

Park County Commission Meeting Minutes
Week of September 30 – October 4, 2013
Park County, Montana

September 30, 2013

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

@9:02 a.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Malone and Tinsley; Raea Morris, administrative assistant; Kelly Johnson, maintenance; Greg Coleman, DES; John Mueller, minutes clerk

Department Updates

Kelly Johnson, maintenance submitted a travel authorization voucher for attendance to a locksmith school.

Greg Coleman, DES, provided an update on local wildfire status.

Correspondence for September 20 included:

- Memo re. citizen Tax Appeal Board application
- Memo re. roof replacement RFB
- Memo re. RAC update
- Memo re. MACo one-year SRS Funding extension
- Memo re. Missouri River Drug Task Force terms and conditions of program

Correspondence for September 23 included:

- Memo re. courthouse mail schedule
- Memo re. landfill engineering services RFQ
- Memo re. Fleshman Creek public meeting
- Memo re. Enterprise Fleshman Creek legal advertisement

Correspondence for September 25 included:

- Memo re. planning director agenda item
- Memo re. PCRFD#1 open house
- Memo re. CTEP letter
- Memo re. fairgrounds travel authorization forms

Correspondence for September 26 included:

- Memo re. floodplain letter
- Memo re. excess retirement fund
- Memo re. SRS funds
- Memo re. MACoHCT meeting request
- Memo re. public works director meeting
- Memo re. October 2 Parks Board meeting agenda

Correspondence for September 27 included:

- Memo re. Yellowstone Association certificate of liability insurance
- Memo re. Fleshman Creek weekly update

The Commission discussed conducting interviews for a public works director position. Commissioner Malone would like to change the position job description. Commissioner Tinsley said he would not.

Malone said a citizen asked in a public meeting whether the county planning board could plan within the limits of Livingston and Clyde Park. He said he thinks the Commission needs a meeting to decide whether to waive attorney/client privilege to answer the citizen's question via the county attorney's opinion on the matter. Malone said a MACo attorney said the Commission needs to hold a public meeting to decide whether to print land use survey results without "Livingston area" respondents included.

Malone reported on a MACo conference held the week of September 23. He provided a proposal and said he would travel to nearby Montana counties to work to cut Forest Service trees as discussed at the MACo conference with Commission consensus. Malone said cases of Brucellosis turned up in bull bison in Park and Madison Counties.

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

Voided Checks

Claims #s: 78722

Payroll #s: 49001

October 1, 2013

Opening of Meeting: 9:00 a.m.; Commission Chambers

Attendance: Commissioners Durgan and Tinsley; Raea Morris, administrative assistant; Shannan Piccolo, civil deputy county attorney; Denise Nelson, clerk and recorder; Mike Inman, planning; Kristen Galbraith, Nittany Grantworks; Kevin Feldman, CTA; Camden

Easterling, Livingston Enterprise; Daniel Bierschwale and Barbara Shesky, Gardiner Chamber; John Mueller, minutes clerk

Department Updates

Ed Hillman, road supervisor, said the road crew continues to put gravel on roads.

Update on Current County Projects

Fleshman Creek Project: Kevin Feldman, CTA Engineering, said two public project meetings the previous week went well. A lift station and sanitary extension to St. Mary's School property continues.

Gardiner Gateway Project: Mike Inman, planning, said discussions continue with the Gardiner Water and Sewer District regarding Memorandum of Agreement language. A final MOA draft is ready for signature on Thursday. County-contracted survey work continues and is almost completed. A public informational meeting in Gardiner will be scheduled once geotechnical survey information is gathered.

Gardiner Sidewalk Extension Project: Inman said the CTEP project agreement is ready to be signed by the Commission.

Museum Roof Restoration Project: Kristen Galbraith, Nittany Grantworks, provided a letter for signature to further the process of obtaining CTEP monies for the project and enable the county to go out for bid.

Boulder River Road: Inman said the Commission can sign a match agreement for the project upon approving language.

Rock Creek Road: Feldman said revisions to initial project design regarding the cement base have been made, which will require a change order. The substantial completion date is now October 15. The contractor is requesting an additional 11 calendar days. Colder temperatures may require applying additional surface applications next spring.

TSEP County Bridge Improvement Project: Feldman said updated cost estimates and finalizing roles and responsibilities, such as county accounting systems, need to be determined by January 1.

In other discussion, Feldman provided CTA's assessment of Big Creek bridges. Feldman presented CTA's City-County Building Use Assessment for Commission review.

ACTION ITEMS

Review, Consideration and Signing of Project Agreement between Park County and MDOT regarding CTEP Gardiner Sidewalk Extension Project: Commissioner Tinsley moved to sign the project agreement between Park County and MDOT for the Gardiner

Sidewalk Extension Project. Commissioner Durgan seconded the motion. Motion passed.

Signing of Categorical Exclusion Group Action Letter for CTEP and Yellowstone Gateway Museum Project: Galbraith provided the document to be signed by the Commission chair as required by CTEP. Commissioner Tinsley moved to sign the letter. Commissioner Durgan seconded the motion. Motion passed.

Discussion/Decision to Sign "Notice of Proposed Construction or Alteration" for the Gardiner Green Box Site: Commissioner Tinsley moved to sign the Notice of Proposed Construction or Alteration for the Gardiner Green box site. Commissioner Durgan seconded the motion. Motion passed.

Mike Inman, planning, said the proposal will go before the Airport Board on October 24.

Discussion/Decision on Gardiner Resort Tax and Moving Forward: Shannan Piccolo, civil deputy county attorney, said a resort tax area petition has been submitted to the county Clerk and Recorder's Office. Issues arose from a 1998 resort tax designation of Gardiner-area resort tax boundaries conducted by the Department of Commerce, for which the county required a legal description. The Yellowstone River was excluded from the Water District in the 1998 survey and statute requires resort tax areas to be contiguous. Piccolo said the Department of Commerce map does not match the legal description provided by the county. The Department of Commerce used a map with the initial report and not the legal description, thus the map represents the boundaries and is what it will go off of for the Gardiner resort tax area boundaries. Such will require the county to obtain permission from the federal government/Yellowstone National Park to tax federal lands within the resort tax boundary. The state of Wyoming currently has a sales tax in effect in YNP. The county also needs to take the hand-drawn Department of Commerce map and have a professional surveyor determine the boundary to capture all registered voters within the district. Gardiner residents will need to re-gather signatures to petition the proposed district and get it on the ballot.

The Commission said they think legal counsel and the planning department should approach Yellowstone National Park about the permission issue. Mike Inman, planning, will set up a meeting between Park County, Gardiner Chamber of Commerce and the Department of Commerce to determine how the entire boundary/map resort tax area issue can be resolved in the quickest manner.

Discussion/Decision on Letter in Support of Healthy Forest Act HR 1526: Commissioner Tinsley moved to postpone a decision on the letter. Commissioner Durgan seconded the motion. Motion passed.

Discussion/Decision on Submitting Letter to Owner of Pine Creek Café re. Parking Issues: Commissioner Tinsley moved to send the letter. Commissioner Durgan seconded the motion. Motion passed.

CONSENT ITEMS

Discussion of the Local Advisory Committee and the County Commission's Involvement: Board applications will now go through the Commission administrative assistant. Commissioner Tinsley will bring back information about that board.

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

Correspondence included:

- Memo re. Fleshman Creek Project city of Livingston hold harmless clause
- Memo re. EPA Brownfield grant webinar
- Memo re. SRS update
- Memo re. soft match/in kind recording
- Memo re. DPHHS county matching grant funds for Mental Health Crisis Intervention
- Memo re. roof replacement legal advertisement
- Memo re. letter regarding 32 acres at south end of Siebeck Island

Review of Minutes for Weeks of September 16 and 23, 2013: Commissioner Tinsley moved to approve the minutes for September 16, 2013 as presented. Commissioner Durgan seconded the motion. Motion passed.

Commissioner Tinsley moved to approve the minutes for the week of September 23. Commissioner Durgan seconded the motion. Motion passed.

Adjournment: 11:24 a.m.

October 2, 2013

City-County Meeting

@9:00 a.m., the meeting opened in the East Room.

Attendance: Commissioners Durgan, Malone and Tinsley; City Commissioners Bennett, Friedman and Stern; Jessie Hogg, city finance; John Mueller, minutes clerk

Jessie Hogg said the city hopes to have transfer station weigh scales open the week of October 14. The county commission hopes to interview for a public works director position next week. The City-County Building roof replacement project is out for bid. Hogg said the city was approved for a three-year loan to pay for proposed capital improvement projects. CTA Engineering will conduct a department head questionnaire and meet with department heads to determine City-County Building space needs within a couple weeks. There was discussion about the sheriff and police chief submitting a needs and wants assessment regarding building security. The city said it was receiving update

reports from Nittany Grantworks regarding the Fleshman Creek project, which have been sufficient. James Bennett said the city has issues with the library's requested budget/mills, as the number of mills allotted to the library through the City-County Compact is not enough. There was discussion about how other libraries in Montana are funded. Commissioner Tinsley said he would like to discuss annexation of county properties surrounded by the city at a future City-County Meeting.

@10:15 a.m., the meeting adjourned.

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

@10:36 a.m., the meeting opened in the Commission Chambers.

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

Department Updates

Commissioner Durgan said a county road department dump truck hauling gravel ran into the ditch in the afternoon of October 1. The front axle on the truck was broken and the pup trailer tipped over.

Correspondence included:

- Memo re. Nittany Grantworks TSEP project administration
- Memo re. Boulder River Road Project meeting agenda item
- Memo re. Senior Center boiler inspection

@10:50 a.m., the meeting adjourned.

Human Resource Department Updates

@11:05 a.m., the meeting opened in the Commission Chambers.

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

Jill Ouellette, HR, said Montana's minimum wage rate will go up on January 1, 2014, from \$7.80 to \$7.90 per hour.

Ouellette provided change of status forms for a new deputy sheriff and a detention officer who resigned. Ouellette asked the Commission to make a decision on PERS buy back regarding a previous employee who worked from 1980-1982. The Commission gave opinions, but made no decision.

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

Discussion/Decision for Setting up an Interview Panel for Public Works Director Position

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

Attendance: Commissioners Durgan, Malone and Tinsley (via telephone); Jill Ouellette, HR; Martha Miller, auditor; John Mueller, minutes clerk

Commissioner Tinsley said he thinks the interview process for applicants is not a public matter. Questions can lead into other questions, such as past job experiences and whether a person was employed or terminated. Also, a person may be interviewing without informing his/her current employer of such, which puts the application in an awkward position. Tinsley said he feels the interview process should not be a public matter. He said he is willing to be part of a selection committee with Tracy Mosley and Mary Anne Keyes (MSU Extension) to conduct the interviews and make a recommendation to the county commission. He said the county HR department can review the interview questions to ensure they are proper. Commissioner Malone said he thinks HR needs to be present at the interviews in an advisory capacity to ensure the process is followed from a legal standpoint. Tinsley and Commissioner Durgan said that was fine. Durgan said he definitely thinks Tinsley is a natural choice to sit on the interview panel with his experience and background as a public works director and feels Mosley and Keyes would be good panel members with impartial views of the entire process.

Commissioner Durgan moved to proceed with the interview panel suggested to include Tracy Mosley, Mary Anne Keyes and Clint Tinsley to interview for the Public Works Director Position with the Jill Ouellette (HR Department) present in an advisory panel to ensure questions do not pose any legal problems. Commissioner Tinsley seconded the motion. Motion passed.

@11:36 a.m., the meeting adjourned.

2:30 p.m. – RC&D Meeting, First Interstate Bank, Livingston

3:00 p.m. – Parks and Recreation Board, East Room

October 3, 2013

Opening of the Meeting: 9:00 a.m.; Commission Chambers

Department Updates

Attendance: Commissioners Durgan, Malone and Tinsley; Raea Morris, administrative assistant; Shannan Piccolo, civil deputy county attorney; Ed Hillman and Dan Hackmann, road department; Lani Hartung, finance; Kim Lavender, victim witness; Kevin Feldman, CTA; John Mueller, minutes clerk; Jon Mann, citizen

County Road/Engineering Services: Ed Hillman, road, said a road department dump truck involved in an accident in which it ran off the road may be totaled because of a damaged axle. The pup trailer does not appear to be damaged.

Dan Hackmann, mechanic, provided a quote from RDO to retrofit a landfill loader for the road department. He provided a department equipment priority list.

ACTION ITEMS

Signing of Secret Fire Solutions Consultant Agreement: Commissioner Tinsley moved to sign the Secret Fire Solutions Consultant Agreement. Commissioner Durgan seconded the motion. Motion passed.

Appointing of Recommended Fair Board Applicant: Commissioner Malone said the Fair Board recommended Jason Frost be appointed to the Fair Board for a two-year term. Commissioner Durgan moved to follow the Fair Board's recommendation and appoint Jason Frost. Commissioner Tinsley seconded the motion. Motion passed.

Appointing of Applicants to the Tax Appeal Board: Commissioner Malone said Barbara Vandervort, Lisa Barrett and Fred Shellenberg submitted applications to sit on the three-member county Tax Appeal Board. Commissioner Tinsley moved to appoint the three applicants. Commissioner Durgan seconded the motion. Motion passed.

Signing of Victim/Witness Program Grant Award: Kim Lavender, victim witness, provided a grant award for Commission signature, as well as an explanation of the Victim/Witness Program. Lavender said she already had contact with 90 victims of violent crimes in the local community from July 1 through September 30 of this year.

Commissioner Tinsley moved to approve the Victim/Witness Program grant award. Commissioner Durgan seconded the motion. Motion passed.

Signing of a Hold Harmless Agreement with City of Livingston and Park County for Fleshman Creek Project: Civil Deputy County Attorney Shannan Piccolo said the city of Livingston asked for a hold harmless clause after the same request from Montana FWP for closure of the head gate for the Fleshman Creek project.

Commissioner Tinsley moved to sign the Hold Harmless Agreement with the city of Livingston and Park County. Commissioner Durgan seconded the motion. Motion passed.

CONSENT ITEMS

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

Correspondence included:

- Memo re. Fair Board applicant recommendation
- Memo re. TSEP bridge information
- Memo re. Planning Department meeting request
- Memo re. citizen lift station letter
- Memo re. HR Updates meeting time change
- Memo re. Park County Fire Council cancelation

Referencing Chicory Road, Citizen Jon Mann said it sets bad precedent and would be a mistake to start a Rural Improvement District (RID) on a road that is already the county's responsibility to maintain. Mann said he thinks there are enough county road issues to warrant putting a countywide mill levy on the ballot in order to make some improvements to county roads, because everyone uses the roads. Commissioner Malone said he thinks doing the RID on Chicory Road would be a good deal.

Claims Review

Adjournment: 10:10 a.m.

Park County Board/Committee Meetings

12:00 p.m. – Senator Tester Outreach Session, East Room – Canceled due to government shutdown

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

October 4, 2013

No Commission Meetings Scheduled

Marty Malone
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana