

Park County Commission Meeting Minutes  
Week of March 30 – April 3, 2009  
Park County, Montana

March 30, 2009

Review Daily Agenda and Correspondence

@8:41:26 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Bill Hurley, operations; Raea Morris, Commission executive assistant; and Commission Minutes Clerk John Mueller. No public comment was made.

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

Correspondence included:

- Announcement of May 8 addiction seminar in Helena
- Memo re. Search and Rescue budget
- Memo re. Chemlawn annual weed and feed bid
- Memo re. MT Highway Patrolman death
- Memo re. storm water conference
- Announcement of March 31 Yellowstone Gateway Museum board meeting
- Memo from MACo re. legislative updates
- Memo re. cancelation of special city commission meeting
- Memo re. asbestos at airport
- Memo from LTAP re. \$15+ million for Montana capital transit improvements
- Memo re. asset management adaptation to climate change
- Memo re. May 19 department head and Forest Service meeting times

Director of Operations Bill Hurley said the Gardiner Water and Sewer District is waiting on the county to proceed with the transfer of the Gardiner Sewer District. Commissioner Malone emailed the county attorney to inquire about the matter.

@8:57:18 a.m., Commissioner Taylor made a motion to adjourn the meeting. Commissioner Malone seconded that motion. The meeting was adjourned.

March 30, 2009

Sign an Amendment to a Contract with Sabre Communications

@9:06:45 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 sign an agreement to a contract with Sabre Communications.

Director of Operations Bill Hurley said the contract pertains to a Myer's Flat radio work contract between the county and Sabre Communications. Hurley said the work was completed, but winter weather prohibited inspection and inventory of the equipment. He said the county paid 85 percent of the contract amount to Sabre Communications and the county is withholding the remaining 15 percent because the county has not yet accepted the equipment.

Deputy County Attorney Shannan Piccolo said the Commission would be amending the terms of the contract to support action the county has already taken.

Commissioner Durgan made a motion to accept the amendment and sign it when a typo is corrected. Commissioner Taylor seconded that motion. Motion passed.

@9:17:49 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

#### March 30, 2009

10:00 A.M. – Personnel Meeting – Commissioners Chambers – Canceled

#### March 30, 2009

##### Extension Bi-Monthly Update

@10:34:37 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Tracy Brewer, Extension; Mary Anne Keyes, Extension; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to update the Commission about Extension activities.

Extension Agent Tracy Brewer provided the Commission with her activities for February and March. Brewer said she attended a week-long Society for Range Management seminar in Albuquerque, NM; was involved in program development for a visioning group at MSU to help agents develop short- and long-term planning in counties; is serving on the planning committee for the 2009 Extension conference where she hopes to improve conference content; was appointed secretary of the Northern Rocky Mountain RC&D board; is sitting on a horticulture position search committee; attended a retention promotion and tenure meeting; obtained her certified government pesticide applicator license; and will conduct a three-week, adult community education workshop on small acreage pasture management.

4-H Extension Agent Mary Anne Keyes said shooting sports held every Sunday for 10 weeks finished on the first week in March, and the county sent kids to the state

tournament. Keyes said she created films for water conservation and stone fly in the LINKS for Learning program; attended a canning workshop in Ronan and may hold a canning workshop this summer; is teaching a Strong Adult Strength Training class; conducted food safety training courses; 4-H tagged in four sale heifers and the replacement heifer project is back on track; received \$25,000 for teaching a multi-media program at LINKS; and will be teaching a course for deployed military families.

Keyes asked if the Commission is interested in an employee wellness program for courthouse employees. The Commission advised Keyes to draft a proposal for submittal to the safety coordinator and public health nurse, as well as Owen Voigt of MACo.

Brewer said ordered trees will arrive on April 6, and asked the Commission to consider the future of the program as Extension saw only three planting plans from 12 tree orders this year.

@11:09:12 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

March 30, 2009

Signing of Resolution Amending the Cooke City, Silver Gate & Colter Pass Zoning Ordinance and Official Zoning Map

@11:34:16 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Mike Inman, planning; Shannan Piccolo, deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to sign a resolution to adopt zoning changes to the Cooke City, Silver Gate and Colter Pass zoning ordinance and amend the official zoning map.

Senior Planner Mike Inman said the planning department is adding this step of signing a resolution verifying zoning changes in order to improve documentation and improve archival research capabilities.

Commissioner Taylor made a motion to accept Resolution #1049. Commissioner Durgan seconded that motion. Motion passed.

@11:40:16 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

March 30, 2009

Fair Board Discussion with Commissioners

@1:03:45 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was

Kim Knutson, fair manager; Mike Adams, fair board, Ed Flatt, fair board; Bill Hurley, operations; Dan Gutebier, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled as a fair board discussion with the Commission.

Mike Adams, fair board, asked the Commission if there is a problem with the county's current insurance policy or the company that takes care of that policy. Adams asked if there is something wrong with Key Insurance and why an issue has come to a head all of a sudden.

Commissioner Malone said there are no problems and the Commission is just looking at all the vendors and options, which it should do as a commission to see who has the best options for the county. Malone said the price is the same, and service is rendered by a specific agent.

Adams said the fair board deals with the county's insurance vendor more than other county boards. Commissioner Taylor said the museum board is concerned with insurance issues, because it plans to bring in nine or 10 speakers, Alice Senter of Key Insurance said everyone must be insured, but Swanson Leavitt said it is up to the Commission to determine who is insured.

Knutson said the fair board as well as the Commission decided across the board every vendor at the fairgrounds should be insured. She said she does not want the insurance issue on her shoulders. Adams said the issue keeps getting put back on the board and Knutson.

Commissioner Malone said he does not feel it is fair to charge everyone insurance to use county buildings. Knutson said it depends on whether the county wants to run the fairgrounds as a business or a community service. Adams said the fair board leases facilities through rentals of buildings to pay for lights and utilities, and is a reason why it was decided to charge for use of fairground buildings.

Malone asked what fee the fair board charges for a meeting. Knutson said it depends on what building is rented. There was discussion about how much insurance is to be provided by a party renting fairgrounds buildings and three tier levels of liability per MACo, which are influenced by various criteria, such as whether alcohol will be served at a function.

Knutson said she sends party's wishing to rent a fairgrounds building to Key Insurance to handle insurance issues. Commissioners Taylor and Durgan said the county has an insurance agent to make the low, medium or high liability risk classification for fairground building renters.

There was discussion about a resolution passed in June 2006 dealing with the issue of requiring insurance for use of county buildings. Durgan said the resolution was passed to ensure entities have insurance when renting fairgrounds and county-owned facilities.

Durgan said the insurance agent determines the necessary type of insurance. There was discussion about revising the resolution to clear up language requiring insurance when using county buildings.

Adams said everything that happens at the fairgrounds should have some sort of insurance policy before an event can occur to protect the fair board, the facilities and the county.

Taylor said he agrees everyone should have insurance, but it depends on the amount. Adams said the county has a good deal working now with Key Insurance, and he would like to see that continue on. Malone said the Commission will look at its own input and accept other input and make a decision. Durgan said with all due respect it does matter who the county's insurance agent is because the county is comfortable with Key Insurance.

@1:38:58 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

March 30, 2009

Opening of Weed Control Service Bids

@2:10:16 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Clay Williams, weed/junk vehicle; Ed Schilling, public citizen; Bill Moser, public citizen; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to open weed chemical service bids.

Commissioner Malone opened a sealed bid from Stu's Chemical for Park County weed control services. Weed/Junk Vehicle Coordinator Clay Williams said he signed for the sealed bid in the county clerk and recorder's office. Malone said the bid is legitimate and was submitted before the bid deadline of 2:00 p.m., March 30, 2009. Williams said he recommends accepting the bids.

Commissioner Durgan made a motion to accept the bid from Stu's Chemical. Commissioner Taylor seconded that motion. Motion passed.

@2:20:23 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

March 30, 2009

Review Minutes for the Week of March 23, 2009

@2:42:05 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to review and approve Commission meeting minutes for the Week of March 23, 2009.

Commissioner Durgan requested a revision to Page 4 of 8; first paragraph. Durgan said there was a discussion of worker's compensation and a pool of money set aside for payment of agent worker's compensation services.

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

@2:48:26 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

#### March 30, 2009

##### Signing of Professional Services Agreement with DOWL HKM Engineering

@3:06:17 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 sign a professional services contract with DOWL HKM Engineering for landfill monitoring services.

Commissioner Taylor said the contract would extend the period of performance for DOWL HKM Engineering to perform landfill monitoring through 2009, as well as quarterly methane monitoring. Deputy County Attorney Piccolo said the county attorney's office reviewed the contract.

Commissioner Durgan made a motion to sign off on the contract and continue the agreement with HKM Engineering. Commissioner Taylor seconded that motion. Motion passed.

@3:10:39 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

#### March 31, 2009

Commissioners Malone and Taylor Attending Montana Association of Counties Road Supervisors Conference – Helena

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

2:30 P.M. – Montana Water Trust Board Meeting – Conference Call

## Voided Checks

Claims: 65368; 65419; 65420

Payroll: 44203

## April 1, 2009

Commissioners Malone and Taylor Attending Montana Association of Counties Road Supervisors Conference – Helena

3:00 P.M. – Parks and Recreation Board Meeting – Community Room – Minutes available at [www.parkcounty.org](http://www.parkcounty.org) and in the Planning Department

## April 2, 2009

### Review of Daily Agenda and Correspondence

@8:56:22 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Bill Hurley, operations; Raea Morris, Commission executive assistant; Chuck Donovan, citizen; 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 re. assessment and indemnity tax
- Memo re. MACo webinar
- Memo re. MACo disbursement program
- Memo from CED to maintenance personnel re. lighting needs
- Email re. 318 permit issued with modifications and permit receipt
- Memo from GIS/IT coordinator re. use of commissioners' Durango
- Memo from GIS/IT coordinator re. telephone system update meeting
- Memo from MT Dept of Labor and Industry re. website for Montana's dislocated workers - To HR for review
- Memo from Oasis Environmental re. miscalculation of materials and joint application
- Memo from HR re. mandatory lunch hours and breaks
- Floodplain development permit
- Contract modifications for Senior Center architecture services
- Mental health legislative news - To Taylor for review
- Email re. draft EA for Upper Yellowstone River special management section
- Memo re. DUI taskforce awards ceremony - To Sheriff for review
- Memo re. Midwest Assistance Program - To director of operations for review
- Memo from city commission chairman re. lighting on firehall
- Every Child Matters newsletter

- Citizen state building permit for Wilsall Senior Center bathrooms - To NRM RC&D for review
- Memo re. EA for Future Fisheries Improvement Program on Fleshman Creek - To director of operations for review
- Memo from COP Construction re. 9th Street Bridge project
- Memo re. Lower Deep Creek Bench Road lawsuit
- Grader bid advertisement for newspaper
- Creditor application for Bridger Communications
- Memo from Dept of Revenue re. mobile home and personal property assessments
- Memo from Sheriff's office re. landfill spill
- Memo from CTA Engineering re. Pine Creek Road culvert crossing
- Announcement of April 6 Community Networking meeting - To Taylor for review
- Legal advice to Commission from deputy county attorney
- Citizen memo re. new county directory
- Official Cooke City Zoning District map
- Memo re. Forest Service RAC issue in Butte

Director of Operations Bill Hurley said Cooke City Water Board bids were opened in the courthouse on April 1, 2009.

Commissioner Taylor said Sanitarian Barbara Woodbury will identify the location of septic systems at the fairgrounds for the shower houses, exhibit building and ticket booth. He said the kitchen will be brought up to standards, and Sanitarian Doris Morgan and the sanitarian in training will come up with a pre- and post-inspection protocol for the kitchen and will report back to the fair board.

Commissioners Malone and Taylor reviewed information learned at the MACRS convention this week.

@10:01:21 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

April 2, 2009

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

April 2, 2009

Accept the 2009 Park County Refuse District Fee Policy

@10:34:42 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 accept the 2009 Park County Refuse District fee policy.

Commissioner Malone read into the record Page 1 of the Park County Refuse District 2009 Fee Policy, which outlined refuse fee amounts as recommended by the solid waste board.

The Commission made modifications to fees amounts.

Commissioner Taylor made a motion to return the refuse fee policy to the solid waste board with commissioner recommendations. Commissioner Durgan seconded that motion. Motion passed.

@10:52:56 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

April 2, 2009

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

April 2, 2009

Decision Regarding Procedure and Enforcement of Cooke City, Silver Gate, Colter Pass Resort Tax and Signing of Contract for Resort Tax Allocations

@1:35:22 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Shannan Piccolo, deputy county attorney; Kevin Larkin, treasurer; Cooke City representatives Donna Rowland, Bev Chatelain, Gary Brown, and Patti Smith; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to make a decision regarding procedure and enforcement of the Cooke City, Silver Gate, Colter Pass resort tax and sign contracts for resort tax allocations.

Deputy County Attorney Shannan Piccolo said the five contracts explain the amount of money allocated to six different resort tax projects. The Commission reviewed and signed the contracts.

Addressing a procedure for enforcing resort tax payments for businesses delinquent in paying their share of resort tax funds, Piccolo said the county currently does not have a procedure to address delinquent businesses. Treasurer Larkin said some businesses in the resort tax area do not pay their resort tax dues.

Commissioner Malone said the county could send out a letter addressing the issue, encourage all businesses to join in the effort, and explain what has been done with the money in the resort tax communities and why it is important for businesses to pay into

the resort tax. Larkin said he can send out a 20-day-late payment notice to delinquent businesses.

Donna Rowland said the balance left in last year's building account needs to be transferred to a savings account. The Commission said a memo will be sent to Marilyn Hartley in the accounting department for that action.

@2:12:44 p.m., Malone adjourned the meeting.

April 2, 2009

Approve Line Items for Architect's Contract for Senior Center

@4:04:41 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Shannan Piccolo, deputy county attorney; Julianne Brown, NRM RC&D; Barb Williams, senior center; Rick Van Aken, senior center; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to approve line items in an architect's contract for the Park County Senior Citizens Center project.

Julianne Brown, Northern Rocky Mountain RC&D, said Mosaic Architecture said two services within the "Additional Services" section (Section 11.3.2) of the contract between Mosaic Architecture and Park County need to be approved before Mosaic can begin project work. Brown said Service #1, an existing structural building analysis including a lateral analysis, is to be completed on an hourly basis not to exceed \$16,275. Brown said Service #2, a historic design consultation, is to be conducted on an hourly basis not to exceed \$10,850.

Brown said Mosaic said the structural analysis needs to be done now, and Mosaic thinks both services will be less than the maximum amount quoted. Brown said money for both services is in the budget.

Commissioner Taylor made a motion to accept the proposal to use Services #1 and #4 of Section 11.3.2. Commissioner Durgan seconded that motion. Motion passed.

@4:09:49 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

April 2, 2009

Public Informational Meeting regarding 9th Street Bridge

@7:05:05 p.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 Brett Linneweber, county attorney; Shannan Piccolo, deputy county attorney; Barbara Woodbury, sanitarian; Camden Easterling, Livingston Enterprise; Scott

Nelson, CTA Engineering; Russell Smith, Oasis Environmental; Scott Optiz, MT FWP; Dan Gravage, MDT; Public Citizens Bill Moser, Jane Ann Morris, Kit Libbey, Midge Collins, Brad Shepard, Mary Lennen, Ray Olson, Amy Simpson, Dee Dee Fite, Margot Aserlind, Molly Burks, Nayne Hard, Dave Cossey, Chuck McCalla; Frances Stewart, Bob Nell, and Von Anne McCalla; and Commission Minutes Clerk John Mueller.

The meeting was scheduled as a public informational meeting regarding 9<sup>th</sup> Street Bridge.

Commissioner Malone said the meeting serves in part as a public comment forum for a Montana Fish, Wildlife and Parks 124 permit, which requires public comment on environmental issue of concern. Malone said the Commission wants input from island landowners. Malone said Scott Nelson of CTA Engineering said Russell Smith of Oasis Environmental are completing the Environmental Assessment (EA) for the project, and permitting agencies are being very cooperative and allowing for streamlining of the bidding process.

Scott Nelson provided a power point picture presentation of the current 9<sup>th</sup> Street Bridge condition. He said it will be difficult to remove debris from the existing 9<sup>th</sup> Street Bridge with the Bailey bridge on top of it and machinery can no longer be placed on the bridge for debris removal. Nelson said debris increased water velocity under the bridge, which caused the pier failure due to scouring. He said the bridge is constructed with railroad tracks covered with poured concrete, those railroad tracks are the only thing supporting the bridge today, and you can see light underneath the pilings.

Nelson said it was determined the cost to repair the existing 9<sup>th</sup> Street Bridge would almost equal constructing a new bridge, so the engineering firm will begin work that will enable future bridge construction. He said a gravel work platform will be created in the river and concrete shears on an excavator will be used to drop the original bridge decking and piers into the river, leaving the Bailey bridge in place. He said the Bailey bridge will need to be picked up to remove center pilings. Nelson said COP Construction thinks the work can be completed in two weeks, which is important because 98 years of data shows the river rises dramatically between April 1 and May 1 each year. Nelson said island residents will have access to the island during the first phase of the work, but access will either be limited or prohibited once the Bailey bridge is lifted to remove center pilings, depending on what COP Construction determines is safe.

Nelson said COP would like to start hauling materials and building the work platform on Monday. He said the Bailey bridge will be used through high water and this fall while the design and permitting for the permanent fix is completed. Malone said concrete will be removed from the river as it is dropped in and machines will come out of the river each night. Commissioner Durgan said the gas line will be redirected some way. He said the water level will drop two to three feet once the bridge piers are cleared out of the channel.

Nelson said there is concern with water backing up behind bridge debris and running across the island or through town, as well as the bridge failing completely and taking the Bailey bridge with it.

Malone opened the floor to public comment.

A citizen asked if the bridge approach will be pulled back to avoid choking the river. Nelson said approaches would be pulled back.

A citizen asked why water cannot be diverted into the other river channel. Russell Smith said that option was considered, but the Army Corp of Engineers (COE), Montana FWP, the county, and hydrologists determined diverting flow evenly between the channels was not feasible with the timeframe at hand. He said that effort is a big endeavor, and the driving force is stimulus money. Smith said it would be a huge improvement if the channel flow can be reduced two or three feet by removing piers, which he said the permitting agencies are requiring.

Smith said the proposed plan is a step in the right direction in looking at the potential future environmental impact of the project. Smith provided a presentation of how the work will be conducted by diverting water flow from one bridge end to the other by moving the rock work platform in the river.

A citizen asked how it can be assured the Bailey bridge will stay in place when pillars are pulled. Smith said the Bailey bridge is designed as a clear span bridge as long as abutments are not damaged.

A citizen asked if the new bridge will be constructed up river or in the current bridge location. Smith said a work bridge would be required to construct a new bridge, and design solutions, new bridge abutments, landowner easement issues, and design features will determine the answer to the citizen's question.

A citizen asked if the work will be completed in two stages in the event runoff water comes out too fast. Smith said only the first three piers may be removed if high water comes in more quickly than expected or the bridge is stubborn to remove.

A citizen asked why the Bailey bridge cannot be moved to a new location to allow for new bridge construction. Smith said physical and legal issues prohibit that, as the county does not own the bridge and MDT does not want the county to move it. Nelson said the Bailey bridge cannot be used as a work bridge and the idea is to build a new bridge in the same location as the existing bridge.

A citizen asked if the existing bridge walkway can be salvaged. Nelson said that would likely be more money than it is worth.

A citizen asked what island residents are to expect in regards to communication with bridge work. Smith said he hopes that question can be answered by early next week.

A citizen asked for the best estimate of the time duration when there will be no access to the island. Smith said the construction company will try to have access every night until it has to park a crane on the east approach to lift the Bailey bridge. Malone said search and rescue will have emergency access at all times and reverse 911 can be used to communicate with island residents. He said COP Construction will determine what needs to be done regarding the access issue.

A citizen said reverse 911 does not work for cell phones.

A citizen asked if a daily status log of bridge project activities can be put on a website. Malone said the county will post updates at [www.parkcounty.org](http://www.parkcounty.org).

A citizen asked about the natural gas line on the existing bridge. Nelson said Northwestern Energy will cut off gas to the island to ensure construction worker safety. He said the gas will be out for the two weeks construction work is planned. He said construction workers cannot work around a live gas line, and once the Bailey bridge is reset the gas will be turned back on.

A citizen asked how the bridge will be demolished. Smith said how that effort goes will depend on how the bridge reacts to the demolition efforts, and the professional demolishers will be prepared for whatever happens.

A citizen said he recommends the Sheriff's office use telephones to check on island residents during construction rather than physically checking on them each day.

A citizen asked if a fire truck will be placed on the island. Malone said the Commission will speak with PCRFD#1 to see if a fire truck can be placed on the island.

A citizen asked if people will be completely restricted from the river during construction. Smith said there will likely be limits on river travel and FWP will take into account public comment at tonight's meeting when drafting its EA.

A citizen asked whether an agency exists to compensate business losses due to the construction project.

A citizen asked whether existing abutments can be used for a new bridge. Nelson said he suspects they cannot be.

A citizen said he cannot envision the county moving the rock work platform three times to complete pier removal and that being more economical than putting 15 culverts on the causeway on Siebeck Island to divert water flow. Smith said the depth of the main channel at the isthmus is very deep and it would take three times more fill to do that.

A citizen said she is astounded the engineers think the work can be completed in two weeks.

A citizen asked whether island residents can park vehicles on the Sacagawea side so they can walk over the bridge then drive to town. Nelson said something will have to be figured out that is safe in a construction zone.

A citizen said a group of island residents consider getting a pedestrian access on the bridge a priority because the island is a community asset.

A citizen asked the tentative project starting date. Nelson said building of the work platform may commence on April 6 or 8.

A citizen asked when island access will be impacted. Nelson said gas will be turned off quickly because workers cannot work with a live gas line. Nelson said residents will be given as much heads up as possible before gas is cut off. He said Northwestern Energy has plans to put in a new gas line under the river in one or two years.

A citizen asked if island residents will have either foot or driving access to the island until the Bailey bridge must be lifted. County Attorney Linneweber said there may be access restriction times before or after work hours per COP Construction. Nelson said the timeframe and scope of demolition will not be fully known until COP begins work.

A citizen asked how long it would take to build a new bridge. Nelson said no one has an answer to that question at this point.

A citizen said she was impressed with the speed at which the county acted in addressing the bridge issue and island residents last spring, she appreciated the DES ambulance services, felt she was well taken care of and wishes the county well for a good effort this time.

@8:08:08 p.m., Malone adjourned the meeting.

April 3, 2009

Review of Daily Agenda and Correspondence

@8:48:40 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Bill Hurley, operations; Raea Morris, Commission executive assistant; and Commission Minutes Clerk John Mueller. No public comment was made.

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

Correspondence included:

- Memo re. SHIPO research file search for property in Section 24
- Memo re. EA for 9th Street Bridge work
- Memo re. union claims issue
- Memo from GIS/IT April 16 meeting to purchase software

- Upper Yellowstone Watershed Basin meeting minutes

@8:55:29 a.m., Malone adjourned the meeting.

April 3, 2009

Personnel Meeting

@9:05:08 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Winn Treible, road crew; Jill Ouellette, human resources; Brett Linneweber, county attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to address a personnel issue.

Road Crewman Winn Treible requested the meeting be closed to the public. Commissioner Taylor made a motion to close the meeting to the public. Malone seconded that motion. The meeting was closed.

@9:36:43 a.m., Malone adjourned the meeting.

April 3, 2009

Discussion of SAR Equipment Storage Issues in Cooke City and Livingston

@9:37:19 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present was Wendy Wood, Search and Rescue; Gregg Todd, sheriff's office; Allan Lutes, Sheriff; Dann Babcox, PCRFD#1; Marc Richards, GIS/IT; Chuck Donovan, public citizen; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss Search and Rescue (SAR) equipment storage issues in Cooke City and Livingston.

Wendy Wood, Park County Search and Rescue, provided the Commission with proposals for a building at the Park County Fairgrounds to store SAR equipment. Wood said SAR now has six pieces of new equipment and is running out of space at its fairgrounds storage unit. She said three or four of the pieces of equipment sit outside there now or at other Park County locations. Wood said some of SAR's storage is on a temporary basis, so it could lose storage space, and the Highway Patrol needs the SAR command trailer moved during the warm season. She said the local storage building has no clean storage for medical supplies and radio equipment that has to stay clean and dry, which is creating bug and rodent problems. GIS/IT Manger Marc Richards said SAR does not have computers in a secure, clean environment, and he would like to see clean rooms in buildings to ensure computers work properly when needed and wires are not chewed by rodents.

Wood said SAR is proposing a new structure at the fairgrounds storage unit at the end of the current building in the Sheriff's impound lot. Wood said that placement was supported by the fair board and gives SAR quick access to the river and other major access points. Commissioner Durgan said he suggests SAR meet with the fair board to discuss any building proposals at the fairgrounds.

In Cooke City, Wood said the county does not own property for SAR equipment storage, and the building it is currently using is owned by the Upper Yellowstone Snowmobile Club. She said the building's garage door does not lock and everyone in town has keys to the door, but SAR has had problems getting into the building. She said the fire hall is used as a community center, which has caused issues for SAR efforts.

Wood said perhaps a 25 by 100 foot building extension could be attached to the county transfer station in Cooke City, which could include a clean storage and separate office and bathroom.

Wood said SAR has \$15,000 in its budget this year for building projects and bids have come in at \$18,000 and up for a building minus the foundation. The Commission told Wood SAR needs to get cost estimates of the types of building proposals it is considering.

@10:05:24 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

April 3, 2009

Discussion of Motor Graders with Park County Concerned Citizens

@10:07:31 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present was Public Citizens Dan Dinsdale, Garry Cotant, Warren Latvala, Jim Hunt, Dick Juhnke, Jim Taylor, Bill Moser, and Tim Watson; and Commission Minutes Clerk John Mueller.

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

The Commission said opening of grader bids will occur on April 10, 2009. Warren Latvala said the concerned citizens have issues with county attorney comments regarding three questions posed to him by the Commission.

Dan Dinsdale said the current county commissioners are not responsible for initiating the present grader lease that was signed on May 27, 2007. He said the grader situation will probably look like a cover up for the current Commission if it does not request a thorough investigation by an independent agency of a higher level governing agency. He said the citizens are not present to give the Commission trouble but are present to try to help them.

Tim Watson said the concerned citizens think County Attorney Linneweber had a major conflict of interest as the county attorney when he answered questions regarding the motor graders presented by Commissioner Malone, and Linneweber should have recused himself from answering questions due to that conflict of interest. Watson said he thinks the timeline of how things were signed and documented in the Commission meeting minutes regarding the grader issue demands sending the issue to the state attorney general, if for no other reason than to clear the county attorney's name.

Bill Moser said he handed the elected auditor a formal request to conduct a forensic audit to trace the financial trail of all grader funds moved on the day she was sworn in. Moser asked if anything has happened with that audit. The Commission said it had no idea of that request. Moser asked if someone in authority can look into the issue.

Jim Hunt read into the record part of Linneweber's response to questions he was asked.

Jim Taylor said Commission minutes from June 5, 2007 shows proof of Commission knowledge of grader leases. He asked why discussions on leases were not started then.

Latvala said the concerned citizens want to know how much money is on the former four county graders, where it went and who got it, as well as why there was a difference of \$188,000 between proposals and lease agreements. He said the information should show in lease paperwork. He asked if the county or Tractor & Equipment (T&E) paid the \$146,000 on the old maintainers. Latvala said someone should investigate the matter based on records available. He said none of it was done according to state law.

Durgan said the former commission's whole intention was to make the grader agreement a one-year lease agreement, which was understood by the Commission, county attorney and Caterpillar.

Jim Hunt said the current grader leases are a lease/purchase agreement. Durgan said the county attorney advised the Commission it had to have a lease contract, as it could not be in a lease/purchase agreement. Hunt said it did not start that way, and had grader actions been in the minutes and voted on by two of three commissioners the concerned citizens would not be here with this issue. He said the issue is about a million dollars, and people are talking because the county gave graders away without getting anything in return.

Moser said obviously the grader lease decisions were not made in a public meeting and were talked out on the telephone or somewhere without being involved at all in a formal process. Durgan said that is not correct. Moser asked how the Commission went from being told by the former civil attorney the Commission cannot legally take possession of new graders to having them with a one-year lease agreement.

Durgan said the document former Commissioner Lahren signed is not an agreement whatsoever as there are not two commissioner signatures on it. Latvala said the only thing that says the old graders were gone was the May 22, 2008 proposal signed by

Lahren. Durgan said a whole bunch of material was lost and the Commission was not aware of some situations going on with the graders.

Latvala asked where the approval came from for the old graders to go away. He said the Commission took no official action for that to happen. Durgan said what was signed was not a contract. Latvala asked why the graders were taken away if it was not a contract.

Durgan said Road Supervisor Ed Hillman authorized CAT to put the county graders on the truck and the Commission did not know about that action and they found out about it from Tractor & Equipment Sales Representative Dennis Morelock.

Watson said the concerned citizens are asking the Commission to ask the attorney general to look into the matter to make sure the Commission is free and clear from this point on regardless of what happens.

Malone said the current Commission has not told T&E the county will turn back the current CAT graders and put out for bids for graders to determine all options. Hunt said all the group is asking is for more people bidding on county equipment.

Malone said all the Commission can do is go forward. He said it will look at the requests of the concerned citizens and give them a response back. Malone said he will trace the grader transactions money for Latvala, and will consider the request to present the issue to the state attorney general. Malone said a meeting will be scheduled to discuss the issue again in the afternoon of April 8.

Malone opened the floor to public comment.

Jim Taylor asked if the Commission has done anything with 14 employees hired in the last four years. He said the county could put \$200,000 in its checking account if it got rid of some of those employees. Taylor asked about a gentleman driving a county pickup truck 24 hours a day seven days a week. Durgan said that individual drives the county truck five days a week during work hours. He said driving a county truck is part of the employee's terms of hire. Dick Juhnke said he knows for a fact the employee has used the truck for personal business.

There was discussion about the road supervisor driving a county truck to and from work. The Commission said they will look into the issue of employees driving county trucks and agrees the county needs to watch personal use of county vehicles. Malone said the county needs to come up with a county vehicle-use policy, which can be commented on by the public.

Malone said the current Commission has agreed as a group that all three commissioners will sign all documents and keep each commissioner in the loop on all actions and issues. He said the Commission is trying to be open and above board as much as possible.

Jim Taylor said he got two complaints from Wilsall residents wondering why that region's road maintainer is driving a county pickup truck from Wilsall to Clyde Park after work hours. The Commission said it will look into that.

@11:36:35 a.m., Commissioner Durgan made a motion to adjourn the meeting. Commissioner Malone seconded that motion. The meeting was adjourned.

April 3, 2009

Discussion of Removal of Taxes on Unlivable Mobile Home

@1:06:00 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present was Dave Haug, public citizen; Commission Executive Assistant Raea Morris; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss removal of taxes on an unlivable mobile home.

Dave Haug provided the Commission with a history of a mobile home at 13 Rogers Lane in the Five Acre Tracts. He said he told former mobile home tenants to pay rent or pass ownership of the trailer to Haug so he can dispose of it. Haug said he has two options for the trailer, either get the back taxes taken off of it and pay someone to haul it away or physically jack it up, cut it up in sections and put it in rented roll off containers and dispose of it. Haug said he has to get the taxes removed to remove the trailer home, and he wants the trailer removed from his property for health and safety reasons.

Commission Executive Assistant Raea Morris said the assessor viewed the mobile home on April 2 and reported it is definitely unlivable.

Treasurer Kevin Larkin said the assessor needs to remove the taxes from the trailer home if the department of revenue has declared it unlivable. Larkin said he cannot issue a moving permit unless the taxes on the trailer are paid or abated.

Commissioner Durgan made a motion to remove the taxes from the abandoned trailer that is in Mr. Haug's trailer court. Commissioner Malone seconded that motion. Motion passed.

The Commission said it will submit a memo to the assessor's office directing it to remove the back taxes from the trailer home.

@1:23:47 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

Marty Malone  
Chairman, Park County Commission  
Park County, Montana

Denise Nelson  
Clerk & Recorder  
Park County, Montana