

Park County Commission Meeting Minutes  
Week of January 6 – 10, 2014  
Park County, Montana

**January 6, 2014**

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

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

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

Correspondence for January 2 included:

- Memo re. PCRFD#1 meeting to appoint board member
- Memo re. postage report
- Memo re. commissioner mileage reports
- Memo re. Rural Fire recommendation to appoint new member
- Memo re. 2014 Fire Season press release

Correspondence for January 3 included:

- Memo re. board training scholarships
- Memo re. weekly Fleshman Creek Project update
- Memo re. Fletcher v Park County
- Memo re. Ace Roofing warranty registration
- Memo re. Ace Roofing letter of gratitude
- Memo re. Cooke City Snow Removal/Fire Hydrant issue per PCSO deputy

Commissioner Malone reported on county roads he recently viewed.

Commissioner Tinsley reported on his visit to Clyde Park and Wisall on January 3.

Citizen Rick Halloran of Deer Run Lane asked about a piece of unclaimed property.

@9:38 a.m., the meeting adjourned.

Human Resource Department Updates

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

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

Jill Ouellette, HR, provided a corrected change of status form for a clerk in the Treasurer's Office and a change of status form for a District Court clerk. Ouellette is finalizing her efforts on the newly revised employee policy handbook. Ouellette is working on job descriptions with an elected official and department head. A new detention officer is on the job. Two part-time detention officer positions close next week. Fairgrounds caretaker position interviews will take place next week. Insurance will cover a burned green box if a claim is filed.

@10:18 a.m., the meeting adjourned.

Discussion/Decision on Stucco Tech Contract Extension

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

*Attendance:* Commissioners Durgan, Malone and Tinsley; Parks Frady, public works; Shannan Piccolo, civil deputy county attorney; John Mueller, minutes clerk

Parks Frady, public works, said Stucco Tech is requesting an extension to its contract through January due to weather delays.

Commissioner Tinsley moved to sign an amendment, as prepared by the civil deputy county attorney, and extend the contract through January 31, 2014. Commissioner Durgan seconded the motion. Motion passed.

@10:35 a.m., the meeting adjourned.

Discussion/Decision on Yearly County Commission Selection of Chairperson

@11:00 a.m., the meeting opened in the Commission Chambers.

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

Commissioner Durgan nominated Clint Tinsley for chairman. Commissioner Malone seconded the motion. Commissioner Durgan moved that nominations close and the chairman cast a unanimous ballot for Commissioner Tinsley. Commissioner Malone seconded the motion. Motion passed.

@11:02 a.m., the meeting adjourned.

## Signing of Amended Resolution for Employee Handbook

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

*Attendance:* Commissioners Durgan, Malone and Tinsley; Brett Linneweber, county attorney; Shannan Piccolo, civil deputy county attorney; Jill Ouellette, HR; Raea Morris, administrative assistant; John Mueller, minutes clerk

Jill Ouellette, HR, said two minor grammatical changes prompted an amendment to the resolution adopted on December 5. Amendments are found on Pages 36 and 40.

Commissioner Durgan moved to accept the amended resolution (Resolution #1167). Commissioner Durgan seconded the motion. Motion passed.

@11:33 a.m., the meeting adjourned.

## **January 7, 2014**

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

*Attendance:* Commissioners Durgan, Malone and Tinsley; Raea Morris, administrative assistant; Parks Frady, public works; Shannan Piccolo, civil deputy county attorney; Lani Hartung, finance; Mike Inman, planning; Kevin Feldman, CTA (via telephone); Dann Babcox, Courtney Lawellin PCRFD#1; Mike Adams, fair board; Gary Barnhart, citizen; John Mueller, minutes clerk

### **Department Updates**

Parks Frady, public works, said the city of Livingston viewed the county's transfer station for interim use potentials during their capital improvements planning effort. Joint efforts with the city include starting on the playground at the Washington School. The county road crew is assisting with delivering gravel. Frady will meet with Chief Raney, Undersheriff Hamilton and Peggy Glass (Dispatch 911) about a building lockdown protocol after installation of new external building door locks.

Mike Inman, planning, said a Land Use Outreach/Education Forum will be at 6 p.m. on January 15 at the Emigrant Hall. The Planning and Development Board will hold its regularly monthly meeting at 4 p.m. on January 15 in Emigrant.

### **Update on Current County Projects**

Fleshman Creek Project: Contractor has continued work after the holidays. Waterline relocation at Main Street continues. A manhole is being cleaned out at Main Street. Replacement of wing wall with a finished product at H and Main Streets will be done. Northwestern Energy may opt to relocate a gas line at C Street as rights-of-way/space permits. Stream restoration crews continue in Reach 5.

Citizen Gary Barnhart asked what type of materials will be disposed of on his property. An agreement for the disposal is between Barnhart and Sime Construction, not Park County. Barnhart said eight additional trespassing violations had occurred on the bridge project with CTA employees walking through his driveway and yard.

Gardiner Gateway Project: Parks Frady, public works, said the first project steering committee meeting took place January 6 in Gardiner. A local focus group meeting will be held in the Gardiner High School library on January 9.

Gardiner Sidewalk Extension Project: Meeting scheduled at 11 a.m. today with MDT to discuss existing right of way issues.

Museum Roof Restoration Project: Project bids due January 31 and opened on February 4.

Boulder River Road: No activity to-date.

Fairgrounds Sewer Project: RFQ is out and due January 13 to be opened on January 14. The Commission needs to appoint a five-member review committee.

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

TSEP County Bridge Improvement Project: Construction will commence summer 2014. CTA Engineering drafted a scope of services for the project.

In other discussion, Kristen Galbraith, Nittany Grantworks, said the city took \$105,000 in city and county CTEP funds for a View Vista Drive sidewalk project. Galbraith said the county initially voted on December 2011 to provide \$15,495 of Secure Rural Secure funds toward the project match, not a 13.42% match amount (\$32,000) as recently stated by the city. Funds will be reimbursed to the county.

## **ACTION ITEMS**

Signing of Immunization Program Contract with Department of Public Health and Human Services: Commissioner Durgan moved to sign the contract with the Department of Health and Human Services. Commissioner Malone seconded the motion. Motion passed. Contract term is July 1, 2012 through June 30, 2019.

Appointing of Rural Fire District #1 Trustee: Commissioner Tinsley said a letter submitted by PCRFD#1 chair recommended Dan Nelson to serve the remaining term of a departed board member through 2016 for the Rural Fire Board.

Commissioner Malone moved to appoint Dan Nelson to the Rural One board. Commissioner Durgan seconded the motion. Motion passed.

Signing of CTA Fleshman Creek Project Payment Application #4: Payment application previously reviewed by the Commission. Commissioner Malone moved to sign the Fleshman Creek Project Payment #4 for \$309,118.19. 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. January Angel Line meeting agenda
- Memo re. City Parks and Trails committee
- Memo re. Planning and Development Seven Point Minor Subdivision meeting agenda/packet
- Memo re. Fletcher v. Park County order of motion
- Memo re. Fisher Sand and Gravel preferred vendor authorization
- Memo re. MDT proposed safety improvements near Chico
- Memo re. Nittany Grantworks CIP projects In-Kind hours reminder
- Memo re. Silver Gate Water District resort tax request for payment
- Memo re. Public Health and Human Services county funds transfer agreement

Commissioner Malone said Steve Caldwell has agreed to serve on the Northern Rocky Mountain Economic Development District executive board. Malone provided a document from Apache County, Arizona, challenging the Forest Service's management of national forests there.

Review of Minutes for Weeks of December 23 and 30, 2013

Reviewing minutes for the Week of December 23, Commissioner Durgan requested a revision to Page 2 of 4, a sentence should read, "Commissioner Durgan moved to reopen the Deep Creek green box site by replacing green boxes to the site. Commissioner Malone seconded the motion. Motion passed." Commissioner Malone requested a revision to Page 3 of 4, sentences should read, "Parks Frady, public works, said he has worked on the CTEP museum roof project manual for advertisement on December 27, checked in with the city of Livingston on Fleshman Creek lift stations and checked on road crewmen activities. Frady said he and refuse staff is working on gathering accurate data of costs associated with refuse system operations."

Commissioner Malone moved to accept the minutes as corrected for December 23 and 30. Commissioner Durgan seconded the motion. Motion passed.

## Review and Consideration of Material Changes to Seven Point Minor Subdivision

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

*Attendance:* Commissioners Durgan, Malone and Tinsley; Shannan Piccolo, civil deputy county attorney; Mike Inman, planning; Joel Guthals, attorney; Gerald Dubiel, surveyor; Wes Hinen, citizen; John Mueller, minutes clerk

Gerald Dubiel, surveyor, said he represents both applicants (Chris Fanuzzi and Ron Ostenmiller), and the applicants would like to postpone the meeting. Dubiel said Fanuzzi likely will seek legal counsel in the matter at hand.

Mike Inman, planning, said the county must review and make a determination on a subdivision application within 60 working days of submittal per state statute. Should the applicant be amenable to postponing the Commission's review by putting the application on hold, such would result in a one-year deadline.

Joel Guthals, attorney representing Bank of the Rockies, said it may be in the best interest to postpone the meeting to enable him to confer with Fanuzzi to see if a resolution to issues with the proposed amendment application can be reached among the different subdivision owners. Inman said the current application must be withdrawn if a resolution differs in any way from what the application proposes. A brand new application and timeline would have to be submitted for such a resolution.

Commissioner Durgan moved to postpone the meeting. Commissioner Tinsley seconded the motion.

The meeting recessed to allow Inman to determine the exact date by which the application must be reviewed by the county per statute. @2:02 p.m., reconvened.

Commissioner Durgan moved to rescind his motion. Commissioner Tinsley withdrew his second to the motion.

Inman said he suggests the Commission move to postpone the current meeting to Tuesday, January 14 at 11:00 a.m., before which time 1) Dubiel must either provide power of attorney showing he can legally represent the applicants in a request to put the subdivision on hold, or 2) Inman must receive a signed letter from the actual owners of Lots 1A1 and 2A indicating their request to put the application on hold. If not received, Inman will recommend the Commission deny the application based on the fact the application is being submitted by an individual without legal authority to do so. Inman said his department will send out notifications to all adjacent landowners about the January 14 meeting date and time.

Commissioner Durgan moved to recess the meeting until January 14 at 11:00 a.m. Commissioner Tinsley seconded the motion. Motion passed. Commissioner Malone voted in opposition to the motion.

**Adjournment:** 2:05 p.m.

**January 8, 2014**

9:00 a.m. – Safety Meeting

City-County Meeting

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

*Attendance:* Commissioners Durgan, Malone and Tinsley; City Commissioners Adam Stern, James Bennett, Mel Friedman; Ed Meece, city manager; Kelly Johnson, maintenance; John Mueller, minutes clerk

Building Roof Project: Project will be completed once a final inspection is done. The StuccoTech contract was extended through January for completion of stucco repair. Software has been installed for the building door lock system. Door locks will be installed.

Building Insurance: Ed Meece said he obtained a copy of the MACo property insurance policy for the City-County building for comparison to MMIA's plan. Meece said the decision is the county commission's to make, but asks that the city not have to pay more than it would if it were paying for an MMIA policy.

Fleshman Creek Project: Project is about 50% completed and on schedule for May completion.

Solid Waste Update: All operations are going well. The county public works director is gathering data to assess county operations costs.

Building Assessment: The county asked CTA to incorporate Ed Meece's comments for review. An updated report may be completed by the end of January.

Other: Commissioner Tinsley said he would be willing to work with the city commission to pursue a joint city-county animal control officer.

No public comment

@10:45 a.m., the meeting adjourned.

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

@11:07 a.m., the meeting opened in the Commission Chambers.

Correspondence included:

- Memo re. JPIA membership/bylaws change
- Memo re. Park County Economic Development discovery session
- Memo re. City of Livingston View Vista Project

@11:47 a.m., the meeting adjourned

#### Appeal of Denied Boundary Line Exemption for Michael J. Clark

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

*Attendance:* Commissioners Durgan, Malone and Tinsley; Mike Inman, planning; Shannan Piccolo, civil deputy county attorney; Michael Clark, applicant; Erika Braaksma, Brandon Clark, applicant's children; David Albert, surveyor; John Mueller, minutes clerk

Mike Inman, planning, said the boundary line exemption application was denied by the county attorney's office and planning department because the application stated a boundary line adjustment was sought to create a parcel of land to sell. Inman said the county's exemption review process allows for applicants to provide the Commission with additional relevant information after review by the county attorney's office and planning department. Further information provided by the applicants (including aerial maps), discussions with the applicants (including estate planning), and Inman's onsite review of the property in question provided better understanding of the intent of the Clark exemption application. Preservation of the integrity of the ranch/grouping of acreage supporting ranching activities and efforts toward estate planning appear to be the clearest intent of the application.

Inman said the Planning Department does not have issue with the exemption at this point in the process.

Commissioner Malone moved to allow the boundary line exemption to move forward. Commissioner Durgan seconded the motion. Motion passed.

@1:41 p.m., the meeting adjourned.

#### **January 9, 2014**

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

*Attendance:* Commissioners Malone and Tinsley; Raea Morris, administrative assistant; Kelly Johnson, maintenance; Erica Hoffman, GIS/IT; Tom Totland, Scott Hamilton, PCSO; Shannan Piccolo, civil deputy county attorney; Mike Inman, planning; Parks Frady, public works; Greg Coleman, DES; Security Solutions representative (via telephone); John Mueller, minutes clerk

## County Department Updates

### Public Works Department Updates

Greg Coleman, county fire, provided a report on efforts he has made with a potential online burn permit system in Park County. Costs to the county government have always existed for residents to burn in the form of printing of paper permits, employee time to distribute permits, dispatcher time to field burn calls. A pay system results in all associated costs being borne by residents who burn, where currently residents who do not burn supplement those who do.

Parks Frady, public works director, provided a written report of ongoing and recent activities in his department.

### **ACTION ITEMS**

Signing of Contract with Nittany Grantworks for Fleshman Creek Project: Civil Deputy County Attorney Shannan Piccolo drafted the contract, which was reviewed by Nittany. The Commission voted on contract amounts on December 10, 2013.

Commissioner Dugan moved to approve the contract. Commissioner Malone seconded the motion. Motion passed.

Signing of Contract with Nittany Grantworks for General Grant Services: Piccolo drafted the contract, which was reviewed by Nittany. The Commission voted on contract amounts on December 10, 2013. Commissioner Malone said he has concern the contract does not adhere to the county's purchasing policy for vendors. He said he would support the contract but encourages the Commission to go out for five-year quotes next year. Piccolo said the Commission could request quotes from other vendors next year.

Commissioner Durgan moved to approve the contract with Nittany Grantworks for general services. Commissioner Tinsley seconded the motion. Motion passed. Commissioner Malone voted in opposition to the motion.

Signing of Authorization for Use of Preferred Vendor (Fisher Sand and Gravel) for Road Department: Frady said the road department consistently buys salt sand from Fisher Sand and Gravel, which is the only vendor in the area that provides the road mix product it needs.

Commissioner Malone moved to sign the preferred vendor for Fisher Sand and Gravel for salt sand. Commissioner Durgan seconded the motion. Motion passed.

Discussion/Decision on Hours of Operation, Users of the Key Fobs and Protocol of Building Security: Parks Frady, public works, provided a report of recommendations for implementing an electric locking system for courthouse doors. The proposed plan

addressed main entrance doors, southeast rear door, main floor interior hallway door separating law enforcement, and interior basement door at the southwest corner to heighten building security afterhours and on weekends.

Commissioner Durgan moved to approve the proposal. Commissioner Malone seconded the motion. Motion passed.

### **Public Hearing/Ordinances/Resolutions**

Signing of a 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 meeting is being conducted as a necessary housekeeping item. The Commission properly adopted the Planning and Development Board bylaws in a 2010 public meeting (August 2, 2010), but that document was incorrectly filed in the Clerk and Recorder's Office as a county document and not a resolution. One change was made to the bylaws passed in 2010, which was removing all references to the "Community Development Department", as that department no longer exists. The current action does not change the planning board's powers or how it conducts business. All planning board actions still must be forwarded to the Commission for consideration of approval.

Commissioner Malone said he thinks the Planning and Development Board needs to consider whether it wants to continue with its subcommittee that deals with economic development or have a separate Commission-recognized board that would focus on economic development. Malone said his opinion is the MSU Extension economic development agent, for which the county is expending funding, needs advisory services.

Commissioner Malone moved to adopt Resolution #1168. Commissioner Durgan seconded the motion. Motion passed.

Signing of Resolution for Adopting Park County Floodplain Mitigation Regulations: Piccolo said the meeting is being conducted as a necessary housekeeping item. The Commission properly adopted the Park County Floodplain Mitigation Regulations in a 2011 public meeting (October 24, 2011), but that document was incorrectly filed in the Clerk and Recorder's Office as a county document and not a resolution.

Commissioner Durgan moved to sign Resolution #1169 adopting the Park County Floodplain Mitigation Regulations. Commissioner Malone seconded the motion. Motion passed.

Signing of Resolution Adopting Bylaws for Parks and Recreation Board and Ratifying Past Actions: Piccolo said the meeting is being conducted as a necessary housekeeping item. The Commission properly adopted the Parks and Recreation Board bylaws in a 2010 public meeting (August 2, 2010), but that document was incorrectly filed in the Clerk and Recorder's Office as a county document and not a resolution. The proposed

and approved bylaws at that meeting created one at-large board member who specializes in historic preservation.

Commissioner Durgan moved to sign Resolution #1170 adopting the bylaws for the Parks and Recreation board and ratifying all past actions. Commissioner Tinsley seconded the motion. In discussion, Commissioner Malone said he does not mind people recreating in Park County, but he does not think the county should be in charge of telling them how to recreate. Motion passed. Commissioner Malone voted in opposition to the motion.

Signing of a Resolution Establishing the 2014 Fire Season: A resolution is required to establish the annual fire season.

Commissioner Malone moved to sign Resolution #1171 establishing the 2014 Fire Season. Commissioner Durgan 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 included:

- Memo re. January 14 Board of Health meeting agenda
- Memo re. citizen Fair Board application
- Memo re. ImageSilo Data Imaging invoice
- Memo re. January Park Board meeting agenda

There was discussion about whether the Solid Waste Board can hold its regularly-scheduled monthly meeting on January 16 without the board member selection interview process being completed. Commissioner Malone said he would like to discuss the county board member selection and interview process, as well as establishing board member term limits. Malone said he thinks it is the Commission's prerogative to select individuals it wants on boards to enable commissioners to steer the boards in directions that support how they campaigned.

Malone said Representative Redfield told him he had been receiving telephone calls about things the Commission was doing with the Planning and Development Board.

## **Park County Board/Committee Meetings**

10:00 a.m. – Local Emergency Planning Committee, Community Room – Commissioner Durgan attended

**Adjournment:** 10:33 a.m.

**January 10, 2014**

No Commission Meetings Scheduled

12:00 p.m. – Discussion of Economic Issues near Chico, Chico Hot Springs, MT

Clint Tinsley  
Chairman, Park County Commission  
Park County, Montana

Denise Nelson  
Clerk & Recorder  
Park County, Montana