

PROCEEDINGS FOR THE BOARD OF THE COMMISSIONERS
MEAGHER COUNTY, MONTANA

October 1, 8, and 15, 2013

Tuesday

October 1, 2013

9:35 a.m.-4:07 pm

Met in Commissioner's Chambers

Meeting Called to Order:

Chair Hurwitz called the meeting to order at 9:35 a.m.

Commissioners Present:

Chair Ben Hurwitz and Vice Chair Herb Townsend.

Road Report – Bruce Smith

Bruce Smith, Road Supervisor, was present to give the Commissioners an update on the Road Department.

Chair Hurwitz informed Mr. Smith that Chad Evans of the Rocking C's was interested in purchasing gravel from the County – approximately 8,000 yards. There was some discussion regarding what the cost would be for that purchase.

There was also discussion regarding the Bodell's gravel. Otto Ohlson was working on GPS pictures and the permits from the State.

Mr. Smith advised that the new mower should be here October 16th or 17th. The claim of Bulldogger's was also discussed.

Republican Central Committee:

The Commissioners discussed the choices submitted by the Meagher County Central Commission to fill the open position as Commissioner for Meagher County. Three names presented were Rod Brewer, Avery Gold and Helen Hanson. After discussion regarding the candidates provided, the Commissioners decided that Rod Brewer would be offered the position as Commissioner for District # 3.

Action #1

RESOLUTION 2013 - # 62

Chair Hurwitz moved to accept Rod Brewer as the Commissioner who will replace Nancy Schlepp in District # 3. Vice Chair Townsend seconded. A vote was taken and unanimously approved, therefore it is resolved.

Minutes:

Action #2:

Vice Chair Townsend moved to approve the Minutes for September 10, 2013 and Chair Hurwitz seconded. Voted and unanimously approved.

Chair Hurwitz moved to approve the Minutes of the September 17 meeting, with minor changes regarding the recycling bins. Vice Chair Townsend seconded. Voted and approved unanimously.

County Attorney Update- Kimberly Deschene:

Kimberly Deschene and Nels Swandal were present to give the County Attorney update. The County Attorneys inquired regarding the new County Commissioner position. County Attorney Deschene did not believe we needed anything official for him to sign accepting the position.

There was also discussion regarding the letter to the Sheriff from the ACLU on our jail. It was decided that there should be a discussion at next Tuesday's commission meeting between the Commissioners, the County Attorney, City Judge John Wells, Justice of the Peace Paula Wildman and Sheriff Jon Lopp to discuss the jail policy of Meagher County.

County Attorney Deschene informed the Commissioners that she was still working on the Harmon letter. She will also provide the Commissioners with a template of an Investment Policy so one can be established for Meagher County.

On the City/County Agreement, City Attorney Younkin has done an agreement, but there are no terms yet. Also, the Sheriff has not weighed in on the agreement. Since the Commissioners were going to meet with the Sheriff later in the day, they would remind him to do so.

LUNCH:

The Commissioners broke for lunch at 12:00 p.m. and returned at 1:15 p.m.

Arrowhead Meadows Golf Assn.:

Joanne Cummins, Billy H. Dodson and Jim Richard were present on behalf of the Golf Course.

The subject of annexation was discussed. Mr. Richard informed the Commission that the Golf Board is against being annexed. The Board originally just wanted to get water and sewer to the Clubhouse and agreed to annex the clubhouse with the City. Somewhere in the process, it was discussed annexing the whole golf course, which the Board was not in favor of doing. The City did not consummate the annexing, and currently, the Golf Course does not want to annex.

The next item of discussion was the County contributing to the expense of the golf course. There are items on their list totaling approximately \$7,700.00, that they do not have the funds available to purchase. Mr. Dodson provided an Income and Expense worksheet to show the Commission how revenues were going up and expenses were going down, but there are a lot of things that the golf course needs. There has been a lot of volunteers to help and have donated a lot of their time, as they cannot afford to hire more people. Membership was down this year and they are trying to improve the golf course appearance to draw in more people, both from Meagher County and travelers through White Sulphur Springs.

There was discussion on the activities that happened at the golf course, including the junior program, the tournaments and the tournaments to come.

Vice Chair Townsend inquired what the green fees were, along with the rental cart fees. Mr. Dodson replied that the green fees were currently \$12.00, as well as the cart rental fees. Both Commissioners felt that the green fees could be increased by a \$1.00 to help cover some of the golf course expenses. The Golf Board is trying to keep the price reasonable for the community but Mr. Dodson feels that the better we can make the product, the more people would come to use it.

After much discussion, it was agreed by the Commission that they would donate money to the golf course, but Vice Chair Townsend would like to see them increase the green fees by \$1.00.

Action #3

RESOLUTION # 2013-63

Chair Hurwitz moved to contribute \$10,000.00 to allow the golf course to purchase the equipment needed, from the entitlement fund for capital improvement expenditures.

Darla Smith – Delinquent Taxes:

Darla Smith met with the Commissioners to see what could be worked out for taxes on her trailer house and property. She used to be on tax assistance, but that stopped and she isn't sure why or how to get back, she doesn't believe she has received anything. She is on social security and receives \$500.00 a month, plus food stamps.

Treasurer Sue Phelan had provided options for the Commissioners' review on what could be done for Ms. Smith. In the Treasurer's absence, Deputy Treasurer, Shauna Porter came into the meeting to help Ms. Smith and the Commissioners understand what the options were. After discussion, the Commissioners asked Ms. Smith if she would be able to pay \$40.00 by this Thursday, then again in a month, and she was going to try to do that. This would take care of the trailer house back taxes.

The property tax is also delinquent for half of 2009, 2010, and 2012 that the trailer is sitting on. The property was never transferred over to Ms. Smith when her parents died. They suggested that maybe Kimberly Deschene should be contacted to figure this one out. Since she was 2-1/2 years delinquent, there is the possibility that the property could go up for a tax sale. They discussed with Ms. Smith the need to get her parents' property put into her name to qualify for tax assistance.

The Commissioners are going to call the Helena office for public assistance to see what can be done and how she can be helped. When they get things figured out, they will have Deputy Treasurer, Shauna Porter contact Ms. Smith with the results of the inquiry.

Sheriff Report – Jon Lopp:

Jon Lopp provided the Commissioners with the Sheriff's updates.

There was discussion regarding the ACLU letter regarding the jail. The Commissioners advised the Sheriff of a meeting being set up for the October 8 Commission meeting between the two judges, county attorney, commissioners and the Sheriff to meet to discuss the jail policy.

Sheriff Lopp was also reminded to weigh in at some point regarding the City/County agreement.

The Food bank was discussed and their need for more room. Chair Hurwitz asked the Sheriff about the room at the east that looks like there is only storage and if it could be cleaned out. Sheriff Lopp agreed that it could be cleaned out but explained that it leaks when it rains. They currently have things stored on pallets, but most of it were things that could be thrown away. Even if they were able to store food on pallets, it would free up space at the Food Bank.

Comp time versus overtime was discussed briefly. Sheriff Lopp explained that the Deputies have been instructed to call Shane Sereday or Roger Shoyer to fill in as needed to help keep the overtime down.

PUBLIC COMMENT:

No public comment

Claims:

Commission was presented with voucher #1416. Ck #45974 to Ck#46023 totaling \$161,017.56. They were also presented with Voucher #1417 Ck # 46024 totaling \$8,308.00. Commissioners approved checks and signed as presented.

Meeting Adjourned:

The meeting was adjourned at 4:07 pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, October 8, 2013.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Penny Plachy.
Distributed October 8, 2013 to Chairman Hurwitz, Commissioner Townsend and Clerk & Recorder Ogle

Tuesday
October 8, 2013
8:45 a.m. - 3:30 p.m.
Met in Commissioner's Chambers

Meeting Called to Order:

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

Commissioners Present:

Chair Ben Hurwitz, Vice Chair Herb Townsend and new Commissioner Rod Brewer.

Treasurer's Report:

Sue Phelan presented her Treasurer's Report for the month. She informed the Commissioners that we would no longer be working with payment plans on taxes, as we could not get the taxpayers to comply. There is a general feeling that some people need help filling out the paperwork needed to get tax assistance and now that Meagher County doesn't have a staffed DOR office in the Courthouse, it has created problems for those who need the help.

School Mill Adjustment:

Helen Hanson went over the school mill adjustment with the Commissioners. She explained that through no fault of the school or her department, there had been a glitch in the program and the bus reserve money had been transferred into the general fund. Since the school mill had not passed, the money had been taken from the bus reserve, and it should be a one-time only deal. Since the budget was already set and approved, she just needed the Commissioners to approve the transfer of the mills from the bus reserve to the general fund.

Action #1

RESOLUTION 2013-#65

Vice Chair Townsend made a motion to approve the transfer, and Chair Hurwitz seconded. A vote was taken and unanimously passed, it therefore is resolved.

Swearing in of New District #3 Commissioner:

Justice of the Peace, Paula Wildman, swore in Rod Brewer as the new District #3 Commissioner to replace Nancy Schlepp.

Health Nurse Report:

Kari Jo Kiff gave her report to the commissioners for September 2013, and went over funding sources and how her hours are allocated to each. There was some discussion regarding how the funding works and approximately how much is received from each source. Nurse Kiff then went over her report with the Commissioners on the occurrences for the month.

Recycling – Open Sealed Bids:

Mayor Julian Theriault, Melinda Vennard, and Cal Moore were in attendance to open the sealed Requests for Proposals. Three Proposals were received:

Lind Family Recycling	9 bins – 4’hx3’w’4’d or 13-1/2 yards		\$5,000.00 / flat fee – per year
Montana Waste System	30 cubic yard w/3 compartments	1x delivery charge: Hauling Fee: Rent Per Day:	\$450.00 \$579.00 / each time \$4.00 per day
4 Corners Recycling	44 yard recycling roll off + binnies to fill another 44 yard roll off	Hauling Fee: Rent Per Month: ** Meagher County would receive market pricing on all commodities	\$630.00 / each time \$275.00 / month

There was discussion on the differences of the Proposals and the bins that were currently placed by Jake Lind. The Commissioners will make a point to see the current bins to see if they would be acceptable, review the Proposals to verify they meet the criteria of the Requests, and determine which Proposal would best suit the community’s needs. Decision on this will be tabled until the following week.

Fire / DES:

Fire Chief Rick Seidlitz presented the monthly Fire update. He informed the Commissioners of receiving \$6,600.00 from VFA Grant again this year, and will be ordering fire equipment items needed. The County has to match the grant with 10% of \$6,600.00, totaling \$660.00.

Chairman Hurwitz updated the new Commissioner, Rod Brewer, regarding the position of Fire Chief and how that position is funded.

Chief Seidlitz also gave an update on the fire district being formed for Meagher County.

Review of Jail Policy:

The meeting scheduled for the review of the jail policy was prompted after receipt of a letter from the ACLU. Those present for this meeting were Nels Swandal, Kimberly Deschene as County Attorney, Justice of the Peace Paula Wildman, City Judge John Wells, and Sheriff Jon Lopp.

The discussion was based around the amount of time inmates should be held in the Meagher County Jail due to accommodations. This facility would be better used as a temporary 72-hour holding cell, rather than for long sentences. Ideas were provided as to what options we may have, whether shortening sentences or having inmates transported to other facilities to serve their time. There is also a cost factor to keep in mind if another facility has to house our inmates. The budget may have to be increased an estimated \$10,000.00 to hold them in another county.

LEPC LUNCH:

The Commissioners broke for lunch at 12:00 noon and Commissioner Brewer and Chair Hurwitz returned at 1:05 p.m.

Montana Business Assistance Connection – CDBG Application – Chris Shove:

Chris Shove returned for another meeting with the Commissioners to present a draft of the CDBG Planning Grant Application Form. This grant is to complete a Meagher County Growth Policy Plan.

There was discussion on the importance of having a Growth Policy Plan in place, so when grants are available, we have the Plan in force. With the growth in population there will be more of a need/demand for the fire department, sheriff's department, library, water and sewer, power, etc. and there would be an opportunity for grant money to help with those expenses.

The Hard Rock Mining Impact Act was discussed since the Tintina mines are at the beginning stages.

The Commissioners agreed to table the Application Form so they could review it further. Mr. Shove will plan to be here next week with an original Application for signature since this form has a deadline in November. He will verify the exact due date for this application.

Herb Townsend returned from lunch at 1:35 p.m.

County Health Board:

Health Nurse Kari Jo Kiff advised that Dr. Brundson could not be here today. The Commission would like to meet with the Health Officer at least one a year. Nurse Kiff has provided Dr. Brundson a Board of Health notebook, which gives all the duties and information regarding serving on the Board. Julian Theriault entered the meeting as the City's representative for the Board, and Sandy Harris was not able to attend as the Board Member.

They went over the board members, being five of them – the three Commissioners, the Mayor, and one citizen, Sandy Harris. Nurse Kiff, DeenPomeroy, Dr. Brundson nor the county attorney are members of the board but are advisors/consultants. There was a brief discussion on what duties the County Health Board has.

Nurse Kiff then went over her report with the Board members present and gave them an update.

Liberty National – Supplemental Benefits:

Paige Cooper-Cole and Matalyn Onstad, agents of Liberty National, visited with the Commissioners regarding supplemental insurance. They would like to get an employee roster to go over options with the County employees and offer supplemental insurance which would fill in the gap of the regular insurance the employees already have. The agents characterized this supplemental insurance to be like AFLAC, only 30% less.

The Commissioners decided this was something they wanted to think about and discuss with some of the employees, so the discussion was tabled.

Darla Smith – Delinquent Taxes:

Action #2

After review and consideration from last week, Chair Hurwitz moved to forgive the taxes in the amount of \$292.30. Commissioner Brewer seconded. A vote was taken and passed unanimously, so it is therefore resolved.

RESOLUTION 2013-#64



Meagher County, Montana
WHITE SULPHUR SPRINGS

OFFICE OF
BOARD OF
COUNTY COMMISSIONERS

October 7, 2013

Sue Phelan
Meagher County Treasurer
15 W. Main Street
White Sulphur Springs, MT 59645

Dear Sue:

IT IS HEREBY RESOLVED WITH RESOLUTION NUMBER 2013-#64 that delinquent taxes for the following resident in Meagher County shall be forgiven:

Tax ID #300134 – Darla D. Smith – 2010, 2011, 2012 for the Mobile Home
Taxes - \$238.15
Penalties & Interest - \$54.15
Total - \$292.30

MEAGHER COUNTY COMMISSIONERS


Ben Hurwitz, Chairman


Herb Townsend, Vice Chairman

PUBLIC COMMENT:

IT Department

Jim McDanel stopped by to discuss a new computer for the Department of Revenue. They are having computer issues because of the 32-bit versus a 64-bit. The Commissioners asked Jim to

go over the issue with the staff from the Department of Revenue and see if they have a computer they can bring with them for this office.

County Attorney

Kimberly Deschene, County Attorney, presented the Commissioners with a letter on the Harmon Trust and a County Funds Investment Policy. Chair Hurwitz and Vice Chair Townsend discussed the Harmon money investment with Commissioner Brewer to bring him up-to-date. Vice Chair Townsend moved to accept the Investment Policy; however, Chair Hurwitz objected to voting on it until they could review and discuss it further, so the motion failed. They tabled the discussion and will place on the agenda for next week.

A conference call was set between the Commissioners and the County Attorney with Steve Lehman regarding a human rights issue wherein accessibility was discussed.

Senior Center

Beth Hunt stopped by to let them know about next week's meeting. The Senior Center is on the agenda and she will be bringing in several people to discuss what new is happening.

Claims:

Commission was presented with Voucher #1418, Ck # 46025 through Ck # 46059, totaling \$38,055.10. The Commission approved the checks and signed as presented

Minutes:

Action #3

Vice Chair Townsend moved to accept minutes as presented; Chair Hurwitz seconded. Voted and unanimously approved.

Meeting Adjourned:

The meeting was adjourned at 3:30 p.m.

Next Meeting:

Commissioners are scheduled to meet Tuesday October 15, 2013.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Tuesday
October 15, 2013
8:30 a.m. – 1:44 p.m.
Met in Commissioner's Chambers

Meeting Called to Order:

Chair Hurwitz called the meeting to order at 8:30 a.m.

Commissioners Present:

Chair Ben Hurwitz, Vice Chair Herb Townsend and Commissioner Rod Brewer.

Taxes – Michie West:

Michie West asked the commissioners if they would consider dismissing the penalty and interest fee on her trailer so she can pay the remaining balance of taxes. The amount of the penalties and interest is \$29.58. She is behind the second ½ of 2011, 2012 and this upcoming year 2013. Total amount due is \$311.01, which includes the new tax, penalties and interest. Ms. West explained why she had fallen behind and why she wanted them to forgive the \$29.58.

The Commissioners asked her if she had signed up for tax assistance. She could apply with the Department of Revenue, but she would have to pay the taxes current and then apply. Chair Hurwitz called the Treasurer, Sue Phelan, regarding tax assistance and asked her to join the meeting. The Commissioners do not want to set precedence by forgiving taxes, and felt it was in her best interest to find a way to pay the tax amount and sign up for tax assistance. Treasurer Phelan explained that since it was personal property tax as a mobile home, all taxes were due, current and past due, but that if she paid the back taxes she would be okay for another month for the current taxes of 2013. Treasurer Phelan agreed to extend payment on all taxes until the end of November.

Minutes:

Action #1:

Vice Chair Townsend moved to approve the minutes; Chair Hurwitz seconded. A vote was taken and approved unanimously.

Clerk & Recorder – Dayna Ogle:

Clerk & Recorder, Dayna Ogle, advised the Commissioners of the process the Bank of the Rockies needed to remove Nancy Schlepp from the bank account and add Rod Brewer as a signer.

Action #2:

RESOLUTION 2013-#66

Chair Hurwitz moved that Nancy Schlepp's name was to be removed from the bank account and Rod Brewer's name added as an authorized signer. Vice Chair Townsend seconded. A vote was taken and approved unanimously, therefore it is resolved.

There was also discussion on Otto Ohlson's weed grants. Clerk & Recorder Ogle presented corrected audit report pages. In FY 11/12 there was federal money that wasn't reported correctly on the SEFA.

Harmon Funds and County Funds Investment Policy:

Discussion began updating Commissioner Brewer on the Harmon background and funds invested. Chair Hurwitz wants to have Jason Jewett or Bill Northy from the U.S. Bank come in to discuss the opinion letter and the Investment Policy. The Commissioners want to get some advice before they agree to anything.

It was agreed that the Commissioners will get something scheduled for next month with Jason Jewett or Bill Northy to go over the Investment Policy and County Attorney's opinion letter and what kind of investments we should allow them to make the county's behalf.

Recycling Review:

Dave Leverett of 4 Corners Recycling stopped by to meet with the Commissioners on the Requests for Proposals submitted. He wanted to clarify his proposal and other options that were available to the community. The Commissioners went through the breakdown of Proposals, and Mr. Leverett gave his analysis of how his bid would be the best for the community. He brought a recycling bin with him to show the Commissioners what he offers. He also presented an Educational flyer that shows what can be recycled.

Melinda Vennard entered the meeting.

After discussion on the recycling and the commodity payment would work; how we could purchase the bins and within 4 years the rental fee of \$275.00/month would then end; and how 4 Corners can help Jake Lind with the cardboard recycling, Melinda asked the question of where to place the bins. She and Mr. Leverett are going to check with the city and then also check some areas for space around town.

They would like someone locally to keep an eye on the recycling bins, whether for pickup or if the area needs cleaned up. 4 Corners would look for community support, with a contact person. The Commissioners suggested Melinda Vennard. Mrs. Vennard was agreeable since she uses recycling.

Headwaters pulled our bins when we discontinued service, and Mr. Leverett informed the Commissioners that the County owned those bins. They had sent them over to Harlowton to use and Headwaters has gone out of business. Mr. Leverett will work on getting those bins back for us and will provide a number to call and authorize him to negotiate getting additional bins for us.

Action #3:

RESOLUTION 2013-#67

Commissioner Townsend moved that we accept the Proposal of 4-Corners Recycling for a 1-year contract, and if all goes well, may continue for another 3 years. Commissioner Brewer seconded. A vote was taken, and approved unanimously, it is therefore resolved.

Mr. Leverett is going to draw up a contract for the Commissioners review and approval, and will get the bins placed as soon as possible to get the recycling started.

Montana Business Assistance Connection

Brian Obert was present for the Montana Business Assistance Connection due to Chris Shove not being available. Nico Cantalupo joined the meeting.

The discussion began with the reiteration that in order for our county to get federal grants as needed, it is important that we have an updated Growth Policy. We may not need or want a grant, but it is necessary to have it updated as mandated.

Mr. Obert explained that this was what Chris Shove does in his position with the Montana Business Assistance Connection – he is a community planner and finds the funds needed in grants. He should be able to find federal funds to match the state funds so it doesn't cost Meagher County anything to update our Growth Policy.

Nico Cantalupo asked several questions regarding the needs assessment for the community, a community focus group and how that will be handled. He voiced his concern about the Commission being able to see a product and have it reviewed by our planner, Brian Clifton, our planning board or Jim Richard, or all of them before it becomes finalized. He also voiced that the proposed Tintina Mine should not be the driving force behind the Growth Policy.

Mr. Obert stated that that is not what they had in mind, but that it had to be kept in mind because of the growth potential the community could face. It would also be beneficial for Tintina if Meagher County had a Growth Policy in place to use as supporting documentation to whatever assessment they have to do.

Mr. Obert also reminded the Commission that they needed to be visionary and pro-active and parallel Tintina so if the mine happens the county will be in a better position to handle the growth potential.

Mr. Cantalupo also asked Mr. Obert about sending a letter to the Commission which would spell out everything that would be done by their company and any expense the County would have. He also wanted to know if the proposed grant they were looking at now would interfere with the Senior Center's grant they were requesting for the Springs Manor project. Mr. Obert will verify.

Mayor Julian Theriault joined the meeting.

Mr. Obert did say the County would have retreat rights if the state didn't match the funds from the federal grant. There was also discussion on our current Growth Policy needing to be updated to include our new subdivision regulations.

There was also discussion on advertising for proposals, once the grant application is sent to the state, and then it goes to the proposal stage. Mr. Obert will do a draft for us to review so we know what is needed.

Mayor Theriault was asked what the City's plans were and he replied that they were looking toward 10 years and 150 people moving in.

Recycling Review

The Commissioners informed Mayor Theriault that they had voted to use 4-Corners Recycling and why. The Mayor was agreeable to that decision.

David Leverett and Melinda Vennard then returned and advised the Commission that Edwards Grocery was receptive to placing recycling bins on their property between the grocery store and Dutton State Bank. It was also discussed that David Leverett would be in contact with Jake Lind regarding the cardboard recycling and because his bins were on City property, the Mayor would need to address any issues in that regard. At that time, the Mayor and Mr. Leverett left to discuss the recycling issues and see the bin Mr. Leverett had brought with him.

LUNCH:

Commissioners broke for lunch at 12:07 pm. and returned at 1:05 p.m.

Senior Center – Beth Hunt:

Beth Hunt, Gene Lewwer, Mary Martin, Dellamae Lind, Melinda Vennard and Gene Richeson were present on behalf of the Senior Center.

Beth Hunt began the meeting by saying that the Senior Center is interested in purchasing the Spring Manor Apartments. Their intent is in taking it over and running it. However, it needs some major repairs and brought up-to-code. Cordial Properties privately ran the Spring Manor from Missoula and did not provide someone locally to oversee the needs of the apartments. Since the apartment housing is needed and would be beneficial, the Senior Center would like to purchase the apartments but would like them to better reflect our community. While the Castle Mountain Apartments has been built to accommodate seniors and keep them in our community, it is her hope that Spring Manor will do the same to keep a younger population here.

Ms. Hunt then introduced Gene Lewwer of Helena, a developer, and Mary Martin of the HRDC IX out of Bozeman. Mr. Lewwer had been the developer of the Castle Mountain Apartments and would work on the Spring Manor project.

Mrs. Hunt wants to move forward on this project, and Cordial has now offered the apartments to the Senior Center to purchase at \$28,000.00, plus assume the approximate \$200,000.00 debt that goes with it. Ms. Martin of the HRDC explained the HOME program to the Commission which is a federal source of grant money that can be used for rehab. However, the County has to sponsor. Ms. Martin told the Commission however, that once you sponsor a project like this, you are in it for the long haul - at least 15 years. Once the construction is through, and everything meets the criteria there is an annual grant. There is an audit company that ensures that the criteria are being met. Then there was discussion regarding what the criteria would be. Mrs. Martin also added that it would be the responsibility of the County to make sure the limits are met on the criteria.

Commissioner Brewer asked Mr. Lewwer what his estimated guess would be on the cost to redo. Because they would have to bring everything up to code and upgrade the plumbing, heating, electrical and flooring, plus insulation and have to be aware of the Americans with Disabilities Act that he wasn't sure, and they haven't hired an architect to get an accurate idea of costs. But with the grant, the County shouldn't have any out-of-pocket expenses. Since the grant funds would be run through the Treasurer's office however, there would be additional work there.

It was also discussed how the remodeling would be handled since they have tenants living in the apartments. Mr. Lewwer told them in a similar project, they worked on 2 units at a time. They were able to send the tenants to a hotel and provide food vouchers until they could return to their apartments.

Commissioner Brewer asked exactly why they were here today and what they needed from the Commission and it was stated that they needed the County to sponsor the project. That the grant won't be submitted until probably December and they should know within a month after that whether they will receive it. The purchase of the Springs Manor is also contingent on the grant.

Action #4

RESOLUTION 2013-#68

Vice Chair moved to sponsor the Spring Manor Project and Commissioner Brewer seconded. A vote was taken and approved unanimously, it is therefore resolved.

PUBLIC COMMENT:

Kimberly Deschene came into the meeting with Gennifree Hartman, paralegal from Attorney Gallik's office.

Claims:

The Commission was presented with Voucher #1419, Ck # 46060 through Ck # 46081, totaling \$19,318.01 and Voucher # 1420 with Ck # 46082 totaling \$1,800.00. The Commission signed all checks as presented.

Meeting Adjourned:

Action #5

Chair Hurwitz moved to adjourn the meeting, Vice Chair Townsend seconded. The meeting was adjourned at 1:44 p.m.

Next Meeting:

Commissioners are scheduled to meet Tuesday November 12, 2013.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Penny Plachy.
Distributed November 12, 2013 to Chairman Hurwitz, Commissioner Townsend, Commissioner Brewer and Clerk & Recorder Ogle

Tuesday
October 22, 2013
10:30 a.m.- 11:30 a.m.
Met in Commissioner's Chambers

Meeting Called to Order:

Chair Hurwitz called the meeting to order at 10:30 a.m. The meeting was moved to the courtroom to accommodate those in attendance.

Commissioners Present:

Chair Ben Hurwitz, Vice Chair Herb Townsend and Commissioner Rod Brewer.

Library Closure:

Chair Hurwitz thanked those in attendance for coming to the meeting. The Library Board consisting of Gordon Doig, Elton Lee, Steve Hicks and Gretchen Rader were present as well as County Attorney, Kimberly Deschene. Also in attendance was Library Director, Debbie Benedict, Library employee, Jill Stephens, and Library volunteer, Sandy Pritchard; Helen Hanson, Safety Director; Kari Jo Kiff, Public Health Nurse; Donna Morris, Clerk of the District Court; Paula Wildman, Justice of the Peace; and Christy Rogers, Deputy Clerk & Recorder. Citizens concerned about the Library closure who were present for the meeting were Michael Vennard, Melinda Vennard, Mary Cunningham, Jim Fuller, Fay Fuller, Paula Durham, Jo Sandusky, Vera Towery, Connie Kujath, Greg Ogden, John Wilson, Liz Johnston, Jason Phillips, Carmen Swanson, Rebecca Jones, and Judy Berg.

Chair Hurwitz opened the meeting by giving the Library Board the floor. Library Board Member, Gordon Doig, began by thanking the commissioners on behalf of the board for calling the meeting. He then presented a quick overview of addressing concerns at the Library to date.

The current problem started this past winter/spring with methane and/or sewer gas smells. There have been a lot of tests and work done trying to resolve the problem. The employees are still having issues with headaches and not feeling well after spending long days at work. There are questions regarding whether the Library building is safe or unsafe and if tests need to be done and they were looking at \$1,300.00 to hire someone to do those tests. The Library Board Members have spent numerable hours trying to come to a conclusion and trying diligently to solve the problem but in view of the budget, is coming to the county for help finding a solution.

Chair Hurwitz informed the group that MACO (Montana Association of Counties) will send a representative next week who is trained and qualified to go through the building and give their recommendation if further testing is needed. That will be the first step. Chair Hurwitz would really like to see the Library opened back up as soon as possible, but after much discussion between the Board Members, County Attorney, Library Director and Library employees, and the Deputy Clerk & Recorder, it was agreed that the Library should remain closed until the representative from MACO could give his determination whether the building is safe or unsafe for the public and the employees. If it is determined more tests are needed, the County will contact the Montana Department of Labor & Industry to have further tests done.

Chair Hurwitz also advised the Library Director that he doesn't believe she should be making the determination to close the Library, and that the Commission does not want to close it down. If we can temporarily keep it open during this process that would be the preference. However, at this time, the Library staff is not comfortable working in the building until it is determined whether it is safe or unsafe.

Helen Hanson reiterated that it sounded as if there was a plan in place; step one being that the County would bring in MACO to do an inspection of the Library; and step two, if tests are needed, bringing in the state for testing and taking their recommendation.

Action #1:

RESOLUTION 2013 - # 69

Vice Chair Townsend moved to proceed by bringing in MACO to do an inspection and make the determination whether the building is safe or unsafe to be open and if more tests are needed. If more tests are needed, the County will contact the Montana Department of Labor & Industry to schedule the testing. Chair Hurwitz seconded. Voted and approved unanimously, it is therefore resolved.

It is believed that MACO can make a determination on Monday after he does his inspection. Library Board Member Gordon Doig questioned a pay issue with the Library Director which was tabled by the Commission until there could be a closed session at a later date.

At this point, the Commission adjourned this portion of the meeting to do a tour of the Library building for themselves.

Meeting Adjourned:

The meeting was adjourned at 11:30 a.m.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Penny Plachy.
Distributed November 12, 2013 to Chairman Hurwitz, Commissioner Townsend, Commissioner Brewer, and Clerk & Recorder Ogle