

COMMISSIONERS APPROVAL

KANENWISHER

FOSS SF

CHILCOTT 

IMAN 

STOLTZ 

Members Present.....Commissioner Matt Kanenwisher, Commissioner Suzy Foss, Commissioner Greg Chilcott and Commissioner J.R. Iman.

Date.....March 13, 2012

► Minutes: Glenda Wiles

► The Board met at 9:05 a.m. to review the Agreement for County Assistance Funerals. Present was Tom Grimes of Daly Leach Chapel & Crematory. Commissioner Stoltz was not present for this meeting. It was noted the yearly agreement terminated December 31, 2011. **Commissioner Chilcott made a motion to grant a two-year extension to the contract ending December 31, 2013. Commissioner Foss seconded the motion and all voted "aye". (4-0)**

Tom also addressed the State Legislators allowable increase for veterans burial and headstones. The Commission noted in the last budget cycle they had increased the headstone from \$50.00 to \$100 headstone and left the burial at \$250.00.

► The Board met at 9:15 a.m. for various administrative matters as follows: (Commissioner Stoltz was not present until the issues of the airport were addressed).

- Minutes: January 20, 2012 and February 1 - 17, 2012 - **Commissioner Chilcott made a motion to approve the minutes with correction. Commissioner Foss seconded the motion and all voted "aye". (4-0)**
- **Commissioner Foss made a motion to approve the Presentation Agreement with "Shelby's Rules: An Alcohol Poisoning Foundation" for the upcoming 8th Grade Transition Education Program the DUI Task Force puts on at local schools. Commissioner Chilcott seconded the motion and all voted "aye" (4-0)**
- Glenda presented Road & Bridge accidents that occurred November through January that were not sent to her for insurance filings and notification to the Commissioners. Glenda will do any necessary follow up for payments/insurance filings as necessary.
- Hangar Lease #243 for Dale Spietf - **Commissioner Chilcott made a motion to have the Chair sign a new 10 year lease with Dale Spieft. Commissioner Foss seconded and all voted "aye". (4-0)**

- Purchase of Airport Mower - Airport Manager Page Gough requested the authority to purchase a 12' bat wing wide airport mower noting he received three bids (see attached). **Commissioner Stoltz made a motion to purchase the Big Sky Kabota mower for \$8,990.00 of which \$8,500 will be taken from the Airport CIP fund. Commissioner Foss seconded the motion. Discussion: Commissioner Iman stated his ranch corporation leases a mower to the county in the amount of \$1,000 per year and to avoid any conflict of interest he will not vote on this purchase. Commissioners Kanenwisher, Foss, Chilcott and Stoltz voted "aye". Commissioner Iman abstained. (4-0)**
- Page also brought forth the Storm Water Discharge Permit required by DEQ. The normal fee is over \$1,500 but it was negotiated down to \$1,025.00. It was agreed Page should pay this from his grounds maintenance budget. The Board indicated this is an issue that needs to be addressed with the State Legislators since there is no storm water being discharged from the airport. Page was also instructed to visit with Planning about the discharge permit.
- Commissioner Reports - Commissioner Kanenwisher addressed road issues including complaints of mailbox damages from snow plowing; personnel issues he and Human Resource Director are addressing. Commissioner Chilcott addressed SRS and PILT legislative bills. Commissioner Foss addressed tourism and international trade in the Bitterroot. Commissioner Iman addressed the weed training he, Commissioner Chilcott and Stoltz attended last Friday.

► The Board met at 10:15 a.m. with Human Resource Director Robert Jenni for an update.

► The Board met at 1:05 p.m. to receive and hear the Grievance of former Road Supervisor David Ohnstad (Step 2 of the County Grievance Procedure) and his request for reinstatement. Present at this meeting was Deputy County Attorney Howard Recht, Human Resource Director Robert Jenni, David Ohnstad and Attorney David Paoli who represented Mr. Ohnstad.

Commissioner Kanenwisher referenced the February 29, 2012 letter from Attorney Paoli (see attached) asking the Commissioners if they saw any new information that has not been addressed. None noted. Commissioner Kanenwisher asked if there was any content of the letter that would prompt the Board to see anything differently. None noted. Commissioner Kanenwisher addressed the Findings from the January 20, 2012 meeting where the appropriate action was termination, and indicated that no complaint about procedure was raised in the letter.

Commissioner Kanenwisher addressed paragraphs #2 & #3 noting the road was to be paved. No Board comment. Paragraph #4 finds this to be the same discussion as January 20th. Paragraph #6 addresses the disciplinary actions and the Board found the conduct and actions were sufficient for termination, thus he still sees them as sufficient as with paragraph #7.

Commissioner Iman asked if this meeting was to be considered Step 2 of the Grievance Procedure. Howard affirmed, noting Step 2 of the grievance allows the written summary to be

submitted to the Board, the Board reviews and responds to the former employee within 15 working days. He stated the Board is meeting the guidelines for the process.

Commissioner Iman asked if the Board should consider Attorney Paoli's letter against the actions taken by the Board on January 20th. Howard stated the purpose of the grievance is to see if there is new evidence or a complaint about procedure that might cause the Board to alter the decision already made.

Commissioner Chilcott asked for a review of findings on January 20th. Commissioner Kanenwisher summarized the motions made which included false statements where culverts were removed; false statements for engineering services of work to be obtained; failure to obtain drainage on Upper Wood Chuck (unsatisfactory job performance); with Board findings that disciplinary action was appropriate; and that action was termination. Commissioner Kanenwisher asked if there was any new information, or any issue the Board did not consider or might have been incorrect in their assessment when the issues were addressed on January 20th, as he finds nothing.

Commissioner Iman asked if the minutes of January 20th were approved, were they a matter of public record, and were they reviewed by Counsel. Commissioner Kanenwisher stated they were approved, reviewed and are a matter of public record.

Commissioner Kanenwisher called for public comment.

Scott Koppes noted the Commissioners were not unanimous in their termination of Mr. Ohnstad. He asked the Commissioners to reconsider Ohnstad's termination. He stated in regard to his personal road problems the road department, as well as Mr. Ohnstad has been awesome to deal with. He asked if there was other disciplinary action that could be taken, because he feels the Commissioners should look at Ohnstad's whole record at the county. As a citizen of this county he apologizes to Mr. Ohnstad for his termination.

Ms. Bolin stated her dealings with the Road Department has been satisfactory. The previous meetings did not sound like Mr. Ohnstad was making false statements, rather it looked like the Commissioners and others were talking apples to oranges. She also noted the Commissioners are not savvy when it comes to road operations and all of this sounds like misrepresentations of the facts. She felt David should not be terminated.

Larry Campbell thinks this punishment is disproportionate as everyone makes mistakes and felt the BCC should reconsider. If this was another road, it would not have happened. He asked if there is a wrongful discharge lawsuit, were termination procedures followed under the MACo insurance guidelines so the county is covered for the law suit. He thinks the direction the county is going will bankrupt the county.

Ren Cleveland was at the last meeting and he feels Mr. Ohnstad is one of the best road supervisors the county has ever had. In regard to truthfulness he feels the Commissioners are not truthful in their actions as certain Commissioners have been talking with Road Employees after hours and that is not right. He asked the Commissioners to reconsider.

Charlotte Gray feels termination is extremely punitive and not appropriate. After listening to the matter she feels David was acting appropriately. She also felt citizens in the county are getting a bad message from this.

Michael Howell feels termination is extremely severe for the actions and testimony from other road employees, especially when David has an exemplary record.

William Menager feels this is up to the Board. Employees have the right to quit at any time and the Commissioners have the right to terminate them. He feels it shows the rest of the county employees that Commissioners won't bend just because of a threat of lawsuit. William felt if David was honorable he would not fight this termination.

Mary Barton was not at the last meeting and she thanked Commissioners Chilcott and Iman for their vote not to terminate. She understands there were no past problems with David and the Commissioners need to look at the money he has brought to this county. She feels this termination is just plain 'mean'.

Public comment closed.

Commissioner Kanenwisher reminded the Commissioners this meeting is to consider if there is any new information.

Commissioner Stoltz made a motion to deny this Grievance. Commissioner Foss seconded the motion. Discussion: Commissioner Chilcott addressed the grievance process noting while he voted in the minority (not to terminate David), he does not see the process is incorrect and there is no new information from the original hearing. Commissioner Iman felt the letter from the Attorney (Paoli) did not specifically contemplate the decision that was made, and the process for the grievance is being followed. Howard confirmed this meeting is not to rehash the evidence, and if there is no new evidence or problem with procedure then no new decision need be made. **All voted "aye". (5-0)**

► Other public comment not otherwise on the agenda:

Scott Koppes addressed the weed issue. He has a field he cannot farm and is asking the Commissioners to step up on this weed policy. It was noted the weed policy will be addressed shortly by the Commissioners.

Page Gough

From: Page Gough
Sent: Thursday, February 09, 2012 11:28 AM
To: 'David Hedditch'
Cc: Ron Stoltz; Page Gough
Subject: Mower purchase

Dave,

Please pass this info to the board for comments, I will no longer be able to lease the big field mower so I have been researching the purchase of a new or used one. I have not had any luck for a used one except in Canada, Kansas or Texas which the size of the unit and shipping cost does not make it economical compared to a new one with warranty. Below is a list of Mowers that I am looking at.

Triple W
10FT Rotary mower pull type \$6538.50
15 Bat wing smallest they can get \$12,000
Nothing used

Titan Machinery
12FT Rotary mower 3point \$8770.68
12FT Rotary mower tow behind similar to what I have now \$9199.41
Nothing used

Big Sky Kubota
12FT Bat wing style complete with chain guards \$8990.00
Nothing used

Dillion Impletment Co.
10Ft and 15ft only
Nothing used

These are GOV prices and the best savings was thru Big Sky Kubota list was \$11,873.00 saving \$2883.000

I feel the 12FT bat wing style is my best option and it has a 5 year warranty on the gear boxes, For the funding option my budget is doing very well and I have \$9500.00 in my CIP fund. So what I would plan to do is pull \$1000 from this years mower lease that was approved last year, and the remainder from the CIP fund. Which would still leave \$1587.00 in my CIP fund. Just so you all are aware this fund has nothing to do with the match money we have been setting aside the balance on the match fund is \$16,202.00

Page Gough
Ravalli County Airport Manager
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pgough@ravallicounty.mt.gov

2/13/2012

PAOLI KUTZMAN, P.C.

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*Great Falls Office

February 29, 2012

Matt Kanenwisher. Chairman
Ravalli County Commissioners
215 S 4th Street, Suite B
Hamilton, MT 59840

Re: Grievance of Dave Ohnstad

Dear Mr. Kanenwisher:

This firm represents Mr. Ohnstad in connection with his January 20, 2012 discharge by Ravalli County from his former position as superintendent of the road and bridge department. Pursuant to our discussions with Deputy County Attorney Recht, we submit this letter under Step 2 of the County's grievance procedure.

HP2 The settlement agreement between the County and the Sardots simply required the County to pave Upper Woodchuck Road. Though the Sardots had demanded extensive and expensive road improvements in the lawsuit, they abandoned those demands as part of compromises by both sides – including the County's payment of \$20,000 to the Sardots – that led to the settlement of the Sardots' lawsuit against the County and the subsequent dismissal of that lawsuit with prejudice.

HE The commissioners who were serving at that time directed Mr. Ohnstad simply to pave the road, consistent with the extremely minimal use of the road by Ravalli County residents and the fact that improvements to the upper portion of it would not benefit Ravalli County taxpayers. The County obtained engineering for the portion of the road that was to be relocated. Mr. Ohnstad and his crew followed those plans. No engineering was necessary for the upper portion of the road because it was only to be paved, not relocated.

P#4 Mr. Ohnstad did not instruct his crew to remove any culvert at the top of the road under the access to the Sardots' development. He has not been able to locate anyone on the crew who remembers a culvert being in place at that location. The crew did remove other culverts, lower on the road, pursuant to engineering plans the County obtained from WGM Engineering in connection with the relocation of



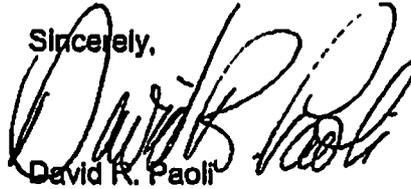
Mr. Matt Kanenwisher
February 29, 2012
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that portion of the road. The WGM plans, in turn, were based on the Sardots' own drainage plan for their Saddle Hills subdivision. These plans called for drainage on the west side of the road. They did not include culverts under the road. Mr. Ohnstad and his crew followed the WGM engineering plans.

Additionally, his disciplinary record with the County is spotless and no evidence of other misconduct was introduced at the hearing upon which the Commissioners made their termination decision. . We respectfully submit that this should have been taken into account when the Commissioners assessed his credibility on the culvert issue and that they should have considered it again when deciding whether to impose discharge or some lesser discipline. We would also respectfully request that you consider the considerable sum of competitive funding he has been able to secure for the County during his employment.

In addition to the know facts set forth above we are asking that you also consider all the evidence presented on Mr. Ohnstad's behalf in the hearing on January 20, 2012. Cumulatively, this material simply does not justify a finding that Mr. Ohnstad failed to obtain engineering or that he misrepresented anything to the Commissioners about the removal of culverts. With this in mind, we respectfully urge the Commissioners to reconsider and reverse their January 20 decision and to reinstate Mr. Ohnstad to his position with back pay.

Sincerely,



David R. Paoli

SIGN IN SHEET - COMMISSIONERS MEETING ROOM

PLEASE PRINT YOUR NAME LEGIBLY

THANK YOU!

DATE: 3/13/2012
MEETING: 4:00

Steve Hanson
Dorothy Parnish
Robt Flynn

Deanna Tangle

Bob De

Gene Min Mare

Jim McLeod

John Hagedorn

Town of Stevensville

Town of Stevensville

Town of Steu! - Mayor

Tom Pitts of Hamlet

City of Hamilton