

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
MEAGHER COUNTY, MONTANA

Tuesday
January 5, 2016
8:50 a.m. to 2:45 p.m.
Met in Commissioner's Chambers

Meeting Called to Order:

Commissioner Chairman, Herb Townsend, called the meeting to order at 8:50 a.m.

Commissioners Present:

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

Road Report – Bruce Smith:

Bruce Smith, Road Supervisor, presented a picture and description of a truck that he would like to look at and possibly purchase with funds still available that were previously approved for a truck purchase. The Commissioners agreed that if the funds were available that it would be fine with them. Dayna Ogle, Clerk & Recorder, was called to verify the funds available. She brought up information showing that there was currently approximately \$87,000.00, minus the \$20,000.00 for another Walk N' Roll, plus approximately \$7,000.00 for a truck recently sold leaving \$74,000.00. He isn't positive this particular truck is still available for purchase, but would check into it. They will have to travel to Havre to look at it and bring it back if it is still available.

Commissioner Hurwitz stated that the Road Department is fully staffed once again. Smith acknowledged that he was glad for the additional help with the snow plowing.

Smith also reported that Bob Anderson from Hydrometrics called him to discuss the well monitoring and give an update of a grant he was working on with County Attorney, Kimberly Deschene. The Commissioners were not aware of the grant application; and said they would have to follow up with County Attorney Deschene. There was discussion regarding how the cleanup would work.

Smith also asked the Commissioners about attending the annual MACRS (Montana Association of County Road Supervisors). Commissioner Townsend and Commissioner Hurwitz will be attending; however, Commissioner Brewer will not be able to go.

Sheriff Report – Jon Lopp:

Jon Lopp presented his monthly Complaint Report to the Commissioners for their review and discussion. The question was asked by Commissioner Hurwitz whether a staff member at the school was armed in the event of an emergency. There was discussion regarding this issue and decided it was a decision for the School Board to make.

The Commissioners inquired how it was working out having one less Deputy. Sheriff Lopp stated that it was going well.

There was also discussion regarding the truck the Sheriff's office will be selling. They have not started the process yet, but would like to sell the 2002 Chevy ¾ Ton diesel first. It has 109,000 miles; and they also plan to sell the Expedition. There is a new vehicle ordered and the Sheriff's office will remove all of the equipment from the old vehicle to have installed on the new vehicle in Great Falls. The new vehicle should be here by March, and the pickup will be sold before then.

Sheriff Lopp presented the Forest Service Agreement for signature. This agreement is the same Cooperative Law Enforcement Annual Operating Plan & Financial Plan between the Meagher County Sheriff's Department and the USDA, Forest Service that they sign annually. The fees were discussed and how the agreement works.

Action #1:

RESOLUTION #2016 - 1

Vice Chair Rod Brewer moved to accept the Forest Service Agreement; Commissioner Hurwitz Seconded. A vote was taken and approved unanimously. It is therefore resolved.

Sheriff Lopp also reported that Deputy Wendt hit a deer and the damage was estimated at \$5,500.00.

County Attorney, Kimberly Deschene:

County Attorney Deschene reported that she was working on a grant application for the cleanup with Bob Anderson at Hydrometrics. Mr. Anderson wrote the grant for the County and all that was needed was the Commissioner's signature. The grant is for \$18,215.00 and Meagher County will have a local match of \$2,370.00 along with in-kind services including use of a backhoe and dump truck. With this grant, they are hoping to do a monitoring well replacement and remove contaminated soil which may eliminate the continual monitoring.

There was discussing regarding what soil would be removed and where well placement would be.

Regarding Grassy Mountain Home Owners Association, County Attorney Deschene advised that she thought they should consent to the Association disbanding on the condition that they did not want to take over the roads for the subdivision, they would continue to be private roads. The Commissioners asked Deschene if there were any county roads within the subdivision and she stated she would check into it and return for public comment to respond.

New Year's Resolutions:

Action #2

RESOLUTION #2016 – 2

Commissioners meeting first 3 Tuesdays

Action #3

RESOLUTION #2016 – 3

Commissioner Townsend – Chairperson

Action #4

RESOLUTION #2016 – 4

Courthouse Hours – 8:00 – 4:00 Monday – Friday

Action #5

RESOLUTION #2016 – 5

Mileage – state rate and per diem remains the same as #2013-#76

Action #6

RESOLUTION #2016 – 6

Incarceration at \$75.00 per day

Action #7

RESOLUTION #2016 – 7

J.P. Hours

Action #8

RESOLUTION #2016 – 8

County Attorney Hours

Clerk & Recorder – Dayna Ogle – Quarterly Budget Review:

Dayna Ogle, Clerk & Recorder went over the quarterly budget with the Commissioners. The County is on track for the first half of the FY with the exception of a handful of funds including the Fire fund. C&R Ogle will work with Fire Chief Seidlitz to find a solution.

Action #9:

RESOLUTION #2016 – 9

Commissioner Hurwitz made a motion to move \$855.00 of local revenue out of Fund 2841 South Bench WMA into the 2140 Weed Fund. Commissioner Brewer seconded. A vote was taken and approved unanimously. It is therefore resolved.

Minutes Approved:

Vice Chair Brewer approved the Minutes of the December 15, 2015 meeting. Commissioner Hurwitz seconded. A vote was taken and approved unanimously.

MSU – John Phisten:

Nico Cantalupo, County Extension Agent, entered the meeting with his MSU boss, John Phisten, regarding Nico's upcoming retirement in March.

Mr. Phisten explained the process that MSU would take in hiring a new Extension Agent. The position would not be posted until April 1st, the day after Cantalupo would be through in that position. He handed out a Position Announcement to the Commissioners putting forth the background information for Meagher County and the position responsibilities needed to fill the position. A Master's Degree is no longer required to fulfill the position; however, one would be required within 7 years of someone accepting the position with a Bachelor's Degree. The process generally takes 6 weeks after posting and Mr. Phisten is looking to have the position filled by the first part of June.

Phisten also told the Commissioners that he would like them to be a part of the interview team to make sure we were getting a good fit for the community and the job. Commissioner Hurwitz asked Cantalupo if he would also be a part of the team, and Cantalupo felt it would be better for him not to participate. He could provide them with a bullet list of things to look for, but didn't feel it would be fair to the new Agent coming in if he were still involved.

The Commissioners discussed with Cantalupo what he had learned from being the Agent in Meagher County. Cantalupo and Commissioners discussed the importance of one on one relationships and going out to the fields to see how each ranch operates. Meagher County is unique in the fact that because of the lack of an Extension Agent for a period of time, ranchers became more independent and educated, and relied on each other to solve issues that came about. For Cantalupo, it was a matter of getting comfortable and trusting relationships with the local ranchers so they asked him questions.

The next topic of discussion was the position of 4-H Assistant and if it was working out. Cantalupo stated that just a secretary in that position is just not feasible. With an Assistant, it frees him up to do more agricultural work. He discussed the positives of having Steinken in that position and that overall, he was still responsible for all 4-H matters and oversees the program and the Assistant. He believes it has been imperative to have someone in that position that has been able to handle 4-H matters, to allow him to do agricultural work.

There was also discussion regarding the Extension Agent working with the weed coordinator. The consensus was that the Extension Agent not be the enforcer of weed issues because they should be in the role of educator. However, the Agent could play a part as an overseer.

Phisten asked the Commissioners if they would like to sign the paperwork today that allows MSU to advertise for the Extension Agent position on April 1st. The Commissioners agreed on the condition that the best possible Agent for our community would be hired, and not just have an Extension Agent hired that would not fit Meagher County's needs. Phisten stated that was one of the reasons that he would like the Commissioners to be a part of the selection committee. The Commissioners agreed to sign the paperwork that Phisten presented.

LUNCH:

Commissioners left for lunch at 12:15 p.m. and returned at 1:30 p.m.

Absaroka Energy – Carl Borgquist – Work Force Management:

Carl Borgquist and Eli Bailey came in to update the Commission on the hydro plant and the work force plan.

Commissioner Hurwitz began the meeting with a conversation he had had with a Northwestern Energy board of director. Carl Borgquist gave a response to the discussion and then went over how the load and demand is shifting along with the changes in adding capacity and being able to take and push electrons. He stated that when going through the financials for the hydro plant it has a debt ratio that is viable. They can compete apple to apple with other fuel companies and will not be burning carbon base fuel. They are still hoping to have Northwestern Energy behind them in this endeavor, but do not need them.

Eli Bailey gave the Commissioners information on the Gordon Butte Pump Storage Project – Labor Loading Projection to discuss. He broke down the construction jobs that are going to fluctuate during the construction of this project. It is estimated that there will be approximately 300 jobs, however, not all during the three year period. The projection shows that during the first year, the number of jobs begins with 34, and then starts to peak at month 5, and by year end, the number of jobs would range just over 100. The second year would be when most of the construction would happen, needing the most at one time of 271 employees, and then taper off in year three.

Bailey also gave them a Socioeconomic Resources Final Study Report that was done in 2014 concerning housing, employment, current conditions and possible impacts during the project. Because of the limited lodging availability, and that the workforce will be traveling from places like White Sulphur Springs, Two Dot, Harlow, Bozeman, etc., Barnard Construction has recommended setting up a bus system to haul employees in. The shifts would be arranged early enough that it wouldn't interfere with school buses and traffic would only be incidentals. They are looking at there being outside commuters with only 5-10% of the workforce moving into the County, which could be up to 100 more people. The DEQ believes there is enough connections in Martinsdale to accommodate the influx of people and

nothing additional will be needed. With the exception of a possible new RV park in Martinsdale, they do not see a need for additional connections or camps with the busing in and out.

The steps left to follow will be to start with the license issuance. They have to issue an environmental EA document, which will be this spring. There will then be a comment period, and after that the actual license will be issued, which they expect to happen before the end of the year. If there are any comments, they will be follow-up on and resolved. Then they have to sell the capacity, which they expect to happen late 2016, early 2017, taking approximately 6 months for financing and then start pushing dirt in 2017.

Selling the capacity will not be easy because of having to deal with the utilities. They expect it to be slow moving, complicated and bureaucratic.

Mr. Borgquist stated they would be back in a quarter to update the Commissioners again on anything new.

Black Mountain Software – Dave Morton:

Dave Morton from Black Mountain Software came in to see if they had any issues with the software that was purchased this past year. He was here visiting with the Treasurer's and Clerk & Recorder's office and thought he would stop by. The Commissioners did not have any issues to discuss with him, and stated that as long as the girls in the offices were happy with it, they were happy with it.

Public Comment – Claims Approved:

County Attorney, Kimberly Deschene, stopped back by to let the Commissioners know that the County would be responsible for the main road because it is a county road. The Commissioners asked if it was Schendel Road, which she said it was. They all knew about that road. The remaining roads would stay as private roads and up to the Grassy Mountain subdivision landowners to maintain. They agreed they would sign a consent to Grassy Mountain Home Owners Association that they could disband the association and the roads would remain private.

Attorney Deschene also picked up the Grant application for the County Shop to be sent back to Bob Anderson at Hydrometrics.

Claims Approved:

Commissioners were presented with Claim Check # 51140 through #51173 in the total amount of \$18,400.57. They were also presented with Claim Check #51082 which was voided due to it being in the wrong dollar amount.

They were also presented with Payroll voided checks #11563 through #11612, which were voided due to direct deposit mishap. They were additionally presented with Payroll Check #11613 through #11638 and Check #11627 as a re-issued check for an employee who did not receive his payroll check issued.

Meeting Adjourned:

The meeting was adjourned at 2:45 p.m.

Next Meeting:

Commissioners are scheduled to meet Tuesday, January 12, 2016.

CLERK & RECORDER

CHAIRMAN

VICE-CHAIRMAN

COMMISSIONER

PROCEEDINGS OF THE BOARD OF THE COMMISSIONERS
MEAGHER COUNTY, MONTANA

Tuesday

January 12, 2016

8:46 a.m. – 11:47 a.m.

Met in Commissioner's Chambers

Meeting Called to Order:

Commissioner Townsend called the meeting to order at 8:46 a.m.

Commissioners Present:

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

Treasurer's Report – Sue Phelan:

Treasurer, Sue Phelan came up to present the Commissioners with her monthly report and Treasurer's Hand Cash Balance sheet for review, discussion and signatures. All of the Commissioners signed the document after a short discussion regarding the school bond money. Phelan updated the Commissioners that the School Bond funds are in the STIP account.

Phelan reported they are in the process of settling the public protested taxes; she believes protested taxes will almost be completely settled soon. Commissioner Hurwitz asked about the local tax appeal hearing that was held in December and its outcome. Administrative Assistant and CTAB (County Tax Appeal Board) secretary, Kate Jones, updated everyone that the CTAB ruled in favor of the state and the property owner has until January 21, 2016 to file an appeal with the State Tax Appeal Board. Phelan said she won't settle this particular protest until the deadline is past.

Minutes:

Commissioner Hurwitz moved to approve the minutes as presented from the January 5, 2016 regularly scheduled meeting. Seconded by Commissioner Brewer. A vote was taken and approved unanimously.

County Attorney's Report – Kimberly Deschene:

County Attorney, Kimberly Deschene came in to give a verbal monthly report to the Commissioners. Deschene said the only new business she had to report on was that the grant has been submitted for the County Shop clean-up efforts and she feels it is very likely the county will get it. The grant will pay for a new monitoring well and in the process some of the contaminated soil will be removed and aeriated, thusly potentially helping to eliminate more contaminates. Commissioner Hurwitz asked Deschene how the DEQ is feeling about Meagher County's progress. Deschene replied that she thinks the DEQ is pleased with Meagher County's efforts to work on the issue. Deschene also added that she has come to trust and rely on Bob Anderson for expert help with the matter and has received much assistance from him.

Attorney Deschene asked the Commissioners if they were satisfied and comfortable with giving consent to disband the Grassy Mountain Ranch Owners Association. The Commissioners stated they are ready to give their approval provided Deschene can give her approval from a legal point of view. Commissioner Hurwitz and Brewer inquired once more to ensure the liabilities and

responsibilities to Meagher County would not change. Deschene stated that after some on the spot consideration, she will look into a couple more areas to insure the outcome to the County is fine. Additionally she will check into whether it needs to be a letter or a formal resolution made by the Commissioners.

Health Nurse Report – Eva Kerr, R.N.:

Health Nurse, Eva Kerr came to the meeting to present the Commissioners with her monthly report for review and discussion. Kerr provided all the Commissioners with a written report.

Kerr reported that there have been a few cases of Influenza A & Influenza B.

Commissioner Townsend made a comment about how many of the high school Basketball players have been ill. Kerr acknowledged knowing the same, and stated that she feels there may be correlation in students not wanting to miss attendance because of School Policies in place.

Kerr also reported that the Meagher County Safety Program met with Emelia and discussed what needs to be done moving forward. There is employee education that needs to be completed with each county employee. It is likely that most of it would be able to be done online and hopefully minimize workforce impact. Commissioner Hurwitz asked how much the Safety program is gaining the county on insurance rates. Kerr replied that she wasn't able to get hard numbers to present to the Commissioners yet, however she working on answering the question as soon as possible.

George Kirkwood entered the meeting

Kerr notified the Commissioners that the County Health down in Broadwater County has now temporarily shut down due to some turmoil regarding transferring Co Health to the Hospital. That means that clients from Meagher County enrolled in WIC will have to go to Helena with any needs. Kerr stated that they two nurses that work in Broadwater County made sure all of our clients were taken care of for the next 3 months. They anticipate having the issue resolved and the WIC Program back to order before there are any problems for Meagher County Residents.

Kerr also updated that she has accepted a position at Mountain View Medical Center for casual work when they are shorthanded. She assured the Commissioners that it will not interfere with her duties as Health Nurse whatsoever.

The final topic discussed was the CSBG grant. It is time to allocate the funds for the next year. It was noted that the funds were not all used last year. Kerr inquired if the Commissioners happened to know why. The Commissioners think perhaps some was allocated to 911 for addressing, they will verify with Fire Chief Seidlitz when he comes in. Kerr said she doesn't want to take away money from anyone, but she will use it if it is available.

County Sanitarian – Deen Pomeroy:

County Sanitarian, Deen Pomeroy came in to speak with the Commissioners per their request. Commissioner Townsend asked the question of why they have gotten reports that Pomeroy's work performance is lacking. Pomeroy replied that he wasn't sure, however admitted that his life has felt overwhelming the past few years as he was commuting a great deal for work. Commissioner Hurwitz asked how Pomeroy was planning to get Meagher County caught up and taken care of appropriately moving forward. Pomeroy admitted to the Commissioners that he really has no good excuse for being lax and he knows he has failed to accomplish what's been required of him, but he is going to do his best to get caught up. Commissioner Brewer asked Pomeroy for a more specific plan of action. Pomeroy had none.

Speaking to the future, Pomeroy stated he had access to the state domain with his previous employment to update the system with Meagher County's businesses licensing and inspections, however, he will have to get new approval for access from now on. Continuing, Pomeroy updated the Commissioners that he has a new job in Great Falls, working full time Monday-Friday, leaving him only weekends to come to Meagher County.

Commissioner Hurwitz stated that weekends only was not going to be satisfactory for Meagher County. The major issue lately has been getting the documentation and paperwork caught up, this cannot happen if Pomeroy isn't available during the week to work with the Deputy Clerk & Recorder and the Health Nurse. Commissioner Hurwitz asked if there was nothing more he could offer the county besides weekends. Pomeroy stated flatly that he doesn't have vacation at his new job and if weekends aren't enough than he will be resigning.

The Commissioners acknowledged his statement of resignation and Commissioner Hurwitz expressed Thanks for Pomeroy's work these past years. Continuing, Pomeroy was asked if he was going to sign the 30 septic permits that Deputy Plachy had marked for him to complete and finish any work he had in progress. Pomeroy responded that he will get all his work from 2015 caught up before leaving. Pomeroy presented a form for state system access and it was signed by Chair Townsend.

Board of Health:

Chair Townsend called the meeting of the Board of Health to Order. Members present were Health Nurse, Eva Kerr, Sanitarian, Deen Pomeroy, Sandy Harris and George Kirkwood, representing the City.

- Public Health: County Health Nurse Eva Kerr, presented the quarterly report for the Board of Health.

REPORT TO THE MEAGHER COUNTY BOARD OF HEALTH
From the Meagher County Health Department
January 12, 2016

1. Disease Reporting Oct- Dec.: Influenza Type A (1). Influenza Type B (4). Influenza Hospitalization (2). Salmonella (1).
2. TOTAL CASES FOR THE YEAR: Influenza A (2014-15 Season) 26 with 2 Hospitalizations; Influenza B (2014-15 Season) 6; Animal Bites 12; Campylobacteriosis 4; Chlamydia 1; Gonorrhea 2.
3. Weekly Influenza counts are reported electronically every week to the State. All "positive" rapid tests are not considered confirmatory for our county, because of low levels so far this year. 145 Influenza Vaccines given this season so far. Multiple ads to encourage vaccination.
4. Adolescent vaccine campaign has begun for the 6th grade, catch-up in junior high and High School. Two visits have been completed so far. 6th grade will get two more and high school will finish in the spring.
5. Assessment Reports on vaccination rates:
Dtap 4 (75%), Polio 3 (100%), MMR1 (75%), Hib ¾ (87.5%), Hep B 3 (75%), Var 1 (62.5%), PCV 4 (81.3%)

Eva Kerr, RN
Public Health Nurse/Director

Kerr concluded her report and asked if Pomeroy had anything he would like to present.

Pomeroy updated that he didn't have anything that needed to be reported. However, Pomeroy did inquire about a tabletop presentation regarding water systems that was scheduled for that day, January 12, 2016. George Kirkwood spoke up saying it was coordinated with the City. Kristy Kline out of Havre, was coming to present a project that is helping communities develop disaster plans to handle contaminated water. Kirkwood stated that it is 7 phase process that will ultimately lead to a finalized disaster plan.

Kerr updated Pomeroy on the issue of contagious students being at school due to attendance policies. Kerr stated she feels it won't be a fast resolve due to the fact there are some many factors influencing it, however she is going to attempt to address it with the School Board once

again. Sandy Harris stated that she believes there is a new system tracking the student's missed time by the hour now, and hopefully that will help attendance issues also.

Chair Townsend adjourned the meeting.

County Attorney re-entered the meeting:

Commissioner Hurwitz stated that Attorney Deschene could go ahead and speak now rather than waiting for Public Comment. Deschene spoke, advising the Commissioners that she had made a phone call to someone and now feels it is not a good idea to consent to the disbandment of the GMROA. Deschene stated it looks like a huge liability because if the Association is disbanded then there is no one to enforce covenants. Commissioner Hurwitz asked if she would please go downstairs and update the President of the Home Owners Association, Dayna Ogle of the advisement. Deschene stated that she would rather put it in a letter.

Fire & DES Report – Rick Seidlitz:

Fire Chief, Rick Seidlitz came in to present the Commissioners with the monthly Fire & DES Report. Seidlitz handed out a written report for review and discussion.

Seidlitz asked the Commissioners if it's okay to place the Two Creeks old fire truck up for sale in local newspapers. The Commissioners all agreed it was ok to advertise locally.

Clerk & Recorder Dayna Ogle entered the meeting.

Continuing his report, Seidlitz stated there has been very little going on besides trying to get the Fire & DES grants cleaned up with Clerk & Recorder Ogle.

More discussion regarding the Two Creeks Fire Truck. After a lengthy discussion it was determined that as a new truck was located and purchased, one of Meagher County's older functioning engines would be sent out to Two Creeks.

Commissioner Brewer asked Seidlitz about the funds from the CSBG grant that were allocated to 911 addressing, wondering if Seidlitz was aware that the funds had been available. Seidlitz stated he didn't remember them directly. Ogle reminded him of the goal last year to hire someone to help update addressing. Seidlitz then recalled the funds. Commissioner Hurwitz asked if he wanted to pursue hiring someone to help with addressing this year. Seidlitz said he feels that \$3,900.00 won't go far enough to bother training someone, so there is no need to have the funds allocated again.

After a lengthy discussion it was decided that Seidlitz would look into hiring the architect for plans on Ringling and Airport Fire Building.

Public Comment:

Dayna Ogle, came up to update the Commissioners on the GMFD By-laws. Rick Seibken had called Ogle and clarified that the GMFD Board has been waiting for the Commission and County Attorney's approval before formally adopting the By-laws. Ogle provided the Commissioners with a copy of the draft by-laws and has placed a copy in Attorney Deschene's box for her review also.

President of GMROA, Ogle, followed up with the Commissioners regarding the GMROA disbandment. Commissioner Hurwitz updated Ogle on County Attorney Deschene's most recent advise not to give consent to disband. Ogle inquired what reason Deschene had based her

counsel. Commissioner Hurwitz gave an example of commercial endeavors being built at Grassy Mountain because there would be no way to enforce the building codes. Or the likely fact they neighboring homeowners will come to the County to settle squabbles.

Ogle stated that the covenants will stay in place it's just the board that governs the association that they want to dissolve. The Commissioners would like very clear proof of what will happen regarding covenants before they give approval. Ogle will provide the by-laws and the covenants for the Commissioners to review as well as having the GMROA Attorney contact Deschene directly to discuss the matter in further detail.

Grassy Mountain Fire District – Mike Leonard:

Mike Leonard, Grassy Mountain Fire District board member came in to update the Commissioners. Leonard reported that the board is working on getting property to build the fire building. They are waiting on the Home Owners Association to determine if they are disbanding, because the Association cannot own any real property if they want to disband. Leonard had also come up to discuss the status of the by-laws. Commissioner Hurwitz updated that they had already heard from Seibken via Dayna Ogle. The Commissioners have placed approving the by-laws on the agenda for 19 January, 2016.

Claims Approved:

Commissioners were presented with Check #51174 through Check #51225 totaling \$18,836.46. All Checks were signed as presented.

Meeting Adjourned:

The meeting was adjourned at 11:47 a.m.

Next Meeting:

Commissioners are scheduled to meet Tuesday, January 19, 2016.

CLERK & RECORDER

CHAIRMAN

VICE-CHAIR

COMMISSIONER

PROCEEDINGS OF THE BOARD OF THE COMMISSIONERS
MEAGHER COUNTY, MONTANA

Tuesday

January 19, 2015

8:45 a.m. – 12:08 p.m.

Met in Commissioner's Chambers

Meeting Called to Order:

Commissioner Townsend called the meeting to order at 8:45 a.m.

Commissioners Present:

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

Minutes:

Commissioner Townsend moved to approve the minutes from the January 12, 2016 meeting as presented. Commissioner Brewer seconded. A vote was taken and approved unanimously.

Paul Kroeger, Property owner from Grassy Mountain Ranch Subdivision, entered the meeting:

The Commissioners and Paul Kroeger were casually speaking when Kroeger asked the Commissioners if they would and or have ever approved of the Road Department plowing on a private road when the snow drift was too deep for the equipment available to a private landowner. Commissioner Hurwitz replied hesitantly that the county has in a few extenuating circumstances, helped private land owners for an hourly fee. Kroeger told the Commissioners that there is an area approximately 200 yards long on one of the roads out at Grassy Mountain that has drifted shut several times and now there is nowhere for the snow to be pushed by smaller equipment.

Commissioner Hurwitz stated that if the other Commissioners agree, it would be ok under the following terms:

- Must be approved by Road Supervisor, Bruce Smith
- The Motor grader must already be in close proximity working on other county roads.
- Either the Grassy Mountain Home Owners Association or Landowner will be responsible for paying the bill calculated at an hourly rate.
- *IF* all the above stipulations were in order than the Commissioners all agreed it could be done, but not turned into a habit or an expected intervention from the county.

Kroeger acknowledged and agreed with the Commissioners stipulations. Administrative Assistant, Kate Jones provided Kroeger with contact information for the Road Supervisor, Bruce Smith.

GMROA Fire District By-Laws:

Present for the meeting were GMROA board president, Dayna Ogle and board member Paul Kroeger. Also present was County Attorney, Kimberly Deschene.

Deschene spoke, updating the Commissioners with her official council regarding the draft By-Laws for Grassy Mountain Fire District. Deschene said the only spot she had any issue with was section IV. In her initial interpretation of the By-Laws it sounded like GMFD wanted the County Attorney to be part of governing. After more review with the Commissioners she decided it will be ok and its only amendments that she will be part of reviewing. Deschene stated she just wanted to ensure that they would be governing themselves.

The Commissioners all agreed that they had read the draft By-Laws and also approved of them.

ACTION #1

RESOLUTION 2016 - #10

Commissioner Brewer moved to approve the draft By-Laws of the Grassy Mountain Fire District as presented. Commissioner Hurwitz Seconded. A vote was taken and unanimously approved. It is therefore resolved.

Administrative Assistant, Kate Jones will write a letter to notify the board of the Commissioner's approval.

GMROA – Dayna Ogle:

Present for the meeting were GMROA board president, Dayna Ogle and board member Paul Kroeger, also present was County Attorney, Kimberly Deschene.

Deschene spoke, updating everyone that she had contacted Brian Clifton, county planner, Mark Josephson, Scott Peterson and Burt Hurwitz, attorneys in the state of Montana and several local realtors. Everyone she had spoken with regarding the GMROA advised against disbanding the Association. The Attorneys and Clifton had expressed to Deschene that they all feel that there is no way to enforce the covenants if the association goes away. Additionally, the realtors that Deschene had spoken with feel it would negatively impact land values in the subdivision.

Dayna Ogle inquired if Harley Haralson had been able to answer the question if the Commissioners actually are required to approve the disbandment. Deschene stated that Haralson was unsure if the Commissioners truly had to or not. Brian Clifton told Deschene it is very unusual that the Commissioners would be involved, but in this particular set of by-laws the Commissioners' approval to start and disband was weaved into the documents. Deschene references under Grassy Mountain Covenants 8.2.1 it states that "any amendment of this declaration must be approved by the County Board of Commissioners".

Deschene stated that the bottom line is that even if the GMROA is not functioning it can survive a long time, and there is no obvious gain for the county to allow its disbandment. Ogle responded that the board does function, however it has been identified that the majority of land owners don't want the association anymore. Ogle reiterated that her question as president of the board is **IF** it can be done.

Deschene stated that it “can” be done; however, it is not her legal advice that it should be done because of the legal issues that could arise. For instance, when a person purchased land out at Grassy Mountain, they were “opting into” or “agreeing with” the guidelines of the association and covenants. Ogle asked if a landowner or a portion of the subdivision could opt out of the association. Deschene said that it could be possible; however that would not be a very likely option. County planner, Brain Clifton would have to approve of that, and it’s not likely because he is responsible for preventing a free for all sprawl of housing in Meagher County.

Deschene asked Ogle to explain why the majority of homeowners want it disbanded. Ogles’ understanding is it’s because the board has never functioned well and in the past people were being threatened over small issues as a result of meetings with the board. Kroeger testified to the fact that there have been issues of flared tempers in the past and legal actions against neighbors. But of more concern to him is that there have been violations of the covenants in the last 8 years. There have been some questionable buildings put in and because the board wasn’t functioning well, there was no way to enforce the covenants. Kroeger stated that he is in favor of keeping the association, but just wants it to get up to speed and be fully functional.

Deschene also advised that because of the way the bylaws were written, if the association goes, then the CCR’s go also. Without the tool of the Association, the County would have no way to force landowners to opt back into the CCR’s.

Commissioner Townsend and Hurwitz verbally announced they would like to leave it as is right now. Commissioner Brewer nodded in agreement. Commissioner Townsend reiterated that the Commissioners will not be taking any action today; based on the information that was presented and discussed, it seems the best idea to keep GMROA intact.

Deschene stated she will stay open to any additional advice or information that would lessen the impacts that were discussed today.

Yellowstone Environmental Services – Sean Hill:

Sean Hill introduced himself to the Commissioners and stated he didn’t have anything to hand out because he needed to know more of what the County is looking for.

Commissioner Hurwitz told Hill that Meagher County has fallen behind because the previous Sanitarian wasn’t able to keep up with the work that needed to be done. The first and foremost concern the Commissioner’s all have is finding a sanitarian that can do the work for Meagher County on time.

Health Nurse, Eva Kerr entered the Meeting.

Hill updated the Commissioners that he is working with Broadwater County 1-2 days per month inspecting the Licensed Establishments. He also does overseas consulting work. However he assured the Commissioners he would have no problem working for Meagher County and has back up sanitarians to cover when he is out of country.

Deputy Clerk & Recorder, Penny Plachy entered the meeting.

Kerr and Plachy both talked about what they are aware of for the Sanitarian position at Meagher County. Everyone discussed options and what seems to fit the needs of Meagher County the best. The most ideal plan seems to be a retainer type system with an hourly rate for anything beyond the retainer.

The Commissioners asked what his hourly rate is. Hill told the Commissioners that his usual hourly rate is \$45-\$50/hr. He will charge for mileage, however he doesn't charge time and mileage at the same time.

Hill inquired about the fee reimbursements from the state licenses. No one present for the meeting was aware of any reimbursements. Hill stated that Meagher County should be receiving variable percentages of reimbursements for the state licenses. Typically the restaurant pays the state and the state reimburses the county.

Commissioner Hurwitz inquired about the certified septic system installers and if they will have to be inspected. Hill stated that he will want to inspect a few systems to get to know the installers and then beyond that he wouldn't be required to inspect their systems.

In the process of getting the county up to date on everything, Hill cannot sign for inspections done by someone else. There will have to be another way of going about getting things caught up to speed. If there are systems that have already been installed, but need approval than he would at least require manifolds be uncovered to be able to sign off on the work.

Going forward, Hill stated he does almost everything electronically. Everyone feels very happy and is agreeable to this. The Commissioners asked what could be done if the previous Sanitarian is found to have been detrimentally negligent and potentially causing legal ramifications on the county. Hill told the Commissioners they do have the option of going to the Board of Sanitarians to report the previous Sanitarian.

KTVH TV- Copper Mine Interview:

Mackenzie _____ from KTVH News came in to interview the Commissioners about the Copper mine. _____ would like to talk about the economic growth that would occur and be a positive impact for the community, focusing on overall growth of services. _____ told the Commissioners that she is going to see the Superintendent of Schools and Nancy Schlepp at the Tintina Office later on in the afternoon.

The Commissioners expressed that they feel it's a good thing and that Tintina has done a really exceptional job preparing to handle the risk carefully and effectively. The Commissioners feel that those who oppose the mine, aren't looking into this particular mine without knowing the truth behind it. The Commissioners would encourage people not to toss it in with every other "mine". They feel strongly that the public has jumped to conclusions.

Title III – Intent to Spend; Clerk & Recorder, Dayna Ogle:

Fire Chief Rick Seidlitz was present to discuss and commit Title III Funds with the Commissioners.

Title III was discussed and the intent to spend the funds on the Fire Wise Program. The SRS funds have not been received as of today's date, and there was discussion regarding where the funds get dispersed.

ACTION #1

RESOLUTION 2016 - #_____

Commissioner Hurwitz made a motion to commit all of the Title III funds on the Fire Wise Program. 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 Check #51212 through Check #51225 totaling \$5,790.36. All Checks were signed as presented.

Meeting Adjourned:

The meeting was adjourned at 12:08 p.m.

Next Meeting:

Commissioners are scheduled to meet Tuesday, February 9, 2016.

CLERK & RECORDER

SEAL

CHAIRMAN

VICE-CHAIRMAN

COMMISSIONER

DRAFT