

Park County Commission Meeting Minutes
Week of December 5 – 9, 2011
Park County, Montana

December 5, 2011

8:30 A.M. – MACo Board of Directors Meeting – Helena, MT – Commissioner Taylor attended

December 5, 2011

Review Daily Agenda/Correspondence and Current County Projects

@9:03:16 a.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Raea Morris, administrative assistant; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to review the daily agenda and correspondence.

Correspondence included:

- Memo email re. citizen comment on Trail Creek Road condition

@9:14:31 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

December 5, 2011

Review of Minutes for Week of November 28, 2011

@11:03:00 a.m., Commissioner Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present was John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to review of Commission meeting minutes for the Week of November 28, 2011.

Commissioner Malone requested a revision to Page 12 of 14; third to last paragraph, the first sentence should read, “Todd said the boat retails for \$57,000, but the manufacturer is offering a discounted price of \$42,500 because it wants to place boats in the northwestern part of the U.S.”

Commissioner Durgan requested a revision to Page 10 of 14; fifth full paragraph, the first sentence should read, "Commissioner Taylor said the funding for the Willow Creek Road project in an amount of \$50,000 comes from the Secure Rural Schools and Community Self Preservation programs."

Commissioner Durgan moved to approve the minutes as corrected. Commissioner Malone seconded the motion. Motion passed.

@11:05:23 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

December 5, 2011

1:00 P.M. – Fire Safe Coalition – West Room

December 6, 2011

City-County Meeting

@8:05 a.m., Commissioner Taylor called a meeting to order in the Community Room of the City-County Complex. Commissioners Malone and Taylor were present. Also present were City Commissioners Steve Caldwell, Bill Spanring and Rick Van Aken; Ed Meece, city manager; and John Mueller, minutes clerk.

The meeting was scheduled to discuss joint city of Livingston and Park County activities.

Commissioner Taylor opened the floor to public comment. None made.

Site Selection Tool: Ed Meece said Prospera Business Network has developed an online, commercial business site selection tool that provides demographic, zoning and other information beneficial to prospective businesses moving into an area. Meece said the idea is for Gallatin and Park County to go in together on the \$10,000 start-up cost, which would equate to the city and the county paying \$2,500 apiece.

Economic Development District (EDD): Meece said dues for the newly formed Northern Rocky Mountain EDD will be \$3,500 for the city and \$3,500 for the county. He said the EDD is a planning entity enabling application for federal Economic Development Agency grant funding. He said the EDD has received a \$50,000 grant to assist in hiring a shared, part-time economic development director and drafting of a Comprehensive Economic Development Strategy.

Courthouse Security Locks: Taylor said the county is looking into replacing worn, interior and exterior courthouse door locks and making the building ADA compliant. Taylor asked the city to provide comments on problems it may be having with locks.

City-County Compact: Meece said two versions of the compact have been distributed and hoped to have it approved at the current meeting. Taylor said the county needs to

review the compact and apply dollar figures. Meece said a special meeting will be scheduled between the two commissions to finalize and vote on adoption of the document, likely after January 1, 2012.

@8:47 a.m., the meeting adjourned.

December 6, 2011

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:54:53 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Raea Morris, administrative assistant; Ed Hillman, road; Mark Westenskow, CTA; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to review the daily agenda and correspondence.

Correspondence included:

- Memo email re. redistricting company
- Memo email re. Data Imaging Services invoice
- Memo document re. Park County cash on hand report
- Memo email re. MSU Extension travel request

Commissioner Taylor reported on a December 5 MACo director's meeting in Helena.

@9:10:00 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

December 6, 2011

County Road/Engineering Services Updates

@9:14:18 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Ed Hillman, road; Mark Westenskow, CTA; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss county road and engineering updates.

Road Supervisor Ed Hillman said FEMA questioned a Tom Miner Bridge project, and the county must address State Historic Preservation Office requirements. Hillman said a culvert is ordered for Morrison Creek work.

Mark Westenskow, CTA Engineering, said CTA needs to verify the rating of timbers proposed for use on a Hamilton Road Bridge upgrade. Westenskow provided permits for signature. Westenskow said an erosion issue along Mill Creek Road needs to be

monitored, particularly through high flow spring runoff to see how a culvert is functioning.

There was discussion about CTA ordering dome-style grate covers for a White Lane water issue and whether to buy a used loader or fix an existing county loader. Westenskow provided two drawings of possible Gardiner green box compactor site locations.

Commissioner Durgan moved to put a limit of \$85,000 on a used wheel loader bid. Commissioner Malone seconded the motion. Motion passed.

@9:59:19 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

December 6, 2011

Human Resources Updates

@10:35:09 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Jill Ouellette, HR; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss activities in the Human Resources Department.

Human Resources Analyst Jill Ouellette said interviews for a Chico/Trail Creek green box site attendant will be held on December 9, but no applications have come in for a Gardiner green box attendant position. Ouellette said she would like to schedule an insurance committee meeting for the week of December 12. She said she will participate in planning board interviews on December 8 and assisted with Cooke City zoning advisory committee interviews. She said employees interested in decorating the courthouse for Christmas must be paid for their time.

Ouellette said she researched the classification of other county Disaster and Emergency Services coordinator positions. She said the county's coordinator is requesting a performance evaluation and job description upgrade. Ouellette said she also needs to speak to the Commission minutes clerk about adjusting his pay grade.

@10:49:11 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

December 6, 2011

Awarding of Cooke City Snow Removal Bids

@11:35:29 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to award Cooke City snow removal bids.

Commissioner Malone said two bids were initially received without required fuel bid numbers. Malone said one bidder has submitted the required bid and the other bidder said the bid is in the mail.

Malone said a bid from Roberts Smith of Bear Claw is for \$65 per hour for snow removal from streets and \$23 per hour for hand removal of snow from hydrants. He said a bid from Asplund Enterprises was for \$68 per hour for streets and \$25 per hour for snow removal from hydrants with a surcharge of \$10 per hour for snowfall greater than one foot. The bid included an offsite haul-out cost of \$80 per hour with a loader costing \$74 per hour.

Commissioner Durgan moved to accept and sign the bid from Bear Claw. Commissioner Malone seconded the motion. Motion passed.

@11:41:30 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

December 6, 2011

Discussion of Budget to Actual Revenues and Expenditures and Treasurer's Cash for October 2011

@1:11:59 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Lani Hartung, finance; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss county budgeted to actual revenues and expenditures and a Treasurer's cash report through October 2011.

Finance Director Lani Hartung provided the Commission with budget to actual revenues and expenditures for county budgets through October 31. Hartung provided a Treasurer's cash summary for October and an explanation of differing dollar amounts on that report and an Accounting Department report.

@1:36:38 p.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

December 7, 2011

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:38:38 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Ed Hillman, road; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to review the daily agenda and correspondence.

Correspondence included:

- Memo email re. December 7 Boulder Road advertisement
- Memo document re. FWP Mol Heron Creek permit
- Memo email re. CEDS document

Commissioner Malone moved to sign the permit for Cavanaugh Creek. Commissioner Durgan seconded the motion. Motion passed.

Commissioner Malone moved to have Titan Machinery of Belgrade, Montana, repair the John Deere grader that was damaged according to the letter submitted by Jon Bertelsen stating work will be completed not to exceed \$85,000, pending approval by legal. Commissioner Durgan seconded the motion. Motion passed.

@8:50:47 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

December 7, 2011

Discussion/Decision of Road Crew/Road Supervisor Oversight Consultant

@9:02:10 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Ed Hillman, road; Jill Ouellette, HR; Martha Miller, auditor; Wes Venteicher, Livingston Enterprise; Jack Knorr, consultant; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider a decision on a road crew/supervisor oversight consultant.

Jack Knorr, consultant, asked what the Commission wants to get out of a proposed road crewmen/supervisor analysis effort. Commissioner Malone said he wants to work on the road supervisor's management skills and wants the biggest bang for the buck with the county's road crew resources and abilities and budget.

Jill Ouellette, HR, said the teamsters union has no issues with an analysis as long as it does not result in Road Supervisor Ed Hillman taking work from road crewmen in the union, such as operating machinery. She said the chain of command must also remain constant, where only Hillman gives the crew work orders and direction as per a union contract.

Commissioner Taylor said the county had a severe winter weather event in 2010 and was not organized with available manpower and equipment. He said the Commission wants to know crews are organized to respond to events and things are done right, fair to the operators and services are available to the county. Taylor said county roads suffered terribly when the road crew completed a millings project that took all crewmen off road

graders and maintenance. He said that problem arose from poor planning on the county's part and the Commission received many complaints. He said it took almost the entire summer to catch up on the roads. He said there is no planning and no long term planning in the road department.

Taylor said he is concerned crewmen are not doing what they are supposed to be doing in a lot of instances based upon things he hears from citizens and has seen himself. He said he thinks Hillman can better organize crewmen work schedules. He said Hillman's reports of road work are too general and do not explain when a road was maintained, how it was maintained, how many hours were spent on the project and the amount of materials used. Taylor said such results in the commissioners not being able to answer citizen complaints or tell the public anything about road work.

Taylor said the county also needs to look at the road department budget and a rotational equipment/maintenance program. He said the county would like to look at the efficiency and economics of contractors maintaining Five Acre Tracts roads versus the maintaining of those roads by county crewmen with a small grader.

Commissioner Durgan said he would like to see implementation of a long-term work schedule and weekly work schedules, because the Commission does not know what the road department has planned in the short or long terms.

Knorr said he developed a computer program to track all road crew work, materials, and labor hours for each project. Knorr said he would like to review the road department's written policies and look at how the Commission's expectations of the road supervisor position compare with Hillman's work load and compensation wage. Knorr outlined his intentions to ride-along with the road supervisor and crewmen to view their daily operations and his plans to discuss relevant issues with the HR and Accounting Departments. He said he thinks he can complete his analysis in five to 10 days and will provide a report after that date.

@10:13:49 a.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

December 7, 2011

10:00 A.M. – AFLAC Representative – East Room

December 7, 2011

Discussion/Decision on Contract for Removal of Freon at Landfill

@10:33:09 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Rick and Brenda Leckner, Rick's Refrigeration; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider a decision on a contract for Freon removal at the landfill.

Commissioner Malone said he must recuse himself from the discussion and any vote due to his family relation to Rick Leckner.

Rick Leckner said he thinks it may best benefit the county and his time to charge a determined fee to residents to dispose of appliances containing Freon at the landfill. Leckner said he would then take Freon from stockpiled appliances at the landfill at a charge of \$30 per unit. Leckner said people who bring refrigerators in trucks want to get rid of them at that time and do not want to wait to have Freon removed and then take units to the landfill on a different day.

Commissioner Taylor said he will have county legal counsel draft a contract and run it by the county solid waste board by next week.

@10:42:36 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

December 7, 2011

Signing of Robert Peccia and Associates City/County Airport Pay Requests

@11:34:59 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Jerri Miller and Kerry LaDuke, airport board; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to sign Robert Peccia and Associates City/County Airport project pay requests.

Jerri Miller, airport board, said two requests were submitted by Robert Peccia and Associates for \$1,027,625.90 and \$755,083.62.

Commissioner Durgan moved to sign the pay requests on behalf of the county portion of the airport obligations. Commissioner Malone seconded the motion. Motion passed.

@11:37:15 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

December 7, 2011

1:30 P.M. – City-County Compact – Community Room

4:00 P.M. –Pre-Construction Meeting for the Main Boulder Road Project – Big Timber – Commissioners Durgan, Malone and Taylor attended

6:30 P.M. – Search and Rescue Training – Community Room

December 8, 2011

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:38:00 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Raea Morris, administrative assistant; Ed Hillman, road; Mark Westenskow, CTA; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to review the daily agenda and correspondence.

Correspondence included:

- Memo email re. Trans Investment Development LLC tax deeds public information request
- Memo document re. Cooke City sewer district ballot initiative

@8:41:59 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

December 8, 2011

9:00 A.M. – Safety Meeting – Commission Chambers – Meeting minutes available in the DES Department

10:00 A.M. – Northern Rocky Mountain Economic Development District Strategic Committee – Gallatin County Courthouse

10:00 A.M. – Local Emergency Planning Committee - Community Room – Commissioner Durgan attended

December 8, 2011

10:00 A.M. – Final Decision Regarding Lifting of Agricultural Covenant on Merrell Property – Commission Chambers – Canceled

December 8, 2011

Appointing of Applicants to the Cooke City/Silver Gate/Colter Pass Zoning Advisory Committee

@11:02:08 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Mike Inman, planning; Barbara Woodbury, environmental health; Denise Nelson, clerk and recorder; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to appoint applicants to the Cooke City/Silver Gate/Colter Pass Zoning Advisory Committee.

Mike Inman, senior planner, said the Cooke City/Silver Gate/Colter Pass Zoning Advisory Committee currently has three active seats for its five member board, but four applications were submitted and applicants were interviewed by a county interview panel.

Inman said applicant strengths and weaknesses were recorded by panel members. Inman said meeting availability is the number-one challenge for Cooke City residents who sit on boards, as many residents in Cooke City are part-time residents. Inman said, therefore, it was stressed in interviews that members must be available in-person or via telephone or other media type to participate in committee meetings. He said he feels all four applicants are strong candidates, but the interview panel recommended Marcia Woolman and Troy Wilson as the applicants who expressed the most thorough understanding of and experience with the Cooke City zoning regulations. Barbara Dempsey and Susan Jack also submitted applications.

Barbara Woodbury and Denise Nelson, Park County Planning and Zoning Commission members, said they agree with the interview panel's applicant recommendations. Woodbury said she had concern with an applicant's part-time, out of state status, but it would be positive to have a committee member from Silver Gate.

Inman said a county goal is to have the advisory committee play a more active role in all issues in Cooke City, which is not required under the current zoning regulations.

Commissioner Durgan moved to accept Marcia Woolman and Troy Wilson as the new members of the Cooke City/Silver Gate/ Colter Pass Advisory Committee. Commissioner Malone seconded the motion. Motion passed.

@11:21:59 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

December 8, 2011

Discussion of County Insurance with MACo Healthcare Trust Representative

@11:37:58 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Jill Ouellette, HR; Pam Walling, MACo; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss county insurance policies with a MACo Healthcare Trust representative.

Pam Walling, MACo Healthcare Trust, reviewed changes made to the Healthcare Trust at a recent board meeting. Walling said federal healthcare reform policies require companies to notify their employees 60-days in advanced of changes to benefit plans. She said that will require earlier communications between MACo and counties regarding healthcare benefits, thus the county will receive preliminary rates from MACo in

February, which will be guaranteed to be within two to three percent of MACo's final rates sent by April 1. She said counties must notify MACo by March 1 they will leave the Trust or a year's membership penalty will be levied.

Walling said MACo will begin enforcing participation policies, which require 50 percent participation in dental and vision plans. She said Park County meets the requirement for dental but does not for vision. Walling said a discount drug card change will commence January 1, 2012, for high deductible and basic plans that will provide better discounted prices, on average, than currently. She said CVS drug stores and CVS Caremark will offer additional drug and product discounts starting January 1, 2012.

Walling said MACo will offer a wellness screening at the courthouse on January 24, 25 and 26, which will be free to MACo Healthcare Trust participants and spouses on the plan. The screening will be offered for \$120 for non participants. The Commission said it is interested in MACo offering the screening.

Walling said MACo will assist member counties in shopping for cheaper insurance carriers, although it does not encourage member counties to leave the Trust.

@12:26:34 p.m., the meeting adjourned.

December 8, 2011

12:00 P.M. – Critical Incident Stress Management Meeting – East Room

December 8, 2011

Introduction/Discussion of Issues with New Gardiner Forest Service Ranger

@1:36:23 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Mike Inman, planning; Barbara Woodbury, environmental health; Ron Hecker, Forest Service; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled as a discussion of issues with the new Gardiner Forest Service ranger.

Ron Hecker, Forest Service, said he has been the forest ranger in Gardiner for seven weeks, and was the district ranger at the Dakota Prairie Grasslands in North Dakota for years. The Commission expressed its concerns with bison issues and a proposed emergency services center in Cooke City.

@2:09:06 p.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

December 9, 2011

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:38:24 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Raea Morris, administrative assistant; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to review the daily agenda and correspondence.

Correspondence included:

- Memo email re. pedestrian CTEP funds
- Memo email re. Airport Board member Gardiner waste facility comments
- Memo email re. Dec 16 NRM EDD board meeting agenda
- Memo document re. Tom Miner Creek Montana FWP permit
- Memo document re. Smith Creek Montana FWP permit
- Memo email re. Montana FWP elk brucellosis working group
- Memo email re. MACo Healthcare Trust
- Memo email re. HOME grant
- Memo document re. SWB application

@8:50:46 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

December 9, 2011

Solid Waste Work Session

@9:03:23 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Barbara Woodbury, environmental health; Allen Carter, Robert Currie and Dick Juhnke, SWB members; Ed Meece and Clint Tinsley, city of Livingston; Courtney Lawellin, attorney; John Kaiser, citizen; and John Mueller, minutes clerk.

The meeting was scheduled as a Solid Waste Board (SWB) work session.

Commissioner Taylor distributed a map of the Gardiner Airport Affected Area from Kerry LaDuke of the City/County Airport Board.

Bob Curry, SWB, said the county needs a checklist or factsheet of answers to questions on operations and logistics if the city of Livingston were to accept county refuse. City Manager Ed Meece said the city can provide answers to any questions presented.

Clint Tinsley, city of Livingston, said the city has taken animal waste from Matt's Meat Shop and private citizens and such waste can be dumped directly on the transfer station floor. He said telephoning the transfer station worker before delivery would be

necessary. Tinsley said there is no issue at all with city of Livingston being able to handle Park County's refuse, and it simply is an issue of Montana Waste providing more trailers to haul refuse away, which would be that entity's responsibility. Meece said hours, days and staff would be adjusted as necessary to handle Park County's refuse, but that cannot be done until the city knows what to expect and the county commits to taking its refuse to the city. Meece said city refuse data is transparent with line item and performance budgets and audits available for public viewing online. Meece said he has submitted four written proposals to the county government promising the city would charge \$53 per ton, which is the same cost it assesses itself and city residents, but the city's price will not go below \$53 per ton for county refuse if the county joined. Meece said \$41 of the \$53 makes up the city's hauling contract, and the remaining \$12 per ton is labor, with \$3 per ton going toward debt service costs for paying off the transfer station. He said the goal from the beginning, theoretically, is to possibly reduce the per ton fee by \$3 once the transfer station is paid off, but the city cannot promise that at this point because of unknowns with the economy down the road. He said the city is willing to reduce the cost by \$3 per ton if it is economically feasible and fair. Tinsley said it is difficult for the city to provide a projected budget because it does not know what kind of tonnage the county will bring the city. Meece said the city has proposed door-to-door pickup of county refuse within one mile radius of the city at the same rate charged to city residents.

Curry asked if the city can handle increased resident drive-in traffic and refuse. Tinsley said the city can handle it, as it does quite a bit of that now with county citizens. Meece said the city will not create a green box site at its transfer station as it wants to create a working, efficient system. He said county residents can learn the hours when the transfer station is open and closed, just as they understand Pamida is not open and will not be opened at 10:30 p.m.

Tinsley said the city cannot offer a one free ton, as the county currently does at its landfill through its hang tag system, because the city must pay \$43 per ton per its hauling contract. He said the city likely could keep track of refuse dumped within an individual's one free ton, but it must charge the resident or the county for that refuse.

Tinsley said cement without rebar is charged a fee of \$7 per ton, and is recycled for road base for city street rehabilitation work. Cement with rebar is charged a fee of \$53 per ton and hauled to the Great Falls landfill because it cannot be recycled for road base.

Dick Juhnke, SWB, said he is skeptical about getting the county in trouble because it has had so much issue trying to work with the city in the past. He said he is in favor of a one-month trial basis to see how operations work.

Meece said he has concern the county refuse department may make effort to ensure a trial effort does not go well. He said he does not want to experience miscommunication issues and asked the Commission to watch its refuse department. He said he worries about two well-meaning organizations trying to partner to benefit their constituencies being sabotaged by employees. Commissioner Malone said he would not do the trial until

February 1 or later after the Commission makes its outreach presentations of the Bell and Associates solid waste alternatives report.

Courtney Lawellin, Park County Concerned Citizens attorney, asked why the county does not have MRL and EnviroCon tell the county when it will be cheapest to do the trial effort.

There was discussion about a county refuse survey and what economic data should be included in support of survey questions to garner useable data. Barbara Woodbury, environmental health, said she will tweak the survey before the December 16 SWB meeting. There was a question as to what point a vote will be required for incineration per a Concerned Citizens lawsuit settlement. Lawellin said she thinks demonstrable public input will drive that vote, and the survey is a very good idea to generate input.

There was discussion about correcting an accurate number Malone said was used incorrectly in the Bell and Associates solid waste report before presentations are given. Kaiser said the Commission's report must not mislead the public. Juhnke said presentation times and dates should be included in refuse tag mailings.

Taylor said he will ask MRL and Envirocon about possible penalties with the county conducting a trial effort with the city, but he needs a decision from the SWB on December 16 as to when the one-month trial effort should occur. He said the county can get input from the refuse manager at the December 16 meeting.

There was discussion about December 16 agenda items. Items will include review of minutes, discussion of trial dates, discussion of resident survey and possibly sending the survey with refuse tags, readdressing a vote to do away with a free ton at the landfill, discussion of possible trial period penalties from MRL/Enviorcon and discussion of incineration vote requirements per a lawsuit settlement.

@11:16:29 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

December 9, 2011 Personnel Meeting

@1:03:31 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Jill Ouellette, HR; Brad Wilson; road; Scott Fletcher, road; Rick D'Hooge, union negotiator; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to address a personnel issue.

Commissioner Taylor asked Brad Wilson, road crewman, if he would like to close the meeting to the public because he feels the personnel issue at hand outweighs the public's

right to know. Wilson nodded in the negative. Taylor said the meeting will remain open and will be recorded.

Wilson read into the record a written statement he said serves as supplemental evidence to his initial written response submitted on November 25, 2011, to the county Human Resources Department regarding an accident he had on October 28, 2011, in a county vehicle while in the course of county work. Wilson said the initial statement was in response to a written warning submitted to him by Park County on November 17, 2011.

Rick D'Hooge, county union negotiator, said Wilson requested the current meeting and asked if he had anything further he wanted to add. Wilson said he did not have anything additional, and the accident report was done and is over.

D'Hooge asked Wilson questions about his written statement:

D'Hooge asked who advised the county that Wilson is not permitted to have union representation due to (separate) ongoing litigation. Wilson said he advised the county of that fact, and he is not going to answer any questions.

D'Hooge asked Wilson to explain the conclusions he stated the Commission had jumped to. Wilson said he will not answer that question.

D'Hooge asked Wilson if the county personnel policy contains a just cause standard. Wilson said he will not answer that question.

D'Hooge said he does not see the word "warning" on anything submitted by Park County and asked how the November 17, 2011, was tagged as a warning. Wilson said he will not answer any more questions. He said he read into the record what he wanted to read.

D'Hooge presented Wilson with the county's personnel policy manual and referenced 6.1, Section C, the second paragraph after the highlights, which states providing the opportunity to provide Wilson's side of the story or evidence orally or in writing before discipline is imposed. D'Hooge said the current meeting is Wilson's chance to put forth any oral evidence he wishes. Wilson said the accident investigation is complete and done and there is nothing he wants to bring forward.

D'Hooge asked how the county avoids conflict with Wilson's Weingarten Rights if it conducts a driver interview of Wilson. Wilson said he is not answering any more questions, which is on the recording. D'Hooge said the county must provide Wilson with an opportunity to say what he wishes about the incident as part of due process, which is why he is asking Wilson questions about his statement.

D'Hooge asked if the current meeting constitutes the interview. D'Hooge said it does constitute the interview. Wilson said he is finished with his interview and has already stated such on record.

D'Hooge asked which document shows the County Commission has concluded something and judgment has been passed. Wilson shook his head in the negative.

D'Hooge said Wilson seems to judge everything upon what law enforcement did in the current statement and the November 25 document. He asked Wilson what standard he was using in referencing a burden of proof. Wilson said he is not answering anymore questions, he has already given the county his statement, the county has done its part, and as far as he is concerned he and the county are finished with the issue unless the Commission feels differently. D'Hooge said burden of proof for law enforcement is about 98 percent beyond a reasonable doubt and for HR it is preponderance of proof, or about 51 percent.

D'Hooge asked Wilson if his voluntary statement to law enforcement on October 20 is reflective of what he understood happened on the day of the accident. Wilson said he is not answering any more questions.

D'Hooge asked Wilson if he had any more questions. Wilson answered "no." D'Hooge said the county will deem the matter submitted and proceed from that point.

@1:23:36 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

Randy Taylor, R.S.
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana