

PROCEEDINGS OF THE BOARD OF THE COMMISSIONERS
MEAGHER COUNTY, MONTANA

Tuesday

April 4, 2017

8:30 a.m. – 2:00 p.m.

Met in Commissioner's Chambers

Meeting Called to Order:

Commissioner Chair, Rod Brewer, called the meeting to order at 8:30 a.m.

Commissioners Present:

Chair Rod Brewer and Vice Chair Ben Hurwitz, and Commissioner Herb Townsend were present for the meeting.

Minutes:

ACTION #1

Chair Brewer moved to approve the minutes from March 21, 2017 meeting. Commissioner Hurwitz seconded the motion. Minutes were approved with minor changes.

Road Report – Bruce Smith:

Smith reported that Clark from Disposal Services called him regarding MD Construction damaging the road on the way to the transfer site. MD Construction had called Clark to let him know that they had done the damage. The Road Department does not patch asphalt so Smith is looking at options on how this road will be repaired. It was suggested that MD Construction be contacted to see what they would be willing to contribute for its repair.

There was discussion regarding roads in the county that would need some frost heave repair and gravel added this spring. There was also discussion regarding using mag chloride and which roads would benefit. A policy will be discussed next meeting on the criteria needed.

Gravel pits were reviewed on what was left; in particular, what was left in Pit #1 and Pit #2. Gravel supply is low and probably will not be able to get a new pit in this fiscal year. They are exploring the possibility of a new gravel pit closer to the county line.

There was also conversation regarding the Forest Service roads that were in need of repair, and the consensus is they are not the county's responsibility, and should be maintained by the Forest Service.

Smith advised that no one bid on the construction for a new building for the Road Department. He stated that the Clerk & Recorder had told him that if no bids were received, the county can hire a contractor to build it. Both Smith and the Commission thought Rooney's Inc. would bid the project, but they hadn't, so Commissioner Hurwitz called Rooney's to question them on it. Dan Rooney was not available, so he spoke with Lydia Rooney. Because of their other obligations and contracts that came in, Rooney's did not have the time to take on this project as well. That led into a conversation on waiting on the building project in order that the Road Department could purchase a grader instead. Smith said they could probably get through summer; however, trying to plow snow, they might have problems. When asked about prioritizing a building or a grader, Smith would pick the grader as being more important to the county. The Commissioners reviewed their budget books for the Road Department and called on Clerk & Recorder Ogle to come into the meeting to discuss.

The Commission questioned Smith on the price of a trade in on the current John Deere grader the county owns. Smith believed they would receive from \$50,000.00 - \$80,000.00 for the John Deere. The road outlay fund was discussed and what was available in that fund. Smith recommended moving funds from the crushed gravel line in the budget to help purchase the grader. There was also discussion regarding the SRS money that would not be received this year to help with these expenses.

Smith is to get a firm price on a grader with a trade in and get specs to put out for bid.

Mag chloride was then briefly discussed and the roads that would meet the criteria. There will be a meeting next week to set up a policy with the criteria specified for roads.

Sheriff Report – Jon Lopp:

Sheriff Jon Lopp presented the Commissioners the Forest Service Agreement and February and March reports. The Commissioners reviewed his reports and asked questions.

Commissioner Hurwitz told Sheriff Lopp he was finally in contact with Carol Hatfield of the Forest Service this morning regarding the Sheriff Deputies driving one of the pickups owned by the Forest Service to do the patrols. He feels that the wear and tear of county vehicles could be avoided by the Forest Service providing one of their vehicles. He will agree to sign the Agreement once Hatfield gets back to the Commission on whether this is acceptable. Commissioner Townsend asked Commissioner Hurwitz if it made a difference on whether Hurwitz would sign the Agreement if the Forest Service would not agree to provide a vehicle for

the Deputies' use and Hurwitz stated it wouldn't; however, it might change the language of the Agreement. The Forest Service Agreement will be tabled until the Commission hear back from Hatfield.

Sheriff Lopp told the Commissioners that he had provided the County Attorney with 3 policies for her review a while back; however, he had not heard back from her. Kimberly Deschene had entered the room, so they brought her up to the table to discuss.

County Attorney Deschene stated that they were more complicated than she originally thought. There were 3 policies – 1) Social Media; 2) Electronic devices (tasers) and 3) body cameras. Deschene went over her concerns on these policies. For the social media, it was expressed that the policy should not reflect any wording that would be unconstitutional or an issue on free speech. The Commission wasn't sure why in your work policy you could not say "while you are representing this office" She will have to do some more research on this item. The next policy was on tasers. This draft policy had been taken from the Law Enforcement Academy. County Attorney Deschene didn't appear to be any objections to this policy that Sheriff Lopp was proposing. However, for the body cam policy, County Attorney Deschene has concerns with the wording. Deschene wanted to know where Lopp came up with his policy, to which he replied he got it from the Sheriff and Peace Officer Association. She stated that it needed to be a 2-way street on protection. She needs more time to research this and is waiting to hear back from a Kalispell attorney. The Commissioners believe we need a policy in place for this item as it will come up in the future and a policy needs to exist.

DUI policies were discussed and on who makes the determination of how you are tested – whether a breathalyzer or blood drawn. Sheriff Lopp stated it was the officer's determination. The blood results take 4 to 6 weeks because of the crime lab and making sure the chain of custody is not compromised.

Deschene brought back up for discussion the body cam and asked questions regarding how long the recordings are kept, who is able to view them, turning them off and on for editing or taking picture, to which Lopp answered.

Open Sealed Bids – Bruce Smith:

No bids were received.

Quarterly Budget Review – Dayna Ogle:

Clerk & Recorder, Dayna Ogle, handed out the new information for the quarterly budget review. She had tabbed Departments over 75% of their budget to discuss. Clerk & Recorder will review these budgets monthly until the new fiscal year.

Airport Budget Amendment – Dayna Ogle:

Clerk & Recorder Ogle presented the Commissioners for signature a Budget Amendment for the Airport for the purchase of fuel.

Action #2:

RESOLUTION 2017-#21

Resolution 2017 – # 21

Budget Amendment

WHEREAS, the 2016 - 2017 budget has been set, and

WHEREAS, the Airport Fund (2170) has a separate cash line for aviation fuel sales and,

WHEREAS, the Airport Fund (2170) utilizes the revenue from fuel sales to offset the cost of purchasing aviation fuel and,

WHEREAS, the Airport Fund (2170) purchased aviation fuel in March 2017 and had a need to utilize the separate cash line.

WHEREAS, the Airport Fund (2170) has unexpected expenses of \$27,686.00.

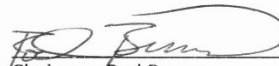
NOW THEREFORE LET IT BE KNOWN AND HEREBY RESOLVED that the Meagher County Board of Commissioners are amending the budget for the unexpected expense of \$27,686.00 (twenty seven thousand six hundred eighty six dollars) in the Airport Fund (2170).

Dated this 4th day of April, 2017

Attest:

Board of County Commissioners:


Dayna Ogle


Chairman Rod Brewer




Commissioner Ben Hylwitz


Commissioner Herb Townsend

Before Clerk & Recorder Ogle left, the election was discussed and the fact that since SB305 was voted down, it will not be a mail ballot election only, we will have to open the polls as well.

Extension Report – Bob Sager:

Bob Sager, Extension Agent, presented his report to the Commission and discussed the workshop set at the All Seasons Inn meeting room at 6:30 on the 19th. This workshop will be on vertebrae control emphasizing ground squirrel control and he has an expert control person from the Department of Agriculture coming to give the presentation.

He is still working with the 4-H Council regarding the new barn and placement on the rodeo ground property. Currently, the decision has been that the new barn will be built between the existing barns. Research has to be done on how far it has to be away from the existing fence on the east side. The equine members have requested higher walls on the building which would only minimally affect the cost. Sager has spoken with a couple of builders and suppliers to see if there could be any donation or discount for 4-H. He is still waiting to hear on grants that are out in order to help with some of the expense.

Sager also expressed his appreciation for the opportunity to represent the county. He will probably schedule another workshop in May and then wait until September to start again. He believes the workshops have been well received and hoping attendance in the future will be greater.

He is still testing applicants for the pesticide licensing and have 5 more to complete the private applicators test. He will stop testing this month and will pick up again in the fall.

IT Update Email – Jim McDanel:

Jim advised the Commissioner that there will be a workshop for the new 911 systems that he plans on going to on the 12th of this month. There is no expense for the workshop and it will show the new technology and provide a list of providers with their different products. The Commissioners asked McDanel what he had found out about the expense for the private versus state email. McDanel explained that it was close to what he had been telling them. A server would be in the neighborhood of \$3,500.00 - \$3,600.00. After that comes the licenses, which would be approximately \$2,500.00, which would be a one-time fee. However, every employee that has an email would have to have a license for that email account. He stated that the Courthouse wasn't bad, but now we are talking about the Sheriff's office, Library, Health Department and Weed Department. Anyone new we can add at for around \$200.00. He expects the total cost to switch over will be around \$7,500.00. He believes the State cost could be anywhere from \$4,000.00 - \$7,000.00 annually, so once the initial set up purchase happens, we should be able to save money for the county.

Action #3

RESOLUTION 2017-#22

Commissioner Hurwitz moved to proceed with switching from the State email to a private email server. Commissioner Brewer seconded. A vote was taken and passed, it is therefore resolved.

McDanel also discussed with the Commissioners that he was looking for a back up to help him. He had been provided some names and had had some conversations, but had not found anyone yet. The Commissioners thought a backup was a good idea, and to keep pursuing that avenue.

There was also a discussion regarding putting McDanel on the county's payroll rather than continuing as a contractor for IT services. McDanel said he was ready to discuss, but would like a little more flexible hours than the normal for some of the things he has to do as far as updates and repairs. They will keep discussing and try to get this set up with him hopefully by the new fiscal year.

Public Comment:

No Public Comment.

Claims Approved:

Commissioners were presented with check number #52768 through #52769, totaling \$2,011.48; payroll checks #12043 through #12067 totaling \$58,493.48; and check #52770 through #52806, totaling \$26,884.74. All checks were signed as presented. Check #52366 in the amount of \$75.00 was marked as Voided and initialed by the Commissioners

Meeting Adjourned:

Meeting was adjourned at 2:00 p.m.

Tuesday
April 11, 2017
12:30 p.m. – 3:20 p.m.
Met in Commissioner's Chambers

Meeting Called to Order:

Commissioner Brewer called the meeting to order at 12:30 p.m.

Commissioners Present:

Chair Rod Brewer and Vice Chair Ben Hurwitz, and Commissioner Herb Townsend were present for the meeting.

Also present for the meeting was Katherine Walter and Ray Saeman

Minutes:

ACTION #1

Chair Hurwitz moved to approve the minutes from April 4, 2017 meeting. Commissioner Townsend seconded the motion. Minutes were approved.

Patrick Webb with Senator Daines' office was in to update the Commissioners. He was in primarily to invite the Commissioners to the Montana Ag Summit in Great Falls May 31 – June 1, 2017. This summit is open to the public, and the keynote speaker is the CEO of the Farm Credit Services. There is a website – agsummitmontana.com. He will send the information for registration and speakers to the Commissioners.

The Gordon Butte Hydro project was discussed and how taxes paid for this project will help Meagher County. They also touched on the wind mills and the support letter which was sent last Thursday. Webb looked on the Legislative website and reported that the SB 32 was vetoed on the 7th of April.

Webb asked the Commissioners about revenue received from the Smith River floaters, to which they responded that the County does not receive any revenue. Other items discussed were the Forest Plan that is being worked on and the copper mine.

Treasurer's Report – Sue Phelan:

Treasurer Sue Phelan brought up cash report for the Commissioner's to sign.

Phelan told the Commissioners that she had a Resolution for their signature regarding transferring money from the County General Fund #1000 to the Debt Service Fund #7701 250 in the amount of \$79.60 for the months of February and March. That money goes to the school.

Action #2:

RESOLUTION 2017 - #23

Commissioner Townsend moved to transfer \$79.60 from the County General Fund #1000, interest earned into the Debt Service Fund #7701 250. Commissioner Hurwitz seconded. A vote was taken and approved unanimously. It is therefore resolved.



"The County with a Castle"

Meagher County, Montana

WHITE SULPHUR SPRINGS, MT 59645

OFFICE OF
COUNTY CLERK
& RECORDER

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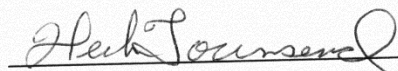
OFFICE OF
COUNTY
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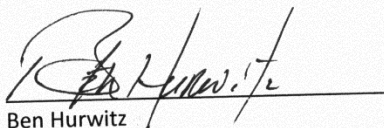
April 11, 2017

IT IS HEREBY RESOLVED WITH RESOLUTION NUMBER 2017-#23 THAT \$79.60 (Seventy Nine and 60/100) shall be transferred from the County General Fund, interest earned, into the Debt Service Fund. This is the total amount of interest due to Debt Service for the months of February and March 2017.

Meagher County Commissioners


Rod Brewer, Chairman


Herb Townsend


Ben Hurwitz

After Phelan left, the Commissioners discussed the letter received from Jennifer Frazer regarding a letter of support on tourism infrastructure grant. It was agreed to write a letter in support.

Montana Historical Association – Helen Hanson & Sheryl McGuire:

Helen Hanson and Sheryl McGuire came in representing the Montana Historical Association. Helen Hanson stated that she was the co-chair of the Association and Sheryl McGuire was the Director of the Museum. This year is the 150th anniversary of Meagher County and the 50th anniversary of the Castle. The Castle is planning on events in celebration this summer and Hanson and McGuire would like to see the County do the same.

Hanson and McGuire would like to have the County Commissioners make a Proclamation to declare that August 30th be Castle Museum Day. They have already spoken with Judy Berg at the Post Office regarding a cancellation stamp of the Museum and Teri Ogle regarding designing a logo. There is also a Facebook page that will have pictures from history.

The Castle is planning on having a \$.50 cent day on August 30th to celebrate the anniversary of when it opened and plan on having a barbeque at the Castle on Sunday, September 3rd between the parade and the rodeo. There is also a civil war re-enactment planned in June and there will also be a \$1.00 Quilt show. Teri Ogle has a quilt she won during the Bicentennial celebration that the Cattle Women raffled which she will bring in for that event. There are several excellent quilters in our community to participate so there should be local interest. Hanson also mentioned to the Commissioners that August 26 at the Red Barn there will be live music and there will be a calendar published of the events planned to celebrate the 150th year anniversary over the summer.

Action #3:

RESOLUTION 2017 - #24

Commissioner Chair Brewer moved to make a Proclamation that August 30th be Castle Museum Day. Commissioner Hurwitz seconded. A vote was taken and approved. It is therefore resolved.

Old Business:

Commissioners reviewed the Forest Service Agreement and Commissioner Hurwitz stated that the Forest Service will not let the Sheriff's Deputies use the Forest Service vehicles to do the patrols.

Clerk & Recorder Ogle was called up to discuss how the mileage and wages were tracked. Ogle explained that Maebeth Seidlitz provides reports to the Forest Service and the General Fund receives the funds for the Sheriff's Department's expenses, including wages, vehicle maintenance, and mileage reimbursement.

Action #4:

RESOLUTION 2017-#25

Commissioner Townsend moved to approve and sign the Forest Service Agreement. Commissioner Brewer seconded. A vote was taken and approved. It is therefore resolved.

The Commissioners only had a copy of the document and Sheriff Lopp would be in later in the day with the original for signatures.

Fire / DES Report – Rick Seidlitz:

Rick Seidlitz came in for the Fire / DES Report. He presented a Fire / Des report for the Commissioners' review and discussion.

Seidlitz discussed the grants he was working on. The FEMA grant is for a total of \$24,876.00, which is to purchase new Wildland Fire Protective Clothing for the County Fire Fighters. If this grant is approved, Meagher County Fire will have to match it with \$1,184.00. Seidlitz is also working on a VFA grant of \$7,500.00. He also stated that he has not heard yet from the Bair grant yet for supplies for the new fire engine in the amount of \$21,661.90, but expects that will happen fairly soon.

Meagher County Fire will be having an Engine Boss Fire Training on May 5 – 7. Seidlitz reported that he had gone to Missoula on a Team meeting and also went to Bozeman for the County Firewarden's Conference. He also attended a luncheon at Clearwater Realty and received a donation to the Fire Department.

Discuss Mag Chloride Policy:

Commissioner Hurwitz drafted a road stabilization policy regarding the use of mag chloride. He presented his draft to the other Commissioners for their review.

Katherine Walter asked what the regulation of using it at a creek would be for use down Newlan Creek Road. The Commissioners plan to ask Bruce Smith, Road Supervisor.

Commissioner Hurwitz will call the MDT to see if they are going to contribute to the expense of the mag chloride on Smith River Road this year.

County Attorney – Kimberly Deschene:

Deschene advised the Commissioners that she was still working on Sheriff Lopp's policies. She stated they were not simple and that her philosophies were different from Lopp's. She will propose what she would use when she finishes and mentioned again that the ones that Lopp proposes are drafted from the Law Enforcement Academy. Since there has never been a policy established, the Commissioners would like these done correctly, and do not see the need to rush just to have them. Deschene wants there to be recourse if the policy is not followed.

Commissioner Hurwitz had County Attorney Deschene review the draft on the road stabilization policy when she came in for her meeting. She asked why there needed to be a policy and the Commissioners discussed that the expense of using mag chloride on the roads was approximately \$5,000.00 a mile, so a policy in place would help determine which roads meet the criteria.

Health Nurse – Eva Kerr, R.N.

Eva Kerr presented with her monthly report for review and discussion. Vaccinations were discussed and where they stood with the Colonies.

Kerr advised that she was planning a Safesitter class for May 6 in preparation for summer and kids staying home alone or babysitting.

Kerr also advised that she had met with Sanitarian Sean Hill and they discussed things happening in the County. There was discussion regarding the state required reporting if there is a death of a child under 18. She had also taken a webex training rather than having to travel for a training.

She told the Commissioners that the Safety Committee had met a couple of times in March and had put out online safety training for the employees to work on.

There was also discussion regarding the Homemaker program. There are 14 participants currently and Sue Case is handling them all right now. There is a deadline coming up for applications and then Kerr will interview and hire someone to help.

She also advised that she and Sanitarian Hill attended a rabies conference in Billings the first of the month. There was discussion on the procedures for quarantine. There is a CPR instructor training that she and Laura Taylor will attend in Helena so they will be able to train others for CPR. Currently, there is not a county health instructor, so this will be beneficial to the community.

Clerk & Recorder, Dayna Ogle, came up to get signatures on the Weed Grant that Otto Ohlson is submitting.

Public Comment:

Sheriff Lopp brought in the original Forest Service Agreement which had been signed by himself and Commissioner Rod Brewer as Chairman. He was waiting for the resolution approving the agreement before sending it back to the Forest Service. He also brought in, per Dayna Ogle's request, the paperwork that Maebeth Seidlitz sends in to the Forest Service to track the hours and expenses of the Deputies.

Sheriff Lopp also advised the Commissioners that Deputy Wilson will be gone for a couple of weeks in May.

Bruce Smith came in to discuss the Mag Chloride; however, the Commissioners had already discussed earlier. Smith was given Commissioner Hurwitz's draft of the Road Stabilization Policy for his review. The Commissioners also asked Smith if there were any regulations to using the mag chloride by streams or creeks. Smith replied that the mag chloride is a salt water and there are no chemicals, it is all natural.

Claims Approved:

Commissioners were presented with check #52809 through check #52829 totaling \$12,585.90. All checks were signed as presented. There was voided check #52759 in the amount of \$300.00 from pay period 03/21/2017.

Meeting Adjourned:

Meeting was adjourned at 3:20 p.m.

Tuesday

April 18, 2017

9:40 a.m. – 11:35 a.m.

Met in Commissioner's Chambers

Meeting Called to Order:

Commissioner Chair Rod Brewer called the meeting to order at 9:40 a.m.

Commissioners Present:

Commissioner Chair Rod Brewer, Vice Chair Ben Hurwitz, and Commissioner Herb Townsend were present for the meeting.

Minutes:

Action #1:

Commissioner Hurwitz moved to approve the minutes from the April 11, 2017 meeting. Commissioner Townsend seconded the motion. Minutes were approved.

Treasurer – New Funds – Sue Phelan:

Treasurer Sue Phelan came in to request the creation of two new funds. Fund # 7541 – High School Equalization (22 mills) – Federal Forest Reserve – Non-Levy Revenue and Fund #7542 – Elementary Equalization (33 mills) – Federal Forest Reserve – Non-Levy Revenue. After discussion regarding why these funds were needed, the Commissioners agreed to the creation.

Action #2:

RESOLUTION 2017-#26

Commissioner Chair Rod Brewer moved to create the new funds – Fund #7541 – High School Equalization (22 mills) – Federal Forest Reserve – Non-Levy Revenue and Fund #7542 – Elementary Equalization (33 mills) – Federal Forest Reserve – Non-Levy Revenue. Commissioner Hurwitz seconded. A vote was taken and approved. It is therefore resolved.

Katherine Walter and Ray Saeman entered the meeting.

Sharon Tripp, Auditor of Meagher County, came in to let the Commissioners know she had begun her audit. She brought in an Amended Audit Contract for the Commissioners to sign as the original contract was for a Federal Single Audit, and the County did not have the \$750,000 in federal expenditures, so a standard audit was all that is needed. We will receive a \$2,000.00 discount on our final billing for services because of it not being a single audit.

She also had a letter of agreement for the Commissioners to sign as well. She is planning an exit interview at the end of week and scheduled for Friday at 9:00 a.m. with Commissioner Hurwitz.

Sharon Tripp left the meeting.

Dayna Ogle, Clerk & Recorder, entered the Chambers to distribute a copy of the Annual Financial Report to the Commissioners for their review. She also reported that the 9th Circuit Court of Appeals denied the plaintiff's request for an emergency injunction. Therefore, no additional names will be placed on the May 25, 2017 ballot; however, the decision on whether the Special Election may be conducted as a mail ballot has yet to be decided. There was also questions regarding her roll for the school and municipal elections.

Board of Health Report:

Present for the Board of Health meeting were Ben Hurwitz, Rod Brewer, Herb Townsend, Sandra Harris, Julian Theriault, Sean Hill, Eva Kerr and Dr. Jennifer Brundson. Health Nurse, Eva Kerr passed out a report for the Commissioners review and discussion.

The Board of Health report gave information regarding disease reporting from January through March, including Influenza Type A, Influenza Type B, Hospitalized Influenza, Dog bites, Cat bites and Chlamydia. There was also discussion regarding vaccinations.

The Commissioners asked about an item on the report regarding having a home inspected at the request of a tenant to deem if health hazards exist. Sean Hill explained that as a health authority, they could enter a residence at the request of the tenant and do a voluntary assessment to identify any red flags and then follow the chain of command and see if anyone will work on. However, they could only look at the property that the tenant was living in and had access to. Landlord / Tenant laws are really weak and tenants do not have many rights except to move out. HRDC is working with the tenants on this particular case; however because it was a foreclosure and the property is currently bank-owned, banks tend to move tenants out and lock the doors rather than put more money into the property. HRDC works faster if there are issues that need to be addressed and hazards exist.

Eva Kerr and Sean Hill went to a rabies training in Billings. Kerr explained that this was the first time anyone had put something like this on. The current ordinances in the City and County have not been updated as far as could be found since approximately 1993. They are going to start working on a County-wide Ordinance to encompass the County and White Sulphur Springs. There was discussion regarding the protocol on animal bites and form that is currently in use to report bites. When they come back for the next meeting they will have more information.

Public Hearing – Road Stabilization Policy:

Katherine Walter asked about safety of the mag chloride in the stream for the fish, and animals that drink the water as well as irrigation. The Commissioners had checked with Bruce Smith, Road Supervisor last meeting and he had stated that it did not contain any hazardous chemicals and was primarily salt water. Walter is concerned that the mag chloride might have a negative impact because the stream is so close to the road.

Public Comment:

Jennifer Frazer stopped by to introduce herself and thank the Commissioners for the letter of support.

Claims Approved:

Commissioners were presented with check number 52830 through check number 52866 totaling \$22,722.73. All checks were signed as presented.

Meeting Adjourned:

Meeting was adjourned at 11:35 a.m.