

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

**Tuesday**

October 5<sup>th</sup>, 2021

8:30 a.m. – 2:30 p.m.

Met in Commissioner's Chambers

**Meeting Called to Order:**

Chair Townsend called the meeting to order at 8:30 a.m.

**Commissioners Present:**

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

**Minutes:**

*Minutes were tabled until the October 12<sup>th</sup>, 2021 meeting.*

**Road Report – Jake Kusek:**

Road Supervisor Jake Kusek entered the chambers at 9:00 a.m.

Kusek updated the Commissioners about the completion of mowing ditches and ordering culverts. Commissioners and Kusek discussed the electrical work and heating at the Ringling building for the upcoming winter.

**Sheriff Report – Jon Lopp:**

Sheriff Jon Lopp entered the chambers at 9:30 a.m.

Lopp presented the Commissioners with the Complaint Report for September 2021. Lopp and the Commissioners discussed the report. Lopp updated the Commissioners about the installation of the Checkerboard Repeater and the award of a K9s for Cops grant. The grant will be used to purchase a new drug dog for the County. Commissioners and Lopp discussed the K9s for Cops program and the fundraising that Deputy Wilson is completing to support the program.

**Opened Sealed Bids – 2005 Trailer & 1992 Ambulance – Jon Lopp:**

Lopp was presented with two (2) bids for the 2005 Covered Trailer and five (5) bids for the 1992 F350 Ambulance. Prior to opening bids Lopp and the Commissioners discussion designations of the received funds for purchasing. Lopp requested that some of the proceeds from the sale of the trailer go towards the purchasing of an ATV Trailer for the Search & Rescue UTV unit. Also, that proceeds from the ambulance sale, up to \$3,000, be utilized towards the K9 Program. Commissioners agreed to the designate the proceeds of the two sales. Lopp sealed bids as listed below.

2005 UNID Covered Trailer –

- Mike Sweeney \$8,876.00
- Justin Nielson \$9,350

1992 Ford F350 Ambulance -

- Eric & Mandy Hansen \$5,201
- Chennell Berg \$4,700
- Connor McDanel \$3,001.01
- Curtis Porter \$5,100
- Jason Palm \$3,500

**ACTION #1**

**Resolution Fiscal Year 21.22 - #24**

Chair Townsend moved to accept the highest bid from Justin Nielson of \$9,350 for the 2005 UNID Covered Trailer and the highest bid from Eric & Mandy Hansen of \$5201 for the 1992 Ford F350 Ambulance. Commissioner Brewer seconded the motion. A vote was taken and passed. The issue is hereby resolved.

**Republic Services Update:**

Commissioners call Clint at Republic Services to discuss the debris at the Meagher County transfer site and update on the larger unit trailer. Commissioners and Clint discussed the debris in the fields surrounding the transfer site, the improvement of outside appearance of the transfer site building, and reduction of debris from incoming vehicles. Clint stated that Republic Services can post signage requesting that loads be tarped or tied down. Commissioners agreed to have signage posted and place an ad in the local newspaper for local residents. Clerk Luchterhand will submit an advertisement to the Meagher County Newspaper.

**Great West Engineering Task Order Finalizations:**

Clerk & Recorder Penny Plachy entered the chambers at 11:00 a.m. Jerry Grebenc attended via ZOOM teleconferencing.

Commissioners, Plachy, and Grebenc discussed the proposed increases for calendar year 2021 and calendar year 2022. Commissioners and Grebenc agreed to review and discuss Task Order amounts for Calendar 2022 in December 2021. Commissioners, Plachy, and Grebenc discussed having a formal inquiry process for land use, addressing, and septic systems. Grebenc will draft a form and send to the Clerk & Recorder's Office and County Attorney for review and approval.

### **ACTION #3**

#### **Resolution Fiscal Year 21.22 - #25**

Commissioner Hurwitz moved to increase Task Order #1 – General Planning by \$3,000, Task Order #2 – Rural Addressing \$2,000, and Task Order #4 – Sanitarian Services by \$7,000 for the remainder of calendar year 2021. Chair Townsend seconded the motion. A vote was taken and passed.

### **Lunch**

#### **Cemetery Board Update – Jerami West:**

*Cancelled until October 12<sup>th</sup>, 2021 meeting*

#### **Ambulance Update – Sara Driemeyer:**

Ambulance Board Members Sara Driemeyer and Jack Berg entered the chambers at 2:00 p.m.

Driemeyer updated the Commissioners on a recommendation to rebuild the diesel engine on Ambulance #2. Driemeyer stated that at this time she is waiting for CMC Diesel out of Big Timber to provide an itemized list of work that goes into an engine rebuild. Commissioner, Berg, and Driemeyer discussed submitting an MDT Grant in 2022 for a new ambulance and current age and mileage of all owned ambulances. Commissioners requested copies of any estimates received for the engine rebuild.

#### **Audit Proposal – Wipfli:**

Chief Financial Officer Dayna Ogle, Treasurer Shannon Graham, and Clerk & Recorder Penny Plachy entered the chambers at 2:00 p.m.

Ogle presented the Commissioners with an estimated cost from Wipfli to complete a Federal Single Audit for Meagher County for Fiscal Year 20.21. Ogle stated that Wipfli estimated the cost at \$37,000. Commissioners, Ogle, Graham, and Plachy discussed the presented estimate and

comprised a list of other firms to caontact. Commissioner asked Ogle to contact other accounting firms for cost and availability before committing to Wipfli.

**Public Comment:**

No Public Comment.

**Claims Approved:**

Commissioners were presented with Claim Check #58458 through Check #58491 totaling \$39,388.73. All Checks were signed as presented.

**Meeting Adjourned:**

Meeting was adjourned at 2:30 p.m.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, October 12<sup>th</sup>, 2021.

**Tuesday**  
October 12<sup>th</sup>, 2021  
8:30 a.m. – 2:30 p.m.  
Met in Commissioner's Chambers

**Meeting Called to Order:**

Chair Townsend called the meeting to order at 8:30 a.m.

**Commissioners Present:**

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

**Minutes:**

**ACTION #1**

Commissioner Hurwitz moved to approve the Minutes from October 5<sup>th</sup>, 2021 with minor corrections. Chair Townsend seconded the motion. A vote was taken and minutes were approved.

**County Attorney Report – Burt Hurwitz:**

County Attorney Burt Hurwitz entered the chambers at 9:00 a.m.

County Attorney Hurwitz updated the Commissioners on the criminal and civil matters of the County. County Attorney Hurwitz stated that the proposed orders have been filed to Judge Bidegaray on the *Montana Trout Unlimited, et al. v. Montana Department of Environmental Quality, et al* which the Meagher and Broadwater County intervened. Commissioners and County Attorney Hurwitz discussed the timeline of decision from the judge and upcoming subdivision applications within Meagher County.

**Gypsum Mine Update – Ryder Juntunen:**

*Re-scheduled to November 2<sup>nd</sup>, 2021 meeting.*

**Health Nurse Report – Eva Kerr R.N.:**

Health Nurse Eva Kerr R.N. and Tara Wilson entered the chambers at 10:00 a.m.

Kerr presented the Commissioners with the Health Report for September 2021. Kerr updated the Commissioners on PHEP Grant reporting, the Homemaker program, and Flu Vaccine Clinics. Commissioners and Kerr discussed the current COVID 19 case numbers, vaccination rate for COVID 19, and the booster shot of the vaccine. Kerr ended her report on the CSBG allocated funding received from HRDC in the amount of \$7,244.00 and how she utilizes within the Health Department.

## **ACTION #2**

### **Resolution Fiscal Year 21.22 - #29**

Chair Townsend moved to maintain the current allocation of the CSBG funding in the amount of \$7,244.00 to the Meagher County Health Department. Commissioner Brewer seconded. A vote was taken and passed. The issue is hereby resolved.

## **Board of Health:**

Health Nurse Eva Kerr R.N., Tara Wilson, Mayor Rick Nelson, and County Attorney Burt Hurwitz entered the chambers at 10:30 a.m. Sanitarian Sean Hill attended via ZOOM Teleconferencing. Board member Sandy Harris was absent.

Kerr presented the Board of Health Report for July 2021 through September 2021. Kerr stated that Meagher County had one (1) Chlamydia case and sixty-nine (69) cases of COVID 19 since August 2021. County Attorney Hurwitz updated the board about legislative changes from the 2021 session and presented the board with a copy of the *Resolution Proscribing the Powers and Authority of the Meagher County Commission as the Local Governing Body and Reaffirming the Powers of the Meagher County Board of Health and Health Officer*. County Attorney Hurwitz stated that the presented resolution was drafted by the Montana Public Health Institute and is required for all Montana Boards of Health.

## **ACTION #3**

### **Resolution Fiscal Year 21.22 - #26**

Commissioner Hurwitz moves to adopt the Board of Health resolution as presented by the State of Montana. Commissioner Brewer seconded the motion. A vote was taken and passed. The issue is hereby resolved.

*Image to be scanned into minutes*

#### **ACTION #4**

##### **Resolution Fiscal Year 21.22 - #27**

Chair Townsend moves to appoint Eva Ker R.N. as the Meagher County Health Officer  
Commissioner Brewer seconded the motion. A vote was taken and passed. The issue is hereby resolved.

#### **Treasurer's Report – Shannon Graham:**

Treasurer Shannon Porter, Deputy Treasurer Maura Kusek, Human Resource Officer Dayna Ogle, and Clerk & Recorder Penny Plachy entered the chambers at 11:00 a.m.

Graham presented the Commissioners with the September 2021 Cash Sheet and current list of delinquent taxes dated October 12<sup>th</sup>, 2021. Commissioners and Graham discussed the list of delinquent taxes and the mailing of 2022 tax bills at the end of October 2021. Graham requested that the Commissioners create another fund for City collected taxes to split voted and non-voted collect for the City of White Sulphur Springs.

#### **ACTION #2**

##### **Resolution Fiscal Year 21.22 - #28**

Commissioner Brewer moved to create a new fund to split voted and non-voted mills for the City collected taxes. Chair Townsend seconded the motion. A vote was taken and passed. The issue is hereby resolved.

Plachy brought up concerns about the cross-training of Clerk Luchterhand in Treasurer's Office. Plachy stated that the cross training is creating an issue established within the County's check and balances of accounting between the Clerk & Recorder's Office and the Treasurer's Office. Plachy, Graham, Ogle, County Attorney Hurwitz, and the Commissioners discussed the potential issues with the cross-training, creating documents for specifying the duties of the Clerk to the Commission, and the removal of the Claim Warrant duties from the Clerk to the Commission's direct duties. Commissioners stated that they would like to maintain the trial cross training period but address the issue further after the cross-training trial period of three (3) months if the change becomes permanent.

#### **LEPC Lunch**

#### **Quarterly Budget Review – Dayna Ogle:**

Chief Financial Officer Dayna Ogle entered the chambers at 1:00 p.m.

Ogle presented the Commissioners with first quarter budget reports for Fiscal Year 21.22. Commissioners and Ogle discussed funds that were 25% or more spent at this time.

**Cemetery Board Update – Jerami West:**

County Attorney Burt Hurwitz, Road Supervisor Jake Kusek, Cemetery Board Member Penny Plachy, and Cemetery Sexton Amanda Clayton entered the chambers at 1:30 p.m. Cemetery Board Member Jerami West attended via ZOOM Teleconferencing.

Commissioners asked Sexton Clayton if the sprinkler system at the Cemetery had been winterized. Clayton stated that the system was drained and updated them on upcoming and past burials completed since September 2021. West updated the Commissioners on cost proposals received from Shane Sereday for a prebuilt building measuring 24 feet by 40 feet and is in communication with other local construction companies to receive more estimates. West, Plachy, Clayton, and Commissioners discussed construction of the building and the relocation of the building from the current location to near the power substation. Kusek and West proposed an internal trade of the current Fire Chief F250 truck to upgrade the current truck at the cemetery. Commissioners, West, and Kusek discussed the trade of vehicles and if the Fire Department would be able to replace the proposed truck with their current budget. Discussion then turned to purchasing varying equipment needs for the cemetery and contracting work for gravel spreading on the roads in the Spring of 2022. Commissioners agreed to purchase a small tree trimming saw and requested that the board return with cost estimates for larger purchases to budget over the next few years.

**Public Comment:**

No Public Comment.

**Claims Approved:**

Commissioners were presented with Claim Check #58492 through Check #58507 totaling \$24,282.99. All Checks were signed as presented.

**Meeting Adjourned:**

Meeting was adjourned at 2:30 p.m.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, October 19<sup>th</sup>, 2021.



**Tuesday**  
October 19<sup>th</sup>, 2021  
8:30 a.m. – 3:00 p.m.  
Met in Commissioner's Chambers

**Meeting Called to Order:**

Chair Townsend called the meeting to order at 8:30 a.m.

**Commissioners Present:**

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

**Minutes:**

**ACTION #1**

Commissioner Brewer moved to approve the Minutes from October 12<sup>th</sup>, 2021. Commissioner Hurwitz seconded the motion. A vote was taken and minutes were approved.

**Library Report – Jessica Ketola:**

Librarian Jessica Ketola entered the chambers at 9:00 a.m.

Ketola stated to the Commissioner that during September 2021 the library issued 15 new library cards, fielded eighty-four (84) reference calls, held three (3) Storytime programs, and the community room was used for nine (9) non-library events. Commissioners and Ketola discussed the current status of cost estimates for an air-conditioning system. Ketola stated currently the Library Board is reviewing two cost estimates from Paddock Heating & Cooling and All Seasons Heating & Air-conditioning for an air-conditioning system for the building and no decision has been made between the estimates.

**Road Report – Jake Kusek:**

Road Supervisor Jake Kusek entered the chambers at 9:30 a.m.

Kusek updated the Commissioners that on November 2<sup>nd</sup>, 2021 the road department will be attending a training in Bozeman on snow plowing and culvert replacement. The training will be

recognized towards their continuing education with MACRS. Kusek and the Commissioners discussed equipment repairs and grader stations for winter.

### **Fire Report – Chad Evans & Jake Kusek:**

Kusek updated the Commissioners that the propane tank in Ringling will need valves replaced prior to hooking the line up to the building and that Berg Garage will complete repair. Kusek then updated the Commissioners on a recent grease fire at the Bar 47 and upcoming trainings for the department. Discussion ended on winterization of the Fire Trucks and organization of the airport building.

### **ACTION #2**

#### **Resolution Fiscal Year 21.22 - #32**

Chair Townsend moved to remove all fire restrictions and allow the Sheriff's Office to issue burn permits. Commissioner Hurwitz seconded the motion. A vote was taken and passed.

### **Extension Report – Makayla Paul:**

Extension Agent Makayla entered the chambers at 11:00 a.m.

Paul updated the Commissioners on the 4H Council's goal to replace the 4H Beef Barn. Currently the council received an estimated building cost of \$66,470.00 from MQS Inc. for just a structure. Paul stated that the 4H Council has started fundraising for the building by hosting a Junior High School Rodeo the first weekend in October 2021 and working with Carol Berg on the Community Calendars. Commissioners and Paul discussed the projected timeline of the building and receiving quarterly cost estimates from MQS Inc. to stay in line with market pricing. Paul then updated the Commissioners about the Post-Fire Education Prestation held on September 21<sup>st</sup>, 2021 and her upcoming goals for pesticide workshops.

### **Lunch**

### **Wage Review:**

Chief Financial Officer Dayna Ogle, Clerk & Recorder Penny Plachy, and Treasurer Shannon Graham entered the chambers at 1:00 p.m.

Chair Townsend opened discussion for review of the wages in various departments and the longevity policy. Commissioners and Ogle discussed the Longevity Worksheet for FY 21.22 and the changes in the document since the adopted date. Changes are employee transitions within different departments or leaving employment.

### **Title III – Open 45 Day Comment Period:**

Ogle and the Commissioner discussed the intent to spend the Title III funds on the Fire Wise Program and the beginning of the 45-day comment period.

#### **NOTICE OF PUBLIC COMMENT PERIOD**

##### **Title III – Secure Rural Schools and Community Self-Determination Act**

Notice is hereby given that Meagher County will open a forty-five (45) day period to accept written comment from the public on the payments received by the County pursuant to Title III of the Secure Rural Schools and Community Self-Determination of Act, as reauthorized (the “SRS Act”).

**Comment Period:** Written comments will be accepted immediately through December 3<sup>rd</sup>, 2021 and can be mailed or hand-delivered to:

Meagher County  
PO Box 309  
White Sulphur Springs Mt 59645  
[dogle@meaghercounty.mt.gov](mailto:dogle@meaghercounty.mt.gov)

**Comment Purpose:** Meagher County is eligible to receive revenue under Title III of the SRS Act for application to certain statutorily defined purposes specified in Title III.

**Proposed Use:** Meagher County intends to use the funding for one or all of the following uses: **(1) activities under the Firewise Communities program; (2) reimbursement of costs for search and rescue and other emergency services on federal land within Meagher County including firefighting and law enforcement patrols; (3) cover training costs and equipment purchases directly related to the emergency service, and (4) development of a Community Wildfire Protection Plan.**

#### **ACTION#4**

##### **Resolution Fiscal Year 21.22 - #30**

Commissioner Brewer made a motion to commit the Title III funds to the above mentioned uses. Chair Townsend seconded. A vote was taken and approved unanimously. It is therefore resolved.

### **BaRSAA Resolution – Dayna Ogle:**

Commissioners and Ogle discussed designating the BaRSAA towards Magnesium Chloride for Meagher County.

#### **ACTION #4**

**Resolution Fiscal Year 21.22 - #31**

Chair Townsend moved to designate the BaRSAA Funding towards the purchasing of Magnesium Chloride for Meagher County. Commissioner Brewer seconded the motion. A vote was taken and passed. The issue is hereby resolved.

**Public Comment:**

No Public Comment.

**Claims Approved:**

Commissioners were presented with Claim Check #58508 through Check #58541 totaling \$49,153.73. All Checks were signed as presented.

**Meeting Adjourned:**

Meeting was adjourned at 3:00 p.m.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, November 2<sup>nd</sup>, 2021.