

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

**Tuesday**  
December 5<sup>th</sup>, 2023  
8:30 a.m. – 1:45 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-Chairman Ben Hurwitz, and Commissioner Errol Galt were present for the meeting.

**Minutes:**

**ACTION #1**

Commissioner Hurwitz moved to approve the Minutes from November 21<sup>st</sup>, 2023. Commissioner Galt seconded the motion. A vote was taken and minutes were approved.

**Monthly Road Report – Jake Kusek:**

Road Supervisor Jake Kusek entered the chambers at 8:50 a.m.

Kusek stated the Road department removed a cattle guard in Grassy Mountain due to lack of maintenance and absence of fences. The Luther family, who had purchased the cattle guard were unhappy with its removal. Kusek returned the cattle guard to them, but did not reinstall it. The Luther family is scheduled to speak with the Commissioners on December 19<sup>th</sup>. Commissioner Hurwitz inquired about the number of cattle guards in Meagher County that are not being maintained. Kusek stated that there is one on Newlan Creek Road. Commissioner Hurwitz suggested the owners be notified that the maintenance of any cattle guard on County Roads is the owners responsibility. If the County performs maintenance, then the owner will be billed.

Kusek stated the Volseth gravel pit near the Lennep cemetery has been inspected by the DEQ and will be closed out.

**Monthly Sheriff Report – Jon Lopp:**

Sheriff Jon Lopp entered the chambers at 9:20 a.m.

Sheriff Lopp stated there were several small incidents in the month of November but no felonies. Lopp stated hunting season ended uneventfully. During the month of November there were 305 incoming calls, 299 people came into the Sheriff's office, and 24 – 911 calls for a total of 628 people who contacted the Sheriff's office.

**Clerk and Recorder Report – Liv West**

Clerk and Recorder Liv West entered the chambers at 10:00 a.m.

West stated that Deputy Clerk & Recorder Emma Bess has completed her 6-month probation and requested Bess's wage increase from 85% to 90 % of the Clerk & Recorder's salary effective November 27<sup>th</sup>, 2023 Pay Period 6.

## **ACTION#2**

### **Resolution FY23.24 #52**

Commissioner Brewer moved to increase Deputy Clerk & Recorder Emma Bess's wage to 90% of the Clerk & Recorder's salary effective November 27<sup>th</sup> 2023 Pay Period 6. Commissioner Galt seconded the motion. A vote was taken and passed. The issue is hereby resolved.

West clarified that the camera in the Treasurer's office is in the server room and directed at the server. West stated the camera was placed there to rule out physical tampering of the server and/or election software. West informed the Commissioners that a camera has been installed outside the office of County Attorney, Burt Hurwitz.

Commissioner Galt asked about the addressing the Clerk and Recorders office is doing. West stated that there have been very few complaints. Most residents are happy to have the correct addresses. The corrected addresses are how emergency services will find the house.

West stated her office is now working on petitions. There are 3 petitions circulating right now.

1. No Labels party qualification petition
2. CI-124 Under the 1972 Constitution, the requirements for a person seeking admission to the practice of law in Montana are determined by the Montana Supreme Court under Article VII, section 2, of the Montana Constitution. CI-124 amends the Montana Constitution to remove jurisdiction from the Supreme Court to govern admission to the Bar and the conduct of its members.
3. I-192 designates American rodeo as the official sport of Montana.

West stated that as of December 5<sup>th</sup> 2023 the Clerk & Recorders office has recorded 1232 items this year, that is 373 more documents than in 2022.

### **Weed Report – Sale of Asset – Lee Zehntner**

Weed Supervisor Lee Zehntner entered the chambers at 10:24 a.m.

Zehntner stated he would like to sell the 2020 Polaris Ranger 4x4 R20TAE99A7 with 75-gallon sprayer unit and boom jet nozzle. Commissioners set the minimum bid at \$10,000. Zehntner stated he found a 2003 Ford F350 V10 truck with a plow attached for sale for \$15,000. Zehntner stated he would like to purchase the truck to replace the Weed department truck with the blown motor. Commissioners agreed to look at the truck. The discussion was tabled until December 12<sup>th</sup> 2023, next Commission meeting.

## **ACTION#3**

### **Resolution FY 23.24 #52A**

Galt moved to place the 2020 Polaris Ranger 4x4 R20TAE99A7 with 75-gallon sprayer unit and boom jet nozzle out for bid with a minimum bid of \$10,000. Hurwitz seconded the motion. A vote was taken and passed. The issue is hereby resolved.

### **Public Hearing Budget Amendment – Jennifer Deems**

Finance Assistant Jennifer Deems presented the commissioners with 2 budget amendments for Fiscal year 22.23. The Sheriff Capital Improvement Fund (4109) is over budget by \$18,000 and the Paul Hill Memorial Fund (7030) was created after the budget was set and therefore never had a budget.

### **Lunch**

### **MDT- Quick Fix Bridge Program – Ryan Dahlke**

Road supervisor, Jake Kusek entered the chambers at 1:00 p.m.

Ryan Dahlke, Montana Department of Transportation, Leanne Moyer, Montana Department of Transportation, Jeremy Miles, HDR Engineering, Karl Yakawich, Great West Engineering attended via zoom.

Dahlke stated, Senate Bill 536 provides \$100 million to local governments for the maintenance of county, city, and town roads. The bill transfers \$50 million to MDT for replacing bridges, which can be leveraged for federal match requirements in the future. Additionally, \$20 million is allocated for quick fixes, which are intended to be county-led. 22 counties, including Meagher County, have identified bridges for quick fix repairs. Dahlke stated MDT wants to ensure that these quick fixes are done correctly, so the load rating is improved. Therefore, the county's engineer must be present if the county road crew will be doing the repair. Since this is a state-funded project, counties are required to follow Montana Environmental Policy Act (MEPA). Dahlke stated MDT will complete the analysis and then will give the green light. This has to be completed before physical construction can begin.

Miles stated that the timber deck on the Canyon bridge is in poor condition with several CS3 and CS4 defects, which are serious. The bridge's load rating is affected by these defects, which is why it has a load posting. By replacing the timber deck, the condition-based issue and posting issue will be resolved. Miles also mentioned that with a new deck designed for current loads, the bridge would no longer need a load posting.

Miles stated the bridge has a unique design, with one abutment built on a rock and the height of the concrete supporting the girders varying significantly. There are also some cracks under a couple of the girders.

Yakawich will be meeting with the Commissioners and the Road Department to discuss what rail type or curb they would want on the deck and to discuss patching some of the cracking if needed.

Dahlke mentioned that the quick fixes on the bridge does not preclude it from being considered for replacement. Dahlke stated, once the county engineer evaluates the bridge, if there are other common-sense fixes that need to be addressed and it looks like the cost might exceed what is in the contract, the contract can be amended.

Dahlke inquired whether Meagher County's Road Crew would be performing the work. Road Supervisor Kusek responded that it depended on the timing. Dahlke emphasized that if the County Road Crew performs the work, it is critical that the Finance person set up a specific project code that the crew can charge to. This will enable a financial report to be submitted to Dahlke. The goal is to ensure that the county does not incur any out-of-pocket expenses. Since this is a reimbursement project, all expenses will be submitted to MDT at one time, and a single reimbursement check will be issued.

**Public Comment:**

No Public Comment.

**Claims Approved:**

Commissioners were presented with Claim Check #60924 through Check #60954 totaling \$37,967.36. All Checks were signed as presented.

**Meeting Adjourned:**

Meeting was adjourned at 1:45 p.m.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, December 12<sup>th</sup>, 2023.

  
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CLERK & RECORDER



  
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CHAIRMAN

  
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VICE-CHAIRMAN

  
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COMMISSIONER