

PROCEEDINGS OF THE BOARD OF THE COMMISSIONERS
MEAGHER COUNTY, MONTANA

Tuesday

May 3rd, 2022

12:30 p.m. – 4:30 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:

Minutes were tabled until the next meeting for corrections.

Appoint Meagher County Fire Warden:

Jess Secrest and Volunteer Fire Chief Jake Kusek entered the chamber at 1:00 p.m.

The need for a County Fire Warden and the duties of a county fire warden were discussed. Kusek presented the Commission with MCA 7-33-2215(3) County Fire warden Authorized—duties:

A county fire warden shall act as a liaison between local, state and federal agencies to coordinate training and wildland fire prevention, detection, suppression, investigation and mitigation and additional duties that the governing body determines to be necessary.

Kusek informed the Commission about a new grant opportunity through the Montana Department of Natural Resources and Conservation. The Montana DNRC Cooperative Fire Protection Capacity Grant opportunity is intended to further the capacity of rural fire protection at the local level. Examples of eligible activities include reimbursement for unfunded volunteer positions including Rural Fire Department personnel, Rural Fire District personnel, County Rural Fire Chief, funding County Fire Warden, Deputy County Fire Warden and Rural Fire Coordinator. Infrastructure improvements are also eligible including funding for dispatch, CAD and mutual aid communications and also incident command training to name a few.

Secrest expressed the need for fuels reduction on private land. The Commission agreed and gave the go ahead to explore different avenues for funding for private land owners. The Castle

Mountain and Horse Fly vegetation projects were discussed. Both projects have been shut down due to a recent court rulings analysis of Goshawk and elk hiding cover.

ACTION #1

Resolution Fiscal Year 21.22 - #74

Commissioner Hurwitz moved to appoint Jake Kusek as the Meagher County Fire Warden. Commissioner Brewer seconded the motion. A vote was taken and passed.

Road/Fire Report – Jake Kusek:

Commissioner and Kusek discussed the value of the 1988 Chevy diesel service truck that is moving to the weed department. The commissioner and Kusek agreed \$3500 is a reasonable price for the Weed Department to pay the Road Department for the truck. Commissioners inquired about the status of the Fire/Road truck that was ordered in November 2021. Kusek stated he has not heard from Bison Ford regarding the truck.

Kusek the updated the Commission on the Rural Fire Capacity Grant funding. The grant was used to purchased 2 radio systems that will be installed in 2 fire trucks

Sheriff Report – Jon Lopp:

Sheriff Jon Lopp, Deputy Cody Wilson and drug dog Tank Valesca (a Belgian Malinois) entered the chambers at 1:30 p.m.

Deputy Wilson introduced Tank Valesca, a Belgium Malinios. Tank is a Narcotics Detection and Patrol dog, he is 1.5 years old and weighs around 46 pounds. The bread is native to Belgium and therefor Tank has been trained in the Dutch language and Deputy Wilson gives his commands in Dutch. Tank is trained to search for three (3) types of narcotics; meth, heroin and cocaine. Tank is also trained to search; he can search for people or articles such as keys. Tank has been put on a State list of narcotics detection dogs, Deputy Wilson and Tank will be available if a neighboring county has a need for their service.

Sheriff Lopp and the Commission discussed the issues getting their radios serviced through Capital Communications. Lopp stated Capitol communications will usually respond quickly in an emergency situation, however the service has not been great and Lopp is potentially looking for a different option for radio repairs and service.

Sheriff Lopp presented the complaint report for April.

Library Update – Rachael Wahlstrom:

Interim Library Director Rachael Wahlstrom entered the chambers at 2:00 p.m.

Interim Director Wahlstrom began by informing the Commission that the 2 temporary clerk position have been filled and currently they have an opening for part time janitorial services. This position will be approximately 4-6 hours per week. The posting closed May 20, 2022.

Wahlstrom stated that with the hiring of the 2 clerks she and Shannon Washburn will go back to a more part time hours.

Wahlstrom then stated on May 10, 2022 she will be meeting with the Library Board and Finance Officer Dayna Ogle to review the current Library finances, current budget and how to start putting together a budget for fiscal year 22.23.

Martinsdale Water & Sewer Update – Kirk Keysor:

Kirk Keysor and Jim Maddox Entered the chambers at 2:10 p.m.

Kirk Keysor started off the meeting by informing the Commission that the Martinsdale Water and Sewer project did not score high enough to receive any of the second round of AARPA funding.

The board is still moving forward with the system upgrades however, they are looking at different funding options. The Montana Coal Endowment Program (MCEP), Community Development Block Grant (CDBG), DNRC Renewable Resource Grant program along with a loan for the Montana Department of Environmental Quality State Revolving Fund (SRF) and the USDA Rural Development program are the main focus points for funding. Keysor stated that Martinsdale Low Median Household Income (MHI) make them a good candidate for state funding.

Keysor and Maddox asked the Commission if they would consider allocating the same amount of Meagher County's "Pot B" ARPA money to their project with the new funding opportunities. The Commission agreed.

ACTION #2

Resolution Fiscal Year 21.22 - #75

Commissioner Brewer move to allocate \$300,000 of Meagher County's "Pot B" ARPA money to the Martinsdale Water and Sewer project. Commissioner Hurwitz seconded. A vote was taken and the motion passed.

Keysor, Maddox, and the Commissioners continued discussing different aspects of the Martinsdale project. The system is sustained by 3 springs; Identified as The Johnson Spring which contributes about 35% of the water, The Box Car Spring which contributes the remaining 65% of the water and a third spring that has been unused for some time. Great West Engineering has encouraged the board to have the spring retested to see if it can be used as a water source for the system.

The project will have two phases. The first phase will include replacing non-functional meters, and replacing a large portion of the main line with 8" poly pipe. The second phase will include replacing fire hydrants and creating a loop in the distribution system so there are no more "dead ends"

Mayor Rick Nelson entered chambers at 2:45 p.m.

Mayor Nelson informed the Commission that County Cleanup day is set for Saturday May 21, 2022. The City employees will volunteer at the transfer site in the mornings from 8am – 12pm and the County employees will volunteer at the transfer site from 12pm – 4pm.

Mayor Nelson relayed to the Commission that the City Council voted against providing any more funding to HRDC. Commission agreed that the first study was needed and do not think the second part of the study is not needed at this time.

Mayor Nelson then asked the Commission if the County has been approached regarding the “Adopt a Spot” program the City Parks Committee is trying to create. The County has not been approached. Mayor Nelson said he will give the draft agreement to the City Attorney and possibly the County Attorney to review.

Clean Up Day:

Deputy Clerk & Recorder Liv West entered the chamber at 3:00 p.m.

Deputy C&R West requested that any county employee who volunteered for half the day during Clean Up Day would receive a full day of compensatory time to use at a later date. The Commission made the following decision.

ACTION #3

Resolution Fiscal Year 21.22 - #76

Commission Hurwitz move to allow any County employee who volunteered 4 hours during Clean Up day shall receive 8 hours of compensatory time. Commissioner Brewer seconded. A vote was taken and the motion passed

West presented the Commission with a contract for services with Wheatland County for County Superintendent of Schools duties.

Smith River Drought Concerns – Michael Freeman:

Michael Freeman attended via ZOOM Teleconferencing at 3:30 p.m.

Freeman started the meeting by stating the Governor’s office had received interest from the public in creating a drought mitigation plan for the Smith River. He then asked the Commission if they were interested in creating a plan and if they were interested, the Governor would appoint a Task Force to the project. Freeman continued by giving different examples of what a drought mitigation plans might look like. The Commission declined the offer.

Airport Update – Lance Bowser:

Lance Bowser, Robert Peccia & Associates attended via ZOOM Teleconferencing at 4:00 p.m.

Bowser opened the meeting by reviewing the airport projects completed in 2021 that included crack sealing, seal coating, coal tar and painting the existing runway. The Instrument Approach Procedure Data Collection project is complete and has been submitted to FAA. The Airport Layout Plan update will begin this month.

Bowser then updated the Commission on funding the county has applied for: CRRSA Funding \$9000 and ARPA Funding \$22,000. The CRRSA and ARPA funding will be used to fill the shortfall in the AWOS upgrade project. Bowser said he has received a letter from Park County and the City of Livingston requesting to borrow \$355,200 of Meagher County's FAA NPE funding, a reciprocal agreement will be executed with repayment in 2023-2025. The Commission agreed to the loan and reciprocal agreement for repayment.

ACTION #4

Resolution Fiscal Year 21.22 - #77

Commissioner Hurwitz moved to loan Park County and The City of Livingston \$355,200 of FAA Non-Primary Entitlement fund with an agreement for repayment in the years 2023-2025. Commission Brewer seconded. A vote was taken and the motion passed.

d received a letter from Hill County (Havre Airport) stating they will honor the repayment of the FAA Non-Primary Entitlement money loaned to them several years ago.

Public Comment:

No Public Comment.

Claims Approved:

Commissioners were presented with Check #59096 through Check #59128 totaling \$35,508.78. Check #59112 was voided for incorrect amount. All Checks were signed as presented.

Meeting Adjourned:

Meeting was adjourned at 4:30 p.m.

Next Meeting:

Commissioners are scheduled to meet Tuesday, May 10th, 2022.

Tuesday
May 10th, 2022
12:30 p.m. – 4:00 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 Brewer moved to approve the Minutes from April 19th, 2022 with minor correction and May 3rd, 2022. Commissioner Hurwitz seconded the motion. A vote was taken and minutes were approved.

County Attorney Report – Burt Hurwitz:

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

County Attorney Hurwitz presented the Commissioner with a County Attorney Report for April 2022. County Attorney Hurwitz updated the Commissioners on civil and criminal matters of the County. County Attorney Hurwitz also updated on the Consolidated Planning Board's future projects; Meagher County Floodplains, Meagher County Community Wildfire Protection Plan, and assisting DES Coordinator Jon Lopp with the Hazard Mitigation Plan. Commissioners and County Attorney Hurwitz further discussed the status of the *Trout Unlimited v. DEQ* lawsuit and efforts to reach a stipulation towards filing the appeal. They also discussed issues with fire equipment and insurance for the upcoming 2022 fire season.

HRDC – Housing Study:

Commissioners and County Attorney Hurwitz opened the discussion on the HRDC Housing Study by noting that the City Council at their May 2nd, 2022 meeting made the decision to not fund the second phase of the housing study at this time. During the discussion the Commissioners recognized that the Phase 1 report provided valuable information on the demographical needs, however based on recent meetings it is unclear what new information

Phase 2 would provide or the practical application in assisting towards development. Commissioners also discussed that if they chose to fund the second phase it would cost the County the total \$15,000 instead of being split as before. The Commissioners made the following decision.

ACTION #2

Resolution Fiscal Year 21.22 - #77

Commissioner Brewer moved to table Phase 2 of the Housing Study by HRDC and contact Cal Moore to help draft a letter requesting additional information from HRDC. Chair Townsend seconded the motion. A vote was taken and passed. The issue is hereby resolved.

Discussion ended on the Meagher County Stewardship Council and potential other options to help Meagher County/White Sulphur Springs in housing.

Public Hearing – Meagher County Policy Change – Dayna Ogle:

Treasurer Shannon Graham, Human Resource Director Dayna Ogle, and County Attorney Hurwitz entered the chambers at 2:00 p.m.

Ogle presented all with a new draft of the *Hours of Work* policy in the Meagher County Employee Handbook. All present went through the draft and further discussed: when working from home is appropriate, which employees are affected by a change to this policy, and the powers of the Department Head/Supervisor. Language in *Work Schedules – Subsection D.* was altered to remove specific number of days from the home agreements. Ogle will complete the edits for review at the May 17th, 2022 meeting.

Cemetery Update – Amanda Clayton:

Cemetery Sexton Amanda Clayton, Cemetery Board members Mike Wofford & Penny Plachy, Chief Financial Officer Dayna Ogle, Sandy Harris entered the chambers at 2:30 p.m.

Clayton presented a Cemetery Report to the Commissioners. Clayton and Plachy updated the Commissioners on the equipment needs of the Cemetery, funerals that have taken place since fall of 2021, and final updates to the Cemetery Records. Clayton stated that at this time the records are up to date minus some of the newest burials. Commissioners, Clayton, Plachy, Wofford, and Ogle discussed the purchasing of a push lawnmower, budgeting for a new rider lawnmower to replace the grasshopper, and the trimming/removal of trees. Commissioners asked Clayton to reach out to surrounding cemeteries to see how they handle tree issues or removal. Plachy and Clayton then asked if they could place an advertisement for Summer Help at the Cemetery. Commissioners agreed to hiring. Discussion ended on the graveling roads within the cemetery. Clayton stated that she had not heard back at this time but is still working on the project.

Health Nurse Report – Eva Kerr R.N.:

Health Nurse Eva Kerr entered the chambers at 3:00 p.m.

Kerr presented the Commissioners with a Health Report for April 2022. Currently there are three (3) active cases of COVID19 in the County. Kerr also updated about vaccines given during April 2022, Kindergarten screening, the Community Health Expo, and department grants. The County Health Office received an \$8,000 Grant from the Bair Foundation and is submitting the Homemaker Program/Respite Care Grant in May 2022. Kerr and the Commissioners ended discussion on the *Montana's State Aging Plan Re-designation* letter received from Barbara Smith at the Aging Services Bureau.

Public Comment:

Greg Philpot entered the chambers at 3:30 p.m.

Philpot introduced himself to the Commissioners and stated that he is the new Homeowners Association President for the Grassy Mountain Subdivision. Philpot asked the Commissioners about the relationship that the County has with the Grassy Mountain Subdivision Homeowners Association and if there are any major concerns with the subdivision. Commissioners stated that the only concern with the subdivision is the fire district. Commissioners and Philpot discussed current standings of the Grassy Mountain Fire District and concerns about finding members to serve on the board of the district.

Claims Approved:

Commissioners were presented with Check #59129 through Check #59157 totaling \$16,659.89. All Checks were signed as presented.

Meeting Adjourned:

Meeting was adjourned at 4:00 p.m.

Next Meeting:

Commissioners are scheduled to meet Tuesday, May 17th, 2022.

Tuesday
May 17th, 2022
12:30 p.m. – 4:00 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 May 10th, 2022. Chair Townsend seconded the motion. A vote was taken and minutes were approved.

Extension Update – Makayla Paul:

Extension Agent Makayla Paul entered the chambers at 1:00 p.m.

Paul presented the Commissioners with an Extension Report for April 2022. Paul stated that Meagher County will have 12 students and 3 teen counselors attending the 2022 4H Camp in June. Paul then updated the Commissioners on the specific changes that have been made to the Fair Show Schedule for the exhibitors and the changes to the sale. This year buyers will be required to register prior to the live auction sale which will then gain them entry to the buyer's dinner, the sale will start at 6:00 p.m., and a silent auction of varying indoor projects will take place during the live auction sale. Commissioners and Paul discussed the current number of livestock registrants and how avian flu could impact the poultry projects.

Paul then updated the Commissioners about the information and materials received during her Ag Agent Update in during the second week of May 2022. Paul received a microscope and water testing kits to help producers. Paul is drafting an article to place in the Meagher County Newspaper to bring awareness to the services that the extension office offers to the community at minimal or no cost. Commissioners and Paul discussed water testing for usability for both irrigation and livestock consumption.

Treasurer's Report – Shannon Graham:

Treasurer Shannon Graham entered the chambers at 1:30 p.m.

Graham presented the Commissioners with a corrected March 2022 and an April 2022 Cash Report. Commissioners and Graham discussed the cash report, how different counties provide notice to delinquent tax payers, and the pooled monies interest separation.

ACTION #2

Image in the Minutes filed in the Clerk & Recorder's Office

Election Update – Penny Plachy:

Election Administrator Penny Plachy entered the chambers at 2:00 p.m.

Plachy updated the Commissioners on the school election, the visit from Secretary of State Christi Jacobsen on April 27th, 2022, and the mailing of the absentee ballots for the June 7th, 2022 Primary election. Plachy stated that 847 absentee ballots were mailed on Friday May 13th, 200 and that Meagher County has about 1,188 active voters. Plachy ended the update that herself and Deputy Liv West would be attending the Superintendent of Schools Regional Meeting in Helena on Wednesday May 18th, 2022.

Public Test – Voting Machine – Penny Plachy:

Commissioners went downstairs to the Clerk & Recorder's Office to test the Express Vote Machines. No issues were found.

Road Report – Jake Kusek:

Road Supervisor Jake Kusek, County Attorney Burt Hurwitz, and Mike Eckberg entered the chambers at 2:30 p.m. Andy Cullison, MDT Representative, attended via ZOOM Teleconferencing.

Cullison explained that the Sixteen Mile Bridge is no longer safe for public use and that Meagher County would be receiving a letter directly closing the bridge due to safety concern of the public. Eckberg explained recent reinforcements he added to sum of the edges of the bridge, his concerns about trying to keep the historical structure, and for the County to be fiscally responsible when looking at replacement or repair options because it isn't a high use bridge. Discussion took place on the effects the bridge closure would have on the landowners of Sixteen, the responsibility of the County for access to the town of Sixteen, along with the condition of the bridge based on the 2021 Bridge Inspection Report from MDT. Commissioners and Kusek agreed to reach out to Engineering Firms to start working on solutions for the Sixteen Mile Bridge.

Kusek and the Commissioners ended discussion on County Gravel pits, permitting of gravel pits, and postponing gravel crushing until 2023.

Public Hearing – Meagher County Policy Changes – Dayna Ogle:

Human Resource Officer Dayna Ogle and Clerk & Recorder Penny Plachy entered the chambers at 3:00 p.m.

Ogle presented drafted changes of the *Hours of Work Policy* from previous meeting. Brief discussion took place about the MCA quoted within the policy, how the elected officials and department heads are the points of enforcement for the policy, and the necessity of the changes within the Hours of Work Policy. *Work Schedules – D. Working from Home* was extensively discussed; main concerns addressed were accountability of paid employees working at home and department heads limited ability to supervise employees when an agreement is executed. Ogle combined the previous Work from Home agreements into one document that will be utilized when a Work from Home circumstance is deemed appropriate. Townsend ended discussion on the Hours of Work Policy by making the following motion.

ACTION #2

Resolution Fiscal Year 21.22 - #80

Chair Townsend moved to accept the Hours of Work Policy with minor corrections. Commissioner Brewer seconded the motion. A vote was taken; Chair Townsend and Commissioner Brewer voted yes and Commissioner Hurwitz voted no. The motion passed and the policy is adopted. Ogle will distribute the policy change to County Employees.

Ogle then presented the *Emergency Services Holiday Schedule* (Emergency Holiday) and *Administrative Sick Pay due to Quarantine* (Admin Pay) sections. Emergency Holiday is a new section within the Holiday Policy and the Admin Pay is a new section within the Sick Pay Policy.

Commissioners requested that Ogle remove any language including COVID19 directly from the Admin Pay section and generalize the language since quarantine/isolation could be required with other diseases. Brief discussion took place about the direct reason for the creation of the Admin Pay section.

Ogle then brought up the discussion about the Emergency Holiday section. The section states that the “*Emergency Service Workers (Sheriff/Dispatch personnel) will use the legal holiday and not the recognized holiday for the purpose of administering the Holiday Pay Benefit...*”. Ogle stated that during the 2021 calendar year it was unclear on the premium pay due to employees within the Sheriff and Dispatch departments because the recognized and legal holidays differed; examples being Christmas and New Year’s legally were on a Saturday but the recognized holiday was the Friday before. Commissioners felt no changes were needed within the section.

Ogle will make corrections and present new drafts at the first scheduled meeting in June 2022.

Public Comment:

No Public Comment.

Claims Approved:

Commissioners were presented with Check #59158 through Check #59191 totaling \$34,638.10. Claim Checks #59163, 59166, 59168, and 59189 were voided due to clerical error with cancelling outdated checks from Fiscal Year 20.21. All Checks were signed as presented.

Meeting Adjourned:

Meeting was adjourned at 4:00 p.m.

Next Meeting:

Commissioners are scheduled to meet Tuesday, June 7th, 2022.