

**GLACIER COUNTY COMMISSIONERS  
REGULAR MEETING  
Thursday, April 1, 2010**

The Board of Glacier County Commissioners met at a regular meeting at 8:00 a.m. on Thursday, April 1, 2010. Commissioners Michael DesRosier, Ron Rides At The Door and Tony Sitzmann were present. Commissioner Michael DesRosier called the meeting to order. Glenda Hall, Clerk & Recorder was present.

**Present throughout the day:** Bill Bandel, GC Road Supervisor; Merle Cowell, GC Maintenance; Steve & Nolan Conway, Conway Spray Systems; Carolyn Brown, Deputy County Attorney; Larry Epstein, County Attorney; Carol McDivitt, Health Department; Jeff Hindoen, Carol McDivitt Counsel; Nikki Lako, Minutes

\*\*The Department Supervisor Meeting and the Safety Presentation (to be presented by Charles Farmer) was cancelled due to scheduling conflicts. The Safety Meeting was rescheduled to Tuesday April 6, 2010. The safety presentation will be rescheduled in the near future.

**8:00 a.m. Review/Sign: Payroll & Claims**

***Dated for April 1, 2010***

**CLAIMS APPROVED FOR PAYMENT**

<b>FUND</b>	<b>AMOUNT</b>
General Fund	\$ 20,775.90
Road Fund	\$ 25,170.89
Bridge Fund	\$ -
Weed Control	\$ 96.67
County District Court	\$ -
Library	\$ 3,021.61
Ambulance	\$ 10,570.51
City/County Planning	\$ 475.00
CB Senior Citizen Center	\$ -
CB Senior Citizen Center-AGNG SERV--Transportation	\$ -
Public Safety (Law)	\$ 6,834.29
Alcoholism	\$ 5,212.99
Museum	\$ 586.35
CB Rural Fire Department	\$ -
Sheriff's Drug Force	\$ 1,300.00
Glacier Park Lights	\$ -
Solid Waste (Garbage)	\$ -
Library Memorial	\$ -
Ambulance Trust	\$ -
Road #2 (Gas)	\$ -
911 Emergency (Sheriff)	\$ 693.27
Enhanced 911 Emergency (Sheriff)	\$ -
Glacier County Transit	
TSEP (Treasure State Endowment Program)	\$ -
Accelerated Tax	\$ 742.85
Electrical Generation Impact	\$ -
P.I.L.T.	\$ 26,841.76
COPS Grant	\$ -
Sheriff Law Enf Grant - Stonegarden	\$ -
Disaster	\$ -
Community Transportation Enhancement	\$ -
Health Grants	\$ 1,426.21
Breast & Cervical Screening	\$ -
WIC	\$ 510.34
Health-MCH	\$ 7.99
Tobacco Grant	\$ -
Immunization Grant	
G.O. Bond Debt Service Fund	\$ -
Weed Capital Improvement	\$ -
Glacier County Ambulance Capital	\$ -
Jail Construction Fund	\$ 18,197.00

Hospital	\$	-
West End Cemetery	\$	43.08
Hospital Agency Fund	\$	-
Payroll	\$	-
TOTAL CLAIMS	\$	122,506.71
PAYROLL	\$	138,347.43
	\$	260,854.14

**9:00 a.m. Department Supervisor Meeting (9 – 10:00 a.m.) CANCELLED**

**10:00 a.m. Charles Farmer to Present a Safety Presentation following the Supervisor Meeting CANCELLED**

**10:30 a.m. Discussion/Approval: Offer of Settlement re: Weed Spray Contract**

Commissioner Michael DesRosier asked to get the discussion regarding the Order of Settlement regarding the Weed Spray Contract with Conway Spray started. Larry Epstein, County Attorney gave a brief background regarding the county, Conway Spray, BIA and etc. The BIA and Glacier County are disputing the claim from Conway Spray. The Commission offered Conway Spray \$10,000.00. Epstein recommended keeping with the offer of \$10,000.00. Steve Conway responded that he didn't feel that amount was adequate, so at this time Conway Spray does not accept the offer, the next step will be to begin legal action.

Conway stressed that he would like to receive the full amount of \$13,914.00. Epstein told Conway that he still recommends taking the offer of \$10,000.00. If we enter into mediation this will cost both parties. If the matter is referred to mediation, Epstein stated that Bob Olson would be the mediator.

Commissioner Michael DesRosier stated that the county stands firm at the previous offer of \$10,000.00. Conway discussed that fact that he talked over the issues and there was a problem in 207 & 208, frozen chemical, shortage of chemical and a mapping system was never furnished to his company. Conway added that the main thing is that we need all of that in order to get the job done right. It isn't even about the money at this point; it has taken over two (2) years and Conway would like to stick to what he asked for in McKay's letter. Conway stated that his spray company was turned into the state and EPA (Environmental Protection Agency). Bill Bandel added that there was no mapping to be furnished by the county to the Conway's. Conway stated, "We don't have a GPS system". Commissioner Ron Rides At The Door stated that this is to process the money end of the settlement; the contract was between Glacier County, BIA & the contractor. After the BIA did their review of the work completed by Conway Spray, the BIA was dissatisfied and recommended that we not pay Conway Spray. Out of fairness to Conway Spray, \$10,000.00 is the best we can offer after looking at the full picture. If the offer is not taken, the next step is litigation and more expenses. With the \$10,000.00 settlement offer, there are issues; however we are trying to stay on middle ground and have some closure for both parties Glacier County & Conway Spray.

Steve Conway rebutted that not all statements that were made against Conway Spray were true and there were a lot of parameters. In reality he stated he is not settling for \$10,000.00; that was McKay's idea. This argument will come down to witnesses and paper documentation. Conway requested 3 or 4 new contracts which may include a probationary period so he can spray for Glacier County. Commissioner DesRosier added that he feels the county has made an adequate offer. Conway noted that during his meeting with the BIA they kept saying that the fight for the payment was with Glacier County. Epstein again stated that the weed board recommended that Conway Spray not be paid. Conway replied that the offer is not fair, it's a principle.

Commissioner Ron Rides At The Door told Conway that the BIA is beyond the county's control, but looking at the situation the third party (weed board) is also recommending that we not pay a dime. County Attorney, Larry Epstein asked the commission where they stand on this settlement offer. Bandel stated that we have all the information requested by Conway's counsel; there were no maps but there was a list of the jobs. Commissioner DesRosier asked if the county may make copies of the information that Conway Spray/Joe McKay didn't have and he entertained a motion to wait for an answer from Conway Spray's counsel. At this time Epstein advised the

commissioners that if this situation does go into litigation they shouldn't be talking personally with Steve Conway or Joe McKay, it should be done thru legal counsel. Steve Conway expressed that he won't be talking to the commissioners for any reason in the near future and he requested that Epstein send Joe McKay the copies of the information he needed or didn't have.

Commissioner Ron Rides At The Door moved for Glacier County to stay firm with the \$10,000.00 offer to Conway Spray based on Joe McKay and Steve Conway will review the documentation that will be sent to McKay's office. If Conway Spray accepts the offer, the funds will be released. Commissioner Michael DesRosier seconds the motion and asked if all in favor. It was duly noted that Commissioner Tony Sitzmann abstained the motion. The motion was duly carried.

#### **11:00 a.m. Discussion: Personnel Issues – Carol McDivitt**

Carol McDivitt requested that with regard to her personnel issue, that the commissioners close the meeting. Larry Epstein and her counsel Jeff Hindoien Attorney At Law, Helena was present. County Attorney, Larry Epstein took executive session minutes for inclusion in the personnel file.

#### **12:00 p.m. Lunch**

\*Commissioner Tony Sitzmann won't be returning to the commission chambers after lunch he will be attending the Port Authority Meeting being held in Browning, MT.

#### **1:30 p.m. Discussion: Babb EMS Building – Boiler Issues**

Commissioner Michael DesRosier contacted Boyd Evans regarding the Babb EMS building's boiler system. B Evans went and completed the work required by the State of Montana. Evans told Commissioner DesRosier that he contacted the state and notified them that the work was finished. The state replied that they would send the inspector out to review the work completed. Merle Cowell, GC Maintenance asked the commission if the county would designate a certain individual with certified boiler operator license to be in charge of the Babb boiler and the maintenance. Cowell suggested that Lyle Salois is certified and he may make regular checks on the boiler system or the county may check with the Babb school district and ask if their maintenance department would do the regular checkups and maintenance. Cowell will do some checking, make a couple phone calls and he will get back to the commission on what he decided would work best.

#### **2:00 p.m. Approval: Hospital Plat Exemption**

The Glacier County Commission acknowledges the amended subdivision Plat is to relocate common boundaries and aggregate lots within a platted subdivision and, furthermore, this amended subdivision plat is subject to survey requirements of 76-3-401 pursuant to section 76-3-207 (l) (d), M.C.A. which states that divisions of land are exempt from review as subdivisions "For five or fewer lots within a platted subdivision, relocation of common boundaries and the aggregation of Lots".

#### **2:30 p.m. Approval Acknowledge: School District #50 Budget Amendment Resolution**

The Glacier County Commission hereby acknowledges that School District #50's Budget Amendment Resolution.

### **BUDGET AMENDMENT RESOLUTION SCHOOL DISTRICT NO. 50 GLACIER COUNTY**

At a regular meeting of the board of trustees of School District No. 50, Glacier County, Montana, held March 22, 2010, at 7:p.m. at the East Glacier Park Grade School, the following resolution was introduced:

**WHEREAS**, the trustees of School District No. 50, Glacier County, Montana, have made a determination that as a result of the need for another vehicle, the district's budget for the General

Fund does not provide sufficient financing to properly maintain and support the district for the entire current school year, and

**WHEREAS**, the trustees have determined that an amendment to the elementary General fund budget in the amount of \$35,000.00 is necessary under the provision of Section 20-9-161 (5) (a), MCA; for the purpose of purchasing another vehicle and

**WHEREAS**, the anticipated source of financing the budget amendment expenditures shall be the General fund Excess Reserve;

**THEREFORE BE IT RESOLVED** that the Board of Trustees of School District no. 50, Glacier County, Montana, proclaims a need for an amendment to the elementary General Fund budget for the fiscal year 2009-2010 in the amount of \$35,000.00 under Section 20-9-161 (5) (a), MCA for the purpose identified above, and;

**BE IT FURTHER RESOLVED** that the Board of Trustees of School District no. 50, Glacier County, Montana, will meet at 7:00 p.m. at East Glacier Park Grade School in March 22, 2010, for the purpose of considering and adopting the budget amendment.

\s\ Linda Dusterhoff, Chairperson

\s\ Joni M. Woldstad, District Clerk

DATE BUDGET AMENDMENT WAS ADOPTED: March 22, 2010

#### **2:45 p.m. Non Agenda Item – GC EMS**

Amie Allison, GC EMS Captain presented the commissioners with a quote from Stryker with a total amount of \$12,805.00 down from \$13,944.00 as previously quoted for the power stretcher. Allison added that she would like to purchase one power cot at this time. She advised the commission that MACo has a program that utilizes grants to help purchase a second power cot for GC EMS. Commissioner DesRosier stated that he has spoken to James Laidlaw, GC EMS Chief regarding the interest in purchasing a power cot. The commission and the GC EMS all agreed that our EMS crews need this valuable piece of equipment for certain situations in order to limit and/or eliminate injury to our EMT's. Amie Allison also told the commission that the new power cot would be good for transfers, however not for regular calls. That is why Allison is only requesting the county purchase one power cot at this time and will begin working on grants to purchase additional power cot(s).

Commissioner Ron Rides At The Door motioned to approve the purchase of the Power Stretcher based on previous discussion between the commission, James Laidlaw and Amie Allison for \$12,805.00. Commissioner Michael DesRosier second the motion, all in favor, motion carried.

GC EMS Captain, Amie Allison also spoke with the commissioners regarding staffing for the Babb EMS. Allison stated that towards the end of April the GC EMS had an EMT crew member on staff. Commissioner Ron Rides At The Door told Allison to go ahead with the same schedule as last year. Once school is out and summer & the tour season begin, we need to bump it up to a paramedic. Calls in the Babb area are usually ALS (advance life support) and critical care patients. The GC EMS crew member will need to be a paramedic during the busy time of year.

There being no further business for the day, the meeting adjourned at 3:15 p.m. with a motion by Commissioner Ron Rides At The Door and a second by Commissioner Michael DesRosier. The motion passed by Board vote.

BOARD OF GLACIER COUNTY COMMISSIONERS

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Michael J. DesRosier, Chairman

ATTEST:

DRAFT