

Park County Commission Meeting Minutes
Week of January 5 – 9, 2009
Park County, Montana

January 5, 2009

Park County Road Updates

@9:01:31 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; Dan Hackman, mechanic; and Road Crewmen Dave Amunrud, Troy Amunrud, John Young, Mark Smith, Brad Wilson, Jay Dixon, and Skip Ehert; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to update the Commission about Park County road issues.

Commissioner Malone opened the floor to public comment on any issue relevant to the county. No public comment was made.

Road Crewman Brad Wilson said there is a problem with the Forest Service access on the Upper Shields Valley Road due to parked cars. Wilson said maybe the Commission could visit with the Forest Service to get cooperation from forest users who are parking along the road and hindering Crewman John Young from plowing the road.

Crewman Mark Smith said the last commission determined each crewman would be his own road foreman in his work region and the crew is having a potential issue of breach of job description if a crewman is not doing his job well. He said some crewmen are taking advantage of the situation and causing extra grief on other crewmen with each man now operating under his own auspices when the crew used to have a road boss. Smith asked who is responsible for crew discipline if someone is breaking rules or decides to start work at 4 a.m., drive around for four or five hours, and then by mid week has in 40 hours and decides he does not want to work any longer that week. Smith said the Commission needs to address the issue because it is sending a bad influence to the rest of the crew.

Smith said he was told by a union spokesman that nothing can be done at this point because the crew does not have a contract that denotes work hours. Smith said the current work arrangement for the road crew is not working and guys are running helter-skelter doing whatever they choose.

Deputy County Attorney Shannan Piccolo said the current discussion topic is out of the scope of the publicized meeting and another public meeting needs to be scheduled to address the topic. Mark Smith asked if a job duties/description/personnel meeting can be scheduled with the Commission and the road crew in the afternoon before crewmen quit for the day.

The Commission asked crewman about the road conditions in each man's work region. Smith said his Gardiner-area roads are open, some ice exists on roads in Cinnabar Basin and Tom Miner, but the Jardine Road pavement is bare and dry.

Crewman Skip Ehert said all roads in his region are in good shape at the present time.

Crewman Jay Dixon said his local school bus route, Old Clyde Park Road, Five-Acre Tracts roads, Green Acres roads, West Grannis, the airport, and Springdale roads are bare and clear at this time, but he will have to do some cleanup after the meeting.

Crewman Dave Amunrud said he is learning the south school bus route and had not been that way this morning. He said he inspected O'Rea Creek and Cokedale and both have intermittent ice to continued ice and partial drifting.

Public comment was made by Chuck Donovan. Donovan said he would like to thank the road crew on behalf of residents who live there for plowing out a drift twice in one night on Meigs Road. He said he appreciated the crews' work.

Malone said he got a call from Tom Sarrazin who said he would like a sign at Tobin Creek Road to notify people the road is impassable or he would like the crew to make the road passable. Smith said a sign was erected there last year for that purpose. Smith said former civil attorney Tara DePuy said erecting a "Chains Required" sign would alleviate the county from liability in such a case.

Wilson said the road crew is short a plow truck and he uses Wilsall's truck, which makes it tough because he has to maintain their school routes and then complete his county roads. He said two plow trucks were bought last year with one going to Gardiner and the other to the Wilsall/Clyde Park area. He said the crew needs a plow truck with an oscillating blade.

Smith said he runs a huge risk when plowing the Jardine Road with the truck he has in Gardiner because that truck is not equipped for that road's terrain. Smith said he could get around Gardiner with a tandem-axle truck as easily as a single-axle vehicle.

There was discussion about purchasing tandem-axle plow trucks because they can be used for more purposes than single-axle trucks and they are appropriate for work in downtown Gardiner and Wilsall. Smith said he could accomplish a lot more than what he is getting accomplished now with a tandem-axle truck, including stationing equipment.

There was discussion about Mechanic Dan Hackman conducting a review and inventory of road crew equipment to determine what he thinks needs replaced. The Commission directed Hackman to conduct such an inventory.

Wilson said the county should consider getting rid of the OshKosh plow truck and the small loader. Wilson said the road crew is in dire need of a mid-sized loader that can fit a blade, and the current loader does not have a good working heater, is an obsolete vehicle,

and is very loud to work in. Dixon said he agreed with that. Dave Amunrud said the loader is somewhat of a safety issue with no turn lights, break lights, or warning flashers.

Durgan said selling the Oshkosh is a time sensitive issue and recommends the county advertise it on the internet to see if it can be sold. Director of Operations Bill Hurley said airports often use Oshkoshs and he recommends the county advertise in that direction. Durgan charged Hurley with looking into that issue. Piccolo said she will research the legal process for the county advertising on the internet.

Chuck Donovan asked about the bridge on Miller Drive. Wilson said the bridge decking has not been replaced and he does not know if it has come in. He said a culvert for Fridley Creek has arrived. Donovan asked about a bridge on Eight Mile. Wilson said Scott Opitz of Montana Fish, Wildlife and Parks said he had no problem with the county putting in a bridge there.

@9:33:23 a.m., Road Crewmen Troy Amunrud and John Young entered the meeting.

Smith said he received a telephone call from a citizen in his area asking if the Carbella Bridge was ever officially signed off on. Smith said he told the citizen he would bring the question to the Commission. Smith said the citizen requested to remain nameless and stated to him she never got a direct answer from the Commission or former road supervisor Ed Hillman. Smith said the citizen wants to find out whether she can haul a horse trailer across the bridge as she did in the past. Durgan said the load limit remains six tons on that bridge, and Smith said the limit is posted in six places. The Commission said it will research the issue.

Reporting on his roads, Crewman Troy Amunrud said his roads are doing alright. He said he put signs up on Tobin Creek Road last year and will put signs back up that state the road is not maintained.

Reporting on his roads, Crewman John Young said his roads are currently drifting over. He said the wind is filling in Horse Creek Road behind his grader, but his other roads are in pretty good shape. He said his school routes are okay for now, but he will probably have to plow two or three tonight before buses go through.

Smith said there was talk with the Commission last week about setting up a meeting to determine the definition of an emergency situation and determine the protocol for an emergency. Smith said the crew would like Kaline Johnson from the park communications center, the sheriff, and the road crew at a meeting to discuss the issue.

Chuck Donovan asked if the county could fax a black and white map of roads experiencing snow drifting or other problems to Wilsall and Rural #1 emergency fire services so those services know important road conditions.

Smith said the crew and Commission talked last week about a protocol for notifying the public about an emergency snowfall event, how snow will be removed, and that the road

crew typically will not be plowing snow from 8 p.m. to 5 a.m. Commissioner Taylor said nothing has been decided upon yet.

Durgan said he does not feel it is public citizens' right or business to call up members of the road crew. Wilson said the issues needs to be discussed, because once the road crew is contacted about a stuck vehicle it becomes a county issue.

Public comment was made by Michelle Strong. Strong asked the status of Deep Creek/South Fork Road. Durgan said as far as he knows the status of that road is still not known. Strong said the road was not maintained at all in the last storm. Wilson said he went onto that road one time during the last storm and saw some drifting, which was not significantly bad and mostly on the upper end near Mr. Chases'. Durgan said he had conversations with residents living on that road and knows their concerns are about slick ice. He said the road will be maintained as the road crew can get to it.

Jay Dixon asked the Commission about the county policy of grading private roads, because operators were told to plow out roads such as Willow Bend and he was told not to plow north of Shamrock Road. Durgan said he did not give that order. Wilson said there was some miscommunication on Miller Drive on the south side of Shamrock.

Malone said his goal is to create a GIS map so that everyone knows where roads are and road locations within grey areas are clarified so landowners know the status of roads.

Wilson said, when the county took over Suce Creek Road, it was promised by residents at the end of Suce Creek Road they would move a fence, overhead, and a gate to provide a turnaround. Wilson said he spent time with them on that agreement, but it has never happened and the Commission needs to address that. Durgan said one resident there was not willing to move his fence. Wilson said if the snow gets deeper the fence likely will be lost because if the road has a legal 60-foot right-of-way, the county will plow snow on top of it. Wilson said there are several other places, such as O'Hair Lane, Grannis Road, and Meigs Road, where fences will be down because the crew had to pile road snow on top of them. There was discussion as to whether the county will be responsible for repairing those fences next spring. Wilson said new fences are being constructed and are catching snow drifts. Durgan said the county must have some place to put plowed snow.

Dixon said there is a problem with citizens plowing snow into county road rights-of-way. There was discussion that former civil attorney DePuy suggested sending citizens a letter notifying them of that problem.

@9:58:40 a.m., Malone made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

January 5, 2009

Review of Correspondence, Public Contacts and Determine Action Plan

@10:08:53 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, Commission executive assistant, Bill Hurley, operations; Commission Minutes Clerk John Mueller; and Chuck Donovan, public citizen.

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

Durgan made a motion to review Commission meeting minutes after review of correspondence. Taylor seconded that motion. Motion passed.

Correspondence included:

- Memo to county maintenance personnel re. sink in ladies restroom needs attention
- Memo from Citizen John Munis re. missing road sign in Whispering Pines as of December 28 - To road book - Durgan said law enforcement is conducting an investigation and has resurrected the sign
- Memo re. rehearing of Cooke City Zoning change scheduled for January 28, 2009 - To file
- Memo re. HRDC resolution and sponsorship for application for CBDG Neighborhood Stabilization Program - To deputy county attorney for review
- Memo from MACo re. legislative update - To Malone for review - There was discussion about setting up a routine, public Montana legislative update from Helena in the Community Room. Malone said the Commission needs to be able to express discontent with unfunded mandate bills. Malone asked Commission Executive Assistant Morris to contact Representative Boneck, Senator Esp, and Representative Ebinger and ask them when they would like to initiate the update
- Legal advice to Commission from deputy county attorney
- Memo from Van Jamison re. wind power - To Durgan for review
- Memo from Job Service re. local unemployment status newspaper article
- Memo re. Forest Service request of meeting to discuss overhead costs
- County personnel memo - To Commission confidential file
- Memo from human resources re. information on drafting county safety protocol - To Commission for review
- Legal advice to Commission from deputy county attorney
- County shop linen room key - To key box
- Memo from planning department re. schedule of public hearing on February 11 at 10 a.m. to consider recommendation of requested zone change meeting to occur on January 28
- Memo re. scheduling of meeting with RC&D for January 8
- Memo from human resources manager re. protocol for leave requests and Commission signatures

- Memo re. status of Myer's Flat radio work

Director of Operations Bill Hurley said it is time for him, Montana DES, and Dispatch 911 to inventory its equipment at the Myer's Flat radio site and pay outstanding contractor invoices upon completion of the inventory. Commissioner Durgan asked the Commission if it wants to get a recommendation from Hurley and Dispatch 911 as to whether a partial payment should be made to the contractor. Deputy County Attorney Piccolo said the contract should be amended if the Commission decides to do a partial payment so the action taken is in writing. Durgan made a motion for the director of operations to provide the Commission with a written recommendation about how the Commission should address this issue with the contract held with the contractor. Motion died for lack of second.

Malone asked Commissioner Taylor if he had another method. Taylor said he thinks the Commission should handle its own affairs and it does not need Bill Hurley to read correspondence and tell the Commission what it says, and maybe the Commission should be a little more knowledgeable about things. Taylor said the other method is for the Commissioners to get familiar with it and start doing what it is supposed to be doing. Taylor said his idea is to respond to the contractor to set up a meeting or send him a letter, ask the terms of the contract and make an arrangement for an amount of payment. He said the Commission needs to fulfill the contract, pay its bills per the contract or amend the contract. Durgan said the project needs an inspection first, and part of the bill can be paid upon inspection. Taylor said the Commission does not need to send negotiators out to report back to the Commission. He said the Commission needs to deal directly with its people.

Taylor asked Hurley if the work at Myer's Flat is completed and ready for an inspection. Hurley said the contractor says its ready, but he himself has not been up there to look. Hurley mentioned various logistics about the project which prohibit it from being fully complete, operational or able to be tested at this time.

Taylor said the appropriate thing to do is to telephone the contractor to determine what type of payment is acceptable to him. Taylor made a motion to contact the contractor and find out what is agreeable. Durgan seconded that motion. Motion passed.

Durgan said a protocol for payment schedule should be set up at that time. Taylor said he will contact the contractor.

Public Comment was made by Chuck Donovan. Donovan said private individuals pushing snow into the county rights-of-way is a problem. Donovan asked if the county can change county boundaries in the Whispering Pines area, mentioning the time it takes Rural Fire to get a truck there for citizens not paying for fire services.

Taylor said citizen Mike Adkins asked him if he will get in trouble for pushing snow off of a county road. Taylor said he told Adkins he cannot put snow where it will cause

trouble to a neighbor, will not drift, and will not cause a problem for the county road crew.

Taylor said he would like to set up a meeting to look into the county personnel policy manual.

Taylor said the county needs to certify Barbara Woodbury as the county environmental officer

@11:03:21 a.m., Durgan made a motion to recess the correspondence meeting until 3 p.m. Taylor seconded that motion. The meeting was recessed.

January 5, 2009

Robbins vs. Park County Litigation Strategy (Closed Meeting)

@11:08:38 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Steven Lehman, attorney; Brett Linneweber, county attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss litigation strategy of Robbins vs. Park County in a closed meeting.

@11:08:55 a.m., Malone made a motion to close the meeting for litigation. Durgan seconded that motion. The meeting was closed to the public for litigation strategy, and the Commission minutes clerk exited the chambers.

@12:00 p.m., the meeting was recessed until 3:30 p.m. @3:30 p.m., the meeting reconvened. @4:50 p.m., the meeting adjourned.

January 5, 2009

Inspection of Possible Location of Two Cattle Guards – Corwin Springs (Onsite Meeting)

@1:30 p.m., Commissioners Durgan, Malone and Taylor met onsite with Pat Flowers and Tom Lemke of Montana Fish, Wildlife and Parks; Brian Helms and Ben Cunningham of the National Park Service; Mark Smith, county road crew; and three Montana Department of Transportation representatives to discuss proposed cattle guards at the south end of Yankee Jim Canyon and at Corwin Springs Bridge.

Proposed cattle guards would be installed on the west side of Corwin Springs Bridge and cattle guards would be wide enough to span the width of the road and two guards would be placed next to each other so bison cannot jump guards.

The Commission told the group assembled that Park County would need to approve the plans and the necessary road work permit. The Commission said a fence needs to be tied

into the Corwin Springs Bridge to prohibit bison from going around the cattle guards to include gates to allow passage of cattle, horses, and pedestrians.

At the south end of Yankee Jim Canyon site, the Commission recommended that site be moved further south and fenced to the cliffs and river. Road Crewman Mark Smith had concerns about his inability to plow snow due to the proposed cattle guards.

There was discussion about concerns about cattle guards filling with snow and not functioning properly and bison walking across them. The Commission informed FWP I could not close the road to traffic while installing cattle guards. FWP said it will prepare and submit a plan to the Commission for review.

@2:45 p.m. the meeting adjourned.

January 6, 2009

9:00 A.M. – MSU-Billings Interview with Commissioners – Commissioners Chambers

Commissioner Taylor was interviewed by MSU-Billings personnel as part of a grant program.

10:00 A.M. – MSU-Billings Interview with Commissioners – Commissioners Chambers

Commissioner Malone was interviewed by MSU-Billings personnel as part of a grant program.

11:00 A.M. – MSU-Billings Interview with Commissioners – Commissioners Chambers
– Postponed until 2:15 p.m.

January 6, 2009

1:30 P.M. – Inspection of Castle Mountain Road Regarding Road Closure Petition with Joe DeSarro and Commissioners (Onsite Meeting) – Canceled due to no petition filed with Clerk and Recorder

January 6, 2009

Review of Correspondence, Public Contacts and Determine Action Plan

@1:37:41 p.m., Chairman Malone reopened a meeting in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Raea Morris, Commission executive assistant, Bill Hurley, operations; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was postponed at 11 a.m. on January 5 to 3:30 p.m. that day, and then postponed again until 1:30 p.m. today.

Malone said George Bryce told him a personal coffee table in his office is broken and he thinks it was broken by the cleaning crew. He said Brice would like to know the procedures for filing a claim. Durgan said Brice can file a report with the Commission and county maintenance personnel can take it up with Montana Clean.

Malone said Coroner Al Jenkins told him he is out of room in his office, is seeking more space, and is concerned about no lockable storage other than his office door. Malone said Jenkins said space offered to him in cold storage is unacceptable for access and temperature reasons and his suggestion was to switch with Clerk and Recorder Nelson for space next to the elevator with plumbing capabilities. Durgan said the sink in that room cannot be used due to elevator components, which is why Nelson moved dry goods there.

Correspondence included:

- Confidential personnel PERS issue. The Commission said it will schedule a meeting with HR Analyst/Assistant Jill Ouellette to discuss the matter
- Memo re. Livingston Job Service bylaws
- Memo from MACo re. Park JPIA general loss run - To Commission executive assistant for posting
- 5-Year Loss Run for Park County - To Commissioners for review and file
- Park County Trend Analysis Data
- Memo re. three changes to Davis-Bacon contracts - To county attorney's office for review
- Announcement of Realizing Montana's Energy Future governor's summit in Helena on January 9 and 10
- Memo re. Plum Creek U.S. Forest Service Easement agreement
- Memo from justice of peace re. court hours schedule
- Memo from undersheriff re. list of Park County areas with poor or no cell phone coverage
- Memo from Colter Pass, Cooke City, Silver Gate Chamber of Commerce re. deputy county attorney work on resort tax issues - To county attorney's office for review
- Memo re. Disability Rights Montana summit in Helena on January 9
- Citizen comment re. Castle Mountain Road
- County postage meter log
- Montana Economy at a Glance newsletter
- Memo from DES manager re. mandatory trainings for road crew January 12 and 20 - To Durgan for review
- Memo from AP Clerk re. receipt of former road foreman gas card - To HR for file
- Montana LTAP 2009 quarterly newsletter - To Durgan for review
- Memo re. NACo open house
- C-Gov newsletter
- Memo from Montana Water Trust - To Durgan for review
- Memo re. closure of landfill on January 5 due to high winds
- Memo from accounting office re. accounting/HR restructuring

- Memo re. Commission meeting request from GIS/IT manager
- Memo from museum director re. board member applicants and recommendations meeting scheduled for January 14 at 10 a.m. - To Durgan for review
- Governing Magazine subscription flyer – To Malone for review

The Commission discussed issues to include on its upcoming meeting agenda, which included:

- Road crew meeting next week
- Human Resources director posting meeting discussion
- Review of Human Resources office management personnel needs for Monday or Thursday of next week
- A Mountain View Acres subdivision proposal review meeting will be scheduled per request of the planning department

In other discussions:

There was discussion about staffing of the human resources office. Malone said he would like to assess whether three employees are needed in that office. Durgan said a human resources person is absolutely necessary. Commissioner Taylor said he agrees and the person the county has now (Jill Ouellette) is working very well. Durgan said Ouellette is working more hours than she planned when she took the position. Taylor said he would like to re-look at farming out some of the HR work.

Malone said his idea is to review each department, including the Commission office, to assess whether each is appropriately staffed.

Taylor said he wants to revisit the county personnel policy and procedures. He said he does not think the Commission should be bothered with paperwork as it currently is regarding certain issues, such as employee personal leave. He said department heads should be responsible for that issue.

Maintenance Supervisor Bruce Martin said the battery in a county Dodge Intrepid is dead and replacement requires removing the right front wheel. Martin asked the Commission if the county mechanic can fix it or if he should phone an outside service. The Commission directed Martin to schedule a time with the county mechanic.

Martin said he needs to view the county cold storage with Taylor and Malone to discuss that issue.

The Commission discussed with Martin the coroner's proposal to swap storage space near the downstairs elevator. Martin said the sheriff needs to be moved upstairs and the treasurer needs to move downstairs in cold storage at the quonsot hut because of a lot of weight stored on the second floor.

There was discussion about the coroner's request to move his burner to the road shop area. Martin said he did not see an issue with that move.

@2:30 p.m., Commissioner Durgan exited the chambers to interview with MSU-Billings personnel as part of a grant program.

Martin said there is an issue with moving the building garbage cans into a parking space near the building. Martin said he will attend the 4 p.m. City/County meeting to discuss the matter with the city manager.

Martin asked if the Commission minds what vendors he uses. The Commission said it does not as long as contracts are legal.

Malone said a citizen asked about the courthouse cannon and that citizen wants to bring the Commission a proposal to rejuvenate the cannon and bring it back. Malone said the Commission may need to go out for request for proposals to restore the cannon.

Director of Operations Bill Hurley said he phoned Ron Shorter but did not get a meeting date set up with the Gardiner Water and Sewer District board. Taylor directed Hurley to facilitate setting up that meeting, preferably before the end of January.

Malone said he responded to a December 3 letter from citizen Bob Eyman about taxes and TV district issues.

Malone said his seat on the Paradise Valley TV District will need to be replaced. He said he has a gentleman who is interested.

Commission Executive Assistant Raea Morris said citizens are asking her what happened with their request to lift refuse fees, so she created a folder for all such requests.

The Commission asked Morris to write a letter to citizen Bill O'Connor thanking him for his generous donation of an American Flag for the fairgrounds.

@2:50:09 p.m., Malone made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

January 6, 2009
City County Meeting

@4:03:18 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone, and Taylor were present. Also present was Bruce Martin, maintenance; Bill Hurley, operations; Shannan Piccolo, deputy county attorney; Marc Richards, GIS/IT; Marilyn Hartley, accounting; Steve Caldwell, city commission; Rich VanAken, city commission; Mary Bebee, city commission; Ed Meece, city manager; and Commission Minutes Clerk John Mueller.

Commissioner Malone opened the floor to public comment on any issue relevant to the county. No public comment was made.

Commissioner Malone said he spoke to Mr. Meece about holding city/county meetings on neutral ground such as the Community Room. City Commissioners Caldwell and Van Aken said they were favorable to that idea.

Discussing a master license renewal notice paid out of the building maintenance fund and the city's share, Maintenance Supervisor Bruce Martin said two licenses for underground storage tanks are due, which he has budgeted for and usually pays. City Manager Ed Meece said he does not know whether this type of payment issue needs to be on an agenda. He said if the city has it in the budget it just needs to be paid.

Discussing the city's potential annexation of a portion of Fleshman Creek Road, Meece said an inquiry was made at the last transportation meeting whether the city was interested in annexing the portion of Fleshman Creek Road that is inside the city limits. Meece said such annexations have typically been the city's procedure in the past, but the problem with this road is a piece of it is nowhere near city street standards and would require substantial work. Meece said the city is willing to talk about an annexation but wants to talk with the county about how to get the road in question to the minimum standards required by city. He said that road is currently gravel and has wide-open drainage issues that would have to be dealt with. Meece said in that the road is one entrance into the Discovery Vista subdivision, it would have to be an apportioned upgrade through an SID or RSID. He said the city needs to have its public works director, Clint Tinsley, the county road department and a willing engineer research whether a workable cost estimate can be generated to determine how to prorate SID work, or whether anything with the annexation will be done at all. Meece said, according to Tinsley, the road in question would have to be straightened to go through a property it current bypasses, which essentially would require building a new piece of road.

The Commission said it would like to look further into this issue. It was determined by the city and county to table the issue for discussion at a future meeting.

Addressing a City/County Complex telephone system upgrade, Director of Operations Bill Hurley said three options exist for a building phone system after a request for bids process was completed: 1) Leave the phone system as it is now, which includes a PBX not in the building and belonging to Qwest and for which no new spare parts are being manufactured; 2) Buy a Voice Over IP system, which failed at Printing for Less in part because of insufficient surrounding infrastructure; and 3) Buy an automated PBX system at a cost of \$75,000, which at this time is not budgeted for.

Hurley said an automated PBX would pay for itself in time, because Qwest agreed to allow the county to pay its current \$7,500/month telephone bill, which after three-plus years would pay for the purchase of the PBX because of the reduced monthly telephone bill generated by the system. Hurley said the question now is whether or not the city would like to join in with the county on the system.

Meece said he talked with Qwest today about the automated PBX phone system and he needs a copy of Qwest's quote to Hurley regarding equipment itemization in order to verify the cost of the system. Meece said he would like to talk further with Hurley and GIS/IT Manager Marc Richards and revisit the issue at the next city/county meeting.

There was discussion about the current building phone system. Marilyn Hartley, accounting, said the county was literally running out of telephone lines for new employees or dedicated fax machines, and the county cannot make upgrades to the current phone service because it is out of contract with Qwest.

Richards said his staff will have to upkeep/support a new phone system, which may require an additional employee based on talks with Gallatin County, which employs an IT person to spend 30 percent of his time on the phone system. Richards said there will be a cost of \$2,500 just for analysis of the current building CAT-5 cable. Richards said the building's server room will have to be upgraded for space and with six new switches.

Malone said a cost/benefit analysis of the system is important. Caldwell said he agrees with Malone, and would hate to put money into a system that may be obsolete in a few years. Caldwell said the city and county could consider buying cell phones to create more usage, especially in the event the current system became obsolete unexpectedly.

Malone asked Richards to conduct more research on the telephone systems used by other counties.

Addressing other city/county issues, there was discussion about moving building trash cans from their current location to the first parking spot on the north side of the building to assist building cleaning crews and trash collectors. Meece said the current location works, he is in talks with the sheriff about creating more parking space in the back lot, and does not like the idea of taking away a parking space for garbage cans. He said he would like to talk more with the sheriff, the garbage men, and Clint Tinsley before making a decision.

There was discussion about an inter-local agreement between the city and county for snowplowing, stemming from a citizen complaint Commissioner Taylor said the Commission received about the county plowing city streets. Taylor said sometimes entities share work, such as plowing out the courthouse lot over Christmas. He asked Meece if a formal mutual aide agreement exists for snowplowing. Meece said he does not think the city and county have an inter-local agreement dedicated to snowplowing. He said small snow jobs just need to be done and it is impossible to write a contract for small jobs because it would be so vague and shared work is driven by circumstance and emergency.

Taylor said he was impressed by the city plowman's efforts when he recently phoned him to request some snow removal. Caldwell said the city and county should keep doing what it has been regarding work cooperation.

Malone said the county will set up an advertised, weekly public update with area legislators in Helena that impact local government and he will notify Meece when that is set up. Meece said he would be happy to sit in on those updates, and he said he will be making weekly trips to Helena and can drop in on a committee meeting on behalf of Park County or drop off packages.

City Commissioner Rick VanAken provided an update of Meece's efforts. Those efforts include an adult education class to be held about city/local government starting January 20 and hosting a state of the city event on January 22 where Livingston School District Superintendent Hannibal Anderson and Meece will present the challenges and successes of the past year and what each sees for the upcoming year. Meece said the event will be held in the Community Room, will be moderated by the Livingston Enterprise and will be a question and answer forum for citizens.

The next city/county meeting date is scheduled for February 3, 2009 @ 4 p.m.

Agenda items for the next meeting were noted throughout discussion.

@5:08:22 p.m., Malone adjourned the meeting.

January 7, 2009

Discuss Approval of Contract with RC&D and Park County Senior Citizens Center

@9:05:01 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; Rick Van Aken, Park County Senior Citizens Center; Brett Linneweber, county attorney; Marilyn Hartley, accounting; Martha Miller, auditor; Heather Miles, Park County Senior Citizens Center; Barbara Williams, senior citizens center president; Julianne Brown, RC&D; Patti Smith, Cooke City Water District; Dustin White, Midwest Assistance Program; Sandra Kurst, Midwest Assistance Program; Jim Hunt, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss approval of a contract with RC&D and Park County Senior Citizens Center.

Commissioner Malone opened the floor to public comment on any issue relevant to the county. No public comment was made.

Rick VanAken of the senior center said a final step in the senior center improvement project is for the county commissioners to approve a contract for the Rocky Mountain RC&D for administrative management of the project.

County Attorney Brett Linneweber said a preliminary money award was awarded to the project by the governor in July, the Commission adopted ADA and specific housing policies, and finalized other federal government requirements.

Deputy County Attorney Shannan Piccolo said the county entered into memorandums of understanding with the Park County Senior Citizens Center in September or October to get the ball rolling for HOME and CBDG grants and advertised for architecture and administrative management firms, which RC&D was selected as the administrative management firm. Piccolo said the meeting today is to formally and legally sign the RC&D management contract by a majority of commissioners.

@9:22:10 a.m., Sandra Kurst and D. White of Midwest Assistance Program entered the meeting.

Commissioner Durgan asked how the remaining project cost will be paid with only \$950,000 available from grants. VanAken said the senior center has a line of credit with the credit union for close to \$500,000 and the center will pay about \$200,000.

Marilyn Hartley, accounting, said she suggested language be added to the bid process to inform contracts how payment will work through the grant funds, specifically noting the frequency of payment due to county receipt of grant monies.

@9:27:56 a.m., Auditor Martha Miller entered the meeting.

@9:31:52 a.m., Taylor made a motion to recess the meeting until 11 a.m., at which time the correct contract version is present. Durgan seconded that motion. Motion passed.

@11:04:33 a.m., Malone reopened the meeting.

Piccolo said County Attorney Linneweber is reviewing the contract to determine if it needs to include a clause addressing Davis-Bacon Act wages.

Barb Williams of the senior center said she was told by the Department of Commerce it had no issue with the contract as drafted. Williams said to be sure to put Davis-Bacon language in the Mosaic architecture contract.

Julie Brown, Rocky Mountain RC&D, said RC&D has to follow Davis-Bacon on the contract and it is her responsibility through the Community Block Development Grant program that Davis-Bacon is made for contractors and subcontractors. She said she has no issue with Davis-Bacon language being included in the contract.

@11:10:26 a.m., Jim Hunt entered the meeting.

The Commission authorized Brown to submit grant payment information to Auditor Miller and to work directly with the county attorney's office when necessary.

Brown said she needs a letter designating a certified county sanitarian. Piccolo said a meeting is scheduled for January 21 at 1:30 p.m., to pass a resolution to appoint that individual. Piccolo said she will send Brown the letter once signed.

@11:13:50 a.m., County Attorney Linneweber reentered the meeting. Linneweber said he reviewed the contract and needs to make certain it is not a public works contract and address Davis-Bacon and some specific state contract language. He said the county can be held responsible for differences in cost if there is a problem and cost liabilities exist if correct language is not included in a contract.

Malone opened the floor to public comment. Julie Brown said she appreciates everyone's help and everyone is learning as they go.

@11:18:56 a.m., Taylor made a motion to recess the meeting until January 15 at 10 a.m., at which time the contract will be completed. Durgan seconded that motion. The meeting was recessed.

January 7, 2009

Discuss Possible Conflict of Interest Regarding Cooke City Resort Tax

@9:32:52 a.m., Chairman Malone called a meeting to order in the Commissioner Changers. Commissioners Durgan, Malone and Taylor were present. Also present was Shannan Piccolo, deputy county attorney; Brett Linneweber, county attorney; Marilyn Hartley, accounting; Bill Hurley, county operations; Martha Miller, auditor; Kevin Larkin, treasurer; Patti Smith, Cooke City Water District; Dustin White, Midwest Assistance Program; Sandra Kurst, Midwest Assistance Program; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss a possible conflict of interest regarding the Cooke City resort tax.

Commissioner Malone opened the floor to public comment on any issue relevant to the county. No public comment was made.

Deputy County Attorney Shannan Piccolo said the Colter Pass, Cooke City and Silver Gate communities have had ongoing discussion about how to secure resort tax monies for the Shoofly Community Center and a water and sewer project. Piccolo said the Commission agreed to hire Mona Jamison and Mae Nan Ellingson as outside legal counsel that specialized in resort tax and bonds issues.

Piccolo said she signed a retainer agreement with Mona Jamison, but not with Mae Nan Ellingson. Piccolo said Ellingson has concern with a firm partner, Dan Semmens, representing a Gardiner, Park County Water and Sewer District project. Piccolo said the county attorney's office does not see a conflict of interest issue because that project and the resort tax project are completely separate and there is no intermingling of issues. Piccolo said Ellingson would like a conflict of interest waiver as part of her firm's policy.

Patti Smith of the Cooke City Water District and Dustin White of Midwest Assistance Program said they see no conflict of interest.

Commissioner Durgan said it is his understanding Dan Simmons was representing the water district of Gardiner and not representing the county per se.

Linneweber said Ellingson did the proper, ethical procedure to point out projects she is working on as authorized by the Commission, as well as a project an individual in her firm is working on in the event the interest of the water and sewer district is adverse to the county's interest. Linneweber said Ellingson will draft and submit the conflict of interest paper to the Commission for signature.

Durgan made a motion to sign the paper when it arrives. Taylor seconded that motion. Motion passed.

Malone opened the floor to public comment. No public comment was made.

@9:41:19 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

January 8, 2009

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

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

January 8, 2009

Review Correspondence, Public Contacts and Determine Action Plan

@1:37:21 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Raea Morris, Commission executive assistant, Bill Hurley, operations; and Commission Minutes Clerk John Mueller. No public comment was made.

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

Correspondence included:

- Resolutoin establishing Park County as a sponsoring unit and designating the environmental certifying officer for the HRDC Proposal for the MDOC CDBG Neighborhood Stabilization Program - The Commission directed Commission Executive Assistant Raea Morris to schedule a meeting to sign the resolution
- Keys to vehicle lock boxes and specifics regarding the transition of Angel Line vehicles and Angel Line service transfer from the city to the county - To Director of Operations Hurley for action
- Memo re. \$15,000 Park County contribution to Western MT Mental Health Center - To county attorney for review

- Memo re. Dr. Douglas Wadle duties as the public health officer - To board of health and file
- Memo from planning department re. scheduling of Mountain View Acres subdivision review meeting before Commission - To Durgan for review
- Memo from Forest Service re. GPS training on February 10
- Announcement of Service Area Authority summit
- Revised Yellowstone Country Montana board of directors schedule - To file
- Request from GIS/IT manager to pay Staples to recycle county computer equipment - The Commission signed off on the request
- Memo re. alternative energy - To Taylor for review
- Memo from Hardrock Counties requesting support for Senate Bill 11
- Invoice from Terrell's for zero balance - To accounting department
- Memo from HKM re. landfill gas monitoring - To file
- Memo from Department of Revenue requesting notification of changes to tax jurisdictions by January 1, 2009 - To Hurley for action
- Public Safety Committee meeting minutes
- Memo re. health and human services committee for children and families - To public health nurse for review
- Memo from MACo re. court case involving Omimex v. DOR and taxation of oil and gas pipelines
- Memo from human resources personnel defining instances when resolutions are necessary - To Commission for review and file
- Memo from human resources personnel re. vacation credits - To HR file
- Memo from RC&D re. conference call with Durgan - To Durgan for review
- Announcement for Northern Rocky Mountain RC&D and Northern Rocky Mountain Economic Development District February 9 - To Durgan for review
- Memo re. holiday pay for Angel Line employees
- Announcement of Montana Wind Working Group meeting on January 9 - To Durgan for review
- Memo from Van Jamison re. funding and wind power - To Taylor for review
- Announcement of guardrail installation training
- Invite to Livingston Area Chamber of Commerce business after hours January 8
- Legal advice to Commission from deputy county attorney
- Memo to Commission re. closed litigation meeting scheduled for January 16 between 1:30 and 3:30
- Memo re. winter flooding issues
- Memo from planning department re. site visit for Mountain View Acres subdivision proposal scheduled for January 27

The Commission said magazine-type publications do not need to be logged into the correspondence binder, but should be placed in a special folder for review.

Morris said Pam Payovich with the city approached her and was displeased with the county attorney bumping the urban renewal committee from its scheduled meeting in the

Community Room. The Commission said the county attorney will need to inform anyone he bumps from a room and said it will take up the issue with the county attorney.

There was discussion about and agreement on reviewing correspondence in a public meeting at 9 a.m. each work day would be more efficient and timely.

Malone opened the floor to public comment. No public comment was made.

@2:35:10 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

January 9, 2009

No Commission meeting scheduled

Marty Malone
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana