

Park County Commission Meeting Minutes
Week of November 23 – 27, 2009
Park County, Montana

November 23, 2009

Review Daily Correspondence and Agenda

@8:33:04 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Raea Morris, 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:

- Legal opinion to Commission from civil deputy county attorney
- Citizen memo re. Flying Pig loading zone
- Citizen memo re. Whithorn museum collection - To Commissioner Taylor for review
- Memo from MSU Extension re. brucellosis issue
- Memo from city manager re. snow fence
- Memo re. Center for Health Transformation - To Taylor for review
- Memo re. Otter Creek gold project
- CTEP audio compact discs from Nittany Grantworks
- Confidential memo

@8:45:19 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

November 23, 2009

Consider Appointing County Records Retention Committee

@10:33:19 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Raea Morris, executive assistant; Shannan Piccolo, civil deputy county attorney; Denise Nelson, clerk and recorder; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider appointing a county records retention committee.

Commission Executive Assistant Raea Morris provided the Commission with a list of six employees who agreed to serve on a regenerated records retention committee. Those employees included Clerk of Court June Little, Clerk and Recorder Denise Nelson, Historian Jerry Brekke, Civil Deputy County Attorney Shannan Piccolo, GIS/IT Manager

Marc Richards, and Morris. Morris said she will serve as committee chairman and the committee likely will not meet more than quarterly.

@10:36:57 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

November 23, 2009

Signing of Resolution Abandoning Smith/Jesson Road

@11:31:13 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign a resolution abandoning Smith/Jesson Road.

Civil Deputy County Attorney Shannan Piccolo said the Commission voted to abandon the Smith/Jesson Road on October 4 and filing of the resolution with the clerk and recorder will finalize the abandonment.

Commissioner Taylor made a motion to sign Resolution #1074 as written by counsel. Commissioner Durgan seconded that motion. Motion passed.

@11:33:13 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

November 23, 2009

Signing of Notice to Proceed on Senior Center Rehabilitation Project

@1:31:52 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, civil deputy county attorney; Rick Van Aken, Senior Center; Julianne Brown, RC&D; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign a notice to proceed for the Senior Center Rehabilitation Project.

Civil Deputy County Attorney Shannan Piccolo said the notice to proceed states the contractor is free to begin construction on the Park County Senior Center project on or before November 30, 2009 with work to be completed in 200 consecutive calendar days.

Commissioner Taylor asked Julianne Brown of Rocky Mountain RC&D if she is satisfied the county has met American Disability Act requirements. Brown said she is waiting on a county DES Coordinator ADA report, but the coordinator has received an extension to complete that report. Brown said she is the Davis-Bacon officer and has a checklist of

processes to follow. Brown said the project is ready to go, and walk-through issues have been addressed. She said every first and third Tuesday of every month will be an onsite project construction meeting, and residents in 24 apartments will be relocated the first of February to facilitate construction.

Commissioner Taylor made a motion to sign the notice. Commissioner Durgan seconded that motion. Motion passed.

@1:46:50 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

November 23, 2009

Discussion of Airport Board Grant Project

@3:02:05 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, civil deputy county attorney; Jerri Miller, airport board; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss an airport board grant project.

Airport Board Member Jerri Miller said the airport board is proposing an initial loan and grant application to the Montana Aeronautics Board due November 27, which would provide funds for airport improvement pavement analysis, purchase of snow removal equipment and a garage to house that equipment. Miller said the Federal Aeronautics Administration typically funds 95 percent of such projects and the Montana Aeronautics Board will fund the remaining five percent of funds. Miller said the airport already spent \$1,000 in maintenance on the airport's current snow plow this snow season. Miller said other grant funds would fund updates of the taxiway, runway, apron and hangars.

Finance Director Lani Hartung said the airport board budgeted \$150,000 for the grant.

Commissioner Taylor made a motion to approve the document. Commissioner Durgan seconded that motion. Motion passed.

@3:15:11 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

November 23, 2009

7:00 P.M. – Public Hearing to Discuss Options for Replacing 9th Street Bridge –
Community Room

November 24, 2009

8:00 A.M. – “Concept Paper for a New Direction for the Bovine Brucellosis Program”
Meeting – Community Room – Commissioner Durgan attended from 8:00 a.m. to 10:00 a.m.

November 24, 2009

Review Daily Correspondence and Agenda

@8:30:55 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Raea Morris, executive assistant; Lorayne Stermitz, citizen; and Commission Minutes Clerk John Mueller.

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

Correspondence included:

- Citizen memos re. Gardiner business loading zone
- Yellowstone River Conservation District Council meeting notice - To Commissioner Durgan for review
- Memo re. revenue and transportation committee meeting in Helena
- Memo re. Shooting Star Road abandonment
- Memo re. county crushed gravel bid
- Memo from sanitarian re. septic system issue
- December 8 City/County meeting agenda
- Memo re. letter of map revision Highway 89 Split Flow Study for City of Livingston
- Memo re. Burlington Northern plume study
- Memo re. Paradise Valley TV Association second notice of payment

Citizen Lorayne Stermitz said the county road crewman log states the Cinnabar Road was graded November 9, but the length of road graded was from the Yellowstone River Bridge one-half mile to the CUT turnoff road. She said the road was not sanded until yesterday from the bottom of Cinnabar Basin Road to the top of Mol Heron Road.

Commissioner Malone said the county is looking into contracting out some work in that area to get it completed.

@8:44:30 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

November 24, 2009

Park County Road Updates

@9:02:48 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Ed Hillman, road supervisor; Shannan Piccolo, civil deputy county attorney; Raea Morris, executive assistant; Lani Hartung, finance; Lorayne Stermitz, citizen; and Commission Minutes Clerk John Mueller.

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

Commissioner Taylor said he received a complaint of overhanging branches on the way to the Springdale green boxes causing issues with the garbage truck route. Commissioner Malone asked if the county has to repair a county road in Springdale to allow for many large wind-farm trucks.

Road Supervisor Ed Hillman said he thinks Duck Creek Road should be ground to gravel in order for the county to maintain that road, and the road near Carter's Bridge needs to be repaired.

Commissioner Malone presented Hillman with an as-needed basis contract for Dan McDonald to plow Cinnabar Road for \$65 per hour. Civil Deputy County Attorney Shannan Piccolo said the contract is set up for 50 hours of work without approval of three commissioners.

Citizen Lorayne Stermitz said she is appreciative of Dan McDonald getting a contract to plow Cinnabar Road, and she would like that contract to continue through the summer season. Stermitz said the road has had very little maintenance. Referencing the weekly audio road log submitted by Hillman, Stermitz said Cinnabar Road was never sanded on November 18. She said the road crewman assigned to the Cinnabar area is falsifying his logs and taxpayers are not getting work completed in their area. Stermitz said the county needs to address a personnel issue and the crewman needs to do his job. The Commission reviewed Hillman's daily work log. Stermitz said the road was sanded yesterday from the base of Cinnabar Road to the top of Mol Heron Road and the ice is above that location. Hillman said he only has reports from the crewman in that area and that is all he can go off of. Stermitz said it makes the people in Cinnabar feel bad when someone says he is doing the road work when he is not. She said she has lived there 47 years and the roads have never been in such poor condition.

Finance Director Lani Hartung said it sounds like the issue is a supervision problem and maybe Hillman should tighten his supervision of employees. Hartung said Hillman needs to have control over an employee not doing work he says he is doing by either detecting it or preventing it. Hillman said he needs a more detailed report of what road work is being done in order to check on that work himself. Hillman said he can ask crewmen how much road work each completes each day to tighten up the road work log.

Malone presented Hillman with an email from Cinnabar Ranch about the condition of Cinnabar Road and work to be completed on Cinnabar Bridge. Hillman said he did everything in his power to notify all landowners about the bridge work.

Hartung said she emailed road, bridge and gas tax reports to the commissioners for review and provided projections to the end of the fiscal year if spending continues at the current rate. Hartung said Hillman needs to closely monitor equipment and material expenditures and improve tracking of employee timesheets to assist the payroll

department with its responsibilities. The Commission said it will review the road department budget during the last Tuesday county road meeting of each month.

The Commission said a current road department part-time employee's status will change to as-needed-only status on January 1, 2010.

@10:05:45 a.m., the meeting adjourned.

November 24, 2009

Park County Human Resources Updates

@10:07:48 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Jill Ouellette, HR; Lani Hartung, finance; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss human resources department activities.

Human Resources Analyst Jill Ouellette presented the Commission with a jailer position replacement form for Commission signature. Ouellette provided the Commission with a form providing clearance for work at the courthouse for Montana Clean custodial services. Ouellette asked about a temporary road crewman's position status. The Commission said it is about to decide the crewman will not be brought on full time. Ouellette said she received a first notice of Equal Employment Opportunity Commission 4 report she is required to fill out regarding county employees. She said she will send an email to determine whether she can forward payment for a health fair vendor, and a VALIC representative continues to visit the courthouse to field employee questions. Ouellette said paperwork for a temporary census taker is completed, and employee of the month gift certificates can be used for county eateries or businesses.

Commissioner Malone said a citizen complained a county road crewman is not accurately filling out the county road log. There was discussion about how that issue may be addressed. There was discussion about assisting the road supervisor in implementing an employee time log report.

@10:42:25 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

November 24, 2009

Final Decision of Hubbard-Wascom Exemption Appeal

@1:31:34 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Mike Inman, planning; Philip Fletcher, planning; Barney Hallin, surveyor; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to make a final decision of the Hubbard-Wascom boundary relocation exemption appeal.

Civil Deputy County Attorney Shannan Piccolo said representatives for Wascom and Hubbard presented information at the last public meeting on the issue, and the Commission can grant the exemption application if it feels the applicants presented facts that rebut the rebuttable presumption for which the application was denied.

Senior Planner Mike Inman said staff has worked with the applicants on an alternate plan that is acceptable to the county, Wascom and Hubbard regarding the boundary relocation. Inman said eliminating relocation of a 200-acre tract and changing one of the property boundaries from 40 acres to 22 acres in the boundary relocation application does not trigger any rebuttable presumptions.

Commissioner Taylor made a motion to accept Hallin's Plan B to accept the 40 acres instead of the 22 acres. After discussion, Taylor withdrew his motion.

Commissioner Durgan made a motion to accept the denial of the planning staff and its recommendation for the Hubbard-Wascom tract. Commissioner Taylor seconded that motion. Motion passed.

@1:40:41 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

November 24, 2009

2:00 P.M. – Dispatch Meeting – West Room

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

November 25, 2009

Review Daily Correspondence and Agenda

@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 Raea Morris, executive assistant; Allan Lutes, sheriff; 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. county gravel bid
- Citizen memo re. unprotected fire areas

- Memo re. feasibility study for Livingston community center
- Citizen memo re. plowing roads
- Memo re. landfill monitoring results
- Memo from DES Coordinator re. safety videos
- Memo from GIS/IT Manager re. rural addressing appointments
- Memo re. Gardiner waste water plant loan payment
- Memo re. Findings of Fact for Pinto Ranch Minor Subdivision

Commissioner Taylor said the Commission will talk with MACo about a \$75 fairgrounds rent fee for a health fair.

@9:02:48 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

November 25, 2009

Review of Minutes for Week of November 16, 2009

@10:02:18 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 and approve Commission meeting minutes for the Week of November 16, 2009.

Commissioner Taylor requested a revision to Page 4 of 14, noting the correct spelling of Ellen “Fredde.” On page 11 of 14, Taylor noted the correct spelling of Debbie “Demaree.”

Commissioner Durgan requested a revision to Page 10 of 14, the first full paragraph should read, “Linneweber said he sees county use of the Gallatin Mental Health Center as a benefit to both the county’s budget and patient welfare.”

Commissioner Malone requested a revision to Page 3 of 14, the sixth paragraph should read, “In other discussion, Undersheriff Scott Hamilton said the sheriff impound lot and search and rescue equipment are not monitored with cameras and asked if the fairgrounds may have room to store a search and rescue trailer.” On Page 6 of 14; third paragraph from the bottom, the third sentence should read, “The Commission said it contacted Montana Fish, Wildlife and Parks (FWP) to request a trap to remove the problem bear but received no action from FWP, therefore the Commission decided to remove the boxes because of continued bear problems and people dumping apples at the site.”

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

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

November 25, 2009

Consider Signing Amendment to Mosaic Contract for Senior Center Rehabilitation Project

@1:37:50 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Julianne Brown, RC&D; Rick Van Aken, Senior Center; Jeff Downhour of Mosaic Architecture (via telephone); and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider signing an amendment to a Mosaic Contract for the Senior Center Rehabilitation Project.

Jeff Downhour of Mosaic Architecture said the proposed contract amendment is to pull abatement work out of the contract and hire a full-time supervisor to conduct air quality testing during and after project abatement work. Downhour said the high-end cap of the abatement work was estimated at \$66,220, and funds for that work and the required level of oversight was shifted from the construction bid to CTA's Industrial Hygiene department to be billed on an hourly basis.

Commissioner Taylor made a motion to sign the amendment to the Mosaic Contract for the Senior Center Rehabilitation Project. Commissioner Durgan seconded that motion. Motion passed.

@1:49:30 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

November 25, 2009

Quarterly Finance Meeting

@2:02:36 p.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, county finance; Ed Meece, city manager; Miral Gamradt, city finance director; Library Board Members Robyn Albright, Janet Bernthal, and Milla Cummins; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss quarterly, cooperative city/county finances.

City Manager Ed Meece said the quarterly transfer of funds from the city and county is going well. County Finance Director Lani Hartung said the county will begin handing over money to the city as it gets it, as the city and county both front money before receipt of tax money. Meece said technical computer/phone system work and payment is going well.

City Finance Director Miral Gamradt said he discovered the city has exceeded its requirement to levy funds for the library per an agreement with the county and the county has been levying less than the combined five-mill levy. Gamradt said the city is asking the county to determine out how many mills should have been levied each year as a result of the floating mill, quantify that amount of money and make up the difference.

Library Board Member Milla Cummins said the library levy has been less than five mills since 2008, so the board would like to implement a communication structure with the county so the library knows what the mill will look like during its budget process.

County Attorney Brett Linneweber said the county discussed this issue during its budget process, at which time he told the Commission the 2.5 mill was fixed and cannot be changed. Linneweber said the levy resolution is an older city resolution and the county does not have it in its files. He said the county has asked outside entities, such as the library, to attend county budget meetings to remain abreast of upcoming year budget figures.

Commissioner Malone said the county commission budgeted the library at 2.142 mills this year, which mean the library has been short for at least two years. Hartung said the Commission cannot change the budget this year but can adjust the library mills next year to include or not include the reduced mills.

City and county officials said they will continue quarterly budget meetings to address cooperative services and efforts, such as Maintenance, Sanitarian, GIS/IT, and 911 Dispatch budgets.

@2:46:21 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

November 25, 2009

Discussion of Budget to Actual Comparison

@3:10:37 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Brett Linneweber, county attorney; Lani Hartung, finance; Martha Miller, auditor; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss county budgeted-to-actual revenues and expenditures.

Finance Director Lani Hartung presented the Commission with a report comparing budgeted county expenditures and revenues to actual expenditures and revenues.

There was discussion about changes in IRS taxable benefits as they relate to personal employee use of county cell phones. County Attorney Brett Linneweber said establishing a stipend with a set rate is a possible way to resolve the issue.

In other discussion, Linneweber said there is no prorated rate for travel for county employees.

@4:40 p.m., the meeting adjourned.

November 26, 2009

Thanksgiving Day Holiday – All Offices Closed

November 27, 2009

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

Marty Malone
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana