

December 4, 2012

Commissioner Skillestad opened the meeting at 10:00 a.m. with James Skillestad, Adam Gartner and Douglas Buxbaum, present. Also present were Joe Sharbono, Doug Keever, Emilie Boyles KXGN Newscaster, Eric Killelea, Ranger Review Reporter and Shirley Kreiman, Clerk & Recorder.

Prior Meeting Minutes:

A motion was made to accept and approve minutes for November 20, 2012. The motion was seconded. Motion carried.

Administrative Items:

Sr. Citizen Closure Request-The commissioners approved the request to close the Sr. Citizen Center on December 24th with employees using vacation time.

Planning Board By-Laws-By-Laws for the Planning Board were approved and adopted by the Commissioners on November 29, 2012.

1)PLANNING
BOARD BY-LAWS

PLANNING BOARD BY-LAWS

SECTION I – OFFICERS

- A. At its first regular meeting in each year, the board shall elect from its members a President, Vice-President, and Secretary. The term of the Officers shall be for a term of one (1) year. The duties of the officers of the Planning Board shall be as follows:**
- a) President – will preside at all meetings. Will call special meetings of the Board as needed. To see that all actions of the Board are properly taken.**
 - b) Vice-President - shall have authority to act as president of the board during the absence or disability of the president.**
 - c) Secretary – Keep the minutes of all meetings of the Board. To be custodian of Board records. To inform the board of correspondence.**

SECTION II – MEMBERSHIP OF CITY/COUNTY PLANNING BOARD

- A. City-County Planning Board consists of no fewer than nine members to be appointed as follows:**
- a. two official members who reside outside the city limits but within the jurisdictional area of the city-county planning board to be appointed by the board of county commissioners, who may at the discretion of the board of county commissioners, be employed by or hold public office in the county;**
 - b. two citizen members who reside within the jurisdictional area of the city-county planning board to be appointed by the board of county commissioners with one designated to represent the Town of Richey;**
 - c. two official members who reside within the city limits to be appointed by the city council, who may at the discretion of the city council be employed by or hold public office in the city;**
 - d. two citizen members who reside within the city limits to be appointed by the mayor of the city;**
 - e. The ninth member to be appointed by the board of supervisors of a conservation district provided for in MCA 76-15-311.**
 - f. A. e. does not apply if there is no member or associate member of the board of supervisors of a conservation district who is able or willing to serve on the city-county planning board. In that case, the ninth member of the city-county planning board must be selected by the eight officers and citizen members pursuant to subsections (1) (a) through (1) (d), with the consent and approval of the board of county commissioners and the city council.**
 - g. Any citizen appointee may be removed from office by a majority vote of the governing body of the governmental unit represented by such appointees.**
 - h. Each designated governing body will appoint four members with only two being appointed or reappointed each year.**
 - i. The appointed representative from the Soil Conservation district will be**

appointed or reappointed every two years.

B. Vacancies:

- a) **Vacancies occurring on the board of official members and by death or resignation of citizen members shall be filled for the unexpired term by the governing bodies having appointed them.**
- b) **Vacancies occurring in citizen members on the county planning board at the end of a term shall be filled by the board of county commissioners.**
- c) **Vacancies occurring in citizen members on the city-county planning board at the end of a term shall be filled alternately by the mayor and the board of county commissioners represented on the board, commencing with the mayor.**
- d) **In the event more than one city is represented on a board, the representation and appointments to be made by the respective cities and counties shall be by agreement and rule of their board.**

SECTION III – ROLE OF PLANNING BOARD

- A. **To ensure the promotion of public health, safety, morals, convenience, or order or the general welfare and for the sake of efficiency and economy in the process of community development. In accomplishing this objective, it is the intent of this chapter that the planning board shall serve in an advisory capacity to presently established boards and officials.**
- B. **Meetings of the Board shall be posted and open to the public. Minutes of any official meeting shall be recorded and filed with a copy going to the City, County, and Planner.**
- C. **An action of the planning board is not official unless a quorum is present and unless the action is authorized by a majority of the quorum at a regular or properly called special meeting.**
- D. **The planning board may propose policies for but not limited to:**
 - a) **Subdivision regulations;**
 - b) **Subdivision application approval;**
 - c) **The development of public ways, public places, public structures, and public and private utilities;**
 - d) **The issuance of improvement location permits on platted and unplatted lands; or**
 - e) **The laying out and development of public ways and services to platted and unplatted lands;**
 - f) **Growth Policy;**
- E. **The governing bodies of the city or county shall give consideration to recommendations of the city-county planning board, but the governing bodies shall not be bound by such recommendations**

SECTION IV - Compensation and expenses of board members and employees.

- A. **The members of planning boards shall receive no salary for serving on the planning board but may be reimbursed from local funds for transportation and actual and allowable expenses incurred in attending planning board meetings.**
- B. **When the planning board determines that it is necessary for members or employees to attend a regional or national conference or interview in another city, county, or state dealing with planning or related problems, the actual expenses of the attending members or employees may be reimbursed provided the amount has been made available and allowed by the governing bodies.**

SECTION V – City/County Planner

- A. **The City/County Planner reports to the governing bodies.**
- B. **Essential functions: the essential functions include, but are not limited to, the following duties and responsibilities:**
 - a) **Interpret and apply local, state, and federal codes as they relate to land use for the benefit of the general public, the planning board, the commissioners, and the city council.**
 - b) **Review land use projects and prepare written reports which provide an analysis of a variety of land use applications for decision makers. Present oral reports to decision makers.**

- c) **Revise and update the city and county zoning, subdivision, and floodplain ordinances and Growth Policy according to current land use issues and legislative changes**
- d) **Provide regulatory and educational information to members of the public and community decision makers**
- e) **Correspond, coordinate, and network with other local, state, and federal agencies on a variety of land use matters**
- f) **Assist in the enforcement of land use codes in by receiving written complaints from the public and following up on them through field investigation, correspondence and complaint summaries to the Commissioners and City Council. Initiate ordinance enforcement**

SECTION VI – Rules and order of business

A. Meetings will be conducted under Roberts Rules of Order.

B. A normal agenda items would be:

- a) **Roll call**
- b) **Approval of prior minutes**
- c) **Old business**
- d) **New business**
- e) **Other business**
- f) **Public comments (address comments to the chairman and state your name)**

C. Any public hearing held by the Planning Board would be noticed according to appropriate rules associated with the issue.

SECTION VII – Role of the planner

The Planner serves as an advisor to the board concerning the following, but not limited to:

- **Interpret and apply local, state, and federal codes related to planning, zoning, subdivisions, and floodplains for the benefit of the general public, the Commissioners, the City Council, City or County departments; and the Planning/Zoning Board;**
- **Review land use projects and prepare written reports for decision makers which provide an analysis of a variety of land use applications. Present oral reports to decision makers.**
- **Revise and update the city and county zoning, subdivision, and floodplain ordinances and Growth Policy according to current land use issues and legislative changes;**
- **Provide regulatory and educational information to members of the public and community decision makers;**
- **Correspond, coordinate, and network with other local, state, and federal agencies on a variety of land use matters;**
- **Receive written zoning compliance complaints from the public and follow up on them through field investigation and correspondence, and provide complaint summaries to the Commissioners and City Council. Initiate ordinance enforcement.**

SECTION VIII – Conflict of interest

- **Any member(s) having a financial or personal interest in a quasi-judicial matter before the Board for discussion or vote shall publicly disclose the nature and extent of such interest and absent himself from the meeting until discussion on the matter has ended and a vote, if any, is taken. In such circumstances, the secretary shall note in the minutes that a conflict of interest was acknowledged and the Board member(s) was absent during the discussion and voting.**

SECTION IX – Amendments

- **Amendments to the bylaws of the Board may be initiated by any member of the Board. Such amendments must be submitted, in writing, at a regular meeting and approved by a two-thirds vote of the quorum physically present at the meeting to submit a recommendation to the governing bodies.**

SECTION X – REPEAL OF PREVIOUS BY-LAWS

- **These by-laws repeal any and all previous by-laws adopted or amended by the Board and approved or amended by the governing bodies.**

Medical Professional Insurance Brokers of Record-The commissioners appointed HUB Insurance to be retained as the Brokers of Record for the Dawson County Health Department Professional Insurance on December 3, 2012.

Unfinished Business:

Forest Park Maintenance Fund-Doug Buxbaum stated that he was in communication with the County Planner and the research he has been doing should be completed by next week and then they will be able to address the questions brought to them by Roberta Christensen.

Loader Bid Award-The commissioners reviewed the loader bids but did not award the bid. They decided that at this time they do not wish to purchase a loader.

CTEP Notice-A motion was made to appoint Doug Buxbaum to be the designated Administrator of the CTEP funds. The motion was seconded. All voted in favor. Motion carried.

2)CTEP
DESIGNATED
ADMINISTRATOR

New Business:

Library Job Description Change-A motion was made to accept the Human Resources recommendation to approve an updated job description for the Library Director position. The motion was seconded. All voted in favor. Motion carried.

3)LIBRARY
DIRECTOR JOB
DESCRIPTION

Personnel Policy Change-Mode of Dress and Appearance-A motion was made to accept a change to Policy 6.01 (G) Employee Conduct/Personal Conduct/Mode of Dress.

4) POLICY
CHANGE-MODE OF
DRESS AND
APPEARANCE

6.01 Personal Conduct: Employees are expected to be honest, have integrity and impartiality in the conduct of county business. In addition:

G. Mode of Dress

- 1. Clothing: The mode of dress at work is expected to be in good taste and appropriate to the nature of the duties performed.*
- 2. Tattoos and Jewelry; All employees should exercise sound business judgment with regard to personal appearance, dress and grooming to enable them to be most effective in the performance of their duties. The*

County recognizes, however, that personal appearance is an important element of self expression. As a result the County wishes to make no effort to control or dictate employee appearance, specifically with regard to jewelry or tattoos, unless they conflict with an employee's ability to perform effectively in the position they hold or the specific work environment they are in.

Factors used to determine whether jewelry and tattoos pose a conflict with the job or work environment will include, but are not limited to:

- *Safety of self or others*
- *Productivity or performance of tasks*
- *Perceived offense on the basis of race, sex, religion, etc.*
- *Community norms*
- *Customer complaints*

- 3. Resolving conflicts: If a potential conflict is identified the employee will be encouraged to identify appropriate solutions such as removal of excess jewelry, covering of tattoos, transfer to alternative positions, etc. A supervisor may require than an employee leave work in order to dress in a more appropriate manner.*

Department Heads, supervisors and managers will be responsible for answering questions and resolving issues related to this policy on a case-by-case basis to ensure unique circumstances are appropriately considered. An environment of mutual cooperation is the County's goal.

The motion was seconded. All voted in favor. Motion carried.

Policy Change Hard Hat, Safety Vest, Reflective Clothing Policy-A motion was made to approve a proposed language change to the Hard Hat, Safety Vest, Reflective Clothing policy. Language has been added to specify instances in which hard hats must be worn. The revised language can be found in Section 3, part 1 and the current language has been replaced with the two statements:

- Present at any construction, road construction or road maintenance project, contracted or not;
- Outside of his/her vehicle and performing work activity within the confines of the road right of way;

The motion was seconded. All voted in favor. Motion carried.

Application for Indigent Burial-following some discussion on a procedure change and questions regarding if the Public Assistance office should review indigent burials, this item was tabled.

Richey TV District Transfer of Funds- There was a cash balance of \$76.95 in the Richey TV District as of June 30, 2012 for delinquent taxes paid. A motion was made to close out the Richey TV District cash account into the general fund. The motion was seconded. All voted in favor. Motion carried.

Xylem Credit Application-A motion was made to approve a credit application to Xylem Dewatering Solutions, Inc. for the West Glendive Public Works Department to order pump parts. The motion was seconded. All voted in favor. Motion carried.

Administrative Order on Consent to Address Violations of the Water Quality Act at the Town of West Glendive Wastewater Treatment Facility-Doug Keever of the West Glendive Public Works Department reviewed the order with the commissioners as well as Craig Pozega with Great West Engineering to assure that they could complete the corrective actions specified in the consent order. A motion was made to agree with the consent order as written. The motion was seconded. All voted in favor. Motion carried.

Correspondence/Information:

Mileage Rate-A notice was received that the mileage rate will go up 1 cent per mile effective January 1, 2013.

Meals on Wheels-A resignation was received from Linda Staiger. She will no longer be the courier for the meals on wheels program effective January 1, 2013.

CHIP Program-A notice was received regarding the Children's Health Insurance Program (CHIP) call 1-800-694-3084 for assistance in Montana.

Hostess Brands-A notice was received of an extension of conditional notice pursuant to the worker adjustment and retraining notification act.

MT FWP- A notice was received requesting public comment on the proposed 2012-2013 Helena Urban Deer Take and the proposed recommendations from the Elk Management Guidelines in the area with Brucellosis Working Group

Budget Amendment Proclamation-A budget amendment proclamation was received from Glendive School District #1.

DNRC Grant-A notice was received the Department of Natural Resources regarding the West Glendive Wastewater System Improvements DNRC ranking process for Renewable Resource Grants Funding. The West Glendive Wastewater System is ranked #11 on the project list.

Predator Control-Commissioner Skillestad stated that there is a proposal to have predator control with a joint project with McCone and Richland Counties. They will need to conduct public meetings regarding the matter. It would require having a petition signed by stockgrowers. It would require 51% of the cattle ownership to sign and would be

5) POLICY
CHANGE-HARD
HAT, SAFETY VEST,
REFLECTIVE
CLOTHING POLICY

6)ADMINISTRATIVE
ORDER ON
CONSENT TO
ADDRESS
VIOLATIONS, WEST
GLEN DIVE
WASTEWATER
TREATMENT
FACILITY

7) DNRC GRANT-
WEST GLEN DIVE
WASTEWATER
RANKING

8) PREDATOR
CONTROL

funded by a \$2 per head charge. No dates have been set at this time.

Road Report-Joe Sharbono stated that they are continuing to gravel in the Bloomfield area. They are making repairs to the sanding equipment. They are corresponding with FEMA. They asked for an extension that was returned and resubmitted the request. They have no news on the 3 projects. He asked the commissioners if they have any correspondence from Keystone. He understood that in March or April the president may sign off on the project and he has heard that they are hauling pipes in this winter and following that they will address road and gravel issues. The commissioners stated that they have had no official correspondence. Joe said he suggested that they try to get gravel pits permitted as soon as possible.

Public Comment-There was no public comment.

Meeting adjourned at 10:30 a.m.

DATED this 4th day of December, 2012.

James A. Skillestad, Chairman

Adam J. Gartner, Member

Douglas A. Buxbaum, Member

ATTEST:

Shirley A. Kreiman, Clerk & Recorder

December 12, 2012

Commissioner Skillestad opened the meeting at 8:45 a.m. with James Skillestad, Adam Gartner and Douglas Buxbaum, present. Also present was Shirley Kreiman, Clerk & Recorder.

Commissioner Skillestad stated that they are having this meeting for the purpose of discussing the role of the County/City Planner. He stated that they met with the County attorney as well as legal council from the firm Susan Swimley and Tara DePuy.

A motion was made by Commissioner Gartner to have the County Planner cease his representation of the City as a City Zoning and Flood Plain Administrator. The motion was seconded by Commissioner Buxbaum. There was discussion among the commissioners about the conflict of interest of having a planner was a joint city/county duties. There was also discussion about the lack of financial contribution from the city for this position and the possibility of some liability issues. The commissioners agreed that issues were a cause of concern and that it warranted a separation of duties. All voted in favor of the motion. Motion carried.

9)PLANNER
CEASE DUTIES
FOR CITY

Commissioner Gartner will draft a letter to the city and deliver it to the mayor.

The meeting adjourned at 9:00 a.m.

DATED this 12th day of December, 2012.

James A. Skillestad, Chairman

Adam J. Gartner, Member

Douglas A. Buxbaum, Member

ATTEST:

Shirley A. Kreiman, Clerk & Recorder

December 18, 2012

Commissioner Gartner opened the meeting at 5:30 p.m. with Adam Gartner and Douglas Buxbaum, present. Also present were Joe Sharbono, Doug Byron, Roberta Christensen, Emilie Boyles KXGN Newscaster, Eric Killelea, Ranger Review Reporter and Shirley Kreiman, Clerk & Recorder.

Prior Meeting Minutes:

A motion was made to accept and approve minutes for December 4th and 12th, 2012. The motion was seconded. Motion carried.

Administrative Items:

Travel Requests- Travel requests were approved on December 13 for:

- Steve Engebretson to travel to Miles City for a Regional County Supt Meeting on December 14th.
- Patrick Simasko to travel to Bozeman for a Criminal Interview & Interrogation Techniques Workshop on December 17-20

10)CITY/COUNTY
PLANNER
ZONING &
ORDINANCE

City/County Planner-Commissioner Gartner stated that on December 12th, a letter was given to the Mayor of the City of Glendive informing them that the City/County Planner, Wade Humphries would no longer be available to represent the city as a zoning and ordinance administrator or Flood Plain Administrator. Commissioner Gartner stated that they need to do some more research on the planner responsibilities with the city and will table the issue until a later date.

Unfinished Business:

Forest Park Maintenance Fund-The commissioners stated that they don't think they will have any legal opinions until after the first of the year.

Application for Indigent Burial-A motion was made to approve the request for an indigent burial. The motion was seconded. All voted in favor. Motion carried.

New Business:

11)MILAS
AMENDED PLAT

Milas Amended Plat-Road 261-The county planner reviewed this plat and the following COS applications and stated that the findings of fact are the same. All are outside of the city limits and adjacent to agricultural property.

12) SHEVELA
SUBDIVISION

Shevela Subdivision, Road 544-

13) ASCHE
SUBDIVISION

Asche Subdivision, Road 260

14) WG FARMS
MINOR
SUBDIVISION

W.G. Farms Minor Subdivision, Road 532

The county planner stated that he could recommend to conditionally approve the above plats on the following conditions, 1) the final plat conforms to standards 2) the easements are represented on the final plat and 3)the Milas Plat has correct landowners name as shown on the subdivision guarantee. A motion was made to approve the applications with the planner's recommendations. The motion was seconded. All voted in favor. Motion carried.

15) COURTROOM
COURTHOUSE
FACILITIES
EXPANSION
COMMITTEE
APPOINTED

Courtroom/Courthouse Facilities Expansion-Commissioner Gartner stated that on Thursday December 13, 2012 the Dawson County Commissioners took the first step in addressing the overcrowded conditions at the Courthouse by appointing a committee of department heads to begin looking at the lack of office space, overcrowding and security concerns. "We have been struggling for years with finding office space for the various departments and decided it was time to step back and take a serious look at your needs" said Commissioner James Skillestad in a written release statement. "The Courthouse was built in 1962 and fifty years later we find our needs have changed" added Skillestad. The committee will include Commissioner Doug Buxbaum, Health Department director, Jeanne Seifert, County Attorney Olivia Norlin Rieger, Justice of the Peace Ed Williamson and Sheriff Craig Anderson.

Transfer of Interest- A motion was made to transfer funds from Interest Clearing fund to cover interest from investments to the appropriate designated funds in the amount of \$12,575.97 for the month of November 2012. Motion carried.

Amendment Task Order/Contract #13-07-4-31-111-0 Immunization Program- A motion was made to approve the Immunization Program Master Contract that covers the period of July 1, 2012-June 30, 2019. The motion was seconded. All voted in favor to approve. Motion carried.

16) AMENDMENT
TASK ORDER
IMMUNIZATION
PROGRAM

Correspondence:

Glendive Schools-A copy of a budget amendment resolution was received from the Glendive Elementary School District #1.

WBI-A notice of a pipeline in a high consequence area of the community was received in order to bring awareness of safety concerns in the area.

Road Report:

Supervisor Joe Sharbono stated that they had finished patching Jefferson School Road. They having finished fixing the sanding box and it should be available for use. They are about done rebuilding the V-Plows and they will be ready for use. He stated that he had heard that Keystone was beginning to do road analysis and boring the roads and asked if the commissioners had received any official contact with them. They stated that they had not. He stated that there continues to be some heavy load use on 7 mile drive and he has received some calls about it from residents. There is a load limit on the road and they are trying to find out who the offenders may be.

Public Comment:

Doug Byron asked where the Commissioners were on the WG Sewer System. They stated they are still in a discussion stage with the city. He asked if they know where they are going to cross the river. They stated that no decisions have been made yet.

The meeting adjourned at 6:00 p.m.

DATED this 18th day of December, 2012.

James A. Skillestad, Chairman

Adam J. Gartner, Member

Douglas A. Buxbaum, Member

ATTEST:

Shirley A. Kreiman, Clerk & Recorder