

PROCEEDINGS OF THE BOARD OF THE COMMISSIONERS
MEAGHER COUNTY, MONTANA

October 2, 9, 16, 2012

Tuesday

October 2, 2012

9:00am-4:00pm

Met in Commissioner's Chambers

Meeting Called to Order:

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

Commissioners Present:

Vice Chair Ben Hurwitz and Commissioner Herb Townsend.

Bruce Smith—Road Report/Sixteenmile Creek Bridge Sign:

Sixteenmile Creek Bridge Sign:

Smith first mentioned the sign posted at the bridge crossing Sixteenmile Creek into the town of Sixteen. The recent bridge inspection resulted in a load rating of 12 tons. The bridge is already posted for 10 tons, so he was satisfied with that. He did say that one of (Sixteen resident) Mike Ekberg's concerns was the state of the railing. Smith said they could get down there later in the year and put up a metal railing.

John Deere Grader:

They recently had the John Deere grader serviced. There were chunks of metal in the transmission, he said, one nearly as large as his thumb. Oil from the transmission showed high in copper, while oil from the engine showed high for magnesium. Hurwitz wondered what they do now. It was agreed that Smith would shop around to see what it would cost to fix the problems versus what they could get on a trade in.

Asphalt Millings:

Next the commissioners discussed the asphalt millings from the runway at the airport. Schlepp said she had received word that the State was planning another project in the spring in the eastern part of the County where more millings might become available. Townsend pointed out that Rick McDaniel, from Sierra Rock & Dirt, who successfully bid the recent gravel crushing project, said that he would be able to crush the millings down to under an inch for about \$4.50 a cubic yard. Hurwitz suggested they experiment a bit before they just sell the millings. Smith said they currently have between 1500 and 2000 cubic yards of the millings, and if they could be crushed small enough, they might just be able to use it. It was agreed to discuss the possibilities with McDaniel when he started his gravel crushing project.

Paul Kroeger—Grassy Mountain Fire District Board Concerns:

Kroeger was unable to attend as he was out of town.

Resolution—PILT Transfer (Senior Center):

Hurwitz and Townsend both thought they had agreed not to budget for the use of PILT money for the fiscal year. It was decided to discuss this with Clerk & Recorder, Dayna Ogle, during her update later in the meeting.

Resolution—State Surplus Store:

Action 1:

RESOLUTION 2012-#87

Hurwitz moved that Meagher County Department Heads be authorized to use the State Surplus Store on an as-needed basis. Townsend seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

Resolution—Clerk & Recorder/Treasurer Compensation:

There was some discussion as to whether a resolution was necessary to grant the Clerk & Recorder and Treasurer an added annual stipend of \$1500, as it was included in the budget process. This too they decided to discuss with Ogle during update.

Sue Phelan—Courthouse Replacement Windows/Tax Forgiveness:

Courthouse Windows:

Treasurer, Sue Phelan, first mentioned that Janitor/Maintenance Person, Ken Martin, was not comfortable replacing any of the courthouse windows as he does not own any scaffolding and has only done new construction. It was agreed to contact Rooney's to have them do the replacements.

Tax Forgiveness:

Phelan asked the commissioners to forgive the taxes on and remove from the tax rolls two entities. First was AT&T Broadband LLC, which went defunct in 2003. Their original tax bill was \$441.70. Second was Ellen Campanella, who lost a cabin in a fire in 2003. Her original tax bill was \$409.28.

Action 2:

RESOLUTION 2012-#88

Hurwitz moved that AT&T Broadband LLC be forgiven its back taxes, its original amount being \$441.70, and removed from the tax rolls as it went defunct in 2003. Townsend seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

Action 3:

RESOLUTION 2012-#89

Hurwitz moved that Ellen Campanella et al be forgiven taxes, the original amount being \$409.28, on her cabin which burned in 2003 and that the cabin be removed from the tax rolls. Townsend seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

Commission Chair, Nancy Schlepp, and Clerk & Recorder, Dayna Ogle, joined the meeting at 10:45am.

Windows (continued):

Phelan returned to the meeting to inform the commissioners she had called Rooney's about replacing the windows but they would not be available till at least December.

Joyce Madsen:

She then informed the commissioners that she had heard from Joyce Madsen that she is never planning to pay her back taxes on the Stockman for the years 1999-2000. It was agreed that those taxes would not be forgiven. They would collect when the place is sold.

Sprinkler Maintenance:

Townsend said he had received a call from Pat Haugan regarding the sprinkler system, currently maintained by Tim Barth. She and her husband would like the opportunity to maintain it. Hurwitz said he was okay with letting the Haugans and Barth alternate years. Townsend felt lawn maintenance person, Alvin Kujath, should decide. Schlepp said Barth had told her he has been servicing the sprinklers for 28 years for \$95 a year. Ogle suggested contracting for five years at a time. She also added that the County likely spent \$700-800 in maintenance over the course of the summer. Schlepp said personally she would stay with Barth but agreed that a five-year contract would be okay too. It was agreed to send a letter to both Barth and the Haugans and ask them to submit a bid for five years of upkeep and maintenance on the system.

Dayna Ogle—Clerk & Recorder Update:

PILT Funds for Senior Center:

Townsend mentioned to Ogle that he thought they had not budgeted to use any PILT money for the year, and that the \$10,000 given to the Senior Center would be paid for with entitlement

money. Ogle agreed. She added that she had the entitlement amount at \$128,000, where Treasurer Phelan had it at \$148,000.

Clerk & Recorder/Treasurer Compensation:

Townsend asked Ogle if a resolution was needed to give the Treasurer and Clerk & Recorder the \$2000 stipend for the year. They felt it had been taken care of as part of the budget process. Ogle said she thought it was necessary as wages were involved, but deferred to the commissioners.

Action 4:

RESOLUTION 2012-#90

Townsend moved that the Clerk & Recorder and Treasurer be granted an annual \$2000 stipend on top of their normal salary for performing duties above and beyond what is in their job description. As they were already receiving a \$500 stipend, the net amount added will be \$1500. Hurwitz seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

County Assessor, Becky Hurwitz-Leger joined the meeting at 11:10am.

Centrally Assessed Utilities Not Paying Taxes into Soil Conservation:

Ogle told the commissioners that centrally assessed utilities are not assessed taxes in Meagher County for the Soil Conservation District. In other counties they are. Hurwitz-Leger told the commissioners it was their decision whether to change this. She added that if the County were to opt them in, it would not bring in more tax dollars. It would simply spread the burden. It is too late to change for the current year but they can do it for the following year.

Entities for which Mills Are Not Being Assessed:

Ogle handed Hurwitz-Leger a letter explaining that some of the entities that had received mills in the past but are not receiving any now, were not inadvertently missed. Hurwitz-Leger said the State likes to have documentation in such situations as to why a fund is not being used, and whether it is going to be used again or gotten rid of. Schlepp wondered whether Meagher County Health, one of the listed entities not receiving mills, would affect County Health Nurse, Kari Jo Kiff, potentially receiving any matching grants. Ogle said she we would check.

Hurwitz-Leger told the commissioners about some issues she was having when trying to access the County server. She reminded them that any changes they decide to make to tax assessments, including additions and deletions, need to be to her by January 1, 2013.

She left the meeting at 11:25am.

TV District Survey:

Ogle then reminded Townsend that during the last meeting (September 18) when they discussed whether to do a mail survey on the TV District, he had wanted more time to consider it. Hurwitz was for it and Schlepp against. Schlepp said she had had a conversation with Tim McGuire, the Chair of the TV District Board, and he said he does receive calls from viewers when people are unable to receive the Meagher County PBS station. Townsend wondered if McGuire could broadcast the local PBS station and also one from a different location. It was agreed to table the issue for the time being, but at least to review the wording of how the tax is assessed. Schlepp added that the district itself needed redefined at some point.

Kimberly Deschene—County Attorney Update:

County Attorney Deschene visited with the commissioners to give them an update on her activity. First she discussed the open position for Justice of the Peace and whether there were many candidates. She told them about an indigent death case she has been dealing with, of a Meagher County resident who passed away in Yellowstone County. The County and the funeral director handling arrangements are trying to get Meagher County to pay for the cremation costs. Deschene has refused, saying the County has no fund for residents who die outside the County. She mentioned a few criminal cases she is working on.

Tenderfoot:

Deschene said she was still monitoring the Tenderfoot situation. She said she felt there were jurisdictional issues with the State Attorney General's office getting involved. Hurwitz pointed out that the Forest Service did get a deeded easement to cross a portion of the land in question,

which, he felt, shows that they know they are in trouble. Schlepp remembered Ranger Carol Hatfield once saying that if they could just get to the edge of the State land, there would be no need to cross Zehntner land whatsoever.

Bird Observatory in Tenderfoot:

Schlepp mentioned a letter they had received regarding a bird observatory the *Forest Service* was going to build in the Tenderfoot area. It was agreed to write a letter opposing the project, as the Forest Service has no money and the program will be a waste of scarce tax dollars.

LUNCH:

The commissioners broke for lunch at noon and returned shortly after 1pm.

Richard Arnold—Justice of the Peace Candidate:

Richard Arnold, an attorney from Virginia who is looking to move to the area, met with the commissioners to discuss the Justice of the Peace opening. He handed the commissioners a resume and told them he has been practicing law for 38 years. He no longer wants to practice but wants to remain involved. This position would be ideal for him.

Schlepp told him he would have no clerk, that he would do everything himself. He replied that his wife would help him with that. He is not computer literate, he added, but she helps him with all that. He asked Schlepp if there is a budget for training. She said there is. When he was county attorney in his hometown in Virginia, he handled mostly civil cases but did prosecute occasional zoning violations.

Bonnie Swandal joined the meeting at 1:35pm.

He said he would have some hard decisions to make, with some civil trials in October and a secretary who has been with him for 20 years. Ideally he would like to have till the end of the year to wrap things up.

He thanked the commissioners for their time and left the meeting at 1:45pm.

Susan Bawden—Headwaters Recycling:

Susan Bawden did not attend the meeting as scheduled. Her position was eliminated the previous day. Instead, Operations Manager, Ron Viets, and his associate, Rich Harmon, visited with the commissioners regarding the Headwaters Recycling program in Meagher County. Also present was local resident, Betsy Hamann. Viets asked what kinds of issues the County has. Schlepp said they would like to have more visibility for the program. Hurwitz was concerned about high costs.

Viets shared that Meagher County is second from the bottom in volume collected among all counties they serve. For comparison, he said in the last three months, White Sulphur has collected 29 cubic yards of materials and Martinsdale 17.5. Philipsburg, which has a population of just fewer than 900, slightly smaller than White Sulphur, collected 146 cubic yards. Harlowton, which is about the same size as White Sulphur, collected 62.5 cubic yards. And Ennis, with a population of 835, collected 155.5 cubic yards. The key in every community is convenience. Everyone wants to recycle, he added, but it has to be easy.

Viets said that he and Harmon clean up the bin areas after each pickup. Successful communities, he added, often have a recycling committee. He and Harmon are also available to do educational programs in the schools. Schlepp asked them about cardboard. Viets replied that they are trying to form a partnership with another company that has a much larger market that would allow them to collect cardboard. Cardboard actually makes money, he continued, so they would like to get in to that market.

Before they left, he pointed out that White Sulphur only has one recycling location, and it is in a fairly obscure spot, by the jail. He said the bins need to be in places that people frequent like grocery stores and gas stations. He said they would visit with business owners before they left town and try to come up with a couple more locations to place bins.

Hurwitz asked how often they make pickups. Viets said they get here about once a month, and the bins are usually full for the most part. Viets continued that when that happens, they usually add another bin. The last thing they want is for someone to work so hard to save their recyclables for a month and then get to the bin and it is full. Viets also suggested the County give them a heads up before special events like the Music Festival or rodeo.

Schlepp asked Hamann if she had any comment. She told the group that she supports recycling and would be happy to get involved, by monitoring the bins, or maybe in other ways. Viets, Harmon, and Hamann left at 2:30pm.

Chair Schlepp left the meeting at 2:45pm.

Jon Lopp—Sheriff Report:

Sheriff Lopp met with the commissioners to give his monthly report (a copy of which is on file in the Clerk & Recorder's office). He told them his department had acquired three thermal imagers, which normally cost \$11,000 a piece, for \$700, from the military surplus store. Lopp left at 3:20pm.

Minutes:

The minutes from the previous meeting, September 18, were not acted upon.

PUBLIC COMMENT:

Kari Jo Kiff—Health Nurse Update:

County Health Nurse, Kari Jo Kiff, gave her monthly report to the commissioners. She discussed flu vaccinations and an upcoming trip to Atlanta to a CDC conference.

Jake Lind—Cardboard Recycling:

Jake Lind met with the commissioners to discuss the possibility of beginning a recycling program for cardboard in the County. He said that many people in the community often complain that cardboard is not included in the current program. Business owners support his idea and some have said they would even chip in to help cover the costs involved. He was hoping maybe he could get something from the County too to help defray the costs.

Townsend asked him what his plan is. Lind said he does not have anything set in stone yet, but he has a little square hay biler he was going to try to see if it might work. Bob's Supermarket in Townsend has a baler, as does Hon's. Hon's said maybe they could work out an agreement where Lind brings cardboard to him to be baled. He said there is definitely a need in town for the service. Melissa Zimmerman told him they go through 100-150 cardboard cases a week at Mathis Food Farm. If they could get rid of the cardboard, she said, they could get rid of their dumpster too. He thought he would be able to use the baler for plastic as well.

Townsend asked if he was hoping to take over the entire recycling program. Lind said originally he thought he could, but then he realized he would have to cover Martinsdale as well and somehow acquire the needed bins. Townsend suggested talking to Headwaters to see if they would transport cardboard collected by Lind. He agreed to contact them.

Lind thanked them and left at 4:00pm.

Claims:

Commission was presented Voucher #1318, CK#44549 through CK#44610, totaling \$53,810.93. Commission approved and signed checks as presented. Check # 44519 from Voucher # 1315, made out to Hawkins Communications, was voided as it was made out to the wrong vendor. Also presented were Health Insurance Voucher #1317, CK#218283 through CK#218289, totaling \$21,518.25; Payroll Deduction Voucher #1316, CK#218276 through CK#218282, totaling \$96,972.06; and Payroll Voucher #3, CK#218258 through CK#218275, totaling \$10,531.38. Commission approved as presented.

Meeting Adjourned:

Vice Chair Hurwitz adjourned the meeting at 4:00pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, October 9, 2012.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Nate Sanders.
Distributed October 9, 2012 to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle

Tuesday
October 9, 2012
10:00am-4:00pm
Met in Commissioner's Chambers

Meeting Called to Order:

Chair Schlepp called the meeting to order at 10:00am.

Commissioners Present:

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

Sue Phelan—Treasurer Report:

Treasurer Phelan did not have anything to report so she did not meet with the commissioners.

John Wells—JP Candidate:

Judge Wells was unable to meet with the commissioners at his appointed time due to a hearing. He returned during public comment time.

Helen Hanson, District Superintendent/Safety Coordinator—Budgets/Levies; Safety Manual:

Budgets/Levies

Superintendent Hanson told the commissioners the FP9 has been turned in for mills for school budgets. The School District retirement mills are up for the year, with elementary at 16.22 and high school at 10.81.

Safety Coordinator

Hanson then told the commissioners she was using Jefferson County's safety manual as the basis for Meagher County's. For the Return to Work policy, she wrote that "department supervisors will make an effort to find temporary, transitional work..." The commissioners liked this wording. She changed the part on reporting injuries "immediately" to "as soon as feasibly possible." She would have drafts for the commissioners to review before she sends the manual to Jason Phillips, who said he could print the manuals for around \$400.

Finally, she told the commissioners she would like to have a safety committee to meet once a month to address various safety issues. She wondered if it would not be best to have department heads serve on the committee. Townsend agreed saying it was the department heads who understand safety concerns of the employees better than anyone. Hurwitz agreed as well, but wondered if it was necessary to meet that frequently. Hanson left the meeting at 10:30am.

Paula Wildman—JP Candidate:

Wildman told the commissioners she really wants to be the next Justice of the Peace. She has never been accused of not wanting to work, she added. She said Larry (Johnston), her boss she does payroll for, is a morning person. So she would be able to work at the Courthouse from 8-1 while he runs the office. Then she would be there the remainder of the day. If there was any problem, it would be from January through April 15, tax time.

County Attorney, Kimberly Deschene, joined the meeting at 10:35am.

Hurwitz asked her if she is computer literate. She replied that she is. She shared her one concern, her lack of training. Deschene told her that the bench book spells everything out, that it is fool proof. Computer skills are key, she added. Wildman thanked the commissioners for their time and left at 10:40am.

Kimberly Deschene—County Attorney Update:

Deschene said she did not have much to report. She has been working mostly on some criminal cases. She did tell them they should remove Rich Siebken from the board of the Grassy Mountain Fire District. If there is fallout, she would deal with it, she said. Schlepp told her that Fire Chief, Rick Seidlitz, thought they might try to disband. If that is the case, they should wait and see. If they decide to stay together and try to build a fire hall, then, she agreed, they need to act. But if not, it is not worth it.

Hurwitz asked if she had any news on the Tenderfoot. She did not.

Fire Chief Rick Seidlitz joined the meeting at 10:55am.

They briefly discussed a letter they had received from Bill Galt, offering to handle predator control with his helicopter. Schlepp said she would like more time to look in to it more.

Rick Seidlitz—Fire/DES:

Grassy Mountain Fire District

Seidlitz told the commissioners he thought the Fire District Board would try to disband. Townsend asked whether, even if Grassy landowners do not vote, they are still required to receive 40% to disband. Seidlitz said yes. Schlepp said if they do not get the 40% to disband, then the commissioners need to go to the State and tell them they have done everything possible.

Forest Service Helicopter Damage to Runway Apron

Seidlitz told the commissioners about some damage on the apron of the airport runway that was caused by a Forest Service helicopter landing there. Because the Forest Service did not have a contract with the Airport Board, the damage cannot be fixed locally. The job has to go through Albuquerque. It will get paid for; it will just take some time. He added that Road Supervisor, Bruce Smith, is going to make a road for the large fuel trucks to get out to where the Hueys and other large aircraft park.

Ladder Truck

He told the commissioners about a new ladder truck that Bill Galt acquired. It goes up 85 feet. Galt said he would park in the city so the City and County could use it.

Removal of Fire Restrictions

Action 1:

RESOLUTION 2012-#91

Hurwitz moved to remove the Stage One Fire Restrictions that were put in place on July 3, 2012, effective October 5, 2012. Townsend seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

County Volunteers

Seidlitz told the commissioners Meagher County has had more fire this year than any year he can remember. He praised the volunteers, calling them amazing. He said the Chief's truck earned about \$3000 for the County by fighting fires. He would use that to pay Otto (Ohlson) and Tony (Carver) for fighting the Park County fire. There were also \$2000 in donations, which he would like to use to get hats and t-shirts for the volunteers. Townsend said he would love to put something in the paper as well. Seidlitz agreed to do a write-up for the paper, which the commissioners would sign.

Grassy Mountain Fire District

The commissioners signed a mutual aid agreement with Grassy Mountain Fire District. Seidlitz told them they were talking about disbanding. Schlepp asked him if they should remove Rich Siebken from the Board. Seidlitz told her he would like to wait and see what happens.

LEPC LUNCH:

The commissioners broke at noon to attend the LEPC lunch. They returned at 1:15pm.

County Board of Health Meeting:

Schlepp called the meeting to order at 1:15pm. Also present in addition to the three commissioners were Sandy Harris; County Sanitarian, Deen Pomeroy; County Health Nurse, Kari Jo Kiff; her assistant Cynthia Stuhlberg; Tobacco Prevention Specialist, Aaron Blair.

Health Nurse Report

Health Nurse Kiff began the meeting by giving her report. Of note, there was one report of a communicable disease for the quarter, a case of Hepatitis C. She continues to visit Springdale and Martinsdale Colonies about once every month or two. She is planning for the adolescent vaccine campaigns with the 6th grade and high school in early November. Record assessments for the two registered daycares and the preschool have been completed. Montana has seven confirmed cases of influenza as of the previous week, a bit earlier than normal. She has started giving flu vaccines. She will be attending the CDC orientation in Atlanta for public health officials the following week.

Tobacco Prevention

Tobacco Prevention Specialist Blair gave his report next. There were no Clean Indoor Air Act violations for the quarter. He has run an ad in the newspaper this week for the Quit Line. ReACT is going to help have a dance. They had a coalition meeting in September and invited Mountainview Medical Center.

He mentioned that multi-unit housing facilities that are federally funded are supposed to be smoke free. Hurwitz interjected, sharing his disbelief that poor people who live in government-funded housing cannot smoke in their own homes. That is taking away people's rights, he argued. They discussed this issue more before Schlepp asked Blair to see a copy of the State's report on multi-unit housing.

Blair concluded by saying he has been working with a cancer awareness group through the Helena Board of Health on the issue of smoke juice put in e-cigarettes.

Sanitarian

County Sanitarian Pomeroy gave his report next. All he had to report was a case of a raccoon seen during the day acting unusually. The City Animal Control Officer shot it in the head though so it could not be checked for rabies. Pomeroy called it an education moment. Kiff suggested maybe the City could send him somewhere for further training.

Schlepp adjourned the Board of Health meeting at 2:00pm.

Jon Lopp—Forest Service Contract:

Sheriff Lopp met with the commissioners to present them with a contract to sign outlining the County Sheriff's Department patrolling Forest Service land. Schlepp duly signed.

Minutes:

Action 2:

Townsend moved to approve the minutes from the previous two meetings (October 2, 2012 and September 19, 2012) without change. Hurwitz seconded. A vote was held and passed unanimously (3-0).

Aaron Blair—Tobacco Prevention:

Blair did not meet with the commissioners, as he had already presented his report during the Board of Health meeting.

PUBLIC COMMENT:

Todd Klassy, Triangle Communications:

Fiber Optic Update

Klassy told the commissioners that Triangle was basically done with its heavy construction, and they are doing lots of clean up now. For the next six to nine months, there will be a crew of 12 in town hooking things up. They will start with multi-unit places, then institutions like the courthouse and hospital, then single units. They will start in town and work their way out. When all is done, they will turn off the copper and switch on the fiber optics.

Mapping Program

Klassy next addressed the mapping program Triangle is making available to Meagher County. He said originally the plan was to provide it in lieu of copy fees. But things were taking so long that Triangle went ahead and paid the copy fees. Now there are some outstanding recording fees, like \$400 and \$300, and Triangle was wondering if the mapping program could be provided to the County in lieu of those fees. Obviously, he added, they would talk to Clerk & Recorder Ogle first.

Clerk of Court, Donna Morris joined the meeting at 3:00pm. City Judge John Wells joined the meeting at 3:05pm. Ogle joined the meeting at 3:15pm.

Ogle told the commissioners she was against waiving the recording fees as it would be taking money away from her department. She did not want the program in the first place since her office already uses the program developed by Rick Seidlitz. County IT Supervisor, Jim McDanel wanted it for work he was doing for the City.

Klassy said Seidlitz uses ARC Soft, which is a proprietary program that only the subscriber can use. Schlepp told Klassy it was her impression from the start that Triangle was giving the County the program at no cost. Hurwitz pointed out they already have a computer dedicated to it. Townsend said if it is beneficial, why wouldn't they do it? Schlepp suggested taking the cost out of the IT budget and keeping the goodwill with Triangle, who has done a good job in the County so far.

County Extension Agent, Nico Cantalupo, and County Assessor, Becky Hurwitz-Leger, joined the meeting. The assembled group shared cake to celebrate Schlepp's birthday. Klassy left the meeting at 3:30pm.

John Wells—JP Candidate:

City Judge, John Wells, visited with the commissioners to discuss his possibility of becoming the next Justice of the Peace. He addressed six primary issues. First, he addressed the issue of conflict of interest with the City Court. He said that 40 out of the 111 limited jurisdiction courts statewide have judges serving both entities so it should be no problem. Second, he knows the court already. Third, he plans to charge community service people \$10 an hour. Fourth, he would like to start accepting credit cards for payment of fines. There is no charge to the County and they will actually get paid. He is also looking into charging inmates a daily rate for jail. Fifth, the County and City could share the costs of sending him to conferences and paying professional membership dues. And finally, he would like the Justice Court to become a court of record, in which everything is taped. It would cut down on appeals and give attorneys an incentive to be more serious about preparing for cases.

Wells left at 3:45pm. Schlepp also left at 3:45pm.

Claims:

Commission was presented Voucher #1319, CK#44611 through CK#44644, totaling \$51,582.64. Commission approved and signed checks as presented.

Meeting Adjourned:

Vice Chair Hurwitz adjourned the meeting at 4:00pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, October 16, 2012.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Nate Sanders.
Distributed October 16, 2012 to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle

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Commissioners Present:

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

Jim McDanel—Triangle Mapping Program:

Triangle Mapping

Jim McDanel visited with the commissioners to discuss the new mapping program that Triangle Communications recently provided to the County. Hurwitz pointed out that the only investment the County has in it so far is the cost of the server and what comes out of the IT budget to cover the cost of the Triangle recordings for which there is an outstanding balance, about \$400. He added that he does not want a turf war between the Triangle program and the one that Rick Seidlitz has developed. The Clerk & Recorder's office likes Seidlitz's as they are already familiar with it. The Treasurer's office and the Assessor prefer the Triangle program. He asked McDanel for his assurance that he would keep the Triangle program updated. McDanel said he would as long as he was given the required information.

There was some debate about which would be the best department to provide him the updated information.

Clerk & Recorder, Dayna Ogle, and Treasurer, Sue Phelan, joined the meeting at 10:10am.

Townsend wondered why it was necessary to have two programs in the first place. Ogle agreed, saying that was her contention right from the start. Ogle explained that once a recording happens, the deal is done. Land changes hands in the Clerk & Recorder's office. Taxes change in the Assessor's office. Ogle said she could give McDanel a list of ownership changes at the time her office gives the Realty Transfer Certificates to the Assessor. It was agreed that Ogle would get a list of ownership changes to McDanel on a monthly basis.

Hurwitz said it would be great if McDanel could work with Seidlitz to get the new system up and running smoothly. Finally, there was a discussion about the cost of the program. While Triangle was not charging the County for the program, they had asked if the County would write off its outstanding recording fees of about \$400. Ogle explained that it would simply be revenue not coming in. It would not be the IT budget versus the Clerk & Recorder budget per se, as they are both part of the General Fund and revenue is not specified.

Phelan left the meeting at 10:30am.

Ambulance Garage Wiring

McDanel told the commissioners that Ambulance Board member, Jack Berg, had asked him about getting the new ambulance barn wired for computers. He felt he could do that using the extra wiring from when he re-wired the courthouse.

New Backup Server

McDanel then shared his concerns regarding licensing costs of software for the new server. He said he was told by CSA (Computer Software Associates, now Tyler Technologies) that each individual software program installed on the backup server needed to be licensed. But Microsoft had told him at the start that that was not necessary. Plus, CSA is trying to charge \$1900 to move its software to the new server as well. McDanel contended that the reason they did things the way they did was to save on licensing costs.

Hurwitz suggested they have somebody from CSA come to explain their position to the commissioners in person. Schlepp suggested that they contact other counties first to see how they do things.

McDanel asked what the annual cost for using CSA was. He said he remembered it being close to \$20,000. He wondered if it was worth that much for how much they use it. Ogle told him her office uses their services all the time, three to five times a week, sometimes up to five times a day. McDanel wondered what their hourly rate was. Ogle said it used to be \$180. She said the other option was Black Mountain, but they are no cheaper.

McDanel shared his frustration that the reason the County is in this predicament is CSA. When the County wanted to go to a 64-bit system, CSA's software could not handle it as it was 32-bit. Now all Meagher County's PC's are 64-bit. And CSA has finally upgraded to 64-bit but for Meagher County to upgrade now to match them, CSA is charging \$1900.

It was agreed to contact other counties and then to have CSA come meet with the commissioners.

Justice of the Peace Appointment:

Action 1:

Hurwitz moved to appoint Paula Wildman to the Justice of the Peace office, to complete the remainder of the four-year term ending December 31, 2014, which was vacated with the retirement of Jerry Churchill. Townsend seconded.

There was discussion. Schlepp said she would vote against her. She felt she would do a great job but would prefer a different candidate. Townsend argued that she had run for the office in the past and only narrowly lost. Hurwitz agreed. Townsend felt current interim JP John Wells was qualified as well but was concerned about County and City business getting mixed up.

A vote was held and passed 2-1, with Schlepp voting against. It is thus moved.

Rick Seidlitz—Castle Valley Meadows Fire District:

County Fire Chief, Rick Seidlitz, visited with the commissioners to discuss using Castle Valley Meadows Fire District to annex the rest of the County into in order to form a county-wide fire district. First, he presented Schlepp with a letter to DNRC requesting aid for fighting the recent Mud Fire, which began on the Dana Ranch. Schlepp duly signed.

Then he raised the issue of a county-wide fire district, which, he argued, was necessary for Meagher County Fire to survive. He said Errol Galt wants Martinsdale to be included as well. Schlepp asked if he was sure this could be done with only two more mils assessed. He said, yes, he was confident that five total would be sufficient. Hurwitz wondered whether Martinsdale Fee Area would go away. Seidlitz said it would in the form it is in now, where residents pay \$50 per livable structure. But the resources and facilities would remain.

Townsend asked why Castle Valley Meadows was on the agenda. Seidlitz said that they are technically the same as Grassy Mountain, but they are within five miles of town so they do not have the insurance issues Grassy residents have. They are also taxed by acreage, which is illegal. Schlepp said if they go to a county-wide district, taxation would not be an issue. Seidlitz countered that if the taxation is fixed, they can annex the rest of Meagher County into Castle Valley Meadows. They would still need petitions, he continued, but it would be much easier than starting a new district. Hurwitz stated he supports a county-wide fire district.

Worker's Compensation for Volunteers

Seidlitz next discussed worker's compensation for his volunteers. He said he currently has 20 covered now, the 20 who respond most regularly to fires. He said there are about 60 though who have responded or will respond. At \$100 per volunteer per year, the issue is knowing whom to cover and whom not to. If he has a volunteer who is not covered injured at the scene of a fire, they can usually get them covered if they are relatively new and have not regularly responded to fires in the past. But if it happens to someone who has been fighting fires for fifteen years and they are not included in the coverage, chances are they will not be covered.

Kimberly Deschene—County Attorney Update:

Deschene visited with the commissioners to give her weekly update. She briefly discussed the J.P. appointment. She then mentioned the Tenderfoot issue, which was on the front page of the Great Falls Tribune. The State Attorney General's office had filed a lawsuit against Howard Zehntner for access to the road past his gate. They decided to break for lunch so the commissioners had a chance to read the article. They would discuss it in more detail later in the day.

Lunch:

The commissioners broke for lunch at 11:45am. They returned at 1:00pm.

Automark Public Test:

Clerk & Recorder Ogle joined the commissioners, along with the Automark voting machine, a machine to provide easier voting access to voters with special needs. Schlepp voted a sample ballot using the machine.

Minutes:

Hurwitz moved to approve the minutes from the previous meeting (October 9, 2012) without change. Townsend seconded. A vote was held and passed unanimously (3-0).

PUBLIC COMMENT:

Dan from RDO:

Dan from RDO Equipment dropped by to visit with the commissioners. He handed them his card and some marketing materials and left.

Jerry Churchill—Retirement Celebration:

Recently retired Justice of the Peace, Jerry Churchill, joined the commissioners. They presented him with a plaque to thank him for his service to Meagher County. Also in attendance were Clerk & Recorder, Ogle; Deputy Clerk & Recorder, Christy Rogers; Clerk of the Court, Donna Morris; County Superintendent, Helen Hanson; County Extension Agent, Nico Cantalupo, and Undersheriff, Dave Wendt. Refreshments were served.

County Attorney Deschene—Tenderfoot:

County Attorney Deschene rejoined the meeting to discuss the Tenderfoot issue in more detail. She gave the commissioners a copy of an affidavit that was sent to her from Susan Swimley, one of the attorneys for the Zehntners. The affidavit states, among other things, that she did not ask the Attorney General's office to get involved in the Tenderfoot case. She said they were also preparing a similar affidavit for each of the commissioners to sign as well. Schlepp said they would look at it but not sign. Deschene agreed, saying that was her advice. Schlepp added that the County's policy is to remain neutral. Townsend wondered why they shouldn't sign the affidavit if it was true. Deschene said it would be used against them. Hurwitz added not only that they did not ask Deschene to get involved, but they asked her *not* to get involved. Schlepp added that signing the affidavit puts Deschene and the County squarely on one side of the issue.

It was agreed not to sign the affidavit. As things proceeded, they would be deposed or subpoenaed anyway. Deschene left the meeting at 2:15pm.

Ken Ogle/Otto Ohlson—Sale/Purchase of Used Ranger:

Ken Ogle and Otto Ohlson met with the commissioners to discuss the Weed Department's Ranger. Also present was Clerk & Recorder Ogle. The Commission discussed how the County can sell property. MCA states any property valued at \$2500 or more has to be sold at a public auction or let out to bid. Statute also says any office of a city or county cannot buy or sell from or

to the county. It was decided that to be in compliance the County will put a call for bids in the local paper.

Claims:

Commission was presented Voucher #1320, CK#44645 through CK#44671, totaling \$17,626.50. Commission approved and signed checks as presented. Also, CK#44542 from Voucher #1315 was voided (wrong vendor), as was CK#44420 from Voucher #1309 (not needed).

Meeting Adjourned:

Chair Schlepp adjourned the meeting at 3:00pm.

Next Meeting:

Commissioners are scheduled to meet Wednesday, November 7, 2012.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

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