

Park County Commission Meeting Minutes
Week of October 15 - 19, 2012
Park County, Montana

October 15, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:35:51 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, administrative assistant; and John Mueller, minutes clerk. No public comment made.

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

Correspondence for October 11 included:

- Memo email re. MACo justice committees IT agreement
- Memo email re. employee Park County website access
- Memo email re. state income tax deferrals
- Memo document re. Gardiner Shop cement floor quote
- Memo document re. ACLU prisoner lawsuit
- Memo email re. 2012 Agriculture Changing Landscape
- Memo document re. DOWL HKM landfill closure invoice
- Memo documents re. CTA Engineering invoice for Fleshman Creek Project
- Memo document re. Springdale debris removal permit for Yellowstone River

Correspondence for October 12 included:

- Memo email re. Montana Yellowstone absentee voting rates
- Memo document re. cyber security month
- Memo document re. Fair Board seat application
- Memo document re. Public Information Request
- Memo email re. Department Head meeting ICS training
- Memo document re. city/county refuse services MOU
- Memo document re. Hogenson Construction insurance expiration
- Memo document re. Peterson Creek Crossing Project estimate
- Memo document re. Peterson Creek crossing permit

@8:57:51 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 15, 2012

Decision of Signing a Contract with Integra for Caller ID Capability

@9:03:28 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Scott Hamilton, PCSO; Erica Hoffman, GIS/IT; Shannan Piccolo, civil deputy county attorney; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider signing a contract with Integra for caller ID capability.

Erica Hoffman, GIS/IT, said CenturyLink (the county's current telephone provider) still does not provide caller ID service through the county's T1 line, but Integra can provide that service. She said the cost would increase the entire current bill by \$60 per month, including a one-time \$475 installation fee, but the County Attorney's Office currently pays \$60 per month per line for caller ID through CenturyLink analog lines, thus switching over all building phones would essentially be a wash cost-wise. Hoffman said Yellowstone County and the city of Billings use Integra and are happy with the service.

Hoffman said the county would keep its contract with CenturyLink for Search and Rescue, Fairgrounds, and Road Department outlying offices, as it would be too expensive to break.

Commissioner Malone said he thinks the county should pursue the issue. He asked Hoffman to inquire about a telephone identifier option. Hoffman said she will talk to state and city offices in the building about the proposed switch.

Commissioner Malone moved the county go forward with the effort. Commissioner Durgan seconded the motion. Motion passed.

@9:16:06 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 15, 2012

Review of Minutes for Weeks of October 1 and 8, 2012

@9:55:48 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to review Commission meeting minutes for the Weeks of October 1 and 8, 2012.

Reviewing Commission meeting minutes for the Week of October 1, Commissioner Malone requested a revision to Page 2 of 14, first full paragraph, the last sentence should read, "Westenskow said more planning is needed for a stream/road crossing near the

Geyser Street trailer court, and CTA has a group that can sample soil sediments in the creek bed that may have resulted in a fish kill.” On Page 3 of 14; third full paragraph, the first sentence should read, “Commissioners Malone and Taylor said the county will maintain Old Clyde Park Road to the best condition possible, as that will likely serve as a main detour route, although not considered a detour route by MDT.” On Page 11 of 14; first paragraph, the last sentence should read, “The Commission directed the road supervisor to ask the finance director to bill the road department for building inspections.” On Page 12 of 14; middle paragraph, the last sentence should read, “Commissioner Malone said the county funded the Zia and Bell and Associates Studies addressing solid waste services, and he is comfortable the cash cost to run transfer station operations is 74.01 per ton from the time it hits the county transfer floor to the rail car, which includes revenues and other operations and depreciation costs.” On Page 13 of 14; middle paragraph, the first sentence should read, “County Attorney Brett Linneweber said it was discovered that a mill levy that was to go to PCRFD#1 had been mistakenly omitted, so the Commission needs to amend a previous approval by motion to include those funds.”

Commissioner Malone moved to approve the minutes for the Week of October 1 as corrected. Commissioner Taylor seconded the motion. Motion passed.

@10:01:17 a.m., Commissioner Malone moved to recess the meeting until 10:30 a.m. Commissioner Durgan seconded the motion. The meeting recessed. @10:51:23 Taylor reopened the meeting.

Reviewing Commission meeting minutes for the Week of October 8, 2012, Commissioner Malone requested a revision to Page 7 of 10; second to last paragraph, the second to last sentence should read, “Malone said all county road culverts need GPS coordinates per a grant agreement, which has not yet been done by the GIS Department.”

Commissioner Taylor requested a revision to Page 2 of 10; middle paragraph, the first sentence should read, “Clint Tinsley, city of Livingston, said he thinks the city may be able to assist the county and school district with funding along Main Street with CTEP funds.”

Commissioner Malone moved to approve the minutes as corrected. Commissioner Durgan seconded the motion. Motion passed.

@10:55:46 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

October 15, 2012

Discussion/Decision to Approve Use of Montana Intercap Revolving Loan for Search and Rescue Building

@10:02:36 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were

Allen Lutes, Scott Hamilton, Gregg Todd and Wendy Wood, PCSO; Shannan Piccolo, civil deputy county attorney; Raea Morris, administrative assistant; Lani Hartung, finance; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider approval to use a Montana Intercap Revolving Loan to fund a Search and Rescue (SAR) building.

Wendy Wood, Search and Rescue (SAR), said the county received a Montana Intercap loan for which it applied in the amount of \$700,000 to be paid off in 15 years or sooner. She said the Commission discussed possibly using BN settlement funds to repay the loan and approximately \$60,000 per year. Wood said she is concerned the SAR budget will be stuck with paying off the loan in the future if payment is not guaranteed by the Commission. Civil Deputy County Attorney Shannan Piccolo said a resolution does not guarantee payment, as a future commission could change the resolution. If the Commission wished to guarantee payment of the loan, Piccolo said she recommends the sitting commission enter into a memorandum of understanding with the sheriff's office (PCSO).

Commissioner Malone said he does not want to tie subsequent Commission's hands, as they may have other expenditures they have to make. Commissioner Durgan said the sitting Commission needs to provide the sheriff's office a guarantee that payments will be made for the life of the loan. Malone said no commission has left the PCSO high and dry and he does not think such will happen in the future. He said he knows the county will repay the loan.

Commissioner Malone moved to go forward with the loan. Commissioner Taylor seconded the motion. The motion was not voted on.

Commissioner Durgan moved to direct the civil attorney to draw up a resolution in regards to using BN settlement funds to back the loan with the sheriff's department and SAR and also a memorandum of understanding from the Commission regarding said payment schedule. Commissioner Taylor seconded the motion. Motion passed.

@10:26:32 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 15, 2012

2:30 P.M. – Local Advisory Committee – Mental Health Drop-In Center, Livingston

October 16, 2012

7:30 A.M. – Local Job Service Meeting – Livingston Job Service – Commissioner Malone attended

October 16, 2012

County Road Updates/Engineering Services Updates

@8:10:58 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Dan Hackman, mechanic; Raea Morris, administrative assistant; Mark Westenskow, CTA; Kevin Feldman, CTA (via telephone); and John Mueller, minutes clerk. No public comment made.

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

Dan Hackman, mechanic, said two graders are blading on Trail Creek Road and Swingley Road, a crewman is finishing installation of a cattle guard and culvert on Willow Creek Road, and another crewman is installing culverts on Cinnabar and Big Creek Roads.

Commissioner Durgan said a citizen inquired about grading Six Mile Road.

Mark Westenskow, CTA Engineering, provided a report of CTA's engineering services for the county. Westenskow said CTA needs to settle up with a contractor working on the Gardiner green box site facility if the county will not move on that project in the near future. The Commission said Westenskow better settle up with the contractor, as the appeal process will take time.

Kevin Feldman, CTA, provided timeline, materials and contractor details for a Peterson Creek culvert/bridge project.

@8:35:05 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 16, 2012

Discussion/Status of Fleshman Creek Project

@8:35:08 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Dan Hackman, mechanic; Lani Hartung, finance; Raea Morris, administrative assistant; Mark Westenskow, CTA; Clint Tinsley, city of Livingston; Brenda Adams and Gary Barnhart, citizens; and John Mueller, minutes clerk.

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

Mark Westenskow, CTA Engineering, said CTA continues to work on project final design drawings. Westenskow said the county can approach FEMA with any proposed project changes once the final design package is completed and reviewed.

Lani Hartung, finance director, provided a project timeline schedule for CTA's services toward the project.

Clint Tinsley, city of Livingston, said Stahley Engineers did a walk through on Main Street in an effort to coordinate project efforts with a Safe Routes to School project.

Brenda Adams, citizen, said she is still waiting for an answer from the county attorney's office regarding language in a Montana DNRC grant about public access to the creek.

@8:46:23 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 16, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@9:11:27 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, administrative assistant; and John Mueller, minutes clerk. No public comment made.

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

Correspondence included:

- Memo email re. Boulder River Ranch reply
- Memo email re. Library Board meeting
- Memo email re. Dispatch 911 meeting cancelation
- Memo email re. NRA grant funding meeting
- Memo email re. planning department meeting requests
- Memo email re. fiscal year 2012 audit meeting agenda
- Memo email re. Montana Board of Crime Control invoices
- Memo email re. Department Head meeting agenda
- Memo document re. US Army Corps of Engineers permitting documentation
- Memo document re. \$23,000 refuse refuse green box equipment invoice
- Memo document re. Airport Board variance request denial letter
- Memo document re. citizen Gardiner issues
- Memo document re. RC&D Board meeting packet
- Memo email re. October 17 KPRK Bridge meeting

Commissioner Malone said a citizen requested the Commission hold a meeting with the Fair Board to discuss how the fair went.

@9:23:25 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

October 16, 2012
Department Head Meeting

@9:30 a.m., Chairman Taylor called a meeting to order in the Community Room. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Raea Morris, administrative assistant; Mary Anne Keyes, MSU Extension; Lani Hartung, finance; Clay Williams, weed; Kelly Johnson, maintenance; Allen Lutes, sheriff; Paul Shea, museum; Martha Miller, auditor; Shirley Ross, JP; June Little, clerk of court; Linda Budeski, JP; Suzanne Brown, health department; Erica Hoffman, GIS/IT; Warren Newhouse II, refuse; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled as a department head meeting.

Continuity of Operations Plan: Commissioner Taylor said department heads need to have a second in command plan when absent from the office, as well as a protocol of how their office is to operate in an emergency or disaster situation.

Incident Command System (ICS) Training: Taylor said the Commission would like department heads to schedule ICS Training for themselves and their second employee in command through Belinda Van Nurden, DES coordinator. He said the goal is for all employees to reach the ISC 200 training level to understand the chain of command and protocol for emergency situations.

County Motor Pool Vehicle Inspections: Kelly Johnson, maintenance, said he conducts a 20 to 30-point inspection on all county vehicles monthly. Raea Morris, administrative assistant, said employees have a responsibility to inspect county vehicles before driving them, as well.

Building Office Numbers: Johnson said he is in the process of ordering office signs.

Email Etiquette: No report

Fiscal Year 2012 Audit: Lani Hartung, finance, said Olness and Associations will be present to conduct its Fiscal Year 2012 audit.

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

Public Comment: None

The next Department Head meeting is scheduled for November 20, 2012.

@10:02 a.m., the meeting adjourned.

October 16, 2012

10:30 A.M. – Human Resource Updates – Commission Chambers – Canceled due to employee out of office

October 16, 2012

Discussion/Decision to Amend Subdivision Covenants for Purposes of Conservation Easement

@11:03:54 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; Raea Morris, administrative assistant; Mike Inman, planning; Steve Woodruff, attorney; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider amending subdivision covenants for the purpose of a conservation easement.

Steve Woodruff, attorney, said his client would like to put a conservation easement on four lots within a subdivision in coordination with the Montana Land Reliance. He said county-mandated covenants need to be lifted in order to place the proposed conservation easement. Mike Inman, senior planner, said the nature of Woodruff's proposal does not constitute a material change to the county's subdivision regulations.

Commissioner Malone moved to allow Mr. Patrick to amend the subdivision covenants for the purpose of a conservation easement. Commissioner Durgan seconded the motion. Motion passed.

@11:17:59 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 16, 2012

Discussion/Decision to Establish a Court of Record for Justice of the Peace

@1:36:39 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Shannan Piccolo, civil deputy county attorney; Linda Budeski, JP; Martha Miller, auditor; Raea Morris, administrative assistant; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider establishing the Justice Court as a court of record.

Commissioner Malone said he has not gotten any positive feedback regarding courts of record from any county the size of Park County. He said some cities in Montana serve as courts of record.

Linda Budeski, JP, said a substantial number of justice court decisions are appeals, as rarely are trials with attorneys not appealed. She said the court of record costs would pay for themselves in a couple of months.

Piccolo said the number of misdemeanor cases that go through the county attorney's office causes attorneys and law enforcement personnel to not remember specifics of a case, which requires them to spend work hours and costs to refresh. Budeski said it takes time for the attorneys and law enforcement personnel to prepare for an appealed trial, thus becoming a court of record could save the county substantially. Piccolo said those savings would mostly be experienced in the sheriff's office, where deputies work on an hourly basis. She said a decision from a court of record can be appealed, but a district judge must determine legal basis exists for that appeal, and the JP trial audio record is used in preparation for the appealed case. Piccolo said the initial cost of the equipment is the only negative of the proposal she can determine.

Malone said he is not against the proposal, but he is not for it, as he has not heard of any other counties becoming courts of record. He said becoming a court of record would not save the JP court any time. Malone said if the district court judge and county attorney attended the meeting in support of the proposal then he would see why it is important and he has an issue with Budeski not being an attorney as a judge. Malone asked Budeski to provide a list of counties who have courts of record, and he will telephone them to discuss the issue.

Commissioners Durgan and Malone said the Commission will meet again on the issue at a later date.

@2:08:23 p.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

October 16, 2012

6:30 P.M. – Fair Board Meeting – Park County Fairgrounds Office – Commissioner Durgan attended

October 17, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:33:33 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Raea Morris, administrative assistant; Warren Newhouse, interim refuse manager (via telephone); and John Mueller, minutes clerk. No public comment made.

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

Correspondence included:

- Memo document re. CTA Engineering road engineering services report

- Memo email re. MDT KPRK comments
- Memo document re. October 18 Planning Board meeting agenda
- Memo email re. MSU Extension community development contract decision meeting request
- Memo email re. October 24 CTEP meeting

Commissioner Malone said the refuse department returned a claim for refuse signs. Commissioner Taylor said the signs will be placed at the bottom of the landfill explaining planned future reduced service hours. Malone said he thinks it is important that Warren Newhouse, interim refuse manger, learn his budget and warn the Commission and Solid Waste Board (SWB) if expenditures would endanger his budget. Malone said the SWB is an administrative board with spending powers.

Newhouse said he has received three claims for \$300, \$350 and \$401 for SWB member Bob Currie to be taken from the three refuse accounts. Malone said Currie is spending a lot of time investigating refuse service options for the county, but the claims need to be discussed by the SWB. Malone told Newhouse to sign off on the claims. Malone said he thinks refuse issues are open and free to debate and encouraged Newhouse to do so.

Malone said contractor Chad Standish is working diligently on the revamped Chico green box site. He said it appears the interim refuse manager's concerns with the site's short turning radius are a valid issue.

@8:52:11 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

October 17, 2012

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

1:00 P.M. – KPRK Bridge Project Meeting – Best Western, Livingston

2:30 P.M. – RC&D Meeting – Community Room – Canceled due to no quorum

October 18, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@9:05:17 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, administrative assistant; and John Mueller, minutes clerk. No public comment made.

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

Correspondence included:

- Memo document re. SAR public information request
- Memo email re. October 19 SWB meeting agenda
- Memo document re. Cooke City snow plowing contract draft
- Memo email re. October 17 RC&D meeting cancelation
- Memo email re. administrative assistant training video
- Memo email re. October 18 SHOPKO grand opening
- Memo email re. SAR building Resolution #968 amendment

@9:14:51 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 18, 2012

Discussion/Decision of Signing of the Peterson Creek Project Contract

@10:04:43 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; Raea Morris, administrative assistant; Kevin Feldman, CTA; Barbara Fletcher, citizen; and John Mueller, minutes clerk.

The meeting was scheduled to consider signing a contract for a Peterson Creek Project.

Citizen Barbara Fletcher, Peterson Creek Road, said she has concerns with snow drifting with existing project plan design. Kevin Feldman, CTA Engineering, said changing the bridge design would increase the project \$200,000+ and may cause missing the March deadline and require removal of the culvert leaving an open crossing. He said the current design has been approved by all required agencies. Fletcher said she wants the bridge project done properly and, as designed, snow will make the bridge impassible. She said the bridge will not cause a problem until a snowstorm hits and the bridge is not passable, and no one will care then because the bridge will be on private property.

Commissioner Durgan said Fletcher's proposed changes are last minute, as the project has been planned, and a Montana FWP employee should have consulted CTA and the Commission about his proposed bridge location before the current time. He said the Commission is locked into a process, which it followed, and is under a deadline to complete the project. Commissioner Malone said he does not think the county has a choice at the current time and will have to remedy any snow issues on the bridge if they occur as Fletcher suggests.

Commissioner Malone moved to go forward with the project contract. Commissioner Durgan seconded the motion. Motion passed.

@10:30:41 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 18, 2012

First Review of Revised Personnel Handbook with Jim Nys

@1:02:42 p.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Jill Ouellette, HR; Jim Nys and Christie Lende, consultants; Raea Morris, administrative assistant; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled as a first review of a revised county personnel policy handbook.

Jim Nys said he and Christie Lende of Personnel Plus Consulting Services will need to run the draft of the county's revised personnel policy by MACo attorneys before final approval. Jill Ouellette, HR, and Commissioners Durgan and Malone reviewed the draft personnel policy handbook as revised by Nys and discussed compensatory time, employee dress code, alternative options for employees if not comfortable approaching the HR Department, insuring riders in county vehicles, sick leave absences and sick leave grants.

@4:00 p.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 18, 2012

1:30 P.M. – Planning and Development Board – Community Room

4:00 P.M. – Library Board Meeting - Library, Bev Steveson Room

October 19, 2012

8:30 A.M. – Daily Correspondence/Agenda and Briefing on Current County Projects – Commission Chambers – Canceled due to no quorum of commissioners

1:00 P.M. – Solid Waste Board – Commission Chambers – Meeting minutes available in at www.parkcounty.org and in the Commission Office

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

Denise Nelson
Clerk & Recorder
Park County, Montana