

Commission Meeting Minutes; Park County, Montana
Week of March 31 – April 4, 2008

March 31, 2008

County Road Issues

@8:32:18 a.m. Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Lahren and Murphy were present. Also present was Angela Schneider, Livingston Enterprise; and Commission Minutes Clerk John Mueller. No public citizens were present, and no public comment was made.

The meeting was scheduled to discuss county road issues.

No representatives from the road department were present at the meeting. Murphy reported citizen Dee Smith has a lot of available information on the Bannack Road that may assist Jerry Brekke in his research work. Murphy also reported the state highway department will remove silt from culverts in Cooke City.

@8:55:55 a.m. Lahren made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

March 31, 2008

Review and Approve Minutes

@9:01:52 a.m. Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Lahren and Murphy were present. Also present was Commission Minutes Clerk John Mueller. No public citizens were present, and no public comment was made.

The meeting was scheduled to review and approve Commission meeting minutes for the Week of March 24, 2008.

On Page 1 of 12, fifth paragraph; Murphy noted a sentence should read, "DEQ is okay with that transfer."

Murphy made a motion to approve the minutes with corrections. Lahren seconded that motion. Motion passed.

@9:03:38 a.m. Murphy made a motion to adjourn the meeting. Lahren seconded that motion. The meeting was adjourned.

March 31, 2008

Review Correspondence, Public Contacts and Determine Action Plan

@9:59:57 a.m. Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Lahren and Murphy were present. Also present was Bill Hurley, operations; and Commission Minutes Clerk John Mueller. No public citizens were present, and no public comment was made.

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

- Deep Creek Bench Road report - To road book
- Memo from MACo re. information on economic stimulus payments
- Memo re. information about Heard Across Montana consortium - To Hurley for review
- Minutes from Yellowstone Country re. county representative on that committee will finish April 30. Commission will advertise that opening
- Memo from Bob Evanoff re. willing to operate sewer system and assist with transfer. Working with district on transition of billing activities - To Hurley for review
- Memo from Evanoff re. contract work - To Hurley for review
- Memo from Rob Stevens re. Mission Ranch gravel pit
- Correspondence between Miller and DePuy re. Olness auditor contract is due - To DePuy for review
- Memo from Kovash Enterprises re. paid landfill bill
- Yellowstone Gateway Museum meeting minutes
- Memo from Lahren to John Wahoff re. contract complete
- Memo from Don Holland re. addressing Commission inquiries into office space and work schedule - To DePuy and file
- Memo from Lisa Ballard re. final draft of Livingston Area Transportation Coordinating Plan - To Murphy for review
- Correspondence from Suzanne Brown re. flu season is still active
- Memo from Randy Wilke re. new computer system for 2008 mobile home personal and real property assessments
- Memo from CDC re. influenza information
- Memo from Lahren re. large granite boulder placed at Canyon View Drive and Billman Lane
- Memo from Belinda Van Orden to local DES representatives re. meeting times
- Letter from Cooke City Colter Pass/Silvergate Chamber of Commerce re. attorney to work with DePuy on allocation of resort tax for Shoofly Museum
- Memo from Yang Ying re. action to block Medicare cuts by contacting congress members
- Franzen-Davis professional services contract

The Commission updated its individual tasks list.

@10:40:46 a.m. Lahren made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

March 31, 2008
Personnel Issue

@11:31:39 a.m. Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Lahren and Murphy were present. Also present was Polly Miller, human resources; and Commission Minutes Clerk John Mueller. No public citizens were present, and no public comment was made.

The meeting was scheduled to address a personnel issue.

Miller asked for Commission permission to begin advertising for a vacant county civil attorney position. She suggested having the position filled by June 1, 2008. Civil Attorney Tara DePuy submitted a letter of resignation March 25, 2008, effective September 30, 2008.

There was discussion about the number of hours the new civil attorney would work each week; from where within the budget personnel dollars to fund the position would come, specifically if PILT monies are cut; wage being dependent on experience; and whether to advertise the position as part-time to full-time employment. Miller said there would be 1.5 pay periods where the new civil attorney and DePuy would both be on the county payroll.

Miller said she would like to advertise through Monster.com; MACo; and the Montana Bar Association newsletter. Miller will provide the Commission with the job description for review and will schedule another meeting for discussion later this week.

@11:42:38 a.m. Lahren made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

March 31, 2008
Fleshman Creek Recommendation to Commissioners

@1:00:18 p.m. Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present was Brett Linneweber, county attorney; Lori Benner, Park County grant coordinator; Mike Cox, Oasis Environmental representative; Kristen Wester, Oasis Environmental representative; Mike Sprague, Trout Headwaters representative; Bill Hurley, operations; and Commission Minutes Clerk John Mueller. No public citizens were present.

The meeting was scheduled to discuss a Fleshman Creek RFQ review committee recommendation to the Commission.

Hurley reported to the Commission the process the RFQ review committee followed in reviewing and evaluating individual proposals. The review committee consisted of Bill Hurley; Park County director of operations; Ed Hillman; Park County road foreman; Clint Tinsley, City of Livingston director of public works ; Scott Opitz, Montana Fish Wildlife and Parks fisheries biologist; Kerry Fee, Joe Brooks Chapter of Trout Unlimited president; and Lori Benner; Park County grant coordinator.

Benner reported three firms responded to the RFQ, Oasis Environmental; PBS&J; and Trout Headwaters, Inc. Point tallying resulted in Oasis Environmental receiving 450 points; PBS&J receiving 390 points; and Trout Headwaters Inc., receiving 363 points.

Benner reviewed the method used by the committee to score the individual RFQ applications. Each evaluator independently reviewed and scored the application of each applicant. Benner totaled the points at a public meeting held March 28, 2008.

Hurley contacted references for each applicant and shared responses with the committee in a public meeting. References were documented, but were not scored. Hurley reported references were informative and positive for each applicant.

Benner reported on the timeline for the project. The goal is to submit a county grant application to the Montana Department of Natural Resources due May 15. That grant is available every two years and would help fund part of the creek restoration project.

Public comment was made by Mike Sprague. Sprague read into the record a letter submitted by him to the Commission on March 31, 2008.

Each commissioner expressed desire to individually review the three proposals before making a decision. Murphy made a motion to postpone a decision until the Commission seeks legal advice. Durgan seconded that motion. Motion passed.

@1:30:24 p.m. Durgan made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

April 1, 2008

8:00 A.M. – Budget/Accounting Review Committee – East Room

April 1, 2008

Review Road Crew Grader Leases

@9:00:10 a.m. Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Lahren and Murphy were present. Also present was Dennis Morelock; Caterpillar representative; Tara DePuy, civil attorney; and Commission Minutes Clerk John Mueller. No public citizens were present, and no public comment was made.

The meeting was scheduled to discuss road department grader leases.

Dennis Morelock presented road department grader leases. DePuy requested more time to review those leases.

Murphy made a motion to adjourn the meeting and reschedule it for April 8, 2008, @ 1:30 p.m. Lahren seconded that motion. The meeting was adjourned

April 1, 2008

Upcoming Bid for Landfill Contractor

@9:31:43 a.m. Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present was Dennis Morelock; Caterpillar representative; Tara DePuy, civil attorney; and Commission Minutes Clerk John Mueller. No public citizens were present, and no public comment was made.

The meeting was scheduled to discuss bids for landfill contractors.

The meeting was canceled because the bid process has commenced.

@9:34:46 a.m. Lahren made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

April 1, 2008

10:00 A.M. – Health Insurance Committee – Durgan – West Room - Rescheduled for April 9, 2008, at 10:00 A.M.

April 1, 2008

12:00 P.M. - RC&D – Murphy - Wilsall

April 1, 2008

Consider Computer/Public Information Advisory Committee Recommendations

@1:30:47 p.m. Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present was Marc Richards, GIS/IT; Peter Vandergrift, Livingston Enterprise; Andy Scott, committee member; Peter Ponca, committee member; Brett Linneweber, county attorney; Bill Hurley, operations; Polly Miller, human resources; and Commission Minutes Clerk John Mueller. No public citizens were present.

The meeting was scheduled to consider recommendations from a Computer/Public Information Advisory Committee.

Committee Chairman Andy Scott provided a review of the process the committee followed to come up with its eleven (11) Commission recommendations. Scott said the committee's goal is for county departments, offices and county employees to think in terms of being proactive in ways to improve access to public information.

The committee presented its recommendations as follows. The committee recommends:

- 1) All county departments and offices comply with recommendations and guidelines established by the Montana Secretary of State's office with regard to public records maintenance, archiving and destruction.
- 2) All county departments and offices make information and records commonly recognized as public records easily accessible to citizens. The committee recommends each department devise a list of clearly public records and which do not create delay in dissemination and do not need review by the county attorney prior to dissemination.
- 3) The Commission adopts a simplified public information request form.
- 4) The Commission adopts a simplified fee schedule. The State of Montana charges \$0.10 per printed page. Exceptions are possible for extraordinary requests that take a lot of personnel time to fulfill. State law permits adjustments to a fee schedule based on research time required to fulfill a public information request.
- 5) The Commission expands and promotes the use of the county website as a vehicle for disseminating public information. Frequently asked questions/requests can be posted on department pages of the county website to improve efficiency by which citizens obtain public information and reduce employee time in physically meeting public information requests.
- 6) All county departments implement a records management policy. A goal is to maintain records in an organized, easily retrievable and searchable manner. Records management models are available from the Montana Secretary of State.
- 7) The Commission clarifies county email regulations. The committee found a general misunderstanding among county staff of regulations regarding email, specifically when is an email a public record and when can an email be deleted from a county computer.
- 8) Each county department defines departmental procedures for responding to information requests and complies with state guidelines and accepted recommendations. The committee recommended the Commission require each department and elected official to come up with a procedures manual of how it will respond to requests and streamline the process by which public citizens can access public information.
- 9) The Commission establishes a training regime for county employees. An option may be to expand annual and ongoing summer computer training sessions to include training on public information/privacy issues by the county attorney and county IT staff.

10) The Commission develops a long-term plan for reviewing implemented public records policies and revises them as needed.

11) The Commission retains, in some form, the Computer/Public Information Advisory Committee.

There was discussion about: the importance of acting on the committee's efforts and recommendations and avoiding the effort becoming static; extended ramifications of this committee and its work; retention time requirements of webpage information and documents; organizing emails within subfolders and a "no inbox" policy; a need to address the county's personnel policy regarding emails; the difficulty to search email files; and possibly establishing in-department kiosks for citizens to obtain public information. Some departments, such as the Clerk and Recorder, Treasurer and Clerk of Court, already have kiosks.

Murphy suggested it would be a good idea to present the committee's PowerPoint presentation at a county department head meeting.

Lahren asked the committee if it considered a need for a county public information officer to work with the committee and departments and ensure continuity in public information records management and dissemination policies are followed. Lahren said such a position may be valuable given the turnover rate that comes with government consisting of elected officials. A public information officer could administer the recommended training program. Lahren asked whether the committee could provide a job description of a hypothetical information officer. Lahren suggested dissolution of the committee in the future would create a problem that may be handled by having an individual overseeing a public information dissemination program.

Linneweber reported the committee had not considered a public information officer throughout the process of comprising its recommendations. Miller suggested the county first needs to ensure department heads know what is going on within offices before the county hires someone to administer and control the public information process and policies. Richards added it might look like the county is attempting to cover up information by hiring a public information officer.

Miller will put the committee's PowerPoint presentation on the next department head meeting agenda. Cheryl Wood of MACo will be invited.

Public comment was made by Miller. Miller said the committee members were good to work with, had different views, but had ability to come to agreement regarding the Commission recommendation. Scott expressed agreement with Miller's comments.

@3:15:35 p.m. Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

April 1, 2008
City/County Meeting

@4:00:09 p.m. Vice-Chairman Durgan called a meeting to order in the Commissioner's Chambers. Commissioners Durgan and Murphy were present. Also present was Dann Babcox, PCRFD#1; Peggy Glass, Park County 911; Jim Mastin, Livingston Fire; Mary Beebe, city commission; Bill Hurley, operations; and Commission Minutes Clerk John Mueller. No public citizens were present, and no public comment was made.

The meeting was scheduled as a city/county commission meeting.

Peggy Glass reported the state approved Park County for \$918,000 in Homeland Security grant money for a new building, generator, grounding, tower and a microwave system down I-90 from Myer's Flat to the City/County Building.

Glass received a bid of \$36,820 for a redundant system from Motorola. There was discussion about budgeting for that amount now. The city, county and Park County 911 would pay equally into the \$36,820.

Mastin reported the city is in the process of applying for a grant to help pay toward the \$36,820. Mastin noted currently on the north hill is the law enforcement, city police department, sheriff's department and rural fire department servers. The city fire department and ambulance servers are located at the city fire station, and the mutual aid server is located in the downstairs of the city/county building. The City's proposal would be to move all those services to Meyer's Flat with possibly one dispatch frequency for the fire and ambulance.

Glass will get a bid on the cost to move everything to Meyer's Flat. That cost will be added to the payments split between the city, county and Park County 911.

Other Business

There was discussion about encouraging citizens hauling trash to the landfill to tarp loads per state law. Trash blowing from loads heading to the landfill is becoming a problem, littering neighboring properties.

The next meeting date is scheduled for May 6, 2008.

Mary Beebe announced 120 animals were admitted at the free spay/neuter clinic on March 30.

No public comment was made.

@4:23:06 p.m. Murphy made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

April 1, 2008

Carbella Bridge; Old Yellowstone Trail South Road Realignment Discussion – @ Dome Mountain Ranch Lodge 2017 US Highway 89 South

@6:07:39 p.m. Commissioner Lahren called a meeting to order at the Dome Mountain Ranch Lodge. Present were public citizens Lindsey Mueller, Bruce Martin, Joseph Glass, Laura Star, Jim Klyap, Paul Schneider; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss Carbella Bridge and Old Yellowstone Trail South Road Realignment projects.

Lahren reported contractor Clyde Bainter started work on Old Yellowstone Trail South March 27. Projected finish time is two weeks. Bridge work will commence April 7 if things go smoothly. Bridge work is expected to last two to three weeks. The bridge may be finished and reopened by May 1, 2008.

The bridge will have a 6-ton maximum weight limit. Guardrails will be placed on each end of the bridge to avoid vehicle impacts with the bridge. Bridge work will be certified by the contracting engineer.

Guardrails will also be placed on the steep edge of Old Yellowstone Trail South where road work is being done.

@6:11:05 p.m. Lahren adjourned the meeting.

April 2, 2008

Five Acre Tract Road Repairs

@10:00:55 a.m. Lahren called a meeting to order in the Community Room of the City/County Building. Commissioners Durgan, Lahren and Murphy were present. Also present was public citizens Dick and Cara Perry, Dick and Shirley Payne, Dick and Sue Payne, Kevin and Cheryl Jordan, Daniel J. Nelson, Burt Viers, Cody Viers, Cody Lemon, Chris Logan, Garry Cotant, James Copenhaver, Earl Anderson, Steve Hummelspa, Karl Knuchel, Marc Phipps, Russ and Jane Viers, Sue Martin, James Cutlery, Lori Carter, Jerry Carter, Bob Vandervert, Deana Fry, Mike Adkins, John Nelson, Michael Hopkins, Mary Ann Falwell, Gunda Swermeman, Dale Guidi, Dave Viers, Michelle Morris, Michel Littu, Kara Bailey, Rick Adams, Dave Carter, Scott Nelson, Miercene Huseen, The Allens, Shawn Watson, Bill Harris, Judy Harris, Toby Harris, Wendy Olsen, Darrell Allen, Stacy Sunison, Randy Taylor, Ed Bouchor, Les Tracy, John Taylor, Rusty Viers, Danny and Tammy Newman, Wayne and Shirley Dournek, and Lois King; Dann Babcox, PCRFD#1; Mike Graham, Paradise Valley fire department; Angela Schneider, Livingston Enterprise; Philip Fletcher, Park County planning department; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss Five Acre Tracts road repairs.

Commissioner Lahren gave a history of Billman Lane and Canyon View road projects over the last 25 years. Twice money was collected from citizens living along those roads in the amounts of \$74 and \$180 to purchase oil and materials to chip seal and surface those roads. IronWolf road maintenance machinery began road work last week on Billman Lane. Following removal of the road surface, Lahren reported the road was scheduled to be bladed, shaped, compacted and resurfaced. That surface, yet to be determined, was to be magnesium chloride, chip seal, or millings. The county did not ask citizens along Billman Lane for money to assist with funding the road work. The county will repair the section of road already serviced by IronWolf.

Lahren opened the meeting to citizen public comment.

Public comment was made by Terry Carter. Carter said the explanation of the road maintenance was different than what he heard last Thursday. Carter said he was told by Lahren and Road Supervisor Ed Hillman the road would be milled, turned to gravel and left that way. Carter suggested resurfacing the road with millings that would last longer, and he recommended traffic be redirected in the interim. Carter asked the timeframe of fixing the road.

Lahren said the road was scheduled to be worked up this spring and a new surface put on by early summer. Lahren said he did not tell citizens the road would be turned to gravel and left as a gravel road. He said he told citizens last Thursday the road work was routine maintenance and the public was not informed of the work before it started. Lahren apologized for miscommunication between the road supervisor and the Commission regarding the Billman Lane road work.

Commissioner Murphy asked whether citizens would be willing to assist with the cost of resurfacing the road, whatever that surface is millings or chip seal. There was discussion about magnesium chloride not being a feasible surface fix for the road.

Public comment was made by John Nelson. Nelson commented if the Commission had communicated its plans to the public prior to beginning road work on Billman Lane, many citizens would not have felt it necessary to attend today's meeting. Nelson encouraged more communication from the Commission and the road supervisor with the public citizenry to increase trust of government.

Public comment was made by Mike Graham. Graham said a lack of communication between the Commission and emergency service personnel needs to be resolved by working together. He claimed there was a lack of communication from the Commission to emergency services when the Carbella Bridge was closed and road work commenced on the Five Acre Tracts.

Public comment was made by Ed Bouchor. Bouchor said a stop sign was put up on Billman Lane some time ago, but removed. He said he was pulled over on Billman Lane for pulling his horse trailer, and signs are still posted. Bouchor said he would like to see better communication and chip seal or millings as the road surface.

Murphy commented that a court order from the district judge is the reason for the road signs prohibiting horse trailers on Billman Lane.

Public comment was made by Bill Harris. Harris said Billman Lane has never been 20 feet wide, even though a 20-foot wide easement right-of-way exists on record. Harris asked what issue existed with Canyon View Road at today's meeting. Referencing Brown's corner, Harris asked if the Commission would require citizen's fences to be moved back 20 feet. He said the road should be maintained due to the amount of traffic it gets.

There was discussion about a state denial of urban route money to maintain Billman Road, Loves Lane and Canyon View Road. Commissioner Durgan said the 20-foot road right-of-way must be adhered to as the right-of-way width on record for the road. The right-of-way is measured from the road center line 10 feet out on both sides.

Public comment was made by Scott Nelson. Nelson said he is glad Billman Lane will be returned to a paved surface after work is completed. He said neighbors on Paradise Drive and Shamrock Lane talked five years ago about forming a Rural Special Improvement District (RSID) to pave those roads. Nelson was told by the county planning director at that time staff did not exist to assist with such an RSID.

Lahren said the county today has the faculty and staff to assist with an RSID.

Public comment was made by Dave Viers. Viers agreed an RSID would be a good idea. Viers asked what the county's intention is regarding finishing work on Billman Lane.

Lahren said the Commission needs to check the availability of IronWolf, but the county will continue to work up the road surface material, shape the road and resurface it with millings. He said a completion date may be this fall and the county may only be able to resurface what was torn up by IronWolf.

Public comment was made by Kevin Jordan. Jordan asked the cost of millings or chip sealing the Billman Lane road surface. As President of the Wineglass Homeowners Association, Jordan offered to help share county information regarding Five Acre Tract road work in the Wineglass quarterly newsletter. He said the Wineglass Homeowners Association worked with Buffalo Trail Estates to raise \$14,000 to put magnesium chloride on 1.5 miles of the end of Billman Lane. Jordan said perhaps the homeowners association could help with the cost of repairing Billman Lane and with an RSID. Jordan said helping each other and helping with communication is key to road repair work.

Lahren said he does not know presently how much it would cost for millings or chip seal on Billman Lane. Lahren encouraged citizens to form an RSID committee to work with the Commission and county planning department regarding road maintenance in the Five Acre Tracts.

Public comment was made by Michelle Little. Little asked how much of her tax dollars will go toward Billman Lane road work. Durgan said 2.67% of a county citizen's taxes go toward road maintenance.

Public comment was made by Martha Phipps. Phipps expressed support for the RSID idea. She said all people in the Wineglass and on Billman Lane and the Five Acre Tracts need to cooperate with one another to find a fix to all existing road issues. Phipps requested clarification on the number of people needed in support of an RSID.

Public comment was made by Deana Fry. Fry said Buffalo Trails Road is considered a private road for public use. She said Buffalo Trails worked with the Wineglass on IronWolf road work last year. She said citizens need Billman Lane fixed before the fall or damage will result to personal vehicles. She asked why a final grade had not been done on the work IronWolf already did.

Lahren said road work was stopped due to citizen request, and work on Billman Lane will resume after this meeting.

Public comment was made by Shawn Watson. Watson asked when work would resume on Billman Lane.

Lahren responded the county will be right back at work on the road after this meeting.

Public comment was made by Dann Babcox. Babcox said Billman Lane is a main artery to the Five Acre Tracts and the Wineglass and it must be fixed now to ensure public safety. He said the county is responsible for the public's safety and when a fire department cannot access an area, public safety is compromised.

Lahren said the Commission will communicate with citizens in the future via newspaper, county website, radio, and door to door correspondence if necessary. Durgan said it is seldom the county posts signs when county roads are graded.

Public comment was made by Richard Payne. Payne asked how many more houses will be allowed to be built at the end of a 20-foot right-of-way road. He said Billman Lane can't handle much more traffic. He said a flagman told him the road department was going to tear up Billman Lane and turn it back to gravel.

Public comment was made by Martha Phipps. Phipps said she agreed the Wineglass wasn't well thought out when it was planned and developed. She asked how many citizens would be willing to give up four feet for a wider right-of-way into the subdivision. She asked if citizens would be reimbursed for giving up their property for a wider right-of-way.

Public comment was made by Richard Payne, Jr. Payne said an irrigation ditch through his property and under Billman Lane has been collapsing for years and silting in. He said this would be a good time to replace the culvert now during Billman Lane road work.

Public comment was made by Jim Copenhaver. Copenhaver asked how Billman Lane will be maintained and repaired in the future. He asked whether existing roads will be maintained or torn up then repaired and whether the Paradise Road surface will be patched or replaced. He said he has a machine that can rip up road surfaces if the county is interested.

Public comment was made by Dave Carter. Carter asked what road construction specifications and protocol will be used to fix Billman Lane. He said the road is currently planed down to a one-inch depth and is at a starting point where if the county adheres to its road standards it can put a base under the road and compact it before a top surface goes on. Carter said opportunities to purchase land to create an additional access to the Wineglass have come and gone.

Lahren said the county will consider compaction and techniques and standards that will be used in fixing Billman Lane. Murphy noted that some existing subdivision regulation road standards can't be achieved due to the road's 20-foot right-of-way.

Public comment was made by Russ Viers. Viers said citizens were told in a meeting last week the road was going to gravel. He said Ed Hillman told him, "What you see is what you get." Viers said the county should widen the road and a jackleg fence should be removed, because it is a safety hazard. He moved his fence back years ago, and he said it is a retaliation statement by some property owners to have their fence so close to the county right-of-way and other citizens should not have to put up with that. He would like other citizens to move fences back so road maintenance could be done, saying 1,800 to 2,000 vehicles go down Billman Lane each day. Viers suggested tearing up the rest of Billman Lane and redoing the road or maintain it properly and immediately. Viers said he found in Commission meeting minutes of March 21 that Hillman said he was going to return Billman Lane to gravel and the Commission approved a \$7,500 contract to do so on March 25 and road work started on March 26.

Durgan explained the existing right-of-way on record along Billman Lane allows landowners to build to the edge of the roadway. Thus the county cannot require landowners to move back fences.

Murphy said Planning Director Philip Fletcher is more than willing to work with an interested group on an RSID.

Public comment was made by Sue Martin. Martin said her road, Martin Way, faces the same issues as being discussed at the meeting today. She asked about the county's road maintenance plans for other roads. She expressed concern about a safety issue in regards to fire department response and county roads. She said the safety issue is being ignored. She asked whether information discussed in today's meeting will be written down and recorded.

The Commission advised Ms. Martin to schedule another meeting to discuss Martin Way because that subject was not on the meeting agenda.

Lahren said the meeting is being recorded by an audio machine and minutes are being taken and will be available from the Commission and the County Road Book.

Public comment was made by Mike Graham. Graham asked the Commission to notify public safety emergency services when the county continues road improvements on Billman Lane and when future road work is planned.

Public comment was made by Dan Newman. Newman said he lives on a corner in the Five Acre Tracts that is far wider than 20 feet, so the county will need to exceed a 20-foot right-of-way to properly install a road base foundation. Newman said he is willing to donate the necessary footage there so the road can be done right.

Public comment was made by Terry Carter. Carter said a 20 foot right-of-way would make Billman Road a one-lane road like Loves Lane.

Public comment was made by Dale Guidi. Guidi said the Sleeping Giant Homeowners Association has 100% of its members paying dues and they paid W.E. Dust Control \$6,000 at \$1.10/foot to magnesium chloride a road in his subdivision. He said a quote four years ago to have that same stretch of road surfaced with millings or chip seal was \$80,000. He said magnesium chloride worked well in his subdivision.

@11:26:53 a.m. Durgan made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

April 3, 2008

8:00 A.M. – Area IV Agency on Aging – Murphy – Three Forks

Extension Agent Interviews - Durgan – Community Room

April 3, 2008

Review Correspondence, Public Contacts, and Determine Action Plan

@2:37:39 p.m. Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Durgan and Lahren were present. Also present was Bill Hurley, 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.

Lahren read into the record a memo summarizing the emergency nature of the temporary closure of the Carbella Bridge following a single-car accident. The memo notes Paradise

Valley Fire Chief Mike Graham had difficulty accessing Tom Miner Basin on an emergency service call due to the bridge being out.

The Commission's decision to classify the bridge closure was based on the fact that it was an emergency situation. The Commission followed emergency situation contractor contract protocol per Montana Code Annotated 7-5-2304.

Documentation of Carbella Bridge closure's emergency context and bridge repair needs includes: 1) the coming of high water this year due to heavy snow pack and the chance of losing the entire bridge (trees and debris hanging up on it) because of its damaged and fragile condition; 2) because of the current damage, potential collapse could occur to this type of bridge (Camelback truss) due to high winds (as noted by an MDOT engineer after the damage occurred); 3) because of the current damage, collapse could occur if someone ran into one of the vertical end structures that are not presently protected by guardrails; 4) current and immediate emergency vehicle needs (ambulance); and 5) the upcoming fire season which requires the bridge to be ready for access by light vehicles.

Lahren reported Clyde Bainter will complete Old Yellowstone Trail South road work in 10 to 12 days, and Frontier West of Missoula will begin Carbella Bride repair work on April 8, 2008. The projected time to complete repair work is two weeks. The bridge may reopen May 1, 2008.

There was discussion about the county sharing in the cost to move all emergency transmitter equipment to Myer's Flat. Equipment will be moved from Northside Hill to Myer's Flat.

Durgan reported interviews of three applicants for the Park County Extension agent position went well. A recommendation was made and forwarded to Dr. Steele at MSU Extension for consideration. Word from Steele on a candidate selection is expected within three weeks. The projected start date for the new Park County Extension agent is May.

@3:23:25 p.m. Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

April 3, 2008

Budget Committee Discussion of Restructuring of Accounting Office

@4:00:34 p.m. Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Durgan and Lahren were present. Also present was Bill Hurley, operations; Tara DePuy, civil attorney; Don Holland, auditor; Denise Nelson, clerk and recorder; Kevin Larkin, treasurer; Marilyn Hartley, accounting; 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 restructuring of the accounting office.

The budget committee consists of DePuy, Hartley, Larkin, Miller, and Nelson. The Clerk and Recorder will supervise the accounting office staff and the treasurer will resume school budget balancing and other tasks by the end of calendar year 2008.

The committee provided options of where to best physically locate the accounting office. The committee proposed to move the accounting office into the present-day Commission Chambers. The present-day accounting office could become the Commissioner's Chambers. Or the Commission could move into the present-day auditor and Durgan office. The auditor and Durgan offices would then move into the present-day accounting office.

Costs associated with moving offices would need to be addressed in the FY '09 budget. Installing server access cables and possibly telephone lines for the new accounting office may be necessary and may pose the greatest moving expense.

There was discussion about possible office locations for Commission Administrative assistant Kris Denton. An option is for Denton to remain where she is and install a new access point into the present-day Commissioner's Chamber from the Clerk and Recorder office. A second option is to move Denton into the present-day accounting office.

The Commission expressed support for the option of swapping the accounting and Commission's Chambers offices.

The committee would like to know the Commission's decision on the matter within a month in order to include remodeling costs in the FY '09 budget.

There was no public comment.

@4:16:41 p.m. Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

April 4, 2008

Gardiner Sidewalk Request for Qualifications Recommendation to Commissioners

@8:59:30 a.m. Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present was Lori Benner, Park County grants coordinator; Tara DePuy, civil attorney; Joseph Gross, public citizen; and Commission Minutes Clerk John Mueller. No members of the public were present, and no public comment was made.

The meeting was scheduled to discuss a Gardiner sidewalk request for qualifications recommendation to the Commission.

Benner provided a history of the application and scoring process. The RFQ included three services to be completed by the contractor in the Gardiner sidewalk project. Those

services include, 1) final design for project, 2) preparing bid documents for work, and 3) provide construction management of project.

Three firms submitted RFQs applications. Those firms were Thomas, Dean and Hoskins Inc., Engineering Consultants; CTA Civil Engineers; and Great West Engineering.

The selection committee consisted of Dick Murphy, Leland Stocker, Ed Hillman, and Mark Smith. Each committee member individually scored RFQ applications. Murphy checked application references. The RFQ stated if an application had conducted no previous work within Park County, reference checks were required. Murphy called two references for each applicant. Murphy reported reference content to committee members, and reference content was considered in the scoring process.

Benner presented the committee's recommendation to the Commission based on applicant scoring. Great West Engineering scored highest. CTA Civil Engineers scored second highest. Thomas, Dean and Hoskins Inc., Engineering Consultants scored third highest.

DePuy provided a summary of reference check comments for each applicant. CTA had a positive recommendation from Clint Tinsley and the City of Livingston and James Godrum of Bozeman. Great West Engineering gained positive references from Rick Morrison of Ft. Benton and Ron Hanson of Powell County. Thomas, Dean and Hoskins received a positive reference from Mike Baker in Kalispell and a mediocre reference from Bill Bishoff of Lincoln Bill Bishoff.

The review committee advanced Great West Engineering score based on its recommendations. CTA's score remained the same after recommendations were received. Thomas, Dean and Hoskins's score was reduced based on its references.

Benner read into the record a condition of contract that arose during the review process. That condition states, "As a result of public comment received at the first meeting of the Selection Committee, held on March 6, 2008, members encourage Park County to include the following additional service during contract negotiations with the selected engineering firm: The facilitation of two public meetings in Gardiner to (1) seek citizen input prior to final design of the sidewalk, and (2) share final design plans with citizens and seek comments."

Durgan requested time to review applications before making a decision.

@9:14:31 a.m. The Commission recessed until 9:45 a.m., to enable Durgan to review application proposals. @9:46:27 a.m. the Commission reconvened.

Durgan commented he approved of the selection process, and he agreed with the review committee's scoring process and feels scorer's notes support their vote outcome.

Durgan made a motion to accept the recommendation of the Gardiner Sidewalk Committee for Great West Engineering. Murphy seconded that motion. Motion passed. Lahren abstained from voting stating concerns he has the scoring and voting process is not unbiased because Commissioner Murphy served on the review committee.

DePuy reported she had no reservations of the review and scoring process.

Upon selection of a contractor, Park County must notify and receive an okay from the state to proceed with the project. If Great West Engineering cannot meet the requirements of the project contract, per RFQ criteria, the second place firm, CTA Civil Engineering, will be awarded the contract.

@9:53:01 a.m. Murphy made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

April 4, 2008
Personnel Issue

@10:02:39 a.m. Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present was Brett Linneweber, county attorney; 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 a vacant civil attorney position.

Murphy made a motion to reschedule the meeting so it is stated more clearly in the meeting agenda. Durgan seconded that motion. Motion passed.

The rescheduled meeting must remain open and public

@10:12:22 a.m. Murphy made a motion to adjourn the meeting. Lahren seconded that motion. The meeting was adjourned.

April 4, 2008
Keene Health Care/Insurance Presentation

@11:07:08 a.m. Vice-Chairman Durgan called a meeting to order in the Commissioner's Chambers. Commissioners Durgan and Murphy were present. Also present was Polly Miller, human resources; Lainey Reynolds-Keene, public citizen; 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 Keene Health Care/Insurance issues.

Lainey Reynolds-Keene RN, Inc., gave a presentation on making healthcare accessible to more people; ensuring quality of healthcare services; and lowering the cost of healthcare.

Reynolds-Keene, and RN and Insurance Adjuster, worked with the Hardin School District and saved it \$1,000,000; improved benefits; and the district averaged an increase in premiums of 1+ percent over the last four years. Reynolds-Keene works in Bighorn County and wants to acquire two more counties as clients to begin the process of challenging the current healthcare and insurance systems to lower costs through client education. Reynolds-Keene expressed interest in working for Park County. The insurance carriers of three of her clients pay her fee, which is \$12,500 per year.

Reynolds-Keene's presentation included discussion about redesigning the healthcare system by: 1) fixing pricing; 2) implementing prevention and health promotion; 3) limiting layers within the system; 4) ensuring quality healthcare; 5) providing healthcare for everyone; 6) including mental health parity; and 7) providing credit for healthy people

@12:08:57 p.m. Murphy made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

April 4, 2008

Fleshman Creek Request for Qualifications Recommendation to Commissioners

@1:04:31 p.m. Vice-Chairman Durgan called a meeting to order in the Commissioner's Chambers. Commissioners Durgan and Murphy were present. Also present was Lori Benner, Park County grants coordinator; Brett Linneweber, county attorney; Bill Hurley, director of operations; Mike Cox, Oasis Environmental; Matt Blank, Oasis Environmental; Kristen Wester, Oasis Environmental; Theresa Coleman, public citizen; Robert Winsor, PBS&J representative; Mike Sprague, Trout Headwaters, Inc.; Kerry Fee, public citizen; Gary Barnhart, public citizen; Russell Smith, public citizen; Barney Hallin, public citizen; Tara Eddy, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss a Fleshman Creek Request for Qualifications recommendation to the Commission.

Commissioner Murphy read a public comment letter from Oasis Environmental, Inc., into the record.

Public comment was made by Kerry Fee of Joe Brooks Trout Unlimited. Fee expressed support for the Oasis Environmental letter content.

Linneweber reported he met with Benner during the applicant review process when requested to answer legal questions regarding the process. Linneweber said language within Section 6 of the RFQ referred to and provides for trade secrets/proprietary information, but it did not require it as part of the application. During the RFQ process Lori Brenner and the County Attorney conferred to ensure scoring met procedural

requirements, as well as to ensure legal requirements were met for proper notice of the meetings.

In response to a question by Murphy, Hurley said proprietary information submitted by Trout Headwaters, Inc., was not reviewed by any member of the review committee.

Murphy asked whether proprietary information was submitted in a timely manner and why it was not reviewed by the committee.

Hurley responded the evaluation criterion was established before the RFQ was sent out. The committee was instructed to follow that evaluation criterion. Hurley asked whether they lacked what they needed to review the three apps. The committee reported during the review process it felt it had enough information from each bidder without considering the proprietary information to conduct its review and make a recommendation.

Linneweber advised the Commission that pursuant to state law, proprietary information remains with the application until the selection process is completed. However, unlike the remainder of the application, proprietary information is not public information available for review.

Public comment was made by Kerry Fee. Fee stated he served on the review committee and the RFQ required six complete copies of application materials. Only one copy of the proprietary information was provided.

Public comment was made by Mike Cox of Oasis Environmental. Cox read a statement from the RFQ, "To be considered for evaluation a proposal must meet all standard requirements of the RFQ. Proposals that do not meet the standard requirements shall be deemed as nonresponsive." In Section 4.6 it states, "The responders are required to submit one original and six copies of their proposals to the county. The proposals shall be separated into responsive and nonresponsive proposals. Nonresponsive proposals will be eliminated from further consideration."

Linneweber stated that due to the language of the RFQ the Commission had discretion to determine whether one copy or six copies was required of proprietary information, because a valid argument could be made either way. Linneweber stated that due to the RFQ reference the Commission could determine either that proprietary information was included in the application and therefore six copies required, or the Commission could determine proprietary information is above and beyond the application requirements and only one copy required.

Public comment was made by Mike Sprague. Sprague said proprietary information was submitted in addition to RFQ proposal requirements. He said only one copy of proprietary information was submitted because of concerns that multiple copies of trade secret information may find their way outside the courthouse.

Durgan questioned how the evaluation committee was supposed to review the proprietary information if only one copy was provided with the application.

Sprague said it was discussed in the first meeting he attended that all information submitted would be reviewed by the review committee at each public meeting in the courthouse.

Kerry Fee stated Hurley and Benner made it clear to all committee members that all information taken home by committee members was to remain private and discussed with other committee members or public citizens outside of public meetings. No committee member reviewed the proprietary information because their instruction was to take all information home, review it, and discuss individual findings collectively at public meetings. Because there was only one copy of the proprietary information, that copy was placed in the vault and not reviewed.

Public comment was made by Kristen Wester of Oasis Environmental. Wester commented she heard Bill Hurley mention at a March 28 meeting he looked through the proprietary information and shared that information with other committee members.

Hurley responded he did not say that, because no individual reviewed the proprietary information.

Public comment was made by Tom Coleman of Oasis Environmental. Coleman said this was a qualification submittal. At the last meeting it was suggested that it is a competitive cost advantage to have the proprietary data. Thus, the committee didn't evaluate proposals on cost and it had enough qualifications information in each application.

Mike Cox said he spoke with members of the committee and they said the fact that proprietary information existed did not influence their individual review or scoring outcome.

Cox commented that trade secrets are not scientific data. Sprague's public comment letter dated March 31, 2008, referred to scientific data. Cox said Barney Hallin who is an Oasis team member has endless amounts of hydrology and hydraulic scientific data on Fleshman Creek that would directly benefit this Fleshman Creek project.

Durgan expressed his issue with an upheaval of controversy about the submission process when adequate time and information was provided to bidders and the RFQ was clear. He stated if there was confusion about submittal requirements, then that confusion was on the part of the applicant and not on the part of the evaluation committee.

Kerry Fee commented he was not confused about the process of what he was doing and how he was to do it as part of the review committee. The process was clear.

There was discussion about the scoring system and process used by the committee. Hurley reported he felt every effort was made to be as subjective as possible. He felt the scoring process was done well.

Benner cited seven ranking criteria within Section 5.2., of the RFQ the review committee used to score applications. Those criteria included: 1) Responder's qualifications and qualifications of professional personnel to be assigned to the project; 2) Responder's capability to meet time requirements; 3) Responder's location; 4) Responder's present and projected workloads; 5) Responder's related experience on similar projects; 6) Responder's unique qualifications regarding this project; 7) Quality of Responder's proposal.

Each committee member assigned a number of points to each criterion and then the committee members totaled the points.

Murphy asked whether under Section 6, Unique Qualifications, Trout Headwater, Inc's application had a "See attachment" reference to its proprietary information.

Hurley said he did not see any such reference to an attachment in any of the three applications.

Cox said such a reference is not appropriate within an RFQ. It is supposed to be contained within the application.

Sprague said he is sure information on work Trout Headwaters has done is referenced within the 32 pages the committee chose to review.

Public comment was made by Robert Winsor of PBS&J. Winsor said such a reference would be supplemental information and should be included within the six copies of the application.

Cox said he did not find Trout Headwater's reference to supplemental data in his personal review of Trout Headwater's proposal.

Durgan said the evaluation committee was tasked to review the applications so the Commission could make a decision from the committee's recommendation. Durgan expressed his concern with existing confusion of the review process. An option to is throw all applications out and start the process again. He said the Commission has an obligation to meet the task required on Fleshman Creek.

Cox said he has never seen a selection committee go against a committee recommendation. He has seen applications of firms that failed to meet RFQ requirements be thrown out of consideration. Cox stated all firms are here for the betterment of Fleshman Creek. Delaying a decision process longer would risk losing a possible \$300,000 grant for the betterment of Fleshman Creek, the county and the community.

Murphy presented a finding, saying proprietary information should have been included within six copies of the application in order for the review committee members to review. Murphy agrees the committee was correct in not reviewing the single submitted copy of proprietary information. Murphy said he saw no problem with the grading system used by the review committee. Murphy said he thought the process and criterion used by the review committee were adequate.

Murphy made a motion the Commission accepts the review committee's recommendation Oasis Environmental be awarded the contract. Durgan seconded that motion. Motion passed. Commissioner Lahren was absent from the meeting due to a meeting at the Carbella Bridge site.

In discussion, Durgan submitted the grading system shows proper procedures were used and the recommendation should stand as shown, and he respects the findings of the review committee.

Public comment was made by Gary Barnhart. Barnhart asked the purpose of the mentioned \$300,000.

Benner reported the county was awarded a \$50,000 planning grant from the Montana Department of Natural Resources (DNRC) to hire an environmental engineering firm to prepare a plan for repair and restoration of 2.7 miles of Fleshman Creek. Today's Commission decision confirmed selection of Oasis Environmental as that firm. A goal of May 1, 2008, is the target date to receive Oasis's Fleshman Creek proposed work plan.

A \$300,000 grant from DNRC is available for construction activities as part of the engineering plan Oasis will devise. The deadline to apply for that grant is May 15, 2008. The grant is available every two years. Benner said it is important the county try to win that grant, because she expects the county will apply for a Federal Emergency Management Act (FEMA) grant this fall which is eligible for a cash match by FEMA.

Barnhart said the Army Corps of Engineers proposed an option of running water through Fleshman Creek to manage flood waters. He asked if the county's plan could be overruled by the Army Corps plan.

Cox said Oasis mentioned within its RFQ that it can support aquatic life in Fleshman Creek while managing Yellowstone River flood waters.

Public comment was made by Tara Eddy. Eddy asked what will happen to citizen's property that have sections of Fleshman Creek within it.

Cox said the entire project will have to be a collaborative effort between citizens and the county so the best needs of the creek, county citizens and landowners are met. He said Oasis is working on a similar project now in Dillon and Oasis has examples of how to address landowner issues. Oasis has been selected in competitive interview processes for similar projects because it meets the needs of FEMA and the county.

@2:00:22 p.m. Murphy made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

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

Denise Nelson
Clerk & Recorder
Park County, Montana