

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

**Tuesday**

November 7<sup>th</sup>, 2017

8:30 a.m. – 3:30 p.m.

Met in Commissioner's Chambers

**Meeting Called to Order:**

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

**Commissioners Present:**

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

**Minutes:**

**ACTION #1**

Commissioner Townsend moved to approve the minutes from the October 17<sup>th</sup>, 2017 meeting. Commissioner Hurwitz seconded the motion. A vote was taken and minutes were approved.

*Department of Revenue representative Ray Massee entered the chambers to inform the Commissioners about the office located within Meagher County maybe closed with new budget cuts.*

*Maura Kusek entered the chambers and discussed an email she received. NACo is requesting that counties sign a letter in support of Secure Rural Schools and PILT. Commissioners will sign the letter.*

**Road Report – Bruce Smith:**

Road Foreman Bruce Smith entered the chambers at 8:30 a.m.

Smith updated the Commissioners about the snow plowing. Smith reported that the grader purchased in the spring was shipped from Brazil on November 1, 2017 and should be arriving first to mid part of December.

**Sheriff Report – Jon Lopp:**

Sheriff Jon Lopp entered the chambers at 9:30 a.m.

Sheriff Lopp handed the Commissioners the Compliant report for October 2017. Lopp answered questions about specific incidents the Commissioners inquired upon. Lopp then stated he is hoping to schedule shooter training within the old Elementary Building before demolition on November 27, 2017.

**Ambulance Board – Rate Updates- Jack Berg:**

Jack Berg entered the chambers at 10:00 a.m.

Berg presented the Commissioners with a rate sheet that covered current rates charged and the proposed rates that are being considered. Commissioners stated the Ambulance Board should formally decide on the change. Berg and the Commissioners then discussed the changes in billing software programs.

**Extension Report – Bob Sager:**

Extension Agent Bob Sager entered the chambers at 10:20 a.m.

Sager presented the Commissioners with an October 2017 Report. Sager reported he went to MSU to have training to understand the computer software for the 4H programming. He then reported about his Beef Dinner Presentation that took place in October and his future presentation to have the same speaker back. Discussion then took place about upcoming presentation ideas, pesticide training, and the progress of the 4H Building.

**Clerk and Recorder – Close Fund – Dayna Ogle:**

Clerk and Recorder Dayna Ogle entered the chambers at 11:00 a.m.

Ogle would like to close the Battle Creek Weed Management Area Fund 2844 and the Cottonwood Weed Management Area 2896 and transfer the remaining cash from each fund into the General Weed Fund 2140.

**ACTION #2**

**Resolution 2017-83**

Chair Rod Brewer moved to close the Battle Creek Weed Management Area Fund 2844, which has a cash balance of \$4,045.23, and the Cottonwood Weed Management Area 2896, which has a

cash balance of \$25.96, and transfer the cash into the General Weed Fund 2140. Commissioner Hurwitz seconded the motion. A vote was taken and passed. The issue is hereby resolved.

Ogle also would like to the HB124 Entitlement Fund 7950 and transfer the cash balance into the General Fund to be utilized in a cash line 107950.

### **ACTION #3**

#### **Resolution 2017-84**

Chair Brewer moved to close the HB124 Entitlement Fund 7950 and transfer the cash balance of \$18,988.00 into the General Fund cash line 107950. Commissioner Townsend seconded the motion. A vote was taken and passed. The issue is hereby resolved.

Funding for the Meagher County Senior Center was discussed. Commissioners agreed to give \$10,000.00 to the Meagher County Senior Center.

### **ACTION #4**

#### **Resolution 2017-85**

Commissioner Hurwitz moved to transfer \$10,000.000 from PILT Fund 2900 into the Senior Center Fund 2280. Chair Brewer seconded the motion. A vote was taken and passed. The issue is hereby resolved.

### **Public Comment:**

Representative from Tintina Resources Nancy Schlepp entered the chambers at 11:20 a.m.

Schlepp and the Commissioners discussed the purpose of the scoping meeting and what the importance of public comment for the project. Commissioners stated they will draft a letter to DEQ to explaining the economic benefits the copper mine would bring to Meagher County.

### **Lunch**

### **County Wide Fire District – Kimberly Deschene and Rick Seidlitz:**

*Meeting was moved from the Commissioner's Chambers to the downstairs area to accommodate all people attending the meeting.*

County Attorney Kimberly Deschene, Fire Chief Rick Seidlitz, Paul and Dayle Komlosi, Kevin and Dee Moyer, Mike Erban, Mike Leonard, Rich and Valerie Siebken, Clerk and Recorder Dayna Ogle.

Deschene started off discussion with giving background about how the County came upon the idea to revisit a county wide fire district. Deschene stated that the idea of pursuing a county wide fire district would greatly benefit all residents of Meagher County. Discussion then shifted to the possibility that if a county wide fire district was created the ISO rating for the entire district would lower for property owners outside the 5 mile circle and possibly creating lower insurance rates. Concerns on whether the City of White Sulphur Springs would be included in the district were discussed. Mike Erban asked various questions about the county wide fire district; some pertaining specifically to the Grassy Mountain Fire District. Siebken then brought then brought up concerns about workers compensation insurance. Siebken stated that a Meagher County Volunteer firefighter would not be covered by Meagher County's Worker Compensation if they fought a fire in the Grassy Mountain Fire District. Seidlitz disagreed with Siebken's statement. Ogle stated that all rostered Meagher County Volunteer Firemen are covered by Meagher County's Worker Compensation Insurance. Ogle stated that MACo couldn't provide worker's compensation insurance to the Grassy Mountain Fire District because they are a district and not a county. Deschene stated that the funds would be allocated properly under the direction of Seidlitz to set up the outlying areas. Paul Komlosi questioned how a county wide fire district would be governed. Seidlitz and Ogle answered that an elected board would govern the district. Erban asked questions regarding a budget for the county wide fire district. Seidlitz estimated it would take 6 mills to fund the county wide fire district. Questions arose on the process about how a county wide fire district would be created. Ogle and Deschene answered that the district is created by petition; 40% of the land owners in the proposed district and 40% of the taxable value in the proposed district must agree for the district to be created. Discussion shifted to how Grassy Mountain Residents pay for county fire and Grassy Mountain Fire District. If a county wide fire district is created tax payers will only pay tax within the district that their property is located. Also if a county wide fire district is created the Grassy Mountain Fire District, Castle Valley Fire District, and Martindale Fire Fee Area would have the option of annexing into the county wide fire district, but would not be required to join.

The County will continue to discuss the possibility of a county wide fire district and the impacts it would have on existing Fire Districts in the County.

### **Boiler Maintenance – Ken Martin and Kimberly Deschene:**

Kimberly Deschene and Ken Martin entered the chambers at 2:50 p.m.

Commissioners, Martin, and Deschene started to discuss hiring Mike Wheeler as a part-time Temporary employee to check the Courthouse and Jail boilers on a weekly basis. Deschene will create a job description and a letter of employment. Wheeler will work for 1 one hour a week at a rate of \$27.50 an hour. Martin agreed this is only a temporary solution.

*Jessi Tripp entered the chambers at 3:15 p.m. Commissioners, Deschene, and Tripp discussed the issue of the house which Tripp is purchasing from Tameitti. Commissioners explained to Tripp that this was more of a civil matter than a county matter and hope that he can resolve the issue.*

**Claims Approved:**

Commissioners were presented with check number 53600 through check number 53651 totaling \$27,220.84. All checks were signed as presented.

**Meeting Adjourned:**

Meeting was adjourned at 3:30 p.m.

**Tuesday**

November 14<sup>th</sup>, 2017

8:30 a.m. – 3:00 p.m.

Met in Commissioner's Chambers

**Meeting Called to Order:**

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

**Commissioners Present:**

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

**Minutes:**

**ACTION #1**

Chair Brewer moved to approve the minutes from the November 7<sup>th</sup>, 2017 meeting. Commissioner Townsend seconded the motion. A vote was taken and minutes were approved.

**Treasurer Report – Sue Phelan:**

Treasurer Sue Phelan entered the chambers at 9:00 a.m.

Phelan presented the October 2017 Cash Report for signature. Phelan presented the Commissioners with a letter that she will be retiring on December 31<sup>st</sup>, 2017. Commissioners and

Phelan then discussed the opening position for a motor vehicle clerk once she resigns from her position.

**Board and Districts Updates- Dayna Ogle:**

Clerk and Recorder Dayna Ogle chambers at 9:30 a.m.

Ogle presented the Commissioners with information about County Boards that have vacancies or expired terms. Contact with board members who have expired terms will be made to see if they wish to remain.

Commissioners discussed snow removal on county roads and will talk with Road Supervisor Bruce Smith next week.

**Health Nurse Report – Eva Kerr RN:**

Health Nurse Eva Kerr entered the chambers at 10:00 a.m.

Kerr presented the Commissioners with the Health Report for October 2017. Kerr discussed the flu shot clinic and improving relationships with both the Martinsdale and Springdale Colonies. Kerr then expressed frustration about how the inaccurate website is creating issues for some of her grants. Commissioners said that they would speak with Jim McDanel to find out the status of a new website.

Judge Paula Wildman and two gentleman entered the chambers at 10:20 a.m. Two gentleman from out of state wanted to express their concerns regarding the Meagher County Sheriff Office.

**Public Hearing Budget Amendment- Ambulance Fund- Dayna Ogle:**

Dayna Ogle entered the chambers at 10:30 a.m.

Ambulance Department received a donation that the Ambulance Board would like to use for a CPR Manikin.

**Public Hearing Budget Amendment- Sheriff Fund- Dayna Ogle:**

Meagher County's Sheriff's Department received a grant from DOT for Red Ants Pants Festival. The Sheriff's Department would like to use the grant monies to increase their supply budget.

**Fire/DES – Rick Seidlitz:**

Fire Chief Rick Seidlitz entered the chambers at 11:00 a.m.

Seidlitz updated the Commissioners about addressing and storage of the firetrucks for winter around the county. Discussion took place about the county wide fire district and concerns the Commissioners have about how the current districts would be included. Seidlitz also reported about the computer changes taking place for the Emergency Operation Center.

**Subdivision Regulation Public Hearing – Brian Clifton:**

Brian Clifton entering the chambers at 11:20 a.m.

Clifton discussed the changes that occurred with the subdivision regulations after the 2017 legislative session. This is to be the first of two public hearings, the next hearing is scheduled for December 5<sup>th</sup>, 2017 at 11:00 a.m. Clifton then presented the Commissioners with a resolution of intent to pass the new subdivision regulations.

**ACTION#3**

Commissioner Hurwitz moved to sign the resolution of intent. Commissioner Townsend seconded the motion. A vote was taken and passed. The Commissioners signed the resolution of intent.

Resolution # 2017-86

**Resolution of Intent to Adopt the Amended Subdivision Regulations of Meagher County**

WHEREAS, under the provisions of Title 76, Chapter 3, Montana Codes Annotated, the Board of County Commissioners of Meagher County is authorized to adopt and amend local subdivision regulations; and,

WHEREAS, the Meagher County Planning Board and the Meagher County Board of County Commissioners have reviewed the proposed amended local subdivision regulations and deemed them to be proper and needed; and

WHEREAS, public notice of the Meagher County Planning Board's intent to adopt and amend local subdivision regulations and of the public hearing was published in the Meagher County News on Wednesday, October 18, 2017 and Wednesday, October 25, 2017; and

WHEREAS, a public hearing was held by the Meagher County Planning Board on Friday, October 27, 2017 in the Courthouse; and

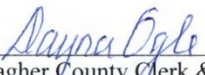
WHEREAS, the Meagher County Planning Board adopted the revised Subdivision Regulations for Meagher County on October 27, 2017; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Meagher County, Montana that the Resolution of Intention to adopt the attached Amended Subdivision Regulations of Meagher County is hereby approved.

Passed by the Board of County Commissioners of Meagher County on this 14th day of November, 2017.

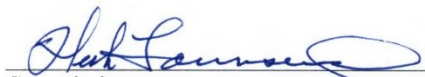
BOARD OF COUNTY COMMISSIONERS  
OF MEAGHER COUNTY, MONTANA

Attest:

  
\_\_\_\_\_  
Meagher County Clerk & Recorder

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Vice-Chairman

  
\_\_\_\_\_  
Commissioner



Clifton updated the Commissioners regarding flood plain work FEMA will be starting in Meagher County; mainly creating flood plain maps. Discussion ended with questions on time frames and requirements for creating a subdivision.



**County Attorney Report- Kimberly Deschene:**

County Attorney Kimberly Deschene entered the chambers at 1:30 a.m.

Deschene presented the Commissioners with a job description and a letter of employment for Mike Wheeler. Deschene updated the Commissioners about the issue with Tamietti House Moving and Construction and the house that is sitting in the County right of way on Smith River Road. Deschene will look into legal action to move the home off the County right of way. Jessi Tripp entered the chambers at 1:40 p.m. and updated the Commissioners on his knowledge for the house.

**Compost Facility – Jay Kolbe & Julian Theriault:**

Montana Fish Wildlife and Parks Biologist Jay Kolbe and Mayor Julian Theriault entered the chambers at 1:55 p.m.

Kolbe and Theriault presented information to the Commissioners about placing a compost site on the land which the transfer site is located. The compost site would be for the disposal of animal carcasses; more specifically wild game/roadkill. The structure would have three concrete sides which would allow for the pile to be rotated to help with the decomposition and smell of the carcasses. Kolbe said that a water mixture is placed on the carcasses to help in the process of decomposition. Kolbe and Theriault are asking permission from the Commissioners to look into all the specifics on how to create a disposal site this in Meagher County and how it will be ran. Commissioners endorsed the idea and asked to be brought a draft proposal once all the details are configured.

Kolbe then updated the Commissioners about current projects that Fish Wildlife and Parks is working on in Meagher County. Lengthy discussion took place about the conservation easement that is being proposed within the Tenderfoot Area. Kolbe will return at a later date with information packets for the Commissioners and to discuss the topic at greater length.

**Public Comment:**

No Public Comment.

**Claims Approved:**

Commissioners were presented with check number 53652 through check number 53673 totaling \$118, 000.64. All checks were signed as presented.

**Meeting Adjourned:**

Meeting was adjourned at 3:00 p.m.

**Tuesday**

November 21<sup>st</sup>, 2017

8:30 a.m. – 3:30 p.m.

Met in Commissioner's Chambers

**Meeting Called to Order:**

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

**Commissioners Present:**

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

**Minutes:**

**ACTION #1**

Chair Brewer moved to approve the minutes from the November 14<sup>th</sup>, 2017 meeting. Commissioner Hurwitz seconded the motion. A vote was taken and minutes were approved.

**IT Update – Jim McDanel:**

IT Supervisor Jim McDanel entered the chambers at 9:00 a.m.

McDanel updated the Commissioners about the status of the county email and who was on the server at this time. McDanel then explained features available to employees with the certain programs and the retention schedules for the computerized files and correspondence. McDanel then brought up discussion about equipment replacement and service contracts in the dispatch area of the Sheriff's Office.

**Grassy Mountain Ranch Owners Association Budget:**

Dayna Ogle entered the chambers at 9:30 a.m. Rich Siebken and Valerie Siebken entered the chambers at 9:30 a.m.

Commissioners were pre-presented with the Grassy Mountain Ranch Owners Budget. Commissioners asked about particulars in the budget and Ogle answered the questions to the best of her ability.

### **ACTION#2**

Townsend made a motion. Chair Brewer seconded the motion. A vote was taken and passed. The Commissioners approved the presented budget of the Grassy Mountain Ranch Owners Association.

Rich Siebken brought up concerns about the Grassy Mountain Ranch Owners Association wanting to disband. He discussed the association needing to remain in place in order to up hold the covenants and bylaws of the subdivision. Commissioners are waiting for more information before making a decision.

### **Ambulance Incentive Pay - Dayna Ogle:**

Ogle presented the Commissioners with the list of twelve EMTs that qualified for the Ambulance incentive pay during the 2017 calendar year.

### **Canvas Election – Dayna Ogle:**

Ogle then presented the Commissioners with the tally sheets for General Municipal Election. City Council Seat 1: Rob Brandt, City Council Seat 2: George Kirkwood, and White Sulphur Springs Mayor: Rick Nelson. Commissioners then signed the official canvas.

Ogle notified the Commissioners that the difference in the Mayoral Race is within the margin for a recount; petition must be filed by the defeated candidate to recount the race. Ogle has tentatively scheduled the recount for Monday November 27<sup>th</sup>, 2017 at 1 p.m. Ogle then gave the process of the recount.

### **Public Hearing Budget Amendment- Ambulance Fund- Dayna Ogle:**

Ogle presented the Commissioners with the formal resolution to amend the Ambulance Budget.

### **ACTION#3**

**Resolution 2017 – 87**

**Budget Amendment**

**WHEREAS**, the 2017-2018 budget has been set, and

**WHEREAS**, the Ambulance Fund (2230) received a donation from the Meagher County Chamber Cowboy Poetry and,

**WHEREAS**, the Ambulance Fund (2230) incurred unexpected revenue of \$5,704 from the Meagher county Chamber Cowboy Poetry and,

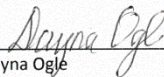
**WHEREAS**, the Ambulance Fund (2230) will have unexpected expenses of \$5,704 as the board wishes to purchase a new CPR manikin in Fiscal Year 17-18.

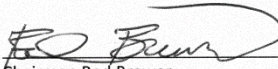
**NOW THEREFORE LET IT BE KNOWN AND HEREBY RESOLVED** that the Meagher County Board of Commissioners are amending the budget for the unexpected revenue and the unexpected expense of \$5,704 (five thousand seven hundred four dollars) in the Ambulance Fund (2230).

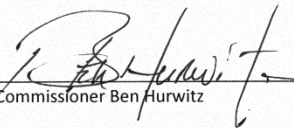
Dated this 21<sup>th</sup> day of June, 2017

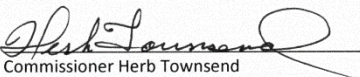
Attest:

Board of County Commissioners:

  
Dayna Ogle

  
Chairman Rod Brewer

  
Commissioner Ben Hurwitz

  
Commissioner Herb Townsend



**Public Hearing Budget Amendment- Sheriff Fund- Dayna Ogle:**

Ogle presented Budget Amendment for the Sheriff Fund. Commissioners and Ogle discussed multiple places the grant money could be utilized. Commissioners tabled the topic until the next scheduled meeting.

**Fire District Clarifications – Rich Siebken:**

Fire Chief Rick Seidlitz entered the chambers at 10:57 a.m. and County Attorney Kimberly Deschene entered the chambers at 11 a.m. Also present for discussion was Rich Siebken, Valerie Siebken, and Clerk and Recorder Dayna Ogle.

Siebken brought a folder of correspondence and concerns for the Grassy Mountain Fire District. Including the Mutual Aid Agreement, Worker's Compensation Insurance, and House Bill 492. Siebken informed the Commissioners that the Grassy Mountain Fire District would like to be kept updated on the progress of the County Wide Fire District. Deschene took contact information from Siebken to honor his request.

Deschene brought up history about Resolution #2013-22 changing the name of Castle Valley Meadows Fire District to Meagher County Fire District and was wanting to know if the name changed had been reversed. Commissioners stated that there was no change.

#### **Maintenance Update – Ken Martin:**

Martin entered the chambers at 11:35

Martin updated the Commissioners about the projects and upgrades in the courthouse. Martin also will be purchasing a baby changing station to place in the handicap bathroom downstairs.

#### **LUNCH**

#### **Road Updates – Bruce Smith:**

Road Supervisor Bruce Smith entered the chambers at 1:20 p.m.

Smith and the Commissioners discussed the road conditions since the snow storm and roads that are prioritized for snow removal. Arrival of the new grader should be in December. Discussion ended about budget concerns with the New Gas Tax. Clerk and Recorder Dayna Ogle was called to the chambers to clarify specific questions.

#### **Fergus Electric – Scott Sweeney:**

Scott Sweeney, Guy Johnson, and Jeanine, representatives from Fergus Electric, entered the chambers at 1:50 p.m.

Sweeney and Johnson presented a map to each Commissioner with routes that Fergus Electric has proposed to Tintina for the powerline to power the mine and substations. Johnson and Sweeney then explained the four routes listed on the map and the pros/cons of each route. Their ideal timeline for construction of the powerline to the mine site was also discussed. Commissioners requested that Fergus Electric come back in the future to keep them updated.

#### **Extension Report – Bob Sager:**

Extension Agent Bob Sager entered the chambers at 2:45 p.m.

Sager updated the Commissioners about the next steps occurring in the process of the 4H Building. Sager is putting together a workshop in December with the Sheriff's Office on handling livestock trailer accidents and a Pesticide Training he is planning in January 2018.

**Public Comment:**

No public comment.

**Claims Approved:**

Commissioners were presented with check number 53674 through check number 53703 totaling \$37,735.49. All checks were signed as presented.

**Meeting Adjourned:**

Meeting was adjourned at 3:30 p.m.