

Commission Meeting Minutes; Park County, Montana
Week of April 21 – 25, 2008

April 21, 2008

6:30 A.M. – County Road Crew Meeting – Commissioner’s Chambers - Lahren

April 21, 2008

County Road Work Updates

@8:36:43 p.m., Chairman Lahren called a meeting to order in the Commissioner’s Chambers. Commissioners Durgan and Lahren were present. Also present was Polly Miller, human resources; Bernadette Rambow, accounting; Don Holland, auditor; Ed Hillman, road foreman; Marilyn Hartley, accounting; Tara DePuy, civil attorney; Dennis Morelock, public citizen; and Kerry LaDuke, public citizen.

The meeting was scheduled to discuss county road issues.

Ed Hillman reported the road crew received citizen complaints and is repairing fences on Deep Creek Road knocked down by plowed snow. The road crew will be grading roads this week where moisture exists, hauling gravel to Elk Creek Road, finishing graveling and grading Five Acre Tract roads weather permitting, and removing snow fencing this week. Holes in Billman lane will be patched as soon as the weather warms. The road crew graded ruts on Suce Creek Road last week.

There was discussion about the cost to haul gravel from the Chico and Arthun pits to work sites around the county and whether it would be cheaper to get gravel closer to Livingston, such as from SDS or Bainter. Lahren directed Hillman to determine which scenario would be financially better from a mileage, fuel, and time standpoint.

There was discussion about Hillman communicating with the contractor to remove deck planking from the Carbella Bridge site and a road crew employee erecting road signs for the project after Hillman was advised by the Commission that the road department was to have no involvement in the Carbella Bride project. Lahren stated that directive was made because of conflicting opinions between Hillman and Lahren of whether or not the bridge was repairable or should be replaced. He noted the difficulty conflicting opinions and information played in completing the project once disseminated through the community. Since the bridge repair was an emergency situation, the Commission was able to use reserve funds and the road budget remains intact.

There was discussion about Hillman’s recommendation to not top off the work at Point of Rocks on the Old Yellowstone Trail South. He said that stretch of road is in comparable shape as the rest of the road.

There was discussion about spreading alluvial material in low spots on Old Yellowstone Trail South and communication between Hillman and Clyde Bainter that caused some confusion about the road work plan.

Public comment was made by Kerry LaDuke. LaDuke commented he would like to see Airport Road work and removal of millings completed this year. He said he has an email from Clint Tinsley saying the city would assist with Airport Road work. Hillman said the work will be completed.

Lahren advised Hillman a cost estimate and timeframe is needed for work planned for Billman Lane, Canyon View and Five Acre Tract roads. Hillman reported a quote of \$750 per mile for Reclamite on millings.

Public comment was made by Dennis Morelock. Morelock asked the status of the road grader lease signings. Lahren said attorneys will need to sort out problems with procedure and the contracts and a meeting pertaining to that issue is scheduled for April 25 @ 10 a.m.

Lahren reported, per an April 21, 6:30 a.m., meeting with road crew personnel, road crew workers have the impression they are personally liable if they weld on county equipment and it fails. Hillman said he issued a memo to them they are free of personal liability per MACo.

Durgan advised Hillman to direct the road crew to weld when that work is needed. Employee refusal to follow that directive would be insubordination and the Commission would then get involved with that issue. There was discussion about the road crew's issue with Sheriff's Department employees using county vehicles for activities such as driving kids to school. Miller and DePuy reported that issue was discussed with the road crew already. The crew was informed the Sheriff's Department was covered via waivers and the issue is of no concern of the road department.

There was discussion about an issue with the road crew not listening to Hillman, Miller or the Commission. Morale is low in part because of a lack of communication within the road department, with the road supervisor and with the commissioners.

Miller is researching the budget and feasibility of adding employees to the road crew. DePuy noted an option is to approach county voters to raise the option tax to increase revenue to the road department. There was discussion about hiring an assistant for Hillman. Hillman said he has time, location, and equipment data of daily work performed by crew members. He is waiting for installation of a new computer program to manage that data. Hillman will provide Holland with daily employee work reports for his review. Holland is conducting a cost analysis on the feasibility of outsourcing road work.

The Commission directed Hillman to provide a cost of work and projected completion timeline for a list of road work projects submitted by Hillman at the April 14 road issues meeting. The work projects can then be prioritized.

There was discussion about gas tax maps and how to get public access roads added to them. The deadline to submit gas-taxable county roads to the state was extended to April 25, 2008.

There was discussion about a building encroachment on a county right-of-way in Pray.

Hillman will talk with the county's printing contractor to add "Park County Road Department" to daily equipment inspection sheets.

@9:28:00 a.m., Durgan made a motion to adjourn the meeting. Lahren seconded that motion. The meeting was adjourned.

April 21, 2008

10:00 A.M. – Consider Approving Minutes – Commissioner's Chambers - Postponed

11:00 A.M. – Sign Claims – Commissioner's Chambers

April 21, 2008

Staffing/Civil Attorney's Office

@12:44:59 p.m., Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Durgan and Lahren were present. Also present was Brett Linneweber, county attorney; Polly Miller, human resources; Mark Hartwig, public citizen; Jim Taylor, public citizen; Courtney Lawellin, public citizen; Dan Dinsdale, public citizen; Peter Vandergrift, Livingston Enterprise; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss staffing the civil attorney's office.

The Commission discussed the benefits of advertising for a deputy and a civil attorney to determine the quality of the candidate pool and housing all attorney positions within the county attorney office. There was discussion about possibly outsourcing some legal work after April 25, until a new attorney is hired and trained.

Linneweber said the civil attorney is housed within the county attorney's office in all Montana counties that employ a civil attorney. Linneweber said he is not concerned about his office's ability to handle the workload in the interim. He said like Cascade and Gallatin Counties, one attorney within the county attorney's office would be assigned to the Commission and land planning work. Linneweber expressed concern about not receiving applicants for the open attorney position. He recommended advertising the position as a deputy attorney "open until filled."

Public comment was made by Courtney Lawellin. Lawellin asked when the county last hired an attorney.

Public comment was made by Mark Hartwig. Hartwig said housing a civil or deputy attorney within the county attorney's office is in compliance with state statutes and the legal community would support such an arrangement.

Public comment was made by Dan Dinsdale. Dinsdale said the county attorney last week stated a vacant position had to be posted for four weeks. Linneweber responded that criterion applies only to a vacant county commission seat.

Public comment was made by Jim Taylor. Taylor asked if the Commission would hire a new attorney position before a District 3 commissioner is appointed and whether that commissioner should have a say in the attorney hire.

Durgan made a motion to advertise for a deputy attorney with civil attorney experience preferred. Lahren seconded that motion. Motion passed.

Linneweber and Miller are putting together a plan on how to advertise for and fill the position.

@1:06:43 p.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

April 21, 2008

Review Correspondence, Public Contacts and Determine Action Plan

@1:56:55 p.m., Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Durgan and Lahren were present. Also present was Commission Minutes Clerk John Mueller. No public citizens were present, and no public comment was made.

The meeting was scheduled to review correspondence, public contacts and determine action plans. Correspondence includes:

- County contracts policy recommendations from DePuy
- Commission minutes request by Patrick Murtagh
- Blue Ribbon Report on WUI
- Memo from MACo re. Wildland Urban Interface study
- Memo from criminal justice re. shortage of hospital beds for the mentally ill
- Conservative leadership from Montana
- Status report of the Commission budget
- Memo from Ed Coleman re. DEQ Supplemental Environmental Project
- Memo from VanJamison re. wind energy - To Durgan for review
- Recovery grants awarded throughout Montana - To Durgan for review

- NACo News
- Memo from Lisa Ballard re. Transportation Coordination Plan for Livingston area - To Durgan for review

@2:02:47 p.m., Durgan made a motion to adjourn the meeting. Lahren seconded that motion. The meeting was adjourned.

April 21, 2008

3:00 P.M. - Liability and Causality Insurance Proposal – Commissioner’s Chambers- Rescheduled for 05-14-08 at 9:00 a.m.

April 21, 2008

Review and Consider Contract with Oasis Environmental, Inc., for Fleshman Creek Engineering Services

@3:34:27 p.m., Chairman Lahren called a meeting to order in the Commissioner’s Chambers. Commissioners Durgan and Lahren were present. Also present was Tom Coleman, Oasis Environmental; Bill Hurley, operations; Brett Linneweber, county attorney; and Commission Minutes Clerk John Mueller. No public citizens were present, and no public comment was made.

The meeting was scheduled to review and consider a contract with Oasis Environmental, Inc., for Fleshman Creek engineering services.

Linneweber reported a potential conflict of interest between Commissioner Lahren and Oasis Environmental was researched. Per a clause in the Montana Code Annotated code of ethics, as long as disclosure is made in advance of a vote and participation is required for a Commission quorum or for the Commission to take an action on an issue, then exemption is permitted.

Durgan made a motion to approve a professional services contract for engineering services to prepare a comprehensive management plan for the restoration of a 2.7 mile section of Fleshman Creek. Lahren seconded that motion. Motion passed.

Lahren requested scheduling of a pre-design meeting to discuss priority work of replacing F Street and C Street culverts.

@3:42:41 p.m., Durgan made a motion to adjourn the meeting. Lahren seconded that motion. The meeting was adjourned.

April 22, 2008

Consider MRL Lease

@8:57:20 a.m., Chairman Lahren called a meeting to order in the Commissioner’s Chambers. Commissioners Durgan and Lahren were present. Also present was

Commission Minutes Clerk John Mueller. No public citizens were present, and no public comment was made.

The meeting was scheduled to consider an MRL lease.

The lease will extend an MRL transfer station agreement for one year.

Durgan made a motion to postpone a decision until Civil Attorney DePuy is present to make sure everything is considered on the Rail Link lease. Lahren seconded that motion. The meeting was adjourned.

@9:00:35 a.m., the meeting was closed. @9:36:08 a.m., Lahren reopened the meeting to consider an MRL lease.

Durgan read into the record a letter from Civil Attorney DePuy stating she reviewed the lease and approves of its terms. Durgan made a motion to accept a one-year lease from Montana Rail Link with the term of the lease from April 23, 2008, ending April 22, 2009. Lahren seconded that motion. Motion passed.

@9:40:09 a.m., Durgan made a motion to adjourn the meeting. Lahren seconded that motion. The meeting was adjourned.

April 22, 2008
Extension Office Update

@9:03:12 a.m., Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Durgan and Lahren were present. Also present was Mary Anne Anderson, MSU Extension; and Commission Minutes Clerk John Mueller. No public citizens were present, and no public comment was made.

The meeting was scheduled to discuss MSU Extension office updates.

The Commission reviewed an Extension office activities report for the month of March. Mary Anne Anderson reported a Park County producer received a Western SARE no-till grant as part of a five county effort. The grant will compare no-till and traditional tillage methods for winter wheat and alfalfa winter crops and fund a study on renovating irrigated or dryland pasture using no-till methods. There was discussion about advertising and signing procedures for grant and other funds.

Anderson reported 150 county producers attended chemical applicators trainings. Anderson attended a wind energy conference. She noted Extension has information for dissemination downstairs. The Commission will copy Anderson on all wind energy correspondence it receives.

There was discussion about the Extension office mileage budget and whether Extension personnel are recognized as county employees for use of county vehicles. Currently,

Anderson said the Extension travel budget is too small for Extension personnel to effectively serve county producers and clients or reimburse Extension personnel for use of personal vehicles. The Commission suggested Anderson speak with Human Resources Manager Polly Miller to discuss the county's policy on the matter.

The new Park County Extension agent will begin work on June 2, 2008.

@9:16:06 a.m., Durgan made a motion to adjourn the meeting. Lahren seconded that motion. The meeting was adjourned.

April 22, 2008

Consider Sheriff's Department Vehicle Bids

@10:05:58 a.m., Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Durgan and Lahren were present. Also present was Sheriff's Department staff Allan Lutes, Colleen Singer, Gary Tanascu, and Scott Hamilton; and Commission Minutes Clerk John Mueller. No public citizens were present, and no public comment was made.

The meeting was scheduled to consider sheriff's department vehicle bids.

Lahren opened sealed bids for model year 2008 vehicles. Veto Enterprises Inc's., bid for a vehicle fully equipped with law enforcement equipment less a radio, which the department will provide, was \$31,198. Yellowstone Country's bid for the vehicle only with no law enforcement equipment was \$32,635. Whiting Chevrolet submitted a letter explaining it was unable to provide a bid due to inventory issues. Lutes, Tanascu, Hamilton, and Singer reviewed received bids and required bid specifications.

Lahren made a motion to accept the bid from Veto based on the fact it has all the specifications that were advertised and it is less than the other bid which doesn't include those features. Durgan seconded that motion. Motion passed.

There was discussion about whether the Sheriff's department can request a price quote from Veto Enterprises on a second vehicle or whether it has to rebid for that vehicle. The Commission authorized the department to consult with the county attorney to ensure all legal requirements are met. The Commission authorized purchase of a second vehicle if that proposal is approved by the county attorney. The Sheriff's department received \$63,900+ in insurance money for two vehicles damaged by a tractor trailer, thus a second vehicle could be purchased from existing insurance compensation.

@10:19:23 a.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

April 22, 2008

Department Head Meeting

@1:34:06 p.m., Vice-Chairman Durgan called a meeting to order in the Community Room. Present was Kevin Larkin, treasurer; Kim Knutson, fairgrounds; Richard Wright, transfer station; Dan Hackmann, shop; Lois Hatfield, landfill; Marilyn Hartley, accounting; Clay Williams, weed/junk vehicles; Mary Anne Anderson, Extension; Bruce Martin, maintenance; Philip Fletcher, planning; Brett Linneweber, county attorney; Marc Richards, GIS/IT; Polly Miller, human resources; Bill Hurley, operations; Ed Hillman, road department; and Commission Minutes Clerk John Mueller. No public citizens were present, and no public comment was made.

The meeting was scheduled as a department head meeting.

The Commission received no employee of the month nominations this month.

Richards reported no updates or changes are necessary to department homepages on the county website.

Miller reported the Budget Committee meets each Tuesday at 8 a.m. The committee's goal is to get budget worksheets out to department heads this week. Percent change and percent over on revenues and expenditures will be a new column on those forms. The first budget reports distributed to department heads will contain all account line items including active and inactive accounts. Department heads are encouraged to attend committee meetings. Committee minutes are on the county website. The budget committee is organizing paperwork and providing some budget numbers for the Commission. All department heads must meet with the Commission to review their budgets.

Addressing use of the Community and West rooms, there was discussion about setup and teardown procedures. Martin said the Community Room in particular is not being torn down after meetings. Chairs and tables are to be put away and lights turned off after meetings by whoever uses the room. The cleaning crew will not sweep the room if tables are chair are set up.

Durgan reiterated the county purchase order procedure requires a purchase order is signed off on by the Commission before items are paid for or work is completed. A purchase order is required for purchases or services of \$500 or more.

The Computer/Public Information Advisory Committee presented eleven Commission recommendations to improve the efficiency with which the county addresses public information requests and how it can make public information more available to the public. The Commission is reviewing the recommendations and can choose to implement them as presented or modify them. The Commission encourages comment and input on the recommendations from department heads.

Mary Anne Anderson announced a “Serving on Boards, Districts, Commissions, and Committees in Montana: What You Need to Know” training seminar on April 24 at 2 - 4 p.m. and 6 – 8 p.m.

Kevin Larkin noted there was no security in the building and citizens were walking freely about during a recent power outage. He said building doors should be locked during such events. Larkin noted complaints from citizens about county employees parking behind the City/County building.

There was no public comment.

@2:40:17 p.m., Durgan adjourned the meeting.

April 23, 2008

8:00 A.M. – Montana Association of Counties Health Care Trust – Durgan - Helena

April 23, 2008

County Contracts and Purchase Order Policy

@10:03:13 a.m., Chairman Lahren called a meeting to order in the Commissioner’s Chambers. Present were Commissioner Lahren; Tara DePuy civil attorney; Don Holland, auditor; Polly Miller, human resources; Marilyn Hartley, accounting; and Commission Minutes Clerk John Mueller. No public citizens were present, and no public comment was made.

The meeting was scheduled to discuss development of a county contracts and purchase order policy.

There was discussion about setting up a uniform policy for both leasing and contracting. The county deals with contracts, leases, and service agreements.

DePuy submitted her recommendations for a county contract policy. Recommendations included: 1) adopting a policy similar to a Lewis and Clark County Contract Policy with an adjustment to a required \$1,000,000 for general liability insurance and an amount of \$500 or more requiring a contract; 2) retain Park County’s current policy that a purchase order is required for any purchase over \$500; 3) add language to the county’s purchase order form to include scope of services provided, notice of requirements for insurance, independent contractors license, and a remedies clause; and 4) develop a Park County Contract Review Form similar to a Gallatin County Contract Routing Form.

There was discussion about referencing a Commission memorandum dated February 16, 2007, titled *Consultants, Contractors and Purchase Orders* within DePuy’s recommendations. That memorandum itemizes the steps and procedures all Park County departments are to follow when hiring consultants and contractors and processing purchase orders.

DePuy will develop a draft Park County contracts policy modeled from a Lewis and Clark County Contract Policy and adjust language in the current Park County purchase order form to include scope of services provided, notice of requirements for insurance, notice of requirement for an independent contractor's license, and a remedies clause. DePuy will provide drafts of those two documents to County Attorney Linneweber and Park County staff working on the county contracts and purchase order policy.

There was discussion about the need to implement a routing form as part of the policy.

@10:26:02 a.m., Lahren adjourned the meeting.

April 23, 2008

Review and Consider Mission Ranch Gravel Contract

@3:06:20 p.m., Chairman Lahren called a meeting to order in the Commissioner's Chambers. Present were Commissioner Lahren, Civil Attorney DePuy, Auditor Don Holland, and Commission Minutes Clerk John Mueller. No public citizens were present, and no public comment was made.

The meeting was scheduled to review and consider a Mission Ranch gravel contract.

There was not a quorum of Commissioners. The meeting was canceled, and the issue of county gravel sources will be discussed at the "County Road Issues" meeting on April 25, 2008 @ 3:00 p.m.

@3:07:53 p.m., Lahren closed the meeting.

April 24, 2008

Review Correspondence, Public Contacts, and Determine Action Plan

@9:17:57 a.m., Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Durgan and Lahren were present. Also present was Bill Hurley, operations; Don Holland, auditor; and Commission Minutes Clerk John Mueller. No public citizens were present, and no public comment was made.

The meeting was scheduled to review correspondence, public contacts and determine action plans.

Durgan noted a citizen complaint he received from Tara Eddy regarding Oasis Environmental surveyors on her property without notice or permission. Lahren already spoke to Lori Benner, Mike Cox of Oasis, and the surveyor about the issue.

Correspondence included:

- Safety Committee meeting minutes - To Durgan for review

- Memo from Peggy Glass re. 911 meeting canceled due to lack of attendance
- Shields River water rights acquisitions from FWP - To Durgan for review
- DePuy weekly schedule
- Statement from Livingston Ditch for Green Acres water
- April 11 DUI taskforce letter from MDT - To Durgan and Sheriff's office for review
- YG Museum employee time sheets
- JSEC informational - To Durgan for review
- Proposal contract from Big Bear for \$18,000 for backup generator system for county road shop. No action to be taken at this time. - To file
- Memo from Erica Hoffman re. extension for fuel tax maps from MDT
- Memo from Bernadette Rambow re. she needs claims in by April 17
- Memo from MACo re. assistance for county elections - To Nelson for review
- Memo re. request for appointee to county budget committee - To Commission for review
- Budget committee meeting minutes - To file
- Memo from DePuy re. motor grader leases - To Hartley for review
- Memo from Hank Rate re. flagging of Rocky Mountain Campground completed - To Road Book
- Three letters of correspondence re. SEP and Voyich property remedial activity in lieu of DEQ penalty fee - To Lahren for review
- Memo from the Whitefish Group re. mental health - To Durgan for review
- Memo from VanJamison re. wind energy - To Durgan for review
- NACo County News
- RC&D board packet - To Durgan for review
- Jerry Brekke report Sections 5, 6, 8 re. Pray Siding is a viable county right-of-way - To Road Book
- Memo from Colleen Singer re. funding for '09 grant same amount as '08 - To Singer for review
- Memo from MT Transportation Commission re. projects - To Durgan for review
- Memo from Airport Board re. no quorum at March meeting
- Memo from BLM re. Harvest Flat gravel pit safety and trash issues. The Commission will advise Hillman that the county is not interested in developing the pit.
- Memo from Agency on Aging
- Memo from DEQ re. public hearing scheduled for solid waste issues - To Hurley for review
- Hillman weekly work schedule - To Road Book
- Memo re. county contract and policy recommendations
- Memo from Patrick Murtagh re. public information request - To Denton for review
- WUI concept developed by Harold Blattie - To PCRFD#1 and planning department for review
- Memo re. shortage of beds for mentally ill patients

- Memo from Bruce Martin re. bid for sealing and striping work
- April 17 Library Board meeting agenda
- Memo re. Hiring Committee and Selection Committee Policies - To Commissioners for review
- Citizen thank you letter re. Carbella Bridge repair project
- Hatfield credit application - To Durgan for review
- Cooperative road maintenance agreement between Park County and US Forest Service
- Memo from MT Dept of Agriculture re. weeds - To Durgan for review

The Commission reviewed status of work on individual projects list. Holland asked questions about invoices.

@10:25:32 a.m., Durgan made a motion to adjourn the meeting. Lahren seconded that motion. The meeting was adjourned.

April 24, 2008

1:00 P.M. – Southwest Juvenile Meeting – Durgan - Galen

1:00 P.M. – Review committee will do a site visit to view the petition proposed abandonment of the first 1,100 feet (approximately) of Shooting Star Trail, lying within NWSWNW Section 28 T8S R7E MPM - Lahren

6:00 P.M. – Serving on Boards, Districts, Commissions, and Committees in Montana: What You Need to Know – Community Room

April 25, 2008

Pre-Design Professional Service Contract for Engineering Service/Prepare Plan for Restoration of 2.7 Mile Section of Fleshman Creek

@9:02:00 a.m., Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Durgan and Lahren were present. Also present was Don Holland, auditor; Lori Benner, grants coordinator; Bill Hurley, operations; Mike Cox, Oasis; Tom Coleman, Oasis; Garry Barnhart; public citizen; Tara Eddy, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss a pre-design professional service contract for engineering services and prepare a plan for restoration of a 2.7 mile section of Fleshman Creek.

There was discussion about an issue of an Oasis subcontractor trespassing on a private landowner's property this week when collecting survey data. Oasis admitted the subcontractor made a mistake and noted it had directed the subcontractor prior to commencing work and after the trespass issue he cannot proceed with surveying work on private property without authorization from landowners.

Public comment was made by Tara Eddy. Eddy read a public comment into the record addressing displeasure with surveyors on her property at 609 South 9th Street without her permission. Eddy is requesting an appointment with Oasis to learn what will be done with the creek before, during, and after the restoration project.

There was discussion about the benefits of Oasis hosting an evening public meeting for Fleshman Creek landowners to explain what exactly is going on and will go on with the project. Mike Cox noted Oasis' intention was to collect data, analyze it, and then go door to door with individual landowners to discuss potential restoration scenarios that may take place on the creek. That would enable Oasis to intelligently explain to landowners what options or improvements may be proposed based on data collected. Cox noted even when conducting survey work within a county road right-of-way, Oasis will notify landowners adjacent to that right-of-way.

Durgan emphasized the Fleshman Creek project is a restoration improvement project for the creek and community and there has never been discussion about installing bike or walking trails along the creek. Tom Coleman noted Oasis has not been asked to put in bike paths or walking trails and has only been asked to collect hydraulic data for Fleshman Creek.

Public comment was made by Garry Barnhart. Barnhart cited a past ordinance put forth by the City of Livingston without citizen knowledge to widen Fleshman Creek as to why citizen fear comes into play about landowner property rights issues when government proposes projects that affect their property without their knowledge. Barnhart said being upfront and notifying landowners about any planned study or work would be a good courtesy.

Cox noted Oasis' original proposal was to hold a series of community involvement meetings, but because of delays in getting the contract secured with the county, the opportunity to hold those meetings became more limited. Cox noted that cannot be an excuse for entering private property without landowner approval. Cox also noted access to private property along the creek would enable Oasis to collect more accurate data to submit to FEMA as part of a grant application than would relying on cross sections from survey data collected from road right-of-ways.

Cox apologized to Eddy for the subcontractor trespassing on her property and vowed there will be no more trespassing after this point, Oasis will contact landowners before entering their property in the future, and a public meeting will be set up after data is collected to discuss restoration options.

Lahren encouraged Oasis to get a mailing list of landowners on the creek to collect public input.

There was discussion about culvert replacements on C and F Streets to alleviate the annual problem of the creek flooding at those locations.

Cox noted the difficulty of installing a culvert with the correct grade without having a comprehensive plan and elevation survey data collected for the entire stream, but Oasis may be able to collect enough data to come up with a close estimate on grade for the culverts. Cox provided the Commission with state survey documents clearly showing the existing culverts are too small. Durgan expressed support for installing correctly sized culverts as soon as possible and changes to the grade can be made at a later date during physical restoration work to the stream if necessary.

Bill Hurley noted the replacing of culverts is outside the scope of work of the existing contract with Oasis. The county could opt to wait until it possibly receives FEMA money to conduct a restoration phase of the Fleshman Creek Project and make replacing culverts a part of that contract, or it can develop a separate contract to complete the culvert replacement work.

@9:40:35 a.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

April 25, 2008

Discussion of Grader Leases

@10:05:23 a.m., Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Durgan and Lahren were present. Also present was Don Holland, auditor; Ed Hillman, road foreman; Dennis Morelock, Tractor and Equipment; Tara DePuy, civil attorney; Polly Miller, human resources; Marilyn Hartley, accounting; Bill Moser, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss road grader leases.

There was discussion about road grader leases from Tractor & Equipment Company. The county currently possesses three leased road graders without Commission authorization for that lease. Former county-owned road graders were purchased by Tractor & Supply. Two of those graders are currently at Tractor & Supply headquarters in Billings. Dennis Morelock referenced an agreement signed by Lahren May 22, 2007. Lahren said the document he signed was only a proposal and not a contract. Morelock said a lease agreement is delivered to the lessee upon delivery of motor graders. The Commission did not sign the lease agreement when the new graders arrived and have not to-date. Per state law, the county cannot purchase the graders at the end of the five-year lease because it did not go out for bids. Morelock said he assumes Tractor and Equipment owns the graders until lease agreement documents are signed.

There was discussion about the terms of the proposed lease agreements and missing information, such as a payment schedule and justification for differences in the lease price for different graders. Morelock said the difference in lease costs is because of differences in trade-in values of the former county-owned graders.

DePuy said it would cost the county \$93,000 per year for five years to lease four graders. The county could purchase two graders for that amount of money.

Public comment was made by Bill Moser. Moser asked why the county would lease graders instead of own its own and why taxpayers are underwriting \$500,000 on one item. Moser asked what it would cost to get the county's two graders back from Tractor & Supply in Billings. He said no one in the county will be happy with paying \$93,000 and having nothing at the end of the lease. He suggested bringing back two of the graders and working out the details of the new graders.

There was discussion about going out for grader bids to lease graders with an option to purchase or find financing and purchase road graders. The Commission requested a memo with options discussed so it can consider a decision on the matter. The Commission requested Morelock determine how much Tractor & Equipment would charge the county for a six-month short-term lease agreement for the three graders the county has in its possession, and how the county could negotiate back the trade-in value on its formerly owned motor graders if it goes out for bids and CAT/Tractor & Equipment does not get the bid.

Bill Moser noted a public safety and possible liability issue for the county between the post office and East River Road near Pray Road. A culvert remains there after ditches were removed three years ago.

@10:43:39 a.m., Durgan made a motion to adjourn the meeting. Lahren seconded that motion. The meeting was adjourned.

April 25, 2008

Consider Approving Minutes for Week of April 14, 2008

@11:03:12 a.m., Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Durgan and Lahren were present. Also present was Commission Minutes Clerk John Mueller. No public citizens were present, and no public comment was made.

The meeting was scheduled to consider approving minutes for the week of April 14, 2008.

Durgan requested a revision to Page 2 of 15; first full paragraph; first sentence. That sentence should read, "There was discussion about road department leases with Caterpillar." On Page 3 of 15; third paragraph, Durgan requested adding the following as the last sentence, "Wilson has been out on sick leave so has not yet returned the county truck."

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

@11:20:57 a.m., Durgan made a motion to adjourn the meeting. Lahren seconded that motion. The meeting was adjourned.

April 25, 2008

1:00 P.M. – Northern Rocky Mountain Resource Conservation and Development Board – Durgan – Bozeman Farm Bureau Conference Room

April 25, 2008

County Road Updates

@3:02:23 p.m., Chairman Lahren called a meeting to order in the Commissioner's Chambers. Also present was Don Holland, auditor; Ed Hillman, road foreman; Terry Carter, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to address county road updates.

Lahren reported the county will establish citizen-based regional road districts in the county. There was discussion about possible regions and road crew worker regions. John Young works Wilsall roads - everything above Cottonwood Bench north and west. Skip Ehart works roads from Cokedale north and east to Convict Grade to the county line on the Boulder River. All crew members work on the Five Acre Tracts. Scott works on everything from Suce Creek south to Dry Creek, and Mark has everything from Conlin Road south and east. Brad Wilson and Wynn are floaters.

Hillman may begin announcing the weekly road work schedule on Tuesdays or Wednesdays on KPRK once the weather warms and schedules are more easily predicted.

Hillman is working on projected costs for road work on Billman Creek Lane and Canyon View in the Five Acre Tracts. Reclamite will cost \$750 per mile. The county will fix all Five Acre Tract road problems as one project once a funding source is determined.

Public comment was made by Terry Carter. Carter commented landowners in the Five Acre Tracts may be willing to permit the county to park road equipment on their properties during road work projects there to cut down on the county's mobilization expenses. He said a visual presence of law enforcement in the area would help with speeding issues. Carter asked if it would make sense for the county to approach Dave Carter in the Five Acre Tract about purchasing a portion of his road frontage to enable the county to widen the road for safety. Carter and other citizens will discuss what sections of the road they recommend be widened.

There was discussion about easements on properties citizens have been driving on for more than five years. There was discussion about implementing a draft project estimate sheet for road department work to assist in budgeting and spell out scope of work, estimated time to complete a project, materials needed, tasks necessary to complete a project, and associated costs of each.

Hillman suggested the county consider a two-cent per gallon gas tax. Lahren said it is necessary to quantify road projects and costs to show where funds generated from that tax would go.

There was discussion about gravel sources and county gravel pits. The Commission does not want to be involved with owning or reclaiming gravel pits. Buying gravel from private, established pits is a better option due to the price of fuel and freeing road crew time. There was discussion about how much gravel is currently available in the Arthun and Chico pits. The Commission advised Hillman to cut down on driving time and purchase gravel closer to project sites when possible.

@3:37:14 p.m., Lahren adjourned the meeting.

Larry A. Lahren
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana