

Park County Commission Meeting Minutes
Week of July 22 – 26, 2013
Park County, Montana

July 22, 2013

Public Comment; County Department Updates; Review of Daily Correspondence and Agenda

@9:00 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

Correspondence for July 18 included:

- Memo re. Fleshman Creek floodplain permit
- Memo re. single audit recommendations and findings
- Memo re. attorney's office books examination
- Memo re. St. Mary's Church MACo/JPIA certificate of insurance
- Memo re. MACo membership dues
- Memo re. commission chair meeting request

Correspondence for July 19 included:

- Memo re. GIS survey services professional services agreement
- Memo re. MDT change of functional classification review of Mill Creek Road
- Memo re. city/county insurance split
- Memo re. Park County social media policy update
- Memo re. employee absence request
- Memo re. July 23 Airport Board meeting agenda
- Memo re. city building insurance

Commissioner Malone provided a draft letter to the owner of the Pine Creek Café addressing parking issues, and a letter addressing the planning and development board's land use survey. Commissioners Durgan and Tinsley said they did not support the survey letter. Malone said he thinks the planning board should meet in the Commission chambers if it wants to meet with the Commission.

The Commission told the civil deputy county attorney it would like to move forward with a proposed RID process.

Tinsley said the road crew did a great job on Meigs and Cokedale Roads. He said the county budgeted for chip sealing this and next year, respectively. He said he thinks the county should go out to bid for gravel and chip seal the roads as scheduled per the budget and would like to schedule a meeting to discuss.

Durgan reported on a Fair Board meeting held the previous week.

@10:07 a.m., the meeting adjourned.

Discussion of GIS/IT Budget

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

Attendance: Commissioners Durgan, Malone and Tinsley; Erica Hoffman, GIS/IT; Martha Miller, auditor; Lani Hartung, finance

Erica Hoffman, GIS/IT, reviewed needed changes to her preliminary budget. The Commission said wage increase requests need to include the performance evaluation/review process as set forth through the HR Department.

@10:49 a.m., the meeting adjourned.

Opening of Bids for Fleshman Creek Restoration Project

@3:00 p.m., the meeting opened in the Community Room.

Attendance: Commissioners Durgan, Malone and Tinsley; Mike Inman, planning; Shannan Piccolo, civil deputy county attorney; Lani Hartung, finance; Kevin Feldman and Parks Frady, CTA; Kristen Galbraith, Nittany Grantworks; Vern Karnath, Karnath Contracting.

Commissioner Malone opened sealed bids. Kevin Feldman, CTA Engineering, read bid dollar figures into the record as follows:

- Williams Civil Division Incorporated: Schedule 1, Sanitary Sewer Extension: \$833,750; Schedule 2, F Street: \$363,593; Schedule 3, C Street: \$260,898; Schedule 4, E Street: \$322,532; Schedule 5, Main Street: \$311,778; Schedule 6, Geysers Street: \$258,591; Schedule 7, H Street: \$294,076

Total Base Bid: \$2,645,218

Schedule 8, Stream Restoration Alternate 1: \$80,236

Total Base Bid + Alternate 1: \$2,725,454

Schedule 9, Stream Restoration Alternate 2: \$86,129

Total Base Bid + Alternates 1&2: \$2,811,583

- Dick Anderson Construction: Schedule 1, Sanitary Sewer Extension: \$618,715; Schedule 2, F Street: \$302,554; Schedule 3, C Street: \$213,511; Schedule 4, E Street: \$244,153; Schedule 5, Main Street: \$238,193; Schedule 6, Geysers Street: \$249,990; Schedule 7, H Street: \$193,160

Total Base Bid: \$2,060,276

Schedule 8, Stream Restoration Alternate 1: \$129,356

Total Base Bid + Alternate 1: \$2,189,632

Schedule 9, Stream Restoration Alternate 2: \$167,350

Total Base Bid + Alternates 1&2: \$2,356,982

- Sime Construction: Schedule 1, Sanitary Sewer Extension: \$655,198.83; Schedule 2, F Street: \$275,060.80; Schedule 3, C Street: \$185,752.26; Schedule 4, E Street: \$258,000.60; Schedule 5, Main Street: \$203,291.03; Schedule 6, Geysers Street: \$229,810.88; Schedule 7, H Street: \$147,323.50

Total Base Bid: \$1,954,438.17

Schedule 8, Stream Restoration Alternate 1: \$106,690.58

Total Base Bid + Alternate 1: \$2,061,128.75

Schedule 9, Stream Restoration Alternate 2: \$105,046.51

Total Base Bid + Alternates 1&2: \$2,166,175.26

- Karnath Contracting Incorporated*: Schedule 1, Sanitary Sewer Extension: \$864,674; Schedule 2, F Street: \$311,270; Schedule 3, C Street: \$263,878; Schedule 4, E Street: \$276,885; Schedule 5, Main Street: \$300,750; Schedule 6, Geysers Street: \$287,420; Schedule 7, H Street: \$241,685

Total Base Bid: \$2,555,562

Schedule 8, Stream Restoration Alternate 1: \$76,250

Total Base Bid + Alternate 1: \$2,631,812

Schedule 9, Stream Restoration Alternate 2: \$102,100

Total Base Bid + Alternates 1&2: \$2,733,912

*Bid did not include a signed non collusion affidavit, which may deem the bid non-responsive upon further review.

Feldman reported engineer's base bid estimates as follows: Total Base Bid: \$2,187,360.10; Total Base Bid + Alternate 1: \$2,252,525.60; Total Base Bid + Alternates 1&2: \$2,390,320.10

Malone said bids would be reviewed for responsiveness and a decision made on successful contractor at a future public meeting.

@3:25 p.m., the meeting adjourned.

July 23, 2013

Opening of Meeting: 9:02 a.m.; Commission Chambers

Public Comment

Attendance: Commissioners Durgan, Malone and Tinsley; Raea Morris, administrative assistant; Mike Inman, planning; Barbara Woodbury, environmental health; Lani Hartung, finance; Greg Coleman, county fire; Kristen Galbraith, Nittany Grantworks; Parks Frady, CTA; Mary Beebe, Stafford Animal Shelter; Bob Ebinger, citizen; John Mueller minutes clerk

Citizen Bob Ebinger said the Forest Service told him RAC grant funds were awarded to projects applied for in Park County and asked if any work could be done in the current year. He said the homeowner's association in the Livingston Peak area would like to re-dig a pond as a wildfire water source.

Consent Items

Review of Daily Correspondence and Agenda

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

Correspondence included:

- Memo re. Emigrant Fire news release
- Memo re. DES/EMPG grant award modification
- Memo re. Regulations for Buildings for Rent/Lease confidential legal opinion
- Memo re. Southern RAC Project

Commissioner Durgan reported on a July 22 Transportation meeting.

Review of Commission Meeting Minutes for Week of July 15, 2013

Commissioner Malone requested a revision to Page 1 of 8, a sentence should read "Commissioner Malone said the region in question is not in the contract." On Page 4 of 8, a sentence should read, "Three budgets are overspent (Road, Missouri River Drug Task Force and Permissive Medical Levy Fund), which will require budget amendments."

Commissioner Tinsley moved to accept the minutes with changes discussed. Commissioner Durgan seconded the motion. Motion passed.

Discussion on Potential Use of Office Space Vacated by Department of Revenue and MSU Extension

Attendance: Commissioners Durgan, Malone and Tinsley; Shannan Piccolo, civil deputy county attorney; Raea Morris, administrative assistant; Mike Inman, planning; Barbara Woodbury, environmental health; Martha Miller, auditor; Lani Hartung, finance; Greg Coleman, county fire; Kristen Galbraith, Nittany Grantworks; Parks Frady, CTA; Kevin Feldman, CTA (via telephone); Mary Beebe and Vicky Blakeman, Stafford Animal Shelter; Brenda Adams and Bob Ebinger, citizens; John Mueller minutes clerk

Barbara Woodbury, environmental health, said her department would move into the former MSU Extension office, and her administrative assistant could serve as the mail clerk. Commissioner Tinsley said he would like to involve all department heads in discussing long term plans for office locations in the City-County Complex.

Action Items

Signing of Upcoming Claims, Timesheets and Other Signature Needed Documents

Signing of Agreement with Stafford Animal Shelter for Animal Boarding

Commissioner Durgan moved to sign the agreement between Stafford Animal Shelter and Park County for animal boarding. Commissioner Tinsley seconded the motion. Motion passed.

Allocation of Funds for Spay/Neuter Project

Mary Beebe said the spay/neuter clinic now falls under the nonprofit status of the Stafford Animal Shelter, which is a reason the effort is coming in under budget of late. Dollar request from Park County = \$3,000

Commissioner Tinsley moved to approve the request for the Spay/Neuter Project for \$3,000 for FY2014. Commissioner Durgan seconded the motion. Motion passed.

Vicky Blakeman said Stafford Animal Shelter is not equipped to house vicious dogs awaiting court proceedings, thus will need to build a maximum security area. Durgan said he would like to research Stafford's responsibility to house such dogs.

Update on Current County Projects

Fleshman Creek Rehabilitation Project: Bids were opened on July 22 and reviewed by county legal counsel and CTA Engineering for responsiveness for completion by the end of the current week. Kevin Feldman, CTA, said the average bids were six percent higher than CTA's estimated bid, and the lowest bidder was 11.9 percent below CTA's bid.

Citizen Brenda Adams asked for an explanation of a floodplain permit letter sent to her as a landowner along Fleshman Creek. The Commission said work intended to be scheduled on an upper reach of the project will not be done as part of the project. Adams asked the schedule for a sidewalk project to be completed with CTEP funds. The Commission said that project is under the guise of the city and believes the work would be conducted after completion of the Fleshman Creek project.

Gardiner Gateway Project: Mike Inman, planning, said the match agreement signing moved to July 30. Program will be announced by the federal government on August 1. Parks Frady, CTA Engineering, said the county has been asked to wait until the current week to release any press releases.

Gardiner Gateway Sidewalk Extension Project (CTEP): Kristen Galbraith, Nittany Grantworks, said CTEP personnel are in processing stages of the project.

Rock Creek Road Rehabilitation Project: chips are being hauled to the site

Main Boulder Road Project: Sweet Grass County Commissioner Susie Mosness is the contact individual for the project. Commissioner Malone said he would like to relook at Park County commissioners assigned as contacts for various ongoing projects.

Museum Rehabilitation Project (CTEP): Galbraith said an asbestos issue will need to be remediated before CTEP funds will pay for upgrade work.

County Bridge Improvement Project (TSEP): The project likely will take place the next fiscal year.

Park County Board/Committee Meetings

12:00 P.M. – Airport Board Meeting – Mission Field – Commissioner Durgan attended

Adjournment: @10:54 a.m.

July 24, 2013

Public Comment; County Department Updates; Review of Daily Correspondence and Agenda; Signing of Administrative Document Folder

Public Comment: None

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

Attendance: Commissioners Durgan, Malone, Tinsley; Raea Morris, administrative assistant; Mike Inman, planning; Dan Gutebier, Taylor-Leavitt; John Mueller minutes clerk

Kelly Johnson, maintenance, said StuccoTech will honor an estimate it provided beyond 30 days. Commissioner Durgan asked Johnson to get another quote for proposed work at the airport.

Mike Inman, planning, said a correction may need to be made to a July 23 article in the *Livingston Enterprise* that lists incorrect dollar figures for the Gardiner Gateway Project.

There was discussion about insurance on the City-County Building with Dan Gutebier of Taylor-Leavitt.

Human Resources Department Updates

@10:33 a.m., the meeting opened in the Commission Chambers.

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

Jill Ouellette, HR, provided employee cell phone reimbursement amounts as updated by the Commission for signature; an employee sick and annual leave bank report; exit interview for a fairgrounds caretaker; approved upgraded GIS technician job description; updated DES Coordinator job description with corrected pay grade; change of status forms for numerous current and former county employees; a job evaluation from December 2012 with wage increase request; permanent weed sprayer probationary period evaluation; county fair workers. Ouellette said she completed a Survey of Public Employment and Payroll as required by the U.S. Department of Commerce, and Park County received a refund check from Blue Cross/Blue Shield in the amount of \$2,171.

Ouellette provided an update of positions currently available with Park County. She said no mistakes were made with new open enrollment data with one payroll remaining where potential errors could occur. Ouellette said she discussed a Chico refuse site employee COBRA insurance issue with MACo.

The Commission said it would be interested in having backup HR assistance available if needed and asked Ouellette to telephone Jim Nys about possible services.

@11:17 a.m., the meeting adjourned.

1:30 P.M. – Transportation Coordination Committee – Community Room

July 25, 2013

Opening of Meeting: 9:01 a.m.; Commission Chambers

Public Comment: None

County Department Updates

Attendance: Commissioners Durgan, Malone and Tinsley; Raea Morris, administrative assistant; Ed Hillman, road; Shannan Piccolo, civil deputy county attorney; Barbara Woodbury, environmental health; Lani Hartung, finance; Kevin Larkin, treasurer; Mike

Inman, planning; Dann Babcox, PCRFD#1; Kevin Bales, Altria; John Mueller minutes clerk

County Road/Engineering Services Updates: Ed Hillman, road supervisor, said road crewmen continue to work on a mud slide in the Cinnabar Basin area.

Commissioner Tinsley said he thinks bids for gravel should commence, and bids for chip sealing should be obtained.

Kevin Bales, Altria, asked the status of the Rock Creek Road Project. He said potholes need to be filled if the project does not start by the following week. The start date is not known.

Discussion of Excess Willow Creek Road Funds: Lani Hartung, finance, said \$13,000 remain leftover from the project.

Discussion of Resource Advisory Committee (RAC) Projects and Funds: \$20,000 in RAC funds were awarded for a Myer's Flat road upgrade project

Upcoming Road Projects: No report

Mill Creek Acceptance: No report

Dust Control on 6 Mile Road: No report

Barbara Woodbury, environmental health, said she needs to provide Montana DNRC with a letter stating the county will fund the remainder of a proposed fairgrounds sewer project. Woodbury asked how to purchase a new vehicle for her department, as budgeted.

Consent Items

Review of Daily Correspondence and Agenda

Attendance: Commissioners Durgan, Malone and Tinsley; Raea Morris, administrative assistant; Dann Babcox, PCRFD#1; John Mueller minutes clerk

Correspondence included:

- Memo re. July 25 Solid Waste Board meeting agenda
- Memo re. Rocky Mountain Campground lease inquiry
- Memo re. purchase of leased county land
- Memo re. MDT green box site property lease payment receipt
- Memo re. DOWL HKM landfill methane monitoring results

Discussion on Potential Use of Office Space Recently Vacated by Department of Revenue and MSU Extension: No discussion

Action Items

Attendance: Commissioners Durgan, Malone and Tinsley; Shannan Piccolo, civil deputy county attorney; Raea Morris, administrative assistant; Mike Inman, planning;; Lani Hartung, finance; Kevin Larkin, treasurer; Dann Babcox and Chuck Donovan, PCRFD#1; Jeff Brown, Yellowstone Association; John Mueller minutes clerk

Signing of CDBG/Professional Services Agreement for GIS Mapping Project

Commissioner Tinsley moved to sign the professional services agreement for the GIS mapping project. Commissioner Durgan seconded the motion. Motion passed.

Signing of DES/Emergency Management Performance Grant Award Modification for Budget Change/Extension

Commissioner Tinsley moved to sign the DES/Emergency Management Performance Grant award modification. Commissioner Durgan seconded the motion. Motion passed.

Signing of Maintenance Agreement with Yellowstone Association regarding Yellowstone Association Property Included in Federal Lands Access Program Gardiner Gateway Project

Mike Inman, planning, said the agreement will allow for a pocket park, which is included in the FLAP grant application. Commissioner Durgan moved to sign a maintenance agreement with the Yellowstone Association regarding Yellowstone Association property included in the Federal Lands Access Program Gardiner Gateway Project. Commissioner Tinsley seconded the motion. Motion passed.

Opening of Public Comment Period for Building for Rent or Lease Draft Regulations

Mike Inman said a 30-day public comment period commences to address new Buildings for Lease or Rent regulations that must be adopted as passed by the Montana legislature. Park County used a model provided by the state with two exemptions for its draft regulations.

Commissioner Tinsley moved to open the public comment period for the draft Buildings for Lease or Rent regulations. Commissioner Durgan seconded the motion. Motion passed.

Dann Babcox, PCRFD#1, said he would like the Commission to consider implementing buildings codes in the county, as state codes are inadequate.

Public Hearings/Ordinance/Resolutions

Public Hearing Regarding Resolution to Amend Budget Appropriations for FY2012-2013

Dann Babcox, PCRFD#1, said the district needs \$30,000 in Title III funds as was discussed with the Commission three months prior. Lani Hartung, finance, said the county fire warden needs to process those funds.

Hartung said the Missouri River Drug Task Force, Permissive Medical Levy and Road funds were overspent in the previous fiscal year, thus need to be amended. All funds will come from reserve funds.

Commissioner Tinsley moved to accept Resolution #1160 to amend budget appropriations for 2012 and 2013 as written. Commissioner Durgan seconded the motion. Motion passed.

Citizen Chuck Donovan said citizens would like to see which budgets would be amended on the county website.

Update on Current County Projects

Fleshman Creek Rehabilitation Project: No report

Gardiner Gateway Project: No report

Gardiner Gateway Sidewalk Extension Project (CTEP): No report

Rock Creek Road Rehabilitation Project: No report

Main Boulder Road Project: Malone reported on a meeting in which the project was discussed.

Museum Rehabilitation Project (CTEP): No report

County Bridge Improvement Project (TSEP): No report

Adjournment: @10:47 a.m.

Discussion/Decision on Moving Forward with a Plan for Gardiner Refuse Site

@1:36 p.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan, Malone and Tinsley; Warren Newhouse II, refuse; Vicki Younge, citizen; John Mueller minutes clerk

Commissioner Malone said he thinks there are five options for the Gardiner refuse site: 1) do nothing; 2) mimic the Chico site; 3) use front-load refuse trucks stationed on site ; 4) install a self-contained compactor; 5) install a fixed compactor using break-away boxes (county has a surplus of boxes).

Commissioner Tinsley said it makes sense to use compactors at the Gardiner refuse site with Gardiner 51 miles south of Livingston. Compactor could be fixed, outside on the ground and manned/operated by an attendant at all times. Bottles the county currently has and uses at Cooke City could be used, and the county has pup trailers. Malone said he likes the fixed compactor site option for Gardiner. Malone said he estimates it would take one year to get such a proposal through the Airport Board. Tinsley said he does not

think it would take three months through the appeal process, and the unit could be installed without changing the site at all. He said he feels the bear and bird issues need to be addressed regardless of which option was selected.

Tinsley said he would like the Solid Waste Board to provide the Commission with a recommendation about the future operations of the Carbella and Corwin refuse sites. Malone and Tinsley said they think both sites could be closed. Tinsley said he feels the immediate focus needs to be on the Gardiner refuse site, moving forward from that point. Data collected from that site goes could be used to determine futures of other sites.

Citizen Vicky Younge said a building previously designed for a compactor at the Gardiner refuse site was overkill and unnecessarily tall.

Commissioner Tinsley moved to pursue a fixed compactor idea on a slab using the county's own bottles and pursue Gardiner before doing any other sites. Commissioner Durgan seconded the motion. Motion passed.

@2:01 p.m., the meeting adjourned.

2:00 P.M. – Solid Waste Board – East Room – Commissioner Tinsley attended

July 26, 2013

Discussion/Decision on Cooke City Fire District INTERCAP Loan and Resort Tax Memorandum of Understanding

@10:06 a.m., the meeting opened at the Cooke City Community Center.

Attendance: Commissioners Durgan and Tinsley; Mike Inman, planning; Greg Coleman, county fire; Dale Dempsey, Bev Chatlain, Nellie Israel, Marilyn Hartley, Troy Wilson, Betty Sommers, Laurretta Skattum, Bobbi Dempsey, Donna Rowland, Florence Zundel, Cooke City; John Mueller minutes clerk.

Marilyn Hartley, Cooke City Fire clerk, provided signatures from Cooke City area residents supporting the resort tax funding the Cooke City Fire Department. Greg Coleman, fire warden, said the fire department needs breathing apparatus to enter burning structures to fight fires. Commissioner Tinsley said he would not want anyone to enter into a dangerous situation (such as local fire fighters attempting to fight fires without the property safety gear) and the Commission needs to ensure such does not happen and people are safe.

Chatlain said the fire department has community support with petitions provided and is a poster child for resort tax funds, as other groups have gotten money that are not a district. She said the Community Center has \$40,000 remaining on its loan, so by 2015 the chamber will no longer request resort tax funds, which will free them for other requests.

Hartley said Cooke City is taxing its residents the maximum levy amount for the fire district, but the district may discuss a levy increase at its September meeting.

Commissioner Tinsley moved Park County sign off on and approve the decision to fund the district INTERCAP loan and sign the resort tax memorandum of understanding, not to exceed \$62,000. Commissioner Durgan seconded the motion. In discussion, Coleman said the civil deputy county attorney was working on ways in which money can be allocated, either 1) an MOU obligating resort tax funds so the fire department could get a loan; 2) a bond type issue where Park County would front the money and the department would pay it back. Motion passed.

Chatlain said she encouraged the Commission to devise a scoring system/worksheet of criteria for resort tax request applications, to include financial plans. She said she feels it is very important to establish a consistent application/allocation process.

In other discussion, Dempsey said part of a building in town was torn down and remains in a pile, and the pile recently caught on fire. Coleman said the building owner requested the fire department burn it for training purposes, which can be done per EPA exemption, but the building was never signed off on as asbestos-free. Coleman said the state fire marshal will not inspect the fire as arson, as it no longer qualifies as a building. He asked if the county could consider action under the nuisance law. The Commission said it would view the building that day and discuss potential actions.

Citizen Nellie Israel said Bannack Trail needs three culverts to address water drainage along a trench built to facilitate drainage. The road needs gravel as well.

Mike Inman, planning, said the Commission that day would look at a county park in Silver Gate. The county is developing maintenance agreements for its two other county parks, as well as considering possible allocation for funds to upgrade equipment.

@11:05 a.m., the meeting adjourned.

Marty Malone
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana