

Commission Meeting Minutes; Park County, Montana  
Week of November 10 – 14, 2008

November 10, 2008  
Park County Road Updates

@9:01:40 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Ed Hillman, road supervisor; Shannan Piccolo, deputy county attorney; Bill Hurley, director of operations; Raea Morris, Commission executive assistant; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss county road issues.

Road Supervisor Ed Hillman said road crewmen Winn Treible and Jay Dixon are working on signs on Billman Lane, Old Clyde Park Road, and on Miller Drive for the school there. He said the crew doesn't yet have locates to erect signs on the north end. Hillman said the two crewmen will then burn weeds at Springdale and at Pine Creek Bridge. Commissioner Durgan said a few places along Old Yellowstone Trail North have weeds four feet tall that may need to be burned. Hillman said he will tell the crew about the weeds after the meeting. Durgan said Old Yellowstone Trail is moist at present and is in good condition for grading. Commissioner Denton asked if a big pothole on Old Clyde Park Road will be repaired.

Hillman said Cinnabar Road culvert work will be changed to Wednesday and the notification process was revised for work on that date. Hillman said the road will remain open as the road crew will work on one half of the culvert at a time.

Hillman said the county and citizen Jerry Murphy agreed the county would buy the wiring, and Jerry Murphy would buy the conduit and do the splicing in regards to a culvert work on Cinnabar Road. Hillman said he will get Murphy a road permit for the work. Hillman said Murphy has a water line and an electrical line near the culvert and the electrical line supplies Murphy with emergency water via an electrical pump. Durgan said trees and brush are growing in the irrigation ditch that parallels the county road. He said it is an established ditch with a deeded water right that carries water from a point of diversion in Cinnabar Creek to some tracts of land belonging to an area resident.

Hillman said Sharon Cochran on Eldridge Creek Road is willing to cost share in fixing the entire road. Hillman said he needs to figure out costs and the culverts needed for that road and get an exact point to point description and work plan of the portion of road in question. He said he needs a legal document from the county attorney on the matter for Cochran to sign.

Hillman said the road crew finished work on the O'Rea Creek railroad crossing and put 600 yards of gravel on the road. Hillman said the state put millings down like gravel

under the bridge and the county had to regrade them. Durgan said he notified Steve Warner of Montana Rail Link that approaches have been finished off with gravel and millings will be put on next spring.

Durgan said the Commission received a notice from Mike Murphy of MDT in regard to a bridge load limit on a Lower Deep Creek Road Bridge replaced by the county in September. Durgan read the notice into the record, which said in part the bridge requires a 15-ton load limit. Durgan said appropriate signs will be posted on that bridge.

Durgan said he had an inquiry from citizen Jackie Shippet who wants to know about the closure of the Castle Mountain Road. Lahren said the citizens are circulating a petition to close that road at this time.

Hillman asked about annexation of Fleshman Creek Road. Denton said she contacted Clint Tinsley of the city and did not hear back from him.

There was discussion about the county's policy of requesting monetary contribution from citizens for the replacement of an irrigation ditch bridge with a culvert. The Commission asked Deputy County Attorney Piccolo to research whether a resolution exists outlining a policy and any liability issues.

@9:28:47 a.m., Denton made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

#### November 10, 2008

#### Discussion of Agenda and Review Minutes for Week of November 3, 2008

@9:34:37 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Raea Morris, Commission executive assistant and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss the Commission's upcoming agenda and review Commission meeting minutes for the Week of November 3, 2008.

Commission Executive Assistant Raea Morris presented the Commission with its upcoming meeting agenda and schedule through November 28. Commissioner Denton said she will telephone Richard Wright of the transfer station and an outfitter about a scheduled meeting to discuss use of the transfer station by the outfitter at Cooke City. Regarding a Management Services/Architectural Services for the Senior Center meeting, the Commission directed Morris to brief the deputy county attorney about bids for that project so it can be verified whether the senior center board is a legitimate board.

Reviewing Commission meeting minutes for the Week of November 3, 2008, Commissioner Lahren requested a revision to Page 1 of 14, the second to last paragraph; the second and third sentences should read, "Lahren said an approach was put in

incorrectly on that road due to work of a contractor, and part of the road problem is related to that. He said now the county needs to gravel the road up to where a new house is built past the canyon.”

Commissioner Denton requested a revision to Page 3 of 14, the last bullet point should read, “The Commission signed off on an agreement to retain Mona Jamison as legal counsel for Cooke City resort tax and water district issues.” On Page 11 of 14, first bullet point, the last sentence should read, “The Commission instructed Commission Executive Assistant Raea Morris to draft a claim to include the county attorney’s office code.” Denton noted the Commission signed off on the following bullet items: employee annual leave requests, a Clyde Bainter invoice for Whispering Pines rock work, an invoice from Nittany Grantworks work on a Fleshman Creek grant, an invoice for Oasis Environmental work on Fleshman Creek, an invoice from the Stafford Animal Shelter, an invoice for Mount Contact Cabins for Whispering Pines project, and an invoice from Rick D’Hooge for union representative work dating back to 2004. Denton noted the Commission signed the county budget resolution and filed that resolution with the clerk and recorder. On Page 14 of 14, Denton noted she was in Gardiner from 10 A.M. to 12 P.M.

Durgan made a motion to accept the minutes for the Week of November 3 with additions and corrections noted. Lahren seconded that motion. Motion passed.

@10:06:21 a.m., Durgan made a motion to adjourn the meeting. Denton seconded that motion. The meeting was adjourned.

November 10, 2008

Review of Correspondence, Public Contacts and Determine Action Plan

@10:06:35 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Bill Hurley, director of operations; Raea Morris, Commission executive assistant; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to review correspondence, public contacts and determine action plans.

Correspondence included:

- Purchase order from the road department for a plow block – Lahren said another bid will be sought
- Purchase order for Fridley Creek for \$300 with a total of \$5,000 for the project
- Pre-approved purchase order for \$4,000 for 800 yards of one-inch minus gravel from Jesson
- Purchase order from CIB gravel for one-inch minus gravel for 800 yards on Eldridge Creek Road – Denton said there is no plan for Eldridge Creek Road

work at this time. Durgan said the Commission needs an operational plan and materials of proposed Eldridge Creek Road work.

- Voucher verification for claims
- Employee annual leave requests
- Invoice from road department for \$2,252 for salt sand. The Commission held onto that invoice until yardage needed is provided because salt sand is ordered by the ton and not by the yard.
- Invoice from Clyde Bainter for removing boulders and road grading work at Whispering Pines – Commissioner Lahren said he will talk with Bainter about potholes and a washout on the Main Boulder Road
- Invoice from Oasis
- Invoice from Bridger Communications
- Letter welcoming new board members - The Commission signed the letter
- Notice of date newly elected officials take over
- Commendation letter from Commission to University Women re. growth policy work – The Commission signed the letter
- Cooke City newsletter
- Memo re. Upper Yellowstone Watershed Basin meeting at St. John's
- Memo from RC&D re. available festival and event funding
- Memo re. external vacancy announcement in housing from Montana Department of Commerce
- Memo re. Deep Creek Bridge load limit
- Memo re. Wind Park Solutions America - To Durgan for review
- Memo re. Children's 2009 mental health workshop in Great Falls
- Memo announcing November 2008 issue of MACo News is available
- Memo announcing launch of city of Livingston website
- Memo re. Mental Health suicide prevention program
- Notice of Cinnabar Road work moved to October 12
- Memo from Livingston Area Chamber re. Park County Senior Center fundraiser on November 7

Hurely said the building at Myer's Flat is in and the tower is up but lacking anchors. He said the work is probably 80 percent complete and his guess is it will be completed by the end of the week.

@10:37:20 a.m., Denton made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

November 10, 2008

3:00 P.M. – Park County Mental Health Local Advisory Council Meeting – Mental Health Center

November 11, 2008

Veterans Day Holiday – All Offices Closed

November 12, 2008

Meeting for the Exit of Auditors

@9:03:42 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Brent Olness, Olness & Associates, P.C.; Bill Hurley, director of operations; Marilyn Hartley, accounting; Don Holland, auditor; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss an audit report for Park County.

Brent Olness of Olness & Associates, P.C. said he is present to answer any question about the audit report and provide clarification. The Commission reviewed the auditor's draft report "Park County Livingston, Montana Financial Statements for the Year Ended June 30, 2008" submitted by Olness & Associates, P.C. That report documented Olness' audit of Park County financial statements for Fiscal Year ending June 30, 2008.

Olness provided the Commission with recommendations of how to respond to specific audit findings questioned by the auditors in its report, said the accounting office is currently conducting treasurer functions it should not be conducting, and listed tasks appropriate for the county auditor.

The Commission said each department head will get a copy of department findings in the report for review.

Olness said the Management Discussion and Analysis (MDA) gives a broad overview of why the county's net assets and fund balances changed over the period of the audit report. He said the final report from Olness will be submitted after it receives the county's MDA report, which he said ideally would be completed sooner rather than later. He said it is the county's responsibility to complete that report. Olness said many jurisdictions do not submit an MDA, even though it is a requirement. Commissioner Durgan said it is important to complete that report because it contains good information.

@9:40:07 a.m., Lahren made a motion to adjourn the meeting. Denton seconded that motion. The meeting was adjourned.

November 12, 2008

9:30 A.M. – Meeting for Permission and Permit to Use Transfer Station for Dog Sledding Outfitter – Commissioners Chambers – Canceled

November 12, 2008

Canvass General Election Meeting

@10:05:48 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Denise Nelson, clerk and recorder; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to canvass general election results.

Clerk and Recorder Denise Nelson said she thinks reports from polling places went especially well. She said there were 3,500 absentee voters this election, and 1,900 was the highest number of absentee voters prior to this year. Nelson said her office processed more than 300 late registrants between close of the absentee election and 8:00 p.m. on Election Day.

Nelson said judges at polls keep track of people voting on Election Day in poll books even when M100 machines are used. She said absentee ballots were run through M100 machines for documentation and vote counting in the Clerk and Recorder's office on Election Day.

Nelson provided the Commission with precinct reports submitted by precinct voting judges after the close of the November 4 general election. The Commission checked reports submitted by polling place workers of number of ballots cast at precincts against M100 reports of voters entered into respective precinct M100 machines. The Commission reviewed official records of absentee ballots.

The Commission signed off on official canvass results and a Park County Certificate of Elections verifying the election results were canvassed by the individuals present.

@11:33:32 a.m., Durgan made a motion to adjourn the meeting. Denton seconded that motion. The meeting was adjourned.

November 13, 2008

8:30 A.M. – Safety Committee Meeting – Community Room

November 13, 2008

Personnel Meeting

@9:03:12 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Brett Linneweber, county attorney; Road Supervisor Ed Hillman; Jill Ouellette, human resources; Mark York, Livingston Enterprise; and Public Citizens Mark Hartwig, Randy Taylor, Jim Taylor, Dan Dinsdale, Richard Juhnke, Mike Adkins, and Commission Minutes Clerk John Mueller.

The meeting was scheduled to address a personnel issue.

Road Supervisor Ed Hillman said he would like the meeting to remain open to the public.

Commissioner Lahren read into the record a memo from the Commission to Hillman dated November 13, 2008. The memo read in part “the Commission has decided to eliminate the position of Road Supervisor in Park County to reduce costs and expenses for Park County by eliminating salary and other expenses currently used on the position.” The memo said the Commission will directly supervise the road department, and the elimination of the Road Supervisor position is effective at the end of the business day on December 12, 2008. The memo was signed by all three commissioners.

Public comment was made by Mark Hartwig. Hartwig said he was at the meeting for the purposes of representing Hillman. He said Hillman at this juncture will not make any comment. Hartwig said Hillman did not receive any information about the purpose of the meeting prior to the meeting so he did not have any time to prepare any comments. He said he’s going to assume Hartwig and Hillman will probably be asking for the records reflecting the decision and how the decision was made. Hartwig said he has advised Mr. Hillman not to make any comment and to retain an employment attorney if he wants to pursue anything with the county regarding this matter.

Public comment was made by Mike Adkins. Adkins said yet another grave mistake is being made by the sitting Commission and Ed Hillman is one of best road foremen the county has had bar none. Adkins said he has worked with the last three road foremen.

@9:06:34 a.m., Commissioner Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

November 13, 2008

Opening of Bids for Management and Architectural Services for Senior Center Project

@10:04:41 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Barb Williams, senior citizens center; Rick Van Aken, senior citizens center; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to open bids for management and architectural services for the Park County Senior Citizens Center project.

Barb Williams said two separate Requests for Qualifications went out for bid, one for architectural services and one for management services. Lahren said bids were to be in by 4:00 p.m. on November 5, and four bids were received before the RFQ submission deadline.

Lahren opened two sealed bids from Mosaic Architecture of Helena, Montana and James Schneider of Livingston, Montana submitted for architectural services, and two sealed bids from Rocky Mountain RC&D of Bozeman, Montana and Nittany Grantworks of Livingston, Montana submitted for management services.

Lahren said respondents need to be scored for qualifications and asked if the Commission or the Senior Citizens Board should review the bids. Williams said a joint review may be best.

Lahren said he suggests giving the RFQs to the senior citizens board representatives present today, have them evaluate and score the respondents, schedule a meeting with Lahren to go over their review, and then schedule a meeting with a quorum of commissioners to award bids.

Williams and Van Aken said they will return the RFQ materials to Lahren by 11:00 a.m. November 14, and Lahren said he will have his review of them completed by 1:00 p.m. on that date.

The Commission scheduled a public meeting for November 19 at 10:00 a.m. to award the RFQ bids.

@10:44:26 a.m., Lahren made a motion to adjourn the meeting noting the Commission will meet again on the 19th of November at 10:00 a.m. to award the bids. Durgan seconded that motion. The meeting was adjourned.

November 13, 2008

10:00 A.M. – Local Emergency Planning Committee Meeting – Community Room

November 13, 2008

Review Draft Planning Board Application

@11:04:12 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Philip Fletcher, planning director; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to review a draft planning board application.

Planning Director Philip Fletcher provided the Commission with a draft planning board member application for review. He said he made a few clarification revisions to the existing application, and he also drafted a revised board member qualifications form.

Commissioner Lahren said he had a recommended grammatical revision to board member qualifications, adding the word “or” between general background and professional experience. Also under qualifications, Lahren recommended adding

planning board members must become familiar with the relevant MCA and current rules and regulations for land planning in Park County and the current planning board bylaws. Under responsibilities, Lahren recommended adding criteria #8, which would suggest planning board members be objective and not be involved in ex parte communication on public issues outside of advertised public meetings or be otherwise influenced.

Commissioner Durgan said there needs to be an orientation of new board members and new members need to be made aware of the ex parte issue.

The Commission said Fletcher could submit the application for posting to the county website after making recommended changes.

Fletcher said he has written a letter to current planning board members Bill Berg, Dale Reinhart, and Rusty Collyer reminding them if they want to remain on the board they need to submit an application and be prepared to go through the same competitive process as other applicants. Fletcher said Berg and Reinhart have responded to the letter expressing interest in remaining on the board.

@11:13:37 a.m., Commissioner Lahren made a motion to adjourn the meeting. Denton seconded that motion. The meeting was adjourned.

November 13, 2008

Meeting to Provide Direction on Action Items in Human Resources Office

@11:33:34 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Brett Linneweber, county attorney; Jill Ouellette, human resources; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to provide direction on action items in the human resources office.

County Attorney Linneweber said the Commission can confirm Jill Ouellette is the only employee employed by the county in the human resources office. Linneweber said Kim Gentry is no longer employed by the county. Linneweber said there is no reason for there to be any computer access restrictions on Ouellette at this point, because the process associated with personnel issues with former employees in the human resources office is now completed. He said the Commission is Ouellette's supervisor and responsible for determining what type of work she is to perform.

Lahren said Ouellette is the person in charge now and should have access to things.

Human Resources Employee Jill Ouellette said her hands have been tied in an attempt to set up questions for interviews for open county positions. Ouellette said she also does not have job descriptions for many jobs. She said she had to go to Job Service to retrieve a

pdf file of a sanitarian in training position description to properly close out that posting because she does not have computer access to necessary information.

Ouellette said she needs to begin receiving email correspondence through the county computers, specifically for a Family Medical Leave Act update she needs to address. The Commission directed Ouellette to submit a request for email access in writing to County GIS/IT Manager Marc Richards.

Ouellette said she needs to address an August 18 request from Montana Department of Transportation for social security numbers of existing county drivers.

Ouellette said she needs help with understanding the county's policy of orienting new employees and addressing the issue of a few employees who will soon be on medical leave.

Ouellette said she has experience in proper performance evaluation methods. She said she could help implement an ongoing performance evaluation schedule for county department heads and the Commission so all evaluations do not come due at one time. Ouellette said she has evaluations for road department employees the Commission did not address because those evaluations were not filled out satisfactorily. Ouellette said she offered to sit down with the road department to make sure the evaluations will comply and she was told "No, they are fine the way they are." Lahren said he recommends Ouellette wait until after December 12 and the Commission will address the road department evaluations.

Ouellette asked if the Commission is comfortable with her serving on the interview boards of new county position interviews. The Commission said Ouellette should be on the interview committee for the director of human resources interview. The Commission said that committee will include Linneweber, Commissioner Durgan, and Ouellette.

Ouellette said she worked with Sanitarian Randy Taylor on developing an interview scoring card for screening applicants to interview for the position of environmental health director. She said it is good to have scoring criteria in place to knock unqualified applicants out of the applicant pool at the outset for efficiency's sake. Ouellette said she would like to come up with applicant screening scoring cards by working with all county department heads.

Ouellette said a possible agenda item for a future meeting involves an issue with the Sheriff's office requesting a direct link from the Park County website to a consortium for Sheriff's Office position applicants to apply for jobs. She said she has talked to Job Service about that option and said that is a common practice in other counties.

Ouellette said she got a memo in the mail that a county employee was laid off last week, and said normally the human resources department would have communication with the department head of the laid off employee. She asked about the county policy of laying

off employees. Linneweber said that topic will not be discussed in a public meeting and the conversation was not continued.

She asked if Commission Executive Assistant Raea Morris will help her with employee correspondence such as annual leave requests, evaluations, and change of status forms. The Commission said such correspondence should come to Morris through the human resources department, and it then will go on to the Commission.

Ouellette said she had CSA training on Monday and is now more confident with that program. She said she was updated by the AFLAC representative and is now more comfortable with that program.

Ouellette said she was advised the county safety person has not received any copies of workers compensation claim forms. Ouellette said the safety officer has no way of knowing an issue is a safety hazard, needs to interview accident victims, and cannot complete her job if she does not have the right information. Ouellette said a short accident form exists listing the type of accident and where it occurred that may be helpful to the safety officer. Ouellette said she just wants to report any accident, and it should be the human resource office's responsibility to contact the Commission and the maintenance department.

Linneweber said the HIPPA law overrules any county accident information protocol because it is a federal law. He said he would like to review the short form mentioned by Ouellette. He said no personal information about an accident victim can be released per HIPPA laws, but reporting that an accident occurred is permissible.

Durgan said there is confusion among the safety committee because it does not know whether or not to investigate accidents. Durgan said the safety committee and the safety officer need direction.

Ouellette said any accident with an employee needs to go through the human resources department. She said she will generate a monthly accident report for safety committee meetings so the committee knows what is going on. She said she needs to have communication regarding safety issues so the county is acting responsibly to any recurring problem.

Ouellette inquired about a longevity pay issue she said two county employees have recently asked her about. Linneweber told Ouellette to contact MACo about that issue, which he said pertains only to Sheriff's office employees.

@12:15:50 p.m., Lahren made a motion to adjourn the meeting. Denton seconded that motion. The meeting was adjourned.

November 13, 2008

Review of Correspondence, Public Contacts and Determine Action Plan

@1:35:57 p.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Bill Hurley, director of operations; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to review correspondence, public contacts and determine action plans.

Correspondence included:

- Draft resolution establishing the Park County Angel Line board
- MDT request for counties to submit any plans for local projects on local or state highways – The Commission said it has no such plans
- Letter addressing a formal complaint about dust on Six Mile Road – Director of Operations Bill Hurley drafted a response to that letter
- Department head meeting agenda
- Memo re. legal advice to Commission from deputy county attorney
- Memo requesting stakeholder meeting re. Voyich reach of Fleshman Creek Rehabilitation Project resulting from \$18,000 DEQ fine for spill at Gardiner sewer system - To Lahren for review
- Memo re. legal advice to Commission from deputy county attorney
- Memo re. legal advice to Commission from deputy county attorney
- Memo to Grants Coordinator Benner outlining the ranking of reclamation development grants program funding
- Memo from citizen re. Upper Rainbow Road request for maintenance - To County Historian Brekke for review
- Memo re. wind power - To Durgan for review
- Waste News, Arc News, Governing magazines
- Memo from clerk and recorder re. general election ballot statistics per precinct
- Copy of Resolution #1036 finalizing the Park County FY 2009 budget
- Copy of Resolution establishing Jamison law firm as counsel for Cooke City resort tax and water district issues
- Memo re. Commissioner Lahren and Durgan viewing of Main Boulder Road conditions - Lahren will follow up on the matter next week - To Road Book
- Copy of MSU Extension agreement - To file and finance department
- Citizen question asking for the floodplain manager for Park County - To Hurley for review
- Museum director timesheets - To Commission and Human Resources for review
- MACo data book re. Montana kids - To file
- Memo from citizen representing herself at the museum as a curator of archaeology
- September 15 Angel Line board meeting minutes - To file

- Public information request from Livingston Enterprise re. road personnel issue
- MOU for CBDG and Home Grants needing Commission signature - The Commission signed the MOU

Commissioner Lahren provided an update on a Main Boulder Road condition issue. Lahren said he and Commissioner Durgan met with the Sweetgrass County road supervisor at the natural bridge area after Park County received a citizen complaint that a Park County road department employee graded the wrong direction on the road and apparently kicked up big rocks with the blade and left them in the road. Lahren said he, Durgan and the Sweetgrass County road crew concurred the problem with the road at natural bridge is it runs through limestone bedrock, and the next bad stretch of road is due to glacial boulders coming to the surface. Lahren said he met with Clyde Bainter to discuss repairing the potholes at the guest ranch on the road. Lahren said he got a call from an individual accusing the county of not being honest about the condition of the road and the Commission conspired with Sweetgrass County to not fix the road. He said the individual is asking for third-party arbitration. Lahren said a lot remains to settle the issue.

Commissioner Durgan said he and Park County Historian Jerry Brekke viewed Cinnabar Road at a location where a replacement culvert is to go in. Brekke said a citizen, Mr. Murphy, has a water pipe under the culvert, and an electrical line for a pump was damaged by the county years ago. Durgan said Murphy and the county agreed the county would put the line back in. Durgan said removing the existing culvert is too difficult to do, so a new culvert will be installed above the existing culvert to properly drain the road. Durgan said that work is to be completed November 13.

Commissioner Denton said the Commission will review Cooke City resort tax applications next week.

@2:07:12 p.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

November 13, 2008

2008 - 2009 GIS/IT Project Updates

@2:07:23 p.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Bill Hurley, director of operations; Marc Richards, GIS/IT; Erica Hoffman, GIS/IT; Mike Inman, planning; Philip Fletcher, planning; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to update the Commission on planned GIS/IT projects for 2008-2009.

GIS/IT Manager Marc Richards said it has been a pleasure working with Commissioners Lahren and Denton and has admired their candor and honesty with the GIS/IT department.

Richards said TCS has agreed to charge \$2,500 for county attorney office work for which it had bid at \$1,800 but ended up charging \$4,500. Richards said he will submit an invoice to the Commission for that amount. Richards said TCS said they will continue working with the county if it agrees to the \$2,500 bill. Lahren said TCS should have come to Richards with a change order prior to doing then charging for unexpected work.

Reviewing projects planned for 2008-2009, Richards said the GIS/IT department has budgeted for replacing a law enforcement server, which has already begun. He said the total payment of \$6,500 will be shared between the city, county, and Dispatch 911.

Richards said his department needs to upgrade the county computer system antivirus software. Richards said the county has not been overly happy with Symantec, so it is going to go to a new product called NOD32 for a total price of \$4,670. Richards said the Symantec upgrade would have cost \$6,500.

Richards said the county needs a new network switch to which CAT5 cables run and which allow additional network space for new employees and phone lines. He said the cost is \$1,200.

Richards said the county needs to upgrade its Sleuth Program because Sleuth no longer supports the version the courthouse uses. Richards said Sleuth is a computer-aided dispatch program used by Emergency 911. He said the cost is unclear at this time, but may be \$10,000 which would be split three ways between the city, county and 911. Richards said that upgrade may be budgeted for in next year's budget.

Richards said his department may propose that the Commission executive assistant have access and ability to use Dreamweaver software for website updates for Commission meeting agendas. He said DreamWeaver software would cost \$300.

Richards said the Park County Fire Warden approached him about purchasing an ArcFuels mapping software to create a Wildland/Urban Interface (WUI) map. He said the cost of the software is \$10,000 and includes ArcFuels training in Missoula. Richards said the county fire warden told him he has the \$10,000 in his budget to purchase the software. Richards said ArcFuels maps are based more on science than models. Lahren asked if ArcFuels maps can be subject to debate between county fire districts, and the Commission wants to avoid spending \$10,000 just to start a debate.

Planning Director Philip Fletcher said mapping the WUI will be quite controversial. Planner Mike Inman said he talked with the county fire warden who told him the goal behind this project is to create a WUI map. He said local fire officials said in public meetings they don't need a map and can determine if a proposal is in a WUI by site visits on a case by case basis.

Erica Hoffman, GIS/IT department, said the ArcFuels software takes into account variables such as slope, elevation, temperature, wind and the likelihood of fire based on those variables. Inman said data can be input into the program to predict what type of fire incident can occur in a certain area. Richards said the software creates a baseline predictive model. He said if the county does not use it to create a WUI map, the Forest Service, road department, fire warden, and rural fire departments can all use it online as a source of baseline modeling data.

Richards said ArcGIS Service installation and setup for a web mapping site is needed and would cost \$14,000 for the service and \$4,000 for training.

Richards said the GIS/IT department is working on a county/private roads database and mapping project, which will show county and private roads in Park County. He said there is no specific cost to the project except for the time and labor to print out maps and the work of the county historian and deputy county attorney. He said the intent of the project is to know the status of all roads in Park County, which will help with determining how much gas tax money the county should receive.

Richards said the summer intern worked this year to resolve a discrepancy between fuel tax maps and the kinds of roads on which the state will pay fuel tax money. Richards said currently the county and state disagree on some of the roads that will and will not receive funds.

Richards said the GIS/IT department has taken photographs and put together information on roads within the county in question to make the county's case for gas tax support on certain roads. Richards provided the Commission with a slideshow presentation showing that information and photographs. Richards said the presentation will be sent to the state and he would like to have a letter of support from the Commission upon submission.

@2:52:10 p.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

November 13, 2008

3:00 P.M. – Park County Road Updates – Commissioners Chambers – Canceled due to road crew field work schedule

November 14, 2008

No Meetings Scheduled

Larry A. Lahren  
Chairman, Park County Commission  
Park County, Montana

Denise Nelson  
Clerk & Recorder  
Park County, Montana

Commission Meeting Minutes; Park County, Montana  
Week of November 17 – 21, 2008

November 17, 2008  
Park County Road Updates

@9:24:04 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Denton and Durgan were present. Also present was Ed Hillman, road supervisor; Shannan Piccolo, deputy county attorney; and Bill Hurley, director of operations. No public comment was made.

The meeting was scheduled to discuss county road issues.

Commissioner Durgan noted Road Supervisor Ed Hillman was meeting with MACo on an important matter at the current time and the meeting will be recessed until time Hillman is present.

@9:24:44 a.m., Durgan recessed the meeting. @11:11:59 a.m., the meeting reopened.

Road Supervisor Ed Hillman said MACo provided a seminar today for the entire county road crew on liability issues as individuals and a county as they pertain to the road crew regarding signs, welding, road grading, and bridges. Hillman said the discussion cleared up the issue on welding, and MACo ensured the crewmen they are completely covered by MACo individually and as a county employee for any welding work they do as a county employee.

Hillman said Park County needs to contact a licensed bridge inspector in Stillwater County to inspect all Park County bridges less than 20 feet in length. Hillman said the state will not inspect bridges less than 20 feet in length.

Hillman said the culvert and wiring is in on Cinnabar and the crew is finishing the road top with gravel. Hillman said a caution sign or something similar is needed for a tough corner there. Hillman said the county also needs to put up a sign that says “one-lane traffic ahead” or “narrow road ahead” to remove the county from liability.

Hillman said he has locates for the Deep Creek Bridge so he can erect the load limit signs there. Hillman said he called in locates on Miller Road and materials for Miller Road Bridge work is on order, as is materials for a Fridley Creek culvert.

Hillman said muskrats are damming the creek near F Street.

Hillman said he got a call from a resident on Deep Creek South Road asking when the county will grade that road. Hillman said he told the resident she needs to petition the county to make that road a county road.

Durgan said he had a citizen complaint about muddy conditions on O'Rea Creek Road. Hillman said the county just put \$3,000 worth of gravel on that road. Durgan said he contacted Steve Warner with MRL that the gravel had been put in on the approach at O'Rea Creek and millings will be put down in the spring.

Hillman said he has given DES Director Belinda Van Nurden every road log he has. Hillman said MACo said every employee who fills out a yellow vehicle inspection sheet should keep it for his records. Hillman said MACo suggested the county purchase new mobile onsite work signs for grader operators that will not blow down.

Hillman said he is still seeking a local price quote for work on a plow blade.

@11:33:38 a.m., Denton made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

November 17, 2008

Discussion of Agenda and Review Minutes for Week of November 10, 2008

@9:50:29 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Denton and Durgan were present. Also present was Raea Morris, Commission executive assistant. No public comment was made.

The meeting was scheduled to discuss the Commission's upcoming agenda and review Commission meeting minutes for the Week of November 10, 2008.

Commission Executive Assistant Raea Morris presented the Commission with its upcoming meeting agenda and schedule for the Week of November 17. The Commission reviewed and made revisions to that agenda. Commissioner Durgan said he suggests Morris cancel the department head meeting if no agenda items are requested by department heads. Denton said she will be in Wilsall from 12:30 to 2:00 p.m. and in Clyde Park from 10:30 - noon on November 20. Denton and Durgan said they will schedule a community meeting at the Gardiner Community Center on November 21 at 1:30 - 2:30 p.m., and will then view a culvert replacement on Cinnabar Road.

Commissioner Durgan said the Commission will not review Commission meeting minutes for the Week of November 10, 2008 at this time per agreement of Commissioners Denton and Durgan and those minutes would be reviewed at a later date.

@10:00:26 a.m., Denton made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

November 17, 2008

Review of Correspondence, Public Contacts and Determine Action Plan

@10:00:54 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Denton and Durgan were present. Also present was Bill Hurley, director of operations. No public comment was made.

The meeting was scheduled to review correspondence, public contacts and determine action plans.

Correspondence included:

- Purchase orders for sheriff's office and IT department.
- Letter welcoming Duane Mathews to Solid Waste Board
- Email from citizen John Munis to Commissioner Lahren thanking the Commission for passing Resolution #1020
- Draft news release a new county road policy
- Citizen letter to Commission requesting home schooled children fieldtrip to the courthouse – The Commission directed Bill Hurley to telephone the citizen
- Legal advice to Commission from deputy county attorney
- Reminder of JSEC meeting on November 18 at 7:30 a.m.
- Memo re. Transportation Commission teleconference
- Memo from DNRC re. Fleshman Creek project and the county's probability of receiving financial support for that project
- Legal advice to Commission from deputy county attorney
- Memo from Cascade County asking how Park County compensates part time employees with benefits
- Email from GIS/IT manager re. mapping roads within commissioner districts
- Facsimile to Hurley re. sewer services of contractor in Yellowstone National Park
- Oath of office from Sue Martin re. her membership on Park County Solid Waste Board – To file
- Copy of ruling of Montana Supreme Court on December 20, 2001 re. Dome Mountain Ranch and Park County
- Email to Commission re. State Workforce Investment Board executive committee meeting November 19 in Helena
- Memo from CEO of Livingston Healthcare re. applying for board of directors of local mental health advisory council – To executive assistant to set up meeting to make the appointment
- Invitation to FWP Dec. 3 advisory committee meeting at Best Western in Livingston – To Durgan and county watershed groups for review
- Heard Across Montana newsletter – To Hurley for review
- Memo re. MACO risk management loss control conference January 13 – 15
- Email from Governing Magazine re. governor webinar to increase member participation and lower costs in health care
- Memo re. Energy in Alaska conference

- Memo from Tim Griffiths of USDA re. Fleshman Creek meeting on December 3
- Invite for November 20 CBDG webinar forum on neighborhood stabilization
- Memo from county treasurer re. third quarter resort tax payment dates
- Memo from North American Wind Power – To Durgan for review

The Commission directed Hurley to draft a letter containing a list of issues the Gardiner Water and Sewer District needs to address to facilitate the transfer of the sewer district from Park County. Hurley said he will draft the letter and submit it to the Commission for review.

Durgan said the county has a job posting approval for the position of director of environmental health to be posted by Job Service on November 22.

Durgan said the Commission has road department purchase orders on hold, including a plow blade, a Fiddle Creek Road culvert, and gravel on Eldridge Creek Road.

@11:05:24 a.m., Denton made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

November 18, 2008

7:30 A.M. – Job Service Employees Committee – Livingston Job Service

November 18, 2008

FEMA Pre-Disaster Mitigation Grant for Fleshman Creek

@9:09:31 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Denton and Durgan were present. Also present was Lori Benner, grants coordinator; Kerry Fee, Trout Unlimited; Gary Barnhart, public citizen; Belinda Van Nurden, disaster and emergency services; Randy Taylor, health department; Jeannette Blank, Oasis Environmental; Ed Hillman, road foreman; Todd Wester, Livingston School District; and Bill Hurley, operations.

The meeting was scheduled to discuss a Federal Emergency Management Agency Pre-Disaster Mitigation Grant for Fleshman Creek.

Grants Coordinator Lori Benner said the purpose of the meeting is to seek approval and guidance as to how Park County wants to proceed in submitting the Fleshman Creek flood mitigation project to FEMA in the form of a grant application due on December 1. Benner provided background information about the project to date. Benner said for every dollar spent on mitigation today saves the nation four dollars in future recovery costs, which is the reason for the FEMA mitigation grant program.

Benner said Big Sky Hazard Management prepared a Park County Hazard Mitigation Plan in August of 2005 through a FEMA grant, and once such a plan is drafted, FEMA makes grant monies available to mitigate the chance for hazards in a community. Benner

said reducing damage from flooding is the number-one goal the plan said the Livingston community should look for. Benner said she contacted the Army Corps of Engineers in 2006, which looked at the county's hazard mitigation plan. Benner said the Core said Fleshman Creek has a known history of flooding and could pose a serious danger to residents, especially where it flows through the city of Livingston. Benner said per encouragement by the Montana Department of Disaster and Emergency Services, Park County procured an environmental engineering firm, Oasis Environmental, through a Montana Department of Natural Resources grant to research and assess the health of Fleshman Creek in order to research the feasibility of conducting stream restoration in conjunction with culvert replacement on Fleshman Creek. Benner said the idea for seeking the current FEMA grant is to work from the Sacagawea Lagoon to the confluence of the Yellowstone River at Mayor's Landing.

Benner discussed three flood events on Fleshman Creek in 1937, 1950 and 1951 and provided comparisons of the damage costs of those events when they occurred to modern day money, which totaled around \$2 million. Benner said Oasis's report of Fleshman Creek states the county and city pay a combined \$20,000 each year to maintain culverts on Fleshman Creek.

Public comment was made by Gary Barnhart. Barnhart said there was no flooding from the Fleshman Creek channel from Sacagawea Lagoon to the river in '96 and '97. He said the only flooding that occurs is when culverts are not cleared. Barnhart said the creek no longer floods in conjunction with the Yellowstone River because of the head gate and other work that's been done at the lagoon. Barnhart said silt is an issue on the creek, and \$11,000 spent to create spawning habitat behind the driving range is now covered over.

Jeannette Blank of Oasis Environmental said such failure of restoration efforts can happen if restoration fails to take a holistic approach to the whole stream system.

Benner said Oasis recommends in its report that culverts are replaced at C, E, F, H and Geyser Streets with Con/Span structures. Benner said goal number-one is to mitigate risks to property and life by replacing culverts; goal number-two is to improve Fleshman Creek water quality with stream restorations; goal number-three is increasing water quantity; and another goal is increasing Fleshman Creek as a community resource and public amenity.

Todd Wester of the Livingston School District said the value of Fleshman Creek as an outdoor classroom is great. He said students have taken ownership in and stewardship of the creek and regularly do comparative macro invertebrate studies using Fleshman Creek and the Yellowstone River.

Benner said the total project cost is around \$2.9 million with culvert replacement costs comprising the majority of the construction costs. Benner listed potential financial sources for the project. She said the FEMA Pre-Disaster Mitigation Grant will pay up to 75 percent of the project, and Park County would have to come up with the remaining 25 percent of matching funds with either cash or in-kind services. Benner said Park County

is slated to receive a Montana Department of Natural Resources and Conservation Reclamation and Development Grant for \$300,000 provided nothing changes within the legislature. Benner said other possible sources of funding include \$50,000 from a Montana Fish, Wildlife and Parks Conservation Trust grant; \$50,000 from a Montana Future Fisheries grant; funds from the Five Star Restoration Program through USEPA and NACO, which looks for government and the private sector coming together to conduct a restoration activity; \$25,000 from One Fly, which focuses on supporting restoration projects that benefit trout as tributaries of the Yellowstone and Snake Rivers in Montana, Idaho and Wyoming. Benner said Oasis said costs can be held down if the county can help with digging up asphalt and moving and disposing of pipe.

Benner said volunteer, in-kind labor commitments have been made by the Livingston School District and the Joe Brooks Chapter of Trout Unlimited as part of Park County's match. Benner said FEMA recognizes the value of a volunteer at \$19.51 per hour. Benner said the project has received letters of support from the Army Corps of Engineers; Montana Departments of Disaster and Emergency Services, Environmental Quality, and the FWP; Northern Rocky Mountain RC&D; Park Conservation District; Park County Environmental Council; and the Livingston Area Chamber of Commerce.

Blank said private property rights is a big hurdle in this type of project, and the funds being sought for this project do not require public access to the Fleshman Creek after work is completed. Blank said she wants to reaffirm that Oasis's priority is to work with local landowners and make this a good project for the community. She said landowners are just as important as Oasis and others in this effort, and Oasis plans to work with each and every landowner on the project.

There was discussion about the city of Livingston sharing in the cost for the project since it owns some utilities.

Durgan asked about the timetable of the project and whether the \$2.9 million project cost is a budget for five years, after which time more funds will need to be sought. Benner said construction is a one-time cost and the effort to monitor and upkeep the project and vegetation will hopefully be done in part by volunteers with a stake in the project beyond the five years. Kerry Fee of Trout Unlimited said a five-year monitoring program is considered as sort of a benchmark to assess the success of a project and allow it to develop over time. He said the project should not require high maintenance and Trout Unlimited plans to assist financially and with monitoring.

Benner said with the Commission's okay, she will submit the FEMA grant application by December 1, 2008. Blank said the permitting design phase, meeting with landowners, and finalizing a design could take through summer of 2010 to complete and construction of the project could possibly commence in fall of 2010.

Denton made a motion for Lori Benner to continue forward securing funding for the Fleshman Creek Project. Durgan seconded that motion. Motion passed.

@10:48:48 a.m., Denton made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

November 18, 2008

1:00 P.M. – Senior Citizens Meeting – Livingston Senior Center

November 18, 2008

Department Head Meeting

@1:30 p.m., Vice-Chairman Durgan called a meeting to order in the Community Room of the City/County Building. Present was Belinda Van Nurden, DES; Bruce Martin, maintenance; Scott Hamilton, sheriff's office; Richard Wright, transfer station; Allan Lutes, sheriff's office; Kim Knutson, fair; Suzanne Brown, health department; Marc Richards, GIS/IT; Denise Nelson, clerk and recorder; June Little, clerk of court; Raea Morris, Commission executive assistant; Bill Hurley, operations; Linda Budeski, justice court; and Marilyn Hartley, accounting. No public comment was made.

ICS 100 and Finalization of the Courthouse Evacuation/Lockdown Plan: Belinda Van Nurden said she is trying to get all city and county employees to take the ICS 100 online training by the end of this year. Van Nurden distributed training materials to department heads for review. Van Nurden said all employees must complete the training to be NIMS compliant and receive FEMA monies in the event of a disaster. She instructed employees to print out a copy of the completion certificate and submit it to Van Nurden for proof of training completion. She said ICS 700 training will be done next year.

Van Nurden said she will resume efforts to plan and conduct a courthouse evacuation training exercise.

Field Trip for Homeschoolers to See How Government Operates: Durgan said a letter was received from a homeschooling teacher requesting permission to schedule a field trip to the courthouse to teach students the various facets of government and its operation. Durgan said he is giving the department heads a heads up on the matter. Department heads said they see no reason why such a fieldtrip could not be accommodated.

Update on Transition of New Commissioners, Auditors, and Human Resources Position being Filled or Cut Back: Durgan said as a result of a county attorney's correspondence to the Commission, Commissioner Denton's position will be filled upon certification of the election by the state. The same will be true of appointed auditor Don Holland's position. Durgan said Jill Ouellette is on board in the human resources office, and the Commission will interview for a human resources director. Durgan said department heads should approach Ouellette with human resources questions.

Belinda Van Nurden said a going-away card will be distributed for Kris Denton. Van Nurden said the safety committee has discussed nametags for county employees to wear while in the courthouse.

Marc Richards asked that new or elected employees be sent to the IT department once they begin work so they can be set up with a county computer account.

Employee of the Month: June Little said Maritza Reddington of the Clerk and Records office was nominated as the next employee of the month.

Marilyn Hartley provided an update of her progress on finalizing all approved Fiscal Year 2009 Budget figures. Hartley said she will submit quarterly reports to department heads for July through September and then monthly budget reports will be sent thereafter.

The next Department Head meeting date is scheduled for December 16, 2008 at 1:30 p.m. in the Community Room.

@1:52:06 p.m., Durgan adjourned the meeting.

#### November 18, 2008

2:00 P.M. – IT Advisory Committee Meeting – West Room

6:30 P.M. – Park County Fair Board Meeting – Park County Fairgrounds

#### November 19, 2008

9:00 A.M. – Claims Review – Commissioners Chambers

#### November 19, 2008

#### Meeting to Award Management Services and Architectural Services for Park County Senior Center Project

@10:04:16 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Denton and Durgan were present. Also present was Barb Williams, Senior Center; Rich Van Aken, Senior Center; Sandy Wulf, public citizen; and Julianne Brown, public citizen.

The meeting was scheduled to award management and architectural services for a Park County Senior Center project.

Commissioner Durgan said an evaluation committee evaluated the four respondents for the two bid awards. Durgan said the architectural firm of Mosaic Architecture received an evaluation score of 91 percent and James Snyder received a 50 percent evaluation score. For management services, Durgan said the Rocky Mountain RC&D was awarded 86 percent and Nittany Grantworks was awarded 55 percent.

Durgan said he personally feels the evaluations looked at and considered all the various points and followed the scoring system provided to the evaluation committee. Durgan said the highest scoring firms were recommended by the evaluation committee.

Commissioner Denton made a motion to support the Mosaic request for qualifications for architectural services for the Park County Senior Center project. Durgan seconded that motion. Motion passed.

Denton made a motion to support Rocky Mountain RC&D for the management services for the Park County Senior Center project. Durgan seconded that motion. Motion passed.

@10:10:38 a.m., Denton made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

November 19, 2008

Consider a Resolution to Establish Park County Angel Line Board and Ratify Past Board Actions

@11:03:01 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Denton and Durgan were present. Also present was Deputy County Attorney Shannan Piccolo; Lee Parriott, public citizen; and Barbara Williams, public citizen.

The meeting was scheduled to consider a resolution to establish the Park County Angel Line board and ratify past board actions.

Public comment was made by Barb Williams. Williams said she spoke with the city about W-2 forms and paychecks and establishing the board as a county entity of January 1, 2009 for ease of payroll purposes. Williams also said the paid Angel Line transportation coordinator would like to know if her health insurance will be offered by the county once the transfer of the Angel Line service to the county occurs.

Durgan read Resolution #1037 into the record, A Resolution of the Board of Park County Commissioners Establishing the Park County Angel Line Board and Ratifying all Past Actions of the Park County Angel Line Board.

There was discussion about correcting typographical errors in the resolution draft, as well as board budget reports and bylaws as noted in the resolution.

Denton made a motion to approve the resolution establishing the Park County Angel Line Board and ratifying all past actions of the Park County Angel Line Board with the minor typo corrections made here today. Durgan seconded that motion. Motion passed.

There was discussion about setting up a special board meeting to transfer payroll, vehicle licenses and insurance, and advertise for two board positions. Durgan said that meeting needs to be advertised for a minimum of 72 hours in advance of the meeting.

@11:48:47 a.m., Denton made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

November 19, 2008

Discussion of Attorney's Office Move and Associated Bills

@1:38:50 p.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Denton and Durgan were present. Also present was County Attorney Brett Linneweber. No public comment was made.

The meeting was scheduled to discuss a county attorney office move and associated bills.

County Attorney Linneweber said there were a number of different expenses incurred when the county attorney's office move occurred as a three-way switch of offices in the courthouse. He said much of the expense resulted from wiring issues due to moving telephone, computer and drop lines. He said construction costs also were accumulated, and those costs went to the building fund. Linneweber said the cost of the move rose above what some vendors bid, which may have occurred in part because there really wasn't a person in charge of the move.

Linneweber said he and the former human resources director decided the office move expenses needed to be budgeted for in either the county attorney's budget or the building fund. Linneweber said the move was ultimately budgeted in the building fund, but many bills were actually billed to the county attorney's professional services fund. He said the issue can be fixed one of two ways, either by upping the county attorney professional services fund or paying the bills from the building fund.

Denton said it is important to have the building maintenance man involved in budget discussions involving the building budget and the office move from this point forward. Denton said using the option tax was once discussed in a public meeting to pay for the move. Linneweber said he does not remember any such discussion, as it was not discussed in any of his budget discussions with budget committee personnel.

Linneweber, Denton and Durgan said a budget amendment will have to be done to account for the office move costs. Linneweber said his professional services budget will run out in January 2009 if a budget amendment is not done. He said addressing the issue in the near future would be best.

Durgan said the Commisison will look into how the office move will be funded and get back to Linneweber.

@2:00:47 p.m., Denton made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

November 20, 2008

10:30 A.M. – Meeting in Clyde Park to Hear Residents’ Concerns – Clyde Park Town Hall

12:30 P.M. – Meeting in Wilsall to Hear Residents’ Concerns – Wilsall Senior Center

3:30 P.M. – Planning Board Meeting – Community Room

November 20, 2008

County Road Updates

@3:40:00 p.m., Vice-Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton and Durgan were present. Also present was Ed Hillman, road supervisor; Shannan Piccolo, deputy county attorney; and Bill Hurley, director of operations. No public comment was made.

The meeting was scheduled to discuss county road issues.

Hillman said the road crew finished the culvert work on Cinnabar and hauled more gravel there. He said the road crew also fixed a different bad spot on that road.

Hillman said the road crew put new culverts in on Fleshman Creek past Meredith Ranch and farther up.

Hillman said the road crew has new signs up on Deep Creek Bridge designating load limit and one-lane bridge, and school zone and 15 mile per hour limit signs are up on Miller Drive.

Hillman said the road crew cleaned culverts on Swingly Road to the 12 Springs Ranch.

Hillman said someone drove over five signs on Cottonwood Bench Road. He said he phoned the sheriff’s office about the issue but has not heard back from it.

Durgan said he received a phone correspondence from Park Electric about a road approach permit. Hillman said Park Electric had been filling out the wrong permit and it needs to fill out an encroachment permit.

Hillman said the road crew is marking culverts on Trail Creek today.

Hillman said he turned in a purchase order for culverts today because the road department has exhausted the supply he bought two and half years ago, and he needs another 180 feet of 18-inch culvert.

@4:01:15 p.m., Denton made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

November 20, 2008

Review Correspondence, Public Contacts and Determine Action Plan

@4:05:00 p.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Denton and Durgan were present. Also present was Bill Hurley, director of operations and Commission Executive Assistant Raea Morris. No public comment was made.

The meeting was scheduled to review correspondence, public contacts and determine action plans.

Correspondence included:

- Memo from grants coordinator requesting a meeting with Commissioner Durgan
- Citizen request for road grading in McLeod area
- Memo re. citizen request for garbage charge reassessment
- Notice of Park County Planning and Zoning Commission meeting scheduled for December 15 at 10:00 a.m.
- Memo re. request from MACo on veteran burials
- Notice of tax increment finance meeting in Helena on December 9
- Memo requesting support for Governing Magazine
- Legal advice for Commission from deputy county attorney – To deputy county attorney for response to citizens
- Memo from citizen in Whispering Pines area requesting refuse fee reimbursement
- Notice of DEQ's intention to issue a NPDES to the City of Red Lodge Wastewater Plant
- Memo from Great West Engineering re. Cooke City project
- Memo to USDA Rural Development responding to water project comments
- Notice of mass employee layoff from East Boulder Mine
- Memo from MACo re. Montana DNRC Environmental Impact Statement record of decision on real estate management plan – To planning department for review
- Notice from Montana DNRC re. Fleshman Creek project funding rankings
- Memo re. new email address for Dawson and Rosebud County commissioners
- Memo from citizens of Upper Main Boulder Road re. crafting plan of repair and maintenance of that road
- Memo re. Dome Mountain Ranch settlement
- MACo training information for newly elected officials
- Energy and environment news from Americans for Balanced Energy Choices
- Memo re. Hardrock Mining counties 2008 legislation – To Durgan for review
- Memo from Job Service re. 501 (c)3 status for JSEC committee

- Memo from Regina Wood of Business Professionals of America requesting judges for student activities
- Memo re. 911 meetings for December canceled
- Memo re. Myer's Flat project update
- MACo newsletter
- Invitation to participate in the Neighborhood Stabilization Program forum
- Citizen request for removal of refuse fee – To Denton for review
- Notice of RC&D planning meeting held on December 5
- Invite to 2009 Children's Inaugural Ball for Every Child Matters Education Fund
- Notice of mental health workshop
- Memo re. Montana Water Trust Wild Scenic film festival on December 4
- Schedule of Angel Line Transportation Committee
- Minutes of IT Advisory Committee meeting
- North American Wind Power newsletter – To Durgan for review
- American Farmlands Trust newsletter – To Durgan for review
- Workshop in Kalispell to coordinate federal policy making with local planning
- Field observation report from Architect Jim Snyder re. rabbit and poultry barn
- Memo re. dead stove in courthouse stress elimination room
- Correspondence from Union Representative Rick D'Hooge
- Yellowstone Gateway Museum board meeting agenda

@4:28:45 p.m., Denton made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

#### November 20, 2008

6:00 P.M. – Solid Waste Board Meeting – West Room – Minutes available at [www.parkcounty.org](http://www.parkcounty.org) or in the Commission Office

#### November 21, 2008

No Commission Meetings Scheduled

#### November 21, 2008

##### Award Colter Pass, Cooke City, Silver Gate Resort Tax Funds

@10:15 a.m., Vice-Chairman Durgan called a meeting to order in the Cooke City Fire Hall. Commissioners Denton and Durgan were present. Also present were four public citizens, including Suzie Hahn, Jason Hahn and Betty Sommers. No public comment was made.

The meeting was scheduled to award Colter Pass, Cooke City, and Silver Gate resort tax funds.

Commissioner Denton made a motion to award \$4,700 to the Colter Pass, Cooke City, and Silver Gate Chamber of Commerce for five port-a-johns in the area. Durgan seconded that motion. Motion passed.

Commissioner Denton made a motion to award \$11,367.84 to the Colter Pass, Cooke City, and Silver Gate Chamber of Commerce for the funding of the Chamber executive director position. Durgan seconded that motion. Motion passed.

Commissioner Denton made a motion to award \$6,600 to the Colter Pass, Cooke City, and Silver Gate Chamber of Commerce for a recreation site ball field/parking area. Durgan seconded that motion. Motion passed.

Commissioner Denton made a motion to award \$20,000 to the Cooke City Park County Water District to use as a debt service reserve for an upcoming water project. Durgan seconded that motion. Motion passed.

Commissioner Denton made a motion to award \$5,000 to the Cooke City Park County Water District for legal fees associated with the research on the resort tax. Durgan seconded that motion. Motion passed.

Commissioner Denton made a motion to award a minimum of \$100,000 or funds available after all other approved requests are granted to the Colter Pass, Cooke City, and Silver Gate Chamber of Commerce to help with the funding of the Shoofly Historical Center. Durgan seconded that motion. Motion passed.

@10:35 a.m., Denton made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

November 21, 2008

1:30 P.M. – Meeting in Gardiner to Hear Residents’ Concerns – Community Hall

2:30 P.M. – Viewing of Cinnabar Culvert – Onsite

Larry A. Lahren  
Chairman, Park County Commission  
Park County, Montana

Denise Nelson  
Clerk & Recorder  
Park County, Montana

Commission Meeting Minutes; Park County, Montana  
Week of November 24 – 28, 2008

November 24, 2008  
County Road Updates

@9:00:15 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Denton and Durgan were present. Also present was Ed Hillman, road supervisor; Deputy County Attorney Shannan Piccolo; Bill Hurley, operations; and Raea Morris, Commission executive assistant. No public comment was made.

The meeting was scheduled to discuss county road issues.

Road Supervisor Ed Hillman said the Department of Transportation issued tickets to heavy trucks on Rock Creek Road. Commissioner Denton said those trucks are now going down Cottonwood Road.

Commissioner Durgan said Road Crewman Mark Smith gave Denton and him a tour of the culvert work on Cinnabar Road. Durgan said the work looks good. Hillman said the road crew did some additional road work a few miles below the culvert work to manage water running off the road.

Hillman said he is going to send Crewman Scott Fletcher to the West Boulder to remove a beaver dam per permission of Scott Opitz of the FWP.

Hillman said the Miller Drive school zone and 15-mile-per-hour zone have signs on the south but not the north end.

Hillman said someone cut into Upper Rock Creek Road putting in a sprinkler system, and he needs to find out who cut into the road.

Durgan said he received correspondence from the Boulder River Ranch expressing concerns of increased traffic on the Main Boulder Road if road improvements are conducted. Durgan said he received correspondence from Holley Mountain Ranch saying they would like to have their road graded once a year. Hillman said that road was graded once this spring.

Deputy County Attorney Piccolo said she is reviewing a petition from Deep Creek South Road landowners about making that road a county road. Durgan said he will look into contacting the landowners about inadequate information within that petition.

@9:22:25 a.m., Denton made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

November 24, 2008

Discussion of Agenda and Review Minutes for Week of November 17, 2008

@9:40:20 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Denton and Durgan were present. Also present was Raea Morris, Commission executive assistant. No public comment was made.

The meeting was scheduled to review the Commission's upcoming meeting agenda and meeting minutes for the Week of November 17, 2008.

The Commission postponed reviewing meeting minutes until time the Commission minutes clerk returns from annual leave.

Commission Executive Assistant Raea Morris presented the Commission with its upcoming agenda. The Commission reviewed that agenda and made no revisions.

@9:44:31 a.m., Denton made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

November 24, 2008

Review Correspondence, Public Contacts and Determine Action Plan

@10:12:10 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Denton and Durgan were present. Also present was Bill Hurley, director of operations; and Commission Executive Assistant Raea Morris. No public comment was made.

The meeting was scheduled to review correspondence, public contacts and determine action plans.

Correspondence included:

- Citizen memo re. tax bill refuse fee question – To Denton for review
- Memo from MACo re. early county retirement legislation
- Memo from MSU LTAP re. bridge seminar
- Memo from MACo re. PILT funding for Montana counties
- Memo from county coroner re. out of office notice
- Memo re. MT Department of Revenue K-Bar alcohol license transfer
- Memo from Livingston Area Chamber of Commerce re. December 5 Christmas Stroll and art walk
- Memo from MACo re. draft legislation for metal mines license tax
- Memo from MACo re. 2009 MT senate appointments and discussion updates – To Durgan for review
- Memo re. liquidation claims – To file
- Heard Across Montana newsletter – To Hurley for review
- Agenda for Fish, Wildlife and Parks meeting on December 3

- Memo re. opening of Denning, Downing and Associates office in Helena
- Meeting minutes for Airport Board's October 28 meeting
- Montana in the Sky newsletter – To Hurley for review
- Invite from Devon Energy to presentation re. South central Montana exploratory project
- Invite to celebrate community celebration of wellness and health in Helena
- Memo from MT Department of Revenue re. beer/wine license transfer for Twin Dragon Restaurant
- Memo from MACo re. Obama Transition Team for Energy and Environment requesting comment on issues related to climate, energy and the environment
- North American Wind Power newsletter – To Durgan for review

@10:45:04 a.m., Denton made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

November 25, 2008

9:00 A.M. – Mountain View Acres First Minor Subdivision Onsite Inspection – Clyde Park

12:00 P.M. – Airport Board Meeting – Clarks Crossing

5:00 P.M. – Museum Board Meeting – Yellowstone Gateway Museum

November 26, 2008

1:30 P.M. – Review Correspondence, Public Contacts and Determine Action Plan – Commissioners Chambers - Canceled

3:00 P.M. – Park County Road Updates – Commissioners Chambers - Canceled

November 27, 2008

Thanksgiving Holiday – All Offices Closed

November 28, 2008

No Commission Meetings Scheduled

Voided Checks

Payroll #s: 43370; 43373

Claims #s: 64722; 64753

Larry A. Lahren  
Chairman, Park County Commission  
Park County, Montana

Denise Nelson  
Clerk & Recorder  
Park County, Montana

Commission Meeting Minutes; Park County, Montana  
Week of November 3 – 7, 2008

November 3, 2008

Park County Road Updates

@9:00:51 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Lahren were present. Also present was Ed Hillman, road supervisor; Shannan Piccolo, deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss county road issues.

Road Supervisor Ed Hillman said he and road crewman Mark Smith will meet with a resident, Mr. Murphy, of Cinnabar Basin who said Hillman and Commissioner Durgan told him the county would replace his electric line if it damages it from road work. Hillman said Murphy has a water line running under and through a county culvert. Durgan said Hillman needs to verify whether the man has encroachment permits for those lines.

The Commission reviewed the road crew weekly work schedule. Hillman said the crew is finished putting up snow fence for the year.

Durgan said Hillman submitted a purchase order on October 25 for a 30-inch culvert for Fiddle Creek. Hillman said he has not talked yet with the landowners there if they will contribute to installation of that culvert on the irrigation ditch. Hillman said he needs to see the county's policy on landowners contributing to irrigation canal work. Durgan said the Commission will hold off on approving that culvert until Hillman speaks with the landowners about contributing funds. Hillman said that culvert is not needed until spring.

Hillman provided the Commission with an estimate to repair frame damage to a road grader snowplow blade. Hillman said the damage happened somewhere on Swingley Road.

Hillman said he is getting complaints on Eldridge Creek Road from residents who say the road needs gravel. Lahren said an approach was put in incorrectly on that road due to work of a contractor, and part of the road problem is related to that. He said now the county needs to gravel the road up to where a new house is built past the canyon. Hillman said he needs a purchase order from Jesson for an estimate for that job. Hillman said he also needs more top gravel from Jesson for O'Rea Creek Road.

Hillman said he ordered a culvert for Fridley Creek last week and the road crew will put it in as soon as it arrives. Hillman said he has permits from the Army Corps of Engineers and Montana Fish Wildlife and Parks for that work.

Hillman said he does not need a permit for a culvert replacement on Cinnabar Basin Road per his discussions onsite with Scott Opitz of Montana FWP. He said he will check with Opitz again on the matter. Hillman said he plans on doing that work next Monday.

Lahren told Hillman to put the O'Rea Creek estimate and Eldridge Creek estimate on separate purchase orders and marked for top gravel and pit run gravel types. Lahren asked Hillman if he can ask Jesson to fix the county's rate on the gravel for a year.

There was discussion about a Miller Drive speed limit zone near the daycare and the Montessori school on that road. Deputy County Attorney Piccolo said she will research whether the county can change the speed limit through that zone. She said the county probably could put a "Slow Children" sign up. Lahren said that sign should be put up. Hillman said will put up a school sign and an advisory sign underneath it.

Hillman asked about an annexation of Fleshman Creek Road by the city. Hillman said he thought Commissioner Denton submitted a letter of request to the city for that annexation.

Durgan said it looks like the road crew may need to be running a water truck in front of the grader on Trail Creek because it is dry on that road.

@9:26:41 a.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

November 3, 2008

Discussion of Agenda and Review Minutes for Week of October 27, 2008

@9:33:22 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Lahren were present. Also present was Raea Morris, Commission executive assistant and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss the Commission's upcoming agenda and review Commission meeting minutes for the Week of October 27, 2008.

Commission Executive Assistant Raea Morris presented the Commission with its upcoming meeting agenda and schedule through November 14. The Commission had no revisions to the agenda.

Reviewing Commission meeting minutes for the Week of October 27, 2008, Durgan requested a revision to Page 3 of 18, fourth paragraph, the last line should read, "The Commission directed Rambow to give notice to the city about the Angel Line payment." On Page 17 of 18, the third paragraph from the bottom of the page should read in entirety, "Durgan said Hillman better talk to the citizens on Fiddle Creek Road about monetary participation for the culvert because it is an irrigation ditch. Durgan said the

county would put in the culvert to the correct specifications, but the adjacent landowners would be responsible for the cost of the culvert.”

On Page 5 of 18, Lahren requested a revision to the second bullet item. The second sentence should read, “Lahren said the job title of catalogue assistant apparently has been changed to archaeology curator, which puts the county at risk since the museum is falsely advertising it has an archaeologist on staff and does so without sufficient facilities.” On Page 11 of 18, the third paragraph should read in entirety, “Malone asked about a YRRE Interpretative 2399 account. Commissioner Lahren said those funds are one half of \$63,000 a developer paid for the appraised value of land deemed to be a historic county road, a road from Carter’s Bridge to Chico bisecting the old Pierce place that was going to be subdivided. Lahren said the county made an agreement with the developer to abandon that road to allow the county to erect interpretive displays, which included work at the Chico Cemetery. Lahren said the funds are external money and are not tax monies. He said the county is subject to the terms of the agreement with YRRE.” On Page 17 of 18, sixth paragraph; Lahren noted the correct spelling of “Fridley” Creek. On Page 18 of 18, Lahren noted the correct spelling of Jackie “Shiplet.”

Durgan made a motion to accept the minutes with additions and corrections noted. Lahren seconded that motion. Motion passed.

@10:02:58 a.m., Lahren adjourned the meeting.

November 3, 2008

Review of Correspondence, Public Contacts and Determine Action Plan

@10:03:02 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Lahren were present. Also present was Bill Hurley, director of operations; Raea Morris, Commission executive assistant; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to review correspondence, public contacts and determine action plans.

Action items included:

- Draft resolution from Deputy County Attorney Piccolo designating Park County a Class II county
- Memo from Rick D’Hooge to Commissioner Lahren re. payment as union negotiator for Park County. Lahren phoned D’Hooge and asked him to set up a quarterly payment arrangement with the county.
- The Commission signed off on an agreement to retain Mona Jamison as legal counsel for a Cooke City resort tax and water district issue.

Correspondence included:

- Road crew weekly work schedule - To Road Book. Lahren said a continuing problem exists where the Commission receives a tentative work schedule but does not get a district by district prioritized work plan. Lahren said that makes it hard for the Commission to know what to tell citizens who inquire about road problems and is why the Commission cannot get a grasp on the budget with estimated costs. Lahren said the road department needs a management model and planning rather than a hit and miss operation that exists now.
- Yellowstone Gateway Museum director time log - To human resources for file. Lahren said NAGPRA stands for Native American Graves Protection and Repatriation Act and was implemented in 1991. He said NAGPRA requires any museum receiving public monies to receive NAGPRA review. Lahren said when he left the museum it had NAGPRA approval, meaning it had no skeletal remains or patriarchal/personal artifacts. He said the county does not want to take any skeletal remains or any burial-associated materials, which would put it in violation of NAGPRA. Lahren said a competent archaeologist is needed to review collections and gain NAGPRA approval.

There was discussion about how the road log book should be prioritized.

Durgan read into the record the following issues discussed at the 9 A.M. road updates meeting:

- Lee Harris from Ninth Street Island requested help putting in a gate because access to his property was blocked off by the county during installation of the Bailey bridge. Durgan said the road crew will assist with putting that gate in and Harris will pay for the materials.
- A Cinnabar Road culvert will be installed on November 10 and the road will be out of commission during the time the culvert is put in
- There was a question about graveling Eldridge Creek Road with an estimate of 500 yards of 3-inch minus gravel and top gravel. The 3-inch minus gravel will be purchased from the Bainter Pit and the top gravel from the Jesson Pit. Lahren said the Commission noted that graveling will extend on the county right-of-way to Cochran's and the problem may have been created in part by work of a private contractor, but the county will repair the road as standard road maintenance.
- Road Supervisor Ed Hillman indicated more gravel was needed on O'Rea Creek and that gravel will be placed when the crew gravels the railroad crossing approach.
- There was discussion about a 15 mile per hour sign in the school area on Miller Drive. A "Slow School" sign and a 15 MPH limit sign will be erected.
- There was discussion about installing a culvert extension on a ditch on Fridley Creek Road before winter freeze up
- Hillman submitted a purchase order for Fiddle Creek Road and will check on the county's policy of citizen monetary participation on irrigation ditch work

- Hillman submitted a purchase order for a snowplow blade frame and the Commission suggested Hillman check with Kevin Warren to see if he can fabricate a frame
- Hillman telephoned and indicated an inquiry was made from Jason Hahn of Cooke City asking whether the county needed any extra snow plowing help in that area. The Commission said the road supervisor should submit a memo about the proposal and proof of insurance and an independent contractor's license for Hahn.

@11:01:41 a.m., Lahren made a motion to recess the correspondence review until after the 11 a.m. meeting. Durgan seconded that motion. The meeting was recessed.

@3:01:13 p.m., Lahren reopened the meeting.

The Commission reviewed the correspondence binder and determined there were no additional action items to address.

@3:01:19 p.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

November 3, 2008

Consider Subdivision Regulations by Planning Board

@11:01:52 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Lahren were present. Also present was Philip Fletcher, planning director; Mike Inman, planner; Shannan Piccolo, deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to consider subdivision regulations by the planning board.

Planning Director Philip Fletcher said the purpose of the meeting was to present the Commission with information and no decisions need to be made. He said the planning board started reviewing subdivision regulations for five potential changes/improvements to the county subdivision regulations. He said a proposed change to the family transfer exemption could potentially involve a procedural change in the family transfer review process.

Fletcher said the current procedure for family transfer exemptions is an application comes in to the planning office and the planning staff, environmental health department, clerk and recorder and county attorney's offices review the application.

Fletcher said the proposed change is for the Commission to consider a family transfer exemption application and planning staff report in an open meeting rather than the planning department staff denying or approving the exemption application. Fletcher said at that meeting the Commission would deny, accept or conditionally approve the application, meaning the Commission and not the planning department staff would ultimately make the decision on family transfer exemptions before any appeal is filed.

He said such a process is a fairly common way for other jurisdictions to review family transfer exemptions.

Fletcher said since the appeal process does not cost an applicant, it is almost routine for the applicant to come to the Commission with an appeal. He said the proposed amended process would save time for the applicant, planning staff and Commission, because the application comes straight to the Commission after the planning staff report and presentation is made to the Commission, but the Commission makes the decision if the family transfer is appropriate.

Fletcher said right now the Commission acts as the appellant board. He said if the process changes theoretically that eliminates an appeal for an applicant except in court. For that reason, he said he added to the proposal that once the Commission makes a decision, the applicant can petition the board of Commission for reconsideration, which would serve as a type of appeal.

Commissioner Durgan asked if the planning board currently makes an analysis of family transfer exemptions. Fletcher said right now exemptions do not go before the planning board. Durgan said the planning board should be aware of family transfer exemption applications to give it a heads up, because the exemption might become a subdivision if the family transfer is denied. Fletcher said that is one reason for the planning board to be involved in the process. He said theoretically the planning board could be the next step after the planning department staff writes its report and before that report goes to the Commission.

Planner Mike Inman said if a family transfer appeal came to the Commission and was denied, it would go through the subdivision review process with the planning board, and thus the planning board would be notified of the application. Inman said the staff currently does family transfers in a week, and involving the planning board may add one to two months to the process because the board meets once a month.

Fletcher said the amendment proposal was written for applications that are acceptable for staff report and review procedures, and once on the Commission calendar those could go by quickly. He said problem applications would take longer.

Inman said one way to consider the amendment proposal is it beefs up the accountability of family transfers. Inman said the aim is to identify upfront the intent of the family transfer application. He said currently the planning department is seeing a lot of evasion and abuse of the family transfer exemption option, and the planning department ultimately is trying to protect the family transfer option. Lahren said accountability is the important issue, and the Commission generally will follow the recommendation of the planning department staff regarding family transfer exemption decisions.

Deputy County Attorney Piccolo said her only concern is how other counties handle appeals, whether through a rehearing with the Commission or through a board of adjusters that hears appeals.

Fletcher said he would stress if the Commission is satisfied with the family transfer review process as it currently exists, the Commission can keep it. He said since denials always get appealed anyway, he felt skipping the step of the planning department doing the analysis and having the initial decision go straight to the Commission may accelerate the process.

Piccolo said there likely will still be an appeal to a Commission denial, so it may not streamline the process. Fletcher said he feels there may not be an appeal if the Commission makes the denial decision.

Durgan said the Commission will not be generating the background study of the application, thus he does not know why the Commission would go against the planning department recommendation.

Inman said a lot of the time the planning department does not have the information it needs to properly provide an opinion on a family transfer exemption application. He said the proposed amended process would force applicants to go before the Commission and state on the record what they are attempting to do with the family transfer exemption. He said the planning department and the planning board do not have the ability to ask applicants their intentions with a family transfer exemption application. He said when abuse of the exemption occurs a surveyor drops off the survey, the planning department does not meet the applicant, and it has no way of knowing what is going on with the intent of the applicant.

Commissioner Lahren said he thinks the planning department is on the right track because having an applicant go before the Commission eyeball to eyeball is a good way to communicate and makes people think about what they are proposing.

Fletcher said he came up with some questions the Commission may like to ask applicants during a hearing and drafted an affidavit that may flush out facts of an application. Fletcher said approximately 40 percent of new lots created in Park County have been created by the family transfers, and the planning department knows subsequently some of those lots are turned right around and sold. Fletcher said the proposed amendment tries to plug that loophole. Fletcher said the planning department is after improvement in the procedure of process and getting the Commission involved earlier in process.

Fletcher said the planning board will consider the proposal and go through it line by line at a public hearing scheduled for the third week of November. Fletcher said the planning board will have discussion, make findings of fact, and vote on all five changes proposed, including the family transfer. He said the planning board recommendation will then come to the Commission for a decision to accept or deny the amendments.

@11:28:14 a.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

November 3, 2008

Watson Boundary Relocation Denial Appeal

@11:31:08 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Lahren were present. Also present was Shannan Piccolo, deputy county attorney; Philip Fletcher, planning director; Mike Inman, planner; Barney Hallin, public citizen; Jim Woodhull, city of Livingston; Bruce Becker, city of Livingston; and Commission Minutes Clerk John Mueller.

The meeting was scheduled as a Watson Boundary Relocation denial appeal.

Planner Mike Inman provided the Commission with a copy of his planning department staff report on the Watson Boundary Relocation denial. Inman said Section V-F-3 of the Park County Subdivision Regulations allows for a denial appeal. Inman said the appeal was being made by City Attorney Bruce Becker and Surveyor Barney Hallin.

Inman said the boundary relocation denial involving Tract 1 and 2 of Certificate of Survey (COS) 2226 RB was based on Section V-E-D(2) of the *2006 Park County Subdivision Regulations*, which state, "Rebuttable Presumptions: The use of this exemption is presumed to have been adopted for the purpose of evading the MSPA if: the proposed relocation creates a parcel of less than 160 acres which prior to the relocation included more than 160 acres."

Inman said the request included two tracts of land, one being 186 acres prior to the boundary relocation and after the relocation request was 86.04 acres. Inman said that is where the rebuttable presumption comes in and thus the denial.

Inman provided a history of the tracts in question. Inman said Barney Hallin submitted a proposed boundary relocation in April of 2008 which was denied by then County Civil DePuy based on the same rebuttable presumption. He said in addition DePuy requested additional research regarding an interchange lawsuit settlement agreement and zoning. Inman said on April 18, 2008 another boundary relocation proposal was submitted but no review was necessary because both tracts were over 160 acres and remained over 160 acres. Inman said those tracts were denoted as COS 2226 RB recorded in the county clerk and recorder's office on April 18, 2008.

Inman said, thus the denial today constitutes the second boundary relocation involving both tracts of land. Inman said the current Park County subdivision regulations, Section V-E-1.A. states: "Statement of Intent: The intended purpose of the exemption is to allow a change in the location or the elimination of a boundary line between adjoining properties outside of a platted subdivision and to allow a one-time transfer of a tract to affect that relocation or elimination without subdivision review."

Inman presented to the Commission three maps showing different proposed boundary relocations of the tracts in question.

Barney Hallin said the relocation of common boundaries is not a division under Montana law. Hallin recited Montana Code Annotated 76-3-207. Hallin said the loophole the county is trying to close with the 160-acre limit for subdivision review does not close any loopholes. He said possibilities for evasion still exist, saying the county's limitations are more stringent than state law.

Durgan said the maps show him the applicants have taken two tracts within the rules and now are into the second boundary relocation application, which that in itself is wrong. Hallin said under state law it is not wrong. Hallin said there is no subdivision and no reaction of any tracts of record.

Deputy County Attorney Piccolo said state statute states a relocation is considered a subdivision if a method of relocation of boundaries is adopted for the purpose of evading subdivision regulations. Piccolo said in and of itself a boundary relocation is not a subdivision, but if it is used in attempt to evade subdivision review then state law says it is considered a subdivision. Piccolo said state law and is case law exists to support that statute. Hallin said there is no subdivision and no creation of any tracts of record.

Durgan asked what is proposed for the two tracts. Hallin said one tract is currently gravel and another is proposed as a gravel pit for the city. Durgan said it sounds like the county is going from one bad situation into a worse one with getting into gravel pits. He said he needs more consultation with legal staff to see if the Commission is getting itself into another corner. Hallin said the issue is not use of the land because there is no zoning on the property.

Piccolo said the Commission needs to look based on the facts presented because the appeal is an opportunity for the applicant to present additional information to rebut the presumption. She said the presumption in the regulations is going from 160 acres to below that number may be deemed as making an attempt to evade subdivision review.

Planning Director Philip Fletcher said the staff report and recommendation was based on two rebuttable presumptions, which are very clear in the ordinance. Fletcher said the Commission needs to decide if it has heard anything from the appellant which contradicts the staff report in as far as the two assumptions. Fletcher said he thinks the future use of the land is not important. He said the two rebuttable issues are the lot was previously divided and the 160-acre issue. Fletcher said the burden of overcoming presumption is on the people who appealed. He said if the Commission feels they have rebutted the two issues in the ordinance then it should decide in the appellants' favor.

Hallin said to look in state law at the definitions of what a division of land is and what a subdivision of land is. He said the applicant is not creating any tracts of record.

Lahren said he is going with the rebuttable presumption that the proposed relocation creates a parcel of less than 160 acres which prior to the relocation included more than 160 acres which is contrary to the county subdivision regulations and therefore he moved the Commission deny the appeal. Durgan seconded that motion. Durgan said he has not

seen anything here that would change his thinking on the staff recommendation and the Commission needs to stay within the county regulations and the staff made it clear the Commission needs to stay within the regulations. Motion passed.

@11:59:06 a.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

November 4, 2008

Election Day Holiday – All Offices Closed

November 5, 2008

9:00 A.M. – Claims Review Meeting – Commissioners Chambers

November 5, 2008

Consider Resolution of Designation of Park County as a Class II County

@10:04:00 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to consider a resolution designating Park County a Class II county.

Commissioner Lahren read Resolution #1035 into the record. Lahren said a “2008 Certified Taxable Valuation Information (Pursuant to 15-10-202, MCA)” document accompanies the resolution denoting the taxable value Park County will receive as a Class II county.

Durgan made a motion to accept the resolution designating Park County a Class II county. Denton seconded that motion. Motion passed.

The Commission signed the resolution.

@10:05:47 a.m., Durgan made a motion to adjourn the meeting. Denton seconded that motion. The meeting was adjourned.

November 6, 2008

Review of Correspondence, Public Contacts and Determine Action Plan

@1:33:04 p.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Bill Hurley, director of operations; Raea Morris, Commission executive assistant; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to review correspondence, public contacts and determine action plans.

Director of Operations Bill Hurley said the work at O'Rea Creek railroad crossing was done well. He said the markings on the road warning vehicles to stop may be too close to the tracks and his recommendation is to pave around the corner at the crossing for safety reasons, which will result in 100 feet of pavement.

Correspondence included:

- A bill from Bridger Communication for \$910 for the county attorney's office move. Lahren said the county has a penalty because it is late in paying the bill. Durgan said the county attorney is still trying to have the Commission pay for everything associated with the office move. The Commission instructed Commission Executive Assistant Raea Morris to draft a claim to include the county attorney's office code.
- Lahren read annual leave requests from six employees into the record – The Commission approved the requests
- Invoice from Clyde Bainter for gravel at Whispering Pines – Invoice was signed by the Commission
- Invoice from Nittany Grantworks for Fleshman Creek grant work - Invoice was signed by the Commission
- Estimate from Mobile Repair for a custom built bumper and tow bar for a road department Dodge truck – To be discussed at the next road updates meeting
- Memo from Lori Benner of Nittany Grantworks re. invoice for Oasis Environmental on Fleshman Creek project - Invoice was signed by the Commission
- Invoice from Stafford Animal Shelter - Invoice was signed by the Commission
- Memo from Sanitarian Randy Taylor re. filling his position. The Commission said the job notice needs to go through the human resources department and the county hiring and announcement process needs to be followed
- County budget adoption resolution – Resolution was signed by the Commission and filed with the clerk and recorder
- Public info request for Nov 3 meetings - To minutes clerk for action
- Memo re. damage to Angel Line bus from poor condition on Divide Road
- Draft letter from Lori Benner re. Ninth Street and Siebeck Islands property acquisition program – The Commission signed off on the letter
- Invoice from Mount Contact Cabins - Invoice was signed by the Commission
- Memo from MACo re. elected county officials orientation
- Invoice from Rick D'Hooge dating back to 2004 re. union representation work - Invoice was signed by the Commission
- Memo re. new email for Livingston Police Chief Raney
- Postage log record - To Morris for review
- Memo re. wind energy - To Durgan for review
- Memo re. inquiry about bartending training to restrict sales to minors

- Memo from AP clerk requesting October gas receipts
- Memo from treasurer re. taxes posted on county website
- Observation report from architect re. completion of fairgrounds rabbit and poultry barn
- Memo re. closure of Cinnabar Road on November 10 at 8 a.m.
- Memo re. Bailey bridge observations made by Commissioner Denton - To file and Road Book
- Memo re. Park County Cooperative Weed Management - To Durgan for review
- Montana Economy at a Glance newsletter – To Denton for review
- Resolution #1035 declaring Park County a Class II county
- Memo re. Forest Service programs in Big Timber district
- Memo from AP clerk re. her discussion with CSA and a program update - The Commission directed Morris to determine who at CSA is to fix the problem
- Kamp's Ag Exemption document from applicant attorney – To file
- Citizen comment that flood work on Fleshman Creek and accepting FEMA money for that work is not acceptable at this time - To Grants Coordinator Benner for review
- Memo re. carbon credits - To Durgan for review
- Memo re. JSEC meeting change
- Agreement form from Park County Fire Council requesting services in lieu of refuse fees – Commissioner Lahren said he will submit a letter of response
- Memo from deputy county attorney requesting agreement with Frank Wright re. a sprinkler system

Commissioner Durgan said he got a phone call from Citizen Matt Asphlund re. snow removal in Cooke City - To Denton for review.

Durgan said he had a phone call into MDT Bridge Engineer Dan Gravage re. the load rating on the Deep Creek Bridge. Durgan said Gravage said the engineers are working on a load rating.

Commissioners Durgan and Lahren said they viewed the Main Boulder Road today per request of local residents. They said the issue will require a day's worth of road maintenance in Park County near a guest ranch. They said other reported poor road conditions in Sweetgrass County are a result of rocks under the road surface.

@2:21:39 p.m., Denton made a motion to adjourn the meeting. Lahren seconded that motion. The meeting was adjourned.

November 6, 2008  
Park County Road Updates

@3:04:04 p.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Denton and Durgan were present. Also present was Ed

Hillman, road supervisor; Shannan Piccolo, deputy county attorney; Bill Hurley, operations; Mike Felkins, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss county road issues.

Road Supervisor Ed Hillman said the road crew finished graveling work on O'Rea Creek at the railroad crossing. Hillman said the crew will install a culvert on Cinnabar Basin Road on Monday.

Hillman said the road crew will have two road graders working in tandem on Cottonwood Bench Road next week. Hillman said Troy Amunrud has not been grading this week because he was in the shop putting on a grader wing.

Hillman said he asked Kevin Warren to look at a frame for an estimate for a snowplow but he has not heard back from him.

Durgan asked about a purchase order from Mobile Repair for a custom built bumper and tow bar for a red Dodge pickup. Hillman said the road crew put such a bumper on the truck before, but it was torn off. Hillman said no one else in the county that he knows of can bend the steel in order to custom make a bumper/tow bar. Durgan said he will call a guy in the valley for an estimate. Hillman said the job is almost finished because Mobile Repair has been working on the bumper since summer.

Durgan said MDT bridge engineers are still looking into the load weight limit for the Deep Creek Bridge. Hillman said the bridge currently has a 8-ton weight limit and a sign is erected at the bridge denoting that limit.

Deputy County Attorney Piccolo presented the Commission with a memo outlining the process of having a study done on Miller Drive for a speed limit reduction there. Durgan said the county can put up a yellow cautionary sign. Durgan said a citizen asked why the road is not graded at present. Hillman said that road has been graded twice this year and the long graders with snow wings make it difficult to grade the side roads, like Miller Drive.

Public comment was made by Mike Felkins. Felkins asked why a 15 miles per hour sign cannot be put up on Miller Drive when surrounding roads have 15 miles per hour signs. Felkins said there is a school and daycare right next to each other on that road and if a 15 mile per hour sign cannot be put up perhaps caution signs can be put up around the school.

Felkins said at the northeast corner of Miller and Guthrie you cannot see and there is no stop sign there. Felkins asked if the county could put a stop sign there attached to existing street signs. He said currently citizens have to pull into Miller Lane when pulling off of Guthrie.

Piccolo said an ordinance exists for a 15 miles per hour speed limit on Miller Drive so a stop sign can be put up on that road. Hillman said he will get locates and put stop signs and school signs up where they are needed.

Director of Operations Bill Hurley told Hillman about county work required per contract at the O'Rea Creek railroad crossing, specifications of the area needing pavement, and the proximity of warning signage on the road surface. Hillman said the road crew will put millings on that road area next summer when it does the millings on Willow Creek Road. Hillman said the county will do whatever it needs to do, but work cannot be done until summer because millings can only be put down in warm weather.

Hillman said the road crew found a section of culvert for Fleshman Creek Road.

@3:36:44 p.m., Denton made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

November 7, 2008

No Meetings Scheduled

10:00 A.M. -12:00 P.M. – Commissioner Denton in Gardiner to Hear Resident Concerns  
– Gardiner Eagles Club

Larry A. Lahren  
Chairman, Park County Commission  
Park County, Montana

Denise Nelson  
Clerk & Recorder  
Park County, Montana