several parents in this community check to make sure that their own children are current on their immunizations. Kerr also noted that we are having issues with Head Lice again.

Kerr is applying for the Bair Grant at this time. Commissioners signed a letter of approval for her application. Kerr is also looking at a Local and Tribal Public Health System Improvement Grant. This grant is for \$10,000.00. It was not clear what the money was to be used for, except that training would be provided for the County Health Board on how to handle a crisis situation. Kerr was encouraged by the Townsend Health Nurse to apply for this grant and will look into it more.

Minutes:

Action #2:

Commissioner Brewer moved to approve the Minutes from the February 3, 2015 meeting. Commissioner Hurwitz seconded. A vote was taken and was approved.

IT- Jim McDanel- JAM Computer Service

Jim McDanel was unable to attend; however McDanel called earlier and talked with Commissioner Hurwitz. Commissioner Hurwitz discussed with Shauna Porter and Sue Phalen the possibility of Mrs. Porter assisting Mr. McDanel in the event he is unable to come on site for IT issues. Everyone was in agreement that this would be a good solution, if Mr. McDanel needs assistance. Commissioner Hurwitz later presented Commissioner Brewer with the information.

Action # 3

RESOLUTION 2015-# 19

Commissioner Hurwitz moved that Shauna Porter will assist Jim McDanel onsite as needed for IT Assistance. Any hours worked over 40 hours per week will be earned as comp time- per Mrs. Porter's request. Commissioner Brewer second. A vote was taken and approved.

Fire/DES Report- Rick Seidlitz

Fire Chief, Rick Seidlitz, presented a handout that reflected his monthly activity. Seidlitz stated that the County Fire did not respond to any calls since his last report.

Seidlitz continued discussion from last week regarding the need to look at replacing the Two Creeks fire truck and building a fire barn in Ringling. Commissioners asked if Seidlitz had any estimates on either project and questioned where money would come from. Seidlitz did mention that we have the land already in Ringling for the fire barn. The land already has electricity to it also.

Public Comment:

No public comment.

Claims Approved:

Commissioners were presented with Voucher #1543, with Check # 47884 through Check #47917 totaling \$8,434.56. All Checks were signed as presented.

Meeting Adjourned:

The meeting was adjourned at 3:23 p.m.

Next Meeting:

Commissioners are scheduled to meet Tuesday, February 17, 2015.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder Melody Forkin..
Distributed February 17, 2015 to Chairman Hurwitz, Commissioner Townsend, Commissioner Brewer, and Clerk & Recorder Ogle

Tuesday
February 17, 2015
12:45 p.m. – 3:33 p.m.
Met in Commissioner's Chambers

Meeting Called to Order:

Vice Chair Rod Brewer called the meeting to order at 12:45 p.m.

Commissioners Present:

Commissioner Ben Hurwitz and Commissioner Rod Brewer.

County Attorney- Kimberly Deschene- conference call with Steve Lehman

County Attorney, Kimberly Deschene, was present to assist with a conference call from Steve Lehman of Crowley Fleck. Mr. Lehman stated that Dave Ellington's attorney had called stating that Mr. Ellington was ready to make a settlement. The Commissioners agreed to have Mr. Lehman come to an agreement with Mr. Ellington. If an agreement could not be met, then the commissioners stated that they would then proceed with the court hearing scheduled for July 25, 2015.

During the conference call there was discussion regarding signage in the lobby of the courthouse. Mr. Lehman had concerns that not having signage is the issue. When the conference call was finished the Commission asked for Deschene to research how the sign needs to be worded and get back to them.

County Attorney- Kimberly Deschene- Townsend Easement

County Attorney, Kimberly Deschene and Trent Townsend came in to continue discussion of the Easement he is requesting from the County. Deschene stated that the conditions of the easement did not fit into the wording of the document, so it will be drawn up without the conditions. The Commissioners will send a letter to Mr. Townsend setting forth those conditions of Mr. Townsend putting in a turn-around on the County's property, fencing the area, and placing the existing gates up in the new location. Mr. Townsend stated he would accomplish these conditions by July 30, 2015. The sign that has the transfer sites hours will be taken care of by

the county. The Commission will contact Road Supervisor, Bruce Smith, to look into getting a sign.

Deputy Clerk and Recorder, Penny Plachy, was asked to come and notarize the Grant of Easement. The Easement was signed by the Commissioners and the notarized by Mrs. Plachy.

Minutes:

Action # 1:

Commissioner Brewer moved to approve the Minutes from the February 10, 2015 meeting. Commissioner Hurwitz seconded. A vote was taken and was approved.

Attorney Steve Lehman

Attorney Steve Lehman called back to tell the Commissioners that Dave Ellington agreed to a settlement of \$15,000.00.

Action # 2:

Resolution 2015- #20

Commissioner Brewer moved to accept the agreement of \$15,000.00 with Dave Ellington, and to proceed with closing the settlement. Commissioner Hurwitz second. A vote was taken and approved. It is therefore resolved.

Forest Service- Carol Hatfield and Corey Lewellen- Road Obliteration

Jess Secrest was in attendance for the meeting with Carol Hatfield and Corey Lewellen, District Rangers for the Forest Service. Ms. Hatfield and Mr. Lewellen presented updates on the procedures for the upcoming road obliterations.

Ms. Hatfield and Mr. Lewellen stated that the Forest Service was proceeding with obliterations of forest service roads that they have deemed as unnecessary for public use and/or were contributing to undesirable resource degradation. It was noted that each road meets different "prescription" needs. Some roads will just be blocked from motor vehicle use, while other roads will require major work of tearing the road up, removing the bed of the existing road, removing culverts, and putting the area back to its natural state.

Ms. Hatfield and Mr. Lewellen explained that the extensive work to some of the roads were due to the fact that run-off is causing contamination to the streams in area and until this problem is resolved there is funding that our forest districts do not receive.

Mr. Secrest asked if consideration to public comments are being taken as the forest service proceeds with these obliterations. The District Rangers said yes they are. It was noted that some of the roads will be left for snowmobile routes, hiking trails, and give access for hunting.

Mr Secrest stated that he has attended some of the public meetings and meetings like this one but sees very little follow-up on the interest of the public. He encouraged the Rangers to figure out how to show follow-up with the public if they want the public to stay involved. They made note of the suggestion and added that they have every intention of following up on some of the issues and asked the public to realize that meetings from even a year ago have ongoing resolutions they are still working on.

Commissioner Hurwitz asked what was being done with weed control for this next year. Ms. Hatfield said they already have chemical sprays for this year and will be looking at hiring an additional part-time person for the job this summer.

Commissioner Hurwitz stated that the Commission was in support of logging but do not agree with the obliterations of roads. The Commissioners understand blocking the roads so they cannot be used by a vehicle, but feel that the roads should be left alone and that the obliterations are a waste of money.

Ms. Hatfield asked how often the Commission would like to meet with the Forest Service as they proceed with these obliterations. The Commissioners felt that they would like to hear from the Forest Service when new things arise, but that regular meetings were not necessary.

Public Comment:

No public comment.

Claims Approved:

Commissioners were presented with Voucher #1544, with Check #47918 through Check # 47941 totaling \$58,369.42. All Checks were signed as presented.

Meeting Adjourned:

The meeting was adjourned at 3:33 p.m.

Next Meeting:

Commissioners are scheduled to meet Tuesday, March 3, 2015.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder Melody Forkin..
Distributed March 3, 2015 to Commissioner Hurwitz, Commissioner Brewer, and Clerk & Recorder Ogle