

Park County Commission Meeting Minutes  
Week of May 18 – 22, 2009  
Park County, Montana

May 18, 2009

Review Daily Agenda and Correspondence

@8:35:45 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Bill Hurley, director of operations; Raea Morris, Commission executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo re. fairgrounds sewer project
- Memo re. parks and recreation board requesting notice of county road abandonments
- February minutes from county safety board meeting

@8:41:28 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

May 18, 2009

Review Minutes for Week of May 11, 2009

@9:40:25 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to review Commission meeting minutes for the Week of May 11, 2009.

Commissioner Durgan requested a revision to Page 6 of 12; third from last paragraph, the first sentence should read, "Commissioner Taylor said three bids were submitted by RDO, Tractor & Equipment and CAT Financial Services prior to the May 11, 2009 deadline." On Page 11 of 12; seventh paragraph, the second sentence should read, "Linneweber said an increase in his budget is due to bringing wages of his staff to compliance with state standards." On Page 11 of 12; fourth from last paragraph, the second sentence should read, "The proposed road department budget increased due to a request for more gravel and purchases of reclamite and mag chloride to facilitate road maintenance and upkeep." On Page 12 of 12, a bullet point should read, "Memo from Forest Service re. 2009 cooperative road maintenance agreement – A meeting will be scheduled." A bullet point should read, "Citizen memo re. Cokedale Road potholes – To

Road Book – the issue will be discussed at the weekly road meeting and a site review may be scheduled.” A bullet point should read, “Claim from CTA Engineering for 9<sup>th</sup> Street Bridge work.”

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

@9:54:05 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

May 18, 2009

Discussion of Historian and Special Collection Archives Status

@10:04:16 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Jerry Brekke, Park County Historian; Park County Genealogy Society Members Nancy Adkins, Lou Ann Skattum, Sharon Munroe, Carol Woodley and Jack Luther; Bill Hurley, operations; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss historical special collection archives status.

Jerry Brekke read into the record a report he submitted to the Commission titled *Park County Historian and Park County Special Collections Status* for the end of Fiscal Year 2009 authored by Brekke and Carol Woodley.

Brekke said the report explains the roles and function of the Park County Historian and volunteer archivists of the Park County Genealogy Society (PCGS) and assess needs for Fiscal Year 2010. Brekke said Woodley is the lead Park County archivist in charge of special collections procedures, coordinates volunteer work in the courthouse, and develops interpretive displays throughout the county. The report states Park County provides equipment, material and professional services to accommodate the effort. Brekke said with the honorary title of Park County Historian, he assists with special collections with digital scanning, records restoration and interpretive narrative, and as a contractor he provides general historic information to county departments, communicates with state agencies, and assists the public in locating historical records and information at \$275 per month. He said he provides investigative reports for road records, access, abandonments, maintenance and litigation issues. Brekke said his research services are ordered on a case-by-case, as-needed basis, and the county is billed at a \$46 per hour professional competitive rate for those services.

Brekke said his research data is filed in reports to the departments and in the vault archives. Brekke said the road record index is electronic but not yet available on courthouse PCs, and that issue is not a cost issue but a matter of working with IT and making it available. Brekke said the spirit of the archive project and relationship with the county is the need for a voice and a means to get the information to the public. Brekke said he is asking for Park County's share of \$275 per month to serve as that voice.

Brekke said Park County provides materials, equipment, and professional services to the effort, and materials equate to protective sleeves; paper for archive restoration; a laptop computer; files; boxes; interpretive signs; and the archive budget went in with planning and GIS to purchase a scanner.

The report provided a history of how the county's archiving system and work commenced. It stated several interrelated issues in 2006 prompted secure storage for law enforcement, county attorney's office, and the clerk and recorder in the county vault. Space was also set aside for historical county archive materials. A court order required the county to create a public records access policy and establish a road book, and the Commission mandated retrieval of various historical road records and passed numerous resolutions to define access policy and instructed PCGS volunteers to organize data, including development of a digital scanning program for public access.

Brekke said funding for the archive work came from a memorandum of understanding negotiated relative to a road abandonment on the Yellowstone River Ranch Estates (YRRE) in January 2007. Additionally, the clerk and recorder provided matching funds for a software program in FY '07 and '08 and for restoration of a 1922 plat book in FY '08 -'09. Brekke said per Section 7 of the agreement, a total sum of \$71,482.54 is to be paid by the landowner in three payments. Brekke said it is his understanding the first two payments have been made, and language for an interpretive sign is completed and planned to be installed by September 2009 to fulfill the county's obligations to the MOU. Brekke said operation budgets for special collections, scanning and indexing is underwritten by the YRRE earmarked account.

Brekke said the professionalism and countless hours volunteered by the PCGS for historical and special collection archiving has been invaluable. Brekke said the Park County Historian assists PCGS efforts and provides general historical research information upon request to Park County departments. Brekke said the advantage of having someone familiar with local history is cost effectiveness and a time-saving measure. Brekke said examples of such include his expert witness in the prosecution of a felony case, providing flood map aeriels, brief flood history overview, and assistance with mapping projects developed by the GIS department. Park County citizens have been referred to the historian and history-related quires have been made by Montana DNRC, MDT and MSU SHPO and an MSU project archeology coordinator. Brekke said road research will always be necessary regardless of who conducts it. Brekke said road research needs peaks and valleys, but historical archive data will compound over future years if the county does not continually maintain them. Brekke said accessibility is the key, and the goal is convert old hard copy to electronic archive materials.

The report recommends 1) the Park County Historian complete narrative and design of interpretive sign to be installed at locations described in the MOU for the abandoned Chicory/Chico Road; 2) ongoing archiving of special collections and departmental historic resource services of the Park County Historian qualify for funding under the YRRE agreement; and 3) the PCGS has completed Chico and Emigrant Cemetery documentation and anticipate progressing with design and installation of interpretive

signs and are working on interpretive work on Wilsall, Shorthill and Jardine cemeteries. Funds for the work is available in the YRRE account.

There was discussion about archiving information of various county cemeteries. Carol Woodley said Emigrant and Shorthill cemeteries do not have signs denoting where they are located and the PCGS would like to address that. She said interpretive signage for the Yellowstone Trails roads needs to be done and is anticipated. Woodley said she has put archive sleeves on all school records from the beginning of schools to 1940 and she would like to sleeve additional records.

The Commission provided Brekke with a proposed budget worksheet for FY '10. Brekke said he and PCGS personnel will take an inventory of supplies and get back to the Commission with a needs estimate and proposed budget.

@11:00:13 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

May 18, 2009

Discussion with Transportation Committee Regarding Angel Line and Local Transportation

@11:09:10 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were David Kack, Western Transportation Institute; Shannan Piccolo, deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss Angel Line and local transportation issues with the transportation committee.

David Kack of MSU's Western Transportation Institute said MSU continued its funding of the Streamline bus system for one year, which can fund one route, and MDT paid \$30,000 to Streamline to help with another route, which is contingent upon gaining \$30,000 from the Livingston-side of the hill. Kack said the Human Resources Development Council said it can contribute a significant portion of that \$30,000 and Streamline is submitting an application to the Livingston Foundation. Kack said public transportation systems are eligible to receive federal monies, and Angel Line could get those funds if were a public system. He said that would unburden the county from the amount of funds it has to pay for Angel Line and possibly offer commutes to Bozeman.

Kack provided the Commission with a chart of services and Streamline ridership in Bozeman and Livingston.

@11:31:21 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

May 18, 2009

Discussion of Construction Agreements for Gardiner Sidewalk Project

@1:05:06 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Lori Benner, Nittany Grantworks; Bill Hurley, director of operations; Shannan Piccolo, deputy county attorney; Bill Moser, public citizen; Joseph Gross, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss construction agreement letters for the Gardiner Sidewalk Project.

Lori Benner of Nittany Grantworks presented the Commission with a draft letter to serve as a construction agreement and allow temporary access to citizen property for sidewalk construction along Stone Street in Gardiner. The Commission reviewed the letter and provided Benner with revisions. Benner said she can get the letters in the mail May 19.

Bill Moser, public citizen, asked if the engineer looked at taking out the hump on Fourth Street. Commissioner Taylor said the engineer said that was not feasible in the scope of the project.

@1:24:13 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

May 18, 2009

Opening of Fuel Bids

@1:36:14 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Bill Moser, public citizen; Shannan Piccolo, deputy county attorney; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to open fuel bids.

Commissioner Malone said two bids were submitted prior to the May 15, 2009 deadline.

Malone opened a bid from Bearclaw Petroleum of \$2.0785 for unleaded fuel; \$1.639 for #2 dyed diesel; and \$2.0265 for #2 clear diesel and bulk delivery to Park County landfill, transfer station and the Livingston road shop for an added cost of \$.025 to fuel bids. Malone said the bid does not include delivery to Clyde Park, Gardiner or Wilsall.

Malone opened a bid from Story Distributing Company of \$1.813 for dyed diesel and \$2.0436 for unleaded gas to be obtained at pumps using electronic-controlled cards. Bulk delivery to Park County-owned tanks was bid for \$1.6473 for red diesel and \$2.0977 for unleaded for delivery to Clyde Park and Gardiner. Bulk delivery costs to the Livingston County road shop and Park County transfer station and landfill were for \$1.5932 for red

diesel and \$2.0436 for unleaded gasoline; and bulk delivery costs to the Gardiner road shop were for \$1.6273 for red diesel and \$2.0777 for unleaded gasoline.

The Commission will evaluate bids and make a decision at a later date.

@1:49:37 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

May 18, 2009

Appeal of Hodgkinson Family Conveyance Denial

@2:34:29 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Philip Fletcher, planning; Mike Inman, planning; Shannan Piccolo, deputy county attorney; Duane Hodgkinson, public citizen; Chuck Goode, surveyor; Stephen Woodruff, attorney; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to appeal a Hodgkinson family conveyance denial.

Senior Planner Mike Inman said Fred Hall submitted a survey on January 6, 2009 to transfer Tract C2B to Melody Hake from Duane Hodgkinson, which was denied by the civil attorney because the surveyors note showed an inconsistency in the listing of the grantor and grantee of the property. Inman said the planning department denied the application because Melody Hake transferred two parcels to each of her daughters after parcel deeds changed hands, which conflicted with a rebuttable presumption found in the Park County subdivision regulations Roman Numeral V E2D3, which states "A transfer of a parcel of land by one family member to another by deed followed by an attempted use of this exemption will result in the presumption the method of disposition was adopted for the purpose of evading the Montana Plating Act and these regulations."

Inman said Attorney Stephen Woodruff stated in a letter he wanted more information on the rebuttable presumption and implied it was his opinion the regulations are more stringent than allowed under state law referencing MT Code Annotated 73-65-11, which strictly refers to water and sanitation issues of which there are none in the Hodgkinson application. Inman said he passed the letter to the county attorney's office for clarification, and Deputy County Attorney Piccolo determined Park County's regulations are consistent with state law.

Inman read through an April 27, 2009 request for hearing document from Woodruff. Inman said the document states 1) Woodruff finds the rebuttable presumption under which the denial fell is unreasonably vague; 2) with regard to intent of the family transfer, the family conveyance would be used to assist in estate planning and retention of a tract of land for their future use; and 3) there have been instances in the past where numerous transactions took place and family transfers were then approved.

Inman said the planning department is making a concerted effort to review family transfer proposals and accuracy of associated surveys and information. Inman said past actions does not apply to what is occurring at present. Inman said the planning department must make a determination based on what is given as an application and what the regulations state. Piccolo said individuals trying to use the family transfer in improper ways resulted in the county changing its procedures. Piccolo said the purpose of this appeal is for the applicant to bring forth additional information and rebut presumption on which the county relied to make the denial.

Woodruff said he spoke with Piccolo and each feels the housekeeping issue of inaccurate names on surveyor notes can be resolved by resubmitting the application with accurate information. Woodruff said an explanation of the intent of the family conveyance will show it is clearly a legitimate family conveyance application. Woodruff said the intent of the family conveyance is to enable Hodgkinson and Hakes to sell an airport onsite they currently own with hangers and improvements attached and have a plot of land on which to live in the form of newly created Tract C2A.

Commissioner Durgan asked the problem with doing a one-lot subdivision or boundary relocation with things settled clean and clear and without the questions associated with the family transfer application. Woodruff said that is an option.

Commissioner Taylor said this is not a family transfer exemption as far as he sees it, but an airport minor subdivision because Woodruff just told the Commission the purpose of the application is to sell the airport. Woodruff said the purpose is to keep a place to live after the airport is sold. Taylor said he does not have a good feeling with this being called a transfer of property to a family member, and it looks like a minor subdivision or boundary relocation would be more appropriate.

Woodruff said there is an issue of consistency in due process and the concept of administrator law needs to be consistently applied because if things are not consistently enforced the county needs to rely on past practice and ultimately waive the regulations.

Inman said from what he has heard it seems like a boundary relocation is the best move. He said the definition of a subdivision involves creating parcels for developing, selling, or transferring, and the family transfer is for the purpose of giving a parcel of land to a family member to live or build on. Durgan said the family transfer was set up specifically to allow members of the family to have some land to own, have and hold. Inman said the county regulations have changed because there was nothing prohibiting people from doing a family transfer and then turning around and selling the property.

Commissioner Taylor made a motion to turn down the appeal because the family can use other options he thinks are more appropriate than the family transfer. Commissioner Durgan seconded that motion. Motion passed unanimously.

@3:10:45 p.m., the meeting adjourned.

May 18, 2009

Discussion and Recommendation on Health Insurance Benefits for FY 2010

@3:35:59 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Marilyn Hartley, accounting; Jill Ouellette, human resources; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss health insurance benefits for Fiscal Year 2010.

Assistant Finance Director Marilyn Hartley read into the record a letter of recommendation to the Commission from the Park County Health Insurance Committee. The letter included final renewal rates received from MACo.

The letter stated the committee is in favor of keeping to a minimum any increase to employee health insurance premiums and continuing the benefits at the same level, which would add \$17,640 to the overall budget for the 98 county FTEs currently using the county healthcare benefit and would average out to \$1 per taxpayer in additional taxes. The letter stated the committee recommends the Commission fund the RM 1,000 at \$547 per month, add a dental and vision benefit at a combined \$39 per month and a \$500 FLEX benefit at an added \$42 per month, for a total monthly benefit of \$618 per month, which is a \$15 per month per employee increase to the employee health care insurance premium for Fiscal Year 2010.

@3:51:19 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

May 18, 2009

Discussion of Motor Graders and Incinerators

@4:04:12 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, deputy county attorney; Camden Easterling, Livingston Enterprise; Public Citizens Jim Taylor, Gay Juhnke, Richard Juhnke, Kevin Funk, John Schuler, and Jim Hunt; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss motor graders and incinerators.

Dick Juhnke, public citizen, said he is trying to get going with an incinerator and asked if the county had land available. He said the Concerned Citizens would like to set up a public meeting on the issue and will help with some advertising. Juhnke asked the Commission if it would help with advertising. Commissioner Taylor said the Commission can offer a meeting room and utilities. Juhnke said he is going to look at an

incinerator being built by a private individual in Spokane, and he would like to set up a public meeting with that individual possibly in August. Juhnke said the incinerator proposal will never work unless the city is included in the effort. Jim Taylor said he suggests holding the meeting at the fairgrounds. Juhnke said it would be good for Commissioner Taylor to find out what kind of permits must be obtained for an incinerator. Taylor said he would do that.

Jim Hunt, public citizen, asked the length of the lease at the current transfer station. Commissioner Taylor said Montana Rail Link said it may not be inclined to renew the contract with the county for the transfer station next year. Hunt said an incinerator has to be feasible, meet air emissions and be simple to take care of.

John Schuler, public citizen, said it might be a good idea to invite larger municipalities on the railroad line to attend the meeting in August.

Jim Taylor asked how to get the issue on the ballot for a citizen vote. Taylor asked where the Commission would come up with \$700,000 for four road maintainers. Malone said the Commission is looking into where that money will come from.

Kevin Funk, public citizen, said he thinks the county could get more bidding activity if the county put bids back out with broader specifications. Funk said it looks like the bid specifications came from the road supervisor and crew and not the taxpayers, and that took away other equipment dealers' ability to put in a competitive bid. Funk said it is good to have graders a few years apart in age, and perhaps the county can get two good used and two new graders when the economy improves. Funk said he is not sure the county has to buy something with a warranty. Funk asked about establishing a purchasing board or having a county purchasing agent for the Commission to take county employees out of the middle of county purchases.

The Commission said it has just gotten the bids back from the county attorney to review, and a decision will be made in a public meeting on May 20. Malone said Park County has \$208,000 invested in its four leased graders. Malone said he knows some Montana counties trade one grader a year or buy new graders every five or six years or 5,000 hours because of the discount CAT and John Deere offer county governments and in order to get the best trade-in value at maximum return.

Jim Hunt said people get concerned when the county says it does not have money for road materials, gravel and road patch but is considering spending the amount of money it is on four pieces of equipment.

John Schuler said grading Willow Lane has cut that road down two inches over the last two years.

@5:01:25 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

May 19, 2009

Review Daily Agenda and Correspondence

@8:56:21 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Bill Hurley, director of operations; Raea Morris, Commission executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Citizen memo re. fiduciary responsibility of Commission
- Citizen memo re. gravel on Old Clyde Park Road
- Memo from Senator Tester re. May 26 meeting for Amtrak bill for Livingston service at 2:00 p.m. @ Bozeman City Hall – Commissioner Durgan will attend
- Memo from MACo re. levy computation form
- American Land Rights Association newsletter - To Durgan for review
- Memo re. June 5 MACo District IX meeting in Dillon
- Legal advice from deputy county attorney
- Memo re. June 2 JSEC meeting at Bittersweet Cafe @ 7:30 a.m.
- Memo re. Livingston Community Trust - To Commissioner Malone for review
- Memo from undersheriff re. parking in Gardiner - To Durgan for review
- Memo from planning re. Greater Yellowstone Business Coalition cost of \$2,000
- Memo re. Pine Creek land exchange
- Memo re. Colter Pass/Cooke City resort tax
- Sonoran Institute Earth Friends newsletter
- Memo re. Sunset and Shamrock Road petition
- Memo from Logan Landfill

@9:07:01 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

May 19, 2009

Park County Road Updates and Discussion of Rock Creek Road Maintenance

@9:08:07 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Ed Hillman, road supervisor; Bill Hurley, director of operations; Lani Hartung, finance director; Shannan Piccolo, deputy county attorney; Katie Hale, Crazy Mountain Ranch; Kevin Bales, Crazy Mountain Ranch; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss county road issues.

Crazy Mountain Ranch Manager Katie Hale said she is present to discuss the condition of Rock Creek Road, which she said needs patchwork and repairs. Road Supervisor Ed Hillman said resources are slim, and he got a price for five miles of overlay of \$633,000. Hillman said other options are to continue patching the lower end of the road and he does not know what to do with the upper end. He said millings could be put on if the county had millings, but the upper end is not patchable. Hale said a short-term option would be to patch the road and a long-term solution near the Cooper Lane area would be overlay. Hillman said he will get a cost estimate for a one-mile stretch of reclamite and to patch major holes between Clyde Park and the four corners.

Hillman reviewed crewmen work schedules with the Commission. He said patchwork on Five Acre Tracts roads is going well. Malone said potholes in Gardiner need to be filled.

Hillman said the crew flagged a washout on Cinnabar Road 2.6 miles from the junction of Old Yellowstone Trail, and he is working on a permit with the Montana FWP and DEQ and the Army Corps of Engineers.

Hillman said a rock fell on the end of a wooden deck bridge on Cinnabar and broke it off. Hillman said Roscoe Steel viewed the damage yesterday and a steel deck will be put on that bridge. Hillman said the creek is too high to put on a steel deck on Miller Drive. Hillman said two pup trucks can be fixed with shop time.

Malone said Mr. Rigler telephoned and quoted hauling at \$95/hour and 27 tons per load

@9:35:49 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

May 19, 2009

10:00 A.M. – Onsite Pre-Work Field Trip with Forest Service to Review Shields River Road Project – Commissioner Taylor and Road Supervisor Hillman

May 19, 2009

Department Head Meeting

@2:04:36 p.m., Commissioner Taylor called a meeting to order in the West Room. Present were Kevin Larkin, treasurer; Clay Williams, weed/junk vehicle; Ed Hillman, road supervisor; Jill Ouellette, human resource; Bruce Martin, maintenance; Kim Knutson, fair manager; Linda Budeski, justice court; Martha Miller, auditor; Lois Hatfield, landfill manager; Raea Morris, Commission executive assistant; Lani Hartung, finance director; Brian Sparks, museum director; Marc Richards, GIS/IT Manager; Ronda Winge, clerk and recorder's office; and Commission Minutes Clerk John Mueller.

No public comment made.

Employee of the Month: Human Resources Analyst Jill Ouellette said Erica Hoffman was nominated as employee of the month by Clerk and Recorder Denise Nelson for her work ethic and enthusiasm.

Discussion of Performance Appraisal Procedure: Commissioner Taylor said department heads need to complete annual appraisals and any employee wage increases need to include appraisals. Ouellette said appraisals should be submitted to the human resources department to ensure uniformity in rating and forms used. Ouellette said performance appraisal forms are available on the public server.

Round Table Discussion of Department Activity Updates: Landfill Manager Lois Hatfield said the landfill crew is putting a shingle roof on a blower house today; repairing fence at the landfill; and sorting roll offs. Hatfield said surveyors are coming May 20 to survey for potential future landfill life. Justice of the Peace Linda Budeski said she was gone for a week for state training and has nothing out of the ordinary to report. Auditor Martha Miller said she has been attending budget meetings. Finance Director Lani Hartung said end of April reports went out today via email. Museum Director Brian Sparks said 270 people attended the YGM opening day setting a new attendance record. Fair Manager Kim Knutson said the District IV High School rodeo will be held next weekend, along with a wedding reception. She said most of the music is lined up for the fair. Treasurer Kevin Larkin said learning a new system has required temporary closure of the motor vehicle department from noon to 1 p.m. He said next week will be heavy with tax payers, and mobile home tax bills will go out in June. Maintenance Manager Bruce Martin has started mowing and is working on getting the water on at the courthouse. Martin said the A/C was turned on yesterday but is not working correctly. Clay Williams, weed/junk vehicle, said he finished FWP contract spraying work and is working on highway spraying. Williams said he put on a weed fair in Emigrant and Wilsall and held an educational fishing day with elementary schools at Dailey Lake. GIS/IT Manager Marc Richard said the new amp system for the Community Room should arrive May 21. Richards said he will put out bids for a new phone system soon, and he is moving forward with a joint city/county IT project. Rhonda Wing, clerk and recorder's office, said Cooke City may do a mail ballot election in the near future. Ouellette said she just finished an investigation. Road Supervisor Ed Hillman said he has two new crewman; crewmen are patching roads until cold patch runs out; culverts need to be put in; and crewmen are grading roads and working with Big Timber to grade the Main Boulder Road.

Additional Public or Staff Comment: Taylor said the Commission will sit down with Hartung and look at special funds. He said a COLA may be 3.4 percent instead of the MACo-recommended 3.8 percent, as word is other counties are going with 3.4 percent. He said the preliminary budget will be in place by June 10.

Next department head meeting scheduled for June 16 at 9:30 a.m. in the West Room.

@2:25:36 p.m., the meeting adjourned.

May 19, 2009

4:00 P.M. – Review and Appoint Fair Board Applications – Commissioners Chambers – Canceled

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

May 20, 2009

Review Daily Agenda and Correspondence

@8:35:39 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Bill Hurley, director of operations; Raea Morris, Commission executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo re. mental illness training interventions - To Commissioner Taylor for review
- Memo from City Manager re. joint city/county IT program on city/county meeting agenda
- Memo from DNRC for recreation planning grants program - To Nittany Grantworks for review
- Memo re. June 22 Transportation Committee meeting in Community Room
- Memo from city manager re. community room sound system
- Memo from finance director re. expenditure reports for April 2009

Director of Operations Bill Hurley said Attorney Susan Swimley and Attorney Simmons will schedule a date to discuss transfer of the Gardiner Sewer District to the Park County, Gardiner Water and Sewer District.

@8:46 a.m., the meeting adjourned.

May 20, 2009

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

May 20, 2009

Decision on Grader Bids

@11:04:42 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were

Brett Linneweber, county attorney; Shannan Piccolo, deputy county attorney; Bill Hurley, operations; Ed Hillman, road supervisor; Kevin Funk, public citizen; Jim Hunt, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to make a final decision on road motor grader bids.

Commissioner Malone said a bid was submitted by Caterpillar Financial for one to four used 2008 or newer all-wheel-drive motor graders at \$172,309.79 each for three graders; \$200,587.99 for a fourth grader; with a total cost of \$717,517.36 for four graders.

Malone said Tractor & Equipment submitted a bid for \$252,984 for a new motor grader.

Commissioners Durgan and Taylor said they do not think the Commission can consider a bid on the new equipment so the Commission does not need to consider the T&E bid. Durgan said he thinks CAT Financial made the Commission a pretty good offer with quite a discount and the Commission knows exactly what is going on with that equipment. Taylor said he would hate to lose \$200,000 in equity by giving the graders up and the crewmen are familiar with the machines and they can be sold or traded at any time if the Commission owns them. Taylor said he feels this would be making the best of a bad situation.

Durgan said he asked Malone to pull up used grader prices. Malone quoted seven used motor graders for sale across the country from \$177,000 to \$425,000. Malone said the Commission is not in a good situation but he thinks this is the best out for the taxpayer and the previous Commission provided a one-year out.

Jim Hunt, public citizen, said the Commission was handed an awful bad hand of cards, and it has four graders of the same age and it is difficult to trade them off with the same number of hours on them. Hunt asked how the county will finance the graders. Malone said that will be the next determination to make.

Durgan said to its credit, CAT Financial is doing its best to accommodate the county and give it something on its investment. Durgan said another plus is these graders have some warranty remaining. Road Supervisor Ed Hillman said he thinks there are four years of 100-percent warranty remaining and CAT has been good with warranty work to this point. He said there has been no big down time due to maintenance issues.

Commissioner Taylor made a motion to accept the bid from CAT Financial Services for a total of four motor graders. Commissioner Durgan seconded that motion. Motion passed unanimously

County Attorney Linneweber asked the Commission to formally notify CAT Financial it is opting out of the current motor grader lease. Malone told Deputy County Attorney Piccolo that letter must be to CAT Financial by May 23, 2009. Linneweber said the letter is drafted and will go out in the mail today.

@11:24:54 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

May 20, 2009

1:00 P.M. – Weed Board – West Room

3:00 P.M. – Further Negotiation of Gardiner/Park County Sewer – Commissioners Chambers – Canceled

4:00 P.M. – Discussion of Fleshman Creek – Commissioners Chambers – Canceled

May 21, 2009

Review Daily Agenda and Correspondence

@8:39:12 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Bill Hurley, director of operations; Raea Morris, Commission executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo from parks and recreation board requesting banning shooting of fireworks at Green Acres Park - The Commission will schedule a meeting to consider a resolution banning the fireworks
- Citizen memo re. condition of Six Mile Road - Director of Operations Bill Hurley said citizens paid for mag chloride and the county applied it in the past.
- Memo from DES Coordinator re. river peaking at noon on May 20; water running over county roads; and sand bags sales
- Memo from GIS/IT Manager re. USGS gage station on Park County webpage
- Memo from county superintendent re. school transportation - To file
- Memo from finance director re. Gardiner Sewer report through April

Director of Operations Hurley said the guardrail on the Suce Creek Bridge on East River Road was hit and needs to be brought to the state's attention

@8:52:58 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

May 21, 2009

Discussion of Fiscal Year 2010 Budget for General Fund

@9:07:45 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were

Bill Hurley, director of operations; Martha Miller, auditor; Lani Hartung, finance; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss the Fiscal Year 2010 general fund budget.

Finance Director Lani Hartung provided the Commission with a FY '09 year-to-date budget-to-actual comparison. Hartung said she recommends making needed budget resolutions in late June.

The Commission addressed various line items in the Commission General Budget.

@10:39:44 a.m., the meeting adjourned.

May 21, 2009

Discussion of Mill Levy for Park Conservation District

@10:39:53 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Brett Linneweber, county attorney; Lani Hartung, finance; Park Conservation District Representatives Jacquie Nelson, Jessica Cox, Matthew Levers, David Haug, Martin Davis, and Daryl Stutterheim; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss a mill levy for the Park Conservation District.

Commissioner Malone said he has a conflict of interest and would not vote on any financial decisions in reference to the conservation district board. County Attorney Linneweber said by statute he represents districts and the county, so he cannot advise either party unless both sides agree in advance each is okay with him doing so. The conservation district board and the Commission said they agree Linneweber can serve both parties with research services.

Park Conservation District Board Chairman Daryl Stutterheim said the district struggles financially because the county mill levy is limiting. District Administrator Jacquie Nelson said the board is present to find out the next step to increase the district mill levy. Nelson provided the Commission with a graph comparing Montana county mill amounts. Nelson said Park County has the second lowest mill levy of all Montana counties at .88. She said the district would like to receive 1.7 mills, and more funding would increase natural resources education in the county, but currently the district mostly conducts 310 permitting as part of the Montana Natural Streambed and Land Preservation Act. Nelson said the district has been functioning off of \$12,000 for years, and many other counties are operating on \$37,000. Nelson said the county is expanding in population, so it makes sense to increase the amount of funds the Conservation District receives.

Finance Director Lani Hartung said she feels going to taxpayers is likely the only way to increase mills, as the annual increase is set by law.

There was discussion about taking a mill levy increase to the voters and charging a fee for 310 permits. Nelson said state statute allows for charging for 310 permits, but no county in Montana currently does so.

The board said it would wait to review Linneweber's research on adjusting the mill levy without a citizen vote.

@11:39:17 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

May 21, 2009

Discussion and Decision on Health Insurance

@1:34:29 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Marilyn Hartley, finance; Martha Miller, auditor; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss and decide on county health insurance benefits.

Assistant Finance Director Marilyn Hartley said the increase to the county employee health insurance premium would be \$15/month and \$180 per year per employee for a total of approximately \$18,000 should the county continue to fund at the same level of coverage as in the past with a \$1,000 deductible RM 1,000 plan plus dental, vision and a \$500 FLEX account.

Commissioner Durgan said this year would be the first time the Commission asked the employees to pick up any difference in insurance premium amounts, and \$5 or \$10 would not be a terribly oppressive increase.

Commissioner Malone said the county could consider moving the FLEX benefit administration back in-house and county employees could pick up \$8 of the \$15 increase, which would cost taxpayers \$1,000. Hartley said employees have complained about FLEX administrators not being timely with response to claims.

Commissioner Taylor made a motion to bring administration of the FLEX program back in-house and county employees pay half of the \$15 per monthly increase to the employee health insurance premium. Commissioner Durgan seconded that motion. Motion passed unanimously.

@2:03:57 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

May 21, 2009

Discussion of Park Electric Attaching Radio Repeater to Tower on Suce Creek

@2:06:35 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Jim Krusemark, Park Electric; Shannan Piccolo, deputy county attorney; Bill Hurley, director of operations; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss attachment of a radio repeater to a tower on Suce Creek by Park Electric.

Jim Krusemark of Park Electric said Park Electric said he is present to ask if Park Electric can attach a communications antenna on a tower on Suce Creek. He said the tower currently on Pine Creek would be removed if a tower was installed on Suce Creek. There was discussion the correct location for a tower could be Myer's Flat, and Krusemark and the Commission said they will wait until the county attorney completes a determination of permitted uses on the Myer's Flat property.

@2:23:08 p.m., the meeting adjourned.

May 21, 2009

3:30 P.M. – Planning Board – Community Room – Meeting minutes available at [www.parkcounty.org](http://www.parkcounty.org) and in the Planning Department

6:00 P.M. – Solid Waste Board – West Room – Meeting minutes available at [www.parkcounty.org](http://www.parkcounty.org) and in the Commission Office

May 22, 2009

Review Daily Agenda and Correspondence

@8:36:36 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Bill Hurley, director of operations; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Bid from Tech Electric for road shop on Chicken Creek Road of \$1,493
- Memo re. online application for safety program MT Governor's Occupational Safety and Health Program - To Commissioner Durgan for review
- May 26 YGM meeting agenda - To Commissioner Taylor for review
- Memo from HRDC re. county sign off and May 28 meeting

- Memo re. contact information for sheriff's personnel during clerk's absence
- Legal advice to Commission from Deputy County Attorney

Commissioner Malone said he talked to Steve Jenkins of LTAP who said double shot roads can be extended 10 years with another shot of cover.

@8:47:22 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

May 22, 2009

Discussion of State Lands Easement Acquisitions

@9:04:36 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Jerry Brekke, county historian; Marc Richards, GIS/IT; Bill Hurley, director of operations; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss state lands easement acquisitions.

Park County Historian Jerry Brekke said the meeting was scheduled to review and update assessment of state lands easement acquisitions and propose to use monies from the survey and road research account for easement acquisition assessment work to be completed by July 1 and not to exceed a set dollar amount. Brekke said a clear idea of what is needed for the assessment would exist after July 1 and most of the field work would be completed. Brekke provided the Commission with a proposal of services, and said hiring a GIS technician will increase his costs. Brekke said he needs to schedule work if the Commission wants to spend existing funds on the project.

Brekke said he thinks he can identify which Park County roads match legal descriptions and can complete most onsite GPS work by July 1, but he will not have any reporting or assembly of applications completed. Brekke said his research work would meet the Montana DNRC requirements and give the Commission data to argue discrepancies with county roads across state lands. Brekke said it would be helpful to speak with the DNRC representative to interpret DNRC requirements for this effort.

GIS/IT Manager Marc Richards said \$15,000 remains in the road research and surveying budget. Brekke said DNRC set a 2011 deadline for the acquisition compliance and he is trying to spread the money needed for the research work over three budget years.

Commissioner Malone said he would like to know what other counties are getting away with, and he does not want to go above and beyond what the state requires or will accept in this effort. Brekke said about a third of Montana counties have reported data. Commissioner Durgan said perhaps the Commission can check with Gallatin and Sweetgrass counties to work on a joint approach to the issue. Malone said his personal goal is to set up a chart of how often roads are maintained in order to make citizens aware

how often county roads are maintained, and he would like to combine that effort with the DNRC acquisition research.

Richards said the GIS Department is doing a lot of work on roads, including fuel tax maps, bridges, state lands rights-of-way, and roads research, and at some point will have to compile all data into a database. Richards said he agrees with Malone in categorizing roads to make them searchable electronically. Richards said the county will get the best deal by documenting road widths, which would require the state to accept road width data.

Malone said he will telephone Craig Campbell of DNRC about the issue.

@10:03:45 a.m., the meeting adjourned.

Marty Malone  
Chairman, Park County Commission  
Park County, Montana

Denise Nelson  
Clerk & Recorder  
Park County, Montana