

Park County Commission Meeting Minutes  
Week of April 6 – 10, 2009  
Park County, Montana

April 6, 2009

Review Daily Agenda and Correspondence

@8:35:15 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Bill Hurley, operations; Raea Morris, Commission executive assistant; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to review the daily agenda and correspondence.

Correspondence included:

- Memo re. Montana Water Trust meeting - To Commissioner Durgan for review
- Memo re. landfill fee waiver request for April 18 Trout Unlimited Yellowstone River Cleanup
- Memo from citizen re. digging a well near Mill Creek
- Memo re. MACRS conference book
- Memo from GIS/IT re. computer recycling day
- Memo re. Montana Association of Conservation Districts News from the Front
- Memo re. American Recovery and Investment Act federal highway funds
- Memo re. MACo legislative updates online
- Memo from MACo re. gray wolf rule published in federal register

Director of Operations Bill Hurley said he suggests the county take initiative on addressing a Myer's Flat property taking.

@9:00:37 a.m., Commissioner Durgan made a motion to adjourn the meeting. Commissioner Taylor seconded that motion. The meeting was adjourned.

April 6, 2009

Review Minutes for the Week of March 30, 2009

@10:00:26 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to review and approve Commission meeting minutes for the Week of March 30, 2009.

Commissioner Taylor requested a revision to Page 4 of 20; fifth paragraph, noting the correct spelling of the word "insured." On Page 11 of 20, Taylor noted the correct

spelling of “McCalla.” In the second full paragraph, the second sentence should read, “He said a gravel work platform will be created in the river and concrete shears on an excavator will be used to drop the original bridge decking and piers into the river, leaving the Bailey bridge in place.”

Commissioner Durgan requested a revision to Page 16 of 20; first paragraph, the last sentence should read, “Commissioner Durgan said he suggests SAR meet with the fair board to discuss any building proposals at the fairgrounds.”

Commissioner Malone requested a revision to Page 4 of 20; sixth full paragraph, the first sentence should read, “Commissioner Malone said he does not feel it is fair to charge everyone insurance to use county buildings.” On Page 11 of 20; fourth full paragraph, the third sentence should read, “He said the Bailey bridge will need to be picked up to remove center pilings.” On Page 13 of 20; seventh paragraph, the second sentence should read, “Malone said the Commission will speak with PCRFD#1 to see if a fire truck can be placed on the island.”

Commissioner Durgan made a motion to approve the minutes as corrected. Commissioner Taylor seconded that motion. Motion passed.

@10:07:26 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

April 6, 2009

Appointing of City/County Airport Board Member Applicant

@10:54:54 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to appoint a city/county airport board member applicant.

Commissioner Taylor said one board member applicant was received from Dennis Skattum. Taylor made a motion to accept the application. Commissioner Malone seconded that motion. Motion passed.

@10:55:23 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

April 6, 2009

Signing of Contract with CTA on 9<sup>th</sup> Street Bridge Engineering Report

@11:12:09 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Shannan Piccolo, deputy county attorney; Chuck Donovan, public citizen; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to sign a contract with CTA Engineering on 9<sup>th</sup> Street Bridge engineering report.

Deputy County Attorney Shannan Piccolo said she has been in contact with CTA Engineering to draft the contract, and she knows CTA is in agreement with the draft. Piccolo said the agreement is for CTA to create a preliminary engineering report to fix the 9<sup>th</sup> Street Bridge.

Commissioner Malone read the contract scope into the record.

Commissioner Taylor made a motion to accept and sign the contract. Commissioner Durgan seconded that motion. Motion passed.

@11:19:09 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

April 6, 2009

1:30 P.M. – Discussion of Speed Zone Study Request near Corwin Springs/Gardiner – Commissioners Chambers – Canceled

April 6, 2009

Signing of Resolutions to Approve HOME and CDBG Budgets for Senior Center Project

@2:35:38 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Shannan Piccolo, deputy county attorney; Julianne Brown, NRM RC&D; Rick Van Aken, senior center; Marilyn Hartley, accounting; Martha Miller, auditor; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to sign resolutions to approve HOME and CDBG budgets for the Park County Senior Center project.

Deputy County Attorney Shannan Piccolo said there is one resolution each for the Montana Department of Commerce HOME Investment Partnership Program and the Community Development Block Grants (CDBG), which establish accounts to hold money for the Park County Senior Center project.

Commissioner Malone read Resolution #1050 into the record.

Commissioner Durgan made a motion to approve the resolution for budgetary authority for the HOME grant. Commissioner Taylor seconded that motion. Motion passed.

Malone read Resolution #1051 into the record.

Commissioner Taylor made a motion to sign the resolution for the CDBG budget. Commissioner Durgan seconded that motion. Motion passed.

@2:48:23 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

April 6, 2009

Selection of Insurance Agent Services Bids

@3:33:58 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Marilyn Hartley, accounting; Jill Ouellette, human resources; Kim Knutson, fair manager; Mike Adams, fair board; Alice Senter, Key Insurance; Dan Gutebier, Swanson Leavitt; Sandy Hoeme, Swanson Leavitt; Krista Auger, Swanson Leavitt; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to select insurance agent services.

Commissioner Durgan made a motion to retain the present agent service. He said he sees no reason to change things because it has been indicated the county is happy with what's been presented and the service that has been given thus far, so he sees no reason to change it.

Commissioner Taylor made a motion to accept Swanson Leavitt as the county's insurance company. Commissioner Malone seconded that motion.

In discussion, Taylor said he liked Dan's presentation better and thinks Swanson Leavitt has a better safety program for what the county is involved in. He said although the fair board and fairgrounds do the majority of the insurance stuff he thinks there are other options that can be looked at in other areas of the county.

Durgan said he respectfully disagrees with that and he thinks that Key Insurance can certainly provide any of the safety programs and trainings the county needs. He said he knows the service and satisfaction level was not the same with Swanson Leavitt as the former agent and he thinks that was pointed out quite clearly by at least the fair board. He said no one else came forward to give any indication of what insurance agent they prefer but the fair board showed the service provided by Key Insurance was above and beyond what it was in the past, and he thinks the county should respect that.

Commissioner Malone said he listened to both presentations and he liked the Swanson Leavitt presentation. He said he has been looking for an opportunity for the road, bridge and transfer station to have short-duration safety trainings. He said Swanson Leavitt provided a list and likes the idea it creates posters specifically for Park County. Malone said he likes that Swanson Leavitt would update the values, provided folders of buildings, archive it, attend meetings if necessary, and do trainings outside of what MACo offers. He said he likes the idea of the quarterly loss control review from an outside person that

Swanson Leavitt has agreed to do. Malone said the county safety officer liked the idea of the alternate safety promotions and is very anxious to get more aggressive and get more assistance from the bidder as was proposed.

Durgan said he can't help but think this will create more cost to the county to provide the extra proposed services. Malone said he understands from Greg Jackson of MACo and the agents that provided the information the services are included in the proposal and the premium stays the same. Durgan said he feels like it is not broke so why are you trying to fix it, but obviously the other two commissioners have a different idea.

Taylor called for the question. Malone asked for those in favor of the motion of selecting Swanson Leavitt as the insurance agent for FY '10. Malone and Taylor voted in favor of the motion. Durgan voted in opposition of the motion. Motion passed.

Dan Gutebier of Swanson Leavitt said he can sit in on the county's safety committee meetings.

Malone opened the floor to public comment.

Human Resources Analyst Jill Ouellette said she will be disappointed she will not be working with Alice Senter of Key Insurance any longer. Ouellette said Senter has been extremely helpful, ready on a second's notice on numerous occasions and she enjoyed working with her on a professional level and she will miss that.

Malone said it is his goal to conduct this process on an annual basis since there are two competing insurance agencies in town.

Fair Manager Kim Knutson said on the behalf of the fair board she would like to thank the folks at Key and Senter for her work and support with the fair board.

@3:46:02 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

April 7, 2009

Review of Daily Agenda and Correspondence

@8:40:29 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Bill Hurley, operations; Raea Morris, Commission executive assistant; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to review the daily agenda and correspondence.

Correspondence included:

- April 7 City/County meeting agenda

- Legal advice to Commission from deputy county attorney
- Memo re. Job Service 2009 Rapid Response Fair at Park County Fairgrounds
- Mental Health America newsletter - To Commissioner Taylor for review
- Newslite transportation project newsletter
- Memo re. 2009 American Recovery and Reinvestment Act
- Memo re. draft 2008 integrated report including listing of impaired water bodies needing TMDLs
- DEQ public notice re. Laurel Wastewater Treatment Plant
- Memo from HKM re. landfill monitoring
- April 16 Yellowstone River Conservation District Council meeting agenda
- Memo from Center for Health Transformation - To public health nurse
- Memo re. June 13 SCZ engine academy
- Permit from DEQ re. water turbidity from work on 9<sup>th</sup> Street Bridge
- Memo from architect re. construction and building maintenance energy solutions - To county vendor file
- Permit from Army Corps of Engineers re. 9<sup>th</sup> Street Bridge work
- Memo re. Crazy Mountain Dam tabletop event confirmation request - To DES Coordinator for review
- Road Department Audio Log

@9:00:07 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

April 7, 2009

Park County Road Updates

@9:03:56 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Shannan Piccolo, deputy county attorney; Ed Hillman, road supervisor; Alan Davis, Livingston Fire; Richard Wood, Livingston Fire; Wendy Wood, SAR; Belinda Van Nurden, DES; Scott Nelson, CTA; Dann Babcox, PCRFD#1; Allan Lutes, sheriff; Scott Hamilton, sheriff's office; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss Park County roads.

Scott Nelson of CTA Engineering said some riverbank cutting work was completed yesterday at the 9<sup>th</sup> Street Bridge project site and workers will be hauling 3-inch minus fill material today to fill in pier scour holes underneath the bridge to allow for heavy equipment work. Nelson said Clyde Bainter has a contract with the county to haul in material and do cleanup and removal of old bridge concrete. He said COP Construction will be in tomorrow to view the site and move in machinery. He said COP will cut bridge decking down and remove it from the river. He said COP will pour the bridge end most likely toward the end of the week. He said the toe of the abutment on the

Livingston side will have to be rip-rapped for stabilization and they would like to remove the bridge decking from the first three bridge piers.

Nelson said there is an issue with the gas line across the bridge as Northwestern Energy does not want to shut off the gas line. He said NW Energy is looking into boring a gas line underneath the river, but there may not be an issue with hanging the gas line from the Bailey bridge.

Commissioner Malone said there will be limited or zero access to the island once the Bailey bridge is lifted. He said the county needs a plan for emergency services to get to island residents if necessary.

Sheriff Allan Lutes said right now emergency services do not have room in the river to operate a boat even with jet drives. He said emergency services may need to look at other locations to cross the river if necessary. He said there may be overtime issues. Lutes said the Sheriff's office needs to know if work will be done 24 hours a day or whether access will be permitted during certain times of day. He said his concern is people will be stranded on the island for a few days, so those citizens need to understand whether they will be stranded on the island or whether they want to evacuate. There was discussion between the Sheriff's office and PCRFD#1 about how emergency services will access the island during 9<sup>th</sup> Street Bridge construction.

There was discussion about a woman on the island who needs 24-hour-a-day care.

Nelson said he thinks there will be at least 24-hour notice before the Bailey bridge is lifted and all island access ceases. He said the construction crew would like to keep the bridge open as long as it possibly can.

@9:28:29 a.m., emergency service personnel exited the meeting.

Discussing county road issues, Road Supervisor Ed Hillman asked what decision the Commission made about chip sealing Shields River Road. Malone said the Commission asked Mr. Levers for a gravel deal and the Commission and Hillman have not heard back from him in writing but the price he quoted was six dollars. Hillman said the oil needs to be ordered if the road is to be done. Hillman said there is no way to repair the edges of the road as they are just three passes of chips and oil and the road never had asphalt applied to it. The Commission said the edges are a problem. Durgan said the county is wasting time and money with chip sealing because the edges are the problem. Hillman said Rock Creek Road and Shields River Road were built with applied chips and oil and there is no way to repair them without putting on an overlay and there is not enough money for that.

Malone said chip sealing will eliminate the hair cracks in the road. Durgan said perhaps the Commission should consult Montana Department of Transportation on the matter.

Hillman said Fridley Creek culvert installation work will begin April 8 and Winn Treible, Dave Amunrud and Brad Wilson will be on that project.

Durgan said he understands Montana DEQ said the county is behind schedule on reclaiming a gravel pit. Hillman said he needs to contact DEQ to find out the deadline situation with the gravel pit reclamation, but DEQ personnel will be out of the office this week. Hillman said he was at the pit today instructing the crew per conversations he had with DEQ. The Commission said it needs to have a written explanation from DEQ on the issue.

Hillman said Fiddle Creek and O'Hair Road materials are ordered, as is the bridge deck for Castle Mountain Road, and the Billman Creek Bridge deck is in the department yard.

Hillman said the Arthun and Chico Pits are only two pits from which the county purchases gravel. Hillman said the owner of Riverside said all the county had to do is transfer the Mission Pit to the county. Hillman said he would also like to permit the Arthun Pit under the county's name before new legislation comes down. Hillman said he will pursue those permits.

There was discussion about how much material the county took from the Bates and Todd Pits and legislation that may require payment of material taken.

Hillman said Jesson is willing to sell gravel to the county for five dollars. Hillman said Jesson's gravel is good and is on many Park County roads. Hillman said there are not enough fines in Siever's gravel.

Hillman said he would like to put millings on Willow Creek Road in late July and IronWolf will grind millings for the project. Hillman said he would like IronWolf to grind up Rock Creek Road about one mile from Cooper Lane to Four Corners when it is in town because that stretch is almost beyond repair.

Hillman said Mill Creek Road will have to have something done to it eventually. He said that road just needs to be sealed, not chipped, and oil is down 25 percent from last year. Hillman said the crew did a test patch of sealant on Mill Creek Road that can be viewed.

Hillman said magnesium chloride needs to be applied to Jardine Hill, but the applicants need to have a contractor apply it because the county is not qualified to put down mag chloride.

Malone said the Commission wants Hillman to document which crewman is working on what road in a daily audio log, and at night document how much each crewman got accomplished that day and whether they will return to that road or begin work on a different road. Malone said Hillman can alert the Commission in writing what specifically needs to be done on county roads.

@9:57:06 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

April 7, 2009

Discussion Regarding Falls Creek Road

@10:05:13 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Shannan Piccolo, deputy county attorney; Ed Hillman, road supervisor; Shawn Ryan, public citizen; Troy Chase, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss access issues on Falls Creek Road.

Shawn Ryan said his clients learned they would have to spend \$80,000 to make the road passable in order to build a home. Ryan said his clients would like to start the project sometime in May.

Commissioner Durgan said Falls Creek road is only maintained by the county on an occasional basis and Ryan's request is for one residence past where the road is currently maintained. Durgan said the county has a lot of roads to maintain and that need gravel and he is not sure the Commission can justify putting a lot of maintenance into one road for one particular resident.

Road Supervisor Ed Hillman said the road is in pretty bad condition and needs to be graded. Hillman said low-volume roads are typically graded once a year.

Ryan asked if a crown of clay could be put in on Falls Creek Road and perhaps the county could gradually maintain the road like it did Wall Rock Road. Ryan said his clients know they will pay for something, and they are just looking for help. Commissioner Malone asked if the clients will pay for the gravel if the county grades the road. Ryan said they would.

Durgan said his concern is how the county is going to get pit run to the road and where the nearest pit is. Hillman said it would be a 20 or 25 mile haul. Ryan said he will remove rock outcrops onsite that could be used for pit run. Durgan said he would like to see exploration of the contractor digging out the material and the county could provide a loader and truck to haul it. Hillman said the county first needs to shape the road.

Hillman said the contractor better make sure a bridge on the way to the site is in good enough condition to cross. He said the road crew can get up there by the first of May to blade the road.

Durgan said the Commission needs a report back on how much material will be involved in and required for the project.

@10:18:45 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

April 7, 2009

Discussion of O'Rea Creek Road

@10:34:23 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present was Shannan Piccolo, deputy county attorney; Ed Hillman, road supervisor; Raea Morris, Commission executive assistant; O'Rea Creek Residents Melanie Nashan, Jeff Nashan, Barbara Lantz, Frank O'Connor and Cameron Clark; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss O'Rea Creek Road.

Melanie Nashan said she has lived on O'Rea Creek Road for 14 years and the amount of traffic on the road has increased and it is just a matter of time before there is a serious accident. She said she measured the three most dangerous corners on the road to be 16, 17 and 20 feet wide, and there is a 25-foot falloff on the 17-foot corner. She said several cars have rolled off corners, including a UPS truck whose driver was out of work recuperating for seven months.

Jeff Nashan said the road is off camber in some areas and something is going to happen in the narrow canyon. He said the bottom line is people drive too fast on the road, but the road is also too narrow.

Durgan said new county roads must have a 24-foot top, but many county roads exist from long ago and are not that width.

Barbara Lantz said she has lived on the road since 1992, and the population has increased up the road. She said there are 25 mailboxes and at least 15 permanent residents on the road. Lantz said she concurs with everything that has been said about the road, and the first bad curve is also a wildlife corridor. Lantz read into the record a letter from her husband about the condition of O'Rea Creek Road. The letter asked for the road to be brought up to county standards and specifications before someone is killed.

Road Supervisor Ed Hillman said the road crew cleaned all culverts and put gravel down on the road last year.

Frank O'Connor said the road does not drain and crowning caused more problems than before it was crowned. Jeff Nashan said the drainage ditch installed does not work and it narrowed the road a foot and a half.

Cameron Clark said the maintenance on the road has been good for the last one and a half years. He said the road is definitely real narrow and it has gotten a lot worse in a couple of areas with the ditch. He said he thinks widening it in a few blind turns is necessary, but bringing the road to county standards may not improve things.

Melanie Nashan said the citizens are asking the county to widen the road in three or four spots.

It was determined Durgan and Hillman will meet onsite to view the road, and Frank O'Connor will serve as the designated contact resident.

Malone asked if O'Rea Creek is a candidate for a Rural Special Improvement District. Melanie Nashan said she would be interested in that and she can put letters in mailboxes to determine landowner interest.

@11:11:51 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

April 7, 2009

Discussion of Delinquent Taxes

@11:34:32 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Kevin Larkin, treasurer; Bill Hurley, operations; Mike Bretch, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss delinquent taxes.

Treasurer Kevin Larkin said Citizen Mike Bretch is seeking to have the penalty and interest removed from his taxes. He said the Commission in 2005 provided for tax delinquent citizens to catch up on their payments by waiving some penalty interest. Larkin said Bretch was given that exemption and did not pay \$1,772 in interest. Larkin said Bretch is present to request a waiver of 2005 through first-half of 2008 taxes, totaling \$10,977.76, which have not been paid. Commissioner Durgan said what was done in 2005 was a one-time offer to help people get back on top of things.

Brech said his business was on the rocks for years and he no longer has the business or a job. He said he has small social security coming in and has unemployment for a few more months. He said he needs a job bad and asked if the Commission can give him a job to work off his taxes. He said he wants to pay his taxes.

Larkin said no one has been given two chances by the county to pay delinquent taxes since he has been treasurer. Larkin said if the Commission is going to get a hornet's nest going if it is not careful if it uses the excuse of the economy.

Commissioners Malone and Taylor said they would hate to set a precedent because they would have to live with it. Durgan said he would really like to help this gentleman, but if the Commission does that it would have to be willing to help other individuals in the same situation. He said it seems like the Commission does not want to get into a pattern. Taylor said the problem is in this economy when new tax bills go out some individuals

may really be hurting and the Commission wants to be sure it does not set a precedent that hamstring the county.

Malone said Bretch is still subject to assignment with penalties and interest, and Larkin said he has to honor an assignment if one came in. Bretch said he has not talked to a bank about a loan because his business was in such bad shape. Larkin and Taylor told Bretch he should look into whether any banks have special programs at this time that may benefit him in this matter.

Malone said the Commission will hold another meeting with Larkin to see how many citizens owe delinquent taxes to the county. Malone said the Commission is fully concerned and it will look into the matter and get back to Bretch, and the Commission needs to look into the whole picture.

@11:59:02 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

April 7, 2009  
City/County Meeting

@4:07:36 p.m., City Commissioner Mary Beebe called a meeting to order in the Community Room of the City/County Complex. Present was County Commissioners Jim Durgan, Marty Malone, and Randy Taylor; Ed Meece, city manager; City Commissioners Mary Beebe, Juliann Jones and Rick Van Aken; Shannan Piccolo, deputy county attorney; Bill Hurley, county operations; Martha Miller, county auditor; Marilyn Hartley, county accounting; and Commission Minutes Clerk John Mueller.

City Commissioner Mary Beebe opened the floor to public comment. No public comment was made.

1. City Transfer of Funds for Angel Line Update: City Manager Ed Meece said he asked Olness and Associates to conduct an audit of Angel Line funds in April. Meece said perhaps Marilyn Hartley, county accounting, and City Finance Director Miral Gamrod can work to jointly solve the issue. Hartley said she does not have a problem with that option so long as it satisfies the Angel Line Board because it requested the audit.
2. Recycling Efforts Update: Meece said the city commission approved a memorandum of understanding April 6, which states what the city understands the situation to be in taking on the county's recycling services. Deputy County Attorney Shannan Piccolo said the MOU is being reviewed by the deputy county attorney. Commissioner Taylor said the county transfer station manager, Clint Tinsley, and he will hash out the operation and present it to the city within a couple of weeks.
3. Legislative Concerns Update: Commissioner Malone said the legislators have not been available the last two weeks for the weekly legislative updates. Malone and Meece said the Thursday calls have been positive.

4. Update on Advertising Legislative Updates: None

5. City/County Complex Telephone System Update: GIS/IT personnel were not present and no update was provided.

6. Cooperative City/County IT Program Update: Meece said the cooperative committee met 10 days ago, and he and County Director of Operations Bill Hurley can work to get a second meeting scheduled.

7. "Donut" Zoning Issues: Malone said the county planner has received four applications for a five-member, Donut County Board of Adjustments and the application term has been extended. Commissioner Durgan said the original exterior donut boundary remains, but the interior boundary has changed due to city annexation of properties.

8. Update on 9th Street Island Bridge Project: Malone said the county is moving forward on the bridge project in effort to get as much work completed as possible within two weeks before high water. He said work has commenced, and the Bailey bridge will remain in place during and following work. He said CTA Engineering may call a public update meeting on April 10.

Additional Public comment: City Commissioner Rick Van Aken said the city commission approved removal of stop signs coming off of and going onto the Bailey bridge.

Meece said the Yellowstone Business Partnership is working to develop a sustainable working framework for developers to achieve sustainable development status levels. Meece said the City of Livingston has committed to working with the Partnership to develop a method by which a local government can attain sustainable development status. Meece said he would like the county to consider sending a county commissioner to a retreat on June 4 and 5 in order to establish standards by which local governments will be judged with sustainable development status. Meece said he will have an informational presentation scheduled on the issue for the county commission.

Next meeting date is scheduled for May 5, 2009 in the Community Room.

@4:53:08 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

April 8, 2009

Review of Daily Agenda and Correspondence

@8:48:20 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Bill Hurley, operations; Raea Morris, Commission executive assistant; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to review the daily agenda and correspondence.

Correspondence included:

- Memo re. Disability Rights Montana bill - To Commissioner Taylor for review
- Memo re. Workforce Investment waivers
- Memo re. poor condition of Elkridge Creek Road
- Memo re. Montana Water Trust Board meeting agenda - To Commissioner Durgan for review
- Memo re. DUI taskforce meeting scheduled for April 8
- Memo re. Billings Cab authority of operation
- Memo re. MT fire wardens' conference
- Airport Board newsletter - To Durgan for review
- Memo re. Mental Health Oversight Advisory Board - To Taylor for review
- Memo from DES coordinator re. FEMA course for instant command post for higher education
- Memo re. April 14 Jon Tester outreach session in West Room

@8:56:57 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

April 8, 2009

10:00 A.M. – Discussion with Forest Service – Big Timber

April 8, 2009

Discussion with Park County Concerned Citizens about Motor Graders

@3:04:05 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Brett Linneweber, county attorney; Shannan Piccolo, deputy county attorney; Raea Morris, Commission executive assistant; Public Citizens Jim Taylor, Garry Cotant, Jim Hunt, Warren Latvala, and Tim Watson; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss motor graders with the Park County Concerned Citizens.

Commissioner Malone presented meeting attendees with a spreadsheet of grader finances. He explained the spreadsheet to meeting attendees. Malone said he would like Latvala to sit down with him and go through the numbers.

County Attorney Brett Linneweber said he wanted to clarify some potential misconceptions he thinks may be arising with the grader issue. Linneweber said the Commission came to Linneweber with three questions regarding the county motor graders. Linneweber said his answers were given as an advisory opinion to the

Commission, and there is a huge difference between an advisory opinion and request for a law enforcement entity to investigate a full case file.

Linneweber said the state attorney general would not have been able to give an advisory opinion on the three questions with the background information provided on the matter. Linneweber said had this been a fully developed case file, he would not have reviewed it because a county attorney cannot be an investigator on a matter and prosecute it as well. He said he is not making any comment on the validity of what the concerned citizens are commenting about. Linneweber said he suggests the concerned citizens put together an outline and some statements and documentation as to why they think there has been some conduct that needs to be looked into as a criminal matter, should they feel there has been criminal action. He said it is common practice for the county to ask a concerned outside group to put together such information. Linneweber said he recommends the Concerned Citizens get an audio copy of the concerned citizens April 3, 2009 meeting and submit a complete packet to the sheriff's office, if they have interest in doing so.

Warren Latvala said it does not make sense to ask the concerned citizens to investigate the matter. Linneweber said he is not asking for that. He said law enforcement will need information as a basis to investigate.

Jim Hunt said it comes down to the codes of the state of Montana citizens have to live with and it looks like codes were breached somehow according to what the law says. Linneweber, said the concerned citizens need to explain that so law enforcement understands it, because they probably need to take the formal steps of taking the issue to a law enforcement agency explaining what the concerned citizens think is wrong and why.

Linneweber said it is likely the Park County Sheriff's Office will ship out an investigation request to another entity if they take a case file investigation on the matter so it looks objective.

Latvala said it looks bad if someone thinks something is going wrong in the government, and the citizens are asked to do all the work. He said it looks like government has a way of covering up what it does and makes the public investigate what is wrong. He said he feels if the citizens do not follow the grader issue through it will go away.

Linneweber said he is not asking the concerned citizens to do the investigation from start to finish, but is asking them to provide some information to a law enforcement agency about their concerns.

Latvala said Linneweber's name is on the attendance roster at a meeting on the matter in June 2007. Linneweber said he knows he was sporadically involved in the issue and he does not remember everything associated with the issue from that timeframe.

Hunt said it is nice to have someone from the elected county attorney's office present when the public comes in with an issue with the codes. He said it is refreshing to have legal counsel in the room when discussions like this occur.

Linneweber said MACo in itself cannot do anything about the grader issue in question. He said the concerned citizens are more than welcome to put together a packet and pass it on to MACo and see if their insurer will review it. Hunt said the current Commission can send it to MACo to request that review.

@3:48:23 p.m., Commissioner Taylor made a motion to recess the meeting until after the scheduled 3:30 p.m., meeting. Malone seconded that motion. The meeting was recessed.

@4:17:06 p.m., Malone reconvened the meeting. Commissioner Durgan was present.

Latvala said he redid the numbers and came up with an average. Latvala said he could not find any trade-in values in the new grader contracts. He said he would think that information would be in the contracts.

Malone said the first payment for the graders is due June 23, 2009.

Latvala said he is trying to figure out if the county got anything for the old county maintainers. Malone said the county got a credit of \$356,000 from CAT for the county's graders.

Latvala said if you subtract that payoff by CAT, you come up with roughly \$208,856. Latvala asked where that money went. Malone said that money went to reduce the rental payment for the length of the contract.

Latvala said basically the county is giving away four-fifths of the value. Malone said time will tell when the county gets grader bids back how much value was actually lost. Linneweber said if CAT is a winning bidder and they take the trade-in value into account, that value may go toward the life of the contract. Malone said the county put bids out early to have as much time to consider alternatives and hopefully avoid losing four-fifths of the trade-in value. He said the county may come out very well and it may not.

Malone said he wants to open bids before the Commission makes any decisions on the concerned citizen's area of concern.

@4:32:27 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

April 8, 2009

Consider Approval of Implementation Plan for Park County DUI Task Force

@3:50:24 p.m., Commissioner Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was

Jessi Malcolm, Park County DUI Task Force; Brooke Dokken, Southwest Chemical Dependency; Brett Linneweber, county attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to consider approval of an implementation plan for a Park County DUI Task Force.

Jessi Malcolm provided the Commission with a copy of 2009 and 2010 DUI Task Force Plans, which include budgets. Malcolm said she is present to present the plans and gain Commission review and signature. Malcolm said Park County has not had a DUI task force in over 20 years and the goal is to have a task force in each county in Montana. Malcolm said Park County is one of six counties currently attempting to form a DUI task force, and Park County may partner with Meagher County in the effort. Malcolm said the Southwest Chemical Dependency Center will serve as the task force's fiscal agent.

Malcolm said 44.7% of motor vehicle fatalities in Montana involve alcohol, and the national average is 37%. Malcolm said the cost of such accidents was \$178 million dollars in economic loss in 2007, and a DUI occurs every four days on average in Park County.

Malcolm said the goal of DUI task forces is to reduce the incidences of impaired driving, educate the public, and change social norms as they pertain to alcohol. Malcolm said \$100 of every \$200 DUI license reinstatement fee goes to the local DUI task force, which helps fund task force projects. She said the task force will be seeking alternative funding, as well. Malcolm said monthly meetings have been held since November with an average of 15 attendees.

Brooke Dokken of the Southwest Chemical Dependency Center said high school kids are very interested in helping with an assembly and billboard art. Malcolm said the local DUI task force is currently partnering with the new taxi service in town to provide free taxi ride vouchers for intoxicated bar patrons.

Commissioner Durgan asked how the task force will be funded. Malcolm said the task force has a proposed budget and is not asking for money at this time. She said the task force would like to have monetary support in 2010 if possible. Durgan said it would be well for the task force to submit a funds request based on needs so the Commission has something to act on. Commissioner Malone told Malcolm to bring in a revenue expectation, as the county needs to know the bottom line it would experience with the service.

Linneweber said the county is not being expected to authorize funds by signing the presented plans, and the plans have been reviewed by the county attorney's office.

Commissioner Durgan said he thinks this is a valid program and he moves to approve the implementation of both DUI Task Force Plans. Commissioner Taylor seconded that motion. Motion passed.

The Commission signed the plans.

@4:11:27 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

April 9, 2009

8:30 A.M. – Review of Daily Agenda and Correspondence – Commissioners Chambers

April 9, 2009

Daily Updates on the 9th Street Bridge Project

@9:03:50 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present was Shannan Piccolo, deputy county attorney; Bill Hurley, operations; Kevin Harrington, Livingston Fire; Alan Davis, Livingston Fire; Dann Babcox, PCRFD#1; Scott Hamilton, sheriff's office; Allan Lutes, Sheriff; Wendy Wood, SAR; Belinda Van Nurden, DES; Raea Morris, Commission executive assistant; Gloria Black, public citizen; Margot Aserlind, public citizen; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled as a daily update on the 9<sup>th</sup> Street Bridge project.

Commissioner Malone provided updates on the 9<sup>th</sup> Street Bridge project since April 7. Malone said Northwest Energy is boring under the river hoping to provide uninterrupted gas service for island residents. Malone said there will be a preconstruction meeting April 10 in the A.M. Malone asked DES Coordinator Belinda Van Nurden to notify emergency services when that meeting time is determined.

Malone said COP Construction will pour concrete for the bridge abutment on the Livingston side that is scoured out. He said COP is confident it can shear the bridge decks once the gas line is removed and hopes it can loosen the piers and pull them straight out of the river.

Sheriff Lutes said the Sheriff's office has devised four contingency emergency access plans. He said the favored option is to spot equipment with PCRFD#1 on the island side. He said the sheriff's office has established landing zones, has a boat in the river, and put a line across the river to enable the Zodiak boat to cross. Lutes said emergency services can get across the Bailey bridge even when it is lifted up, and his office is secure in being able to get emergency services to the island using the bridge at all times. Lutes said the Sheriff's office and COP Construction is happy with the contingency plan to get fire and EMS services to the island. Lutes said his office will increase patrols around the bridge, but will not have personnel stationed there.

@9:12:58 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

#### April 9, 2009

12:15 P.M. – Conference Call with Area Legislators to Discuss Legislative Issues – Commissioners Chambers – Canceled due to legislators' schedules

#### April 10, 2009

##### Daily Updates on the 9th Street Bridge Project

@9:00 a.m., Commissioners Durgan, Malone and Taylor met onsite at the 9<sup>th</sup> Street Bridge with Park County Sheriff's, DES, Rural Fire District #1, Search and Rescue, deputy county attorney, and road personnel; City of Livingston fire and police personnel; and Oasis Environmental, COP Construction, Bainter Construction, and CTA Engineering representatives.

The meeting was scheduled to discuss the 9<sup>th</sup> Street Bridge project.

Kevin Feldman of CTA Engineering said the roles and responsibilities of the project are as follows: COP Construction will handle all bridge demolition work; Bainter Construction will remove bridge decking and piers from the site; Oasis Environmental is handling all necessary permitting; CTA Engineering is orchestrating the project with all governmental, construction and utility entities; and the Park County Commission and DES are providing all communication to the citizenry.

Russell Smith of Oasis Environmental said permitting for the 9<sup>th</sup> Street Bridge demolition project has involved permitting through the Clean Water Act, River and Harbors Act, Montana Fish, Wildlife and Parks, Stream Restoration Act, Montana DEQ, and Montana DNRC. Smith said it is important for contractors to keep all machines free of grease and oil as much as possible, and a power washer onsite might be a good idea. He said maintaining high public perception is important. He said there is to be no more big rock put into the river, there is to be no fueling of machines near the project site, and machines must be removed from the riverbed each evening.

Feldman said the project site will be under the safety requirements of COP Construction once COP begins work. That will include hard hats and safety goggles. Sheriff Allan Lutes said COP will need to cordon off the work zone in coordination with city personnel. Gary Erickson of COP Construction said its work will begin in the morning of April 13 as soon as Northwestern Energy shuts off the gas line.

Deputy County Attorney Shannan Piccolo said Northwestern Energy will start boring a gas line under the river on Monday and has agreed to depressurize the gas line on the 9<sup>th</sup> Street Bridge if it receives a signed petition from island residents approving of that action. Piccolo said it may be necessary to get 100 percent of the resident signatures, and the need for the signed petition will be posted on the county bridge website.

Sheriff Lutes said county fire, emergency, and law enforcement services have devised plans for staging emergency vehicles on the island and readying boats for emergency shuttle needs. Erickson said he can let the Bailey bridge down during demolition work to allow for emergency services access to the island.

There was discussion about allowing island resident pedestrian foot travel on the bridge during the construction project, possibly during some time period before 7 a.m., and after 7 p.m. Commission Malone said safety issues once heavy equipment is in place will determine whether or not island resident pedestrian travel is permitted on the bridge. Livingston Police Chief Darren Raney said it would be okay for island residents to park personal vehicles on River Drive if foot access is permitted across the bridge. Parameters of any permitted Bailey bridge foot traffic will be outlined on the county bridge website. Piccolo said an amendment would need to be made to the current resolution restricting foot travel on the Bailey bridge.

There was discussion about possibly asking Montana FWP to close the west river channel to boaters/floaters during 9<sup>th</sup> Street Bridge project work.

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

April 10, 2009

Signing of Contracts with COP Construction and Bainter Construction for Removal of 9<sup>th</sup> Street Bridge

@11:00 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Shannan Piccolo, deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to sign contracts with COP Construction and Bainter Construction for removal of the 9<sup>th</sup> Street Bridge.

Commissioner Taylor made a motion to sign the contract with Bainter Construction. Commissioner Malone seconded that motion. Motion passed.

Commissioner Taylor made a motion to sign the contract with COP Construction. Commissioner Malone seconded that motion. Motion passed.

@11:04 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

April 10, 2009

Review of Daily Agenda and Correspondence

@11:09:37 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor 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 review the daily agenda and correspondence.

Correspondence included:

- Memo re. Fridley Creek Bridge work
- Memo from MACo re. bridge underwriting
- Announcement of April 10 onsite 9<sup>th</sup> Street Bridge meeting
- Memo re. Montana Water Trust conference call - To Commissioner Durgan for review
- Memo from Montana DEQ re. recycling
- Memo from Sonoran Institute re. Gallatin County economic study
- Memo re. grant for national endowment for the humanities - To Nittany Grantworks for review
- Memo from MACo re. county vehicle use policy
- Memo re. April 26 webinar
- Memo from Farmland Trust - To Durgan for review
- Memo from MDT re. Bailey bridge contract changes
- Memo from Local Government Advisory Council re. block grants - To Nittany Grantworks for review

@11:17:13 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

Marty Malone  
Chairman, Park County Commission  
Park County, Montana

Denise Nelson  
Clerk & Recorder  
Park County, Montana