

Park County Commission Meeting Minutes
Week of January 26 – 30, 2009
Park County, Montana

January 26, 2009

Review Daily Agenda and Correspondence

@8:46:38 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. 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 comment re. trees growing on Guthrie Lane
- Memo from county sanitarian re. water availability for Mountain View Acres First Minor Subdivision
- Memo from Lee Parriot re. Angel Line quorum
- Memo from RC&D re. American Recovery and Investment Act
- Citizen memo re. linking of county website to other sites
- Memo re. low-income senior housing
- Memo from Cooke City resident re. Commission monthly visits
- Announcement of NACo legislative bulletin
- Angel Line meeting agenda
- Heard Across America newsletter
- Citizen letter re. Deep Creek Bench Road
- Email re. webinar on improving processing and efficiency in government
- MACo legislative bulletin
- Weekly NACE newsletter
- Memo re. Trail Blazer program
- Memo re. MDT aeronautics division grants
- Claims submittal reminder from AP clerk

@8:56 a.m., Malone adjourned the meeting.

January 26, 2009

Park County Road Updates

@9:02:46 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present was Road Crewmen Mark Smith, Brad Wilson and John Young; Shannan Piccolo, deputy county attorney; Marc Richards, GIS/IT; Ed Hillman, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to update the Commission about Park County road issues.

Road Crewmen Mark Smith, Brad Wilson, and John Young updated the Commission about road conditions and planned work in their respective regions. Young submitted to the Commission a list of priority projects in his region, including culverts and bridge needs.

Wilson said Mechanic Dan Hackmann is working on re-coring a radiator on a road department truck. He said a CAT and a loader are being worked on and a bumper is being installed, as well. Wilson said it would be in the county's best interest to secure chips north of Wilsall, as a citizen said he would sell them to the county for \$6 a yard. Wilson said he will measure the chip pile to see if it contains enough chips to pave Shield's River Road.

@9:15:02 a.m., Commissioner Durgan exited the chambers for a conference call with the detention center to discuss an emergency plumbing/sewer backup issue in the county jail.

Malone said he received a memo from Citizen Bob Celander on Guthrie Lane about branches on that road. Wilson said the road crew will look into it. Malone said a few rural addressing signs are missing on that road. Wilson said he is against the road crew conducting rural addressing work. Malone said a joint meeting with rural addressing and the road crew is necessary.

Wilson asked whether anything was decided about improving communication between road crewmen in the field. Malone said the Commission is still looking into options, which include satellite phones, and the Commission hears the road crew's concerns with different radio options. Smith asked if radios would be used in the correct manner or as a micro-management tool. Malone said he needs to be told by crewmen if they feel he micromanages them. GIS/IT Manager Marc Richards said a Garmin Rhino, which is a radio GPS, is an option the Commission and road crew can consider. He said that device would enable the road crew to share information on where each crewman is working. He said the device may have limited use on Cinnabar Road. Wilson said the road crew may conduct an experiment with dispatch to test the utility of a proposed radio device and Wilson's satellite phone in Cinnabar. Young said it would be nice to be able to speak directly with the mechanic or another crewman in a breakdown situation.

Wilson said he was told by a citizen that the county receives \$1.4 million from the Forest Service for upkeep of roads and bridges on shared county/Forest Service roads. He asked where that money is and how much of it goes to the county road department. Malone said he would look into that issue.

Smith said two independent contractor sanders exist in the county, JT Sanding in Emigrant and an individual who works for the CUT. Smith asked how he is to approach those contractors for service. Smith asked where the county is with a Montana Fish,

Wildlife and Parks-proposed bison fencing project. Malone said Pat Flowers of FWP is supposed to come back with an alternate cattle guard project for Commission review.

Wilson said the county needs to address putting a concrete floor in the Gardiner shop, as well as possibly making a 10 by 10 office in the Wilsall shop. Malone told Wilson to put those projects into a prioritized list.

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

@9:54:15 a.m., Malone adjourned the meeting.

January 26, 2009

9:30 A.M. – Review of Minutes for Week of January 19 - Commissioners Chambers
Minutes were reviewed during a January 29, 2009 - Review Daily Agenda and Correspondence meeting

January 26, 2009

Discussion of Possible Infrastructure and Civil Projects in Park County with Thomas, Dean and Hoskins Engineering Firm

@10:05:13 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present was Shannon Holmes, TD&H; Brian May, TD&H; Bill Hurley, operations; Chuck Donovan, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss possible infrastructure and civil projects in Park County with Thomas, Dean and Hoskins Engineering firm.

Shannon Holmes of TD&H said he spoke in the past to Transfer Station Manager Richard Wright to assess current deficiencies in that building, which include being outdated, size issues, and efficiency of operations. Holmes said Wright said he would like to have a compaction facility similar to Lake County's. Holmes said TD&H designed that facility. There was discussion about the current transfer station property lease, owning the building but not the property, having two compactors to make the operation more efficient, East Helena landfill and railroad transport options, Gardiner garbage dump issues, and consideration of a trial compactor system in Gardiner.

Discussing the 9th Street Bridge, Holmes said he suggests the county secure grant funds from the Treasure State Endowment Program or Department of Natural Resources and Conservation to pay for a preliminary engineering report. Holmes said TD&H could complete a \$15,000 engineering report for the county at a dollar for dollar match.

Brian May of TD&H said there needs to be a balance in the decision to repair or replace the 9th Street Bridge. He said the Governor's Upper Yellowstone River Task Force recommended removal of the current bridge and free-spanning the river with a new bridge. May said a free-span bridge may cost between \$800 and \$1.8 million. He said the 50 residents living on the islands who use the bridge think addressing the issue is

important, but other county citizens will not support a \$2-million bond for a bridge they will never use. May asked why the county would spend \$1.5 million to replace the bridge if it can repair it for \$150,000. He said there must be a way to use the existing structure to repair the bridge.

There was discussion about the Bailey bridge. Durgan said it is not an option to buy the Bailey bridge and leave it in place.

Public comment was made by Chuck Donovan. Donovan said he read in a Helena newspaper about \$112 million FEMA is looking to apply to projects in Idaho, Montana and Wyoming.

Malone said the county will go out for request for bids for a 9th Street Bridge engineering study.

Discussing other infrastructure projects, Malone asked if TD&H provides preliminary designs for road department-type projects such as bridge work. Holmes said TD&H can provide such a service. Holmes said TD&H also can conduct compaction testing on gravels, asphalt, and concrete for road department projects.

@10:42:24 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

January 26, 2009

Consider a Resolution Establishing Park County as a Sponsoring Unit and Designating the Environmental Certifying Officer for a Neighborhood Stabilization Program

@11:02:06 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present was Barbara Woodbuy, sanitarian; Heather Grenier, HRDC; Shannan Piccolo, deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to consider a resolution certifying the environmental officer for the neighborhood stabilization program.

Chairman Malone read Resolution #1042 into the record – A Resolution Establishing Park County as a Sponsoring Unit and Designating the Environmental Certifying Officer for the HRDC IX Proposal for the MDOC CDBG Neighborhood Stabilization Program.

Heather Grenier, special projects officer for Human Resource Development Council (HRDC), said the Montana Department of Commerce received \$18 million through the federal HUD program to address high building foreclosure rates through a Community Development Block Grant program. Grenier said Communities can apply for whatever amount of money they can distribute in an 18-month period. She said the HRDC is looking at focusing on foreclosed properties and providing financing or refinancing for

Park County lower-level income families to buy those properties. She said HRDC may also do some land banking to purchase open lots to be sold to lower income families.

Durgan made a motion to accept the resolution as read. Malone seconded that motion. Motion passed.

@11:12:14 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

January 26, 2009

3:00 P.M. – Angel Line Transportation Monthly Meeting – Commissioners Chambers – Commissioner Malone attended the Angel Line board's monthly meeting.

January 27, 2009

Review Daily Agenda and Correspondence

@8:33:14 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Present was Raea Morris, Commission executive assistant, and Commission Minutes Clerk John Mueller. No public comment was made.

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

Correspondence included:

- Email from MACo re. mid-winter conference registration
- Email from Thomas, Dean and Hoskins Engineering firm
- Email from Craig Sharp requesting update on EA status of Ameya Subdivision
- Memo re. request for proposal information for 9th Street Bridge
- Memo re. meeting for community network program
- Email re. 9th Street Bridge photos - To file
- Memo re. 9th Street Bridge funds - To file
- Memo re. retirement benefits seminar in Belgrade - To HR for review
- Memo from MACo re. appropriations form for Senator Tester - To file
- Letter appointing Angel Line board member
- Memo re. grant program to purchase island properties
- Memo from U.S. Department of Commerce re. building and zoning regulations - To planning department for review
- Memo from MT DEQ re. Mergenthaler diesel spill
- Memo re. website for information on economic recovery
- Memo re. federal stimulus bills

Commissioner Durgan reported a sewer backup problem in the county jail on January 24, 2009. Durgan said he was telephoned by the detention center at 10:45 p.m. that day and was asked to telephone Ranger Plumbing and Heating to request plumbing service. Durgan telephoned and authorized Ranger Plumbing to service the jail plumbing issue.

Ranger sent out a two-man crew and machinery and fixed the problem. Associated costs were in part: Service call @\$185/hour; machine charge @\$100 flat rate; and double overtime wages for two FTEs @\$280/hour.

@8:42:44 a.m., Malone adjourned the meeting.

January 27, 2009

12:00 P.M. – Airport Board Meeting – Park County Airport Administration Building

January 27, 2009

Onsite Inspection of Mountain View Acres First Minor Subdivision

@1:30 p.m., Park County Commissioners Durgan and Malone viewed the proposed Mountain View Acres subdivision property. Other county employees present were Barbara Woodbury and Mike Inman. Public citizens present were landowner Don Wilson and adjoining neighbors Daryl and Lee Stutterheim. The proposed development consists of five lots and is considered a minor subdivision by the planning department.

Lee Stutterheim expressed concerns about a ditch running between Lots 1 and 2 stating the irrigation water to his property may be impacted by the development. Don Wilson, developer and property owner, said he sent a letter to the Stutterheims offering to move the ditch outside the development, but had not received a reply. Viewers looked at the proposed location change of the ditch. Commissioner Malone said the developer should obtain a letter stating the ditch running along the county road is no longer being used and is therefore abandoned.

Commissioner Durgan expressed concern the proposed road approach between Lots 4 and 5 is a safety hazard with the current location on the corner of the county road. There were concerns the road supervisor did not realize the impact that tall grass may inhibit a view of oncoming traffic, and the county road has a slope toward the encroachment which further raises a safety concern since the traffic tends to drive on the down-slope side of the road.

January 27, 2009

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

January 28, 2009

Personnel Meeting – (Closed Meeting)

@8:14:37 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Road Crewmen Brad Wilson and Mark Smith and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to address a personnel issue.

@8:14:46 a.m., Commissioner Taylor made a motion to close the meeting to the public. Malone seconded that motion. The meeting was closed.

@9:37:27 a.m., Malone adjourned the meeting.

January 28, 2009

8:30 A.M. - Review Daily Agenda and Correspondence – Commissioners Chambers – Canceled due to length of 8:00 a.m. Personnel Meeting

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

10:00 A.M. – Planning and Zoning Commissioner Reconsideration and Recommendation of Cooke City Requested Zone Change – Community Room – Minutes available at www.parkcounty.org and in the planning department

January 28, 2009

Discussion to Define “Emergency” Snow Issues

@2:19:02 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; Road Crewmen Brad Wilson, Mark Smith, Winn Treible and John Young; Tom Totland, deputy sheriff; Dan Skattum, PCRFD#1; Peggy Glass, Dispatch 911; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss a definition of an “emergency” snow issue.

Road Crewman Brad Wilson said the road department wants to come up with a definition for an “emergency situation” after he was called out to address a situation in Pine Creek he felt was not an emergency. There was discussion as to whether that call should have been answered by search and rescue services instead of the road crew. Deputy County Attorney Piccolo said she will research if a legal definition of “emergency” exists.

Road Crewman Mark Smith said the call was considered an emergency by Paradise Valley Fire because it was a potential fire emergency problem. He asked if a potential problem can wait until the next day instead of calling someone out at 9:30 at night. He said there is a difference between public health and safety and individual citizen desires for road service. Wilson said the road crew does not refuse service if a dispatcher or fire service personnel telephones, but his issue was with the “potential” emergency.

There was discussion about the protocol for shutting down interstate highways and how Dispatch 911 notifies emergency services of impassible county roads. There was discussion between yellow advisory signs and white road signs that warrant ticketed offenses.

There was discussion about creating a county travel advisory option during poor winter road conditions. Deputy Sheriff Tom Totland said dispatch cannot advise people if they should or should not drive because that makes dispatch liable. To establish a county travel advisory, road crewmen will contact the Commission with road conditions and the Commission will contact dispatch which will notify all necessary parties of the travel advisory. Totland said DES Coordinator Belinda Van Nurden needs to be included in any travel advisory because she has the resources to contact all necessary individuals.

Malone said the county will have a travel advisory declaration option in place by the time the road crew establishes its road grader districts. Malone said the road crew can contact dispatch if it cannot get in touch with the commissioners. Dan Skattum of PCRFD #1 said fire services will call dispatch if it has an emergency and dispatch will contract the road crew for needed assistance. Totland said emergency services should notify the road department as a first call when they need road department assistance for emergencies during winter weather.

Dispatch Coordinator Peggy Glass thanked the road crew for its work during the last major snow event, specifically for generating a list and checking in for who called on that list and for crewman letting dispatch know what road work they were conducting. She said she would like that to continue. Smith asked Glass if she can contact the park communication center to share with them content of this conversation. Glass said she would do that.

There was discussion about radio communication compatibility between emergency services and the road crew and getting the road crew on state mutual aid channels. Malone said the road crew needs to reevaluate whether everyone can communicate with one another and check whether every road crew radio has mutual aid on the band and crewmen can operate that feature.

@2:59:48 p.m., Glass exited the meeting.

Malone said the Sheriff dictates public health and safety issues, and if the sheriff's office calls the road crew out for service the road crew must go.

Totland said he is the nightshift supervisor and needs to know hours worked by crewmen so he can determine whether a safety issue may exist with a request for a tired road crewman to maintain a road. Totland said he will put together a list of the main roads the sheriff's office travels and patrols at night and submit that list to the road crew.

@3:10:05 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

January 28, 2009

Consider Signing of Agreement for Insurance for 9th Street Island Bailey Bridge

@3:32:03 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Alice Senter, Key Insurance; Jeff Ebert, MDT – Butte District; Joe Olsen, MDT – Butte District; Ray Stocks, MDT Bozeman Maintenance Chief; Shannan Piccolo, deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to consider signing an agreement for insurance for the 9th Street Island Bailey Bridge.

Jeff Ebert of Montana Department of Transportation provided a history of MDT's involvement with Park County regarding the Bailey Bridge. Ebert said former Commissioner Larry Lahren and MDT Director Jim Lynch decided MDT would give the bridge to the county as long as the county purchased a replacement bridge. Ebert asked if that was the county's understanding of how things currently stand. Malone said his understanding was the bridge was on loan to Park County from MDT. Commissioner Durgan said he concurs with Ebert about that agreement but did not recall a dollar figure.

Ebert said the estimate of \$273,768 is still good for replacement of the structure. He said he would like to proceed with the agreement if the county is agreeable to that dollar amount. Ebert provided the Commission with a draft written agreement, which read in part the county would pay \$273,768 to Bailey Bridge Inc., and that company would ship a new bridge to MDT. Ebert said he believes that quote does not include any decking. Malone said as soon as legal counsel reviews and draws up agreement language, the Commission will attempt to live up to the previous Commission's promise. There was discussion whether the county would have to go out for bids for the replacement bridge or if an emergency declaration was made.

Ebert said he will follow up with Dan Gravage on whether the county road crew is to continue inspections of the Bailey Bridge.

Alice Senter of Key Insurance said her agency can add the Bailey Bridge to the county's insurance plan as a temporary structure for \$379 annually under an "inland marine" designation.

@3:57:29 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

January 29, 2009

Consider Establishment of Account for Public Administrator

@8:03:13 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was

Sue Martin, public administrator; Martha Miller, auditor; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to consider establishment of an account for the public administrator.

Public Administrator Sue Martin said the public administrator is an elected official tasked with taking care of individuals who cannot take care of themselves. Martin said she does not have keys, access, businesses cards, a county ID, or other things she needs when taking on a new client as the public administrator. She also said she is not referenced on the county website.

Taylor said he will talk to the sheriff about getting Martin a county ID. Malone said he will get Martin on the county phone list and asked Martin to write up what she wants on the county website.

Martin said she is proposing to create a small checking account equivalent to a petty cash fund for the position, because she has been advancing her personal money for expenses and getting reimbursed by the county or the individual's estate. Malone said he does not think a checking account is legal. There was discussion about creating a budget for the position. Auditor Martha Miller said an option may be for Miller to manage a checking account. Martin said it is possible cash may be deposited back into such an account after an individual's estate is closed.

Taylor made a motion to set up an account for the public administrator for \$500. Durgan seconded that motion. Motion passed.

In other discussion, Miller said she needs to check on the appropriateness of County Maintenance Coordinator Bruce Martin conducting maintenance work for Sue Martin's public administrator duties and being paid with public administrator funds without assessing taxes. The Commission said it does not recommend Sue Martin doing that. Taylor said Bruce Martin must have a contractor's license and insurance if he is to do such work, and Sue Martin must have records of payment and W-2 tax documentation if Bruce Martin is doing work on the county's behalf.

@8:26:30 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

January 29, 2009

Consider Approval of Mountain View Acres First Minor Subdivision

I. Call to Order: @9:03:10 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; Public Citizens Shirley Wilson, Don Wilson, and Daryl Stutterheim; and Commission Minutes Clerk John Mueller.

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

III. New Business

A. Mountain View Acres Minor Subdivision – Donald and Shirley Wilson

1. Summary of Application and Proposal by Chair

2. Subdivision Administrator Presentation of “Staff Report”: Planner Mike Inman presented the Commission with his staff report for the proposed subdivision. Inman said the application is a five-lot, first minor subdivision located off Cottonwood Bench Road northeast of Clyde Park, Montana. He said each lot is just under four acres and will have individual septic and water wells. He said the subdivision has physical and legal access off of Cottonwood Bench Road and will consist of shared driveways.

There was discussion about surface water on the property, water rights, and lot road approaches. Inman said Wilson is willing to move a second road approach at the apex of a curve if it is necessary to meet a 500-foot site distance regulation. Inman said he thinks the application can meet that distance if design, construction, and signage are done correctly. Commissioner Malone asked if an alternative location for that driveway exists.

Inman said Sanitarian Barbara Woodbury met with adjoining landowner Russ Larson who had concerns about water quantity and five residential lots impacting adjacent-land wells. Inman said according to Woodbury, the proposed subdivision wells meet well log standards.

Inman said some citizen had concerns with the subdivision’s proximity to surrounding agricultural practices. Adjoining Landowner Daryl Stutterheim said he runs cattle in the spring next to the five adjoining lots that would comprise the subdivision.

Taylor asked whether the Stutterheim ditch will be moved or granted an easement in place, as that will affect mixing zones and placement of subdivision septic systems. Taylor said he has a real concern about Stutterheim’s water, and a subdivision can’t just be plopped down on top of it.

2.A. Presentation by Applicant: Applicant Don Wilson reviewed site photographs and discussed the ditches with the Commission. He said he reached a tentative agreement with the Stutterheim’s to move a culvert 315 feet north of its present location. He said he is cognizant of the fact a ditch exists and has water in it, and he is willing to address the responsibilities he has to move water by moving the ditch or putting in a pipe across the property. He said he would like to have both options of getting water to where Stutterheim needs it.

Stutterheim said part of the water right is used to charge a pivot, and other ditch water is used for flood irrigation. 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.

Addressing the road approach, Wilson said he would locate the lot driveways wherever they will work.

Wilson said he has proposed landscaping and construction standards that would assure quality construction in the area, and he did his best to mitigate potential problems with wildland fires. He said he and his wife intend to live near the subdivision so they want to exceed minimum standards.

3. Public Comment on Water and Sanitation: Inman's report included a synopsis of public comment on water and sanitation received by the planning department. Inman said the governing body is required to accept public comment on water and sanitation for first minor subdivisions. No oral public comment was made.

4. Commission Discussion: Taylor said he is really concerned about road access for Lots 4 and 5. He said he does not see a good answer without moving access up or creating an interior road to access Lot 5. Inman said his suggestion is if Wilson is willing to work out an agreement where road approaches will be aligned, the Commission does not want to change things too differently from what the public has reviewed. He said an option is to place an easement across Lot 4 for a driveway that meets the standards of Lot 5.

5. Commission Findings and Conditions: Addressing Item I, Impacts on Agriculture, the Commission added "Finding: D - This subdivision is located in 'open range' country and it is the responsibility of the individual landowner to fence out domestic livestock. Uncontained livestock may cause damage and other problems to adjoining properties." The Commission added "Condition - Covenant shall be filed with the final plat that includes the appropriate State Law language regarding open range and right to farm."

Durgan made a motion to accept the findings and recommendations of Roman numeral I. Taylor seconded that motion. Motion passed.

Addressing Item II, Impacts on Agricultural Water User Facilities, the Commission added "Finding C - There are no known irrigation easements located on any plats or COS in the Clerk and Recorder's Office." The Commission added "Recommended Finding - The proposed Mountain View Acres First Minor Subdivision does contain an irrigation ditch that runs from the north along the eastern boundary and bisects the proposed subdivision approximately between Lots 1 and 2." The Commission added "Recommended Condition - If relevant downstream water rights are found to exist, then appropriate distribution facilities and easements would have to be implemented prior to the final plat approval." The Commission added "Finding D - There is an additional irrigation facility (ditch) that runs along the eastern boundary of the property." The Commission added "Recommended Conditions - The applicant shall verify with the owner that this particular ditch has been abandoned or does not contain any rights by adjoining landowners."

Durgan made a motion to accept findings of fact and recommended conditions of Roman numeral II with additions made. Taylor seconded that motion. Motion passed.

Addressing Item III, Impacts on Local Services, Taylor made a motion to accept Impacts on Local Services findings and conditions. Durgan seconded that motion. Motion passed.

Addressing Item IV, Impacts on the Natural Environment, Taylor made a motion to approve recommended findings and conditions on Impacts on the Natural Environment. Durgan seconded that motion. Motion passed.

Addressing Item V, Impacts on Wildlife and Wildlife Habitat, the Commission amended Recommended Condition C 18 to read “A covenant shall be filed with the final plat stating: ‘Individual lot owners are encouraged to meet with Montana Fish, Wildlife and Parks when considering fencing design specifications and locations.’”

Durgan made a motion to accept findings and conditions on Impacts to Wildlife and Wildlife Habitat. Taylor seconded that motion. Motion passed.

Addressing VI, Impacts on Public Health and Safety, the Commission added “Finding F - The shared road approach off of Cottonwood Bench Road for Lots 4 and 5 may prove to be a public health and safety issue due to the curve in Cottonwood Bench Road. The curve may limit sight visibility.” The Commission added “Finding G - The applicant has agreed to reconsider the location of the road approaches for the entire subdivision - the applicant has agreed to meet with the road supervisor prior to final plat in order to locate the road approaches in the best location as it relates to public health and safety.” The Commission added “Recommended Condition - Prior to final plat approval, the applicant shall meet with the Park County Road Supervisor in order to consider relocating the road approaches in order to ensure public health and safety. At a minimum, the applicant shall meet the design and improvement standards for road approaches under section VI of the *2006 Amended Park County Subdivision Regulations*. The Commission added “Finding H - The applicant has obtained three separate road approach permits from the Park County Road Supervisor. No additional fees shall be required of the applicant if the road approaches are relocated.” The Commission added “Finding I - Fences or other structures located adjacent to Cottonwood Bench Road may cause the drifting of snow and sight limitations, which may adversely affect public health and safety.” The Commission added “Recommended Condition - Prior to final plat the applicant shall meet with the Park County Road Supervisor to ensure that no fences or other structures will be placed in a location adjacent to Cottonwood Bench Road that may cause a public health and safety issue.”

Durgan made a motion to accept Roman numeral VI. Taylor seconded that motion. Motion passed.

Durgan made a motion to accept the findings and conditions under Roman numerals VII, VIII, IX, and X. Taylor seconded that motion. Motion passed.

Addressing Item XI, Inman noted Findings: A, which states “This application was submitted prior to the addition of the Growth Policy and is therefore exempt from the requirements of XI.”

Durgan made a motion to accept Roman numeral XI and XII. Durgan seconded that motion. Motion passed.

6. Commission Motion/Determination: Malone read Determination #2 into the record. Durgan made a motion to use Determination #2 to approve Mountain View Acres Subdivision with findings and condition as amended by the Commission. Taylor seconded that motion. Motion passed unanimously.

Public comment was made by Daryl Stutterheim. Stutterheim said as a conservation district supervisor he knows if an applicant does things right you can't do anything about a subdivision. He said you can't stop a subdivision just because you don't want it. He said he sees things the applicant has not taken into regard, such as the snow conditions around the corner and the inconvenience it will cause the landowner on that corner lot without snow catching facilities. He said they will live there and deal with it. He said he thinks there will be a problem with the amount of water that comes out of the wells. Stutterheim said he does not think there is anything good about the development, he does not like it, and he knows he will be in trouble if he shoots a dog chasing his cows but that's the world we live in. He said it is hard from him to accept that someone will have a legal right to put a pump in and pump water at any time and all it would take is someone stepping over the fence and doing it. He said the proposed subdivision is truly in an agricultural area and he perceives problems with him running a tractor at 10 p.m., in a field 50 feet away from the subdivision houses, but hopes there will not be problems.

@10:54:59 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. Motion passed.

January 29, 2009

Review Daily Agenda and Correspondence

@11:17:15 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; and Commission Minutes Clerk John Mueller. No public comment was made.

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

Reviewing meeting minutes for the Week of January 19, 2009, Commissioner Malone requested a revision to Page 2, the second to last paragraph should read in entirety, “There was discussion about pickup trucks with sanders and removable racks that would

allow for road work in the summer. Smith said a one-ton pickup with a dual wing is a much better piece of equipment than the GMC 7000 with a fixed blade the crew has now. Malone said Madison County has one-ton trucks for the Commission to sand roads when needed and that is something the new Commission will consider.” On Page 2 of 18, last paragraph, the fourth sentence should read, “Malone said he spoke with County Historian Jerry Brekke who informed him incomplete paperwork exists from Suce Creek Road to South Fork of Deep Creek.” On Page 3 of 18, the sixth paragraph should read in entirety, “Smith asked if a road crewman is to continue inspections of the 9th Street Bridge. Durgan said the Commission needs to confer with Dave Crumley of MDT and State Bridge Inspector Dan Gravage to see if they think inspections are still necessary.” On Page 8 of 18, Malone noted the correct spelling of “Bullis” Creek.

On Page 10 of 18, Durgan noted the correct spelling of “legislative.”

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

The Commission reviewed its upcoming meeting agenda. Malone requested a scheduled meeting with RC&D for February 2 to discuss committee replacement seats. The Commission said it will schedule county road update meetings for Tuesday mornings at 9 a.m.

Raea Morris reported she received back applications from the museum board.

Correspondence included:

- Proposed agreement between Park County and MDT re. Bailey bridge purchase
- Memo from Rehberg’s representative re. email requests for projects
- Email from RC&D re. 2009 annual RC&D draft plan
- Memo re. insurance expenses for road signs
- Memo from accounting department. Commissioner Durgan said Marilyn Hartley should not be conducting HR functions. The Commission said it needs to schedule a personnel meeting to discuss the issue.
- Road department cell phone logs
- Memo from Department of Commerce re. Planning for Infrastructure Improvements - To planning and landfill for review
- Memos re. Gardiner Sewer District transfer agreement - To Durgan and director of operations for review
- Memo from treasurer re. employee key
- Memo re. emergency planning for special needs communities - To Taylor for review
- Letter from citizen re. Cooke City zoning request
- Memo re. Livingston Chamber of Commerce update
- Memo re. Center for Health Transfer - To public health nurse
- Litigation and professional services budget report
- Citizen public information request

- Memo from MDT re. Bailey bridge agreement language
- Memo re. Board of Health quarterly meetings
- Information re. Deep Creek Bench Road - To county historian for review
- Memo from airport board member re. funds - To Durgan for review
- Memo re. HUD home application for Emigrant - To planning for review
- Memo re. head count for EMPG training
- Memo re. Upper and Lower Deep Creek Bench Roads - To county historian for review

@12:05:16 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

January 29, 2009

Conference Call with Area Legislators to Discuss Legislative Issues

@12:19:00 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, Livingston city manager; Darren Raney, Livingston police chief; Chuck Donovan, public citizen; and Commission Minutes Clerk John Mueller. Representatives Joel Boniek and Bob Ebinger were present via telephone. No public comment was made.

The meeting was scheduled to discuss legislative issues with area legislators.

Livingston Police Chief Darren Raney addressed Representative Boniek and Ebinger saying he does not support a self defense bill numbered 228. Raney said he has not seen one incident in Montana as to why the bill is needed. Raney said the bill is an incentive for people who should not have firearms to lawfully possess and display firearms. Ebinger said he has not listened to all objectives from live testimony. City Manager Ed Meece said he echoes Raney's comments.

Ebinger said Senate Bill 11, a Stillwater Mining bill, will go to the house floor. He said mental health issue bills 130, 131 and 132 all passed out of judiciary committee, a bison bill will be heard this afternoon, and he does not know what happened with bill 217 that would reimburse producers for livestock testing.

Boniek said he would like the commissioners to review and provide input on the House Bill 253 bison bill, which reclassifies bison as a game animal under Montana Fish, Wildlife and Parks. Malone said that bill would substantially decrease the county's options for management.

@12:40 p.m., Malone adjourned the meeting.

January 29, 2009

Analysis of Accounting Department by New Commission

@1:24:06 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Marilyn Hartley, accounting; Bernadette Rambow, AP clerk; Martha Miller, auditor; Bill Hurley, operations; Marc Richards, GIS/IT; Denise Nelson, clerk and recorder; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled as an analysis discussion of the accounting department.

Marilyn Hartley, accounting, provided the Commission with a list of items she said she is responsible for completing in the accounting department. Hartley reviewed with the Commission work tasks she performs. She said one-half of her time is spent on payroll duties, and she cannot keep up with or get to some tasks due to her work load.

Malone asked if preparing a final budget is an unfair duty to require of Hartley because that task is often completed by a finance director. Malone asked if Hartley would like to get rid of any tasks. Hartley said she loves to do payroll, but at times that work was spread throughout accounting office personnel to ease the burden. She said vendor payments and contracts could be turned over to the right person depending on the personnel available to her. She said she is at a point where she knows she cannot do all tasks herself and if nothing changes she will need at least a half-time person in the accounting office. Hartley said her concept of accounting is working as a cohesive unit where one or more persons can do the same tasks. She said currently she is the only employee who can do payroll.

Hartley said the current accounting office is in a fairly good location in the courthouse because it is in fair proximity to the treasurer's, clerk and recorder's and assessor's offices. She said she feels there is a disconnect between HR, payroll and the accounts payable office with that office in a different location.

Hartley said she feels like she is missing part of the broader picture. Hartley said she feels a lot of what the accounting office needs to be will depend somewhat on what Auditor Martha Miller decides she will or will not be involved in as far as accounting functions go. Malone asked what help the auditor position can provide. Auditor Miller said she could possibly help with cleaning up the chart of accounts, which is not an auditor duty per se. Miller said the auditor should not have many functions in the accounting office, but she can see it is okay to pick up some incidental jobs except for finance director job duties. Miller said she does not have to be physically separated out of the accounting office.

Miller said as a newcomer walking into the situation there needs to be action taken in the accounting area. She said from her perspective the right and left hand do not know what the other is doing. She said she has had to go to three different places to get an answer. She said the Commission needs to think about the overall structure of the accounting

office, and she does not think it is working terribly well right now. She said she believes someone has to be in charge. She said she thinks 1099s might not have gotten done this year had she not mentioned them to someone.

In other comment, Miller said the external auditor pointed out going to a different bond rating could possibly gain the county millions of dollars. She said department heads using different codes for the same products or services needs to be rectified, which she said may be easier to do one department at a time. Miller asked how much detail the Commission wants to have in regards to spending for small items such as pens and pencils. Accounts Payable Clerk Bernadette Rambow said operating supplies consist of all kinds of things, but not all budget items need to be broken down into such detail.

Malone asked what the county gets for a \$12,000 CSA software bill. Hartley said it pays for CSA troubleshooting assistance, but for only normal support issues. She said that service extends to the treasurer, clerk and recorder and accounting offices. GIS/IT Manager Marc Richards said CSA is not very intuitive or user-friendly in his opinion as it does not follow Microsoft Windows appearance and applications which causes confusion and extra work. Richards said electronic timesheets have been discussed in the past to possibly assist Hartley with her payroll work, but she would have to decide if that would help her or not. Hartley said that would require each department head to enter each employee's time into a computer and is expensive. Richards said there has also been discussion about going with new accounting software.

Clerk and Recorder Denise Nelson said she has no responsibility over the accounting office per an opinion from former county attorney Swandal, but the Commission by law can set up its own accounting system. Nelson said the accounting department was under the clerk and recorder's office when she started work in 1986, but that changed two years later.

There was discussion about how well the county is or is not keeping track of all county assets and tagged items.

Director of Operations Bill Hurley said he would like to better formalize a protocol for emergencies, such as a bridge out of service or a forest fire, to track costs and make audits go more smoothly. Hartley said strides are already being made in that area.

Hartley said she believes a change in her title is appropriate because the county does not have a finance director. She said she requested that before along with a modest request for an increase in wages.

Malone told Rambow to set up a meeting with the Commission to review her job duties whenever she is comfortable with doing that.

@2:32:16 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

January 29, 2009

Discussion with GIS Department about Phone System Updates, GIS Intern and GIS Database for County Roads

@3:32:48 p.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; Marc Richards, GIS/IT; Erica Hoffman, GIS/IT; Dan Skattum, public citizen; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss phone system updates, a GIS intern and a GIS database for county roads.

Discussing phone system updates, GIS/IT Manager Marc Richards said Nortel filed for bankruptcy and a Qwest phone system quote may change as a result. Richards said Doug Brekke and Doug Dunn suggested the county run a T1 line to the building, rent it through Qwest and handle its own switches in the courthouse. Richards said Brekke said he would be a consultant and write an RFP if desired. Malone said he thinks it would behoove the county to hire someone for that service. Malone asked Richards to come up with a recommendation for consultants. Richards said the Commission should decide on what it wants to do with the phone system before the end of the budget process.

Discussing a GIS intern, Richards said he would like to start advertising for that position and have someone onboard by May 1. He said he will contact HR and get things rolling.

Discussing a GIS database for county roads, Richards asked if the Commission would like to create a more formalized GIS road system or create an auto GPS system for county road department vehicles. The Commission said it does not want to do that. Malone said the county needs to classify roads by level of maintenance they receive. There was discussion about data entry software at the road shop. Richards said he spent a lot of time with the road crew and created a cheat sheet for them but no one in the road department knows how to use the program well.

@4:02:34 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

January 30, 2009

Review Daily Agenda and Correspondence

8:48:33 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Raea Morris, Commission executive assistant, and Commission Minutes Clerk John Mueller. No public comment was made.

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

Correspondence included:

- PACE contract from Angel Line

@8:49:29 a.m., the meeting adjourned.

Voided Checks

Claims: 65264; 65152

Payroll: 44091; 44092

Marty Malone
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana