

Park County Commission Meeting Minutes
Week of April 20 – 24, 2009
Park County, Montana

April 20, 2009

8:00 A.M. – South Central Area Weed Board and Commissioner Training – Columbus Fire Hall – Commissioners Durgan and Malone attended

April 20, 2009

Review Daily Agenda and Correspondence

@8:39:02 a.m., Commissioner Taylor called a meeting to order in the Commissioners Chambers. Present was Lori Benner, Nittany Grantworks; Mike Cox, Oasis Environmental; Kerry Fee, Trout Unlimited; Bill Hurley, director of operations; Raea Morris, Commission executive assistant; Ed Hillman, road supervisor; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to review the daily agenda and correspondence.

Lori Benner of Nittany Grantworks said Park County will receive \$2,280,000 in FEMA money for a Fleshman Creek Flood Mitigation and Restoration Project from the Sacajawea Lagoon Inlet to the Yellowstone River confluence. Benner said \$760,000 will come from secured grants and in-kind efforts, with \$60,000 in the form of volunteer labor from the Livingston School District and the Joe Brooks Chapter of Trout Unlimited.

Mike Cox of Oasis Environmental said the project will replace all culverts between Main and Geyser streets. He said the project is a win-win situation for the county, as the only county expenditure will be in-kind service match such as pulling out old culverts and hauling them to the landfill. Cox said the project will eliminate a lot of routine culvert maintenance for Park County.

Kerry Fee of the Joe Brooks Chapter of Trout Unlimited said 195 volunteers participated in the Yellowstone River Cleanup on April 18, and at six hours per volunteer that equated to \$22,000 in volunteer in-kind services. Cox said FEMA offers \$19/hour for volunteer in-kind work.

Commissioner Taylor told Benner she can go forth and put out a project press release.

@9:00:58 a.m., Commissioner Taylor recessed the meeting for the scheduled 9:00 a.m. meeting. @10:14:06 a.m., the meeting reconvened.

Correspondence included:

- Memo from DES coordinator re. May 5 full-scale evacuation exercise for hospital
- Memo from DES coordinator re. Bailey bridge open to island resident traffic

- Memo re. wilderness bill
- Memo re. emergency backup generator emergency panel
- Memo re. floodplain permit approval
- Landfill methane monitoring results - To file
- Farm Bureau certificate of insurance for John Hogenson
- Memo re. no public land access and abandonment of Shooting Star Road
- Memo re. Rancho Road cabins drain field
- Announcement of May 7 baby shower for Erica Hoffman
- Memo re. courthouse cannon questions
- Announcement of June 12 Service Area Authority Disability Rights Montana summit in Helena
- Memo re. Montana unemployment rate at 6.1 percent – To HR for review
- Memo re. JSEC employer council – To Commissioner Malone for review

@10:21:39 a.m., Commissioner Taylor adjourned the meeting.

April 20, 2009

Daily Updates on the 9th Street Bridge Project

@9:01:34 a.m., Commissioner Taylor called a meeting to order in the Commissioners Chambers. Present was Scott Nelson, CTA Engineering; Shannan Piccolo, deputy county attorney; Bill Hurley, operations; Raea Morris, Commission executive assistant; Ed Hillman, road supervisor; Camden Easterling, Livingston Enterprise; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled as a daily update on the 9th Street Bridge project.

Road Supervisor Ed Hillman said the Bailey bridge is open to island resident vehicular traffic. He said the road crew hauled 300 yards of the 9th Street Bridge work platform to Fleshman Creek for a culvert installation project. Hillman said the crew cleaned up metal at the bridge worksite.

Scott Nelson of CTA Engineering said four of six 9th Street Bridge decking sections and three of five bridge piers were removed during the bridge project.

Hillman reviewed the crew's daily work schedule.

@9:45:03a.m., Commissioner Taylor adjourned the meeting.

April 21, 2009

Review of Daily Agenda and Correspondence

@8:38:21 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Bill Hurley, director of operations; Raea Morris, Commission executive assistant; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to review the daily agenda and correspondence.

Correspondence included:

- Livingston Area Chamber of Commerce April 23 business after hours at Crazy Mountain Construction
- Memo re. Park County Fire Council meeting
- Memo from ACOE re. 9th Street Bridge bank stabilization rip rap
- Memo re. well-being of America's young people - To Commissioner Taylor for review
- Memo from Oasis Environmental re. 9th Street Bridge project update
- Memo from MT DES re. Fleshman Creek Project funds
- Planning staff family transfer report
- Memo re. certificate of liability for Mountain Sky Guest Ranch
- Invoice from Hank Rate re. Boulder Road survey
- Memo from FEMA re. map determination
- MACo County News newsletter - To Commissioner Durgan for review
- MOU between city and county re. recycling services

@8:51:01 a.m., Commissioner Taylor made a motion to adjourn the meeting. Commissioner Malone seconded that motion. The meeting was adjourned.

April 21, 2009

Park County Road and 9th Street Bridge Project Updates

@9:04:24 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Ed Hillman, road supervisor; Shannan Piccolo, deputy county attorney; Bill Hurley, director of operations; Dann Babcox, PCRDF#1; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss Park County road updates and the 9th Street Bridge Project.

Commissioner Malone said the 9th Street Bridge project is completed.

Road Supervisor Ed Hillman said Winn Treible is on Skip Ehret's blade, and all blades are grading roads. Hillman said a culvert will be repaired on Pine Creek Road possibly in a couple of weeks, and the road will be closed during that work.

Dann Babcox, PCRFD#1, asked about Willow Creek Road because its condition is making it difficult for emergency vehicle travel. Hillman said that road will be repaved toward the end of July. Babcox said PCRFD#1 has a water tender with spray booms the road crew can borrow. Malone said perhaps an agreement can be made where equipment

can be shared between the county and PCRFD#1 if need be. Babcox said any such agreement would have to go through the PCRFD#1 board.

Hillman said the Dodge is ready for the GIS Department, and a new battery and coil wire were installed because they were stolen off the vehicle.

Hillman said Jo Steffins of Montana DEQ said she does not have time to write a letter about what DEQ would like the county to do to reclaim the Eight Mile and Todd Pits.

Commissioner Taylor asked why John Young drives a county truck home and to work. Hillman said he does not know the reason, but Young has always done that. Deputy County Attorney Piccolo said language can be included in job descriptions to state where a crewman's job begins per their duty station.

The Commission reviewed Hillman's road audio log of crewman schedules, road conditions, and work accomplished.

Hillman said a '97 Peterbilt dump truck with a CAT 10-speed engine priced at \$25,000 is a good deal.

Hillman said the road department needs gravel, and Travertine Road in Jardine is not a county road.

@9:32:33 a.m., Commissioner Taylor made a motion to adjourn the meeting. Commissioner Malone seconded that motion. The meeting was adjourned.

April 21, 2009

Department Head Meeting

@9:35:56 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Bill Hurley, director of operations; Raea Morris, Commission executive assistant; Belinda Van Nurden, DES coordinator; Denise Nelson, clerk and recorder; Mary Anne Keyes, Extension; Ed Barich, county superintendent; Alan Lutes, sheriff; Brett Linneweber, county attorney; Clay Williams, weed/junk vehicle; Martha Miller, auditor; Lois Hatfield, landfill; Jill Ouellette, human resources; Marc Richards, GIS/IT; Brian Sparks, museum; Bruce Martin, maintenance; June Little, clerk of court; Marilyn Hartley, accounting; Philip Fletcher, planning director; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled as a department head meeting.

Discussing selection of employee of the month, Human Resources Analyst Jill Ouellette said the landfill's Dan Larkin is the May employee of the month. Ouellette said Larkin was nominated by Landfill Manager Lois Hatfield, who said Larkin is always willing to help out on his days off, picks up blowables and is a good and considerate employee.

Discussing clarifications to the procedures of forms such as Employee Status Changes, New Hires, and Absence Requests, Malone said the Commission wants the HR department to review anything that comes across the Commission's desk to ensure legal issues such as salary figures and data are accurate and correct. Ouellette said providing documentation of such forms will help her to verify employee compliance with the employee handbook as an after-the-fact audit of employee files. Malone said final authorization of employee absences is made by the appropriate department head or elected official, but the Commission is requesting leave request paperwork be submitted to the HR department after the fact. Malone said the Commission would like elected officials and department heads to submit an out-of-the-office email so it knows when heads will be out.

Clerk of Court June Little asked if anything was done with the money spent on a county employee job description readjustment effort, because department heads and elected officials were not apprised of what happened with that. Marilyn Hartley, accounting, said she is not aware anything was done with it from a payroll perspective. Ouellette said she will look into it.

Commissioner Malone said the employee handbook will be revised.

Department heads and elected officials shared their recent activities in a roundtable discussion. Lois Hatfield, landfill, said landfill summer hours started and are 7 a.m. to 5 p.m. Monday through Saturday. She said activity and revenue is starting to pick up, and the landfill received a new computer from GIS. Belinda Van Nurden, DES, said the 9th Street Bridge is open to island resident vehicle traffic; she will conduct a full-scale hospital exercise on May 5 and two dam tabletop exercises on May 12; and will meet with Bob Fry about DES grants and wages. Martha Miller, auditor, said she is helping the accounting department with budget issues. Ouellette said the state unemployment rate is 8.5 percent; the Job Service has 30 jobs; and the county has no open positions. Raea Morris, commission assistant, said she has been busy updating the public on the 9th Street Bridge project via the county website. Hartley said she distributed budget worksheets to department heads and elected officials; those individuals are not required to sit down with the accounting office this year to review proposed FY '10 budgets; and she hopes to get department heads through the Commission within two weeks' time and a preliminary budget out by June 10.

Ed Hillman, road supervisor, said a temporary road crewman is on the job and water trucks are being prepared today. Commissioner Taylor said the new Mental Health Drop-In Center is open; the Senior Center is preparing for a remodeling project; the Agency on Aging is attempting to fund social services such as Angel Line and Meals on Wheels; the museum is working on a water leak project with stimulus money through CTA Engineering; the Refuse Board has passed its bylaws in a rough draft form and that board starting to function; county recycling is now with the city; and an effort will be made to clean up Harvat's Flat with city and sheriff's community service personnel. Little said some jury trials are scheduled. Mary Anne Keyes, Extension, said 4-H life is picking up;

and Park County Extension will offer a strength training class for adults Monday - Friday at noon for all Park County Employees in attempt to battle the onset of osteoporosis. Clay Williams, weed/junk vehicle, said he is getting equipment ready for the upcoming spraying season; is dealing with agencies in that vain and is working on budgets. Ed Barich, school superintendent, said school elections and trustee issues are coming up in two weeks; Shields Valley has a levy on the ballot; and Pine Creek conducted a bid process for a new septic system and submitted a permit for a windmill. Brian Sparks, museum, said a Whithorn grant technician was awarded a research scholarship from the Montana Historical Society; the museum is involved in a Historical Society workshop in Columbus with 38 enrollees; the museum opens May 16 with a new native cultures room; and pictures were purchased from the museum by Ken Burns Productions for inclusion in the show, America's Greatest Ideas - National Parks.

Brett Linneweber, county attorney, said there has been a 33-percent increase in felonies compared to this point last year and the county is on pace for the highest felony count ever. Linneweber said embezzlement and theft are up and he attributes that to the poor economic times. He said misdemeanors are going up, but involuntary commitments are going down. He said there are a number of trials coming up, and the last week of May is a big trial. On the civil end, he said there has been a lot of contract work. Linneweber asked department heads to have the county attorney's office review contracts before they are signed. Linneweber said to be aware of potentially angry people in the courthouse in this time and take seriously a staff comment of such behavior. Sheriff Allan Lutes said his office has a lot of serious felony investigations going at this time; deputies are going through various trainings; the office is cleaning up the shooting range; and the public service program will start again. Lutes said the jail is at 90-percent plus capacity at any given time and is running 60 to 80 percent felons at any given time, including sexual assault, burglary, robbery, and aggravated assault. He said the office is seeing violent, family, and psychological issues and thefts he thinks are tied to the poor economic times. Lutes said to lock houses and cars and said the courthouse is a prohibited building for carrying a firearm, even with a permit. Lutes said he was well-satisfied with the 9th Street Bridge project and all Sheriff's Office assets were off the island on April 18.

Bruce Martin, maintenance, said he ordered parts for the mosquito sprayer; is working on his budget; will get the snow blower off the tractor and get it ready for mowing; and needs to paint and re-stripe the parking lots if money is available. He said he will try to do that work on a Saturday, and all vehicles will have to be moved off the lot. Denise Nelson, clerk and recorder, said she had an employee bribed with \$50 to refuse a filing; Jerry Brekke and Carol Woodley had a big plat book from 1921 redone; and asked if she could get her panic button moved to a more convenient location. Marc Richards, GIS/IT, said Erica Hoffman moved down to an office near Suzanne Brown's; Reluca Vandergrift is working on fire risk maps for the county and is sitting in Hoffman's old cubicle; and he will be working on an RFP for a courthouse phone system within a couple weeks. Van Nurden said she would like old phones for the emergency operation center.

Planning Director Philip Fletcher said the planning staff is reviewing between 10 and 13 subdivisions and exemptions; has an increased amount of floodplain permits coming in;

is submitting a \$30,000 grant to develop a WUI fire hazard mitigation education program; is working on two other grants from Montana DNRC for natural resource water management as they relate to the county growth policy; is thinking about updating the counties hazard mitigation policy; is revising the donut area regulations to take care of insufficiencies it currently has; has four applicants for a five-member board of adjustments; formed a parks and recreation board that has already formed subcommittees and is working on ideas for trails and recreational projects; the planning board is updating the growth policy implementation strategies that are two years out of date; staff is working with the airport board providing technical assistance with permits and planning issues; is working on a wind turbine project in Gardiner; Senior Planner Mike Inman and Planning Board Chairman Dale Reinhart went to a New West Conference about new trends in planning and planning design; staff presented to conservation districts about growth trends in Park County in the last 20 years; and is working on budgets. Director of Operations Bill Hurley said he is working on the transition of the Gardiner Sewer District to the Gardiner, Park County Water and Sewer District and is working on a geothermal program to provide revenue for the county.

Additional Public or Staff Comment: Van Nurden said a Fleshman Creek project for habitat enhancement was approved, and she is setting up a basic chainsaw-safety class. Malone thanked everyone who helped with the 9th Street Bridge project and asked for patience with the Commission regarding the upcoming budget process.

@10:42:06 a.m., Malone adjourned the meeting.

April 21, 2009

Signing of Resolution to Amend the Senior Center FY '09 Budget

@11:04:58 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Shannan Piccolo, deputy county attorney; Marilyn Hartley, accounting; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to sign a resolution to amend the Senior Center Fiscal Year 2009 budget.

Deputy County Attorney Shannan Piccolo said the amendment will enable the Park County Senior Center to receive and expend funds from HOME and CDBG grants for Fiscal Year 2009. Marilyn Hartley, accounting, said she reviewed the amendment figures.

Commissioner Taylor made a motion to approve Resolution #1052. Commissioner Malone seconded that motion. Motion passed.

@11:06:58 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

April 21, 2009

Discussion of Speed Zone Study near Corwin Springs

@1:34:19 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Shannan Piccolo, deputy county attorney; Lee Alt, MDT Butte; Doug Bailey, MDT Helena; Scott Hamilton, undersheriff; Doug Wonders, sheriff's captain; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss a speed zone study near Corwin Springs.

The Commission said it would like to consider increasing the 45-mile per hour speed zone in Corwin Springs, as the slower speed zone is no longer necessary since the population of Corwin Springs has decreased dramatically, the restaurant is no longer open, and the tourist stop and work camp are gone. The Commission said it is asking Montana Department of Transportation if the 45 mph zone is necessary.

Doug Bailey, MDT, said MDT is required by state statute to conduct an independent traffic study on an area with such requests. He said the study is a 24-hour snapshot with machine counters. Bailey said he would develop a report of findings, and the Transportation Commission will not make a ruling without local citizen comment. He said concurrence with the intent for an increase in the speed limit must be submitted in writing by the Commission. Bailey said MDT has 37 studies scheduled right now, so it likely would not get to Corwin Springs until this fall.

Doug Wonders, sheriff captain, said he would request for an extension of the 25 mph zone within Gardiner through the current 35 mph zone, especially at the crosswalks at the mall. Scott Hamilton, undersheriff, said the 35 mph zone at the north end of town is too fast. Bailey said the same study process would be followed with that request, and studies are based on what the majority of traffic does. Wonders said the transient population is not familiar with the speed limits, which is a big part of the problem.

Lee Alt, MDT, said perhaps better signage would help, and the study will look at roadside culture issues and signage. Wonders said MDT may consider a larger "No Parking" sign across from the rodeo grounds. Alt said they can look into that.

Bailey said MDT is currently working on a speed zone change study in Wilsall, and MDT received a report from a consultant about a Safe Routes to Schools crosswalk and school speed zone there. The Commission said it was unaware of that study.

@2:00:37 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

April 21, 2009

Decision on Grader Bids

@2:04:00 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Brett Linneweber, county attorney; Shannan Piccolo, deputy county attorney; Marilyn Hartley, accounting; RDO Representatives Chet Sharbono and Eric Bechtold; Public Citizens Jim Hunt, Warren Latvala, and Gary Cotant; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to make a decision on grader bids.

County Attorney Brett Linneweber said he will recommend both grader bids from Caterpillar and RDO Equipment be determined non-responsive and the Commission rebid or go a different direction. He said the Commission intends to follow requirements of state statute. Linneweber said with respect to bid responsiveness, CAT's bid matched exactly what was requested, but RDO Equipment's did not. He said CAT's bid did not include a bid security in its bid package. Linneweber said he does not view the bid specifications laid out by the county as slanted toward CAT, as the Commission is permitted to seek certain types of equipment with specific options. Linneweber said the Supreme Court ruled that bidding requirements must be for the benefit of the public and not the bidder, and both bidders tried to orally supplement their bid with optional purchase buyback options. He said that ex parte communication with the Commission between the time bids were opened and considered was inappropriate. He said the buyback option should have been included in the bid. Linneweber said the county has to protect the public's money and the process.

Eric Bechtold, RDO Equipment, said he deems it unlikely that RDO Equipment is a valid vendor at this point because it has laid its cards on the table. He said not having an option at the time for the buyback leaves a bad taste because RDO did everything it could do properly, fairly and legally with its cards on the table. Linneweber said there are a number of vendors that have to bid for jobs in many counties, anything out there is public knowledge, and a bid is not the same as a trade secret.

Jim Hunt, public citizen, asked how the county can have a fair bid with both sides already putting bids on the table if there will not be any major changes to the bid.

Jim Taylor, public citizen, said the bid said it was to include a bond and CAT did not do that, so it should have been shut down at that point. Linneweber said the Commission wanted the county attorney to review the bids.

Warren Latvala, public citizen, said the Commission has to have every option open to it if it goes back out for bids on graders. He said he does not see why the Commission did it the way it did, and the Commission should have a very minimum of specifications required for graders and should not have limited to weight, hydraulic or electronic controlled, or age. Latvala said why not ask for one to four graders for lease or purchase,

and that perhaps would open the bidding to more individuals. He said the Commission should write its own specs and ask MDT, Bozeman equipment people, and Ray Sundling about what is the best deal. He said equipment is available, and if the Commission writes specs to exactly what it wants then it narrows it down to a couple of bidders again, and that is not serving the public in his opinion. He said the more people bidding on something like this the better the Commission will do for the public. Latvala said the last people to ask about equipment specifics are the people who drive the equipment, because all they care about is the comfort level, and that is not in the public's interest. He said to forget about their desires and look out for the public interest.

Bechtold asked what RDO can do differently to make it compliant to Park County's bid specs. Commissioner Durgan said RDO could not offer electric over hydraulic, and that was a main feature specified and determined by Commissioner Malone and Mechanic Dan Hackman and the biggest thing that made the RDO bid non-compliant.

Jim Hunt said something in the bid said the commissioners could waive the electric over hydraulic requirement. Hunt said the state of Montana buys a lot of graders that are bid out and they get the best graders for the dollar and the people they are serving.

Commissioner Durgan made a motion to accept the counsel's recommendation to find the two bids as non-responsive and review the bid process, make changes as it sees fit and call for new bids at a later time. Commissioner Taylor seconded that motion. Motion passed.

@2:33:41 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

April 21, 2009

Signing of Agreement with Rick's Refrigeration and Park County for Freon Removal

@3:03:59 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Shannan Piccolo, deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to sign an agreement with Rick's Refrigeration and Park County for Freon removal.

Deputy County Attorney Shannan Piccolo said a letter was submitted by Rick Leckner of Rick's Refrigeration offering to remove Freon from appliances at the landfill in exchange for that company to dispose of equipment at the landfill at no charge with proper documentation. Piccolo said the Commission could enter into a similar agreement with another appliance dealer in town.

Commissioner Malone said the county's policy of requiring Freon removal from any appliance received at the landfill will not change.

Commissioner Durgan made a motion to accept the agreement. Commissioner Taylor seconded that motion. Durgan and Taylor voted in favor of the motion. Commissioner Malone abstained. Motion passed.

@3:14:47 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

April 21, 2009

Compensation Board Meeting

@3:34:20 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Brett Linneweber, county attorney; June Little, clerk of court; Denise Nelson, clerk and recorder; Allan Lutes, sheriff; Jill Ouellette, human resources; Martha Miller, auditor; Marilyn Hartley, accounting; Bill Hurley, operations; Steve Woodruff, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled for the compensation board to discuss county employee salaries.

County Attorney Brett Linneweber said, in 2003, the Commission permanently set compensation board members as the office of clerk and recorder, clerk of district court, and the county sheriff, as well as two taxpayers. Linneweber said the terms of the taxpayer members have expired and the individuals need to be reappointed or newly appointed by the Commission.

Linneweber said the compensation board sets a base salary for the clerk and recorder office, and all elected official salaries minus the county attorney are based on that. Linneweber said by state statute, the Superintendent's salary can be increased if he has a Master's degree, and the position of sheriff must get an extra \$2,000 in addition to the clerk and recorder salary and is entitled to 1 percent of longevity each year. Linneweber said state statute allows for the clerk and recorder to receive up to \$2,000 per year if he/she serves as the election administrator, and the county treasurer may receive an extra discretionary \$2,000 per year. Linneweber said the state pays one half of 85 percent of a district judge's salary for county attorney services.

Linneweber said a statute exists that states governing bodies, by resolution on or before August 1, adjust the salaries of employees. Linneweber said a cost of living adjustment (COLA) has been recommended by the compensation board as that salary adjustment.

Linneweber said the COLA recommendation has a binding effect on sheriff's personnel, because sheriff's deputies by state statute make a percentage of what the sheriff makes, which has created concerns about freezing individual's wages as it can affect an entire department. Sheriff Lutes said it is hard to keep people in the sheriff's office because of pay. He said an MSU police force captain position just opened at \$35/hour. Lutes said

he does not need the increase, but his people do, and he cannot get his people the appropriate money without raising the sheriff's wage.

Marilyn Hartley, accounting, provided the Commission with copies of the levy matrixes and summary budgets for FY '08 and FY '09 including projected and actual cash reserves.

Linneweber said there is no criterion that is fully determinative when considering raises. He said traditionally the board looks at available monies projected for the upcoming fiscal year, and also look at other counties of like evaluation. Hartley said Park County is the highest paid Class II county as far as the clerk and recorder's base salary. Linneweber said that is not the case with the Park County Attorney salary.

Hartley said for FY '09, the beginning cash balance for PILT is \$1.753 million with projected revenue and total expenditures expected to drop to \$820,500; however, PILT will be fully funded for four years. Malone said a BN capital fund of \$10 million and \$1.8 million in a landfill trust inflates the budget, but that money has restricted use.

Hartley said MACo has recommended a 3.8 percent calculated Cost of Living Adjustment (COLA) increase for FY '10. Linneweber said historically this board has carried over to employees any COLA increases given to elected officials. Malone said the Commission needs to look at the auditor's concern with discrepancies in elected officials' salaries. Hartley said she and Jill Ouellette have addressed that issue.

Linneweber said his salary is adjusted every two years, and he will ask the county to match the state share of his salary as has historically been done. He said for a county the size of Park, Linneweber is on the lower end of salary. Linneweber said the state is increasing district judge salaries to \$106,870, thus the state contribution to his salary will be \$45,420. Linneweber said he asks the county to match that figure, and he will waive any COLA. Linneweber said there is an option for refusal of COLA.

Linneweber said based on history he recommends the Commission consider the 3.8 percent COLA increase for county employees. Hartley said she figured the impact to the county in awarding that increase to be \$162,000, which includes corresponding benefits and projected increases to employee health insurance.

Steve Woodruff, citizen, said from a private sector standpoint, many people do not have a job at this time and many people are not getting a raise in 2009, including him, which is more the norm in the private sector. He said fortunately the county's books look decent, so hopefully the board can do something. He said the private sector is seeing a loss of benefits, health insurance, pension benefits, and contributions to employees being cut back, but it is good to be in the public sector at this time, but it is the opposite situation when the economy is going well.

Lutes said he agrees, but if the county is going to have competent employees who can deal with all the legal things deputies must deal with, the qualifications are going up extremely fast each year. Lutes said he is trying to keep quality people in government.

Linneweber said the reason he is suggesting the MACo-recommended 3.8 percent COLA is specific to elected officials who work in excess of 40 hours per week. He said it is not a bright idea to freeze wages, as money is available this year, but an elected official can freeze them if he or she chooses. He said if PILT freezes in four years, then that will have to be addressed. He said it is silly to expect there cannot be any increase whatsoever this year.

Commissioner Durgan said it is still within any department's right to increase as it sees fit if budgets allow, and he personally feels the 3.8 percent is a base rate. He said any department, with the ability or that feels it should, should make provisions for its employees because the county has a good set of employees for the most part.

Lutes said he is not suggesting spending like hogs at a trough, but being equitable and realistic in dealing with a certain amount of money. He said he is trying to stand up for his employees.

Malone said a concern he has always had with government is giving raises then having to cut operations budgets due to a lack of money.

Ouellette, human resources, said the Commission may consider appointing someone from the Job Service to the compensation board to give input because they see a wide realm of county jobs and wages. Durgan said it would be well to put out an invitation to the Job Service to sit in on the meetings.

The board set its next meeting date as April 27 at 4 p.m.

@4:32:53 p.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

April 21, 2009

6:30 P.M. – Fair Board Meeting – Park County Fairgrounds Office

April 22, 2009

Review of Daily Agenda and Correspondence

@8:40:41 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Bill Hurley, director of operations; Raea Morris, Commission executive assistant; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to review the daily agenda and correspondence.

Correspondence included:

- Memo from Greg Jackson of MACo re. final annual premium quote of \$3,567 for insurance on Bailey bridge
- Citizen memo re. Travertine Road condition
- Memo re. April 22 prescribed burn near Natural Bridge
- Memo re. 9th Street Bridge project and permitting issue
- Memo re. vendor meeting request for employee health insurance benefits
- Memo re. DES grant payments
- Memo re. demolition work for 9th Street Bridge project
- Memo re. 60 yards of rip rap rock at 9th Street Bridge project
- Memo re. May 6 disaster management forum

Director of Operations Bill Hurley said he cannot find original records regarding Myer's Flat radio work.

@8:59:58 a.m., Malone adjourned the meeting.

April 22, 2009

9:00 A.M. – Claims Review – Commissioners Chambers

April 22, 2009

Signing of Amended Resolution #984 for Time Required to Notice Meetings

@10:04:23 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Shannan Piccolo, deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to sign an amendment to Resolution #984 for time required to notice a public meeting.

Deputy County Attorney Shannan Piccolo said the county attorney's office researched for litigation requiring the county to notice public meetings a minimum of 72 hours in advance and nothing was found. Commissioner Malone said the amendment would require a minimum notice time of 48 hours prior to any public meeting.

Commissioner Taylor made a motion to accept the amendment to Resolution #984. Commissioner Malone seconded that motion. Motion passed.

@10:05:35 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

April 22, 2009

Signing of Support for Southwest Chemical Dependency

@11:04:35 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present was Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to sign a letter of support for Southwest Chemical Dependency.

Commissioner Taylor said Southwest Chemical Dependency provides three full-time and three part-time addiction counselors and two counselors for treatment of individuals with mental illnesses.

Commissioner Taylor made a motion to sign off on the Southwest Chemical Dependency program as presented to the Commission. Commissioner Durgan seconded that motion. Motion passed.

@11:05:42 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

April 22, 2009

Discussion of Greater Yellowstone Framework for Sustainable Development Program

@1:36:26 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Heather Burdette, Yellowstone Business Partnership; Philip Fletcher, planning; Shannan Piccolo, deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss a Greater Yellowstone Framework for Sustainable Development program.

Heather Burdette, Yellowstone Business Partnership, said the Greater Yellowstone Framework for Sustainable Development program is based off the Leadership in Environmental and Energy Design program, which promotes green building and sustainable energy design in attempt to minimize waste in construction. Burdette said the Greater Yellowstone Framework for Sustainable Development program goes beyond the LEED program by taking into account regional-specific issues, such as land use, connectivity, transportation, public service and infrastructure.

Burdette provided the commissioners with worksheets for certification criteria suggestions and proposals. She said Park County could gain credits to earn points toward certification through the program, and people could be encouraged to relocate to a certified community for its open space and similar qualities. Burdette said she is present to ask the Commission to participate in the planning process to determine what county governments should have to do to qualify for certification. She said the Yellowstone

Business Partnership is hosting a retreat to define certification requirements on June 29 and 30 at Harriman State Park, and an annual conference will be held May 18-20 at Jackson Lodge in Grand Teton National Park.

Planning Director Philip Fletcher said pursuing the proposed program at this point is a low-cost to no-cost endeavor, and Burdette is asking for the county to work with the program to put together ideas. Fletcher said staff could pursue the issue and make a recommendation to the Commission. He said the advantage of the program is in line with working toward sustainable development, which is a big trend right now across the country, as well as serving as a marketing tool for companies or new residents to relocate to or live in a progressive, environmentally-aware community.

Commissioners Malone and Taylor said Fletcher could speak with Burdette to explore the program further.

@1:59:54 p.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

April 23, 2009

Review of Daily Agenda and Correspondence

@8:37:54 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Bill Hurley, director of operations; Raea Morris, Commission executive assistant; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to review the daily agenda and correspondence.

Correspondence included:

- Memo from planning department re. Meredith Road
- Memo re. Montana LTAP spring newsletter available
- Memo re. April 24 Commission court date in Billings
- Memo from MT Water Trust re. fundraising for monitoring equipment - To file
- Memo from MT DEQ re. City of Livingston compost facility EA
- Memo from MACo re. HB 678 open cut mining law bill

Director of Operations Bill Hurley said a rerouting and upgrading of the Gardiner sewer in a stretch along Park Street and under a motel was completed over the weekend. He said the project was conducted by Park County and the Gardiner, Park County Water and Sewer District.

@8:50:54 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

April 23, 2009

Discussion of Fleshman Creek Project and Funding with State DES

@9:04:05 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Shannan Piccolo, deputy county attorney; Belinda Van Nurden, DES; Bill Hurley, operations; Lori Benner, Nittany Grantworks; Kent Atwood, MT DES; Mike Cox, Oasis Environmental; Public Citizens Dave, Haug, Dave Wistey, Gary Barnhart, and Brenda Adams; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss a Fleshman Creek project with Montana DES.

Kent Atwood, Montana DES State Hazard Mitigation Officer, said a Fleshman Creek Flood Mitigation Project has been selected for further review by FEMA, and a federal share of \$2.280 million has been set aside for that project. Atwood said FEMA will review the project and complete an environmental assessment. He said should a finding of no significant impact be found, the funding will be transmitted to the State DES office and an official reward will be made and the project can then commence. Atwood said it is a remarkable achievement to gain the funding on the first try to the compliments of Nittany Grantworks and Oasis Environmental.

Atwood said the project will be a pay-as-you-go endeavor, with monies paid to contractors when work is completed, and the county will submit reimbursement requests to the state DES for 75 percent of the cost. Atwood said the county has 36 months to complete work after the grant is awarded.

Lori Benner, Nittany Grantworks, said the county has secured \$300,000 in cash from the Montana DNRC; the county road department has pledged \$255,000 in labor and equipment as in-kind match; the Livingston School District and Joe Brooks Chapter of Trout Unlimited have combined to pledge \$60,000 of in-kind work, much of which will be focused on the vegetation component of the project; two grant applications totaling \$45,000 to the Jackson Hole One Fly Foundation and a Five Star Grant Program are under review; and the county is requesting \$60,000 from the BLM and \$40,000 from Future Fisheries. Benner said those efforts total \$760,000. She said she will beat the street to find another funding source if a grantor does not come through, but from a funding package standpoint she is not nervous at this point.

Mike Cox of Oasis Environmental said the project started as a flood mitigation project for Fleshman Creek. He said the project area will include Fleshman Creek from the Yellowstone River intake near 7th Street to the lagoon and through town to M Street. He said every hydraulic structure will be replaced from Main Street to Geyser Street, reducing labor and costs to the county in minimizing annual flooding. Cox said all utilities in each crossing will be replaced or upgraded to increase water quality, and the project will involve a full restoration of the creek to function with more flow conveyance.

Public comment was made by Gary Barnhart. Barnhart asked if in-kind contribution could be made by creek landowners. Atwood said a citizen working for an hour on the project could count as in-kind match, but it must be documented for FEMA records.

Public comment was made by Brenda Adams. Adams asked the type of property rights she will be giving up to Montana FWP and Trout Unlimited should such organizations get involved with the project on her property. She said she does not want anything done to her property because it opens the gate for more.

Cox said the project will have a full public process to agree on work to happen on citizen properties. He said this project has nothing to do with opening individuals' private properties to public access via trails or anything other along Fleshman Creek. He said the project has nothing to do with the Yellowstone River. Atwood said the Fleshman Creek project is completely separate from any Yellowstone River flood map issues the city and county have addressed in the past.

Cox said only a conceptual design of the project exists at this point. He said the intent of the proposed plan is to get public input throughout the design process, and there will be two public meetings for that purpose prior to commencement of the project.

@9:40:54 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

April 23, 2009

Discussion of Fleshman Creek and Irrigation Ditch

@9:42:12 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Shannan Piccolo, deputy county attorney; Bill Hurley, operations; Public Citizens Dave, Haug, Dave Wistey, Gary Barnhart, Brenda Adam, and Julie Kennedy; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss Fleshman Creek and an irrigation ditch.

Citizen Julie Kennedy said every time the county road crew goes up Fleshman Creek Road it widens the road and covers the culverts, which causes a problem. She said her irrigation ditch gets filled in every time the crew takes a pass on that road.

Commissioner Durgan said an extension was to be put on that culvert and the road crew will get to that.

Kennedy said she was blamed last year for water that ran across the roadway. She said culverts are plugged and need to be opened. She said she feels she was harassed by the county, and Durgan shut her water off, which she feels is a taking of her water rights. Durgan said he directed a county citizen to turn off the water. Kennedy said she was told if she turns the water back on there was a possibility she would be charged with felony

damaging of county property. Kennedy said the employee said he would not reopen a head gate because it was flooding the road. Durgan said the water was leakage from the ditch and the county was afraid it would lose the road, and it was a health and safety issue.

Kennedy said the head gate washed out when it was shut down by a county employee, and now she has a washed out head gate that she must redo. She said water is on the road today and there is no water in the ditch, and her point is a culvert needs to be cleared.

The Commission said it will relook at the issue next week.

@10:02:20 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

April 23, 2009

Discussion and Consider Approval of Revoir Family Transfer

@10:09:24 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Philip Fletcher, planning; Mike Inman, planning; Shannan Piccolo, deputy county attorney; Gerald Dubiel, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss approval of a Revoir family transfer request.

Senior Planner Mike Inman said the Revoir family transfer request would divide 10 acres into two parcels. He said the transfer is to a son without the son's knowledge, but the county regulations require the individual receiving the parcel to sign an affidavit saying he will not sell the property for a given number of years. Inman said he thinks the county needs to come up with a way to address this type of issue. Gerald Dubiel, public citizen, said the parcel is part of the inheritance the grantor set up for his son.

Deputy County Attorney Piccolo said this is a legal issue she will have to look into, which includes the county entering into contracts with minors.

Inman said the transfer request is cut and dried and should be approved, as there is no problem with the deeds and transfer as far as planning department is concerned. He said the Commission could approve the request as long as the official affidavit is signed by the son, and if the requestor wants to propose something different or Piccolo comes up with another alternative, then another meeting can be scheduled.

The Commission asked Piccolo to research the issue with contracting with a minor and said it will then approach Dubiel with his options.

@10:24:07 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

April 23, 2009

Review of Wildland Urban Interface Grant

@11:07:47 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Philip Fletcher, planning; Mike Inman, planning; Shannan Piccolo, deputy county attorney; Lori Benner, Nittany Grantworks; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to review a Wildland Urban Interface (WUI) grant.

Senior Planner Mike Inman said the planning department is pursuing a grant from the BLM titled the Wildfire Community Assistance in Montanan, North Dakota and South Dakota. Inman said the grant application has a May 1 submittal deadline, but the planning department is shooting for April 24. Inman said planning staff will put together a WUI outreach and education program to educate all Park County residents living within or near the WUI. He said the program will provide citizens with education and resources to better mitigate wildfire. Inman said the department met with the fire council for support, and received four letters of support from the fire council, MSU Extension Service, Fire Safe Montana, and the Forest Service.

Inman provided the Commission with a grant application including a narrative and budget. He said it is best to educate people in advance of any legislative mandate, especially with the nature of rural fire department service in the county. The Commission said it agreed with that. Inman reviewed the grant application's proposed grant deliverables and planning department efforts. Inman said the education program is consistent with the county's growth policy, the Community Wildfire Protection Plan, the county's hazard mitigation plan, and the planning department's work plan for this and next fiscal year. He said the proposed program is not regulatory and is not intended to become regulatory. Inman said the grant contains federal funds and in-kind matching contributions, and it will take about one year to complete the project.

Planning Director Philip Fletcher said the program will not cost the planning department any money above its established budget. Fletcher said the grant is part of the anticipated need to move the planning department from working exclusively on subdivision review to long-range planning and implementation of those plans.

Inman provided the Commission with a grant draft for signature. The Commission signed the draft as its endorsement.

@11:58:05 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

April 23, 2009

12:15 P.M. – Conference Call with Area Legislators to Discuss Legislative Issues – Commissioners Chambers – Canceled due to legislators' schedule

April 23, 2009

Update of Donut Zoning District

@1:33:50 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present was Philip Fletcher, planning; Mike Inman, planning; Shannan Piccolo, deputy county attorney; Chuck Donovan, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled as an update on the donut zoning district.

Planning Director Philip Fletcher said the county planning board is overseeing zoning issues within the donut zoning district at this time by default, and the planning board has only two of seven members living inside the donut area. Fletcher said the Commission has a few different options to address the issue, including maintaining the current situation; forming a city/county planning board jointly administered by the city and county; creating a donut planning and zoning board just for the county portion of the donut area; or creating an ad hoc committee to meet as needs demand with the two donut residents on the county planning board representing the county.

Fletcher said a state-mandated board of adjustments has not been filled, and the planning department will advertise for another two weeks. Senior Planner Mike Inman said that board would address administrative appeals and variances. Fletcher said he plans to have a draft copy of the revised donut zoning regulations completed within one month, and the planning board will review it page by page. Commissioner Durgan said he thinks it is better to have a joint committee between the city and county review that draft.

Public comment was made by Chuck Donovan. Donovan said the city/county planning board worked well, and there have been problems with developers not adhering to road standards and connectivity in recent years.

Commissioner Malone said he thinks the city needs to be involved in the issue. Fletcher said he will put out feelers on the issue with the city planner and manager and report back to the Commission.

@1:51:59 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

April 23, 2009

Discussion of Economic Development Strategy

@2:34:07 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present was Philip Fletcher, planning; Tamara Kevwitch, public citizen; Chuck Donovan, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss an economic development strategy.

Tammy Kevwitch, citizen, said she has been working on an economic development strategy for seven years. She said she has presented her strategy to Governor Schweitzer's economic development staff and City Manger Ed Meece. Kevwitch said her economic development services include website design; *Out and About Magazine*; and teaching multi-media skills. She said she will hold a community meeting and presentation to advertise her for-profit services.

Planning Director Philip Fletcher asked the role the county would have in Kevwitch's strategy. Kevwitch said she would like help from the county in making decisions and providing input of needs.

There was discussion about a government magazine Kevwitch helped produce with Park County. Kevwitch said she expects no contribution from the county government for her services, and that magazine would be paid for through advertisements. The Commission said it will look into the status of the magazine.

@3:17:12 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

April 24, 2009

The commissioners will be out of the office all day.

8:30 A.M. – Hartung vs. Park County Settlement Conference – Billings – Closed meeting

Marty Malone
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana