

Park County Commission Meeting Minutes
Week of October 26 – 30, 2009
Park County, Montana

October 26, 2009

Review Daily Agenda and Correspondence

@10:15:45 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Legal advice to Commission from civil deputy county attorney
- Memo from Livingston schools superintendent re. city/county event planning
- PCRFD#1 daily update
- Citizen memo re. snow plowing of Bannock Trail
- Memo from solid waste board re. digital camera purchase
- Memo re. solid waste board minutes
- Memo re. H1N1 home program application guideline update and proposed changes - To public health nurse for review
- Memo re. interim museum director - To Commissioner Taylor for review
- Livingston Community Trust meeting minutes - To Commissioner Malone for review
- Memo re. October 27 Airport Board meeting agenda
- Memo re. H1N1 clinic rescheduled
- Memo from DES Coordinator re. viewing of safety videos
- Memo from city manager re. November city/county meeting agenda item

Commissioner Malone said Road Supervisor Ed Hillman will contact the planning director, weed manager and Extension agent to complete a hard rock mining application.

Malone said Scott Blossom of Montana FWP was in the chambers to discuss plans to remove a cattle guard on a county right-of-way and erect “Wildlife on Roadway” signs.

@10:33:53 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

October 26, 2009

9:30 A.M. – Review of Minutes for Week of October 19, 2009 – Canceled

October 26, 2009

Discussion and Decision of Dispersement of Funds from Floodplain Settlement

@10:34:11 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Philip Fletcher, planning; Barbara Woodbury, sanitarian; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss dispersement of floodplain settlement funds.

Planning Director Philip Fletcher said the county's floodplain management program was run for years by former Sanitarian Randy Taylor without accountability of funds. He said he and co-floodplain administrator Barbara Woodbury would like to see the program treated as a joint division of the planning and environmental health departments with an individually managed and monitored budget with settlement payments, fines, and permit fee funds created from the floodplain management program. Fletcher said the current budget of \$1,000 is well below the cost of administering the program, and Woodbury spends 10 percent and Fletcher spends 15 percent of his time on the program. Fletcher said the proposed fund would reimburse the two departments for the cost of running the distinct program.

Fletcher said he and Woodbury feel the main problem with enforcing the floodplain management program is individuals conducting work in the floodplain who are unaware they need a permit, therefore he and Woodbury would like to establish an ongoing, systematic education program for floodplain work responsibilities. He said the current money from the two department budgets is insufficient for two individuals to attend conferences and workshops on law updates and procedures for administering floodplain programs, and the proposed program justifies taking settlement money into a division budget to conduct training, education, enforcement and administration.

Commissioner Durgan said he thinks the emphasis on education and training is important for the public and administrators. Woodbury said having a separate floodplain budget would allow printing of educational materials, hosting of workshops for the public on the complex floodplain program, and is a way to turn a negative into a positive through education. Woodbury said she is working with the Park Conservation District on floodplain issues to increase combined efforts, such as inspections of floodplain projects in progress.

Malone said a citizen told him he would like the money inserted into the road department or search and rescue fund.

Commissioner Durgan made a motion to accept the recommendation from the planning and environmental health departments to set up a division budget for the floodplain administration program funded by floodplain settlement funds. Malone seconded that motion. Motion passed.

@10:58:32 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

October 26, 2009

Consider Signing of Resolution for Public Health Issues Involving H1N1 Virus

@11:02:25 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Suzanne Brown, public health nurse; Shannan Piccolo, civil deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider signing a resolution for public health issues involving the H1N1 virus.

Public Health Nurse Suzanne Brown requested a resolution to implement the county's all-hazard plan for mass immunization and prophylaxis to utilize volunteers and memorandums of understanding according to the plan. Commissioner Malone read into the record the title of the proposed resolution, a Resolution of the Board of Commissioners of Park County, Montana, Declaring a Public Health Emergency Proclamation to Administer H1N1 Vaccines.

Commissioner Durgan made a motion to sign Resolution #1070. Commissioner Malone seconded that motion. Motion passed.

@11:05:09 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

October 26, 2009

Signing of Resolution to Change GIS/Rural Addressing Manager Salary to Grade 17

@11:31:22 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Jill Ouellette, human resources; Shannan Piccolo, civil deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign a resolution changing the GIS/Rural Addressing Manager salary to Grade 17.

Human Resources Analyst Jill Ouellette said she used a classification study conducted by Communications and Management Services, LLC, which interviewed the county's GIS/Rural Addressing Manager and graded him on a point scale regarding job performance and responsibilities. Ouellette said she reviewed the rankings against how she would rate the GIS/Rural Addressing Manager and provided those rankings to the Commission. She said the marks substantiate a Grade 17 for the position. The Commission agreed to revise the position job description to reflect increased job responsibilities and support moving that Grade from a 15 to 17.

Commissioner Durgan made a motion to sign Resolution #1071 to change the GIS/Rural Addressing Manager Salary to Grade 17 noting it is currently a Grade 15. Commissioner Malone seconded that motion. Motion passed.

@11:38:14 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

October 26, 2009

1:00 P.M. – Commissioner at Crisis Intervention Meeting – Yogo Inn, Lewistown, MT

October 27, 2009

Review Daily Agenda and Correspondence

@8:35:32 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- PCRFD#1 daily update
- Legal advice to Commission from civil deputy county attorney
- Memo from DES Coordinator re. citizen notification of Cinnabar and Mol Heron bridge work
- Memo re. Mill Creek Flat fire
- Legal opinion to Commission from civil deputy county attorney
- Memo re. Park County Environmental Council retirement
- Citizen memo re. Deep Creek Bench Road snow plowing
- Memo from National Association of RC&D Councils re. relationship with Forest Service
- Memo re. pre construction meeting for Park County Senior Center Project
- Citizen public information request

Commission Executive Assistant Raea Morris said two bills from Qwest were submitted for services.

@8:58:08 a.m., the meeting adjourned.

October 27, 2009

Park County Road Updates

@9:02:20 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Ed Hillman, road supervisor; Shannan Piccolo, civil deputy county attorney; William Smith, citizen; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss county road issues.

Road Supervisor Ed Hillman said the upper end of Billman Creek Road from the trailer court to Lenore Haws' place is breaking up. There was discussion about addressing that issue. Hillman said he will purchase a cold patch product for \$370/ton for road patching and will have to receive a permit for streambed disturbance from the Corps for culvert work on Cottonwood Bench Road.

There was discussion about a kiosk and interpretive sign for a Yellowstone Trail easement along the Yellowstone River. Commissioner Malone asked Civil Deputy County Attorney Piccolo to review whether the agreement is legal.

The Commission presented Hillman with a directive stating Hillman only needs preapproval for purchases over \$1,000 and reversed a prior directive that required him to get approval for all expenditures from the road and bridge department budget.

There was discussion about erecting snow fence in Tom Miner Basin and the need to erect rural addressing signs.

@9:41:16 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

October 27, 2009

Weekly Human Resource Updates

@9:50:34 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Jill Ouellette, human resources; Martha Miller, auditor; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss weekly activities in the human resources department.

Human Resources Analyst Jill Ouellette provided the Commission with a job posting for signatures. Malone requested language "knowledge of Microsoft Office" be included as a job prerequisite for a treasurer's office position.

Ouellette said she completed a form letter for Montana Clean to work in the courthouse for Commission signature, completed an HR webinar from Jim Nyes with specific case studies regarding union issues, worked with county union representative on longevity issues, and worked with employees on the issue of taking time off without pay. Ouellette said she talked with Attorney Jack Holstrom of MACo about exempt employee use of vacation pay, and Holstrom said exempt employees should notate hours when out of the office on sick and vacation leave, and the county can only track sick and vacation leave per statute. Auditor Miller said the county may consider requiring leave forms from department heads to create more accountability.

@10:12:47 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

October 27, 2009

Discussion of Duties between Human Resources and Accounting

@10:13:11 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Jill Ouellette, human resources; Martha Miller, auditor; Lani Hartung, finance; Marilyn Hartley, finance; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss duties between the Human Resources (HR) and Accounting departments.

Commissioner Malone said the meeting was scheduled as an information gathering session for the Commission about the duties of the two departments. Malone said payroll should come out of the department that writes the checks, and the independent auditor said to have one individual entering data so one individual is responsible for a keyboard data entry error. Commissioner Durgan said there needs to be oversight of the payroll process from HR to ensure everything is being done so the county does not get itself into a harmful situation later on as has happened in the past. Finance Director Lani Hartung said she would like to follow a form process adopted by MACo presented to the Commission at a public meeting with MACo representatives and keep payroll and personnel files in two distinct locations. Auditor Miller said she thinks oversight of the process would be necessary to ensure payroll is correct. Assistant Finance Director Marilyn Hartley said she would not see the editing process changing, as HR currently edits payroll.

Human Resources Analyst Jill Ouellette said the Commission can require payroll entered by accounting by voting on it, but she does not want the change to cause her more work because she is a one-person office. Durgan said Ouellette consistently uses payroll information to conduct employment verifications and determine dates an employee started and left a position, so Ouellette will need access to payroll files if they end up in another office, but it is most convenient for her with the files in their current location.

There was discussion about developing a form for employee signature at time of hire that spells out what wage the employee would earn and what deductions would be taken from each paycheck. Hartung presented a draft form for Commission review.

Durgan said Malone has a good point with the need to create separation of duties between the HR and accounting departments. Commissioner Taylor said he agrees one person should enter payroll data, payroll files should be in the accounting department, and Ouellette can access those files from that department in person or via telephone.

Durgan said HR and finance should be distinct, separate offices because HR needs complete confidentiality with only HR personnel and clients in the HR department office. Taylor said he thinks the HR and accounting departments are kind of similar and linked. He said he agrees Ouellette needs her privacy to carry on her business privately when interviewing people but does not think HR is all by itself. He said he thinks HR is a function and small division of the accounting and finance department. He said he talked to Jack Holstrom of MACo about that issue and Holstrom said the Commission can call the shots as commissioners and arrange the departments as they want. Durgan said the Commission can get itself in trouble with how it sets up departments. Taylor said the Commission needs to be very aware of what it gives its HR person in terms of powers and functions because the Commission got in a little trouble with the former HR director. He said he thinks the Commission needs to make sure HR is doing HR things and accounting is doing accounting things. He said the Commission is not creating new departments.

Durgan said the HR person and the finance department are answerable to the Commission and there is to be no overlap on that and there is to be no direction given to HR personnel by accounting personnel. He said he thinks the Commission needs to be very careful of that.

Ouellette said an individual present on Thursday for department head training is an employment attorney and was an HR director for a mid-sized corporation in Missoula, and the Commission may want to consult with her on the issue.

The Commission said it has a consensus to clearly define the duties of HR and accounting with one person having data entry access as an initial start. Durgan said he can go along with the initial concept of having one person answerable to payroll and one person answerable to HR. Ouellette said she thinks the county needs to see how the proposed process works before there are any decisions made. Malone said any pay line or computer adjustments should be given in writing to Hartley for entry, effective immediately. Malone said the Commission will have a meeting at a later date to see how the operation is going.

@10:56:05 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

October 27, 2009

11:00 A.M. – Influenza Summit Webinar Presentation – Community Room

12:00 P.M. – Airport Board – Clarks Crossing

5:00 P.M. – Museum Board – Yellowstone Gateway Museum

October 28, 2009

Review Daily Agenda and Correspondence

@8:31:13 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Raea Morris, executive assistant; Allan Lutes, sheriff; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo re. snow plowing permit for Crazy Mountain Ranch on Hammond Creek Road
- Memo from Angel Line Chairman re. Livingston TAC issues
- Memo re. Gardiner Sewer District pumps
- Memo from planning office re. Magalsky Family Transfer meeting scheduled
- Memo re. Qwest phone bills
- Legal advice to Commission from civil deputy county attorney
- Memo re. Livingston Mental Health Drop-in Center - To Commissioner Taylor for review
- Memo from museum board president re. interim director position
- November 9 Angel Line Board meeting agenda
- Memo re. Shamrock Lane abandonment
- Memo from MACo re. auto defibrillators
- Memo re. energy efficiency block grants - To Nittany Grantworks for review
- Memo from GIS/IT re. courthouse telephone system switch over

Commissioner Durgan said he had a telephone call from Bob Olig regarding access to an easement of the Gardiner Sewer District across his property.

@8:50:22 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

October 28, 2009

Discussion and Update of Current County Projects Administered by Nittany Grantworks

@9:04:17 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Shannan Piccolo, civil deputy county attorney; Philip Fletcher, planning; Lori Benner and Kathy Kelliher of Nittany Grantworks; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss an update of current county projects administered by Nittany Grantworks.

Nittany Grantworks CEO Lori Benner provided the Commission with a list of grant projects Nittany Grantworks is assisting the county in administering and gaining funds. Projects included: a Fleshman Creek Flood Mitigation Project; a Park County Hazard Mitigation Plan Update; a Gardiner Sidewalk Project; a Yellowstone Gateway Museum Energy Efficiency Climate Control System, Infrastructure Improvement and Collections Preservation project; a Clyde Park Safe Routes to School application; and Cooke City Chamber of Commerce applications.

Kathy Kelliher of Nittany Grantworks provided detail about the museum project, estimated at \$450,000. Kelliher said that program is designed to retrofit the historic museum building to current code and enable effective housing of museum artifacts.

Benner provided the Commission with a review of hours Nittany Grantworks has worked for the Commission. Commissioner Malone said the Commission would like a monthly update of hours worked by Nittany Grantworks and needs to prioritize Nittany's work efforts. There was discussion about Nittany Grantworks maintaining momentum on projects and reducing time worked when possible to avoid overages of contracted hours.

Planning Director Philip Fletcher said he is present to get an idea of protocol of how the county works with Nittany Grantworks because the planning department is working on reducing its reliance on PILT funds for operation. Fletcher said he would be willing to chair a county grants committee should that committee be resurrected.

There was discussion about developing a request form for individuals requesting Nittany Grantworks' assistance.

The Commission said it will hold an information-gathering meeting in late November to gain public comment from Clyde Park citizens on Community Enhancement Transportation Program (CTEP) funds Clyde Park may be eligible to receive, and the Commission will not authorize CTEP funds for any project prior to the December 31, 2009 deadline.

@10:05:33 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

October 28, 2009

10:00 A.M. – Western Montana Mental Health Meeting – Mental Health Center – Butte, MT – Commissioner Taylor attended

1:30 P.M. – On Site Inspection of Pinto Ranch Subsequent Minor Subdivision – Pinto Ranch Road – Commissioners Durgan and Malone attended

October 28, 2009

Discussion of 9th Street Island Bridge Replacement

@3:01:25 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Kevin Feldman and Scott Nelson of CTA Engineering; Tom Coleman, Oasis Environmental; Lori Benner, Nittany Grantworks; Shannan Piccolo, civil deputy county attorney; Ed Hillman, road; Lani Hartung, finance; Camden Easterling, Livingston Enterprise; Ray Olson, citizen; Margo Aserlind, citizen; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss a 9th Street Island bridge replacement project.

Kevin Feldman of CTA Engineering said the meeting was scheduled to determine the status of the 9th Street Island Bridge Replacement Project. Feldman said CTA needs to have a Professional Engineering Report (PER) completed by March 2010 to apply for Treasure State Enhancement Program (TSEP) grant funds in May.

Feldman said estimated total construction costs for a new bridge including engineering services with a 10-foot driving lane, two-foot shoulders and a three-foot pedestrian walkway equals \$887,000. Feldman said the hope is to construct the bridge in January through April 2010.

Commissioner Malone said the county has secured \$178,000 from the state of Montana less a five-percent state administration fee, and those funds must be spent by September 30, 2010. There was discussion about timelines for \$500,000 of TSEP construction funds, which would be available July 1, 2011, and required public comment meetings as part of the TSEP application process, as well as using \$625,000 in possible funds earmarked for the bridge project by Senator Tester. Malone said a decision on whether those funds will be granted to Park County is still in a Senate appropriations committee, and the earliest funds would be granted to Park County is January or February 2010 per a discussion with a Tester representative. Feldman said final project design must be completed by the end of December 2009 to meet February through April construction timeline if the \$625,000 were used. There was discussion about conducting a PER for other county bridges in addition to 9th Street Island Bridge with TSEP funds.

Scott Nelson of CTA said the hope would be a final design meets the requirements of all permitting agencies for 2010 bridge construction. Tom Coleman of Oasis Environmental

said the county better start the permitting process now for 2010 construction. Nelson said public informational meetings required by the TSEP PER process would enable CTA to present all options, alternatives and bridge replacement costs to island landowners, county citizens and the county government to determine whether bridge replacement or island buyout is the most cost effective option.

Commissioner Malone said his gut reaction is to continue with the PER, and the Commission needs to meet with landowners about bridge options and gain landowner input. Feldman said waiting one more month for a final design will make 2010 bridge construction impossible. The Commission said it will go forward with landowner meetings for a 9th Street Island Bridge replacement project. Lori Benner of Nittany Grantworks said she will attempt to facilitate public meetings that would benefit both the \$625,000 appropriations and TSEP construction options. Benner said the county would have to come up with \$84,000 if it does not use the possible \$625,000 as matching funds for the \$500,000 TSEP monies.

In other discussion, Civil Deputy Shannan Piccolo said the county has not signed a contract with CTA to conduct a 9th Street Island Bridge PER.

@4:43:53 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

October 29, 2009

No Commission Meetings Scheduled

8:30 A.M. – Montana Association of Counties “7 Steps to Just Cause” Training for Department Heads and Elected Officials – Community Room

October 30, 2009

No Commission Meetings Scheduled

9:00 A.M. – Commissioner Taylor in Wilsall to Hear Area Resident Concerns – Val’s Mercantile

10:00 A.M. – Commissioner Malone in Cooke City to Hear Area Resident Concerns – Cooke City Fire Hall

10:30 A.M. – Commissioner Taylor in Clyde Park to Hear Area Resident Concerns – Clyde Park Town Hall

2:00 P.M. – Commissioner Malone in Gardiner to Hear Area Resident Concerns – Gardiner Community Center

Marty Malone
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana