

Park County Commission Meeting Minutes
Week of October 28 – November 1, 2013
Park County, Montana

October 28, 2013

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

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

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

Correspondence for October 24 included:

- Memo re. county auditor Building Use Assessment questionnaire
- Memo re. Denning, Downey and Association OPEB/GASB liability
- Memo re. Montana Open Meeting laws
- Memo re. MACo Drought Committee meeting
- Memo re. Park County CIP Projects meeting
- Memo re. 4-H group certificate of insurance
- Memo re. MACo Inmate Excess Medical Insurance renewal
- Memo re. October Museum Board meeting agenda

Correspondence for October 25 included:

- Memo re. CTA Rock Creek Road progress report
- Memo re. Rock Creek Road meeting requests
- Memo re. Altria Rock Creek Road meeting response
- Memo re. Planning and Development Board establishment/ratification resolution
- Memo re. Fleshman Creek Project Update
- Memo re. emergency volcano training press conference
- Memo re. county CIP projects community update meeting sign-in
- Memo re. Adair Creek Road citizen status inquiry

The Commission agreed the work station for the new public works director will be the foyer desk in the former MSU Extension Office.

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

Human Resource Department Updates

@10:10 a.m., the meeting opened in the Commission Chambers. Commissioner Tinsley moved to recess the meeting to 2:00 p.m. @2:00 p.m., the meeting reconvened.

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

Jill Ouellette provided change of status forms for two employees leaving the Health Department; new hires in the clerk and recorder's and detention offices; and a sheriff deputy with a longevity pay anniversary. Four individuals priced prescriptions in September in the NACO prescription plan. Ouellette provided an employee leave bank report. She provided results of a JPIA safety audit and resulting credit award payments. Ouellette provided an offer of employment for a newly hired Public Works Director position for Commission signature. She reviewed the Park County Employee Handbook email use policy with regards to some recent potential misuse and suggested the issue be discussed at the next Department Head meeting.

Ouellette provided a performance evaluation with requested \$1.00 wage increase for an Accounting Department employee. Commissioner Tinsley moved to approve a dollar an hour increase for the accounting clerk effective 7/6/2013. Commissioner Durgan seconded the motion. Motion passed.

@2:25 p.m., the meeting adjourned.

Discussion of Request to Abandon Alley between Allspaugh and Frank Streets

@1:01 p.m., the meeting opened in the Commission Chambers

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

Vickie Shulin provided county road abandonment application information for an alley between Allspaugh and Frank Streets she states is a personal driveway. Abandonment petition requirements/specifics were discussed. The alley in question is in the Montague Place Subdivision created February 4, 1916.

@1:32 p.m., the meeting adjourned.

October 29, 2013

Opening of Meeting: 9:07 a.m.; Commission Chambers

Attendance: Commissioners Durgan, Malone and Tinsley; Raea Morris, administrative assistant; Shannan Piccolo, civil deputy county attorney; Mike Inman, planning; Kristen Galbraith, Nittany Grantworks; Parks Frady and Kevin Feldman, CTA; Lani Hartung,

finance; Bob Currie, SWB; Dann Babcox, PCRFD#1; Natalie Storey, Livingston Enterprise; John Mueller, minutes clerk

County Department Updates

Lani Hartung, finance, provided the Commission with a calculation figure for a trust agreement to be paid by Park County to Montana DEQ per an estimate of landfill life.

Hartung said the Revolving Loan Program started at \$221,000 and is currently at \$216,000.

Update on Current County Projects

Fleshman Creek Project: Kevin Feldman, CTA Engineering, said the sanitary sewers system is completed on View Vista Road to Sleeping Giant Middle School. The manhole at the fairgrounds is installed.

Gardiner Gateway Project: Parks Frady, CTA, said geotechnical investigation is underway.

Gardiner Sidewalk Extension Project: No report

Museum Roof Restoration Project: Roof restoration will take place in 2014.

Boulder River Road: A meeting was held on October 24 to discuss project match requirements with Sweet Grass County commissioners.

Rock Creek Road: Base course application is complete. Work is completed for the winter and will finish in the spring. There was discussion about cars speeding on the road.

TSEP County Bridge Improvement Project: Construction will commence summer 2014.

In other discussion, Mike Inman, planning, said the Airport Board granted the county's variance request for the Gardiner green box site at its October 24 meeting.

ACTION ITEMS

Discussion/Decision on Whether to Move Forward on CTEP Bike Path Project: \$11,900 remains in the county's Community Transportation Enhancement Program (CTEP) account. A cost estimate to resurface the existing bike trail starting near Albertson's to its end at East River Road is \$20,000 +, which would be more than the required county match for a CTEP project. Mike Inman said he recommends the Commission approve the project now, and see what sort of funds private individuals may provide to the project by next spring. Commissioner Tinsley said resurfacing of the existing trail stretch was

considered as part of a proposed trail extension to Old Yellowstone Trail North, as the existing trail needs to be resurfaced.

Dann Babcox, PCRFD#1, said emergency services use the trail as an alternate route for motor vehicles when accidents occur along the highway in that area, therefore MDT may be approached for more money than already promised.

Commissioner Durgan moved to accept the recommendation of the planner to make the application for the funds at a total cost of \$20,724 and work on getting matching funds from other interested parties. Commissioner Tinsley seconded the motion. Motion passed.

Discussion/Decision on Signing Change Order #3 for Rock Creek Road Project: Kevin Feldman, CTA Engineering, said the change order would give the contractor an additional seven days lost because of inability to work during recent cold temperatures. The change order requires no cost change to the contract.

Commissioner Tinsley moved to approve Change Order #3 for the Rock Creek Road Project. Commissioner Durgan seconded the motion. Motion passed.

Discussion/Decision on Order for Contractor to Suspend Work on Rock Creek Road: The suspend order would date back to October 27, the date final chip sealing was applied. The project will be completed in the spring.

Commissioner Tinsley moved to allow the contractor to suspend work on Rock Creek Road until spring. Commissioner Durgan seconded the motion. Motion passed.

Signing of Western Federal Highway Match Agreement with Sweet Grass County for Main Boulder Road Project: The 6.7-mile project will include replacement and realignment of Two Mile Bridge, replacement and realignment of Miller Creek Bridge, and upgrading of gravel road surfaces at a total project cost of \$7.6 million. Park County is required to pay \$28,500 on January 1, 2014; \$19,000 on January 1, 2015; \$10,000 and \$452,460 at later dates as Federal Lands Access Program (FLAP) grant matches.

Commissioner Tinsley moved to sign the Western Federal Highway match agreement for Main Boulder Road. Commissioner Durgan seconded the motion. Motion passed.

Discussion/Determination of Existing Gardiner Depot Building Deficiencies and Direction Moving Forward

@1:05 p.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan, Malone and Tinsley; Shannan Piccolo, civil deputy county attorney; Mike Inman, planning; Parks Frady and Kevin Feldman, CTA; Allen Lutes, sheriff; John Mueller, minutes clerk

Parks Frady, CTA Engineering, said many Gardiner residents expressed interest in razing the existing Gardiner depot building and erecting a new facility on the same property as part of public comment gathered for Gardiner Gateway Project (GGP) planning efforts. Such would require addressing relocation of existing tenants in the depot building – Park County Sheriff’s Office and Gardiner Park County Sewer District, as well as establishing an associated long term solution.

Mike Inman, planning, said a decision to research possible options may take a month’s time and would be no cost to Park County. The GGP Steering Committee and the Gardiner Chamber of Commerce will be consulted in attempt to learn of potential options.

Commissioner Malone said he is concerned with how much money is put into the county sheriff’s department, which accounts for more than 50 percent of the general budget fund. He said he does not think the county needs a sheriff’s office in Gardiner.

Commissioner Tinsley moved to allow said parties to move forward with options for depot building deficiencies (and a direction to move in conjunction with the GGP) at no cost to the county. Commissioner Durgan seconded the motion. Motion passed.

@1:26 p.m., the meeting adjourned.

Discussion/Decision on Northern Rocky Mountain Economic Development District Continued Joint Support and Funding of \$6,500

@1:30 p.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan, Malone and Tinsley; Paul Shea, museum; Rob Gilmore, NRMEDD; John Mueller, minutes clerk

Rob Gilmore, Northern Rocky Mountain Economic Development District (EDD) provided an update of current EDD efforts and associated area goings-on.

Commissioner Tinsley moved to provide \$6,500 to the Northern Rocky Mountain EDD. Commissioner Durgan seconded the motion. Motion passed.

@1:50 p.m., the meeting adjourned.

CONSENT ITEMS

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

@11:09 a.m., the meeting reopened.

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

- Memo re. live fire training proposed for building in Cooke City
- Memo re. Vickie Shulins request for waiver on full size survey of Montague Place
- Memo re. inmate excess medical insurance renewal

Commissioner Malone said the county owns a “new” used water truck from an online auction purchased for \$21,600 on October 28.

Review of Minutes for Week of October 21, 2013: Minutes not reviewed.

Public Hearings/Ordinances/Resolutions

Signing of Resolution Establishing the Park County Planning and Development Board and Ratifying all Past Actions of the Planning and Development Board: Civil Deputy County Attorney Shannan Piccolo said the bylaws for the Planning and Development Board bylaws were not officially filed in the Clerk and Recorder’s Office. On July 15, 2010, the county planning board addressed an agenda item to redefine the role of the board, recommending the Commission update board bylaws and expand the board’s role to include community development efforts. The bylaws were presented to and passed by the Commission, but a resolution was never ratified. In addition, the bylaws need language inserted stating the board is to have seven members. Failure to file the bylaws does not mean every action the board has taken since the 2010 date is null and void. Piccolo said, similarly, the Weed Board and Angel Line Board did not have bylaws on record in the Clerk and Recorder’s Office when she started work with the county, and ongoing effort is being made to clear up such discrepancies.

Commissioner Tinsley said he would like to postpone a decision on the matter until he can review why the resolution is being proposed, as well as the history of what transpired prompting the Planning Board to request a bylaws change.

Park County Board Updates/Recommendations

Review/Decision on Solid Waste Board (SWB) Recommendations to Commission from October 17 Solid Waste Board Meeting: There was discussion about proposed Operational Guidelines the SWB wishes to adopt. Civil Deputy County Attorney Shannan Piccolo said she has concerns and suggested changes. She suggests omitting a statement that sitting board members need not interview for reapplication to the board. Such is county protocol when more applicants file for a board seat than are seats available. Piccolo suggested the guidelines contain language that all documentation to be posted in advance of a scheduled public meeting be delivered to Commission Office staff within a set timeframe in advance of 48 hours before meeting time. Piccolo said she is employed by the County Attorney, therefore the Commission cannot require her to conduct work. Such must be a request through the County Attorney. Piccolo said the

board can form subcommittees to conduct research/legwork on behalf of the board, but subcommittees cannot assume actions defined as full board responsibilities.

Commissioner Tinsley asked Piccolo to make suggested changes to the guidelines document and get it to the SWB for its approval at its next meeting.

Dann Babcox, PCRFD#1, said the PCRFD#1 Board has an acre and a half for sale or lease north of the PCRFD#1 building at Pine Creek to accommodate a green box site. The same offer may become available in the Chico area. The PCRFD#1 Board needs a letter of interest and proposed lease or sale amount of the 1.5 acres.

Recommendation: The county commissioners talk to the bear coalition for fencing at the Chico site. Commissioner Tinsley said the bear coalition will help with erecting fencing to protect bears. Commissioner Tinsley moved to accept the recommendation. Commissioner Durgan seconded the motion. Motion passed.

Recommendation: Study full operation concepts of Gardiner waste site with hook truck. Commissioner Malone said that decision could be left for the public works director. Currie said the single compactor at the Gardiner site will need to be changed out with a hook truck or bottles from Livingston. Commissioner Tinsley moved to do a study on full concepts of operations at Gardiner Waste Site with stationing of a hook truck at the site to change out bottles. Commissioner Durgan seconded the motion. Motion passed.

Recommendation: Adopt SWB Master Plan from 2012. Commissioner Tinsley moved to set up a meeting to officially adopt the Master Plan dated 9/7/2012 for the Solid Waste Department. Commissioner Durgan seconded the motion. Motion passed.

Recommendation: The County hire an employee to rove (monitor) green box sites from Livingston south to Chico to include the Trail Creek site. The Commission said the county twice advertised for the position but got not applications, and no previous department employees applied. Commissioner Durgan moved to accept the recommendation to keep open a posting for a roving employee until filled. Commissioner Tinsley seconded the motion. Motion passed.

Park County Board/Committee Meetings

5:30 p.m. – Museum Board, Yellowstone Gateway Museum

October 30, 2013

Senior Officials Disaster Workshop, Crazy Mountain Ranch – Commissioner Durgan attended

Park County v. State of Montana – Litigation Strategy

Attendance: Commissioners Durgan, Malone and Tinsley; Brett Linneweber, county attorney; John Mueller, minutes clerk

@4:00 p.m., the meeting opened in the Commission Chambers.

Commissioner Tinsley moved to close the meeting to the public record for ligation purposes. Commissioner Malone seconded the motion. The meeting was closed to the public record, the audio recording was turned off, and the recording secretary exited the chambers.

@4:31 p.m., the meeting reopened.

Commissioner Durgan moved to reject the memorandum of understanding, which is supposedly a settlement agreement, and direct the county attorney to go forward with the appeal process in attempt to bring something more positive for Park County with a different settlement via possible negotiations in conjunction with the appeal. Commissioner Malone seconded the motion. Motion passed. Commissioner Tinsley voted in opposition to the motion. Tinsley said he voted no based on the fact the Commission had 24 hours to decide on the issue and his actual personal lack of trust and performance of the county attorney.

Park County will incur no additional costs for the effort, other than the county attorney's time.

@4:35 p.m., the meeting adjourned.

October 31, 2013

Opening of Meeting: 9:19 a.m.; Commission Chambers

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

County Department Updates

County Road/Engineering Services: No report

Kelly Johnson, maintenance, said the building cleaning contractor (Execucare) is having issues with city employees confronting Execucare cleaning crew employees with janitorial concerns. The head Execucare official would like all comments/issues to be immediately directed to him, not his staff. Commissioner Tinsley will discuss the issue with the city manager.

CONSENT ITEMS

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

Correspondence for October 29 included:

- Memo re. BLM employees cleanup of Harvat's Flat
- Memo re. citizen Solid Waste Board application
- Memo re. county auditor quarterly report review of Justice Court books
- Memo re. November City-County meeting agenda
- Memo re. Nittany Grantworks November 5 agenda items
- Memo re. Board of Health term expiration
- Memo re. Treasure State Endowment Program staff update

Correspondence for October 30 included:

- Memo re. Commission out of office schedule request
- Memo re. Rock Creek Road speed limits
- Memo re. Cooke City snow plowing
- Memo re. union negotiations meeting room request
- Memo re. ACE Roofing City-County Complex roof replacement contract
- Memo re. Ace Roofing certificate of liability insurance

@9:44 p.m., the meeting adjourned.

Claims Review

10:00 a.m. – Press Conference Follow-Up for October 30 Senior Officials Workshop –
Commission Chambers – Commissioner Durgan attended

Park County Board/Committee Meetings

2:00 p.m. – Fleshman Creek Project Public Update Meeting, Pickle Barrel

Voided Checks

Claims #: 78757

November 1, 2013

8:30 a.m. – Commissioner Tinsley in Wilsall to Hear Area Resident Concerns – Val's
Mercantile

10:00 a.m. – Commissioner Tinsley in Clyde Park to Hear Area Resident Concerns –
Clyde Park Town Hall

10:00 a.m. – Commissioner Malone in Cooke City to Hear Area Resident Concerns -
Cooke City Community Center

Marty Malone
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana