

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

**Tuesday**

September 1<sup>st</sup>, 2020

8:30 a.m. – 4:30 p.m.

Met in Commissioner's Chambers

**Meeting Called to Order:**

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

**Commissioners Present:**

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

*Broadwater District 1 Commissioner Candidate Debi Randolph entered the chambers at 8:30 a.m. and stayed for the meeting to observe the procedures of Meagher County.*

**Minutes:**

**ACTION #1**

Commissioner Townsend moved to approve the Minutes from August 18<sup>th</sup>, 2020 with minor corrections. Commissioner Brewer seconded the motion. A vote was taken and minutes were approved.

**Road Report –Jake Kusek:**

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

Kusek presented the Commissioners with updated vehicle count numbers on the Smith River Road and the Newlan Creek Road. Commissioners and Kusek discussed the numbers, conditions of the counters, and placing the counters at different locations on Smith River Road. Discussion then changed to the number of applicants for the Road Crew job opening. Kusek and the Commissioners decided to hold interviews on Thursday September 10<sup>th</sup>, 2020.

**Sheriff Report – Jon Lopp:**

Sheriff Jon Lopp entered the chambers at 9:30 a.m. County Attorney Burt entered the chambers at 9:45 a.m.

Lopp presented the Commissioners with a Complaint Report for August 2020. Lopp and the Commissioners discussed the complaint report and upcoming concerns about hunting season. Discussion then took place about the current construction of the mine, current standings of the lawsuit, and the hiring of an extra deputy.

**MSU Extension Job Posting – Tracy Mosley:**

Tracy Mosley entered the chambers at 10:00 a.m.

Mosley updated the Commissioners about the approval for hiring the half-time extension agent for Meagher County. Mosley and the Commissioners discussed the drafting of the job position and timeline for hiring. Mosley stated to have current 4H Council members contact her for help with enrollment for the new 4H Year.

**MBAC Update – Brian Obert:**

Brian Obert entered the chambers at 10:15 a.m. and Jake Kusek entered the chambers at 10:20 a.m.

Obert stated to the Commissioners that the Federal Land Access Program (FLAP) will be open for application in December of 2020. Commissioners, Obert, and Kusek discussed the application process, timeline once an application is granted funding, and how MBAC will help create the application with the county. Discussion then changed to future plans MBAC has with placing a direct contact for community development person with the City of White Sulphur Springs.

**Black Butte Copper Project – Nancy Schlepp:**

Nancy Schlepp and Dayna Ogle entered the chambers at 11:00 a.m.

Schlepp presented the Commissioners and those present with a handout regarding the breakdown of monies received from the mine through Metal Mine Tax, Hard Rock Trust Fund, the amount available currently in pre-payment of taxes under the Impact plan, and overall projected revenue increases. Discussion took place about how each tax is divided, the restrictions based on spending or investing, and current standing on the construction of Phase 1.

**HRDC Update – Katherine Sutphen:**

Eva Kerr R.N, HRDC members Katherine Sutphen and Heather Greiner attended the meeting via ZOOM. County Attorney Burt Hurwitz entered the chambers at 11:00 a.m.

Greiner presented to the Commissioners that due to COVID 19; HRDC has received extra federal funding, about \$100,000, to assist the areas they serve. The money has to be used for supplies or COVID 19 specific expenses. Commissioners, Kerr, County Attorney Hurwitz, and Greiner discussed the amount that Meagher County could receive based on varying breakdowns. Kerr stated that at this time she was utilizing different grant funding for COVID 19. Commissioners decided to table a decision until September 15<sup>th</sup>, 2020 to allow for further discussion with Kerr.

### **Lunch**

### **Meagher County Recreational Concerns – Gary Bertellotti:**

Sheriff Jon Lopp, County Attorney Burt Hurwitz, Patti berg, Regional Supervisor of Region 4 Gary Bertellotti, Region 4 Fisheries Manager Jason Rhoten, FWP Game Warden Captain David Holland, Region 4 Park Manager John Taillie, and Area Wildlife Biologist Jay Kolbe entered chambers 1:30 p.m.

Bertellotti introduced all those representing the Region 4 area for the meeting. Bertellotti stated to the Commissioners the goal of the meeting is to discuss the increased recreation in the Meagher County Area, the closing of Camp Baker, concerns about a Game Warden for the area, and any other concerns that the Commission would like to address.

Commissioners stated that they would like to see the continued closure of camping at Camp Baker because of the benefit that the local businesses benefitted from the floating.

Commissioners presented those attending with Traffic Counts on the Smith River and Newlan Creek Roads to address the needed help in maintaining them. Lastly, the Commissioners are concerned about a timeline for when a game warden would be in Meagher County. They stated that it can burden the resources of the Meagher County Sheriff's office during hunting season without a presence.

Taillie opened up discussion about the thought process behind the closure of camping at Camp Baker and the positive feedbacks received by many parties on keeping the campground closed. All present discussed the floating season, changes due to COVID19, concerns about funding to maintain the Smith River Road, and the potential to keep camping closed at Camp Baker in the future. Commissioners agreed to write a letter in support of the closure to the Smith River Advisory Council.

Discussion then turned to addressing the concerns of law enforcement, fisheries, and changes in Wildlife Animal procedures. Captain Holland updated the Commission that currently they have about 10 applicants that are going through the process at this time. The goal of the department is to fill positions by January 2021. Discussion took place about the training and the issues with scheduling the academy.

Fisheries Manager Jason Rhoten updated about increased usage of Newlan Creek, the stocking of different trout varieties within the reservoirs, and the changes taking place for the snagging season of the salmon. Discussion took place about how to effectively change or monitor the camping at Newlan Creek Reservoir; main ideas discussed were more patrols by a game warden, creating more designated camping areas, and a potential for a camp host.

Lastly, Wildlife Area Biologist Jay Kolbe updated on the current issues with elk management. Kolbe stated that at this time the State is going through and revising how to manage the elk. Reports have shown a decrease in the effectiveness of the shoulder season since implementation in 2015. Kolbe urged for public comment on the Elk Management plan. Brief discussion took place about predatory concerns with wolves and bears in the Meagher County Area.

**Public Comment:**

No Public Comment.

**Budget Workshop – Dayna Ogle:**

Chief Financial Officer Dayna Ogle entered the chambers at 3:00 p.m.

Ogle and the Commissioners discussed the budget for Fiscal Year 20.21.

**Claims Approved:**

Commissioners were presented with Check #57275 through Check #56132 totaling \$78,487.16. Pre-presented Payroll Check #13143 through Payroll Check #11369 totaling \$51,240.36. All Checks were signed as presented.

**Meeting Adjourned:**

Meeting was adjourned at 4:30 p.m.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, September 8<sup>th</sup>, 2020.



**Tuesday**  
September 8<sup>th</sup>, 2020  
8:30 a.m. – 4:30 p.m.  
Met in Commissioner's Chambers

**Meeting Called to Order:**

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

**Commissioners Present:**

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

**Minutes:**

**ACTION #1**

Commissioner Townsend moved to approve the Minutes from September 1<sup>st</sup>, 2020. Commissioner Brewer seconded the motion. A vote was taken and minutes were approved.

**County Attorney Report – Burt Hurwitz:**

County Attorney Burt Hurwitz and Mayor Rick Nelson entered the chambers at 9:00 a.m.

County Attorney Hurwitz presented the Commissioners with a report for September 2020. County Attorney Hurwitz updated the Commissioners on the City-County Consolidated Planning Board meeting and the goal of the upcoming Joint City Council-Commissioner Meeting on September 15<sup>th</sup>, 2020. County Attorney Hurwitz updated the Commission about the work he is assisting Health Nurse Eva Kerr R.N. regarding the increased cases of COVID 19. Discussion ended on a brief update of the civil and criminal matters in the county.

*CFO Dayna Ogle entered the chambers at 10:45 a.m. and asked the Commissioners if they had heard any information regarding the deferment of payroll taxes approved by President Trump.*

**Fire/DES Report – Rick Seidlitz:**

Fire Chief Rick Seidlitz entered the chambers at 11:00 a.m.

Seidlitz updated the Commissioners on the Ramspeck Fire that took place on Wednesday September 2<sup>nd</sup>, 2020. Commissioners and Seidlitz discussed the total acreage burned, perimeter distance of the fire, and the response of the volunteers and community to fight it. Discussion turned to an updated about a meeting regarding the FEMA reimbursements and Cares Act reimbursements for COVID 19 supplies or costs incurred. Seidlitz and the Commissioners ended discussion about addressing. Main points of discussion were the changes needing within the MSAG regarding roads, equipment updates/changes taking place to utilize the programming, and the potential to contract with Seidlitz to complete work until further agreements can be made.

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

*Health Nurse Eva Kerr rescheduled to the September 15<sup>th</sup>, 2020 meeting.*

**Lunch**

**Opening Sealed Bids – Weed Department Ranger:**

Weed Supervisor Lee Zehntner entered the chambers at 1:30 p.m.

Chair Hurwitz opened the sealed bid received for the 2016 Polaris Ranger 6x6 with attachments. The only bid received from Catlin Ranch LP for \$8,501.00

**ACTION #2**

**Resolution 2020 - 66**

Commissioner Brewer moved to accept the bid received from Catlin Ranch LP for \$8,501.00. Commissioner Townsend seconded the motion. A vote was taken and passed. The issue is hereby resolved.

A letter will be sent to Catlin Ranch LP to notify them of their successful bid.

**Library Report – Jessica Ketola:**

Librarian Jessica Ketola entered the chambers at 2:00 p.m.

Ketola updated the Commissioners about the completion of the summer reading program, the current changes taking place in the Story Time Program, and the further decisions regarding the issues of Pigeons. Ketola and the Commissioners discussed the weed control and plans of landscaping on the north and east sides of the building.

**Public Comment:**

No Public Comment.

**Budget Workshop – Dayna Ogle:**

Ogle and the Commissioners continued finalizing the Fiscal Year 20.21 Budget.

**Claims Approved:**

Commissioners were presented with Check #57325 through Check #57340 totaling \$6,808.63. All Checks were signed as presented.

**Meeting Adjourned:**

Meeting was adjourned at 4:00 p.m.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, September 15<sup>th</sup>, 2020.



**Tuesday**  
September 15, 2020  
8:30 a.m. – 12:00 p.m.  
Met in Commissioner's Chambers

**Meeting Called to Order:**

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

**Commissioners Present:**

Chairman Ben Hurwitz, Vice Chair Herb Townsend, and Commissioner Rod Brewer were present for the Budget Workshop. Commissioner Brewer was not in attendance for the afternoon portion of the meeting.

**Budget Workshop:**

Commissioners and Ogle worked on finalizing the Fiscal Year 20.21 Budget.

**Lunch**

**Minutes:**

Review of Minutes were tabled until the next Commission meeting on Tuesday October 6<sup>th</sup>, 2020.

**BARSAA Resolution – Dayna Ogle:**

Chief Financial Officer Dayna Ogle entered the chambers at 2:00 p.m.

Ogle presented the Commissioners with the Resolution Requesting Distribution of Bridge and Road Safety and Accountability Program Funds. This states that the funds received will be utilized towards the application of Magnesium Chloride on county roads.

**ACTION #1**

Chair Hurwitz moved to sign the Resolution Requesting Distribution of Bridge and Road Safety and Accountability Program Funds for the application of Magnesium Chloride on County roads. Commissioner Townsend seconded. A vote was taken and passed. The issue is hereby resolved.

## **Absaroka Energy – Gordon Butte Hydro-Pump Station Update – Carl Borgquist**

Carl Borgquist CEO of Absaroka Energy LLC and Ron Smorge entered the chambers at 2:30 p.m.

Borgquist updated the Commissioners on the timeline of the project, unforeseen impacts due to COVID19, current market demands, and the future changes in management of the Gordon Butte Hydro-Pump Station. Commissioners and Borgquist discussed the new start of construction to take place in summer/fall of 2021, the current energy markets, and potential impacts the project will have during construction on Meagher County, more specifically the Martinsdale area.

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

Health Nurse Eva Kerr R.N., Preschool Teacher Jane Townsend, and Ambulance volunteer Jay Kolbe entered the chambers at 3:00 p.m.

Kerr presented the Commissioners with the August 2020 Health Nurse Report. Kerr and the Commissioners discussed the offered extra funding from HRDC for COVID19 related expenses. Kerr stated that she felt the funding would best be utilized within the preschool to help cover COVID19 required equipment and cleaning supplies.

### **ACTION #2**

#### **Resolution 2020 - 68**

Chair Hurwitz moves to approve the HRDC COVID19 funding and have it be directed to use for the Play and Grow Preschool directed by Jane Townsend to help offset costs due to COVID19. Commissioner Townsend seconded the motion. A vote was taken and passed. The letter of approval was signed for the funding. The issue is hereby resolved.

Discussion then turned to the number of tests that have been driven to the Helen within the last five (5) to six (6) days. Commissioners, County Attorney Hurwitz, and Kerr discussed the concerns regarding the higher number of positive tests trending within the county. Discussion ended on state funding for wages of a sanitarian through 2022.

### **Ambulance Equipment Presentation:**

Health Nurse Eva Kerr R.N., Ambulance Volunteer Jay Kolbe, County and Attorney Burt Hurwitz, and Chair Ben Hurwitz went down to the Courthouse parking lot for a demonstration of the newly installed equipment within the Ambulances. The equipment shown was a power cot and the apparatuses used with it.

### **Shedhorn Minor Subdivision – Final Plat Approval:**

County Attorney Burt Hurwitz, Jan Funston, and Laurie Auger entered the chambers at 4:00 p.m. MACo Land Use Attorney Tara Depuy, Jeremy Fadness of WWC Engineering, and Dan Stahly of Stahly Engineering were in attendance via ZOOM Teleconferencing.

Stahly opened up discussion about his review of the for the Final Plat. Depuy asked if the conditions of plat were on the face of the survey. Discussion took place about placing another signature page including the conditions plat to be recorded with the final plat. The following action took place after the discussion.

### **ACTION #3**

#### **Resolution 2020 – 69**

Commissioner moves to approve the Final Plat of Shedhorn Minor Subdivision with the Conditions of Plat Approval Signature sheet. Chair Hurwitz seconded the motion. A vote was taken and passed. Four Certificate of Surveys were signed with Commissioner Brewer's signature line marked as absent.

### **Public Comment:**

No Public Comment.

### **Commissioner-City Council Joint Meeting – Planning Services RFP Selection:**

Planning Board Members Jess Secrest, Rick Seidlitz, Yvonne Kostelecky, and Nancy Schlepp. Board members not present were Otto Ohlson, Dan Rooney, and Mike Rhynard. Chair Hurwitz and Commissioner Townsend, County Attorney Burt Hurwitz, Mayor Rick Nelson, City Clerk Michelle Stidham, City Council Member Michele Walker, City Council Member Patti Berg, City Attorney Susan Wordal.

County Attorney Hurwitz opened the meeting up by explaining the purpose of the meeting was to hear the consolidated Planning Board's recommendation of planning services based on their applications received from the RFP advertisement. County Attorney Hurwitz stated that they received proposals from Great West Engineering, KLJ Engineering, Stahly Engineering, and WWC Engineering. Consolidated Board Member Jess Secrest explained that members of the board used a six-point grading system to evaluate the four proposals received. The grading system included price, timeline of completion, firm's experience, experience within Meagher County, Flood Plain qualifications, and potential to take on future projects. Board members Secrest and Schlepp explained that after grading of each of the proposals, the members of the

board recommend Great West Engineering to complete the Consolidated Growth Policy for \$9,000.00. Discussion took place about the qualifications of Great West Engineering compared to the second highest proposal and the differences in cost. Main point of discussion was the utilization of general fund monies verse the Hard Rock Impact monies that have become available since the permitting of the mine. Discussion ended on an update of the lawsuit against the Black Butte Copper Project. The following actions were taken once discussion ended.

#### **ACTION #4**

##### **Resolution 2020 - 70**

Chair Hurwitz moves to hire Great West Engineering to complete the Consolidated Growth Policy for Meagher County and White Sulphur Springs. Commissioner Townsend second the motion. A vote was taken and passed. The issue is hereby resolved. Ben moves to hire.

City Council member Michele Walker moved to hire Great West Engineering and Council member Patti Berg seconded. The formal motion will be recorded within the City's minutes of the meeting.

City Attorney Wordal and County Attorney Hurwitz explained to those present that they will construct a contact with Great West Engineering.

#### **Claims Approved:**

Commissioners were presented with Check #57342 through Check #57372 totaling \$26,953.21. All Checks were signed as presented.

#### **Meeting Adjourned:**

Meeting was adjourned at 6:30 p.m.

#### **Next Meeting:**

Commissioners are scheduled to meet Tuesday, October 6<sup>th</sup>, 2020.