

Park County Commission Meeting Minutes
Week of August 5 – 9, 2013
Park County, Montana

August 5, 2013

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

@9:03 a.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan, Malone and Tinsley; Raea Morris, administrative assistant; Shannan Piccolo, civil deputy county attorney; Kelly Johnson, maintenance; John Mueller, minutes clerk

Shannan Piccolo, civil deputy county attorney, said citizens from Gardiner submitted a petition to put a resort tax vote on the ballot. The Commission needs to have an official map of the voting area created.

Kelly Johnson, maintenance, said Rick's Refrigeration plans to install the remaining rooftop HVAC units on the courthouse building on August 24 and will need final payment at that time.

Commissioners Malone and Tinsley reported on a tour of a gold mine operation near Old Chico.

@9:25 a.m., the meeting adjourned.

Discussion/Decision on Options for Funding of Cooke City Fire District Breathing Apparatus Equipment

@10:00 a.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan, Malone and Tinsley; Greg Coleman, county fire; Lani Hartung, finance; Shannan Piccolo, civil deputy county attorney; Marilyn Hartley, Cooke City fire; Dale Dempsey, Cooke City fire (via telephone); John Mueller, minutes clerk

Civil Deputy County Attorney Shannan Piccolo said two means exist to fund the needed equipment, 1) Cooke City residents vote to change resort tax parameters to annually allocate resort tax funds to the fire department for the said equipment, as was done with the Cooke City Water District; 2) the county could provide funds or obtain a loan and enter into agreements (MOUs, promissory notes) with the fire department for payback

and all associated parameters, as was done with the Shoofly Center. The chamber of commerce also sought outside/other funds to assist in paying off the loan.

Piccolo said she cannot represent the Cooke City Fire District in her role as the deputy county attorney counseling the Commission.

Dale Dempsy, Cooke City Fire, said the department is willing to sign a promissory note for the money and an MOU that states the fire department will apply for resort tax funds on an annual basis. The department needs \$53,000 for breathing equipment and SCBA fill stations.

Commissioner Tinsley moved to fund the SCBA bottles and fill stations for the Cooke City Fire District in the total amount of \$61,441 less the \$8,000 in resort tax funds already funded for a total balance of \$53,441 over a 10-year period at two percent interest with the reserves coming from the BN Trust Fund. Commissioner Malone seconded the motion. Motion passed.

@10:28 a.m., the meeting adjourned.

Budget Workshop

@10:41 a.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan, Malone and Tinsley; Martha Miller, auditor; Lani Hartung, finance; John Mueller, minutes clerk

Lani Hartung, finance, said the value of a mill was set at \$39,780.

@11:34 a.m., the meeting adjourned.

Discussion/Decision on Construction and/or Water Right Easements with Property Owners Along Fleshman Creek Project

@1:31 p.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan, Malone and Tinsley; Kevin Feldman and George Bornemann, CTA; Shannan Piccolo, civil deputy county attorney; Gary Barnhart and Brenda Adams, citizens; John Mueller, minutes clerk

Kevin Feldman, CTA Engineering, said the county is prepared to supply temporary water to honor Citizen Gary Barnhart's May 1 - October 31 water right with a city water supplement. Temporary water supply infrastructure cost may be \$5,000 to \$6,000. Barnhart said he would accept a cash payment in lieu of the temporary water supply. Barnhart said his water right is for 25 inches and would accept \$3,500 as a nominal figure to cooperate with the project to enable completion. He said he does not need the temporary water supply.

Commissioner Tinsley moved to pay Mr. Barnhart for the loss of his water right and troubles for the months of August 2013 through early May 2014. Commissioner Durgan seconded the motion. Motion passed.

Discussing construction easements, Tinsley said he suggested pit run fill be brought in for the project to eliminate having to monitor the contractor's activities. Meeting attendees agreed upon easement language and conditions, including repercussions if contractors fail to follow physical easement parameters.

@2:05 p.m., the meeting adjourned.

2:00 p.m. - Discussion/Decision on Construction and/or Water Right Easements with Property Owners Along Fleshman Creek Project – No meeting held

2:30 p.m. - Discussion/Decision on Construction and/or Water Right Easements with Property Owners Along Fleshman Creek Project – No meeting held

3:00 p.m. - Discussion/Decision on Construction and/or Water Right Easements with Property Owners Along Fleshman Creek Project – No meeting held

August 6, 2013

@9:01 a.m., a meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan, Malone and Tinsley; Raea Morris, administrative assistant; Mike Inman, planning; Parks Frady, CTA; Kevin Feldman, CTA (via telephone); Kristen Galbraith, Nittany Grantworks; Gary Barnhart, citizen; John Mueller, minutes clerk

Update on Current County Projects

Fleshman Creek Rehabilitation Project: Kevin Feldman, CTA Engineering, said CTA is awaiting signatures on three private construction easements for the project. Messages were left with the individuals. The Eddys would like a visual rendering of what the proposed work would look like from their property, which will cost between \$500 and \$3,000. Parks Frady, CTA, said a CTA surveyor will attend the city commission meeting that night to get city signatures on easements.

Citizen Gary Barnhart asked about the length of time heavy equipment will drive along his stretch of creek, as well as how long a culvert will be out of the creek.

Gardiner Gateway Project: Mike Inman, planning, said the project was programmed by the project selection committee. CTA will provide a scope of services for survey work on August 8, which would commence immediately. The steering committee met on

August 5 to discuss public relations strategy. Western Federal Lands will have individuals out the next week for more design work.

Gardiner Sidewalk Extension: Inman said the entire project will be designed, but not completed the full length as funds are about \$25,000 shy.

Museum Building Restoration: An asbestos survey came back negative. A CTEP individual is working on paperwork for the project.

Main Boulder River Road: Kristen Galbraith, Nittany Grantworks, obtained project description language from Sweet Grass County for the Park County website.

Rock Creek Road: Feldman said work would commence on the project the following week.

County TSEP Bridge Projects: No discussion

Department Updates

Inman said the Planning and Development Board will meet on August 15 to discuss results of a countywide land use survey. The Parks Board will meet on August 7 at 6:00 p.m. to serve as a public meeting to facilitate application for a Montana Transportation Alternatives Program.

CONSENT ITEMS

Review of Commission Meeting Minutes for the Week of July 22 and 29, 2013

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

Commissioner Durgan moved to approve the minutes for the Week of July 22. Commissioner Malone seconded the motion. Motion passed.

Commissioner Durgan moved to approve the minutes for the Week of July 29 as written. Commissioner Malone seconded the motion. Motion passed.

Adjournment: 10:25 a.m.

August 7, 2013

9:00 a.m. – Safety Committee Meeting – Commission Chambers

City-County Meeting

@9:43 a.m., Commissioner Malone opened a meeting in the East room and recessed it until 10:00 a.m. @10:03 a.m., the meeting reopened.

Attendance: Commissioners Durgan, Malone, Tinsley; City Commissioners Bennett, Friedman, Stern; Ed Meece, city manager; Shannan Piccolo, civil deputy county attorney; Kelly Johnson, maintenance; Peggy Glass, 911; Dan Gutebier and Holley Chappell, Taylor-Leavitt; John Mueller, minutes clerk

Roof, HVAC, Stucco and Locks - FY 2013-14: Adam Stern said the City-County Complex's leaking roof and faulty HVAC unit need to be replaced. Malone said he thinks the city and county should come up with an MOU, corporation or local government entity stating the building will be insured and repaired as a group. Stern asked for a written proposal.

Commissioner Tinsley said the entire roof can be redone for \$100,000 with a 20-year warranty. A bad HVAC unit will be replaced on August 27 at a cost of \$154,000. Tinsley said it makes sense to do the roof and HVAC at same time. Repairing damaged stucco on the building would cost \$30,000, and securing the building with a locking system would cost \$18,000. Two additional rooftop HVAC units will cost \$300,000 in the future to replace. Total cost of all proposed work is \$603,000. The city's share of expenses at 37% would be \$233,000.

Stern said the city commission will ask the administration to consider the range of options for discussion at the next city commission meeting. Ed Meece said the county was told in May it has \$62,000 in its budget for building improvements. Meece said the city's decision on the needed building work depends on discussions of building office space, as from the city's perspective, it is difficult to spend \$233,000 for the amount of space it has in the building. He said he feels the city could do better outside of the City-County Building, recognizing increased space in the building would increase the city's shared percentage payments. He said the city does not win if it pays for all proposed repairs and it is in same exact space as present, and the city cannot continue on with the space it has now much longer. Stern asked Meece to have dollar figures and information on the building maintenance needs for the city commission to discuss as an action item at its next meeting.

Building Space/Use: Tinsley said the office space left open by the Montana DOR moving out of the building could possibly house the county commissioners, its staff, and possibly the county auditor. MSU Extension has moved out, and Adult Probation is moving out, so more space will open up. The county may consider hiring a space-planner consultant to assist with logistics. Tinsley said the IT Department needs to be involved in discussions, and the city is invited to discussions.

Meece said he does not think the building works well for the city because it is too far removed from downtown. At least a satellite office is needed in the downtown for citizens to pay utility bills. He said sooner than later the city and county will have to address the jail, and he feels citizens will be unwilling to pay for a new law and justice center. He thinks turning the City-County Complex into a law and justice building and putting city and county administrations elsewhere may be a best option. Stern said he

agreed. Meece said the city and county currently experience a lot of duplication of efforts, which could be reduced, and the City-County Complex is inadequately secure from a safety standpoint.

Stern said he agreed with a professional planner providing a comprehensive viewpoint of the building, needs and possible options. Meece said the county can provide a bid for the consultant and the city commission can decide whether to share in the payment at 37%.

Building Insurance: Malone said the county insured the building for fire damage and water damage in-full for the entire year as of July 1 and sent the city a bill for its share. Meece said the city's share of the cost in insuring the building has increased from \$2,230 to \$6,780 over the last five years. He said the city talked to MMIA about insuring the building at 37% for property and content at a cost of \$3,063. Meece said he thinks the city should not pay more than what it would with MIAA if the county decides to stay with MACo regardless of the 37% agreement.

Civil Deputy County Attorney Shannan Piccolo said the discussion is premature until policies are compared line by line. Stern said the city has identified a potential cost savings by insuring with MMIA and can discuss that potential for the next fiscal year. The city commission agreed to keep MACo as the insurer. The county will send the city a bill for \$4,325.

Solid Waste Update: Tinsley said no issues have been reported by the city or county refuse foremen. Both said things are working well. The county system is experiencing changes with changing refuse site collection routes, reducing crew by more than one half and saving fuel.

Meece said city weigh stations will be completed and operational later in August. He said an issue exists with commercial operations from the county dumping green waste at the city. That issue and a possible fee will need discussion in the future.

@11:26 a.m., the meeting adjourned.

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

@10:00 a.m., the meeting opened in the Commission Chambers. The meeting was recessed until after the 1:30 p.m. meeting because of scheduling conflicts. @1:41 p.m., the meeting reopened

Attendance: Commissioners Durgan and Malone; Raea Morris, administrative assistant; Shannan Piccolo, civil deputy county attorney; John Mueller, minutes clerk

Correspondence for August 5 included:

- Memo re. Park County Fairgrounds Sewer Project letter

- Memo re. Fleshman Creek timeline calendar
- Memo re. Rock Creek Road project update
- Memo re. Upper Yellowstone Watershed Basin meeting date change

Correspondence for August 6 included:

- Memo re. Hanser's Wrecker Company invoice
- Memo re. Nittany Grantworks city letter of support
- Memo re. county safety videos
- Memo re. Greg Coleman swearing in
- Memo re. August Safety Committee meeting reminder
- Memo re. Library Board date change
- Memo re. White Sulphur Springs Mine
- Memo re. mail postage log
- Memo re. DIS CountySilo invoice
- Memo re. DEQ Fleshman Creek water quality permit
- Memo re. Park/Meagher Counties DUI Task Force Plan
- Memo re. MACo Oil, Gas and Coal Counties invoice
- Memo re. Fleshman Creek project floodplain permit
- Memo re. USDA Crazy Mountains right of way issue
- Memo re. commission chair meeting request
- Memo re. Stillwater County Stage 1 fire restrictions
- Memo re. Park County fund allocations for Gardiner Sidewalk Extension Project
- Memo re. Black Mountain software demonstration agenda

Civil Deputy County Attorney Shannan Piccolo said the Commission needs to determine what it will do with the outstanding variance request it has into the Airport Board for Gardiner refuse site changes.

Human Resource Updates

@11:30 a.m., the meeting opened in the Commission Chambers. The meeting was recessed until approximately 2:00 p.m., due to scheduling conflicts when a quorum of commissioners would be present. @2:25 p.m., the meeting reopened.

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

Jill Ouellette, HR, provided an update on the federal healthcare exchange notification. She said nine individuals went through sheriff's office oral boards on August 6, five were recommended for return interviews for two open positions. Six applications were received for a detention officer position. Four applicants received for a fairgrounds caretaker position. Ouellette said she received the annual participation verification from MACoHCT and has to request copies of private health insurance coverage cards for employees who waived MACoHCT at open enrollment just 30 days after the fiscal year.

Ouellette requested that Commissioner Malone consider trying to change this at the HCT board level, perhaps in January not in the first month of the new plan year.

Ouellette provided change of status forms for an employee resignation and a short-term person filling in as the Cooke City refuse site attendant. Ouellette said a meeting needs to be set up with the Fair Board to proceed with an issue of an exempt and non exempt employee. A consideration needs to be made regarding adjusting the fair budget to avoid violating the Fair Labor Standards Act.

Commissioner Malone reviewed a timeline of emails from the HR person to the county attorney to determine the status of the draft revised employee personnel handbook, which to the knowledge of the HR department is in the county attorney's office. Ouellette provided the timeline which commenced in August 2012.

Malone said several employees have requested salary increases. He said he feels an independent party needs to look at employee grades and wages to ensure they are correct. Inman said the Commission voted to upgrade his job description and directed him to submit his requested wage increase with his proposed FY'14 department budget, which he had done. Ouellette said she thinks the Commission needs to hold a public meeting to determine whether the county will have a pay grade system.

There was attempt to explain to Inman what he needs to do with himself and his department staff to prepare for possible wage increases per his request as department head. Scheduling of a personnel meeting was discussed.

Ouellette said she was in the process of coordinating with the commission for performance evaluations for the Fairground Manager, GIS/IT Manger and DES Coordinator positions for review.

@2:57 p.m., the meeting adjourned.

1:00 p.m. - Commissioner Tinsley Meeting with a Solid Waste Board Member and CTA Engineering to Discuss Gardiner Refuse Site Options – East Room

Discussion/Consideration of Maintenance and Dedication of Plaque Placed in Rose Garden Area of City-County Complex

@1:35 p.m., the meeting opened in the Commission Chambers.

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

Citizen Michele Mickelson presented a plaque she said the Girl Scouts would like to place in the rose garden at the City-County Complex in honor of Deanna Egeland. She asked whether the Girl Scouts could pull weeds from the garden on an occasional basis.

Commissioner Durgan moved to allow the Girl Scouts to place a plaque in the rose garden dedicated for Deanna Egeland. Commissioner Malone seconded the motion. Motion passed.

@1:40 p.m., the meeting adjourned.

6:00 P.M. – Parks Board Meeting – East Room – Commissioner Tinsley attended

August 8, 2013

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

Claims Review

Road Updates/Engineering Service Updates

Attendance: Commissioners Durgan, Malone and Tinsley; Raea Morris, administrative assistant; Martha Miller, auditor, Ed Hillman, roads, Mike Inman, planning; Jill Ouellette, HR; Shanna Piccolo, civil deputy county attorney; Parks Frady, CTA; Lauren Oswald, USFS; Dann Babcox, PCRFD#1; John Mueller, minutes clerk

Ed Hillman, road supervisor, said crewmen were graveling and would apply magnesium chloride to Swingley Road. He would like to do the Beaver Creek Hill as well. Hillman said he would like to wait until next year to apply chips to Meigs Road.

Commissioner Malone said the county applied for Mill Creek Road as a state highway.

Lauren Oswald, USFS, provided two draft contacts for Resource Advisory Committee (RAC) grant project awards. She said \$13,000 remains in the Willow Creek Road grant, and an additional \$20,000 for the next phase of the project was awarded. A Myer's Flat road RAC project was awarded \$20,000. Oswald said she suggests the county submit a written request to chip seal Willow Creek Road with the RAC funds, as it is a change to the original grant award application. Malone said he would rather put the money back in the county coffer than put any more funds into Willow Creek Road and was against the project from the outset. Commissioner Tinsley said it makes sense to finish the road work. Oswald said the RAC may put "returned funds" toward another project, as it funds projects based on a priority system. Regardless, the RAC will need a written request. The Commission will schedule a meeting to discuss its options.

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

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

Correspondence included:

- Memo re. MACo support of National Guard and Reserve Week
- Memo re. June public processing collections payment

Commissioner Malone read into the record email correspondence with the county attorney proving the draft employee handbook revision is in the county attorney's office.

Commissioner Tinsley said he suggested the Commission schedule two personnel meetings for IT and Planning Department employees to discuss pay increases.

Department Updates

Attendance: Commissioners Durgan, Malone and Tinsley; Raea Morris, administrative assistant; Martha Miller, auditor, Ed Hillman, roads, Mike Inman, planning; Jill Ouellette, HR; Shanna Piccolo, civil deputy county attorney; Parks Frady, CTA; Dann Babcox, PCRFD#1; John Mueller, minutes clerk

Mike Inman, planning, said Kristen Galbraith (Nittany Grantworks) provided a cost breakdown with associated county in-kind contribution responsibilities for all Capital Improvements.

ACTION ITEMS

Attendance: Commissioners Durgan, Malone and Tinsley; Raea Morris, administrative assistant; Martha Miller, auditor, Ed Hillman, roads, Mike Inman, planning; Jill Ouellette, HR; Shanna Piccolo, civil deputy county attorney; Parks Frady, CTA; Dann Babcox, PCRFD#1; John Mueller, minutes clerk

Final Discussion/Decision on Chico Refuse Site Staffing

Jill Ouellette, HR, said numerous existing job descriptions exist for consideration. Commissioner Malone said his opinion is the job should not be more than four hours a day, must work weekends and have a valid MT driver's license. The Commission said it agrees the position should be posted as a half-time, permanent FTE. Ouellette said she would prepare a job description and posting for signature by day's end.

Commissioner Tinsley moved to hire a half-time employee for four hours a day for the Chico refuse site that includes the ability to run a backhoe. Commissioner Durgan seconded the motion. Motion passed.

Final Discussion/Decision on Hiring a Public Works Director

The Commission reviewed and provided revisions to a draft public works director position job description. Position grade is 18 and wage is \$41,000 to \$62,000, DOE. No college degree required, but preferred.

Commissioner Tinsley moved the Commission accept the job description for the public works director as adjusted, start the hiring process and post the position for two weeks. Commissioner Durgan seconded the motion. Motion passed.

Commissioner Tinsley moved to set up a hiring committee for the position the next week. Commissioner Durgan seconded the motion. Motion passed.

Review/Consider Signing of CTA Scope of Services for Survey Work Related to Gardiner Gateway Project

Parks Frady, CTA Engineering, provided proposed work by CTA to meeting Gardiner Gateway Project county in-kind contribution requirements as a modification to an existing task order. Proposal amount for reimbursable topographic survey work is \$35,000. Frady said the deputy civil county attorney needs to review the contract before it is signed.

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 seconded the motion. Motion passed.

Review/Signing of CTEP Letter Regarding Allocation of CTEP Funds to the Gardiner Sidewalk Extension Project

Mike Inman, planning, provided a letter allocating Community Transportation Enhancement Program (CTEP) funds for the project, with the 13.42-percent match to be provided by the Greater Gardiner Community Council. Inman said the entire stretch of the proposed project would be engineered, but funds may prohibit construction of the entire project at one time.

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

Discussion/Decision on Hiring Surveyor to Verify and/or Create the Proposed Gardiner Resort Tax Area Boundary

Commissioner Tinsley moved to hire the county surveyor for work related to the Gardiner resort tax area. Commissioner Durgan seconded the motion. Motion passed.

In other discussion, Mike Inman, planner, said he would turn over to the county attorney's office a matter of encroachment on the county right of way in Gardiner.

Adjournment: 10:53 a.m.

Park County Board/Committee Meetings

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

1:00 P.M. – Critical Incident Stress Management – East Room
7:00 P.M. – Wilsall Water District Board – Wilsall Senior Center
7:00 P.M. – Upper Yellowstone Watershed Meeting – Emigrant

August 9, 2013

No Commission Meetings Scheduled

Marty Malone
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana