

Park County Commission Meeting Minutes  
Week of October 19 – 23, 2009  
Park County, Montana

October 19, 2009

Review Daily Agenda and Correspondence

@8:38:53 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:

- Memo from Angel Line chairman re. board issues
- Memo from solid waste board member re. ferrous metals, trial of wood separation at Chico, recycling tires
- Memo from union negotiator re. Park County longevity issue
- News release from planning department re. applications for planning board

@8:42:37 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

October 19, 2009

Review of Minutes for Week of October 12, 2009

@10:09:32 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 October 12, 2009.

Commissioner Durgan requested a revision to Page 4 of 12; first paragraph, the first sentence should read, "Commissioner Durgan said he requested involvement in the discussion, but he will recuse himself from the final decision of the Commission because of a conflict of interest." On Page 9 of 12, Durgan noted the correct spelling of "Magalsky."

Commissioner Malone requested a revision to Page 7 of 12; last paragraph, the first sentence should read, "Commissioner Malone said Mr. Fowler is a highway patrolman stationed in Wilsall in favor of a safe route to school there and recommended Stone request a letter of support from Fowler for a Safe Routes to School application."

Commissioner Taylor requested a revision to Page 6 of 12, noting the correct spelling of “Parrilli.”

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

@10:13:12 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

October 19, 2009

Discussion of Potential Stream Restoration Project in Silver Gate Area

@11:00:47 a.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; Carol Endicott, Montana FWP; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss a potential stream restoration project in the Silver Gate Area.

Carol Endicott, Montana Fish, Wildlife and Parks cutthroat trout restoration specialist, said her objective is to prevent a wild species from being listed on the threatened or endangered species lists. Endicott provided the Commission with a presentation titled “Willow Creek Restoration Project” explaining a proposed one-third-mile project in the Silver Gate area spearheaded in part by the Beartooth Alliance. Endicott said 15 landowners own property along the stream, including Park County, and she is in the first phase of the proposed project discussing it with landowners. Endicott said the project cost may total \$50,000 but she is confident a lot of funding sources are available, and she is working on generating a design of the proposed project.

Floodplain Administrator Philip Fletcher said he can determine whether the creek is in the floodplain. The Commission asked Endicott to submit a letter requesting landowner permission for work on the creek.

@11:22:30 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

October 19, 2009

7:00 P.M. – Commissioner at Shields Valley Watershed Meeting – St. Margaret’s Church, Clyde Park

October 20, 2009

Review Daily Agenda and Correspondence

@8:37:51 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; 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 MACo re. secure rural schools
- Memo re. Yellowstone River District Conservation Council Nov 17 Lewiston and Dec 4 meetings - To Commissioner Durgan for review
- Montana Transportation Conference call - To Durgan for review
- Memo from Patrica Grabow re. Amtrak study
- Memo from Trout Unlimited re. Heart K Ranch floodplain issue

Commissioner Durgan said the state veterinarian was present at a watershed meeting in Clyde Park on October 19 to discuss plans for brucellosis testing of elk in surveillance areas.

@8:50:04 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

October 20, 2009

Park County Road Updates

@9:07:22 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; Ed Hillman, road supervisor; Gary Barnhardt, citizen; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss county road issues.

Road Supervisor Ed Hillman asked whether the Commission has decided if part-time employee Tom Sarrazin's position will become permanent. Commissioner Malone said he has not yet decided yet and asked Hillman to submit in writing why he needs that position full-time all winter.

Hillman said one county truck is assisting on Falls Creek Road construction today. Hillman said gravel crushed at Chico was sold to the Forest Service and Bates will now crush gravel for the county. He said the road crew will begin putting up snow fence this week. Hillman asked if the county is going to sand Cinnabar Road this winter.

Commissioner Durgan said he did not say Hillman could not sign invoices. Hillman asked if he was authorized to sign claims. Durgan said he is a department head so he is permitted to sign claims, but purchase orders need to be submitted and signed before invoices are submitted. Malone asked Civil Deputy County Attorney Shannan Piccolo to type up a new memo regarding Hillman signing claims.

@9:32:36 a.m., the meeting adjourned.

October 20, 2009  
Department Head Meeting

@9:35:10 a.m., Chairman Malone called a meeting to order in the Community Room. Commissioners Durgan, Malone and Taylor were present. Also present were Brett Linneweber, county attorney; Lani Hartung, finance; Barbara Woodbury, sanitarian; Denise Nelson, clerk and recorder; Lois Hatfield, landfill; Clay Williams, weed/junk vehicle; Ed Barich, superintendent; Philip Fletcher, planning; Ed Hillman, road; Martha Miller, auditor; Raea Morris, commission executive assistant; Jill Ouellette, HR; Belinda Van Nurden, DES; Suzanne Brown, public health nurse; Bruce Martin, maintenance; Scott Hamilton, undersheriff; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss issues with department heads.

Commissioner Malone opened the floor to public comment. None made.

Selection of Employee of the Month: Human Resources Analyst said Landfill Manager Lois Hatfield nominated landfill employee Ken Johnson because he keeps a close eye on equipment and is open to changes and improvements necessary at the landfill.

Discussion of County Furniture: Maintenance Person Bruce Martin said each department and office is responsible for removing county code stickers/numbers from furniture and taking that code to the accounting department for inventory purposes.

Reminder of "7 Steps to Just Cause" Training: Ouellette said the training will be provided on October 29 for department heads and elected officials by a MACo attorney.

Reminder of ICS 300 Training: DES Coordinator Belinda Van Nurden said Gordon Roth will conduct the training on November 12 and 13 at 8:30 a.m. Van Nurden said employees must take ICS 100, 200 and 700 online trainings in advance of the ICS 300 training, and completion of those trainings helps the DES program receive federal funds.

Discussion of Standard (\$0.25) and State (\$0.55) Mileage Rates: County Attorney Linneweber said "standard" and "state" mileage rates were established by policy from a former commission in attempt to eliminate employees using personal vehicles. Linneweber said the state rate applies to a personal vehicle only when no county fleet vehicle is available. Commissioner Malone said department heads and elected officials

need to obtain written commissioner approval to use personal vehicles for county business. Finance Director Lani Hartung asked heads and officials to document where they are going, why, and when to help the accounting office process mileage payments.

Roundtable Discussion of Department/Office Activities: Undersheriff Scott Hamilton said he had nothing to report about the sheriff's office. Superintendent Ed Barich said he is helping with a child count with H1N1 flu, schools are back to normal with flu counts, but some kids had swine flu in the Shields Valley. Weed/Junk Vehicle Coordinator Clay Williams said all weed sprayers are winterized and he is working on junk vehicles and doing weed equipment inventory. Landfill Manager Hatfield said she is working on scheduling mechanics for broken equipment under warranty. Martin said to get maintenance issues into him before Friday. Clerk and Recorder Denise Nelson said municipal elections for Livingston city residents and Clyde Park will be held in November. Sanitarian Barbara Woodbury said environmental health is transitioning with a new sanitarian. Hartung said the external auditors will be in the courthouse on November 2, heads and officials need two commissioners' and auditor approval and clerk and recorder attest of manual checks before asking accounts payable for a check, and encouraged checking with Marilyn Hartley about cell phone accessories. Public Health Nurse Suzanne Brown said a new vaccine of H1N1 came in and an immunization clinic will be set up in the courthouse this weekend to assist Park Clinic staff with the general public and she needs access to the building, greeters and other helpers from county departments. Van Nurden said she is looking for suggestions about a safety fair and needed trainings, working on a diagram for a building evacuation plan, and has a Hanta Virus training disk. Ouellette said Michelle's Law expands insurance coverage for individuals who must drop out of college if they get sick, someone won a fragrance discrimination lawsuit against the OSCO store chain, a 2010 increase in Montana's minimum wage is unlikely, 1,500 jobs were created in Montana last month which is the second highest in the nation, said department heads and elected officials should pass on safety issues to employees; and department heads can use discretion to require a doctors note for employees who take sick leave. Auditor Miller said she is getting around to each department. Road Supervisor Ed Hillman said the road department is submitting a sign grant to 3M. Commissioner Durgan said Kelly Johnson will fill in for Bruce Martin while he is out. Justice of the Peace Linda Budeski said it is business as usual in justice court. Planning Director Philip Fletcher said the planning department is working on subdivision amendments to incorporate new state statutes, doing family and boundary line relocation exemptions, working with parks and recreation board related to maintaining and developing trails in Park County, working with the city to rewrite the donut area zoning regulations, administering the floodplain management program, and is undertaking development of a revolving loan program in the county as an aspect of economic development.

@9:59:20 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

October 20, 2009

Weekly Human Resource Updates

@10:39:27 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Martha Miller, auditor; Jill Ouellette, HR; 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 provided the Commission with change of status forms and an incorrectly recorded employee PERS payment for signature. Ouellette said road crewmen signatures were obtained for a confidentiality memo per a teamsters union representative. Ouellette asked the Commission how it would deal with an employee using sick leave to tend to family members. She presented the Commission with a memo regarding handling of sexual harassment and hostile work environment issues.

Ouellette asked about the status of converting a part-time road crew position into a full-time position. She said she is working with Montana Clean and the Sheriff's Office to draft a protocol for Montana Clean access to the courthouse and will provide the Commission with a formal letter for signature. Ouellette said she received tentative verbal resignation of a temporary seasonal employee. She said the county's insurance policy increases upon retirement, and a former employee will be submitting a memo to the commission about the issue.

Ouellette said Auditor Miller discovered new information to clear uniform allowance taxes from sheriff's officer personnel payroll. She said transfer station employees are unsure the Commission is getting the full report of solid waste issues and the Commission may want to discuss those issues with them. She said the local Job Service has 12-14 jobs posted. She said she is working on a media mail issue and an issue with a boat that was not winterized. Ouellette said union representatives Rick D'Hooge and Jim Stone were present October 15 to answer employee longevity questions.

@11:10:34 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

October 20, 2009

Signing of Agreement between City of Livingston and Park County to Continue D.A.R.E. Program for Schools outside of the City Limits

@11:13:02 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign an agreement between the city of Livingston and Park County to continue a D.A.R.E. Program for Schools outside of the city limits.

Commissioner Malone said the Commission reviewed the agreement with the Sheriff's Office and Livingston City Police Department.

Commissioner Taylor made a motion to sign the agreement. Commission Malone seconded that motion. Motion passed.

@11:14:06 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

October 20, 2009

Discussion and Consideration of Treasurers Office Hiring a Part Time Employee

@11:32:04 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Lani Hartung, finance; Marilyn Hartley, finance; Kevin Larkin, treasurer; Jill Ouellette, HR; Martha Miller, auditor; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider treasurer's office hiring of a part-time employee.

Treasurer Kevin Larkin said he is in need of a part-time person in his office because he cannot take anyone out of motor vehicle to do taxes as he and the deputy treasurer do that task, he has only one employee at the counter for 30 minutes each day at lunch, he has only two employees working when an employee is on vacation, and the public is not being served three hours out of each day.

Assistant Finance Director Marilyn Hartley asked if the deputy treasurer could cover the motor vehicle counter over the lunch hour. Commissioner Durgan said he is not about to micromanage an elected official on how his office and personnel should run. He said Larkin presented information on things he has already tried, such as temporary workers and courthouse employee sharing. Durgan said it is Larkin's office and he needs to run it in the most efficient manner he can.

Commissioner Taylor made a motion Larkin have a permanent part-time employee per Larkin's request. Commissioner Durgan seconded that motion. Motion passed. Commissioner Malone voted in opposition to the motion.

Finance Director Lani Hartung said a budget amendment for the treasurer's office budget will be required at the end of the year.

@11:40:55 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

October 20, 2009

Public Hearing to Consider the Magalsky Family Transfer Exemption

@1:00:18 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, civil deputy county attorney; Joe Magalsky, citizen; Shannon Marinko, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled as a public hearing to consider a Magalsky family transfer exemption.

Senior Planner Mike Inman provided the history of a seven-lot family transfer sought by Citizen Joe Magalsky to each of his children. Inman said the proposal now falls under the *2009 Park County Subdivision Regulations*, and his denial of the application is due to a stipulation of a 60-foot public access easement shown on the plat and application. Inman said Sanitarian Barbara Woodbury denied the application because sanitary restrictions were not lifted from, and Montana DEQ did not provide sanitation approval for, Lots #3 through #7.

Magalsky said he started the process to sell a lot to his daughter and son-in-law in order for them to raise a family, and his remaining children have no plans to build on the lots without DEQ water and sanitation approval. Shannon Marinko, surveyor, said the 60-foot public access easements were mistakenly printed on the plat maps. He said Magalsky is fine with restrictions on Lots #3 through #7. He said the city of Clyde Park does not have an ordinance or protocol to annex property.

Commissioner Taylor said he has never seen a family transfer appeal come through Park County without DEQ approval. He said Woodbury has the authority to review applications on behalf of DEQ, and she needs to review the application and determine whether sanitary restrictions have been lifted and if not what sort of designation needs to be marked on the plat. He said purchasing lots without lifting of sanitary exemption can cost a future owner of the property thousands of dollars in efforts to build on the lot. Taylor said there is a contradiction in the application stating it is exempt from sanitary review but anything to be developed must have sanitary review.

The Commission said the application needs to go back to Woodbury for approval or denial without sanitary restrictions lifted and manner of data listing on the plat. Inman said he will talk to Woodbury about the issue and schedule another public meeting.

@1:41:39 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

October 20, 2009

Discussion and Consideration of Request for Salary Increases

@2:31:42 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Martha Miller, auditor; Linda Budeski, justice court; Jill Ouellette, HR; Kevin Larkin, treasurer; Marc Richards, GIS/IT; Lani Hartung, finance; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider requests for salary increases.

Commissioner Malone said the meeting was scheduled to address salary increases for four county employees. Commissioner Malone said his opinion is GIS/IT Manager Marc Richards is underpaid in comparison to other employees of the same responsibility. He said the Commission completed a performance evaluation on Richards, and Richards has requested an increase of \$3 per hour to his \$34,070 per year salary. Malone said Richard's position is a Grade 15 per Commission resolution filed February 27, 2007.

Human Resources Analyst Jill Ouellette said she would like to run figures through the county's spreadsheet model to determine what the position's accurate grade should be. Malone said he thinks the Commission needs to pass a resolution to change the GIS/IT Manager position grade before it can increase the position wage.

@2:52:56 p.m., Richards exited the meeting.

Malone said the treasurer and an employee in the justice court submitted salary increase requests. Treasurer Larkin said he is requesting an increase for his chief deputy to \$15.08 per hour. Justice of the Peace Linda Budeski said she is requesting an increase for her chief deputy to \$14.57 per hour.

Finance Director Lani Hartung said perhaps the county needs to adjust pay scales to COLA and set guidelines for wage scale, grades and steps to avoid people asking to increase staff to the highest wage. Malone said the Commission needs to attempt to compensate people for longevity and quality of work, but at same time it does not want to wreck the budget. Malone said he is throwing out an increase of \$.70 for both positions. Larkin said the Commission needs to consider he and Budeski had performance appraisals in on time, and he had money in his budget for the requested increase before the final budget was passed.

Commissioner Taylor said he agrees with Larkin's increase request, but thinks Budeski's requested increase ought to be \$14.75.

Commissioner Taylor made a motion to accept the raises to \$14.75 for the chief JP clerk and \$15.08 for the chief treasure's clerk effective July 1, 2009. Commissioner Durgan seconded that motion. Motion passed.

There was discussion about starting, minimum and maximum wages for county positions and how they should be determined.

Hartung submitted an increase of \$1.25 per hour for the assistant finance director position effective on the employee's anniversary date. Hartung said she suggests that position grade of Grade 12 be addressed if the Commission decides to restructure wage grades.

@3:49:38 p.m., Treasurer Larkin and Justice of the Peace Budeski exited the chambers.

Commissioner Taylor made a motion to give a raise of \$1.25 to Assistant Finance Director Marilyn Hartley. The motion died for lack of a second.

Commissioner Taylor made a motion to increase the salary by \$1.00 effective September 22, 2009. Commissioner Durgan seconded that motion. Motion passed.

@4:02:24 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

October 20, 2009

Discussion of Fiscal Year 2010 Budgeted to Actual Revenues and Expenditures

@4:12:40 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Lani Hartung, finance; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss Fiscal Year 2010 budgeted to actual revenues and expenditures.

Finance Director Lani Hartung provided the Commission with a report of Fiscal Year 2010 budgeted to actual revenue and expenses.

Commissioner Durgan made a motion to sign a *Montana Park County Final Budget Document* to be sent to the state department of administration. Commissioner Taylor seconded that motion. Motion passed.

@4:35:14 p.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

October 21, 2009

Review Daily Agenda and Correspondence

@8:31:23 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:

- Governing.com newsletter
- PCRFD#1 daily update
- Memo re. taxes posted and paid online
- Memo from Central Service Area Authority
- Mental Health America newsletter - To Commissioner Taylor for review
- Memo from county surveyor re. Hill Road - To civil deputy county attorney for review
- Memo from Department of Commerce re. consolidated housing plan - To planning director for review
- Memo from sanitarian re. citizen septic system complaint
- Harvesting Clean Energy newsletter - To Commissioner Durgan for review
- Legal advice to Commission from civil deputy county attorney
- Memo from Yellowstone NP re. winter use plan for the park
- Memo re. juvenile detention - To Durgan for review

@8:41:55 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

October 21, 2009

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

October 21, 2009

Discussion of Road Classifications

@10:13:11 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Ed Hillman, road; Chuck Donovan, citizen; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss county road classifications.

Commissioners Malone and Taylor and Road Supervisor Ed Hillman used county mapping data to view and assist in classifying county roads. County roads were classified according to the level of maintenance they receive from the county road crew.

Classifications were defined as the following:

Class 1: high traffic; school bus route; regular scheduled maintenance

Class 2: perceived medium traffic; regular scheduled maintenance

Class 3: low traffic; occasional maintenance as time allows

Class 4: seasonal traffic; once-a-year maintenance

Class 5: not maintained

County roads classified as Class 1 roads include: Brackett Creek Road; Chicory Road; Cottonwood Bench Road; Daisy Dean Road; Elk Creek Road; Fiddle Creek Road; Hammond Creek Road; Horse Creek Road; Horse Creek Road North Fork to Rural Address 264; Jardine Road; Kister Hardy Road; Lower Cottonwood Bench Road; Mill Creek Road to Mile Post 252; Old Clyde Park Road; Porcupine Road to Rural Address 275; Pray Road; West Grannis Road; Woods Lane.

County roads classified as Class 2 roads include: Airport Road; Big Creek Road; Bruffey Lane to Rural Address 184; Busby Lane; Chico to Old Chico Road; Chico Cemetery Road; Chicken Creek Lane; Cinnabar Basin Road; Clark Lane; Clyde Park Cemetery Road; Cokedale Road; Convict Grade Road to Rural Address 415; Cooper Lane; Deep Creek Road; Deep Creek Bench Road; Divide Road; Dry Creek Road to Rural Address 186; Elbow Creek Road; Elk Creek Road South, North and West; Frelich Lane; Five Acre Tract roads; Fleshman Creek Road to Rural Address 370; Hamilton Road; Horse Creek Road South to Cottonwood Road; Indian Creek Road for first mile; Indian Hill Road; Jumping Rainbow Road; Lower Cottonwood Bench Road East; Meigs Road; Mill Creek Road beyond Mile Post 252; Mission Creek Road; Muddy Creek Road; Nelson Spring Creek Road; O'Hair Lane; O'Halloran Road; Old Yellowstone Trail from Rural Address 967 to Gardiner; O'Rea Creek Road; Pine Creek Road; Pine Meadow Road; Shield River Road to Rural Address 1697; Six Mile Road; Suce Creek Road to Rural Address 171; Swingley Road to West Boulder Road; Tobin Creek Road; Tom Miner Road; Town of Gardiner roads; Trail Creek Road; Wall Rock Road; West Boulder Road; West Grannis Road; Willow Creek Road.

County roads classified as Class 3 roads include: Adair Creek Road; Anderson Road; Basin Meadow; Barney Creek Road; (Main) Boulder Road; Briggs Lane; Calvary Road; Castle Mountain Road; Chicken Creek Road; Coal Camp Road; Cooke City roads; Conlin Road; Crevice Mountain Road; Dailey Lake Road; Daisey Dean Road; Daisey Pass; Darling Street North and South; Dry Creek Road beyond Rural Address 186; Duck Creek Road; Duck Creek Road West; Easy Street; Eldridge Creek Road to Rural Address 124; Emigrant Bench Road; Fleshman Creek Road beyond Rural Address 370; Fridley Creek Road; Ibex Road; Hannaford Street North and South; Hill Street North and South; Horse Creek Road North Fork beyond Rural Address 264; Little Mission Creek Road; Looking Glass Road; Miller Road; Mol Heron Creek Road; Morrison Road; Newman Creek Road; Ninth Street Island roads (temporarily Class 5 with Bailey bridge); O'Halloran Road West; Old Yellowstone Trail North to O'Hair Lane (Rural Address 4839); Oregon Valley Road; Pepper Lane; Perkins Lane; Pine Meadow Road; Pinkerton Road; Pulis Lane; Robinson Bench Road; Shields Lane; Shy Road; Strickland Creek; Swandal Road; Upper Cottonwood Bench Road; Willow Creek Road Middle Fork; Willow Creek Road North Fork; Willow Creek Road South Fork; Town of Wilsall roads.

County roads classified as Class 4 roads include: Bangtail Road; Bannock Trail; Canyon Creek Road; Convict Grade Road beyond Rural Address 415; Crevice Road; Deep Creek

Road South Fork; Duck Creek Road; Enyart Lane; Falls Creek Road; Gilbert Lane; Hylite Road; Indian Creek Road after first mile; Little Mission Road; Old Flathead Road; Old Yellowstone Trail from Rural Address 1835 to 967; Perkins Lane; Rock Creek Road North.

County roads classified as Class 5 roads include: Aldrich Road; Eldridge Creek Road beyond Rural Address 124; Hamilton Road with exception of first ½ mile; Hill Road; Ken-Dan Lane; Laubscher-Bodine Road; McGuire Hill Road; Ninth Street Island roads (temporarily Class 5 with Bailey bridge); O’Hair Lane east of Highway 89; Old Boulder Road; Perkins Road; Town of Springdale roads; Story Road.

Commissioner Malone said GIS/IT Manager Marc Richard will color code and print a map of classified roads.

@11:55:07 p.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

October 22, 2009

Review Daily Agenda and Correspondence

@8:50:15 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo from surveyor to Malone re. subdivision
- Memo from museum president re. interim museum director position
- Memo from DES Coordinator re. safety DVD
- Memo re. brucellosis concept paper review meeting comments through Dec 4
- Memo from IT Manager re. outlying office phones
- Memo re. Heart K Ranch settlement disbursement of funds
- Memo re. internal audit control training course
- Memo from city manager re. state of the city meeting
- Memo from state tax appeal board re. tax appeals - To clerk and recorder for review
- BLM newsletter

@8:55:42 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

October 22, 2009

Discussion of County Findings of No Parking off East River Road in Pine Creek and Noise Ordinance

@9:01:19 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; Allan Lutes, sheriff; Scott Hamilton, undersheriff; Ed Hillman, road supervisor; Mike Inman, planning; Citizens Kevin Funk, Jessica Chase, Allen Chase, and Edward Shapiro; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss county findings of no parking off East River Road in Pine Creek and a noise ordinance.

Commissioner Malone said the Montana Department of Transportation (MDT) Cinnabar crew erected “No Parking” signs along East River Road in Pine Creek per a telephone call between Road Supervisor Ed Hillman and Bill Pierce of MDT. Citizen Kevin Funk said he will discuss the parking issue with the state.

Funk asked whether the Commission has discussed or investigated the situation of noise in Pine Creek or talked about a noise ordinance. Funk said he researched noise ordinances on the internet and in most metropolitan areas ordinances prohibit noise after 9:00 p.m., and cities prohibit noise after 10:00 p.m. Funk said he is after common sense and to give the common people rights in looking into a noise ordinance in Park County to protect citizens and violators. Funk said Pine Creek Café has other options the same as any other establishment and can have its music events indoors. Funk said such a change would not have an adverse effect to the café’s financial state, but the noise is having an adverse effect on citizens.

Citizen Jessica Chase said outdoor music at the café three nights a week is too much.

Malone said the Commission needs to be careful not to zone anyone or create a noise ordinance where a deputy crime dog has to be hired. Citizen Allen Chase said the Pine Creek area is a farm community and people have to get up at 4:00 a.m., to work. He said loud music heard until 11:30 p.m., or 12:00 a.m., is what a proposed noise ordinance is intended to address.

Commissioner Taylor said he understands the problems the outdoor music causes citizens, but the Pine Creek Café has a right to make an income. He said venues having outdoor concerts must have respect and he thinks 10:00 p.m., is a reasonable quitting time, but it is hard to enact a law to address the entire county. He said the Commission will look at any legislation and proposals that would protect the citizens as long as it does not take away others’ rights. Taylor said he is more interested in a time ordinance than a decibel ordinance, which is impractical to police.

Senior Planner Mike Inman said difficulties in Park County include Gardiner, Cooke City and Wilsall are part of the county, and a county-wide noise ordinance would affect Park County towns that are not municipalities, having an effect on rodeos, after-rodeo activities, fairs, and tourists that feed local economies. Inman said another struggle is individuals living an agricultural way of life and doing whatever they want on their properties. He said those issues should be taken into account by Funk and others when considering how any proposed ordinances may affect those rights.

Taylor said the Commission does not write laws, and laws and regulations must come through the county legal department. Malone said the Commission hears Funk's concerns and promises to look into the noise ordinance issue. Malone asked Civil Deputy County Attorney Piccolo to review draft ordinances of other counties.

@9:19:02 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

October 22, 2009

10:00 A.M. – Commissioner at Southwest Regional Juvenile Detention Conference Call – Sheriff Clerk Office – Commissioner Durgan attended

October 22, 2009

Selection and Appointing of Solid Waste Applications for New Board Member

@11:44:01 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 select solid waste board applicants.

Commissioner Malone said one application was received from Robert A. Curry. Commissioner Durgan asked if the solid waste board needs another member in the immediate and whether the Commission can extend the application period with only one application received. Commissioner Taylor said he feels the board needs another member at this time to help make decisions.

Commissioner Taylor made a motion to accept Mr. Curry's application and appoint him to the Solid Waste Board effective immediately. Commissioner Malone seconded that motion. Motion passed. Commissioner Durgan voted in opposition to the motion.

@11:47:01 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

October 22, 2009

Awarding of Contractor for Senior Center Rehabilitation Project

@1:00 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Senior Center representatives Rick Van Aken, Barbara Williams, and Les Williams, Julianne Brown, RC&D; Shannan Piccolo, civil deputy county attorney; Martha Miller, auditor; Ty Spring, Spring Corporation; Jeff Downhour, Mosaic Architecture (via telephone); Chad Warhank, Kenyon Noble Lumber; Joel Pattengale, contractor; Cliff Brandal, citizen; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to award a contract for a Senior Center Rehabilitation Project.

Jeff Downhour of Mosaic Architecture said Mosaic reviewed all contractor bids and conducted performance evaluations, obtained reference checks and received a statement of qualifications submitted to the county's civil deputy county attorney for the apparent lowest bidder, Spring Corporation. Downhour said Mosaic has submitted a recommendation to the county to award the contract to Spring Corporation.

Ty Spring of Spring Corporation said he will get bonds together and needed insurance next week.

Commissioner Malone said Civil Deputy County Attorney Piccolo reviewed the bid tabulation and each bidder had a bid bond, list of subcontractors, and submitted information on addendums one through five. Malone read into the record a written recommendation from Mosaic Architecture recommending apparent low bidder Spring Corporation of Bozeman, Montana, as the contractor for the senior citizens center project.

Commissioner Durgan made a motion to accept the recommendation of the architect of the selection of the contractor Spring Corporation of Bozeman. Commissioner Taylor seconded that motion. Motion passed.

Commissioner Malone said the Commission will submit a notification letter to the successful bidder.

@1:16:29 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

October 22, 2009

Discussion of Future of Angel Line Board

@2:33:30 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; Angel Line Board Members Lee Parriott

and Kevin Funk; Barb Williams, Angel Line site coordinator; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss the future of the Angel Line board.

Angel Line Board Chairman Lee Parriott said some Angel Line board members and employees are asking why the board exists with no power or has no say in matters, as all things must be run through the county attorney's office, human resources department. Parriott said other members feel the board does a good job, provides good input and is an asset to the county. She said she feels some board members may quit the board. Parriott said the board operated much more loosely under the city, but that also created more possibly for things to go wrong. She said the board made and passed policy, but the county requires all things to go through all kinds of legal hoops to avoid lawsuits, which she understands. She said legal reviews have required the board to wait for things to happen, such as waiting six months for a mission statement to be reviewed, and that waiting is cumbersome and irritates board members. Commissioner Durgan said the board had to devote a certain amount of time to set up protocol and bylaws, which have to be specific and must say what they do, which requires county attorney review.

Angel Line Site Manager Barb Williams said she has four times the work as site manager than she did when the service was under the city of Livingston. Williams said she does not want to disband the board and feels boards are the Commission's sounding boards, but she would like to see the board with a little more power and leeway for what it can and cannot do.

Angel Line Board Member Kevin Funk said he is new to the board, but can see the board's point with how involved things get. He said he believes boards are an asset to everyone, serving as a voice of the people and giving the Commission more options for decisions. He said Angel Line board members serve on the board to make things better for elderly and handicapped folks, and he thinks it is a must for the members to stay with the board and do what they can to make it better to help the Commission.

Parriott said the board was not given any indication of its responsibilities when the county took over the service from the city. Malone said county boards are typically advisory, advising the Commission how to improve the service with better routes, times, or vehicles, but they do not hire or fire employees and do not go out and buy a bus without Commission approval. Durgan said county board are very important, but they do not have final authority. He said the buck stops with the Commission, which has the responsibility to make final decisions.

Parriott said Civil Deputy County Attorney Piccolo and she has been wonderful to work with working tirelessly on bylaws and other tasks. She said the problem with the attorney's office is getting anything from the other attorney who is never there.

Malone said perhaps he can attend the next board meeting and educate the board about its mission and how county advisory boards typically operate. Williams said she thinks it

would be a good idea to have written expectations. Parriott said she will agenda another discussion on matters discussed with Commissioner Malone for the November 9 meeting.

There was discussion about the board's involvement in a recent employee hiring process, issues with a Transportation Action Committee, and the board's need for a secretary.

@3:11:51 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

#### October 22, 2009

7:00 P.M. – Department of Environmental Quality Discussion of Rail Yard – Community Room

#### October 23, 2009

##### Review Daily Agenda and Correspondence

@8:38:18 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:

- Memo from county historian re. Federal Aid Project near Carter's Bridge
- Memo re. TLN courses - To weed manager and road supervisor for review
- Memo from MACo re. AmeriCorp grant
- Memo from IT Manager re. telephone instructions
- Memo from Gateway hose re. bid bond

@8:48:59 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

Marty Malone  
Chairman, Park County Commission  
Park County, Montana

Denise Nelson  
Clerk & Recorder  
Park County, Montana