

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

**Tuesday**

June 6<sup>th</sup>, 2023

8:30 a.m. – 2:30 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, Vice Chair Ben Hurwitz, and Commissioner Errol Galt were present for the meeting.

**Minutes:**

**ACTION #1**

Commissioner Galt moved to approve the minutes from May 26<sup>th</sup> 2023, Commissioner Brewer seconded the motion. A vote was taken and the minutes were approved.

**Monthly Road / Fire Report – Jake Kusek:**

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

Discussion began with condition of the Smith River Road due to the high traffic volume and the recent heavy rain. Hurwitz stated he would like to reach out to Montana Fish Wildlife and Parks and/or the United Forest Service and ask for help with maintenance on the road. Kusek is scheduled to put counters out Monday on the Smith River Rd and would be placing one counter by the turn off to the boat launch. This will give the county a better idea of how many vehicles are utilizing the road to float the Smith River vs. other uses.

Hurwitz ask Kusek if the road department would still be able to construct the pad at the new 4H Beef barn. Kusek stated with the current conditions of the county roads he didn't think he would be able to prepare the pad in time for the builders to have the building constructed before the 4H Fair the end of July. Galt suggested hiring the pad to be built. Kusek will contact local contractors to inquire about preparing the building site.

**ACTION #2**

**Resolution Fiscal Year 22.23 #107**

Commissioner Hurwitz moved to hire a contractor to build the pad at the 4H Beef Barn building site. Commissioner Galt seconded. A vote was taken and passed. The issue is hereby resolved.

Kusek updated the Commission on the status of the new graders. They are currently in Minnesota and are expected to be here by the end of the month. Kusek presented quotes for rebuilding the CAT 143H Motor Grader for consideration in next years budget. The grader currently has approximately 15,000 hours of use and the rebuild would take approximately 6 months to complete. Hurwitz requested a representative from CAT to meet with the Commission and discuss the rebuild further. Kusek will follow up with the request.

Kusek reported he has applied for a \$7000 Town Pump Charitable Grant. The grant will be used to equip the Fire Department's new UTV with fire suppression equipment.

Kusek then updated the Commission on the status of the Fort Logan Gravel Pit. The State of Montana will be coming to drill test holes prior to permitting the gravel pit. Kusek is currently looking for potential gravel crusher and will reach out to MK Weeden and Jim Carney Construction.

Kusek reported he has not heard back on the quote for the street signs at Martinsdale.

### **Monthly Sheriff Report – Jon Lopp:**

Sheriff Jon Lopp entered the chambers at 9:25 a.m.

Lopp handed out the monthly complaint report for review.

Lopp updated the Commission on the recent homicide. Judge Spaulding approved the filing of documents charging Dominic P Driscoll with Deliberate Homicide. Lopp added Judge Spaulding will set bail and a hearing date in the next 2 weeks.

Lopp reported Gary Schmidt from Capital Communications will be performing maintenance and replacing the battery back-up at the Martinsdale repeater.

Lopp requested approval to trade the surplus firearms and ammunition at the Sheriff's office for five (5) Daniel Defense DDM4 MK18 RIII rifles pursuant to MCA §7-8-2214. The proposed trade is with Chris Bird, Bird LLC a licensed Federal Fire Arms Dealer located in East Helena MT. A complete list of the surplus property to be traded is available in the Finance Office.

### **ACTION #3**

#### **Resolution Fiscal Year 22.23 #108**

Commissioner Hurwitz moved to approve to trade the surplus fire arms at the Sheriff's office for five (5) Daniel Defense DDM4 MK18 RIII rifles with Bird LLC. A vote was taken and passed. The issues is hereby resolved.

### **Southwest Chemical Dependency:**

Granville Boone and Justen Schaak entered at 9:45 a.m.

Granville Boone and Justen Schaak introduced themselves. Boone opened by acknowledging the absence of Southwest Chemical Dependency (SWCD) the past few years and stating they plan to have an office in White Sulphur Springs 2 days per month during the second week of every month. They will be advertising their services along with receiving referrals from the judge. Schaak will be the counselor on site. He has a Bachelor of Science degree in Psychology, a Master's degree in Social Work, is a Licensed Addiction Counselor (LAC) and a Social Work Licensing Candidate (SWLC) and is licensed to teach the ACT Program (Assessment, Course & Treatment).

*Judge John Lesofski entered the chambers at 9:50 a.m.*

Lesofski expressed the importance and need for face to face counseling and human interaction vs. a Tele-Health option. Boone stated SWCD prefers face to face counseling however they have purchased software that will help them move forward in areas of Tele-Health to make them more versatile. Boone also stated SWCD has never turned a patient away for an inability to pay for services. The ACT program is self-sustaining and the Earmarked Alcohol Tax dollars are used for patients who cannot pay, travel costs, hotel rooms for counselors and office rent along with other administrative costs. SWCD provides services to Meagher, Madison and Beaverhead counties.

Hurwitz stated a decision on the Alcohol Tax designation will be decided by next week.

### **HRDC Update – Terry Taylor:**

Terry Taylor, Heather Grenier and Christine Dicomitis entered the chambers at 10:30 a.m.

Heather opened by stating she has worked for the Human Resource Development Council (HRDC) District IX for 23 years. She gave a brief history of the Community Service Block Grant (CSBG) program. HRDC performs a needs assessment every 3 years for Meagher County to identify specific needs of our community, excluding construction. The federal allocation for

the CSBG dollars goes to HRDC who then divides the funding according to a percent of population and percent of the poverty level. Previously the funding has been allocating 100% to the County Health Nurse to be used for immunization and education.

HRDC opened an office on main street and is open Tuesday – Friday from 11:30 p.m. – 5:00 p.m. Terry Taylor is the local representative for HRDC and is available to help the residents of Meagher County with all HRDC services and support such as finding emergency shelter, low income water assistance, Medicare & Medicaid services, tax assistance, food bank & SNAP assistance to name a few.

Grenier requested to split FY 23/24's allocation between the Meagher County Health Nurse and the HRDC office. Grenier stated County Health Nurse Eva Kerr mentioned she would need approximately \$3000 of CSBG funding to continue her immunization and education program. Grenier requested the Commission split the funding \$3000 to County Health and \$2000 to the local HRDC office. No decision was made.

#### **Alcohol Tax Designation:**

City Judge Lori Sorenson entered the chambers at 11: a.m.

Sorenson and the Commission discussed the services that Star Counseling & Addiction Services from Missoula could provide for the City of White Sulphur Springs and Meagher County.

Star counseling is working on opening up a satellite office in White Sulphur Springs and also provides a Tele-Health option. Sorenson has had good results from Star Counseling and requested a portion of the Alcohol Tax dollars be allocated to Star counseling.

#### **ACTION #4**

##### **Resolution Fiscal Year 22.23 # 109**

Commissioner Brewer moved to allocate 50% of the FY 23/24 Earmarked Alcohol Tax dollars to Southwest Chemical Dependency and 50% Star Counseling & Addiction Services. Hurwitz seconded motion passes. The issue is therefore resolved.

#### **Resolution for Prosecutorial Assistance – Burt Hurwitz:**

County Attorney Burt Hurwitz entered chambers at 11:30a.m.

Hurwitz discussed the recent homicide case and stated a formal press release would be posted later today regarding the events of that night and the charges filed against the defendant. All the information in the press release has been reviewed by the Attorney General's office and is a public record.

Hurwitz presented the Commission with three resolutions for prosecutorial assistance.

#### **ACTION # 5**

Resolution No. FY 22. 23 # 110

**RESOLUTION APPOINTING  
SPECIAL DEPUTY MEAGHER COUNTY ATTORNEY**

WHEREAS, the Meagher County Attorney has requested prosecutorial assistance in the case of *State v. Driscoll*.

WHEREAS, it is desired and deemed appropriate that a special deputy county attorney be appointed to assist in the prosecution of the aforementioned case.

WHEREAS, Mont. Code Ann. § 44-4-111 authorizes and contemplates that the training coordinator for county attorneys and the bureau chief of Prosecution Services Bureau (together with the deputies within said bureau) act as special counsel on request of the county attorney and upon the approval of the board of county commissioners.

WHEREAS, Mont. Code Ann. § 2-15-501(6) authorizes the Attorney General to provide assistance to county attorneys in the discharge of his or her duties.

NOW THEREFORE, IT IS HEREBY RESOLVED:

That the attorneys assigned to the Prosecution Services Bureau of the Department of Justice are hereby appointed as special deputy county attorneys for Meagher County for the purpose of assisting in the prosecution of the aforementioned case and that any of said deputies can fulfill the functions set out in Mont. Code Ann. § 44-4-103.

That no fee will be charged for attorney time provided by the Bureau. Assistance in such cases is provided without an hourly fee. Witness fees and expenses, jury costs, and other normal costs associated with trial will be the County's responsibility as with all other prosecutions.

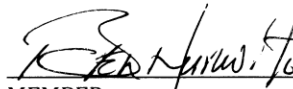
Dated this 6<sup>th</sup> day of June, 2023.

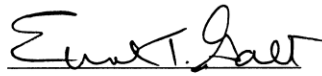
ATTEST:



  
CLERK AND RECORDER

  
CHAIRMAN

  
MEMBER

  
MEMBER

**RESOLUTION APPOINTING  
SPECIAL DEPUTY MEAGHER COUNTY ATTORNEY**

WHEREAS, the Meagher County Attorney has requested prosecutorial assistance in the case of *State v. Driscoll*.

WHEREAS, it is desired and deemed appropriate that a special deputy county attorney be appointed to assist in the prosecution of the aforementioned case.

WHEREAS, Golden Valley and Musselshell County Attorney, Adam Larsen, has a similar case in Golden Valley.

WHEREAS, Meagher County Attorney, Burt Hurwitz, and Mr. Larsen have agreed to assist one another in their respective prosecutions.


NOW THEREFORE, IT IS HEREBY RESOLVED:


That Golden Valley and Musselshell County Attorney, Adam Larsen, be appointed as Special Deputy Meagher County Attorney to assist the Meagher County Attorney in the above-mentioned prosecution.

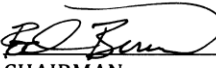
That no fee will be charged for attorney time provided by Mr. Larsen. Witness fees and expenses, jury costs, and other normal costs associated with trial will be the County's responsibility as with all other prosecutions.

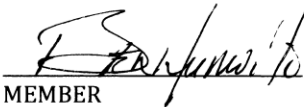
Dated this 6<sup>th</sup> day of June, 2023.


ATTEST:

  
CLERK AND RECORDER



  
CHAIRMAN

  
MEMBER

  
MEMBER

**RESOLUTION APPOINTING  
SPECIAL DEPUTY MEAGHER COUNTY ATTORNEY**

WHEREAS, the Meagher County Attorney has requested prosecutorial assistance in the case of *State v. Driscoll*.

WHEREAS, it is desired and deemed appropriate that a special deputy county attorney be appointed to assist in other prosecutions in the County should they conflict with the above-mentioned case.

WHEREAS, White Sulphur Springs City Attorney, Susan Wordal, already has relationships with the Meagher County Sheriff's office and Justice of the Peace John Lesofski through her position as City Attorney.

NOW THEREFORE, IT IS HEREBY RESOLVED:

That White Sulphur Springs City Attorney, Susan Wordal, be appointed as Special Deputy Meagher County Attorney to assist the Meagher County Attorney in prosecutions that may be impacted negatively by the above-mentioned prosecution.

That Susan Wordal will bill the County \$150.00 per hour for legal services that Mr. Hurwitz will review and approve. Witness fees and expenses, jury costs, and other normal costs associated with prosecutions will be the County's responsibility.

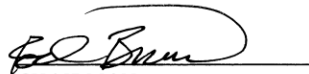
That Ms. Wordal's services to the County will be strictly related to criminal cases so as not to create a conflict of interest as between the City and the County on civil matters.

Dated this 6<sup>th</sup> day of June, 2023.

ATTEST:

  
CLERK AND RECORDER



  
CHAIRMAN

  
MEMBER

  
MEMBER

Hurwitz stated the Montana Supreme Court will hear oral arguments in the Montana Trout Unlimited etal. vs Montana Department of Environmental Quality & Tintina Montana Inc. on June 21, 2023 at 9:30 a.m. in Helena. During the oral arguments, each side has an allotted \_\_\_\_\_ time to speak. There is no set time for the Supreme Court to come to a decision after all the arguments are heard.

**Red ants Pants Music Festival Logistics – Sarah Calhoun:**

Sarah Calhoun entered 12:00 p.m.

Calhoun opened by stating they have approximately 70% of the tickets sold with a cap at 3500 people per day which would be about 4500 people onsite including volunteers and vendors.

Calhoun requested the temporary closure of Jackson Road from the Red Ants Pants Campground entrance to the west parking field by the Sere day house and reducing the speed limit to 15 mph from July 27 – July 30, 2023.

Calhoun asked if the county would be available for fire protection. Volunteer Fireman Chad Evans offered to be onsite during the festival and man the fire truck. Calhoun also asked if the

large ladder truck would be available to fly the American flag during the festival as it has become an icon of the festival.

Lastly Calhoun asked about mosquito spraying and the application of magnesium chloride on Jackson Road prior to the festival. Commissioner Brewer will contact the weed department staff to make sure mosquito spraying is done and Road Supervisor Jake Kusek will be contacted to schedule the application of magnesium chloride on Jackson Rd.

**ACTION # 6**

Meagher County  
Resolution Fiscal Year 22.23 #113

**WHEREAS**, the Red Ants Pants Music Festival is scheduled for July 27-30, 2023 and,  
**WHEREAS**, the safety of the festival goers and the public are of the highest concern and,  
**WHEREAS**, the Meagher County Commissioner are closing the section of Jackson Rd from the entrance to the campground to the west parking lot.  
**NOW THEREFOR LET IT BE KNOWN AND HEREBY RESOLVED:** The Meagher County Commissioner closing Jackson Road from the entrance to the camp ground to the west parking lot from July 27-30, 2023.

Dated this 6<sup>th</sup> day of June, 2023.

Attest:

  
Clerk & Recorder, Liv West



Board of County Commissioners:

  
Chairman, Rod Brewer

  
Vice Chair, Ben Hurwitz

  
Commissioner Errol Galt

Meagher County  
Resolution Fiscal Year 22.23 #114

**WHEREAS**, the Red Ants Pants Music Festival is scheduled for July 27-30, 2023 and,


**WHEREAS**, the increase in motor vehicle traffic and pedestrian traffic on Jackson Road will create a safety hazard and,

**WHEREAS**, the Meagher County Commissioner are lowering the speed limit on Jackson Road to 15m.p.h.

**NOW THEREFOR LET IT BE KNOWN AND HEREBY RESOLVED:** The Meagher County Commissioner are lowering the speed limit to 15 m.p.h. on Jackson Road from July 27-30, 2023.

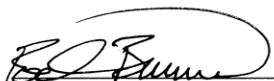
Dated this 6<sup>th</sup> day of June, 2023.


Attest:

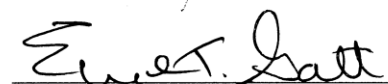
  
Clerk & Recorder, Liv West



Board of County Commissioners:

  
Chairman, Rod Brewer

  
Vice Chair, Ben Hurwitz

  
Commissioner Errol Galt

*Images to be scanned*

**Lunch**

**Interfund Transfer – Finance – Dayna Ogle**

Ogle present the Commission with a resolution approving the payment of the Federal Forest Fire Protection Fee using PILT funds.

**ACTION # 7**

Meagher County  
Resolution FY 22.23 - # 115

**WHEREAS**, The Department of Natural Resources (DNRC) Federal Fire Protection Fee was inadvertently left off the 2022 property tax statements in the amount of \$23,990.54 and,

**WHEREAS**, the Meagher County Commissioner have decided not to send out a corrective tax bill for the shortfall and,

**WHEREAS**, the Meagher County Commissioners will utilize PILT funding to cover the shortfall and,

**WHEREAS**, the Meagher County Commissioner are directing the Finance office to transfer money from PILT (2900) to the Forest Fire Protection Fee Fund (7564) by making a journal entry in Black Mountain Software to post an expense in the PILT Fund (2900) and post the revenue entry in the Federal Forest fire Protection Fund (7564) in the amount of \$23,990.54.

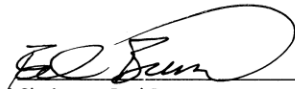
**NOW THEREFORE BE IT RESOLVED**, that the Meagher County Commission are approving the payment of the Federal Forest Fire Protection Fee from the PILT Fund (2900) in the amount of \$23,990.54 (twenty-three thousand nine hundred ninety dollars and fifty-four cents).

Dated this 6<sup>th</sup> day of June 2023


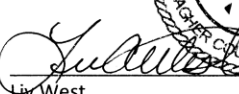
Prepared by:

  
Dayna Ogle  
Finance Officer

Board of County Commissioners:

  
Chairman Rod Brewer

Attest:

  
  
Liv West  
Clerk & Recorder

  
Commissioner Ben Hurwitz

  
Commissioner Errol Galt

**Metal Mines License Tax designation – Dayna Ogle:**

Ogle presented the Commission with the resolution allocating the Metalliferous Mines License Tax

**ACTION # 8**

**Public Comment:**

Rosie Spaulding entered the chambers at 2:00

Spaulding inquired about the open Building Maintenance Assistant position. The Commissioner's encouraged Spaulding to submit her application for consideration.

**Claims Approved:**

Commissioners were presented with Check # 60357 through Check # 60389 totaling \$ 60,611.70. All Checks were signed as presented.

**Meeting Adjourned:**

Meeting was adjourned at 2:30 p.m.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, June 13<sup>th</sup>, 2023.

\_\_\_\_\_  
**CLERK & RECORDER**

\_\_\_\_\_  
**CHAIRMAN**

**SEAL**

\_\_\_\_\_  
**VICE-CHAIRMAN**

\_\_\_\_\_  
**COMMISSIONER**

Note: Minutes taken by Chief Financial Officer Dayna Ogle  
Distributed June13th , 2023 to Chairman Rod Brewer, Vice Chair Ben Hurwitz, and Commissioner Errol Galt, and Clerk & Recorder Liv West.