

PROCEEDINGS OF THE BOARD OF THE COMMISSIONERS
MEAGHER COUNTY, MONTANA

Tuesday

April 6th, 2021

1:00 p.m. – 5:30 p.m.

Met in Commissioner's Chambers

Meeting Called to Order:

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

Commissioners Present:

Chair Herb Townsend, Vice Chair Rod Brewer, and Commissioner Ben Hurwitz were present for the meeting.

Minutes:

ACTION #1

Chair Townsend moved to approve the Minutes from March 16th, 2021. Commissioner Hurwitz seconded the motion. A vote was taken and minutes were approved.

Sheriff Report – Jon Lopp:

Sheriff Jon Lopp entered the chambers at 1:30 p.m. Justice of the Peace John Lesofski entered the chambers at 1:50 p.m.

Lopp presented the Commissioners with the Compliant Report for March 2021. Commissioners and Lopp discussed the complaint report, a recent motorcycle accident, and the construction project at the jail. Lopp also updated the Commissioners on the receipt of a 911 Grant which will be used for the upgrade to the Computer Aided Dispatch Equipment.

Open Sealed Bids – 2006 Chevy – Jon Lopp:

Jim and Pam Drew entered the chambers at 2:00 p.m.

Commissioners and Sheriff Lopp were presented with twenty (20) sealed bids for the 2006 Chevy 1500. Sheriff Lopp opened the following bids:

<i>Hugh Palmer</i>	\$7500
<i>Kenan Rittenbach</i>	\$6,767
<i>Trent Townsend</i>	\$7,123.50
<i>Jim Drew</i>	\$8,050
<i>David Larweck</i>	\$7,157.97
<i>Ivan Bodell</i>	\$8,561
<i>Aaron Kuntz</i>	\$7,500
<i>Zachary Gilliland</i>	\$8,500
<i>Mike Price</i>	\$10,500
<i>Bryan Sondeno</i>	\$8,100
<i>Aimee Nordlum</i>	\$8,000
<i>Kody Peterson</i>	\$6,751
<i>Don Nehrin</i>	\$7,150
<i>Nicholas Schneiderhan</i>	\$7,100
<i>Leo Taylor</i>	\$7,025
<i>Ray Ringer</i>	\$6,999.99
<i>Lynn Dale</i>	\$8,600
<i>Justin Masee</i>	\$6,500
<i>Bob McWilliams</i>	\$9,642
<i>Magic City Motors</i>	\$8,501

ACTION #2

Resolution 2021 - 30

Chair Townsend moved to accept the highest bid of \$10,500 from Mike Price of Whitehall, Montana. Commissioner Brewer seconded the motion. A vote was taken and passed.

Sheriff Jon Lopp will notify Mike Price of his winning bid and letters will be sent to all who participated.

Open Sealed Bids – 1988 Humvee – Jon Lopp:

Commissioners and Sheriff Lopp were presented with six (6) sealed bids for the 1988 Humvee. Sheriff Lopp opened the following bids:

<i>James Ransdell</i>	\$7,251
<i>Dave Brakenhausen</i>	\$8,650
<i>Matt Roller</i>	\$8,299
<i>Rod Olmsted</i>	\$6,879
<i>Corey Erlenbach</i>	\$10,000
<i>Sean Clark</i>	\$6,500

ACTION #3

Resolution 2021 – 31

Chair Townsend moved to accept the highest bid of \$10,000 from Corey Erlenbach of Fromberg, Montana. Commissioner Brewer seconded the motion. A vote was taken and passed.

Sheriff Jon Lopp will notify Corey Erlenbach of his winning bid and letters will be sent to all who participated.

Road Report – Jake Kusek:

Road Supervisor Jake Kusek entered the chambers at 2:30 p.m.

Kusek and the Commissioners discussed the repairs requested by FWP to the Fishing Access Road and the draft agreement for FWP to review. Commissioners and Kusek then reviewed applications for the vacant road position. Kusek requested to not fill the vacant position at this time and work as a three-man crew for a year. Commissioners and Kusek discussed the positives and negatives of not filling the position at this time. Commissioners came to the following decision.

ACTION #4

Resolution 2021 - 32

Commissioner Brewer moved to not fill the vacant road department position at this time. Commissioner Hurwitz seconded the motion. A vote was taken and passed. The issue is hereby resolved.

Yellowstone Environmental Solutions Contract Review:

Clerk & Recorder Penny Plachy, Tara Wilson, and Health Nurse Eva Kerr R.N. entered the chambers at 3:00 p.m.

Commissioners, Plachy, Kerr, and Wilson discussed the proposed contract submitted by Yellowstone Environmental Solutions for Sanitation Services related to the Food Industry, Hotel/Campgrounds, and Communicable Diseases. No decisions were made at this time.

Spay/Neuter Clinic – Shannon Graham & Marc Pryor:

City Assistant Clerk Shannon Graham, Animal Control Officer Marc Pryor, and Mayor Rick Nelson entered the chambers at 3:30 p.m.

Graham and Pryor presented the Commissioners with a letter outlining the proposed Spay/Neuter Clinic with Spay Montana. Commissioners, Graham, Pryor, and Mayor Nelson discussed the total cost of the clinic, current donations received, fees that will be assessed for the services, and Spay Montana's clinic procedures. Graham and Pryor have the clinic scheduled for Saturday June 26th, 2021. Commissioner's stated to Graham and Pryor to contact Ambulance Board Members to request use of the Ambulance Barn for the event.

ACTION #5

Resolution 2021 - 33

Commissioner Hurwitz moved to sponsor the Spay/Neuter Clinic for up to \$1,500. Commissioner Brewer seconded the motion. A vote was taken and passed. The issue is hereby resolved.

Quarterly Budget Report – Dayna Ogle:

Chief Financial Officer Dayna Ogle entered the chambers at 4:00 p.m.

Ogle presented the Commissioners with 3rd Quarter Budget Reports. Commissioners and Ogle discussed funds that were 75% or more spent at this time. Funds discussed were the General Fund, Rural Addressing, Land Use Planning, Airport, Meagher County Health, Search and Rescue, and Ambulance.

New Facility Project Update – Rob Brandt:

CEO Rob Brandt, Hospital Board Member Bill Galt, Mayor Rick Nelson, and Assistant City Clerk Shannon Graham entered the chambers at 4:30 p.m.

Brandt and Galt updated the Commissioners on the outcome of the Hospital's Feasibility Study and the next steps of the Hospital Board. At this time the Hospital Board has started the application process for a USDA loan to secure funding for a new facility. Brandt and Galt stated a new facility in Meagher County is needed.

CLOSED SESSION – LITIGATION STRATEGIES- Susan Swimley

Public Comment:

No Public Comment.

Claims Approved:

Commissioners were presented with Claim Check #57967 through Check #57999 totaling \$43,787.58. Check #57926 through Check #57966 totaling \$32,680.43 were presented. Payroll Check #13309 through Check #13334 totaling \$50,730.29 and Electronic Check #87017 through Check #87057 totaling \$106,928.51. All Checks were signed as presented.

Meeting Adjourned:

Meeting was adjourned at 5:30 p.m.

Next Meeting:

Commissioners are scheduled to meet Tuesday, April 13th, 2021.

Tuesday
April 13th, 2021
1:00 p.m. – 5:30 p.m.
Met in Commissioner's Chambers

Meeting Called to Order:

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

Commissioners Present:

Chair Herb Townsend, Vice Chair Rod Brewer, and Commissioner Ben Hurwitz were present for the meeting.

Minutes:

ACTION #1

Commissioner Brewer moved to approve the Minutes from April 6th, 2021 with minor corrections. Chair Townsend seconded the motion. A vote was taken and minutes were approved.

LEPC Lunch

County Attorney Report – Burt Hurwitz:

County Attorney Burt Hurwitz entered the chambers at 1:30 p.m.

County Attorney Hurwitz updated the Commissioner on civil and criminal matters of the County. County Attorney Hurwitz requested that the Commissioners authorize him to intervene in the Castle Mountain Restoration Project Litigation and the item will be placed on the agenda for the next meeting. County Attorney Hurwitz reported that the new Game Warden, who is currently in training at the Law Enforcement academy, will begin sometime in July. County Attorney Hurwitz also discussed the issue of “corner crossings” as it relates to trespass. FWP leaves the prosecution of corner crossings to the individual county attorney’s opinion. County Attorney Hurwitz will prepare a memo regarding the current law for discussion with the Commissioners at his next report.

Health Nurse Report – Eva Kerr R.N.:

Health Nurse Eva Kerr R.N. and Tara Wilson LPN entered the chambers at 2:00 p.m.

Kerr presented the Commissioners with a Health Nurse Report for March 2021. Kerr updated the Commission about the distribution of the COVID vaccine in Meagher County. Currently 1300 first doses have been given and 600 in the county are fully vaccinated.

Board of Health:

Health Nurse Eva Kerr R.N., Tara Wilson LPN, County Attorney Burt Hurwitz, Mayor Rick Nelson, and Sandy Harris entered the chambers at 2:30 p.m.

Kerr updated the Board that from January 2021 through March 2021 there were two (2) Dog Bites and thirteen (13) cases of COVID-19. Discussion turned to the resignation of Jennifer Brunsdon, MD, as the Meagher County Health Officer effective April 1st, 2021. CA Hurwitz appointed Kerr as the health officer on an emergency basis until this meeting. Dr. Brunsdon agreed to continue to act as signatory for purposes of continuing vaccine efforts until May 31st, 2021. All present discussed anticipated work for the County Health Officer position, including Red Ants Pants music festival, COVID-19 variants, qualifications to be a Health Officer, and potential changes from the legislation session. After discussion the following motion was made.

ACTION #2

Resolution 2021 - 34

Chair Townsend moves to appoint Health Nurse Eva Kerr R.N. as the Meagher County Health officer until August 31st, 2021, and to seek approval from DPHHS for the appointment, and to contract with Yellowstone Environmental Solutions for sanitarian services related to all aspects of sanitation, except those services related to septic permits and certificate of surveys, until August 31st, 2021. Commissioner Hurwitz seconded the motion. A vote was taken and unanimously passed.

Kerr will contact Sean Hill with Yellowstone Environmental Solutions about updating the contract and the Board will reevaluate the contracts following Red Ants Pants and the conclusion of the 2021 legislative session.

Clean-Up Day – Penny Plachy:

Clerk and Recorder Penny Plachy entered the chambers at 3:00 p.m.

Plachy updated the Commission that Clean-Up Day is scheduled for Saturday May 1st, 2021. Plachy requested the Commission to grant Meagher County Employees who volunteer a half day for Clean-Up day be given a full comp day off.

ACTION #3

Resolution 2021 - 35

Commissioner Brewer moved to approve for any employee that volunteers for half a day at the transfer site for Clean-Up Day on May 1st, 2021 will be given a full comp day off (to be approved by the Department Head). Commissioner Hurwitz seconded the motion. A vote was taken and passed. The issue is hereby resolved.

Plachy updated the Commissioners about the concern of Assistant City Clerk Shannon Graham to find forty (40) volunteers for the City's Spay/Neuter Clinic. Plachy requested the Commission grant Meagher County Employees who volunteer a half day for the Spay/Neuter clinic a full comp day off as done for the Clean-Up Day.

ACTION #4

Resolution 2021 - 36

Commissioner Brewer moved to approve for any employee that volunteers for Spay/Neuter Clinic on Saturday June 26th, 2021 will be given a full comp day off (to be approved by the Department Head). Commissioner Hurwitz seconded the motion. A vote was taken and passed. The issue is hereby resolved.

Housing Study Update – Jackson Rose & HRDC:

Mayor Rick Nelson entered the chambers at 3:30 p.m. Heather Greiner from HRDC and Jackson Rose appeared via ZOOM Teleconferencing.

Rose updated the Commissioners that the first draft of the Housing Study should be completed in early June of 2021. Rose also stated that at this time the hard data for Meagher County has been collected and they are working on a Steering Committee that would contain eight (8) to twelve (12) members drawn from the community. The purpose of the steering committee is to help direct the collected data into proper outcomes needed for the community. Commissioners stressed to Rose and Greiner to look at the current socioeconomics when evaluating the housing needs and price range. Greiner stated that all data collected and compiled would be specific to Meagher County and White Sulphur Springs.

Sanitarian Procedure Concerns – Larry & Karen Leske:

Larry and Karen Leske, Clerk & Recorder Penny Plachy, and County Attorney Burt Hurwitz entered the chambers at 4:00 p.m. Sanitarian Sean Hill appeared via ZOOM Teleconferencing.

Larry and Karen Leske presented the Commissioners with issues they had obtaining a septic permit and working with Sanitarian Sean Hill. Discussion took place on several points of conflict that began in January of 2021. The issue was resolved with an agreement that the Leske's will obtain specific information from their installer and submit the updated document to the County.

Airport Project Update – Lance Bowser:

Lance Bowser, Kurt Burns, and Rick Nelson entered the chambers at 4:30 p.m.

Bowser presented the Commissioners with a breakdown of events/funding for the AIP 3-30-0083-012-2021 Airport Project. This project will encompass Pavement Maintenance and the AGIS Survey for Instrument Approach. Bowser stated the FAA Fiscal Year 2021 grants will be fully funded by FAA not requiring the usual 10% match. Bowser, Burns, and the Commissioners discussed the upgrades to the to the AWOS II system and payment of the upgrades.

Public Comment:

No Public Comment.

Claims Approved:

Commissioners were presented with Claim Check #58000 through Check #58014 totaling \$12,313.47. All Checks were signed as presented.

Meeting Adjourned:

Meeting was adjourned at 5:30 p.m.

Next Meeting:

Commissioners are scheduled to meet Tuesday, April 20th, 2021.

Tuesday
April 20th, 2021
12:30 p.m. – 5:30 p.m.
Met in Commissioner’s Chambers

Meeting Called to Order:

Chair Townsend called the meeting to order at 12:30 p.m.

Commissioners Present:

Chair Herb Townsend, Vice Chair Rod Brewer, and Commissioner Ben Hurwitz were present for the meeting.

Minutes:

ACTION #1

Commissioner Hurwitz moved to approve the Minutes from April 13th, 2021. Commissioner Brewer seconded the motion. A vote was taken and minutes were approved.

Motion to Intervene – Castle Mountain Restoration Project – Burt Hurwitz:

County Attorney Burt Hurwitz and Jess Secrest entered the chambers at 1:00 p.m.

County Attorney Hurwitz presented the Commission with the *Motion to Intervene – Castle Mountain Restoration Project*. County Attorney Hurwitz and Secrest updated the Commissioners on the lawsuit.

ACTION #2

Resolution 2021 – 37

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MEAGHER COUNTY
AUTHORIZING THE COUNTY ATTORNEY TO INTERVENE IN LITIGATION REGARDING
THE CASTLE MOUNTAIN RESTORATION PROJECT**

Resolution 2021 -#37

Whereas, the Meagher County Commission ("Commission") has written and commented repeatedly urging the United States Forest Service, ("USFS") to actively manage the almost 1/3 of Meagher County's 2,391 square miles that comprise federal land in order to make USFS property more resilient to insect and disease infestation and wildland fire;

Whereas, a Record of Decision was issued on December 19, 2019, for the Castle Mountains Restoration Project whose goal is to move the Castle Mountains toward a more resilient forest and grassland ecosystem through a variety of strategies, including prescribed burning, commercial and non-commercial thinning, and planting;

Whereas, the Alliance for the Wild Rockies and the Native Ecosystems Council have sued the USFS in Federal Court, Cause No. DV: 2021-22-DWM, requesting that the Court declare the "project violates the law;" to vacate or enjoin the project; and award the Plaintiffs their attorney fees and costs;

Whereas, the Commission believes the project to be vital for the economy of Meagher County and the protection of important water resources, grazing, and wildlife habitat from catastrophic forest fire damage; and

Whereas, The Commission believes it is necessary for the health, safety, and welfare of the citizens of Meagher County that Plaintiffs do not succeed in their suit;

NOW THEREFORE, be it resolved that the Meagher County Attorney is directed to move the Court to allow the County to intervene in the above-named litigation, to seek and retain experts if necessary, and to advocate for the completion of the Castle Mountains Restoration Project.

PASSED AND ADOPTED by the Board of County Commissioners of Meagher County, Montana, this 20th day of April 2021.

SIGNATURES BELOW

BOARD OF COUNTY COMMISSIONERS, MEAGHER COUNTY, MONTANA


Herb Townsend, Chairman


Rod Brewer, Commissioner


Ben Hurwitz, Commissioner

Attest

On this 30th day of April 2021, I hereby attest the above-written signatures of the Board of Meagher County Commissioners.


Penny Plachy, Meagher County Clerk and Recorder



Library Report – Library Board:

\Human Resource Officer Dayna Ogle entered the chambers at 1:30 p.m.

Ogle presented the Commissioners with a letter of resignation from Librarian Jessica Ketola and a request from the Library board to post the job opening. Commissioners and Ogle discussed the

job description and qualifications for the position. Commissioners approved the request to post the job opening.

Road Report – Jake Kusek:

Road Supervisor Jake Kusek entered the chambers at 2:00 p.m.

Kusek updated the Commissioners on the road counter data from the Smith River Road, 2020 County Bridge Inspection Reports, and scheduling of Magnesium Chloride for the 2021 season. Kusek and the Commission discussed the need for gravel on the Newlan Creek road from the Highway 89 North Side.

Fire Report – Chad Evans & Jake Kusek:

Kusek stated to the Commissioners that in April 2021 the Fire Department had two trainings, responded to wildland fires, and assisted at a highway motorcycle accident. Kusek also updated on the EcoLab cost proposal for rodent control around the buildings at the airport. Kusek and the Commissioners discussed the proposal and options available to the County for rodent control.

Clerk & Recorder Update – Penny Plachy:

Clerk and Recorder Penny Plachy entered the chambers at 3:00 p.m.

Plachy presented the Commissioners with the annual contract for the Superintendent of Schools for signature. Plachy and the Commissioners discussed the purpose of the agreement. Plachy then updated the Commissioners about the digital exporting of record documents and the upcoming School Board and Municipal Elections.

Health Insurance Renewal – Julie Blockey:

Julie Blockey, Deputy Clerk & Recorder Liv West, and Chief Financial Officer Dayna Ogle entered the chambers at 3:30 p.m. Treasurer Shauna Porter was conference called into the meeting.

Blockey handed out packets showing the renewal rate for Fiscal Year 21. 22. Blockey stated that there was no rate increase for the Blue Cross Blue Shield health plans. Blockey went through a comparative review of Blue Cross Blue Shield plans to the Mountain Medical Co-Op Plans.

Treasurer's Report – Shauna Porter:

Porter updated the Commissioners that at this time 75 taxpayers are delinquent on their first half of taxes. The total monetary amount of the uncollected taxes is \$25,838.98 without the calculation of penalty and interest. Commissioners and Porter then discussed the recent Harmon Trust Quarterly documents.

Hard-Rock Mining Annual Monitoring – Jackson Rose:

Jackson Rose and Mayor Rick Nelson entered the chambers at 4:30 p.m.

Rose presented the Commissioners with a list of survey questions that were presented to contractors and employees of Sandfire America. Rose explained to the Commission that the questions are specifically designed to show impacts on White Sulphur Springs/Meagher County. Examples include housing, children enrolled in the White Sulphur Springs School, and if employees are residents of the community. The Final Annual Monitoring Report will be emailed to the Commission on or before May 1st, 2021.

Forest Service Weed Spraying Agreement – Lee Zehntner:

Forest Service Ranger Carol Hatfield, Brad Sauer, and Weed Supervisor Lee Zehntner entered the chambers at 5:00 p.m.

Sauer presented the Commissioners with a weed report and contract for Weed Spraying under the Castle Mountain Restoration Project. Commissioners, Hatfield, Sauer, and Zehntner discussed the 5-year term of the contract, volume of miles needing to be sprayed, and how the department would handle the additional work. in the contract. Commissioners agreed to the contract for weed spraying identified in the Castle Mountain Restoration Project and requested that Zehntner place a job posting for a temporary position to assist in the additional spraying.

Public Comment:

No Public Comment.

Claims Approved:

Commissioners were presented with Claim Check #58015 through Check #58030 totaling \$13,790.58. All Checks were signed as presented.

Meeting Adjourned:

Meeting was adjourned at 5:30 p.m.

Next Meeting:

Commissioners are scheduled to meet Tuesday, May 4th, 2021.