

Park County Commission Meeting Minutes  
Week of August 31 – September 4, 2009  
Park County, Montana

August 31, 2009

Review Daily Agenda and Correspondence

@9:02:29 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo from teamsters union representative re. longevity pay
- Memo re. mailing of Cooke City contracts
- Memo re. federal census
- Memo to MT Clean re. women's courthouse bathrooms
- Memo from public health nurse re. influenza information
- Memo re. America's Power Army - To Commissioner Durgan for review
- Citizen memo re. classification of single vehicle
- MSU Extension newsletter
- Pamphlets from Montana Contractors' Association re. Montana's sand and gravel industry
- Memo re. free call-in bipolar support - To public bulletin board
- Memo re. Sept 14 Angel Line meeting agenda
- Memo re. September 13 land conservation workshop
- U.S. Census Bureau 2010 pamphlet - To commissioners for review
- DEQ permit for county gravel pit
- Gallatin County newsletter
- Memo from National Park Service re. EA for Lamar River Bridge replacement
- Memo re. Sept 3 human rights fact finding meeting
- Memo from MT Dept of Revenue re. 2009 certified Park County taxable valuation information
- Memo from planning department re. citizen setbacks question

@9:14:20 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

August 31, 2009

Signing of Resolution Amending Park County Wastewater Regulations

@1:34:08 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Barbara Woodbury, environmental health; Shannan Piccolo, civil deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign a resolution amending Park County wastewater regulations.

Sanitarian Barbara Woodbury said she upgraded the Park County wastewater regulations, which had not been upgraded since 1992. Woodbury said the county held public meetings for public comment on the upgraded regulations, the Montana Board of Health approved the upgrades, and signing of the resolution by the Commission would make the upgrades official.

Commissioner Taylor made a motion to accept the new septic regulations as presented. Commissioner Durgan seconded that motion. Motion passed.

@1:43:13 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

August 31, 2009

Conference Call with CMS, LLC Regarding Classification and Pay Plan Study

@2:03:04 Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Jill Ouellette, human resources; Marilyn Hartley, accounting; Jim Kerins of CMS, LLC (via telephone); and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss a classification and pay plan study with CMS, LLC.

Jim Kerins of CMS, LLC said he met with most Park County employees and developed a classification system and methodology, measuring factors present in all jobs and which can be measured equitably across all occupations. Kerins said the classification system was developed with five criteria: complexity of work, knowledge required, accountability, independence of action, and personal contacts. He said the study was completed for approximately \$13,000 with an initial estimate of \$26,000 to \$30,000.

Kerins said a classification creates a ranking of jobs based on job content and qualifications required, positions the county for future budgeting when targeting compensation dollars, and ensures internal equity and meets legislation requirements of equal pay for equal jobs along gender lines. Kerins said he recommends fewer grades and a broader pay scale, which will provide for performance and competency pay. He

said the system CMS provided the county can easily adapt to have wider pay ranges with more flexibility for management to make pay distinctions on performance or more pay grades with narrower pay ranges and distinctions made solely on the content of specific jobs.

Commissioner Durgan said he feels there is always a place for performance, and an individual needs be awarded with compensation when he/she exhibits an above and beyond attitude.

Kerins said CMS needs to conduct interviews with new county employees and those missed prior. He said he can complete those classifications and conduct an immediate work area market study and use that data to establish a pay range for \$4,000 to \$6,000; or he can train Human Resources Analyst Jill Ouellette in a 10-hour day on classification and establishing pay rates and changes for less than \$1,000.

Kerins said Yellowstone and Lewis and Clark counties are using a classification system, but Gallatin County still bases its wages on years of service. Kerins said a minority of counties are using a performance-based pay scale. He said CMS is working with MACo to complete a statewide salary survey of Montana counties.

Malone said he would like to further review the CMS' summary report.

@2:50:15 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

#### Voided Checks

Claims #s: 66809; 66988; 67112; 67113; 67114; 67136  
Payroll #s: 44771; 44912

#### September 1, 2009

7:30 A.M. – Job Service Employers Committee – The Café at Clarks

#### September 1, 2009

##### Review Daily Agenda and Correspondence

@8:44:07 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo re. ACPA webinar topics

- Memo from planning director re. feasibility study for community center renovation project
- Legal advice to Commission from civil deputy county attorney
- Memo from undersheriff re. updated longevity worksheet
- Memo re. subject review for Montana Water Trust - To Commissioner Durgan for review
- Memo from Montana Clean re. unclean courthouse restrooms
- Memo from MDT Aeronautics Division - To Durgan for review
- Memo re. tax appeal board meetings

@9:01:21 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

September 1, 2009

Park County Road Updates

@9:10:15 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Ed Hillman, road supervisor; Duane Long, citizen; Jim Hunt, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss county road issues.

Citizen Duane Long said his daughter offered to install a culvert per engineer suggestion on the Main Boulder Road near the Whispering Pines Subdivision. Long said he is asking the Commission to send letters to citizens there to remove rocks and a personal fence from the county right-of-way and is asking the Commission to address citizens confiscating public property in the form of a public right-of-way. Long said another homeowner in that area locks a gate across the public county right-of-way.

Citizen Jim Hunt said Old Clyde Park Road will be lost if something is not done with it. He said a lot of time and work were spent to get that road to a good condition, and motorists are dodging each other trying to miss potholes near a rock house. Road Supervisor Ed Hillman said the road crew has the road on its agenda to fix.

There was discussion about whether a permit was filed for the Rocky Mountain Campground.

Hillman said he noticed loose planks on the Bailey bridge, an oil leak in a grader was fixed yesterday, and a culvert in Gardiner has yet to be installed.

There was discussion about gravel sources the county uses, as well as filling out purchase orders for gravel.

Commissioner Durgan presented Hillman with a memo of a county purchase order policy for Hillman's signature.

@9:58:52 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

September 1, 2009

Discussion of Coyote Energy Wind Farm near Springdale and Impact on County Roads

@10:03:49 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Ed Hillman, road supervisor; Shannan Piccolo, civil deputy county attorney; Camden Easterling, Livingston Enterprise; Tim Stephens and Jim Krusemark of Park Electric Cooperative; Juan Pablo de Vicente Gonzalez, Gonzalo Martin, and Daniel Abelson of Enerfin Energy Company, Inc; Matt Jennings and Carl Barquist of Grasslands Renewable Energy; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss a Coyote Energy wind farm near Springdale and possible impacts on county roads.

Daniel Abelson, project manager for Enerfin Energy Company, said the Commission has reviewed a draft EIS for a Coyote Energy wind farm project, and he is present to answer questions about road construction.

Commissioner Malone said the concern is Sweetgrass County will get all revenue from the proposed wind farm, but all traffic for the wind farm will run on a Park County Road north of Springdale. Malone said the county road in question will not withstand truck traffic in its present condition, and heavy truck loads with wind farm equipment will require a heavy layer of pavement.

Abelson said county roads are not addressed in the EIS because Enerfin needs to hear from the wind turbine provider whether turbines will be delivered by train and where the turbines will be unloaded, which has delayed ability to inform the Commission how Enerfin will take care of the Park County road. Abelson said all roads for Enerfin wind farms are constructed and maintained by a company named Vestis, and Enerfin takes it very seriously that roads need to be maintained. He said Enerfin does not want to make anyone upset with the wind farm's presence, and it wants to involve the county in the process to ensure the roads meet the county's needs.

Jim Krusemark, Park Electric Cooperative, said the wind farm will create revenue for Park Electric Coop and will benefit the cooperative's membership. Krusemark said establishing a contact individual at Park County for road construction is important. Krusemark said Enerfin is a huge family-owned company from Spain with wind projects all over the globe, and the company has public education wind energy opportunities for local schools. Krusemark said the challenge in Montana is getting transmission infrastructure for wind energy. Juan Pablo de Vicente Gonzalez, technical manager of Enerfin, said Enerfin has been working on transmission of wind energy in Montana. Carl Barquist, Grasslands Renewable Energy, said he began working on finding a path out for

wind energy five years ago and continues working hard to get more energy transmission and hopes to achieve that in five or six years.

There was discussion about whether wind turbines will be hauled in on train to Springdale or trucked in and dealing with the state/county road immediately off of I-90. Abelson said he will be in contact with County Road Supervisor Ed Hillman after he receives road specifications from Vestis.

Juan Pablo de Vincente Gonzalez said a public hearing is scheduled for September 1, an agreement will be signed with Montana DNRC, and Enerfin will have permission to start construction once it receives an NPDES permit. He said the county road will be in the same condition after construction as it was in the beginning if not better. De Vincente said Enerfin will maintain roads inside the wind farm, but will not maintain roads to and from the wind farm once it is up and running. He said construction has to take place between April and October.

Abelson said he and Barquist can serve as the Commission's contacts. Abelson presented a Power Point presentation about Enerfin projects across the world.

@10:59:46 a.m., the meeting adjourned.

September 1, 2009

Discussion of Elected Official Chief Deputy Salaries

@11:06:13 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were June Little, clerk of court; Jill Ouellette, human resources; Marilyn Hartley, accounting; Martha Miller, auditor; Kevin Larkin, treasurer; Denise Nelson, clerk and recorder; Linda Budeski, justice of peace; Camden Easterling, Livingston Enterprise; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss elected official chief deputy salaries.

Commissioner Malone said the reason for the meeting is to educate the Commission on requests to increase chief deputy salaries and determine whether the Commission should move in the direction of paying each chief deputy the same wage.

Commissioner Durgan said it has always been the goal to have someone to step in for a department head or elected official when necessary. Durgan said he would think there is a place to award performance and competence.

Clerk of Court June Little said her chief deputy had everything calendared and ready for the judge and made every decision correctly in Little's recent scheduled absence. Little said she has a chief deputy who knows the job and whom Little can trust to do a good job, her chief clerk deserves the salary she is at, and Little may ask for an increase for her. Little said it is important to have a competent person in that position to avoid

lawsuits against the county. She said each elected official should be able to set their chief deputy's salary, and she asked what a salary study said about chief deputy salaries.

Justice of the Peace Linda Budeski said it is important to have deputies awarded according to importance.

Treasurer Kevin Larkin said performance appraisals tell the Commission what each chief deputy is doing, and for him, he has 100-percent confidence nothing will go wrong in his office when his chief deputy is in charge. Larkin said it is hard to judge each department or office the same way, as his chief deputy has over 20 years of experience and knows all facets of the treasurer's office. Larkin said to him chief deputy wages are dependent on experience, and pay comes back to department heads and elected official performance evaluations. Commissioner Durgan said he appreciates reviewing appraisal performances.

Clerk and Recorder Denise Nelson said deputy clerks are currently a Grade 11 on the county pay scale and she would like to see them moved to at least a Grade 12 based on their responsibilities. She said elected officials would then have knowledge of where to set the level of deputy clerks. Nelson said she does not think each chief clerk should make the same wage, as there is a difference in a chief deputy of two years and 20 years, and she feels it is the elected official's responsibility to determine chief deputy pay. Nelson said employees hired under a previous pay scale are short-changed as the new scale is higher for the same position. Little said she agrees with raising the chief deputy pay grade level.

Human Resources Analyst Jill Ouellette said employee motivation is an important factor, and paying someone simply because they have been in a position for a certain number of years is not motivating. She said wages based on a combination of performance and responsibility works best.

Many elected officials present said they felt CMS was very thorough with employee interviews when conducting its salary matrix study, but they have not seen the report or CMS' recommendations.

Larkin said it would be helpful to know office budget figures as soon as the Commission has them so elected officials can use available funds for employee wages if they wish.

@11:37:29 a.m., the meeting adjourned.

September 1, 2009

Discussion of Fiscal Year 2010 Budget Levy Matrix

@1:32:12 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Lani Hartung, finance; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss a FY '10 budget levy matrix.

Finance Director Lani Hartung said she received the certified taxable valuations from the Montana Department of Revenue. Hartung said she hopes to have a public hearing on the budget for public comment on September 17, and the Commission can consider passing the budget after that time. Hartung said the value of one mill last year was \$34,759 and this year one mill equals \$36,285.

The Commission adjusted mills in the road and bridge department budgets and reduced the county library fund to two mills. The Commission reviewed the general fund revenue and discussed a permissive medical levy and the PILT fund.

@3:30:50 p.m., the meeting adjourned.

September 1, 2009

Review of Minutes for Weeks of August 10 and 24, 2009

@3:36:42 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to review Commission meeting minutes for the Weeks of August 10 and 24, 2009.

Reviewing meeting minutes for the Week of August 10, 2009, Commissioner Malone requested a revision Page 2 of 10, the seventh paragraph should read, "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 the county road and the property in question." On Page 4 of 10; the first paragraph should read, "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." The eighth paragraph should read, "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."

Reviewing meeting minutes for the Week of August 24, Malone requested a revision to Page 4 of 18; second paragraph, the fourth sentence should read, "Hartung said Olness' recommendation was all payroll functions should be done by payroll in CSA."

Commissioner Taylor made a motion to approve the minutes as corrected. Commissioner Malone seconded that motion. Motion passed.

@3:48:36 p.m., the meeting adjourned.

September 1, 2009  
City/County Meeting

@4:06:17 p.m., City Commissioner Mary Beebe called a meeting to order in the Community Room of the City/County Complex. County Commissioners Durgan, Malone and Taylor were present. Also present were Ed Meece, city manager; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss joint city/county issues.

City Commissioner Mary Beebe opened the floor to public comment. None made.

City/County Joint Telephone System: Commissioner Malone said the new city/county complex telephone system will be in effect by the first week of October and personnel training days on the system will be held in September.

Parking Issue with the Sale of the East Side School: City Manager Ed Meece said attorneys for the city and the potential buyer are still negotiating the sale and parking issue. Meece said the city of Livingston will essentially donate the entire lot of the East Side School with the understanding the basketball court area will be leased back to the city for parking for a nominal fee. Meece said most theatre traffic/parking will occur after school/work hours and there will be opportunity to use the majority of the lot for city/county building parking during daytime business hours.

Discussion of Community Center Feasibility Study: Meece said the city commission agreed to join in a city of Livingston community center feasibility study for \$8,300-plus. Commissioners Malone and Taylor said the county commission received an email today asking whether the county is interested in joining in the study. Meece said the study is an opportunity to know if project is feasible.

There was discussion about issues the county commissioners may have with the study. Commissioner Taylor said the \$8,300-plus is an issue, and the county is the only entity between the city, county and public school system that can bond such a project.

Commissioner Malone said he would like to have a presentation on what the study would do and what the final product would be. He said he would like to have cooperation from the school system and has concern the schools may run the community center. Malone said the county would depend on the city to conduct internal services such as law enforcement. Commissioner Durgan said he think a community center may be the most important thing that can be done for Livingston, but the cost is an issue. Durgan said many people in Livingston are on fixed incomes and not many merchants would benefit from a large event center.

Taylor said the city of Belgrade realizes \$1.3 million to the community when it hosts the State A basketball tournament, but he has concerns about competing with that. Taylor

said Gardiner people will not drive to Livingston just to swim, and Park High cannot compete in swimming or track, but asked if the city and county should have to build the facility.

Meece said he needs to know the particulars through a feasibility study before he can start thinking that far. Meece said potential economic benefit is a side benefit, but it is not the reason to him to do the project. He said the best reason to do it for him is because the high school cannot host a local track meet, and the city has a swimming pool on which the clock is literally ticking. He said auditorium/theatre/presentation space is very limited in Livingston. He said looking at economic development as reason to build a community center is not right, but rather the reason for doing so is for the whole county community. Meece said the library is a good example, and places with community centers tend to be where people stay and families move to.

Meece said completing a feasibility study will enable the three parties to make an informed decision on whether to pursue a project. He said he will schedule a discussion at the next city/county meeting with the individual proposing the community center project to provide more information for the county commission.

Additional Open Business: Meece said he would like to schedule a presentation from the airport board at the next meeting about board funding and grant capabilities. Meece said a project currently three-years out involving construction of a building to house a piece of snow removal equipment could possibly be built next year with grant funds with the city and county splitting the cost. Meece said the city relies on the airport for emergency airplane transport of patients.

No additional public comment made.

@4:51:24 p.m., the meeting adjourned.

#### September 1, 2009

6:00 P.M. – Outreach with Representatives Jennifer Madgic and David Fine from Senator Tester’s Office – Community Room

#### September 2, 2009

##### Review Daily Agenda and Correspondence

@8:32:31 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo from treasurer re. cash-on-hand report
- Memo re. Cooke City resort tax funds
- Memo re. U.S. Bankruptcy Court notice
- Memo re. September 30 public hearing to replace culverts with bridge on U.S. 89 at Cedar Creek - To Commissioner Durgan for review
- Memo re. approval of Park County DUI Taskforce
- Bill from Black Box Design
- Memo re. labor relations conference
- Memo from Board of Crime Control re. sexual assault services program grants - To Sheriff's Office for review
- Rural Montana Magazine - To Commissioner Taylor for review
- Memo from Montana 6th Judicial Court
- Commission postage log
- Two memos. re. legal advice to Commission from civil deputy county attorney
- Memo from Montana Water Trust - To Commissioner Durgan for review
- Memo re. August 27 library board agenda and minutes

Commissioner Malone said the Commission will review an engineer proposal prior to a 1:30 p.m., meeting to award bids for a Cooke City Community Center project.

@8:55:43 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

#### September 2, 2009

10:00 A.M. – Onsite Walk-Thru of City Refuse Operations – Livingston Public Works Office

#### September 2, 2009

##### Awarding of Bid for Cooke City Community Center Project

@1:34:55 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Cooke City Resident Donna Rowland (via telephone); and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to award a bid for a Cooke City Community Center project.

Civil Deputy County Attorney Shannan Piccolo said she reviewed all project bids.

Commissioner Taylor made a motion to accept the bid from DpS Company LLC, Denny Salveson, for the Cooke City Community Center. Commissioner Malone seconded that motion. Motion passed.

@1:37:24 p.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

### September 2, 2009

3:00 P.M. – Parks and Recreation Board – West Room – Meeting minutes available at [www.parkcounty.org](http://www.parkcounty.org) and in the Planning Department

4:00 P.M. – Public Hearing for Springdale Wind Farm Project – Big Timber Library – Commissioner Malone attended

6:00 P.M. – Public Hearing for Springdale Wind Farm Project – Big Timber Library – Commissioner Durgan attended

### September 3, 2009

#### Review Daily Agenda and Correspondence

@9:01:40 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo from MACo re. AARA recovery zone bond cap allocation
- Memo from GIS/IT manager re. September 23 and 24 telephone system training
- September 15 department head meeting agenda
- Memo re. Cooke City community center project
- Memo re. requested hearing for Shamrock/Sunset roads - A meeting will be scheduled
- MSU Extension services agreement with Park County
- Memo re. Montana state conference on mental illness - To Commissioner Taylor for review
- Montana Economy at a Glance newsletter
- Memo from MACo re. bylaw amendments
- Memo from city/county joint airport board
- Memo re. community agency interaction
- August 13 safety committee minutes
- Proposal for replacing jail toilets

Commissioner Malone said a Cooke City Community Center ground-breaking ceremony will take place September 11 in Cooke City at 11 a.m., and a Community Development Block Grant meeting is scheduled for September 16.

@9:14:16 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

September 3, 2009

Review and Approval of Applications for Tax Appeal Board

@9:46:07 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to review and approve applicants for the tax appeal board.

Commissioner Malone read into the record three eligible applicants for the county tax appeal board, Randall Schumacher, Fred Shellenberg, and Barbara Vandervort.

Commissioner Taylor made a motion to accept the applicants for the tax appeal board. Commissioner Durgan seconded that motion. Motion passed.

@9:47:35 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

September 3, 2009

10:00 A.M. – Discussion between Park County Commissioners, MACo and Human Rights Commission Regarding Human Rights – Livingston Job Service – Commissioners Durgan, Malone and Taylor attended

September 3, 2009

Discussion of FWP Buffalo Fence Project

@2:00:02 p.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; Tracy Mosely, Extension; Pat Flowers, MT FWP; Allan Shaw, Royal Teton Ranch; Scott Blossom and Attorney Becky Jakes-Dockter of FWP (via telephone); and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss a Montana Fish, Wildlife and Parks (FWP) buffalo fence project.

Pat Flowers, Montana FWP, said he thinks FWP shares the county's concerns of a possible reduction in spatial separation between Yellowstone National Park bison and Park County domestic cattle. Flowers said the purpose of the fencing and cattle guards through a proposed bison project is to provide for protection of human safety, personal property, and prevent bison from migrating out of an area in which they cannot be accommodated. Flowers said installing the cattle guards will better protect those three things than the current circumstance. Flowers said Phase I of the proposed project does

not permit park bison to leave Yellowstone National Park, but they have done so on their own on midnight forays. Flowers said the fencing and cattle guards will prevent that northern movement into Yankee Jim Canyon. Flowers said FWP is trying to find a solution that satisfies all concerned parties. He provided the Commission with specifications of cattle guards and fencing.

There was discussion about how much responsibility FWP would take in assisting the county with road maintenance needs due to bison travel and possible tourist traffic on a county road that currently is maintained by the county only one time in the winter and one time in the summer seasons. Civil Deputy County Attorney Shannan Piccolo, the Commission and FWP Attorney Becky Jakes-Dockter agreed on contract language spelling out how, when and by whom the county road would be maintained throughout the bison project. Scott Blossom of FWP said FWP MOU agreements with counties for road maintenance are usually done on a reimbursement basis with the county doing needed road work.

Piccolo, Jakes-Dockter, Flowers and the Commission reviewed proposed revised contract language submitted by the county. Jakes-Dockter said FWP is willing to include an indemnification clause and take responsibility for what FWP has done on the ground, but nothing more than that, and absolve Park County of liability for on the ground bison guards.

Flowers said he feels what FWP is proposing is more assurance against bison migrating further north, and FWP will not go into Phase III of the project until a state veterinarian is satisfied bison can safely migrate north without brucellosis and with separation from domestic cattle. Commissioner Durgan said cattle ranchers will crawl down the Commission's back to get the bison issue taken care of, and only releasing seronegative bison is not too much to ask. Flowers said the Bison Management Plan is a court ordered compromise that no one is entirely happy with. He said the Montana Stock Growers attorney was a primary negotiator on the plan. Jakes-Dockter said FWP has already contractually agreed with four other agencies for testing a certain number of bison over the first two phases of the plan, and someone other than FWP decided the specifics of the plan. She said FWP would be setting themselves up for a breach of contract if it does what Park County is asking them to do regarding testing all bison for brucellosis in Phase III of the Bison Management Plan.

Commissioners Durgan and Malone said incidences of brucellosis in Park County have hurt Park County cattle producers and put a close watch on Park County cattle. Flowers said all FWP is doing is complying with the provisions in the plan, and the decisions were made 10 years ago for better or for worse. Durgan said to him brucellosis is a health and safety issue and an addendum may need to be made. Flowers said his agency cannot change the Bison Management Plan.

Flowers said Phase III of the plan may occur in three to five years at the earliest, maybe 10 years and maybe never. Malone said he would like the bison to be physically out of Park County by an April 15 deadline.

Malone said he would like to talk to APHIS and a Stock Growers representative and someone other than FWP on the matter. A teleconference was scheduled for September 8 at 1 p.m.

@3:02:18 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

September 3, 2009

Discussion of Fiscal Year 2010 Levy Matrix

@3:10:18 p.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Lani Hartung, finance; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss a FY '10 levy matrix.

Finance Director Lani Hartung presented the Commission with debt, CIP and proprietary funds for review.

There was discussion about which budget line item will fund a temporary fire employee.

Commissioner Taylor said the Commission is looking at the option of joining the city with garbage services and using Green Acres as a trial pick-up area. Taylor said if successful, the program would then expand outward from the Livingston city limits for a two-mile radius and green boxes near town could be closed. Taylor said a trial target date is set for November 1.

@4:30:41 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

September 4, 2009

Review Daily Agenda and Correspondence

@8:43:58 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Mansfield fuel report
- Safe Routes to School information from Nittany Grantworks

- Memo from airport board
- Memo re. proposed changes from teamsters
- CDBG revolving loan fund information
- Memo from U.S. Forest Service re. gravel stockpiling pit
- Memo re. targeted non-sheltered locations - To DES coordinator for review
- Memo re. TSEP grants
- Memo re. judge cordless phone system

Executive Assistant Raea Morris said she scheduled a meeting with Dr. Coleman to present his proposal for a Livingston Community Center.

@8:54:04 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

September 4, 2009

O'Connell vs. Park County Litigation Strategy

@9:30:37 Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Brett Linneweber, county attorney; Shannan Piccolo, civil deputy county attorney; Philip Fletcher, planning director; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss litigation strategy.

Commissioner Taylor made a motion to close the meeting to the public. Commissioner Durgan seconded that motion. The meeting closed.

@10:30 p.m., the meeting adjourned.

Marty Malone  
Chairman, Park County Commission  
Park County, Montana

Denise Nelson  
Clerk & Recorder  
Park County, Montana