

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

February 25, 2008  
County Road Issues

@8:41:28 a.m. Chairman Lahren opened a meeting in the Commissioner's Chambers. Commissioners Durgan and Lahren were present. Also present were Ed Hillman, road supervisor; and Commission Minutes Clerk John Mueller. There were no members of the public present, and no public comment was made.

The meeting was scheduled to discuss county road issues.

There was discussion about the Carbella bridge closure. Initial estimates to replace the bridge are \$750,000. There was discussion about some local landowners possibly having interest in contributing to the cost of fixing the bridge. There was discussion about the importance of replacing the bridge due to safety issues in the area, specifically fire safety. Hillman has contacted two firms in regards to removing the old bridge for \$100,000. Hillman plans to set up an onsite meeting to get a more definite estimate. MDOT will provide guardrail sections to barricade bridge entrances to prohibit any travel across the bridge in the interim. There was discussion about a request for bids to remove the bridge. The county road crew may remove the bridge deck.

There was discussion about warranty work on John Deere equipment and service and parts issues.

Hillman mentioned available capital improvement funds in the bridge budget that can be used to buy a used backhoe for Gardiner. There was discussion about purchasing the landfill backhoe or buying one from elsewhere.

There was discussion about the dirt floor in the Gardiner shop. Hillman noted the utility of having a concrete floor in the shop.

@9:05:29 a.m. Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

February 25, 2008  
Review and Approve Minutes

@9:20:07 a.m. Chairman Lahren opened a meeting in the Commissioner's Chambers. Commissioners Durgan and Lahren were present. Also present was Commission Minutes Clerk John Mueller. There were no members of the public present, and no public comment was made.

The meeting was scheduled to review and approve Commission meeting minutes for the Week of February 18, 2008.

Durgan reiterated that the Feb. 21, 2008, museum board meeting included discussion of upcoming museum events and the museum board's interest in hiring a part time cataloger. There was no business action conducted.

Lahren requested a correction to Page 9 of 11; fourth paragraph. The paragraph should read: "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."

Durgan requested a correction to Page 10 of 11; second paragraph. The paragraph should read: "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. 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."

Mueller read Civil Attorney DePuy's suggested corrections into the record. Those corrections included striking the term "board" and replacing it with the term "staff" in the Feb. 20, 2008, meeting minutes for appointing a county representative to the City Planning Board. The paragraph should read:

"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."

DePuy requested a change to the Feb. 21, 2008, Museum Board Meeting. The correct spelling of a board member is Donna Armentaro.

The Feb. 21, 2008, planning board meeting was held at 1:30 P.M.

Durgan made a motion to approve the minutes as corrected. Lahren seconded that motion. Motion passed.

@9:47:09 a.m. Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

February 25, 2008

Fleshman Creek RFQ Review Committee – Community Room

February 25, 2008

Review Correspondence, Public Contacts and Determine Action Plan

@10:04:22 a.m. Chairman Lahren opened a meeting in the Commissioner's Chambers. Commissioners Durgan and Lahren were present. Also present was Commission Minutes Clerk John Mueller. There were no members of the public present, and no public comment was made.

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

- Memo from DePuy re. Commission memo to Park County employees advising them to contact Commission with legal advice requests. The Commission issued a memo directing all employees requesting advice from the civil attorney to first submit requests to the Commission
- Memo from BLM re. informational meeting @ USDA building Highway 89 in Livingston on March 12 re. Park County gravel pit request - To Hillman for review
- Proclamation request re. Cowboy and Heritage week beginning March 30 - To Denton for review
- Memo to DePuy re. questions about Dillard Condominium conversion from Hubert, Swindlers and Woodruff
- Montana Transportation Commission 89 Yellowstone River bridge meeting agenda
- Memo re. integrated justice
- Better Roads magazine advertisement
- Park County public safety committee minutes
- Wolf recovery program correspondence - To Durgan for review
- Draft resolution revised criteria for subdivision and platting act re. Jefferson County subdivision regs. and its review fee and RSID bond payments - To planning department
- Memo from Bruce Martin re. generator maintenance and testing - Commissioners will submit a memo authorizing Martin to get testing completed
- Memo from DePuy re. info to her box must be signed by two commissioners
- Memo from MACo re. Dept of Labor prevailing wage survey - To Miller for review
- Advertisement on seminar for election candidates
- Memo re. procedure for Title 3 monies - Meeting scheduled with Commission to discuss structure and function of Title 3 monies

@10:29:00 a.m. Durgan made a motion to adjourn the meeting. Lahren seconded that motion. The meeting was adjourned.

February 25, 2008

Personnel Issues – Auditor & Other

@1:30:18 p.m. Chairman Lahren opened a meeting in the Commissioner's Chambers. Commissioners Durgan and Lahren were present. Also present were Polly Miller, human resources; Tara DePuy, civil attorney; and Commission Minutes Clerk John Mueller. There were no members of the public present, and no public comment was made.

The meeting was scheduled to discuss personnel issues.

Miller has done follow-up research on education backgrounds of auditor candidates. The Commission will conduct follow-up interviews with the top three candidates on March 3 at 2:00, 2:30, and 3:00 p.m. Miller will submit a letter and make a phone call to candidates not selected for follow-up interviews.

There was discussion about personnel office issues and the possible location of the auditor office in half of the current DES office. DePuy reported that she will purchase back seven years of retirement from the Public Employment Retirement Administration. The county will receive an invoice of its portion of the buyback cost.

@1:45:43 p.m. Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

February 26, 2008

Meeting with National Park Service - Jim Evanoff

@8:35:03 a.m. Chairman Lahren opened a meeting in the Commissioner's Chambers. Commissioner Lahren was present. Also present were Jim Evanoff, Yellowstone National Park; Bill Hurley, director of operations; and Commission Minutes Clerk John Mueller. There were no members of the public present, and no public comment was made.

The meeting was scheduled to discuss the conversion from a Gardiner sewer contract between Yellowstone National Park (YNP) and Park County to a contract between YNP and the Gardiner, Park County Water and Sewer District.

Contact information and job titles of Yellowstone National Park representatives and employees were read into the record. Information included: Jim Evanoff - Park Service representative for the sewage contract between YNP and Park County, Phone: 307-344-2311; Jeff Sneddon - contracting officer for YNP at Mammoth, Phone: 307-344-2080; Steve Iobst - Chief of Park Maintenance, Phone: 307-344-2305.

Hurley provided a history of the contract between the Gardiner Sewer District and YNP and YNP's newly formed contractual relationship with the Gardiner, Park County Water and Sewer District. Hurley provided a history on the existing RSID that funded the Gardiner Sewer District.

The National Park Service will pay Park County its remaining meter balance share and enter into a contract with the board of the Gardiner, Park County Water and Sewer District. The Park Service owes Park County for YNP's share of the sewer bill for the entire year of 2007 and the period of Jan - Feb. 21, 2008.

The second issue discussed was the Carbella bridge closure. Evanoff reported he represents a landowners association of over 90 members, as well as a road users association, in the area near Carbella bridge. Evanoff reported on behalf of the associations that they understand what is going on with current bridge closure. Association members would like to know if there is any way to come up with a temporary fix to the bridge, possibly through a reduced gross vehicle weight limit.

@8:58:22 a.m. Lahren adjourned the meeting.

February 26, 2008

Consider a Resolution to Temporarily Close the Carbella County Bridge Over the Yellowstone River; Consider a Resolution for the Establishment of a Fire Season for the 2008 Season; Consider Signing a Bresnan Business Agreement

@9:00:26 a.m. Chairman Lahren opened a meeting in the Commissioner's Chambers. Commissioners Durgan and Lahren were present. Also present were Tara DePuy, civil attorney; Dann Babcox, Park County Rural Fire District #1; Marc Richards, GIS/IT; Daniel Tompkins, public citizen; Kevin Gallagher, public citizen; Jim Evanoff, public citizen; Vern Smith, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to consider a resolution to temporarily close the Carbella county bridge over the Yellowstone River, consider a resolution for the establishment of a fire season for the 2008 season; and consider signing a Bresnan business agreement.

There was no public comment.

Lahren commented for the record the Carbella bridge is 90 years old. A single-car accident considerably compromised the bridge's structure. A Montana Department of Transportation report recommended the bridge be closed for safety reasons due to the vehicle accident. The county civil attorney also recommended closing the bridge due to liability and safety concerns. The county is in talks with contractors on the costs and options of removing and replacing the bridge. Durgan added that the bridge closure includes closure to pedestrian traffic because of safety issues. That closure came as a recommendation from the Montana Department of Transportation.

Local schools were informed and are aware pedestrian traffic on the bridge is prohibited. There was discussion about a bus pickup on East River Road. An engineering report from Mackin Bridge Construction Company will note all defects the company found in the bridge.

Public comment was made by Kevin Gallagher. Gallagher asked where Mackin is from and if Mackin was using a structural engineer. He also asked if Mackin is looking into getting the bridge structurally sound for use. Gallagher commented that the accident on the bridge would not have happened if the bridge hadn't been neglected for so long. Gallagher said it was a Volkswagon that crashed on the bridge.

Lahren replied that Mackin is a structural engineer from Billings. Lahren commented that the bridge's weight limit had been reduced to 6 tons in the past. Durgan clarified for the record the vehicle that hit the bridge was a Subaru.

Gallagher said citizens had been putting planks on the bridge for the last three years to make it passable, which were a stop gap measure. He asked if signs will be posted along the road pointing out the truck route.

Public comment was made by Jim Evanoff. Evanoff asked how often county bridges are supposed to be inspected by the state and whether it is state or county law that requires an annual inspection.

Lahren read Resolution #1013 A Resolution by the Park County Commission to Temporarily Close the Carbella County Bridge Over the Yellowstone River into the record.

Public comment was made by Vern Smith. Smith asked whether pedestrians were allowed on the bridge.

Durgan made a motion to pass Resolution #1013 to temporarily close the Carbella county bridge over the Yellowstone River. Lahren seconded that motion. Motion passed.

The Commission discussed passing Resolution #1014 Establishment of a Fire Season for the 2008 Season to run from March 1 - Nov. 30. Lahren read the resolution into the record.

Dann Babcox of Park County Rural Fire District #1 commented that the resolution language, "without written permit or permission" is confusing to citizens. He'd like to use only the term "permit." The language came out of Montana statutory code.

Durgan made a motion to accept Resolution #1014 to establish a fire season for the 2008 season. Lahren seconded that motion. Motion passed.

Addressing a Bresnan business agreement, automatic contract renewal parameters were discussed. Marc Richards will track the contract in December to notify Bresnan of the county's intention to renew or not. Richards commented that the contract will save Park County \$100/month on Bresnan bills. There was discussion about the phone line that needs to be fixed under Callender Street. Bresnan hosts server access to the city/county building. WispWest is now online within the building as a backup provider.

Durgan made a motion to accept the contract as presented, noting the Commission gave authority to Marc Richards to follow up on the contract renewal for next year. Lahren seconded that motion. Motion passed.

@9:23:02 a.m. Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

February 26, 2008

Consider Signing Franzen-Davis Contract

@1:03 p.m. Chairman Lahren opened a meeting in the Commissioner's Chambers. Commissioners Durgan and Lahren were present. Also present were Tom Davis, Franzen-Davis; and Kris Denton, administrative assistant. No members of the public were present, and there was no public comment.

The meeting was scheduled to consider signing a contract with Franzen-Davis Funeral Home and Crematory.

There was discussion about revisions to contract wording and adjustments of funeral service fees.

Lahren made a motion to postpone signing the contract until requested revisions are provided by Franzen-Davis. Durgan seconded that motion. Motion passed.

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

February 26, 2008

Southwest Juvenile Detention Funds Budget Issue

@1:30:59 p.m. Vice-Chairman Durgan opened a meeting in the Commissioner's Chambers. Present were Allan Lutes, Gary Tanascu, Scott Hamilton, and Colleen Singer of the Park County Sheriff's Office; 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 discuss Southwest Juvenile Detention funds budget issues.

Allan Lutes stated for the record his recommendation on how the shortage of juvenile detention funds needs to be corrected. The Sheriff's department juvenile offender budget for the fiscal year is depleted by Feb. 29, 2008. The department has expended \$61,700 in juvenile offender expenses this fiscal year to-date. Many funds for juvenile detention expenses have been paid out of the professional services budget. Per Montana code, the county and not the Sheriff's department is responsible for paying SW Juvenile funds. Lutes requested that the Sheriff's department be reimbursed the funds the department has paid this fiscal year for juvenile offender detention. Lutes suggested a budget

amendment to create a line item within the Sheriff's jail budget that Park County can pay into as needed expenditures arise. The Sheriff's department would pay all juvenile offender costs from that line item and would handle all bookkeeping of expenditures, billing and tracking of funds. Undersheriff Tanascu reiterated the department's main concern as the over-budget expenditure issue regarding juvenile offenders and the ongoing issue of needing money put back into a juvenile offender account so the Sheriff's department doesn't have to use unbudgeted funds from other accounts.

There was discussion about the difficulty of predicting how many juvenile offenders will come through the system in a year's time, which makes it impossible to accurately predict needed funds during budget planning. It costs \$225 per youth per day for the Regional Youth Offenders and \$260 per youth per day for Youth Community Services. There was discussion about Montana Crime Control, which has provided the Sheriff's department with juvenile offender funds this fiscal year.

Durgan reported he sits on the SW Juvenile Committee and several Montana counties are experiencing this same budget problem. The next SW Juvenile meeting is April 24. There was discussion about a Sheriff's office representative attending that meeting.

Polly Miller reported that a county budget committee had its first meeting Feb. 26. It has been recommended to the Commission that the county budget not to altered at this point. The Sheriff's department has expended only 57.7 percent of its annual budget to-date, and 66.6 percent of funds was budgeted to be expended to-date. Durgan commented that he does not think there is room in any Commission budget at this point from which to borrow money to meet the Sheriff's department juvenile detention funds reimbursement request.

There was discussion about two Dodge Durangos that were lost to damage when a semi-truck blew over onto them. Because of depreciation values, the Sheriff's department will get an equivalent of only 1 ¾ vehicles back.

@2:04:44 p.m. Durgan closed the meeting.

February 26, 2008

Yellowstone Gateway Museum Board @ Yellowstone Gateway Museum

February 27, 2008

10:00 A.M. – Western Mental Health – Murphy – Butte – Commissioner Murphy was out of town and did not attend the meeting.

1:00 P.M. – Sign Claims – Commissioner's Chambers

4:00 P.M. – Consider Auditor Appointment - Commissioner's Chambers - Canceled

February 28, 2008

Review Correspondence, Public Contacts and Determine Action Plan

@10:02:00 a.m. Chairman Lahren opened a meeting in the Commissioner's Chambers. Commissioners Durgan and Lahren were present. Also present were Tara DePuy, civil attorney; Bill Hurley, director of operations; and Commission Minutes Clerk John Mueller. There were no members of the public present, and no public comment was made.

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

- Memo from MT Dept of Admin re. department has not received Park County's annual financial report as of Feb. 27, 2008

There was discussion about the discharge permit transfer process from Park County to the newly formed Gardiner, Park County Water and Sewer District. A conference call on the topic was conducted with Patrick Murtaugh of Great West Engineering, as were conference calls with John Wattams of DEQ and Ron Shorter, plant supervisor for Gardiner Water District.

@11:28:40 a.m. Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

February 28, 2008

Clean Renewable Energy Bonds Presentation – Durgan – Bozeman Comfort Inn

February 28, 2008

Carbella Bridge Informational Meeting – Gardiner School Multi-Purpose Room

Commissioner Lahren called to order a public meeting on the Carbella Bridge issue at 6:00 p.m., in the multi-purpose room of the Gardiner School. Commissioner Durgan, Road Supervisor Ed Hillman, and Civil Attorney Tara DePuy were present. Dan Gravage, Bridge Inspector Coordinator for the Butte Division of the Montana Department of Transportation was present. Numerous members of the public were present.

Commissioner Lahren gave a brief overview of the Carbella Bridge being damaged by a single vehicle accident, and upon recommendations from MDOT engineers, the bridge is currently closed to vehicular and pedestrian traffic. The county is pursuing the cost to rebuild the bridge which will be complicated due to the requirement to obtain permits and negotiate with BLM who owns a piece of property adjacent to the bridge.

Dan Gravage reported that the Carbella Bridge had last been inspected in July of 2006 and was due for another inspection in July of 2008. After the Carbella Bridge was damaged he and Chief Engineer Crumbly inspected the bridge and took measurements.

The measurements were provided to MDOT's engineers who immediately required that the bridge be closed due to safety concerns. The bridge was built in 1918 and is a light-weight truss. Each member or truss in the bridge relies on the other members for strength. When one member is damaged, it comprises the integrity of the entire bridge. In this case the one member was sheared off. Mussellshell County had similar bridge damage, did not close the bridge, and the bridge collapsed with a vehicle on it.

The public had numerous questions about the extent of the damage to the bridge and if it was possible to repair the bridge. It was explained that the bridge may be able to be repaired, but there are several factors to consider such as cost, whether an engineer will certify the bridge once it is repaired, whether MDOT will approve the repairs and whether the county's insurance will insure a repaired bridge. Funding sources were discussed including an offer by Mr. Childress to loan the money to Park County to build a new bridge. The condition and safety of Old Yellowstone Trail South was discussed and the county will pursue options to improve the safety of this detour road until the bridge is either repaired or replaced.

Another meeting will be held in a couple of weeks in Emigrant after more information is received by Park County regarding the cost of replacing or repairing the bridge.

February 29, 2008

2:00 – 4:00 P.M. – Retirement Gathering for Extension Agent Marty Malone –  
Community Room

Voided Checks

Payroll #s: 42759

Claims #s: 62421; 62422

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

Denise Nelson  
Clerk & Recorder  
Park County, Montana