

Park County Commission Meeting Minutes
Week of May 24 - 28, 2010
Park County, Montana

May 24, 2010

8:00 A.M. – Park County Tax Appeal Board – Community Room

8:00 A.M. – DEQ Hearing - East Room – Canceled

May 24, 2010

Daily Correspondence/Agenda & Briefing on Current County Projects

@8:00 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Raea Morris, executive assistant. No public comment made.

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

Correspondence included:

- Memo re. upcoming Commission meeting agenda – To Commissioner Durgan for review
- Memo re. YGM updates – To Commissioner Taylor for review
- Memo from MACo re. county attorney offices survey
- Memo re. Missouri River Drug Taskforce interlocal agreement
- Citizen memo re. refuse assessment request – To Solid Waste Board for review
- Memo re. City/County Airport Board minutes
- Memo from Security Solutions re. security camera installation invoice

@8:38 a.m., the meeting adjourned.

May 24, 2010

Review of Minutes for Week of May 17, 2010

@9:30 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. No public comment made.

The meeting was scheduled to review and approve Commission meeting minutes for the Week of May 17, 2010.

Via email, Civil Deputy County Attorney Shannan Piccolo requested a revision to Page 3 of 14; last paragraph, the last sentence should read, “Piccolo said the second tract went

away in transferring the property from the Irishs to Western Properties Development, and she believes the mortgage could have been assumed or it probably was a mistake in referring to a second parcel.” On Page 4 of 14; first paragraph, the second sentence should read, “Piccolo said the property was never legally two tracts of record, and the only reason for the separate parcel descriptions was to create a mortgage tract.” On Page 9 of 14; fifth paragraph, the first sentence should read, “Civil Deputy County Attorney Shannan Piccolo said the Commission had concerns about authority and jurisdiction of a loading zone on a state highway at the last meeting on this issue. Piccolo read into the record correspondence between the Montana Department of Transportation (MDT) and the Commission in which MDT stated they were not going to do anything about the matter.” On Page 13 of 14, the seventh paragraph should read, “Commissioner Malone said the proposed resolution provides for the ability to waive the survey requirement in the road abandonment petition.”

Commissioner Taylor requested a revision to Page 4 of 14; fourth full paragraph, the second sentence should read, “He said he does not see where it is possible for a mortgage tract to turn into a tract of record instead of being subdivided.”

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

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

May 24, 2010

Reappointing of Parks & Recreation Board Applicant/Update on Fleshman Creek Project

@10:00 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; Kristen Wester, Nittany Grantworks; and Mike Cox, Oasis Environmental. No public comment made.

The meeting was scheduled to reappoint a Parks and Recreation Board applicant and provide an update on the Fleshman Creek Restoration Project.

Kristen Wester of Nittany Grantworks said the Fleshman Creek Restoration Project is \$50,000 shy of funding, but she has submitted four foundation grant applications. Commissioner Malone asked the types of in-kind contribution from the Park County Road Department would make up the Commission’s promised amount of \$260,000. Wester said Park County could apply labor hours and public involvement of various county personnel assisting with required public meetings. Mike Cox of Oasis Environmental said preparing easement documents, removing trees, paving, and culvert, sidewalk, guardrail and sediment removal could apply as in-kind contribution. Community Development Director Philip Fletcher said he is sure the county can come up with quite a bit of in-kind services, and he could free up some of his staff’s time to assist with public information, education and meetings.

Wester said FEMA and other federal funds will be reallocated if the county decides not to go forward with the project. She said it would be great for the county to commit to providing cash or in-kind match in the interim while continuing to look for additional funding.

Cox said Oasis would conduct the stream design and Robert Peccia and Associates would take care of utility design. Cox said geotech and hydro analyses would be subcontracted to Geo Sciences, and project construction would go out for bid.

Wester said the Commission needs to decide if it wants to release DNRC funds via contract for design of the project and then enter into a final agreement to commence the project while searching for funding in addition to in-kind funding. Commissioner Malone said he is not against the project, but is concerned about where the county will find funding. Cox asked the Commission to review a list of possible in-kind opportunities in order to determine how the project could be funded. He said he and Fletcher will summarize and provide county in-kind options in order for the Commission to gain an idea of how to fund the project.

Addressing Parks and Recreation Board members, Fletcher said the board has two seats open. Fletcher said Applicant Kristen Wester was recommended by the Parks and Recreation Board for a three-year term.

Commissioner Taylor made a motion to appoint Wester to a three-year term on the Parks and Recreation Board. Commissioner Durgan seconded that motion. Motion passed.

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

May 24, 2010

Decision on Employer Contribution to Employee Health Insurance for FY2011

@11:00 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; Shannan Piccolo, civil deputy county attorney; Martha Miller, auditor; Jill Ouellette, HR; Brad Wilson, road; Scott Hamilton, undersheriff; Denise Nelson, clerk and recorder; Lani Hartung, finance; Kevin Larkin, treasurer; Sandy Gordon, county attorney's office; Kathy Carrick, deputy county attorney; and Kevin Funk, citizen.

The meeting was scheduled to decide on employer contribution to employee health insurance for Fiscal Year 2011.

Human Resources Analyst Jill Ouellette said the health insurance committee said it did not want to change the taxpayer model, which is a \$200,000 home, increasing by more than five dollars. Ouellette said the committee discussed reducing benefits and using a

one-percent Cost of Living Adjustment not received by employees last year as funding options. She said, since it does not know how many families will be lost from the trust, the committee suggests next year it will have a better idea and at that point may consider removing the five-percent tiered rate and only offer single-person insurance next year. She said the committee discussed taking small amounts of funds from the Payment in Lieu of Taxes fund, reserves and option tax.

Commissioner Taylor said an option is to do away with the \$500 FLEX plan. Undersheriff Scott Hamilton said the insurance committee provided the Commission as tasked with employee health insurance options, and eliminating the FLEX option may make the plan unaffordable to employee families currently using the FLEX plan, thus reducing the number of employees using county health benefits and increasing overall benefit costs next year.

Citizen Kevin Funk said possible budget and insurance cuts to county employees are not limited to Park County, as the private sector is facing the same thing. He said good health insurance coverage is as good as money in some respect, and everyone needs to hunker down and survive the current economic conditions.

The committee submitted a written recommendation the Commission continue the benefit model currently in use and fully fund the \$119/month increase to single county employee insurance benefits if there is to be no addition to employee wages in Fiscal Year 2011. The impact to the Permissible Medical Levy would be \$4.25 per year for a taxpayer with \$200,000 home. There was discussion about the county funding \$700 of the total 2011 premium amount of \$747 or \$705 of that amount.

Commissioner Taylor made a motion to go with the \$700 number. Commissioner Malone seconded that motion. Motion passed. Commissioner Durgan voted in opposition of the motion.

@12:47 p.m., the meeting adjourned.

May 24, 2010

Discussion of Insurance Policy Renewal

@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 Philip Fletcher, community development; Lani Hartung, finance; Greg Jackson, MACo; and Dan Gutebier and Krista Auger of Taylor-Leavitt. No public comment made.

The meeting was scheduled to discuss county insurance policy renewals.

Greg Jackson of the Montana Association of Counties (MACo) provided the Commission with insurance policy renewal premium options and amounts. Jackson said he will discuss strategies to reduce Park County's insurance claims losses with Dan Gutebier of Taylor-Leavitt. Jackson said MACo plans to implement more training opportunities,

including contractual liability training, as well as implementing a new property/building appraisal system on July 1.

There was discussion about the county's liability with volunteer and chamber of commerce use of a county lawnmower.

@2:00 p.m., the meeting adjourned.

May 24, 2010

Budget to Actual and Treasurer's Cash for FY 2011

@2:30 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Lani Hartung, finance; and Martha Miller, auditor. No public comment made.

The meeting was scheduled to review a budget to actual Treasurer's Cash report for FY 2011.

Finance Director Lani Hartung provided the Commission with a county budgeted to actual report as of April 30, which is 83 percent through the fiscal year. Hartung also provided a Treasurer's Cash Report for review.

@3:05 p.m., the meeting adjourned.

May 25, 2010

Daily Correspondence/Agenda & Briefing on Current County Projects

@8:34:58 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; Ed Hillman, road supervisor; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to review the daily agenda, correspondence and current county projects.

Correspondence included:

- Memo from U.S. Dept of Agriculture - To Commissioner Malone for review
- Memo re. Yellowstone Country tourism meeting minutes
- Memo from Oasis Environmental re. Park County share of Fleshman Creek project
- Memo from NPS re. Gardiner Park Street Improvement Plan
- Memo from MACo re. county medical marijuana issues
- Memo from Trout Unlimited re. Mountain Sky Guest Ranch grant

@8:57:58 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

May 25, 2010

County Road Updates

@9:02:50 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Ed Hillman, road supervisor; Shannan Piccolo, civil deputy county attorney; Mark Smith and Brad Wilson, road crewmen; Howard Harper, citizen; Nancy and Tom Stock, citizens; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss county road issues.

Citizen Howard Harper said he has an issue with a road near Myers Lane and whether the road was abandoned or an easement obtained. Civil Deputy County Attorney Shannan Piccolo said determination of whether an easement exists must be made by a private attorney, not the county attorney.

Citizen Tom Stock asked when Boulder Road will be graded. Road Supervisor Ed Hillman said he will direct a crewman to that area. Stock said he tried to obtain a schedule of maintenance from the county website, but it only tells what road work has been completed. Hillman said he does not plan out what road work will be done in advance because the road work schedule changes.

Crewman Mark Smith said he was put in a bad situation last year and arrangements need to be made prior to an upcoming Jardine Road magnesium chloride application project this year. Smith said arrangements need to be made for application equipment to turn around, as applicators cannot back the equipment and must do a front-end swing around. Hillman said he will take care of arrangements.

Smith said gravel from the Chico pit comes apart and he is concerned about liability issues in the winter if the gravel does not hold on Jardine Hill. Smith said he has graded the road with water and compaction three times since applying the gravel. Hillman said Chico pit gravel is the only gravel the county has available, and thinks a steel drum roller can be used after application. Crewman Brad Wilson said the gravel is marbling on Convict Grade, as well, and a binder is needed in the gravel. Commissioner Malone said he is sure the gravel would pass the specifications the county recently accepted.

Executive Assistant Raea Morris said she received citizen telephone calls about potholes in Loves Lane and Billman Lane. Hillman said the crew has not yet gotten to those roads to patch.

Smith said he recommended putting gravel on Travertine Road and apply magnesium chloride from the junction of Jardine and Travertine Roads to the first residence on Travertine Road to reduce grading maintenance on that road.

Hillman said he has received a resignation from a road crewman employee.

@9:34:45 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

May 25, 2010

Human Resources Updates

@9:35:22 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Jill Ouellette, HR; 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 provided the Commission with a change of status form for a clerk and recorder position; road crewman position announcements; a new hire announcement for a clerk of court position; and a participation affiliation form with MACo Healthcare Trust for signature.

Commissioner Malone said he does not think the insurance committee should determine and comment to the Commission how to budget for employee insurance plans it recommends to the Commission.

@9:45:37 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

May 25, 2010

Budget Workshop: Weed, Junk Vehicle, Mosquito & Rodent FY2011 Funds

@10:05:39 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Clay Williams, weed/junk vehicle; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss the Weed, Junk Vehicle, Mosquito and Rodent Fiscal Year 2010 Budget.

The Commission reviewed Weed, Junk Vehicle, Mosquito and Rodent funds with Coordinator Clay Williams.

@10:32:40 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

May 25, 2010

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

May 25, 2010

Review of FY 2011 Budget with Justice of the Peace

@1:04:18 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Linda Budeski, JP; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss the Justice of Peace Fiscal Year 2010 Budget.

Justice of the Peace Linda Budeski said she would like to give an employee a merit raise and provide a new employee with more hours, as well as a wage increase after a six-month probationary period. The Commission asked Budeski to submit her written requests for review with the finance director. The Commission said it is considering a wage freeze for the next fiscal year.

@1:17:02 p.m., the meeting adjourned.

May 25, 2010

Consideration of Freidline Family Transfer

@1:32:20 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Mike Inman and Philip Fletcher, community development; Shannan Piccolo, civil deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a Freidline Family Transfer application.

Senior Planner/Subdivision Administrator Mike Inman said the Freidline Family Transfer application was reviewed by the County Attorney's Office and Environmental Health and Community Development Departments. Inman said the County Attorney's Office and Community Development Department recommended denial of the application because Montana Code Annotated allows for family transfers by immediate family members only, and grantors have to be a real person. Inman said in this case, Mr. Freidline is a member of the Indiana Land Trust #607915, which is the trust that holds the property. Inman said the application also did not receive Montana DEQ review approval.

Commissioner Malone said the findings of fact appear, since the land is held by the Indiana Land Trust, it does not meet the requirements of Section B-E-2A of the *Park County Subdivision Regulations*. Malone said the County Environmental Health findings

also show the application does not have Montana Department of Environmental Quality review or approvals.

Commissioner Taylor made a motion to deny the Freidline Family Transfer considering the stated findings of fact. Commissioner Malone seconded that motion. Motion passed.

@1:36:25 p.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

May 25, 2010

3:00 P.M. – Park County Tax Appeal Board – Community Room

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

May 26, 2010

8:30 A.M. - Daily Correspondence/Agenda & Briefing on Current County Projects - Commissioners Chambers – Canceled due to Commissioners' schedules

9:00 A.M. – Western NACo Interstate Region Conference - Billings MT – Commissioner Malone attended

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

May 27, 2010

8:30 A.M. – Daily Correspondence/Agenda & Briefing on Current County Projects– Commissioners Chambers – Canceled due to Commissioners' schedules

9:00 A.M. – NACo Western Interstate Region Conference – Billings, MT – Commissioner Malone attended

10:00 A.M. – Employee Safety Tape Viewing - Community Room

May 28, 2010

No Commission Meetings

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

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

Marty Malone
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana