

Commission Meeting Minutes; Park County, Montana
Week of January 7 - 11, 2008

January 7, 2008

Road Issues

@8:35:10 a.m. Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Lahren and Murphy were present. Also present were Ed Hillman, road supervisor; Bill Hurley, director of operations; Tara DePuy, civil attorney; and Commission Minutes Clerk John Mueller. No members of the public were present, and no public comment was made.

Ed Hillman provided an update of county road issues and the county road crew's activities. Hillman handed out the road crew's weekly work schedule. Hillman and Brad are working on handicap accessible ramps at voting places.

The Yellowstone Association (YSA) in Gardiner says the alley between 3rd and 4th Streets and Main and Park is abandoned. Sewer and Qwest utilities run through the alley. If the alley is not abandoned, then the YSA may have encroached on a county right-of-way again. Lahren directed Hillman to contact the engineering firm working with YSA and request their documentation that the alley has been abandoned.

Lahren informed Hillman that the Commission needs to know the specifics about major upcoming projects in advance of their commencement. Murphy requested that large pot holes on Pine Creek Road be addressed as soon as weather permits.

DePuy would like to make a permanent file of county road research she has conducted over the years, specifically research that specified whether a road is a county road. She recommended that the file go into the archives. The file may be stored on cd, as well.

There was discussion about airport board requests for county maintenance of Mission Field Airport Road. The board has requested that millings be placed at the upper end of the road. Lahren advised Hillman to contact Kerry LaDuke and get a statement from the airport board to see what it wants done.

Hurley reported that Brett Linneweber is drafting an RFP for the Fleshman Creek restoration project.

@9:11:45 a.m. Lahren made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

January 7, 2008

Commissioner Durgan attended a Meeting for JPIA/JPA Mid Policy/Year visits

January 7, 2008

Review and Approve Commission Minutes

@9:13:24 a.m. Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners 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 December 24 and 31. Murphy requested a change to the Week of December 31 minutes, Page 1 of 11; third paragraph, seventh line. Strike "... let that contractor..." and replace with "...let that contract..." Murphy requested a correction on Page 5 of 11, first bullet under correspondence review. Strike "...county owns two lots adjoining..." and replace with "county owns six lots adjoining..."

Lahren requested a correction to minutes for Week of December 31, Page 3 of 11, second paragraph, third sentence – strike "retain" from sentence and replace with "for" so that sentence reads "Durgan made a motion for a unanimous vote for Lahren as Chairman and Durgan as vice chairman." A correction was requested in the ninth paragraph – the correct spelling is Amanda Sarrazin. On Page 4 of 11, first paragraph, fifth line – the correct spelling is Sarrazin. On Page 7 of 11, first paragraph, first line - replace "Lonnie" with "former finance director Lani Hartung." There was a request for the same correction in the second paragraph, second line. A request was made to insert the following to the end of the first paragraph on Page 8 of 11: "There was a question about outstanding warrants. Budeski reported that there is \$482,000 in unpaid fines."

Murphy made a motion to approve the minutes as corrected for the Week of Dec. 31 and the minutes for the Week of Dec. 24. Lahren seconded that motion. Motion passed.

@9:22:49 a.m. Lahren made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

January 7, 2008

Planning Issues & Informational Updates

@10:06:56 a.m. Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Lahren and Murphy were present. Also present were Michael Inman, planning department; Hillary Taylor, planning department; Tara DePuy, civil attorney; 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 planning issues and provide information updates. Michael Inman provided an update of the Planning Board's progress on recommended amendments to the 2006 Park County subdivision regulations. The planning board is addressing public comments on the 2006 subdivision regulations. DePuy will update the planning board on the progress it has made to date, as well as procedural problems.

DePuy will train the two new board members this month. It was recommended that the board members attend the upcoming MSU Extension board member training session.

Inman provided an update on the Planning Department's workload, responsibilities and delegation of work. The planning staff is generating a 2007 progress report.

DePuy gave a legal update on two recent Montana Supreme Court cases. One case involves a lawsuit between the Swan Lakers and the Lake County Commission. The Supreme Court granted an injunction saying the Swan Lakers have associational standing to file suit. There is potential for precedence for special interest groups to sue a county without having to show it is directly harmed by a development. The second case involves litigation with Flathead Citizens for Quality Growth, Inc. The Supreme Court gave detailed comment on justification of and specific reasoning it would like to see on findings made by Flathead County's board of adjustments.

There was discussion about when and how often DePuy should attend planning board meetings to provide direction. DePuy will attend meetings on an as-needed basis.

No public comment was made.

@10:33:41 a.m. Lahren made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

January 7, 2008

Park County Policy Procedure Handbook Questions

@ 1:36:47 p.m. Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present were Linda Budeski, Justice Court; 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 the Park County Policy Procedure Handbook and vacation pay. Linda Budeski inquired whether or not justice court clerks would receive holiday pay for December 24, 2007. The justice court was closed that day. Budeski read code (3-1-302) from the Montana Code Annotated, which stated a court cannot conduct judicial business on a day declared a holiday by the President of the United States. It was noted that department heads were notified at a department head meeting that a vacation day must be used if employees take off December 24.

Lahren said employees must take a vacation day for December 24 if they want to receive pay for that day. Miller said justice court clerks who took off December 24 were charged for a personal vacation day. The county's policy statement on this matter will be revised to address this issue in the future.

@1:51:10 p.m. Murphy made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

January 7, 2008

Review Correspondence, Public Contacts and Determine Action Plan

@ 2:07:03 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 no public comment was made.

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

- Spring directory for Parks and Recreation Trades - To Mike Inman for review
- Midwest Assistance Program magazine
- CTS Concrete Buildings advertisement
- Magazine on watercraft - To Search and Rescue for review.
- Montana Fish, Wildlife and Parks Conservation Strategy book
- Commission invite for Jan. 10 after-hour business event from consultant of new DelMar Motel development
- GOP newsletter
- RC&D meeting schedule - To Durgan for review.
- Memo from Jacquie Nelson re. young farmers social events - To Durgan for review.
- Jon Tester newsletter re. year of accomplishments
- Memo from DePuy notifying DEQ Board of Environmental Review that Park is appealing Gardiner spill penalty
- DePuy week's work schedule
- Hillman road work crew weekly schedule - To Mueller for road book.
- List of warrants for month - To file.
- MACo claims re. Park County 4th quarter loss runs - To file.
- Memo from DePuy re. names for solid waste advisory board meeting agenda
- Dept of Justice Board of Crime Control announcement of Crime Victim's Rights Week; grant available for community reclamation/beautification projects
- Memo from 6th Judicial District Court re. juvenile probation office providing weekly meal at Loaves and Fishes
- Dept of Public Service Regulation re. application for sale and transfer of operating authority
- Governing magazine - To Durgan for review.
- Memo from Lahren re. Solid Waste Advisory Board name change from Refuse Board
- Saddleback Sandbags advertisement - To Hillman for review
- Memo re. Rural Community Conference in Billings

- Memo from J&H Office equipment re. renew maintenance agreement on two Canon copiers in Clerk and Records office
- Memo from Dept of Ag re. Gallatin National Forest website for land management activity analysis updates
- Letter from Fish, Wildlife & Parks introducing new Land Use Planning Specialist Doris Fisher - To Inman for review
- Microsoft Excel seminars pamphlet - To IT for review.
- Flier for clean energy conference in Portland, OR
- Memo from Belinda re. - MT Communities and Wildfires Conference in January in Bozeman - To Inman for review.
- Memo from Belinda re. Fire Suppression Interim Committee - To Inman for review.
- Memo from Belinda re. fire info. - To Inman for review.
- Memo from Hartley to Commission re. Nov. expenditure report - To file.
- Memo from DePuy re. Cokedale LLC presentation on Jan. 14 with Planning and Zoning commission - closed for litigation
- Memo from Barb Hagan re. tax exemption qualification - To assessors office.
- Memo from Belinda re. LEPC minutes
- Memo from Marc Richards re. Jan. 8 IT advisory committee meeting
- County mechanic work orders
- Museum board meeting public notice
- Mental Health newsletter re. summit in Washington DC
- Memo to Lahren from Political Net Press

Lahren discussed an idea to revise the procedure to distribute refuse tags. The new procedure would be similar to mass mailings done by Larkin and Nelson.

Murphy recommended that the Commission meet with Judge Nels, Tara DePuy, and the sheriff re. building security issues and after-hours building use. The Commission discussed an option where the group using the building pays for an off-duty security officer. Lahren asked Murphy to check with Allen Lutes about the possibility of contracting a reserve deputy for after-hour use of the city/county building.

Durgan gave a brief review of his morning meeting with JPIA/JPA.

There was brief discussion about replacing the wrecked sheriff's Durangos.

@3:04:58 p.m. Murphy made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

January 8, 2008
Planning Office Staffing

@10:08:55 a.m. Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present

were 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 planning office staffing issues. Polly Miller gave an update on the candidate search for the vacant planning director position. The search has produced no qualified candidates per the qualifications of the job announcement. Miller requested continuing the search with the existing qualifications.

The Commission directed Miller to continue the position search for two additional weeks. Miller will contact Montana State University to have the announcement posted there and to take advantage of any assistance the university can provide in the search.

Lahren made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

January 8, 2008

Solid Waste Board Organizational Meeting

@11:05:14 a.m. Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present were John Schuler, board member; Ed Schilling, public citizen; Brett Linneweber, county attorney; Sue Nelson, board member; Joe Skaggs, board member; Dick Juhnke, board member; Norbert Herauf, board member; Bill Hurley, director of operations; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss organization of the solid waste board. Lahren gave a history of the refuse board, the incinerator issue, and an attempted inter-local agreement with the city regarding trash disposal. Formation of the solid waste board as an advisory board to the County Commission was a condition of a lawsuit settlement. The county has a contractual agreement with Envirocon until April 15, 2009, to haul trash. The board is charged with bringing forth recommendations to the Commission. The board must conduct meetings per established procedure, record minutes, and establish bylaws. No county commissioner will be involved in board meetings unless by request. Bill Hurley will be available to the board upon request to provide technical input and serve as a liaison between the board and Commission. Lahren advised the board that information requests should be made to and come through the Commission office.

Linneweber recommended creating a meeting agenda for the next meeting that includes calling the meeting to order, review and approve minutes, consider and adopt bylaws, county presentation of injunction/lawsuit background and proper board operation, new business, public comment, adjourn. Board members are not to discuss solid waste issues outside of scheduled board meetings. The board added a goals and objectives action item to the upcoming meeting agenda, as Skaggs requested discussion of background of and where things are with the court injunction and how the solid waste board will operate as a

result of it. He voiced concern about the Commission being unable to act on solid waste board recommendations because of the injunction.

The next meeting was scheduled for January 15 at 5 p.m.

@11:54:06 a.m. Lahren made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

January 8, 2008

City-County Commission Meeting

@4:06:34 p.m. Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present were Mary Beebe, city commission; Peg Glass, Park County 911; Steve Caldwell, city commission; Rick Van Aken, city commission; Bill Hurley, director of operations; and Commission Minutes Clerk John Mueller. No members of the public were present, and no public comment was made.

An update was given on the Fleshman Creek Restoration Project. The county attorney needs to review the FEMA study, and the RFP is being worked on. Hurley reported that the grant should cover the cost of the engineering study.

Murphy gave an update on the Bridger Communications contract issue. The problem necessitating the contract has been resolved, thus there is no longer a need for a contract.

In Other Business, Caldwell said the city will commit to one more year of the Headwaters Recycling contract.

Durgan reported that he was approached by an individual interested in reclaiming the abandoned gym on MRL property for Livingston youth. Discussion on the matter revealed concerns about the building's physical integrity.

There was discussion about after-hour use of the city/county building and subsequent security issues.

Caldwell said reappointment of Ann Hollowell, or appointment of a new member to the city planning board, is necessary.

February 5 meeting agenda items were set as action on the Headwaters Recycling contract, an update on the Fleshman Creek Restoration Project, and reappointment or appointment to the city planning board.

No public comment was made

@4:23:21 p.m. Lahren made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

January 9, 2008

Consider a Request to Amend the Preliminary Plat for Element Minor Subdivision

@9:08:40 a.m. Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present were Mike Inman, planning department; and Commission Minutes Clerk John Mueller. No members of the public were present, and no public comment was made.

The meeting was scheduled to consider a request to amend the preliminary plat for Element Minor Subdivision. Inman gave an update of the developer's request to amend three conditions of the preliminary plat approval. A request was made to delete Conditions 5 and 6, which address water rights, from the preliminary plat. Another request was made to amend Condition 10.

The Commission agreed to postpone action on the amendment requests until it can obtain input from legal counsel and meet proper amendment procedure.

Durgan made a motion to postpone any decision on the amendment process until the Commission completes further analysis and research on the issue. Murphy seconded that motion. Motion passed.

@9:19:44 a.m. Durgan made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

January 9, 2008

Audit Findings FY07 – Fair

@11:07:11 a.m. Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present were Daniel Nelson, fair board; Barbara Quarbeck, fair board; Bruce Kron, fair board; Kim Knutson, fair manager; Mike Adams, fair board; Ed Flatt, fair board; 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 FY07 audit findings for the Park County fair. Kim Knutson handed out a response memo to auditor findings/recommendations. The auditor recommended that the fair secretary provide a formal accounting of startup funds to the County Commissioners at the conclusion of the fair. Knutson said she did that through an Excel spreadsheet. The Commission recommended that the fair board consider waiving the \$1 fair entrance fee in response to the finding that gate receipt ticket reconciliations do not always balance. The auditor noted that all miscellaneous contributions must be deposited directly with the county treasurer.

@11:21:11 a.m. Lahren made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

January 9, 2008

Medical Insurance Reimbursement

@1:09:08 p.m. Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present were Denise Nelson, clerk & recorder; 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 address the county's policy on employee reimbursement of medical insurance for unpaid leave. Polly Miller reiterated that the county policy is that employees receiving health insurance must reimburse the county for that insurance for the days he/she takes as unpaid leave. The frequency to which some employees have taken unpaid leave and not reimbursed the county for medical insurance on those days has increased. The reimbursement amount is approximately \$35/day.

The Commission directed Miller to draft a memo with Civil Attorney DePuy explaining that reimbursement funds for medical insurance covering unpaid leave days will be withdrawn from an employee's next paycheck. That memo will go to every Park County employee by week's end, and Miller hopes to begin withdrawals on delinquent payments on the next paycheck. An employee will be required to reimburse the county for unpaid leave medical insurance coverage after one-half work day is missed in a pay period. A contract must be signed by the employee following unpaid leave of more than one-half day notifying him/her that medical insurance coverage will be withdrawn from the next paycheck. Should employees fail to sign that contract, the situation will be referred to the Commission for action. Department heads will be responsible for their respective employees signing the contract.

@1:27:52 p.m. Murphy made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

January 9, 2008

Staffing Issues in the HR Office

@1:36:45 p.m. Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present were Polly Miller, human resources; Marilyn Hartley, accounting office; Tara DePuy, civil attorney; 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 staffing needs in the human resource office. Polly Miller received a letter of resignation from Emily Strong, effective immediately. Miller proposed using residual funds from Strong's appointment to hire a permanent, part-time (20 hour/week) human resource assistant.

The Commission advised Miller to advertise the position as a 20-hour per week position.

@1:58:02 p.m. Murphy made a motion to adjourn the meeting. Lahren seconded that motion. The meeting was adjourned.

January 9, 2008

Finance and Auditor Position

@2:09:45 p.m. Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present were Polly Miller, human resources; Marilyn Hartley, accounting office; Tara DePuy, civil attorney; Denise Nelson, clerk & recorder; 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 the vacant finance director and auditor positions. DePuy said the Commission needs to respond to the auditor's findings this week by informing the state Department of Administration that the Commission accepts the auditor's recommendations, rejects them or accepts them with modifications. The finance director position will not be filled. DePuy will respond to the auditor that Clerk & Recorder Nelson will retake accounting office statutory duties by Dec. 31, 2008, and Treasurer Larkin will assume statutory duties at the end of the fiscal year, June 31, 2008. Hurley will assist in the accounting office in the interim and serve as a liaison to the Commission. The Commission will appoint an individual in the interim for the auditor position until that position is filled in 2009 via election.

Miller will run an advertisement of the auditor position appointment in the newspapers in addition to job service. Nelson has run a notice of the upcoming elected auditor position in the newspaper.

There was discussion that Hartley will need to reassess her job duties, as some responsibilities will return to Larkin. Her job description will likely be rewritten and her position given a new title.

No public comment was made.

Murphy made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

January 9, 2008

MACo – HCT Meeting

@4:12:14 p.m. Vice Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Murphy were present. Also present were Polly Miller, human resources; Owen Voigt, MACo HCT; Bill Hurley, director of operations;

and Commission Minutes Clerk John Mueller. No members of the public were present, and no public comment was made.

Owen Voigt reviewed a Park County claims analysis generated by the Health Care Trust. The analysis showed how Park County claims and insurance information compare to national averages, such as average dollar amount of claims per month and prescription drugs costs. The analysis showed that Park County is below-average on claim costs increases. Prescription discount cards for uninsured Park County residents or residents without drug coverage are on their way.

No public comment was made.

Murphy made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

January 10, 2008

Review Correspondence, Public Contacts and Determine Action Plan

@2:01:36 p.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; 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 correspondence, public contacts and determine action plans. Correspondence included:

- Letter of request from Patrick Walker of City of Livingston Fire Department to train at landfill with junk vehicles
- Memo from Van Jamison re. wind energy - To Durgan for review.
- Consortium meeting in Livingston in Jan. - To Hurley for review.
- NPDES Discharge Monitoring Report for Gardiner Sewer District - To sewer log for file.
- Minutes for IT advisory committee - To Durgan for review.
- Mental Health memo - To Murphy for review
- Minutes for downtown vision meeting - To file.
- Memo from DePuy to Hillman re. research deed for 1/2 interest in the Mission Airport Road and Zollman Airport Road - To file.
- Memo from Polly Miller re. job ads for fair and appointed auditor positions
- Memo from Bruce re. elevator
- Memo from Belinda re. Loss Control Conference - To Durgan for review.
- Memo from RC&D Development re. SAA Summit synopsis - To Murphy for review.

Lahren reported that Civil Attorney DePuy is still researching the formation of the Park County Volunteer Fire Department. Lahren is looking into retirement benefits issue for

Park County Volunteer Fire Department volunteers. Lahren visited the quonset with Bruce - department heads still need to cull paperwork. Lahren will inform department heads to do so.

Murphy will visit election polling sites with ADA personnel on Jan. 16. Murphy reported that he has received more complaints in Cooke City about vehicles parked on drainfield. Randy Taylor will be appointed to the issue.

Durgan reported that a Wilsall resident complained about the condition and maintenance of Horse Creek Road after a contractor's truck and backhoe slipped off the edge in icy conditions.

There was discussion with Ed Hillman re. informing the Commission about major upcoming road projects and their estimated costs.

Lahren will call Lois Hatfield re. fuel storage tank issue.

No public comment was made.

@2:43:38 p.m. Lahren made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

January 10, 2008

Time Sheet Questions

@3:11:16 p.m. Chairman Lahren called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present were Polly Miller, human resources; Denise Nelson, clerk & recorder; 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 address time sheet questions. An employee in Denise Nelson's office took three hours of sick leave that she had not yet accrued. Miller made the correction on the timesheet without the employee's or Nelson's knowledge. Nelson asked to be notified of changes to time cards she had signed. Miller will notify Nelson of timecard changes in the future.

Miller is looking into a new timecard software program that will track employee unpaid leave hours, accrued comp time and even enrollment of benefits. The software is a web portal, so employees can review their accrued personal, sick leave, comp time, and unpaid leave hours, as well as medical benefits, from anywhere.

The Commission requested a dollar quote on the cost of the software.

No public comment was made.

@3:21:52 p.m. Murphy made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

January 11, 2008

Commissioner Murphy was in Helena at a Law and Justice Interim Committee

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

Denise Nelson
Clerk & Recorder
Park County, Montana