

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

**July 3, 10, 17, 2012**

**Tuesday**

July 3, 2012

8:45am-4:30pm

Met in Commissioner's Chambers

**Meeting Called to Order:**

Vice Chair Hurwitz called the meeting to order at 8:45am.

**Commissioners Present:**

Vice Chair Ben Hurwitz and Commissioner Herb Townsend.

**Bruce Smith—Road Report:**

Road Supervisor, Bruce Smith, met with the commissioners to present his monthly road report. Of note, he said his crew is grading Buffalo Canyon. Tintina Resources has been using a County truck to put calcium chloride down on some roads.

Hurwitz asked about the Road Department's newest employee, Jim Gregory. Smith replied that he is doing very well, and once he has worked six months, he needs to make at least what (Road Department employee) Nick Lester makes. Hurwitz told him that Lester makes \$13.72 an hour, and Gregory makes \$13.00.

**Action 1:**

**RESOLUTION 2012-#65**

Commissioner Townsend moved that Jim Gregory get paid the same hourly wage as Nick Lester, at the end of his probation period. Hurwitz seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

*Chair Nancy Schlepp* joined the meeting at 9:00am.

Smith and the commissioners briefly discussed acquiring a rental tractor to use for mowing, like they had last year. Hurwitz called Torgerson's in Great Falls and found out that the tractor is available to rent.

Hurwitz briefly mentioned gravel. Smith told him the County should put the crushing out to bid once the details of the agreement with David Voldseth, who is allowing the County to crush on his land, were finalized.

They discussed moving a cattle guard on a County road in Ringling that runs across David Brewer's property.

**Sue Phelan—Treasurer's Report:**

County Treasurer Phelan met with the commissioners to give her monthly report. She handed them a sheet listing County assets as of June 30, 2012. She then gave them an update on the applicants that had applied for the recently posted Janitor/Maintenance position. Ken Martin, she said, was the only one who submitted an application before the deadline. Muriel Pryor submitted one late, and had asked if her husband would be able to help her with some of the maintenance duties. Hurwitz told Phelan her application was late anyway so not to bother. Phelan said it is now County policy to do background checks so she would look into that with County Attorney, Kimberly Deschene. Hurwitz suggested they offer Martin the position pending a background check.

Phelan concluded her report by telling the commissioners she had received a letter from the attorney for Corbin Communications, who was delinquent \$2905.28 in taxes from 2004 and

2005. The letter stated that Corbin had filed for bankruptcy in 2010 and that the County should stop sending them letters. Schlepp said they would need to write off the amount.

### **David Voldseth—Gravel Crushing Agreement:**

David Voldseth met with the commissioners to discuss the terms of an agreement between him and the County allowing the County to crush gravel on his property in Martinsdale in exchange for the County graveling the road to his guest ranch. He said there was some misunderstanding in the letter sent by County Attorney Deschene outlining the agreement. The second bullet point, in particular—that the County agrees to gravel the road to The Voldseth Guest Ranch with the first part of the gravel that is crushed—is inaccurate. It is only a half mile to his guest ranch, he said, and they already gravel that themselves. So they do not need the County to gravel it. What he would like to do, he continued, is to donate the pit run gravel for the portion of the County road to be graveled. After that, he would like to be paid, but in gravel instead of cash.

It was tentatively agreed to crush 20,000 yards of gravel on the land of the Norman Voldseth Limited Partnership. The gravel used to gravel the approximately two miles of County road there would be donated to the County, and the remaining gravel paid for in kind with the pit run gravel at a rate of \$.75 a yard. They would double check with Road Supervisor Smith to make sure everything made sense, then have Deschene redraft another letter.

### **Ken Martin—Janitor/Maintenance Position:**

Martin joined the commissioners to discuss the Janitor/Maintenance position. Townsend began by asking him whether he could work as a contractor or at an hourly wage. Which would he prefer, he asked. Martin told him either way works for him, whatever is most convenient to the County. Townsend said it would be better to have a contract and not worry about the hours. Schlepp said she sees this as being similar to Alvin (Kujath's) deal, where he would be set up as an employee with so many hours a week.

*Clerk & Recorder, Dayna Ogle, and Deputy Treasurer, Shauna Porter, joined the meeting at 10:35am.*

Ogle pointed out to the commissioners that the position had been listed as permanent part-time, so they would have to offer it that way. That means health insurance benefits and a six-month probationary period. A contractor would have to meet the criteria on a 15-point checklist. Hurwitz said he preferred the contractor route. Ogle said they would have to re-list the position. Martin said he could invoice monthly through his handyman service. Porter countered that that would put him on contractor basis. Schlepp told Ogle that it would not be a steady job. There might be some weeks where Martin works 40 hours and others where he only works 15. Ogle told Schlepp that her understanding of County policy was that if someone was scheduled at least 1040 hours of work in a year, they were considered part-time and eligible for benefits.

Schlepp told Martin they wanted to hire him but they were required to perform a background check first. Porter said she would get the required forms together. It was agreed to proceed on a conditional basis.

*Martin left the meeting at 10:55am.*

The starting wage was discussed. Schlepp felt \$11-12 an hour was fair. Porter agreed, pointing out that Martin had his own tools. Hurwitz verified that there would be a six-month probationary period. Ogle suggested perhaps starting him at \$11 and moving him up to \$12 after six months.

### **Department of Revenue Update:**

County Assessor, Becky Hurwitz-Leger, joined the commissioners, with Rocky Harrellson and Judy Tice. Also present was County Extension Agent, Nico Cantalupo. Porter remained.

Hurwitz began by asking how long it would be until things were settled with Puget Sound Energy and its protested taxes. Harrellson said that until the court decides, no one will know. Hurwitz asked if they could negotiate. Harrellson said they could but that happens at the Chief Director's level. Hurwitz pointed out that there was a lot of money sitting there. He wondered

how long they would let it go. Schlepp pointed out that Kory Hofland said a year ago that a solution was six months away. She wondered if anything had changed since then. Tice said she had spoken with Hofland and there has been no change. Hurwitz asked whether Director Bucks could get involved to make an offer to settle. Harrellson said he could. Hurwitz asked if he has. Harrellson said there are many counties affected by this, so he is not in a position to answer.

Schlepp, in an aside, disclosed that she is the President of Montana Taxpayers, of which Puget is a member. Harrellson said he could talk to Hofland and share the County's concerns. First he made sure the County was okay potentially sacrificing some revenue in order to get this case settled. Hurwitz said they were.

Hurwitz next asked why Meagher County was moved from Region 3 to Region 4. Harrellson replied that it was a result of internal restructuring. He and the Region 3 manager had decided together what would work best. Aside from whom Hurwitz-Leger reports to, nothing else would be changing. Porter said she understood the management side of things, but she wanted to know if they were modeling the assessment on Broadwater or Lewis & Clark Counties. Harrellson replied that that was not the case. The models would not change.

Townsend argued that the appraisal on ag land is screwed up. Harrellson said that the Ag Advisory Committee is the entity that deals with that. Townsend wondered why the County has no input. Harrellson said they do, through MACo, and through its legislators.

Hurwitz asked what the primary issues with Puget are. Schlepp told him that their valuation has increased significantly since 2005. She asked if the Department of Revenue was considering changing what they consider ag. He replied that it is always being discussed but no decisions have been made yet.

Hurwitz asked about the soil testing, saying it is still not complete in many areas. Tice said the testing is complete but quality controls need to be performed before the numbers can be released. They will not project a completion date. Hurwitz wondered how this land was taxed. Harrellson replied that it is based on comparisons with the soil on surrounding lands. Hurwitz then asked about "no access" land. Harrellson replied that they use the same rule, comparing to lands within a one-mile radius. Schlepp added that they will tax at the highest valuation. Harrellson conceded there is some of that involved. Hurwitz argued that that practice will cause loads of protested taxes, that it affects Meagher County adversely, that it is heavy handed, and that they do not like it.

Schlepp asked Tice who does the soil testing. It is all done by NRCS, she replied. There are only 100,000 acres not completed yet. Townsend asked Hurwitz-Leger if it is true that some swampland is classified as yielding five tons per acre. She replied that that was indeed the case. Harrellson pointed out that all valuation is done the same way, and everyone has the same avenue to appeal. Schlepp pointed out to Townsend, however, that everyone who has gone to the State Tax Appeal Board has lost. And she added that she has heard Director, Dan Bucks state publicly that he will never settle a protested tax case.

### **Kari Jo Kiff—Health Nurse Update:**

County Health Nurse Kiff met with the commissioners to give her monthly report. Of note, she told them she has received new contracts for IAP, MCN Federal, and PHEP grants. She is still waiting for the Tobacco Prevention contract. There is a Summer Institute in Bozeman the week of July 16. Her assistant, Cynthia Stuhlberg, would attend the first half, and Kiff would attend the second. She is planning to be at the Music Festival Thursday through Sunday. She will be helping out with vendor paperwork and sanitation issues. She is also interested in attending the CDC Orientation for New Health Officials, in October in Atlanta.

### **Minutes:**

#### **Action 2:**

Townsend moved that the minutes from the previous meeting (June 19, 2012), be approved with minor changes. Hurwitz seconded. A vote was held and passed unanimously (3-0).

### **Resolution Authorizing Prosecutorial Assistance by Attorney General Office:**

#### **Action 3:**

RESOLUTION 2012-#66

Whereas, the Meagher County Attorney has requested prosecutorial assistance in the case of State v. Joseph Zane Marcus, and

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

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, and

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.

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.

It is Further Resolved:

That under the terms of this agreement, no fee will be charged for attorney time provided by the Bureau based upon the fact that pursuant to the internal operational policies adopted by the Attorney General September 1, 1999, 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 3 day of July, 2012.



ATTEST

Naama Ogle  
CLERK AND RECORDER

[Signature]  
CHAIRMAN

[Signature]  
MEMBER

[Signature]  
MEMBER

**Budget Review:**

Clerk & Recorder Ogle joined the commissioners to review the budget requests for the coming fiscal year.

**County Fire Declaration:**

**Action 4:**

**COUNTY DECLARATION RESOLUTION**  
**RESOLUTION NO. 2012-# 67**

WHEREAS, the conditions within the county are prime for wildland fire activity, and several fires have already occurred and red flag warnings are already in place in surrounding counties and/ or anticipated within the County of Meagher beginning on or about July 3<sup>rd</sup>, 2012, and the forecasted weather is dry and windy with the threat of thunderstorms and the firefighter resources are limited to respond for initial attack, and these conditions will continue for an undetermined amount of time.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners that an emergency is hereby declared pursuant to Section 10-3-402 MCA and all provisions of the County Emergency Operations Plan are in effect.

BE IT FURTHER RESOLVED, that copies of this resolution be filed with the County Clerk and Recorder, County Assessor and the Montana Disaster and Emergency Services Division in Helena.

PASSED AND ADOPTED by the Meagher County Board of County Commissioners this 3<sup>rd</sup> day of July, 2012.

(SEAL)

ATTEST:



Clerk and Recorder

*Dayna Ogler*

*Raymond S. Meyer*  
Chairman

*Bob J. J. J.*  
Commissioner

*Debra Townsend*  
Commissioner

**County Stage One Fire Restrictions:**

**Action 5:**

**MEAGHER COUNTY  
STAGE ONE FIRE RESTRICTIONS**

**RESOLUTION 2012-#68**

**WHEREAS**, high temperatures and low precipitation have occurred within Meagher County during the months of May and June, 2012 resulting in dry fuel conditions, poor soil moisture conditions and low water supplies which has contributed to a **HIGH** wildland fire danger; and

**WHEREAS**, the Meagher Board of County Commissioners declares that all the private land not under the jurisdiction of the municipalities or state or federal agencies is a high fire hazard area.

**IT IS HEREBY RESOLVED**, by the Meagher County Commissioners that **Stage One Fire Restrictions** are in effect for all private lands in Meagher County, due to **HIGH** wildland fire danger. Exemptions for agriculture activities such as harvesting crops, burning stubble fields and irrigation ditch banks are hereby exempt. However, agricultural producers must notify the Meagher County 911 Dispatch Center and their local Rural Fire Department before conducting any controlled burning and have fire suppression equipment on site; and

**IT IS FURTHER RESOLVED**, that all activities that might potentially cause a fire shall cease immediately and be prohibited until further notice. Activities that might cause a fire include but are not limited to:

- Any outdoor fire, including but not limited to campfires, warming fires, charcoal grill fires, fused explosives, fireworks, and
- Any other activity that poses a significant risk of starting a fire, including welding, or using a cutting torch.

**AN EXEMPTION DOES NOT ABSOLVE AN INDIVIDUAL OR ORGANIZATION FROM LIABILITY OR RESPONSIBILITY FOR ANY FIRE STARTED BY THE EXEMPTED ACTIVITY.**

**BE IT FURTHER RESOLVED** this resolution becomes effective at Immediately – 4:00pm, July 3, 2012 and shall remain in effect until such time as it may be amended or rescinded by the Board of Meagher County Commissioners.

**ADOPTED** this 3rd day of July, 2012 by the Board of County Commissioners - Meagher County, Montana.

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Nancy Schupp

ATTEST:

  
\_\_\_\_\_  
Clerk & Recorder

  
\_\_\_\_\_  
Dayna Oyle



**Public Comment:**

There was no public comment.

**Claims:**

Commission was presented Voucher #1279, CK#44190 through CK#44239 totaling \$27,610.29, and Payroll Voucher 1280, CK#218188 through CK#218192, totaling \$2473.90. Commission approved and signed checks as presented. Also presented were Health Insurance Voucher #1277, CK#218180 through CK#218186, totaling \$21,175.20; Payroll Deduction Voucher #1276, CK#218173 through CK#218179, totaling \$86,380.25; and Payroll Voucher #17, CK#218141 through CK#218172, totaling \$15,958.91. Commission approved as presented.

**Meeting Adjourned:**

Chair Schlepp adjourned the meeting at 4:30pm.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, July 10, 2012.

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

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

**SEAL**

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

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

Note: Minutes taken by Assistant to the Clerk & Recorder, Nate Sanders.  
Distributed July 10, 2012 to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle

**Tuesday**  
July 10, 2012  
8:30am-4:15pm  
Met in Commissioner's Chambers

**Meeting Called to Order:**

Chair Schlepp called the meeting to order at 8:30am.

**Commissioners Present:**

Chair Nancy Schlepp, Vice Chair Ben Hurwitz and Commissioner Herb Townsend.

**Budgeting:**

Clerk & Recorder, Dayna Ogle, joined the commissioners to work on the budget for fiscal year 2012/13.

**Action 1:**

**RESOLUTION 2012-#69**

Townsend moved that \$27,176.93 in cash in the Pay Advance Payback Fund (2015) be moved into the General Fund. Hurwitz seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

**Action 2:**

**RESOLUTION 2012-#70**

Hurwitz moved that the following cash amounts be moved into the Claims Clearing Account (7930): \$48,198.53 from the General Fund (1000); \$21,021.60 from the Road Fund (2110); \$4671.47 from the Weed Fund (2140). The total moved, \$73,891.60, will bring the Claims Clearing Account into balance. Townsend seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

**Action 3:**

**RESOLUTION 2012-#71**

Townsend moved that \$2838.74 of cash in PILT (2900) be moved into the Payroll Clearing Fund (7910) to bring liabilities into balance. Hurwitz seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

**Action 4:**

**RESOLUTION 2012-#72**

Hurwitz moved that \$1370.00 be moved out of the Library Fund (2220) into the Library Depreciation Reserve Fund (2224). The funds were allocated for sidewalk repair. Townsend seconded. A vote was held and passed unanimously (3-0).

**Minutes:**

**Action 5:**

Hurwitz moved to approve the minutes from the previous meeting (July 3) with changes. Townsend seconded. A vote was held and passed unanimously (3-0).

*Hurwitz* left the meeting at 11:05am.

**County Board of Health Meeting:**

Schlepp called the meeting to order at 11:05am. Present were County Health Nurse, Kari Jo Kiff; her assistant, Cynthia Stuhlberg; Tobacco Prevention Specialist, Aaron Blair; and White Sulphur Springs Mayor, Julian Theriault.

Blair began the meeting by giving an update on the state of the tobacco program statewide. For the year there is \$5.5 million available, all of it from the master settlement, none of it tax dollars. There is enough money from the settlement to last another 13 years.

The kids in the ReACT program have donated 300 hours of volunteer time in the last year to earn their red hoodies. And there were two calls from Meagher County to the Quit Line in the previous month. He has been told by local business owners that some customers have even started identifying with, or patronizing their businesses, simply because they are smoke free.

Kiff added that she has been working with the hospital to make it a smoke-free campus. There are two residents of the nursing home now, however, who smoke, so there is some resistance to the idea of a smoke-free campus.

Kiff then gave her Health Nurse report. Of note, she gave a breakdown of pertussis outbreaks statewide by county. Also, the CDC has concluded its study on the Farm Bureau salmonella outbreak at the Hawaii convention last spring. Its results were inconclusive. She touched on the immunization rates for the county. She told the group that planning and mitigation measures are being put into place for the Red Ants Pants Music Festival. She also mentioned, as a matter of interest, that MSU Bozeman is going tobacco free campus wide as of August 1.

Schlepp adjourned the Board of Health meeting at 11:45am.

### **LEPC Lunch:**

The LEPC lunch was held at the County Training Center.

### **Red Ants Pants Music Festival Planning:**

The planning meeting for the Red Ants Pants Music Festival was also held at the County Training Center.

### **Rick Seidlitz—Fire/DES:**

Seidlitz did not meet with the commissioners as the planning session for the music festival went long.

### **BJ Hawkins—Meagher County Public TV:**

B.J. and Chuck Hawkins met with the commissioners to discuss her budget for the coming year. She began by presenting them copies of her 2011/12 budget. She said everything is still based on the 669 subscribers who are paying taxes for the service. Now that the digital conversion has been completed, she said, she will be able to stay within the amount collected in taxes. She reduced her budget for the coming year to \$13,000. She might need some equipment in order to get the second stream of programming up and running. Schlepp told Hawkins that the County's main concern was to get and remain compliant for the auditor.

*Clerk & Recorder Ogle* joined the meeting at 2:50pm.

Schlepp told her that Hawkins is saying she is under contract for \$13,000 a year. Hawkins added that for her contract with the State, for example, she bills them based on the contracted amount and they give her the money. Chuck added that, in the beginning, when the bid is received, the contractee might ask for a breakdown of the funds. But once the contract is signed, that is all.

Ogle replied that the auditor is not requiring the County to ask for every power bill, for example. Rather they simply want to know how the final number was arrived at. Also the auditor would like Hawkins, she told her, to acknowledge that County support is so many dollars for the year. Hawkins signed a copy of her budget, with the acknowledgment.

Hawkins then presented the commissioners with a copy of the contract that needs signed to renew her services for the year. It was agreed to wait till the following week when Hurwitz returned.

### **Airport Grant Paperwork:**

The airport grant paperwork was signed at the previous meeting and already mailed.

### **Helen Hanson—Safety Coordinator:**

New County Safety Coordinator, Helen Hanson, visited with the commissioners to discuss some safety issues. First, she asked if the County has a safety manual. Schlepp told her it does not, but that it would be good if she could find a county that already has a good one. Hanson told Schlepp she had already spoken with Caroline Henry, the safety coordinator from Jefferson County. She is sending their manual for Meagher County to use if they like.

She next asked who does the safety training for the Road Crew. Schlepp told her they used to do it online but nobody liked that. So Road Supervisor, Bruce Smith, does a safety meeting once a month. Hanson stressed the importance of everything being documented, in case they are spot inspected.

Hanson asked whether the County has a Return to Work policy. Schlepp replied that the commissioners have issues with that because, especially in a small county like Meagher, it would be creating a job that did not already exist. She added that she had spoken with a friend who is a workers comp specialist and he told her that it is okay for the County to create a policy *not* to create a job. The important thing is just to have some kind of policy in place. She said the Chamber guys who wrote the legislation were intending it for employers who had 50+ employees.

Hanson said that Henry had told her that the first step is to have a safety manual in place. Townsend said that MACo says they can cut premiums if the County does certain things. The County should do those things, whatever they want, he added. But he thinks things can be done better if department heads handle things within their respective departments.

### **Ken Martin—Janitor/Maintenance Person:**

Martin did not join the commissioners as the formalities of his hiring were handled earlier in the day.

### **PUBLIC COMMENT:**

#### ***Dave Wendt—Ambulance Garage***

Undersheriff Dave Wendt met with the commissioners to discuss the new ambulance building. Schlepp said if they could find someone to oversee the pouring of the cement, things should be good. Wendt said that the plans came in but for the wrong building. They should have the right ones soon. Schlepp said they would really prefer to have one person to make final decisions, someone who will have all the information Townsend asked Wendt if he was the one for the job. Wendt said he would do it.

#### ***Dayna Ogle—Software Error***

#### **Action 6:**

##### **RESOLUTION 2012-#73**

Townsend moved that \$2708.82 be moved from the Claims Clearing Fund (7930) into Payroll Clearing (7910) to clear up an error in the software program. Hurwitz seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

#### **Action 7:**

##### **RESOLUTION 2012-#74**

Hurwitz moved that \$2000.00 be moved from the Golf Fund (2720) into PILT (2900) to reverse a transfer that was redundant, as a check from PILT had already been sent to the Golf Course in the amount of \$2000.00. Townsend seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

### **Claims:**

Commission was presented Voucher #1282 (FY11/12), CK#44243 through CK#44252 totaling \$3120.88, and Voucher 1301 (FY12/13), CK#44253 through CK#44270, totaling \$36,825.64. Commission approved and signed checks as presented.

**Meeting Adjourned:**

Chair Schlepp adjourned the meeting at 4:15pm.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, July 17, 2012.

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

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

**SEAL**

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**VICE-CHAIRMAN**

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**COMMISSIONER**

Note: Minutes taken by Assistant to the Clerk & Recorder, Nate Sanders.  
Distributed July 17, 2012 to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle

**Tuesday**  
July 17, 2012  
9:00am-3:15pm  
Met in Commissioner's Chambers

**Meeting Called to Order:**

Chair Schlepp called the meeting to order at 9:00am.

**Commissioners Present:**

Chair Nancy Schlepp, Vice Chair Ben Hurwitz and Commissioner Herb Townsend.

**Hospital District Board—Update:**

Pam Sundstrom, Chair of the Hospital District Board, met with the commissioners to give them an update. Before she began, she was given a copy of the letter from Mountainview Medical Center to the County Commissioners stating they would no longer be accepting Harmon Trust money to pay off the loans for the nursing home. Chair Schlepp stated it was her understanding that the hospital board did not intend to pay off the loans, but only to take over the monthly payments.

Sundstrom wondered, in light of the letter, whether they should assume they would be receiving no more financials. They have received nothing for June, May, or April as it is, she continued. Townsend felt that out of respect to the County and its taxpayers, they would want to provide the District Board with the requested information.

Sundstrom wondered if they should even continue to ask. Schlepp said that it is public information. It certainly cannot hurt. Sundstrom said she would not mind drafting a letter to the hospital but wondered whom it should be from. Hurwitz replied that it should come from the Commission, as there is no need to keep things secret. Townsend added that they should request, not demand, the information.

Schlepp wondered if they would have recourse if the information was not forthcoming. She still thought they should write a letter requesting it though, but maybe on a quarterly basis instead of monthly. Sundstrom said there is a price to be paid for flying under the radar, especially in light of the situation in Townsend in which the hospital and nursing home were closed down. Her head is swimming, she continued, when she realizes just how many things can go wrong. Hurwitz suggested they find out just what happened in Townsend. Schlepp countered that they should not get involved in Broadwater's affairs. Sundstrom said she would look into the matter more closely, just to have an idea of issues to look out for.

**Public TV Contract:**

B.J. Hawkins, Director of Meagher County Public TV, met with the commissioners to discuss renewing her contract for the coming year. Joining her was her husband, Chuck Hawkins. There were two topics of discussion. First, should the County continue taxing its citizens to pay for public TV? And, how is the money that is collected accounted for? Hurwitz began by telling her that the County does not just hand anyone else money and then ask how they spend it. Chuck asked if the County would pay all expenses then. Hurwitz replied that they would, up to the budgeted amount. All departments are run this way, he added. They submit claims to pay for their expenses. Chuck pointed out that they are not a department.

Townsend said his problem with the program is that 40% of the people they surveyed are against it. Hurwitz added that they were only able to contact half the people. Schlepp pointed out that half is amazing. And that a majority still wants the program. Her concern, she added, was Sharon Tripp, the County's auditor. Tripp is okay with how B.J. runs things, as long as she continues to document her expenses. Townsend said he saw no difference whether the program was run by contract or through claims, but was still concerned that half of the people do not want it.

Hurwitz said he wants the issue on a ballot.

**Action 1:**

**RESOLUTION 2012-#75**

Schlepp moved that the County renew its contract with Meagher County Public Television, Inc. for the fiscal year 2012/2013, for \$13,000 to be paid in quarterly installments. Townsend seconded. After further discussion, a vote was held and passed unanimously (3-0). It is therefore resolved.

Schlepp and Hawkins duly signed the contract.

**Airport Grant Paperwork:**

Mike Beckhoff, from Stelling Engineers, met with the commissioners to have them sign contracts for the fence project. Schlepp and County Attorney, Kimberly Deschene, duly signed. Hurwitz asked Beckhoff if the airport board has spoken with him regarding adding a tank at the airport for jet fuel. Beckhoff replied that he has spoken with Airport Manager, Kurt Burns, at length about it. He said it would be huge for the area. Hurwitz asked if there would be grant money available for that as well. Beckhoff said there would be and he was quite confident that Meagher County stood a good chance at receiving it. Schlepp added that Burns had told her he was pretty sure he could gather the required 7.5% match from pilots who use the airport. Beckhoff said the advantage the County has is that the infrastructure is already in place to add a tank, which would cost \$225,000-250,000. Before he left, he told the commissioners that there were surveyors at the airport right now, and that work would likely begin on the fence the following week.

**Budgeting:**

Clerk & Recorder, Dayna Ogle, joined the commissioners to work on the budget.

**County Attorney—Salary Discussion:**

County Attorney Deschene joined the commissioners to discuss her salary. She brought a spreadsheet showing how much the state contributes to the salary of each county's County Attorney. The state's contribution is based on statute. The County Attorney is paid 85% of the salary of a district court judge. As a half-time County Attorney, Meagher County would receive half of that, or \$24,210.20. She argued with the commissioners that, according to statute, her total salary should \$48,420.40. Deschene also contended that because the salary was set last year for a two-year period, she is entitled to that amount retroactively as well. Ogle countered that the salary for the previous year had been set by the commissioners and the Salary Compensation Board and should not be changed.

After further discussion, it was agreed that Deschene would receive the raise for the current fiscal year, but not for the previous year. There would be no formal action as the commissioners could include all of this in the final budget agreement. Next Deschene raised the issue of the COLA. It was agreed that Schlepp would contact MACo Executive Director, Harold Blattie, to see whether including the COLA was required.

**Rick Seidlitz—Fire/DES:**

County Fire Chief and DES Coordinator, Rick Seidlitz, met with the commissioners to give his monthly report. He briefly discussed the Stage 1 Fire Restrictions that were put in place on July 3. It was decided to leave them in place. He mentioned the upcoming Music Festival and the need to set up designated smoking areas there.

His primary concern was his firefighters. He said they are exhausted and could use a little recognition. He thought he would buy each one a cap and a t-shirt. Schlepp suggested running a thank you ad in the newspaper. Hurwitz added that they should list the names of all the volunteers too.

Seidlitz concluded by briefly mentioning a county-wide fire district and getting that in place.

### **County Attorney Update:**

County Attorney Deschene met with the commissioners to give her weekly update. First, the conversation continued regarding her salary. Schlepp reported that Blattie told her if the County gives elected officials a COLA it applies to all elected officials, and that it would be based on the total salary, not just the portion paid by the County. But, she continued, Blattie also said the state's contribution should be thought of as a gift to the general fund. The County can also pay that amount if they choose, but it is not required. Schlepp suggested they do pay Deschene that amount, plus the COLA, in order to remain competitive with other counties. The total amount would be \$49,969.44.

She discussed her salary, communications issues with the Sheriff department, and a case the State Attorney General's office is prosecuting for her.

### **Lunch:**

The commissioners broke for lunch at 12:00pm. They returned at 1:00pm.

### **Ambulance Board—Ambulance Garage Plans:**

The Ambulance Board did not come to the meeting, as they have yet to receive the correct plans for the new ambulance garage.

### **Budgeting:**

Clerk & Recorder Ogle joined the commissioners to work on the budget.

### **Jon Lopp—Sheriff Report:**

Sheriff Lopp met with the commissioners to give his monthly report. Schlepp congratulated him for being on budget for the fiscal year. Hurwitz added that that is a big deal! Schlepp shared her recollection that it is the City's turn to buy a new vehicle for the department. Lopp said that was correct. The last vehicle receipt from the City was from January of 2009. He was not sure if the purchase would be done on a calendar year or budget year basis. Schlepp asked if there would be a free truck once the purchase was made, as the truck used by cemetery sexton, Gene Harris, is about to die. Lopp replied that Undersheriff Dave Wendt's truck is still in good condition so they would like to hold on to it. But the department's oldest truck can be given to the cemetery.

Lopp told the commissioners about a law in which a person who is convicted of a second or subsequent DUI, or is under the influence when they commit a crime, can be sentenced to take a breath test twice a day. It would cost the offenders \$2 per test. He said they are working with the judges to get the program going. And he would like to use what little they do raise for the annual Christmas party.

He concluded by telling the commissioners that the Red Ants Pants Music Festival has sold 2500 advance tickets so far. The number of advance tickets sold generally works out to a third of the overall attendance.

Lopp left the meeting at 3:15pm.

### **PUBLIC COMMENT:**

#### ***Amendment to a Previous Resolution:***

#### **Action 2:**

#### **RESOLUTION 2012-#76**

Hurwitz moved to amend Resolution 2012-#60 to include the Federal portion of FEMA money (\$16,510.63) in the total amount transferred from the Disaster Fund (2260) into the Road Fund (2110), bringing the total transfer to \$80,090.27. Schlepp seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

**Minutes:**

**Action 3:**

Townsend moved to approve the minutes from the previous meeting (July 10, 2012) with changes. Hurwitz seconded. A vote was held and passed unanimously (3-0).

**Claims:**

Commission was presented Voucher 1302, CK#44271 through CK#44307, totaling \$32,146.35. Commission approved and signed checks as presented.

**Meeting Adjourned:**

Chair Schlepp adjourned the meeting at 3:15pm.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, August 7, 2012.

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

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

**SEAL**

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

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

Note: Minutes taken by Assistant to the Clerk & Recorder, Nate Sanders.  
Distributed August 7, 2012 to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle