

Commission Meeting Minutes; Park County, Montana
Week of December 22 – 26, 2008

December 22, 2008

9:00 A.M. – Park County Road Updates – Commissioners Chambers – Canceled due to road crew work schedule

December 22, 2008

Discussion of Agenda and Review Minutes for Week of December 15, 2008

@9:43:55 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present was Raea Morris, Commission executive assistant, and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss the Commission's upcoming agenda and review Commission meeting minutes for the Week of December 15, 2008.

Reviewing Commission meeting minutes for the Week of December 15, 2008, Taylor made a motion to approve the minutes. Durgan seconded that motion. Motion passed.

Commission Executive Assistant Raea Morris presented the Commission with its upcoming agenda through December 26, 2008. Morris said Human Resources Assistant Jill Ouellette will fill in as the administrative assistant for Morris when she is out of the office for the holiday.

Commissioners Durgan and Taylor clarified that county elected official offices will follow state law per the county attorney's advice and will be open December 24 and 26.

@9:53:30 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

December 22, 2008

Review of Correspondence, Public Contacts and Determine Action Plan

@10:02:24 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present was Raea Morris, Commission executive assistant, Bill Hurley, operations; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to review correspondence, public contacts and determine action plans.

Commissioner Durgan said he and Commissioner Taylor signed off on a purchase order to conduct tune ups on two road crew trucks. Durgan said the purchase orders will be delivered to the road mechanic for action.

Durgan said the 8 Mile Creek is overflowing on the road and the road crew is working on the ice issue at this time.

Correspondence included:

- Memo to Fair Board from Myron Kovash re. cost to install alternative materials on rabbit and poultry barn - Durgan said the matter was discussed last week at the fair board meeting
- Memo re. citizen telephone call about cars sliding off the road on Z Hill - Durgan phoned Mark Smith and Smith corrected the problem - Durgan said chained and 4-wheel drive vehicles were having no problems on the hill, and Smith said it would be dangerous for cars to attempt Z Hill at this time
- Memo re. rescheduling of Cooke City zoning variance request meeting
- Memo re. water over the road on Boulder River Road at Boulder River Ranch - Commissioner Lahren contacted Clyde Bainter to view the issue, and Bainter said it is a weather issue and a larger culvert would not rectify the problem
- Memo from city manager re. agenda item for January 6 city/county meeting
- Memo from undersheriff re. citizen garbage truck complaint - The Sheriff's office rectified the issue
- Memo from Congress of Racial Equality - To Durgan for review
- Memo from GIS/IT manager re. Sleuth program up and running on new server
- Memo from Job Service re. Neighborhood Stabilization materials - To Commissioner Taylor for 2:30 meeting
- Memo from Hydrometrics, Inc. re. offering sewer services - To Director of Operations Hurley for review
- Memo from MACo re. Montana minimum wage to increase to \$6.90 per hour on January 1, 2009 - To HR for review
- Memo from MACo re. MCA launched gravel website - To road department and road book
- Memo from citizen re. 2815 Boulder Road culvert request - The issue was addressed by Commissioner Lahren
- Memo re. upcoming January 9 SAA summit at Disability Rights offices in Helena
- Memo re. no changes to Davis-Bacon listed for 12/12/08 or 12/26/08 - To deputy county attorney for review
- Memo from DEQ re. culvert on Voyich project in lieu of \$18,000 fine levied by DEQ - To Hurley for review
- Announcement of Airport Board meeting at Clarks Crossing on December 23 - To Commissioner Durgan and Taylor for review
- Memo from Montana Board of Crime Control
- Heard Across Montana newsletter - To Hurley for review

- Memo re. planning practices survey to be completed by December 22 - To planning department for review
- Citizen memo requesting meeting with Commission about land use - To Commission for review
- Memo from MACo re. green building seminar from MSU-Billings - To Durgan for review
- Memo from MACo re. loss control conference January 13-15 - To Taylor for review

@10:34:21 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

December 22, 2008

Selection of Planning Board Applicants

@11:04:51 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Taylor were present. Also present was Philip Fletcher, planning; Mike Inman, planning; Shannan Piccolo, deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to select planning board members.

Planning Director Philip Fletcher explained the planning board vacancy advertisement process and said six applications were received for three planning board vacancies. Fletcher said a five-person committee consisting of Fletcher, Inman, Deputy County Attorney Piccolo, Human Resources Assistant Jill Ouellette and Planning Board Member Traci Islay interviewed the six applicants. Following interviews, Fletcher said each interview committee member came up with interviewees' strengths and ranked interviewees by those strengths. Fletcher said the committee then met as a group, compiled rankings and presented those to the Commission. Fletcher said the committee agreed 90 percent on the rankings per the strengths and weaknesses of the candidates.

Fletcher said after the process, the committee recommends the Commission reappoint Bill Berg and Dale Reinhart and select Kerry Fee for the planning board.

Commissioner Durgan said it is helpful to have a review that rates the strengths of applicants like that presented by Fletcher. Durgan said the two incumbents are strong candidates and he concurs with the interview committee's recommendation, and the third candidate Mr. Fee would make a good candidate to serve on the board.

Durgan made a motion to accept the recommendation of the planning board and appoint the first three applicants. Taylor seconded that motion. Motion passed.

@11:11:06 a.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

December 22, 2008

1:30 P.M. – Extension Office Monthly Review – Rescheduled for 12/29/08 @ 8:30 A.M.

December 22, 2008

Discussion Regarding Telephone Network for the County

@2:09:41 p.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Lahren and Taylor were present. Also present was Bill Hurley, operations; Marc Richards, GIS/IT; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss a telephone network for the county.

Director of Operations Bill Hurley said the county has three options in addressing its phone system in the city/county complex: keep the current system; purchase a voice-over IP, or stick with a PBX system and acquire a PBX and bring it to this building.

Hurley said the company that services the county's current system no longer builds spare parts for that system, and the voice-over IP did not work at Printing For Less and can result in a lot of voice drop offs.

Hurley said the PBX system will cost \$75,000, but Qwest has agreed to buy the system and lease it to the county with the option to buy. Hurley said the \$75,000 is a non-recurring cost for a piece of equipment and is not in the budget. He said the county can pay off the equipment in three or three and half years if it continues to pay Qwest \$7,500 per month as does now, because the installed PBX will cut county bills to about half their current amount.

GIS/IT Manager Marc Richards said anything the county does with the telephone system will increase the work load of the GIS/IT department. He said the \$75,000 cost would increase if the city joined with the system and the GIS/IT department maintains the phones. He said the GIS/IT department would likely need more help to maintain the phones. Richards said he is in agreement with Hurley's recommendation of the PBX system and feels the system is a good idea. He said the \$75,000 includes the system telephones.

Richards said a new system may require remodeling of the IT room to make room for another rack. Lahren told Richards to come up with a design plan of the server room remodel, as well as his staff needs for a new system.

Hurley said the county can now go to the city with its desired PBX option and ask whether or not the city will join in on the system with the county.

Commissioner Lahren said the Commission will postpone a decision on this matter until Hurley receives a written response from City Manager Ed Meece as to whether or not the

city will join the county for the system. Lahren advised Hurley to submit the inquiry to Meece before the next city/county meeting on January 5.

@2:23:05 p.m., Lahren made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

December 22, 2008

Discussion of Neighborhood Stabilization Program

@2:34:28 p.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Lahren and Taylor were present. Also present was HRDC representatives Jeff Rupp, Heather Grenier and Tracy Menuetz; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss a neighborhood stabilization program.

Jeff Rupp said Human Resource Development Council (HRDC) is present today to ask Park County for the use of its name on an application to gain Housing Economic Recovery Act funds for Park County to acquire and redevelop foreclosed properties that might otherwise become sources of abandonment and blight. Rupp said the use of Park County's name would enable HRDC to serve the entire geographical area of the county through the grant. Rupp said applications are due the first of February with an expected dispersal turnaround of 40 days. Rupp said counties have 18 months to spend the money.

Tracy Menuetz said HRDC would enter into a sub-recipient agreement with Park County. She said the county would be responsible for the grant funds and HRDC would do the administrative work, prepare bills, and submit them to the Montana Department of Commerce through the county with Commission approval. Menuetz said HRDC would charge a five percent administration fee.

Rupp said the county auditor will be responsible for auditing the grant funds internally, and the county external auditors and HRDC auditors would audit them as well. He said inequities would go directly to HRDC for correction and all other administrative tasks would be the HRDC's responsibility.

Rupp said HRDC will begin the letter writing process and will submit resolution information to the Commission for review by the county attorney and Commission signature.

@2:50:30 p.m., Lahren made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

December 22, 2008

Discussion of Encroachment Permit Form

@3:06:44 p.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Taylor were present. Also present was Bill Hurley, operations; Marc Richards, GIS/IT; Philip Fletcher, planning; Shannan Piccolo, deputy county attorney; Tim Stephens, Park Electric Cooperative; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss an encroachment permit form.

Commissioner Lahren presented meeting attendees with a draft "Park County Road Work Permit Application." He said the county is attempting to create a clear, all-inclusive road work permit application that includes all types of road work that can be conducted on a county road. Lahren reviewed the application, definitions of terms, and fees associated with the types of road work within the application. Lahren said the Commission administers the application forms with road department personnel.

Tim Stephens of Park Electric Cooperative said his company works under county roads perhaps 10 times a year and asked whether Park Electric would be charged a fee each time that occurred. Lahren said it would be charged because the county has to conduct a review for each type of work, but the county likely would waive the encroachment fee for the repair of an existing permitted job. Stephens said he likes the new application better than the old one.

GIS/IT Manager Marc Richards said if the Commission wants GPS locations of all proposed road work, he said it will take time and personnel to do that. Richards said if the Commission wants to locate all underground trenches, cattle guards, and new roads with a GPS locations, then he recommends the county move in that direction. He said it will take more time for GIS/IT department to do that work, but if contractors have their own GPS equipment they can GPS a project site and bring that information to the GIS/IT department.

Richards said it would be nice to recoup some money for GIS department GPS services. Lahren said the Commission should consider \$50 of the \$250 road work permit fee would go to the GIS department when needed. Lahren said the county will ask contractors at the time of permit if they can provide a GPS location for proposed work.

Stephens said Park Electric can provide GPS coordinates for the county GIS department. Stephens asked when a contractor would find out if his permit application is approved and work can start since the Commission will review applications on a case by case basis. Lahren said come to Commission office with the fee and start time can be determined at the time of application submittal.

Lahren said the permits will be filed with the Commission office and then go to the road, GIS and planning departments as appropriate.

@3:25:44 p.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

December 23, 2008

Update of Position for Human Resource Director and Review of Human Resource Duties

@9:35:47 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Lahren and Taylor were present. Also present was Bill Hurley, operations; Jill Ouellette, HR; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to update the Commission on the human resources director position and current human resource office duties.

Commissioner Lahren said the current human resources position and duties held by Jill Ouellette have changed, so Lahren suggested Ouellette meet with the Commission to discuss how her work load, job duties and job description have changed since she started her employment with the county.

Ouellette provided an update on the open HR director position. Ouellette said she made a conditional offer of employment that was accepted and then withdrawn by the candidate. She said she has reposted the position opening internally and externally for the last three and a half weeks and has received three applications, none of which meet the required qualifications. Ouellette said she is looking into posting the opening on Monster.com per conversations with Lahren and is still looking for the county's membership password for that service.

Ouellette said she was hired to be the HR assistant at a lower grade and pay rate than the work she has been conducting, but she has been doing the additional work as a professional. In order to determine her current position status, Ouellette said she referenced a *Lewis and Clark County 2007 Salary Survey* report dated March 2007 containing county and city employee wage ranges for the State of Montana. Ouellette read from the report, which reads an HR department is generally structured with a director, analyst and assistant/specialist. Ouellette said the report also contains individual job responsibilities for each position, and she said per the report she is clearly doing analyst level work above the assistant level position. Ouellette said she does not want the authority or responsibility of the director-level position.

Lahren said Ouellette needs to redefine her position relative to her current duties and wage and provide the Commission with a summary statement of her current job duties to include an updated job description and present it at a scheduled public meeting. Lahren said the summary should break down into percentages the time she spends on each job duty. Lahren said the summary also should include Ouellette's work with the Commission executive assistant, accounts payable clerk, and the landfill manager so the

Commission can review that assistance. He said a wage budget amendment may be necessary to address the increased job duties Ouellette is performing.

Ouellette said the HR director handles top end HR duties, so Ouellette's job would not change much if a director were hired. She said HR directors are not to be bogged down with day to day paperwork duties, which is part of what Ouellette does in her capacity.

Lahren asked if the county could outsource the HR director duties on a temporary basis. Ouellette said there are a few individuals that may be able to fill that niche. Lahren advised Ouellette look into that option and consult MACo on the matter and to continue advertising for the HR director position vacancy.

Director of Operations Bill Hurley said an HR director's primary responsibility is recruitment of employees. He said he recommends consulting one or more professional recruiters to fill professional level positions when necessary. Hurley said not everyone looks to Job Service when job hunting.

@9:59:35 a.m., Lahren made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

December 23, 2008

Discussion Regarding Holiday Courthouse Hours

@10:30:47 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Taylor were present. Also present was Raea Morris; Commission executive assistant; Jill Ouellette, human resources; Marilyn Hartley, accounting; Brett Linneweber, county attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss holiday courthouse hours.

County Attorney Brett Linneweber said county offices are offices under an elected official, and state law defines when holidays are and when an office can be open and closed. Linneweber said Montana state law says county elected official offices are to be open during business hours on non holiday days and state statute does not permit closure of a county elected official's office on such days. He said county elected official offices can operate with a minimal staff on non holiday days at the discretion of the elected official.

Linneweber said county departments are discretionary departments and there is no state law requiring them to remain open on non holiday days. He said a county department employee taking off such a day would require use of annual leave based on the county's current policy and state law. He said there is a procedure to amend the county personnel policy regarding the benefits that are available to county employees in the event a county commission chooses to allow for a personal day off.

@10:42:11 a.m., Lahren made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

December 23, 2008
Personnel Meeting

@11:32:46 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Taylor were present. Also present was Polly Miller, public citizen; Brett Linneweber, county attorney; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to address a personnel issue.

Polly Miller, former Park County human resources director, said her final paycheck was incorrect and she is asking the Commission for that paycheck to be redone and the correct amount awarded to her. Miller said she turned in her final timesheet before she left work on October 16, but she came to work the next day to bring in a computer and return electronics to Park County. She said she stayed until noon that day answering questions for the AP clerk. Miller said she thought she would be paid for that day (October 17), but it was not included on her paycheck. She said the policy reads that all a salary employee has to do to get paid for a day is show up that day. Commissioner Durgan said he can verify Miller was present at work on October 17.

Miller said a garnishment taken from her paycheck was not figured correctly, and she is asking for \$60 back from the county. She said she does not know whether or not the Commission knew about her pay being docked.

Lahren asked if the amount the county needs to square up with Miller is \$205.05. Miller said that is correct.

County Attorney Brett Linneweber said he will give the Commission advice on how to address this issue in memo form and will work on that memo this afternoon.

Lahren said based on what he has heard, he will make a motion to pay the appropriate amount being requested pending advice from the county attorney. Taylor seconded that motion. Motion passed.

@11:43:44 a.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

December 23, 2008

12:00 P.M. – Airport Board Meeting – Clarks Crossing

1:30 P.M. – Meeting to Discuss Abandonment of Shamrock Lane and Sunset Lane – Commissioners Chambers – Canceled

December 23, 2008

Discussion Regarding Procedures for Safety Concerns

@1:59:34 p.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Taylor were present. Also present was Jill Ouellette, human resources; Lois Hatfield, landfill; Brett Linneweber, county attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss procedures for reporting safety concerns.

There was discussion about an apparent event in which a county employee was observed acting in an unsafe manner, which prompted this meeting.

Commissioner Lahren said any employee who observes something that is an unsafe act needs to report the issue to the Commission through a signed affidavit to include the time and date the issue occurred and the names of witness who may have been present. The Commission said the documentation will go to the human resources office and the type of violation will be submitted to the county safety committee. The Commission said hearsay cannot be used to document a safety concern or violation. Commissioner Durgan said if a violation is not written down and documented, it did not happen.

Lahren said he will draft a memo outlining the procedure for county employees to report a safety violation or concern.

County Attorney Linneweber said unsafe conduct by employees is a personnel matter, and that the proper procedure would be for the documentation to go to the employee's supervising elected official. The Safety Committee does not investigate personnel matters. Rather, the Safety Committee's role is to take remedial steps (and preventive steps when possible) to ensure that unsafe conditions are mitigated, but does not have anything to do with the personnel aspect of the issue. The Commission agreed with this procedure, and will be putting together a policy.

@2:14:12 p.m., Lahren made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

December 23, 2008

Discussion of Public Land Management Petition

@4:07:11 p.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Taylor were present. Also present was Bill Hurley, operations; and Bill Moser, public citizen.

The meeting was scheduled to discuss a public land management petition.

Citizen Bill Moser said about 20 years ago when NEPA was first implemented at the federal level, some guys he knew read the entire document and found a place in there that said the federal government could not just go into a forest area and do this and that unless the local government approved. He said those men took the language to former County Attorney Swandal, but Swandal said that is not what the language meant at all. Moser said it is his understanding the county controls the real estate, and can prohibit the Forest Service from closing any proposed forest roads it is not in agreement with. He said the Forest Service has already closed several hundreds of dollars of fuel tax refunds of Park County roads. He said hopefully he can find the mentioned language within NEPA and submit it to the Commission should the issue come up at a later date.

Moser provided the Commission with a draft resolution stating the Park County Commission supports a Citizens for Balanced Use resolution adopted November 14, 2008.

Commissioner Lahren said the resolution contains four major points, and each one would have to be subjected to a public hearing and possibly a series of local public hearings to get input from citizens who wanted to participate in writing or at public meetings, and based on that input the Commission would decide what kind of resolution it would want to prepare or support. He said as written, the resolution says the Commission supports the interests of one specific interest group, which is one entity with one perspective but it does not represent everyone in the county.

Commissioner Taylor said he could see supporting the two Montana Association of Counties resolutions, because Park County belongs to MACo, but the other points may take more input from constituents.

Commissioner Durgan said he does not know whether the county has the resources or time to research all the bills that relate to this issue to make a decision and resolution on it.

Moser said all he is doing today is asking how the county can get the ball rolling on the issue. The Commission said it needs public input on the issues from Park County residents and can do that by asking for public comment in various county newspaper publications.

@4:30:51 p.m., Durgan made a motion to adjourn the meeting. Lahren seconded that motion. The meeting was adjourned.

December 24, 2008

No Commission Meetings Scheduled

December 25, 2008

Christmas Day Holiday – All Offices Closed

December 26, 2008

No Commission Meetings Scheduled

Larry A. Lahren
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana