

COMMISSIONERS APPROVAL

IMAN 

CHILCOTT 

FOSS

KANENWISHER 

STOLTZ 

PLETTENBERG (Clerk & Recorder)

Members Present.....Commissioner J.R. Iman, Commissioner Suzy Foss, Commissioner Ron Stoltz and Commissioner Matt Kanenwisher

Date.....March 29, 2011

▶ Minutes: Beth Perkins

▶ Commissioner Chilcott attended a Transportation Research Board meeting in Newport Beach, CA for the day.

▶ The Board met for the following administrative matters at 9:30 a.m.:

- Commissioner Foss stated a citizen contacted her regarding renting the garage at Kurtz Lane. It is roughly 2,000 square feet. Commissioner Kanenwisher expressed his concern with private enterprise renting county property and stated a lease would have to be reviewed by the County Attorney's Office. Commissioner Iman stated it would be 25 cents a foot. Gary Leese stated if a special Park Board meeting was held on Friday, the details of the lease could be hammered out and a draft ready for attorney review. The Board concurred.
- Proclamation for Child Abuse Prevention Month & use of county property for public relations purposes: Charmell Owens was contacted and asked to partner with Child Protection Services for Child Abuse Prevention month. She requested the Board proclaim April as Child Abuse Prevention Month and a commissioner be present for the pinwheel celebration on either April 11th or 12th. The pinwheels represent an abused or neglected child within Ravalli County. Commissioner Foss offered to participate. **Commissioner Kanenwisher made a motion to approve the proclamation for April 2011 as Child Abuse Prevention Month & the use of either the Courthouse lawn or the Administrative Building lawn for the pinwheels. Commissioner Stoltz seconded the motion and all voted "aye". (4-0)**

- **Approval of Minutes for March 3rd, 7th-18th: Commissioner Kanenwisher made a motion to approve the minutes for March 3rd, March 7th -18th, 2011 as amended. Commissioner Stoltz seconded the motion and all voted "aye". (4-0)**

- **Discussion and decision on Tammany Lane trees: Commissioner Iman stated a notice will be issued to the property owners for the removal of the trees. After which, a public meeting will be held. He explained due to the amount of trees, the removal will be done in phases over the next four years. William Menager stated if Mildenerger wants to take the trees down, then he should pay for them. Commissioner Kanenwisher stated it is a matter of county liability since the trees are on county property. Commissioner Stoltz made a motion to have Chair write and send a letter to those affected by the tree removal. Commissioner Kanenwisher seconded the motion and all voted "aye". (4-0)**

- **Approval of CRS payment: Civil Counsel Karen Mahar presented the Board with billing for mental health holds at Marcus Daly for Room 301 from 2009-2010. \$27,979.65 of that amount \$3,000 was the portion for CRS leaving an amount of \$24,860.65. Commissioner Kanenwisher made a motion to approve the payment to CRS in the amount of \$27,979.65. Commissioner Foss seconded the motion and all voted "aye". (4-0)**

- **Approval of DUI Task for Annual Report: Administrative Assistant Glenda Wiles presented the Board with the annual report for the DUI Task Force. Commissioner Kanenwisher made a motion to approve the annual report for the DUI Task Force. Commissioner Iman seconded the motion and all voted "aye". (4-0)**

▶ The Board met for an update with Human Resource Director Robert Jenni to include discussion and possible decision on Planning Administrator at 10:00 a.m. Present were William Menager and Kent Clark.

Robert Jenni presented the Board with a few personnel action forms to sign.

Commissioner Stoltz made a motion to hire Terry Nelson as the Planning Administrator. Commissioner Foss seconded the motion. Discussion: Commissioner Foss based her decision on the recommendation of the former Department Head for the need to have a communicator to work with the public and the need for some continuity since there has been a high turnover within the department. Commissioner Kanenwisher is struggling with his decision. He requested permission to discuss applicants openly which was approved and then stated two applicants interviewed well and two did not. The Planning Administrator's job is going to be different than the past ten years. The challenge of the Planning Department is to get involved in the community effort for the unincorporated towns and cities to become incorporated. Terry Nelson does not have any experience within this area and Tristan Riddell doesn't either but does have the training. Commissioner Iman stated Terry Nelson is not qualified. He has a degree in engineering

not planning. A candidate is needed with both training and professional guidance in planning not engineering. Although he has had Terry do work for him in the past, he does not believe his experience and education qualifies him for the job described. He is not in favor of hiring Terry Nelson. He recommended deferring the decision until a full board is present.

Commissioner Stoltz argued that Terry is a solid citizen and if this Board decides he is not then none of the applicants are. Commissioner Foss stated Terry has a strong understanding of the planning process and there are some controversial subdivisions coming down the line. The reality is the former Planning Director gave a recommendation and it should be taken to heart. Commissioner Kanenwisher stated John Lavey mentioned in his exit interview the majority of the job is public. He requested Robert Jenni to give his opinion on the qualifications of the two candidates being discussed. Robert stated the Board is not obligated to pick any one candidate and can either request a second interview or re-open the position for a larger applicant pool. Commissioner Foss believes the Board has received all the applicants that they are going to get since it was advertised for 30 days. Robert agreed with her. **Commissioner Stoltz, Commissioner Foss and Commissioner Kanenwisher voted "aye". Commissioner Iman voted "nay". (3-1)**

► The Board met for an update with Chief Financial Officer Klarryse Murphy at 10:30 a.m.

► The Board met for an update Treasurer Marie Keeton at 11:00 a.m.

► The Board met to make a decision on attorney fees deposited into Capital Improvement Fund at 11:30 a.m. Present were County Attorney Bill Fulbright, CFO Klarryse Murphy and William Menager.

Bill Fulbright stated in the past, the public administrator would handle probate for assets to be distributed. For this case, he would like the remainder of this claim to be put into the County Attorney Capital Improvement Fund. **Commissioner Kanenwisher made a motion that \$2,000 of the claim funds be put into the County Attorney Capital Improvement Fund. Commissioner Foss seconded the motion. Discussion:** Commissioner Foss stated there is a need and this is a way to meet this need. Commissioner Iman made clear this is not compensation for any services from the County. This is to make some accommodations at the County Attorney's Office for staff. **All voted "aye". (4-0)**

► The Board met for discussion and decision on Federal Agency Coordination at 2:00 p.m. Commissioner Kanenwisher stated prior to coordinating with federal agencies there needs to be policies in place. He suggested developing the policies and identifying a process to make use of the consultants. The process would include paying them. Commissioner Foss asked Commissioner Kanenwisher where to start. Commissioner Kanenwisher suggested having the help of an adhoc committee to develop a process to create policies. The citizens would need to have experience in wilderness dams, resource (timber and water) management and road access. The Board could adopt a resolution and then go directly to the Forest Service for a coordination meeting which would then require the help of the consultants. Commissioner Foss stated the policy needs to be a clear and simple policy. Discussion followed regarding the wolf issue and the need for policy. Commissioner Kanenwisher suggested having questions prepared for the

citizens to work with and stay focused on the issues. First there needs to be a resolution and the ability to create policies and then devise an adhoc committee with expertise to help develop the policies. The Board concurred. Discussion followed regarding research needed and cost estimates for the consultants. Commissioner Iman stated the problems are economics and public health and safety. It appears this Board is putting the Forest Service on notice without the items needed for protection. He suggested placing timeframes and accountability within the policies. Commissioner Kanenwisher suggested adopting a resolution first. Then devise an adhoc committee of qualified citizens and develop a work plan for the meeting. **Commissioner Stoltz made a motion to adopt Resolution No. 2672 for Federal Agency Coordination. Commissioner Kanenwisher seconded the motion. Discussion:** Commissioner Foss stated this will develop a natural resource policy for Ravalli County. All voted "aye". (4-0)

Commissioner Kanenwisher discussed developing the adhoc committee. Commissioner Iman suggested the Board develop a list of who has the expertise and would be qualified to help develop policies. The Board concurred.

► The Board met for a closed door session for litigation strategy pursuant to MCA 2-3-203 at 3:00 p.m. Bill Fulbright stated this meeting is for litigation strategy purposes for the case of Nelson vs. Grant and the county has been named as a defendant. **Commissioner Kanenwisher made a motion to invoke closed door pursuant to MCA 2-3-203 for the purpose of litigation strategy. Commissioner Stoltz seconded the motion and all voted "aye". (4-0)**

► The Board met for a working session for subdivision regulations revisions summary of work to date at 6:00 p.m.

SIGN IN SHEET - COMMISSIONERS MEETING ROOM

****PLEASE PRINT YOUR NAME LEGIBLY****

THANK YOU!

DATE: 3-29-11

MEETING: Open Lands

Dan Huls

Dan Severson

John W. Robinson

Steve Pruitt

KYLE BARBER

Alan Maki

Neil & Fran Maki

ORSG Tolleson

Allen Bjerg

Jerry Swartout

MICHAEL DOWNEY

Dave Schultz

Andy Maki

Robin Pruitt

Garvin Riddets

Montana Code Annotated 2009

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2-3-203. Meetings of public agencies and certain associations of public agencies to be open to public -- exceptions. (1) All meetings of public or governmental bodies, boards, bureaus, commissions, agencies of the state, or any political subdivision of the state or organizations or agencies supported in whole or in part by public funds or expending public funds, including the supreme court, must be open to the public.

(2) All meetings of associations that are composed of public or governmental bodies referred to in subsection (1) and that regulate the rights, duties, or privileges of any individual must be open to the public.

(3) The presiding officer of any meeting may close the meeting during the time the discussion relates to a matter of individual privacy and then if and only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting must be open.

(4) (a) Except as provided in subsection (4)(b), a meeting may be closed to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position of the public agency.

(b) A meeting may not be closed to discuss strategy to be followed in litigation in which the only parties are public bodies or associations described in subsections (1) and (2).

(5) The supreme court may close a meeting that involves judicial deliberations in an adversarial proceeding.

(6) Any committee or subcommittee appointed by a public body or an association described in subsection (2) for the purpose of conducting business that is within the jurisdiction of that agency is subject to the requirements of this section.

History: En. Sec. 2, Ch. 159, L. 1963; amd. Sec. 1, Ch. 474, L. 1975; amd. Sec. 1, Ch. 567, L. 1977; R.C.M. 1947, 82-3402; amd. Sec. 1, Ch. 380, L. 1979; amd. Sec. 1, Ch. 183, L. 1987; amd. Sec. 1, Ch. 123, L. 1993; amd. Sec. 1, Ch. 218, L. 2005.

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