

Park County Commission Meeting Minutes  
Week of May 19 – 23, 2014  
Park County, Montana

**May 19, 2014**

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

@9:00 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 May 15 included:

- Memo re. allocated Cooke City Chamber resort tax funds
- Memo re. allocated Cooke City Council resort tax funds
- Memo re. Gardiner rangeland tour
- Memo re. Gardiner Gateway Project meeting
- Memo re. Dry Creek Road maintenance
- Memo re. Fairgrounds Sewer Extension Project Change Order #2
- Memo re. Montana Aeronautics Board loan signing
- Memo re. county airports dollar awards

Commissioner Malone reported on a May 16 Gardiner rangeland tour pre-visit. He said Chicory Road RID letters were mailed on May 16.

@9:27 a.m., the meeting adjourned.

Human Resource Department Updates

@9:35 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 an updated museum technician job description; prescription drug card usage report; and change of status forms for PCSO deputies for a COLA increase for union back pay issues. Ouellette said she continues to work with county departments in preparation for the May 21 insurance open enrollment.

The Commission will pass on a DES Coordinator job description to Ouellette for her review before it is posted internally.

@9:46 a.m., the meeting adjourned.

#### Review of Park County Drafted Preliminary Budgets

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

*Attendance:* Commissioners Durgan, Malone and Tinsley; Lani Hartung, finance; Martha Miller, auditor; John Mueller, minutes clerk

To-date preliminary budget figures were reviewed.

@11:14 a.m., the meeting adjourned.

#### Litigation Strategy for Fletcher v. Park County

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

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

Commissioner Malone moved to close the meeting to the public record for litigation purposes. Commissioner Durgan seconded the motion. The meeting closed to the public record, the audio recording was turned off, and the recording secretary exited the Commission Chambers. @1:50 p.m., the meeting reopened.

Commissioner Malone moved to approve the affidavit for the summary judgment response. Commissioner Durgan seconded the motion. Motion passed.

@1:51 p.m., the meeting adjourned.

#### **May 20, 2014**

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

*Attendance:* Commissioners Malone and Tinsley; Parks Frady, public works; Mike Inman, planning; Raea Morris, administrative assistant; Greg Coleman, DES; Kristen Galbraith, Nittany Grantworks; Mike Adams, fair board; Kevin Feldman, CTA; Scott Malloy, GMHC; Dann Babcox, PCRFD#1; John Mueller, minutes clerk

#### **Department Updates**

Kristen Galbraith, Nittany Grantworks, asked the Commission to approve Galbraith attending a FEMA grant administration conference to be paid by Park County but

reimbursed in full by FEMA. Commissioner Malone said the decision was administrative and could be made by the public works director.

Greg Coleman, DES/county fire, provided an update of activities in his departments.

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

Fleshman Creek Project: Kevin Feldman, CTA Engineering, said the creek is about 70 percent of anticipated normal flow. Work is ongoing with the city regarding providing water to the creek. Montana DNRC and National Fish and Wildlife Foundation are asking for final reports. DNRC will not reimburse funds in full until reports are received. The county has asked FEMA for \$1.9 million in reimbursement funds to date.

Gardiner Gateway Project: Inman said the project is at 50-percent design.

Bicycle/Pedestrian Trail Extension: No report

Gardiner Green Box Refuse Site: Bid opening for site improvement work is today. Notice of award scheduled for May 22.

Gardiner Confluence Park Project: Inman said final confirmation of grant award has not been received, but it appears the county will be awarded the grant.

Gardiner Sidewalk Extension Project: Easements were sent out to landowners via certified mail two weeks ago.

Bicycle Trail Extension Resurfacing: The county is exploring additional funding sources.

Museum Roof Restoration Project: Final closeout documents will be submitted once final subcontractor payments are made.

Fairgrounds Sewer Project: Feldman said the project should be finalized May 21. Mike Adams, fair board, said the parking lot needs gravel. Dann Babcox, PCRFD#1, said the fire hydrant at the fairgrounds needs to be opened to full flow for fire use during a fire.

Rock Creek Road: No report

TSEP County Bridge Improvement Project: No report

### **ACTION ITEMS**

Update of Gallatin Mental Health Center Crisis Services with Scott Malloy: Scott Malloy provided data for crisis care in Park and Gallatin Counties.

Opening of Bids for Gardiner Green Box Site Project (10:00 a.m.): No bids submitted

Appointing of Member to Rural Fire #1 Board: PCRFD#1 recommends Mark Higgs for a three-year replacement term. Commissioner Malone moved to nominate Mark Higgs to replace Jeff Schoenen. Commissioner Tinsley seconded the motion. Motion passed.

Appointing of Member to the Clyde Park Fire Board: Commissioner Malone moved to appoint Tom Bailey as director of the Clyde Park Fire Board. Commissioner Tinsley seconded the motion. Motion passed.

Discussion/Decision on Adjusting Property Tax Bills Adjusted by Department of Revenue: Treasurer Kevin Larkin said a property owner overpaid for taxes on a cabin at least for five years. The cabin never existed on the property. Larkin read into the record amounts overpaid. Commissioner Malone moved to refund the money overpaid. Commissioner Durgan seconded the motion. Motion passed.

A Livingston business has been incorrectly assessed by the DOR for 14 years. The correct building owner will be assessed the taxes for five years missed. Larkin read into the record incorrectly-assessed amounts. Commissioner Malone moved to refund David and Laverne Parisi. Commissioner Durgan seconded the motion. Motion passed.

A mobile home owner is delinquent on property taxes for two years and asked for relief of \$65.75 in penalties and interest. Commissioner Durgan moved to forgive the penalty and interest with tax balance to be paid within 90 days. Commissioner Malone seconded the motion. Motion passed.

Discussion/Decision on Park County Fairgrounds Sanitary Sewer Extension Change Order #2: Kevin Feldman said sidewalks and backflow prevention were outstanding after Change Order #1. The change order is a result of contract quantity adjustments, including work at the RV parking sites. Total change order increase = \$6,560. Total contract price = \$204,121. Total project cost expected to be approximately \$285,000. Projected total project cost was \$310,000. Commissioner Durgan moved to sign Change Order #2. Commissioner Malone seconded the motion. Motion passed.

Discussion/Decision on Park County Fairgrounds Sanitary Sewer Extension Certificate of Substantial Completion: Feldman said all punch list items are expected to be completed by week's end and recommends the Commission sign the substantial completion certificate dated May 15, 2014. Commissioner Durgan moved to sign the certificate of substantial completion dated May 15, 2014. Commissioner Malone seconded the motion. Motion passed.

Discussion/Decision on Renewal of Altria/Park County Hammond Creek Road Agreement: The contract amount is for \$25,000 this year. Commissioner Malone moved to accept the renewal of the Hammond Creek Road agreement with Altria. Commissioner Durgan seconded the motion. Motion passed.

Review/Determination of Section 4(f) Impacts on Arch Park Resulting from Impacts of the Gardiner Gateway Project (GGP): Mike Inman, planning, said the Parks and

Recreation Board provided the Commission with a recommendation that GGP impacts will not negatively impact Arch Park. Commissioner Malone moved to sign the letter. 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. DNRC equipment agreement
- Memo re. County Compensation Board meeting
- Memo re. Gardiner Basin Range tour
- Memo re. Gardiner Green box site improvements notice of award meeting
- Memo re. Execare certificate of liability insurance
- Memo re. DNRC Cooperator Agreement
- Memo re. State of Montana ARMS update
- Memo re. Environmental Health Department updated budget process
- Memo re. Library Board meeting agenda
- Memo re. 2014 Metal Mines License Tax Allocation replacement page
- Memo re. Payne West certificate of liability insurance
- Memo re. WEX Notice of Federal Fuel Tax Exemption expiration

Review of Minutes for Weeks of May 5 & 12, 2014: Week of May 5: Commissioner Malone requested a revision, noting Page 8 of 8 should refer to valuing DNRC roads traversing county roads, not FEMA roads. Commissioner Malone moved to approve the minutes with corrections. Commissioner Durgan seconded the motion. Motion passed.

Week of May 12: Commissioner Malone moved to approve the minutes as written. Commissioner Durgan seconded the motion. Motion passed.

**Adjournment:** 11:05 a.m.

### Discussion/Decision on Use of County Property

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

*Attendance:* Commissioners Durgan, Malone and Tinsley; Shannan Piccolo, civil deputy county attorney; Scott Hamilton, PCSO; Mike Inman, planning; Greg Coleman, DES; Raea Morris, administrative assistant; John Mueller, minutes clerk

Civil Deputy County Attorney Shannan Piccolo said she has concerns with the Greater Gardiner Community Council “managing” Arch Park in Gardiner, because the county is liable about what goes on in the county park. A group promoting a contentious issue that may attract a significant number of people contacted the council to use the park in June.

Piccolo said she feels the county needs to establish a policy for use of the park. Undersheriff Scott Hamilton said there is no defined number capacity for Arch Park.

Mike Inman, planning, said the county could create an application process that enables it to deny a requested use of a county park if not permissible per application language. Commissioner Tinsley asked if a proposed policy could be drafted and presented to the Commission for consideration. The policy would include signature lines for all county departments with responsibility of reviewing associated use criteria listed within the application. There was discussion about requiring the group in June to agree to a rental agreement.

@2:10 p.m., the meeting adjourned.

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

7:00 p.m. – Fair Board – Fairgrounds Office – Commissioner Durgan attended

### **May 21, 2014**

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

@9:04 a.m., the meeting opened in the Commission Chambers.

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

Correspondence included:

- Memo re. Planning and Zoning Commission meeting agenda
- Memo re. Chicory Road RID citizen complaint
- Memo re. payroll voucher
- Memo re. Mission Field Airport bids award
- Memo re. Montana Oil, Gas and Coal annual meeting - Lewistown
- Memo re. citizen aerial chemical spraying comment
- Memo re. Airport Board meeting minutes
- Memo re. airport equipment rebid award process
- Memo re. Airport bid recommended award letter
- Memos re. HSGP (repeater tower grant) scoring results
- Memo re. Park County applications

Commissioner Durgan reported on a May 20 Fair Board meeting.

@9:40 a.m., the meeting adjourned.

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

10:00 a.m. – Western Montana Mental Health – Butte

10:00 a.m. – City County Budgetary Meeting – East Room – Commissioner Tinsley attended

4:00 p.m. – Library Board – Park County Library, Bev Steveson Room

## **May 22, 2014**

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

*Attendance:* Commissioners Durgan, Malone and Tinsley; Raea Morris, administrative assistant; Parks Frady, public works; Mike Inman, planning; Greg Coleman, DES; Nels Swandall, county attorney; Lani Hartung, finance; Tracy Mosley, Mary Anne Keyes, Shaylen Meyer, MSU Extension; Erica Hoffman, GIS/IT; Katrina Hecimovic, contractor; John Mueller, minutes clerk

### **Department Updates**

Mary Anne Keyes and Tracy Mosley, MSU Extension, provided an update of recent activities and programming. Keyes introduced Shaylen Meyer as the county's 2014 MSU Extension intern.

Greg Coleman, DES/county fire, provided an update of activities in his departments.

Public Works Department Update: No report

### **ACTION ITEMS**

Review/Consideration/Determination of Approving Revised Match Agreement between Park County and Western Federal Lands Highway Division (FHWA) for Increased Costs to Gardiner Gateway Project Phase I and Phase II Pursuant to Approval by the Program: Mike Inman, planning, provided the Commission with a revised match agreement for review. Original project cost was just under \$12 million. To-date, overruns are \$3.86 million. Increased county match due to overruns is \$200,000. The Park County Gardiner Water and Sewer District agreed to cover total overrun match costs associated with that utility. The county's overall match requirement likely will be significantly reduced with in-kind staff contributions and potential hire of a project coordinator.

Commissioner Malone moved to inform the PDC (Program Decision Committee) that Park County is committed to the additional match. Commissioner Durgan seconded the motion. Motion passed.

Review/Consideration/Determination of Approving Scope of Services for Hiring a Project Coordinator for the Gardiner Gateway Project for June 2014 through June 2015: Inman said the proposal is for Katrina Hecimovic to work up to 35 hours per week to

continue her current efforts, but with more authority on Park County's behalf. Inman provided a contract as reviewed by county legal counsel. Contact cost is \$75,000 for one year. Yellowstone National Park will contribute 60% toward that cost. Park County will pay 40%, which is about \$4,000. The cost of Hecimovic's employment will go toward the county's required match. Commissioner Malone moved to employ the services of ARCH Consulting LLC for consulting services for the Gardiner Gateway Project. Commissioner Durgan seconded the motion. Motion passed.

Review/Consideration/Determination of Approving Cooperative Management Agreement between Park County and Yellowstone National Park Including a Reimbursement Agreement for 60% of the Costs of a Project Coordinator Position: Commissioner Malone moved to sign the cooperative management agreement after all appropriate review. Commissioner Durgan seconded the motion. Motion passed.

Discussion/Decision on Notice of Award for Gardiner Green Box Site Improvements: Parks Frady said no bids were received for the project. Estimated project cost is under \$80,000. The next action by the county will be to ask for contractor quotes.

Discussion/Decision on Budgetary Support for Stafford Animal Shelter Spay/Neuter Clinic, CASA/GAL, Tri-County Domestic Violence, Library, Senior Center, Northern Rocky Mountain Economic Development District (NRMEDD): A meeting was scheduled for May 29 to discuss the preliminary budget.

Discussion/Decision on GIS/IT Budget and Restructuring of Department: Erica Hoffman, GIS/IT, said she feels it is in the best interest of Park County to eliminate the Desktop Technician position after review of the department budget and planned upcoming projects. The county's computer operations have evolved to a more server-based system. Hoffman provided a list of planned projects. The county will not receive \$6,844 from the city contract in FY' 15 due to decreased overall desktop inventory for the upcoming year. After five years, the county's desktop replacement program has eliminated a lot of troubleshooting issues. Most employees are now on a five-year computer replacement plan. Remote support tools can be used to mitigate loss of the position. The Desktop Technician position costs the county \$55,116.98 per year. The proposed action would reduce the department budget for the upcoming fiscal year by approximately \$50,000, including increased contractor hours and using remote support tools.

Commissioner Tinsley said he thinks the county should assist the employee with any transition by providing compensation for a period of time.

Commissioner Durgan moved to accept the recommendation Hoffman presented. Commissioner Malone seconded the motion. Motion passed.

Tinsley recommended the county offer a compensation package similar to that offered to Refuse Department employees whose positions were eliminated last year.

## CONSENT ITEMS

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

Correspondence included:

- Memo re. bid tabulations
- Memo re. janitorial services contracts
- Memo re. bison guard removal
- Memo re. Dry Creek Road conditions citizen comments
- Memo re. Two Suns Farm variance request
- Memo re. Crazy Mountain Ranch certificate of liability insurance
- Memo re. SWJD vendors
- Memo re. Ressler truck quote

Commissioner Tinsley reported on May 21 meetings with contractors, CTA Engineering and the public works director at Rock Creek Road, as well as budgetary talks with city commissioners on joint city/county budget endeavors.

**Adjournment:** 11:06 a.m.

### Awarding of Mission Field Airport Improvement Bids

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

*Attendance:* Commissioners Durgan, Malone and Tinsley; Raea Morris, administrative assistant; Jerri Miller, Kerry LaDuke, airport board; Bill Burkland, RPA; John Mueller, minutes clerk

Bill Burkland, Robert Peccia and Associates (RPA), said RPA recommends award of the building bid to Kruse Enterprises, Inc. The tractor bid came in with a condition on the cover letter, deemed an irregularity. Burkland recommends rebidding for a tractor or a truck as a broader bidding scope. He said RPA would split the cost of that effort with Park County. He provided a task order to the county in the amount of \$5,000.

Commissioner Durgan moved to deny the bid for the tractor, authorize Peccia to go out for rebid and accept the bid on the building for Kruse Enterprises Inc. Commissioner Malone seconded the motion. Motion passed. Commissioner Malone voted in opposition to the motion.

@11:48 a.m., the meeting adjourned.

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

1:30 p.m. – Planning and Zoning Commission Hearing – Commission Chambers

**May 23, 2014**

No Commission Meetings Scheduled

Clint Tinsley  
Chairman, Park County Commission  
Park County, Montana

Denise Nelson  
Clerk & Recorder  
Park County, Montana