

PROCEEDINGS OF THE BOARD OF THE COMMISSIONERS
MEAGHER COUNTY, MONTANA

Tuesday

February 6th, 2024

8:00 a.m. – 4:30 p.m. .

Met in Commissioner's Chambers

Meeting Called to Order:

Chair Brewer called the meeting to order at 8:00 a.m.

Commissioners Present:

Chairman Rod Brewer, Vice Chair Ben Hurwitz and Commissioner Errol Galt were present for the meeting.

Non-Agenda Item: Building Report - Bill Dutton

Bill Dutton entered the chambers at 8am

Dutton reported on the previous months 7-hour power outage during the -45° to -50° temperatures that left all the county buildings without heat. The older steam boilers at the Sheriff Office and Courthouse do not restart automatically after a power outage and had to be manually started. The fuel lines to the boilers were gelling up and had to be thawed before the boilers could operate correctly. Dutton checked all the county systems multiple times throughout the cold spell. Dutton requested a stipend for coming in during the emergency. Commissioners thanked Dutton for his diligence and tabled any decision.

Minutes:

ACTION #1

Commissioner Galt moved to approve the minutes from January 16th, 2024. Commissioner Hurwitz seconded the motion. A vote was taken and the minutes were approved.

Treasurer Update: Maura Kusek:

Maura Kusek Entered the chambers at 8:30 am

Kusek discussed the work load in the Treasurer's Office and her future retirement. She requested to hire a full time Treasurer's Assistant at \$18/hour with benefits. Kusek explained that per MCA 7-4-2401 she may appoint a deputy but is not required to have a deputy. Kusek is concerned about having enough work for 3 full time employees, however she explained that having 2 full time employees will make training easier and it would be in the best interest of the county to have 2 fully trained employees when she retires.

Commissioner Hurwitz stated this position was not budgeted in the FY 23.24 budget and also acknowledged the need for the position.

Treasurer's Assistant Rebekah Luchterhand entered the chambers at 8:45 a.m.

Luchterhand reported on the activities in the Treasurer's office and agreed with Kusek that there is concern about the work load for 3 full time employees, however the down time may allow for additional training for herself and the newly hired employee. Luchterhand commented on the huge differences on how the Department of Revenue is assessing properties and impact those differences have had on the work load in the office.

Action #2

Resolution FY 23.24 #67

Commissioner Hurwitz moved to hire a Full Time Treasurer's Assistant, Commissioner Galt seconded. Commissioner Brewer abstained. A vote was taken and passed. The issue is hereby resolved.

Sheriff's Report – Jon Lopp:

Rescheduled for February 13th at 11 a.m.

Road Report/ Fire Report – Jake Kusek

Meagher County Road Supervisor Jake Kusek entered the chambers at 9:15 a.m.

Road Report:

Commissioner Brewer inquired about grading the 2 mile stretch of Hay Creek Rd that is in Meagher County. Kusek stated the road was graded last year, the road is identified as a “non-maintained” county road.

Kusek presented information regarding the Triangle Telephone Communications proposed County Road Encroachments in the eastern part of the county including the town of Martinsdale for fiber optic installation. Directional boring is scheduled for late February and construction will begin Spring 2024.

Kusek reported the millings from the Montana Department of Transportation (MDT) project on US Highway 12 near the Meagher County/Wheatland County lines will be used by the contractor and are not available. Kusek stated the MDT will have millings from the resurfacing project that will run from the City of White Sulphur Springs to the Nine Mile Wye in the summer of 2025. Kusek will contact Rebecca Barbula at MDT to put an agreement together for those millings.

Kusek recently inventoried the cattleguards in Meagher County, currently there are approximately 104 cattle guards on county roads. This includes cattle guards at the end of county roads and the beginning of a forest service road.

Kusek reported Gillman Service and Repair has been hired to work on the engine in the 1995 Ford snow plow truck along with the Green Freightliner 1997 Freightliner dump truck. If the snow plow truck is not repaired prior to any snow, the grader will be used to plow the airport runway.

The Road Crew has conducted a sign inventory and will need to replace a large amount of road signs this spring.

Fire Report:

Kusek is looking for a replacement fire truck to be stationed at Springdale Colony. Parts are not available anymore for the current truck. The service box can be reused on a different truck provided the wheel base is correct.

Cattle Guard Policy Discussion – Burt Hurwitz

Meagher County Attorney Burt Hurwitz entered the chambers at 9:45

Kusek, Hurwitz and the Commissioners reviewed cattle guard policies and procedures received from other counties. Discussion centered around a site application process that would be approved by the Road Supervisor and allow him to make common sense adjustments to any application along with a formal agreement between the County and the landowner.

Commissioners discussed the pros and cons of having the Road crew install cattle guards' verses the landowner install the cattle guard. If the county installed the cattle guard the applicant will be responsible for all costs associated with the cattle guard, it will ensure the cattle guard meets the county requirements and are placed in the appropriate location on the road. An application process would need to be developed that would include a fee sheet for the cost of the cattle guard, abutments, installation and maintenance costs along with a formal agreement between the county and the landowner. The application will allow the Road supervisor to make common sense adjustments to the application.

Discussion turned to the cattle guard requirements. Commissioner Galt stated a newly installed cattle guard should be a minimum of 24 feet wide and made of pipe or iron tubing. "V" shaped cattle guards should not be approved. The landowner must prove there is a need for the cattle guard and will not be allowed to put a cattle guard for a driveway in the county right of way. Fencing from the cattle guard to the cross fence will be approved by the Road Supervisor to ensure equipment and wide loads can pass over the cattle guard without damaging the cross fence or "wings." Hurwitz stated if a cattle guard becomes a safety hazard, the landowner will be notified and given a time frame to correct the hazard. If the issue is not resolved and the Road Department repairs the cattle guard, the landowner will be charged an hourly rate.

County Attorney Hurwitz will draft the Cattle Guard Policy and Application process. A public hearing will be held on February 20th and March 5th to review the policy.

Kusek reported that currently there are approximately 104 cattleguard on county roads. Cattle guards currently installed on a county road do not have to meet the new requirements, however if the cattle guard is removed for any reason the replacement cattle guard must meet the new requirements.

HB – 819 (Workforce Housing) Grant Application – Makayla Paul

County Attorney Burt Hurwitz, County Extension Agent Makayla Paul, Stewardship Council Member Cassie Coburn, HRDC Representative Terry Taylor and Mayor Rick Nelson were present.

Coburn presented the Commission with the HB 819 Grant application for Neighborhood Planning. The Commission reviewed the application and had no changes.

Action #3:

Resolution FY 23.24 #68

Commissioner Galt moved to submit the HB 819 Grant application as presented, Commissioner Hurwitz seconded. A vote was taken, the issue is hereby resolved.

Commissioner Galt inquired about the City of White Sulphur Springs HB 819 Grant application. Mayor Nelson stated the city is applying to update their subdivision regulations and if there are funds remaining after the regulation updates, the remaining funds will be used to do a housing inventory within the city limits.

Mayor Nelson inquired about the process of creating a Housing Authority. Hurwitz explained creating a housing authority is a ballot issue, and will check the election time line for submitting a ballot issue during this year's election cycle.

Willow Creek Disaster Resolution – Burt Hurwitz

County Attorney Burt Hurwitz, Mayor Rick Nelson were present

County Attorney Hurwitz presented the Commission with a resolution for signature declaring an emergency regarding forest health and wildfire threat for the Willow Creek watershed. Nelson explained the city is not able to use the water supply out of the Willow Creek Reservoir because of the level of turbidity in the water. The city is unable to flush the reservoir due to the nonfunctioning head gate. Flushing the reservoir and rebuilding the catwalk and head gate are scheduled for next summer. Nelson is concerned if they go through the motions of getting the reservoir back on line, a large wildfire would fill the reservoir with ash, sediment, and debris rendering Willow Creek reservoir unusable for decades to come.

The Federal Government shut down the Castle Mountain Restoration Project, stopping all logging in the Castle Mountains. The emergency resolution is intended to help speed up that process to allow the Willow Creek watershed to be cleared of hazardous fuel build up from the standing dead lodgepole pine trees. The City of White Sulphur Springs passed an emergency resolution on February 5th 2024 stating the same.

Action # 4

Commissioner Galt moved to pass the emergency declaration, Commissioner Hurwitz seconded. A vote was taken and passed, the issue is hereby resolved.

MEAGHER COUNTY, MONTANA

RESOLUTION NO. 69

A RESOLUTION DECLARING AN EMERGENCY REGARDING FOREST HEALTH AND WILDFIRE THREAT FOR THE WILLOW CREEK WATERSHED LOCATED WITHIN THE HELENA-LEWIS & CLARK NATIONAL FOREST, MEAGHER COUNTY, MONTANA, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the nationwide threat from catastrophic wildfire has grown exponentially over the past two decades, and

WHEREAS, Chief of the U.S. Forest Service (USFS) has declared the health of our National Forest a national crisis, and

WHEREAS, the City of White Sulphur Springs relies upon the Willow Creek watershed, located in the Castle Mountains just East of White Sulphur Springs, for 75-80% of its drinking water during normal precipitation/snowpack, and

WHEREAS wildfires that occurred during 2021 on the Helena-Lewis & Clark National Forest, which is the forest where the Willow Creek watershed is located, burned 93,995 acres of the 747,678 total acres that were burned in all seven national forests located in Montana during that year, and

WHEREAS, the Willow Creek watershed along with much of central Montana have suffered significant impacts from mountain pine beetle and the vast majority of the lodgepole pine stands that reside within the Willow Creek watershed have succumbed to the beetle and are now standing dead or jack-straw across the forest floor, and

WHEREAS, USFS efforts to address the high fuel load and dangerous conditions have failed, and

WHEREAS, lack of vegetation treatments in the watershed means lodgepole pine mortality has created substantial hazardous fuels build-up of a nature that can lead to extreme fire behavior in a watershed that poses a EXISTENTIAL threat to the Willow Creek water supply, and

WHEREAS, the Montana Department of Natural Resources and Conservation Forestry Divisions Montana Wildfire Risk Assessment (MWRA) has classified the wildfire risk to Surface Drinking water for the Willow Creek watershed as very high, and

WHEREAS, a large wildfire in the Willow Creek watershed would cause slopes and hillsides to become unstable, would fill the reservoir with ash, sediment, and debris mobilized by subsequent storms and snowpack runoff rendering the Willow Creek watershed and reservoir unusable for decades or more, and

WHEREAS, the cost associated with dredging the reservoir and repairing damaged infrastructure post wildfire could run into the range of millions of dollars; and

WHEREAS, Meagher County and the City of White Sulphur Springs face a clear and present public safety health and economic threat from catastrophic wildfire in the Willow Creek watershed.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF MEAGHER COUNTY, MONTANA.

SECTION 1: Based upon the above recitals, incorporated herein, the Commissioners of Meagher County find that catastrophic risk exists within the boundaries of the Willow Creek Watershed that is located within the County of Meagher, Montana.

SECTION 2: That Meagher County recognizes the fact that a major part of its responsibilities is to protect the lives, properties, resources, and way of life of the residents of Meagher County, including the City of White Sulphur Springs, Montana, and finds that it is necessary to declare an emergency regarding forest health and wildland fire threat for the Willow Creek watershed located within Meagher County, Montana pursuant to Mont. Code Ann. § 10-3-101 et.seq.

SECTION 3: That this Resolution shall be in full force and effect upon passage and approval until further action by the Meagher County Commission.


Passed and adopted by the County Commissioners of the County of Meagher, Montana meeting during regular session on the 6th day of Feb., 2024.



COMMISSION CHAIR


COMMISSION VICE-CHAIR


COMMISSIONER


ATTEST:


Clerk and Recorder



(seal)

APPROVED AS TO FORM:


County Attorney

DIS Technologies – Garrett Johnson

County Attorney Burt Hurwitz and Garrett Johnson, DIS Technologies were present.

Johnson reviewed the coverage DIS Technologies has provided for Meagher County. Currently, there are 58 devices with 24/7 support with no additional cost for after-hours calls, 19 Allworx IP phones, 11 security cameras at the courthouse, 4 separate networks at the Sheriff's office including the phone and radio systems, 911 system and CJIN system. DIS is also providing Network and cyber security for the county.

Johnson stated DIS Technologies has passed multiple federal security audits in recent years, one of which Meagher County was part of the audit where security issues were found.

Johnson also stated with DIS Technologies the counties owns their own licenses and hardware and have control over them. This is a best practice, and the county can not be held hostage.

The Commissioners will speak with Sheriff Lopp on Tuesday regarding IT services and security before making any decision.

Finance Office Report – Dayna Ogle

Finance Officer, Dayna Ogle was present

Ogle stated Finance Assistant Jennifer Deems has met her 6-month probation and requested a \$1.00 raise effective January 27, 2024.

Ogle requested to create a new fund 2917 Crime Witness Advocate Fund to track the revenue and expenditures for the Witness Victim Advocate position.

Ogle stated the FY 21.22 audit was complete. The audit contained three findings; one for late filing, the second for a restatement of an error and the third for not having a resolution for the purchase and disposal of a capital asset. Ogle stated the FY 23.24 Annual Financial Report should be complete by the end of the month.

Ogle and the Commission discussed the Impact Fee fund and decided to move the remaining balance in the Impact fund to the General fund. The remaining funds will be used to partially fund a Sheriff Deputy in FY 24.25.

Action # 5

Resolution FY 23.24 #70

Commissioner Hurwitz moved to create a new fund 2917 Crime Witness Advocate Hurwitz moved Galt seconded. A vote was taken and passed the issue is hereby resolved.

Action # 6

Resolution FY 23.24 #71

Commissioner Hurwitz moved to approve a \$1.00 raise for Finance Assistant Jennifer Deems effective January 27, 2024, Pay Period 8, Commissioner Galt seconded. A vote was taken and passed. The issue is hereby resolved.

Action # 7

Resolution FY 23.24 # 72

Commissioner Galt moved to transfer \$56,675 from the Impact Fee Fund (2399) to the General Fund (1000) to partially fund a deputy in FY 24.25. A vote was taken and passed, the issue is hereby resolved.

Non-Agenda Item - Grassy Mountain Fire District

Penny Plachy entered at 2:40 p.m.

Plachy stated she has called the current Grassy Mountain Fire District (GMFD) members to remind them that candidate filing ends February 12, 2024. Plachy plans to hold a GMFD meeting sometime in March to discuss the possibility of a fire building and the future of the district.

Mid Montana Insurance Renewal – Jodi Tierney

Jodi Tierney entered chambers at 2:45

Tierney and the Commission reviewed the Schedule of Vehicles, Equipment and Buildings for Meagher County. Commissioner decided to distribute the list to the appropriate department heads to review their inventory and make the necessary changes. Tierney asked that the updated inventory list be returned to her before the end of February so she has enough time to submit the document to Montana Association of Counties for renewal.

Public Comment:

No Public Comment.

Claims Approved:

Commissioners were presented with Check # 61100 through Check #61119 totaling \$50,297.48. All Checks were signed as presented.

Commissioners were presented Electronic Payroll Checks #-85389 through #-85331 totaling \$172,771.22. All Electronic Checks were approved as presented.

Meeting Adjourned:

Meeting was adjourned at 4:30 p.m.

Next Meeting:

Commissioners are scheduled to meet Tuesday, February 13th, 2024.



CLERK & RECORDER



CHAIRMAN



SEAL



VICE-CHAIRMAN



COMMISSIONER