

Park County Commission Meeting Minutes  
Week of December 31, 2012 – January 4, 2013  
Park County, Montana

December 31, 2012

No Commission Meetings Scheduled

January 1, 2013

New Year's Day Holiday – All Offices Closed

January 2, 2013

County Road Updates/ Engineering Services Updates

@8:07:18 a.m., Commissioner Malone called a meeting to order in the Commission Chambers. Commissioners Durgan and Malone were present. Also present were Raea Morris, administrative assistant; Mark Westenskow and Parks Frady, CTA; Brenda Adams, citizen; John Mueller, minutes clerk.

The meeting was scheduled to discuss county road and engineering services updates.

Brenda Adams, citizen, said a concrete bridge on Old Clyde Park Road near Livingston has a hole in it through which the creek is visible, so it would be wise to repair it as traffic will be diverted to that road when the Highway 89 KPRK Bridge closes for replacement.

Parks Frady, CTA Engineering, provided a report of CTA's engineering services for Park County.

Commissioner Malone said the road supervisor and mechanic were driving that day to Colorado to inspect a plow truck/sander combination vehicle for possible purchase for use in the Gardiner area where that plow truck often breaks down.

@8:17:49 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

January 2, 2013

Discussion/Status of Fleshman Creek Project

@8:31:33 a.m., Commissioner Malone called a meeting to order in the Commission Chambers. Commissioners Durgan, Malone and Tinsley were present. Also present were Shannan Piccolo, civil deputy county attorney; Raea Morris, administrative

assistant; Mark Westenskow and Parks Frady, CTA; Mike Adams, fair board; Brenda Adams and Gary Barnhart, citizens; John Mueller, minutes clerk.

The meeting was scheduled to discuss the status of the Fleshman Creek Restoration Project.

Mark Westenskow, CTA Engineering, provided an update report of CTA's efforts on the Fleshman Creek Restoration Project. Westenskow said Kent Atwood of Montana DES said major amendments to the grant funding the project are not as easy to get approved as perhaps once thought. He said final project design show construction costs higher than the estimates put in the original grant application. Westenskow said the project is supposed to be totally completed by June 30, 2013, per the original application, but he thinks Park County has a viable project and construction design to qualify for a grant extension. Westenskow said he thinks the county needs to inform Atwood the increased costs are not due to construction price escalation and would not constitute a change to the nature of the project.

The Commission said it would schedule an in-person meeting with Atwood to be attended by CTA and a commissioner to present the proposed final design and explain why construction costs are higher than in the grant application.

@8:58:57 a.m., Durgan moved to adjourn the meeting. Tinsley seconded the motion. The meeting adjourned.

January 2, 2013

Selection of Commission Presiding Officer Position

@9:07:00 a.m., Commissioner Malone called a meeting to order in the Commission Chambers. Commissioners Durgan, Malone and Tinsley were present. Also present were Shannan Piccolo, civil deputy county attorney; Raea Morris, administrative assistant; Jill Ouellette, HR; Martha Miller, auditor; Mike Adams, fair board; Wes Venteicher, Livingston Enterprise; Brenda Adams and Gary Barnhart, citizens; John Mueller, minutes clerk.

The meeting was scheduled to select the Commission presiding officer position.

Commissioner Durgan moved to nominate Commissioner Malone as presiding officer. Commissioner Tinsley seconded the motion. Motion passed.

@9:16:21 a.m., Tinsley moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

January 2, 2013  
City-County Meeting

@9:33:59 a.m., Chairman Malone called a meeting to order in the Commission Chambers. Commissioners Durgan, Malone and Tinsley were present. Also present were Adam Stern, city commissioner; Ed Meece, city manager; Raea Morris, administrative assistant; Martha Miller, auditor; Mike Adams, fair board; Wes Venteicher, Livingston Enterprise; Brenda Adams and Gary Barnhart, citizens; John Mueller, minutes clerk.

The meeting was scheduled to discuss joint city/county endeavors.

There was discussion about locking of courthouse building doors and a lack of overall building security. Adam Stern, city commissioner, said perhaps both county and city emergency services could provide a recommendation to city and county commissioners of how the building can be secured.

Commissioner Malone said all county refuse will be taken to the city of Livingston transfer refuse station on January 6, which is when the county's Envirocon contract expires. Refuse is expected to start being delivered on January 7. Commissioner Tinsley said Four Corners Recycling offered to pick up recyclable materials from throughout the county if it can have all recyclable metal materials.

@10:07:20 a.m., Durgan moved to adjourn the meeting. Tinsley seconded the motion. The meeting adjourned.

January 2, 2013  
Human Resources Updates

@10:34:05 a.m., Chairman Malone called a meeting to order in the Commission Chambers. Commissioners Durgan, Malone and Tinsley were present. Also present were Jill Ouellette, HR; John Mueller, minutes clerk.

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

Jill Ouellette, HR, said all employees would begin to experience a two-percent increase to Social Security tax rates on paychecks as a result of action by the federal government.

Ouellette said she was working on refuse staff options with Interim Refuse Manager Warren Newhouse II. She said numerous issues exist regarding employee training, work available and possible openings within the department. She said an option may exist to employ existing employees at outlying green box sites, which will go from unmanned to manned sites.

Commissioner Tinsley said he totally disagrees with offering employees jobs they do not want to do or to merely maintain them on the payroll. He said potential cost savings exist

for the county in reduced personnel costs with changes in the system in taking all refuse to the city of Livingston. He said he thinks there is \$180,000 in unneeded employee costs in the county refuse department.

Commissioner Malone said he thinks Newhouse or Ouellette should provide the Commission with a proposal on how to employ refuse personnel. Commissioner Durgan said he does not want to micro-manage the proposed changes to the county refuse system, and he thinks Newhouse should make staffing decisions. Ouellette said current refuse employees had never been promised they would be retained by the county with the proposed changes. She said her efforts with Newhouse were to keep employees employed in an interim period while the Commission finalized decisions on changes to the overall county refuse system. She said time is of the essence to determine what to do with the employees, as all county refuse is scheduled to go to the city transfer station on January 7.

Tinsley said he thinks the duration of any temporary employment options need to be put in writing, and after that time expires the Commission will reassess the situation. He said he thinks working Sundays should not be an option to refuse workers where needed, and should be part of an employment offer.

Malone said no one has verified refuse assessments on county businesses in the last four years.

Ouellette said on-call equipment operator interviews were held for one individual. The Commission directed Ouellette to offer the individual the position.

Ouellette said she will complete an OSHA 300 report in the near future.

@11:08:40 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

January 2, 2013

Appointing of City-County Airport Board Applicant

@11:09:36 a.m., Chairman Malone called a meeting to order in the Commission Chambers. Commissioners Durgan, Malone and Tinsley were present. Also present were Kerry LaDuke and Jeri Miller, airport board; John Mueller, minutes clerk.

The meeting was scheduled to appoint a City-County Airport Board applicant.

Commissioner Malone read into the record an Airport Board suggestion to extend Dennis Skattum's term on the Airport Board.

Commissioner Tinsley moved to accept Dennis Skattum on the Airport Board. Commissioner Malone seconded the motion. Motion passed. Commissioner Durgan abstained from voting, as he said he has a family relation to Skattum.

@11:12:59 a.m., Durgan moved to adjourn the meeting. Tinsley seconded the motion. The meeting adjourned.

January 2, 2013

Review and Consider Hiring Nittany Grantworks to Compose and Submit a Montana Federal Lands Access Program Grant for the Gardiner Gateway Project

@11:31:27 a.m., Chairman Malone called a meeting to order in the Commission Chambers. Commissioners Durgan, Malone and Tinsley were present. Also present were Mike Inman, planning; Lani Hartung, finance; Parks Frady, CTA Engineering; Lewis Wilks, planning board; Bill Berg, Greater Gardiner Community Council; Stuart Leidner, Prospera Business Network; John Mueller, minutes clerk.

The meeting was scheduled to consider hiring Nittany Grantworks to compose and submit a Montana Federal Lands Access Grant for the Gardiner Gateway Project.

Mike Inman, planning, said a steering committee had devised an improvements plan and looked into funding sources for the town of Gardiner's potential efforts for the Gardiner Gateway Project. He said potential funding includes applying for a Federal Lands Access Program grant, and the committee recommended having a professional grant writer submit the grant application. Inman presented a proposal drafted by Nittany Grantworks for 60 hours, not to exceed \$3,600, to complete the grant application.

Bill Berg, Gardiner Community Council, said the grant had a 13.42-percent match, which makes it attractive financially.

Parks Frady, CTA Engineering, said work proposed for the Gardiner portion of the project would cost \$4.5 million and include streetscape, Arch Park, road drainage and water and sanitary improvements through Gardiner water and sewer districts, as well as communications relocation through NW Energy. Frady said the Gardiner Chamber of Commerce would like a programming fee for construction of public restrooms. He said the county's match for the project would be \$600,000.

Commissioner Malone said he thinks the Commission needs an MOU with Yellowstone National Park regarding what entity has a vested interest in maintaining Main Street. He said he thinks the county should be prepared to pay the \$600,000 matching funds. Inman said efforts will be made to secure matching funding.

Commissioner Tinsley moved to approve the Nittany Grantworks proposal. Commissioner Durgan seconded the motion. Motion passed.

@11:47:56 a.m., Tinsley moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

January 2, 2013

Daily Correspondence/Agenda and Briefing on Current County Projects

@1:07:58 p.m., Chairman Malone called a meeting to order in the Commission Chambers. Commissioners Durgan, Malone and Tinsley were present. Also present were Raea Morris, administrative assistant; Shannan Piccolo, civil deputy county attorney; John Mueller, minutes clerk. No public comment made.

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

Correspondence for December 27, 2012 included:

- Memo document re. CTA Engineering letter to Montana DES/Kent Atwood
- Memo document re. Pierce Pit deficiency letter
- Memo document re. Windows 8 laptop upgrade invoice
- Memo email re. legislative hearings
- Memo email re. Pine Creek Fire Recovery Program contract
- Memo document re. county auditor notice of credit card use
- Memo document re. employee travel authorization
- Memo document re. unused annual sick leave estimated liability
- Memo document re. Livingston Enterprise county board box ad invoice
- Memo document re. Peterson Creek contractor application for payment
- Memo document re. Frontier West Peterson Creek Certification of Substantial Completion

Correspondence for December 28, 2012 included:

- Memo email re. TV Board inquiry
- Memo document re. Chicory Road RSID letter
- Memo email re. watershed group banquet reminder
- Memo email re. MSU Extension Emigrant ranchers roundtable
- Memo email re. SWIB and committee meeting cancellation
- Memo email re. East Room office space notice
- Memo document re. employee request for leave
- Memo document re. Parks and Recreation Board agenda
- Memo document re. Kurtz property estate

Correspondence for December 31, 2012 included:

- Memo email re. PCEC winter newsletter
- Memo email re. MAColeg Update
- Memo email re. MACo insurance verification editorial

Shannan Piccolo, civil deputy county attorney, said Park County received a judge's opinion that it did not violate its authority in its decisions in Rom v. Hanser, so the fence in question in the Whispering Pines neighborhood will remain in place.

@1:49:22 p.m., Tinsley moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

January 2, 2013

Review of Minutes for Weeks of December 17 and December 24, 2012

@1:53:17 p.m., Chairman Malone called a meeting to order in the Commission Chambers. Commissioners Durgan and Malone were present. Also present was John Mueller, minutes clerk. No public comment made. Durgan moved to recess the meeting until 2:30 p.m. @2:45:05 p.m., the meeting reopened.

The meeting was scheduled to review Commission meeting minutes for the Weeks of December 17 and 24, 2012.

Reviewing Commission meeting minutes for the Week of December 17, 2012, Commissioner Malone requested a revision to Page 4 of 14; middle paragraph, the last sentence should read, "The quote included a \$10 per hour surcharge in more than 18 inches of snow." On Page 11 of 14; last paragraph, Malone noted the MSU Extension agent referenced was Tracy Mosley. On Page 13 of 14; the December 20 meeting at 1:30 p.m. should be described as "The meeting was scheduled to sign a Memorandum of Agreement with MSU Extension and the city of Livingston for a new MSU Extension Economic Development Agent position."

Commissioner Durgan moved to accept the minutes for the Week of December 17 with additions and corrections. Commissioner Malone seconded the motion. Motion passed.

Commissioner Durgan moved to accept the minutes from December 24 as presented. Commissioner Malone seconded the motion. Motion passed.

@2:54:57 p.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

January 2, 2013

Discussion/Decision on Office Space Availability for Newly Elected Commissioner

@2:04:54 p.m., Chairman Malone called a meeting to order in the Commission Chambers. Commissioners Durgan, Malone and Tinsley were present. Also present were Raea Morris, administrative assistant; Scott Hamilton, PCSO; John Mueller, minutes clerk.

The meeting was scheduled to consider office space availability for the newly elected commissioner.

Meeting attendees discussed possible personnel and equipment moves to create additional office space.

@2:26:52 p.m., Durgan moved to adjourn the meeting. Tinsley seconded the motion. The meeting adjourned.

### January 2, 2013

3:00 P.M. – Parks and Recreation Board – Community Room – Commissioners Durgan and Tinsley attended

### January 3, 2013

#### Daily Correspondence/Agenda and Briefing on Current County Projects

@8:38:32 a.m., Chairman Malone called a meeting to order in the Commission Chambers. Commissioners Durgan, Malone and Tinsley were present. Also present were Raea Morris, administrative assistant; Shannan Piccolo, civil deputy county attorney; Barbara Woodbury, environmental health; Warren Newhouse II, refuse; Donald Steinman, citizen; John Mueller, minutes clerk.

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

Barbara Woodbury, environmental health, said she looked into a possible mold issue in the Dispatch 911 office at the request of Undersheriff Scott Hamilton, which may have resulted from a recent roof water leak. She said she could detect mold in the office and said the current time would be the time to clean up behind the wall. She said an air filtration machine may be installed in the office in the interim to give employees some relief, but the issue needs to be addressed and investigated further. The Commission told Woodbury to go forward with ordering an air filter and to consult with the undersheriff.

Donald Steinman, citizen, asked if the county wanted to encourage the state legislature to reinstitute the Glass Stegal Act.

Correspondence included:

- Memo email re. Park County JPIA insurance claim loss statistics
- Memo email re. Park County workers' compensation five-year trend
- Memo email re. Mental Health Commission newsletter
- Memo email re. SWIB cancellation notice
- Memo email re. 2013 mileage reimbursement rate
- Memo email re. open cut mining bill modifications
- Memo document re. CTA Engineering road and engineering services update
- Memo document re. Bob Smith fuel users permit
- Memo email re. MACRS spring conference
- Memo email re. Park County building insurance appraisals

- Memo email re. proposed MDT Highway 89 pavement preservation project
- Memo email re. City-County Compact building maintenance chapter
- Memo email re. draft final Gardiner Gateway Project presentation
- Memo email re. DEQ open cut mining legislation
- Memo document re. Rom v. Hanser court findings

Warren Newhouse II, interim refuse manager, said the county may be dumping all county refuse at the city as early as January 4, and Envirocon is okay with the county stopping its rail transit early. Civil Deputy County Attorney Shannan Piccolo asked Newhouse to verify via email that Envirocon was indeed okay with the expedited schedule.

@9:05:34 a.m., Durgan moved to adjourn the meeting. Tinsley seconded the motion. The meeting adjourned.

January 3, 2013

Review/Consider Airport Board's Determination to Deny a Variance Request for Construction of a Compactor Facility in the Gardiner Airport Affected Area

@9:06:37 a.m., Chairman Malone called a meeting to order in the Commission Chambers. Commissioners Durgan, Malone and Tinsley were present. Also present were Mike Inman, planning; Shannan Piccolo, civil deputy county attorney; Barbara Woodbury, environmental health; Warren Newhouse II, refuse; Mark Westenskow, CTA Engineering; Kerry LaDuke, airport board; John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to review the Airport Board's determination to deny a variance request for construction of a refuse compactor facility in the Gardiner Airport Affected Area.

Commissioner Tinsley said he would like to understand more about the issue before voting on it. Mike Inman, planning, said the current meeting was scheduled to determine whether the Commission would like to appeal the Airport Board's denial of a Commission variance request. He said Airport Board bylaws state any appeal needs to be made within 30 days, therefore the Commission missed that deadline at the end of October 2012. He said his recommendation is to have legal counsel review the Airport Board's stated determination for denying the variance request to determine whether it was valid. The Commission directed the civil deputy county attorney to do that.

Kerry LaDuke, airport board, said the Airport Board's position remains that the onsite refuse site be brought into compliance with the Airport Affected Area if the county makes any changes to it.

@9:17:45 a.m., Tinsley moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

January 3, 2013

Signing of Pine Creek Fire Recovery Emergency Grant Contract

@9:32:45 a.m., Chairman Malone called a meeting to order in the Commission Chambers. Commissioners Durgan, Malone and Tinsley were present. Also present were Tracy Mosley, MSU Extension; John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to sign a Pine Creek Fire recovery emergency grant contract.

Tracy Mosley, MSU Extension, said the Department of Agriculture grant will provide for aerial land application to vegetate properties burned in the Pine Creek Fire. She said the contract was reviewed by the county attorney for content.

Commissioner Tinsley moved to accept the grant application. Commissioner Durgan seconded the motion. Motion passed.

@9:39:34 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

January 3, 2013

Review of Building Values and Appraisals with Taylor-Leavitt Insurance

@10:02:48 a.m., Chairman Malone called a meeting to order in the Commission Chambers. Commissioners Durgan, Malone and Tinsley were present. Also present were Martha Miller, auditor; Jill Ouellette, HR; Dan Gutebier and Krista Grindlesparger, Taylor-Leavitt; John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to review county building values and appraisals with Taylor-Leavitt Insurance.

@11:45 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

January 3, 2013

Discussion on Commission Committees and Boards

@1:30 p.m., Chairman Malone called a meeting to order in the Commission Chambers. Commissioners Durgan, Malone and Tinsley were present. Also present were Raea Morris, administrative assistant; John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss commission committees and boards.

The commissioners discussed what boards and committees they may be interested in sitting on.

@2:02 p.m., Durgan moved to adjourn the meeting. Tinsley seconded the motion. The meeting adjourned.

January 3, 2013

Discussion/Decision on MSU Extension Office Space

@2:03:39 p.m., Chairman Malone called a meeting to order in the Commission Chambers. Commissioners Durgan, Malone and Tinsley were present. Also present were Mary Anne Keyes and Tracy Mosley, MSU Extension; John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider a decision on MSU Extension office space.

Mary Anne Keyes and Tracy Mosley, MSU Extension, provided a report with MSU Extension personnel opinions on benefits of keeping three agents housed in one office, whether that be in the City-County Building or at an offsite location. Mosley said MSU Extension prefers the Gilbert building between other options of a downtown space and the Del Mar complex. She said the Gilbert place is most functional. She said Gilbert would like a three-year lease commitment.

@3:02:06 p.m., Durgan moved to adjourn the meeting. Tinsley seconded the motion. The meeting adjourned.

January 3, 2013

Discussion/Approval of Park County/MSU Extension Agreement

@3:02:34 p.m., Chairman Malone called a meeting to order in the Commission Chambers. Commissioners Durgan, Malone and Tinsley were present. Also present were Mary Anne Keyes and Tracy Mosley, MSU Extension; Ed Meece, city of Livingston; John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider approval of a Park County/MSU Extension agreement.

Mary Anne Keyes, MSU Extension, said the agreement facilitates MSU Extension's working relationship with Park County.

Commissioner Durgan moved to approve the agreement with MSU Extension and Park County. Commissioner Tinsley seconded the motion. Motion passed.

@3:14:36 p.m., the meeting adjourned.

January 4, 2012

No Commission Meetings Scheduled

Marty Malone  
Chairman, Park County Commission  
Park County, Montana

Denise Nelson  
Clerk & Recorder  
Park County, Montana