

Park County Commission Meeting Minutes  
Week of March 3 – 7, 2014  
Park County, Montana

**March 3, 2014**

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

@9:07 a.m., the meeting opened in the Commission Chambers.

*Attendance:* Commissioners Malone and Tinsley; Raea Morris, administrative assistant; Shannan Piccolo, civil deputy county attorney; John Mueller, minutes clerk

There was discussion about county snowplowing efforts over the weekend. Commissioner Tinsley said road and refuse department personnel did a very good job addressing roads needing plowing, and the public works director did a good job of coordinating plowing work.

@9:13 a.m., the meeting adjourned.

Human Resource Department Updates

@10:00 a.m., the meeting opened in the Commission Chambers.

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

Jill Ouellette, HR, provided a county attorney's office administrative employee job description and change of status forms for a new Angel Line bus driver and road department employees who attended trainings. She said two worker's compensation claims were filed last week, and damage done to a private vehicle by a county vehicle was repaired and an invoice will be forthcoming. Ouellette said an Angel Line driver resigned, the position needs to be posted and applicants who applied for a recent open driver position will be re-contacted. Ouellette and Tinsley scheduled a time of 1:30 p.m. on March 4 to review a planning department worker job description.

@10:12 a.m., the meeting adjourned.

Discussion/Decision on DES Position and Assigning of Interim DES Position

@10:32 a.m., the meeting opened in the Commission Chambers.

*Attendance:* Commissioners Malone and Tinsley; Jill Ouellette, HR; Greg Coleman, DES; Mary Anne Keyes, Tracy Mosley, MSU Extension; John Mueller, minutes clerk

Commissioner Malone moved to assign Greg Coleman as interim DES Coordinator. Commissioner Tinsley seconded the motion. In discussion, Malone said Coleman would take on DES work efforts, only. Coleman will not conduct mail duties, serve as the county ADA Compliance Officer or take on any county Safety Committee responsibilities. There was discussion from which fund (county fire or DES) Coleman's wage would come, as well as whether he would be compensated for DES work done in the interim period. Jill Ouellette, HR, said the county's past practice has been not to award higher pay to interim employees taking on additional responsibilities. She said wage increases are given on a merit basis. The commissioners said they feel Coleman should be compensated for the DES responsibilities he will take on in the interim given the important nature of DES work. Ouellette said she would prepare a change of status form to facilitate compensation. Motion passed.

Tinsley said he would like to establish a committee comprised of Mary Anne Keyes, Tracy Mosley (MSU Extension) and a third individual to review the current DES Coordinator job description in accordance with other counties, make changes and provide a draft for HR Department and Commission review. The committee will facilitate the interview process once a job description is created. The job will be open to any county employee to pursue. Commissioner Malone said he thinks a commissioner should be part of the job description review committee.

Commissioner Tinsley moved to appoint Marty Malone to serve on the job description review committee. Commissioner Malone seconded the motion. Motion passed. Commissioner Tinsley moved the committee create a job description and conduct the hiring process. Commissioner Malone seconded the motion. In discussion, it was noted HR will review the job description, assist in posting of the position and be involved in determining interview questions. Motion passed.

The committee will be responsible for selecting a committee chairperson.

Ouellette said job descriptions need to be qualified and quantified per Montana Code Annotated. Adding or subtracting duties from existing job descriptions can change fulltime/part-time statuses. The Commission holds the power of decision regarding employee statuses.

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

#### Signing of Letter for Elk Brucellosis Issue

@11:06 a.m., the meeting opened in the Commission Chambers.

*Attendance:* Commissioners Malone and Tinsley; Natalie Storey, Livingston Enterprise; John Mueller, minutes clerk

Commissioner Malone said the statewide elk working group encouraged local individuals impacted by the Elk Management Working Group to look at the work plan and make recommended modifications. Local working group meetings were coordinated by MSU Extension. Two recommendations were made 1) to reinstate the May 1 to May 15 dates for lethal removal of elk necessary to reduce comingling and disease transmission, and 2) Montana FWP pay for large-scale fencing in suitable areas for the creation of corridors to allow elk movement to prevent comingling and disease transmission during the risk period.

Commissioner Malone moved the Park County Commission encourages the FWP Commission to adopt Recommendation 1 and 2 from the Paradise Valley Local Working Group. Commissioner Tinsley seconded the motion. Motion passed.

@11:12 a.m., the meeting adjourned.

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

7:00 p.m. – Shields Valley Watershed Group – St. Margaret’s Church, Clyde Park

### **March 4, 2014**

**Opening of Meeting:** 9:04 a.m.; Commission Chambers

*Attendance:* Commissioners Durgan and Tinsley; Raea Morris, administrative assistant; Parks Frady, public works; Shannan Piccolo, civil deputy county attorney; Martha Miller, auditor; Barbara Woodbury, environmental health; Kevin Feldman, CTA; Kristen Galbraith, Nittany Grantworks; Dan Nelson, Roundup Association; Gary Barnhart, citizens; John Mueller, minutes clerk

### **Public Comment**

Dan Nelson, Roundup Association, asked if the fairgrounds quonsot hut will be cleared of Search and Rescue equipment by July 4 for use by the rodeo.

### **Department Updates**

Kristen Galbraith, Nittany Grantworks, said a Treasure State Endowment Program (TSEP) grant for the county’s new Capital Improvements Plan (CIP) effort will be submitted by March 7. A Department of Transportation TIGER grant is due April 8. Those funds could be applied toward an Old Clyde Park Road project. Submitted last week were a Recreational Trails Program (RTP) grant to resurface the bicycle/walking trail to East River Road, a BLM grant for Wildland Urban Interface education/outreach and fuels mitigation efforts in three areas in Park County, and an Emergency Management Performance Grant (HMEP) DES grant for planning for rail system hazardous spill events.

## **Update on Current County Projects**

Fleshman Creek Project: Kevin Feldman, CTA Engineering, said the last headwall at C Street was poured yesterday, work is 75-percent complete at E Street crossing, stream restoration efforts continue in Reach 11, and the box culvert for Geysers Street was approved.

Galbraith said reimbursement requests will be submitted on March 10 in the amounts of \$76,000 from Montana FWP; \$32,000 from National Fish and Wildlife Foundation and \$115,000 for Montana DNRC.

Citizen Gary Barnhart reminded Feldman material is to be brought in for bank stabilization if needed. He asked for a letter stating bank stabilization will not take place near his property if it will not take place.

Gardiner Gateway Project: Parks Frady, public works, said staff will meet with MDT next week about Highway 89 coordination issues. A meeting will take place with Park Street landowners and Xanterra, as well.

Bicycle Trail Extension: Construction expected in 2015.

Gardiner Sidewalk Extension Project: Construction expected in 2015.

Bicycle Trail Extension Resurfacing: Awaiting information from MDT

Museum Roof Restoration Project: Project bid was awarded to ACE Roofing.

Boulder River Road: No report

Fairgrounds Sewer Project: Galbraith said the county finance director asked Nittany Grantworks to administer reimbursement fund requests from Montana DNRC for the project. A pre-bid walkthrough will be held on March 4. Bids are due February 12. Bid opening is scheduled for February 13. Completion of work is anticipated by end of May 2014.

Rock Creek Road: Construction to be completed spring 2014.

TSEP County Bridge Improvement Project: CTA Engineering design work expected to be completed by the end of March.

## **Public Hearings/Ordinances/Resolutions**

Signing of Resolution Calling for an Election on the Question of Establishing a Study Commission: Commissioner Durgan moved to approve the resolution for an election on the question of whether a study commission should be established with the caveat that

one-half mill will be assessed to cover the cost of the election, and said study, if passed, will consist of a five-member study commission. Commissioner Tinsley 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. floodplain administrator letter
- Memo re. detention center boarder report
- Memo re. appointing of special deputy attorney resolution
- Memo re. MDT bridge inspection report
- Memo re. airport snow removal equipment
- Memo re. winter storm coordination meeting notes
- Memo re. Gardiner/Mammoth Verizon Cell service issues
- Memo re. DEQ enforcement division project schedule
- Memo re. weekly Fleshman Creek Project update
- Memo re. Yellowstone Gateway Museum documents
- Memo re. draft January Angel Line Board meeting minutes
- Memo re. March 10 Angel Line Board meeting agenda
- Memo re. postage meter report
- Memo re. 2014 MDT local projects on designated state and federal highways
- Memo re. proposed 2014-15 Montana FWP Peregrine Falcon take
- Memo re. Livingston Enterprise Fairgrounds Sewer Project invitation to bid ad
- Memo re. county road operations and emergency services coordination
- Memo re. primary election information
- Memo re. EMPG grant document

Review of Minutes for Week of February 17 and 24, 2014: Reviewing minutes for the Week of February 17, no revisions were made.

Reviewing minutes for the Week of February 24, Commissioner Malone said he expressed numerous times during a personnel meeting that he was concerned that an employee was talking about the performance of another employee.

Commissioner Malone moved to approve the minutes as corrected. Commissioner Durgan seconded the motion. Motion passed.

## **ACTION ITEMS**

### Discussion/Decision on Cooke City Resort Tax Appropriations

*Attendance:* Commissioners Durgan, Malone and Tinsley; Kevin Larkin, treasurer; Jay Schifferdecker, Suzy Hahn, Donna Rowland, Cooke City (via telephone); John Mueller, minutes clerk

Commissioner Tinsley read into the record allocated resort tax appropriations as proposed by the Commission. All parties agreed a total of \$136,288.08 is available in the current year resort tax pot.

Commissioner Malone moved to give Silver Gate Water District \$10,000 on the contingency it is successful in repaying a loan to the county by increasing rates to users by \$22 per month. The Commission will fully fund all requests as submitted except the fire building. Any leftover funds will go toward the community center principal. Commissioner Durgan seconded the motion. Motion passed.

**Adjournment:** 11:40 a.m.

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

9:00 a.m. – Park County Economic Development Discovery Session II on Workforce and Education – MSU Extension Office, Livingston – Commissioner Malone attended

### **March 5, 2014**

#### City-County Meeting

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

*Attendance:* County Commissioners Malone and Tinsley; City Commissioners Bennett, Hoglund, Reddington, Stern; Ed Meece, city manager; Erica Hoffman, GIS/IT; Liz Suniga, Granite TCS; Lani Hartung, finance; Raea Morris, administrative assistant; Wendy Wood, SAR; Shannon Holmes, Sandy Wulf, Breanna Polacik, Jessie Hogg, Emily Post, city of Livingston; Lori Benner, Nittany Grantworks; Todd Wester, Derek Stringer, Rich Moore, Livingston schools; Nancy Kessler, Amy Stevens, library; Natalie Storey, Livingston Enterprise; John Mueller, minutes clerk

Library Funding: The city commission provided its draft Library Operating Fund as part of the city's Capital Improvement Plan (CIP) for review. There was discussion about the library budget and funding from the city and county. City Manager Ed Meece said the city is proposing increasing funds to the library by 0.5 mills for the city and 0.7 mills for the county for Fiscal Years '15, '16 and '17. Nancy Kessler, library, asked whether the library could expect to continue to receive funding amounts it has in the past if the city and county agreed to fund the additional proposed mill amounts.

Commissioner Tinsley said his concern is the county paying in a different amount than the city. There was discussion about the city and county sharing the proposed increased mills on a 50/50 basis. The commissions agreed they would talk as separate bodies about

coming up with \$31,000. The proposal is a three-year “fix” to allow time for the library to seek other funding sources. Meece said he thinks the City-County Compact should be revised to reflect a decision about the funding.

View Vista Sidewalk Project: Breanna Polacik, city of Livingston, said the proposed View Vista Sidewalk Project will be funded by the school district, city and county. The school agreed to put \$80,000 toward the project and the city and county approved up to \$105,000 apiece with Community Transportation Enhancement Program (CTEP) funds. The county agreed to put up the 17-percent project match, as well. Tinsley said he would like the county to pay the same amount of money toward the project that the city does.

Polacik said timing was the primary reason the county agreed to pay the project match. Sidewalks will be torn up during construction of the Fleshman Creek Project, thus the sidewalk project will commence immediately after completion of the creek. She said the county sent its CTEP funds to the city in order for the city to financially administer the entire project.

Tinsley asked if the city commission would agree to a 50/50 pay share on the project. Meece said city administration would not support any changes to the approved funding mechanism for the project. Such would be a decision to be made by the city commission. He said the contract has been approved by the state and the county twice. Meece said the funding agreement is 50/50 regarding CTEP funds, and the county will pay the cash match. Tinsley said he would like the city commission to consider a 50/50 payment of the project, plus the county paying the match funds. He said once bids are received, potentially the cash match can be reduced if bids are lower. In that event, Tinsley said he wants county CTEP funds back and the project paid 50/50.

City Commissioner Jon Reddington said he has never experienced a change to a signed contract as a business owner. He feels agreed upon contracts should be honored. He said the agreed money can be adjusted if a project comes in for less than projected. Projected project cost is \$322,775.

Dispatch 911: Adam Stern said he would like to discuss Dispatch’s location in the building. Meece said he has no problem with putting Dispatch 911 back where it was in the building or elsewhere if that’s the best location for it. Meece said the City-County Compact states the city is responsible for the administration of Dispatch 911. The county shares in the cost to fund the service on a 50/50 basis.

City-County Building Sidewalks: Tinsley said the city and county need to be sure to salt/sand sidewalks around the City-County Building during winter months.

Erica Hoffman, GIS/IT, provided fiber optic proposals for the City-County Building and outlying offices. The current modem is residential grade, which is not adequate for the number of users in the building between both governments. The proposal included options and associated costs, including for outlying offices/sites. Each Commission will discuss how the proposed upgrades would be funded on a 50/50 basis.

@11:24 a.m., the meeting adjourned.

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

@11:35 a.m., the meeting opened in the Commission Chambers.

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

Correspondence included:

- Memo re. Angel Line Board seat interviews
- Memo re. MRL safety town meeting
- Memo re. February general grant services invoice
- Memo re. citizen 4<sup>th</sup> Street drainage concerns
- Memo re. flood plain application letter
- Memo re. Upper Yellowstone Watershed Basin meeting reminder
- Memo re. March 5 City-County Meeting agenda
- Memo re. Beartooth TIGER grant letters of support request

Parks Frady, public works, said an issue exists with a private citizen encroaching on a county right of way in Gardiner in association with Gardiner Gateway Project upgrade designs.

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

Claims Review

**Park County Board/Committee Meetings**

3:00 p.m. – Parks and Recreation Board – East Room – Canceled due to employee schedule

**March 6, 2014**

**Opening of Meeting:** 9:06 a.m.; Commission Chambers

*Attendance:* Commissioners Durgan, Malone and Tinsley; Parks Frady, public works; Shannan Piccolo, civil deputy county attorney; Barbara Woodbury, environmental health; Raea Morris, administrative assistant; Greg Coleman, DES; Kevin Feldman, CTA; John Mueller, minutes clerk

## **County Department Updates**

Public Works Department Updates: Parks Frady, public works, provided a written report of activities in his department.

## **ACTION ITEMS**

Discussion/Decision on Change Order #2 for Fleshman Creek Project: Kevin Feldman, CTA Engineering, said the change order will result in a decrease in the total project price of \$19,630.30. Total project cost to-date after the change order is \$2,211,202.14.

Commissioner Malone moved the Commission chair take a bill for a city utility conduit to the city manager. Commissioner Tinsley seconded the motion. Motion passed.

Commissioner Malone moved to accept Change Order #2. Commissioner Durgan seconded the motion. Motion passed.

## **Public Hearings/Ordinances/Resolutions**

Signing of a Resolution to Appoint a Special Deputy County Attorney for Fletcher v. Park County: The request is being made by interim County Attorney Swandal to provide the civil deputy county attorney assistance on Fletcher v. Park County. Kendra Anderson and Rebecca Swandal will serve as the special deputies at no charge to the county. Commissioner Durgan moved to approve signing of the resolution. Commissioner Malone seconded the motion. Motion passed.

Signing of a Resolution to Appoint a Special Deputy County Attorney for Prosecutorial Assistance as Needed: The resolution will make Patrick Dringman, Bruce Becker, Rebecca Swandal and Kendra Anderson available to Park County as special deputy county attorneys as needed at no charge to the county. Commissioner Malone moved to sign the resolution. Commissioner Durgan seconded the motion. Motion passed.

## **CONSENT ITEMS**

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

Correspondence included:

- Memo re. draft February 2014 SWB meeting minutes
- Memo re. draft cost policy statement
- Memo re. 2014 TIGER grant information
- Memo re. City-County Meeting agenda
- Memo re. payroll voucher
- Memo re. burial/cremation application
- Memo re. JP training schedule

- Memo re. fairgrounds sewer extension documentation
- Memo re. Mission Field snow plows
- Memo re. March 5 mail schedule

Greg Coleman, DES, provided an update of water runoff emergency issues around the county due to snowmelt. Coleman said the undersheriff just requested to open the EOC.

Commissioner Tinsley said the county public works department (including road department) have been working all night long on water issues.

**Adjournment:** 9:53 a.m.

### Emergency Meeting

@11:03 a.m., the meeting opened in the Commission Chambers.

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

The meeting was called as an emergency action to declare a local emergency proclamation for Park County due to flooding. The resolution affords the Commission an option of mandating a 2-mill levy.

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

### **March 7, 2014**

No Commission Meetings Scheduled

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

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

Clint Tinsley  
Chairman, Park County Commission  
Park County, Montana

Denise Nelson  
Clerk & Recorder  
Park County, Montana