

Park County Commission Meeting Minutes  
Week of February 15 – 19, 2010  
Park County, Montana

February 15, 2010

President's Day Holiday – All Offices Closed

February 16, 2010

Review Daily Correspondence & Agenda

@8:32:45 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:

- Memo re. Park County road classification list
- Memo re. Farm Bureau lawsuit - To Commissioner Durgan for review
- Memo re. April road workshops - To road supervisor for review
- Memo re. Park County road and teamsters union proposal
- Memo re. MACo energy meeting - To Durgan for review
- Memo from GIS/IT manager re. road supervisor spreadsheet assistance
- Memo re. HB 130 mental health bill
- Memo from county re. certified letter to citizen - To file
- Memo re. February 23 Gallatin mental health open house from 2:30 p.m. to 5:00 p.m. - To Durgan for review
- Memo from Senator Tester re. Forest Jobs and Recreation Act
- Memo re. Gallatin County solid waste board minutes - To Commissioner Taylor for review

Commission Executive Assistant Raea Morris presented the Commission with the February 16 department head meeting agenda for review. The Commission reviewed its upcoming meeting agenda.

@8:56:19 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

February 16, 2010  
County Road Updates

@9:00:20 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; Gary Barnhart, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss county road updates.

Commissioner Malone said MACo is inspecting the county road shop this morning.

Citizen Gary Barnhart said there is no plowed turnaround up Smith Creek and people are having to park on the county road. Commissioner Taylor said he will talk to Crewman John Young about that road.

Civil Deputy County Attorney Shannan Piccolo said she needs information from Road Supervisor Ed Hillman in order to submit letters to citizens who have plugged a culvert causing road damage and ice formation on Jardine Road.

@9:14:07 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

February 16, 2010  
Department Head Meeting

@9:30 a.m., Chairman Malone called a meeting to order in the Community Room. Commissioners Durgan, Malone and Taylor were present. Also present were Denise Nelson, clerk and recorder; Brett Linneweber, county attorney; Lani Hartung, finance; Mary Anne Keyes, MSU Extension; Clay Williams, weed/junk vehicle; Ed Hillman, road; Martha Miller, auditor; Raea Morris, commission executive assistant; Jill Ouellette, HR; Bruce Martin, maintenance; Paul Shea, interim museum director; Ed Barich, county superintendent of schools; and Commission Minutes Clerk John Mueller.

Commissioner Malone opened the floor to public comment. None made.

Addition or Deletion of County Equipment: Finance Director Lani Hartung said Marilyn Hartley is to be the sole contact for county assets and insurance personnel are not to be contacted directly.

Granit Afterhours IT Support: Malone said any department head can directly contact Granite TCS afterhours for IT support. He said that call will be charged to the department head's budget, and county IT personnel also can be called if available.

MACo Insurance and Training Seminars: Malone said Swanson-Leavitt Insurance provided the county with a list of MACo-sponsored safety trainings. He said employees should forward proof of trainings to the HR department for documentation.

Reimbursement of Travel: Hartung said county employees are only eligible for one county meal in an 8 to 5 timeframe per the Montana Operations Manual. County Attorney Brett Linneweber said claiming three meals in one day is more appropriate for a work day that starts at 4:00 a.m. and ends at 10:00 p.m.

Roundtable Discussion of Activities: Department heads and elected officials reported on recent and ongoing activities and projects.

The next department head meeting is scheduled for March 16, 2010 at 9:30 a.m. in the Community Room.

@10:20 a.m., the meeting adjourned.

February 16, 2010  
Human Resources Updates

@10:31:43 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 activities in the human resources department.

Human Resources Analyst Jill Ouellette presented the Commission with employee change of status forms for signature and a list of the human resources department's work priorities for review. Ouellette said she discussed with MACo the issue of status level of former employees who come back to train employees or fill in; received a resume from an individual with IT skills who does contract work; has been involved in an ongoing employee substance abuse surveillance program; is addressing an ongoing wage and hour issue; addressed a misunderstanding about leave accruals for seasonal and short-term employee statuses; sat in on a meeting with an Angel Line driver after a citizen complaint and checked on mediation services in Bozeman.

Ouellette said a department head made a determination whether to grant an employee the option to apply vacation leave to a sick leave situation per Commission permission.

@10:55:57 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

February 16, 2010  
Discussion of Sick Grants

@11:00:58 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Jill Ouellette, human resources; Martha Miller, auditor; Lani Hartung, finance; Marilyn Hartley, finance; Ed Hillman, road; Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss a county sick grant policy.

Auditor Martha Miller said sick leave grants need to be controlled with guidelines of specific ways to access sick leave grants. Miller said she wants clarification on the intent of the county's sick grant policy. She said state and MACo policies require all use of available paid time off and eligibility through a qualifying event in order to gain a sick grant. Miller said the *Park County Personnel and Policy Handbook* states an employee can grant 40 hours of sick time to another employee in a 12-month period and is being interpreted an employee can donate 40 hours to every employee who needs a sick grant within a 12-month period. Miller said she thinks the intent of the policy is to say an employee can only donate 40 hours of sick leave in a 12-month period. She said currently county employees have received sick grants when they have had up to 180 hours of annual leave on the books.

Human Resources Analyst Jill Ouellette said the interpretation of the current handbook language regarding sick grants was handed down from the Montana Association of Counties Attorney Jack Holstrom. Ouellette said language within the county's personnel handbook stating an employee can only donate 40 total hours in a 12-month period was taken out of the current *Park County Personnel and Policy Handbook* when it was revised. She said Holstrom said MACo is trying to make its sick grant program mirror its Family Medical Leave Act policy.

Assistant Finance Director Marilyn Hartley presented the Commission with a Commission resolution from 2002 on the matter. Hartley said it seems entities have flexibility in how they want to set up and administer sick leave grants.

Commissioner Durgan said he would like the county to follow the MACo-recommended policy on the issue. Commissioner Malone asked Civil Deputy County Attorney Shannan Piccolo to provide an opinion on the language in the current *Park County Personnel and Policy Handbook*.

@11:25:28 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

February 16, 2010

Discussion and Decision of Park County Road Classifications

@11:32:39 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; Raea Morris, executive assistant; Chuck Donovan, citizen; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to review Park County road classifications.

Commissioner Malone said Road Supervisor Ed Hillman and the county road crew reviewed a list of county roads classified from one to five per the frequency of maintenance each road receives. The Commission and Hillman reviewed and reclassified the list of county roads and changes will be published a later date.

@12:36:59 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

February 16, 2010

1:30 P.M. – Senior Center Rehabilitation Project Construction Progress Meeting – Livingston Senior Center – Commissioner Taylor attended

February 16, 2010

Report to Commission on Meeting Between City, County and School District

@3:00:51 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Lani Hartung, finance director; Philip Fletcher, planning director; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to report data from meetings about a Park County community center proposal.

Commissioner Malone said the meeting was scheduled to review data and inform the Commission that individuals proposing a countywide community center have requested Park County put a bond on the next possible election ballot for a countywide community center. Finance Director Lani Hartung said the Livingston School District would have to hold an infrastructure bond, the county would hold a bond for a swim center and auditorium because it has bonding capacity, and the city would hold a mill levy election for operating costs. Hartung said there is question of who will own and operate the community center.

Malone said the proposed community center total project cost would be \$13.3 million with an aquatics park and a walking track costing \$6.2 million; an auditorium costing

\$3.3 million; and fees and related costs equaling \$3.8 million. Malone said the operating costs of the proposed community center would be \$750,000 per year. Hartung said the city of Livingston stated the tax bill on a \$100,000 home would increase \$136 per year to pay for the community center. Hartung said the county could put on a \$12 million bond levy, and the high school needs a minimum of \$7 million for a new roof and deferred maintenance issues and up to \$14 million to remodel the current building. She said the county would need to make a decision to move forward with putting the county bond on the next ballot before March 8.

Planning Director Philip Fletcher said the county parks and recreation board could enter into an interlocal agreement to create a city/county park board, but the county park fund cannot be spent within the city limits as it must be spent within the vicinity of the subdivisions that put money into the fund.

The Commission said it will take the information under advisement.

@3:17:19 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

February 17, 2010

Review Daily Correspondence and Agenda

@8:47:37 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 county attorney re. March 2 census meeting in Emigrant
- Memo to airport owners/managers - To Commissioner Durgan for review
- Memo re. March 8 brucellosis work group @ 12:30 p.m. - To Durgan for review
- Citizen memo re. house assessment - To state assessor's office for review
- Memo re. Livingston Arts and Events Center drawings
- Invoice from Tri-County Sheet Metal - To maintenance man for review
- Memo re. Brunswick Door Company on vendor list
- Memo re. February 18 Solid Waste Board meeting agenda - To Commissioner Taylor for review
- Memo from maintenance re. ADA courthouse door
- Memo from fire warden re. Department of Interior grant applications
- Memo re. Meagher County property tax lawsuit - To file
- Memo from DEQ re. Gardiner Sewer District report - To file
- Memo re. March 6 PCRFD #1 banquet at YMI
- Claims for Commission signature

Commission Executive Assistant Raea Morris said she will deliver postage payment to Printing For Less this morning for county refuse tag printing.

@8:52:51 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

February 17, 2010

Discussion and Approval of House Bill 130 Grant

@10:04:08 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Brett Linneweber, county attorney; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss and approve a House Bill 130 grant.

County Attorney Brett Linneweber said House Bill 130 was passed last year to provide monies and grants to be matched by counties to treat mental health and reduce the number of involuntary commitments and divert mentally ill adults from the jail system. Linneweber said he reviewed the bill and thinks it will probably decrease the number of commitments, but the Commission will have to decide whether it is cost effective. He said the total matching fund amount is \$24,000.

Commissioner Taylor said the county will end up spending the money anyway if it does not get the matching funds. He said the Commission will not participate next year if it does not work out, but ignoring the problem will make it worse and more expensive in the future.

Commissioner Taylor made a motion to accept and submit the application John Beck and Lindsay Reinhart put together for HB 130 because he thinks it is a good thing for Park County and mental health. Commissioner Durgan seconded that motion. Motion passed.

Linneweber said he will telephone the appropriate individuals about the Commission vote.

@10:14:38 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

February 17, 2010

Review of Minutes for Week of February 8, 2010

@10:24 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 Commission meeting minutes for the Week of February 8, 2010.

Commissioner Malone requested a revision to Page 3 of 10, noting the correct spelling of “Wolfe Hill on Swingley Road”.

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

@10:26 a.m., the meeting adjourned.

February 17, 2010

Discussion of Landfill Testing with Water and Environmental Technologies

@10:30:37 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Richard Wright, landfill manager; David Erickson and Pat Thomson of Water and Environmental Technologies; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss landfill testing with Water and Environmental Technologies.

David Erickson of Water and Environmental Technologies (WET) said WET has worked with Park County since 1995 when solvents were found leaking from a Park County Landfill cell. Erickson said WET has treated contaminants as a compliance effort since 1996 per a Montana Department of Environmental Quality (DEQ) directive, and the county must continue groundwater monitoring and remediation for 30 years after the landfill closes if contaminant levels remain a high as they are. Erickson said the blowers in the remediation system are causing ongoing problems at a cost of \$1,000 to \$2,000 for each failure event, and each motor has been rebuilt eight times. He said WET thinks the problem to be a lack of power in the supply line, and the proposal is to operate rebuilt blower motors until they die and then buy new blowers. Landfill Manager Richard Wright said WET may research special surge protectors to address the issue.

Erickson said the Park County Landfill is one of the only landfills in Montana that is conducting ongoing remediation and he thinks the effort should be left alone. He said a new DEQ employee is out to make changes at the landfill, but WET argues there is no reason to make changes since things are working fine. Commissioner Taylor said he would be happy to accompany WET in Helena to discuss requested landfill monitoring changes with DEQ.

@10:47:13 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

February 17, 2010

Discussion and Revision of Road and Bridge Union Agreement

@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 Jill Ouellette, human resources; Ed Hillman, road supervisor; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss and revise a road and bridge union agreement.

Commissioners Durgan, Malone and Taylor; Human Resources Analyst Jill Ouellette; and Road Supervisor Ed Hillman reviewed and made revisions to a draft Park County Road and Bridge/Teamsters proposal dated February 12, 2010.

The Commission said it will submit its revisions to Jim Stone of the Teamsters Union II for his review and schedule another meeting with the county union negotiator on the matter.

@12:41:01 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

February 17, 2010

2:30 P.M. – Health Insurance Committee – West Room

4:00 P.M. – Sheriff's Union Meeting – West Room

February 18, 2010

Review Daily Correspondence and Agenda

@8:30:15 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:

- Memo re. revised revenue and transportation committee - To Commissioner Durgan for review
- Memo re. RC&D - To Durgan for review
- Citizen memo re. property tax
- Memo from Beartooth Electric re. courthouse ADA door
- Memo re. citizen refuse assessment request
- Memo re. Park County Safety Advisory Committee minutes

- Memo re. fund tabulator - To treasurer for review
- Memo re. county employee Dreamweaver training
- Legal advice to Commission from civil deputy county attorney

@8:46:30 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

February 18, 2010

Follow-up Discussion of 9<sup>th</sup> Street Bridge Project Funding

@9:31:02 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Lani Hartung, finance director; Philip Fletcher, planning director; Ed Hillman road supervisor; Martha Miller, auditor; Raea Morris, executive assistant; Kevin Feldman, CTA Engineering (via telephone); and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss 9<sup>th</sup> Street Bridge Project funding.

Planning Director Philip Fletcher said he and CTA Engineer Kevin Feldman met with Federal Highway Administration (FHWA) personnel on February 16 to discuss the 9<sup>th</sup> Street Bridge Replacement Project funding. Feldman said the discussion included information about Montana Department of Transportation (MDT) and FHWA requirements and direct and indirect costs Park County would incur with those agencies administering the project. Feldman said MDT must charge a 17.48-percent fee of the overall project cost as an indirect expense for administering the project per state law, which would include all construction costs, construction oversight costs, and direct MDT personnel project costs. Feldman said with all factors included, the county would pay MDT approximately 26 percent of the overall project cost to have MDT administer the project contract. Feldman said MDT and FHWA design requirements and plan specifications will increase construction costs and preliminary contractor figures by 30 percent. He said the entire project will likely increase from the current approximated \$720,000 to a \$900,000 to \$1 million project, and the county will continue to pursue Treasure State Endowment Program (TSEP) funds. Feldman said a September project start date is likely, but reimbursement funds will not be available until the 2011 construction season if TSEP funds are used.

Feldman said the county would incur costs if it self-administered the project, as construction administration and oversight would require the county to have someone on the project site throughout project activities to document daily workforce, equipment and work completed. Feldman said an audit and review of the county's ability to fund the project would also be required. Fletcher said Chapters 3 and 12 of the local agency guidelines state the county must have a qualified engineer or contracted engineer on staff in order for the county to administer the project, but the county cannot have an engineer manage the project in excess of \$10,000 without meeting additional requirements. He said there is a big difference between an administration and management/consulting role

of a contract engineer. Feldman said all project costs would be eligible for reimbursement through the Transportation, Community, and System Preservation (TCSP) program, but are not eligible until a project has been approved by the FHWA or funds have been appropriated.

Feldman said the county would not save the entire 17.48 percent fee if Fletcher administered the project for the county. He said Fletcher's direct time spent on the project could be reimbursed, but his indirect time, such as administrative services and personnel, certified payroll and photocopies, could not be reimbursed. Finance Director Lani Hartung said she thinks the county is capable of managing the project in-house but may need to bring on temporary, part-time help to do so. Fletcher said he and Feldman determined a team approach with county departments and a contracting engineer would be feasible and substantially less in cost to the county than having MDT administer the project. He said he will schedule a meeting next week for an administration team to establish a timeline and strategy to complete the project.

Commissioner Malone said he thinks it behooves the county to save the funds it would by self-administering the project. Malone said the county will need to look for ways to cut project costs. Road Supervisor Ed Hillman said the road department is capable of removing existing and installing new bridge approaches.

Commissioner Taylor made a motion to administer the project locally. Commissioner Durgan seconded that motion. Motion passed.

@10:09:19 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

February 18, 2010

Discussion of Safety Training Calendar

@11:00:48 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Belinda Van Nurden, DES Coordinator; Jill Ouellette, human resources; Dan Gutebier and Chuck Vancura of Swanson-Leavitt Insurance; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss a county safety training calendar.

Dan Gutebier of Swanson-Leavitt Insurance said Swanson-Leavitt is working with county personnel to formalize a safety training calendar. Human Resources Analyst Jill Ouellette said discussions involved trainings to address blue-collar, white-collar and law enforcement-type county work. She said reducing the county's Errors and Omissions ratio was also discussed, as well as providing leadership training to provide more interpersonal skills for department heads in conflict management to avoid wrongful termination suits.

The Commission said it would like to have a written report a MACo inspection of county buildings and facilities, including the road shop.

@11:43:38 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

#### February 18, 2010

2:30 P.M. – Oil and Gas Exploration Subcommittee – Community Room – Meeting minutes available at [www.parkcounty.org](http://www.parkcounty.org) and in the Planning Department

3:30 P.M. – Planning Board and Commissioners Discussion of Upcoming Goals and Expectations – Community Room – Meeting minutes available at [www.parkcounty.org](http://www.parkcounty.org) and in the Planning Department

4:00 P.M. – 911 Communications – West Room – Cancelled

4:00 P.M. – Library Board – Park County Library

7:00 P.M. – Solid Waste Board – West Room – Meeting minutes available at [www.parkcounty.org](http://www.parkcounty.org) and in the Commission Office

#### February 19, 2010

8:30 A.M. – Review Daily Correspondence & Agenda – Commissioners Chambers – Canceled due to no quorum of Commissioners

9:00 A.M. – Claims Review – Commissioners Chambers

#### February 19, 2010

##### Ratify Tentative Union Agreement for Sheriff's Office

@10:19:29 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone (via telephone) were present. Also present were Jill Ouellette, human resources; Marilyn Harley, finance; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to ratify a tentative agreement for the Sheriff's Office subject to prior union ratification and if ratified, authorization for retroactive pay for union members to July 1, 2009.

Commissioner Durgan said County Union Negotiator Rick D'Hooge sent a copy of a tentative agreement reviewed by the Commission. Human Resources Analyst Jill Ouellette said she double-checked the figures and the union ratified the agreement at a union member meeting on February 17. She said the Commission will decide today whether to ratify what the union ratified on February 17 with corrected and accurate

figures. Ouellette said she will enable all sheriff's office deputies and personnel to view the payroll dollar amounts prior to checks being cut.

D'Hooge was telephoned to provide input on the matter. D'Hooge said the union is happy with what was discussed and ratified at the February 17 union member meeting.

Commissioner Durgan made a motion to ratify the tentative agreement for the Sheriff's Office that was ratified by the union members on February 17, 2010 and authorize the retroactive pay to July 1, 2009 to be paid on a separate payroll at the soonest convenience of the Human Resources and Payroll Departments. Commissioner Malone seconded that motion. Motion passed.

@10:31:15 a.m., Malone made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

#### February 19, 2010

11:30 A.M. – Discuss and Consider Signing a Jail Monitoring System Contract –  
Commissioners Chambers – Canceled due to no quorum of Commissioners

Marty Malone  
Chairman, Park County Commission  
Park County, Montana

Denise Nelson  
Clerk & Recorder  
Park County, Montana