

Park County Commission Meeting Minutes  
Week of August 10 – 14, 2009  
Park County, Montana

August 10, 2009

Review Daily Agenda and Correspondence

@8:30 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Raea Morris, executive assistant. No public comment made.

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

Correspondence included:

- Memo re. July 30 bid letter for Montana Transportation Commission
- Maintenance request for courthouse courtroom
- Memo re. Interoperability Montana presentation – A public meeting will be scheduled
- August 13 Park County Solid Waste Board meeting agenda
- Memo re. locked handicap door in upstairs women's bathroom – To Human Resources for review
- Memo re. September 18 property tax assistance subcommittee
- Memo re. wearing of perfume in courthouse
- Memo re. August 17 HRDC community block grant meeting
- Citizen memo re. status of Miller Creek Road
- Livingston Rodeo Association fairgrounds sound system lease
- Memo re. tax appeal board applications advertisement
- Memo from HR re. Park County classification study and pay grade system
- Memo re. maintenance request for paper towels in women's restroom – To HR for review

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

August 10, 2009

Discussion of Fire Planning

@10:30 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Bob Fry, Park County fire warden; Gordon Rothe, deputy fire warden; and Dan Karell, PCRFD#1 board. No public comment made.

The meeting was scheduled to discuss fire planning.

Park County Fire Warden Bob Fry presented a proposal to the Commission for Gordon Rothe to contract with Park County for fire planning and other services complete with a scope of work and an hourly rate. Rothe said the proposal includes 400 hours from August 15 to December 30, and creating a GIS map will be the most difficult project. Rothe said he would secure personal liability insurance before any work would commence.

Rothe said he would continue to work with Human Resources Analyst Jill Ouellette with contract logistics and talk further with the Commission in the future.

@10:49 a.m., the meeting adjourned.

August 10, 2009

Signing of Agreement to Restore Reclamation Project on Jardine Road

@1:30 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, civil deputy county attorney. No public comment made.

The meeting was scheduled to sign an agreement to restore a reclamation project on Jardine Road.

Commissioner Durgan said the agreement was drafted in response to damage inadvertently caused by a county road grader while conducting a dust control project and requires the county to reseed the area, spray weeds, and place large rocks between a county road and the property in question.

Commissioner Durgan made a motion to sign the memorandum of understanding with Mr. O'Hara. Commissioner Taylor seconded that motion. Motion passed.

@1:33 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

August 10, 2009

Signing of Contract for Crushed Gravel

@2:00 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, civil deputy county attorney. No public comment made.

The meeting was scheduled to sign a contract for crushed gravel.

Commissioner Malone said the contract proposes crushing gravel for \$5.25 per yard for 8,000 cubic yards with Buffalo Ranch.

Commissioner Taylor made a motion to accept the conditions of the contract. Commissioner Durgan seconded that motion. Motion passed.

@2:05 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

#### August 24, 2009

3:00 P.M. – Local Advisory Committee – Park County Mental Health

#### August 11, 2009

##### Review Daily Agenda and Correspondence

@8:30 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Raea Morris, executive assistant. No public comment made.

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

Correspondence included:

- Citizen memo re. condition of Bannock Trail
- August 7 Cooke City newsletter
- Memo re. return of employee key and laptop
- Memo from LTAP re. needs assessment – To executive assistant for action
- Vision Air newsletter - To Commissioner Durgan for review
- Memo from DEQ re. federal water act
- Memo from maintenance to Montana clean re. missing dust mop
- Request for public scoping project for Beatty Gulch
- Center for Health Transportation newsletter – To Commissioner Taylor for review

@8:47 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

#### August 11, 2009

##### Park County Road Updates

@9:00 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Ed Hillman, road supervisor; and Shannan Piccolo, civil deputy county attorney. No public comment made.

The meeting was scheduled to discuss county road issues.

Road Supervisor Ed Hillman said a woman living above the Bear Creek Bridge is concerned a bridge is not strong enough for equipment traffic. Hillman said the bridge is strong enough based on the heavy equipment the mine routinely takes over that bridge.

Hillman said a culvert on Robinson Bench Road will require 30-feet of squash culvert to fix, the road crew will place gravel on Hill Street in Wilsall, and Castle Mountain Bridge work was completed and done well.

Commissioner Taylor asked Hillman to install a culvert on Fleshman Creek at Kennedy's and to repair Rock Creek Road.

Commissioner Durgan said Old Yellowstone Trail badly needs mowed. Hillman said a crewman should be finished with that road tomorrow.

Hillman said the county needs to seed or use wattles above a water tank on Jardine Road on Forest Service land.

There was discussion about RDO alleging the county is not properly maintaining its motor graders and that may have caused transmission failures in county John Deere graders.

@9:30 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

August 11, 2009

Discussion of Revising Museum Director Job Description and Museum Staffing

@10:00 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Jill Ouellette, HR; Yellowstone Gateway Museum Board Members Susan Kraft, Bob Ebinger, Charlie Rahn, and Vern LeDeux; and Camden Easterling, Livingston Enterprise. No public comment made.

The meeting was scheduled to discuss a revised museum director job description and museum staffing.

Yellowstone Gateway Museum Board of Trustees President Susan Kraft said the board is interested in updating the museum director job description while the museum currently does not have a director. Kraft presented the Commission with a draft revised job description she said was created by a taskforce of museum employees and board members. The Commission and Human Resources Analyst Jill Ouellette reviewed the job description with museum board members present.

There was discussion about the board's desire to increase hours of a temporary museum employee.

@10:55 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

August 11, 2009

Discussion of Sheriff and Search and Rescue Fiscal Year 2010 Budgets

@11:00 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Sheriff's Office Personnel Scott Hamilton, Colleen Singer and Allan Lutes; Wendy Wood, search and rescue; Martha Miller, auditor; Marilyn Hartley, finance. No public comment made.

The meeting was scheduled to discuss Sheriff's Office and Search and Rescue FY '10 budgets.

The Commission reviewed various budget accounts with sheriff and search and rescue personnel.

@12:13 p.m., the meeting adjourned.

August 11, 2009

2:00 P.M. – I.T. Advisory Committee – Community Room

August 11, 2009

Discussion with Human Resources Department on Benefits and PERS

@3:00 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Shannan Piccolo, civil deputy county attorney; Jill Ouellette, HR; Yellowstone Gateway Museum Board Members Susan Kraft and Donna Armentaro. No public comment made.

The meeting was scheduled to discuss benefits and PERS of a museum employee.

Yellowstone Gateway Museum Board of Trustees President Susan Kraft said the museum board would like to move museum employee Laura McCarthy to full time for up to three-month's time. Kraft said full-time employment would avail McCarthy to county health benefits. Kraft asked whether moving McCarthy back to part time at 20 or more hours per week would avail her to health benefits.

Ouellette said she recommends the museum consider bumping McCarthy to above 20 hours by September 1 in order to be benefit-eligible. Ouellette said she will write a letter of clarification for the museum board on the matter.

@3:27 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

August 12, 2009

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

August 12, 2009

Selection of Bids for City/County Telephone System

@10:30 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Marc Richards, GIS/IT; Ed Meece, Livingston city manager; Brad Seman, The Connect Group; and Tom Lawrence, TCS. No public comment made.

The meeting was scheduled to select a bid for a city/county complex telephone system.

City Manager Ed Meece asked GIS/IT Marc Richards a series of questions about specifics of a proposed city/county telephone system and services provided by that system. Meece said the city and county might consider entering into a memorandum of understanding stating the city and county will jointly own the telephone system and which defines the payment split-out. Commissioner Malone said the county could consider such an MOU. The Commission and Meece agreed the city will pay an amount equal to a per station cost multiplied by number of phones without all extraneous costs.

Commissioner Malone read into the record excerpts of a legal opinion from Civil Deputy County Attorney Piccolo about bid procedures and county and bidder responsibilities when bidding.

Richards said the county cannot in good faith compare a non-compliant bid with other bids received. Richards said Cerium Networks met selection conditions when comparing compliant bids.

Commissioner Taylor made a motion to accept the bid from Cerium Networks for a phone system to be shared with the city. Commissioner Malone seconded that motion. Motion passed.

@10:59 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

August 12, 2009

Review Daily Agenda and Correspondence

@1:15 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Raea Morris, executive assistant. No public comment made.

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

Correspondence included:

- Bid from Big Bear Electric for \$1,065.50 re. infrared light switches in Community, West, and East rooms and four courthouse bathrooms
- Citizen memo re. Bannock Trail grading – To executive assistant for action
- Memo re. Interoperability MT meeting in Bozeman on August 18 @ 2:30 p.m.
- Memo re. requested use of Green Acres Park for Livingston Soccer Association on Monday – Friday from 4-7 p.m. – To Parks Board for review
- Memo from city manager re. introduction of new RC&D coordinator
- Volunteer application for tax appeal board
- Memo re. oil drilling on Meagher/Park County line
- EIS from Montana DNRC re. Sweetgrass County wind farm

@1:26 p.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

August 12, 2009

Discussion of Public Easement Across Railroad Line in Wilsall

@1:30 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Attorneys Signe Lahren and Brenda Gilbert. No public comment made.

The meeting was scheduled to discuss a public easement across a railroad line in Wilsall.

Attorney Brenda Gilbert said her clients have a 5.8-acre parcel of land they are quieting title to north of the rodeo grounds in Wilsall, and other clients own property east of the old trailer court in Wilsall. Gilbert said she and Attorney Signe Lahren are working on an issue where no access exists across property owned by the railroad from the tracks east to the edge of Wilsall. Gilbert said the properties area bordered by Zimmerman Ranch on the north, so no legal access exists that way either. Gilbert said she spoke with title companies in town about the access issue, and Lahren talked to Montana Rail Link, which seems amenable to granting an easement on one street for public access across its railroad line to the properties in question. Gilbert said the county must accept that easement for it to stand.

Gilbert presented the Commission with a plat of Wilsall, which were notarized and sealed with a dedication of the street to the town of Wilsall, but Gilbert said she cannot find that action in any county recorded data. Gilbert said the easement would be a one-shot solution for all county citizens, and she is willing to continue facilitating this proposal with the railroad.

Commissioners Malone and Taylor said they see no problem with the proposal and said Gilbert has permission to go forward with discussions with MRL on the matter.

@1:45 p.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

August 13, 2009

8:30 A.M. – Safety Meeting – Community Room

August 13, 2009

Review Daily Agenda and Correspondence

@8:30 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present was Raea Morris, executive assistant. No public comment made.

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

Correspondence included:

- Memo from MT Dept of Revenue re. new construction assessments – To Solid Waste Board for review
- Memo re. selection for PCRFD#1 trustees
- Livingston Enterprise past due invoice
- Memo re. chip sealing completion at airport
- Memo re. housing survey – To Commissioner Malone for review
- Memo from clerk and recorder re. PCRFD #1 annexation petition
- Memo re. Sweetgrass County wind farm
- Citizen memo re. requested removal from tax list

There was discussion about a road and bridge crewman job description.

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

August 13, 2009

Selection of Applications for Park County Rural Fire #1

@9:30 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Denise Nelson, clerk and recorder; PCRFD #1 Representatives Dann Babcox, Dan Karell, and Chris Bastian, and Citizens Mary Karell, Chuck Donovan, and Bill Moore.

The meeting was scheduled to select applicants for Park County Rural Fire District #1.

Commissioner Taylor read into the record the names of applicants Kerry Fee, Chris Bastian, Jeff Schoenen, Chuck Donovan, Courtney Lawellin, Loretta Skattum and Dan Skattum.

Citizen Dan Karell read into the record his letter of resignation as PCRFD #1 board chairman citing a cover-up and lack of movement by three sitting board members. There was discussion about issues and problems the current PCRFD #1 board is experiencing. Chris Bastian said the board has firemen and board members who do not care.

Commissioner Durgan made a motion to appoint Chuck Donovan to fill the unexpired term created by the resignation of Sue Martin. Commissioner Taylor seconded that motion. Motion passed.

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

#### August 13, 2009

10:00 A.M. – Local Emergency Planning Committee – Community Room

6:00 P.M. – Solid Waste Board Meeting – West Room

#### August 14, 2009

##### Review Daily Agenda and Correspondence

@8:30 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Raea Morris, executive assistant. No public comment made.

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

Correspondence included:

- August 18 fair board meeting agenda – To Commissioner Durgan for review
- Memo re. MACo annual conference door prize and spouse reservations
- Memo re. EPA revolving loan fund and brownfield cleanup grants
- Press release re. President Obama Bozeman visit
- Memo from city manager re. waste management
- Memo from Center for Health Transformation – To Commissioner Taylor for review
- Memo from Montana Mental Health re. Montana Warm Line
- Memo re. museum board meeting review of director job description

@8:47 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

August 14, 2009

Discussion of Flying Pig Loading Zone Application in Gardiner, Montana

@9:30 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; and Steve Woodruff, attorney. No public comment made.

The meeting was scheduled to discuss a Flying Pig load zoning application in Gardiner.

Attorney Steve Woodruff said his client, Flying Pig Rafting Company, is requesting a loading zone in front of his Gardiner business. Woodruff said the nature of the rafting business lends itself to such a zone, and his client bought the Flying Pig property with a historic curb cut, which resulted in the entire street frontage of the company serving as a "No Parking" zone. Woodruff said the company uses that zone for loading and unloading of passengers and gear, but a recent Montana Department of Transportation project to repaint Gardiner street curbs left the company without that zone. Woodruff said the company would like the zone in effect between May and September.

Commissioner Durgan said the Commission wants to be careful not to set a precedence of granting "loading" or "no parking" zones in front of Gardiner businesses. Commissioner Malone said a loading alternative to him may be 5<sup>th</sup> Street West.

The Commission said it would like time to further consider the proposal.

@10:11 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

Marty Malone  
Chairman, Park County Commission  
Park County, Montana

Denise Nelson  
Clerk & Recorder  
Park County, Montana