

Commission Meeting Minutes; Park County, Montana  
Week of August 25 – 29, 2008

August 25, 2008

County Road Updates

@8:31:39 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Ed Hillman, road supervisor; Don Holland, auditor; Belinda Van Nurden, DES; Brett Linneweber, county attorney; Shannan Piccolo, deputy county attorney; Jim Lippert, public citizen; Mary Tecca, public citizen; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss Park County road issues.

Discussing Deep Creek Bottom Road, Commissioner Lahren said on August 19 at 2:52 p.m. he sent Ed Hillman an email advising Hillman not to proceed on work on that road before Hank Rate surveyed the project. Lahren said Hillman did not follow Lahren's directive to have the project surveyed before work was completed. Hillman said he did not follow that directive.

Hillman said he put in an emergency crossing on Deep Creek on Thursday. Lahren asked Hillman if the county road crew parked any vehicles off of the metes and bounds right-of-way. Lahren said Hillman did not go across the bridge to work on Mark Hartwig's property. Hillman said he went around the east side of the bridge to work. Lahren asked where the county left the residual gravel pile. Hillman said he did not know there was a gravel pile.

Lahren said the county road crew cannot go off of the two track trail from the bridge down to the pavement on Deep Creek Bottom. If the county road crew hits someone's jack fence the county will be responsible for fixing it.

Lahren said it appears Citizen Mark Hartwig may have a log deck in a county road right-of-way, cut trees out of that right-of-way, and cut an approach onto the county right-of-way on Deep Creek Road.

Lahren said he reviewed a bridge on Lazy Spear U Ranch on Hill Road. Lahren said that bridge is unsafe and it needs to be closed and it should not be repaired because the stringers are bad, planks are rotten, along with other failures. Lahren said in his observation that bridge has to be closed. Lahren said Jerry Brekke is researching whether Hill Road is a county road.

County Attorney Linneweber said closing the bridge is okay to do so long as there is another access to properties, which there is.

Lahren asked Hillman whether it was ever determined Hamilton Creek Road north to the Meagher County line is a county road.

Hillman said he plans to do cold patch on Rock Creek Road this week. Denton said she had citizen complaints about that road.

Denton said she had citizen complaints about Willow Creek Road.

Lahren said a citizen told him someone went through their fence and tore it down on West Boulder Road near the Sweetgrass County line. Linneweber said fixing that fence is the responsibility of the fence owner.

Hillman said a road crewman is on the Swingley route today from Beaver Creek back.

Linneweber said he spoke with Jim Lippert and the two will work on the legal end of the Mary Tecca issue which may by default take care of the pragmatic requirements.

Belinda Van Nurden said she is still entering data into county road logs and is currently organizing them by date.

Lahren phoned Bill Hoppe regarding Hoppe's comments that Jardine Road needs to be maintained. Lahren said Hoppe said the road is almost impassable. Hillman told Hoppe Mark Smith will be on the road this week to water and grade the road. Hillman told Hoppe he will view the road on Tuesday.

Lahren said the water on Hoyem's property is draining well as a result of the culverts that allowed the water to drain from the property to the wetland on the south side of the road.

@8:58:15 a.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

August 25, 2008

Discussion of Agenda and Review Meeting Minutes for the Week of August 18, 2008

@9:03:47 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Raea Morris, Commission executive assistant; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss the upcoming Commission agenda and review meeting minutes for the Week of August 18, 2008.

The Commission reviewed and updated the upcoming agenda. Durgan said he will have physical therapy Monday, Wednesday and Friday at 4 p.m. The Commission said it would like to resume end-of-the-week county road update meetings and scheduled a meeting for August 29 at 8:30 a.m.

Lahren said Jerry Brekke will be holding a meeting to give a written and verbal report on his right-of-way research findings on 9th Street Island.

Reviewing meeting minutes, Denton requested a revision to Page 3 of 6; second paragraph the fourth sentence should read, "Whittle said as currently written, there is no provision within the parameters of the resort tax to repay the water project each year, thus the water district is requesting amending the resort tax for an annual disbursement of \$20,000 to help pay for the water system." Denton said public meetings scheduled in Wilsall and Clyde Park for August 21 were canceled because she was ill.

Durgan requested a revision to Page 1 of 6; sixth paragraph, the first sentence should read, "Hillman said the bridge on Hill Road on the Shields River near Goat Mountain has to be replaced and it is something the county road crew cannot do." On Page 2 of 6; sixth paragraph, the first sentence should read, "Hillman said he has gotten a lot of citizen complaints on Dry Creek Road past the oil in the South Glastonbury area." On Page 2 of 6; the seventh paragraph should read, "Hillman said a bus turnaround will be put in at the intersection of Chicory and Warrior Roads." Durgan said no meetings were scheduled on August 20, but computer training classes were held for all county employees. Durgan said a 4:00 P.M. communications meeting was canceled. Durgan said he and Denton attended an August 22<sup>nd</sup> Land Use Training session.

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

@9:30:04 a.m., Durgan made a motion to adjourn the meeting. Denton seconded that motion. The meeting was adjourned.

August 25, 2008

Review Correspondence, Public Contacts and Determine Action Plans

@10:01:15 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Bill Hurley, operations; Shannan Piccolo, deputy county attorney; Patty Miller, public citizen; and Commission Minutes Clerk John Mueller.

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

Public comment was made by Patty Miller. Miller said she needs to edit 30 hours of Livingston historical film that was started in 2006. Miller asked for the Commission's endorsement and a letter of support for the project to ask for a gift of money from the Urban Renewal Agency to assist in the project.

Lahren said Miller needs to give the Commission a template of addresses and provide a brief overview of what the project is and the Commission will submit the letter of support.

Lahren signed a "Task Order 09-07-6-11-037-0 To Park County Unified Government Master Contract that Covers the Period of July 1, 2005 through June 30, 2012" submitted by and to be returned to Suzanne Brown of the county health department.

County Attorney Linneweber requested Deputy County Attorney Shannan Piccolo be granted remote access to the Park County network email and servers for work purposes. The Commission advised Piccolo to discuss the request with GIS/IT Manager Marc Richards. The Commission said it concurs with whatever decision on the matter Richards and the county attorney's office comes up with.

Lahren signed off on invoices for fair expenses, a rabbit and poultry barn, office supplies, and repair bills for transfer station trucks.

Durgan and Denton reviewed other invoices for signatures and payment.

Durgan said a request came through for a life agriculture exemption from George and Gail Kamps to approve an aggregation of parcels. Durgan said he began processing that request through the planning office.

Bill Hurley said there has been no response from Montana DEQ regarding a Gardiner Sewer District discharge violation. Hurley said the information has been placed in the sewer file.

Durgan said the next RC&D meeting will be on Sept 15 at 1:00 P.M. in White Sulphur Springs.

Hurley said he recommends a revenue and cash account in the county's 911 budget for a Myer's Flat contract.

Durgan said accounting and Auditor Holland questioned whether there can be exploration of annexation of Green Acres into the city.

Lahren reviewed a memo dated August 14 regarding weekly inspections and a maintenance schedule of 9th Street Bridge that need to be completed per discussions with engineers. Lahren submitted the memo to Raea Morris for Ed Hillman's signature and a copy was inserted into the county road book.

Durgan said he and Hurley reviewed correspondence binders on August 21 and designated information appropriately.

Lahren said he met with MDT personnel about the Bailey bridge and received a quote of in-kind bridge components and installation costs. He said the county owns the decking

on the bridge and the county can buy the Bailey bridge from MDT for \$273,768. Durgan said a discussion about what to do with the existing 9th Street Bridge is necessary. Lahren said a feasibility study needs to be completed. Lahren asked where the county will come up with the money to purchase the bridge.

**ACTION ITEMS:** The Commission returned three items to the binder as action items for further review. 1) The Bailey bridge item. 2) A Fiscal Year '08 U.S. Department of Homeland Security Emergency Management Performance Grant in the amount of \$16,780. 3) Caterpillar road grader lease information.

@11:03:25 a.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

August 25, 2008

Department Head Meeting

@11:08:09 a.m., Auditor Don Holland called a meeting to order in the Community Room of the City/County Building. Present was Philip Fletcher, planning; Bruce Martin, maintenance; Colleen Singer, sheriff's office; Belinda Van Nurden, DES; Brett Linneweber, county attorney; Larry Lahren, commissioner; Denise Nelson, clerk and recorder; Randy Taylor, health department; Polly Miller, human resources; Richard Wright, transfer station; Suzanne Brown, health department; Lois Hatfield, landfill; Ed Hillman, road; Nacoma Barton, clerk of court; June Little, clerk of court; Dan Hackman, mechanic; Mary Anne Anderson, Extension; Kris Denton, commissioner; Kim Knutson, fair; Bernadette Rambow, accounting; Wendy Wood, search and rescue; Jay O'Neill, sheriff's office; Bill Hurley, operations; Brian Sparks, museum; Marilyn Hartley, accounting; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled as a mandatory department head meeting.

Holland said the meeting was scheduled to develop standardization of usage of budget codes for uniformity in the Budgetary Accounting and Reporting System (BARS) for Montana Cities, Towns and Counties.

Holland provided each department head with a list of recommended budget codes to use to streamline the number of codes used in each department and maintain uniformity in codes across departments.

Department heads asked Holland what budget line items to use for various expenses and services.

Miller asked department heads to let her know if they are not using codes or why they are changing codes in order for the new coding effort to work effectively.

@11:55:33 p.m., Holland adjourned the meeting.

August 25, 2008

Fiscal Year 2009 Budget Workshop

@1:20:27 p.m., Vice-Chairman Durgan called a meeting to order in the Commissioner's Chambers. Commissioners Denton and Durgan were present. Also present was Polly Miller, human resources and Marilyn Hartley, accounting. No public comment was made.

The meeting was scheduled as a FY '09 budget workshop.

@3:44:13 p.m., Durgan adjourned the meeting.

August 26, 2008

Fiscal Year '09 Budget Workshop

@9:04:12 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, Bill Hurley, operations; and Don Holland, auditor. No public comment was made.

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

@11:50:00 a.m., Lahren adjourned the meeting.

August 26, 2008

12:00 P.M. – Airport Meeting – Clark's Crossing – Durgan and Hurley

August 26, 2008

Extension Office Review of Monthly Report

@1:03:10 p.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, and Lahren were present. Also present was Mary Anne Anderson, Extension; Tracy Brewer, Extension; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to provide the Commission with an Extension Office review of its monthly activities.

Brewer and Anderson provided the Commission with a review of Extension office trainings and activities for the month of July.

Brewer said she attended an agriculture emergency preparedness training in Helena with a focus to inform agriculture agents about the possibilities of agriculture emergencies

such as a foot and mouth disease outbreak and necessary protocol to take in such an event. Brewer said she will talk with Belinda Van Nurden of Disaster and Emergency Services about the issue and discuss development of an agriculture component of the county's DES emergency plan.

Lahren said he recommends Brewer develop such a plan and create a newsletter and/or mailing list of contact information and directives of what to do should a natural or biological agriculture or livestock emergency occur. Denton said she recommends Extension possibly consult the Local Emergency Planning Committee on the issue as well.

Anderson said she is interested in holding an Alzheimer's caregivers workshop. She said that workshop would be a five-week class and focus on nutrition, how to set up a home for a patient, provide an overview of the disease, and discuss what onset symptoms look like. Anderson asked whether the county would be interested in supporting such a workshop or permitting use of the Community Room.

Anderson said she may obtain lecturers and specialists from Bozeman for the workshop. Lahren said the workshop would be a community service and Anderson could possibly coordinate with Nurse Suzanne Brown of the county health department and Livingston HealthCare. Anderson said it may be most productive to hold a workshop in Livingston, Clyde Park, and Gardiner and she will put the word out to assess interest.

Lahren said it needs to be determined whether aerial photographs from the Farm Services Administration are on loan to the county or the Extension agent and loan arrangements of those photos need to be defined. Lahren said the photos are getting close to archival material and need care in handling. He said they need to be digitalized for records purposes and they should not be taken from the building.

@1:22:13 p.m., Lahren made a motion to adjourn the meeting. Denton seconded that motion. The meeting was adjourned.

August 26, 2008

Cooke City Community Center Project and Related Resort Tax Financing Strategies

@1:30:22 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; Cooke City citizens Donna Rowland, Bev Chatelain, and Betty Sommers; Rocky Mountain RCD representatives Sarah Hamlen and Josh Kellar; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss a Cooke City Community Center project and related resort tax financing strategies.

Josh Kellar provided an overview and history of the project and the project's future goals. Kellar said the Northern Rocky Mountain Resource Conservation and Development has

been involved in the project since 2002 when the community decided it needed a public center. He said the driving force behind the resort tax was to build the community center.

Sarah Hamlen provided a review of the project since April 2008. Hamlen said the project was to be bid on in April but a hurdle with the resort tax occurred when the community center committee attempted to formalize the bid process. Hamlen said former county civil attorney Tara DePuy said the Park County Commission is responsible for the resort tax as the governing entity, so the committee asked for an annual percentage of the resort tax be allocated to fund the center project, which was not possible by law. Hamlen said the committee obtained legal counsel and learned a ballot initiative is necessary with amended petition language that allocates an annual resort tax money percentage. Hamlen said the committee has been working on a project budget with an architect and contractor to coordinate with the resort tax match money percentage. She said it appears the county will be responsible for signing the loan documents on this project. Hamlen said the committee would like to commence construction of the project next spring.

County Attorney Linneweber said registered voters and not deeded property owners would comprise eligible voters for the ballot initiative. Linneweber said he suggests the Commission obtain proof of the minimum bottom line of guaranteed income if it approves the project. Linneweber said if the Commission agrees to a dollar amount that is not covered by the resort tax, that amount will come out of the county reserves budget. Linneweber said the current Commission cannot bind a subsequent commission to an agreement.

Hamlen said no more than 50% of the resort tax will be allocated through any of the projects that are looking to do long term financing from the resort tax. She said that would permit long term planning and ensure enough money will remain in the resort to tax to pay for project debts.

Linneweber said no more than 33% of a resort tax budget can be saved on an annual basis, however they can put money into a capital improvement fund. Linneweber said money in a capital improvement fund does not get returned if a particular project does not go through and unspent funds must be spent on another capital improvement project.

Hamlen said \$177,000 of resort tax money is left from prior resort tax allocations. She said the current contract states that money must be spent by December 31, 2008 unless the Commission amends the contract to roll it into a capital improvement fund.

Linneweber said there is a provision in Montana contract law allowing for an alternative project delivery contract. Such a contract allows for a general contractor to take steps for significant savings, such as in-kind services and donating of supplies, as well as allowing for his overall bid to be less.

Keller said Cooke City faces significant construction obstacles, such as the need to obtain design-build services because the community is so remote and contractors have difficulty obtaining permits for mobilization of equipment through Yellowstone Park in winter.

Keller said the economy creates unknowns of construction costs and staying within a budget, contractors available locally, and avenues for community support and volunteerism to construct the center are issues that may enable an alternative project delivery contract.

Hamlen said the committee is working toward establishing a debt-service agreement with the county with the resort tax as a guarantee fund, and after that time it can provide a more detailed project plan and financial numbers. Durgan said he suggested the group work with the community and legal counsel to determine what percentage of the resort tax is appropriate to use for the project.

Keller said 84% of the resort tax collected is permissible for capital improvements on the ballot initiative. Keller said the committee is working with the architect and the design committee to get construction costs down to \$500,000 of which \$177,000 is already allocated. She said potentially \$200,000 to \$300,000 may come off the top of that figure because money is already in a capital improvement fund.

Citizen Bev Chatelain said the committee will continue local community fundraisers to support the project. She said the committee has raised \$83,000 for the project through donations, which has been spent on down payments and demolition fees for the construction site.

Linneweber said he encourages the Commission to authorize the group to retain its attorney who put together West Yellowstone's resort tax. Hamlen said having a second set of attorney eyes on paperwork would make the group feel more secure.

Hamlen read a list of four requests the committee would like the Commission to grant.

Durgan made a motion the Commission allow for an amendment of the current contract to allocate any remaining funds in an account not expended by December 31, 2008 to a capital improvement fund. Lahren seconded that motion. Motion passed.

Durgan made a motion the community of Cooke City/Silver Gate conduct a special ballot initiative regarding distribution of funds of the Cooke City resort tax per a mail-in ballot. Lahren seconded that motion. Motion passed.

Durgan made a motion the Park County Commissioners designate someone within the county to work through the loan structure and bidding requirements and assist the community in developing its loan for the project. Lahren seconded that motion. Motion passed.

Durgan made a motion the community be authorized to utilize outside counsel with respect to the proposed amendment of the current resort tax and authorize payment for the council with existing resort tax revenues. Lahren seconded that motion. Motion passed.

Durgan made a motion to amend the first motion to specify the motion is with respect to the Shoofly Community Center. Lahren seconded that motion. Motion passed.

Durgan made a motion to clarify the fourth motion to specify the use of outside counsel and use of revenues to pay for counsel is with respect to the Shoofly Community Center. Lahren seconded that motion. Motion passed.

@2:29:02 p.m., Lahren made a motion to adjourn the meeting. Denton seconded that motion. The meeting was adjourned.

August 26, 2008

Fiscal Year 2009 Budget Workshop

@2:36:35 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, Bill Hurley, operations; and Don Holland, auditor. No public comment was made.

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

@4:16:07 p.m., Lahren adjourned the meeting.

August 26, 2008

Personnel Issue

@4:30:36 p.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Bruce Martin, maintenance; Brett Linneweber, county attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to address a personnel issue.

Lahren said the meeting was scheduled to discuss the potential the county maintenance position may be reduced to a halftime position.

Bruce Martin said mowing lawns, plowing snow, taking care of Green Acres and spraying are the activities he spends the most of this time completing as the county maintenance personnel. Lahren said the county is considering outsourcing some of those duties.

Martin said he does not understand the reason for the proposal since the maintenance position has been a fulltime position for the nine years he has been employed by the county. Durgan said in discussions with Weed Supervisor Clay Williams, Williams said his department could pick up the mosquito part of the maintenance duties. Durgan said if the Commission outsourced grass cutting there would not be that much for the

maintenance position to do other than regular building maintenance. Durgan said that cutback would save the county on salary and benefits.

Martin asked when the proposal would go into effect. Durgan said it will be upon approval of the budget. Linneweber said sufficient notice will need to be given to Martin in this course of action, and Linneweber said he will visit with MACo about the issue.

@4:35:48 p.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. Motion passed.

#### August 26, 2008

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

#### August 27, 2008

9:00 A.M. – Sign Claims – Commissioners Chambers

#### August 27, 2008

#### Discuss Landfill Charges from Various Departments

@10:30:08 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Lois Hatfield, landfill; Richard Wright, transfer station; Bill Hurley, operations; Dann Babcox, PCRFD#1; Bruce Martin, maintenance; Kim Knutson, fair; Mike Adams, fair board; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss landfill charges from various departments.

Commissioner Lahren said the landfill and transfer station are enterprise entities operating on a fee-based system and not taxes. He said for accounting and control purposes the entities need to get paid for refuse they take in. Lahren said the landfill has a limited life so the county needs to know how much garbage is being dumped by county entities. The Commission said starting with Fiscal Year 2009 budgets, all departments who will take refuse to the landfill must budget for the \$45/ton cost to dump.

The Commission said the fair board needs to budget for fair chips for next year and the same will apply for the Transfer Station. The caretaker's house and fair office need to be charged \$185 apiece, which permits two tons of refuse dumped in the landfill free of charge. The Commission said it will waive the fee for this year or find money in the Commission budget to pay for rabbit and poultry barn demolition because the agreement with the Commission and fair board was that fee would be waived.

Bruce Martin asked how he should charge for broken furniture from the courthouse because he does not know who threw it out. Durgan said it should come out of the

maintenance fund. The Commission said it will pay for trash from the courthouse by the ton.

Referencing the bidding of the rabbit and poultry barn demolition and subsequent disposal of demolition, Hatfield said jobs should never be bid like that if refuse is going to go to the landfill. She said it should be in bidders' bid to cover disposal of refuse from jobs.

The Commission said any future bids shall state the contractor is responsible for the total removal of all material from the site by the appropriate date and the rate to dump appropriate materials in the landfill will be \$45/ton.

@11:11:59 a.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

August 27, 2008

Signing of Grant in Support of Growth Policy Outreach Public Education Program

@11:13:24 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; Bill Moser, public citizen; Chuck Donovan, public citizen; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to sign a grant in support of the growth policy outreach public education program.

Mike Inman said the planning department was awarded a Sonoran Institute Smart Growth Coalition grant of \$5,000 through an award letter. Inman said County Attorney Linneweber reviewed the letter, which doubles as a contract.

Inman said by the end of July 2009 the planning department is required to provide a summary of the education project outcome relative to project design, include lessons learned and a summary of how the grant funds were expended as part of the final report.

Inman said a separate account will be set up through the accounting office and monies not expended must be returned to the Sonoran Institute. Philip Fletcher said he expects most of the grant money to be spent by mid or late October of this year.

Durgan made a motion the Commission accept the award based on the provisions in the contract. Denton seconded that motion. Motion passed.

The Commission and Planner Philip Fletcher signed the contract.

@11:21:34 a.m., Durgan made a motion to adjourn the meeting. Lahren seconded that motion. The meeting was adjourned.

August 27, 2008  
Fiscal Year 2009 Budget Workshop

@2:09:44 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; Bill Hurley, operations; Wendy Wood, search and rescue; Sheriff's Office Personnel Scott Hamilton, Colleen Singer, and Allan Lutes. No public comment was made.

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

The Commission reviewed a proposed FY '09 budget for the Sheriff's office and search and rescue department.

@4:43:41 p.m., Lahren adjourned the meeting.

August 28, 2008  
Second Reading for Permanent Ordinance on Bailey Bridge

@8:41:13 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Present was Shannan Piccolo, deputy county attorney; Mark York, Livingston Enterprise; Public Citizens Steve Phillips, Margo Aserlind, Thomas Keyser, and Sheri Kyser; and Commission Minutes Clerk John Mueller.

Durgan read into the record a permanent ordinance for use of the Bailey Bridge over the Yellowstone River at 9th Street. It was the Commission's second reading of the ordinance.

Deputy County Attorney Shannan Piccolo said an incorrect citation of Montana Code Annotated from the first reading was corrected.

Durgan opened the meeting to public comment.

Citizen Sheri Kyser asked if there will be enforcement of improper uses of the Bailey bridge. Durgan said there is supposed to be enforcement, although the sheriff's office cannot station a deputy at the bridge. Kyser asked the status of getting a new bridge. Durgan said the Commission is in discussions with the Montana Department of Transportation about possibly purchasing the Bailey bridge. Durgan said the Commission intends to do a feasibility study to address all potential problems and variables the Commission needs to consider when repairing or replacing a permanent bridge.

Citizen Margo Aserlind asked if there is a signaling device that would enable motorists to know whether a vehicle is crossing the bridge. Durgan said the Commission is researching that option, as well as additional lighting for bridge approaches. Aserlind

said citizens are concerned about winter driving on the bridge. Durgan said discussions with the county road supervisor are in progress about that issue. Aserlind asked if citizens can report license numbers of individuals not permitted on the bridge or island. Durgan said they can do that. Aserlind said the citizens are thankful a fire truck is available on the island and ambulance access is possible.

Citizen Steve Phillips said coming off the bridge on the mainland said in the winter will be difficult and suggested possibly making a three-way stop at that location. Phillips said it is a lot of money to do a feasibility study and that money could possibly go to another effort. Durgan said after the budget of '09 is finished the Commission will be devoting more time to the 9<sup>th</sup> Street Island bridge issue. Phillips said septic tanks on the island may need to be pumped and currently they cannot be. He asked the maximum gross vehicle weight of the bridge. Durgan said he does not have that figure at this time. Phillips said he owns trailer homes on the island, which will require a bridge across the river of at least 16 feet in width.

Durgan said the existing Bailey bridge may be in place two or three years and the ordinance he read today will become active within 30 days. Piccolo said the permanent ordinance needs to be signed on August 29 in order to avoid a lapse in the temporary and permanent ordinances.

Durgan said the Commission will sign the permanent ordinance August 29, 2008.

@9:10:07 a.m., Durgan adjourned the meeting.

August 28, 2008

Consider Gardiner Sidewalk Certificate of Survey Services

@10:05:08 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Present was Lori Benner, grants coordinator; Joe Gross, citizen; Harry Piatt, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to consider a Gardiner sidewalk certificate of survey services.

Grants Coordinator Lori Benner updated the Commission on the status of the Gardiner Sidewalk Project. Benner said review of citizen comments resulted in the Commission deciding completion of an official certificate of survey was necessary to determine the county-right-of way boundaries in order to complete construction of the project.

Benner read into the record a portion of a letter from Bill Lloyd of Great West Engineering addressing resident concerns with potential on-street parking problems with desired street, sidewalk and gutter widths.

Benner submitted a cost estimate of \$1,800 from Hank Rate to locate property corners on the north side of Stone Street. Rate said in his letter he could set permanent monuments

instead of hubs to delineate the county right-of-way boundary and prepare an informational Certificate of Survey for the record for an additional \$800.

Public comment was made by Harry Piatt. Piatt said he lives on a property at Stone and 3rd Streets that will be impacted if the proposed sidewalk backs up to the county right-of-way per the latest construction proposal. Piatt said he did not have the property surveyed when he bought it and said his property value could be significantly affected if the sidewalk is constructed where proposed. Piatt said he does not want a sidewalk right outside of his master bedroom, but he said legally the county owns the right-of-way directly up to his home. Piatt questioned whether the sidewalk could be constructed on the south side of the street, saying no retaining walls would be necessary on the south side of the street where many will be necessary if the sidewalk is constructed on the north side of the street.

Public comment was made by Joe Gross. Gross said there has not been a question about parking on the south side of the street.

Benner said she will contact Floyd to get some feedback about constructing the sidewalk on the south side of the street.

Durgan said the Commission will recess the meeting and reconvene on the issue at 11:30 a.m., on August 29.

@10:38:36 a.m., Durgan adjourned the meeting.

August 28, 2008

11:00 A.M. – Cooke City Community Meeting - Cooke City Fire Hall – Denton

August 28, 2008

Review Correspondence, Public Contacts and Determine Action Plan

@1:30:40 p.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Present was Bill Hurley, operations; Raea Morris, executive assistance; and Commission Minutes Clerk John Mueller. No public comment was made.

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

Durgan and Hurley reviewed three carry over items from the last correspondence meeting. Durgan said the Commission will review a Bailey bridge memo at its September 4 correspondence meeting.

Correspondence included:

- Memo from Jerry Brekke re. Nelson Spring Creek Road was designated a county road in 2000 – To Road Book
- Memo re. Every Child Matters program – Raea Morris will email the program for information
- Heard Across Montana newsletter - To Hurley for review
- Memo re. Highways for Life conference in Iowa
- Memo re. Pine Creek Road closure August 25
- Memo re. cost of living in Bozeman is 6% above national average
- Americans for Balanced Energy Choices newsletter - To Commissioner Denton for review
- Memo re. Prospera Tech Alliance
- Memo re. computer training days thank you
- Memo re. Montana GOP
- Memo re. resolution agriculture issue
- Memo re. Montana Department of Justice Criminal Records fingerprinting services
- Memo re. JSEC meetings to begin again in September at Job Service - To Denton for review
- Memo re. activities at Gardiner's Arch Park August 31 and September 27 - To file
- Memo re. MACO information and PILT funding – The issue will be discussed at the next correspondence meeting
- Memo re. Forest Service legal access in Crevasse Mountain area – The issue will be discussed at a scheduled meeting this week
- Outdoor recreation grant brochure – This issue will be reviewed at the next correspondence meeting
- Sonoran Institute monthly newsletter
- Memo re. Deep Creek crossing installation - To Road Book
- Memo from planning office re. Ameya Preserve Phase I final plat extension request – The issue will be discussed at a scheduled meeting on August 29
- Memo re. RC&D board meeting on Sept 15 in White Sulphur Springs - Durgan will attend that meeting
- Memo re. rabbit and poultry barn demolition crew certificate of liability - To file
- Humane Society of Montana newsletter
- Invoice from Oasis Environmental re. 9th Street Bridge work - The Commission will consult AP Clerk Bernadette Rambow to see if the invoice was paid
- Report on veteran's burial
- Memo re. Cooke City, Coulter and SilverGate Chambers of Commerce resort tax
- Wind Power update - To Durgan for review
- Memo and brochure on brownfield workshop in Missoula - To sanitation office for review
- Memo from Lahren to Linneweber re. Deep Creek culvert - To Road Book
- Citizen letter re. request to purchase county property - ACTION ITEM to consider
- Memo re. issue of aerial maps in Extension - To file

- Memo from Marty Malone re. Extension aerial maps and cabinet maps - To file
- Memo from County Attorney Linneweber requesting remote access to server for deputy attorney - The Commission granted that request
- Memo re. MT DES update
- Yellowstone Gateway Museum director timesheet - To Polly Miller for review
- Memo re. status of Cannon basement printer
- Memo re. MACO conference in Hamilton
- Citizen county road work permit application for Swingley Road
- Memo re. Deep Creek Bottom Road rights-of-way - To Road Book
- Red Lodge Clearinghouse newsletter - To Durgan for review
- Northern Rocky Mountain RC&D natural resources application and meeting - To Durgan for review
- Memo re. draft response to DEQ Gardiner discharge situation - The issue has been addressed
- Memo re. drunken drivers
- Memo re. Whispering Pines Road - To Road Book
- Public information request - The Commission and Linneweber reviewed - To file
- Certificate of liability insurance for Herman Steel re. Tom Miner Basin radio antenna
- Memo re. Bearthooth Highway construction improvements updates - To bulletin board
- Governing magazine - To Durgan for review
- Memo re. flags at half staff
- Memo re. county computer training schedule
- Memo from MT Dept of Revenue re. statewide mill levies - To treasurer and clerk and recorder for review
- Memo re. proposed Montana state transmission line from NorthWestern Energy

@2:35:58 p.m., Durgan adjourned the meeting.

August 28, 2008

2:00 PM – Fiscal Year 2009 Budget Workshop – Canceled

August 28, 2008

6:00 PM – Solid Waste Board Meeting – West Room – *Minutes available at [www.parkcounty.org](http://www.parkcounty.org) or in the Commission office*

August 29, 2008

Park County Road Updates Meeting

@8:43:58 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Denton and Durgan were present. Also present was Ed

Hillman, road foreman; Brett Linneweber, county attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to update the Commission on Park County road issues.

The Commission reviewed Hillman's weekly road crew work schedule. Durgan said the emergency access cattle guard was put in place at Deep Creek in the first part of the week.

Durgan said Citizen Bill Strong said he thinks a 60-foot right of way exists from his cattle guard to the bridge and past the bridge heading east. Hillman said that is not the case and the right-of-way starts on the west side of the bridge. Durgan said that is true between Strong's gate and the bridge. Hillman said some people he has talked to say that is not the case and the county needs to get it figured out. Hillman said according to Barney Hallin the cattle guard to the bridge is metes and bounds and on the west side of the bridge it starts a 60-foot right-of-way about 100 feet to the end of the road. Hillman said Strong thinks the 60-foot right-of-way starts at the cattle guard.

Durgan said Strong wants the exact dates the 60-foot easement was granted.

Durgan said putting in a wider cattle guard in Strong's gate was discussed and Strong asked if the 24-foot cattle guard there would suffice.

Durgan said a citizen who took a skidder up Deep Creek needs to get it out of there and the individual wants to know when the county will have the bridge fixed. Hillman said he has the paperwork and permit approved from Montana Fish and Game for the project but does not from the Army Corps of Engineers. He said the road crew will not start on the bridge until it gets that permit.

Hillman said he put in a request for a road approach permit for Swingley Road and has not heard anything back from the Commission.

Hillman said he asked the Commission to ask the city of Livingston to annex Fleshman Creek Road to maintain the road up to Meredith Ranch. Hillman said the Commission has to submit a letter to the city for that annexation.

Hillman said a new culvert has been installed on Pine Creek Road after waiting two days for Qwest to bury a cable.

Hillman said Rock Creek in Clyde Park will be patched next week and that was on the agenda this week had Pine Creek been completed earlier.

@9:01:26 a.m., Denton made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

August 29, 2008

Consider a Request to Extend the Final Plat for Ameya Preserve Phase I

@9:02:16 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Denton and Durgan were present. Also present was Philip Fletcher, planning; Brett Linneweber, county attorney; Stan Feagler, Ameya; Greg Finck, Allied Engineering; Joby Sabol, Ameya attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to consider a request to extend for one year the final plat approval for Ameya Preserve Phase I.

Planning Director Philip Fletcher provided the Commission with a review of the Ameya history. Fletcher said the Ameya Preserve Phase I preliminary plat application was conditionally approved by the Commission on October 4, 2006. He said the applicant requested a one-year extension of the final plat deadline of October 4, 2008 on April 17, 2008. Fletcher said the planning department approved the request pursuant to Section V-B.8 on April 28, 2008. Fletcher said the requested one-year extension would expire October 3, 2009.

Fletcher said official approval of the extension must come from the Commission as the governing body. Fletcher suggested the Commission ask an Ameya representative why it needs a one-year extension.

Joby Sable said the requested extension to the final plat is a result of a land sale transaction that occurred with an Ameya neighbor. He said that sale required reworking of the master plan and how the property would be developed.

Commissioner Durgan asked if Phase I or Phase II is still going to progress, whether development will occur or if the development is in a holding pattern.

Sable said the extension would give the developer one more construction season to install roads and sewers. Sable offered to provide the county with a monthly or bimonthly progress account of the development if desired. Stan Feagler said he has been working with the county planning department to keep it updated of the development's progress.

County Attorney Linneweber said he has no reservation in denying the extension request. Durgan said he agreed and feels the planning department agrees as well.

Denton made a motion to extend the final plat of Ameya Preserve Phase I to an October 3, 2009 deadline. Durgan seconded that motion. Motion passed.

@9:16:43 a.m., Denton made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

August 29, 2008

Discussion of Private Reconstruction of County Road in Crevasse Mountain Area

@10:04:07 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton and Durgan were present. Also present was Public Citizens Sandy McManus, Bob Steinmann, Jim Verzuh, and John Verzuh; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss private reconstruction of a county road in the Crevasse Mountain area.

Bob Steinmann submitted a Forest Service map of the area in question. Steinmann said eight tracts exist in the area, but Forest Service access does not exist for seven tracts. He said citizens interested in the tracts would like to open an 1894 county road for access. Steinmann said the purpose of today's meeting is to gain the Commission's consensus of what the citizens need to do to open the road back up for access to citizens.

Commissioner Lahren said the road needs a formal survey that establishes the road as a county road by court decree, which Steinman said has been done. Lahren said the road also needs to be formally surveyed to stake a center line and 60-foot wide right-of-way, and an engineering or plan of construction of the road is needed so the road can be brought up to county standards with a 24-foot surface, turnouts, and 2 to 1 backslopes.

Steinmann asked if a variance from the county road width standards could be obtained, possibly a 14-foot road bed with turnouts and culverts. Lahren said the Commission would have to check with County Attorney Linneweber about that option.

Steinmann said he wants a permit from the county stating work can be done if he is to put any money into the project.

Lahren said the process will be for Linneweber to review a requested width variance, a permit would be issued, public hearings would take place; and work could commence if approved.

Lahren asked how the public would benefit from the road. Steinmann said the road would provide public access to a Forest Service trailhead.

@10:27:19 a.m., Durgan made a motion to adjourn the meeting. Lahren seconded that motion. The meeting was adjourned.

August 29, 2008

Greenwood vs. Park County Litigation Strategy Meeting (Closed Meeting)

@11:05:50 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was County Attorney Brett Linneweber. No public comment was made.

The meeting was scheduled to discuss Greenwood vs. Park County litigation strategy.

@11:06:06 a.m., Lahren made a motion to close the meeting for litigation strategy. Durgan seconded that motion. The meeting was closed.

@11:20 a.m., Lahren adjourned the meeting.

August 28, 2008

Second Reading for Permanent Ordinance on Bailey Bridge

@11:30:29 a.m., Vice-Chairman Durgan reopened a meeting in the Commissioners Chambers recessed from August 28 at 9:10 a.m., in order to sign off on a permanent ordinance for use of the Bailey Bridge. Commissioners Denton, Durgan, and Lahren were present. Also present was Brett Linneweber, county attorney and Commission Minutes Clerk John Mueller. No public comment was made.

Durgan made a motion the Commission accept the permanent ordinance for the Bailey Bridge. Denton seconded that motion. Motion passed.

The Commission signed the first and second readings of the ordinances.

@11:32:10 a.m., Durgan made a motion to adjourn the meeting. Lahren seconded that motion. The meeting was adjourned.

August 29, 2008

Consider Gardiner Sidewalk Certificate of Survey Services

@11:33:19 a.m., Chairman Lahren reopened a meeting in the Commissioners Chambers recessed from August 28 at 10:38 a.m. Commissioners Denton, Durgan and Lahren were present. Also present was Lori Benner, grants coordinator; Bill Moser, public citizen; Billy Sprinz, public citizen; and Commission Minutes Clerk John Mueller.

Benner submitted a cost estimate of \$1,800 from Hank Rate to locate property corners on the north side of Stone Street. Rate said in his letter he could set permanent monuments instead of hubs to delineate the county right-of-way boundary and prepare an informational Certificate of Survey for the record for an additional \$800. Benner also presented an engineering report from Great West Engineering.

Durgan updated the Commission about a citizen who commented August 28 that the proposed sidewalk project would potentially severely reduce the property value of his home.

Public comment was made by Bill Moser. Moser said the county needs to have all of Stone Street surveyed. Moser asked the Commission to ask the engineer whether utilities exist under the hump on Summit Street because knocking the hump down would reduce

10 feet in elevation in the sidewalk and reduce grade. He said the engineer should look at that before the people of Gardiner are condemned to the sidewalk configuration. He said the county can save \$100,000 in construction costs and he is asking the Commission to ask the engineer if it is feasible to knock down the hump. Moser asked the timeframe of the survey. The Commission said possibly late September to early October.

The Commission said the contract proposal will be a complete survey of Stone Street, including both sides of the street. Durgan said it must be made clear in the final signed contract the scope of work is to include a complete survey of Stone Street.

Lahren made a motion to approve Hank Rate's proposal to do additional work that would include additional monuments and a certificate of survey be prepared for the Gardiner Sidewalk Project. Durgan seconded that motion. Motion passed.

Public comment was made by Billy Sprinz. Sprinz said if the project is for the safety of the children, then making Stone Street a one-way street will cut traffic in half and maintain street parking. He said the school custodian said as currently designed the sidewalk may create a traffic bottleneck in part of the street in the morning hours.

@11:52:35 a.m., Lahren made a motion to adjourn the meeting. Denton seconded that motion. The meeting was adjourned.

August 29, 2008

Fiscal Year 2009 Budget Workshop

@1:21:10 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, Bill Hurley, operations; Don Holland, auditor; Wendy Wood, search and rescue; Barb Williams, senior citizens center; Rick Van Aken, senior citizens center. No public comment was made.

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

@3:21:26 p.m., Lahren adjourned the meeting.

Voided Checks

Payroll #: 63820; 63857; 63858; 63859; 63861; 63864; 63866; 63964; 64115

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

Denise Nelson  
Clerk & Recorder  
Park County, Montana