

Commission Meeting Minutes; Park County, Montana  
Week of December 1 – 5, 2008

December 1, 2008

Park County Road Updates

@9:04:19 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Present was Ed Hillman, road supervisor; Shannan Piccolo, deputy county attorney; Bill Hurley, director of operations; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss county road issues.

Commissioner Durgan noted there was not a quorum of commissioners and no decisions would be made at the meeting.

Durgan said he received a citizen complaint about 3<sup>rd</sup> and 4<sup>th</sup> Streets and Water Street in Gardiner. Durgan said the citizen said he has spoken with Road Supervisor Ed Hillman and the roads haven't been graded since April 2006. Durgan said the citizen complained about a problem on 3<sup>rd</sup> and Water Street with a pole barn built by a neighbor that has resulted in a blind corner and rocks in the road. Hillman said he will look at the issue in Gardiner.

Hillman said he has not gotten performance evaluations back from the human resources department.

Hillman said no one is living at the top of Upper Cottonwood Road and the road department does not want to continue plowing snow the two miles to a snowmobile parking lot, as people ride snowmobiles there anyway.

Hillman said he turned in encroachment permits from citizen Michael Patrick for cattle guards on Clark Lane and has not gotten those back. Hillman said Patrick has purchased the cattle guards, but the road crew will install them. Durgan said Commissioner Lahren wants to review those permits first. Hillman said he does not want to put any more cattle guards on county roads because it is more maintenance for the county. He said a resolution would have to be passed to make that happen. Durgan asked Deputy County Attorney Piccolo to research that issue.

Hillman said all snow plows are on graders except for Skip Ehert's grader. He said it only takes two hours to install a plow.

Hillman said he needs the Commission to sign a purchase order for a culvert on Fiddle Creek. Hillman said a bridge deck for Miller Drive was shipped November 20, but was never received by the county and may be lost in route. He said a Fridley Creek Bridge deck has been ordered but has not arrived.

Durgan said the Commission received a citizen complaint about East Main Street and Spring Street in Gardiner and a raised manhole. Hillman said he will get together with Road Crewman Mark Smith and look at that tissue.

Piccolo said she provided the Commission with legal advice on a road issue and will continue to work on the issue.

@9:21:00 a.m., Durgan adjourned the meeting.

December 1, 2008

Discussion of Agenda and Review Minutes for Week of November 10, 2008

@9:40:27 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners 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 Commission's upcoming agenda and review Commission meeting minutes for the Week of November 10, 2008.

Reviewing meeting minutes for the Week of November 10, 2008, Commissioner Durgan requested a revision to Page 1 of 16; third paragraph, the fifth sentence should read, "Hillman said he will tell the crew about the weeds after the meeting." In the fifth paragraph the last sentence should read, "Durgan said trees and brush are growing in the irrigation ditch that parallels the county road. He said it is an established ditch with a deeded water right that carries water from a point of diversion in Cinnabar Creek to some tracts of land belonging to an area resident." In the last complete paragraph, the second sentence should read, "Hillman said he needs to figure out costs and the culverts needed for that road and get an exact point to point description and work plan of the portion of road in question." In the last paragraph the last sentence should read, "Durgan said he notified Steve Warner of Montana Rail Link that approaches have been finished off with gravel and millings will be put on next spring." On Page 2 of 16 the first paragraph should read in entirety, "Durgan said the Commission received a notice from Mike Murphy of MDT in regard to a bridge load limit on a Lower Deep Creek Road Bridge replaced by the county in September. Durgan read the notice into the record, which said in part the bridge requires a 15-ton load limit. Durgan said appropriate signs will be posted on that bridge." In the last complete paragraph the second sentence should read, "Commissioner Denton said she will telephone Richard Wright of the transfer station and an outfitter about a scheduled meeting to discuss use of the transfer station by the outfitter at Cooke City." On Page 4 of 16, a bullet point should read, "Invoice from road department for \$2,252 for salt sand. The Commission held onto that invoice until yardage needed is provided because salt sand is ordered by the ton and not by the yard." On Page 7 of 16; third paragraph, the last sentence should read, "The memo was signed by all three commissioners." On Page 7 of 16, Durgan noted the correct spelling of the name Jim "Snyder".

Durgan made a motion the minutes for the Week of November 10, 2008 stand approved as corrected. Lahren seconded that motion. Motion passed.

Reviewing the Commission's upcoming agenda, Commission Executive Assistant Raea Morris presented the Commission with its upcoming meeting agenda and schedule for the Week of December 1 - 5. Morris noted the December 3, 10:00 a.m. review of Mountain View Acres First Minor Subdivision has been put on hold per the county planning department.

Commissioner Lahren asked Morris to schedule a meeting at 11:00 a.m. on December 4 titled "Resolution Pertaining to Access of County Archival Records"

The Commission advised Morris to cancel the December 2 City/County meeting if the city has no agenda items.

Durgan said he has an afternoon meeting on brucellosis on December 3.

@10:03:37 a.m., Durgan made a motion to adjourn the meeting. Lahren seconded that motion. The meeting was adjourned.

December 1, 2008

Review of Correspondence, Public Contacts and Determine Action Plan

@10:09:56 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Lahren 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:

- Memo from DEQ re. Mergenthaler diesel spill at mile marker 352 on I-90
- Memo from citizen concerned about monthly tax bills to school districts - To County Treasurer for review
- Memo from Livingston School District re. consideration of budget amendment for busing costs
- Memo from maintenance supervisor re. problem with Montana Clean fulfilling contract
- Memo from Hallett Minerals re. refuse permit - To Solid Waste Board for review
- Memo from Department of Revenue re. Wilsall assessment and refuse charges - To Solid Waste Board for review
- Memo from county treasurer requesting information about his role in resort taxes

- Rural Health Works Technical Assistance for Rural Counties award - To Public Health Nurse for review
- Legal advice from county deputy attorney to Commission
- Memo from Kohn Elevator readjusting price by 5.33% for maintenance - To Director of Operations Hurley for review
- Memo from Department of Labor and Industry re. pressure testing and violations
- Bid from Bainter Construction re. Gardiner Sewer pipe replacement work - To Hurley for review of scope of work
- Memo notifying Liquor license transfer for K-Bar in Gardiner - To Commission Executive Assistant Raea Morris for review
- Memo from MACO re. early retirement program
- Memo from citizen requesting home school field trip to courthouse
- Memo announcing Upper Yellowstone Watershed meeting
- Timesheet for museum and road supervisor - To Human Resources, file and Road Book
- Permit for Yellowstone Community Partners and Core of Engineers for relocation of Rustad Ditch and installation of a community trail
- Memo from MACO re. standard mileage rates schedule - To Human Resources for review
- Memo from citizen requesting information about researching county bids
- Memo from planning director re. jurisdictional area of county planning board to be established by the Commission - The Commission said it will speak with the planning and GIS/IT directors and the deputy county attorney about the matter
- Memo re. wind power - To Durgan for review
- Memo re. Workman's Comp workshop - To Human Resources for review

Commissioner Durgan said he will check with the accounts payable clerk about a Qwest telephone bill.

Durgan said the Commission will contact the Stillwater Mining Company for an update about employee layoffs and the results of company negotiations.

@10:32:48 a.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

December 2, 2008

Discuss Contingency Job Offer for Director of Human Resources Position

@9:02:46 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Lahren were present. Also present was Jill Ouellette, human resources; Bernadette Rambow, human resources/accounts payable; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss a contingency job offer for a Director of Human Resources position.

Human Resources Assistant Jill Ouellette provided the Commission with a background of the job posting and interview process. Ouellette said the job posting states the position requires a bachelor's degree and a minimum of three years, recent, full-time human resources experience with an emphasis on civil and personal issues. Ouellette said no applicants met all the job posting criteria, so the position wage was increased, the position reposted, and two of three applicants were interviewed.

Ouellette said she offered the position to the selected applicant via telephone with the Commission's permission. Ouellette said the applicant told her she wished to negotiate a higher salary than what the county offered.

The Commission and Ouellette discussed the salary figure offered to the applicant and agreed upon an adjusted salary figure to offer the applicant.

Ouellette recommended the county conduct a verbal conversation with the applicant to include salary information and a start date and then put together a formal letter with agreed upon information. Lahren said he will do that after this morning's meetings.

Durgan made a motion to move forward with the application and make the offer for the position as discussed, with the Chairman taking the lead on the effort. Lahren seconded that motion. Motion passed.

@9:17:28 a.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

December 2, 2008

Discuss Contingency Job Offer for Director of Environmental Health Position

@10:02:04 a.m., Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Lahren were present. Also present was Jill Ouellette, human resources, and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss a contingency job offer for a Director of Environmental Health position.

Human Resources Assistant Jill Ouellette said the position was posted with Job Service by the Environmental Services department head. Ouellette said two of four applicants were interviewed on November 21 by an interview committee consisting of Public Health Nurse Susan Brown, Sanitarian Randy Taylor, and Ouellette. Ouellette said Sanitarian Doris Morgan sat in on the interview as an observer.

Commissioner Lahren said interview observers are not needed and it needs to be county policy that observers are not to be present in an interview. He said he does not see the function of an observer unless it is legal counsel to ensure proper procedure is followed.

Ouellette said an observer may be helpful in an instance when a position is so technical it is out of the range of interview panelists' expertise.

Commissioner Durgan said he is hesitant to hire someone new to the county at a higher wage than a long-time employee in the same position is making. He said the probationary period can be used to offer a higher wage after six months. Commissioner Lahren said he is hearing the selected candidate possesses superior, state-of-the-art qualifications, and a diversity of qualifications. He said the Commission is looking for professionalism, quality and expertise. Ouellette said she feels the selected applicant would be an extreme service to the residents of Park County as they would not have to deal with the Montana DEQ and the 60-day wait due to the applicant's qualifications.

The Commission and Ouellette discussed the salary figure to be offered to the selected applicant. Lahren said Ouellette needs to telephone the applicant and offer the position with the decided-upon wage. Lahren said he and Ouellette are handling the hiring of this position from now on.

Durgan made a motion to move forward on the hiring of the Director of Environmental Health, commencing with Ouellette making a telephone call and offer, and any other negotiation would be completed by Chairman Lahren in conjunction with Ouellette. Lahren seconded that motion. Motion passed.

@10:31:53 a.m., Durgan made a motion to adjourn the meeting. Lahren seconded that motion. The meeting was adjourned.

#### December 2, 2008

4:00 P.M. – City/County Meeting – Commissioners Chambers - Canceled

#### December 3, 2008

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

10:00 A.M. – Review Mountain View Acres First Minor Subdivision Preliminary Plat Application – Commissioners Chambers - Canceled

#### December 4, 2008

11:00 A.M. – Resolution for Access to County Archival Records – Postponed to 12/9/08

#### December 4, 2008

Review of Correspondence, Public Contacts and Determine Action Plan

@1:36:17 p.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Present was Bill Hurley, director of operations; Raea Morris, 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.

Commissioner Durgan said Clerk and Recorder Nelson heard from the state yesterday and the swearing in ceremony of the auditor and Commissioner-elect Randy Taylor will occur on December 5 at 11 a.m. by Judge Swandal.

Correspondence included:

- Office keys to county auditor's office and filing cabinet - To Commission executive assistant for file
- Memo from citizen requesting removal of refuse fee from his property - To Solid Waste Board for review
- Advertisement from One Stop Business Licensing - To Human Resources and county attorney for review
- Bailey bridge monitoring checklist - To Road Book
- Memo from Town of Clyde Park re. resignation of Clyde Park Planning Board member - To Durgan for review
- Memo from Anglers West Flyfishing Outfitters re. three refuse tags - To Solid Waste Board for review
- Memo from planning director re. jurisdictional map and donut zoning changes - To county attorney for review
- Legal advice from deputy county attorney to Commission
- Memo from MT DEQ to Mergenthaler Company re. diesel spill remediation action - To file
- Memo from Livingston School District re. timeliness of tax revenues - Memo was copied to county treasurer
- Memo re. budget amendment resolution for Livingston School District's Bus Depreciation Fund
- 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
- Memo re. Livingston JSEC meeting minutes for Nov. 18
- Memo from Law Seminars International to attend meeting about energy in Alaska
- MACo newsletter - To Durgan for review
- Memo from DES director re. work on KPRK bridge closed traffic to one lane on December 1
- News release from Stillwater Mining about employee layoffs and assistance
- Every Child Matters Education Fund newsletter
- Memo from American Cancer Society re. cancer fighting campaign
- Field observation report from architect re. rabbit and poultry barn
- Notice of Harvesting Clean Energy Conference in Billings on January 25; registration, lodging and meals to be paid for by RC&D – Durgan said the conference will be discussed at a December 5 RC&D meeting

- Memo from MACo re. Jefferson County impact fee pilot project - To planning department for review
- Memo from MACo re. EIS for energy corridors and powerline for energy transmission
- Memo announcing City/County meeting December 9 at 4 p.m. to discuss Angel Line transition
- Mental Health American Advocacy Network requesting letter of support to president-elect for mental health issues
- Postage meter charges for courthouse departments
- MACo newsletter - To public health nurse
- Memo re. title for Gardiner sidewalk project meeting scheduled for December 16 - To grants coordinator for review
- Memo from Cooke City advisory zoning committee to Commission re. rezoning change issue in Cooke City for Yellowstone Ecological Research Center application
- Citizen memo complaining about rural television transmitter degradation - To TV Board Member Marty Malone for review
- Invoice for \$7,500 from MT Stockgrowers Predator Control Fund for cattle and sheep efforts from July 1, 2008 to December 31, 2008 - To accounts payable for action
- Memo re. free web training course for highway and bridge construction - To Durgan for review
- Memo from GIS/IT department re. office hours and annual leave schedules
- Memo from MACo re. deadline extension for collaboration to address mentally ill offenders - To county attorney's office for review
- RDO Equipment Company newsletter
- MT Economy at a Glance newsletter
- Notice of NACO legislative conference in Washington DC March 7 – 11
- Memo from MT Department of Revenue to county treasurer re. negotiated settlement between NW Energy and department - To file
- Memo from JSEC re. Stillwater job fair on December 12
- Memo from Yellowstone/Teton Clean Energy Coalition
- Memo from MACo announcing conference call scheduled for December 4 re. Supreme Court opinion #07056
- Notice of Government Information Technology Conference in Helena December 10-12 - To GIS/IT manager for review
- American Farmland Trust request for monetary donations
- Memo from planning department re. scheduling conflict and use of community room by planning and solid waste boards
- Memo re. staffing change for Representative Rehberg's Montana assistant

@2:46:04 p.m., Durgan adjourned the meeting.

December 4, 2008

2:00 P.M. – Review Applications for Local Advisory Board Established by Resolution #780 – Postponed to 12/8/08

December 4, 2008

Park County Road Updates

@3:09:00 p.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Present was Ed Hillman, road supervisor; Bill Hurley, director of operations; Ron Archuleta, Forest Service; Rob Forstenzer, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss county road issues.

Public comment was made by Rob Forstenzer. Forstenzer said he lives at 177 Old Clyde Park Road at Stole's Corner a mile past the Catholic cemetery. He said he has seen six serious accidents at that corner in the time he has lived there and recommends installing physical reflectors on the corner.

Road Supervisor Ed Hillman said the road crew could put up some delineators on that corner.

Commissioner Durgan said he received a phone call from the Snowriders Club on Upper Cottonwood Bench Road who said they are concerned whether that road will continued to be plowed by the county. Hillman said no one lives up there any longer and the road crew would like them to find another parking lot so the crew does not have to maintain the two miles to that parking lot. Hillman said it is up to the Commission whether it wants to maintain the road, and he and the road crewman figured taking that road out of maintenance would save the county money.

Hillman said a Swingly Road beaver dam at the Triangle Seven with Mission Road may result in the road sloughing off if the road edge becomes saturated. Durgan said the Commission will need to look back into whether that dam should be removed.

Hillman said he looked at the hump in the road on Water Street in Gardiner, and that has resulted from millings put down before Hillman worked for the county. Hillman said residents in Gardiner had complained about rough roads in town and those roads were graded by the county road crewman.

Hillman said Ron Shorter dug a sewer line into a residence in Gardiner, but told Hillman he did not need a road permit for that work.

Hillman said a Fridley Creek culvert is being made right now and has not arrived. He said a Fiddle Creek culvert purchase order has not been signed by the Commission.

Ron Archuleta of the Forest Service said the Cottonwood Road is one of the primary access routes for snowmobiling on public lands. He said the Forest Service has a permit with the snowmobile club allowing it to plow snow from the existing plowed location up the Cottonwood Road. He said he was also contacted by the Snowriders Club who was concerned about how they would get a snowplow to the existing parking lot. Durgan said the Commission will take that issue under advisement.

Hillman said the D6 dozer cutting edge blade needs some repair. Durgan advised Hillman to submit a work plan for needed work on that dozer.

@3:31:21 p.m., Durgan adjourned the meeting.

December 5, 2008

No Commission Meetings Scheduled

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

Denise Nelson  
Clerk & Recorder  
Park County, Montana