

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

**January 7, 14, 21, 2014**

**Tuesday**

January 7, 2014

8:55 a.m. – 1:40 p.m.

Met in Commissioner's Chambers

**Meeting Called to Order:**

Vice Chair Townsend called the meeting to order at 8:55 a.m.

**Commissioners Present:**

Vice Chair Herb Townsend and Commissioner Rod Brewer. Chair Hurwitz came into the meeting at 9:50 a.m.

**Road Report – Bruce Smith:**

Bruce Smith, Road Supervisor, was present to update the Commissioners on the road department.

He had spoken with Rick McDanel, Sierra Rock & Dirt (rock crusher) and he is supposed to be finishing up on a job and should be back in Meagher County shortly after that as we are a top priority.

Mr. Smith is also planning on attending the MACRS 34<sup>th</sup> Annual conference in Great Falls on March 24. He also filled out paperwork for the Commissioners if they would care to attend.

Mr. Smith also advised that they had gotten the building painted and did purchase the paint locally.

**Sheriff's Report – Jon Lopp:**

Sheriff Lopp brought in the Forest Service contract that is up for renewal. The Forest Service pays time and a half plus \$.58 a mile for the services of patrolling. This service doesn't cost the County anything. The contract is for \$8,500.00 and is used up fairly quickly. They would like to be able to use half of those funds to buy equipment, tires and maintenance on the vehicles. Once the \$8,500.00 is used, they discontinue the services. However, they always try to save a portion for hunting season.

**Action #1:**

**RESOLUTION 2014-#8**

Commissioner Brewer moved to approve the Forest Service contract. Vice Chair Townsend seconded. A vote was taken and approved unanimously.

Sheriff Lopp also presented the monthly complaint report to the Commissioners for their review. The Commissioners inquired as to the ambulance runs that the sheriff's office provides. They discussed that the dispatcher's organize the runs, and that there were only 10 EMT's in town, so they provide more of the ambulance driver's service and it is a 12 hour shift – 7 to 7.

Sheriff Lopp also went over the grant that had been previously submitted to put in a new program in the computers so the dispatchers and deputies can enter information by computer rather than handwritten logs. The information will be all tied in by incidents and can also be done from vehicles by the deputies. Their IT guy, Buddy Hanrahan, will install into the 911 system. This grant has a match of \$6,700.00 which will come out of the 911 funds, so the County won't have to pay for anything. This is a federal grant for the amount of \$37,200.00.

There was also discussion regarding the City Law Enforcement Agreement. Sheriff Lopp stated that the City Council were all planning on attending next week's meeting with the County Commissioners to get this agreement resolved. Currently, the agreement is the City contributes \$22,409.00 every year; (\$5,000.00 – prisoner's meals; \$6,000.00 towards 911; \$2,500.00 for sheriff/dispatch; \$7,500.00 law enforcement; \$1,409.00 – police / training.) which is due in January, and every 4 years \$25,000.00 is contributed to help offset the expense of a new vehicle. The \$25,000.00 was due July, 2012.

The Commissioners are going to approach the City Council to pay the \$25,000.00 that was to be paid January, 2013, with an option to pay it over a 4-year time period beginning with their payment in January, 2014. The Commissioners and Sheriff Lopp agreed that they were going to give the City two options:

1. \$35,000.00 a year for 4 years, which would include \$5,000.00 for prisoner meals, and if that expense goes over \$5,000.00, the City would be billed; and
2. \$30,000.00 a year for 4 years, which would not include the \$5,000.00 for prisoner meals; that expense would be billed to the City.

At the end of the 4 years, a new agreement will be negotiated.

Sheriff Lopp still believes we need to give the City a deadline to make the decision and if they do not want to make an agreement, they need to think about starting a police department.

### **New Year's Resolutions:**

#### **Action #1:**

**RESOLUTION 2014 - #1**

**Whereas**, the governing body of the county shall establish by resolution a regular meeting date and notify the public of that date (MCA §7-5-2122), and

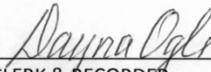
**Whereas**, the governing body of the county, except as may be otherwise required of them, may meet at the county seat of their respective counties at any time for the purpose of attending to county business, and

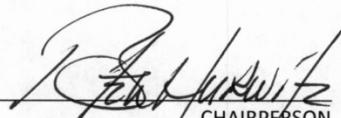
**Whereas**, the commissioners may, by resolution and prior two days' posted notice, designate another meeting time and place,

**It Is Hereby Resolved:**

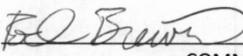
The Meagher County Board of County Commissioners shall meet the first three (3) Tuesdays of each month beginning at 8:30 a.m. and running till said meeting is complete. The meetings shall take place in the Meagher County Courthouse.

Dated this 7<sup>th</sup> day of Jan, 2014.

  
\_\_\_\_\_  
CLERK & RECORDER

  
\_\_\_\_\_  
CHAIRPERSON

  
\_\_\_\_\_  
VICE CHAIR

  
\_\_\_\_\_  
COMMISSIONER



**Action #2:**

**RESOLUTION 2014 - #2**

**Whereas**, the board of county commissioners must elect one of its members as presiding officer (MCA §7-5-2109), and

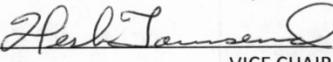
**Whereas**, the presiding officer shall preside at all meetings of the board, and in case of the presiding officer's absence or inability to act, the members present shall select one of their number to act temporarily as presiding officer,

**It Is Hereby Resolved:**

Ben Hurwitz shall be the Chairperson of the Meagher County Board of County Commissioners through December 31, 2014, effective immediately.

Dated this 7 day of Jan, 2014.

  
CHAIRPERSON

  
VICE CHAIR

  
COMMISSIONER

  
CLERK & RECORDER



**Action #3:**

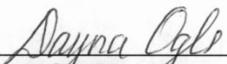
**RESOLUTION 2014 - #3**

**Whereas**, unless otherwise provided by law, each officer shall keep the officer's office open for the transaction of business during the office hours determined by the governing body by resolution after a public hearing and only if consented to by any affected elected county officer each day except Saturdays and legal holidays,

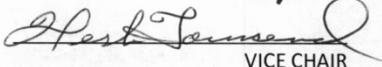
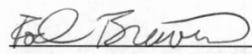
**It Is Hereby Resolved:**

The Meagher County Courthouse will be open to the public from 8:00 a.m. through 4:00 p.m. Monday through Friday.

Dated this 7 day of Jan, 2014.

  
CLERK & RECORDER



  
CHAIRPERSON  
  
VICE CHAIR  
  
COMMISSIONER

**Action #4:**

**RESOLUTION 2014 - #4**

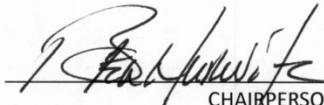
**Whereas,** it is recommended that counties adopt a resolution establishing mileage, lodging and per diem rates for business travel,

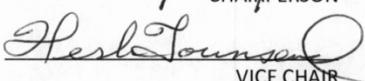
**It Is Hereby Resolved:**

Meagher County will use the prevailing state rates for mileage and lodging as of January 1, 2014, and continue with the per diem rates set in Resolution 2013 – # 76 established November 19, 2013.

Dated this 7 day of Jan., 2014.

  
\_\_\_\_\_  
CLERK & RECORDER

  
\_\_\_\_\_  
CHAIRPERSON

  
\_\_\_\_\_  
VICE CHAIR

  
\_\_\_\_\_  
COMMISSIONER



**Action #5:**

RESOLUTION 2014 - #5

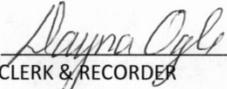
**Whereas**, Section 46-18-403, MCA, states that "the daily rate for incarceration must be established annually by the Board of County commissioners by resolution" and that the daily rate must be equal to the actual cost incurred by the detention facility and it has been determined that the actual cost incurred by the Meagher County detention facility, on an average daily basis, is equal to Seventy-Five dollars (\$75.00);

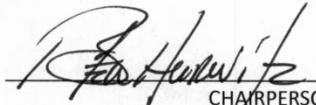
**Now, therefore, be it resolved** by the Board of County Commissioners of Meagher County that the daily rate for confinement costs, other than for actual medical costs, as ordered by the court and paid in advance for confinement and prior to payment of any fine, is hereby established at \$75.00 per day; and

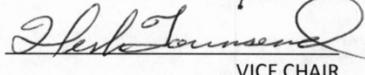
**Be it further resolved**, if a judgment is for a fine and imprisonment until the fine is paid, the detainee shall be allowed a credit of \$75.00 for each day of incarceration; and that an inmate is responsible for the actual costs of medication, medical services, or hospitalization while detained in a detention center, based upon the individual's ability to pay and/or private provider health care coverage, or a bona fide and responsible third-party payer; and

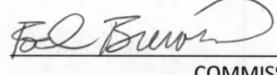
**Be it further resolved**, that the County Attorney shall initiate proceedings to collect from the inmate any charges arising from the medical services or hospitalization in accordance with 7-32-2245, MCA.

Dated this 7 day of Jan, 2014.

  
CLERK & RECORDER

  
CHAIRPERSON

  
VICE CHAIR

  
COMMISSIONER



Action #6:

RESOLUTION 2014 - #6

**Whereas**, unless otherwise provided by law, each officer shall keep the officer's office open for the transaction of business, during the office hours determined by the governing body by resolution after a public hearing and only if consented to by any affected elected county officer each day except Saturdays and legal holidays.

**Whereas**, the office of the County Attorney is a part-time official, but is required by the County to hold consistent office hours and be available for services, such as obtaining warrants, twenty-four (24) hours per day.

**Whereas**, pursuant to the Agreement between the Commission and the County Attorney, support staff for reception duties should be available Monday – Thursday from 9:00 a.m. to 3:00 p.m. This office may be closed from 12:00 p.m. to 1:00 p.m. for lunch

**It is Hereby Resolved:**

The office of the County Attorney shall be open Monday - Thursday from 9:00 a.m. to 3:00 p.m. and closed an hour for lunch.

DATED this 7<sup>th</sup> day of Jan, 2014.

Dawn Ogle  
CLERK & RECORDER

[Signature]  
CHAIRPERSON

[Signature]  
VICE CHAIR

[Signature]  
COMMISSIONER



Action #7:

RESOLUTION 2014 - # 7

**Whereas**, unless otherwise provided by law, each officer shall keep the officer's office open for the transaction of business, during the office hours determined by the governing body by resolution after a public hearing and only if consented to by any affected elected county officer each day except Saturdays and legal holidays.

**Whereas**, the office of the Justice of the Peace is a part-time position and should consist of 20 hours per week. This office should be open Monday – Thursday from 10:00 a.m. to 4:00 p.m., and may be closed for a lunch hour. Hours should be posted for the public's information.

**It is Hereby Resolved:**

The Justice of the Peace's office will be open from 10:00 a.m. to 4:00 p.m. Monday -Thursday , and may close an hour for lunch.

DATED this 7 day of Jan, 2014.

Dayna Ogle  
CLERK & RECORDER

R. E. Huntz  
CHAIRPERSON  
Hersh Lanson  
VICE CHAIR  
F. E. Brown  
COMMISSIONER



**Clerk & Recorder – Dayna Ogle:**

***Human Resources:***

Clerk & Recorder, Dayna Ogle, discussed that the probationary period for Penny Plachy, Administrative Assistant in the Clerk & Recorder's Office, was up December 26, 2013. A pay increase was discussed and Clerk & Recorder Ogle recommended an increase of \$1.89 per hour.

**Action #8:**

**RESOLUTION 2014-#9**

Vice Chair Townsend moved to increase the pay wage of Penny Plachy by \$1.89 per hour effective December 27, 2013. Commissioner Brewer seconded. A vote was taken and approved unanimously.

***Budget Review:***

Clerk & Recorder Ogle then went over the 2<sup>nd</sup> quarter budget review with the Commissioners. Two areas of concern were IT expenses as he only has 20% of his budget remaining. Clerk & Recorder Ogle believes that a lot of his expenses were circumstances of the year.

The other concern was the Planner, Brian Clifton. Chair Hurwitz asked Ogle to make sure that the departments know where they stand and in particular, these two concerns.

***Superintendent of Schools - Office Furniture***

The desk purchased for the Clerk of Court, Donna Morris, had an incorrect return and had to be re-ordered. Clerk & Recorder Ogle had been asked by the Superintendent of Schools, Helen Hanson if she might be able to use this desk rather than return it. She still had one of the old metal desks in her office that needed to be replaced. There was discussion whether she had the money in her budget. It was decided that if the money was not specifically in her budget to cover the expense of a new desk, they would help with entitlement money.

**Safety Program – Kari Jo Kiff:**

Kari Jo Kiff presented a manual for the safety program. The Safety Team has been working on the safety program for the County so we are in compliance, and to help reduce accidents and injuries and reduce the County's worker's comp rate. The Safety Team consists of Helen Hanson as coordinator, along with Kari Jo Kiff, MaeBeth Seidlitz, Ken Martin and Tim Collins.

Mrs. Hanson, as coordinator plans meetings and education training. This shows that we are completing safety programs in our County and that we are trying to comply so the County's insurance rates may go down. Incidents stay on the record for 3 years and by implementing and showing that we have a commitment to safety - it will help offset any incident we may have.

Their goal has been putting the program into a more formal document to get it finalized. They would like to see implemented more education or refresher education that would be individualized to jobs and departments. This document is a basic outline to follow, however; then the responsibilities shift to the Department heads. Any special equipment, Mrs. Hanson will document; but implementation will be up to the Department heads. Doing inspections and looking over things will fall to a Team Member, along with an employee to do together. That way they are teaching others how to do the inspections and give the employee a different perspective on what to look for, especially when they are working in the same environment every day.

County Health Nurse Kiff asked the Commissioners to review the manual they have put together for any changes or corrections or for anything that doesn't make sense. If she gets feedback before then, she will return with a corrected version for signature.

Chair Hurwitz had some concerns about putting some parts of the manual into a formal contract between the County and Employee. He would like more consideration on the return to work portion. There was discussion regarding what the obligations of the County would be. County Attorney Deschene will be consulted on this issue. On personal injury cases, there is a packet of information that would be given to the employee, so they know the process to follow.

Some of the information in the manual were things that the Safety Team didn't think we needed in the manual for our County, however, Amelia of MACo thinks is needed. We need to think of this manual as a way of protecting our County from any miscommunications and protect the County from lawsuits.

Health Nurse Kiff also asked the Commissioners to pay special attention to the section on vehicle use. It was modified to accommodate our county.

The Safety Team is trying to keep training and education to a minimum and leave most of that up to the Departments to implement their own.

*Kimberly Deschene & Nels Swandal entered the meeting.*

While the County Attorney and Mr. Swandal were in the room, Health Nurse Kiff asked regarding the return to work policy and what is the County's obligation. Health Nurse Kiff will provide the County Attorney's Office with a draft of the safety document for their review.

The Department heads would be requested to do training sessions and have sign-up sheets to document who attends. Health Nurse Kiff reiterated that the Safety Program is to help with the costs to the County and it is ultimately more protective rather than leaving open to lawsuit.

There was some discussion regarding employees that drive their personal vehicles that we reimburse for mileage and that they should have proof of insurance on file and update every 6 months. Also on employees that hold licenses, that a copy should be kept in their file as well.

#### **County Attorney's Report – Kimberly Deschene:**

##### ***City Council Meeting Scheduled January 14, 2014:***

County Attorney Deschene stated that she was unable to attend the City Council meeting; however had dropped off a letter for the City Council regarding next week's meeting on the Law Enforcement Agreement.

##### ***County Attorney's Office:***

She would also like to see her hours as 9:00 a.m. to 3:00 p.m. on any new Resolution rather than the 10:00 a.m. to 4:00 p.m.

There was discussion regarding whether or not the County Attorney's office should be moved back into the Courthouse. The Commission would like to discontinue the monthly rent stipend the County Attorney's office receives due to the fact she is renting an office outside of the Courthouse. The Courthouse currently has 2 offices that are vacant.

County Attorney Deschene said that the private practice cannot exist by their selves and that they can't exist in the Courthouse. To move back into the Courthouse, the County would pay more than currently paying because they would have to hire support staff and would have that salary, health insurance and benefits cost. She believes that sharing the expense and overhead with the private practice is good for all involved.

Chair Hurwitz asked Ms. Deschene to do an analysis of the pros and cons and what she believed the expenses would be.

**LUNCH:**

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

**Public Comment:**

No public comment.

**Claims Approved:**

The Commission was presented with Voucher #1439, with Ck #46361 to Ck #46407 totaling \$74,651.54.

**Minutes:**

**Action #9:**

Commissioner Brewer moved to approve the minutes of December 17, 2013. Chair Hurwitz seconded. A vote was taken and approved unanimously.

**Meeting Adjourned:**

The meeting was adjourned at 1:40 p.m.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, January 14, 2014.

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**CLERK & RECORDER**

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**CHAIRMAN**

**SEAL**

\_\_\_\_\_  
**VICE-CHAIRMAN**

\_\_\_\_\_  
**COMMISSIONER**

**Tuesday**  
January 14, 2014  
8:30 a.m. – 2:24 p.m.  
Met in Commissioner's Chambers

**Meeting Called to Order:**

Chair Hurwitz called the meeting to order at 8:30 a.m. *Commissioner Townsend entered the meeting at 9:07 a.m.*

**Commissioners Present:**

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

**Treasurer's Report:**

Sue Phelan, Treasurer, brought in her reports for signature and review by the Commissioners. There was discussion regarding the SRS money and what the school would receive.

Treasurer Phelan relayed to the Commissioners the computer issues the Treasurer's office has had over the last several months. She gave the County's IT, Jim McDanel, the approval to purchase a spare computer and wanted to advise the Commissioners of that purchase. She explained that Angie Ringer's is one of the newer computers in the office and even though Mr. McDanel has been working on it, it's still having issues.

The Commissioners asked Treasurer Phelan to send Mr. McDanel in to speak with them.

**IT – Jim McDanel:**

The Commissioners went over with Mr. McDanel what Treasurer Phelan had mentioned about the problems with the computer in the Treasurer's office. Mr. McDanel thinks at this point, we should send the computer back to the manufacturer for them to work on. The computer is still under warranty at this time. He also commented on purchasing the extra computer in order to have a spare since this has happened before with Penny Plachy's computer being down. While it is not being used by someone, it could be used as a training computer.

There was also discussion about the position with the Library for an IT individual. The Commissioners asked who had been the IT person in the past, and Mr. McDanel believed it to be someone the previous Librarian was friends with from Bozeman.

**Health Nurse:**

Kari Jo Kiff, County Health Nurse was present to give her monthly report. Off the subject, was discussion regarding the Safety Program Manual she had provided the Commissioners last week for review. There needs to be clarification on the section of Return to Work and how much needs to be put into the Safety Manual regarding same.

County Health Nurse Kiff does not know how long Helen Hanson will be gone, the Safety Committee Coordinator, but at the January 21, 2014 meeting, she thought it would be a good idea to have Clerk & Recorder, Dayna Ogle, as the Human Resources contact and Kimberly Deschene as County Attorney present to go over this particular item to get their input.

Nurse Kiff then went over her monthly report with the Commissioners. She presented the paperwork to the Commissioners for signature on the IAP (Immunization Action Plan) contract.

We receive \$2,611.00 every year from the State on this grant for help with the immunization program and Nurse Kiff went over how the funds were utilized.

She will also be applying for the Bair Grant again and requested a letter from the Commissioners in support of the grant.

### **Board of Health:**

County Health Nurse Kari Jo Kiff, Board Member Sandy Harris, City Appointed Member Mayor Julian Theriault, and Dr. Jennifer Brundson were in attendance. The Board of Health Board includes the three (3) commissioners, Sandy Harris and Julian Theriault. County Health Nurse Kiff, Dr. Brundson and Deen Pomeroy are advisors to the Board. *Deen Pomeroy entered the meeting at 10:48 a.m.*

A Report was presented by Nurse Kiff, including information on disease reporting for Oct. – Dec., total cases for the year 2013, and vaccinations. There was also conversation regarding a new Head Lice policy revised at the school. There is now a standing order with the pharmacy with the over-the-counter prescription that can be claimed on insurance or Medicaid. Nurse Kiff also brought in paperwork for the Board of Health to sign on the PHEP grant.

There was also discussion on the Laboratory Transportation Plan which includes chemical or biological exposure. It has been revised and new signatures were needed on that as well from the Board of Health.

The last item discussed was the Library air quality issue. She wanted to know if the Board felt the issue had been resolved with the last meeting or if a statement needs to be put out from the Board of Health. Nurse Kiff felt like there still might be confusion in the community as to whether the Library was safe. Commissioner Hurwitz didn't believe we needed to. Both Sandy Harris and Julian Theriault thought it was settled as well. Commissioner Brewer also believed that if we were going to post something at the Library it should be the findings of the testing done by the State.

Nurse Kiff thought the data was a lot of pages, but never said the words "this is safe". The Board however, feels that everything has been addressed. Deen Pomeroy, County Sanitarian, believed that it was not necessary to get an outside consultant – that if there was no new damage the results would be the same as the State's. He believes that the Board should just leave it alone at this point.

Chair Hurwitz informed the group that he had spoken with Gordon Doig, Library Board Member, and Mr. Doig believes that people are coming in and using the facilities and things are going fine. The goal remains the same as it always has been however, to get the Library open back to its regular hours.

Nurse Kiff recommended for the future, improving on the maintenance record keeping, i.e. when the filters are changed, when things are cleaned, and to log any complaints. This will be mentioned at the next meeting with the Library Board.

### **Fire / DES Report – Rick Seidlitz:**

Rick Seidlitz presented the Commissioners with his monthly report for review. Chair Hurwitz questioned Fire Chief Seidlitz regarding the Petitions for signature on joining the fire district. There is a sentence regarding signing on to an existing indebtedness. Seidlitz explained that that language has to be in the form, it is required in the annexation process. Currently, the only

indebtedness is the county fire for the airport hangar. The Meagher County Fire District, f/k/a Castle Valley Fire District currently has no indebtedness.

Chief Seidlitz also told the Commissioners that he currently has enough land mass, but he was not sure about the taxable value percentage. Seidlitz will do more research on property owners that do not live in state. Since bond issues and any indebtedness have to be voted on, he wants clarification on whether or not they vote.

Seidlitz also said if the fire district is approved, the mills will be increased from 4 to 6.

Fire Chief Seidlitz also provided an update on the addressing project and requested the Commissioners approve the new road name changes.

### **Action #1**

#### **RESOLUTION 2014 - #10**

Commissioner Brewer moved to approve the road name changes as recommended by Fire Chief Seidlitz. The #1 Rd will be changed to Timberline TRL and the #2 Rd will be changed to Bears Den Trail. Vice Chair Townsend seconded. A vote was taken and passed unanimously. It is therefore resolved.

*County Attorney Kimberly Deschene and Nels Swandal entered the meeting at 11:35 a.m.*

Chair Hurwitz had previously asked County Attorney Deschene to check into the sentence regarding the indebtedness language, so she stopped by to make sure he knew it had to be there.

### **Airport – Engineering RFQ:**

Airport Board Members, Kurt Burns and John Zawada, were present to go over the Requests for Qualifications received and give their recommendation to the Commission. RFQ's were received were from Dowl KHM, KLJ, and RPA (Robert Peccia & Associates). Dowl HKM was the only company that submitted their RFQ by the original deadline.

It was decided that they would go with Dowl HKM – which is the company that Mike Beckhoff is currently with. Chair Hurwitz asked Mr. Burns about cost. Mr. Burns replied that all of them were basically the same and that the decision was primarily based on past experience. When Mr. Beckhoff was employed with Stelling, he had had good experience with them. When JKL took over Stelling and Mr. Beckhoff was no longer employed there, the experience with JKL was anything but good.

He also informed the Commission that JKL came out to put the latch on and stripped the screw – so they are literally one screw short of finishing the project. It is supposed to be mailed for Mr. Burns to put together and once that is done they will sign off on a 1-year guaranty and any problem that arises will need be addressed within 30 days.

### **Action #2:**

#### **RESOLUTION – 2014 - #11**

Vice Chair Townsend moved to accept the recommendation of the Airport Board to use Dowl HKM for engineering services for the Meagher County Airport. Commissioner Brewer seconded. A vote was taken and passed unanimously, it is therefore resolved.

Commissioner Townsend asked about any work that will be done at the airport. There was discussion regarding the runway maintenance that will happen in the next 2 years. Mr. Burns is hoping that they can receive absentee owner support that will donate funds to help with the overlay to support heavier aircraft. Chair Hurwitz asked if the asphalt had been sealed yet, and Mr. Burns said that would be next year. If they can do the overlay, it will eliminate the maintenance.

Chair Hurwitz also asked if there had been any breaches in the fence. Mr. Burns said that 1 deer had cleared the fence and it was a project in itself to get her out.

Mr. Burns also reported that they were in receipt of \$1,000.00 from the Forest Service for the last FY damage to the asphalt by its helicopter.

### **LEPC LUNCH:**

The Commissioners broke for lunch at 12:00 p.m. and Commissioner Townsend returned at 1:20 p.m. and Commissioner Hurwitz and Commissioner Brewer returned at 1:29 p.m.

### **City Council – Law Enforcement Agreement:**

Present from the City Council were George Kirkwood, Mike Eby, Heith Stidham, and Sara Driemeyer. Also present were Mayor Julian Theriault, City Attorney Cindy Younkin, Sheriff Jon Lopp, County Attorney Kimberly Deschene, Clerk & Recorder Dayna Ogle, Deputy Clerk & Recorder Christy Rogers and Jason Phillips from the Meagher County News.

Chair Hurwitz opened the meeting by stating that they were there to “rehash” the patrol vehicle and referred to the newspaper article wherein the City was quoted that they didn’t owe anything. This meeting was to figure out how to proceed and how to pay for the previous years.

Mike Eby started out for the City Council stating that they were trying to accomplish an agreement with the Sheriff’s Department on yearly fees. They wanted to do away with the lump sum every four (4) years and absorb that \$25,000.00 into yearly amounts.

There was discussion on the fact that the City had contributed funds for a vehicle purchase in 2004, 2008, and recognized that another contribution was due in 2012. However, there was a disagreement on how the funds for 2012 would be paid. When the City was previously audited, the City misstated that they had purchased a vehicle for the Sheriff’s Department rather than contributing funds for the purchase of a vehicle by the County. Heith Stidham told the group that the City had gotten in trouble for not having the vehicle in the City’s possession when it was audited. As the County pays the taxes, insurance and all expenses toward any vehicle of the Sheriff’s Department, the City only contribute to the expense of the purchase every four years. This was now what they wanted to change to make yearly contributions rather than a lump sum and not referring to it as a vehicle purchase.

Mayor Theriault went over the history of the sheriff’s vehicle which began in 1996 when the Sheriff brought to City Council that the Sheriff needed a vehicle. The first vehicle was bought by the State and it was a car to patrol White Sulphur Springs. That vehicle was to be traded in four years to keep the cost down for the City. Then in 2004, Sheriff Seidlitz came to the Council and requested to purchase a pickup rather than a car so they would have 4-wheel drive. The City contributed \$18,000.00 for that purchase. When it came time in 2008 to buy another vehicle, Sheriff Seidlitz wanted to keep the pickup and not trade it in, and that’s when the problem came with the auditors. The City reimbursed \$23,000.00 for another pickup. Sheriff Jon Lopp approached the City again in 2012 for their contribution and requested \$25,000.00 toward the purchase of a new vehicle. That has not been contributed to date.

The City wants to negotiate a yearly contract for police services before they pay any funds toward a vehicle. Included in this agreement would be an additional amount to be applied as their contribution to a vehicle every four (4) years.

It was then discussed what the City currently paid for contribution toward police protection, which is \$22,409.00 and how we would include the amount for a new vehicle of \$25,000.00. Sheriff Lopp would like a \$30,000.00 contribution; however, the City was adamant about not going over \$25,000.00 at this time. They were also thinking a car would be cheaper than a pickup, however, Sheriff Lopp said the police cars are pretty much the same as a pickup.

Mike Eby brought up the Agreement the City had provided previously wherein the yearly payment would be \$29,000.00 a year, which would include the \$22,409.00, plus a portion of the contribution spread over four (4) years. Going forward the City wants an agreement in writing and something that can be re-negotiated. Commissioner Brewer asked how long for an agreement 1 year or 4 years, and the City thought 4 years was fair; however, to start out they would like to do only one (1) year, and then re-negotiate. Since the end of that year would be this June, 2014, they added one year to that so any agreement reached would be until June 30, 2015.

Deputy Clerk & Recorder, Christy Rogers, pointed out that the vehicle for 2012 was still not paid for. The last vehicle was purchased in September, 2008, although the City didn't make their contribution until January, 2009. This year would be 6 years since the contribution was due in 2012.

There was discussion that went back and forth regarding what was due and not due between the County and the City. It was also discussed whether the City would like to keep the prison room & board and meals separate which they currently pay \$5,000.00 for, or to continue including them, but billing the City after they reach the \$5,000.00 amount.

The final agreement between the City and the County came to the County accepting \$37,500.00 for the first year, which represents the \$22,409.00 that the City has contributed in the past to Sheriff's Office expense and includes an additional \$15,091.00 as a vehicle contribution. This agreement is for the FY 2013 / 2014, ending June 30, 2014. For the following FY 2014 / 2015, the payment shall be \$30,000.00, which includes the \$22,409.00 yearly expenses, plus \$7,591.00 towards a vehicle contribution.

The City's share of expenses in this agreement is broken down as follows:

FY 2013/2014	Prisoner Board / Meals -	\$ 5,000.00
	Sheriff 9 1 1 account -	\$ 6,000.00
	Sheriff Dispatch -	\$ 2,500.00
	Law Enforcement -	\$ 7,500.00
	Police Training Fund -	<u>\$ 1,209.00</u>
		\$22,409.00
	Transportation -	<u>\$15,091.00</u>
		\$37,500.00
FY 2014/2015	Prisoner Board / Meals -	\$ 5,000.00
	Sheriff 9 1 1 account -	\$ 6,000.00
	Sheriff Dispatch -	\$ 2,500.00
	Law Enforcement -	\$ 7,500.00

Police Training Fund -	<u>\$ 1,209.00</u>
	\$22,409.00
Transportation -	<u>\$ 7,591.00</u>
	\$30,000.00

A new agreement between the County and City will be negotiated at the FY ending June 30, 2015.

It was left that the City will continue to pay the \$5,000.00 toward Prisoner Board / Meals, and anything over that amount will be billed directly to the City for payment. They will consider paying directly for all board and meals for the next agreement that is negotiated. Sheriff Lopp will provide the City Attorney Cindy Younkin with how many prisoners the City has had.

It was agreed by the parties that the \$37,500.00 will be due and payable with the execution of the Agreement, and no later than February 5, 2014. The sum of \$30,000.00 will be due and paid on or before January 10, 2015. City Attorney Cindy Younkin will make the changes to the previous Agreement she had drafted and provide it to the County for their review.

Commissioner Townsend ended the conversation between the Commissioners and the City Councilman that they are all here to serve the people. He didn't like reading that the City was trying to blame the County for ripping them off in the newspaper. This was a misunderstanding that needed everyone to work together on. Mayor Theriault agreed that the City and the County needed to work together and he feels the two entities should meet at least once a year. Councilman Mike Eby thought maybe more often than that; to which Commissioner Townsend agreed especially if the mine comes into our community.

**Public Comment:**

No public comment

**Minutes:**

**Action #3:**

Chair Hurwitz moved to approve the Minutes of January 7, 2014. Commissioner Brewer seconded. A vote was taken and was passed unanimously.

**Claims Approved:**

The Commission was presented with Voucher #1440, Check # 46408 through Check # 46433 totaling \$15,286.76. All checks were signed as presented.

**Meeting Adjourned:**

The meeting was adjourned at 2:24 p.m.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, January 21, 2014.

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CLERK & RECORDER

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CHAIRMAN

**SEAL**

**VICE-CHAIRMAN**

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**COMMISSIONER**

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Note: Minutes taken by Assistant to the Clerk & Recorder, Penny Plachy.

Distributed January 21, 2014 to Chairman Hurwitz, Commissioner Townsend, Commissioner Brewer, and Clerk & Recorder Ogle.

**Tuesday**  
January 21, 2014  
8:45 a.m. – 12:30 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 and Commissioner Rod Brewer.

**Minutes:**

**Action #1:**

Commissioner Brewer moved to approve the Minutes from the January 17, 2014 meeting. Chair Hurwitz seconded. A vote was taken and was approved.

**Clerk & Recorder – Dayna Ogle:**

Dayna Ogle, Clerk & Recorder presented the Commissioners with a Resolution that is placed on the ballot every ten (10) years. According to law, a Resolution must be put to the voters on whether or a not a study commission should be established to review the local government. In 2004, it was not wanted. If the voters approve the study commission, then there needs to be an election of the commission members.

**Action #2:**

**RESOLUTION 2014 - # 12**

Commissioner Hurwitz resolved that the question of the study commission be put on the ballot for the community to vote on. Commissioner Brewer seconded. A vote was taken and passed unanimously.

**Library – Budget Amendment:**

Clerk & Recorder Dayna Ogle advised the Commission that the Library Board informed her that the revenue was more than they thought. There was a State Grant and City funds that were unexpected revenue and the Library Board would like to put those funds into the Library depreciation reserve.

This will be the first of two hearings on this issue.

**Senior Center – Spring Manor:**

Beth Hunt was present on behalf of the Senior Center. The last time the Senior Center was in, it was to ask for the support of the Commission because they were going to be working on a Home Grant to purchase and remodel the Spring Manor. At that time, the Commissioners agreed to sponsor. Mrs. Hunt advised that the Senior Center was backing out of that grant as it did not allow funds to be used for administrative use which they needed in order to hire a contractor and architect to give them an idea on what needed repaired and done with the Spring Manor. So currently, the project is on hold.

While they have given up on the Home Grant, they are looking into the CDBG (Community Development Block Grant) as a way to go. The Senior Center will be back to ask the Commission again if they will agree to sponsor a grant for the purchase of the Spring Manor if the CDBG fits into what they need.

Chair Hurwitz asked if there was a chance that they would find it wasn't worth it and Mrs. Hunt said that there was that possibility. One of the reasons they wanted to be able to hire the contractor and architect was to let them know what they are looking at. They would not even be able to determine how much to apply for until someone comes in and determines what they will need.

There was discussion on whether the remodel would be too costly or would it be beneficial to build a new building. Mrs. Hunt informed the Commissioners that there was no money for building new. However, a private build might do well. She would like to see more subsidized housing and assisted living housing for the elderly because they have nowhere to go and we end up losing them in our community. The assisted living housing is not funded by government programs.

Mrs. Hunt also informed the Commissioners that this year will be 40 years of meals at the Senior Center. They also do Meals on Wheels.

#### **City/County – Law Enforcement Agreement:**

Dayna Ogle, Clerk & Recorder, presented some changes to the Law Enforcement Agreement provided by the City for the County's review. The breakdown of the \$22,409.00 was included and wording changed as to the payment of any Board or Meals from Prisoners over \$5,000.00.

They discussed some minor changes to the Easement presented by the City regarding the 10' easement on the Golf Course. County Attorney, Kimberly Deschene, had some wording addition, and Deputy Clerk & Recorder, Christy Rogers included a copy of the survey to attach to the document which showed where the easement would be.

#### ***Paula Wildman – Justice of the Peace:***

Paula Wildman, Justice of the Peace, was asked to stop by to remind the Commission about the Bair Grant funds that were available for non-profit organizations in the County. There are funds available and if any of the non-profit county organizations are in need of funding a project, they should apply.

#### ***Chris Shove – Montana Business Assistance Connection:***

Chris Shove with Montana Business Assistance Connection stopped by to let the Commissioners know that they were starting to work on the Growth Plan. He had spoken with the U.S. Economic Development Administration regarding applying for an infrastructure grant for the water and sewer lines. He said the City had already completed preliminary reports which would help. He did want the Commission to know that the EDA requires matching funds of 40%.

He will be working in the City and surveying citizens on what they think is important to look at for the community and will be coming back in probably the next couple of months and organize two public hearings for the citizens to see what is important to them. He requested that a Commissioner attend those meetings as well.

**Dowl HKM – Mike Beckhoff:**

Mike Beckhoff and Jim Griel were present from Dowl HKM to meet with the Commissioners regarding the airport. Commissioner Hurwitz offered his congratulations to Mr. Beckhoff for being chosen as the engineering firm for the airport. He knew that the Airport Board had not been happy with the services of KLJ.

There was discussion on improvements to the airport and maintenance on the runway next year. There was also discussion on the overlay to add strength to the runway for bigger aircraft and Mr. Burns' hope that a few of the out-of-state landowners who use the airport will participate in funding it.

**Safety Program – Kari Jo Kiff:**

Nels Swandal and Kimberly Deschene came in for the meeting of the Safety Program. County Nurse, Kari Jo Kiff, was delayed at another meeting.

County Attorney Deschene had come up with a Disclaimer to be inserted into the Safety Manual. Their recommendation to the Commissioners and Nurse Kiff was that any language that looked like a guaranty is removed from the document. Nurse Kiff was going to go through it once more before asking the Commissioners to approve it. Once the document is approved, it will be given to the County Department Heads to review and go over with the employees.

*Kari Jo Kiff entered at 11:46 a.m.*

There was additional discussion on the "Return to Work" section in the safety manual as well as what is written in the Employee Handbook. On any injury where a Safety Team is to meet with the employee, it is suggested that team consist of Dayna Ogle, Helen Hanson, the supervisor and the employee. Any transitional employment recommendation would then be presented to the Commissioners for approval. The County wants to show that it is trying, but cannot guaranty early return to work for employees.

There was also discussion regarding medications taken by employees that may affect their ability to function. The Supervisors should always be notified by the employee of any such medication.

Nurse Kiff also went over her conversation with Emelia, with MACo when she called to get answers to some of the questions raised at the last meeting.

There was also discussion regarding liability issues. County Attorney Deschene advised that most liability issues are with the public and outside people or contractors. Liability issues can arise from contractors that don't have proof of insurance. If there is an accident or incident with the public, there needs to be immediate follow-up and investigation. Conditions outside or inside, as applicable, any obstacles, and if possible take pictures. The question should be asked, is there something that the County needs to fix.

**Public Comment:**

No public comment.

**Claims Approved:**

Commissioners were presented with Voucher #1441, with Check # 46434 through Check # 46448 totaling \$4,851.70. All Checks were signed as presented. A Voided Check Report was

also represented for Check # 46408 for \$115.00. This check was not needed, as the vendor had been paid by credit card.

**Meeting Adjourned:**

The meeting was adjourned at 12:30 p.m.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, February 4, 2014.

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**CLERK & RECORDER**

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**CHAIRMAN**

**SEAL**

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**VICE-CHAIRMAN**

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**COMMISSIONER**

Note: Minutes taken by Assistant to the Clerk & Recorder, Penny Plachy.  
Distributed February 4, 2014 to Chairman Hurwitz, Commissioner Townsend, Commissioner Brewer, and Clerk & Recorder Ogle