

Commission Meeting Minutes; Park County, Montana  
Week of August 11 – 15, 2008

August 11, 2008  
County Road Updates

@8:30:00 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Don Holland, auditor; Ed Hillman, road supervisor; Polly Miller, human resources; Public Citizens Allan Shaw, Mark Hartwig, Mike Adkins, and Chuck Donovan; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss county road issues.

Public comment was made by Allan Shaw. Shaw spoke via speaker phone and said the county needs a new road from the end of the ramp to Corwin Springs green box site on Cinnabar Basin Road. He said the existing gate needs to be relocated and he said he sent an exhibit to the county. Lahren told Shaw Ed Hillman will contact him and get the project priced out.

Hillman said he estimates it would take 100 tons of hot patch at \$47 per ton to patch Rock Creek Road. Lahren said the county will prioritize road projects and associated budgets according to public safety issues.

Hillman said he is working with Belinda Van Nurden on the road logs to get them up to date.

Lahren said the county had an agreement with Montana Department of Transportation to put in a 32-foot wide approach to the railroad track at O'Rea Creek. He said MDT said Montana Rail Link and the county road superintendent made an agreement to put in a 24-foot approach, which does not comply with what was originally signed off on on a work permit. Hillman said no approach work has been completed by the county and he has never seen a work plan. Hillman and Durgan said they had met with MRL in the past. Lahren said the project will have to be budgeted for and will have to be done right with 50 feet of asphalt on each side of the crossing.

Lahren said the county is taking out trees from a county right-of-way and putting in some turnouts in the Whispering Pines area. He said a portable sawmill will be set up at Whispering Pines and bridge planks can be cut. Hillman said the county can use every plank he can get.

Lahren said he told Castle Mountain Road citizens in a written letter that road is on the county road crew's list of jobs to do and the county will attend to it as the schedule permits. Lahren said the letter suggested the citizens can do the work themselves if they get a county work permit and have insurance.

Lahren said a fuel tank and pump was purchased by the road department without an approved purchase order. He said grader tires and truck tires were purchased without unapproved purchase orders. Lahren said reclaimite was purchased from Brentag without a purchase order. Lahren asked Hillman if he is going to follow the county purchase order policy or not.

Lahren said Hillman told him that all design plans for work permits were in his desk in the county road shop. Hillman said plans for approaches are in his desk and he said he told Lahren he had approach permits in his drawer, not work plans. He said there has never been a work plan that he knows of for Eldridge Road improvements.

Lahren said he needs to see all work plans for Park County. Hillman said he only has one set of plans for approaches. Lahren said he is looking for plans for the schematic drawings for Cokedale Eldridge Road that locates culverts and has a map. Hillman said the county does not have those plans.

Lahren asked when Hillman determined Eldridge Road was a county road. Hillman said he was told by Jackie Robbins Eldridge Creek Road was a county road to the Gallatin County line. Lahren said Hillman issued a permit on May 21, 2007 to do 1.2 miles of improvement work on Castle Mountain Road. Lahren said on November 7 Hillman requested research on Eldridge Road to determine whether the county owned it. Hillman said the request was for the upper end of Eldridge Road.

Hillman said he asked the Commission about turning over Flesman Creek Road to the city for annexation from the cemetery to Meredith Ranch Road. Hillman said the Commission will need to make a request to the city to annex the road.

Hillman said a bridge on Hill Road is totally gone beyond repair.

Hillman said a culvert on Fridley Creek is out. Hillman said the fix will cost \$6,500 for a 28-foot long bottomless culvert.

Hillman said a bridge on Billman Creek on Miller Drive needs a new deck. He said he has steel stringers, so a steel deck can be put on the bridge.

Durgan said the county needs to make a decision on the John Deere grader that Caterpillar now owns. Lahren said CAT paid the county \$23,500 for the grader and now it is asking \$26,000 for a buy back.

Durgan made a motion to tell CAT the county is not interested in the grader and will turn it back. Lahren seconded that motion. Motion passed.

Public comment was made by Mark Hartwig. Hartwig asked about the status of a Deep Creek Road bridge. Lahren said the bridge is being reviewed by the county attorney.

Hartwig said cottonwood trees above and below Strong's cattle guard on Suce Creek Road may need to be taken out.

Public comment was made by Mike Adkins. Adkins said he respectfully requests a response to his letter regarding a roller formerly used for county road maintenance. Lahren said the issue is being reviewed by the county attorney.

Public comment was made by Chuck Donovan. Donovan said a culvert was a foot longer than the road is now when it was put in on Fleshman Creek Road in 1991. Durgan said Citizen Julie Kennedy agreed to pay for a section of culvert if the county installs it.

Donovan told Ed Hillman he appreciates the job the county road crew did on Meigs Road and that the crew did a good job.

Durgan said limbs on Riverside Drive need to be cut from the county right-of-way.

@9:13:42 a.m., Denton made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

August 11, 2008

Review Minutes for Week of August 4, 2008

@9:18:11 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to review meeting minutes for the Week of August 4, 2008.

The meeting was recessed until 9:45 a.m. to give the Commission time to read and review the minutes. @11:27:32 a.m., Lahren reopened the meeting.

On Page 1 of 11, Commissioner Denton noted the correct spelling of Gail "Anderson" and "Shy" Road. On Page 6 of 11, Denton noted the correct spelling of "Parelli."

Lahren made a motion to accept the minutes as improved. Denton seconded that motion. Motion passed.

@11:32:50 a.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

August 11, 2008

Personnel Meeting

@11:04:19 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was

Polly Miller, human resources; Brett Linneweber, county attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to address a personnel issue.

Bill Hurley requested the meeting be closed to the public. Durgan made a motion to close the meeting. Lahren seconded that motion. Motion passed.

@11:25:00 a.m., Lahren adjourned the meeting.

August 11, 2008

Review Correspondence, Public Contacts and Determine Action Plan

@11:34:40 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Bill Hurley, director of operations and Commission Minutes Clerk John Mueller. No public comment was made.

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

Correspondence included:

- Interoffice memo regarding payroll suggestions
- Memo from Marilyn Hartley re. payroll issues
- Memo from Kevin Larkin re. payroll accountability and requested letter for payroll functions
- Memo from Brad Shepard re. Bailey bridge and requested work on 9th Street - To Road Book
- Memo re. certified values
- Memo re. Commissioner Day luncheon in Yellowstone County
- Memo re. energy conference in California
- Memo re. permission to GIS department to use Commission vehicle for fuel map research
- Memo re. citizen request for county to maintain Monument Avenue and Bannock Trail in Silvergate
- Memo re. Linda Budeski out of office
- Memo re. Wilsall Senior Center contractor proof of insurance
- Memo re. update on Beartooth Highway work
- Citizen comment stating Mt. Baldy, Elk Horn Road and Willow Drive are in poor condition - To Road Book
- Museum director time log - To Miller for review
- Memo re. new calendar used by Raea Morris for meeting scheduling
- Memo re. permits for Elk Ridge Road - To Road Book
- Upper Yellowstone Advisory Committee meeting notice

- Central Service Mental Health meeting - To Denton for review
- Memo from Lahren re. getting road log books up to date - Lahren said that responsibility is now Hillman's and Van Nurden's
- Memo re. teamster election
- Memo from Bob Moore re. reprinting the Chronicles of the Yellowstone - The Commission said the county cannot get involved in such a reprinting
- Memo re. notice of Judge Swandall barbecue for community project
- Memo re. rejection letter for rabbit/poultry barn bidders
- Memo re. subscription notice for the Oil and Gas Journal
- Memo from Marilyn Hartley re. accounting office restructuring options
- Memo re. payroll clerk office location
- Memo re. rebooting of courthouse computer system
- Memo re. drunken driving issues in Cooke City and police patrol
- Minutes from a national conference on federal lands - To Durgan for review
- Memo from MACo requesting county technology presentations to showcase local government projects
- Memo re. union response to road department vote. Seven of nine county road department crewmen voted for the teamster. The vote was 7-0.
- CHT Monthly Newsletter
- Memo from Maria Miller re. HOME project
- Public information requests from Marty Malone
- Memo from Red Cross seeking financial contributions
- Memo from Jim Snyder re. owner/contract agreement for rabbit/poultry barn
- Memo from Meagher County re. district meeting - Denton will attend the meeting
- Memo re. Jerry Brekke research and 9th Street Island meeting scheduled for September 2
- Memo re. wind energy - To Durgan for review
- Memo re. Park County Deputy longevity pay
- Rabbit/poultry barn contract

@12:01:50 p.m., Lahren made a motion to adjourn the meeting. Denton seconded that motion. The meeting was adjourned.

August 11, 2008

Fiscal Year 2009 Budget Workshop

@1:09:14 p.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Polly Miller, human resources; Marilyn Hartley, accounting; Bill Hurley, operations; and Don Holland, auditor. No public comment was made.

The meeting was scheduled as a Fiscal Year '09 budget workshop.

The Commission reviewed proposed Fiscal Year 2009 budgets for Weed and Junk Vehicle, Mechanic, and Road and Bridge departments.

@4:46:00 p.m., Lahren adjourned the meeting.

August 12, 2008

Tolmacheve Family Transfer Exemption Appeal

@9:00:48 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Mike Inman, planning; Philip Fletcher, planning; Max Waugh, public citizen – via telephone; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to address a Tolmacheve Family Transfer exemption appeal.

Planner Mike Inman provided a brief explanation of the 2006 Park County Subdivision Regulations appeals process and updated the Commission on the history and timeline of the Tolmacheve and Bunn Family Transfer applications.

In regard to the Bunn Family Transfer, Inman said he questioned why a real estate agent contacted him in reference to the family transfer. He said a bank phoned him at the county planning department with a closing date and a buy/sell agreement between the Bunn Family and a third party, which ultimately resulted in Inman denying the Bunn Family Transfer because it gave the impression the transfer was an attempt to evade subdivision review.

In regard to the Tolmacheve Family Transfer, Inman said the same survey from the same surveying firm from the denied Bunn Family Transfer was submitted as part of the Tolmacheve Family Transfer application. Inman said, as a result, he was unable to distinguish between the two transfers. Given the surrounding circumstances and prior history of the tract of land and the same survey used for two separate family transfer applications, Inman said he denied the Tolmacheve Family Transfer. Inman said Max Waugh, son of the purchaser (Tolmacheve), is appealing Inman's decision.

Inman said under Chapter 5, Section E(2) - Gift or Sale – the Park County subdivision regulations state an affidavit must be signed by transfer recipients agreeing to not sell a lot for two years if a transfer creates three or more parcels. Inman said under the current county regulations a recipient of a two-lot family transfer with no history can legally sell a lot the next day. Inman said the Tolmacheve Family Transfer, a two-lot transfer, followed the county regulations. Inman said the history of the denied Bunn Family Transfer was the only reason he denied the Tolmacheve Family Transfer.

Lahren said the Commission has no reason to deny the Tolmacheve Family Transfer since it does not violate any Park County regulations.

Lahren made a motion to approve the family transfer as outlined by Mike Inman based on information provided by Max Waugh and the Finding of Fact the Bunn Family Transfer is separate from the Tolmacheve Family Transfer, thus the Tolmacheve Family Transfer

is not evading the Montana Subdivision Platting Act. Durgan seconded that motion. Motion passed.

Philip Fletcher said with the Tolmacheve Family Transfer there is a presumption of evasion of county subdivision regulations and it is the burden of the applicant to overcome that presumption. He said the Commission addressed that burden in their findings of fact.

@9:27:27 a.m., Lahren made a motion to adjourn the meeting. Denton seconded that motion. The meeting was adjourned.

August 12, 2008  
Fiscal Year 2009 Budget Workshop

@10:09:14 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Polly Miller, human resources; Marc Richards, GIS/IT; Lois Hatfield, landfill; Bill Hurley, operations; and Don Holland, auditor. No public comment was made.

The meeting was scheduled as a Fiscal Year '09 budget workshop.

The Commission reviewed proposed Fiscal Year 2009 budgets for the District Court.

@11:42:50 a.m., Lahren adjourned the meeting.

August 12, 2008  
Fiscal Year 2009 Budget Workshop

@1:03:51 p.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Polly Miller, human resources; Marc Richards, GIS/IT; Lois Hatfield, landfill; Bill Hurley, operations; and Don Holland, auditor. No public comment was made.

The meeting was scheduled as a Fiscal Year '09 budget workshop.

The Commission reviewed proposed Fiscal Year 2009 budgets for the Planning department and Landfill.

@3:36:36 p.m., Lahren adjourned the meeting.

August 12, 2008

2:00 P.M. – IT Advisory Committee Meeting – Bill Hurley attended

August 13, 2008  
Fiscal Year 2009 Budget Workshop

@9:01:32 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Sheriff's Office personnel Wendy Wood, Scott Hamilton, and Allan Lutes; Bill Hurley, operations; Don Holland, auditor; Polly Miller, human resources; Marilyn Hartley, accounting; and Bernadette Rambow, accounts payable. No public comment was made.

The meeting was scheduled as a Fiscal Year '09 budget workshop.

The Commission reviewed proposed Fiscal Year 2009 budgets for the Sheriff's Office, Search and Rescue, Missouri River Drug Task Force, and Jail.

@11:32:06 a.m., Lahren adjourned the meeting.

August 13, 2008  
Personnel Meeting

@11:43:18 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Polly Miller, human resources and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to address a personnel issue.

Polly Miller requested the meeting be closed to the public. Lahren made a motion to close the meeting. Durgan seconded. The meeting was closed.

@12:00:34 p.m., Lahren adjourned the meeting.

August 13, 2008

1:00 P.M. – Sign Claims – Commissioners Chambers

August 13, 2008  
Fiscal Year 2009 Budget Workshop

@1:33:50 p.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Polly Miller, human resources; Don Holland, auditor; Marilyn Hartley, accounting; and YGM museum representatives Bill Edwards, Nancy Edwards, Charlie Rahn, Brian Sparks, Rick VanAken, Bob Ebinger, Patty Miller, Donna Armentaro, Vern LeDoux, and Dick Dysart.

The meeting was scheduled as a Fiscal Year '09 budget workshop.

The Commission reviewed a proposed Fiscal Year 2009 budget for the Yellowstone Gateway Museum.

@2:38:22 p.m., Lahren adjourned the meeting.

August 14, 2008

9:00 A.M. – Personnel Meeting – Canceled

August 14, 2008

Discussion of Rabbit/Poultry Barn Contract

@9:30:00 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, operations; Kevin Larkin, treasurer; Kim Knutson, fair manager; Myron Kovash, public citizen; Dan Gutebier, public citizen; Fair Board members Daniel Nelson, Mike Adams, and Ed Flatt; Greg Jackson of MACo via telephone; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss a rabbit and poultry barn contract.

Myron Kovash asked for clarification of contractor insurance requirements for the rabbit/poultry barn project. Kovash said insurance requirements changed in the contract from the original bid manual. He said a 10% retainer is now in the contract that was not in the bid manual.

Linneweber reviewed statutory language pertaining to Kovash's concerns. Linneweber said it is state law that \$1,000 be withheld on a public works project such as the rabbit/poultry barn. Referencing Section 5.1.6.2 of the contract, Linneweber said that section was provided by the architect after the bid was closed. The Commission said to delete that section requiring a 10% retainer from the contract.

The Commission telephoned Greg Jackson of MACo to obtain advice on the insurance issues in question. Jackson said the county has contractual liability insurance coverage and the county would be covered for a claim if a third party was injured during construction of the building. Jackson said the builder's risk and owners and contractors protective insurance is also covered by MACo.

The Commission said Kovash must obtain project specific insurance for the rabbit/poultry barn construction project. Gutebier said obtaining that insurance will cost Kovash approximately \$265.00. Kovash said that cost was not included in his bid.

Linneweber said he will amend Section 8.6.01 of the contract to state in part "the contractor shall obtain his own contractor specific liability insurance, and shall indemnify and hold the county harmless for services performed." Linneweber said he will eliminate

Section 5.1.6.2, regarding the 10% retainer figure. Linneweber said he will submit a memo of the contract amendments to the architect and necessary parties.

@10:04:17 a.m., Durgan made a motion to adjourn the meeting. Lahren seconded that motion. The meeting was adjourned.

August 14, 2008

10:00 A.M. – Local Emergency Planning Committee – Community Room – Durgan

August 14, 2008

10:00 A.M. – District Meeting – White Sulphur Springs – Denton did not attend

August 14, 2008

Approval of Sabre Communications Myers Flat Radio Site Contract

@1:07:40 p.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Brett Linneweber, county attorney; Shannan Piccolo, deputy county attorney; Bill Hurley, operations; Don Holland, auditor; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to approve a Sabre Communications Meyers Flat Radio Site contract.

The Commission reviewed the contract.

Lahren made a motion to approve the contract as prepared and exhibited. Durgan seconded that motion. Motion passed.

Commissioners Lahren and Durgan and County Attorney Linneweber signed the contract.

@1:10:50 p.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

August 14, 2008

Fiscal Year 2009 Budget Workshop

@1:07:37 p.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Also present was Don Holland, auditor; Polly Miller, human resources; and Marilyn Hartley, accounting. No public comment was made.

The meeting was scheduled as a Fiscal Year '09 budget workshop.

The Commission reviewed proposed Fiscal Year 2009 budgets for Dispatch 911, AngleLine, library, senior citizens center, predator sheep and predator cattle, Community Transportation Enhancement Program, Community Development Block Grant, Green Acres lighting and utilities, Gardiner lighting, and Gardiner sewer.

@1:42:06 p.m., Durgan adjourned the meeting.

August 15, 2008

First Reading for Permanent Ordinance on the Bailey Bridge

@9:08:01 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Lahren were present. Also present was Brett Linneweber, county attorney; Don Holland, auditor; Mark York, Livingston Enterprise; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to make a first reading of a permanent ordinance on the Bailey bridge.

Lahren read into the record a first reading of a permanent ordinance for use of the Bailey bridge.

Lahren made a motion the Commission accept the first reading of the ordinance with the modification of the meeting times on August 15 and 28. Durgan seconded that motion. Motion passed.

County Attorney Linneweber said the ordinance is worded the exact same as the emergency ordinance as far as provisions. He said public comment was considered in drafting that ordinance. Linneweber said the Commission is permitted to accept public comment at any time in regards to the permanent ordinance and can make changes to the ordinance at the final reading based on public comment.

Linneweber said the commission will need to pass the ordinance on August 29 because the emergency ordinance expires at the end of September.

@9:19:20 a.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

August 15, 2008

Fiscal Year 2009 Budget Workshop

@9:25:05 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Lahren were present. Also present was Don Holland, auditor; Polly Miller, human resources; Bill Hurley, operations; Richard Wright, transfer station; Scott Hamilton, sheriff's office; Allan Lutes, sheriff's office; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled as a Fiscal Year '09 budget workshop.

The Commission reviewed proposed Fiscal Year 2009 budgets for the Transfer Station, Payment In Lieu of Taxes (PILT), Fair, Human Resources, and Accounting departments.

@2:32:24 p.m., Durgan adjourned the meeting.

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

Denise Nelson  
Clerk & Recorder  
Park County, Montana