

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

**Tuesday**

July 11<sup>th</sup>, 2023

8:30 a.m. – 12:00 p.m.

Met in Commissioner's Chambers

**Meeting Called to Order:**

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

**Commissioners Present:**

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

**Minutes:**

**ACTION #1**

Commissioner Galt moved to approve the minutes from July 5<sup>th</sup> 2023, Brewer seconded. A vote was taken and passed. The issue is hereby resolved.

**Maintenance – Rosie Spaulding:**

Rosie Spaulding entered the chambers at 8:30

Spaulding inquired about cleaning the back vault in the Treasurer's office. The room currently has old, outdated and unused computer equipment. Spaulding requested permission to recycle any items that are recyclable and to dispose of the remaining items. The Commission agreed.

**Road/ Fire Report – Jake Kusek:**

Road Supervisor Jake Kusek entered the chambers at 9:00

Kusek reported the new graders are in Great Falls. RDO will conduct an inspection on the graders prior to delivery to Meagher County. The graders are expected to arrive next week. Kusek discussed the estimate for rebuilding the CAT 143H grader of \$200k and the possibility of trading that grader on a leased machine. Kusek is worried about a major component failure in the grader. Galt brought up the option of putting the CAT 143H in the State of Montana Surplus Auction rather than trading it in.

Kusek stated the crew is having trouble pulling the road shoulders because of the tall grass in the borrow pits due to the unusually wet spring. The mower attachment has been mounted on the CAT 140M grader. The shoulders will be mowed prior to grading to allow the operators to pull the shoulders. They may have to be mowed again before the end of summer.

Kusek and the Commission discussed applying magnesium chloride on the Smith River Rd and Jackson Lane prior to the Red Ants Pants festival. The Smith River Rd. has an estimated 243 vehicles per day, and the RAP festival will host approximately 15,000 festival goers over the weekend. Kusek will measure the amount of magnesium chloride in the tank at the shop and contact Dustbusters Inc. to confirm an application date for both roads.

Kusek gave the monthly fire report. There were 2 fires in June. The first fire was west of town and started by lightning and the second fire was east of town on private property and was started by the landowner. Kusek then reported the Ringling tender is out of commission. The tender has an automatic transmission and will not go into drive. Kusek will contact Gilman Service & Repair for assistance.

**County Attorney Report – Burt Hurwitz:**

Entered at 9:30

County Attorney Hurwitz opened by reviewing the administrative matters in the office. Hurwitz stated his regular meetings with the City County Planning Board and Child Protective Services in July have been postponed and regular meeting will resume again in August. Hurwitz reported corresponding with Montana Association of Counties (MACo) in regards to HB 890, that will become effective in July 2024 requiring all public board meetings to be recorded and available to the public. For counties under 4500 in population only audio will be required. Hurwitz added administrative rules from the Secretary of State's office regarding elections state any area ballots will be counted must have a camera in place to record audio and video. Utilizing the courtroom for election/ballot counting and adding cameras in the courtroom will have to be approved by Judge Spaulding.

Hurwitz then reported on civil matters. Oral arguments in the Trout's Unlimited vs. DEQ & Tintina are complete and the timeframe for a decision by the Court is unknowable, potentially 6-12 months.

Grassy Mountain Ranch Owners Association has new board members who are looking at abolish the home owner's association and disband the fire district. Hurwitz advised the board to retain a lawyer and do their research to determine if abolishment of the home owner's association would be a substantial change to the final plat.

Hurwitz is in contract with Lewis & Clark County, Nick Hash regarding how their fire districts/fire services areas are structured. Lewis & Clark County is moving forward in simplifying their fire districts and will share their documents with us.

The town of Checkerboard has no platted streets, the subdivision was created prior to the Subdivision & Platting Act. When Rick George sold the Checkerboard Bar the streets remained property of George, he would like the roads to become property of Meagher County. Hurwitz stated the residents of Checkerboard would have to sign a petition requesting the roads become county roads, a survey will have to be done and the roads will have to be named.

Castle Town was platted prior to township section & range form of surveying was done in Montana and there is no way to connect the 1888 survey to the current survey system. Hurwitz will draft a blanket letter for landowners and potential buyers stating they will need to obtain their own survey to ensure their property boundaries and there is no water, sewer or power available and fire protection is limited.

Hurwitz reported on criminal matters. Dominic Driscoll's trial date is set for December 11, 2023. The investigation is ongoing and he is waiting for technical reports. Hurwitz is expecting two expert witnesses to testify in the prosecution. Hurwitz stated there was an Attempted Deliberate Homicide and felony charges have been filed, the defendant is in custody at the Broadwater County Jail. Hurwitz has multiple felony charges including Sexual Assault of a Minor, 3<sup>rd</sup> offense DUI, Felony Meth Possession, & Criminal Endangerment of a Child.

**Health Nurse Report – Eva Kerr:**

Health Nurse Eva Kerr entered the chamber at 10:00

Kerr opened by stating the general office duties and vaccinations are continuing as usual. Kerr has purchased new compliant CPR manikins and a blood hemoglobin/iron testing machine.

Currently the Homemaker program has nine clients and the Respite Care Program has one client. Kerr has requested additional funding for both of these programs but has been denied.

Commissioner Galt inquired about the location of the County Health Nurse office. Kerr stated it would be ideal if the office was located in the Paul R Hill Community building where she would be close to the hospital, however she would be comfortable leaving the office where it is currently located or if need be bringing the office back to the courthouse.

Kerr then reported on the harmful Algal Bloom found at Bair Reservoir. The algal bloom was first reported on June 29<sup>th</sup> and Kim Frisbie, Disease Intervention Specialist, collected samples and took the samples to Department of Environmental Quality (DEQ) for testing. DEQ sent out a press release stating "A Harmful Algal Bloom (HAB) has been confirmed in Bair Reservoir" Signage has been posted warning recreators to take precautions when swimming or wading in the water. Blooms can impact human health and sicken or kill livestock and pets. Frisbie will collect samples this week for further testing.

**Board of Health Report:**

Eva Kerr, Mayor Rick Nelson, Sandy Harris were present

Kerr opened for the Board stating during April & May there was 3 confirmed Covid-19 cases, 2 Campylobacter cases, 2 Cryptosporidium cases and she suspects there were several more that were not reported.

The Board reported on the Harmful Algal Bloom discussed earlier and reiterated the DEQ press release. The DEQ recommended retesting the water after 2 weeks and plan to have techs in the area.

Kerr reported citizens voiced concerns over the mosquito population in the city. Citizens questioned why the mosquitos are not being sprayed and asked for alternative sprays to combat the problem. Kerr consulted with Sean Hill of Yellowstone Environmental Solution, Meagher County Sanitarian and the County Attorney.

The Board presented the Truck Wreck Protocol for signature.

**Public Comment:**

Judge John Lesofski entered the chambers at 11:30 a.m.

Southwest Chemical Dependency (SWCD), Jeanne McCully called in for public comment. McCully was concerned that the 50% Earmarked Alcohol Tax monies that have been designated for SWCD may not be enough to have a counselor in person 2-3 days per month. Judge Lesofski expressed the need for the services and suggested the county could make appointments for in person consultations to save time and money. McCully agreed.

**LEPC Lunch:**

**Claims Approved:**

Commissioners were presented with Claim Check 60470 through Check 60487 totaling \$23,230.06. All Checks were signed as presented.

**Meeting Adjourned:**

Meeting was adjourned at 12:00 p.m.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, July 18<sup>th</sup>, 2023.

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**CLERK & RECORDER**

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**CHAIRMAN**

**SEAL**

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**VICE-CHAIRMAN**

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**COMMISSIONER**

Note: Minutes taken by Finance Officer / HR Dayna Ogle  
Distributed July 11<sup>th</sup>, 2023 to Chairman Brewer, Vice Chair Hurwitz, and Commissioner Galt, and Clerk & Recorder West.