

Park County Commission Meeting Minutes
Week of January 10 – 14, 2011
Park County, Montana

January 10, 2011

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:33:56 a.m., Chairman Taylor 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; Ed Hillman, road; Philip Fletcher, community development; 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 LTAP re. January 13 bridge structure seminar
- Memo from community development re. YREE historic preservation fund
- Memo re. evaluation grading sheet for Zia Report update
- Memo from fair board re. Park County Insurance policy
- Memo from clerk and recorder re. fire trustee election
- Memo from civil deputy county attorney re. Zia Report contractor selection
- Memo from Forest Service re. Shields River Road Forest Highway program
- Memo re. metal waste recycling request for bid
- Memo from IT re. January 12 copier training

Commission Executive Assistant Raea Morris said citizens commented favorably about January 7 road work done on Shamrock and Five Acre Tracts roads.

Road Supervisor Ed Hillman said road shops in Clyde Park and Wilsall will be insulated once tin is installed.

@9:02:38 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

January 10, 2011

Review of Minutes for Week of January 3, 2011

@10:22:02 a.m., Chairman Taylor 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 January 3, 2011.

Commissioner Malone requested a revision to Page 2 of 14; second paragraph, the last sentence should read, "Road Supervisor Ed Hillman said \$20,000 was put into the machine in 2007." On Page 3 of 14, Malone noted the correct spelling of "Hyalite" Road. On Page 5 of 14; fifth paragraph, the second sentence should read, "The Commission directed Hillman to pull the stop sign off the junction of Miller and Guthrie Lane."

Commissioner Taylor requested a revision to Page 5 of 14, noting the correct spelling of "Tana" Lane.

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

@10:29:11 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

January 10, 2011

Consider Signing a Contract with NFWF Providing Funding for Fleshman Creek Project

@10:32:32 a.m., Chairman Taylor 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; Philip Fletcher, community development; Barbara Woodbury, environmental health; Lani Hartung, finance; Gary Barnhart, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to consider a decision to sign a contract with the National Fish and Wildlife Foundation (NFWF) providing funding for the Fleshman Creek Project.

Community Development Director Philip Fletcher said NFWF agreed to fund a \$53,750 grant two years ago as part of the Fleshman Creek Restoration Project and the Commission needs to draft a contract to collect the funds. Fletcher said the requirement of the grant is do the project as submitted in the application. He said the NFWF has agreed to change the dates of the project, as it was supposed to be completed in summer 2011.

Commissioner Taylor read into the record requirements to be met by the county per the grant application. Commissioner Malone asked if the county is bound to complete the creek restoration portion of the project if the Commission signs the grant. He said his concern is the county does not know who owns the property along the stream. Fletcher said the county knows every property owner there and is in the process of setting up public meetings. Malone said by signing the contract the county is committing to something it has no idea how much it will cost. Fletcher said if the county does not do the fish mitigation part of the contract it will lose the \$53,750 grant. Commissioner

Durgan said he thinks the key selling point of the project is the restoration of the creek. He said the county is obligated not to exceed \$300,000 to be in line for \$3 million, and that seems to be a no-brainer.

Fletcher said the county is eligible for \$53,750 if it signs the grant, but nothing will be billed toward the NFWF grant if a decision is made after the final design work is done to make the project flood control only and habitat restoration will not be done. He said the county can tell NFWF the scope of the project has changed and the money goes back to them, but if it does not sign it and then does the whole project, the \$53,750 option for reimbursable expenses is lost.

Malone said he wants to be sure the county is not obligated to do the project if it signs the agreement. He said his concern is if the Commission signs the grant contract the county is obligated to pay \$700,000. Fletcher said the county has the \$700,000 with in-kind commitments and other funding. Fletcher said narrowing the project scope will have a ripple effect on other contracts, but the Commission is entitled to do such.

Citizen Gary Barnhart said he heard the project was no longer going to involve culvert replacement. Fletcher said he never heard that rumor. Taylor said the heart of the project is flood mitigation. Barnhart said the flooding concern is the beavers and the head gates. Fletcher said the final design plus four public meetings will address all culvert questions with specificity, which is the purpose of the next project phase.

Fletcher said it is staff opinion the Commission sign the contract if it wants to preserve all options. He said in his project administration capacity the county has nothing to lose by signing the contract but has something substantial to lose by not signing it.

Civil Deputy County Attorney Shannan Piccolo said contract termination language mentions shutting down the project if the grant is terminated. She said it may be wise to determine how NFWF defines the term "project," whether it is the entire project or just the fish mitigation portion.

Commissioner Durgan said he does not have any particular reservations with signing the contract as clauses exist within it to change any sort of shortcomings or future problems. He said his motion speaks to is accepting the contract from NFWF to provide funding and accept the \$53,750. He said he is not worried about the mitigation part of it and that can be spoken to during the final design and there is no need to hold up the grant. Piccolo said a provision exists in the grant stating the Commission can request to amend the scope of services.

Commissioner Durgan made a motion to sign the contract with the National Fish and Wildlife Federation for funding of the Fleshman Creek Project. Commissioner Malone seconded that motion with an amendment stating the Commission agrees to sign the contract with legal review of the termination clause by the civil attorney and whether it prohibits the county from going forward with the project if it terminates the grant. Motion passed.

@11:19:17 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

January 10, 2011

3:00 P.M. – Local Advisory Committee – Livingston – Commissioner Taylor attended

3:00 P.M. – Angel Line Board – West Room – Commissioner Malone attended

January 11, 2011

7:30 A.M. - Job Service Employers Committee - Livingston Job Service

8:00 A.M. - MACo Loss Control Meeting - Helena, MT – Commissioner Malone attended

January 11, 2011

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:34:17 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, 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 road supervisor re. caller ID request
- Memo from sanitarian re. onsite Cooke City survey meeting
- Memo re. CTA Nov and Dec professional services invoice
- Memo re. \$81,192 Shields River Surface and Groundwater Monitoring grant

Commissioner Taylor said he will talk with the Forest Service about Shields River and Boulder Roads as National Forest Service Highways.

@8:56:54 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

January 11, 2011

County Road Updates

@9:06:23 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, and Taylor were present. Also present were Ed Hillman, road; Shannan Piccolo, civil deputy county attorney; Lani Hartung, finance;

Kevin Bales and Leslie Peterson, Crazy Mountain Ranch; Duane Long and David Burns, citizens; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss county road issues.

David Burns of 95 Hyalite Creek Road said he would like to discuss having snow plowed off his road. He said he would like to understand why Hyalite Creek Road is a Class IV road as all people on the drainage live on Hyalite Creek Road. Burns said he has been plowing the road, but he does not want to continue as it is causing wear and tear on his truck. He said it does not make a lot of sense to him the county plows snow within one-half mile of his cattle guard and turns around. He said there is a spot to turn around graders 300 feet below his property that was built by the county years ago. Road Supervisor Ed Hillman and Commissioner Durgan said they would view the area.

Kevin Bales of Crazy Mountain Ranch said he needs an estimate from Hillman about patching Rock Creek Road, as well as a description of the work before it is done. Bales said he needs an estimate with labor costs and costs for materials. Hillman said he has an estimate for repaving the pavement portion of Rock Creek Road. Bales said he would like a heads up of that amount.

Citizen Dwayne Long of 11 Whispering Pines said the court determined on November 30 a road in Whispering Pines Subdivision is a county road. He said the lawsuit is finished and he would like to get a locked gate removed and rocks out of the road so the public can use it. Long asked when he can expect the road to be opened. Civil Deputy County Attorney Shannan Piccolo said a public comment briefing is scheduled before the issue is totally resolved. Commissioner Taylor said the county will move as soon as it gets advice from legal counsel and the county is happy to address the issue.

Hillman said he drove Mill Creek and Old Clyde Park roads and both are in good driving condition if caution is used. Hillman said the road crew is out of sand in Gardiner.

Finance Director Lani Hartung provided Road and Bridge expenditure reports as of December 31, 2010, for review.

@9:36:50 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

January 11, 2011

Human Resources Updates

@9:38:50 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, 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 issues in the Human Resources Department.

Human Resources Analyst Jill Ouellette provided Commissioner Taylor with an Angel Line driver job description for signature; provided the Commission with a claim to send floral arrangement money to a funeral home in lieu of flowers to help curb funeral expenses of a deceased county employee; provided a change of status form offer of employment for a homemaker nurse; and provided final Sheriff's Office longevity paperwork for signature.

Ouellette said she discussed backup snowplow operators with state representatives. Ouellette and the Commission reviewed employee suggestion box comments. She said she is looking toward revision of the county employee handbook as a next big project.

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

January 11, 2011

Consider Decision on Solid Waste Plan Proposals

@10:24:18 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Courtney Lawellin, attorney; Wes Venteicher, Livingston Enterprise; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a decision on a solid waste plan proposal.

Civil Deputy County Attorney Shannan Piccolo said the Commission decided it will evaluate the lone proposal received from Bell and Associates to determine if the firm is qualified to update the Zia Report and generate a solid waste plan for the county. She said another option is for the county to re-advertise to get more submittals if it feels the cost set forth in Bell's proposal is over-burdensome.

Park County Concerned Citizens Attorney Courtney Lawellin said she feels the proposal from Bell and Associates is comprehensive, covered aspects of information they hoped, and felt would be required for the public to make an informed decision of a long-range solid waste management plan. She said she is good with the incineration portion of the proposal. Commissioner Taylor asked Lawellin if she felt the incineration area was covered well enough. Lawellin said "yes." He asked Lawellin if she has concerns with the personnel employed by Bell. Lawellin said "no."

Commissioner Durgan said based on that information it would be in the best interest to stay on the timeline and game plan, he thinks it is a good proposal, he has no problem with it, and feels more proposals may be more extensive and expensive if the county goes out for more bids. He said the county may not find firms interested in such a small project. Durgan said a committee would give credibility to the decision to select a firm beyond the Commission making a final decision. Piccolo said a decision is supposed to

be made by January 18. Taylor said he agrees a committee is a good idea and it would appear the Commission is not seeking public input if it makes the decision.

There was discussion to form a committee of a PCCC member or legal counsel, transfer station personnel, the Community Development Department Director, Piccolo and a Solid Waste Board member. Piccolo said she will provide copies of the proposal and evaluation forms for reviewers, and evaluations will be done individually in the interest of time.

Commissioner Durgan made a motion Piccolo make necessary contacts to get a committee formed and the Commission begin evaluations at a meeting on January 18, time to be determined. Commissioner Taylor seconded that motion. Motion passed.

@10:42:50 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

January 11, 2011

1:00 P.M. – Senior Center Meeting – Livingston Senior Center

2:00 P.M. – I.T. Advisory Committee – East Room

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

January 12, 2011

8:00 A.M. – MACo Loss Control Meeting – Helena, MT – Commissioner Malone attended

January 12, 2011

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:30 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Raea Morris, executive assistant; and Shannan Piccolo, civil deputy county attorney. No public comment made.

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

Correspondence included:

- Memo re. Board of Health member resignation letter
- Memo from community development re. natural gas bills
- Memo re. Cinnabar Basin road work commendation
- Memo from finance re. department head audit findings
- Memo re. Yellowstone River Conservation District Council survey
- Memo re. HB 130, 131 and 132 bills funding

- Memo from city manager re. Prospera revolving loan fund status report

Commissioner Durgan said a young man requested to park in the employee parking lot for four months while attending basic training in the Armed Forces. Civil Deputy County Attorney Shannan Piccolo said she recommends the individual sign a liability waiver.

@8:48:21 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

January 12, 2011

6:30 P.M. – 4-H Lariat Meeting – East Room

January 13, 2011

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:32:46 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Raea Morris, executive assistant; Ed Hillman, road; 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 YGM re. museum board member recommendations
- Memo from CTA re. storage building invoice
- Memo re. entitlement share bill
- Memo re. Jan 11 JSEC meeting minutes - To Commissioner Malone for review
- Memo from DES re. grants audit
- Memo re. Park/Sweetgrass County Boulder Road bill

Road Supervisor Ed Hillman said Swingley Road was closed by the sheriff at 11:00 p.m. on January 12 and the road crew erected a road closed sign.

Commissioner Malone reported on a January 11 and 12 loss control conference in Helena.

@8:54:47 a.m., Malone made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

January 13, 2011

9:00 A.M. - Safety Meeting - Commissioners Chambers

10:00 A.M. - Local Emergency Planning Committee - Community Room

January 13, 2011

Discussion of Emigrant Gulch Road

@10:01:55 a.m., Chairman Taylor 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; Lauren Oswald, Forest Service; Citizens George Bauer, Cathie and Mike Britton; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss the status of Emigrant Gulch Road.

Citizen George Bauer said the Brittons own mining claims in Emigrant Gulch and are trying to determine the status of the roads going up Emigrant Gulch listed on the Forest Service travel plan as the Emigrant Creek Road. He said he is trying to determine the route and terminus of the road and a spur road going up the back of Emigrant Peak. Bauer said there have been different interpretations of the status of the roads and he hopes to find evidence that supports where the road goes and ends.

Citizen Mike Britton said he bought the property one year ago and approached the Commission and Forest Service to address a road slide with no response. Britton said the road supervisor was unable to verify the road was a county road. Britton said a certified land surveyor's document done by the Forest Service shows the county road ends at his property boundary. He said he and his wife decided they will take care of the slide, but they will not permit the general public to drive through the property at will. Britton said he is asking for documentation stating whether the county road stops at or passes through his property.

Bauer presented the Commission with a petition referencing Road #17C dated January 24, 1888. He said that petition was a notice for petition for maintenance of a road up Emigrant Gulch past the claim in question to Six Mile to middle crossing of Emigrant and onto the intersection of the road Petition #338 dated March 6, 1888. Bauer said nothing in the records shows the petition was granted or the road established. He said the road up the back side of Emigrant Peak is documented as Road #3273. Bauer asked what documents the Commission will present to support its contention the road goes all way to St. Julian Mine. Commissioner Malone said that document would be the petition first mentioned, and public access remains to St. Julian Mine.

Civil Deputy County Attorney Shannan Piccolo said she does not know whether the county has researched Commission minutes to determine whether the petition was granted. She said the Supreme Court said counties do not statutorily have to take all steps to declare a road a county road, so each issue is a case-by-case determination. She said the county would have to look in the Commission minutes for an indication of whether the petition was granted.

Commissioner Durgan said he submits in many instances minutes fail to show there was granting or a motion about a petition. He said he submits the public use of road and the

lack of anyone laying claim to or wanting to fence across the county easement supports the idea the road is still a county easement. Piccolo said such goes more toward an issue of prescriptive easement. She said a lack of data showing the county granted the petition would lead one to look at whether the county maintained the road and through those actions showed intent to grant the petition.

Britton said he would be happy to give an easement to the county to St. Julian Mine if it will help with preventative maintenance on the road. He said currently no equipment can be taken through the area without the danger of falling off the edge of the mountain.

Bauer said the Brittons are offering to repair the road but are being required to pay for a 310 permit without assistance from the county while being told the county has an easement because it has been maintaining the road. He asked if it is possible for the county to waive the inspection fee if the Brittons go forward with road repair.

Bauer said the problem is unauthorized people are trespassing and prospecting on the claim, despite signs being posted. He asked if the Forest Service can help with signage. He said people are strapped with side arms and prospecting on the Brittons property saying they have permission to be there. Lauren Oswald said she thinks the Forest Service would be willing to entertain signage, but that is contingent on the jurisdiction of the road.

Britton said status of the road seems to be a lot of the problem, and he has no issues letting property owners above them get through. He said he has issues with maintaining the road at his expense, the road being deemed a county road, and the public using it for recreation purposes. He said the Sheriff's Office said it will not come up the road if it cannot traverse it.

Britton said he does not want to incur the liability of someone getting hurt on his property and he is losing part of his property by people driving through the stream to get to the other side. He said he needs documentation and confirmation from the county as to its position of the status of the road.

Malone said he suggests Britton work with the county historian or another individual at his expense. Piccolo said a record search is not an end all be all, as a recent district court decision determined a road to be a county road because the county maintained it for some time without any documentation of a petition being granted.

Bauer asked if he can receive a letter stating what the county believes the status of the road to be. Piccolo said she can provide that and copy the Forest Service.

Britton said numerous residents in the area were not aware of and are not happy the Forest Service may turn the road into an ATV route. He said residents are not happy at all with the amount of traffic going through.

@10:33:21 a.m., Malone made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

January 13, 2011

Signing of Community Development Block Grant Public Facility Grant Contract

@11:04:10 a.m., Chairman Taylor 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; Philip Fletcher, community development; Lani Hartung, finance; Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign a Community Development Block Grant Public Facility grant contract.

Community Development Director Philip Fletcher said contracts were sent out to Parisi Plumbing and Heating and RGO and the state contract officer at Montana DEQ acknowledged receipt of those contracts.

Commissioner Malone made a motion to approve and sign the grant for Parisi Plumbing and Heating and RGO Inc. Commissioner Taylor seconded that motion. Motion passed.

Finance Director Lani Hartung said it is apparent electrical work will not be completed by the January 31 deadline so she would like to draft a letter to DEQ requesting an amendment to extend the contract to February 28.

@11:09:40 a.m., Malone made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned. @11:22:58 a.m., Taylor reconvened the meeting.

Civil Deputy County Attorney Shannan Piccolo said she recommends the Commission rescind its previous motion, as it was not the correct meeting for that motion.

Commissioner Malone made a motion to rescind the previous motion to sign a contract with Parisi Plumbing and Heating and RGO. Commissioner Durgan seconded that motion. Motion passed.

Piccolo said the contract states the county must maintain earthquake insurance for the length of the contract. Commissioner Malone telephoned Taylor-Leavitt Insurance to inquire into whether it has earthquake insurance.

Commissioner Durgan made a motion to sign the contract for a Community Development Block Grant dealing with the capital improvement program, and the Commission will make provisions for earthquake insurance. Commissioner Malone seconded that motion. Motion passed.

@11:32:39 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

January 13, 2011

Discussion of Yellowstone River Ranch Estates Historical Preservation Fund Account Policies and Administration

@11:33:25 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Philip Fletcher, community development; Lani Hartung, finance; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss a Yellowstone River Ranch Estates (YRRE) Historical Preservation Fund Account policies and administration.

Community Development Director Philip Fletcher said he submitted a detailed memorandum on the YRRE to the Commission in November. He said the fund contains about \$62,000 per the books, but there may not be that much money in the fund as it has been viewed by the cemetery association as its fund to spend on cemetery projects at Emigrant and Old Chico. Fletcher said there has been no invoicing, accounting or reporting of expenditures. He said the fund is an account on the books that is not being administered or accounted for.

Civil Deputy County Attorney Shannan Piccolo said she submitted a legal opinion on whether the county is entitled to the funds.

Commissioner Taylor said a memo should be put out stating anyone who thinks they have a claim against the fund should submit an invoice. Piccolo said the county can do an exhaustive search of Commission minutes to assess whether the previous Commission made a motion to allocate the funds in question. .

Finance Director Lani Hartung said she will submit a letter to the cemetery association on the matter.

Commissioner Durgan made a motion Hartung formulate a letter on the Commissioners behalf to include recommendations one through four on Page 2 from a memorandum submitted by Mr. Fletcher on November 19, 2010. Commissioner Taylor seconded that motion. Motion passed.

@11:57:29 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

January 13, 2011

1:00 P.M. - Commissioners at Capital Improvement Programming Coordination and Prioritizing Workshop - Community Room

January 13, 2011

Consider Decision to Increase Hours and Benefits of Accounting Department Clerk

@2:33:35 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Brett Linneweber, county attorney; Shannan Piccolo, civil deputy county attorney; Philip Fletcher, community development; Lani Hartung, finance; June Little, clerk of court; Tom Totland, PCSO; Marilyn Hartley, finance; Martha Miller, auditor; Raea Morris, executive assistant; Camden Easterling, Livingston Enterprise; Kevin Funk, citizen; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a decision to increase hours and benefits for an Accounting Department clerk.

Finance Director Lani Hartung said the Commission requested the meeting, as an Accounts Payable (AP) clerk in her office has been working over her three-quarter time hours each week. Commissioner Taylor said he called the meeting because Human Resources Analyst Jill Ouellette came to him because the AP clerk is working more than three-quarter-time and there is question as to whether she should be moved to full time. Hartung said she did not request an increase in the AP clerk's hours or benefits. She said there had been discussion of increasing the position's hours to assist with grant reporting, including the 9th Street Bridge project, a House Bill 645 grant, Fleshman Creek FEMA grant, and an EECDBG grant. Hartung said there has been a change in accounting office scope of duties and functions with grant reporting. She said she does not think the AP job description or responsibility has changed, but she thinks she should have flexibility in her office with how her three-quarter time employee is assigned for things Hartung needs her to do. Hartung said the AP clerk provides administrative support for her such a photocopying, filing, and faxes. She said she helps Hartung with administrative duties in the office including fund reconciliation, accounts payable accounts, was helpful when the external auditors visited by photocopying, pulling and re-filing files, and assisting the road supervisor with billing and recording of assets. Hartung said it takes the AP clerk hours to conduct fixed and machinery asset management.

There was discussion about asset management through the accounting department. Commissioner Malone said he does not like hiring someone from Idaho to conduct asset management if it can be done by someone in house.

Hartung said an increase in the AP clerk hours was discussed when the county considered not contracting with Nittany Grantworks for grant writing and administration services, as the accounting department has picked up some grant reporting work. Auditor Martha Miller asked if she could assist the accounting office with its grant reporting efforts.

Hartung said Miller could do that. Hartung said the county is gearing up to be active with many grants waiting in the wings and will begin receiving bills from vendors.

Community Development Director Philip Fletcher said he specifically asked the Commission to preauthorize up to a 1.5 time temporary employee position in the accounting department during the bridge grant rush as part of the Commission's motion for the county to take over grant administration for that project because it was going to increase the load of several departments. Fletcher said the Commission made such a motion and action was taken on the record and it was left up to the accounting department to reach a determination if it needed extra help. Fletcher said the county is now moving into five special projects in which a heavy load is being put on his department with paperwork, monitoring, accounting, bills and payments. He said he and Hartung talked recently that such will put a significant load on her department. Fletcher said the county now does not have enough people or hours to maintain existing or get additional grants and he has stopped looking for additional grants. He said the county is limited on what it can do, because it has a higher capacity to get funding than to administer grants.

Miller asked if hiring a grant administration employee in the future is an option. Fletcher said that is an option and he is studying the cost/benefit analysis of such a hire. Commissioner Durgan said the issues being discussed does not lend credence to increasing hours of the AP clerk. He said he thinks there are two people in the accounting department who are capable of handling the workload and perhaps Hartung should delegate some of her work to others in her department. Durgan said Fletcher should look during budget time to the desirability or necessity of having more people with assisting him in getting grants processed, and the auditor just said she would help with that. Durgan said he understood the finance department was set up with three people with specific duties and he would like to review the job descriptions again to ensure the county is on track with them. He said he feels this is the wrong time to approach an increase of hours and benefits for the AP clerk and the accounting office needs to see if there is a way to shift things around within the office to see if it can work on a team basis and he sees no reason to go to three fulltime employees.

Durgan said the Commission has been notified on two or three occasions Hartung has applied for benefits for the AP clerk that clerk is not eligible for. Hartung said she has not applied for anything the clerk has not earned. Hartung said she can produce a list of employees who have used benefits over what is allotted them.

Commissioner Malone said the auditor stated the AP clerk has worked 40 hours per week a substantial number of times and the Commission must be fair to employees. Malone said paying bills on time is important and he thinks the AP clerk has done a great job and all things are clicking. He said the Commission needs to look at the AP clerk's timesheets, and big projects are coming up, and the county is saving taxpayers \$250,000 by taking on grant administration of the 9th Street Bridge project. Malone said he thinks it will take a substantial amount of time on the part of the AP clerk and it is worth increasing a person's time in house.

Executive Assistant Raea Morris said it is a little concerning when the county is looking at increasing funds when it talks about reducing its budget. She said she thinks department heads need to prioritize and delegate workloads to get work done. Hartung said she is doing HB 645 work for Hillman, not assisting him. She said it is more cost effective to have lower-level paid employees do certain types of work. Assistant Finance Director Marilyn Hartley said it can be difficult for her to get grant deadline work completed for tax deposits and she does not feel it is a good idea to dump more deadline work on her with her payroll work.

Fletcher said the Commission had an explicit conversation on the demands grant work would put on the county and he asked for preapproval for additional time for the accounting department because of administrative requirements. Fletcher said he thinks the action is in the March minutes and the situation is playing out exactly as he saw it would in March and April. He said the AP clerk should be bumped to fulltime for 120 days if possible using that information.

Ouellette said the county can run into trouble if an employee exceeds the specific level of benefits an employee has and can use. She said an employee may not receive his/her full benefits if it changes status outside of open enrollment, and flex becomes confounded because it is based on an entire year. Malone said the county needs to talk to the AP clerk to see if it is being fair about personal benefits she may not be getting. Ouellette said the county can opt to give an employee extra hours for a certain project. Hartung said she does not think the AP clerk is asking for any additional benefits.

Lieutenant Tom Totland said the Sheriff's Office was denied a half-time position it requested to assist the civil clerk with time-sensitive issues.

County Attorney Brett Linneweber said the Commission and HR can talk to the AP clerk and pass on discussions to the County Attorney's Office for a legal opinion.

Commissioner Malone made a motion to reschedule a personnel meeting next week. Commissioner Durgan seconded that motion. Motion passed.

Commissioner Malone made a motion Hartung provide the Commission with details of job duties of accounting department employees. Commissioner Durgan seconded that motion. Motion passed.

@3:33:25 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

January 13, 2011
Appointing of a Special Deputy County Attorney

@3:35:13 p.m., Chairman Taylor 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 appoint a special deputy county attorney.

County Attorney Brett Linneweber said a special attorney is needed to assist Chief Deputy County Attorney Cathy Karick in a case State v. Marie Reed, in which the county has charged an employee with embezzling funds from the Owl Lounge business. Linneweber said expenses should be minimal since it is being handled in-house, and the attorney will be from the attorney general's office.

Commissioner Malone made a motion to allow Mr. Linneweber to appoint a special deputy county attorney and approve Resolution #1091 as provided. Commissioner Durgan seconded that motion. Motion passed.

@3:38:07 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

January 13, 2011

6:00 P.M. – 4-H Council – Community Room

January 14, 2011

No Commission Meetings Scheduled

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

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

Randy Taylor, R.S.
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana