

Commission Meeting Minutes; Park County, Montana  
Week of February 18 – 22, 2008

February 18, 2008

President's Day Holiday – office closed

7:30 A.M. – Job Service Employers Committee – Durgan/Murphy – Job Service.  
Murphy did not attend.

February 19, 2008

Road Issues

8:30 A.M. - The meeting was canceled.

February 19, 2008

Review and Approve Meeting Minutes

@9:01:15 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 Commission meeting minutes for the Weeks of February 4, 2008, and February 11, 2008.

Murphy requested a revision to the February 4, 2008, meeting minutes on Page 4 of 12; add, "Judge Swandal agreed with that directive" at the end of the seventh paragraph referencing proposals to use the city/county building need to be brought before the Commission. On Page 6 of 12, add resolution number for resolution to submit application of HOME grant. On Page 1 of 12, add, "Forms to follow through with those updates and submissions were given to Ed Hillman," after the third sentence in the last paragraph.

Murphy made a motion to approve the meeting minutes as amended. Durgan seconded that motion. Motion passed.

Murphy requested a revision to the February 11, 2008, meeting minutes on Page 4 of 5; sixth paragraph; add "former Madison County planner Doris Fischer could assist Park County with its issues."

Durgan made a motion to approve the minutes for February 11 as corrected. Murphy seconded that motion. Motion passed.

@9:09:21 a.m. Durgan made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

February 19, 2008

Review Correspondence, Public Contacts and Determine Action Plans

@10:02:05 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; Ed Hillman, road supervisor; Polly Miller, human resources; 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 correspondence, public contacts and determine action plans.

The Commission provided an update of issues individual commissioners recently addressed.

The proposed combined Gardiner Water and Sewer District vote closes today. June Little will be asked to participate as an elected official at the February 22 meeting to canvass votes.

There was discussion that the Park County Rural 1 fire board, not the Commission, needs to schedule a meeting between all parties re. highway closure authority issue.

Durgan received a comment from a citizen concerned with the issue of fire inspection for subdivisions and who is responsible for and completing those inspections.

Lahren attended a Rural 1 board meeting Feb. 18 to report on the status of the county's research and fact-finding effort re. the Park County Volunteer Fire Department relationship with Rural 1 and how the volunteer fire department came into existence. The Rural 1 board is reviewing the draft report prepared by Civil Attorney DePuy and will provide its comments. The county remains in the research phase on this issue.

There was discussion about county employees seeking legal advice from Civil Attorney DePuy. The Commission reiterated that county employees and department heads are not to ask legal advice directly from the civil attorney. They need to direct requests to the Commission, which will instruct the civil attorney to research requested issues.

- Memo from Jay O'neal requesting a filing cabinet
- Rehberg newsletter - To Commission for review
- Memo re. used printer available
- Memo from MACo re. Jane Jelinski retirement
- Memo from Mary Fran re. online resumes - To Durgan for review
- Memo from Laura Holtzman re. seminar on project management March 3-7 in Arlington, VA
- Memo from Sue Hankin of Job Service re. FLMA - To Miller for review
- Heard Across Montana newsletter - To Hurley for review

- Gallatin County Solid Waste District minutes - To Hatfiled for review
- RC&D meeting agenda - To Durgan for review
- Invitation to Governor's Prayer Breakfast and dinner on March 8 in Helena
- Memo from Livingston Mercantile re. meeting Feb. 21

There was discussion about the solid waste advisory board meeting on Feb. 21. The Commission discussed a potential future agenda item to discuss opening a request for bid proposal period for solid waste collection with a due date of Jan. 10, 2009.

There was discussion about the planning director interviews. Miller will provide the Commission with resumes and references so it can go forward with a job offer.

There was discussion about a Bridger Communications bid for microwave link for the city/county building.

There was discussion that citizens need a work permit to plow snow from county roads. Ed Hillman reported that someone hit the Carbella Road Bridge over the weekend.

There was discussion about the auditor position applicants.

@11:08:07 a.m. Lahren made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

February 19, 2008

1:00 P.M. – Senior Citizens Board – Murphy – Senior Center

February 19, 2008

Department Head Meeting

@1:30 p.m. Commission Chairman Lahren called a meeting to order in the Community Room. Commissioners Durgan and Lahren were present. Also present were Lois Hatfield, landfill; Ed Hillman, road supervisor; Bill Hurley, operations; Ed Barich, superintendent of schools; Linda Budeski, justice court; Mary Ann Anderson, Extension; Marty Malone, Extension; Clay Williams, weeds/junk vehicles; Tara DePuy, civil attorney; Brian Sparks, museum; Mike Inman, planning; Bruce Martin, maintenance; Marc Richards, GIS/IT; Kevin Larkin, treasurer; Randy Taylor, health department; Brett Linneweber, county attorney; Polly Miller, human resources; Suzanne Brown, health department; and Commission Minutes Clerk John Mueller.

The second agenda item discussed employee of the month nominations. The nomination this month is Gail Bowers.

The third agenda item was a report from Nurse Suzanne Brown. Brown reported that the health department purchased a number of communication radios for emergency services

uses that are compatible with existing county radios. A radio communication training exercise is scheduled for Feb. 27 from 2 to 5 p.m. in the Community Room.

The fourth agenda item discussed IT billing issues. Richards discussed an occurrence of some departments incurring bills from Granite unexpectedly for work Granite completed. Richards advised department heads to seek assistance from Erica Hoffman first if they do not want to get billed by Granite for services.

The fifth agenda item discussed surveys distributed to department heads by the computer/public information advisory committee. Miller reported that surveys were due today.

The sixth agenda item discussed city/county building security issues. There was discussion about appropriate access to offices and security issues in the city/county building. There have been a few requests for access to department head offices and apparent attempts by unknown individuals to log into or out of county employee computers. Linneweber reported that no one should be given access to a department head's office under any circumstances unless the department head is contacted and gives permission.

The seventh agenda item discussed an MSU Extension board training scheduled for April 24 for city and county staff and potential board members.

The eighth agenda item discussed protocol for seeking legal advice from the civil and county attorney. County employees and department heads must approach the Commission with requests for legal assistance from the civil attorney. The Commission will then take the request to the attorney for action. Elected officials may go directly to the county attorney with requests.

No public comment was made.

There was discussion about how to appropriately conduct a county meeting in the city/county building in regards to supervision of meeting participants and security issues.

@1:52:55 p.m. Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

#### February 19, 2008 Wind Development Meeting

@2:30:14 p.m. Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present were Sarah Hamlen, MSU Extension Regional Economic Development Coordinator; Peter Vandergrift, Livingston Enterprise; 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 wind development opportunities in Park County.

Hamlen asked the Commission what it feels it needs to move forward with or address wind energy in Park County. There was discussion about educating rural landowners about land leases and other information so they are protected and can do things right if interested in wind development on their property. There was discussion on the need to assess how much interest exists, as well as CREBS program funds and energy transmission issues. Hamlen said RC&D can do workshops on wind development.

@3:04:43 p.m. Murphy made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

#### February 19, 2008

4:00 P.M. – Park County Weed Management Area Meeting – Durgan – Forest Service Office

#### February 20, 2008

Consider a Condominium Review Resolution; Consider an Appointment to the City Planning Board; Consider a Franzen-Davis/County Contract

@9:00:38 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; Maureen Ruggles, department of revenue; Ann Hallowell, public citizen; Bill Hurley, director of operations; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to consider a condominium review resolution; consider an appointment to the city planning board; and consider a Franzen-Davis contract.

Addressing the condominium review resolution, Civil Attorney DePuy gave a history of subdivision review issues, the current protocol of processing condominium applications and how Park County arrived at considering the proposed resolution.

Murphy read Resolution #1012 into the record.

Durgan moved to accept Resolution #1012 as read, a resolution setting a policy for the review of condominium unit declarations prior to filing with the clerk and recorder. Murphy seconded that motion. Motion passed.

Addressing an appointment to the City Planning Board, Murphy made a motion to reappoint Ann Hallowell to the city planning board as the county representative. Durgan seconded that motion. Motion passed.

DePuy reiterated that as the county appointee to the city planning board, Hallowell will attend monthly county planning staff/Commission update meetings on the first Monday of every month at 10 a.m.

Ann Hallowell commented on her experiences with the city planning board and the board's progress in implementing a required noxious weed plan for new lots on city property, as well as drafting a letter of recommendation from the board to the city encouraging the city to submit a courtesy letter to neighboring properties of potential and new city annexations.

Addressing adoption of a Franzen-Davis contract, Lahren made a motion to postpone a decision on the contract until Al Jenkins provides rates from Franzen-Davis. Murphy seconded that motion. Motion passed.

@9:19:39 a.m. Lahren made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

February 20, 2008  
MSU Extension Office Update

@9:59:20 AM Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present were Mary Ann Anderson, MSU Extension; Marty Malone, MSU Extension; Bill Hurley, director of operations; Allan Lutes, Sheriff; and Commission Minutes Clerk John Mueller. No members of the public were present, and there was no public comment.

The meeting was scheduled to discuss recent activities of the MSU Extension Office.

Malone and Anderson provided the Commission with written update reports of recent Extension office activities. There was discussion about the NRCS tree sale program, television transmissions and the '09 change from analog systems, Mill Creek diversions removal, and a Brucellosis committee's recent activities.

Murphy mentioned the potential benefit of Mary Anne Anderson sitting on a JSEC committee to provide her agricultural input and expertise.

There was discussion about producers' ability to acquire reliable seasonal help, as well as recalled beef in local schools that will be landfilled. Malone notified the Commission that TV district appointees have not received a letter from Commission about appointments.

@10:16:35 a.m. Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

February 20, 2008

2:00 P.M. – Yellowstone Bridge Project – Commissioners – Best Western

February 20, 2008

7:00 P.M. – Montana Department of Transportation, Public Hearing for Yellowstone Bridge Project – Best Western

February 21, 2008

Museum Board Update

@11:02:12 Vice-Chairman Durgan called a meeting to order in the Commissioner's Chambers. Also present were Yellowstone Gateway Museum board members Bob Jovick, Donna Armentaro, Rick VanAken and Susan Kraft. No members of the public were present, and there was no public comment.

Neither a quorum of County Commissioners, nor museum board members was present, so there was no business action taken. The board updated Commissioner Durgan on recent museum board activities and issues.

@11:03:18 Durgan officially closed the meeting.

February 21, 2008

1:30 P.M. - Planning Board Meeting – Community Room

February 21, 2008

Review Correspondence, Public Contacts and Determine Action Plan

@2:00:14 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; Bruce Martin, maintenance; Brett Linneweber, county attorney; Warren McGee, public citizen; and Commission Minutes Clerk John Mueller.

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

Murphy gave an update about the Carbella Bridge damage and closure issue. Murphy reviewed the bridge damage onsite Thursday morning with an MDOT engineer from Billings who will submit an official opinion. The engineer informed Murphy that the opinion will be that the bridge should not be used again, and that engineer would not put a successful work guarantee on his work if he fixed the bridge. Damage to the bridge in addition to that caused by the weekend car wreck was found upon inspection. The engineer's data collected and report will be mailed to the Commission office. Murphy

said the likelihood of getting emergency funding from the federal government for the fixing the bridge is low because there are two other access points across the river in the area. The consideration of an RSID providing funding for the bridge was discussed. The county may contact the heavy equipment outfit currently working at Corwin Springs to remove the bridge should the bridge be condemned. Ed Hillman will research the cost to do that. There was discussion about the potential cost and design of a new bridge and the regulatory measures that may be required to install a new bridge.

Bridge Closed signs are up at the site. There was discussion about removing approaches and putting a guardrail stop across the road to ensure vehicle and foot traffic does not cross the closed bridge.

Bruce Martin gave an update on the elevator review contract and contract renewal situation.

There was discussion about completing the computer/public information advisory committee survey.

Correspondence included:

- County News - To Commissioners for review
- LTAP Matters - To Hillman for review
- DePuy weekly schedule
- Memo from MT Fish Wildlife and Park re. EA for gift water right for Mr. Ed Hillman on Shields River - To Park County Conservation District for review
- NACo conference in Missouri
- BLM report to public - To Lahren for review
- Flier re. MACRS workforce development week in Helena - To Hillman for review
- Memo from Thompson West re. search and seizures law bulletin
- Memo from Loriman re. sustainable and green construction in Montana
- Memo from U.S. Dept of Ag re. Custer National Forest public meetings for proposed recreation sites
- Letter from Bill Moser requesting appointment to urban traffic committee - To file
- Bob Ebanoff weekly water quality samples - To sewer book
- Memo re. GA airports - To Hurley for review
- Memo from DePuy re. passing resolution prior to start of fire season March 1
- Memo from Marc Richards re. IT personnel schedules
- Letter from Hartwig and Tim Watson re. burning signatures on Lahren recall
- Memo from DePuy re. news release of Carbella bridge closing - To road book
- Flier of MACo meth conference
- Memo from MACo representative asking if interest to sit on DES committee
- Yellowstone Business Partnership - To Durgan for review
- Memo from MACo re. analog/digital television conversion

- Mandatory safety class on stress management on Feb. 22
- Job Service newsletter re. unemployment rates in different states
- Memo from Ellen Cox re. Central Services board meeting
- Memo from Marilyn Hartley re. time to update fixed assets with MACo for liability insurance
- Health Care Trust cd - To Durgan for review
- Memo from Myron personalized business gifts
- Memo from Department of Natural Resources and Conservation re. fire systems grant window is open - To Lahren and Bob Fry for review
- Flier from Livingston Education Foundation re. raising money for innovative programs
- Memo from Montana Republican Party
- Memo from Denny Rehberg - To Lahren for review
- Memo re. available furniture at MSU
- Memo from Melissa Frost re. IBMP open house notes - To Durgan for review

Brett Linneweber read a memo that requested that the deputy county attorney have remote access to county server for work purposes - To Richards for review.

A memo from MDT bridge maintenance department was read, which stated that an official recommendation of the Carbella bridge closure will arrive via U.S. Mail - To road book.

There was discussion about a letter that explains when and why Bill Hurley attends meetings to assist the Commission.

There was discussion about the Feb. 21 solid waste board meeting and what Hurley will report to the board. Linneweber reported that the injunction has not been lifted after two informal requests. Linneweber commented on the injunction and how it affects the Commission and the board's ability to officially act regarding solid waste issues.

There was discussion about the MDT bridge project over the Yellowstone River in Livingston and the Wednesday meeting on the issue and a request within the EA to address detour route impacts to local county roads.

There was discussion about the Gardiner Sewer District and the current deal with the Park Service.

The Commission discussed drafting a memo to inform employees of the protocol on asking for legal advice from the civil and county attorney.

Letter documentation from Rich Wright of illegal dumping in green boxes will result in a complaint filed against an illegal dumper at Trail Creek.

Lahren reported that Al Jenkins researched rates for a Franzen-Davis contract. The rates remain consistent with a previous year's quote.

Durgan gave an update on the museum board's interest in hiring a permanent part-time cataloger at \$12/hour with social security and worker's compensation benefits. There was public comment from Warren McGee on the history of the individual who built all wooden bridges in Park County, as well as an Amtrak meeting in Helena Feb. 29.

Lahren reported on the status of the Rural 1/Park County Volunteer Fire Department research report. Rural 1 has been given the report and all baseline data used to prepare it. Rural 1 is to report to the Commission its findings in regards to how Rural 1 was formed the current relationship it has with Park County Volunteer. Lahren reported that there was an allegation that no clear minutes exist in the record that show definitively that a fire warden and/or an assistant fire warden were ever officially appointed. Durgan noted that in his first tenure in office Bob Fry was considered the fire warden for Park County, but he does not know when Fry was appointed. Fry was onboard when Durgan was elected into office. The Assistant Fire Warden Gordon Roth was appointed during the current Commission tenure to serve under Bob Fry. Any claims by any other individuals that he or she is the assistant fire warden cannot be substantiated.

There was discussion about city/county building employee space issues. Additional building space will be needed when the auditor position is filled.

There was discussion of a building walk-through with Bruce Martin to point out minor maintenance areas that need to be addressed.

The Commission updated its ongoing tasks board.

@4:01:41 p.m. Durgan made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

#### February 21, 2008

6:00 P.M. – Solid Waste Advisory Committee – West Room

#### February 22, 2008

##### Canvass Election of Creation of Gardiner Water and Sewer District

@10:02:05 a.m. Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Durgan and Lahren were present. Also present were June Little, clerk of district court; Denise Nelson, clerk and recorder; 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 canvass election of creation of Gardiner Water and Sewer District.

Denise Nelson reported that 184 voters were required to meet the 40 percent minimum number of voters. There were 227 ballots returned, of which 204 were cast in favor of combining the water and sewer districts and 23 votes were cast against combining the districts. The Commission signed an official certificate to create the combined sewer and water district. The Commission will contact Gardiner Water District personnel to schedule a public meeting to discuss formation of the combined district and handling necessary logistical matters regarding transition of the sewer district from Park County authority.

The following order was entered into the minutes pursuant to state statute.

#### COMMISSION ORDER

On February 22, 2008, at 10:00 a.m., after canvassing the election results for the expansion of the Gardiner-Park County Water District to become the Gardiner Water and Sewer District, and upon determining that at least forty percent (40%) of all registered qualified voters residing within the proposed district voted and the majority of the votes cast were in favor of said expansion,

IT IS HEREBY ORDERED, pursuant to Section 7-13-2214(1) that the Gardiner, Park County, Water District shall be known as the Gardiner, Park County Water and Sewer District by expanding the services currently provided by the District to include sewer service within the current boundaries of the District.

@10:15:47 a.m. Lahren 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