

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

**Tuesday**  
June 13th, 2023  
8:30 a.m. – 12:00 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 Errol Galt were present for the meeting.

**Minutes:**

**ACTION #1**

Commissioner Brewer moved to approve the minutes from June 6<sup>th</sup>, 2023, Commissioner Hurwitz seconded the motion. A vote was taken and the minutes were approved.

**Monthly County Attorney Report – Burt Hurwitz:**

County Attorney Burt Hurwitz entered the chambers at 9:15 a.m.

County Attorney Hurwitz updated the Commission regarding the upcoming oral arguments in the Trout Unlimited et al. Vs. Tintina, DEQ on the June 21<sup>st</sup> 9:30 am in Helena MT

Hurwitz reviewed the history of the case and how the case has progressed to this point. After oral arguments on June 21<sup>st</sup>, the Supreme Court will either affirm the lower court's decision and Tintina will have to start the permitting process over, the Supreme Court may say that District Court was wrong in their decision and the permit will move forward or the Supreme Court may remand the case back to District Court. The Supreme Court has no time line to render a decision.

Hurwitz stated the water rights litigation against Tintina and is separate case. The water rights case is regarding "end point use" of a water right and is also being heard in the Supreme Court.

Supreme Court ruling has no deadline.

Hurwitz will be attending the Montana Association of County Attorneys Conference June 21<sup>st</sup> 2023 at Fairmont Hot Springs.

Hurwitz reported that Dominic Driscoll will be arraigned in District Court on Monday June 26<sup>th</sup> 2023. At the arraignment the Judge Spaulding will conduct a formal reading of the charges filed against Driscoll and he will be asked to enter a plea. It is yet to be determined if Driscoll will be arraigned in Meagher County or via zoom call in Broadwater County. Hurwitz stated the next step for him is to wait for the lab reports on the evidence and move forward from there.

**Monthly Clerk & Recorder Report – Liv West:**

Liv West entered the chambers at 9:40 a.m.

West introduced her newly hired employee, Emma Bess Deputy Clerk & Recorder. Bess will be training with Temporary Deputy Clerk & Recorder Penny Plachy until the 26<sup>th</sup> of June, when Plachy retires.

West presented the Child Protection Team Agreement for signature. The agreement enables participants to communicate in a safe place without breaching confidentiality.

West stated after the Salary Compensation Board meeting she has been reviewing the hourly employee wages and thinks there might be some inconsistencies within the county. West asked if she could compare the Montana Association of Counties Wage/Salary survey to our wages and see if we are in line with other counties. The Commission agreed and West will give a report at next week's meeting.

**Monthly Health Nurse report – Eva Kerr:**

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

Kerr handed out her monthly report and stated there was nothing out of the ordinary this month. Kerr presented the Public Health & Emergency Preparedness (PHEP) grant for signature. The grant is for FY 23/24 in the amount of \$27,000. Kerr also reported she has received a Charles M Bair Foundation Grant for \$9,000, and has submitted applications for the Homemaker and Respite Care programs both programs were denied any increase for FY 23/24 so the funding will stay at \$12,00 for the Homemaker program and \$4,500 for the Respite Care Program.

Commissioner Brewer asked about the CSBG funding through the Human Resource Development Council (HRDC) and Kerr assured the Commission that \$3,000 in CSBG funds along with the other grants would be sufficient for FY 23/24.

Kerr stated she and Laura Taylor have completed their CPR instructor certification. They will be able to instruct CPR classes for two more years.

In May Kerr and Disease Intervention specialist Kim Frisbie taught a Safe Sitter class to kids in grades 5<sup>th</sup> – 8<sup>th</sup>. The class teaches potential sitters what to do in case of an emergency, how to handle sibling fights among other things. This was an all-day class and they had 7 kids attend.

Kerr then stated she has had reported cases of Campylobacter (a bacteria) and Cryptosporidium (Crypto) a parasite, both can be found when working with animals and non-treated drinking water. Cases are more common in the spring with closer work with animals such as calving and brandings. Handwashing is an important prevention strategy.

**Airport Nonprimary Entitlement Transfer:**

Mayor Nelson entered the chambers at 10:30 a.m.

Finance Officer Dayna Ogle discussed the FAA Non-primary Entitlement (NPE) money. This is money the FAA receives from taxes on airplane ticket sales and holds for airport infrastructure projects. Each year Meagher City County Airport received \$150,000 NPE and has 4 years to spend the money or they will lose it. By transferring the NPE to Conrad when the reciprocal transfer is initiated and the money comes back it resets the 4 years timeline for spending. Ogle presented the Commission with a Request for FAA Approval of Agreement for Transfer of Entitlements. The transfer is between Meagher County & The City of White Sulphur Springs Airport and Conrad Airport in Pondera County. The transfer is for \$300,000. Pondera County will sign a reciprocal agreement to repay the transfer; \$150,000 in 2024 and \$150,000 in 2025.

## **ACTION #2**

Rod moved to approve the Request for FAA Approval of Agreement for Transfer of Entitlements NPE transfer to Conrad airport in the amount of \$300,000 with a reciprocal transfer to be initiated in 2024 & 2025. Hurwitz seconded. A vote was taken, the motion passes.

### **Spay & Neuter Clinic:**

Dayna Ogle & Mayor Rick Nelson were present

Ogle opened by stating the City of White Sulphur springs is needing more volunteers for this weekend's Spay & Neuter Clinic. Ogle discussed options for encouraging county employees to volunteer at the clinic. Commissioner Galt suggested allowing an employee who volunteered at the clinic equal hours off work at a later date. Employees wishing to volunteer need to call City Clerk Anita West at City Hall.

## **ACTION #3**

### **Resolution Fiscal Year 22.23 - #117**

Galt moved to allow any county employee who volunteers at the Spay & Neuter Clinic on June 17<sup>th</sup> 2023 equal time off for equal hours volunteered.

Call Anita at city hall to sign up 547-3911

### **Monthly Cemetery Board Report:**

Sexton Mike Marion entered the chambers at 11:20; Cemetery Board member Rosie Spaulding, entered at 11:30, Board member Angie Evans & Kathy palmer were absent.

Sexton Mike Marion opened by discussing the snowplowing this past winter. He stated next year he would prefer to do the snow plowing in the cemetery to ensure the areas that need to be cleared are open and that headstone wouldn't be accidentally damaged. Marion also stated he would be able to plow around the building at the airport freeing up the Road department. Marion has talked with Castle Mountain sales about the possibility of purchasing a "V" plow from them. Marion will look into the cost of the plow, and any cost associated with mounting the plow on the truck.

Marion has been working with Castle Mountain Sales on the repair to the main line that failed last year. First attempt at correcting the issue failed. They plan to pour concrete around the area tomorrow to stabilize the area and keep it from breaking. Marion stated he would like to replace the current mainline with a buried 4" poly pipe. The poly pipe will be easier to work with than the existing steel mainline. The sprinkler system currently comes off the sprinkler riser with an adaptor and has the potential of getting damaged by a lawn mower if he's not careful. Board member Spaulding suggested gathering the mainline replacement details this fall and setting up the replacement for the spring of 2024. Marion will need to put as estimate together for budgeting purposes.

Marion reported the sprinkler pump does not shut off when the system is off, he has to go to the control panel to turn the system off. Marion is working with Castle Mountain Sales on the issue.

Marion then reported Fisher Electric has installed a new light to luminate the US Flag at night along with a new breaker box and 2 plug ins at the shop. Marion stated the furnace will need to be brought up to code at some point.

**Public Comment / Claims Approved:**

No public comment.

Commissioners were presented with Check # 60393 through Check # 60410 totaling \$ 25,399.13. All Checks were signed as presented.

**Meeting Adjourned:**

Meeting was adjourned at 12:00 p.m.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, June 20<sup>th</sup>, 2023.

  
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CLERK & RECORDER

SEAL



  
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CHAIRMAN

  
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VICE-CHAIRMAN

  
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COMMISSIONER