

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

Tuesday

August 12th, 2025

9:03 a.m. – 12:32 p.m.

Commissioner Chambers

Meeting Called to Order:

Chairman Hurwitz called the meeting to order at 9:03 a.m.

Commissioners Present:

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

Minutes:

ACTION #1

Commissioner Rod Brewer moved to approve the minutes from August 5th, 2025. Chairman Ben Hurwitz seconded the motion. A vote was taken and the minutes were approved.

County Attorney-Burt Hurwitz-Cancelled

MACO PCT Agent Appointment and Agreement

Finance Officer Jennifer Deems entered the chambers at 9:10 a.m.

Deems asked Chairman Hurwitz and Commissioner Brewer if they would like to reappoint Jodi Tierney as the MACO PCT Agent.

ACTION #2

Resolution FY 25.26 #11

Commissioner Rod Brewer moved to appoint Jodi Tierney with the MACO PCT Agent.
Chairman Hurwitz seconded the motion. A vote was taken and passed. The issue is hereby resolved.

Moss Agate Road-Susan Swimley

Attorney and Counselor at Law Susan Swimley entered the chambers at 10:14 a.m. and Scott Jackson entered the chambers at 10:27 a.m.

Attorney Brian Gallik of Gallik, Bremer and Molloy, P.C. entered the chambers via ZOOM at 10:29 a.m. Swimley reported that on May 21, 2024, Clerk and Recorder Liv West presented the Board of Commissioners with a petition to abandon Moss Agate Road. The petition contained the requisite number of qualified signatures and met all statutory requirements. Following this, the Commissioners appointed a road viewing committee comprised of Road Supervisor Jake Kusek and Commissioner Brewer. Mr. Jackson accompanied the committee to assist in locating the road, which was difficult to identify due to its deteriorated condition.

Swimley stated that the road viewers submitted a report recommending abandonment of Moss Agate Road, citing that restoring the road to a condition suitable for public use would be prohibitive to the county.

Swimley also addressed concerns regarding public access as indicated by the Montana Cadastral system—a publicly accessible mapping and property information platform maintained by the Montana State Library in collaboration with the Department of Revenue. Although the system suggests that Moss Agate Road provides access to state and federal lands, in Plaintiff's discovery

29-81–29-92, there is no access to state and federal land. An article published in the *Meagher County News* on August 27, 1981, details that the U.S. Forest Service had initiated discussions with landowner Louise Galt to establish access via this road. Galt asserted that such access had never existed and would not be granted, leading to the abandonment of the project. Swimley stated that if the U.S. Forest Service had believed there was public access to state land and then into the federal land, they would have never pursued the neighbors to obtain easement grants to reach it.

After reviewing the petition, the Road Viewers' report, litigation documents, and public comments, the Commissioners are considering the abandonment of Moss Agate Road. Should they proceed, they will be required to notify adjacent landowners in writing within ten days of the decision, formally stating the County's intent to abandon the road.

ACTION #3

Resolution FY25.26 #12

Commissioner Rod Brewer moved to proceed in the abandonment of Moss Agate Road. Chairman Hurwitz seconded the motion. A vote was taken and passed. The issue is hereby resolved.

White Sulphur Springs T.V.-BJ Hawkins

Treasurer of the Meagher County Public Television Brenda J. Hawkins and Charles Hawkins entered the chambers at 11:25 a.m.

Hawkins presented Chairman Hurwitz and Commissioner Brewer with the Memorandum of Agreement to provide Educational Television service. The contract states the 2025 Budget Estimate is \$15,498.31 per year in quarterly installments of \$3,874.58.

ACTION #4

Resolution FY 25.26 #13

Commissioner Brewer moved that we accept the contract for Meagher County Public Television, INC. Chairman Hurwitz seconded the motion. A vote was taken and passed. The issue is hereby resolved.

Intermountain Heating and Cooling-Keven Patzer

Owner and President of Intermountain Heating and Cooling Keven Patzer entered the chambers at 12:00 p.m. Justice of the Peace John Lesofski entered the chambers at 12:05 p.m. Finance Officer Jennifer Deems entered the chambers at 12:05 p.m.

Patzer talked with Chairman Hurwitz and Commissioner Brewer on the other options for A/C in the courtroom. One possible solution would be using ductless mini-split systems. He noted that ceiling-recessed units are likely not feasible, but a wall-mounted unit could work if routed up to the roof. He clarified that ductless mini-splits would be installed on the side wall.

Commissioner Brewer inquired about the cost of these units. Patzer responded that while the units themselves are more expensive, the installation labor tends to be less costly.

Patzer explained that the equipment we previously purchased is currently being phased out and is no longer eligible for return as of April 1st, 2025, as the manufacturer is in the process of replacing all units. Although resale might be an option, market demand is limited—particularly for units with a 5-ton cooling capacity. Patzer indicated that switching to a ductless system is likely feasible and could be comparable in cost.

Commissioner Brewer and Chairman Hurwitz agreed to wait for Patzer to prepare a quote for installing a ductless mini-split system in the courtroom.

Chairman Hurwitz discussed the possibility of putting the equipment out for bid in an effort to recover some of the costs.

Fiscal Year 24.25 Year End Budget

Finance Officer Jennifer Deems conducted a year-end review of the Fiscal Year 24.25 Budget.

Budget Workshop-Jennifer Deems

Finance Officer Jennifer Deems met with the Commissioners Hurwitz and Brewer to discuss the proposed budget.

Public Comment:

No public comment.

Claims Approved:

Commissioners were presented with Check #62758 through Check #62773 totaling \$39453.82. Electronic Check #-99499 through #-99495 totaling \$5619.48. All Checks were signed as presented.

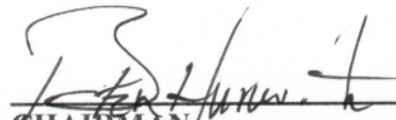
Meeting Adjourned:

Meeting was adjourned at 12:32 p.m.

Next Meeting:

Commissioners are scheduled to meet Tuesday, August 19th, 2025.


CLERK & RECORDER


CHAIRMAN

SEAL




COMMISSIONER

Note: Minutes taken by Clerk to the Commission Briana Frasier.
Distributed August 19th, 2025 to Chairman Hurwitz, Vice Chair Galt, and Commissioner Brewer, and Clerk & Recorder Liv A. West.