

Commission Meeting Minutes; Park County, Montana
Week of April 28 – May 2, 2008

April 28, 2008

County Road Updates

@8:30:24 a.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; Don Holland, auditor; Ed Hillman, road foreman; Bill Hurley, operations; Robert Olson, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss county road updates.

The Commission requested Hillman be more specific with his road crew weekly work schedule as to where and when the road crew will be working in order to better inform citizens of work to be completed.

There was discussion about repair work that needs to be completed on Pine Creek and Pine Meadows Roads and culvert replacement needs on Fiddle Creek Road. Hillman said that culvert will cost \$2,600, and Pine Creek Road needs repaired before irrigation water is running. Lahren told Hillman he needs a cost and timeframe on that work to see where within the road department budget funds may exist to replace those culverts.

Hillman will sit down with the road crew and develop a road crew work priority and rotation schedule. Hillman reported Convict Grade was graded in entirety with two graders on Thursday. There was discussion about adopting that approach for other roads.

Hillman and Richards will continue to research all county roads that should appear on gas tax maps. There was discussion about a need for vehicles that damage roads to help pay for repairs of that road damage.

There was discussion about finishing Sacajawea Bridge work. Hillman said that work will be completed. Hillman said voting signs are being put up at the fairgrounds.

Brad Wilson will be in charge next week in Hillman's absence. Wilson is to check out a county cell phone and is permitted to use a county pick up truck for the week.

Public comment was made by Bob Olson. Olson commented the county should keep existing county roads open and maintained. He thanked the county for blading the start of Old Yellowstone Trail North.

@9:11:57 a.m. Durgan made a motion to adjourn the meeting. Lahren seconded that motion. The meeting was adjourned.

April 28, 2008

Consider Approving Minutes for Week of April 21st, 2008

@9:32:45 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 Commission meeting minutes for the Week of April 21, 2008.

@9:32:54 a.m. Durgan made a motion to recess the meeting in order to review the minutes. Lahren seconded that motion. The meeting was recessed. @10:13:53 a.m., Lahren reopened the meeting.

Durgan requested a revision to Page 2 of 17; sixth paragraph. The last sentence should read, "The crew was informed the Sheriff's Department was covered via waivers and the issue is of no concern of the road department." On Page 3 of 17; fourth paragraph, the last sentence should read, "Hillman will talk with the county's printing contactor to add 'Park County Road Department' to daily equipment inspection sheets." Durgan noted the correct spelling of Courtney "Lawellin." On Page 7 of 17; second to last paragraph, the last line should read, "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." The April 22, 2008, Department Head Meeting was held in the "Community Room." The correct spelling is Dan "Hackmann." On Page 8 of 17; last paragraph, the first sentence should read, "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." On Page 11 of 17, the fifth bullet point should read, "April 11 DUI taskforce letter from MDT - To Durgan and Sheriff's office for review." The eighth bullet point should read, "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." On Page 13 of 17; third paragraph, the first sentence should read, "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." On Page 14 of 17; second to last paragraph; the sixth sentence should read, "Lahren said the document he signed was only a proposal and not a contract." On Page 16 of 17, Durgan noted he did not attend a County Road Updates meeting.

Lahren requested a revision to Page 2 of 17. The second to last paragraph should read in entirety, "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." On Page 16 of 17; last paragraph, the first sentence should read, "There was discussion about easements on properties citizens have been driving on for more than

five years.” On Page 17 of 17, the last paragraph should read in entirety, “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.”

County Attorney Linneweber noted the following revisions: Clarify on Page 2 of 17; seventh paragraph, as to whether statement was “free of personal liability.” On Page 4 of 17; fourth paragraph, “counselor” should be changed to “counsel” or attorney. On Page 5 of 17; third paragraph, Linneweber and Miller are putting together the paperwork necessary to advertise the position. In the meeting I noted that the job position already exists. We are putting together the plan on how to advertise and fill it. On Page 6 of 17; sixth paragraph, I don’t remember using a phrase that a potential conflict of interest is “non-existent.” What the minutes should reflect is that I advised under the particular circumstances in this particular case, state law provides for an exception where the Commission needs the participation for a quorum or to take an action, provided appropriate notice was given and that such occurred here. On Page 14 of 17, Harold Blattie is the correct spelling of the MACo Executive Director.

Durgan made a motion to accept minutes and pass them as corrected and amended. Lahren seconded that motion. Motion passed.

@10:36:37 a.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

April 28, 2008

11:00 A.M. – Personnel Issue – Commissioner’s Chambers – Canceled

April 28, 2008

Review Correspondence, Public Contacts, and Determine Action Plan

@2:27:29 p.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; 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. Correspondence included:

- Commission expenditure report – To commissioners for review

The owner of the Yellowstone River Motel in Gardiner phoned the Commission to report sewage in the motel’s crawl space. Lahren phoned Bob Evanoff to discuss a solution to

the issue. There was discussion about the progress of transferring the Gardiner Sewer District to the Gardiner, Park County Water and Sewer District board.

@3:00:38 p.m. Durgan made a motion to adjourn the meeting. Lahren seconded that motion. The meeting was adjourned.

April 28, 2008

Yellowstone Gateway Museum Board Members and Issues

@3:02:15 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; Brett Linneweber, county attorney; Bob Jovick, museum board; Donna Armentaro, museum board; Susan Kraft, museum board; Rick Van Aken, public citizen; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss Yellowstone Gateway Museum issues.

There was discussion about the county's independent contractors and contracts policy. Lahren referenced a Commission contractor and contracts memo dated February 2007. Lahren noted the museum board did not follow the process within that memo by hiring an independent contractor without a license at the time the contract was awarded. Not following the policy and procedure puts the county at risk in terms of liability. Any invoices prior to March 7 put the county at risk. The museum needs to draft a contract with Park Photography and get it to Linneweber for legal review. Lahren asked the museum board if it will follow the county's hiring and independent contractor policies. Lahren noted the museum board also violated Commission policy by failing to approach the Commission with civil attorney needs before directly approaching the civil attorney.

Kraft said Commissioners Durgan and Murphy signed the independent contractor's invoice, so they felt steps were followed and insurance policy requirements were met. Durgan said he did not check to see if insurance and all things were lined out when he received the invoice.

Miller will send all Commission memos and directives to board members in addition to department heads via email.

Addressing a correspondence to commissioners regarding mechanical system for Yellowstone Gateway Museum issue, the Commission noted county departments cannot break up contracted work into increments less than \$500 to avoid following the county purchase order policy. The Commission directed the museum board to take a heating system work agreement back to the museum director and report to the Commission the status of the issue.

Miller has reviewed the hiring process used by the museum to screen candidates for a part time museum position and given approval to fill the position.

There was discussion about an inventory and accession log. The Commission requested an inventory list of catalogued, museum assets and collections for the Park County Auditor. Bob Jovick noted much of the museums collections are not catalogued.

Linneweber informed the museum board the county generally enters into one-year contracts for a fixed price with the option to renew contracts.

@3:31:16 p.m., Durgan made a motion to adjourn the meeting. Lahren seconded that motion. The meeting was adjourned.

April 29, 2008

8:00 A.M. – Budget/Accounting Review Committee – East Room

April 29, 2008

1) Consider Franzen-Davis Contract 2) Consider Appointments to the Clyde Park Rural Fire Department, 3) Consider Appointments to the Cooke City/Silvergate Fire Department 4) Consider Appointments to Gardiner Fire District/Gateway Hose Company 5) Consider Appointments to the Paradise Valley Fire Service Area Department 6) Consider Appointment to the Wilsall Fire District 7) Consider a Resolution Reaffirming the Park County Volunteer Fire Department and County Rural Fire Chiefs

@9:01:04 a.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; John T. Davis, Franzen-Davis Funeral Home; Jim Taylor, public citizen; Peter Vandergrift, Livingston Enterprise; Dan Karell, public citizen; Dann Babcox, PCRFD#1; Gay Juhnke, public citizen; Dick Juhnke, public citizen; Mike Graham, Paradise Valley Fire; Dan Skattum, public citizen; Lauretta Skattum, public citizen; John Hogenson, public citizen; Chuck Donovan, public citizen; and Commission Minutes Clerk John Mueller.

The Commission postponed a decision on the Franzen-Davis contract in order to enable County Attorney Linneweber to review contract drafts and insert necessary language.

The Commission considered appointments to fire boards.

Durgan read into the record a memo from Deputy Elections Administrator Rhonda Winge noting the closing of filing occurred on February 21, 2008, and the Commission's ability per Montana Code Annotated to declare by acclamation each candidate who filed a nominating petition for a position. Letters requesting appointment to fire boards were submitted by Wilsall Fire District, Clyde Park Rural Fire Department, Paradise Valley Fire Service Area, and Cooke City Fire.

For the Wilsall Fire District, Durgan made a motion to accept the nomination and appoint John Hogenson to a five-year term. Lahren seconded that motion. Motion passed.

For the Clyde Park Rural Fire Department, Durgan made a motion to appoint Jamie Lannen to serve out the term of Everett Bailey and reappoint Bob Queen and Tom Bailey for another term. Lahren seconded that motion. Motion passed.

For the Paradise Valley Fire Service Area, Durgan made a motion to reappoint Phil Hoag to the trustee vacancy. Lahren seconded that motion. Motion passed.

For Cooke City Fire, Durgan made a motion to appoint Todd Chatelain and Bill Sommers. Lahren seconded that motion. Motion passed.

For the Gardiner Fire District/Gateway Hose Company, Durgan made a motion to appoint three individuals, Ron Burke, Robert Evanoff, and Patrick Wayne Hoppe. Lahren seconded that motion. Motion passed.

The Commission addressed a resolution reaffirming the Park County Volunteer Fire Department and County Rural Fire Chiefs.

Public comment was made by Dan Karell. Karell requested the Commission reiterate how the meeting topic was agenda. Lahren stated the meeting was agenda to reaffirm the Park County Volunteer Fire Department and county rural fire chiefs.

Durgan submitted into the record letters from three former commissioners regarding their recollections of an October 23, 2002, meeting and establishment of Resolution #778 at that meeting. The letters stated Resolution #778 created an automatic aid agreement between Park County and Park County Rural Fire District #1 to provide fire protection to unprotected areas of Park County.

Public comment was made by Dann Babcox. Babcox commented the former commissioners' intention when creating Resolution #778 was to have an agreement with the district to cover wildland fire protection to unprotected areas and in no way did the Commission ever conceive the idea of creating another fire department. Babcox said Ed Carrell expressed to him Karell understood the resolution added unprotected areas into District #1's coverage area and did not create another fire department. Babcox said Park County Volunteer Fire Department has no personnel or equipment to speak of, so having a department in that capacity does not make sense. Babcox expressed concerns with budgetary items, saying if taxpayer funds exist within the county's budget to fight wildland fires, those funds should go to the districts fighting those fires to pay for fire-related costs. Babcox said a Park County Volunteer Fire District does not exist and was never created.

Babcox said a county rural fire chief and a county fire warden are two separate positions. A county fire warden is a liaison between the county and state and federal organizations and ensures wildland training and equipment is up to date. He also serves as a facilitator for other districts to use providing he has necessary expertise. A county rural fire chief is appointed to oversee individual fire chiefs of stations within a county without individual fire districts or fire service areas. Babcox said use of the term "county rural fire chief"

instead of “county rural fire warden” has created a lot of confusion and concern for the county’s fire districts.

Dan Karell commented Resolution #778 is nothing more than an automatic response document with Rural #1, and it is a bogus automatic agreement between Rural #1 and the Commission because the commissioners in 2003 voted to establish a Park County Fire Department. Karell said the county needs to address that issue because it needs an automatic aid agreement that is structurally correct. Karell said Resolution #778 does not suggest a county fire department was established. He said the goal of the resolution from Rural #1 and the Commission’s standpoint was to separate the two fire entities. Reaffirming existence of the Park County Volunteer Fire Department would entangle that entity and Rural #1.

Karell encouraged the Commission to read 10-3-209 of the Montana Code Annotated and not reaffirm the Park County Fire Department. He said the county has sufficient fire protection from existing fire districts and the Commission should help existing fire districts and not spend taxpayer money on a new Park County fire department. Karell added a county fire chief can pose a problem, but a fire warden can be an asset by providing assistance contacts and coordination in times of a major fire event. Karell would like to see individual fire boards work more closely with the Commission through scheduled, open meetings. That would result in more accomplishments and less badmouthing between departments.

Public comment was made by Mike Graham. Graham explained the current structure of warden positions in Park County. Bob Fry is the Park County rural fire warden and Graham and Gordon Rothe are Park County deputy fire wardens. Graham said the county fire warden is the first line of communication with the Commission in the event of an emergency in the county, because emergency county funds may be solicited to address an emergency. The county fire warden designation was developed by the state of Montana to enable counties to apply for state grants.

Graham said eight departments in Park County are signed onto a mutual aid agreement along with Yellowstone National Park, US Forest Service and Montana Department of Natural Resources. Thus, anyone possessing an automatic aid agreement with the county is covered for fire protection through the mutual aid agreement. A rural fire warden can assist in organization of departments and entities within a designated fire district by contacting additional fire resources. A rural fire warden can assume jurisdiction during a non-structural fire event in non-covered, incorporated areas.

Babcox clarified districts have the ability to ask the county for emergency fire funds, and assistance within a self-governing district must be requested by that district before a warden can call in additional assistance. He added a county rural fire chief is not necessary in Park County because of the automatic aid agreement with Rural #1 created by Resolution #778. He recommended the county include Paradise Valley Fire Department in an automatic aid agreement due to its proximity to fire danger areas in southern Park County.

Public comment was made by Chuck Donovan. Donovan commented 282 parcels past the radio towers on the Swingley route are not protected. Rural #1 plans to submit a mailing to residents there asking if they wish to annex into the district. Currently, those residents would be charged by any agency working on a structure fire there. Rural #1 will also contact individuals within two sections north of Springdale who voluntarily opted out of fire protection in 1975.

Public comment was made by Dick Juhnke. Juhnke commented he heard Mr. Fry resigned. The Commission informed Juhnke Fry resigned from Rural #1, but he remains the appointed county fire warden.

Lahren said the county needs to define the structure, function and roles of county fire wardens and what monies they can secure for the county. Lahren commented he does not see the need for a Park County volunteer fire department separately funded from existed fire entities. Durgan concurred with Lahren and requested the county attorney research what monies are apportioned to the supposed Park County Volunteer Fire Department, saying there must be some provision for at least mileage for fire wardens.

The Commission postponed a decision on the proposed resolution until time it is reworded and Linneweber can research the roles of a Park County fire warden per Montana Code Annotated.

The Commission noted a county fire department would not be created and the current structure, coordination and function between existing fire wardens and fire departments and districts remain intact.

@9:50:49 a.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

April 29, 2008

10:00 A.M. – Cooperative Weed Management Area Mapping Meeting – Community Room

April 29, 2008
Anzick Site Visit

@1:30 p.m., Commissioner Lahren hosted a site visit to the Anzick archaeological site in Wilsall. Present was Marc Richards, IT/GIS; Erica Hoffman, IT/GIS; Philip Fletcher, planning; Mike Inman, planning; Jerry Brekke, county historian; Richard Sims, director of Montana State Historical Society; Dr. Ruthann Knudson; archaeologist; Mark Baumler, state historical preservation officer; Dr. Stan Wilmoth, state archaeologist; Buff Brown, public citizen; Jon Reddington, public citizen; Ray Alt, public citizen; Mr. and Mrs. Gunther Haselbaur, public citizens; and Commission Minutes Clerk John Mueller. Meeting participants commented on the site and asked questions throughout the site visit.

The meeting was scheduled to view an archaeological site on the Anzick property.

Lahren noted the site's three significant archaeological components dating between 2,000 and 11,000 years ago, 1) a burial site; 2) eagle traps and teepee rings; and 3) a buffalo jump.

Lahren noted a small child of the Clovis people was found at the burial site in May 1968 when sandstone was being excavated for a high school drain field. The Clovis people date back 11,000 years. One half of the 100 bone and stone artifacts found in the burial site are housed at the Montana State Historical Society in Helena, and one half is in Anzick family possession following passage of a burial bill and fear the artifacts might be lost. The Anzick site is the largest discovered cache of stone artifacts in North America and contained artifacts composed of materials from southwest Montana, eastern Montana and Wyoming. Lahren said site contents provide insight into the migration routes, trade patterns, hunting, and domestic activities of the Clovis culture.

County GIS/IT personnel documented culturally significant locations onsite with GIS coordinates. County planner Mike Inman noted increasing public awareness may provide the county with an opportunity to work with landowners in the future to preserve the site's significant cultural history.

@2:40 p.m., the site visit ended.

April 29, 2008

2:00 P.M. – Cooperative Weed Management Area Meeting – Community Room – Rescheduled for 5-29-08 @ 2:00 p.m.

5:00 P.M. – Yellowstone Gateway Museum Board – Yellowstone Gateway Museum

April 30, 2008

Consider a Petition to Abandon the First 1100' (approximately) of a Road Commonly Known as Shooting Star Trail, Lying within NWSWNE Section 28 T8S R7E MPM

@9:01:36 a.m., Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Durgan and Lahren were present. Also present was Philip Fletcher, planning department; Ken Britton, US Forest Service; Dennis Tilton, Shooting Star Ranch; Peter Vandergrift, Livingston Enterprise; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to consider a petition to abandon the first 1,100 feet of Shooting Star Trail.

Lahren noted 15 steps required for the county to legally abandon a road. The county currently has completed six of those steps and is not prepared to make a decision on the

abandonment request at this time. The Commission needs a report from the road viewing committee in order to determine the status of the road beyond the requested 1,100 feet abandonment.

Lahren advised Tilton existing “No Trespassing” signs cannot remain where currently posted along the county road because they may confuse citizens legally traveling on that road.

A meeting will be scheduled to address the abandonment request after necessary steps are completed and the Commission receives and reviews all necessary information.

Dennis Tilton provided the Commission with surveys and other information on Shooting Star Trail and surrounding property in his possession.

Ken Britton asked what section of road is being proposed for abandonment. A map was reviewed to answer that question. Britton commented the abandonment would not close any public access, as no existing public land access exists adjacent to land owned by Shooting Star Ranch.

@9:10:21 a.m., Durgan made a motion to adjourn the meeting. Lahren seconded that motion. The meeting was adjourned.

April 30, 2008

1:00 P.M. – Weed Board – Durgan - Community Room

May 1, 2008

Discuss Grader Leases

@9:00:19 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; Doug Shipp, Caterpillar; Dennis Morelock, Tractor & Equipment; Jim Taylor, public citizen; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss road grader leases.

The Commission iterated the following during the meeting: 1) A document Commissioner Lahren signed on May 22, 2007, was a proposal and not a contract. The Commission intended to accept bid proposals for road graders from suppliers in addition to CAT. 2) The Commission did not authorize CAT to take the county’s former road graders and did not sign a lease agreement with Caterpillar (CAT) for three road graders the county currently possesses. 3) The Commission never knew the amount of the proposed lease agreement for those graders, and never knew the trade-in value per CAT of the county’s old graders. 4) The Commission never met with CAT or Road Foreman Ed Hillman to discuss the terms of proposed lease agreements CAT says the county

entered into. 5) 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. 6) The Commission was unaware the signed proposal would result in CAT drafting grader leases. The problem at hand is a result of internal confusion within the county, and the Commission does not hold CAT responsible. The Commission would like to work out an agreement with CAT, but it must do so following guidelines within state law.

CAT representatives iterated the following during the meeting: 1) Terms of a lease agreement are not finalized and a lease agreement is not delivered to a leasee until equipment is delivered. 2) CAT moved forward with ordering and delivering new road graders and drafting a lease from the May 22, 2007, signed proposal. 3) CAT worked with Ed Hillman and Tara DePuy during drafting of the lease agreement and someone from the county government provided CAT with contact information of where to pay off the debt on the county's former graders. 4) The county would pay CAT \$460,000 for a five-year lease on four road graders.

CAT paid off the remaining balance of the county's four graders in October. The county had \$55,000 of total equity in those graders. Tractor & Equipment paid Park County \$201,000 for its four graders. John Deere and Champion graders were owned outright by the county. The payoff for the county's two Caterpillar graders was \$146,000.

Morelock said he received verbal confirmation from Hillman that the new graders are covered by the county's insurance agent. Morelock said he has no documentation that the graders are insured.

The Commission held a conference call with Connie Remmich of CAT's financial office to discuss starting and ending dates and monthly payments of the supposed grader leases. Remmich faxed a payment quote sheet to the Commission. The first annual payment under the proposed lease would be due April 2009.

The Commission postponed the meeting until May 2, 2008 at 9 a.m.

@9:59:32 a.m., Lahren made a motion to close the meeting. Durgan seconded that motion. The meeting was closed.

May 1, 2008

Discuss the Growth Policy Public Education Program

@10:01:16 a.m., Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Durgan and Lahren were present. Also present was Philip Fletcher, planning department; Mike Inman, planning department; Bill Hurley, director of operations; John McEvans, public citizen; Stacy Sunvison, public citizen; Daniel Nelson, public citizen; Sue Nelson, public citizen; Jim Taylor, public citizen; Randy Taylor, county sanitarian; Bob Currie, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss a growth policy public education program.

Park County Planning Director Philip Fletcher presented proposed options for a public information program for the Park County growth policy, which will be voted on in November. Fletcher reviewed a document titled *Draft Schedule for Growth Policy Public Education Program*. The program would create a series of press releases; inserts in community newsletters; community question and answer sessions throughout the county; a county fair booth display; and educational documents on the growth policy, including a citizen's guide that would provide a summary of what the policy says and a document addressing common citizen questions about the growth policy. Newsletter inserts and newspaper articles would begin in July or early August and continue on a weekly basis.

Fletcher reported grant funds may be available to assist with the program's cost. The education program will be conducted by Park County Planning Department staff or a hired consultant. The proposed program schedule and a consultant Request for Proposal will be posted to the county webpage.

Public comment was made by Dan Nelson. Nelson questioned why the county needs to educate the public about the growth policy since the public put the growth policy together.

Lahren responded the growth policy was created by a long democratic process. Lahren said that process was thwarted by rumors spread throughout the county by a specific group of people claiming county citizens would lose property rights and water rights. Lahren said a petition was generated and signatures gained as a result of fraudulent misrepresentation of facts and information, which continues today.

Public comment was made by Sue Nelson. Nelson commented small community groups, such as those established during the last growth policy process, should be implemented if education on the growth policy is in fact needed. Nelson commented citizens will again tear down the growth policy if a huge media blitz is used because it will be difficult for the public to read in its entirety. Nelson questioned how the county would know whether their media effort was working if it relies on people to read about the growth policy in newspaper articles.

Durgan commented the Commission had to insert wording relating to zoning and water issues in the growth policy per state statute and the county's subdivision regulations. That wording caused confusion and misinformation about the growth policy. Durgan said the county needs to educate county citizens about what the growth policy does and does not say.

Lahren addressed Sue Nelson's comment. Lahren said he helped create the regional community discussion groups in the county during the public information stage of the growth policy process. Lahren said he spent his time refereeing those meetings because differing opinion groups would argue. Ultimately the groups that gained control within

the regions aligned countywide and torpedoed the growth plan, which ultimately resulted in a petition to suspend it.

Lahren reported the county already has spent \$150,000 developing the suspended growth policy. He said two options exist. 1) Should the growth policy be voted down in November, the county will be forced to start the entire process over. 2) If voted in, the growth policy will be revised and updated to current requirements, and community input will be accepted and issues citizens have with the policy can be discussed and amended.

Fletcher said the cost to the county of not having the growth policy in place has been significant. The county planning department has received many proposals for beneficial county cluster development, cluster zoning, and economic development projects. The county planning department turned those applicants away because the county cannot address them without an active growth policy. Fletcher said it is much easier to address and amend a few issues citizens have with a growth policy than it is to start the entire process over at square one.

Public comment was made by Jim Taylor. Taylor commented the growth policy is only a guideline for county growth and not a law.

Lahren responded a county growth policy is a visionary document of general concepts of how citizens wish to see growth occur in the county. A growth policy does not change zoning, but a growth policy must be in place per state statute in order for a county to make zoning changes.

Fletcher said the county is under a court order to have an active growth policy in place per a lawsuit settlement agreement. He added a growth policy is mandatory if a county is to do any serious planning.

Sue Nelson commented citizens took issue with perceived statements in the suspended growth policy stating the Commission can bypass the planning department when making changes to the growth policy.

Public comment was made by John McEvans. McEvans said once a growth policy is in place, changes can be made to the policy without planning board action. McEvans asked how it is decided which changes will and will not be made with planning board involvement. He asked the Commission if it was familiar with a Flathead Lake case dealing with changes to a growth policy going through the planning board. He commented it would be wisest to have a large public meeting to address citizen concerns in order to get confusion hashed out at one time.

Fletcher acknowledged that public perception of the growth policy is the driving force behind a proposed educational program. He noted language in Montana law addressing involvement of a planning board in growth policy amendments is written in an ambiguous manner. Since so many county citizens are concerned about the issue of

involving the planning department in all growth policy changes, it needs to be defined and addressed locally.

County Planner Mike Inman commented language that was added to the growth policy stating changes to the growth policy may be made without planning board inclusion dealt with minor administrative changes, such as updating a monthly timetable. He noted major changes cannot be made to the document without planning board review. Public concern on the matter may be eliminated by establishing a policy of asking the planning board before any proposed change to the growth policy is made whether it would like to be included in the revision process.

Durgan commented he agrees the planning board should have the option to decide which growth policy amendment issues it should and should not invest time in reviewing. Lahren concurred it is beneficial to have input from the planning board as representatives outside the Commission when growth policy amendments are proposed.

Fletcher commented it is a new and express policy of the planning department to more thoroughly involve the planning board in all county planning and growth policy issues and activities.

Taylor commented the county needs to educate the public about the difference between the planning board and planning staff, as many citizens think they are the same entity. Taylor inquired into specifics of a proposed donut area around Clyde Park. Durgan informed Taylor to speak with Clyde Park officials, as that is not the county's business at this point.

Fletcher said another policy being implemented by the planning department is to systematically visit communities throughout the county on a monthly basis to interact with citizens and hear and share planning issues and concerns. He noted he is talking to Clyde Park and its planning board to get additional information of the town's plans regarding a donut area around the town. That information will be passed on to the Commission.

@10:44:12 a.m., Durgan made a motion to adjourn the meeting. Lahren seconded that motion. The meeting was adjourned.

May 1, 2008

Review Correspondence, Public Contacts and Determine Action Plan

@1:40:40 p.m., Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Durgan and Lahren were present. Also present was Bill Hurley, director of operations; 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. Correspondence included:

- Memo from MSU re. bioenergy reproduction conference at Ft. Peck Community College June 2 and in Billings June 3 - To Extension for review
- Interoperative Working Group newsletter - To Hurley for review
- Memo re. dual balancing system for computer network line in city/county building
- Memo re. Plum Creek and Forest Service re. land holdings
- NACo County News
- 2010-2011 Montana Cultural Trust grant application - To Lahren for review
- March 2008 Commission expenditure report
- Public information request from John McEvans for summary of budget for general fund including revenues and expenditures - To file
- Commission postage meter report
- Memo from Elaine Fox re. Central Service Area Authority board nominations
- MT Mental Health Association Annual conference in Bozeman May 30, 31 - To Durgan for review
- Memo from Bob Bare - To Lahren for review
- Memo from MACo Health Care Trust re. rate renewal approval - To Miller for review
- Memo from Philip Fletcher re. abandonment procedure of county road - To Lahren for review
- Public information request for verbal comments only from Joe Gross re. Gardiner fire budget filled by Hartley - To file
- Memo from Carol Davidson re. April update for campaign on mental health recovery
- Memo from Bill Smythe re. asphalt grinding equipment rentals - To road department for review
- Memo from Van Jamison re. wind energy policy - To Hurley for review
- Correspondence from MT Rail Link re. 1-year transfer station lease - To Hartley and Nelson for review
- Memo from Mack Cole of MACo re. invite to visit with Montana's congressional delegation in Washington D.C. re. developing natural resources in Montana
- Thank you from Joe Brooks Chapter of Trout Unlimited re. Yellowstone River clean-up
- Memo from Peggy Glass re. 911 meeting canceled
- Memo re. Search and Rescue Training at Dailey Lake
- Fax from Ed Schilling re. Resolution #778 – The issue was already discussed at a Commission meeting
- Memo from Van Jamison re. new MSU Extension wind energy website
- Memo from Sue Hankin re. womens' business seminar on May 7 at Bozeman Public Library - To bulletin board for public notice
- NACo Association of County News
- Yellowstone Country Montana board of directors meeting agenda
- May 13 JSEC meeting notice
- Unofficial draft bill for legislature re. cost of confinement

- Memo re. May is Mental Health Month
- MT Economy at a Glance newsletter
- Memo from Great West Engineering re. Gardiner Sewer SID preliminary report - To Hurley and Gardiner Sewer file
- Letter to three counties affected by Hardrock Mining re. review calculations and impacts before submitted to Hardrock impact board - To Commission for review
- Letter re. East Boulder impacts - To Denton for file
- Memo from Marc Richards re. scheduled Commission meeting to discuss IT committee
- Yellowstone Gateway Museum director time sheets - To Miller for review
- Hurley weekly report
- Fair board meeting agenda
- Memo from Van Jamison re. May 8 agriculture outreach webcast on wind farming - To Durgan for review
- Bid from Blaze Striping re. striping county parking lot
- Road Department weekly schedule - To Road Book
- Memo re. May 14 Mental Health Recovery teleconference
- MACo legislative bulletin
- MACo Mental Health Advisory Council meeting May 15
- Preliminary estimate from Chappell's Body Shop re. Dodge Intrepid. To be paid or filed with Key Insurance. (Durgan researched and determined damage wasn't significant enough to file an insurance claim.)
- Road department contacts during Hillman's vacation
- Letters from Commission re. withdrawing application for Myer's Flat and Mission Ranch gravel pits - To file
- Public information request by John McEvans for road department budget report - To file
- Memo from MT Dept of Revenue re. property assessments completion dates
- Memo to Park County Commission from Solid Waste Board re. request for Susan Swimley to attend May meeting and request for update on Commission's action to address a Clyde Park board member - Commission will request Swimley's presence at the meeting. The Commission will advertise for additional board member from Clyde Park
- Memo from MACo re. request for personnel injury claim
- May 5 Community Network Meeting announcement
- Memo from Brett Oleness re. RFP for audit service
- Public information request form from Belinda Swaggart for district court current year budget – To file
- Memo to Marilyn Hartley to Linneweber re. public information request from John McEvan for updated payroll report for FY '07 and FY '08 budgets – To file

@2:58:29 p.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

May 2, 2008

Discuss Road Grader Leases

@9:00 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; Connie Remmich, CAT; Cher Grande, CAT; Judy Tan, CAT; Doug Shipp, CAT; and Dennis Morelock, Tractor and Equipment. No public comment was made.

The meeting was scheduled to discuss proposed road grader leases with Caterpillar financial representatives.

There was discussion about redrafting a motor grader lease agreement between Caterpillar and Park County with an option to terminate the lease after one year. CAT financial personnel will research the feasibility of such a lease.

@9:54 a.m., the Commission postponed discussion about the motor graders until May 2, 2008 at 3 p.m.

May 2, 2008

County Attorney Office Space

@10:02:07 a.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; Mary Anne Anderson, Extension; Bill Hurley, director of operations; Peter Vandergrift, Livingston Enterprise; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss county attorney office space needs.

Lahren provided a history of office space issues and moving of personnel offices within the city/county building. Hire of an in-house attorney to replace the former civil attorney position will require additional office space in the county attorney office. A deputy county attorney may begin work as early as June 9, 2008, and office space for that individual will be needed at that time.

County attorney office space options discussed included moving into part of the Extension office and storage space. An option may be to move Extension into the current county attorney's office and the county attorney staff would move into the current Extension office. Server wiring issues may cause problems with that move. There was discussion about moving the county attorney's office into the probation office and moving the assistant victim witness protection agent into the county attorney office.

The new county MSU Extension agent begins work on June 2, 2008, and office space for that individual will be needed at that time. Also, a third commissioner will need an office.

@10:25:43 a.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

May 2, 2008

Paradise Valley Fire Department Appointments

@10:34:23 a.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; Bill Hurley, director of operations; and Commission Minutes Clerk John Mueller. No public citizens were present, and no public comment was made.

The meeting was scheduled to appoint an individual to the Paradise Valley Fire Department board.

Durgan made a motion to appoint Keith Neal by acclamation. Lahren seconded that motion. Motion passed.

@10:37:04 a.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

May 2, 2008

Overall Park County FY09 Budget Procedures

@1:03:26 p.m., Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Durgan and Lahren were present. Also present was Marc Richards, GIS/IT; Colleen Singer, sheriff's office; Suzanne Brown, health department; Kevin Larkin, treasurer; Marilyn Hartley, accounting; Brett Linneweber, county attorney; Polly Miller, human resources; Bill Hurley, operations; Mary Anne Anderson, Extension; and Commission Minutes Clerk John Mueller. No public citizens were present and no public comment was made.

The meeting was scheduled to discuss Park County Fiscal Year 2009 budget procedures.

There was discussion about the intended role of the Budget Committee. The committee was created to provide preliminary review of department budgets before Commission review. The goal of that review is to avoid significant, last minute changes to department budgets before those budgets are approved by the Commission. Department heads will submit draft budgets to the committee. Department heads will explain the reasons for any major budget changes from the previous year, and the committee will submit a cover letter to the Commission notifying it of its review and what changes if any the Commission should expect to see upon review of individual department budgets. Brett Linneweber said the committee can only comment on and not recommend changes to department budgets. Department heads still must present fiscal year budgets to the Commission for approval.

Kevin Larkin expressed concerns with committee members reviewing department budgets without knowledge or expertise of that department or its budget. He said that may lead to frustration on the part of department heads. He also expressed concern over the time it would take committee members to complete budget reviews and noted it may be redundant for the committee to review department budgets in addition to Commission review. Larkin inquired whether the county auditor should be involved in the budget development and review process.

There was discussion about a committee member possibly sitting in at Commission/department head budget meetings to stay abreast of department budget issues. The committee discussed breaking out budget line items to better track why department budgets increase or decrease in subsequent years.

Colleen Singer asked what specific items departments will have to pay for, such as new computers, which may have been paid for by other departments or committees in the past. Mary Anne Anderson offered to fill the vacancy on the budget committee. The committee will select a chairperson.

The Commission will direct all department heads and elected officials to draft one preliminary budget with all expected PILT funds included and one budget with possible cuts in PILT. The Commission indicated there may need to be 10% across the board cut in department budgets. The Commission requested submittal of preliminary budgets from department heads by May 20. The county attorney suggested department heads may factor into budget proposals a 2.8% wage increase with the understanding personnel wage raises may not be feasible if money does not exist within the budget.

@1:59:00 p.m., Durgan made a motion to adjourn the meeting. Lahren seconded that motion. The meeting was adjourned.

May 2, 2008 County Road Updates

@3:15:41 p.m., Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Durgan and Lahren were present. Also present was Ed Hillman, road supervisor; Brett Linneweber, county attorney; Dennis Morelock, Tractor & Equipment; Don Holland, auditor; Polly Miller, human resources; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss county road issues.

Hillman provided a list of roads road crew personnel are assigned to maintain under regular circumstances. Durgan noted Scott Fletcher was not included on that list. Hillman provided a draft project estimate form for replacing a culvert on Fiddle Creek. The road crew will start work on polling places in Clyde Park and Emigrant weather permitting.

Hillman has not yet given a cost estimate to IronWolf for work on Billman Lane. There was discussion about work on Airport Road to be completed in part with assistance from the city of Livingston. The road crew will grade Canyon View.

Dennis Morelock submitted a finance scenario for four 140M motor graders. Caterpillar proposed a five-year lease on the graders with an opt-out option after the first annual payment of \$174,924 is made. That payment would be due in March 2009. The annual maximum usage permitted in the lease is 1,000 hours per machine. A \$17.45 per hour charge over 1,000 hours would be in effect for each machine.

The proposed leases were not accepted and a decision on the leases will be made following review by the county attorney.

Durgan made a motion to move forward with drafting the lease for review by County Attorney Linneweber. Lahren seconded that motion. Motion passed.

@3:55:14 p.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

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

Denise Nelson
Clerk & Recorder
Park County, Montana