

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

**Tuesday**

September 5<sup>th</sup>, 2017

8:30 a.m. – 2:00 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:**

No minutes were reviewed.

**Road Report – Bruce Smith:**

Road Foreman Bruce Smith entered the chambers at 9:00 a.m.

Smith and the Commissioners discussed the large rock quantities within the Bodell Pit and how that rock would be best utilized by the road department. Smith suggested saving for times when large wash out occur in road ways. Smith also suggested to start hauling rock from the Bodell Pit to the Town Pit for storage before the ten year contract expires. Discussion then turned to road conditions and how effective the magnesium chloride was during this summer season.

Discussion ended on the topic of a new cattle guard policy for county roads. Any cattle guard that is replaced or is a new installation must be 24 feet to match the width of the road and be placed on cement. No treated wood beneath the structure. Smith and Commissioners also agreed that it is the responsibility of the owner to incur any cost of maintenance and installation of the cattle guard.

**ACITON#1**

**Resolution 2017-75**

Commissioner Hurwitz moved to adopt the new cattle guard specifications on county roads. Commissioner Townsend seconded the motion. A vote was taken and passed. The issue is hereby resolved.

**Sheriff Report – Jon Lopp:**

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

Lopp presented to the Commissioners that no major incidents occurred during Labor Day Weekend. He also presented that everything went really well with the special event that Tintina Resources held on September 2, 2017. Lopp had concerns of protesters with the event, but stated that none arrived.

**Teague Tax Abatement – Teresa Teague & Sue Phelan:**

Teresa Teague and Kenneth Teague entered the chambers at 10:00 a.m. Treasurer Sue Phelan entered the chambers at 10:05 a.m.

Teagues, Phelan, and the Commissioners discussed the improper tax amount that the Teagues were taxed from 2013 until 2016. The property was taxed with a permanent structure on place when it should've been a mobile home. Teagues did file AB 26 with the Department of Revenue after this tax assessment cycle. Representative Ray Masee reassessed the property and fixed the records for the Department of Revenue. Teagues asked the Commissioners if they would be willing to refund the money that was overpaid on taxes from 2013 until 2016 because of the improper value that they were taxed. Commissioners agreed to pay back the difference in taxes from 2013-2016.

**ACTION #1**

**Resolution 2017-77**

Commissioner Hurwitz moved to pay back the Teagues for the improper taxes from years 2013-2016. Chair Brewer seconded the motion. A vote was taken and passed.

Department of Revenue representative Ray Masee will be contacted about the decision for the final amount of money that will need to be paid back to the Teagues.

**Tax Concerns – Rich Siebken**

Rich Siebken entered the chambers at 10:15 a.m.

Siebken discussed his concerns about how his personal property was improperly assessed for tax value over many years. He was asking the Commissioners about how he was to know the

categories of how the building he had on the property were being taxed. Commissioners called Ray Masee to join the meeting at 10:20 a.m. to help find understanding of Siebken's situation.

Ray Masee entered the chambers at 10:23 a.m.

Masee responded to the Commissioners and Siebken that in a case like this it is the responsibility of the property owner to check with the Department of Revenue to ensure their records are accurate. Masee, Siebken, and the Commissioners discussed that Siebken had filed an AB26 to reevaluate the most current assessment in which these errors were found. Siebken argued that the Department of Revenue should provide the information to the home owners about how the buildings and the property is classified. Masee responded that anyone can receive that information from the Department of Revenue when requested. It is public information but it is not feasible for the Department of Revenue to send out the information packets every time the assessment changes. All came to understanding that it is the responsibility of the owner to ensure the property they are being taxed on is correct within the offices of Department of Revenue.

#### **CLOSED SESSION**

Resolution 2017-74 was passed within the closed session.

#### **Public Comment:**

No public comment.

#### **Preliminary Budget Approval – Dayna Ogle:**

Clerk and Recorder Dayna Ogle entered the chambers at 1:30 p.m.

Ogle and the Commissioners discussed the Preliminary Budget for Approval.

#### **Claims Approved:**

Commissioners were pre-presented with check number 53332 through check number 53348 and check number 53364 through check number 53375 totaling \$27,628.74. Payroll check number 12183 through check number 12219 totaling \$51,404.69. All checks were signed as presented.

#### **Meeting Adjourned:**

Meeting was adjourned at 2:00 p.m.

### **PROCEEDINGS OF THE BOARD OF THE COMMISSIONERS**

**MEAGHER COUNTY, MONTANA**

**Tuesday**

September 12<sup>th</sup>, 2017

8:30 a.m. – 2:30 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 September 5<sup>th</sup>, 2017 meeting. Commissioner Hurwitz seconded the motion. Minutes were approved.

**Appointing Special Counsel – Kimberly Deschene:**

Commission was presented with a resolution from the Attorney General's Office appointing special council.

**ACITON#1**

**Resolution 2017-76**

Commissioner Hurwitz moved to appoint Attorney General as special deputy. Chair Brewer seconded the motion. A vote was taken and passed. The issue is hereby resolved.

**County Attorney Report – Kimberly Deschene:**

County Attorney Kimberly Deschene entered the chambers at 9:20 a.m.

Deschene reported on two cases she is currently working on, along with the Chinn Fire. The fire is still currently under investigation.

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

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

Kerr presented the Meagher County Public Health Department Report for August 2017. Kerr reported that vaccination and record updating with students now that school has started. She is planning hygiene and dental care classes. Kerr discussed the air quality monitor that has been placed at the airport and how it is available to the community seasonally during fire seasons. Her report ended with disaster planning scenarios for Red Ants Pants.

### **Final Budget Approval – Dayna Ogle**

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

Ogle presented the Commissioners with the Final Budget and Mill Levy Sheet. No changes were made and no public attended.

### **ACTION #3**

#### **Resolution 2017-78**

Commissioner Townsend moved to accept the Final Budget, Mill Levies, and Salary Schedule for Fiscal Year 17-18. Commissioner Hurwitz seconded the motion. A vote was taken and approved.

### **Public Comment:**

No public comment.

### **Road Yard Maintenance Update – Heidi Folgany & Laura Alvey:**

Laura Alvey, representative from DEQ, entered the chambers at 1:26 p.m. Heidi Folgany, representative from DNRC, was unable to attend. Clerk and Recorder Dayna Ogle entered the chambers at 1:30 p.m.

Alvey discussed important parts of the groundwater sampling report generated by Resource Technologies Incorporated. Future testing will need to be conducted due to the levels of Benzene still present within one particular well. Concerns about the costs of future testing arose and if grant money was available.

Commissioners called Heidi Folgany into the meeting via conference call at 1:40 p.m.

Folgany stated the Meagher County can request an extension to the current grant to cover the additional well monitoring costs.

**Claims Approved:**

Commissioners were presented with check number 53414 through check number 53421 and check number 53454 through check number 53484 totaling \$35,962.56. Check number 53423 through 53453 were voided due to printing error. All checks were signed as presented.

**Meeting Adjourned:**

Meeting was adjourned at 2:30 p.m.

**Tuesday**

September 19<sup>th</sup>, 2017

8:30 a.m. – 12:30 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 and Vice Chair Ben Hurwitz were present for the meeting. Commissioner Herb Townsend was in attendance at a MACO Conference.

**Minutes:**

**ACTION #1**

Commissioner Hurwitz moved to approve the minutes from the September 12<sup>th</sup>, 2017 meeting. Chair Brewer 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 current state of the private email server. Due to power surges the email server is down and will be operational for the rest of the week. McDanel stated that a backup server is needed to ensure future stability of the email server during power

surges. He explained to the Commissioners that the backup server will cost approximately \$2,500.

## **ACTION #2**

Commissioners approved McDanel to purchase a backup email server for the county.

### **Treasurer's Report – Sue Phelan:**

Treasurer Sue Phelan entered the chambers at 9:30 a.m.

Phelan presented the August 2017 cash report for signature. Commissioners and Phelan discussed the School Bond; the amount of money left and the construction of the new school.

### **Tintina Resources Inc. Update – John Shanahan and Karl Simich:**

Nancy Schlepp, John Shanahan, and Karl Simich entered the chambers at 9:55 a.m.

Schlepp updated the Commissioners with a news that the Black Butte Copper Project, aka Tintina Resources, Inc., has received the draft operating permit from the Montana Department of Environmental Quality, aka DEQ, which formally concludes the “Completeness and Compliance” review and marks the commencement of the Environmental Impact Study (EIS). Shanahan and Simich explained the process of the EIS, reporting and paperwork processes with DEQ, details about construction of the mine, the amount of job creation that will occur during the lifespan of the mine, and the potential litigation. Shanahan and Schlepp informed the Commissioners about how the Montana Public Service Commission approved an agreement between Fergus Electric and Northwestern Energy to provide power to the project once the mine is under construction. In order for the power to be available Tintina will be responsible for new construction cost to create a new line. This would also give a secondary power source to the community of White Sulphur Springs. Simich, Sandfire’s CEO and Managing Director, explained the partnership between Sandfire and Tintina Resources, Inc. Also small details pertaining to Sandfire’s global connections in the hard rock mining markets.

*Jason Phillips from the Meagher County News entered the chambers at 10:55 a.m. Ogle was also present.*

*Phillips presented the Commissioners with a packet of information on the Open Meeting Laws in the state of Montana. Phillips then expressed his concerns to the Commissioners about the procedures of Open Meetings; in particular to the Montana Statutes on the Right of the Public to Know and Participate. Phillips was questioning a resolution being passed in a closed session and wanted to make sure that the Commissioners were following the proper procedures*

*regarding closed sessions. Ogle stated the meeting was closed and the resolution was passed under the directive off the Attorney General's Office. Ogle also stated that a meeting can be closed when an individual's right to privacy outweighs the public's right to know. Ogle pointed out that Phillips had entered the chambers to discuss a topic that was not on the agenda and not during the time set aside for public comment. This discussion would technically be a small violation of the open meeting laws. Phillips stated he would normally attend at public comment but was unable to make the meeting during that time. Commissioners thanked Phillips for the information and expressing his concerns.*

**Extension Report – Bob Sager:**

Extension Agent Bob Sager entered the chambers at 11:10 a.m.

Sager reported on his upcoming presentations he has planned. September 2017 is a noxious weed presentation and October 2017 is a cattle production presentation with a sponsored dinner. Sager stated he is working on a time frame to receive money from buyers at the 4H Livestock Auction.

**Public Comment:**

No public comment.

**Claims Approved:**

Commissioners were presented with check number 53485 through check number 53514 totaling \$22,513.02. All checks were signed as presented.

**Meeting Adjourned:**

Meeting was adjourned at 12:30 p.m.