

Park County Commission Meeting Minutes
Week of July 29 – August 2, 2013
Park County, Montana

July 29, 2013

Public Comment Period; County Departmental Updates; Signing of Administrative Documents in Signature Folder; 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; Lani Hartung, finance; John Mueller, minutes clerk

Correspondence for July 25 included:

- Memo re. Cooke City Resort Tax Fire District request
- Memo re. citizen public information request
- Memo re. Gardiner match agreement
- Memo re. July 30 Museum Board meeting agenda
- Memo re. workstation Pos
- Memo re. Gardiner resort tax area legal opinion
- Memo re. National Guard photo exhibit

@9:42 a.m., the meeting adjourned.

Opening of County Courthouse Janitorial Bids

@10:03 a.m., the meeting opened in the Commission Chambers.

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

Commissioner Malone said no bids were received.

Commissioner Durgan moved to rebid the position and continue with the existing contract until the rebid is awarded. Commissioner Malone seconded the motion. Motion passed.

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

Personnel Meeting

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

Attendance: Commissioners Durgan, Malone and Tinsley; Jill Ouellette, HR; Lani Hartung, finance; John Mueller, minutes clerk

Commissioner Durgan moved to close the meeting to the public record at the request of Lani Hartung. Commissioner Tinsley seconded the motion. The meeting closed to the public record, the audio recorder was turned off and the recording secretary exited the chambers.

@11:20 a.m., the meeting adjourned.

Discussion/Update of Revolving Loan Fund with Prospera Business Network

@2:01 p.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan, Malone and Tinsley; Lani Hartung, finance; Stuart Leidner, Prospera Business Network; John Mueller, minutes clerk

Stuart Leidner, Prospera Business Network, provided an update of the city of Livingston/Park County revolving loan fund Prospera administrators.

@2:17 p.m., the meeting adjourned.

July 30, 2013

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

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

Public Comment: None

Update on Current County Projects

Fleshman Creek Rehabilitation Project: Parks Frady, CTA Engineering, said contractor bids are under review; eight landowner easements remain outstanding; a tentative notice of award will be August 6; CTA received approval from the city for Main and H Street crossings and utilities and lift stations; and a floodplain permit public comment period remains open.

Commissioner Durgan said he and engineers met with landowners along the creek in attempt to get consensus on how those citizens want the creek to look. Frady said CTA's recommendation will be to not perform work in a stretch of creek where landowner easements are not obtained.

Citizen Gary Barnhart said he met with CTA personnel to discuss easements on his and Brenda Adams' property, as well as Barnhart's water right, at which time monetary compensation for his water right was discussed. Barnhart said the county will get an injunction on August 16 if it shuts off the water on August 15. Kevin Feldman, CTA, said he told Barnhart the county has the intent to provide him with his full water right via the city water system. He said there would be costs associated with supplementing the water if needed, and there was mention at a previous Tuesday meeting that compensation for the water value might be a possibility if actual water is not needed during the construction project. Barnhart said he heard the Commission was not in favor of providing such compensation at the Tuesday meeting, but he was not at the meeting.

Gardiner Gateway Project: No report
CTEP Projects: No report

Gardiner Sidewalk Extension: Kristen Galbraith, Nittany Grantworks, said the project will cost \$70,181 with matching funds coming from Greater Gardiner Community Council. Project will not start until 2014.

Museum Building Restoration: An asbestos survey is ongoing.

Boulder River Road: Commissioner Malone said Park County will sign a match share agreement with Sweet Grass County.

Rock Creek Road: Frady said contractors are stockpiling materials and will commence mobilizing for culvert work the week of August 4 with detours to commence the following week. Total project duration expected to be 1.5 to 2 months.

ACTION ITEMS

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

Signing of Final Gardiner Gateway Project Match Agreement

Mike Inman, planning, said the county's match agreement must be finalized by August 1 and is the last document to sign in order to permit expenditure of project funds. Inman said the civil deputy county attorney reviewed the agreement as to form. He said a project agreement detailing who will do what is scheduled for September 1. Inman said the county's responsibility to match grant funds in the amount of 13.42% will remain

constant, and a project value of \$1.5 million cannot change without Park County's consent. The county will not pay more than \$637,000 in cash, but potential exists Park County will pay no cash or receive cash back after the project is completed.

Commissioner Tinsley moved to approve the Federal Lands Access Program match agreement as presented. Commissioner Durgan seconded the motion. Motion passed.

Review, Consideration and Determination of Formal Capital Improvements Program Public Relations Process, including Allocation of Staff Time and Resources

Attendance: Commissioners Malone and Tinsley; Mike Inman, planning; Raea Morris, administrative assistant; Kristen Galbraith, Nittany Grantworks; John Mueller, minutes clerk

Commissioner Tinsley moved to recess the meeting until 11:30 a.m. The meeting recessed until 11:30 a.m.

Mike Inman, planning, said Kristen Galbraith of Nittany Grantworks will be the sole individual to submit CIP project written materials/website text to the county IT Department after obtaining edits/revisions from all sources. Such will ensure data/materials remain consistent and IT does not experience confusion. The Commission's recording secretary will draft press releases for significant project dates and events, and all questions from the county website email address will route to that individual to ensure the appropriate individual provides an answer.

Inman provided a visual presentation of the county website Projects Page.

Commissioner Tinsley moved to approve the formal public relations strategy for the county capital improvements plan. Commissioner Malone seconded the motion. Motion passed.

Discussion/Decision on County Contract with BI for Electronic Monitoring in Lieu of Juvenile Detention

Sue Cvilicek, juvenile probation, said the cost per day to house a juvenile offender is \$235. GPS and alcohol monitoring costs \$7 or less per day. A grant funded the program from May 2011 through the current month. Cvilicek provided data showing funds saved using the electronic monitoring devices with juveniles in Park County and asked the county to continue the contract with county funds, as grant funds for reimbursement are no longer available. Average cost to use the monitoring is \$2,400 per year.

Commissioner Tinsley moved to approve the county contract with BI for electronic monitoring in lieu of juvenile detention, pending legal approval of contract. Commissioner Malone seconded the motion. Motion passed.

Signing of a Rental Contract with Jim's Septic Service for Portable Toilet at Green Acres Park

Contract is for \$110 per month; set up fee: \$30; pick up fee: \$15; fuel cost fee: \$15.

Commissioner Tinsley moved to sign the contract with Jim's Septic Service for portable toilets at Green Acres Park. Commissioner Malone seconded the motion. Motion passed.

CONSENT ITEMS

Review of Daily Correspondence and Agenda/Signing of Administrative Documents and Upcoming Claims/POs

Correspondence included:

- Memo re. Black Mountain Software demonstration
- Memo re. Rock Creek Road project schedule
- Memo re. MACo City-County insurance issue
- Memo re. Airefco, Inc contractor right of action
- Memo re. FWP salvage permits
- Memo re. county auditor examination of Sheriff's Office books
- Memo re. Cooke City shared fire protection MOU
- Memo re. Sweet Grass County fire restrictions
- Memo re. citizen public information request

Adjournment: 11:55 a.m.

10:00 A.M. – NRM RC&D Board – First Interstate Bank, Livingston – Commissioner Durgan attended

4:00 P.M. – Livingston Community Trust Meeting – Commissioner Malone attended

5:30 P.M. – Museum Board – Yellowstone Gateway Museum

July 31, 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 Durgan, Malone and Tinsley; Raea Morris, administrative assistant; John Mueller, minutes clerk

Commissioner Malone said the Forest Service will pay \$2,200 for the county's grading of Six Mile Road. Malone said he put out traffic counters at the fairgrounds for the county fair. Malone presented a draft letter from the Commission opposing Montana FWP's year-round bison occupation in the Gardiner Basin. Commissioner Tinsley asked for time to review the letter.

Tinsley said he is very impressed with the team of county employees and contracted entities working on the multitude of public works projects in the county.

@9:19 a.m., the meeting adjourned.

Human Resource Updates

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

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

Jill Ouellette, HR, provided an updated list of employee emergency confidential telephone numbers for Commission use; change of status forms for temporary road position leaving employment; two new employees with background checks for the janitorial service; a union State of Montana Board of Personnel Appeals election notice for signature; and a list of county employees with exempt status. Ouellette said two employees do not qualify for the exempt status they currently have, due to changes at the state level, and other employees are hourly that could qualify as exempt. The exempt employee project has been sitting in the county attorney's office for two years.

Ouellette said she contacted contractor Jim Nys per the Commission's request to discuss human resources services. Nys charges \$500/month as a retained client. Powell, Butte/Silverbow and Madison Counties use that option. Nys charges \$120/hour as an as-needed hourly service. Broadwater County uses that option. Names of contact personnel from each county were provided. Ouellette said she would need to adjust her budget for the contractor's services if used.

Ouellette said she needed to talk with Commissioner Durgan about a fair manager evaluation follow-up and was perfecting the GIS/IT manager evaluation request, but did not have the grade issue handled.

She said Affordable Care Act exchange sample notices are available on the federal DOL website and provided a forewarning on a couple of issues. She said she believes there may be reason for the county to change benefit qualification cutoff hours for part time county employees from 20 to 30 hours for a regular work week. The payroll clerk is assisting her in researching ways to avoid fines in the first year of the program.

Ouellette said she was re-acclimating herself with the county's factor point analysis for county position pay grades, double checking sheets where she had assigned specific

points. Documents state the individual trained to do such work in the HR office is the person to assess points, of which a step in the process is department personnel providing input through job description updates. The effort is not supposed to be panel driven or an open public debate where all parties argue for a particular point, in order to ensure a sense of decisive decisions.

Ouellette said she created an Excel document with each factor, including complexity of work; minimum knowledge; accountability; independence of action; personal contacts and confidentiality; supervision exercised; and physical environment. She provided an analysis used to determine qualifying points for each factor. Ouellette asked if a commissioner would work with her on the project to discuss why she believes employees are in a particular position with the associated point amounts. The issue will be discussed again at the next HR Updates meeting.

Ouellette said the Computer and Information Systems Manager will likely be the highest grade county department head based on information per a compilation by the Montana Department of Labor and Industry Research and Analysis Bureau, which looks at employee wages and occupations in Montana, by region. Ouellette provided her methodology for completing a salary survey, as well as how other counties in Montana complete surveys.

Commissioner Durgan asked Ouellette to determine where a public works director position would fall within the salary survey.

@10:33 a.m., the meeting adjourned.

Signing of Resolution to Adopt a Rural Improvement District Policy and Procedures

@9:35 a.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan and Malone; Shannan Piccolo, civil deputy county attorney; Mike Inman, planning; John Mueller, minutes clerk

Shannan Piccolo, civil deputy county attorney, provided a draft Rural Improvement District (RID) policy drafted per discussion and direction given by the Commission in previous public meetings.

Mike Inman, planning, said the process was created for citizens with maintenance concerns as an avenue citizens can take to convince the Commission a proposed improvement projects is a good idea. He said the Commission can move forward with creating an RID if it feels one is needed on a road, but that action would be subject to the same protest period of 40% in protest squashing the proposal.

Commissioner Durgan moved to accept and sign Resolution #1161. Commissioner Malone seconded the motion. Motion passed.

@10:48 a.m., the meeting adjourned.

Discussion of Loss Runs with Taylor – Leavitt Insurance

@11:01 a.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan and Malone; Dan Gutebier and Holly Chappell, Taylor-Levitt; John Mueller, minutes clerk

Dan Gutebier, Taylor-Leavitt Insurance, provided reports for current Park County Property and Casualty and workers' compensation claims and figures.

@11:28 a.m., the meeting adjourned.

August 1, 2013

@9:04 a.m., the meeting opened in the Commission Chambers

Attendance: Commissioners Durgan, Malone and Tinsley; Ed Hillman, road; Shannan Piccolo, civil deputy county attorney; Warren Newhouse II, refuse; Lani Hartung, finance; Bob Ebinger, citizen; John Mueller, minutes clerk

County Department Updates

Road/Engineering Updates: Ed Hillman said the county received \$2,000 from the Forest Service for two graders grading Six Mile Road, which may be used to apply magnesium chloride.

The Commission said it was in favor of asking the Forest Service if \$13,000 remaining in a Willow Creek Road RAC project could be used for another project.

Priority of current road projects are applying magnesium chloride to Six Mile and Swingley Roads and patching Meigs Road.

Commissioner Tinsley and Hillman will view a proposed RAC project to Myer's Flat.

Accounting Department: Lani Hartung, finance, said the county received certified taxable values from Montana DOR and calculated the value of a mill at \$39,780.

Yellowstone Gateway Museum: Bob Ebinger, board president, said no asbestos was found in YGM building roof materials.

Refuse: Warren Newhouse II, refuse, provided a report on fixing a fence at the Forest Service green box site. He said he would be willing to attend landfill and transfer station management trainings. The department is assisting the museum, fair, road, IT departments and coroner.

CONSENT ITEMS

Review of Daily Correspondence and Agenda/Signing of Administrative Documents and Upcoming Claims/POs

Correspondence included:

- Memo re. Park County Fairgrounds Sewer Project data
- Memo re. Rocky Mountain Shakeout Drill emergency exercise
- Memo re. Logan Landfill tipping fees
- Memo re. Environmental Quality Council federal land management
- Memo re. CTA Engineering Rock Creek Road notice to proceed
- Memo re. county auditor examination District Court books

Review of Claims

Park County Board Updates/Recommendations

Attendance: Commissioners Durgan, Malone and Tinsley; Warren Newhouse II, refuse; Lani Hartung, finance; Jill Ouellette, HR; Bob Currie, SWB; John Mueller, minutes clerk

Discussion/Decision on Solid Waste Board Recommendations to Commission

SWB vote on July 25: *Ernie MacCracken moved to pay mileage to board members making trips. Bert Otis seconded the motion. Motion passed.*

The Commission said it agreed mileage should be paid to board members working on behalf of the board. Bob Currie said he will not submit any more expense accounts. Currie said he would like to work with fellow board member Mike Fanning and Commissioner Tinsley as a working group to have input on the design and scope of the Gardiner refuse site.

Currie said the board will recommend spending up to \$3,000 for a cement bin at the Chico refuse site for tire collection and easier cutting.

There was discussion about disposing of a citizen's tires being stored at the landfill and billing the citizen for the disposal per tire.

SWB vote on July 25: *Dennis Dodge moved to go along with the county commission's decision to put a compactor at the Gardiner refuse site. Bert Otis seconded the motion. Motion passed.*

Commissioner Tinsley said he will attempt to contact DOWL HKM about providing closure data for the landfill. The Commission may consider contracting with another engineering firm.

Jill Ouellette, HR, said the interim refuse manager's one-year contract expires on August 12, at which time that employee will revert back to a driver within the department per county policy. Commissioner Tinsley said the county needs to hire a public works director, who would provide recommendation on possible restructuring of departments under his purview. Tinsley said he would like to get moving on a public works director position quickly. He said the Commission finalized a job description and budgeted for the position as a Grade 18 at \$60,000 per year.

@10:43 a.m., the meeting adjourned

Marty Malone
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana