

Park County Commission Meeting Minutes
Week of February 2 – 6, 2009
Park County, Montana

February 2, 2009

Review Daily Agenda and Correspondence

@9:02:21 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; 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 from HR re. employees working less than schedule hours - To file
- Heard Across Montana newsletter - To director of operations for review
- NACo legislative news bulletin
- Memo from MACo re. HB 194 hearing
- Announcement of February 5 Upper Yellowstone Watershed Basin meeting
- Memo from RC&D re. phone system
- Memo re. status of Deep Creek Bench Road
- Department of Commerce survey
- Memo re. legislative update
- List of juror warrants issued for period ending January 31, 2009
- Memo re. Montana public service commission
- Agenda and minutes for January 22 library board meeting
- Announcement of February 25 Highway and Safety Improvement program web conference
- Memo re. annual financial report penalties

Director of Operations Bill Hurley provided the Commission with information on the Fleshman Creek remediation project.

@9:24:00 a.m., Malone adjourned the meeting.

February 2, 2009

Park County Road Updates

@9:24:03 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; Bill Hurley, operations; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss Park County road issues.

Commissioner Malone said he spoke with Citizen Bruce McLeod who is in favor of abandoning Hill Road, but not interested in paying the \$300 fee. Malone said the county can either install a new bridge on that road or waive the fee. The Commission asked the deputy county attorney for an opinion as to whether the County could initiate the road abandonment process.

Durgan made a motion to waive the fee and other statutory requirements for the road abandonment if okayed by legal counsel.

There was discussion about Shooting Star Trail. Malone said it looks like the county dropped the ball on that abandonment issue and not the landowner. Durgan said that abandonment issue was turned over to the county attorney for review who has not yet responded back.

There was discussion about completing abandonment procedures for Hill Road, Shooting Star Trail and Sunset Lane at the same time. Malone said he will contact Becky Johnson of Hank Rate Surveying to view county-proposed road abandonments.

Taylor made a motion to group the three road abandonment issues together and set up an appointment with Becky Johnson of Hank Rate Surveying to view the roads. Durgan seconded that motion. Motion passed.

Malone said Dennis Morelock of T&E Equipment presented the Commission with road grader governmental finance leases signed by the previous commission. There was discussion about grader lease language and terms.

There was discussion about a Bailey bridge contract. Deputy County Attorney Piccolo said she spoke with Lori Benner of Nittany Grantworks to discuss a TSEP application and options for obtaining a preliminary engineering report through TSEP funds.

Malone asked Piccolo to inform County Attorney Linneweber about a personnel meeting request regarding a road supervisor position elimination issue and relevant risk liabilities to the county. He said there are frank issues the Commission needs to ask Linneweber and MACo about the issue.

Durgan said Mark Smith cleaned out Tom Miner Basin to enable a ranch to host a ski day for Gardiner School kids.

@9:51:11 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

February 2, 2009

Review of Minutes for Week of January 26, 2009

@9:51:22 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 meeting minutes for the Week of January 26, 2009.

Commissioner Taylor requested a revision to Page 3 of 20, noting the correct spelling of “grant” funds. On Page 6 of 20, Taylor noted he attended a Yellowstone Gateway Museum board meeting on January 27.

Commissioner Durgan requested a revision to Page 6 of 20, meeting for Onsite Inspection of Mountain View Acres First Minor Subdivision, the first sentence of the third paragraph should read, “Commissioner Durgan expressed concern that the proposed road approach between Lots 4 and 5 is a safety hazard with the current location on the corner of the county road.”

Malone requested a revision to Page 12 of 20; first paragraph, the second sentence should read “Stutterheim said he and Wilson verbally agreed to move the pipe further north up the county road and put in a permanent ditch so the ditch water would not have to be piped across the subdivision property.”

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

@10:06:26 a.m., Malone adjourned the meeting.

February 2, 2009

Discuss Acquiring Easements for County Roads Crossing State Trust Lands

@10:06:37 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; Mike Inman, planning; Craig Campbell, DNRC; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss acquiring easements for county roads crossing state trust lands.

Craig Campbell, Bozeman Unit Manager of DNRC’s Trust Lands and Forestry program, said a bill was passed in 2007 enabling historic easements across trust lands to be acquired in an abbreviated manner without survey for roads that existed prior to 1997. He said it was pushed through in part by MACo to help address some county roads that did not have easements across state land. He said that bill was supposed to sunset in 2009 but has been extended to 2011.

Campbell said options exist in how to deal with the issue. Campbell said a process exists for roads with proof of use before state ownership to go through consent judicial decree to get an easement granted for those roads, which provides full legal access. He said roads that came into existence after trust ownership would require payment to the trust for the current market value of the acreage they occupy. He said prescriptive easements do not exist across state or federal lands and the trust does not do leases on roads.

There was discussion about how property values are determined. He said the value of acreage is based on a 640-acre value and is set by a market value. Campbell said he would think the place to start would be to look at the roads the county has history on and that may have use prior to the trust's ownership and whether those can be cleared from the state's title. He said he would be glad to work with the county on that effort.

Campbell said no clause exists where the trust will reimburse counties for road maintenance on trust lands that have been improved. Campbell said the program is constitutional and used to fund public schools. Campbell said their job is to manage trust lands for the long-term, economic best interest of the trust beneficiary.

Campbell said the trust will use a survey if the county has it, otherwise either the county or the trust will measure the road and come to an agreement on acreage figures and determine what kind of easement each would be. Campbell said water, sewer and communication lines are also easements across state lands, but he will research that issue.

Campbell said the program is directed at utilities and local government, but private roads can apply for historic access designation under the same easement process. He said there is no reimbursement for possible easements that may have been paid by the county for roads on land sold in the state land-banking program.

There was discussion about a list of roads that may be relevant to the issue developed by two former county employees. Campbell said he would provide that information for current county personnel. Malone said an agreement has to be made as to what roads cross state lands, the date roads were accepted, the width of the county easement on those roads, and the state trust land board will place a value on that easement. Campbell said he probably would use standard values instead of every parcel for government entities.

Campbell said DNRC will not erect gates across state land if the county does not come up with all the roads before 2011. Campbell said he will provide the county with a written summary of the statute, current policies, codes and background information.

@10:40:39 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

February 2, 2009

MACo/JPIA Property and Liability Pool/Workers Compensation Pool Meeting

@11:04:40 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present was Greg Jackson, MACo; Alice Senter, Key Insurance; Mike Adams, public citizen; Chuck Donovan, public citizen; Marilyn Hartley, accounting; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss a MACo/JPIA property and liability pool/worker's compensation pool.

Greg Jackson of MACo said he is present to review what the county can expect from the July 1 renewal of the Montana Association of County's worker's compensation and property and liability programs. Jackson reviewed the financial position of both programs and discussed plans for trainings in high loss areas. Jackson said the pool is the amount of money needed to pay all known and unknown debts.

Jackson said MACo is looking at four revisions to its manuscript liability policy, which include 1) zoning, MACo currently offers defense costs for county's with county-wide or county-initiated zoning; 2) floodplain administrators; 3) ethical issues; and 4) injunctive relief, or non-monetary claims.

Jackson said MACo's worker's compensation program has been on a five-year plan, and per the Department of Labor, projected 2008 losses are down \$1.5 million from the last two years due to implementation of a safety program. Jackson said reserves need to be at \$5 million by the end of year and the Department of Labor is confident that will be reached.

@11:46:09 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

February 2, 2009

Blatter vs. Park County Litigation Strategy Meeting – Closed Meeting

@1:32:49 p.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present was Brett Linneweber, county attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

@1:33:14 p.m., Commissioner Taylor made a motion to close the meeting to the public to discuss litigation strategies. Durgan seconded that motion. The meeting was closed.

@1:45 p.m., the meeting was recessed until 3:05 p.m.

@3:20 p.m., the meeting adjourned.

February 3, 2009

Review Daily Agenda and Correspondence

@8:48:53 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:

- Memo from public health nurse re. telephone scam
- Legal advice from deputy county attorney
- Memo re. Governing Magazine subscriptions
- Announcement of MACo news online
- Announcement of Park County Fire Council meeting February 10 in Emigrant
- NACo News
- RC&D contract with Park County Commission - To file
- Announcement of February 10 Job Service meeting
- Memo re. request to abandon portions of Shamrock and Sunset Lanes
- Memo re. county road maintenance on Upper and Lower Deep Creek Bench Roads - To county historian for review
- Angel Line board of directors meeting minutes
- Memo from Angel Line re. change to resolution
- Citizen request for maintenance of one mile of Falls Creek Road to private property
- Memo re. detainee legislative bill
- Memo from planning director re. floodplain regulations
- Memo requesting meetings with Commission on February 6
- Memo from DEQ re. data processing error
- Memo re. I-9 form use delay
- Announcement of February 4 Statutory trust for Hardrock mining payment seminar
- Announcement of April 7-9 stormwater conference - To sanitarian for review

The Commission reviewed its upcoming agenda.

@9:10:16 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

February 3, 2009

Discussion of Contract for Large Animal Control

@11:04:00 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; Gene Budeski, public citizen; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss a contract for large animal control.

Gene Budeski said he contracted with the county for large animal control services, but nothing has been done with his contract since 2006 because of an issue of paying for large animal control services with the Sheriff's budget. Budeski said he thinks it is important the county continues to provide large animal control services.

There was discussion about requiring animal owners who use the service to pay for part of the service cost.

Commissioner Durgan made a motion to put out an RFP for large animal control services. Commissioner Taylor seconded that motion. Motion passed.

@11:16:13 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

February 3, 2009

Discussion of Changes in the Cooke City Shoofly Center Project

@1:34:31 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Sarah Hamlen, MSU Extension; Tracy Brewer, MSU Extension; Shannan Piccolo, deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss changes in the Cooke City Shoofly Center project.

Sarah Hamlen, MSU Extension Service, provided the Commission with an update of the Shoofly Center project to-date. Hamlen said the project secured legal counsel services to help with resort tax ballot language and structure of Shoofly Center financing. Hamlen said the project needs to be sure it can build the Shoofly Center for the amount of resort tax money requested from voters on the ballot initiative. Hamlen said the project has severed ties with the architect used for the project to-date, and thus it will need to start over on the project with a new firm. Hamlen said the project would like to use already allocated resort tax monies for an attorney on retainer with the county to draft a letter to the architect to take care all issues that may arise. Hamlen said the project's understanding is the county would manage the RFP process and the project would use resort tax monies for that RFP and to hire a new project architect.

Commissioner Taylor made a motion to use resort tax funds to sever the architect and at the project's choice it can select which attorney is needed to assist with that.

Commissioner Durgan seconded that motion. Motion passed.

Hamlen said a lingering issue with the project deals with collections of delinquent taxes. She said it was the community's understating the treasurer would turn over collection duties to the county attorney's office, but the county attorney does not know if that was done. She said a second lingering question involves the community's request for the county attorney to work with them to restructure contracts. She said currently all funds are released through reimbursement, but the community would like permission to restructure that contract so it would not have to pay upfront on a reimbursement basis during the construction phase.

Hamlen said Cooke City is a resort area where the governing body (Park County) has jurisdiction over funds through an advisory committee that advises on what projects are funded in a competitive application process. Hamlen said an advisory committee does not exist in the current structure, a commissioner has come to Cooke City in the past, and anyone interested in applying for resort tax funds would request them at an open, public meeting. She said the Commission would allocate funds at a separate meeting.

Commissioner Malone said he urged modification of the existing RFP to ensure the architect is aware his work is paid for with public funds and therefore any document he creates is a public document.

Taylor made a motion to use the Park County attorney to write the RFP. Durgan seconded that motion. Motion passed.

Hamlen asked if the community would have input into the RFP process since it is a county process. The Commission said it would and that would be done by holding a public hearing in Cooke City or having an interview committee with a presentation.

@2:16:05 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

February 3, 2009

City/County Meeting

@4:04:35 p.m., City Commission Chairman Steve Caldwell called a meeting to order in the Community Room of the City/County Complex. County Commissioners Durgan, Malone and Taylor were present. Also present was City Commissioners Steve Caldwell, Mary Beebe, Vicki Blakeman, and Rick VanAken; Ed Meece, city manager; Camden Easterling, Livingston Enterprise; Erica Hoffman, GIS/IT; Marc Richards, GIS/IT; Bill Hurley, operations; Mike Inman, planning; Philip Fletcher, planning; Marilyn Hartley, accounting; Martha Miller, auditor; Shannan Piccolo, deputy county attorney; and

Commission Minutes Also present was Shannan Piccolo, deputy county attorney; Gene Budeski, public citizen; and Commission Minutes Clerk John Mueller.

No public comment was made.

1. City Transfer of Funds for Angel Line: Marilyn Hartley, accounting, said her understanding is the Angel Line board wants an independent auditor to verify all funds. Hartley said City Manager Ed Meece presented her with a detailed ledger from July-December 2008 with a beginning balance of \$51,209.44, which to her way of thinking would indicate a reserve amount from last year.

Hartley said the county has not turned over any Angel Line funds to the city this fiscal year once it was determined the Angel Line service would be transferred from the city to the county. She said normally the county would have submitted two quarters of budgeted funds to the city by this point.

City Manager Ed Meece said he thinks Hartley has given a fair assessment from the county position. He said the city went back to 1993 in attempt to follow up on the issues discussed. He said since he has been with the city the procedure is the city has always up-fronted the money for the operation of Angle Line and the county has always reimbursed the city. He said there may be some years where there were leftover funds, but he suspects that is the way the agreement began as well. He said he sees nothing conclusive that says the whole \$50,000 belongs to the county.

He said that being the case, the city spent on behalf of the county \$46,166 and there is another \$12,000 that sits on reserve. He said his original proposition was the county reimburse the city for any funds it put out this year and everything leftover would transfer to the county. He said he had not heard anything about an independent auditor until today, but if it's Angel Line's request to take that step he thinks that would be the easiest and best way to solve the issue. He said he does not see the city should transfer any funds until that is complete. He said the cost for an independent audit could be split between the city and county and may put everyone's mind at rest on the issue.

Hartley said she sees nothing in the cash fund that shows the city deposited anything into the Angel Line fund budget. She said a line item transfer should be pretty obvious. Meece said he agrees with the suggestion of having an auditor decide the matter so no one feels slighted in the transfer.

Caldwell suggested and it was agreed upon the issue will be left open pending the audit.

Meece said a larger issue is for period of six months the city floated \$250,000 of its cash waiting for the county's contributions to come back. He said two quarters of payments for Angel Line and one quarter's payment for the library were not made by the county. He said the city cannot provide that level of float any longer on cooperative services between the city and county. He said he encourages educating both commissions on that issue and respected staffs need to sit down to work on a quarterly transfer of funds

between the governments on shared issues that can be budgeted for and made. He said twice a year property taxes puts the city in a tough spot and the city waiting for seven months for county funds creates a hardship for the city.

Hartley said there is no reason why that cannot be done. She said the issue resulted from dysfunction and staffing issues in the current county accounting process.

2. Recycling Efforts: Commissioner Taylor said he met with Clint Tinsley and Ed Meece of the city about the county's interest in dropping its Headwaters recycling contract and going with Full Circle Recycling. Taylor said Tinsley and Meece said the city will allow county residents to recycle with the city. Taylor said the city or county will provide recycling opportunities for county residents at Wilsall, Chico, Clyde Park and Gardiner.

3. Legislative Concerns: Commissioner Malone said the County Commission and Meece have been meeting with area legislators via teleconference on Thursdays at 12:15 p.m.

4. Advertising Legislative Updates: Malone said the Commission would like to see more public citizens attending legislative updates and any marketing efforts from the city for those teleconferences are welcomed. Meece said he will advertise the event on his weekly radio address and the city will try to announce the updates on the city website.

5. City/County Complex Telephone System Update: County GIS/IT Manager Marc Richards said he met with consultants for information on solutions to the existing city/county phone system issue. He said the phone system is a priority, but he is in a fact-finding phase at this point. Richards said he thinks it would be wise to look into next year's budgets for funding for the system.

6. Cooperative IT Program for the City and County: Meece said his thought is to look seriously at combining IT efforts and services between the city and county. He said the city and county have two successful models of cooperation between GIS and dispatch. Richards said the city and county already somewhat share an IT program with the law enforcement server and line use that puts data across the internet outside of the building. Richards said the GIS/IT program is in favor of moving forward with a cooperative effort. Meece said his suggestion is at the staff level to work out a proposal of how to organize and fund cooperative IT services and bring it back to this collective body for review and approval or denial.

Richards said it would be a good idea to resurrect a city/county GIS/IT advisory committee because the only way to serve the public is to hear from the public. Durgan said the IT committee has been helpful to the Commission for screening information and providing an informed recommendation.

City and county commissioners present said the group consensus is to go forward with a proposal on the issue. Meece said he will have an update for the next meeting.

Additional Public Comment: None

Agenda Items for Next Meeting: An update of agenda items discussed at today's meeting.

The next meeting is scheduled for March 3 in the West Room.

@4:49:50 p.m., Caldwell adjourned the meeting.

February 4, 2009

Review Daily Agenda and Correspondence

@8:46:15 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 daily agenda and correspondence.

Correspondence included:

- Memo from public health nurse re. homemaker program funding - To executive assistant for review
- Memo from Craig Campbell re. review of easements across state trust lands
- Announcement of March 6 SSA summit
- Legal advice to Commission from deputy county attorney
- Announcement of Behavioral Interview in Hiring seminar
- Memo from the governor re. American Recovery and Investment Act
- Announcement of PCRFD#1 meeting
- Memo re. fire season resolution

@8:52:08 a.m., Malone adjourned the meeting.

February 4, 2009

Public Hearing to Consider Recommended Amendments to the 2006 Amended Park County Subdivision Regulations

I. Call to Order: @9:04:43 a.m., Chairman Malone called a meeting to order in the Community Room of the City/County Complex. Commissioners Durgan, Malone and Taylor were present. Also present was Mike Inman, planning; Philip Fletcher, planning; Shannan Piccolo, deputy county attorney; George Bornemann, public citizen; Ann Hallowell, public citizen; and Commission Minutes Clerk John Mueller.

II. Conflict of Interest: No conflict of interest was noted.

III. New Business; A. Public Hearing; 1. Planning Department Presentation:

(1) Grading and Storm Drainage Plan: Planning Director Philip Fletcher said existing subdivision regulations require a developer to provide a grading and storm drainage plan but contains no standards to guide developers in compliance of the requirement. Fletcher said the proposed amendment would provide specific guidance to subdividers and staff so requirements are clear and predictable.

Fletcher said, except for noted exceptions, a storm drainage plan must be designed in accordance with Montana Department of Environmental Quality Circular DEQ-8, and a storm drainage plan must include a maintenance plan for all drainage structures. Fletcher reviewed criteria required of a grading plan and reviewed the list of criteria by which plans do not have to follow Circular DEQ-8.

Public comment: No public comment was made in reference to the proposed amendment.

(2) Family Transfer Exemption Claim: Planner Mike Inman said current regulations enable an individual to immediately sell a one-lot family transfer upon transfer, and state law provides no ramifications for that action. Inman said a three- or more lot family transfer requires signature of affidavit by the attesting party, but the party transferring the property would not be the selling party. He said that enables individuals to circumvent the subdivision review process and its intent. Inman said there is concern the state will eliminate the family transfer as an option because of abuse.

Inman said the proposed amendment is not intended to stop people from doing family transfers, and anyone legitimately doing a family transfer would have no problem with these regulations. He said the amendment clears current languages, shuts down loopholes, and creates some accountability in the family transfer, as it requires applicants to meet before the Commission to explain their intention of the family transfer. He said the amendment requires the individual receiving the transferred property to sign an affidavit agreeing not to sell that property for three years. Inman said a major abuse currently seen is husband/wife combinations where a property is deeded to one spouse and then transferred to the other.

Fletcher said the amendment would require a procedural change. He said it would require a staff report, which is sent to the Commission, and the Commission would decide whether or not to grant the family transfer. He said it thus bypasses an interdepartmental review because applicants usually appeal denials to the Commission anyway. He said the applications will still be reviewed by the sanitarian, clerk and recorder and county attorney.

Commissioner Durgan said his suggestion is the planning board should have some indication of how frequently family transfers come about, where they are occurring and how much land is tied up in them. He said he suggests the planning board is given a chance during a monthly meeting to have a report from the staff about family transfers. Fletcher said that issue was discussed with the planning board, which requested periodic summary reports.

Commissioner Taylor asked whether anything could be done about children transferring property to parents because the county sees a lot of bogus transfers that way. Taylor said he bets 90 percent of family transfers from children to parents are evasions of subdivision review. Inman said research is conducted to determine how many multiple deeds exist on a property, because the current regulations state a property can be deeded only one time to each member of a family.

Public Comment: Anne Hallowell asked why discrepancy exists in the proposed amendment between use of the terms “family member” and “immediate family.” Hallowell asked about transfers to step-children and grandchildren. Inman said state law states a family transfer cannot be made to a grandchild. Hallowell said perhaps divorce should be a permitted exemption for family transfers. Inman said in those situations there is often a court order, which is another exemption type. Hallowell asked about medical exceptions and whether a property can be deeded to a sick family member so he can sell it in shorter time. Inman said all people have opportunity to go through a subdivision review process to subdivide as they want and divide when that process is finished. Hallowell asked if a parent can transfer property to a child who then transfers it to his child. Inman said that is possible, as individuals always have the opportunity to go before the Commission and explain a situation with rebuttable presumptions. Durgan said the Commission made specific findings and granted a special exemption for a family transfer to a grandchild in the past.

Commissioner Malone asked legal counsel to keep the term “Immediate Family Member” consistent throughout the amendment. Fletcher said staff would comply.

(3) Noxious weeds: Fletcher said the proposed amendment assigns responsibility for who will control noxious weeds on a property and was written in conjunction with the Cooperative Extension Service and with approval from the county noxious weed control board. Fletcher said the current regulations require a noxious weed plan, but do not define what the plan should include. Fletcher said it was determined only one weed control plan is needed, so the weed supervisor can approve a plan for first minor subdivisions and the Park County weed control board approves the plan for major and subsequent minor subdivisions. He said the planning department will not be reviewing weed control plans under this proposal.

Durgan noted a typo in the current subdivision regulations, saying a reference is made to noxious weeds in Section 6-S on Page 93, which deals with camping spaces.

Public comment: Public comment was made by George Bornemann. Bornemann said he thinks legislation is being considered that will limit the amount of land use designations on a final plat. He said he thinks it is good to keep final plats uncluttered and to their original purpose, which is to delineate boundaries.

Durgan said that brings up a good point of a check-off list used by commissioners when signing off on final plats. He said perhaps the noxious weed information could be included on that check-off list. Inman said notes on a plat are basically to the surveyor’s

discretion. He said he thinks it is important to have information on the plat because people rarely look beyond the final plat when researching a property.

(4) Phased Development Plan: Inman said as the county subdivision regulations currently stand, an individual can develop 10,000 acres, and because of the 160-acre rule, there is potential for a phased development to contain hundreds of homes and the Commission could not look at cumulative impacts of the full development.

Inman said this proposed amendment came to light in part because of the Ameya Preserve development. He said Ameya requested a phased development provisions in order to show the county the big picture of its development. Inman said the proposal benefits a developer because he can become vested knowing he has approval with a master plan, and obtaining approval of infrastructure earlier in the development avoids having to upgrade at each phase.

Fletcher said the proposed amendment provides predictability for the developer and allows the governing body to look at cumulative impacts. He said he reviewed the amendment with Surveyor Rusty Collyer per planning board requirement. Fletcher said the amendment was reviewed line by line and Collyer was interested in the vesting section.

Public comment: No public comment was made in reference to the proposed amendment.

@10:09:59 a.m., Malone recessed the meeting. @10:19:01 a.m., the meeting reconvened.

(5) Public Improvements Agreement: Inman said currently a developer can bond out for all improvements to a subdivision including roads, fire protection and other public health and safety improvements. He said if a developer were to file for Chapter 11 bankruptcy, the county has the responsibility for installing and maintaining roads, fire features and improvements for public health and safety. Inman said the proposed amendment provides security for the county that improvements are in place before lots are sold and people start building houses.

Durgan said in talking with other commissioners across the state some counties require an RSID with approval of plat.

Fletcher said this proposal was taken from an ordinance from a county in western Montana, and the planning staff researches other counties for all proposed ordinances.

Malone asked if language can be clarified in the amendment stating the County Commission can determine an acceptable guarantee of credit in the current or future economy. Fletcher said the planning staff and legal counsel will come up with language.

Public comment: No public comment was made in reference to the proposed amendment.

3. Commission Discussion, Findings of Fact, and Determination: Taylor said he thinks the five proposed amendments are appropriate, well-written, clarify needs, and expand on the current subdivision regulations. Malone said the planning staff has determined updates are needed in the current subdivision regulations, the planning board has reviewed the five proposed regulations, the public has had the opportunity to provide input on the five proposed amendments, and the Commission has come up with some modifications to those proposed amendments. Taylor said the proposed amendments are necessary to protect public health and safety, and in that vain they are all necessary. Malone said the proposed Public Improvements Agreement is necessary to protect the financial stability of Park County.

Commissioner Durgan made a motion to accept the amendments with the corrections and additions as provided. Commissioner Taylor seconded that motion.

Discussion: Inman requested the Commission approve the current subdivision regulations with proposed amendments and revisions to those amendments as the *2009 Park County Subdivision Regulations* in order to avoid having amended, amended regulations. Inman asked the Commission to determine an effective date for the 2009 regulations.

Durgan amended his motion to have the subdivision regulations read the “2009” model effective April 1, 2009. Taylor seconded that motion. Motion passed unanimously.

@10:40:24 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

February 4, 2009

Review Applications and Appoint Museum Board Members

@1:33:54 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Museum Representatives Rick VanAken, Donna Armentaro, and Brian Sparks; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to review applications and appoint museum board members.

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

Brian Sparks said the museum board recommends Bob Ebinger, Pat Davidson and Melissa (Lisa) Todd be appointed by the Commission to the museum board for new three-year terms. Sparks said Trustee Everett Stoltz is expected to resign from his seat, and the board requests the Commission appoint Sarah Orms to serve out Stoltz’s remaining term upon receipt of a resignation letter.

Commissioner Taylor made a motion to appoint Bob Ebinger, Pat Davidson, and Lisa Todd and to allow Sarah Orms to finish out Everett Stoltz's one-year term. Durgan seconded that motion. Motion passed.

Sparks updated the Commission about goings-on at the museum, which included submission of a grant that would enable 10 humanity scholars to put together an interpretive platform for the museum. Sparks said the museum's opening day will focus on the native cultures room.

@1:45:43 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

February 4, 2009

2:30 P.M. – Personnel Meeting – Commissioners Chambers – Canceled

February 5, 2009

Review Daily Agenda and Correspondence

@8:40:32 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; Kevin Larkin, treasurer; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to review daily agenda and correspondence.

Correspondence included:

- Memo from museum director re. long-range plan and elected board members
- Announcement of nominations for Wind Pioneer Award
- Memo requesting support for legislative bill
- Memo re. stimulus and revitalization grants and report
- Announcement of safety workshop in March - To safety committee for review
- Announcement of May 1 Emergency Management planning grant meeting
- Memo re. clean coal technologies in economic stimulus package - To Commissioner Durgan for review
- Memo re. establishment of a Park County fire season
- Announcement of May 13 - 14 tobacco conference in Great Falls
- Memo requesting meeting for establishment of a road easement
- Memo from planning department re. Arrowhead Acres final plat findings of fact
- Legal advice to Commission from deputy county attorney
- Announcement of Gardiner Sidewalk project meeting
- Memo re. reconsideration of FEMA floodplain maps
- Postage meter account through February 3, 2009
- Announcement of JSEC meeting on February 9 - To Durgan for review

- Memo from treasurer re. address changes - To executive assistant for review
- Quarterly report from Wineglass Owner's Association - To file
- Memo re. Wind Energy Weekly scholarship fund
- Memo from Van Jamison re. wind power
- Memo from MACo re. public comment on draft documents
- Memo re. Inmate health care costs

Director of Operations Bill Hurley said he recommends the Commission consider the option of a bridge from the Gardiner School to the Forest Service property across the Yellowstone River in lieu of a sidewalk for a safe route to school.

@9:07:21 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

February 5, 2009

Discuss Updates and Other Issues with the Forest Service

@10:09:34 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Forest Service Personnel Bill Avey, Ron Archuleta, Walt Allen, and Mary Erickson; Bill Hurley, operations; Wendy Wood, search and rescue; Jim Brown, CBU; Stacy Bragg, CBU; Allan Lutes, sheriff; Scott Hamilton, Undersheriff; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss updates and other issues with the Forest Service.

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

Ron Archuleta, Forest Service, said the meeting was scheduled to introduce the new Commission to Forest Service employees and discuss topics of interest between the Forest Service and county, including wildfire, forest land exchanges, and public roads.

Mary Erickson of the Gallatin National Forest said a current national forest reorganization effort is not a consolidation of the Forest Service, but a reconfiguring of ranger districts and a realignment of funds in tough budget times.

Malone asked if the Forest Service submitted on-the-ground forest projects in the economic stimulus bill. Erickson said the Forest Service did that. Malone asked about Otter Creek coal fields and New World Mind funds. Erickson said that issue likely fell under the BLM minerals management division. The Commission requested the Forest Service inquire about that program.

Citizen Stacy Bragg asked if the stimulus bill includes money for obliteration of roads. Erickson said it does.

There was discussion about the Forest Service's involvement in a 2000 bison habitat and space interagency bison plan to work with Royal Teton Ranch for leases and erect a corridor fence under a special use permit. Erickson said the Forest Service authorized that fence under a special use permit and that is the Forest Service's only involvement with that bison issue.

Bill Avey, Gallatin National Forest, provided an update on the Secure Rural Schools program. Avey said getting Resource Advisory Committees (RAC) established and chartered is the first step.

Ron Archuleta, Livingston Ranger District, said early predictions of the '09 fire season are that it will be like the '08 season. He said there have been some changes in fire policy at the national Forest Service level in that the Forest Service can now manage fires for multiple objectives, such as fuels reduction.

Commissioner Durgan asked if that fuels reduction will go as far as cutting and thinning in national forests instead of waiting until a forest blows up and burns out. He said to him that is a wrong-headed approach and Mill Creek is a classic example. Archuleta said he will give a presentation at the Upper Yellowstone Watershed Group meeting on the Forest Service timber program and constraints the Service has in terms of budget and the environment. Avey said the current timber lockup is a big immediate concern, as RY Timber can't move boards.

Citizen Jim Brown asked if the Forest Service takes advice or input from the county in the event of wildfires.

Bragg asked if the Forest Service could modify its program so fires do not burn all summer long. Bragg asked if he can access a fire in proximity to his property to protect his property. Archuleta said such citizen action is a liability issue with the Forest Service, and legally the Forest Service has the authority and the county could respond to it with a mutual aid agreement.

Archuleta said it looks like the Forest Service can negotiate law enforcement agreements, so it will need to sit down with Park County law enforcement and do that. He said the Forest Service wants the county to get reasonable reimbursement while still being fiscally responsible.

Avey said the Forest Service will conduct an Environmental Assessment on wildland fire use fires, which the county will be involved in.

Bragg asked if the Forest Service works with local law enforcement to respond to illegal forest uses, such as someone riding in an illegal area. Undersheriff Scott Hamilton said the Forest Service and sheriff's office have a mutual aid agreement for such assistance.

Walt Allen, Gallatin National Forest, discussed land exchange proposals the Forest Service is currently working on with landowners, including the Eagle, Rock Creek and

Crazy Mountain Ranches. He said some access issues may be solved through land exchange. He said another land exchange involves Bill Hoppe in Pine Creek. He said the Shooting Star Ranch wants to have a better land pattern and purchased the Slip and Slide Ranch in attempt to make a land exchange work.

Malone said Ken Britton of the Forest Service said abandoning a piece of Shooting Star Road would have no infringement on Forest Service trailhead access. He said the Commission would like a written letter from the Forest Service stating that for the record.

Malone said a citizen living on Deep Creek Road South would like a sign erected stating there is no camping at the Forest Service trailhead because people drive motor homes to the trailhead and cannot turn around. Archeleta said he will talk to his staff about the issue.

Malone said the county road crew has a parking and plowing issue at a trailhead on Shields River Road. Archuleta said that issue is between the landowner and recreationists, and he has set up meetings with the landowner and snowmobilers but nothing has resulted.

Bragg said he does not think there is public access on Shooting Star Trail after the first 1,100 feet, which have been proposed for abandonment, but the Forest Service needs to determine if access has been denied because a trail listed on a trail map currently comes down and dead-ends at the property. Bragg said there may have been historic access from that property. Bragg said the Rock Creek parking lot issue is a discrepancy of lot size and design. He said a snowmobile club put \$5,000 into that lot, and at present the lot is inadequate for use and the amount of traffic it is getting. Bragg said the center island needs to be removed, and if the Forest Service does that the snowmobile club will put in more money to finish the job. Discussing RACs, Bragg said he thinks emphasis should be put on on-the-ground projects headed up by grassroot community people, such as Park County residents and state and county personnel who work locally and are familiar with local issues. Bragg said he would like to see interaction between Gallatin and Park County in reference to RACs, and there needs to be a liaison between the two counties.

@11:22:34 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

February 5, 2009

Consider Signing of Resolution Designating the Environmental Certifying Officer for a Senior Citizens Center Rehabilitation Project HOME Grant

@11:32:56 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Julianne Brown, RC&D; Barbara Woodbury, sanitarian; Shannan Piccolo, deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to consider signing a resolution designating the environmental certifying officer for a Senior Citizens Center Rehabilitation Project HOME grant.

Commissioner Durgan read Resolution #1043 into the record - Resolution Designating the Environmental Certifying Official for the Senior Citizen Center Corporation Rehabilitation Project with Regards to Funds from the Home Investment Partnerships Grants.

Commissioner Durgan made a motion to pass the resolution. Commissioner Taylor seconded that motion. Motion passed.

@11:36:56 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

February 5, 2009

Conference Call with Area Legislators to Discuss Legislative Issues

@12:17:39 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Ed Meece, city manager; and Commission Minutes Clerk John Mueller. Representative Bob Ebinger and Senator John Esp were available via telephone. No public comment was made.

The meeting was scheduled as a legislative update with area legislators.

Representative Bob Ebinger said he spoke with Commissioner Malone about language within a community decay ordinance asking counties to manage noxious weeds. Senator Bob Esp said he included noxious weed language in the bill to address that problem. Malone said the county no longer has money to enforce such services.

Malone asked the status of House Bill 276, which holds law enforcement liable if a perpetrator is injured during an arrest. Ebinger said he thinks that bill will die in committee and he would vote against it. Malone asked Ebinger for any assistance he can provide in encouraging inclusion of the 9th Street Bridge in a state economic development plan.

City Manager Ed Meece said Senate Bill 310 would prohibit conditioning a subdivision approval on a waiver of right to protest. Meece said that could be a problem for cities and developers and it would impose a hardship on the developer.

Meece asked the status of Senate Bill 57, which addresses how special districts are governed. Ebinger said that bill was heavily amended with library, fire, and hospital districts and bonding language omitted.

Esp said he heard Senate Bill 294 last night that allowed use of arterial fees to finance revenue bonds for construction of streets. Esp said he dropped in a weed bill that would assist with enforcement of weed law when someone complains or the weed board tries to clean up a property. He said the bill shortens the timeframe, administrative hearing and cleans the process to get work done. He said it does not address how to get upfront money for enforcement but it allows for a lean on a property tax bill.

Ebinger said his suicide prevention bill and three mental health bills have gone to appropriations. He said the hope is to include those bills in a health and human services subcommittee of appropriations.

@12:36:49 p.m., Malone adjourned the meeting.

February 5, 2009

Bi-Monthly Extension Office Update Meeting with Regional Department Head

@2:06:25 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was MSU Extension Personnel Steve Siegelin, Mary Anne Anderson, and Tracy Brewer; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled as a bi-monthly Extension Office update meeting with the regional department head.

Tracy Brewer provided the Commission with her activity report for December '08 and January '09, which included attending a horticulture seminar in Butte. She said the mountain pine beetle is a big issue moving into urban landscapes. Brewer said she has gotten a positive response to a brucellosis survey she conducted. She said she attended a biosecurity program and serves on the Cooperative Weed Management board and is helping them write their strategic plan. She said she co-hosted a forest management workshop in Wilsall with 35 attendees.

Mary Anne Anderson presented the Commission with her December '08 and January '09 activity report. She said the Park County 4-H program received a grant to assist Livingston seventh graders with a Fleshman Creek GIS project. She said she is teaching film making with a science base to fifth-graders through another grant program. She said she erected a credit booth at a Stillwater mine event and is working on setting up a lecture series through the adult community education group. She said she presented a serve-safe class with Sanitarian Doris Morgan, and she met with Job Service to see how Extension and that agency can work together

Anderson said 26 market steers were tagged in in January, there are 62 kids with pigs, and 43 horse kids and more stall space is sought at the fairgrounds. She said six surrounding counties are looking to host a middle school camp for 6-8 graders.

Anderson presented the Commission with a wind energy curriculum for an afterschool program from the national 4-H program.

Steve Siegelin said the MSU College of Letters and Sciences is no longer providing funding for local government centers, but MSU still has some grant source funding for those centers. Siegelin said MSU is asking for \$150,000 from the state to maintain the center.

Brewer provided the Commission with three vehicle purchase bid sheets with specifications and prices.

@2:50:15 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

February 5, 2009

Signing of Contract with Montana Department of Health and Human Services to Provide County Funds to Enhance Medicare Reimbursement

@3:03:44 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; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to consider signing a contract with the Montana Department of Health and Human Services to provide county funds to enhance Medicare reimbursement.

Deputy County Attorney said the contract is the same as last year with necessary updates.

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

@3:06:45 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

February 5, 2009

5:00 P.M. – Resource Conservation and Development Area Annual Meeting – Bozeman Holiday Inn

February 6, 2009

Review Daily Agenda and Correspondence

@8:45:56 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:

- Memo re. Doug Wonders promotion in Sheriff's department
- Memo re. MACo mid-winter meeting in governor's office
- First Interstate Bank credit card application
- Every Child Matters education fund newsletter
- Announcement of February 6 conference call for permissive levy for employee contributions
- Farm Life Insurance advertisement
- Memo re. Gardiner Sewer draft agreement – Director of Operations Bill Hurley said he is in the process of writing a response
- Memo re. Farm Bill meeting
- Citizen memo re. meeting for status of Meredith Ranch Road
- Memo re. MSU economic recovery website additions
- American Farm Trust newsletter
- Draft 2009 Montana Legislature act revising local government noxious weed laws

@8:57:41 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

February 6, 2009

Discussion of Employees Who Work Less than Scheduled Hours as it Relates to County Insurance Benefits Paid

@9:02:12 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Martha Miller, auditor; Marilyn Hartley, accounting; Jill Ouellette, human resources; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss employees who work less than scheduled hours as it relates to county insurance benefits paid.

Human Resources Analyst Jill Ouellette said one county employee typically works less than her scheduled work hours, and a few other employees sometimes work less than scheduled hours. Ouellette said county policy states such incidences are to be handled in a manner determined by the HR department. Ouellette said she would like to have a solidified process in the manual.

Marilyn Hartley, accounting, said she was told by the former HR director the previous Commission said not to worry about individuals working less than scheduled time if it

did not exceed four hours, and after four hours the time was prorated and the employee would pay the county back for benefit costs.

Ouellette said one employee has worked less than the four-hour window in five of the last nine pay weeks. She said has determined how much it costs the county in benefits paid for scheduled hours an individual does not work. The Commission directed Ouellette to handle such incidences as written in the policy manual but requested a written course of action taken by Ouellette in such instances.

There was discussion about adopting a salary schedule as part of the county policy and procedures manual and an issue with the manual not reflecting an updated salary scale. Ouellette said the Commission needs to determine ramifications to the overall budget of increased salaries per any new pay scale. Malone said the new pay scale should be added by the start of the next fiscal year.

@9:13:20 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

February 6, 2009

Analysis of Accounts Payable Department by New Commission

@9:18:22 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Bernadette Rambow, accounts payable; Jill Ouellette, human resources; Martha Miller, auditor; Marilyn Hartley, accounting; Bill Hurley, operations; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to analyze the function of the accounts payable department.

Accounts Payable Clerk Bernadette Rambow provided the Commission with an outline of work tasks she performs and examples of the time it takes to complete those tasks.

Commissioner Durgan asked how often employees are locked out of the CSA program. Rambow said she can be locked out three to five times a week and being locked out in the middle of an invoice entry requires her to start over.

@9:30:20 a.m., Auditor Martha Miller and Marilyn Hartley, accounting, entered the meeting.

Malone asked Rambow what she would change with her job responsibilities. Rambow said the time it takes to match receipts is an issue, but on March 1 she will start getting invoices from CommData to see what the new spreadsheet will look like and whether it will reduce matching time. Rambow said using CommData with fuel expenditures and Verizon cell phone bills are going fine. Auditor Miller said the Commission has authority to speak with department heads to strongly stress turning in claims and purchase receipts to Rambow in a timely manner.

There was discussion about how much time Rambow spends on landfill accounting services. Durgan asked if Rambow thinks the AP clerk could be half-time position. Rambow said she thinks that would be running a little thin. She said interruptions take time from her work day. Rambow read into the record documentation of interruptions she experienced in a typical work day for example.

Marilyn Hartley said she thinks the actual true AP position is a three-quarter-time position. Malone said the county's goal is to pay bills on time, Rambow said she tries to do that. Rambow said she fills her remaining one-quarter-time with HR work that she takes seriously with the confidentiality required in that capacity.

Miller said the accounting and auditor tasks will continue to be an ongoing work in progress.

Rambow requested the meeting be closed to discuss a personnel issue.

@10:14:10 a.m., Taylor made a motion to close the meeting to the public. Durgan seconded that motion. The meeting was closed.

@10:35 a.m., the meeting adjourned.

Marty Malone
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana