

Commission Meeting Minutes; Park County, Montana  
Week of December 8 – 12, 2008

December 8, 2008

Park County Road Updates

@8:58:38 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Lahren and Taylor were present. Also present was Ed Hillman, road supervisor; Shannan Piccolo, deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss county road issues.

Road Supervisor Ed Hillman presented the Commission with a weekly road crew work schedule.

Deputy County Attorney Shannan Piccolo asked Hillman the location of a stretch of Fleshman Creek Road Hillman is interested in having the city annex. Lahren said he recommends Piccolo contact Ed Meece and Clint Tinsley with the city to discuss details of the matter.

@9:02:30 a.m., Lahren made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

December 8, 2008

Discussion of Agenda and Review Minutes for Weeks of November 17, 24 and December 1, 2008

@9:31:19 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Lahren and Taylor were present. Also present was Brett Linneweber, county attorney; Raea Morris, Commission executive assistant; Allan Lutes, Sheriff; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss the Commission's upcoming agenda and review Commission meeting minutes for the Weeks of November 17, 24, and December 1, 2008.

Commission Executive Assistant Raea Morris presented the Commission with its upcoming meeting agenda and schedule for the Week of December 8 - 12.

Reviewing meeting minutes for the Week of November 17, 2008, County Attorney Linneweber requested a revision to Page 3 of 14; the sixth bullet point should read, "Legal advice to Commission from deputy county attorney."

Reviewing meeting minutes for the Week of December 1, 2008, County Attorney Linneweber requested a revision to Page 7 of 10; the sixth bullet point should read,

“Memo from Anglers West Flyfishing Outfitters re. three refuse tags - To Solid Waste Board for review.” The tenth bullet should read, “Memo from Livingston School District re. timeliness of tax revenues - Memo was copied to county treasurer.” The twelfth bullet should read, “Email from Big Moose Resort to county treasurer re. restaurant resorts not paying resort taxes in Cooke City - Treasurer Larkin has contacted the county attorney’s office about the matter.”

Commissioner Lahren made a motion to approve the minutes as corrected by County Attorney Linnewber for the Weeks of November 17 and 24 and December 1. Taylor seconded that motion. Motion passed.

@9:46:30 a.m., Commissioner Lahren made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

December 8, 2008

Review of Correspondence, Public Contacts and Determine Action Plan

@10:04:42 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Lahren and Taylor were present. Also present was Bill Hurley, director of operations; Raea Morris, Commission executive assistant; Brett Linneweber, county attorney; 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:

- Memo from Two Iron Inc. re. 2008 tax refuse bill - The Commission approved waiving the assessment. The Commission advised Commission Executive Assistant Morris to have the assessment permanently deleted from the individual’s tax role
- Memo from Cooke City advisory zoning board member re. zone change application for Yellowstone Ecological Research Center - To planning department for action
- November 18 JSEC meeting minutes
- Memo re. mental health issues - To Commissioner Taylor for review
- Memo re. Ominex Natural Gas Pipeline tax assessment
- Announcement of ITAC meeting scheduled for 2 p.m. on December 9
- Memo from GIS/IT manager re. antivirus software change in courthouse
- Memo re. Montana Legislative Branch - To Director of Operations Hurley for review
- Memo re. wind power - To Commissioner Durgan for review
- Park County trial balance reports - To file
- Montana Water Trust newsletter - To Durgan for review
- Shields Valley Watershed group meeting notice- To Durgan for review

- Memo from citizen re. formal request for an audit - The Commission directed Morris to contact Auditor Martha Miller informing her she needs to respond to the request
- Memo from human resources re. credit references issue for Gateway Office Supply
- Injury report for Park County employee
- Memo re. depositions scheduled for December 11

Hurley said the State of Montana and Northwestern Energy have reached an agreement regarding property taxes within Montana counties. Hurley said that decision could mean as much as \$800,000 to the county budget.

@10:16:27 a.m., Lahren made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

December 8, 2008

Review Applications for Local Mental Health Advisory Council Board

@11:00:37 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Lahren and Taylor were present. Also present was Brett Linneweber, county attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to review member applications for the Park County Local Mental Health Advisory Council board.

Commissioner Lahren said the advisory council board is predicated by Resolution #780 passed in 2002. Lahren said the Commission received four board member applications from Sue Chvilicek, Samuel Pleshar, Brenda Quillen, and John Beck.

The Commission telephoned Sue Chvilicek to discuss how many individuals need to be appointed to the council board. Chvilicek said appointing all four members will not exceed the maximum number of members that can sit on the board.

Lahren made a motion to appoint Sue Chvilicek, Samuel Pleshar, Brenda Quillen, and John Beck to the council board. Taylor seconded that motion. Motion passed.

County Attorney Linneweber said he has been a member of the council board since 2002, and the Commission usually has a board member as well. Commissioner Taylor said he will volunteer for the Commission board seat.

@11:05:49 a.m., Lahren made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

December 8, 2008

1:30 P.M. – Park County Home School Network Courthouse Tour – Courthouse

3:00 P.M. - 4:00 P.M. – Park County Mental Health – Livingston Satellite Office

December 9, 2008

7:30 A.M. – Job Service Employers Committee – Park County Job Service

December 9, 2008

Consider a Resolution Setting Policy for Access of County Archival Records

@11:02:10 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Taylor were present. Also present was Shannan Piccolo, deputy county attorney; Jerry Brekke, Park County Historian; Carol Woodley, Park County Genealogical Society; Bill Hurley, operations; Chuck Donovan, public citizen; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to consider a resolution setting policy for access of county archival records.

Commissioner Lahren said many archival records and materials have been lost in many counties throughout the state, and many counties choose not to retain them for space/storage reasons. Lahren said Park County started cleaning and organizing the city/county building vault in 2005 that had a 100+ year backlog of historical and road records, as well as confidential sheriff, county attorney and personnel materials. Lahren said the vault has been organized to include secured areas for such confidential and personnel materials, and the Park County Genealogical Society and Park County Historian are in the process of inputting digital versions of archival materials and documents into a searchable database.

Lahren read Resolution #1038 into the record, A Resolution Setting the Policy for Access to Historic Documents and Records in the City-County Complex Basement Vault.

Commissioner Durgan said this looks like a natural progression with the resolution being the summation of what the Commission is trying to do with establishing the historical records and documents. Durgan said he applauds Commissioner Lahren, Jerry Brekke and Carol Woodley for their work with the effort.

Durgan made a motion to accept the resolution. Commissioner Taylor seconded that motion. Motion passed.

@11:17:45 a.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

December 9, 2008

2:00 P.M. – IT Advisory Committee – West Room

December 9, 2008

City/County Meeting

@4:04 p.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present was Ed Meece, city of Livingston; Shannan Piccolo, deputy county attorney; Jill Ouellette, county human resources; Bernadette Rambow, accounts payable/human resources; Rick Van Aken, city commission; Mary Bebee, city commission; and Angel Line representatives Barbara Williams, Lee Pariott, Jim Hunt, and Patti Blake.

The meeting was scheduled to discuss joint city and county issues.

Addressing the Angle Line administrative transition, Lee Pariott, Angel Line president, read into the record a letter she drafted in reference to the transition of the Angel Line service from city of Livingston control to county control.

Patti Blake, Angel Line transportation coordinator, provided the Commission with problems the transition process has caused her and other Angel Line employee. Blake said the city has terminated her health insurance to be effective at the end of December, and seeking COBRA coverage has been an added expense to her. She said the city is also proposing to buy out the Angel Line employees' annual and sick leave, but the sick leave will be bought out at only one-quarter of accumulated sick leave hours. She said her understanding is the employees would lose their longevity, have to experience a six-month probationary period with the county, be unemployed for 5 days, and be unable to take annual or sick leave for six months upon transitioning to the county. Blake said she has worked for the city for five years, and she will now have to work for the county for ten years before she will receive an increase in vacation days. Blake said the employees would appreciate a formal letter outlining how the transition will take place and what employees can expect.

Barb Williams said she is site manager for Angel Line and will stay on in that capacity if the county is willing to continue her net pay of \$100 per month.

Jim Hunt said Angel Line was formed by a joint agreement between the Livingston city council and the Park County Commission. Hunt said the city decided it would take care of the payroll and housing the buses in lieu of dollars. He said the county was responsible for collecting the taxes. Hunt said any transition needs to be done correctly, and many people in the community rely on the Angel Line service for transportation.

Commissioner Durgan said he does not recall any agreement that he is aware of regarding bylaws or how the Angel Line service came to be.

City Manager Ed Meece said the only documentation the city could find about formation of the Angel Line board was a sheet of paper dated sometime in the 90s. He said the city could not find an interlocal agreement or anything legally binding. Meece said the logic behind the transition of all Angel Line services to the county stems from it not making sense that the entity supplying only five percent of the Angel Line budget (city of Livingston) is calling all the shots regarding personnel and purchasing. He said the intention was to keep the Angel Line open, but to move it from city administration to county administration.

Deputy County Attorney Shannan Piccolo said City Attorney Bruce Becker brought to her attention in October his concern the Angel Line Board may not have been formerly established and subsequent liability issues that could result. Piccolo said she and Becker worked together to draft a joint resolution, and it was decided the county would take on full responsibility and administration of the board. Piccolo said the Angel Line was officially formed upon reading of a resolution at a public county commission meeting on November 19, 2008 and issues of liability are no longer a concern.

There was discussion about transfer of equipment, specifically the Angel Line buses, as well as vehicle insurance. Meece said the city would be happy to continue to provide bus housing and block heater plug-ins. Meece said he met with the county human resources manager and an issue with employee health insurance has been taken care. He said the annual leave will be paid upfront, and Meece said it is a valid point the one-quarter payout of the sick leave is problematic, but there really isn't a good way to address that without the city setting undesirable precedent.

Jill Ouellette, county human resources, said no Angel Line employees will be off work for five days. Ouellette said the employees will need to self-manage themselves regarding their vacation days, and they will not have sick leave for the first 90 days of county employment. She said after that time employees can use sick leave accumulated through the county. Ouellette said the county would be setting a precedent if it accepted the liability of all the sick leave employees had generated while employed with the city.

There was discussion about the city and county assisting the employees on a case by case basis if a catastrophic sick leave event occurred. Meece and the county commission said it agreed each would assist employees in that capacity if necessary. Hunt asked why the sick leave revenue cannot be transferred from the city to the county. Meece said the wage and revenue law does not permit that.

Parriott said all the sick leave and other issues could be resolved if a new resolution was drafted making the Angel Line service a joint city/county service. Piccolo said it is not feasible to have two agencies sharing in the administration of the Angel Line service.

Meece said he and Ouellette will set up a meeting with the Angel Line employees next week to discuss issues discussed today. Meece said he will provide employees with a

letter that day that summarizes the wages and the issues. Williams said the chairman of the Angel Line board will review that letter in advance.

Rick Van Aken asked if the employees will have to go through a probationary period with the county. Ouellette said the employees would have to do that.

Durgan said the next city/county meeting is scheduled for January 6, 2009 at 4 p.m.

@5:11:06 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

#### December 10, 2008

#### Review of Correspondence, Public Contacts and Determine Action Plan

@1:31:20 p.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Taylor were present. Also present was Bill Hurley, director of operations; Raea Morris, Commission executive assistant; 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:

- Petition to abandon portions of Shamrock Lane and Sunset Lane. Commissioner Lahren said the petition has been filed and meets the county requirements. He said the Commission needs to set up a viewing committee to include a surveyor, then submit a report on that viewing to the county attorney's office. Lahren said Commissioners Durgan, Lahren, Taylor and Surveyor Hank Rate will comprise the viewing team. The Commission directed Commission Executive Assistant Raea Morris to schedule the road viewing.
- Memo from Harold Blattie of MACo re. MACo working with pilot project to establish impact fees for capital improvements. Lahren said the memo states the total project cost may be \$15,000, and MACo is asking for \$5,000 from each county. Durgan said he will follow up on the matter with Blattie. Durgan said he will agenda a meeting on that matter, as well.
- Memo from GIS/IT manager re. county server will reboot at noon on December 10 and again Thursday evening.
- Memo from Brian Wells re. business refuse fee - To Solid Waste Board for review.
- Memo from Tim Stevens re. utility encroachment form
- Memo from state conservationist of the NRCS in Bozeman re. Fleshman Creek comprehensive project - To file
- Memo from citizen re. missing sign on Billman Lane - To Road Book
- Memo re. vehicle weight specifications of NW Energy and county bridges
- Notice of Park County Fire Council meeting December 23 - To file

- Memo re. confirmation letter that donations to Wilsall Fire Department are tax deductible - To Morris to generate letter for Commission signatures
- Memo from National Park Service re. park supplier permit specifications
- Notice from DEQ re. request for sanitarian to view sludge spread sites of local individual starting up a septic business
- Memo from Stillwater Mining re. December 16 Commission meeting scheduled to discuss reorganization of West Boulder mine
- List of issued justice court warrants
- Museum director timesheet - To Commission and human resources for review
- Memo re. wind power - To Durgan for review
- Legal advice to Commission from deputy county attorney
- Copy of Resolution #1038 re. accessing county archival records
- Notice of Interoperability Montana meeting December 10
- Memo from union representative Rick D'Hooge re. personnel matters - To human resources for review
- Memo from Randy Taylor re. resignation from Director of Environmental Health position effective December 5
- Legal advice to Commission from deputy county attorney
- Waste News newsletter - To Durgan for review
- Memo from auditor-elect Martha Miller re. request for direction of duties
- Memo from Joe Skaggs re. Solid Waste Board bylaws

Durgan said accounting employee Marilyn Hartley is requesting part time help in the accounting office. Durgan said he requested a job description of Hartley's duties from the human resources department to see where part time help may be justified. Lahren said the job duties and time breakdowns of the requested appointment and specific job duties need to be outlined. Durgan said he will follow up on the matter.

Durgan said he met with the RC&D board on December 5 and discussed the Wilsall Senior Citizens Center, which is in a holding pattern at the present time, but RC&D is seeking more funding for that project. Commissioner Taylor said he will get the new sanitarian up to speed in order to enable her to continue with the development of that project. Durgan said RC&D is moving forward on administering the Park County Senior Center upgrade project.

@2:00:21 p.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

December 10, 2008

Discuss Formation of Park Board

@2:01:26 p.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Taylor were present. Also present was Philip Fletcher, planning; Shannan Piccolo, deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss formation of a park board.

Planning Director Philip Fletcher provided an update of the park board formation. He said the planning department now has six applicants for a five-member board. Fletcher said his recommendation is to put together an interview committee to interview board applicants, and then the committee will make recommendations to the Commission after interviews are conducted. Fletcher recommended conducting interviews the first of next year. The Commission agreed with that recommendation and directed Fletcher to move forward. The Commission said it would like Fletcher, Mike Inman and possibly the deputy county attorney to devise the park board interview questions.

Fletcher said he thinks the Commission needs to be active in the park board as it will be a completely new board. Fletcher asked if the Commission would like a presentation of the highlights of the county Parks and Trails Plans to be given with the park board present. The Commission said that would be a good idea.

Commissioner Taylor asked Fletcher how a parks and trails plan would fit with the city of Livingston. Fletcher said one of the county planning department's commitments is inter-governmental cooperation with the city of Livingston and other towns in the county, and this is an excellent opportunity to do some joint planning on parks and trails projects.

@2:15:54 p.m., Lahren made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

December 10, 2008

Park County Road Updates

@3:00:50 p.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present was Ed Hillman, road supervisor; Shannan Piccolo, deputy county attorney; Jeremy Fatouros, Big Sky Snowriders; Wayne Ford, Big Sky Snowriders; Stacy Bragg, Citizens for Balanced Use; Jim Brown, Citizens for Balanced Use; Wendi Urie, Forest Service Livingston District; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss county road issues.

Public comment was made by Jeremy Fatouros of Big Sky Snowriders. Fatouros said he is present to discuss plowing of Cottonwood Creek Road in Clyde Park, and maintaining and keeping that road open as has been done by the county for the last 30 or 40 years. Fatouros said he had heard the county is considering no longer plowing that road. He said not plowing that road creates a huge conflict, which would eliminate winter access into the area. He said his group has supplied the parking there for over 40 years and pays to keep it open and insure it. Fatouros said not being able to have access will put a greater burden on the Snowriders to secure the area for all Forest Service users as well as the county in deciding how it will put in a new parking lot. Fatouros said his group

estimated there were over 4,000 users between January 1, 2008 and March 31, 2008 from the Cottonwood Creek Road access.

Fatouros said citizen Dale Jones is moving up that road as a permanent resident, and it is not fair to anyone, especially Forest Service users to stop plowing it. He said the road has to be open to the existing parking lot and not having it open is not an option.

Public comment was made by Stacy Bragg. Bragg said it is likely some people use the road more than others and use likely will continue to grow. He said he would not like to leave his snowmobile at the parking lot that would be available if the county stops plowing the road.

Public comment was made by Wendi Urie of the Forest Service. Urie said the Forest Service would love to see the road maintained as it has been. She said snowmobilers use the access road and skiers use it to get into Ibex Cabin. She said if there is not a semi-regular plowing schedule there are concerns about trespassing with people accessing the area via private land, as well as parking problems.

Fatouros said the Big Sky Snowriders are only asking the county to snowplow the road as it was always maintained, and the snowmobilers do not expect the county to clear the road in exceptionally high snow events.

Road Supervisor Ed Hillman said road crewman Troy Amunrud said no one lives up that road any longer, so with the budget as it is it would be nice to not have to plow that road. Hillman said that was Amunrud's suggestion and he agreed with him. Hillman said the county starts plowing that road when there is enough snow there, and then once or twice a month unless it blows in badly. Hillman said the snow plowing maintenance of the road is more on an as-needed basis. He said the county has always plowed the parking lot on Cottonwood, the Upper Shields and Mill Creek.

Durgan said not plowing the road was just a suggestion. Commissioner Taylor said if the county has plowed the road for 30 years it needs to continue to do so, especially since there are so many users and the need for recreation. Durgan said he suggests the road crew continue to plow the road as has been done. Durgan said the Commission consensus is, and based on the public's opinion and input, the plowing of Cottonwood Creek Road has been done for many years and it is a necessary service. Durgan said the county will not take exceptional measures to clear the road if snow is in excessive amounts. Durgan said the road will continue to be plowed as it had been in the past.

Discussing other road issues, Durgan said he made contact with Hillman about cattle guards that needed to be installed on Clark Lane. Hillman said the road crew started on that installation today and will be finished by the weekend.

Hillman reviewed with the Commission the roads and worksites on which the road crewmen are currently working.

Hillman said he has gotten citizen requests to sand gravel roads, including Triangle Seven and Dry Creek past the pavement. Hillman said sanding gravel roads is not county policy, except for some bad corners on a school route on Cinnabar Road due to safety purposes. Durgan said people who live in the county have to deal with roads in a little different manner than those living in the city on pavement and there may need to be some announcements that gravel roads will not be sanded by the county. He said the county has been overspending on its road sanding project, and the Commission does not see how the road crew can continue to do that. Durgan advised Hillman to tell citizens who request sanding on dirt roads to telephone the Commission.

Public comment was made by Jim Brown. Brown asked Hillman if the road crew will install a culvert on the other side of Meredith Ranch Road. Hillman said there is no way to put a culvert in there without digging a ditch on private land because the culvert will be lower than the lowest side of the road. Hillman said the private individual would have to permit the county to dig a ditch on their property. Brown said that land is common area within the subdivision. Durgan directed Deputy County Attorney Piccolo to check on the Jondrow property in question.

@3:25:17 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

#### December 11, 2008

No Commission Meetings Scheduled

8:30 A.M. - 10:00 A.M. – Safety Meeting – Community Room

10:00 A.M. - 12:00 P.M. – Local Emergency Planning Committee – Community Room

#### December 12, 2008

No Commission Meetings Scheduled

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

Denise Nelson  
Clerk & Recorder  
Park County, Montana