

PROCEEDINGS OF THE BOARD OF THE COMMISSIONERS
MEAGHER COUNTY, MONTANA

February 5, 12, 19, 2013

Tuesday

February 5, 2013

8:45am-4:35pm

Met in Commissioner's Chambers

Meeting Called to Order:

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

Commissioners Present:

Chair Ben Hurwitz and Commissioner Nancy Schlepp.

Bruce Smith—Road Report:

Road Supervisor, Bruce Smith, visited with the commissioners to give his monthly report. Of note, he said the Department had recently spent \$5000 for Clayton Welding to fix the suspension on one of the belly dumps. The Road Crew is replacing the sheetrock at the shop with tin. And they need to replace the bulldozer and scraper.

Schlepp told him there was Secure Rural Schools money available for the year. Hurwitz added that they never know how many years it will be available so it is important to use it when they have it. It was agreed that Smith would price replacement dozers and scrapers. Smith added that he would contact his CAT salesman to see about trading in the D6 (dozer). Schlepp reviewed his budget and felt it would be financially feasible to make some needed upgrades.

Smith mentioned that Otto Ohlson went to measure the gravel pit, where Sierra Rock & Dirt had recently completed phase one of its crushing project. Ohlson said he had measured 7000 yards, even though Rick McDaniel of Sierra was certain it was the agreed upon 10,000. It was decided that Smith would go back with McDaniel and Ohlson to re-measure.

Smith left the meeting at 9:15am.

Non-Residential Building Inspector:

The commissioners reviewed a letter they had received from Kyle Harlan, with whom the County was planning to contract with to do non-residential building inspections, but only if he could get his remaining required certifications by the end of 2012. The letter informed them that he had not received the certifications. They decided to write him a letter thanking him for his interest in working with the County, but that due to his failure to obtain his certifications, they would not contract with him.

Headwaters Recycling:

The commissioners reviewed a letter received from Headwaters Recycling, the organization that handles the County's recycling program. In the letter, Headwaters Chairperson, Sherrel Rhys, explains that due to financial difficulties caused by dropping commodity prices and rising fuel costs, Headwaters has no choice but to assess an extra \$1.95 per capita fee to what counties are already paying. A spreadsheet attached to the letter shows that the resulting amount assessed to Meagher County would rise to \$9,921.60 from \$6201, effective immediately. Hurwitz and Schlepp agreed that, while they understand and appreciate the difficulties faced by Headwaters, the County is not in a position to pay the extra per capita fee, especially as it is being assessed in the middle of the fiscal year and was not budgeted.

Schlepp wondered if it would be possible to remove the bins from Martinsdale so that the per capita fee could be assessed based on the population of the City of White Sulphur Springs

instead of the entire County, which would cut the total cost by about half. It was agreed to discuss these issues at a future meeting in March.

Ken Martin—Courthouse Maintenance:

County Janitor/Maintenance person, Ken Martin, dropped by briefly to touch base with the commissioners. He told them lights for the front entrance of the Courthouse and for the flagpole had been ordered. He also got a floor buffer and a carpet shampooer. He asked what projects they would like him to work on. They wondered if he would be willing to paint the courtroom. He said he would, but he would need some scaffolding. Hurwitz pointed out that Clerk of the Court, Donna Morris, mentioned some changes she felt need made to the courtroom, so they would coordinate with her before any painting was done. Then after the painting was finished, new carpet would next.

Sara Driemeyer—Ambulance Garage:

Meagher County Ambulance Board Chair, Sara Driemeyer, met with the commissioners to discuss the ambulance garage. Also joining the meeting was County Attorney, Kimberly Deschene. They reviewed a letter Deschene had received from Coast to Coast Carports, the company providing the actual garage structure, in which they offered the County a \$2000 discount as compensation for the delay in delivering the building. Deschene agreed to write a letter accepting the discount, and also to try to pin down a timeframe for delivery and completion of the structure.

Driemeyer left the meeting at 10:45am.

Vice Chair, Herb Townsend, called in at 10:45 am to check in. Hurwitz gave him a recap of the meeting so far and Townsend said he would re-join them by phone in the afternoon.

Kimberly Deschene—County Attorney Update:

County Attorney Deschene gave the commissioners her weekly report. She mentioned that Fire Chief, Rick Seidlitz, was having second thoughts about a countywide fire district, thinking that a countywide fire fee service area might be the way to go. Hurwitz shared his concern that the word “fee” might kill it. Schlepp agreed, adding that a fee is above and beyond the tax base and there is therefore no accountability to taxpayers. Deschene said she would do a memo listing the pros and cons of both the fire district and the service area options.

She said she was working on an agreement between the school district and the Spa Hot Springs Motel, in which the Spa would allow the school district to use hot water from the hot springs to heat the schools. In exchange, the motel would be able to take a charitable deduction of the value of the hot water rights to the school district.

She concluded by mentioning a group from Utah that has requested from the County permission to copy and digitize its documents in exchange for giving a copy to the County. She said her main issue with the agreement is that it mentions that things would be governed by the laws of Utah. That would have to be changed to the laws of Montana. Hurwitz stressed that the County’s records and documents must not leave the courthouse. She said that she has some calls in to County Attorneys of counties who did not agree to do this and she would like a little more time to follow up before making a final recommendation.

LUNCH:

The Commissioners broke for lunch at 11:50am. They returned at 1:00pm.

Minutes:

It was decided to act on the minutes from the previous meeting, January 22, 2013, at the following meeting.

Dayna Ogle—Clerk & Recorder Update:

Fire/DES Clerk

Clerk & Recorder, Dayna Ogle, joined the meeting to discuss a few issues. First, they discussed the new position Fire Chief Seidlitz wants created to help him with clerical tasks. If the job went to a current employee, there was concern about whether the hours worked for him, even though it would be a temporary position, would combine with the normal work hours, to trigger eligibility for insurance and other benefits. Ogle said she would consult MACo to find out.

Temporary Employees/Boiler School

Next, she mentioned three of the County's current temporary employees—Marc Pryor, who handles the boilers at the Courthouse and the Jail; Alvin Kujath, who shovels the walks and mows the lawn at the Courthouse and Library; and Ken Martin, the Courthouse janitor and handyman. Temporary employees are able to work up to twelve months before they have to be re-approved for another temporary period. Kujath will reach twelve months this month. The last six months Kujath has cost the County just over \$500. Pryor, who reaches his twelfth month in March and gets paid for one hour per day and some other time here and there for maintenance projects, has cost the County over \$5100 in six months. There has been talk, Ogle continued, with Treasurer, Sue Phelan, and Deputy Treasurer, Shauna Porter, whose department oversees Martin, about the possibility of sending Martin to boiler school and combining Pryor's duties into Martin's job description and saving the County considerable money. Ogle said it costs \$400 for a weeklong class and \$60 for the license. After the class, there would be a 40-hour apprenticeship. It was agreed that the idea would be discussed with Martin.

Hurwitz stepped out at 1:15pm to visit with the Dave Covert, from Combustion Services, who was in the Courthouse working on boiler issues with Pryor.

Window Replacement Bids

Ogle gave the commissioners a copy of a bid by Rooney's to replace three windows in the Treasurer's office, three in the Clerk of the Court office, and the block windows in the back stairwell.

Non-Residential Building Inspector

Schlepp told Ogle they had decided to send Kyle Harlan, aforementioned non-residential building inspector, a letter of regret. They would simply be using the State inspector instead.

Request for Extension of Time to Take Accumulated Vacation

Ogle mentioned Nick Rauser, a sheriff deputy who is required to take several hours of vacation by the end of March or else lose it. He wants to be able to extend his time into April, as it will not cost the Sheriff Department any overtime to cover for him. Schlepp said she would prefer to discuss the issue with Sheriff Lopp, later in the meeting.

Family Search

Ogle mentioned Family Search, the Utah group that wants to copy and digitize the County's documents. Schlepp told her that County Attorney Deschene was going to do a bit more research into that but felt that it would be okay as long as no documents left the Courthouse. Ogle said it sounds like it would be a two-person mission that might take up to six months.

Unpaid Weed Spraying Fees Added to Tax Rolls

Ogle next mentioned a situation in which Weed Supervisor, Otto Ohlson, has done some spraying for two individuals who refuse to pay him for the work. It was part of an RC&D grant program in which the grant pays half and the landowner pays half. By statute, Ogle said, any unpaid spraying fees could be added to the tax rolls. Schlepp said she would feel more comfortable seeing if there were signed agreements before they authorized that.

Hurwitz rejoined the meeting at 1:30pm.

Courthouse Window Replacement

Action 1:

RESOLUTION 2013-#13

Schlepp moved to accept the bid from Rooney's to replace three windows in the Treasurer's office, at a cost of \$5827, and three windows in the Clerk of Court office, at a cost of \$6610. The

block windows in the back stairwell will not be replaced at this time. The total cost would be \$12,437. Hurwitz seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

New Outlay Fund for 911 Dispatch

Action 2:

RESOLUTION 2013-#14

Schlepp moved to create a new fund (4850) for 911 Dispatch Outlay. Hurwitz seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

Airport Grant for Jet Fuel Tank

Ogle then raised the issue of an airport grant. The airport was approved for a grant from the FAA to purchase and install a new jet fuel tank at the airport. The County is required to match 10% of the grant, or \$19,700. Montana Aeronautics had originally approved the County for \$9850 in a grant and \$9850 in a loan, to cover the County portion of the match. Recently, however, they decided to reject the grant portion, as they do not fund revenue projects such as this. They did, however, increase the loan amount to \$13,813, which would leave the County short \$5887 on its match portion. It was agreed to discuss this at a later meeting.

Ogle left the meeting at 1:40pm.

Rick Seidlitz—Part-Time Office Assistant:

Rick Seidlitz, Fire Chief/DES Coordinator, visited with the commissioners to discuss hiring a part-time office assistant. He said he had checked his budget and can afford an assistant, who would be considered temporary till the end of the fiscal year, at which point he would like to revisit the position and consider making it permanent. He told the commissioners the pay would come from the DES funding line. Then he would only be paying half.

He also mentioned the grant was approved for the dump truck, so he is going to order the pump.

Closed Session—Personnel Matters:

The session was closed at 2pm to address some personnel matters. Hurwitz re-opened the session at 4:05pm.

Jon Lopp—Sheriff Report:

Sheriff Lopp presented his monthly report to the commissioners. Of note, he mentioned that Search and Rescue recently sold one of its snowmobiles for \$1000. They have found another one they would like to purchase for \$5000. He proposed using \$2000 from their budget, another \$2000 in Forest Service funds (pending approval from the Forest Service), and the \$1000 in proceeds from the sale of the other one, to purchase this one.

Action 3:

RESOLUTION 2013-#15

Schlepp moved that Search and Rescue be allowed to purchase the snowmobile for \$5000, using \$2000 from its budget, \$2000 in Forest Service funds, and \$1000 in proceeds from the recently sold snowmobile. Hurwitz seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

Fire/DES Clerk:

Action 4:

RESOLUTION 2013-#16

Schlepp moved to create a temporary, part-time (under 1040 hours per year) position called Fire/DES Clerk, to assist Fire Chief/DES Coordinator Rick Seidlitz with office duties. The hourly wage will be \$9.43 and will be paid out of the DES funding line. Hurwitz seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

PUBLIC COMMENT:

CTEP Update

Jim Richard and Brian Obert joined the meeting to give the commissioners an update on the progress of the CTEP project. Richard said all of the work—on the Welcome to Meagher County signs, the Welcome to WSS signs, the Rodeo Grounds and Castle directional signs, the landscaping of all of them, and the new fence at the golf course—should be complete by June 30. The signs have already been bid out and a bid has been selected. They are about to let the bids for landscapers and fencers. He said that things should be looking really nice in time for the Red Ants Pants Music Festival.

Richard then took a moment to inform the commissioners he would be resigning from his duties on the CTEP committee due to family considerations. Hurwitz thanked him for his service to the project and wished him well.

Obert then gave an update on some other issues. He mentioned the highway project for Main Street and said it might be time to work on updating the County’s Comprehensive Economic Development Strategy. He suggested a public hearing, maybe around the same time the highway department folks do theirs to discuss the highway project. Their hearing will be on March 21. He recommended March 7 for the County to have its hearing.

He concluded by telling the commissioners there are two ways to handle the costs from the CTEP project. One is to pay the contractor invoices and then submit proof of payment for reimbursement. The other way is to send the invoices directly to the State.

Airport Grant for Jet Fuel Tank

Clerk & Recorder Ogle returned to inform the commissioners that they need to decide as soon as possible on whether to move forward with the airport grant they had discussed earlier in the day. The loan in question is at 1.625% over a ten-year period. The project total is \$197,000, of which the County would be responsible to cover \$19,700. The loan approved by Montana Aeronautics is for \$13,813, which would leave a shortfall of \$5887. Ogle stressed that none of this money included funds to fill the tank once it was in place.

Action 5:

RESOLUTION 2013-#17

Schlepp moved that the County move forward with the Federal grant for the jet fuel tank at the airport and to accept the loan from Montana Aeronautics for \$13,813 for ten years at 1.625%. Hurwitz seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

It was agreed to get the Airport Board on the agenda the following week to discuss this in more detail.

Claims:

Commission was presented Voucher #1345, CK#45064 through CK#45117, totaling \$23,179.96. Commission approved and signed checks as presented. Also presented were Health Insurance Voucher #1343, CK#218371 through CK#218377, totaling \$21,394.45; Payroll Deduction Voucher #1344, CK#218378 through CK#218384, totaling \$94,861.53; and Payroll Voucher #7, CK#218385 through CK#218397, totaling \$9,229.60. Commission approved as presented.

Meeting Adjourned:

Chair Hurwitz adjourned the meeting at 4:35pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, February 12, 2013.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Tuesday
February 12, 2013
9:00am-2:45pm
Met in Commissioner's Chambers

Meeting Called to Order:

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

Commissioners Present:

Chair Ben Hurwitz.

Sue Phelan—Treasurer Report:

Boiler School

County Treasurer, Sue Phelan, met with Hurwitz to give her monthly report. Joining her was Courthouse Janitor/Maintenance Man, Ken Martin. Hurwitz asked Martin if he would be interested in attending Boiler School, as had been discussed at a previous meeting. The County would pay for the weeklong school in Billings, lodging, meals, mileage. In exchange, Hurwitz added, it would be nice if Martin stuck around for three years afterward. Martin replied that he was happy and planned to work for the County for several more years.

Paper Towel Dispensers

Phelan mentioned that the paper towel dispensers in the restrooms need replaced. Hurwitz added that the sink in the men's restroom on the bottom floor is disgusting and needs replaced as well. Martin said that the jury room restrooms need work too. Hurwitz said it would be good if things could be taken care of gradually, like the plan to replace the light fixtures a couple at a time. He thought it was a good idea to replace the paper towel dispensers.

Computer in Boiler Room

Phelan wondered if it would be possible for IT contractor, Jim McDanel, to set Martin up with a computer and cheap printer in the boiler room so he could use it to order parts and supplies. Hurwitz commented that there certainly are plenty of old computers available that McDanel could use. He felt it was a good idea.

Stelling Engineers/Airport Board—Jet Fuel Tank Grant:

Mitch Stelling, Mike Beckhoff, and Steve Brown from Stelling Engineers, and Kurt Burns, Bill Galt, and John Zawada from the Airport Board, met with Hurwitz to discuss the jet fuel tank project at the Airport. Beckhoff handed the gathering an agenda. The first bullet point was his resignation from Stelling, to begin working with a different firm. Stelling introduced Steve Brown, who will be assuming Beckhoff's responsibilities with the County. Stelling assured Hurwitz the County would receive the same excellent service going forward. Brown has been with Stelling for ten years and has worked on many large projects with him.

Jet Fuel

The next item was the jet fuel project. Hurwitz agreed there were quite a few good reasons for moving ahead with it. Beckhoff mentioned Commissioner Schlepp talking about the problems the hospital in Billings has had sending a life flight helicopter to WSS as it is at the edge of its range and cannot currently refuel with jet fuel at the Airport. Galt said that with forest fires, the operators are required to fuel themselves. If there is jet fuel available they are likely to purchase it instead of sending fuel trucks to Great Falls at the end of a long day. Plus, he added, WSS has one of the nicest runways in the State.

Hurwitz asked if they would be able to sell it. Galt told him it would take a while to court the pilots, but once they realized there was reliable fuel here, they would certainly purchase it. Most life flight helicopters would not actually use the County's jet fuel as they come from Great Falls or Bozeman. And in bad weather, they will tend to fly fixed wing aircraft in. Hurwitz asked how to promote it. Burns replied he would advertise through Montana Aeronautics and various aviation websites.

Hurwitz asked about the price. Burns replied that with the avgas, the Airport is currently \$.22 per gallon cheaper than Bozeman and they are competitive with Broadwater. There are 8500 gallons in the tank right now. Galt added that they would ideally purchase 10,000 gallons at a time, as they would pay the same for freight regardless of the purchase amount. He mentioned a fuel additive called prist, which would add a little cost to the jet fuel but would help it age better. He also suggested the possibility of going with a branded fuel. In that case, the County would buy the first million dollars in insurance coverage and the branded company would buy maybe the next \$10 million of coverage. Stelling added that branded fuel, while it would likely be a little costlier, would be easier to sell.

Avgas Tank Monitoring

Hurwitz asked Burns how the monitoring of the avgas tank for water is going. Burns said it has been going well, but as of today, he was resigning from that responsibility. He does not have the time to do it anymore and he does not like assuming liability for it. He shared that he generally checked the tank monthly and the whole process took upwards of two hours between the actual monitoring and documentation in the log he has kept. Beckhoff pointed out that if the airport decided to go with a branded fuel, they would be required to check it more frequently, maybe even on a daily basis.

Hurwitz asked how to make sure the monitoring was actually happening. He thought maybe having the next person who does it submit a monthly report would help. He then asked Brown if he could oversee it to make sure they find somebody and it gets done.

Fuel Master Card Reader

Burns told Hurwitz the card reader at the Airport is down and Townsend Electric has been working on it. In cases like this, he continued, Fuel Master will send all the parts for the panel and the airport sends back the old parts. They test them when they receive them back and give the airport credit for anything that is still in working condition.

Stelling concluded by saying they were committed to finding a procedure for avgas and jet fuel. They would also look into the possibility of using branded fuel going forward. Beckhoff then pointed out that the engineering costs for the project were originally projected at \$36,000 but have since been adjusted downward to \$35,000. Galt asked if fuel trucks could be on the apron, given problems they have had with other vehicles on the apron causing damage to it on hot days. It was agreed to revisit that issue, but also that there was sufficient room for fuel trucks behind the tank.

Beckhoff left the agreement with Administrative Assistant, Nate Sanders, to have Hurwitz and White Sulphur Springs Mayor, Julian Theriault, sign.

Julie Blockey—Insurance Update:

Julie Blockey, the County's agent for health insurance, met with Hurwitz to give an update on insurance issues. Also present was Deputy Treasurer, Shauna Porter. Blockey began by handing out binders with a current listing of all current benefits for participating Meagher County employees. Hurwitz shared his concern of a colleague of an employee going through cancer treatment. The gentleman is covered by a Blue Cross Blue Shield policy but he is paying significantly above and beyond his out-of-pocket limit. Blockey was surprised, but said it might be due to receiving experimental treatment or using out-of-network providers.

She reviewed the two tiers of coverage available to County employees. She said the Tier 2 option was offered as it was similar to the previous MACo Basic Plan but with a prescription option. Porter shared the frustration of two of her co-workers with the Tier 2 plan, saying it "sucks." Blockey suggested then that an attractive option may be to get rid of the Tier 2 option and consider a high-deductible plan instead, which would be eligible to have a Health Savings Account attached to it.

Blockey said she had spoken to an underwriter that morning and found out that the premium trend for Blue Cross Blue Shield in Montana was 8-9%. She was happy to report that, as things stand right now, Meagher County's renewal rates for the coming year would not exceed the 8-9% trend.

She walked Hurwitz and Porter through the binder, touching on each of the benefits: health, wellness, employee assistance program, dental, vision, and life. She stressed the importance of the wellness program as a way to keep the County's premiums lower. She thought when she returned in the spring to address the employees, maybe that was something she could address.

It was agreed that she would return on April 2 and meet with the employees. Porter agreed to circulate a memo to employees encouraging them to attend, and if they were unable to, to submit any questions or concerns they may have to her so she could forward them on to Blockey before the meeting.

Commissioner Townsend joined the meeting by telephone at 10:50. At which time Blockey and Porter left.

Rick Seidlitz—Fire/DES:

County Fire Chief and DES Coordinator, Rick Seidlitz, joined the meeting to give his monthly report. Of note, he gave Hurwitz two sheets, one an overview of the pros and cons of going with a countywide fire district versus a fire service area, the other an overview of Meagher County Fire Reorganization. He told Hurwitz it would be much simpler to have one big fire entity. There is already County equipment on City trucks and City equipment on County trucks. Plus, having one countywide entity would remove the issue of who pays for what. Currently City residents pay for both structure protection, within the city, and wildland protection, outside of the City.

Commissioner Schlepp joined the meeting at 11:25am.

Seidlitz said that a fire service area does many of the same things that a fire district does but it is simpler to set up. There would only be 30 signatures required, followed by a public meeting. Unless there is dissent by over half of those present, they would be able to move forward. They would be able to charge per livable structure and land mass, with a cap of \$250. The only potential issue is a fire service area is unable to incorporate a city, if the City of WSS decided to join in the future.

Hurwitz suggested that people living outside the City would be against the City joining as that is where most of the cost would be. He added that it is silly to have the County and City separate as they pretty much cover each other.

Seidlitz added that a fire district covers all risk, including EMS. So if they were able to do a countywide district, including the City, they would be able to combine leadership of three entities—County Fire, City Fire, Meagher County Ambulance—into one.

County Attorney, Kimberly Deschene, joined the meeting at 11:35am.

Deschene asked Seidlitz if the County could change from a fire service area to a fire district in the future. Seidlitz told her that the service area would have to be dissolved first and all the assets returned to residents of the service area. City Fire Chief, Otto Ohlson, sees advantages in combining County and City, Seidlitz continued. First, there would be one fire chief. Second, there would be one entity using the same funds currently used by multiple entities.

Schlepp said she felt more comfortable going in the direction of a fire district. Hurwitz agreed. Seidlitz said he was not a proponent for either per se. Whichever path is taken will have to be sold to the people of Meagher County. No further action was taken at this time.

Liability

Seidlitz told the commissioners that County Fire's agreement with the State to use their trucks requires the County to carry liability insurance. Which the County does he have. However, he continued, it does not cover the County to fight structure fires.

Seidlitz left the meeting at 11:45am.

County Sheriff, Jon Lopp, joined the meeting at 11:50am.

Kimberly Deschene—County Attorney Update:

Deschene had stepped out briefly for a hearing in the Justice Court. Schlepp told Lopp she had spoken with MACo Chief Counsel, Mike Sehestedt, about using a MACo mediator for some inter-departmental issues. Sehestedt said they could. They just had to clear it with the mediator herself. Lopp agreed and left.

Minutes:

The commissioners decided to act on the minutes from the previous two meetings at the following meeting as Hurwitz had to leave for an appointment.

Building Insurance—Finalize Coverage:

The commissioners decided to act on this at the following meeting as well as Hurwitz had to leave for an appointment.

Hurwitz left the meeting at 12:00pm.

LUNCH:

Schlepp broke for lunch at 12:00pm. She returned at 1:00pm.

Kari Jo Kiff—Health Nurse Report:

County Health Nurse, Kari Jo Kiff, met with Schlepp to give her monthly report. Of note, she said the Health Department had signed a Memorandum of Understanding with Mountainview Medical Center as a rural health center, which allows for underinsured children to be vaccinated at no cost under the State VFC program. She also mentioned some issues she has been having with Cigna, the clearing house that is now handling insurance for State employees. The County Health Department is not in their network so they only get paid 65 cents on the dollar. Finally, she mentioned she would need a budget amendment for the CSBG funds the Health Department would be receiving. She budgeted for \$2000 but is receiving \$3000.

PUBLIC COMMENT:

Linda Banks

Linda Banks visited with Schlepp to discuss an issue concerning Senator Max Baucus. Kiff remained for this portion of the meeting and County Extension Agent, Nico Cantalupo, also joined the meeting. Banks told Schlepp that in December of 2012, Amgen, a large bio-tech company, was fined \$762 million by the US government for illegally marketing its pharmaceuticals. A couple weeks later, an amendment was slipped into the fiscal cliff bill essentially allowing them to recoup up to \$500 million of the fine they had paid. The amendment, she said, would have had to be approved by Senators Orrin Hatch and Max Baucus. Both have major ties to Amgen. Baucus's former chief of staff is currently a lobbyist for Amgen, as a matter of fact. Banks said she first read about this in the New York Times, and later heard it discussed on Bill Moyers.

Her concern is that it sends the wrong message that Montanans can be bought. She said she had called Senators and State representatives. She wondered if a letter of condemnation could come from somewhere, either the County or perhaps a State office, saying "we don't approve." Schlepp asked if she had called Baucus's office directly. She had but they will not return her call, she replied.

Schlepp told her she is not sure there is an avenue through the State to deal with this. She suggested Banks call Baucus's Billings office as they might be more responsive. Kiff thought maybe writing a letter would be helpful. Schlepp added that once in a while representatives from Montana's senators and representative either check in or drop by to meet with the commissioners. She told her it was important to have her voice heard and thanked her for sharing her concerns.

Banks left at 2:25pm.

Nico Cantalupo—County Extension Agent

Cantalupo visited with Schlepp to discuss several issues: the drought, Faculty Senate at MSU, tax relief.

Claims:

Commission was presented Voucher #1346, CK#45118 through CK#45144, totaling \$19,472.55. Commission approved and signed checks as presented.

Meeting Adjourned:

Commissioner Schlepp adjourned the meeting at 2:45pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, February 19, 2013.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Nate Sanders.
Distributed February 19, 2013 to Chairman Hurwitz, Commissioner Townsend, Commissioner Schlepp, and Clerk & Recorder Ogle

Tuesday
February 19, 2013
10:30am-3:45pm
Met in Commissioner's Chambers

Meeting Called to Order:

Chair Hurwitz called the meeting to order at 10:30am.

Commissioners Present:

Chair Ben Hurwitz.

Emelia McEwan, MACo—Job Safety Analysis:

McEwan did not meet with Hurwitz.

Dennis Biggs, USDA—Aerial Hunting/Predator Control:

Hurwitz spoke with Dennis Biggs of the USDA by telephone regarding recent aerial hunting of coyotes in Meagher County. On February 16, he reported, USDA flew for 2.7 hours and killed 19 coyotes on the properties of nine different producers. They also flew 5.4 hours on January 9 killing 40 coyotes.

Kimberly Deschene—County Attorney Update:

Deschene gave her weekly report to Hurwitz. Of note, the State Attorney General's office will be trying two cases for the County, as Deschene has a conflict of interest in the cases. She was told, however, that going forward she should work out an arrangement with a neighboring county to assist in similar situations. The Attorney General's office would begin charging Meagher County for its help otherwise. She was going to contact Broadwater and maybe Park Counties to see if they would be interested in such an agreement. She said the County had seven felonies in District Court in 2012. Including the Justice Court, she thought the total number of felonies for the year was between 20 and 25.

Next she told Hurwitz that Nels Swandal, former District Court Judge from Park County, has offered to mentor her in criminal cases. He would not ask the County for any compensation, just to be covered under its errors and omissions coverage. He would have to be appointed by the commissioners as a Special Deputy County Attorney first. Hurwitz felt this was a great opportunity, not only for the County, but for Deschene personally as well, to have someone with his experience in an advisory capacity.

LUNCH:

Hurwitz broke for lunch at 11:50am. He returned at 1:15pm.

Commissioner Nancy Schlepp joined the meeting by telephone at 1:45pm. Clerk & Recorder, Dayna Ogle joined the meeting in person.

Ken Martin—Boiler School:

Action 1:

RESOLUTION 2013-#18

Hurwitz moved that the County send Ken Martin to boiler school. The County would pay the cost of the class, the license, lodging and food for the weeklong class, and mileage. Schlepp seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

Hurwitz suggested using Martin as a back-up for current boiler person, Marc Pryor. Ogle pointed out that Pryor is approaching his 12-month limit as a temporary employee. Hurwitz wondered if they could extend his employment another 12 months. Ogle said she would look in to it.

Building Insurance—Finalize Coverage:

Action 2:

RESOLUTION 2013-#19

Hurwitz moved that the County continue with its current property insurance coverage but up to the newly assessed values (as stated by Valuations Northwest and presented by Jodi Tierney at the January 15, 2013 meeting). The following three properties would be added: the Weed District Building, the Weed Shed, the Jail Generator Shed. The two pit privies would no longer be covered. Schlepp seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

Thank You Letter/Ad for Bill Galt:

Action 3:

Hurwitz moved that the commissioners send a letter of thanks and place a box ad in the newspaper thanking Bill Galt for his 25 years of service on the Airport Board. Schlepp seconded. A vote was held and passed unanimously (2-0).

Minutes:

Action 4:

Hurwitz moved to approve the minutes from the previous meeting (February 12, 2013) with one change. Schlepp seconded. A vote was held and passed unanimously (2-0).

It was agreed to act on the minutes from the two meetings previous to the February 12 meeting (January 22 and February 5) at the next meeting.

Public Hearing—Budget Amendment:

There was a public hearing for a budget amendment for the CSBG Fund (2979) of the County Health Department. It will be receiving an additional \$1000 not previously in the budget. There was no comment.

Fire/DES Clerk:

There was some discussion at a previous meeting regarding the new temporary Fire/DES Clerk position and whether the hours worked at this new temporary position would count towards eligibility of insurance benefits. Ogle said she had consulted with MACo Chief Counsel, Mike Sehestedt, and he told her that both positions count towards total hours worked.

Tim Collins—Road Department:

Tim Collins, Road Department Foreman, visited with Hurwitz to discuss the possibility of receiving a raise. He suggested that with all the extra work he has been doing, including mechanicing, he has saved the County a considerable amount of money. He gave a recent example where one of his fellow employees was going to get a new relay, fan switch, and fan motor to make a repair to one of the pick-ups. Collins said he took a look at it and realized it was just a broken wire, saving the Road Department \$350 in new parts. Hurwitz mentioned the overhaul of Road Crew vehicles he did last year. Collins then mentioned the work he did on the CAT bulldozer, swapping out the head gasket. Hurwitz commented that calling CAT for service would cost \$600 just to get someone to show up.

Hurwitz assured Collins that they know what a good job he is doing, as Road Department Supervisor, Bruce Smith, is often singing his praises. Hurwitz said they appreciate his hard work and agree that he does deserve a raise, but they need to figure out how. Schlepp said it is hard to do mid-year. They would like to discuss the idea with Smith and then consider it during budget time. She added that if he is doing extra mechanicing, they might need to consider adding it to his job description and paying him for it.

Collins left the meeting at 2:05pm, as did Schlepp, by telephone. Vice Chair Townsend joined the meeting at 2:10pm by telephone. Hurwitz gave him a recap of the meeting thus far, and Townsend left the meeting at 2:20pm.

PUBLIC COMMENT:

Jon Lopp—Sheriff:

Sheriff Lopp visited with Hurwitz to discuss several issues. First, Meagher County would be getting a new Highway Patrolman, once he finishes at the academy. Lopp thought it would probably be August till he could start. Also, the Forest Service got rid of their Forest Service Patrol person, so that position has opened up. The Forest Service is pushing for a veteran, which would mean probably 3-4 months till they could get somebody started.

Pagers

Lopp told Hurwitz he would like to get pagers for his officers. Four pagers would cost \$1300. He said the firefighters and ambulance crew have pagers. Hurwitz asked why they couldn't just use the radio. Lopp said it would be more for the off-duty officers. If there were a big incident that required everyone, it would be quicker to send out a page to the entire department. Otherwise, dispatch would need to call each officer individually on his cell phone. Lopp said he was thinking about the pagers for the next budget year. Hurwitz said he was not opposed to the idea but they would need to discuss it with the other commissioners.

Mediation

Schlepp rejoined the meeting by phone to discuss the possibility of MACo providing a mediator for an upcoming meeting between the Sheriff Department and the County Attorney. Schlepp said that MACo Chief Counsel Sehestedt was in favor of the County using their mediator. She is very good at what she does. Schlepp said she would not know until probably tomorrow though whether she is available.

School Issues

Lopp then told Hurwitz he has been receiving calls from parents regarding bullying in the schools. He said that some kids are even getting injured. One had to wear a neck brace. Some parents want to go so far as to file charges, which is their right, he added. He said he is not sure what to do, but is afraid he is getting dragged into the situation regardless.

Cemetery Sprinklers:

Chuck Lucas, Chair of the Cemetery Board, and Gene Harris, Sexton, visited with Hurwitz to discuss installing a sprinkler system for the cemetery. Lucas told Hurwitz they are in the process of pricing a new system but wanted the commissioners' blessing to move forward with their research.

Hurwitz asked how much it would cost. Harris said they have received two estimates so far. The low is \$79,150, which was from a gentleman named Mark, who was recommended by Patrick Plantenberg, a member of the committee that made a presentation recently about trees at the cemetery and in the City. The second quote is \$135,000, from Tim Barth. They are waiting on a third estimate as well.

Harris said he currently does the watering by hand line, dragging the garden hoses back and forth, which takes ten days to get the whole way across the new addition. Last year's drought made it impossible to keep enough water on the grass to keep it green. He said the cemetery's pump and water supply are sufficient, but the system is not. With a sprinkler system he felt he could water the entire cemetery in two days.

Hurwitz wondered if it would get in the way of digging graves. Harris said all that would be taken into account when the system is planned. Mark, the low bidder so far, would use commercial sprinklers, what Harris currently uses, as they require the least maintenance. Hurwitz asked how long they would last. Harris was not sure but thought with the proper maintenance, they should last 20-30 years.

Hurwitz said he understands their need and they would need to discuss it at budget time. Harris told him they are looking into grants as well, including the upcoming Race for this Place on the Fourth of July. He also spoke with Jim Richard about the possibility of using some leftover CTEP funds.

Hurwitz suggested they figure everything out—cost, what kinds of funds might be available—then return to the Commissioners to revisit the idea during budget time. He assured them he supports the idea if it can be paid for.

Claims:

Commission was presented Voucher #1347, CK#45145 through CK#45168, totaling \$9,207.60. Commission approved and signed checks as presented.

Meeting Adjourned:

Commissioner Schlepp adjourned the meeting at 3:45pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, March 5, 2013.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Nate Sanders.
Distributed March 5, 2013 to Chairman Hurwitz, Commissioner Townsend, Commissioner Schlepp, and Clerk & Recorder Ogle