

Park County Commission Meeting Minutes
Week of April 26 - 30, 2010
Park County, Montana

April 26, 2010

Review of Daily Correspondence and Agenda

@8:34:38 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners 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:

- Memo from community development director re. board conflict of interest
- Memo from interim museum director re. monthly activities report
- Memo re. April 20 Yellowstone Country Annual Board of Directors meeting minutes
- Memo from Senator Esp re. Otter Tract Coal Tracts
- Memo from Forest County's Coalition re. Secure Rural Schools comment period
- Citizen memo re. Brackett Creek Road condition
- Memo from Trout Unlimited re. April 28 aquatic species presentation

@8:44:56 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

April 26, 2010

Review of Minutes for Week of April 19, 2010

@9:37:03 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to review and approve Commission meeting minutes for the Week of April 19, 2010.

Commissioner Taylor requested a revision to Page 3 of 14 noting the correct spelling of the word "extinguished." On Page 4 of 14, Taylor noted the correct spelling of the word "re-established."

Commissioner Taylor made a motion to accept the minutes as corrected. Commissioner Durgan seconded that motion. Motion passed.

@9:38:19 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

April 26, 2010

Consider Decision on Sub-recipient Agreement for CDBG Revolving Loan Fund

@10:02:20 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Philip Fletcher, community development; Lani Hartung, finance; Martha Miller, auditor; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a decision for a sub-recipient agreement for the Community Development Block Grant (CDBG) Revolving Loan Fund.

Community Development Director Philip Fletcher said the agreement mirrors one signed by the city commission a week ago. Fletcher said CDBG revolving loan fund guidelines require permission from the Department of Commerce since the agreement will be administered by a nonprofit entity. Fletcher provided the Commission with revisions he made to the agreement and said the county attorney's office reviewed and approved of the document.

Commissioner Durgan made a motion to accept the sub-recipient agreement for the CDBG revolving loan fund conditional on Department of Commerce approval of the sub-recipient. Commissioner Taylor seconded that motion. Motion passed.

@10:15:36 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

April 26, 2010

10:30 A.M. – Consider Decision of Prospera's Revolving Loan Fund Contract Proposal – Commissioners Chambers – Canceled due to scheduling issues

April 26, 2010

1:00 P.M. – Litigation Strategy for Luder v. Wagman – Commissioners Chambers – Canceled due to litigation action

April 26, 2010

Consider Proposal for Gardiner Sheriff Deputy Office

@3:01:17 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Barbara Woodbury, sanitarian; Dan Gutebier, Taylor-Leavitt; Scott Rogers,

Environmental Solutions; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a proposal for a Gardiner Sheriff's Deputy Office regarding building materials.

Industrial Hygienist Scott Rogers of Environmental Solutions said he reviewed the Gardiner Sheriff's Office on April 22 to review a possible asbestos issue. Rogers provided a summary of that visit with photographs. He said vermiculite insulation has entered the occupied space of the office via puncture holes, and a mechanical room, transite wallboard and flex fitting on a heating duct may contain asbestos. Rogers said he expects only one to three percent of the materials may be asbestos. He said vermiculite is not a health hazard, but asbestos is a contaminant in vermiculite when it is present.

Rogers said he suggests the county, 1) enlist the services of an accredited abatement contractor to clean up and seal existing vermiculite and ceiling penetrations to isolate the attic from the work space, as well as seal transite board edges, which may cost \$500 from a local vendor; 2) take air samples to determine whether asbestos fibers are present, which may cost \$1,025; and 3) clean the HVAC system if air samples show asbestos fibers at an elevated level, which may cost \$1,000, much of which would be travel time. Rogers said he suggest all HVAC ductwork is cleaned to improve air quality in the Sheriff's Office and library regardless of what asbestos tests show.

Rogers said the worst case scenario is all deputies working in the Gardiner office need to receive a baseline evaluation for current respiratory conditions with worker's compensation documentation if a high level of asbestos fibers is obtained. He said the county would then be obligated to clean the facility top to bottom and resample the air. Rogers said the best case scenario is to clean up debris, identify and confirm there has been no asbestos exposure and clean duct work to improve air quality. He said he is willing to hold a meeting with deputies and anyone else with concerns to answer questions.

Commissioner Taylor made a motion to accept the proposal for Scott Rogers and Environmental Solutions for taking care of the Gardiner Sheriff's Office asbestos issues. Commissioner Durgan seconded that motion. Motion passed.

@3:34:06 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

April 26, 2010

5:30 P.M. – Board of Health Special Meeting – East Room

April 27, 2010

8:30 A.M. – LTAP Gravel Roads Workshop – Big Timber, MT – Commissioners Malone and Taylor attended

12:00 P.M. – Airport Board – Clark’s Crossing, Livingston – Commissioner Durgan attended

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

April 28, 2010

Review Daily Correspondence and Agenda

@10:54:25 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:

- Memo from DEQ re. sand and gravel air quality compliance monitoring report
- Memo re. certificate of insurance for Fridley Construction Company
- Memo from Montana Department of Justice re. county attorney salaries
- Citizen memo re. Boulder Road condition
- Memo re. May 13 Energy and Telecommunications Interim Committee meeting
- Memo from sanitarian re. interim fairgrounds septic system installation
- Memos re. courthouse telephone system emails
- Memo re. Tri-County Sheet Metal compressor quote
- Memo re. Royal Teton Ranch green box site lease agreement
- Citizen memo re. possible business endeavor in Park County
- Memo from county deputy sheriff re. illegal “No Parking” signs in Gardiner
- Memo from interim road supervisor re. road crewman weekly work schedule
- Memo re. mountain pine beetle treatments
- Memo from Granite Enterprises re. disabling employee computer account
- Memo re. Veteran’s Affairs Committee - To Commissioner Durgan for review
- Memo re. ADA compliance in courthouse
- Memo re. proposed county vehicle maintenance schedule
- Citizen memo re. Billman Lane road conditions
- Legal advice to Commission from civil deputy county attorney
- Memo from sanitarian re. April 27 board of health special meeting
- Memo from undersheriff re. May 1 through 11 leaf burning notice
- Memo from Hard Drives re. assessment of county paved roads - To file
- Memo from PCRFD#1 re. recommendation of incumbent board members
- Memo re. Gardiner Rural Fire District annual financial report - To file
- Memo re. Gardiner “No Parking” signs
- Memo re. May 6 Southwest Juvenile Board meeting - To Durgan for review

Citizen John Lundberg said he owns Osens Campground and potholes in front of his driveway on Merrill Lane are getting bad and tear up client campers and vehicles. Lundberg asked if anything can be done to take care of potholes and said he would appreciate action before June. Commissioner Durgan said the county hired a private contractor to grade the Five-Acre Tracts roads and he is to begin work. Commissioner Malone said the county will rent a machine and patch the holes on May 17.

Durgan said a Gardiner citizen requested rocks be placed at a trailhead that leads to the river and signs erected stating the trail is not for public use.

Durgan said the fair board never received word from the county attorney's office regarding a contract with the Livingston Roundup Association and use of the fairgrounds for the next year.

@11:44:21 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

April 28, 2010

8:30 A.M. – LTAP Gravel Roads Workshop – Big Timber, MT

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

April 29, 2010

Review of Daily Correspondence and Agenda

@8:39:10 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; Shannan Piccolo, civil deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo from community development re. FHWA approval of Park County administration for 9th Street Bridge Project
- Legal advice to Commission from civil deputy county attorney
- Memo re. Royal Teton Ranch green box site lease agreement
- Memo from county union negotiator re. May 11 longevity pay issue meeting
- Memo re. Library Board minutes

Commissioner Malone said Rick Leckner is in the building to view a rooftop A/C compressor unit.

The Commission said it will consider combining the maintenance and janitorial duties into one position or restructuring the maintenance position.

Commissioner Durgan reported on an April 27 Airport Board meeting.

Commissioner Taylor reported on an April 28 mental health meeting.

@9:10:14 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

April 29, 2010

County Road Updates

@9:11:31 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Scott Fletcher, interim road supervisor (via telephone); and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss county road issues.

Via telephone, Commissioner Taylor told Interim Road Supervisor Scott Fletcher a Wilsall citizen said Daisy Dean Road is now impassible after grading. Taylor asked that Road Crewman John Young look into that issue. Taylor said he has received citizen complaints about the condition of Brackett Creek Road. Fletcher said Crewman Troy Amunrud is grading that road today.

Commissioner Durgan said he received a citizen complaint about Porcupine Road and asked whether Young could windrow mud on one side of the road to dry it out instead of spreading it over the road. Fletcher said Young was heading to Porcupine Road today.

Commissioner Malone said a bad spot on Billman Lane by the trailer court needs to be addressed. Fletcher said the owner of Osens Trailer Court stopped in and asked him about patching potholes in Merrill Lane.

Fletcher said three-inch minus base gravel is being laid on O'Rea Creek Road. He said graveling and grading of that road will extend into next week, but widening of the road will be completed by April 30.

@9:16:15 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

April 29, 2010

Human Resources Updates

@9:28:39 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; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss activities in the Human Resources Department.

Human Resources Analyst Jill Ouellette said a new detention officer started working this week, and a new temporary employee is working in the clerk and recorder's office. Ouellette said she listed a job posting for a Gardiner green box caretaker position, addressed a deputy coroner request for on-call pay, received a Traveler's Benefit Plus insurance package and an okay from the county attorney to offer that insurance to county employees, and is addressing employee discipline issues.

There was discussion about employee status, associated pay scales/procedures, and benefits to be received by employees with various employment statuses.

Ouellette said the county has received three applicants for the open IT Manger position as of April 23. Commissioner Malone asked Ouellette to ask Job Service if the applicants are qualified and to extend the posting for 10 days in other Montana newspapers.

@9:52:32 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

April 29, 2010

Discussion of PERS with Accounting & Human Resources Departments

@10:33:50 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; Lani Hartung, finance; Martha Miller, auditor; Scott Hamilton, undersheriff; Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss Public Employees Retirement System (PERS) benefits with the Accounting and Human Resources Departments.

Finance Director Lani Hartung said she scheduled the meeting to ask for clarification in how PERS benefits are to be calculated. Hartung said the Commission decided in a September 24, 2009, budget meeting how to address employee sick leave payouts from the PILT budget and what entities were to pay interest in delinquent contributions. Hartung said she is an employee affected by the issue, and read into the record a partial transcript of the September 24 meeting provided by Commission Minutes Clerk John Mueller. That transcript stated the county will pay its portion of the interest and the employee will pay his/her portion of the interest. Hartung said she feels the county should pay the employee portion of interest if the county is at fault in the calculations. She said she instructed the payroll clerk to take actions after the September 24 meeting, and if the county is going to change its policy of paying employee portion of interest the accounting department will need to make adjustments in the system.

Human Resources Analyst Jill Ouellette said she has discussed the PERS issue at length on numerous occasions with MACo Attorney Jack Holstrom and two state PERS representatives. Ouellette provided the Commission with an explanation of how contributions are to be handled per those discussions, as well as a memorandum from Holstrom on the matter. Ouellette said code states the onus is on the employer to pay employee and employer interest contributions in full when the county makes a mistake in calculating PERS contributions. She said the county can seek repayment from the employee after it pays the contributions in full.

Commissioner Taylor made a motion the county pay, per past practice, for PERS contributions and interest for all retirement plans offered through MPERA. Employees will be expected to pay only their share of the contribution, not interest, when the county makes calculation errors. Commissioner Malone seconded that motion. Motion passed. Commissioner Durgan abstained from voting.

@10:43:41 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

April 29, 2010

Consider Decision of Septic Tank Installation Contractor for Fairgrounds

@1:00 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Kim Knutson, fair manager; Mike Adams, fair board; Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a decision for a septic tank installation contractor for the fairgrounds.

Fair Manager Kim Knutson said the county needs to replace the septic system for the fairgrounds caretaker house, which ties into the shower facilities and has had to be pumped every other month. Knutson said a new septic system was approved by Sanitarian Barbara Woodbury and three vendors submitted bids for the project. She said the fair board recommended selection of the bid from Johnny McGee for \$5,220, which could be paid for with a capital improvement fund.

Commissioner Malone asked why the fair board selected a bid that was \$1,000 more than the lowest bid. Commissioner Durgan said it appeared to the board there may have been a misunderstanding of bid requirements from the lowest bidder, and that is why it recommended the McGee bid.

Commissioner Taylor said all three bidders are licensed and qualified to do the work and without a better reason he is not in favor of the fair board's recommendation. He said he is not going to spend \$1,200 more for the same product and he is confident Juhnke will provide a good product, service and back it up.

Knutson said each bidder received the same bid package material.

Commissioner Taylor made a motion to accept the bid for \$4,200 to do the fairgrounds by Juhnke's County Living Excavation. Commissioner Malone seconded that motion. Motion passed. Commissioner Durgan voted in opposition to the motion.

@1:08:48 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

April 29, 2010

2:00 P.M. – Joint Meeting with Sweetgrass County to Discuss Mutual Natural Gas Development Issues – Community Room – Meeting minutes available at www.parkcounty.org and in the Community Development Department

April 30, 2010

8:30 A.M. – Review of Daily Correspondence and Agenda – Commissioners Chambers – Canceled due to commissioners schedules

10:00 A.M. – Commissioner in Cooke City to Hear Area Residents Concerns – Cooke City Fire Hall, Cooke City MT

2:00 P.M. – Commissioner in Gardiner to Hear Area Residents Concerns – Community Center, Gardiner MT

Marty Malone
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana