

Commission Meeting Minutes; Park County, Montana
Week of June 23 – 27, 2008

June 23, 2008

County Road Updates

@8:34:13 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioner's Chambers. Commissioners Denton and Durgan were present. Also present was Ed Hillman, road supervisor; Don Holland, auditor; Danial Newman, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss county road issues.

There was discussion about the status of the 9th Street Island Bridge situation. Don Holland said he is setting up emergency accounts and directed Ed Hillman to have his crew fill out regular timecards and note all time spent on bridge work, which will be applied to emergency accounts and funds. Holland said Wendy Wood of Search and Rescue wants credit cards for the Sheriff, DES, and Search and Rescue crews. Holland will consult with Wood and the bank in researching obtaining those cards.

Kris Denton said Sheriff Captain Scott Hamilton said he needs Holland at 9th Street Island Bridge staff and crew coordination meetings.

Hillman said the temporary Bailey bridge across the Yellowstone River at 9th Street is 30% or 40% erected. Hillman estimated the span will be across the river by noon June 24. The deck will then need to be put on and the ramp approaches constructed. Hillman said he may need to take material off of a county right-of-way on Siebeck Island to build the Bailey bridge approach. Hillman asked if the Commission should have a surveyor determine where that right-of-way is. The Commission will ask Jerry Brekke to begin researching that issue.

Hillman commended the state for its assistance and his road crew personnel for its work on the bridge. Hillman said he is keeping three crewmen on the bridge project. Brad Wilson, Mark Smith, Winn Treible are currently on the bridge. Hillman said Mark Smith's work in Gardiner is caught up. Durgan said each of those individuals can run a grader so it may be wise to keep them on graders as much as possible. Hillman said that is why he will rotate crewmen on the bridge work.

Sheriff Lutes provided the Commission with a recommended weight load limit of 6,000 pounds on the Bailey bridge, but he said the engineers will come up with an official load limit. Lutes said fire equipment will not be able to access the island via the bridge, so equipment staging on the island may be necessary. Also, the facilitation of UPS, postal service, and garbage services for island residents will need to be determined. Lutes said the county road crew will erect necessary signage at the bridge.

Lutes complimented all individuals working on the 9th Street Island Bridge incident, saying there has been a lot of interagency cooperation between the MT Highway Patrol, City of Livingston police reserves, and Park County Search and Rescue.

Hillman said Merrill Lane was patched on Thursday, and Dave Amunrud is watering the Five Acre Tract this morning to settle dust there. Hillman will call his crew and make sure watering is done correctly on those roads. Troy Amunrud will be grading all week on Shields River Road East and Queen Lane, and Young will work on Horse Creek Road. Denton said Citizen Vicki Butcher requested road maintenance on Shields River Road East.

Hillman will have an updated crew work schedule at the Thursday meeting. Hillman said Polly Miller said her assistant may be able to help Hillman with formatting his weekly road schedules.

Public comment was made by Danial Newman. Newman said he lives on corner of Canyon View and Billman Lane and asked whether the county had any plans to keep dust down there and for future maintenance. Hillman said IronWolf should be in town around June 25 to complete Canyon View, Billman Lane and Paradise Lane road millings work. That work may possibly be finished in three or four weeks. Newman said the Sheriff Office ticketing some individuals may help slow traffic speeds on the three roads.

Denton received a citizen comment about road conditions on Trail Creek a mile from the Gallatin County line. Durgan said gravel will need to be placed at that point in the road. Hillman said the road crew knows about the road conditions there.

Hillman said the county road department bulldozer used in the past for fire services is available and working fine.

Durgan reported a citizen phoned the Commission requesting Elk Horn Road and Mt. Baldy Drive are maintained as soon as possible. Hillman said he knows the upper end of Elkhorn Lane is not a county road. Denton asked the process Hillman follows when asked what roads are or are not county roads. Hillman said he used to go to Jackie Robbins in planning or Park County Historian Jerry Brekke. The Commission will check with Brekke to find out if Mt. Baldy is a public road. Denton will check with Marc Richards of GIS/IT and look in old road books.

Hillman said the road crew will begin installing new blue road signs for private roads to distinguish them from county roads marked by green signs. He said Tractor & Equipment said it would sell the county back its old John Deere grader for \$26,000. That grader is still in the county's possession. Hillman said the fourth new grader is in the county's possession, but it needs a lease agreement signed before it can be used. Hillman said that new grader will go to Clyde Park, and Brad Wilson and Winn Treible will be begin working full time on two remaining graders to help relieve some backlog of road grading needs.

Hillman said he is keeping track of all emergency work, including Rock Creek North, for proper billing purposes. He said he will ask his crew to work on Friday if needed. Durgan advised Hillman to double check with his crew about who is available to work on Friday.

@9:25:36 a.m., Denton made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

June 23, 2008

Consider Approving Minutes for the Week of June 16, 2008

@9:40:35 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioner's Chambers. Commissioners Denton and Durgan were present. Also present was Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to consider approving Commission meeting minutes for the Week of June 16, 2008.

Denton said she will follow up with Key Insurance and Ed Hillman about a bill from NorthWestern Energy for a telephone pole broken by the road crew.

On Page 5 of 17, last paragraph, Durgan noted the correct spelling of the word "nominated."

Denton requested a revision to Page 11 of 17, seventh paragraph; the first sentence should read, "Durgan said a Gardiner citizen inquired about the Gardiner sidewalk project." On Page 12 of 17, 5th bullet point; Denton requested adding, "The matter will be discussed at a June 23 Transportation Committee meeting." Denton requested the 11th bullet point read, "Meeting agenda and minutes for Rocky Mountain Agency on Aging - To Denton for review" and the 16th bullet point read, "Memo re. Livingston flood warning from DES Director Van Nurden - All flood information will be inserted in a binder to file." On Page 13 of 17, the seventh bullet point should read, "MT Supreme Court decision overturning District 6 decision re. subdivision review required when dividing land resulting in remainder parcels less than 160 acres." The last bullet point should read, "Purchase Order from Bob Fry - Commission is waiting on Linneweber for an opinion of job duties of a county fire warden." On Page 15 of 17; County Road Updates meeting, third paragraph; Denton requested the second sentence read, "Hillman said the crew fixed a washout on the Main Boulder Road June 18, and Brad Wilson, Dave Amunrud and Jay Dixon worked on preparing millings at the airport on June 19."

Denton noted three emergency declarations made by the Commission on June 20, 2008 addressing the 9th Street Island Bridge incident need to be added to the minutes. Denton suggested noting within the meeting minutes the county budget committee and solid waste board meeting minutes are available on the county website and within the appropriate offices in the courthouse.

Denton made a motion to accept the minutes for the week of June 16, 2008 with corrections made. Durgan seconded that motion. Motion passed.

@9:51:07 a.m., Denton made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

June 23, 2008

10:00 A.M. – Park County Transportation Committee – Durgan – Community Room

June 23, 2008

Review Correspondence, Public Contacts and Determine Action Plan

@11:30:18 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioner's Chambers. Commissioners Denton and Durgan were present. Also present was Bill Hurley, operations; Brett Linneweber, county attorney; Gary Tanascu, Undersheriff; Allan Lutes, Sheriff; and Commission Minutes Clerk John Mueller. No public comment was made.

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

Undersheriff Gary Tanascu provided the Commission with a complete overview of 9th Street Island Bridge operations. Tanascu said he is concerned with bridge operations expenses being paid out of the Park County Sheriff's Office budget. Tanascu said he feels those expenses should be paid for with an emergency account, which need to be coded correctly. The Commission said Auditor Holland is setting up such an account and the Sheriff's Office needs to talk with Holland about that account. Sheriff Lutes said personnel are tracking every 9th Street Island Bridge expenditure to the minute detail. Tanascu said two public information officers - Kerry O'Connell and Patrick Lonergan - are onsite and working on the incident and a third, Sandy Marlowe, is in training.

County Attorney Linneweber submitted to the Commission for review a proposed draft emergency ordinance for the 9th Street Island Bridge issue, which he drafted after receiving Sheriff's Office recommendations on the bridge issue. Linneweber said an emergency ordinance would last only 90 days and go into effect immediately upon passage. The emergency ordinance would establish non-permitted uses of the Bailey Bridge as criminal offenses. Linneweber said his advice to the Commission is to address permitted uses of the Bailey bridge across Yellowstone River at 9th Street with an emergency ordinance.

Sheriff Lutes said the Sheriff's Office needs an ordinance in place to be able to enforce permitted and non-permitted usage of the bridge. Linnweber said as soon as an emergency ordinance is passed, he will begin work on a permanent ordinance with the Sheriff's Office, the business community, and citizens to address their needs and public health and safety issues. Linneweber said two public meetings with the Commission

would be held during development of the permanent ordinance. Linneweber said he will put together a rough draft of a permanent ordinance for Commission review.

@11:56:07 a.m., Durgan recessed the meeting for lunch until 1 p.m. @1:05:40 p.m., Durgan reopened the meeting.

Correspondence included:

- Memo to Durgan re. schoolbus turnaround for Arrowhead School - Durgan said he expressed reservation about opening another school route off East River Road at a 10 a.m. Transportation Committee meeting. He said Arrowhead School, a bus driver, and parents expressed concern the current bus pickup location is a poor place to park a bus to pick up kids. A suggestion has been made to use Chicory Road, but no turnaround exists on that road.
- Memo from DNRC re. letter of commendation for Park County Fire Warden Bob Fry
- Memo from Ron Archilleta re. Park County Cooperative Weed Management Area and committee operation and notification of empty committee seats
- Memo from Job Service coordinator re. legislation allowing small employers to band together to provide insurance for employees
- Memo from Polly Miller to Commission re. Commission administrative assistant job description has been created and posted
- Memo from MT Dept of Commerce Community Development Division re. Guide to Implementation of Hard Rock Mining and Tax Base Sharing Act - To file
- Email from MT Coalition Against Domestic and Sexual Violence annual conference in Helena Sept 9 - 11 - To Denton for review
- Email memos from Diane Papineau re. growth policy - To growth policy file
- Memo from American Farmland Trust re. buying local food products
- Memo from MACo re. synopsis of DEQ open cut mining audit program
- Memo re. National Park Service Rivers, Trails and Conservation Assistance program
- Memo from MACo re. mental health survey - To Denton for review
- Memo re. 9th Street Island and Siebeck Island road closure
- Memo from Peggy Glass re. request for assistance on Myer's Flat contract - Hurley provided the Commission with an update of the situation, which involves a proposed unified let for bids and award of contract with three other counties regarding Myer's Flat-type radio equipment work
- MT Dept of Transportation newsletter including all approved road and bridge projects with map - To file and road book
- Two Memorandums of Understanding between Park County and MT Stock Growers and Wool Growers Associations - Durgan has signed those MOUs
- Citizen email supporting Kris Denton for vacant District #3 Commission seat
- WindPower newsletter - To Durgan for review
- Memo from MACo re. action needed on failed Secure Rural Schools legislation

- Citizen email to Commission re. concerns with Rusty Collyer serving on the Park County Planning Board – To Planning Director Philip Fletcher for review
- Work orders to Park County maintenance for light bulbs, file box and cleaning Park County vehicles - The Commission will follow-up on the requested orders with Maintenance Director Bruce Martin

ACTION ITEM: The Commission will agenda a meeting to discuss purchasing back its John Deere road grader from Caterpillar

@1:51:57 p.m., Denton made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

June 23, 2008

Fiscal Year '09 Budget Workshop

@2:01:33 p.m., Vice-Chairman Durgan called a meeting to order in the Commissioner's Chambers. Commissioners Denton and Durgan were present. Also present was Bill Hurley, operations; Polly Miller, human resources; Marilyn Hartley, accounting; Don Holland, auditor; Roger Lewis, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled as a FY '09 budget workshop.

Polly Miller and Marilyn Hartley provided the Commission with a summary report of Fiscal Years '06 – '08 General Fund revenues and the Commission budget. Miller, Hartley and Don Holland worked with the Commission to determine preliminary, proposed FY '09 budget figures.

Public comment was made by Roger Lewis. Lewis said he did not have a question for the Commission but wanted to see his tax dollars at work.

@4:25:28 p.m., Durgan made a motion to adjourn the meeting. Denton seconded that motion. The meeting was adjourned.

June 24, 2008

7:30 P.M. – Job Service Employers Committee Breakfast and Year End Event – Bittersweet Café

June 24, 2008

Consider 1) A Resolution Appointing a Park County Commissioner; 2) Two County Appointments to the Board of Health; 3) Fiscal Year 2008 Budget Amendments and Transfers

@9:09:37 a.m., Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was

Marilyn Hartley, accounting; Polly Miller, human resources; Bill Hurley, operations; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to consider 1) a resolution appointing a Park County commissioner; 2) two county appointments to the board of health; 3) Fiscal Year 2008 budget amendments and transfers.

Addressing appointment of Kris Denton as the interim District #3 Park County Commissioner, Durgan read Resolution # 1026 into the record – A Resolution Appointing Kris Denton as Park County Commissioner for District #3.

Durgan made a motion to adopt the resolution as read. Lahren seconded that motion. Motion passed. Denton abstained from voting.

Addressing county appointments to the board of health, Durgan reported the board of health reviews reports from Health Officer Dr. Wadley; the sanitarian for food service and septic systems; animal control officers in the city and county; and Public Health Nurse Suzanne Brown.

Durgan made a motion to accept the two appointments, Carlo Cieri and Rusty Collyer, to the board of health. Denton seconded that motion. Motion passed.

Addressing Fiscal Year '08 budget amendments and transfers, Human Resource Manager Polly Miller said the road department and bridge funds are overspent to-date. Miller recommended increasing the appropriation for expenditures for the Road Department by \$60,000, the Bridge Department by \$40,000 and establishing a Law Enforcement Special Events Fund for special events such as bison and APHIS situations and forest fire services.

Lahren read Resolution # 1025 into the record – A Resolution by the Board of Commissioners of Park County, Montana, Amending the FY '08 Road, Bridge, and Sheriff Special Events Budget.

@9:37:59 a.m., Durgan made a motion to recess the meeting while Miller reviews the resolution. Lahren seconded that motion. The meeting was recessed. @9:46:14 a.m., Lahren reopened the meeting.

Miller said the county's General Fund has been expended 87% to-date and the Payment In Lieu of Taxes (PILT) budget has been expended 80% to-date. The fiscal year ends June 30, 2008.

Durgan made a motion to pass the resolution as presented and read by Human Resource Director Miller. Denton seconded that motion. Motion passed.

@9:50:00 a.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

June 24, 2008

Presentation of Planning Board Recommended Amendments to the 2006 Subdivision Regulations

@11:02:42 a.m., Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Mike Inman, planning; Philip Fletcher, planning; Chuck Donovan, public citizen; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to hear a presentation of planning board recommended amendments to the 2006 Subdivision Regulations.

Mike Inman presented the Commission with a Park County Planning Board Report including all planning board recommended amendments to the 2006 Park County Subdivision regulations and five attachments. Inman explained the format of the document and the process the current planning board conducted in reviewing all public comment relating to planning board recommended amendments to the '06 subdivision regulations. Inman said Philip Fletcher created a synopsis of all written and verbal public comment received at public meetings and during public comment periods. He said detailed transcriptions of every meeting and oral and written public comment is available if the Commission wishes to see those.

The report included: 1) Forty-two (42) recommended amendments to the 2006 Park County Subdivision Regulations; 2) Planning Board recommended Draft Fire Protection Standards; 3) A synopsis of public comment; 4) Planning Board public comment analysis, findings of fact, and determination on Final Recommended Amendments to the 2006 Park County Subdivision Regulations; 5) Planning Board public comment analysis, findings of fact, and determination of Draft Fire Protection Standards; and 6) Planning Board public comment analysis, findings of fact, and determination on the definition of physical and legal access.

Inman said the Commission will need to conduct at least one public hearing on recommended amendments with 15 to 30 days advance notice. He said the planning department will put the report on the county website, and the report is available to the public via email and in paper format. Planning board analysis of public comment and findings of fact will be available upon request.

Fletcher said the planning board reviewed all subdivision materials in two parts - fire standards and subdivision regulations - and suggested the Commission may want to consider that format for the public hearing and when taking public comment.

Durgan said he feels the process has been a good process with public comment periods and participation. Inman said the planning board and staff are keeping a log of issues that need addressed relating to the subdivision regulations in order to enable the board to

address those issues on a routine basis. Fletcher said not having an active growth policy prohibits growth policy-recommended revisions to the county subdivision regulations.

The Commission set a date of July 30 at 7 p.m. in the Community Room of the City/County Building for a public hearing to consider planning board recommended amendments to the 2006 Subdivision Regulations including written and oral public comment. Written comment will be accepted by the Commission as soon as the public hearing is advertised. Inman said the Commission will then need to analyze any public comment and make findings of fact on those comments.

@11:37:06 a.m., Denton made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

June 24, 2008

12:00 P.M. – Airport Board – Durgan – Clark’s Crossing

June 24, 2008

Treasurer’s Fiscal Year 2009 Budget

@1:34:03 p.m., Chairman Lahren called a meeting to order in the Commissioner’s Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Kevin Larkin, treasurer; Polly Miller, human resources; Marilyn Hartley, accounting; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to review the Treasurer’s Fiscal Year 2009 proposed budget.

Treasurer Kevin Larkin provided the Commission with a FY ’09 proposed budget. That budget includes hiring an additional staff member to handle motor vehicles work.

@1:47:42 p.m., Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

June 24, 2008

Consider Signing the Fiscal Year 2009 Nittany Grantworks Contract

@2:37:29 p.m., Chairman Lahren called a meeting to order in the Commissioner’s Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Lori Benner, Nittany Grantworks; Polly Miller, human resources; Bill Hurley, director of operations; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to consider signing a FY ’09 Nittany Grantworks contract.

Lori Benner provided a summary of work she has completed or had a hand in completing for Park County during her tenure as the county’s grants coordinator. Benner also

provided projections and potentials of work she feels can be pursued or completed in the future.

The proposed Nittany Grantswork contract for FY '09 would be for 480 total hours and a total of \$24,000, a \$2,400 increase from last year. The contract states a monthly invoice of \$2,000 would be submitted to the county.

Bill Hurley commended Benner for her high level of assistance on projects he's worked on mutually with Benner, saying she is a delight to work with. Commissioner Durgan said the county has benefited from Benner's assistance in obtaining grant monies.

Human Resources Manager Polly Miller said the Commission budget has money to enter into the contract. Polly Miller will ask County Attorney Linneweber to add a non-disclosure statement to the contract and Linneweber will provide Benner with a copy of that contract. Durgan said the Commission will consider whether it will enter into the contract and make a decision at a later date.

@2:49:06 p.m., Durgan made a motion to adjourn the meeting. Denton seconded that motion. The meeting was adjourned.

June 24, 2008

Consider a Resolution Appointing Special Deputy Attorney

@3:32:21 p.m., Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Kathy Carrick, deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to consider a resolution appointing a special deputy attorney.

Kathy Carrick said a conflict of interest exists between Park County and litigants in a court case. The Park County Attorney's Office is requesting a special deputy attorney be appointed to assist in the investigation and prosecution of the matters surrounding the case State v. Robert Broughton.

Commissioner Lahren read Resolution # 1027 into the record - Resolution Appointing Special Deputy County Attorney.

Durgan made a motion to accept the resolution as read. Lahren seconded that motion. Motion passed.

@3:38:01 p.m., Lahren made a motion to adjourn the meeting. Denton seconded that motion. The meeting was adjourned.

June 24, 2008
Personnel Issue

@4:02:45 p.m., Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Denton, Durgan and Lahren were present. Also present was Ed Hillman, road foreman; Mark Smith, road department; Polly Miller, human resources; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to address a personnel issue.

Mark Smith requested the meeting be closed to the public.

Lahren made a motion to close the meeting. Durgan seconded that motion. The meeting was closed.

@4:35 p.m., Lahren adjourned the meeting.

June 24, 2008

5:00 P.M. – Yellowstone Gateway Museum Board – Yellowstone Gateway Museum

June 25, 2008
Consider Signing Grader Leases

@8:04:37 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioner's Chambers. Commissioners Denton and Durgan were present. Also present was Brett Linneweber, county attorney; Marilyn Hartley, accounting; Dennis Morelock, Tractor & Equipment; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to consider signing road grader leases.

County Attorney Brett Linneweber presented the Commission with a packet of grader lease materials. That packet included an agreement from the Caterpillar Western Region Territory manager stating duplicate, signed original lease agreements will be sent by CAT to the county for filing with the Park County Clerk and Recorder. A second set of identical, original versions will be maintained by CAT.

Commissioner Denton made a motion to accept and sign the document, noting CAT will keep the first original and the county will receive a second identical original. Commissioner Durgan seconded that motion. Motion passed.

Durgan made a motion to sign a lease agreement for the fourth grader. Denton seconded that motion. Motion passed.

The Commission signed a fourth motor grader lease, which is a 72-month annual payment with payments to begin next year.

Marilyn Hartley, accounting department, said the IRS is requesting a designated county contact person.

Durgan made a motion to appoint Hartley as the official representative for IRS documentation she needs to sign off on. Denton seconded that motion. Motion passed.

Hartley said a second packet form is for a direct payment option with CAT. Hartley said the county does not generally enter into direct payment agreements. No Commission action was taken on the matter.

CAT provided the county with a purchase order to purchase back the county's John Deere road grader. That grader is at the county shop. Durgan said there will be no use of that grader until a decision is made to purchase it or not purchase it. Dennis Morelock said Tractor and Equipment does not care if the county uses the grader in the meantime.

@8:40:30 a.m., Denton made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

June 25, 2008

Presentation from City-County Sanitation Landfill in East Helena

@9:40:33 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioner's Chambers. Commissioners Denton and Durgan were present. Also present was David Duffy, City-County Sanitation; Bill Hurley, director of operations; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to hear a presentation from a City-County Sanitation Landfill representative.

Dave Duffy, General Manager of East Helena Landfill, said he wants to maintain open lines of communications with Park County and identify any possible problems occurring with existing services. Duffy said EnviroCon and MT Rail Link want to remain part of the county's solid waste services, and Duffy is interested in pursuing a long term contract with Park County to handle its solid waste, possibly a 10-year contract. Such a contract would enable him to request from MT Rail Link a rail line be built closer to the East Helena Landfill.

Duffy said Park County has the best solid waste operations of any county his company services as far as moving tons of garbage efficiently and not impacting the environment. He said rail car boxes are safe and strong and no waste escapes from them. He said the county is relieved of liability as soon as the garbage hits the rail cars, the train is going to Helena every day anyway, and fuel costs of over-the-road hauling is becoming more uneconomical with rising fuel prices.

Duffy said more compaction of garbage before it is shipped via rail could reduce the mass of waste in the county's green box sites 4 to 1, which would help reduce the number of green box sites needed.

Duffy said Park County averages 10.33 rail cars in a month. Each rail car averages at least 50 tons of garbage. Duffy said that volume would double the number of trucks going to Great Falls over-the-road if the county was to sign a contract for solid waste services there.

Duffy said he is interested in talking with the city of Big Timber to possibly handle their solid waste through Park County.

@10:14:29 a.m., Denton made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

June 25, 2008

Fiscal Year '09 Budget Workshop

@10:23:37 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioner's Chambers. Commissioners Denton and Durgan were present. Also present was Bill Hurley, operations; Polly Miller, human resources; Marilyn Hartley, accounting; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled as a FY '09 budget workshop.

Polly Miller and Marilyn Hartley provided the Commission with a summary report of Commission Fiscal Years '06 – '08 Option Tax and Copier and Mail budgets. Miller and Hartley worked with the Commission to determine preliminary, proposed FY '09 budget figures.

@11:31:19 a.m., Denton made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

June 25, 2008

1:00 P.M. – Commissioner's Leave Courthouse for Site Visit to Hogenson First Minor Subdivision to be Onsite at 1:45 P.M.

June 26, 2008

Consider an Emergency Ordinance for Regulating Use of the Bailey Bridge

@12:30:58 p.m., Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Denton and Lahren were present. Also present was Ross Gammon, MDT; Jim Mastin, Livingston Fire Dept; Greg Bartlette, Tip Top Tree Service; Allan Lutes, Sheriff; Don Holland, auditor; Gary Tanascu, undersheriff; Scott Hamilton,

Sheriff's office; Wendy Wood, search and rescue; Carter Boehm, public citizen; Polly Miller, human resources; Ed Hillman, road foreman; Brett Linneweber, county attorney; Belinda Van Nurden, disaster and emergency services; Bruce Rich, MT FWP; Scott Opitz, MT FWP; Dann Babcox, PCRFD#1; Ed Meece, City of Livingston; John Bailey, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to consider an emergency ordinance for regulating use of the Bailey bridge.

County Attorney Linneweber recommended the Commission pass an emergency ordinance in consideration of Sheriff Lute's request to give the Sheriff's office an ordinance by which law enforcement can regulate bridge use.

Sheriff's Captain Scott Hamilton said a number of questions, issues and concerns about the 9th Street Island Bridge incident need to be addressed either currently or in the future. Those questions, issues, and concerns include: the Sheriff's office will need to conduct a thorough assessment of 9th Street Island for fire, law enforcement, and safety concerns after the Bailey bridge is completed and prior to allowing citizen access to the island. Flooding conditions on the island and road damage underneath the interstate need to be assessed, particularly is the road connecting 9th Street and Siebeck Islands passable or does it need repair? Is equipment needed for fire protection able to access 9th Street and Siebeck Islands, and does a "Plan B" exist for ambulance access? Proper signage on the bridge and establishing a bridge weight limit is necessary. What type of traffic will be permitted on the bridge? How will businesses on the island and visitors be addressed? How will weight of vehicles be determined before they go over the bridge? Will scales be used for that? Will there be limits on times of access such as daylight hours only? How will access be controlled? Will a security gate with an access code be used? How will the Sheriff's office deal with normal duties once all supporting agencies leave the project? Will visibility of cars on the bridge be a problem due to high approaches? Will that issue be addressed by a stop light system? Logistics and location of repairing and replacement of a permanent bridge will need to be determined. How will the public be informed of all necessary information throughout the bridge project? Short- and long-term utility needs to the island need to be determined. Natural gas to the island is currently cut off. Regarding routine maintenance and adjustments to the Bailey bridge, how will logistics of closing the bridge to traffic, hours of work, who is in charge, and how will citizens be notified be determined? How will the special needs of citizens on the island be addressed? How will mail, UPS, FedEx and other services be addressed?

Undersheriff Gary Tanascu said the bridge emergency will be over for the Sheriff's office in the near future and Park County needs to assume responsibility of the bridge project, preferably within three to four days after the bridge is opened, as law enforcement will have to resume law enforcement duties. Tanascu said Sheriff's personnel will remain at the bridge site guarding the road and area and providing security for citizens on the island during the transition of responsibility from the Sheriff's office to the county. Tanascu said the Bailey bridge is the only one of its kind in the state, so if it is damaged the

county will have a serious problem. Tanascu suggested a gate be installed on both ends of the bridge for permitted uses.

Hamilton said the current river closure from Carter's Bridge to the 89 North Bridge was done at the Sheriff's office request because there was no way to close the channel that goes under the 9th Street Island Bridge. Hamilton said there needs to be some river closure, but perhaps not that entire stretch. Ross Gammon of the Montana Department of Transportation said the 9th Street Island Bridge pier can collapse at any time.

A draft emergency ordinance was reviewed by the Commission and meeting attendees.

Section 1, Item #3 of the emergency ordinance should define passenger "Motor Vehicles" as enclosed motorized vehicles; excluding bicycles, all-terrain vehicles, open four-wheelers, and two-wheeled vehicles including motorcycles.

Section 2 shall state only one motor vehicle shall pass on the bridge at one time.

Section 2 Item #2 should read, "Vehicles authorized by this ordinance to use the Bailey bridge shall not exceed the posted weight limit." The posted weight limit at this time will be 3 tons, or 6,000 pounds.

Section 2, Item #4 should state access use of the Bailey bridge is limited to passenger motor vehicle traffic.

Gammon said the Bailey bridge is not ADA compliant, has no handrails, or edge fencing. Sheriff Lutes and Linneweber said the liability to the county and danger to citizens is too great to allow anything other than motor vehicle use of the bridge due to the design of the bridge decking underneath the drive rails.

Section 3, Item #1 shall read "Law enforcement and other emergency personnel engaged in the lawful performance of its duties shall have license for use of the Bailey Bridge and shall not be subject to any penalties included in this ordinance for performing their duties.

Section 3, Item #4 should read, "Individuals may lawfully travel over the Bailey Bridge if the owner has a right-of-way or easement, or for any other lawful reason or for performing a duty imposed or service authorized under federal, state or other applicable law."

Linneweber said the emergency ordinance would go into effect immediately upon passage by the Commission. He said a full public discussion will be held prior to passage of a permanent ordinance and all Sheriff's office concerns about the bridge situation need to be made known and addressed at that time.

Commissioner Lahren said the Bailey bridge may be in place for three to five years while a permanent bridge is constructed. Sheriff Lutes said it is cost prohibitive for the Sheriff's office to physically patrol who crosses the bridge. Lutes said once the

emergency ordinance is enacted it gives the Sheriff's office enforcement ability. He said the emergency ordinance needs to be publicized in the Livingston Enterprise and a copy needs to go to all deputies. He said the Sheriff's office will complete a contact list of all island residents in order to assist it in enforcing who is lawfully permitted to use the Bailey bridge.

Lahren said Belinda Van Nurden will handle all media notifications of the passed emergency ordinance. Van Nurden will contact the Livingston Enterprise, Bozeman Chronicle and Billings Gazette, post the emergency ordinance on the county website, and KPRK and KGLT radio stations will be contacted. Lahren advised her to contact Tom Discorski to rent a large sign to be placed at the bridge site with Bailey bridge weight limits and speed restrictions.

Public comment was made by John Bailey. Bailey said the county would be better off to allow bicycles and pedestrian traffic on the bridge because there will be incredible pressure from the public wanting to access 9th Street Island. Bailey said he will object if the public is not able to use the public roads on the island or access the river from the island.

Lahren said the bridge situation is a public safety issue, government officials are charged with protecting the public safety, and a police authorization is necessary to protect the county. Lutes said the Bailey bridge is a new bridge and the ordinance is a temporary ordinance. He said the need is to restrict traffic on the bridge so it experiences as light of traffic as possible while providing the people with property on the island with rightful use of that property. Lutes said restrictions are necessary because the Bailey bridge at 9th Street is the only bridge of its kind in the state and if it breaks the county will be in a bad situation. Gammon said the fascination of the Bailey bridge and citizens' desires to cross it should diminish in time.

Lahren made a motion to accept emergency Ordinance #20 - An Emergency Ordinance of the Park County Commission, Montana, Regulating Use of the Bailey Bridge, A Temporary Access for Ninth Street Island, Violation is Prohibited, is a Misdemeanor, and Providing for a Penalty - with modifications made in a meeting on June 26. Denton seconded that motion. Motion passed.

@1:42:06 p.m., Lahren made a motion to adjourn the meeting. Denton seconded that motion. The meeting was adjourned.

June 26, 2008

Review Correspondence, Public Contacts, and Determine Action Plan

@1:55:13 p.m., Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Denton and Lahren were present. Also present was Bill Hurley, operations; Peggy Glass, 911; Bernadette Rambow, accounting; Brett Linneweber, county attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

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

Bill Hurley reported on a proposal to combine letting of a contract for Myer's Flat work with four other Montana counties. Hurley provided the Commission with paperwork for signatures regarding withdrawal of money award from the Department of Military Affairs and a new money award from a different federal fiscal year.

Peggy Glass said Sweetgrass County is okay entering into a combined county effort to let a contract for Myer's Flat type work, but she does not know about Madison County. Lahren told Glass to move forward with the proposed combined effort because all agreement proposals will be reviewed by the County Attorney before anything is finalized.

County Attorney Linneweber submitted an awarded Victim Witness Grant for Chairman Lahren's signature. Bernadette Rambow from accounting asked the Commission what she is to do with invoices for Superior Fenders for road grader fenders. Lahren provided Rambow with purchase orders for the invoices.

Correspondence included:

- Governmental Solutions magazine - To Commission and Hurley for review
- Memo from Tech Ranch and small high-tech start ups - To Commissioner Durgan for review
- Memo re. Human Resource Development Council Bock Grant – A meeting has been set up with the Commission
- Memo re. Beartooth Highway project update
- Memo from NACo re. legislative bulletin and legislative update and action alert re. SRS funding
- June 10 meeting minutes for Yellowstone Country Board - To Denton for review
- Memo re. Job Service Breakfast June 24 - Denton attended
- Memo re. RC&D economic development district - Denton will attend meeting June 27
- June 24 meeting minutes for Airport Board
- Memo re. Medicare Regulations - To Denton for review
- Memo re. 9th Street Island Bridge - To Lahren for review
- Memo re. Medicare notice for Medicare victory in House of Representatives
- June grant news - To Lori Benner for review
- Memo from Bob Fry for executive order to exist in Park County Montana - To Lahren for review
- Memo re. mileage rate to increase to 58.5 cents per mile for business miles
- Wineglass Association newsletter
- Memo from Clyde Park re. water rates increases
- Memo from NACo re. animal control survey - To Durgan for review

- Memo from Marilyn Hartley re. questions to Olness auditor findings
- NACo newsletter
- Memo re. street closure request in Gardiner for 2009 Yellowstone Days
- Planning board suggested recommended amendments to 2006 subdivision regulations
- Memo from Polly Miller re. county leave request policy
- Letter of commendation to Larry Lahren for prompt attention to Pray Road repairs
- Memo from Planner Mike Inman re. public hearing for subdivision regulations amendments
- Memo re. Wind Power
- Gateway Park meeting notice
- Memo re. Job Service breakfast attendee thank you
- June 19 agenda and meeting minutes for Library board
- Memo from MT DEQ re. holding a public hearing on City of Livingston Class II transfer station on July 8 from 6-8 p.m.
- City of Livingston Class II transfer station environmental assessment
- Memo from Solid Waste Board re. request assistance in status of resolution and seventh member of board
- Memo from Bruce Martin re. damage caused by severed line
- Motor grader leases
- Memo from Lori Benner re. Gardiner Sidewalk Project parking issue
- Memo from MACo re. new form for immigration services
- Memo re. county Rx drug cards
- Memo from Lori Benner re. resident input and design for Gardiner Sidewalk Project
- Memo from NACo re. green competitions for counties
- MT Water Trust notice re. flex bank account cards
- Memo from Bernadette Rambow re FY '08 invoices due
- Memo from Roscoe Steel re. 9th Street Island Bridge
- Memo from Transportation Committee
- Memo from Peggy Glass re. Myer's Flat procurement
- Waste News Magazine

@2:34:31 p.m., Lahren made a motion to adjourn the meeting. Denton seconded that motion. The meeting was adjourned.

June 26, 2008

County Road Updates - Canceled

June 27, 2008

No scheduled meetings

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

Denise Nelson
Clerk & Recorder
Park County, Montana