OFFICIAL AGENDA
TUESDAY January 4, 2022
Meeting Start Time: 9:30 a.m.
Board of County Commissioners
Yellowstone County, Montana
Stillwater Building
316 N. 26th Street, Room 3108
Billings, MT
9:15 a.m. Agenda Setting

Pledge to the Flag: Minutes

REGULAR AGENDA

MEETING UPDATE

In response to recent public health concerns surrounding COVID-19, Board of County Commissioner meetings will be held in a different format. Meetings may include virtual video conferencing to comply with social distancing guidelines.

In an effort to honor your right to participate and allow for public comment we have set up a conference call line. **Please dial (406) 256-2724 Conference ID 277 749 960#**

The public may comment during the specific public comment periods listed on the agenda. Please have your phone set to "mute" until the public comment period is open.

The B.O.C.C. regular meeting will be televised live on Community 7 TV. (Channel 7 or 507 on Spectrum Cable) Community 7 TV may be accessed and viewed online at www.comm7tv.com.

If you have questions please contact the B.O.C.C. office at (406) 256-2701 or the Clerk and Recorder at (406) 256-2787.

9:30 a.m. PRESENTATION

Swearing in of New Sheriff's Deputies - Deputy Michael Clabaugh and Deputy Kevin Stahlberg

9:30 a.m. BID OPENING

Bid Opening for Miller Building Materials Abatement for the 2nd and 3rd Floors

PUBLIC COMMENTS ON REGULAR AND CONSENT AGENDA ITEMS

1. **COMMISSIONERS**

   Notice of Public Hearing to Discuss Managment Options Private and Public at MetraPark - Public Hearing Scheduled for Tuesday January 18, 2022 at 9:30 a.m. in Room 3108

CLAIMS

CONSENT AGENDA

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1. **COMMISSIONERS**

   MFPE Salary Adjustment Letter

2. **FINANCE**

   Request for Records Disposal

3. **PLANNING DEPARTMENT**

Final Resolution 22-02 for Zone Change #706 - A Zone Change Request from Corridor Mixed Use 1 (CMU1) to Corridor Mixed Use 2 (CMU2) on Lot 4, Cole Acreage Tracts, a 2.009 Acre Parcel of Land

4. **PUBLIC WORKS**

a. Contract for Asphalt Overlay Project I

b. Request to Extend Abandonment for 1 Year for the Proposed Abandonment of Carter Avenue in Sanford Subdivision

5. **HUMAN RESOURCES**

PERSONNEL ACTION REPORT - **County Attorney -** 1 Appointment; **MetraPark** - 1 Salary & Other; **Sheriff's Office** - 1 Termination

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FILE ITEMS

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1. **AUDITOR**

Payroll Audit December 1 to December 15, 2021

2. **HUMAN RESOURCES**

December 1 through December 15 Payroll Audit

PUBLIC COMMENTS ON COUNTY BUSINESS

B.O.C.C. Regular Agenda Item

Meeting Date: 01/04/2022

Title: Swearing in of New Sheriff's Deputies

Submitted By: Teri Reitz, Board Clerk

TOPIC:

Swearing in of New Sheriff's Deputies - Deputy Michael Clabaugh and Deputy Kevin Stahlberg

BACKGROUND:

N/A

RECOMMENDED ACTION:

N/A

B.O.C.C. Regular Agenda Item

Meeting Date: 01/04/2022

Title: Bid Opening for Miller Building Materials Abatement 2nd and 3rd Floors

Submitted By: Teri Reitz, Board Clerk

TOPIC:

Bid Opening for Miller Building Materials Abatement for the 2nd and 3rd Floors

BACKGROUND:

N/A

RECOMMENDED ACTION:

Refer to staff.

B.O.C.C. Regular **Agenda Item 1.**

Meeting Date: 01/04/2022

Title: Public Hearing Notice to Discuss Mgmt Options at MetraPark Private and Public

Submitted By: Teri Reitz, Board Clerk

TOPIC:

Notice of Public Hearing to Discuss Managment Options Private and Public at MetraPark - Public Hearing Scheduled for Tuesday January 18, 2022 at 9:30 a.m. in Room 3108

BACKGROUND:

See attached public hearing notice.

RECOMMENDED ACTION:

Approve.

Attachments

Public Hearing Notice to Discuss Mgmt Options at Metrapark Private and Public

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YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Notice of Public Hearing Regarding MetraPark Management Options

On Tuesday January 18, 2022, the Yellowstone County Board of Commissioners shall hold a public hearing in the Boardroom of the Yellowstone County Commissioners, 316 North 26th Street, Stillwater Building, Room 3108, Billings, Montana to discuss both public and private management options for MetraPark. Any taxpayer may appear at said hearings and provide testimony either for or against any part of the proposed management options. If you would like to submit a written comment on management options at MetraPark, please send it to the Yellowstone County Clerk and Recorder, Attn: Public Comment on MetraPark Management Options, P.O. Box 35001, Billings, Montana 59107. Further information on the proposed exchange can be obtained from Jeana R. Lervick, Chief In-House Deputy Yellowstone County Attorney, P.O. Box 35025, Billings, MT 59107, Telephone (406) 256-2830.

Done by order of the Board of County Commissioners, Yellowstone County, Montana this 4th day of January 2022.

Board of County Commissioners
Yellowstone County, Montana

_____
Donald W. Jones, Chair

ATTEST:

_____
Jeff Martin, Clerk and Recorder

B.O.C.C. Regular **Agenda Item 1.**

Meeting Date: 01/04/2022

Title: Salary Adjustment Letter

Submitted By: Erika Guy

TOPIC:

MFPE Salary Adjustment Letter

BACKGROUND:

See Attachment

RECOMMENDED ACTION:

Sign and mail

Attachments

Salary Letter

Yellowstone County

COMMISSIONERS
(406) 256-2701
(406) 256-2777 (FAX)

P.O. Box 35000
Billings, MT 59107-5000
bocc@yellowstonecountymt.gov

January 4, 2021

Joe Dompier, Field Consultant
MFPE
510 North 29th Street
Billings, MT 59101

Dear Mr. Dompier,

As you are no doubt aware, a combination of factors has significantly changed the labor market. With these challenges, Yellowstone County like so many others are finding it harder than ever to recruit employees. It appears that hiring in 2022 will continue to be interesting and much different than in previous years.

Where there are challenges, there are also opportunities. Yellowstone County and Montana Federation of Public Employees can address one predicament right away. With your cooperation the Board of County Commissioners will increase the salaries of approximately thirty-four MFPE clerk positions. This is great news for your members and a win-win for both MFPE and Yellowstone County.

Yellowstone will invest over $95,000.00 dollars to increase the lowest paid MFPE employees. All grade B & C positions being paid less than $15.54 per hour will increase to $15.54 per hour and all grade D positions will increase to $17.71.

Starting with salary increases for the lowest paid employees is an immediate step in the right direction. I hope this proposal is received as a step to address a salary disparity that has caused difficulties for current employees as well as managers. Hopefully your membership will avoid the trap of self-comparison to thwart something so positive for one-third of your membership. This proposal does not come at the expense of other employees.

If you are interested, we invite you to attend a Board discussion meeting the first part of January or look forward to your favorable response by January 14, 2022.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

_____
Donald W. Jones, Chairman

_____
Denis Pitman, Member

_____
John Ostlund, Member

Copy: Department Heads and Elected Officials

B.O.C.C. Regular Agenda Item 2.

Meeting Date: 01/04/2022

Title: RM88 - Request for Records Disposal

Submitted By: Anna Ullom, Accountant

TOPIC:

Request for Records Disposal

BACKGROUND:

Request to dispose of old records per State Record Retention Schedule.

RECOMMENDED ACTION:

Approve.

Attachments

RM88 Request for Records Disposal - 12.30.21

RECORDS DESTRUCTION DOCUMENT (RM88)

NO. 1

1. **AGENCY NAME AND DIVISION/PROGRAM:**
Yellowstone County

2. **AGENCY CONTACT:**
NAME: Anna Ullom

PHONE #: 406-256-2783 EMAIL:aullom@yellowstonecountymt.gov

3. **NOTICE OF INTENTION:** The schedule records listed in Item 5 are to be disposed of in the manner checked below (specify only one).

☐ Delete ☐ Incinerate ☒ Shred as Classified ☐ Toss without Restriction

☐ Other: Explain

4. **SUBMITTED BY:** I hereby certify that the records to be disposed of are correctly represented below, that any audit requirements or **Offer to the State Historical Society Archives** has been fully justified, and that further retention is not required for any litigation pending or imminent. *Documentation attached from Historical Society*.

SIGNATURE:
NAME AND TITLE:
DATE:

5. LIST OF RECORD SERIES
NOTE: Attach any inventories or Excel spreadsheets to this form to help validate records destroyed.

a. Retention Schedule Number	b. Item number listed on Retention Schedule	c. Record Series Title	d. Retention in months/years	e. Inclusive Dates	f. Volume in Cubic Feet	g. Disposition Action and Date completed after Authorization
COUNTY-5	1	1099 Form	4 years	'94-'95, '97,'00-'04		
COUNTY-5	15	Grant Information	Audit + 3 yrs	2003-'13		
COUNTY-5	20	Month End Recons.	Audit + 1 year	2006-'15		
COUNTY-5	24G	Payroll Records: W-2 Form	4 years	2001		
COUNTY-5	26	Revenue Report	Audit+7 years	7/84-5/03		
COUNTY-5	24J	Payroll Records: Payroll personnel name and address list	Superseded/ not used	12/87-12/00		
COUNTY-5	11	Disbursement/Expenditure Report	Audit+7 years	7/85-5/03		
COUNTY-5	31A	Warrants: Approval list and pre warrant approval list	Audit+7 years	4/26/04-12/30/04		

6. **DISPOSAL AUTHORIZATION**: Disposal for the above listed records is authorized. Any deletions or modifications are indicated.

Custodian/Records Manager

Name: Date:

Signature:

7. DISPOSAL CERTIFICATE: The above listed records have been disposed of in the manner and on the date shown in column g.

Name and Title:

Signature:

	Items for Disposal	Retention Time	
1	1099's Vendor List 1994 AP Aged Detail History 12/31/94	4 years	#1
2	1099 Vendor List CY1995	4 years	#1
3	1099's 1997 Vendor Lists	4 years	#1
4	1099 Info 2000	4 years	#1
5	2001 W-2 Data Register	4 years	#24G
6	1099's 2000-2004	4 years	#1
7	YC Clerk Revenue Report 7/84-6/85	Audit + 7 years	#26
8	Actual vs Estimated Revenue 7/85-5/87	Audit + 7 years	#26
9	Actual vs Estimated Revenue 6/86-6/00	Audit + 7 years	#26
10	Actual vs Estimated Revenue 7/94-6/95	Audit + 7 years	#26
11	Actual vs Estimated Revenue 7/95-6/96	Audit + 7 years	#26
12	Actual vs Estimated Revenue 7/96-5/97, 9/98-5/99	Audit + 7 years	#26
13	Revenue Budget report by Month 4/96-5/97	Audit + 7 years	#26
14	Actual vs Estimated Revenue 6/00-5/02, 8/02-5/03	Audit + 7 years	#26
15	Actual vs Estimated Revenue 6/01	Audit + 7 years	#26
16	Employee Master List Final Run 12/87	Until Superseded	#24J
17	Employee Master List 6/88, 6/89	Until Superseded	#24J
18	Employee Master List 12/88, 12/89	Until Superseded	#24J
19	Employee Master List 12/90, 12/91	Until Superseded	#24J
20	Employee Master List 12/92, 12/93	Until Superseded	#24J
21	Employee Master List 12/94, 12/96	Until Superseded	#24J
22	Employee Master List 12/99	Until Superseded	#24J
23	Employee Master List 12/00	Until Superseded	#24J
24	Expenditures vs Appropriations 7/85-6/86	Audit + 7 years	#11
25	Expenditures vs Appropriations 6/87-6/96	Audit + 7 years	#11
26	Expenditures vs Appropriations 7/31/94-12/31/94	Audit + 7 years	#11
27	Expenditures vs Appropriations 7/96-6/97	Audit + 7 years	#11
28	Expenditures vs Appropriations 7/98-5/99	Audit + 7 years	#11
29	Expenditures vs Appropriations 6/90, 6/89, 6/87	Audit + 7 years	#11
30	Expenditures vs Appropriations 12/91-9/92	Audit + 7 years	#11
31	Expenditures vs Appropriations 1/31/95-6/30/95	Audit + 7 years	#11
32	Expenditure Budget Report Month Ending 5/19/97	Audit + 7 years	#11
33	Expenditures vs Appropriations 6/97-6/00	Audit + 7 years	#11
34	Expenditures vs Appropriations 7/99-6/00	Audit + 7 years	#11
35	Expenditures vs Appropriations 7/00-6/01	Audit + 7 years	#11
36	Expenditures vs Appropriations 7/01-5/02, 8/02-5/03	Audit + 7 years	#11
37	Mid Year Expenditure Review 12/31/02	Audit + 7 years	#11
38	Accounts Payable Approval List 4/26/04-12/30/04	Audit + 7 years	#31A
39	ELECTION GRANTS (HAVA) - FY04-FY09	Audit + 3 years	#15B
40	CS16 06-P02-82308 CHILDREN OF INCARCERATED PARENTS	Audit + 3 years	#15B
41	CS17 06-J19-82272 BILLINGS KIDS PROJECT	Audit + 3 years	#15B
42	CS18 07-P02-90116 CHILDREN OF INCARCERATED PARENTS	Audit + 3 years	#15B
43	CS19 08-P02-90332 CHILDREN OF INCARCERATED PARENTS	Audit + 3 years	#15B
44	CS20 08-I101-90575 JUVENILE DETENTION ALTERNATIVE INITIATIVE- TRAVEL	Audit + 3 years	#15B
45	CS21 09-J02-90557 JUVENILE DETENTION ALTERNATIVE INITIATIVE- CONT SVC	Audit + 3 years	#15B
46	MSC04 ELECTION PROVISIONAL JUDGE GRANTS (HAVA)	Audit + 3 years	#15B
47	MSC05 ELECTION AUTOMARK MAINTENANCE GRANT (HAVA)	Audit + 3 years	#15B
48	MSC07 ELECTION POLLING PLACE GRANT (HAVA)	Audit + 3 years	#15
49	MSC08 GIS MONTANA LAND INFORMATION ACT 2009 Grant	Audit + 3 years	#15
50	MSC09 ELECTION BALLOT SECURITY HAVA GRANT	Audit + 3 years	#15
51	MSC10 RIVERSTONE DES/LEPC CONTRIBUTION PUBLIC HEALTH EMERGENCY PREPAREDNESS PROGRAM	Audit + 3 years	#15
52	MSC11 DE-RW0000163 ARRA EECBG FORMULA METRA LIGHTING PROJECT (3 FOLDERS)	Audit + 3 years	#15
53	MSC12 ARRA STIMULUS FUNDING - FORMULA	Audit + 3 years	#15
54	MSC13 DES/LEPC RVSTN HLTH 2 RIVERSTONE HLTH READY YELLOWSTONE	Audit + 3 years	#15
55	MSC14 DPHHS 10-331-74097-0 DPHHS CRISIS CENTER SERVICE FUNDING	Audit + 3 years	#15
56	MSC15 DPHHS 10-331-74098-0 CRISIS CENTER START UP	Audit + 3 years	#15
57	MSC 16 RT2008-47 EARL GUSS PARK - RECREATIONAL TRAILS PROGRAM	Audit + 3 years	#15
58	MSC 17 CRISIS CTR HSB130 GRANT CRISIS CENTER HOUSEBILL 130 PASS THRU GRANT	Audit + 3 years	#15
59	MSC 18 AGREEMENT NO. 69-0325-12-008 USDA/NRCS EWP PROJECT HUNTLEY STREAMBANK PROTECTION	Audit + 3 years	#15
60	MSC 20 MLIA FY2014 03 MONTANA LAND INFORMATION ACT GRANT	Audit + 3 years	#15
61	MSC 21 STRATEGIC CRISIS INTERVENTION CONTRACT 14-331-74074-0	Audit + 3 years	#15
62	MSC 22 COAL BOARD GRANT 21 MILE ROAD	Audit + 3 years	#15
63	MSC 23 UCF-14-114 2014 URBAN & COMM FORESTRY SUBAWARD-YELLOWSTONE CO PROGRAM DEV PROJECT	Audit + 3 years	#15
64	MSC 24 #16-331-74082-0 CRISIS INTERVENTION & JAIL DIVERSION - STATE DPHHS	Audit + 3 years	#15
65	YS06 08-L05-90131 SOUTH CENTRAL REGIONAL DETENTION	Audit + 3 years	#15
66	YS07 09-L05-90377 SOUTH CENTRAL REGIONAL DETENTION	Audit + 3 years	#15
67	YS08 10-L05-90597 SOUTH CENTRAL REGIONAL DETENTION	Audit + 3 years	#15
68	YS09 11-L05-90851 SOUTH CENTRAL REGIONAL DETENTION	Audit + 3 years	#15
69	YS10 12-L05-91069 SOUTH CENTRAL REGIONAL DETENTION	Audit + 3 years	#15
70	YS11 13-L05-91276 SOUTH CENTRAL REGIONAL DETENTION	Audit + 3 years	#15
71	YS12 14-L05-91576 SOUTH CENTRAL REGIONAL DETENTION	Audit + 3 years	#15
72	YS13 15-L05-91735 SOUTH CENTRAL REGIONAL DETENTION	Audit + 3 years	#15
73	YS14 14-GP01-91862 JUVENILE SPECIFIC PREA TRAINING FOR TRAINERS PROGRAM	Audit + 3 years	#15
74	YS15 16-L05-91895 SOUTH CENTRAL REGIONAL DETENTION	Audit + 3 years	#15
75	SH14 2004-SH-WX-0027 COPS IN SCHOOLS	Audit + 3 years	#15

76	SH27 SAFE KIDS/SAFE COMMUNITIES FY08	Audit + 3 years	#15
77	SH28 YC STEP 2008-13-13-34, 2008-09-08-34 HWY TRAFFIC SAFETY-STEP OT	Audit + 3 years	#15
78	SH29 07-G05-90205 JAIL-BASED TREATMENT PROJECT	Audit + 3 years	#15
79	SH30 07-R01-90206 JAIL-BASED TREATMENT PROJECT	Audit + 3 years	#15
80	SH31 2008-DJ-BX-0640 BYRNE JUSTICE ASSISTANCE GRANT (JAG)	Audit + 3 years	#15
81	SH32 YC STEP 2009-11-04-01, 2009-17-04-01 HWY TRAFFIC SAFETY-STEP OT	Audit + 3 years	#15
82	SH33 2008-GE-T8-0023 US DEPT OF HOMELAND SECURITY GRANT- LENCO BEAR	Audit + 3 years	#15
83	SH34 08-R01-90428 JAIL-BASED TREATMENT PROJECT	Audit + 3 years	#15
84	SH35 MOU 1/8/09 US MARSHAL MT VIOLENT OFFENDER TASK FORCE	Audit + 3 years	#15
85	SH36 2009-SB-B9-0568 2009 BYRNE JUSTICE ASST RECOVERY GRANT (JAG)	Audit + 3 years	#15
86	SH37 DJBX0719 BYRNE JUSTICE ASSISTANCE GRANT (JAG)	Audit + 3 years	#15
87	SH46 & MSC18 INFO TO FILE	Audit + 3 years	#15
88	SH38 2010-05-04-28/2010-16-04-28 HWY TRAFFIC SAFETY-STEP OT-FFY2010	Audit + 3 years	#15
89	SH39 09-R01-90713 JAIL-BASED TREATMENT PROJECT	Audit + 3 years	#15
90	SH40 2010-MO-BX-0061 FY10 JUSTICE & MENTAL HEALTH COLLABORATION PROG- PROJ CALM	Audit + 3 years	#15
91	SH41 10-R01-90889 JBT 2010 JAIL-BASED TREATMENT PROJECT	Audit + 3 years	#15
92	SH42 2010-DJ-BX-1006 2010 BYRNE JUSTICE GRANT 2010-DJ-BX-1006	Audit + 3 years	#15
93	SH43 2010CKWX0353 COPS TECHNOLOGY PROGRAM GRANT	Audit + 3 years	#15
94	SH44 2011-02-06-35 HWY TRAFFIC SAFETY-STEP OT-FFY2011	Audit + 3 years	#15
95	SH45 2011-DJ-BX-3277 2011 JUSTICE ASSISTANCE GRANT (JAG)	Audit + 3 years	#15
96	SH46 2007-GS-H7-0010 PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS (PSIC) GRANT	Audit + 3 years	#15
97	SH47 11-R01-91064 20101JAIL-BASED TREATMENT PROJECT	Audit + 3 years	#15
98	SH48 105991 HWY TRAFFIC SAFETY-STEP OT	Audit + 3 years	#15
99	SH49 2010-IP-T0-0023 NORTHEAST PLANNING GRANT	Audit + 3 years	#15
100	SH50 2012-H2721-MT-DJ 2012 JUSTICE ASSISTANCE GRANT (JAG)	Audit + 3 years	#15
101	SH51 2007CKWX0043 MDT/INTEROP MT COPS	Audit + 3 years	#15
102	SH52 2010-SS-T0-0089 HSGP TOWER CONSTRUCTION & MICROWAVE HOPS	Audit + 3 years	#15
103	SH53 106712 HWY TRAFFIC SAFETY-STEP OT	Audit + 3 years	#15
104	SH54 2013-DJ-BX-1130 2013 BYRNE JUSTICE ASSISTANCE GRANT (JAG)	Audit + 3 years	#15
105	SH55 107286 HWY TRAFFIC SAFETY-STEP OT	Audit + 3 years	#15
106	SH56 13-R01-91578 JAIL BASED TREATMENT PROGRAM	Audit + 3 years	#15
107	SH57 2014-DJ-BX-0684 2014 BYRNE JUSTICE ASSISTANCE GRANT (JAG)	Audit + 3 years	#15
108	SH58 107916 HWY TRAFFIC SAFETY-STEP OT	Audit + 3 years	#15
109	SH59 2015-H3133-MT-DJ JAG 2015	Audit + 3 years	#15
110	SH60 STEP OT STEP OT 10/1/15-9/30/16	Audit + 3 years	#15
111	WEED DEPARTMENT BIA CONTRACT FY02-FY03	Audit + 3 years	#15
112	WE01 MDA 2003-027 CUSTER/MUSSELSHELL/MELSTONE COOP	Audit + 3 years	#15
113	WE04 MDA 2003-026 Y'STONE RIVER CORRIDOR NOXIOUS WEED INVENTORY	Audit + 3 years	#15
114	WE05 MDA 2003-556 FY03 SPECIAL COUNTY TRUST FUND GRANT	Audit + 3 years	#15
115	WE06 MDA 2004-556 FY04 SPECIAL COUNTY TRUST FUND GRANT	Audit + 3 years	#15
116	WE07 MDA 2002-103 Y'STONE RIVER CORRIDOR NOXIOUS WEED INVENTORY	Audit + 3 years	#15
117	WE08 LEP 03-06 CUSTER CONSERVATION DISTRICT GRANT	Audit + 3 years	#15
118	WE09 MDA 2004-016 LOWER Y'STONE RIVER CUMULATIVE EFFECTS	Audit + 3 years	#15
119	WE10 AG3C50000542 FY03 BIA CONTRACT	Audit + 3 years	#15
120	WE11 AG4C50000542 FY04 BIA CONTRACT	Audit + 3 years	#15
121	WE12 MDA 2005-556 FY05 SPECIAL COUNTY TRUST FUND GRANT	Audit + 3 years	#15
122	WE13 MDA 2006-556 Special County Trust Fund Grant	Audit + 3 years	#15
123	WE14 MDA 2005-806 NCRS Noxious Weed Inventory	Audit + 3 years	#15
124	WE15 MDA 2007-556 FY07 SPECIAL COUNTY TRUST FUND GRANT	Audit + 3 years	#15
125	WE16 MDA 2007-060G SALTCEDAR MANAGEMENT 2007	Audit + 3 years	#15
126	WE17 MDA 2008-556 FY08 SPECIAL COUNTY TRUST FUND GRANT	Audit + 3 years	#15
127	WE18 ESA06O041 BLM WEED CONTROL GRANT	Audit + 3 years	#15
128	WE19 MDA 2008-718T SALTCEDAR MANAGEMENT 2008	Audit + 3 years	#15
129	WE20 MDA 2009-556 FY09 SPECIAL COUNTY TRUST FUND GRANT	Audit + 3 years	#15
130	WE21 MDA 2009-041 SALTCEDAR MANAGEMENT 2009	Audit + 3 years	#15
131	WE22 223-09-3057 DNRC GRANT HB223 SALTCEDAR MGMT 2009	Audit + 3 years	#15
132	WE23 MDA 2010-556 FY10 SPECIAL COUNTY TRUST FUND GRANT	Audit + 3 years	#15
133	WE24 MDA T10-068 SALTCEDAR MGMT 2010 MNWTF	Audit + 3 years	#15
134	WE25 223-10-3133 DNRC GRANT HB223 SALTCEDAR MGMT 2010	Audit + 3 years	#15
135	WE26 MDA 2011- FY11 SPECIAL COUNTY TRUST FUND GRANT	Audit + 3 years	#15
136	WE27 MDA 11-30-049 PESTICIDE CONTAINER RECYCLING GRANT	Audit + 3 years	#15
137	WE28 MDA 2012 FY12 SPECIAL COUNTY TRUST FUND GRANT	Audit + 3 years	#15
138	WE30 MDA 2012-015 SALTCEDAR MGMT 2012	Audit + 3 years	#15
139	WE31 MDA 2013 FY13 SPECIAL COUNTY TRUST FUND GRANT	Audit + 3 years	#15
140	WE32 MDA 2013-026 SALTCEDAR MANAGEMENT PROJECT 2013	Audit + 3 years	#15
141	GRANT BALANCING FY09	Audit + 1 year	#20
142	GRANT QUARTERLY RECONCILIATIONS 2013-2015	Audit + 1 year	#20
143	GRANT QUARTERLY RECONCILIATIONS FY13	Audit + 1 year	#20
144	GRANT QUARTERLY RECONCILIATIONS FY12	Audit + 1 year	#20
145	GRANT BUDGET FY08-FY10	Audit + 1 year	#20
146	GRANT QUARTERLY RECONCILIATIONS FY11	Audit + 1 year	#20
147	GRANT QUARTERLY RECONCILIATIONS FY09 - FY08	Audit + 1 year	#20
148	GRANT QUARTERLY RECONCILIATIONS FY07	Audit + 1 year	#20
149	GRANT QUARTERLY RECONCILIATIONS FY06	Audit + 1 year	#20

B.O.C.C. Regular Agenda Item 3.

Meeting Date: 01/04/2022

Title: Final Resolution for Zone Change 706

Submitted By: Teri Reitz, Board Clerk

TOPIC:

Final Resolution 22-02 for Zone Change #706 - A Zone Change Request from Corridor Mixed Use 1 (CMU1) to Corridor Mixed Use 2 (CMU2) on Lot 4, Cole Acreage Tracts, a 2.009 Acre Parcel of Land

BACKGROUND:

See attached resolution.

RECOMMENDED ACTION:

Approve.

Attachments

Final Resolution for Zone Change 706

RESOLUTION NO. 22-02

Final Resolution Approving Zone Change #706

WHEREAS, pursuant to Title 76, Chapter 2, Montana Code Annotated, and the regulations of the Yellowstone County Jurisdictional Area Zoning Plan, the Board of County Commissioners of Yellowstone County, Montana, held a public hearing on the 23rd of November, 2021 on Zone Change Request No. 706 described as follows:

A zone change request from Corridor Mixed Use 1 (CMU1) to Corridor Mixed Use 2 (CMU2) on Lot 4, Cole Acreage Tracts, a 2.009 acre parcel of land.

WHEREAS, the Board of County Commissioners adopted a Resolution of Intent on the 23rd day of November, 2021, to amend the Yellowstone County Jurisdictional Area Zoning Plan by APPROVING Zone Change #704; and

WHEREAS, that for thirty (30) days the Board of County Commissioners received no written protests.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the above described zone change be **approved** for the reasons stated in **Resolution of Intent #21-102** on file in the Clerk and Recorder's Office.

DATED this 4th day of January, 2022.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

_____
Donald W. Jones, Chair

_____
John Ostlund, Member

ATTEST:

_____
Denis Pitman, Member

_____
Jeff Martin, Clerk and Recorder

B.O.C.C. Regular **Agenda Item 4. a.**

Meeting Date: 01/04/2022

Title: Contract for Public Works Asphalt Overlay Project I

Submitted For: Tim Miller, Public Works Director

Submitted By: Tim Miller, Public Works Director

TOPIC:

Contract for Asphalt Overlay Project I

BACKGROUND:

Contract with Knife River for Public Works Asphalt Overlay Project I

RECOMMENDED ACTION:

Approve the contract

Attachments

Contracts

Standard Form of Agreement between Owner and Contractor on the Basis of A Stipulated Price Public Works Asphalt Overlay Project I 2021-2022 Yard Office Rd, Seitz Ronan Rd, Fritz Rd, 80th Street West, Keller Rd and Sportsman Park Rd.

This agreement is dated as of the _____ day of January 2022, by and between Yellowstone County, Montana (hereinafter called Owner), and Knife River - Billings. (hereinafter called Contractor).

Owner and Contractor, in consideration of the material covenants hereinafter set forth, agree as follows:

1. Scope of Work

   Contractor shall provide all labor and material as outlined in the Owner's formal Invitation to Bid dated November 9th, 2021.

2. Contract Term

   Project must be completed and invoiced no later than June 17, 2022

3. Contract Price

   Owner shall pay the Contractor the amount listed in their Bid Sheet ($1,495,100.00) dated November 29th, 2021.

4. Contractors Representation

   4.1 Contractor has examined and reviewed the Contract documents and other related paperwork.

   4.2 Contractor has visited the site and become familiar with and is satisfied as to the general, local and site conditions that may affect cost, progress, performance and furnishing of the work.

   4.3 Contractor is familiar with and is satisfied as to all federal, state and local laws and regulations that may affect cost, progress, performance and furnishing of the work.

   4.4 Contractor has given Owner written notice of all conflicts, errors, ambiguities or discrepancies that the Contractor has discovered in the Contract Documents and that the Contract Documents are generally sufficient to indicate and convey the understanding of all terms and conditions for performance and furnishings of the work.

5. Contract Documents

The Contract Documents, which comprise the entire agreement between Owner and Contractor, consist of the following:

5.1 This Agreement.

5.2 The Owner's Invitation to Bid.

5.3 The Contractor's Bid Sheet dated November 29th, 2021.

5.4 The Contractor's current Certificate of Insurance and Workers Compensation Coverage.

6 Miscellaneous

6.1 No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without written consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will discharge the assignor from any duty or responsibility under the Contract Documents.

6.2 The successful bidder (herein after Contractor),shall maintain at its sole cost and expense, commercial general liability insurance naming Yellowstone County/ Public Works, as additional insured against liability for damages for bodily injury, including death and completed operations and property damages in a minimum amount of Seven Hundred Fifty Thousand Dollars ($750,000.00) for each claim and One Million Five Hundred Thousand Dollars , ($1,500,000.00), in the aggregate arising from incidents which occur as the result of Contractors negligence while performing any work or service and for which Yellowstone County / Public Works, sole basis of liability is vicarious liability for the acts or omissions of the Contractor or/and subcontractors. Contractor shall maintain at its cost and expense, insurance against claims for injuries to persons or damages to property, including contractual liability which may arise from or in connection with work or service by Contractor, agents, employees, representatives, assigns and sub-contractors. This insurance shall cover claims as may be caused by any negligent act or omission. The policy of insurance shall be an occurrence policy with a Best Rating of A- or better and must be in force throughout the period.

Contractor shall name on the Certificate of liability insurance Yellowstone County / Public Works, as additional insured for on-site work or Maintenance Service. In addition, Contractor will furnish to Yellowstone County a copy of the policy endorsement, CG 32 87 05 10, indicating that Yellowstone County / Public Works, are named as an additional insured under the Contractors insurance policy.

Contractor agrees to furnish both the Certificate of insurance and policy endorsement at least ten (10) days prior to beginning work.

Contractor agrees to defend, indemnify and hold harmless Yellowstone County / Public Works from and against any and all claims demands, obligations causes of action, lawsuits and all damages and liabilities fines, judgments, costs, (including settlement costs), and expenses associated therewith (including reasonable attorney's fees and disbursements), arising from incidents that occur the result of Contractors negligence. And for which Yellowstone County / Public Works, sole basis of liability is vicarious liability for the acts or omissions of Contractor. The defense and indemnification obligations under this paragraph of the Invitation to Bid shall not be limited by any assertions or finding that Yellowstone County/ Public Works, is liable for any damages by reason of a non-delegable duty.

6.3 Contractor is required to maintain workers compensation insurance, or an independent contractor's exemption issued by the Montana Department of Labor covering Contractor and Contractor's employees. Contractor is not, nor is Contractor's workers, employees of Yellowstone County/Yellowstone County Public Works. Workers Compensation insurance, or the exemption from the workers compensation obligation must be valid for the entire period.

6.4 Owner and Contractor each binds itself, its partners, successors, assign and legal representative to the other party hereto, its partners, successors, assign and legal representative to respect to all covenants, agreements and obligations contained in the Contract Documents.

6.5 Contractor must give preference to the employment of bona fide residents of Montana in the performance of this work.

6.6 All work and materials must be warranted for a period of one year from date of installation.

6.7 The Parties agree that the laws of the State of Montana shall govern this contract, and that venue shall be in the Thirteenth Judicial District Court, Yellowstone County, Montana

6.8 Contractor agrees to defend, indemnify and hold harmless the County against all claims for injuries to person or damages to property occurred from or in Connection with the Contractors performance under the Agreement.

6.9 In the event of litigation between Contractor and the County, the Prevailing party shall be entitled to reimbursement of Court costs and Reasonable Attorney fees by the non-prevailing party.

7.0 The Contractor must, in performance of work under this contract, fully comply with all applicable federal, state or local laws, rules, regulations, including the

Montana Human Rights Act, Civil Rights Act of 1964, The Age Discrimination Act of 1975 and the American with Disabilities Act of 1990. Any subletting or subcontracting by the Contractor subjects contractors to the same provisions. In accordance with section 49-3-207, MCA, the Contractor agrees that the hiring of persons to perform the contract will be made on the basis of merit and qualification and there will be no discrimination based upon race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the person performing under the contract.

8.0 Termination

This Agreement shall terminate in its entirety in accordance with the terms found in paragraph 2. However, either party may terminate this contract on thirty (30 calendar days written notice, or if prior to such action, the other party materially breaches any of its representations or obligations under this Agreement. Except as may be otherwise provided in this Agreement, such breach by either party will result in the other party being responsible to reimburse the non-defaulting party for all costs incurred directly as a result of the breach of this Agreement, and shall be subject to such damages as may be allowed by law including attorneys' fees and costs of enforcing this Agreement.

IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this Agreement in duplicate. One counterpart each will be delivered to OWNER and CONTRACTOR. All portions of the Contract Documents have been signed, initialed or identified by OWNER and CONTRACTOR.

This Agreement will be effective January _____ 2022.

OWNER:

Yellowstone County
Billings, MT 59101

_____
Donald W. Jones
BOCC Chair

CONTRACTOR:

Knife River - Billings
PO Box 80066, Billings, Mt 59108

_____
Authorized Representative

J. Halvor Fuglevand
Vice President

Attest:

Jeff Martin_____
Clerk & Recorder

B.O.C.C. Regular **Agenda Item 4. b.**

Meeting Date: 01/04/2022

Title: Request to Extend abandonment of Carter Avenue Sanford Subdivision for 1 Year

Submitted By: Mike Black

TOPIC:

Request to Extend Abandonment for 1 Year for the Proposed Abandonment of Carter Avenue in Sanford Subdivision

BACKGROUND:

n/a

RECOMMENDED ACTION:

FYI

Attachments

Carter Ave Extension Request

Yellowstone County Commissioners
Yellowstone County Public Works – Mike Black, PE

December 30, 2021

Abandonment of Carter Avenue in the Sanford Subdivision

The purpose of this letter is to request an additional 1 year for the conditions of the board of viewers report to be completed. I am confident that the additional time will be sufficient to complete what is remaining on the conditions.

Thank you for your consideration.

Sincerely,

Boyce Smith

B.O.C.C. Regular **Agenda Item 5.**

Meeting Date: 01/04/2022

Title: PARS

Submitted By: Teri Reitz, Board Clerk

TOPIC:

PERSONNEL ACTION REPORT - **County Attorney -** 1 Appointment; **MetraPark** - 1 Salary & Other; **Sheriff's Office** - 1 Termination

BACKGROUND:

See attached.

RECOMMENDED ACTION:

Approve.

Attachments

PARS

Yellowstone County Commissioners
RECEIVED

DEC 27 2021

YELLOWSTONE COUNTY
PERSONNEL ACTION REPORT
Section 1

Section 1 is to be completed by the initiating department for recommended personnel changes

Name: Benjamin Langford Effective Date: 1/3/22

Current Title: Senior Deputy Co Attorney Gr. K Salary $ 68,500

Title Change: _____ Gr. ____ Salary $ _____ 2854.17 semi 32.93 hr

Check as Applicable:

Regular Full Time:	___	New Hire:	X
Regular Part Time:	___		
		Rehire:	___
Temp Full Time:	___		
Temp Part Time:	___	Termination:	___
Seasonal Hire:	___	Promotion:	___
Replaces position Name Brett Linnewebber	___	Transfer:	___
New Budgeted Position	___	Demotion:	___
Other:	___	Reclassification:	___

Funding: 2301 - 122 - 411100 - 111 Percent ____ New Account ___
_____ - _____ - _____ - _____ Percent ____ Split Account ___

Elected Official/Department Head 12/20/21 Date

Section 2

Human Resources:
Note: R&S followed
12-28-21
Director Date

Finance:
Note: _____
12.27.21
Director Date

H.R. Comments:

Date entered in payroll _____

Commissioner's Action

	Approve	Disapprove
Chair	___	___
Member		___
Member	___	___

Clerk & Recorder - original
Human Resources – canary
Auditor – pink
Department - goldenrod

revised 02/13

Scott Twito
Yellowstone County Attorney
217 N 27 Street
PO Box 35025
Billings, MT 59107
Phone: 406-256-2870
Fax: 406-256-6931

To: Dwight Vigness, HR Director

From: Scott Twito, County Attorney

Date: December 21, 2021

RE: *Senior Deputy County Attorney Hire, Benjamin Langford*

Pursuant to compensation policy, BOCC's grant of authority to hire someone at the senior deputy level, and the authority of the 2015 attorneys' bargaining agreement and 2020 extension, I desire to compensate Benjamin Langford as follows:

> An introductory senior deputy county attorney at $68,500 per year. This is reflected in the PAR. This amount does not include statutory longevity as he has not completed the minimum of 4 years of deputy county or equivalent service. His start date will be January 3, 2022.

Like what was done with Arielle Dean's hire in 2020 and Holley Metzger's hire in 2021 Mr. Langford was hired as a senior deputy and offered compensation based on his skills and experience as an attorney who has been in practice for nearly 4 years. One year and four months of his practice was as a criminal prosecutor in another Montana county. I attempted to fit his salary into the salary range of the addendum of the 2015 bargaining agreement where attorneys with corresponding levels of experience are placed. There was some difficulty in doing this. He was informed that state mandated longevity would be paid in accordance with MCA Section 7-4-2503 once the minimum service requirement has been met. He was further informed of the current collective bargaining agreement and negotiations. While not discussed he will likely have to have his salary adjusted based on the outcome of negotiations.

Cc: Benjamin Langford
Jim Soumas, Teamsters

Yellowstone County Commissioners
RECEIVED

DEC 27 2021

YELLOWSTONE COUNTY
PERSONNEL ACTION REPORT
Section 1

Section 1 is to be completed by the initiating department for recommended personnel changes

Name: Tim Goodridge Effective Date: 12/16/21

Current Title: Asst. GM METRA Gr. ___ Salary $ 87,785.50

Title Change: Interim GM METRA Gr. ___ Salary $ 115,500.00

Check as Applicable:

Regular Full Time:	___	New Hire:	___
Regular Part Time:	___	Rehire:	___
Temp Full Time:	___		
Temp Part Time:	___	Termination:	___
Seasonal Hire:	___	Promotion:	___
Replaces position Name_____	___	Transfer:	___
New Budgeted Position	___	Demotion:	___
Other:	___	Reclassification:	___

Funding: 5810 - 551 - 460442 - 111 Percent 100 New Account ___

_____ - _____ - _____ - _____ Percent ___ Split Account ___

Elected Official/Department Head Date

Section 2

Human Resources:

Note: _____

Director Date

Finance:

Note: _____

Director Date 12.27.21

H.R. Comments:

per BOCC

Date entered in payroll _____

Clerk & Recorder - original
Human Resources – canary
Auditor – pink
Department - goldenrod

Commissioner's Action

	Approve	Disapprove
Chair	___	___
Member	___	___
Member	___	___

revised 02/13

Yellowstone County Commissioners
RECEIVED

DEC 27 2021

YELLOWSTONE COUNTY
PERSONNEL ACTION REPORT
Section 1

Section 1 is to be completed by the initiating department for recommended personnel changes

---

Name: DAHL, JAMES A

Effective Date: 12/31/2021

Current Title: Deputy Sheriff

Gr. ____ Salary $ 28.79/HR

Title Change: _____

Gr. ____ Salary $ _____

Check as Applicable:

Regular Full Time:	XX	New Hire:	___
Regular Part Time:	___	Rehire:	___
Temp Full Time:	___		
Temp Part Time:	___	Termination: (Voluntary)	XX
Seasonal Hire:	___	Promotion:	___
Replaces position Name_____	___	Transfer:	___
New Budgeted Position	___	Demotion:	___
Other:	___	Reclassification:	___

Funding: 2300 - 132 - 420150 - 111 Percent 100 New Account ___

_____ - _____ - _____ - _____ Percent ____ Split Account ___

Elected Official/Department Head

12-23-21
Date

Section 2

Human Resources:

Note: _____

12-28-21
Director Date

Finance:

Note: _____

Jennifer Jones 12.27.21
Director Date

H.R. Comments:

_____

_____

Date entered in payroll _____

Clerk & Recorder - original
Human Resources – canary
Auditor – pink
Department - goldenrod

Commissioner's Action

	Approve	Disapprove
Chair	___	___
Member	___	___
Member	___	___

revised 02/13

B.O.C.C. Regular Agenda Item 1.

Meeting Date: 01/04/2022

Title: Payroll Audit

Submitted By: Teri Reitz, Board Clerk

TOPIC:

Payroll Audit December 1 to December 15, 2021

BACKGROUND:

See attached.

RECOMMENDED ACTION:

Place to file.

Attachments

Payroll Audit

RECEIVED

DEC 2 3 2021

YELLOWSTONE COUNTY
CLERK AND RECORDER

PAYROLL AUDIT
December 1 to December 15, 2021

Date: 12/21/2021

To: Board of County Commissioners

From: Scott Turner, County Auditor

From my office's review of the above referenced payroll, the findings are noted below:

Date	Employee Name	Department	Finding
12/21/21	Hammond, Corey	Detention	Adj. 4.50 OT rate s/b $20.45, Reg hrs s/b 56 @ $21.22, adj. -4.50 reg hrs @ $20.45
12/21/21	Helzer, Amy	Justice Court	Accruals need to be updated
12/21/21	Casares, Joshua	Sheriff	56 hrs comp used not showing in the used column of employee summary
12/21/21	Gilbertson, Danette	Treasurer	5 hrs comp used not showing in the used column of employee summary

B.O.C.C. Regular **Agenda Item 2.**

Meeting Date: 01/04/2022

Title: Response to Audit Findings - December 22, 2021

Submitted By: Charri Victory

TOPIC:

December 1 through December 15 Payroll Audit

BACKGROUND:

na

RECOMMENDED ACTION:

na

Attachments

Response to Audit Findings - December 22, 2021

PAYROLL AUDIT
December 1 to December 15, 2021

Date: 12/21/2021

To: Board of County Commissioners

From: Scott Turner, County Auditor

From my office's review of the above referenced payroll, the findings are noted below:

Date	Employee Name	Department	Finding	
12/21/21	Hammond, Corey	Detention	Adj. 4.50 OT rate s/b $20.45, Reg hrs s/b 56 @ $21.22, adj. -4.50 reg hrs @ $20.45	✓
12/21/21	Helzer, Amy	Justice Court	Accruals need to be updated	✓
12/21/21	Casares, Joshua	Sheriff	56 hrs comp used not showing in the used column of employee summary	✓
12/21/21	Gilbertson, Danette	Treasurer	5 hrs comp used not showing in the used column of employee summary	✓

Checked items indicate changes made by payroll.