

Park County Commission Meeting Minutes
Week of February 16 – 20, 2009
Park County, Montana

February 16, 2009

President's Day Holiday – All offices closed

February 17, 2009

Review Daily Agenda and Correspondence

@8:43:08 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; Shannan Piccolo, deputy county attorney; 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. Feb. 27 planning meeting for full-scale evacuation exercise at hospital
- Memo re. harvesting clean energy - To Commissioner Taylor for review
- Memo re. mandatory employee training March 24
- Memo from safety committee re. mandatory attendance at safety trainings
- Memo from DNRC re. land bank program nominations - To planning for review
- Memo from RC&D re. publishing affidavit for senior citizens center project
- Memo re. guardrail posts - To road department for review
- Minutes of Job Service meeting - To HR for review
- Memo re. U.S. Congress stimulus package
- Memo from city police chief re. 9th Street Bridge traffic issue
- Announcement of wastewater management seminar
- Memo re. FEMA fire protection safety grants
- Memo re. legislative updates for Montana disability rights

Malone said he received an email asking the Commission to look at HB 523 regarding zoning.

Durgan said he received a letter in regard to Forest Service leases and the Gardiner Sewer District. Director of Operations Bill Hurley said the lease agreement is up for renewal and he recommends the Commission sign off on it. Malone signed the renewal.

Hurley said Yellowstone National Park has sent a notice of intent to pay \$68,000+ as part of its payment for use of the Gardiner Sewer System and that payment is expected within

two or three weeks. Hurley set he set up a meeting with the Commission and a geothermal expert to discuss geothermal energy options.

@9:05:05 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

February 17, 2009
Park County Road Updates

@9:06:16 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; Shannan Piccolo, deputy county attorney; Road Crewmen Mark Smith, John Young, Scott Fletcher, and Troy Amunrud; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss county road issues.

Road Crewmen John Young, Troy Amunrud, Scott Fletcher, and Mark Smith provided updates of road conditions in their work regions.

Mark Smith presented the Commission with 3M grant purchasing program information from Crewman Jay Dixon. Smith said the funds can assist the county's sign retro-reflectivity compliance efforts.

John Young asked whether the Commission had decided what to do about chips for chip sealing the Shields River Road. Young said he proposes chip sealing 15 miles of the Shields River Road. Commissioner Taylor said the Commission will talk about that in the near future and that Crewman Brad Wilson should have enough chips at the landfill to do the work. Young said Ron Arthun said the crew could cut across his land to cut the travel distance when doing chip sealing in the Shields.

Smith said it would be a mistake not to buy all the chips from Matt Levers because the county cannot buy chips for \$6 a ton anywhere in the state. Durgan said the Commission may need to buy chips this budget year and oil the next budget year.

Smith said Dan Hackmann received an estimate from Ken's Diesel for a 1972 Kenworth water truck. Smith said the estimate states the vehicle's left and right rear frame rails are cracked, it needs a new water pump engine, it has a transmission issue, and wiring and lighting issues make the vehicle unsafe for road travel. Smith said Hackmann's recommendation is to not put money into repairing the truck. Troy Amunrud said water truck #532 in his region needs an air pump compressor and has a cracked frame. Commissioner Malone asked if water truck work could be contracted out. Amunrud said that would be a full time contract. Smith said he knows of three water trucks on Ebay right now, some from Forest Service wildland efforts that cannot any longer be used as firefighting water trucks. Young said there are many individuals in the county with CDLs who could work seasonal hours in the summer running water trucks.

There was discussion about an issue of crewmen having to leave road graders parked for a long period of time when the entire crew is called to a major bridge or road repair project. Malone said something needs to be arranged to make sure grader operators stay on their roads so they do not get behind on road work. Malone said he gets concerned about taking someone out of his district for a long period of time, and citizens see graders sitting. Malone said it may be better to hire part-time help. Young said part timers could run water or dump trucks and grader operators could remain grading their roads.

Smith said pre-planning before big projects is necessary and would keep graders in their areas if a Billman Lane/Shields River Road-type chip sealing project comes up. Smith said the road crew would be appreciative of the help of having a pool of temps and planning projects out instead of slam dunking them to get it done as was done in the past. He said temps could drive water trucks in front of graders and put up snow fence.

There was discussion about maintaining road signs. GIS/IT Manager Marc Richards said his understanding is Rural Addressing was doing all sign work, the former road supervisor took over the county roads, but Rural Addressing kept doing private signs. Richards said he and the former road supervisor were going to budget to hire someone to do all sign work. Richards said it would be a good summer temp job to put up signs and asked if the county has a truck a temp could use for that job. The Commission said it will come up with a written proposal of how that work may be completed with temporary workers and will provide it to both the road and GIS/IT departments. The Commission said the road department will contact Richards and let him know if a sign is in need of maintenance, and Jay Dixon will continue to order needed road signs.

Malone said the county needs to categorize roads by priority as to how the roads are maintained. Malone said that prioritization would include a map showing which county roads are and are not maintained. Malone said the Commission will have a public hearing and announce what roads are maintained.

There was discussion about whether Dan Hackmann is to work on Angel Line, landfill and transfer station vehicles in addition to road department vehicles. Durgan said it was his impression the Commission told Hackmann his main duty was to the road department but he can work on landfill and transfer station vehicles by appointment. There was discussion about who is to order parts for landfill vehicles Hackmann works on and an issue with wrongly-ordered parts holding up shop bays. Malone said the Commission needs to come up with a better written system of communication on the issue.

Durgan said he has been asked when the Commission will solve the road crew lead operator issue. Durgan said the Commission owes it to the road crew to make an effort as soon as possible to resolve the issue.

Malone said the Commission is still considering having road crewmen write down the name and date of roads worked on by each crewman for record in the road book minutes.

Young asked if the county will crush gravel this year. The Commission said that is on its list to discuss.

Amunrud said the oil on Rock Creek Road is getting worse every day and rock chipping over the oil will not fix the road. Amunrud said Crazy Mountain Ranch may help with the cost to fix that road.

@10:05:12 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

February 17, 2009

Consider Gardiner School Sidewalk Project Funding Scheme

@10:11:22 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; Shannan Piccolo, deputy county attorney; Lori Benner, Nittany Grantswork; Joseph Gross, public citizen; Mark Smith, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to consider a Gardiner School Sidewalk Project funding scheme.

Lori Benner of Nittany Grantswork provided the Commission with a review of the Gardiner School Sidewalk Project timeline and three different construction option costs. Benner provided the Commission with a final cost estimate from Great West Engineering and said she put together a scenario of how the county could go about funding the project with the Park County Community Transportation Enhancement Program (CTEP) fund allocation and Secure Rural Schools (SRS) funding. Benner said Park County will have \$324,924.45 in its CTEP budget by spring of 2009, which could go toward the project. Benner said CTEP funds can pay for all engineering work.

@10:21:20 a.m., Director of Operations Bill Hurley entered the meeting.

There was discussion about road work portions of the project that can be used with SRS funds totaling \$161,905.05. The Commission said it has other areas it needs to spend CTEP money in addition to the Gardiner Sidewalk project.

Joe Gross, Gardiner resident, said the town of Gardiner wants a sidewalk and wants to get the project completed. He said school kids are walking all over the streets going to and from the school.

Mark Smith, Gardiner resident, said the sidewalk is a definite need, and the lack of a sidewalk makes it dangerous for the children leaving school. Smith said as a driver on Gardiner roads dropping off or picking up his child from school, you have to be on your toes with the kids walking in the street.

Benner said she has gotten feedback from Gardiner residents that this would be a permanent infrastructure and capital investment.

Smith said he questions whether the engineer's plan for a retaining wall on Stone Street is necessary. He said a retaining wall may funnel water to AmeriGas on 3rd Street and drainage in that area now is minimal at best. He said he sees a potential of saving the county \$50,000 by eliminating the retaining wall. Smith also questioned where he would plow snow in a major snow event if a retaining wall is installed. Benner said she can get a written response from the engineer explaining the reason for the retaining wall, and it may be an issue an engineer will not sign off on the project design without a wall.

Durgan said the issue is protecting the kids in Gardiner and the other issues will have to be dealt with on another level with give and take from the citizens and county.

Malone said on onsite visit may be a good idea. Benner said she will set up an onsite meeting with the engineer and the Commission to view the project site and will draft a letter about the need for the sidewalk in Gardiner for the Commission to submit to Hal Harper in the governor's office.

@10:53:22 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

February 17, 2009

9:30 A.M. – Review Minutes for the Weeks of February 2 and 9 – Commissioners Chambers

February 17, 2009

Park County Concerned Citizens Discussion of Motor Patrol

@11:03:37 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; Shannan Piccolo, deputy county attorney; Park County Concerned Citizens Warren Latvala, Jim Hunt, Garry Cotant, and Timothy Watson; and Commission Minutes Clerk John Mueller.

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

Tim Watson, president of the Park County Concerned Citizens (PCCC), said the PCCC is concerned whether or not the county will have road motor graders in a few months. He said instead of the PCCC initiating a lawsuit, the membership is asking the Commission to ask the state to investigate whether there was wrongdoing by previous county commissioners. Watson said the PCCC have been in other lawsuits with the county and all it does is spin wheels and spend money no one has. He said the PCCC is concerned about where the money for the road graders is going to come from. Watson said if the

state finds wrongdoing, the county may be able to negotiate with Tractor & Equipment in order to amend the county budget between now and June to keep the graders or get a better deal. He said it may help in explaining to citizens why county budgets or services may need to be cut.

Malone said the county has money in the current year's budget to pay for the grader leases, which the county is required to pay, and the next payment would come out of next year's budget.

Warren Latvela, PCCC member, said he conducted research behind a document it presented to the Commission. Latvala said he is a citizen of Park County and he deserves to know what is going on and how his tax dollars are being spent. He said there is an obvious disregard for state statute and law going back to February when Larry Lahren signed an agreement with CAT with no discussion, no motion, and no vote. He said maybe Lahren was naive and signed something as receiving something, but what he signed reads like a contract. He said county graders were released and taken to Billings prior to any vote by this Commission. He said after that there was no publicized request for quotes that he knows of whether better options exist. He said Lahren put all the blame on the former road superintendent in the newspaper and we all know the former road superintendent did not sign the agreement and has no authority other than what is given by the commissioners. He said if the former road supervisor was a poor road supervisor, then fire him, but do not blame him for something that was not his fault. Latvala said he does not think the leases were done correctly per state statutes and administrative rules for the conduct of this office. He said he would like to know why this mistake was made and who did it. He said perhaps T&E can be blacklisted in the state if it did something wrong and held the Commission's feet to the fire or be required to come back to the Commission to renegotiate.

Latvala said Lahren overturned a two-to-one Commission vote to cancel the lease deals and get the county's graders back when negotiations were going on and the county realized it was on the hook. He said the county cannot have two county commissioners overruled by one if that is what happened. Latvala said things were evaded and concealed in the last Commission, and the new Commission has shown it will not do that, but the county needs to find out how it got in this situation.

Watson said he knows Commissioners Durgan and Denton asked if the old graders could be gotten back, but T&E had already sold them.

The Commission said it will submit a letter to the county attorney with PCCC's concerns. Watson said the PCCC asks that the Commission include PCCC in the opinion. Durgan said the Commission will consult with the county attorney and the county attorney will articulate what options the county has.

Jim Hunt, PCCC member, said many people are upset over this issue since its inception. He said he thinks the county took too big a bite. He said the Commission needs to look into the county having to buy new graders all at once, and instead stagger model years

out. He said citizens are paying so much attention to the issue because the county is paying so much money for leases and it won't have anything in the end. Hunt said all everyone is asking for is an open dialogue so lawsuits do not happen.

Malone said the Commission could hold a public meeting prior to the grader leases expiring and the next decision with the graders is made.

Watson said openness hasn't been the concern, but it is a future problem monetarily, wrongdoing has been seen in the past and PCCC would like to see some reconciliation for that. Commissioner Taylor said the Commission is looking for advice and help from the citizens in finding the best machines. Hunt said the PCCC not telling the Commission what to do, but is just making suggestions on what is in the best interest of the county and where the tax dollars should go. He said getting the work done on the roads is where the money needs to go.

@11:33:40 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

February 17, 2009

Department Head Meeting

@1:33:01 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present was Bill Hurley, operations; Shannan Piccolo, deputy county attorney; Bruce Martin, maintenance; Denise Nelson, clerk and recorder; Barbara Woodbury, environmental health; Philip Fletcher, planning; Marc Richards, GIS/IT; Marilyn Hartley, accounting; Raea Morris, Commission executive assistant; Tracy Brewer, Extension; Jill Ouellette, HR; Clay Williams, weed/junk vehicle; Belinda Van Nurden, DES; Kevin Larkin, treasurer; Brian Sparks, museum; Shirley Ross, justice court; and Commission Minutes Clerk John Mueller.

The meeting was scheduled as a department head meeting.

Commissioner Malone opened the floor to public comment. No public comment was made.

Discussing elimination of excess paperwork, Malone said staff will report to department heads for leave requests, and the Commission would like to know when and for how long department heads and elected officials will be out on leave. Department heads and elected officials can report their leave dates to the Commission's executive assistant.

Marilyn Hartley, accounting, said ideally hourly employees would fill out a leave form and attach it to corresponding timesheets so payroll can track leave hours used. She said that way it is not necessary for the Commission to review staff leave requests. Hartley said exempt employees are hired to do a job, not necessarily to work X number of hours per week, but they may submit a timesheet for documentation if they wish.

Addressing purchase orders, Malone said the Commission will need to pass a new resolution to increase the minimum amount from \$500 to \$1,000.

Planning Director Philip Fletcher asked whether a policy still exists requiring anyone needing to correspond with or ask legal questions of the county attorney's office to get the signature of at least one commissioner in advance. Director of Operations Bill Hurley said his understanding was that directive involves attorney client privilege, which does not extend to everyone in the county.

Discussing how to make department head meetings more useful, Brian Sparks, museum, said the openness to communication is greatly appreciated. Bruce Martin, maintenance, said having the meetings first thing in the morning would be best. Other department heads agreed.

Discussing elimination of the employee of the month award, Malone directed Ouellette to market the award for another month to see if it can work. Hartley asked where the money for a lunch gift certificate award is coming from, and from a financial standpoint she does not know how the county will continue to fund those certificates.

Department heads reviewed recent activities and projects. Martin said he has a meeting scheduled with the Commission to discuss the cold storage issue. He said cold storage is a terrible mess with too much weight on the top floor and poor organization. Sparks said the museum is applying for a national humanities planning grant that would enable 10 national humanities interns to put together an educational platform for the museum. He said the museum has 40 volunteers and the native cultures room is receiving an interpretive upgrade. Treasurer Kevin Larkin said Leslie Holmes is a new employee in his office. He said no one is buying cars right now, and the second half of taxes are due in May. DES Coordinator Belinda Van Nurden said she is working on tabletop displays with DNRC for the Cottonwood and Crazy Mountain dam projects, and the hospital has requested a full-scale evacuation exercise. Weed/Junk Vehicle Coordinator Clay Williams said he has picked up a few cars but things are slow with the economy. He said he is installing another set of flashing lights on a truck and is working with GIS on mapping for the Park County Weed Management Group. Ouellette reported position openings for a seasonal green box caretaker in Gardiner, a GIS Tech temporary, and a sanitarian in training position. Tracy Brewer, Extension, said she is working with producers to see how to get back the county's Brucellosis-free status and she will teach a small acreage pasture management workshop as part of the adult education seminars. Shirley Ross, justice court, said that department is functioning as usual. Hartley said she is working with the county auditor on getting tax abatement issues figured out, balancing payroll accounts, and helping the auditor and HR get up to speed on CSA software. GIS/IT Manager Marc Richards said he posted a tech intern position, set up a new treasurer/accounting/HR/clerk and recorder server, and is upgrading the law enforcement SLEUTH server. Deputy County Attorney Shannan Piccolo said work in her office is as usual. Fletcher said the planning department will interview prospective members for a park and recreation board, is working on a zoning and planning-related issues report for

the Airport Board, and finished and passed amendments to the county subdivision regulations. Fletcher said subdivision activity is way down from two years ago but about 50% greater than last year with more, smaller subdivisions. He said Ameya Preserve will give a presentation Thursday afternoon before the planning board and Commission, he is busy with subdivision regulation exemptions, a rezoning issue in Cooke City, a donut zoning district issue, reviewing current and pending legislative issues for the planning board, and is investigating grants for water, flood mitigation and wildland/urban interface with fire hazards. Sanitarian Barbara Woodbury said she updated local regulations, which hadn't been upgrade since 1992, met with installers to discuss how to remain in compliance with state law; a Sanitarian in Training person will work with Doris Morgan, and she is learning about floodplain administration. Auditor Martha Miller said she is working on things that have fallen through the cracks in the last year including payments from October 2007, and she is monitoring claims. Hurley said he is working on transferring the Gardiner Sewer District to the Gardiner Water and Sewer District Board and is working on the upcoming budget process. Commissioner Durgan said the Commission will meet with an individual to discuss geothermal techniques and applications. Commission Executive Assistant Raea Morris said operations in the Commissioners Office are going fine with managing paperwork. Durgan said meeting dates are going well. Clerk and Recorder Denise Nelson said she is working on notices to all citizens who did not vote in the election and moving them from active to inactive lists, school and fire district elections, and doing a lot of back work, as few recordings and property transfers are being recorded in her office.

Malone reminded the department heads they can attend weekly legislative updates every Thursday at 12:15 p.m. in the Commissioners Chambers.

Van Nurden asked department heads to send her copies of interoperable agreements with other counties or agencies.

Richards asked whether department heads would hear anything about the upcoming budget process at the next department head meeting. Malone said the goal is to have the expenditure side of the budget completed by June 10. Durgan asked if department heads liked the budget committee set up last year. Fletcher said the budget committee met once a week and he wasn't sure what the committee actually accomplished. Larkin said it was a good concept but it works better for department heads to meet with the Commission individually to let it know what is in their budgets and why. Many department heads said they would like to address their budget to the Commission and not the budget committee. Hartley said she personally does not see a need for a committee this year. Miller said she would like to meet with each department head individually to discuss proposed accounts. Malone said that is a good place to start.

@2:36:22 p.m., the meeting was adjourned.

February 17, 2009

1:30 P.M. – Senior Citizens Meeting – Senior Citizen's Center

February 17, 2009

Discussion of Floodplain Regulations and Permission to Submit BLM Grants for Wildfire Planning

@2:41:39 p.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; Philip Fletcher, planning; Barbara Woodbury, environmental health; Marc Richards, GIS/IT; Dann Babcox, PCRFD#1; Camden Easterling, Livingston Enterprise; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss floodplain regulations and permission to submit Bureau of Land Management grants for wildfire planning.

Planning Director Philip Fletcher said the county's existing floodplain regulations were completed in 1991 and an attempt to redo them in 1998 went nowhere. He said the 20-year old regulations are obsolete, but he feels confident the current planning and environmental health department heads work well together and can complete this task. He said the county is not far from having the reviews done. Fletcher said he needs to know if the Commission wants to continue to sit on the floodplain regulations or start working toward implementation, which is required to get FEMA flood insurance. He asked the Commission if he should work on a model and present it to the Commission for a hearing process or run it through the planning board as was done with the county subdivision regulations.

Commissioner Durgan said it is very important to get the floodplain regulations in place. Durgan and Malone told Fletcher to go forward with the regulations and they will contact Fletcher if Commissioner Taylor has an issue with the regulations. Durgan said he would feel more comfortable with planning and environmental health drafting an outline of the regulations and presenting seminars to the planning board and the public. Fletcher said the planning board has shown interest in the process and he will discuss with the board being involved in the floodplain regulation process.

GIS/IT Manager Marc Richards asked if the regulations would involve Shields Valley and all non-incorporated areas. Fletcher said it would not, but the county can include Clyde Park if it wishes. Fletcher said the regulations are more of a legal document than a map-oriented visual, and the regulations do not have to address where the boundary is. He said the boundary is determined and the regulations pertain to that determination.

Discussing a BLM grant program, Fletcher said he recommends the county, whether through the planning department or a public/private consortium, apply for a Wildfire Community Assistance implementation grant and focus on implementation of objectives of the 2006 Community Wildfire Protection Plan goals. Fletcher said plans without implementation are just wasted energy. Fletcher said the BLM and the Forest Service have good resources for creating a good team. He said the planning department is willing

to provide leadership, as he wants to move the process forward, and perhaps leadership may evolve from that point.

Fletcher asked the Commission for permission to move forward with Lori Benner of Nittany Grantworks in a more formal way to work through the grant application procedure while he and Dann Babcox of PCRFD#1 reconstitute the team network that existed in 2006.

Commissioner Durgan made a motion to use the services of Nittany Grantworks. Malone seconded that motion. Motion passed.

@3:01:39 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

February 17, 2009

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

February 18, 2009

Review Daily Agenda and Correspondence

@8:37:29 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:

- First Interstate Bank landfill post-closure trust fund and closure costs - To file
- Memo from MACo requesting support for SB 394
- Memo from Lee Pariott re. Angel Line board member term
- Memo re. volunteer fire grants for 2009
- Memo re. Park County premium loss ratio
- Memo from RC&D re. Shoofly Community Center project architect - To file
- Memo re. Montana Water Trust meeting - To Commissioner Durgan for review
- Estimates for search and rescue logos - To Commission for review
- Meeting minutes for Area IV Agency on Aging
- Meeting notes from Gallatin Solid Waste Management District
- Memo from Sarah Hamlen of RC&D re. board member
- Memo re. Rural Dynamics Incorporated
- Memo from Park Conservation District Administrator re. legislative updates
- RFP for large animal control
- Resignation letter from Gateway Museum board member

- Announcement of April 15-17 conference in Washington D.C. re. stimulus funds
- Memo from DES coordinator re. February 24 safety issues meeting with MACo @1:30 p.m.
- Memo re. back taxes on mobile home
- Yellowstone National Park invoice for sewage treatment payment
- Memo re. annual CPI percentage
- NACo newsletter
- Memo from MACo re. statutory payment for hardrock mining trust account
- Memo re. custom computer services - To GIS/IT for review
- Commission news release re. donut zoning
- Announcement of Western Interstate regional conference

@8:55:54 a.m., Commissioner Taylor made a motion to adjourn the meeting. Commissioner Malone seconded that motion. The meeting was adjourned.

February 18, 2009

Overview of FEMA Pre-Disaster Mitigation Grant Program Regarding 9th Street Island

@9:02:32 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; Philip Fletcher, planning; Barbara Woodbury, environmental health; Dann Babcox, PCRFD#1; Belinda Van Nurden DES; Marilyn Hartley, accounting; Lori Benner, Nittany Grantworks; Hill Hurley, operations; Tim Thennis, MT DES; Kent Atwood, MT DES; Russell Smith, Oasis Environmental; Public Citizens Ray Olson, Margot Aserlind, and Chuck Donovan, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss a FEMA Pre-Disaster Mitigation Grant Program regarding 9th Street Island.

Commissioner Malone opened the floor to public comment. No public comment was made.

Tim Thennis of Montana Disaster and Emergency Services said he toured the 9th Street Bridge with FEMA and local officials to make the Preliminary Damage Assessment (PDA) of the 9th Street Bridge failure during high water last spring. Thennis said he is present to review with the county where it stands with funding options through the state.

Thennis said FEMA did not declare the 9th Street Bridge failure as a presidential emergency declaration because the state, local officials, and the city did not meet the threshold of \$1,187,022. Thennis said the only things that qualified for funds due to damage caused by the high water event were one bridge pier and two bridge decks with an estimated repair cost of \$158,000. Thennis said \$144,000 in total eligible emergency costs remain available to the county through MT DES to fix the bridge, but funds expire in December 2009. Thennis said DES made a mistake and overpaid on the project, and the state will request the overage back if the county does not expend funds before

December 2009. Thennis said Montana DES funds cannot be used for purchase or relocation of the Bailey bridge or to hire an engineering firm to analyze all alternatives. He said DES funds can only be used for repair of the existing 9th Street Bridge.

Malone said county will go out for a pre-engineering bid for all bridge options, including doing nothing, repairing the current bridge, using the Bailey bridge permanently, or installing a new bridge.

Malone said engineers and Montana Department of Transportation have concerns of damage to the bridge abutment on the mainland side. Thennis said the existing bridge structure would not be eligible for any more DES assistance if it were to fall into the river this spring from high water, because the facility is no longer in use.

Commissioner Taylor asked why DES did not inspect the whole bridge once it was damaged. Thennis said the initial PDA was for the far side damage, so there was no way for DES to tell if other damage occurred from the high water event. Commissioner Durgan said it seems the whole bridge may conceivably be in poor condition due to the high water event. Thennis said the state follows FEMA guidelines and can only assess damage that occurred from a single event. Park County DES Coordinator Belinda Van Nurden said FEMA explained at their visit the only damage to the bridge that could be included in the PDA was that which occurred from the high water event last spring.

Island resident Margot Aserlind asked if DES will fund a short-term fix until Treasure State Endowment Program (TSEP) funds were approved. Thennis said DES funds can be used for a short-term fix. Aserlind said island residents cannot do without a bridge. Malone said people on the island may be island locked at some point during the solution. Aserlind said island residents were isolated for eight days once before.

Russell Smith, an Oasis Environmental consultant and landowner on the island, said he is willing to discuss helping the county with an easement and access with a bridge during repair or replacement of the 9th Street Bridge. Smith said he is not looking to sell his land, but the island property buyout option needs to be discussed.

Kent Atwood, state DES hazard mitigation officer, said he can offer mitigation alternatives through Pre-Disaster Mitigation Grant programs. Atwood said PDM grants are competitive and awarded by Congress each year, and Park County is eligible to apply for them. Atwood said the grants equate to \$3 million in federal money with a required 25 percent local match and apply to property acquisition, demolition of structures, and relocation of structures in the floodplain to get people out of harm's way. Atwood said the program is completely voluntary and it not a taking or condemnation. He said applications are due by December and offer the fair market value of a home.

Atwood discussed a DNRC Flood Mitigation Assistance program for island residents who own their homes outright and have flood insurance existing of a 75-percent federal match and a 25-percent local match. Atwood said anything bought on the island by the county would be county-owned property in perpetuity with no structures permitted to be

built. He said the land could then become a county park, soccer fields, open space, or a primitive campground. He said the program gets people out of harm's way and improves community assets with no possibility of infrastructure damage. Atwood said island property acquisitions are based on the fair market of a home and you can imagine what will happen to those values if the bridge fails and takes the Bailey bridge with it. He said there are possibilities island residents could lose everything. Smith said island residents are already seeing reductions in property values.

Malone said the program is a good opportunity for citizens who want to sell, but one landowner wanting to stay will require the county to provide access.

Smith asked if a plea could be made to agencies in order to look at removing some bridge piers at low water to allow for debris passage. Citizen Ray Olson asked if removing existing bridge piers would take away repair options. Malone said the Commission will hold an evening meeting once it obtains engineering study options.

@10:12:42 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

February 19, 2009

Review Daily Agenda and Correspondence

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

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

Correspondence included:

- Email from Livingston Enterprise re. date of donut zoning meeting
- Email from MACo re. civil and voluntary mental health commitment process
- Memo re. Americans for Balanced Energy Choices – To Durgan for review
- Email from Senator Tester re. Montana stimulus dollars
- Memo from accounting re. part-time employment in accounting office
- Email from Clerk and Recorder re. RFP for 9th Street Bridge
- Memo from Livingston Roundup Association re. new ticket office – Commission meeting is scheduled for February 24 at 3 p.m., about the issue
- Memo from Clerk and Recorder re. bidding services for county surveyor work
- Application for Vision Livingston board membership – Commissioner Taylor will talk to City Manager Ed Meece about the issue
- Memo re. quiet title property issue for the Gardiner Sewer District transfer
- Legal document from Montana DEQ re. Yellowstone River sewage spills

The Commission said it will send a letter of response to Tom Lane acknowledging receipt of his request to move rocks from Convict Grade Road. The Commission directed Commission Executive Assistant Raea Morris to submit a response to Lane permitting him to move the rocks and stating Stenberg Construction provide all the necessary safety precautions, including flaggers, and Stenberg Construction is liable for all damages.

@9:13 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

February 19, 2009

Consider Signing a Resolution to Establish a Fire Season for 2009

@9:30 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; Dann Babcox, PCRFD#1; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to consider a resolution establishing a 2009 fire season.

Commissioner Durgan noted the resolution establishes a fire season from March 1, 2009 to August 31, 2009. Durgan said the fire season usually runs through November and anyone wanting to burn after August 31 must telephone the burn hotline prior to burning. Deputy County Attorney Piccolo said a press release announcing the fire season dates is attached to the resolution.

Commissioner Taylor made a motion to pass Resolution #1044 to put a fire season in effect. Durgan seconded that motion. Motion passed.

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

February 19, 2009

Discussion of Cold Storage Issues

@10:00 a.m., the Commission met onsite at the Fairgrounds quansot hut to tour the county's cold storage capacity. Commissioners Durgan, Malone and Taylor were present. Also present was Bruce Martin, maintenance, and Commission Minutes Clerk John Mueller. No public was present and no public comment was made.

The meeting was scheduled to discuss the county's cold storage issues.

The Commission and Bruce Martin, maintenance, toured cold storage units for the offices and departments of the Clerk and Recorder, Commission, Coroner, Sheriff, Accounting, Justice Court, Sanitarian, Extension, Planning, Refuse, Treasurer, State Assessor, and the Clerk of Court.

There was discussion about moving the Sheriff's storage upstairs and moving the Treasurer's and Assessor's storage downstairs because of weight concerns. There was discussion about moving the Clerk of Court's storage into a smaller upstairs storage room and reorganizing the storage areas of other departments that have more materials to store.

Commissioner Malone told Martin to submit a written proposal of reorganization options for cold storage and the Commission will distribute that proposal to department heads and elected officials for review.

@10:30 a.m., the meeting adjourned.

February 19, 2009

Consider Approval of Meeting Minutes for Weeks of February 2 and 9

@11:21:58 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 consider approval of Commission meeting minutes of the Weeks of February 2 and 9.

Commissioner Taylor made a motion to accept minutes for the Weeks of February 2 and 9. Commissioner Malone seconded that motion. Motion passed.

@11:22:23 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

February 19, 2009

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

February 19, 2009

Discussion with Museum Executive Board Regarding Museum Activities and Plans

@1:35:05 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; Bill Hurley, operations; David Haug, president of Livingston Ditch Association; and Yellowstone Gateway Museum representatives Brian Sparks, Susan Kraft, Donna Armentaro, Marsha Pultan, Charlie Rahn and Rick Van Aken; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss museum activities and plans.

Yellowstone Gateway Museum Director Brian Sparks said the museum is requesting for a third straight year a capital improvements account be set up for the museum for

unexpended revenues. He said it is wise to accumulate for the backlog of maintenance issues that need to be addressed. Commissioner Malone said such a fund needs to be a budgeted capital improvements fund.

Sparks said \$5,000 for Whithorn grant work needs to be moved from the maintenance and repair budget to an museum account ending in ...121. Sparks said the money is there and just needs to be moved. The Commission asked for a written explanation and record of why the transfer request is being made.

There was discussion about county-required insurance for contract workers. Sparks said Sage Solutions has proposed to conduct facilitation contract work for the museum and 10 scholars will come for three days to create an interpretive plan for the museum, with each being paid about \$2,000 for their work. He said getting an independent contractors license for the state of Montana for those individuals will be challenging. The Commission said it will look for a loophole in the worker's compensation law. There was discussion about having a sponsor other than the county for a planned event.

Sparks said the museum has an immediate maintenance concern with a leak from the Livingston Ditch above the museum. Dave Haug, president of the Livingston Ditch Association, said the Livingston ditch was constructed in the 1880s. He said he does not recall anyone ever talking about a leak at the museum site, and the ditch predated the school, museum and much of the town. Haug said he was horrified and shocked to see what the museum has done to the ditch, which was excavated back in to an eight-foot, vertical cut on dirt, and the pressure against it has created the leak. Haug said he met onsite with Bob Jovick of the museum board who agreed with Haug the leak was created by the cut.

Museum board member Susan Kraft asked for a solution. Haug said he would like the museum to figure out what can be done. He said the board is the victim in this case and not the problem. Haug said the canal board will give advice on what needs to be done. Haug said dozing the fence and compacting the dirt back and then installing a culvert may be the best fix. Haug presented photographs of the ditch for review.

Sparks reported other museum maintenance issues, including bad windows on the south side, the public bathroom, the asphalt lot, and the need to update security cameras.

@2:38:12 p.m., Malone adjourned the meeting.

February 19, 2009

3:30 P.M. – Planning Board Meeting – Community Room – Meeting minutes available at www.parkcounty.org or in the Planning Department

6:00 P.M. – Solid Waste Board Meeting – Community Room – Meeting minutes available at www.parkcounty.org or in the Commissioners Office

February 20, 2009

Review Daily Agenda and Correspondence

@8:40 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; Bill Hurley, operations; and Commission Minutes Clerk John Mueller. No public comment was made.

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

Correspondence included:

- Citizen memo re. snow plowing on Bannack Trail and Monument Avenue
- Memo from RC&D re. banking information on requested drawdowns
- Road work application from Corey Peterson on Shields River Road – The Commission will review the road on 2-20-09
- Letter re. Tech Electric refuse tags
- Memo from AP Clerk re. claims submittals
- Memo from Gardiner Chamber of Commerce re. light pole banners and hardware on Scott Street – The Commission will telephone MDT about who owns the poles
- Picture of Harvat's Flat dumpsite
- Appreciation letter for HR Analyst Jill Ouellette from county treasurer
- Memo from clerk and recorder requesting update on Shooting Star Ranch and Shamrock Lane road abandonment petitions
- Memo re. HB 194 passed out of legislation
- Memo from MACo re. FY '10 project request applications
- Solid waste board member mileage logs – Commissioner Taylor will telephone Harold Stewart to see if mileage logs have ever been submitted

@8:54 a.m., the meeting was adjourned.

Marty Malone
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana