

Commission Meeting Minutes; Park County, Montana
Week of February 4 – 8, 2008

February 4, 2008

Road Issues

@8:30:45 a.m. Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present were Ed Hillman, road supervisor; Brad Wilson, assistant road supervisor; Bill Hurley, director of operations; and Commission Minutes Clerk John Mueller. No members of the public were present, and no public comment was made.

The meeting was scheduled to discuss county road issues.

Brad Wilson submitted a letter to the Commission addressed to Ed Hillman requesting a lateral move within the road department from assistant road supervisor to operating engineer. Wilson will check with Polly Miller to ensure his lateral move and position title change go smoothly. There was discussion that Wilson may have to stop driving a county vehicle to and from his home residence if he moves to an operating engineer. There was discussion that Wilson may serve as the acting road foreman when Hillman is on leave.

Lahren reported that the county will give work permits to Master Key Ranch, 12 Springs Ranch, and the West Boulder Ranch so they can clear snow drifts with their own equipment.

There was discussion on the road plowing priority schedule. Roads are plowed on a systematic, rotational basis within each operating technician's territory. There was discussion on recent citizen calls relating to road clearing. The promised turnaround at the end of Suce Creek Road has not been installed.

Wilson reported that snow along some county roads is close to being pushed over and inside private fences. Wilson asked the Commission to tell citizens who plow their own roads to plow in the correct direction and push snow into proper resting places.

There was discussion on the road crew budget and needed wages to finish out the fiscal year with the extra hired help. There was also discussion on the practicality of light duty work for road crew employees. Murphy said estimates of polling places work needs to be updated and submitted. Forms to follow through with those updates and submissions were given to Ed Hillman. Storage tank purchase orders were discussed. Hillman will draft a response to a letter of request from Shooting Star Ranch re. more plowing work on Cinnabar Road. The Commission and DePuy will review and submit the letter.

There was discussion of using Rural Special Improvement District funds to fund increasing requests from citizens for more road plowing work.

@9:17:48 a.m. Lahren made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

February 4, 2008

Review and Approve Meeting Minutes

@9:24:13 a.m. Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present were Bill Hurley, director of operations; and Commission Minutes Clerk John Mueller. No members of the public were present, and no public comment was made.

The meeting was scheduled to review and approve meeting minutes from the Week of January 28, 2008.

Murphy requested a revision to Page 2 of 11; second to last paragraph; the correct spelling is "Bullis Creek." On Page 9 of 11; second paragraph; strike "up and" from the first sentence, so it reads, "Papineau reported there is a news link on the county web page about the growth policy and the growth policy vote on Nov. 11."

Durgan requested a revision to Page 8 of 11; fourth paragraph; first sentence. The sentence should read, "@ 10:35:55 a.m. Durgan moved to postpone a decision on proposed changes to the Element Minor Subdivision preliminary plat until the developer addresses the Commission's concerns." Durgan noted that he delivered a correspondence memo from MACo on sexual exploitation to the county health department and a correspondence letter from Jon Tester to Marty Malone.

John Mueller read into the record Civil Attorney DePuy's minute revision suggestions sent via e-mail.

Durgan made a motion to accept the minutes from the Week of Jan 28 as corrected and with corrections from Attorney DePuy. Murphy seconded that motion. Motion passed.

@9:31:33 a.m. Durgan made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

February 4, 2008

Planning Issues and Informational Updates

@10:00:29 a.m. Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present were Tara DePuy, civil attorney; Michael Inman, planning; Jerry Stevens, planning; Lewis Wilks, planning board member; Bill Hurley, director of operations; and Commission Minutes Clerk John Mueller. No members of the public were present, and no public comment was made.

The meeting was scheduled to discuss planning issues and informational updates.

DePuy reported that she conducted training sessions with new planning board members. Inman updated the Commission on the planning board's progress on recommendations to amendments to the 2006 subdivision regulations. At its last meeting, the planning board discussed how to go about making findings based on public comment. There was discussion about transcribing public comment made in meetings and work sessions in order to assist the planning board in conducting its public comment analysis. John Mueller will work on transcribing meeting audio to document public comment. DePuy explained the purpose behind the planning board's public comment analysis and how the Commission must address relevant citizen comments per county subdivision regulations that relate to a development's findings and conditions.

DePuy updated the Commission on the county appointment to the city planning board. There was discussion about the appointed individual sitting in on the monthly planning department update meeting with the Commission in order to serve as a liaison between the city, county commission, and the planning staff.

Inman updated the Commission on the Planning Department's workload. Because of the currently low number of subdivision reviews, the planning department is completing some necessary file and office organization. The department would like to update its electronic and hard copy filing system. Jerry Stevens reported she would like to get to that project but is unable to at this point with the department's other work. Inman requested direction from the Commission regarding Diane Papineau's work responsibilities within the planning department so that the department can prepare for her upcoming absence. Inman reported that the planning department will meet as a staff to redefine when and in what capacity the department should be assisting the public. Public citizens have asked the department to assist them with research or other tasks on various issues that may or may not be appropriate for the department to address.

DePuy updated the Commission on recent legal issues. A new case in Ravalli County ruled on by the district court there involving multi-dwelling condominium developments is likely to go to the Montana Supreme Court. Four condominium developers sued Ravalli County, saying the condo units are stand alone single family residences, not subject to subdivision reviews and not subject to the county's emergency zoning. A Montana district court judge ruled the Condominium Unit Development Act does not consider condo units single family dwellings. The judge said zoning had to be in effect if a condominium development was to be built, and the development must be in compliance with that zoning. The judge ruled that the county's informal staff reviews of the condo proposals were legal.

DePuy reported that the planning staff has experienced difficulties with local agency subdivision reviews. Agency personnel have rescinded or lessened their recommendations after the planning staff finalized subdivision review reports based on agency comments. Such actions put the planning staff in a precarious situation and threaten its perceived level of competence. Some agencies have made recommendations in areas beyond their expertise. There was discussion about the need for consistent

agency recommendations and to set up a meeting between planning department staff, the planning board, the Commission, and agency personnel to address the issue. Durgan will serve as the Commission point person in that effort.

There was no public comment.

@10:53:12 a.m. Lahren made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

February 4, 2008
Building Security

@1:29:22 p.m. Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present were Phil Dawson, public citizen; Bruce Martin, maintenance; Judge Swandal, district court; Bill Hurley, director of operations; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss city/county building security concerns, specifically in regard to after-hours building use.

The discussion included ingress and egress from the building for after-hours events, as well as the potential for individuals to roam the hallways and enter unlocked offices after hours. The Commission reiterated that every proposal to use the city/county building needs to be brought before the Commission. Judge Swandal agreed with that directive.

Phil Dawson made public comment, saying door closers, access codes that expire after a set number of uses, and panic hardware with alarms may be installed to deter people from wandering throughout the building after hours. Dawson will work with Judge Swandal to secure his courtroom entrance. Dawson will submit a cost estimate to the Commission on securing the entire city/county building.

@1:48:15 p.m. Lahren made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

February 4, 2008
Review Correspondence, Public Contacts and Determine Action Plan

@2:31:36 p.m. Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present were Bill Hurley, director of operations; and Commission Minutes Clerk John Mueller. No members of the public were present, and there was no public comment.

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

- Office furniture catalog

- Rocky Mountain Development Council newspaper - To Murphy for review.
- Memo from MACo re. Western Governors Association Land Use Working Group and wildlife corridors - To Lahren for review.
- Memo from NACo and 5 Star Restoration grant program - To Benner for review.
- Western Governors Association Land Use Working Group - To Lahren for review
- Upper Yellowstone Watershed Basin Feb. 7 meeting notice - To Durgan for review
- Memo re. RC&D seminars in Bozeman in March on Inventors and Intellectual Property Rights - To Hurley for review.
- Heard Across Montana newsletter - To Hurley for review.
- DePuy weekly schedule
- Memo from Park County nursing services re. Public Health Emergency Preparedness grant project - To Durgan for review
- Montana Mental Health Bulletin - To Murphy for review
- Seminars in Helena March 11 re. eminent domain in Montana
- Memo from US Bankruptcy Court re. sales procedures - To Larkin for review
- Memo from Yellowstone Gateway Museum re. Whithorn grant photo development and archive estimates - To DePuy, Miller and Durgan for review.
- Memo from Belinda re. good review by NIMS re. Montana qualifies to receive preparedness funds
- RC&D board member contact sheet - To Durgan for review.
- Memo re. Friends of Library meeting Feb. 4 at 7 p.m. in library
- Memo from Harvey Economics re. natural gas leasing
- Reminder from Job Service re. Feb. 19 meeting
- Memo from Mental Health re. national effort to end domestic violence
- Memo from MACo re. change in international land and sea travel document procedures
- Letter from Shooting Star Ranch re. road plowing request - To Road Book file
- Mental Health Advisory Network re. new limits on jeopardized care - To Murphy for review
- Advertisement for walk-through metal detectors
- Postage department reports - To Miller for review
- Memo from Montana Republican party
- Memo from BLM re. meeting in Miles City re. public comment on supplemental air quality analysis to draft supplement to statewide oil and gas EIS
- Memo from NACo re. 2008 legislative conference in Washington DC
- Trial balance on Commissioners budget from finance department

@3:08:52 p.m. Lahren made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

February 5, 2008

Consider a Proclamation for Joe Gaab; Consider Resolution to Authorize Submission of Application and Sign Agreement to Certifications for Application for the Montana Department of Commerce HOME Investment Partnerships Program for the Park County

Senior Center Rehabilitation Project; Consider Appointments to Park County Planning and Zoning Commission Board; Consider James Logan Boundary Adjustment Appeal

@8:59:48 a.m. Chairman Lahren opened a meeting in the Commissioner's Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present were Lori Benner, grant coordinator; Joe Gaab, public citizen; Jerry Brekke, contractor; Mark Refling, attorney; Tara DePuy, county civil attorney; Elaine Logan, public citizen; Garrett Hamm, public citizen; Jim Logan, public citizen; Amanda Sarrazin, public citizen; Rusty Collier, public citizen; Michael Inman, county planning department; Bill Hurley, county operations; and Commission Minutes Clerk John Mueller.

There was no public comment.

The first action item was scheduled to consider a resolution to authorize submission of application and sign agreement to certifications for application for the Montana Department of Commerce HOME Investment Partnerships Program for the Park County Senior Center Rehabilitation Project. Benner reported that 60 citizens attended last week's public meeting on the rehab project. The county received 25 letters in support of the project and no letters of opposition. The grant amount to support the Senior Center housing rehabilitation project is \$500,000.

Murphy read into the record Resolution #1010, Resolution to Authorize Submission of Application and Sign Agreement to Certifications for Application for the Montana Department of Commerce Home Investment Partnerships Program for the Park County Senior Center Rehabilitation Project.

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

The second action item was scheduled to present a citizen proclamation to Joe Gaab. Lahren read the citizen proclamation for Joe Gaab into the record, Resolution #1011.

Durgan made a motion to pass Resolution #1011. Murphy seconded that motion. Motion passed.

The third action item was scheduled to consider appointments to the Park County Planning and Zoning Commission Board. Durgan made a motion to cast a unanimous ballot to appoint the two applicants (Tracy Raich; Sally Hughes) to the planning and zoning commission board. Murphy seconded that motion. Motion passed.

The fourth action item was scheduled to consider a property boundary adjustment appeal from James Logan, county citizen.

Attorney Mark Refling representing the Logan family addressed the Commission. Refling expressed opinion that the Logan's application for realignment of the common boundary meets all requirements of the Montana Subdivision Planning Act and Park

County Subdivision regulations. Refling noted a rebuttable presumption within the Park County Subdivision regulations that an individual is attempting to evade subdivision review when the acreage affected by the boundary adjustment is fewer than 160 acres after boundary realignment. Refling said the Logan family is not attempting to evade subdivision review with its request.

A list of criteria to justify approval of the boundary adjustment request was read into the record. At the Commissioner's request, Minutes Clerk John Mueller reiterated those criteria for the record. Those criteria as read by Mueller include: 1) The Commission recognizes that the Logan family is a lifelong ranching family in the community; 2) The Logan family asks for the boundary adjustment in attempt to sustain its working ranch into the future; 3) The Logan family is not attempting to evade county subdivision review with the request; 4) The Logan family has no history of subdividing the ranch property in question; 5) Sale of the property affected by the boundary adjustment to an individual outside the family is prohibited for 10 years. That prohibited sale does not prohibit a financial institution from foreclosing on the property if necessary; 6) Commission approval of the boundary adjustment request does not set a precedent for any future requests of this nature. All boundary adjustment requests will be considered on a case-by-case basis; 7) The Logan affidavit was included in the record.

A few citizens in attendance made public comment in regards to the boundary transfer.

Durgan made a motion to approve the boundary adjustment request as read by Mueller and noted in the minutes. Murphy seconded that motion. Motion passed.

@9:31:56 a.m. Durgan made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

February 5, 2008

Pipeline Meeting – Bozeman – Commissioner Lahren

February 5, 2008

City/County Commission Meeting

@4:03:20 p.m. Commissioner Murphy opened a meeting in the Commissioner's Chambers. Present were Commissioner Murphy; Mary Beebe, city commissioner; Juliann Jones, city commissioner; Bruce Becker, city attorney; Vicki Blakeman, city commissioner; Rick VanAken, city commissioner; Bill Hurley, director of operations; and Commission Minutes Clerk John Mueller. No members of the public were present, and there was no public comment.

The first agenda item involved the Headwaters Recycling Contract. The city has agreed to provide its share of funding for one more year of the contract and will put that action item on its next meeting agenda.

Ann Hallowell will be reappointed by the County Commission on Feb. 20, as the county seat to the city planning board.

There was discussion about a city/county technology center. Murphy offered his time in researching the matter as a County Commission member. There was discussion about possible building locations east of town or at the fairgrounds and whether an existing building could be used. There was discussion about the county possibly donating the land on which a technology center could be built.

As other business, Mary Beebe is looking into funds that may have been promised by the County Commission for the Stafford Animal Shelter. Vicki Blakeman reported that the city is hosting a compost workshop on March 3 at 6 p.m. in the Community Room.

The next city/county meeting is scheduled for March 4, 2008.

No public comment was made.

@4:15:49 p.m. Murphy made a motion to adjourn the meeting. Rick VanAken seconded that motion. The meeting was adjourned.

February 6, 2008

FY'08 6-Month Budget Update

@9:06:02 a.m. Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present were Tara DePuy, civil attorney; Marty Malone, public citizen; Polly Miller, human resources; Bill Hurley, director of operations; and Commission Minutes Clerk John Mueller. No members of the public were present, and no public comment was made.

The meeting was scheduled to discuss a FY'08 six-month budget update report.

DePuy and Miller updated the Commission on the status of budgeted revenues and expenditures for each county department. DePuy and Miller are in the process of researching overages and underages in department budgets. Miller will book meetings with the Commission for department heads of departments experiencing budgeting issues. There was discussion that budget transfer requests must come before the Commission. Miller reported that many departments are miscoding expenditures.

@9:44:36 a.m. Murphy made a motion to adjourn the meeting. Lahren seconded that motion. The meeting was adjourned.

February 6, 2008

MSU Extension Staffing

@1:30:44 p.m. Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present

were Marty Malone, public citizen; Mary Anne Anderson, MSU Extension; Steve Siegelin, MSU Extension; Polly Miller, human resources; Bill Hurley, director of operations; and Commission Minutes Clerk John Mueller. No members of the public were present, and no public comment was made.

The meeting was scheduled to discuss MSU Extension staffing issues, specifically replacing retiring Marty Malone with a new Extension agent.

Mary Anne Anderson noted MSU Extension's appreciation of Marty Malone's 30 years of service to Park County. The Commission was provided a position description for the vacant Extension agent. There was discussion about adding qualification criteria to the job announcement.

Murphy read a County Commission Authorization to Advertise an Agent Position document into the record.

Durgan made a motion to grant MSU Extension permission to begin advertising to secure an Extension agent. Lahren seconded that motion. Motion passed.

A Commissioner-sponsored appreciation event on behalf of Malone will take place.

@1:40:36 p.m. Lahren made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

February 7, 2008

Review Correspondence, Public Contacts and Determine Action Plan

@10:30:16 a.m. Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present were Marilyn Hartley, accounting; Bill Hurley, director of operations; and Commission Minutes Clerk John Mueller. No members of the public were present, and there was no public comment.

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

There was discussion about a voluntary census survey. The Commission directed Hartley to submit to the census agency requested statements of net assets, activities, and expenditures of government funds.

Correspondence included:

- Park County Central Garage report
- NACo News - To Commissioner for review.
- LEPC minutes - To Durgan for review.
- NACo newsletter - To Murphy for review.

- Memo from MT DEQ re. Fort Yellowstone PUD - To Gardiner Sewer District file and Planning Department for review
- Memo from MACo re. 2009 Federal Appropriations applications available - To Murphy for review.
- Memo from Central Service Authority - Mental Health - To Murphy for review.
- Montana Family History re. Hoppe family - To Jerry Brekke for review
- Memo re. staffer retirement from Political Science Department and Local Government Center in Bozeman
- Memo from American Road and Transportation Builders Association re. scholarship criteria
- Yellowstone Gateway Museum Board of Trustees meeting minutes - To Commissioners and Miller for review.
- Letter from Patty Miller member of Visions committee re. printing money request - To file. Denton will submit a reply that Commission cannot assist with the request at this time per its budget.
- Memo from MACo re. DNRC reclamation and development grants - To Benner for review.
- Memo from Livingston Job Service re. personnel management seminar - To Miller for review.
- Fleshman Creek RFQ meeting minutes - To Hurley for review.
- Memo from citizen re. Montana taxes
- GOP newsletter
- New West Design, Development, Community book - To Durgan, Murphy and Planning Department for review.
- Correspondence from DePuy re. establishing building codes. Murphy read memo into the record - To Murphy for review.

Durgan read into the record correspondence between Civil Attorney DePuy and Mr. Collier re. the Logan boundary adjustment request. There was discussion that the Commission should require all optional documentation of their decision on the matter.

Murphy discussed his building security review with Judge Swandal and Phil Dawson.

The Commission discussed location of a technology center. There was discussion on the county's solid waste contract and when the Commission should accept bids. There was discussion about the combined Gardiner Water and Sewer District vote to be completed by Feb. 18.

Lahren will meet with the Rural Fire #1 board at its March meeting to report on Volunteer department research status. Lahren reported that the retirement benefits issue has been resolved.

The Commission reiterated that it needs to know about major road department projects and be provided an accurate estimate of project costs before projects commence. The Commission also needs to know the costs of completed projects.

The Commission finalized next week's schedule at MACo and in the Livingston office. There was discussion about the OshKosh vehicle. Murphy commented on the option of purchasing road department vehicles from other states.

@11:18:05 a.m. Durgan made a motion adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

February 7, 2008

1:00 P.M. – The Commissioners will leave the courthouse and travel to the proposed Shields River Bluffs Subsequent Minor Subdivision (west of Clyde Park). They will be on site at 1:30 P.M. - Canceled

February 8, 2008

Finalize & Submit Park County's Management Discussion & Analysis Report for Fiscal Year Ending June 30, 2007

@11:01:39 a.m. Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Murphy were present. Also present were Marilyn Hartley, accounting; Tara DePuy, civil attorney; Polly Miller, human resources; Bill Hurley, director of operations; and Commission Minutes Clerk John Mueller. No members of the public were present, and there was no public comment.

The meeting was scheduled to finalize and submit Park County's management discussion and analysis (MD&A) report for fiscal year ending June 30, 2007.

DePuy reviewed Commissioner Lahren's written suggested revisions to the MD&A, which were previously reviewed and approved by DePuy. Hurley handed out his copy of MD&A revisions for review.

Murphy made a motion to incorporate new edits brought forward by Mr. Lahren into Marilyn Hartley's version and get it signed off on and submitted today. Durgan seconded that motion. Motion passed.

@11:19:51 a.m. Murphy made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

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

Denise Nelson
Clerk & Recorder
Park County, Montana