

Park County Commission Meeting Minutes
Week of January 20 – 24, 2014
Park County, Montana

January 20, 2014

Martin Luther King, Jr. Holiday – All Offices Closed

January 21, 2014

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

Attendance: Commissioners Durgan, Malone and Tinsley; Raea Morris, administrative assistant; Parks Frady, public works; Mike Inman, planning; Shannan Piccolo, civil deputy county attorney; Barbara Woodbury, environmental health; Kevin Feldman, CTA; Kristen Galbraith, Nittany Grantworks; Mike Adams, fair board; Brenda Adams, Gary Barnhart, citizens; John Mueller, minutes clerk

County Department Updates

Mike Inman, planning, said the next Planning and Development Board land use education and outreach forum will be held at the fairgrounds in Livingston on January 22.

Parks Frady, public works, said three meetings have been scheduled requesting scopes of work from CTA Engineering to address a hole in the transfer station roof, as well as insulation and other environmental issues, assessment of the existing Gardiner Depot building and Park County Transportation Standards.

Update on Current County Projects

Fleshman Creek Project: Pouring of concrete on Main Street wing walls was completed. Work started on H Street wing walls. Concrete will be poured later in the week. Waterline relocation is taking place at F Street. Stream restoration on Reach 7 is progressing. NW Energy is attempting to locate gas lines serving View Vista Drive. Crews anticipate opening Main Street by late week.

A meeting to discuss project concerns scheduled for January 23 with Citizens Gary Barnhart and Brenda Adams, Park County and the city of Livingston will be rescheduled to accommodate citizen schedules.

Brenda Adams said the H Street crossing looks gorgeous with concrete removed, but knows it will be returned. She said she questions the need for the concrete, because there has never been a retaining wall to keep vehicles out of the stream. Commissioner Tinsley

said H Street and View Vista Drive are urban routes and have to adhere to new standards. Adams said there is no reason why wrought iron cannot be put on H Street crossing wing walls as is on the KPRK Bridge. Kevin Feldman, CTA Engineering, said public comment received in the design stages of the project stated residents did not see the need for fancy fencing on stream crossings.

Gary Barnhart asked Feldman if he had found access to the creek as he asked him to do last week. Feldman said he had not heard back from Sime Construction, but Sime was told access was via city and county rights of way. Barnhart said Theron (Theron Pavlik, Sime Construction) asked if he could go through his place. Feldman said he will let Pavlik know where all reach access points are on the north side from city property. Barnhart said Feldman insisted there was access below a trailer, which is why he asked Feldman last week to determine access or he will terminate the contract. Feldman said all accesses he discussed with Sime were from the north side of the stream, and any access from the south side would require Sime to negotiate its own easements. Barnhart said enough violations have occurred throughout the project he may as well terminate the contract. Commissioner Tinsley said the rescheduled meeting with Adams and Barnhart to discuss project concerns would be a good time to talk about terminating the contract.

Gardiner Gateway Project: Parks Frady, public works, said a focus meeting was held with business owners on Park Street in Gardiner. A focus meeting will be held with individuals to be affected by drainage conveyance construction. All county tracking information was submitted to Federal Highways Administration.

Gardiner Sidewalk Extension Project: Project slated for construction in 2015.

Museum Roof Restoration Project: Project bids due January 31. Opening is February 4.

Boulder River Road: No report

Fairgrounds Sewer Project: RFQ was opened on January 14. Frady and the environmental health director discussed budget issues with the city.

Rock Creek Road: Construction has ceased for the winter season to be completed spring 2014.

TSEP County Bridge Improvement Project: Kevin Feldman, CTA Engineering, said MDT will permit borrowing from gravel piles near bridges, which will be a cost savings to the county.

ACTION ITEMS

Decision on Firm for Fairgrounds Sewer Project: One bid was received from CTA Engineering. A three-person selection panel reviewed CTA's bid. Commissioner Malone moved to select CTA Engineering to create a final design for the fairgrounds project. Commissioner Durgan seconded the motion. Motion passed.

Appointing of Applicants to the Angel Line Board: The board recommended reappointing Ron Green and Deanna Egland to the Angel Line Board. Commissioner Malone moved to appoint Ron Green and Deanna Egland to the Angel Line Board. Commissioner Durgan seconded the motion. Motion passed.

Appointing of Applicants to the Solid Waste Board: Commissioner Tinsley said four individuals applied for three open board seats. One applicant withdrew his application. Richard Juhnke, Allan Carter and Michael Fanning remain as the three applicants for the board. Commissioner Durgan moved to accept the recommendation of the Solid Waste Board and appoint the three applicants named. Commissioner Malone seconded the motion. Motion passed.

CONSENT ITEMS

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

Correspondence for January 16 included:

- Memo re. Fiscal Year '14 Budget to Actual year to date
- Memo re. Community Assistance Visit meeting with FEMA and DNRC
- Memo re. FY'13 Park County management discussion and analysis
- Memo re. Fleshman Creek Project temporary construction easement agreement

Correspondence for January 17 included:

- Memo re. payroll voucher
- Memo re. Angel Line Board member removal recommendation
- Memo re. courthouse door FOB programming
- Memo re. Fleshman Creek Project weekly update
- Memo re. Livingston Enterprise Board of Health positions legal ad
- Memo re. DNRC WASACT funding workshop

Commissioner Malone said the Chico refuse site needs to be cleaned up, and chains are needed on cardboard recycling bins.

Commissioner Tinsley said he would like to schedule a budget meeting.

Human Resource Department Updates: The Commission decided it will not shop for employee health insurance. Jill Ouellette, HR, said she has reviewed the revised employee policy handbook with 67 employees. She will hold one more meeting on January 22 and then meet with the PCSO staff.

Review of Minutes for Week of January 13, 2014: Commission Malone moved to approve the minutes as written. Commissioner Tinsley seconded the motion. Motion passed.

Adjournment: 1:10 p.m.

Discussion of Value Adjustment for MACo Policy Renewal Quote

@1:34 p.m., the meeting opened in the Commission Chambers.

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

Dan Gutebier, Taylor-Leavitt Insurance, said the meeting was scheduled to agree on and submit values as adjusted for renewal of the county's JPA policy for property and casualty insurance.

@1:59 p.m., the meeting adjourned.

Park County Board/Committee Meetings

6:30 p.m. – Fair Board, Fairgrounds Office

January 22, 2014

9:00 a.m. – Public Comment Period, County Departmental Updates, Signing of Administrative Documents and Review of Daily Correspondence/Agenda and Claims – Canceled – No quorum of commissioners

10:00 a.m. – Western Montana Mental Health, Butte MT – Commissioner Tinsley attended

11:00 a.m. – Park County Economic Development Discovery Session, Vince Grant Hall, Livingston – Commissioner Malone attended

6:00 p.m. – Land Use Outreach and Public Forum, Fairgrounds, Livingston

January 23, 2014

Opening of Meeting: 9:03 a.m.; Commission Chambers

Attendance: Commissioners Malone and Tinsley; Raea Morris, administrative assistant; Parks Frady, public works; Lani Hartung, finance; Mike Inman, planning; Shannan Piccolo, civil deputy county attorney; Mary Anne Keyes, Tracy Mosley and Katie Weaver, MSU Extension; Kristen Galbraith, Nittany Grantworks; Kevin Feldman, CTA; John Mueller, minutes clerk

County Department Updates

Mary Anne Keyes, Tracy Mosley and Katie Weaver, MSU Extension, provided updates of current Extension activities and efforts.

Public Works Department Updates: Parks Frady, public works, provided a report on activities in his department. Frady reported on an MDT Transportation Coordination Committee meeting.

ACTION ITEMS

Discussion/Decision on Need, Scope of Work & Budget for Roof Assessment/Phase 1 Environmental Assessment (EA) for Solid Waste Transfer Station: Parks Frady, public works, said an insurance claim for a hole in the transfer station roof is ready, but has not been filed by the county. Since that claim was prepared, additional degradation/damage to the building has occurred. Employees accessing the building have expressed concerns about pigeon droppings and internal blowing insulation. CTA Engineering prepared a scope of services to fix the hole in the roof. Costs for a Phase I EA will be necessary to research former incinerator particulates in the building materials whether the building is maintained for use or razed. A contractor gave the Solid Waste Board an estimated cost of \$175,000 to demolish and remove the building, not including environmental study requirements. Frady said his recommendation is to repair the roof, execute the Phase I EA and continue using the building until a final decision is made on its future.

Kevin Feldman, CTA Engineering, said CTA's scope of services would include identification of building deficiencies, assess overall condition of roof system, and provide a report and recommendations for a total cost of \$3,200. Total fee for Phase I EA is \$4,500. Frady's recommendation is for CTA to conduct both proposed efforts at the same time. Feldman said the goal is to have reports by February 20.

Commissioner Malone moved (CTA) conduct both actions at the same time. Commissioner Tinsley seconded the motion. Motion passed.

Discussion/Decision on Need, Scope of Work & Budget for Building Assessment/Phase 1 Environmental Assessment (EA) for Existing Gardiner Depot Building: Frady said a hazard materials investigations was done for the mechanical room in the PCSO portion of the Gardiner Depot building. Any future work on or removal of the building will have a cost to abate such material. Building was constructed in early 1950, thus a building assessment is necessary. PCSO, Gardiner Library and Gardiner Water and Sewer District reside in the building. Feldman said a hazardous materials assessment would cost \$5,700, and an overall building assessment would cost \$3,300.

Commissioner Tinsley said at some point Gardiner will have to provide funding for things it would like to do, such as efforts with the depot building.

Commissioner Malone moved to approve CTA proposal for scope of work and budget for a building assessment and Phase 1 Environmental Assessment for the existing Gardiner Depot building not to exceed \$9,900. Commissioner Tinsley seconded the motion. Motion passed.

Discussion/Decision on Need, Scope of Work & Budget CTA General Contract Hours for Park County Transportation Standards: Frady said the proposal is to allow CTA Engineering to use 30 hours under its existing general contract hours for peer review of draft transportation standards to update Park County's current bridge standards.

Commissioner Malone moved to provide up to 30 hours of CTA's contract to peer review the Public Works Director Transportation Standards Report. Commissioner Tinsley seconded the motion. Motion passed.

Discussion/Decision on Cooke City Fire Mill Levy Increase

Attendance: Commissioners Malone and Tinsley; Marilyn Hartley, Cooke City Fire; Dale Dempsey, Cooke City Fire; Greg Coleman, county fire; Shannan Piccolo, civil deputy county attorney; John Mueller, minutes clerk

Marilyn Hartley, Cooke City Fire, said the department last requested a fire mill increase in 1990 to 17.9 mills. Those mills bring in \$16,000 per year. The board is considering requesting to double the current mill levy, which would have to be passed by taxpayer vote.

Commissioner Malone moved to move forward with the process to allow Cooke City residents to vote whether to increase the mill levy to an annual maximum of 35.8 mills. Commissioner Tinsley seconded the motion. Motion passed.

CONSENT ITEMS

Public Comment Period, Signing of Administrative Documents/Claims and Review of Daily Correspondence/Agenda

Correspondence for January 21 included:

- Memo re. January Fair Board meeting agenda
- Memo re. NACo PILT update
- Memo re. November Airport Board meeting minutes
- Memo re. Angel Line Board member replacement
- Memo re. CTA scope of services proposals
- Memo re. February Department Head meeting agenda
- Memo re. MT Fish Wildlife and Parks Grizzly Bear Management plan
- Memo re. Library preliminary budget

Correspondence for January 22 included:

- Memo re. draft county transportation standards
- Memo re. building security FOB programming

Commissioner Malone reported on a January 22 economic development discovery session and a Transportation Coordination Committee meeting.

Commissioner Tinsley reported on a January 22 Western Montana Mental Health meeting.

Adjournment: 11:41 a.m.

Discussion with St. Mary's School Representatives of Fleshman Creek Project Staging Area Rehabilitation

@1:00 p.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Malone and Tinsley; Parks Frady, public works; Shannan Piccolo, civil deputy county attorney; Kristen Galbraith, Nittany Grantworks; Kevin Feldman, George Borneman, CTA; Theron Pavlik, Ron Pike, Sime Construction; Leo McDowell, Tom Lane, Tim Sundling, St. Mary's Catholic Church; John Mueller, minutes clerk

Tom Lane said the church needs to discuss the final condition of the St. Mary's lot being used as a staging area for Sime Construction equipment on the Fleshman Creek Restoration Project. Lane said a document states the lot is to be put into the same or better condition than it was prior to the project, which was a grass field. He said it will take two years to get it back in that condition and it won't be usable during that time. He said graveling it for a parking lot is the desire. An individual said the original legally-signed agreement (between Park County and church bishop) mentions no money, but use of the property undoubtedly has value, so the church is attempting to recoup some of the value by creating a nice, usable parking lot.

Kevin Feldman, CTA Engineering, said 833 yards of gravel would cost \$38,500 at four-inches in depth, which would cover the 300-foot by 300-foot lot. At three inch depth the cost would be \$29,500.

Commissioner Tinsley asked if all parties can agree the lot will be built into a 300-foot by 300-foot parking lot with gravel at three inches in depth. Lane said he does not want Sime Construction to be on the hook for the parking lot project, as the agreement is between Park County and the bishop. However the county chooses to take care of the issue, the church will live with it, but he doesn't think the church should be penalized two years if the county chooses to reseed the lot.

Tinsley said the Commission will discuss the proposal and inform all parties if plans change.

@1:16 p.m., the meeting adjourned.

2:30 p.m. – Discussion Regarding Resident Concerns of Fleshman Creek Project – Rescheduled for January 28 due to citizen schedule conflicts

January 24, 2014

Discussion of Cooke City Resort Tax Applications

@10:09 a.m., the meeting opened in the Cooke City Community Center.

Attendance: Commissioners Malone and Tinsley; Greg Coleman, county fire; Katie Weaver, MSU Extension; Dale Dempsey, Cooke City Fire; Suzy Hahn, community center; Donna Rowland, chamber of commerce; Shannon Abelseth, Nancy Flug, snowmobile club; Alan Redfield, state representative; John Mueller, minutes clerk

School zone signs have not been erected in Cooke City. Per MACo legal counsel, conflict of interest is not an issue as long as the Commission makes final decisions on allocation of resort tax dollars. There was discussion about fire department personnel removing snow from hydrants. A letter would need to be submitted to the Commission, and the snow removal contract changed to permit such work. The Commission is considering a new refuse fee policy, after which time it can address the Community Council's request for reimbursement of refuse assessment funds.

Needs assessments for Resort Tax funds:

The Upper Yellowstone Snowmobile Club will request \$12,000 for an annual trail groomer principle payment. A balance of \$36,000 remains. Additional repairs and track replacement costing \$10,000 to \$15,000 will be required for next two years.

The Chamber of Commerce will ask for \$18,500 for executive director salary; \$1,000 for a travel counselor; billboard funds will be requested (last year asked for \$3,300). The Cooke City Community Council will ask for \$57,657 for internal budget line items. Community Center balance is down to around \$34,000; should be to \$22,600 after 2014, and the loan complete after 2015. The Council will ask for any remaining resort tax funds again this year. Last year it received \$20,000 of leftover funding. 21,000 people were counted visiting the visitor center last year. The museum's grand opening is July 19. No resort tax money has been used for the museum.

The Cooke City Fire Department will ask for \$7,000 to \$9,000 to cover the annual payment for an SCBA loan (equipment) and \$25,000 for operating expenses. The plan is to seek doubling of the current fire mill levy in order to support future operating expenses. County legal counsel will provide language for the fire board to consider taking the mill levy to a citizen vote. The plan is to bring all emergency services in the

area together under one roof with new building construction. A contract for construction of a new Cooke City Fire building was let and awarded. The department has an MOU with Yellowstone National Park for a big pumper truck with the only expense being diesel fuel used. Silver Gate has a diesel pump truck for summer fire needs.

The Cooke City Water District will receive \$20,000 in resort tax funds per MOU.

Commissioner Tinsley said he does not support the Silver Gate Water District asking for resort tax funds, because he said in last year's application review meeting that water user rates need to increase. The water users should pay for water used.

Estimated resort tax funds requested to-date (including \$8,000 for Silver Gate Water District) is \$156,000.

Donna Rowland said the Community Council is concerned about the current resort tax application and allocation system and whether it is operating to the benefit of the community. The Council wants to ensure everything is in compliance.

Dale Dempsey asked if the Commission would approach the Park County Sheriff's Office and Search and Rescue (SAR) about furnishing another telephone line into the Community Center for SAR efforts. Commissioner Malone asked for a proposal to the Commission for SAR, emergency, and fire services entering into a shared relationship regarding building space and costs.

Greg Coleman said the county is updating its wildfire protection/fuels mitigation plan. Cooke City needs a long-term burn locale. The plan will emphasize the need for such.

Katie Weaver provided an update of MSU Extension services in Park County, including Extension's new endeavor as a community and economic development resource.

@12:08 p.m., the meeting adjourned.

Clint Tinsley
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana