

Park County Commission Meeting Minutes
Week of August 12 – 16, 2013
Park County, Montana

August 12, 2013

Public Comment Period; County Departmental Updates; Signing of Administrative Documents in Signature Folder; Review of Daily Correspondence and Agenda

@9:05 a.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan and Malone; Raea Morris, administrative assistant; Kelly Johnson, maintenance; John Mueller, minutes clerk

Departmental Updates

Kelly Johnson, maintenance, provided a bid from Big Bear Construction for an ADA handrail at the airport. Bill Stephens pulled his bid from consideration.

Correspondence from August 8 included:

- Memo re. August LEPC agenda
- Memo re. commission chair meeting request
- Memo re. Department Head meeting location
- Memo re. treasurer meeting request
- Memo re. FAA Management single audit findings decision
- Memo re. Extension office rental space
- Memo re. civil deputy county attorney agenda item

Correspondence from August 9 included:

- Memo re. DES wage increase
- Memo re. Fire Coordination meeting, bridge renaming ceremony
- Memo re. Planning and Development Board meeting agenda
- Memo re. Arch Park open container letter request

Commissioner Durgan said a county resident asked if the Commission could hold a monthly, goings-on update meeting at various locations around the county.

@10:40 a.m., the meeting adjourned.

Discussion/Decision on Accepting Stucco Tec for City-County Building Maintenance/Repairs

@10:01 a.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan and Malone; Kelly Johnson, maintenance; Tony Tecca, Stucco Tec; John Mueller, minutes clerk

Tony Tecca said a synthetic product would be applied to failing stucco areas on the City-County Complex building. He said the work needs to be completed in warm weather and hopes to do it mid-September. Malone said the county building portion bid is \$11,151, and the fire station work bid is \$19,222.

Commissioner Durgan moved to accept the proposal from Stucco Tec to do the repair renovation on the City-County Building for \$30,373. Commissioner Malone seconded the motion. Motion passed.

@10:09 a.m., the meeting adjourned.

Discussion/Decision on Commission Comments to the Year-round Yellowstone Bison Environmental Assessment

@10:32 a.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan and Malone; Jeanne-Marie Souvigny, Greater Yellowstone Coalition; Laura Lundquist, Bozeman Chronicle; John Mueller, minutes clerk

Commissioner Malone said Montana FWP released an Environmental Assessment that would allow bull bison to roam the Gardiner Basin on a year-round basis. Malone said his thought is FWP should follow the Interagency Bison Management Plan, and he thinks FWP is going well beyond the parameters of the IBMP. Jeanne-Marie Souvigny, Greater Yellowstone Coalition, said the IBMP enables changes within adaptive management, and APHIS criteria have changed. She said citizens stated there should be more tolerance for bison. She said she encouraged the commissioners to communicate with their own working group. She said disagreement on the topic will never go away, and having a dialogue is the only way to make progress.

Malone said FWP allowed more than 25 bison out of Yellowstone National Park the first year in violation of the IBMP, FWP has ruined Cutler Meadows, which is intended to be bison habitat, and the IBMP allows no interaction for local governments and is totally ignoring the livestock health aspect.

Commissioner Durgan said the Commission is considering holding update meetings around the county to provide a venue for more citizens to participate in public meetings. Durgan said damage to personal property, such as fences and trees, have already caused

problems and will continue to do so with bison leaving the park. He said Yellowstone National Park is overgrazed and doing a poor job of managing its wildlife. He does not understand why private citizens have to take care of their ranches in a responsible manner, and Montana FWP does not have to abide by the same rules. He said he does not see how private individuals will continue to have to take care of wildlife issues, including bison, deer and elk. It becomes a concern when wildlife damage personal properties, such as damaging haystacks. He agrees there needs to be more dialogue on the issue. He said the bison overpopulation issue is the root cause.

Durgan said private producers continuously have to adapt wildlife into their management system while trying to ranch, which is their means of making a living, but they get no monetary return for supporting wildlife. The rancher must depend on livestock and produce raised to support himself and it seems there is not a give and take system. It is an all give situation for the producers and take by the wildlife.

Durgan said Commissioner Tinsley said he would like the public to have the opportunity to review and comment on the proposed letter before the Commission made a determination on it. Souvigney said she would provide comments on the letter to Malone. Durgan said he would like to continue discussions before voting on the letter. Malone said he would like to vote on the letter now.

@11:08 a.m., the meeting adjourned.

Discussion/Decision to Address Inconsistency in Dollar Amount of Gravel Crushing Contract

@11:09 a.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan and Malone; Shannan Piccolo, civil deputy county attorney; Lani Hartung, finance; John Mueller, minutes clerk

Commissioner Malone said the county's gravel crushing contract contained both a set dollar amount for 10,000 yards of crushed gravel, as well as a dollar amount per ton. The density of the gravel was different than estimated, thus the costs of the two options were different.

Commissioner Durgan moved to pay per the set total amount and not dollar-per-ton and pay the contractor the set amount agreed to of \$55,080 plus \$3,000 mobilization. Commissioner Malone seconded the motion. Motion passed.

@11:12 a.m., the meeting adjourned.

Swearing in of Deputy Disaster of Emergency Services Coordinator

@11:30 a.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan and Malone; Belinda Van Nurden and Greg Coleman, DES; John Mueller, minutes clerk

Commissioner Malone read into the record oath of office language swearing in Greg Coleman as the Park County Deputy Disaster of Emergency Services Coordinator.

@11:32 a.m., the meeting adjourned.

2:30 p.m. – Local Advisory Committee – Mental Health Drop-in Center, Livingston

August 13, 2013

Opening of Meeting: 9:04 a.m.

County Departmental Updates: None

Update on Current County Projects

Attendance: Commissioners Durgan and Malone; Parks Frady and Kevin Feldman (via telephone), CTA; Kristen Galbraith, Nittany Grantworks; Gary Barnhart, citizen; John Mueller, minutes clerk

Fleshman Creek Rehabilitation Project: Kevin Feldman, CTA Engineering, said CTA worked out construction easements with two landowners the Commission met with the previous week, finalized the St. Mary's easement, and is following up with a few outstanding easements. All utility easements are in place. Permitting is complete and approved. The project is scheduled for award on August 15.

Feldman said the creek will not be disturbed in stretches where property owners do not want anyone on their land.

Gardiner Gateway Project: Parks Frady, CTA, said surveyors will begin work on Park County's portion of project survey work by August 14. Frady has meetings scheduled with local water and sewer and telephone utilities and the Gardiner School Board, which may be interested in signing onto the collective project MOU.

Gardiner Sidewalk Extension: Kristen Galbraith, Nittany Grantworks, said Montana Department of Transportation will incorporate the extension project into its 2014 Highway 89 resurfacing project.

Museum Building Restoration: Awaiting CTEP action

Main Boulder River Road: Project being administered by Sweet Grass County

Rock Creek Road: Feldman said some equipment was moved onsite on August 12. Telephone utilities relocated lines in the vicinity of the stream crossing. The project will commence on August 14 at the latest.

County TSEP Bridge Projects: Postponed until March 2014. Feldman said he recommends all engineering be completed in the fall and/or winter so work can commence in March.

Public Comment Period for the Above Projects: None

CONSENT ITEMS

Review of Daily Correspondence and Agenda/Signing of Administrative Documents and Upcoming Claims/P.O.'s

Attendance: Commissioners Durgan and Malone; John Mueller, minutes clerk

Correspondence included:

- Memo re. Willow Creek Road RAC grant funding
- Memo re. Willow Creek Road and Myers Flat RAC grant documents
- Memo re. CTA July 2013 GCDB Enhancement invoice
- Memo re. Gardiner Gateway Project Amended Uniform Environmental Checklist

Review of Commission Meeting Minutes for Week of August 5, 2013

Attendance: Commissioners Durgan and Malone; John Mueller, minutes clerk

Commissioner Durgan requested a revision to Page 11 of 12, a sentence should read, "Commissioner Tinsley moved to sign the proposal from CTA for topographic survey of the Gardiner project in the realm of \$35,000 upon legal approval."

Commissioner Durgan moved to approve the minutes for the Week of August 5 with one correction. Commissioner Malone seconded the motion. Motion passed.

In other discussion, the Commission was briefed by Olness and Associates regarding CSA and Black Mountain accounting software programs. Olness said both software programs work fine if staff understands accounting debits and credits. Black Mountain may be more user-friendly and provide more succinct reports.

Adjournment: 10:44 a.m.

Park County Board/Committee Meetings

1:00 P.M. – Senior Citizens Meeting – Senior Center – Commissioner Durgan attended

2:00 P.M. – Information Technology Advisory Committee – Community Room –
Commissioner Malone attended

August 14, 2013

Public Comment Period, County Departmental Updates, Signing of Administrative Documents in Signature folder and Review of Daily Correspondence/Agenda

@9:00 a.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Malone and Tinsley; Raea Morris, administrative assistant; John Mueller, minutes clerk

Commissioner Tinsley reported on an August 9 visit to Clyde Park and Wilsall with Sheriff Lutes. Commissioner Malone reported on county roads he viewed over the weekend.

@9:17 a.m., the meeting adjourned.

Human Resource Updates

@10:01 a.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Malone and Tinsley; Jill Ouellette, HR; John Mueller, minutes clerk

Jill Ouellette, HR, provided a sheriff's deputy exit interview for review. She said two individuals used the NACO drug prescription drug discount card in July. She said she is working on background checks for cleaning crew members, which has been stalled because of incomplete applications.

Ouellette said she will attend the Fair Board meeting the following week to discuss the exempt/non-exempt status of the fair manager. She provided information from Blaine and Hill Counties regarding a Human Rights Bureau case and associated reminders for Park County.

Ouellette said she spoke with Jim Carens of Communication and Management Services (CMS) about county employees requesting pay grade increases. CMS conducted a partial wage/grade study of county positions in the past. Carens explained to her work he recently completed for Gallatin County, where the HR Department assigned pay grade changes he did not agree with. Malone said his feeling is an outside, independent entity should address the issue of employees requesting pay increases. Ouellette said her opinion as the HR person is there is not a dire need to give a particular person a grade who has not been given one. She would like the ability to defend current pay grades and consider reviewing numerous employees.

@10:25 a.m., the meeting adjourned.

Discussion/Decision on a Hiring Committee for the Public Works Director Position

@10:30 a.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Malone and Tinsley; Jill Ouellette, HR; John Mueller, minutes clerk

Meeting attendees created an interview pre-screening score sheet for a public works director.

Commissioner Tinsley moved the three county commissioners serve as the selection committee for the public works director. Commissioner Malone seconded the motion. Motion passed.

@10:45 a.m., the meeting adjourned.

12:00 p.m. - Commissioner Tinsley @ Rock Creek Road Project Meeting – Onsite

Budget Workshop

@1:34 p.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Malone and Tinsley; Martha Miller, auditor; Lani Hartung, finance; Raea Morris, administrative assistant; John Mueller, minutes clerk

Meeting attendees reviewed the draft FY2014 budget.

@2:41 p.m., the meeting adjourned.

August 15, 2013

Opening of Meeting: 9:03 a.m.

County Departmental Updates: None

CONSENT ITEMS

Attendance: Commissioners Durgan, Malone and Tinsley; Lani Hartung, finance; Ed Hillman, road; Raea Morris, administrative assistant; Mike Inman, planning; Warren Newhouse II, refuse; Parks Frady and Kevin Feldman, CTA; Lauren Oswald, USFS; Ed Lamb, Willow Creek Ranch; Bob Ebinger, citizen; John Mueller, minutes clerk

Road Updates/Engineering Service Updates

Ed Hillman, road supervisor, said the road crew would complete a graveling project on Swingley Road that day from Beaver Creek Schoolhouse to the top of Triangle 7 Hill. Magnesium chloride will be applied tomorrow. Crewmen will grade roads the next two weeks before returning to patching roads.

Public Comment Period, County Departmental Updates, Signing of Administrative Documents in Signature folder and Review of Daily Correspondence/Agenda

Correspondence included:

- Memo re. Southern Montana RAC question
- Memo re. open container permit
- Memo re. budget meeting
- Memo re. Planning Board change of location
- Memo re. tally of fuel purchased Park County
- Memo re. gravel invoice

Commissioner Tinsley said he would like to schedule Commission action items on Tuesdays and Thursdays as previously discussed in order to permit scheduling of appointments on Mondays and Tuesdays.

Claims Review

ACTION ITEMS

Attendance: Commissioners Durgan, Malone and Tinsley; Lani Hartung, finance; Raea Morris, administrative assistant; Mike Inman, planning; Warren Newhouse II, refuse; Parks Frady and Kevin Feldman, CTA; Lauren Oswald, USFS; Bob Ebinger, citizen; Ed Lamb, Willow Creek Ranch; John Mueller, minutes clerk

Final Discussion/Decision to Move Forward with RAC Funds for Willow Creek Road and Myers Flat or Move the 2012 RAC Funds to Another Project

Lauren Oswald, US Forest Service, said a 2013 Resource Advisory Council (RAC) award to the Willow Creek Road of \$20,000 is for continuation of the project (\$50,000 initial award) that commenced in 2011. \$13,000 remains in the 2011 award. The county's commitment is to match the RAC funding, which the county must demonstrate through official documentation forms.

Ed Lamb, Willow Creek Ranch, said he conducted all RAC application work himself because the county would not do anything on Willow Creek Road because it leads to Forest Service property, and the USFS would do anything because it was a county road. He said he thinks the county did a great job on the project, despite Phase I remaining incomplete. He said he would rather put the remaining funds toward Phases II or III so

people can get to the Forest Service land. Oswald said Park County has met match requirements for Phase I and can confirm with the RAC if the remaining \$13,000 can be applied to Phase II.

Commissioner Tinsley moved to accept the RAC grant for \$20,000 and try to put the remaining \$13,000 to Phase II of the project to finish the Willow Creek Road. Commissioner Durgan seconded the motion. Motion passed.

Oswald said some counties have reverted to taking Title II funds as PILT funds instead of RAC funds.

The Myer's Flat Road Project was approved by the RAC for \$20,000. Application request was for \$21,000.

Commissioner Tinsley moved to approve the contract for Myer's Flat. Commissioner Durgan seconded the motion. Motion passed.

The county is to do all labor on the road project. Oswald said the road users association needs to document \$1,000 it agreed to contribute to the effort. Oswald said the county should have a notice to proceed by month's end. Project is to be completed by December 2014.

Citizen Bob Ebinger asked if some work could be completed on the road this year. Commissioner Tinsley said he will talk with the road supervisor, but he cannot commit to work at the present time.

Discussion/Decision on Letter to Governor Recommending Disaster Declaration for Shields Valley

Commissioner Durgan moved to sign the letter. Commissioner Tinsley seconded the motion. Motion passed.

Discussion/Decision Regarding Variance Request before the Airport Board for Gardiner Green Box Site

Mike Inman, planning, said the meeting was scheduled to finalize the process of withdrawing a variance proposal to the Airport Board to enable submittal of another proposal.

Commissioner Tinsley moved to pull the request that is in front of the Airport Board. Commissioner Malone seconded the motion. Motion passed.

Discussion/Decision on Hiring CTA Engineering for Scope of Services for Gardiner Refuse Site

Parks Frady, CTA Engineering, provided a proposed scope of services for work on the proposed Gardiner refuse site.

Mike Inman, planning, said he cautions the Commission to run any new proposal through the USFWS to ensure a complete wildlife study is not required.

Commissioner Tinsley moved to approve the scope of services for the Gardiner refuse site provided by CTA. Commissioner Malone seconded the motion. Motion passed.

Discussion/Decision on Awarding of the Fleshman Creek Project

Attendance: Commissioners Malone and Tinsley; Mike Inman, planning; Lani Hartung, finance; Parks Frady and Kevin Feldman, CTA; Kristen Galbraith, Nittany Grantworks; John Mueller, minutes clerk

Kevin Feldman, CTA Engineering, provided the Commission with a letter recommending Park County make an award in regards to the Fleshman project. The letter included a summarization of events since the project bid opening. Feldman said Sime Construction was determined to be the lowest responsive bid meeting all bids requirements, and he recommends Park County award the contract to Sime Construction of Bozeman, Montana.

Feldman said total dollar amounts for the project to-date, including all engineering and construction related costs less potential landowner easement settlements, in-kind services performed by Park County that are not hard work activities and grant administration being handled by Nittany Grantworks equate to a Base Bid of \$2,802,509; Base Bid+ Alternative #1 of \$2,909,204; and Base Bid plus Alternatives #1 and #2 of \$3,014,252. Feldman said significant funds toward the Base Bid plus Alternatives #1 and #2 have already been expended by Park County toward the project.

Commissioner Tinsley moved to accept the bid from Sime Construction for the Base Bid including Alternates #1 and #2 for a total price of \$2,166,187.53. Commissioner Malone seconded the motion. Motion passed.

Update on Current County Projects

Status of Gardiner Gateway Project: No discussion

Adjournment: 10:54 a.m.

Personnel Meeting

Attendance: Commissioners Durgan, Malone and Tinsley; Mike Inman, planning; Jill Ouellette, HR; John Mueller, minutes clerk

@11:03 a.m., the meeting opened in the Commission Chambers.

Mike Inman, planning, said the Commission revised his Planning Director job description on May 30 with a pay of Grade 18 and salary range of \$19.86 to \$29.80. Inman said he collected information supporting his requested wage increase relative to his experience, education and pay grade and where he would fall within that salary range. Inman said his eight years of experience qualify him for a mid-range wage within Grade 18, which does not take into account his level of education of a master's degree. Eight years of experience and a master's degree would put him above the mid range when comparing the qualifications with the average planning director in the state of Montana. Inman said he is asking for a mid-range wage of \$24.83 per hour, which is an 18-percent increase to his current wage. He said wage increases for planning staff were included in his proposed FY' 14 Planning Department Budget at the Commission's direction. He said metal mines tax allocations have added a \$20,000-contingency to his department budget.

Inman said he received a pay increase in 2006 following a successful six-month probationary period and a pay increase of 1.2 percent in 2009 equating to \$385 per year. Inman said he feels the responsibilities he has taken on as the acting and official planning director exceed the wage per hour he is requesting. He said he will request a 51-cent increase for his department staffer to \$13.50 per hour after he updates her job description and performs a performance evaluation. The requested increase for that employee is due to performance and increased responsibilities as a result of increased public relations needs within the department.

Commissioner Tinsley moved the Commission give Inman a \$3.84-per-hour-increase into the mid range of Grade 18 retroactive to May 30, 2013. Commissioner Durgan seconded the motion. In discussion, Durgan said the pay grade is consistent with what the planning director position should have. Commissioner Malone said he could support an increase of \$2.00 per hour. Motion passed. Commissioner Malone voted in opposition to the motion.

Jill Ouellette, HR, provided a change of status form for signature based on the approved motion.

@11:16 a.m., the meeting adjourned.

Park County Board/Committee Meetings

1:30 P.M. – Planning and Development Board Meeting – District Court Room

2:00 P.M. – 911 Communications Meeting – East Room

August 16, 2013

No Commission Meetings Scheduled

Marty Malone
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana