

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

August 2, 9, &

16, 2016

**Tuesday**  
**August 2, 2016**  
**8:34 a.m. – 11:10 a.m.**  
**Met in Commissioner's Chambers**

**Meeting Called to Order:**

Chair Townsend called the meeting to order at 8:34 a.m.

**Commissioners Present:**

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

**Road Report – Bruce Smith:**

Road Supervisor Bruce Smith came to the meeting to give his monthly road report. Smith presented the Commissioners with figures and various proposals to purchase a new or used grader. The different options were reviewed and discussed. The Commissioners told Smith that they are happy to meet with the CAT field representative for more details. However, the budget isn't finalized yet; they will give the purchase of a grader sincere consideration if there is funding to do so. Smith also updated the Commissioners that one of the pickup trucks is well beyond its time to be replaced. There were no final decisions made.

The Commissioners and Smith discussed the various tasks that the road crew will be working on. Also discussed was the vehicle counter on Newlan Creek Road. From 7/13/2016 to 7/25/2016 there were 1069 vehicles. Smith informed the Commissioners that the counter is set up on the top of the dam. There was more discussion regarding getting a tank and mag chloride for roads in Meagher County. Smith stated he will pursue getting more solid prices.

The Commissioners and Smith discussed finalizing details with Sean Ringer to have him demolish the old County Shop. Smith would like to have the rubble dumped at County Gravel Pit #1 and then burned later in year when there is no danger of starting a fire. Commissioner Townsend called Sean Ringer and left a voicemail asking him to get in touch to finalize plans.

There was discussion regarding the Red Ants Pants dust abatement. Key things talked about were that the campers staged on Jackson Road the night prior makes an issue for the water truck to spray the County road as well as day traffic during the festival. There was a call made to

Smith during the Festival asking for some dust control for the day parking. Smith expressed to the Commissioners that he feels the day parking and camp ground should be taken care of by the Festival and county resources shouldn't be used. The Commissioners agreed to the same.

Commissioner Hurwitz inquired with Smith about a potential conflict that occurred between the Road Crew foreman and Sara Calhoun regarding the dust abatement. Smith had not been made aware of any conflict as of yet. The Commissioners and Smith discussed the benefit of having a light coating of mag chloride placed on the road in the future. This would be a good idea if Red Ants Pants was willing to pay for the material and the county would provide the road prep and crew.

**Sheriff's Report – Jon Lopp:**

Sheriff Lopp updated the Commissioners that the weekend of the Red Ants Pants Festival went very well. Aside from 1 Criminal Mischief ticket there were no other major tickets written. Lopp reported the worst thing that occurred was the traffic line up on Thursday to get into the camp ground. At one point the campers were stopped in the middle of the Highway, backed up all the way to the Hospital.

There were many routine traffic stops made by MT Highway Patrol and County Law Enforcement. The Highway Patrol had two patrols out on both Friday and Saturday night, and the Sheriff's Dept. had all Deputies and Reserve Deputies running shifts throughout the festivities.

The Meagher County DUI/Drug task force was giving out one-time use breathalyzer tests near the exit at the festival. Lopp stated that he felt like they were very helpful for people to check themselves before driving.

***County Attorney Deschene entered at 9:35***

The shuttles provided by the RAP worked very well; running 2 buses this year cut wait times to approximately 15 minutes, which was greatly reduced from past years. Everyone is pleased with how well it has gone and been relatively incident free. Deschene spoke up asking Lopp if there had been any DUI's. Lopp updated Deschene that there had not been any over the weekend.

***County Attorney – Kimberly Deschene:***

Deschene stated she is just checking in with the Commissioners. Discussed that the weekend went well for both of her businesses. There were no major issues that had come up in her County Department. The Commissioners let Deschene know that as far as they knew, they didn't need anything from her today.

**Treasurer – Sue Phelan:**

Phelan updated the Commissioners that Deputy Porter is home from Washington. Porter is still

recuperating; however, Porter has stated she is willing to come in for 2 hours a day. Phelan stated that she really feels like she would like Porter to stay home until she is more recovered, but Phelan feels she cannot tell Porter what to do. Albeit Phelan stated the Treasurer's Office is very behind, Phelan is concerned for Porter's health.

Phelan presented a resolution adjusting fees charged by the County Treasurer not addressed by State Statute to be review and approved. The fees were discussed and everyone was agreeable to the purposed fees.

**ACTION #1**

**RESOLUTION 2016 - #49**

RESOLUTION 2016-#49

ADJUSTING FEES CHARGED BY THE COUNTY TREASURER NOT ADDRESSED BY STATE STATUTE

**WHEREAS**, the Meagher County Treasurer's Office has an adopted fee schedule for services that engage the office personnel in time consuming activities, which allowed the Treasurer to charge a fee to the public;

**WHEREAS**, the Treasurer is desirous in maintaining services wherever possible;

**WHEREAS**, the Treasurer has determined that the fees need to be adjusted due to inflationary increases;

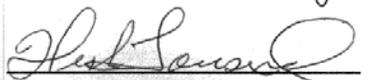
**WHEREAS**, the Meagher County Board of Commissioners have the authority to approve the following list of fees.

Activity	Fee
*Assignment Fee	\$50.00
*Redemption Fee	\$50.00
*NSF Fee	\$25.00
*Delinquent List-by mail	\$ 5.00

**THEREFORE BE IT RESOLVED**, that the Meagher County Board of Commissioners hereby adopt this Schedule of Fees to be to be effective July 1, 2016.

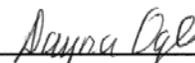
**PASSED AND ADOPTED BY THE MEAGHER COUNTY BOARD OF COMMISSIONERS THIS 2<sup>nd</sup> DAY OF ~~JULY~~, 2016.**

*August*

  
Herb Townsend, Chairman  
Meagher County Commissioners



ATTEST

  
Dayna Ogle, Clerk & Recorder

Commissioner Hurwitz moved to approve the fee schedule for the Treasurer's Office as

presented. Commissioner Brewer seconded. A vote was taken and unanimously approved. It is therefore resolved.

**Minutes:**

**ACTION #2**

Commissioner Brewer moved to approve the minutes from the July 19, 2016 meeting with minor typo corrections noted. Commissioner Hurwitz seconded. A vote was taken and unanimously approved.

***Extension – Bob Sager:***

Extension Agent Bob Sager came up to present the Commissioner with a letter updating everyone on the past 2 weeks working in Meagher County and during the County Fair. Sager also updated the Commissioners that he has received a letter of acceptance as interim agent from MSU.

Sager discussed a few specific items with the Commissioners. First is that the Extension Laptop needs to be updated. The Commissioners would like him to request new office equipment from MSU.

Next Sager would like to pursue advertising the Extension Office hours specifically including being available for one week night until 9:00 p.m. The Commissioners all feel that this is a great idea. Sager stated he would also like to look into hosting a Beef Producers meeting here in White Sulphur Springs. The Commissioners told Sager that they trust him to field these sorts of activities and do not wish to require him to ask permission for him to effectually perform his job.

**Public Comment:**

No Public Comment.

**Claims Approved:**

Commissioners were presented with F.Y. 15/16 dated 7/29/16 Check #51912 through Check# 51919 totaling \$2,517.63 . Also presented with F.Y. 16/17 date 8/2/16 Check #51920 through Check #51951 totaling \$32,592.75. All checks were signed as presented.

**Meeting Adjourned:**

The meeting was adjourned at 11:10 a.m.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, August 9, 2016.

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CLERK & RECORDER

CHAIRMAN

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VICE CHAIRMAN

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COMMISSIONER

NOTE: Minutes taken by Administrative Assistant to Clerk & Recorder, Kate Jones  
Distributed August 9, 2016 to Chairman Herb Townsend, Vice Chairman Rod Brewer, Commissioner Ben Hurwitz and Clerk &  
Recorder Dayna Ogle.

**Tuesday**  
**August 9, 2016**  
**8:30 a.m. – 11:45 a.m.**  
**Met in Commissioner's Chambers**

**Meeting Called to Order:**

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

**Commissioners Present:**

Vice Chair Rod Brewer and Commissioner Ben Hurwitz.  
Chair Herb Townsend was absent from the meeting.

**Claims Review:**

The Commissioners were provided with Claims for review.

**County Attorney Report– Kimberly Deschene:**

County Attorney Kimberly Deschene entered the meeting. The Commissioners began by updating Deschene they would like to seek resolution of the issue regarding a land owner west of town that has waterlines buried within the County Road right-of-way. Deschene stated that she will need to think on it, as well as get in touch with the landowner's Attorney, Rene Coppock. The Commissioners conveyed that they would like to find a way to ensure the County is not liable for damages incurred should the water line be damaged by road maintenance. Deschene stated that it is likely best to give the landowner permission and an exception to county policy, allowing the waterline to be left in the barrow pit.

The Commissioners would like to give the landowner the opportunity to resolve the problem in a peaceful manner. It must be stated with emphasis that the waterline location is a breach of County Policy. Deschene attempted to reach Rene Coppock by telephone and left a message.

Deschene updated the Commissioners that Dana Shepherd's case was dismissed because time ran out for Shepherd to take any further action.

The Commissioners were informed by Deschene that Katherine Walter has drafted a revised petition through the advice of Walter's attorney. This revised petition will go directly to the Judge. The attorneys are all in agreement that this is a revision of the original petition which means the timeline of 90 days is still in place. Deschene stated that the vague claims have been removed. Deschene discussed one of the claims still listed is Official Misconduct due to the fact Deschene shared the file with Nels Swandal for review. Deschene updated that she had contacted the board of ethics and it was stated to her that she did the right thing. As a Prosecutor she is bound not to "over charge" a defendant and seek the mentorship needed to accomplish this. Walter also claims that Deschene was unprepared for trial by not seeking enough medical records. Because of the Injunctive Relief and Temporary Restraining Order in place this revised petition has to go through District Court first. So the Judge would have to rule to release it to the Election Administrator and Walter be allowed to continue collecting signatures.

Deschene told the Commissioners that she has another conflict of interest case stemming from one of her employees that received a ticket and is planning to plead not guilty. Deschene is seeking the Commissioners approval of appointing Attorney Rebecca Swandal to prosecute the case. Deschene stated that Ms. Swandal has agreed to help, and Deschene thinks it would be done as a favor.

The Commissioners stated that they are willing to approve a Special Deputy for conflicts of interest to ensure Deschene doesn't prosecute cases that would result in an ethical conflict. The discussion turned slightly to the fact that Kent Sipe is currently appointed Special Deputy for calls that may occur in emergencies. The question was asked if Sipe could take this case as well. Deschene stated that since Sipe moved to Lewistown as the County Attorney for Fergus Co. she feels coming to Meagher County may be a hardship. The case that Sipe was working on for Meagher County has been sentenced and resolved. Deschene stated she would like to send Sipe a letter thanking him for his help and that the Commissioners are appointing a new special Deputy because it would be easier for her to exchange work with someone that is closer. The Commissioners would like to find out if Sipe is still willing to handle these situations for Meagher

County first.

**Health Nurse – Eva Kerr, RN:**

Health Nurse Eva Kerr came in to present her written monthly report. Discussed the monthly report with the Commissioners. Kerr highlighted being busy with the back to school vaccines. Also, Kerr is very excited about the Safe Sitter class. The plan is to ask to use the Ambulance Barn for the training.

There were some issues at the Red Ants Pants and a couple of Caterers. This was on the forefront of the Sanitarian's mind after the issue in Richie where there were 32 cases of E.coli with 8 being hospitalized. There will be discussion at the Red Ants Pants after action luncheon today. Kerr believes the issue will be able to be resolved but there were some hurt feelings. A lot of this is likely stemming from the fact that the new Sanitarian has a little different standard than the previous Sanitarian which is a really good thing but is requiring some "getting used to" from the vendors.

There are 2 active case investigations from an EMT and a Deputy that were exposed to blood at the end of July in the Mountain View Medical Center ER. There will be more discussion on how to get EMT's covered by the Hospital for any incidents that occur while they are in the ER.

The Homemaker program is filled to capacity. There is a huge workload requirement for the Budget reporting. The feds changed some of the reporting requirements which makes it a little tight from a schedule and reporting point of view. Kerr remains optimistic that she can handle it.

Kerr updated the Commissioners that she was subpoenaed to court to testify on drawing a blood sample for a DUI case that is over in Judith Basin.

***Jess Secrest:***

Came into visit with the Commissioners about the Smith Shields Vegetation Project. Secrest attended a public meeting that was held to discuss the project. Secrest asked for permission to press the Forest Service to do more. The Commissioners voices complete support of Secrest's efforts. Secrest will draft a letter for the Commissioners to send in. The discussion continued that Secrest feels this is the highest structure fire danger area located within Meagher County. The land and structure owners have done a lot of work but much more needs to be done. The Commissioners expressed their thanks to Secrest for all he does.

Additionally, there was discussion regarding the construction crew doing the main street renovation project. Secrest told the Commissioners that the big trucks have started to use Foxwood Road when leaving the pit. Secrest expressed that the road past his house is deteriorating severely and frequently very dusty. The Commissioners stated they will get in touch with the construction crew foreman.

***Road Supervisor Smith entered the meeting at 10:28***

Commissioner Hurwitz contacted the foreman and discussed needing more water to control the dust on any county roads the trucks are using to haul material out of the gravel pit into town. Commissioner Hurwitz confirmed with Smith if it is okay for Schellinger's crew to blade county roads that are being used by the construction crew. Smith agreed that is fine with him. The foreman of the Schellinger crew told Commissioner Hurwitz that they will try to get better control of the dust.

Smith updated that the old County Shop is demolished and awaiting removal of debris. Sean Ringer has been contacted to coordinate hauling off the rubble. The County will also need to build a fence to enclose the border that used to be two sides of the old shop. Smith stated he will inquire with Jim McDanel first.

**Minutes:**

**ACTION #1**

Commissioner Brewer moved to approve the minutes from the August 2, 2016 meeting with no corrections noted. Commissioner Hurwitz seconded. A vote was taken and unanimously approved.

**County Board Member Updates/Approval:**

Discussed the open seats on the following County Boards

- Mosquito
- Planning

The Commissioners will continue to look for members to fill these vacancies.

The Commissioners were provided with an application from Will Townsend to become a member of the Airport Board.

**ACTION #2**

**RESOLUTION 2016 - #50**

Commissioner Brewer moved to appoint Will Townsend to the Airport Board for a three year term. Commissioner Hurwitz seconded. A vote was taken and unanimously approved. It is therefore resolved.

***County Attorney Deschene returned to the meeting.***

Deschene provided the Commissioners with a letter to present to Ralph Miller through his Attorney Rene Coppock conveying the agreement for resolution of the issue. Deschene stated that if she doesn't get a response within 30 days they should discuss this matter more in

September. The Commissioners reviewed the letter and told Deschene they both approve of it and would like it sent.

***Rick Seidlitz entered the meeting at 10:58.***

The Commissioners and Deschene also continued the discussion regarding the Special Deputy appointment. They need a sitting County Attorney that can be on call for any inherent conflict of interest with Deschene's private businesses in town. Deschene presented the option of asking Pat Dringman, Sweet Grass County Attorney.

Deschene asked Seidlitz how he handled conflicts for County Attorney John Potter while he was Sheriff. Seidlitz stated there was nothing in place at that time. Whenever the Sheriff's Department had an issue, Potter would quickly tell them who to call or it would be sent directly to the Attorney General's Office. Commissioner Hurwitz asked if the AG's office will handle these cases for free. Seidlitz confirmed it was handled for free.

Deschene proposed a resolution to appoint Rebecca Swandal as a Special Deputy for the above discussed cases, stating she needed to place an allowance for Rebecca Swandal to charge fees for taking the case for Meagher County. Since Deschene cannot legally pay Ms. Swandal, Deschene was hoping that the Commissioners would go ahead and pay for the alternate services; if money became an issue Deschene would be open to discussing how to resolve it later. The Commissioners made no comment towards this request nor a final decision.

**Fire/DES Report – Rick Seidlitz:**

Seidlitz stated that the Fire Department has been called out a lot in the last month for both fire and assist in accidents. Seidlitz stated he is very fatigued and he is concerned his firemen are perhaps worse than him. The Commissioners asked how they could help. Seidlitz stated that the Fire Budget is probably already over the line, asking the Commissioners for all the help and/or extra money they could kick towards the fire fund. The Commissioners acknowledged this request.

Commissioners asked if Seidlitz could come in at budget time to try and discuss and project a more accurate budget for the Fire Fund verses going over budget. Seidlitz updated that the Feds used to give the County \$20,000 and now they give \$7,500.

Seidlitz spoke with a land owner regarding a fire. The landowner wanted a truck staged and left onsite with a crew. Seidlitz did finally come to an agreement that he would leave a truck and two firemen for \$2,000 per day, with an understanding that if there was fire elsewhere in the County that the truck was going to be taken and sent to the call. Seidlitz stated that he does want to re start sending bills after fires for the landowners to submit to the insurance company's. Then whatever portion isn't paid by insurance will be let go.

**Short Term Cemetery Worker:**

The Commissioners were presented with a request to hire a short term Cemetery worker to cover for Sexton Gene Harris while he is away for health issues.

**ACTION #3**

**RESOLUTION 2016 - # 51**

Commissioner Brewer moved to hire David Edstrom as a Temporary Part Time Worker to help finish the 2016 Season at Mayn Cemetery. Commissioner Hurwitz seconded. A vote was taken and passed unanimously. It is therefore resolved.

**Public Comment:**

No Public Comment.

**Claims Approved:**

The Commissioners discussed having Deputy Clerk & Recorder Penny Plachy on as a signature for checks. The Commissioners both agreed this is a good idea, especially in the case that the Clerk & Recorder isn't available to sign.

**ACTION #4**

**RESOLUTION 2016 - # 52**

Commissioner Brewer moved to approve Deputy Clerk & Recorder, Penny Plachy, as a signor for County Checks. Commissioner Hurwitz seconded. A vote was taken and unanimously approved. It is therefore resolved.

Commissioners were presented with F.Y. 16/17 Check #51952 through Check #51977 totaling \$19,004.95. All checks were signed as presented.

**Meeting Adjourned:**

The meeting was adjourned at 11:45 a.m.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, August 19, 2016.

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CLERK & RECORDER

CHAIRMAN

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VICE CHAIRMAN

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COMMISSIONER

NOTE: Minutes taken by Administrative Assistant to Clerk & Recorder, Kate Jones  
Distributed August 19, 2016 to Chairman Herb Townsend, Vice Chairman Rod Brewer, Commissioner Ben Hurwitz and Clerk & Recorder Dayna Ogle.

**Tuesday**  
**August 16, 2016**  
**8:30 a.m. – 12:00 p.m.**  
**Met in Commissioner's Chambers**

**Meeting Called to Order:**

Chairman Townsend called the meeting to order at 8:30 a.m.

**Commissioners Present:**

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

**Claims Review:**

The Commissioners were provided with Claims for review.

**Treasurer Report – Sue Phelan:**

Treasurer Phelan was unable to attend the meeting.

**Budget Workshop:**

Clerk & Recorder Ogle conducted a Budget workshop with the Commissioners.

**Minutes:**

**ACTION #1**

Commissioner Brewer moved to approve the minutes from the August 9, 2016 meeting with no corrections noted. Commissioner Hurwitz seconded. A vote was taken and unanimously approved.

**Public Comment:**

No Public Comment.

**Claims Approved:**

Commissioners were presented with Check #51978 through Check #52000 totaling \$15,716.74. All checks were signed as presented.

**Meeting Adjourned:**

The meeting was adjourned at 12:00 p.m.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, August 19, 2016.

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CLERK & RECORDER CHAIRMAN

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VICE CHAIRMAN

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COMMISSIONER