

Park County Commission Meeting Minutes
Week of August 24 – 28, 2009
Park County, Montana

August 24, 2009

Review Daily Agenda and Correspondence

@8:33:30 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo from Angel Line chairman re. request for July and August financial reports
- Memo from Nittany Grantworks re. TSEP meeting notes
- Memo re. Rocky Mountain RC&D update
- Citizen public information request
- Memo from planning director re. Land and Water Resources of Park County workshop
- Memo re. meeting minutes from Montana Transportation Commission
- Memo re. boards and advisory committee applicants
- Montana Clean/Park County contract
- Memo re. Park County 2009 SRS election
- Memo re. violation for Arthun Pit mining

@8:42:04 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

August 24, 2009

Opening of Bids for Construction of Cooke City Area Community Center

@10:30:34 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Denise Nelson, clerk and recorder; Chris Hayes, Cucancic Construction; Cooke City Residents Donna Rowland, Regina Gilliland, Nellie Israel, and Dale Dempsey, and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to open bids for construction of a Cooke City area community center.

Commissioner Malone opened three sealed bids submitted to the clerk and recorder's office prior to the bid deadline. Malone read into the record a bid from Cucancic Construction with a base bid of \$659,000; a bid from Biggerstaff Construction Company with a base bid of \$555,588.52; and a bid from Dps Company LLC with a base bid of \$512,000.

Commissioner Durgan made a motion the Commission take the bids under review, have the civil deputy county attorney review them and meet at an appropriate time to make a bid selection. Commissioner Taylor seconded that motion. Motion passed.

@10:51:13 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

August 24, 2009

Review of Minutes for Weeks of August 3 and 17

@11:02:24 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 made.

The meeting was scheduled to review and approve Commission meeting minutes for the Weeks of August 3 and 17, 2009.

Commissioner Taylor made a motion to accept the minutes for the Week of August 3, 2009. Commissioner Durgan seconded that motion. Motion passed.

Reviewing meeting minutes for the Week of August 17, Taylor requested a revision to Page 10 of 16 noting the correct spelling of Kevin "Feldman." On Page 13 of 16; last paragraph, the third sentence should read, "Woodruff said a yellow curb in front of the Flying Pig had yellow paint and curb cuts for years, the area was designated a no-parking zone with curb cuts when the property was purchased six or seven years ago, and the Flying Pig therefore has taken no parking out of the collective parking of Gardiner."

Durgan requested a revision to Page 6 of 16, noting he attended an August 18 Fair Board meeting. On Page 14 of 16, Durgan noted Gardiner Citizen Joseph Gross provided pictures of rock placed against a bridge in Gardiner.

Commissioner Durgan made a motion to accept the minutes for the Week of August 17, 2009 as corrected. Commissioner Taylor seconded that motion. Motion passed.

@11:11:56 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

August 24, 2009

Discussion of Temporary Fire Planning Position

@11:31:20 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Bob Fry, fire warden; Gordon Rothe, deputy fire warden; Chuck Donovan, citizen; Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss a temporary fire planning position.

County Fire Warden Bob Fry said he and Assistant Fire Warden Gordon Rothe determined it is more efficient to hire Rothe as a temporary county employee rather than a contract employee after discussions with Human Resources Analyst Jill Ouellette.

Rothe provided the Commission with a proposal for hire as a temporary county position. Rothe said his temporary position cannot exceed 90 work days and he would not receive healthcare or retirement benefits other than social security and worker's compensation. Rothe said the proposed pay rate of \$15 per hour at 15 hours equates to 600 hour including travel costs, and a temporary hire must be hired to address specific needs but is not hired under a job description. Rothe provided the Commission with five proposed issues the position will address. Fry said a priority is to disseminate Wildland Urban Interface information to the public prior to commencing an education program.

Rothe said he will finalize hiring paperwork with Ouellette. Commissioner Malone requested a progress report from Rothe every two weeks.

Commissioner Taylor made a motion to accept the concept of a temporary position presented by Gordon Rothe not to exceed \$10,000. Commissioner Durgan seconded that motion. Motion passed.

@12:05:35 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

August 24, 2009

Discussion of Olness Recommendations

@2:35:26 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Raea Morris, executive assistant; Lani Hartung, finance; Marilyn Hartley, finance; Denise Nelson, clerk and recorder; Brett Linneweber, county attorney; Martha Miller, auditor; Bill Hurley, citizen; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss Olness and Associates recommendations.

Finance Director Lani Hartung said Auditors Olness and Associates visited the county and provided recommendations to Park County relating to payroll and human resources (HR). Hartung said Olness questioned why Assistant Finance Director Marilyn Hartley was conducting legwork of calling department heads about incomplete or incorrect timesheets and said he thought a better procedure would be for the human resources department to conduct that work. Hartung said Olness said HR would have a control spreadsheet to enable Hartley to simply enter timesheet information. Hartung said she recommends taking Olness' recommendations because it provides good internal control and start it immediately since it is a payroll week.

Hartung said Olness also recommended only one individual have CSA editing capability. Hartung presented the Commission and meeting attendees with photocopies of "*Add Employee Master*" computer data entry forms and proposed draft "*New/Change Employee File Setup*" and "*New Employee/Change Benefit Setup*" forms. Hartung said HR should not be adding data to employee master files in CSA as that is a payroll function. Hartung said Olness' recommendation was all payroll functions should be done by payroll in CSA. Hartung said that arrangement would eliminate mistakes, and the issue is correcting mistakes because it is time consuming to correct someone else's mistakes. Hartung said her recommendation is to implement the recommended system immediately.

Commissioner Durgan said he has to question the two proposals, and it looks to him there is information, such as employee social security numbers, that should only be dealt with by HR. Durgan said he is not in favor of the recommendations until the Commission can check with other individuals and Human Resources Analyst Jill Ouellette.

Assistant Finance Director Marilyn Hartley said the informational handouts contain no information she does not already have access to. Hartley said it is very frustrating for her to fix other people's mistakes.

Commissioner Malone said payroll errors mainly come from the law enforcement end of the county. Malone said the proposed draft benefit and file setup forms should contain a signature line for employee signature agreeing "x" amount of money will be withdrawn from each paycheck for PERS, benefits and so on. Malone said that sheet would enable an employee to see his/her wage per hour and all deductions and be able to calculate his/her payday amount. Malone said Hartung's recommendations would result in one single office responsible for making an error on an employee paycheck.

Hartung said her suggestion is to keep all employee information cards and payroll documents in the accounting office. Durgan said he is sure Ouellette will argue against moving payroll files from HR to accounting, and it doesn't make sense for Ouellette to have to walk down to the accounting office whenever she needs to access those files. Durgan said he thinks it is good to have two sets of eyes reviewing payroll data, and both the accounting and human resources departments have reported payroll data entry mistakes.

The Commission said it would hold another public meeting on the issue when Ouellette is present with Olness and Associates representatives possibly present via telephone.

@3:03:16 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

August 24, 2009

Discussion to Clarify Longevity of Elected Officials

@3:02:11 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Lani Hartung, finance; Marilyn Hartley, finance; Denise Nelson, clerk and recorder; Brett Linneweber, county attorney; Martha Miller, auditor; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to clarify longevity of elected officials.

County Attorney Brett Linneweber said longevity pay of elected officials can be calculated using different formulas, and the Commission has discretion as to how longevity should be determined. Linneweber presented the Commission with a worksheet listing different options to clarify how longevity should be determined. Linneweber said the decision today affects four county employees – clerk and recorder, clerk of court, coroner and Commissioner Durgan.

Commissioner Taylor made a motion to accept Alternative D, 1% of entire previous year's salary, and longevity shall start in the fiscal year following the elected officials' anniversary date. Commissioner Malone seconded that motion. Motion passed.

@3:42:52 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

August 25, 2009

Review Daily Agenda and Correspondence

@8:35:38 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Citizen memo re. 911 Truth in Montana
- Memo from planning director re. Aug 27 "Valley Tour"
- Two citizen public information requests

- Memo from Center for Health Transformation
- Memo re. HB 645 concerns
- Memo re. August 24 teamsters longevity worksheet
- Memo re. BLM resource advisory council meeting - To Commissioner Malone for review
- Memo re. JSEC meeting
- Memo re. Oct 5 Truck and Loader Gravel Pit Operation seminar in Bozeman - To road supervisor for review
- Memo from MT Board of Crime Control re. services to sexual assault victims to commence August 28
- Citizen application to fair board
- Memo re. Mill Creek MT Water Trust presentation
- Memo from MACo re. 2009 MACo organizational performance evaluation

@8:57:30 a.m., the meeting adjourned.

August 25, 2009

Park County Road Updates

@9:04:16 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Ed Hillman, road supervisor; Shannan Piccolo, civil deputy county attorney; Bill Moser, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss county road issues.

There was discussion about a letter from Montana DEQ accusing the county of illegally mining gravel from a gravel pit in Park County.

Commissioner Durgan presented Hillman with a list generated by Finance Director Lani Hartung containing purchase orders and dates road department money was spent by Hillman and the date subsequent invoices were submitted. Durgan said some of the invoices were submitted before purchase orders were signed by the Commission. Durgan said the Commission needs to sign off on purchase orders before Hillman spends funds and submits invoices. Hillman said he understands that procedure and he is working on it.

There was discussion about a citizen interested in purchasing an OshKosh plow truck from the Commission.

The Commission asked Hillman to measure for a proposed FWP bison guard and a culvert at the Tressel Ranch.

Citizen Bill Moser said Murphy Lane between Highway 89 and Shy Road has potholes 1.5 feet deep at the railroad crossing and at some point that should be fixed.

Hillman said the crew viewed two safety videos today.

@9:43:57 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

August 25, 2009

Discussion of Agreement with Montana FWP Regarding a Buffalo Fence Project

@10:10:22 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Pat Flowers, Montana FWP (via telephone); Matt Dettori, Livingston Enterprise; Bill Moser, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss an agreement with Montana Fish, Wildlife and Parks regarding a buffalo fence project.

Commissioner Malone opened the floor to public comment. Citizen Bill Moser said it is utterly ridiculous for Park County residents and taxpayers to pay for any equipment needed to implement a federal program forced on the county and he is definitely opposed to Park County buying fencing or culverts for buffalo to run up to Tom Miner Basin. Moser said he supports efforts of the county to request FWP reimburse the county for any road work required because of FWP's buffalo fence project.

Commissioner Malone said right now Park County residents are not directly paying for a buffalo project, but taxpayers are paying for the project through FWP money going to the project.

Malone read into the record summarized language Park County added to FWP's proposed agreement. Pat Flowers, FWP, said language inserted by the county addressing testing of all bison permitted to exit Yellowstone National Park via the proposed bison fence project strikes him as a possible issue. Flowers said Step III of the Bison Management Plan states some bison will not be tested for brucellosis. Flowers said FWP is bound by the terms of the Bison Management Plan and can commit only to what is in that plan, which was signed off on by five agencies including APHIS and the Montana Board of Livestock.

Commissioner Durgan said he thinks it is really irresponsible of the Montana Department of Livestock to sign off on such a plan and he is not able to sign off on the agreement as written as a county commissioner.

Malone said to him FWP is making decisions for Park County citizens and putting a brucellosis problem that much closer to cattle. Malone said the Commission will hear complaints from citizens affected by the proposed plan. Flowers said he understands the Commission's concerns as legitimate and he does not dismiss them, but APHIS and the

Department of Livestock are the experts for dealing with livestock disease and associated animals, and as such, he relies heavily on them to make decisions on such matters.

Flowers said he will take the Commission's concerns to FWP attorneys.

@10:41:13 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

August 25, 2009
Personnel Meeting

@11:01:01 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Marc Richards, GIS/IT; Jill Ouellette, human resources; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to address a personnel issue.

GIS/IT Manager Marc Richards requested the meeting close to the public. Commissioner Durgan made a motion to close the meeting. Commissioner Taylor seconded that motion. The meeting closed

@11:30 a.m., the meeting adjourned.

August 25, 2009

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

August 25, 2009
Heart K Floodplain Presentation

@1:34:54 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Philip Fletcher, planning; Barbara Woodbury, environmental health; Jim Barrett, Park County Environmental Council; Scott Opitz, MT FWP; Citizens Karl Knuchel, Blake Blatter, Jim Lovell, Kerry Fee, Scott Bosse, and Stacy Bragg; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to view a Heart K Ranch presentation.

Scott Lovell of Confluence Inc., said his firm conducted design work and all permitting for a Heart K Ranch riprap floodplain project. Lovell presented the Commission with a Power Point presentation of the Heart K Ranch property and floodplain wall project, complete with a project timeline. Lovell's presentation showed a cross section design of the floodplain wall dimensions approved in its county floodplain permit. Lovell said the

difference between the permit and what was built is an access road was built higher and longer than what was permitted.

Timeline dates within Lovell's presentation included: 1) a Heart K Ranch floodplain permit application submission to the county in August 2008 specifying dimensions of the project to be 6,500 cubic yards of rock and 2,800 cubic yards of fill; 2) a March 18, 2009 meeting in the Park County Community Room in which discussion occurred and a decision was made to either bring the berm/road dimension into compliance with the floodplain permit or conduct an as-built survey and flood study to show the road has no impact of flood elevations. Lovell said Blake Blatter, Stacy Bragg and Brian Sandefur (Confluence) left that meeting with the understanding the project would be approved as built if a flood study was conducted and showed no adverse affects; 3) a March 20, 2009 letter from the county asking for as-built project dimensions; 4) hiring of Confluence Inc. to conduct the flood study; 5) June 2 confirmation of a Montana DNRC engineer completing review of the flood study and finding no significant discrepancies that would affect model results; 6) a July 1, 2009 letter in which Park County presented Heart K Ranch with a Notice of Floodplain Permit Violation citing information contained in the as-built report as evidence, and in which Park County ordered the project to be re-built to comply with the original permit specifications.

Park County Planning Director Philip Fletcher said the county floodplain administrators have consistently said the project is well built and engineered except for fill being washed away. Fletcher said the problem is the applicant had a specific permit for a levy of a certain size and he knowingly went beyond what was permitted. Fletcher said the March 20, 2009 letter from the county stated, "The report may contain any other information that your engineer deems necessary to final project approval." Fletcher said he did not know what was built on the project prior to obtaining an as-built report with additional information from the engineer. Fletcher said the engineer specifically stated in the first page of the report the project dimensions went beyond height, width and three times the length. Fletcher said to him that was a very significant deviation of the project's approved permit.

Fletcher said Lovell provided an interesting and accurate presentation, but all parties agree there was a violation of the approved floodplain permit and the only issue at hand is what the penalty of the violation should be. Fletcher said the magnitude of the permit violation triggered the floodplain permit violation notice going out.

Lovell said his client feels misled, because he spent \$13,000 on a flood study and was under the impression conducting a flood study would result in the county approving the project.

Karl Knuchel, attorney for Blake Blatter, asked Fletcher to speculate whether the project would have been approved if as-built dimensions were submitted with what was actually built. Fletcher said the project probably would have been approved. Fletcher said he based his decision on the violation of the permit and the magnitude of that violation.

Scott Opitz of Montana Fish, Wildlife and Parks said FWP would have recommended denial of the project if the submitted application contained the height and length dimensions to which the actual wall was built if a public comment period were held.

Citizen Kerry Fee asked whether the applicant received an Army Corps of Engineers permit prior to placing rip rap rock along the riverbank.

There was discussion about various permits obtained by the applicant and issues he faced in dealing with various agencies throughout the project.

Jim Barrett of the Park County Environmental Council said the Heart K Ranch floodplain project is a gross violation of an application. Barrett said he wants to know whether a precedent will be set with this issue and whether he will be held to the permit he applies for or whether it is okay in Park County to build whatever he wants.

Citizen Scott Bosse said he fully supports the floodplain administrators. Bosse said he was involved in a similar project on the East Gallatin River, and what he sees in the two projects is the act of asking for forgiveness instead of permission. Bosse said the Yellowstone River has garnered much public attention in Park County, and this is a situation where the contractor should have paid more attention to the permit. Bosse said he thinks the Army Corp of Engineers totally dropped the ball in the matter, and the project is a preemptive rip rap through a loophole in the Clean Water Act. Bosse said the Heart K Ranch is the biggest project since the 1997 flood, and when a project comes along like this it is imperative to follow the law from the federal state and county levels. Bosse said there is a legal process and laws have to be followed. He said someone needs to be held responsible for these decisions and the buck must stop somewhere.

Commissioner Durgan said he is thankful he does not live on the Yellowstone River, because it is a bugaboo. Durgan said he has so much sympathy for landowners who have to “donate” to a wild and scenic river and get a sandbar in return at best. Durgan said there must be some give and take here. He said he sympathizes with all landowners who have to deal with water issues, and he is in a quandary and doesn’t know how to go on this issue.

Citizen Stacy Bragg said one of the last comments from a county floodplain administrator at the March 18, 2009 Community Room meeting was the county probably dropped the ball in the matter as well. Bragg said it is fortunate the wall on Heart K Ranch was built higher than permitted because the river was higher this year than last and if built in compliance of the recommended height, the river would have again flowed over the top and his property would have been in jeopardy incurring thousands of dollars and his time to deal with it. Bragg said he is the one dealing with the river through money and incurring problems and cost and he does not appreciate people coming in and calling it a “gross” violation and saying the project was built “four times” in size.

Lovell said the biggest issue at hand for the applicant is the expenditure to spend the money to conduct a flood study for the purpose he thought was to gain approval or denial

of the project. Opitz asked what flood work was done by Confluence when it did its initial project design to determine whether the two-foot-high wall would be sufficient to protect the Heart K Ranch and adjoining property. Lovell said he thinks the design work was based on the height of the old road, and he did not conduct a flood analysis prior to designing what was designed. Woodbury asked why the wall built was not what was applied for.

Fletcher said a major issue is that the violation of county code could be audited by the Federal Emergency Management Agency, and a failure of the county to enforce land use regulations could jeopardize the county's eligibility with the federal flood insurance program.

Commissioner Malone asked Knuchel if there was agreement of some violation. Knuchel said he thinks there is no denial the applicant exceeded the permit.

Malone said the Commission will make a decision on the matter. He said the county must acknowledge the floodplain regulations, recognize everyone agrees a violation took place, and choose a ruling option provided by the county attorney's office. Malone said any ruling can always be appealed to the court system.

The commissioners said they agree to take a decision on the matter under advisement before it makes a decision.

@2:41:59 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

August 25, 2009

Discussion of Gardiner School Sidewalk Project

@3:04:54 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Lori Benner, Nittany Grantworks; Bill Lloyd, Great West Engineering (via telephone); Citizens Joseph Gross and Bill Moser; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss a Gardiner School sidewalk project.

Lori Benner of Nittany Grantworks reviewed the timeline of a proposed Safe Routes to School sidewalk project on Stone Street in Gardiner. Benner said the project would be paid for in part by Montana Community Transportation Enhancement Program funds. Benner said the Commission ultimately decided on a proposal from Great West Engineering to widen Stone Street at an approximate cost of \$487,000 less repaving costs, of which the county would have to pay \$162,000. Benner said the Commission distributed certified mailings to property owners along Stone Street asking whether the owners would permit temporary access to their properties during sidewalk construction. Benner said five property owners returned mailings willing to allow Park County

temporary access; two property owners were unwilling to permit access; one property owner said he needed more information; and three mailings were not returned.

Civil Deputy County Attorney Shannan Piccolo said the county has a 60-foot easement on Stone Street, which equals 30 feet on either side of the center line. Piccolo said the county may consider re-approaching unwilling property owners with project specifics. Piccolo said the county also can make a determination it will put in the sidewalk because Gardiner children need a safe route to school. Commissioner Durgan said the Commission needs to remember the project idea started with that need.

Bill Lloyd of Great West Engineering said the county would not construct any permanent structures on private property along Stone Street, and the only access to private property would be people walking on a property to build the sidewalk.

There was discussion about reducing the project width of Stone Street to two, 10-foot travel lanes and safety issues that may create.

Citizen Bill Moser said he recommends the county contact the Pamida Foundation, as it gives a lot of money to school projects that possibly could serve as seed money. Moser said having engineering completed and being shovel-ready could qualify the project for next year's federal stimulus funds. Moser said the county could consider completing half the project and unwilling landowners may then change their minds. Moser said he requests the Commission specifically mention the sidewalk issue to Senator Baucus' representative at a scheduled meeting on August 26.

Citizen Joseph Gross said the county should put its foot down and tell Gardiner residents what the project design is and when the project will commence.

@3:40:18 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

August 25, 2009

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

August 26, 2009

Review Daily Agenda and Correspondence

@9:03:27 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo re. appeal for solid waste assessment at airport - To Solid Waste Board for review
- Memo re. Community Networking meeting after Labor Day at Job Service - To Commissioner Malone for review
- Memo re. hearing for proposed road abandonment of Sunset and Shamrock lanes
- Memo re. returned bid bond checks
- Memo re. contract between Park County and MT DEQ for county review of subdivisions
- Memo re. MT DEQ documents for Gardiner Sewer District - To Commissioner Taylor for review
- Memo re. Montana petroleum report - To Commissioner Durgan for review
- Memo from city of Livingston re. telephone system
- File from county treasurer re. citizen taxes issue
- The Commission reviewed one confidential memo.

Commissioner Taylor reported on an August 25 Museum Board meeting. Taylor said the board selected a panel of interviewers for museum director position interviews and is in the process of forwarding revised job descriptions to the county attorney and human resources department. Taylor said there was discussion about the museum director as a department head being directly supervised by the museum board, and the county considering entering into a lease agreement of the museum building. Taylor said the board formed a grant committee to research available grant funds, and he made it clear a new museum will not be built in the near future so concentrating on the current building is necessary. Taylor said the museum is functioning well with the staff on hand.

Commissioner Durgan provided Taylor with a draft memorandum of a purchase order directive for a county department head. Durgan said the draft will also be reviewed by County Attorney Linneweber.

@9:14:57 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

August 26, 2009

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

August 26, 2009

Signing of Procedures for HOME Grant for Senior Center Rehabilitation Project

@10:30:19 a.m., Commissioner Taylor called a meeting to order in the Commissioners Chambers. Present were Shannan Piccolo, civil deputy county attorney; Julianne Brown, NRM RC&D; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign procedures for a HOME grant regarding a Park County Senior Center Rehabilitation Project.

Civil Deputy County Attorney Shannan Piccolo said she reviewed the procedure and agree with content. Commissioner Taylor signed the procedures and recessed the meeting until 1:00 p.m., at which time Commissioner Durgan would be present to sign.

@10:31:49 a.m., the meeting recessed.

August 26, 2009

11:30 A.M. – Discussion and Signing of Resolution to Adopt New Wastewater Regulations – Commissioners Chambers – Canceled due to Commissioner schedule

August 26, 2009

Discussion with Representation from Senator Baucus Office

@1:30 p.m., Commissioner Taylor called a meeting to order in the Commissioners Chambers. Present were Senator Baucus Representative Brianne Rogers; Camden Easterling, Livingston Enterprise; and Commission Minutes Clerk John Mueller. No public comment made.

Max Baucus Representative Brianne Rogers said the Commission can continue to apply for federal stimulus funds. Commissioner Taylor said 9th Street Bridge funding is essentially secured provided the 2009 appropriations come through.

Taylor said the county's biggest concern is a proposed buffalo fence in Gardiner. Taylor said Montana FWP is balking on how it will assist the county with potential road improvements due to bison. Taylor said the county wants no responsibility for the bison in the proposed corridor, and thinks the federal government should talk to the county about use of its road easements when it provides project money to the Church Universal and Triumphant.

Taylor said the county could use stimulus money for a safe route to school sidewalk project in Gardiner. Taylor said that project has increased from \$200,000 to \$400,000 with curbs, gutters, retaining walls, and necessary street widening.

Taylor said an Amtrak route returning to Livingston would be a boon to the economy, and the city would like to get a business in the old railroad shops.

Taylor said citizens of Gardiner and Cooke City would like to see the number of snowmobiles permitted in Yellowstone National Park increase.

There was discussion about Forest Service management and a problem with beetle kill trees.

Taylor said Cooke City needs a sewer system, which would improve conditions in Yellowstone National Park. He said it would take a great deal of federal funds to put in such a system.

Taylor said the Yellowstone Gateway Museum always needs funds as well.

@2:30 p.m., the meeting adjourned.

August 26, 2009

3:00 P.M. –Mental Health Meeting – Livingston Mental Health Drop-In Center –
Commissioner Taylor attended

August 27, 2009

Review Daily Agenda and Correspondence

@8:33:46 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo from clerk and recorder re. road abandonment procedures
- Memo re. request to reschedule meeting to amend Park County waste water regulations - To executive assistant for action
- Park County Cooperative Weed Management meeting minutes - To Commissioner Durgan for review
- Memo from MT DEQ re. federal recovery and reinvestment act - To Commissioner Taylor for review
- Memo re. revision of Gallatin National Forest 1987 land and resource plan public comment period
- Memo re. request for petition of Shamrock Road
- Memo re. AE 9/11 Truth.org seminar at Park County Library
- Draft purchase order policy memo

Commissioners Malone and Taylor discussed their concern with spending \$400,000 for a Safe Routes to School sidewalk in Gardiner.

@8:54:58 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

August 27, 2009

Discussion of County Tax Relief

@9:50:46 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Kevin Larkin, treasurer; John Payne, citizen; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss a citizen tax relief request.

Citizen John Payne said he owns a commercial property, and he fell behind on his property taxes before paying them in full. Payne said an individual put an assignment on his taxes and property, and he is present to ask the Commission for tax relief for Park County residents who fall predator to individuals seeking ownership of their property by paying for delinquent tax bills. Payne said he is asking for reimbursement from the county for the penalty and interest fees he paid on his late taxes when he caught them up. Payne also asked whether the Commission in the current economic downturn could offer residents of Park County a 30-day pass on fees, fines and interest to get taxes caught up so the county can continue to operate.

Treasurer Kevin Larkin said Payne paid \$464.50 in penalties and interest on a \$6,466.56 tax bill.

Commissioner Taylor said his thought is if someone comes forward and pays their taxes he can forgive the penalties and interest.

The Commission said it will forgive Payne's interest and penalty payments and Larkin will send a reimbursement check for \$464.50.

@10:21:13 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

August 27, 2009

Discussion and Signing of a Resolution for Annexation for Rural Fire #1

@10:39:40 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Dann Babcox, PCRFD #1; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider signing a resolution for annexation of property into Park County Rural Fire District #1.

Dann Babcox of PCRFD #1 said signing of the resolution would add 7,000 acres to PCRFD #1's service area up Swingley Road to 12-Springs Ranch. Babcox said the appropriate landowner signatures were obtained. Babcox said individuals not in the

District or who have opted out of the District pay PCRFD #1 directly for fire fighting services received.

Commissioner Taylor made a motion to accept the annexation for Rural Fire #1 and sign the resolution. Commissioner Durgan seconded that motion. Motion passed.

@10:54:43 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

August 27, 2009

Signing of Contract with Qwest for Telephone System

@1:31:27 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Marc Richards, GIS/IT; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign a contract with Qwest for the city/county complex telephone system.

GIS/IT Manager Marc Richards said the county needs to sign a contract with Cerium Networks for a new telephone system and a contract with Qwest to have a T1 line installed in the building. Richards said Qwest has a special of \$425/month for T1 line for a 60-month agreement. Richards said the civil deputy county attorney reviewed and signed both contracts.

Commissioner Taylor made a motion to agree to and sign a contract with Cerium Networks. Commissioner Durgan seconded that motion. Motion passed.

Commissioner Durgan made a motion to accept the contract with Qwest for the T1 line. Commissioner Taylor seconded. Motion passed.

@1:59:08 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

August 27, 2009

Consider Signing Contract with Standish Excavation for Grading Five Acre Tract Roads

@2:38:29 p.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 made.

The meeting was scheduled to consider signing a contract with Standish Excavation for grading Five Acre Tracts roads.

Commissioner Malone read into the record contract specifics, which include \$640 to blade; \$465 to water and \$265 to roll Five Acre Tract roads per maintenance incident. Malone said the contract expires August 31, 2010 unless terminated by the county on an earlier date, and the contract states Standish Excavation has 48 hours to initiate operation on the roads upon request by the Park County road supervisor.

Commissioner Taylor made a motion to accept the contract from Standish Excavation to do the Five Acre Tracts with the rate schedule provided. Commissioner Durgan seconded that motion. Motion passed.

@2:44:59 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

August 28, 2009

8:30 A.M. – Review Daily Agenda and Correspondence – Commissioners Chambers – Canceled due to Commissioner schedules

9:00 A.M. – Commissioner in Wilsall to Hear Area Residents Concerns – Val’s Mercantile

10:00 A.M. – Commissioner in Cooke City to Hear Area Residents Concerns – Cooke City Fire Hall

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

2:00 P.M. – Commissioner in Gardiner to Hear Area Residents Concerns – Gardiner Community Center

Marty Malone
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana