

Park County Commission Meeting Minutes  
Week of March 9 – 13, 2009  
Park County, Montana

March 9, 2009

Review Daily Agenda and Correspondence

@8:43:20 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Present was Bill Hurley, operations; Raea Morris, Commission executive assistant; and Commission Minutes Clerk John Mueller. No public comment was made.

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

Correspondence included:

- Letter from clerk and recorder's office - re. reappointing fire district trustees
- Memo re. Montana Reinvestment Act
- Montana Interoperability updates - To director of operations for review
- Memo re. purchase request for chainsaw safety equipment
- Encroachment permit from Park Electric Cooperative
- Memo re. retirement information
- Memo re. status of road abandonment petition on Shamrock and Sunset Lane – Commissioner Malone will respond to the inquiry
- Memo from Interoperative Finance Committee re. Myer's Flat radio work expenditures
- Memo re. March 10 hearing on state assistance for economic damage from brucellosis
- Email re. HB 276
- Memo from Montana Water Trust - To Commissioner Durgan for review
- Memo re. meeting scheduled with Park County mental health team
- Memo from MACo re. legislative update - To Durgan for review
- Memo from HR department re. employee training expenses
- Memo from MT DEQ re. Fleshman Creek Voyich Ranch project
- Memo from Counselor Swimley re. civics transmission lines for town of Gardiner

@8:56:57 a.m., Malone adjourned the meeting.

March 9, 2009

Consider Signing a Resolution to Amend Resolution #718 with Regards to the Amount Authorized for Purchase Orders without Commission Approval

@10:04:02 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present was Shannan Piccolo, deputy county attorney; Marilyn Hartley, accounting; Bill Hurley, operations; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to consider a resolution to amend Resolution #718 with regards to the amount authorized for purchase orders without Commission approval.

Deputy County Attorney Piccolo said the resolution will increase authorized purchase order amounts from \$500 to \$1,000 without Commission approval.

Commissioner Durgan made a motion to accept Resolution #1045 amending Resolution #718 with regards to the amount authorized for purchase orders. Commissioner Malone seconded that motion. Motion passed.

@10:06:22 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

March 9, 2009

Opening of Bids for Engineering Report for 9<sup>th</sup> Street Bridge

@11:06:32 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present was Greg Benjamin, public citizen; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to open bids for engineering reports for 9<sup>th</sup> Street Bridge.

The Commission opened five sealed bids submitted to the Clerk and Recorder's office before the March 5, 5:00 p.m., closing date from Thomas Dean and Hoskins (TD&H), Stahly Engineering, Great West Engineering Inc., CTA and Morrison Maeirle, Inc.

The Commission said all bids were complete per bid specifications, and the Commission will review each application in-depth.

@12:04:33 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

March 9, 2009

Review of Parks and Recreation Board Member Applications

@1:10:55 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present was Philip Fletcher, planning; Jill Ouellette, human resources; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to review Parks and Recreation member applications.

Fletcher provided the Commission with five applications and a summary of applicant interviews, strengths and weaknesses. Fletcher said the board will be comprised of five

members serving three-year terms, and a board quorum is made up to three board members. Fletcher said he will serve as the staff representative for board facilitation.

Commissioners Durgan and Malone said Commissioner Taylor should be included in the review of the applications. Fletcher said he will schedule a meeting next week for the Commission to vote on the applicants.

Commissioner Durgan made a motion to postpone a decision until a meeting is scheduled. Commissioner Malone seconded that motion. Motion passed.

@1:26:25 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

March 9, 2009

Consider Reinstatement of Road Supervisor Position

@2:03:48 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present was Jill Ouellette, human resources; Brett Linneweber, county attorney; Bill Hurley, operations; Marilyn Hartley, accounting; Martha Miller, auditor; Chuck Donovan, public citizen; Mike Adkins, public citizen; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to consider reinstatement of the road supervisor position.

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

Human Resource Analyst Jill Ouellette said she conducted a duty survey taken by the county road crewmen in light of a December 16, 2008 Commission meeting with the road department in which crewmen were told they would each be their own road boss in their respective road regions. Ouellette said there were enough problems and complaints within the road department after that meeting for human resources interaction, therefore the survey was created and completed at the end of January 2009.

Ouellette said the survey asked the most important thing lacking in the department, and survey responses included leadership, organization, direction, manpower, communication, newer equipment and seasonal planning. Duties that could be performed by someone else included handling permits, work assignments, sign maintenance, snow fencing, operating water trucks, ordering parts, and relaying information to workers, commissioners and residents. The crew answered the most efficient way to assign daily work assignments was through a lead operating engineer, a lead man, and a priority list of projects with the foreman/supervisor who would direct daily schedules. Crewman said department and public relations could be improved through a dispatcher, a road boss to attend public meetings with the commissioners, and keeping residents informed of work projects and maintenance schedules in the newspapers and on the county website. Other comments made by the road crew on the survey included, the road department does not

need to be micromanaged; there is a need to eliminate slackers within the department; have a certified welder on staff; and employ summer help. Ouellette said a general consensus among the road crew is the department does not have direction at this time.

There was discussion about supervisory authority, discipline, and parameters of those issues per the road crew's union as they relate to a road crew-proposed dispatcher and lead operator position.

Malone said he can say the system is not working right now, and the Commission has no clue where road crewmen are working. Durgan said he does not agree with that, because the Commission can call the county mechanic and he can tell the Commission where a crewman is working. Malone said the Commission does not have time to supervise the road department correctly and does not feel the Commission is giving the road crew a fair shake because the Commission cannot legitimately supervise the crew. Malone said a supervisor should be able to direct employees to go to the most imminent location of need. Durgan said he thinks the road crew has teamwork where they have been doing that on their own during the transition period, maintaining school routes first. Durgan said things are getting done, but he agrees someone needs to be in charge. Durgan said he was led to believe a lead operator would have the background to assess things and serve as a liaison between the road crew and Commission. Malone said he thinks it is important to correctly evaluate employees and it is hard to evaluate skills if the Commission is not out there every day.

Chuck Donovan, public citizen, said the Commission needs a supervisor just to make sure things get done.

Malone said the Commission wanted to make sure it got all the information from the road crew and the public on this matter. Malone said to him Park County is short on road crewman in relation to other counties, and the Commission needs to look at the appropriate crew size for the number of miles of roads in the county. Durgan said he concurs with that particularly in the summer time and he thinks the Commission needs to make some consideration about temporary help.

@2:30:21 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

March 9, 2009

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

March 9, 2009

Review Minutes for the Week of March 2, 2009

@3:22:48 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present was Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to review and approve Commission meeting minutes for the Week of March 2, 2009.

Commissioner Malone requested a revision to Page 11 of 20; first paragraph, the first line should read, “Jim Barrett, public citizen, said it would seem to him the donut area is under the Commission’s authority since the donut zoning ordinance is a stand alone document.”

Commissioner Durgan requested a revision to Page 6 of 20; a bullet point should read, “Memo from Farm Bureau re. accident report for an accident on Fleshman Creek Road involving a Park County road grader and a pickup truck - To Durgan for review” On Page 11 of 20, Durgan noted the correct spelling of Joan “Watts.” The second of last paragraph should read, “Commissioner Durgan said there was a legal oversight on the part of the county in his opinion and it needs to be corrected.”

Commissioner Durgan made a motion to approve the minutes. Commissioner Malone seconded that motion. Motion passed.

@3:28:52 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

#### March 10, 2009

7:30 A.M. – Livingston Job Service Employers Committee – Livingston Job Service

#### March 10, 2009

8:30 A.M. - Review Daily Agenda and Correspondence – Commissioners Chambers – Canceled due to no quorum of Commissioners

#### March 10, 2009

##### Park County Road Updates

@9:07:39 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present was Shannan Piccolo, deputy county attorney; Road Crewmen John Young, Mark Smith, Scott Fletcher, and Troy Amunrud; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss county road issues.

The crewmen provided updates of road conditions in their road regions, reporting many roads as snowpacked and icy after the recent snow event. Crewman Troy Amunrud said he reported some vandalism of county road signs to the Sheriff's office.

Commissioner Malone said the Forest Service said it received \$1.8 million dollars to reconstruct the upper end of the Shields River Road to the ranger station.

Crewman John Young said the road crew could move millings chips at half the cost of a recent bid received by the Commission.

Malone said the Commission had a public meeting on March 9 to discuss reinstating the road supervisor position and Human Resources Analyst Ouellette read road crew survey results into the record.

Commissioner Durgan said he received a citizen complaint about cutting of chokecherry bushes by the road crew in the Five Acre Tracts. Durgan said he will view the location of those bushes. Durgan said the road crew members clarified the bushes were outside the fenced property in the county right-of-way.

Crewman Mark Smith said he ordered two sets of safety chaps and helmets and will schedule a chainsaw safety course for the road crew. Smith said county road graders have Pentle hitches installed to haul pickup trucks. Smith said the road department rented an excavator for a month and is looking to complete five major gravel pit reclamation, culvert and rip-rap work projects with that machine in the month's time. Smith asked if the Commission is considering an extra employee in his work region. He said the county will be in a bind if he gets sick or hurt. There was discussion about that possibility under union parameters. Smith said the road crew decided to change to 10-hour work days on April 13 and back to 8-hour days on October 12. He said the crew has yet to discuss working split shifts during the 10-hour work day period. The Commission made note the split shifts are necessary as part of 10-hour days.

The Commission said it feels it would be a good idea for road crewmen and a commissioner to attend the next MACRS conference. Malone said the Commission will make the reservations for the road crew.

Durgan said the crew needs to look into repairing and replacing a fence on a 9th Street Island property altered by the county during installation of the Bailey bridge.

@10:05:02 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

March 10, 2009

Walk the Future Path of Gardiner School Sidewalk

@11:00 a.m., the Commission made an onsite visual inspection of the proposed Gardiner sidewalk construction with Great West Engineering, a road crew representative, a school administrator and Lori Benner. Malone said there was concern with the closeness of a retaining wall to existing buildings, and the Commission asked the engineer to come up with a solution from water runoff from Third and Fourth Streets.

March 10, 2009

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

March 11, 2009

Review Daily Agenda and Correspondence

@8:47:59 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Bill Hurley, operations; Raea Morris, Commission executive assistant; and Commission Minutes Clerk John Mueller. No public comment was made.

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

Correspondence included:

- Email re. March 10 business after hours at Yellowstone River Trading Company
- Email from DES coordinator re. March 12 LEPC and Safety meetings
- Announcement of Leadership Montana seminar
- Memo re. Senate Bill 211
- Citizen letter re. road conditions in Gardiner
- Memo re. HB 276 inmate medical bill
- NRCS news release re. emergency watershed protection
- LAC board of directors application
- Memo from county treasurer re. address changes
- Letter from auditor re. cancellation of claims review meeting
- Memo re. Silver Star Families of America
- Citizen memo re. Bruffy Lane snow plowing
- Memo re. clean energy programs in Colorado and Montana
- Memo re. house bill for hard rock mining
- Refuse waiver request letters - To Commission for review
- Memo re. MACRS conference
- Memo from bankruptcy court
- Memo re. HB 2A stimulus bill
- Memo re. USFWS removal of grey wolf from Endangered Species List
- Conservation districts newsletter
- Memo re. ASCE mechanic training

@9:07:37 a.m., Commissioner Taylor made a motion to adjourn the meeting. Commissioner Malone seconded that motion. The meeting was adjourned.

March 11, 2009

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

March 11, 2009

Discussion of Fiscal Year 2010 Budget Process

@10:04:41 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Bill Hurley, operations; Philip Fletcher, planning; Bernadette Rambow, AP clerk; Martha Miller, auditor; Marilyn Hartley, accounting; Barbara Woodbury, environmental health; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss a Fiscal Year 2010 budget process.

Marilyn Hartley, accounting, said the meeting today is to come up with a final budget process so everyone is on the same page. Hartley provided the Commission with her proposal for a Fiscal Year 2010 budget process. She said the proposed process includes anticipated worker's compensation and insurance increases.

Hartley said she plans to be ready to populate CSA sheets with current year-to-date information after the March 31 claims run and then provide budget worksheets to department heads the following week. She said she would like to see budget worksheets completed by department heads and back to the finance department by April 30, and have Commission budget workshops completed by May 31 with a preliminary budget in place by June 10 for public review. Hartley said the goal is to have a final budget approved and adopted after the Department of Revenue tax information is received by September 15, have that budget available for public review by October 1, and have reports completed no later than October 31.

There was discussion about generating a list of basic account codes for department heads. Auditor Miller said she will work with department heads to come up with those codes.

There was discussion about department heads leaving employee salary information blank in department budgets.

@10:56:01 a.m., Commissioner Durgan made a motion to adjourn the meeting. Commissioner Taylor seconded that motion. The meeting was adjourned.

March 11, 2009

Consider and Vote for Reinstatement of Road Supervisor Position

@11:12:14 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Jill Ouellette, human resources; Shannan Piccolo, deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to consider and vote for reinstatement of the road supervisor position.

Commissioner Malone said the Commission offered to let Commissioner Durgan be the road supervisor, but he declined. Commissioner Durgan said he does not think it is fair to the crew for him to be a road supervisor. Durgan said the Commission discussed options to have a liaison between the road crew and Commission, but there was a difference in opinion and the Commission needs to move forward.

There was discussion about procedure if the Commissioner was to make a “yes” vote to reinstate the road supervisor position. Human Resources Analyst Jill Ouellette said the Commission would notify the individual who held the position when it was eliminated, and that individual would have five days to respond whether he wants the job. Ouellette said the job will be posted if that individual does not respond. Ouellette said she will draft a letter informing the previous road supervisor the position was reinstated and he would fill out human resources paperwork if he takes the job. Ouellette said the letter will be reviewed by the county attorney’s office and MACo. Ouellette said there would be no retroactive pay should the incumbent accept the position, but he would be credited for years of vacation accrual.

Ouellette said road crew job descriptions have been updated since the position was eliminated, and she suggested the Commission redo the supervisor job description after the position is filled. Ouellette said she will set up a personnel meeting for the day the position starts.

Malone said Ouellette read road crew interview questions into the record, which were conducted after the supervisor position was eliminated. Malone said his concern is the position needs to be reauthorized because someone needs to make decisions where resources and materials will be placed, and he does not think the Commission has the time to do that. Malone said all the information is out there, and the Commission has been well informed on the plusses and minuses of this action.

Commissioner Taylor made a motion to reinstate the road supervisor position as of March 23 and have Ouellette, Deputy County Attorney Piccolo and County Attorney Linneweber draft a letter to that effect. Durgan seconded that motion. Malone and Taylor voted for the motion. Durgan voted in opposition of the motion. Motion passed.

@11:24:59 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

March 11, 2009

Public Information/Answer and Question Session for Donut Zoning Issues

@7:05:52 p.m., Chairman Malone called a meeting to order in the Community Room of the City/County Complex. Commissioners Durgan and Malone were present. Also present was Brett Linneweber, county attorney; Shannan Piccolo, deputy county attorney; Philip Fletcher, planning director; Mike Inman, senior planner; and Commission Minutes Clerk John Mueller. Many public citizens were present.

The meeting was scheduled as a public information/answer and question session for donut zoning issues.

County Attorney Brett Linneweber said the scope of the donut zoning enforcement problem the county originally thought existed is not nearly as large or of the depth as initially thought. He said a few weeks ago the county thought no mechanism existed to enforce zoning in the donut because it was thought the method by which the donut was adopted by the Commission was not done correctly. Linneweber said the county attorney made a conclusion based on records available in the county, but he talked with a Montana Association of Counties (MACo) attorney about the problem. Linneweber said MACo had a copy of the resolution and documentation that went with it, showing the Commission properly adopted the zoning regulations by correctly amending the comprehensive plan in 1995. Linneweber said the mixup may have possibly been due to poor records management. Linneweber said the county should not have stated it had definitively concluded the donut zoning was not adopted correctly. He said he is glad the county never announced there was not a donut area and never said the zoning went away.

Linneweber said his office has some touch up, cosmetic work to do with the Commission to determine exactly how zoning enforcement will work. Linneweber said the Commission must put together a board of adjustments, as the terms of the members of that board have expired and are therefore vacant. He said the Commission and planning department are already working on that, and an appeal process exists with any decision made with respect to the zoning.

Linneweber said the donut zoning is back in play as of the current meeting. He said the county will address on a case-by-case basis any development started in good faith under the belief the county had no enforcement of donut zoning regulations. Linneweber said he suggests those individuals contact the county planning department. Linneweber said a building erected, constructed, and maintained in violation of zoning regulations could be subject to enforcement, but there is a statute allowing for continuation of building that was permissible prior to enforcement of zoning, which is why the county is taking such developments on a case-by-case basis.

Planning Director Philip Fletcher said the Commission needs a board of adjustment reconstituted to make the zoning complete. He said the planning department stands ready to formulate that board as soon as the Commission gives the signal, and the planning department is ready tomorrow morning to enforce zoning ordinances as it did prior to the gap time between the county attorney opinion that donut zoning was not enforceable and today's announcement it is enforceable.

Linneweber said there are very few gap cases the county is aware of to his knowledge.

Commissioner Malone opened the floor to public comment.

Mark Hartwig, public citizen, asked if the Commission would develop objective criteria for case-by-case basis review of projects started but not completed in the donut,

otherwise the county will be open to legal liability issues. Hartwig asked if the donut zoning as of now is in place as it was before the gap. Linneweber said it is.

Pete Feigley, public citizen, said he appreciates Linneweber's comment that he would do things differently the next time around. Feigley said he would like to hear from the Commission chairman how he would like to see things done differently, particularly speaking to the fact the Commission could have immediately implemented interim zoning to avoid problems and issues of projects started during the gap time.

Linneweber said there were some procedural steps to follow with the interim zoning, so the Commission was not able to implement it on Day 1 of the announcement.

Malone said as soon as the Commission found out there were issues with the donut zoning area, it depended on legal staff and its legal opinion, and the Commission let the citizenry know the issues as soon as practicable. Malone said the Commission wanted to listen to all people on the issue and that is why the Commission did not vote immediately on interim zoning.

Commissioner Durgan said he agrees with Malone and the Commission felt it needed some time to explore and make sure it was not getting into other equally dangerous territory. Durgan said he was very pleased to see the public that attended information sessions and had questions, and he did not hear anyone having a problem with the Commission instituting interim zoning at that time. He said he appreciated the concern citizens living in the donut had with the zoning they had created, adapted to and lived with for so long, and in emergency situations the Commission needs the ability to interim zone. He said in his personal view, the donut zoning was never lost, but the ability to enforce the zoning was the question. He said the Commission did not have the ability to enforce the zoning, and it wanted to take time to research exactly what happened. Durgan said he apologizes for the confusion.

Feigley said interim zoning is intended to avoid the situation of gap developments the Commission just created by not doing anything for a couple of weeks. He said interim zoning simply leaves in place what is there while the Commission decides what to deal with. He said the Commission should have its ducks in a row in the future before it makes a public announcement like it did that encourages people to start a project they may otherwise not do. Feigley said interim zoning would have maintained the zoning under which people bought their property.

John Grant, public citizen, said there seemed to be a bias to throw the thing in the trash can, and he asked for a more positive way to approach the donut zoning issue, because the Commission almost had an appearance of a bias against the interim zoning. Grant said the Commission must appoint the board of adjustment, and until the board is appointed, the responsibility belongs to the three commissioners. Grant asked the Commission to do that without hesitation to the letter of the zoning today.

Ann Hallowell, public citizen, said she was startled by the last two citizens being so upset, because when she read the donut was not going to be zoned as in the past and would allow for citizen-initiated zoning, she remembers growth policy development meetings where people thought it was better to have more building done closer to town. She said the donut always required her to have 10-acre lots.

Jim Barrett, public citizen, said he agrees with Hallowell that now is a great opportunity with the growth policy in place for the county to work with the donut zoning ordinance to facilitate things for the future with progressive-type zoning. Barrett said he does not think the donut zoning issue was ever an issue based on what has been said today. He said documentation has always been there, the zoning never was not under Commission authority to enforce, so the unfortunate statements made in the newspaper do not constitute law. Barrett said he sees no reason to have a gap and he argues there was always donut zoning in place.

Roger Gardiner, public citizen, said as a result of information put in the paper saying any development can go into the donut area, his neighbor built an addition on a shop already built too close to the setback. Gardiner said there are people who will take advantage if given an opening even if they know they are breaking the law. He said there are people who will not check in the newspaper and pull a fast one and get a development done. He said because of this issue, his view out his driveway is more blocked, and it will be a pain for him and his neighbor to deal with the resulting legal issues.

Feigley said Gardiner's example is why people were advocating for interim zoning at the first meeting on the issue in the Commissioners Chambers. He said interim zoning would have provided an opportunity to improve the zoning that was in place. Feigley said the citizens were told by Linneweber written documentation did not exist as evidence of the legal opinion made about the absence of donut enforceability. He said citizens asked for documentation, but were told nothing was written down, and that is not how government should operate. He said things should be documented, tangible and available for review.

Ursula Neece, public citizen, asked if the Commission voted to just get rid of the donut zoning and asked how the process was done. Linneweber said there was no vote, and he encapsulated all research and oral conversations in the newspaper press release and everyone flat out thought that conclusion was correct. Neece said she is concerned about projects that got started in the donut during the gap time and hopes those will become public knowledge so everyone can take a look at them.

Don Gimble, public citizen, said he finds this whole conversation crazy because he remembers when the Livingston Enterprise wrote a story about the transfer of the zoning area complete with maps. He said that documentation should be found with a search into Enterprise records.

@7:51 p.m., Malone adjourned the meeting.

March 12, 2009

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

March 12, 2009

Review Daily Agenda and Correspondence

@8:39:45 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Bill Hurley, operations; Raea Morris, Commission executive assistant; and Commission Minutes Clerk John Mueller. No public comment was made.

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

Correspondence included:

- Memo from Congressman Rehberg
- Application for TV district board
- Memo re. Interagency Committee for Change for Women
- Memo re. 2009 city and county performance summit in Arlington, VA
- LEPC meeting minutes - To Durgan for review
- Memo requesting amendment to Resolution #1030 - To Commissioner Malone
- Public information request
- Memo re. remanufactured cartridges
- Announcement of April 9 tribal wind power conference - To Durgan for review
- Memo from MACo re. advisory group for DEQ block grants
- Memo from Rehberg re. federal gun control
- Memo re. wolf depredation board
- Memo re. Lincoln-Reagan Day dinner at Flathead County fairgrounds
- Memo from Springdale School District re. isolation status

Commissioner Taylor made a motion to appointed Billie Kaye Harms to the TV board. Commissioner Malone seconded that motion. Motion passed.

@8:59:39 a.m., Commissioner Malone adjourned the meeting.

March 12, 2009

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

March 12, 2009

Conference Call with Area Legislators to Discuss Legislative Issues

@12:18:09 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Ed

Meece, city manager; Representative Bob Ebinger and Senator John Esp via telephone; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss legislative issues with area legislators.

Representative Ebinger said existing Amtrak cars are made by Bombardier in Montreal, and he suggested contacting that company to see if it is interested in setting up a plant in Livingston since it has a business plan and financing. Ebinger said there may be \$100 million in start up costs, and a clean up may take a minimum of one year.

City Manager Ed Meece asked Ebinger and Esp to look into SB 506, which is the 2009 version of a local option tourism tax. Meece said Montana cities are going to have to cut basic city services including law enforcement and fire protection, if they do not get some type of ongoing revenue source.

Ebinger said bill 361 involving local energy improvement financing is going to executive action today. Ebinger said numerous amendments have been added to bill 455, and he plans to vote for the bill. He said bill 262 regarding per unit assessments in water and sewer districts passed out of the senate. He said Bill 294, involving revenue bonds and roads financing, passed.

Esp said he and Ebinger have been following House Bills 67, 129, 156, 230, 270, 321, 420, 428, 466, 495, 522, 546, and 608.

Ebinger said he and Esp shared a bill to help small business, independent contractors regarding workers compensation exemption. He said HB 408, regarding disease assumption, is in appropriations, and SB 217, regarding livestock producer brucellosis reimbursement, is in the senate finance committee and will be heard next week.

Esp said SB 411, regarding revisions to growth policies for sand and gravel resources, was reheard by the senate. Malone said he had citizen concerns about SB 437, regarding exempt water supplies to build ponds. Esp said he is assuming there will be more testimony on that in the house committee. Esp said he has received concerns about that bill as well. Esp said HB 486 on subdivision and land use planning laws may be slightly amended and is still in the local government committee.

@12:59:55 p.m., Malone adjourned the meeting.

March 12, 2009

Analysis of Weed and Mosquito Department by New Commission

@2:03:34 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Clay Williams, weed/junk vehicle; Bruce Martin, maintenance; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled for the new Commission to analyze the weed and mosquito department.

Clay Williams said Bruce Martin conducted mosquito spraying in the past using a Chevy pickup wired to accommodate the sprayer. Williams said Martin did a good job, knows the ropes, did a good job keeping records and knows sensitive areas. He said the last Commission relieved him of that duty.

There was discussion about Martin's on-call availability if he were to reassume his former work schedule, which included Fridays as a day off. The Commission said it would like to be able to get a hold of Martin if needed. Martin said he provided the Commission with a list of vendors and does not think anything earth shattering would happen while Martin would be out of the office on Fridays. Malone said the Commission better tour breaker boxes and shut-off valves for water. The Commission said it will talk to Commissioner Durgan and let Williams and Martin know about putting Martin back on mosquito duty.

Williams said he will sell a generic Tordon chemical this year. There was discussion about Williams spraying weeds for the Wineglass Homeowners Association, charging them only for the chemicals. Williams said he is afraid the spraying will not get done if the association has to go the commercial applicator route. The Commission said it does not want Williams to spray weeds for the Wineglass Homeowners Association, because if he does it for that association he will have to do it for everyone.

The Commission said it is okay for the fire departments to practice the Jaws of Life at the landfill as long as they have sufficient insurance.

@2:34:54 p.m., Commissioner Taylor made a motion to adjourn the meeting. Commissioner Malone seconded that motion. The meeting was adjourned.

March 13, 2009

Review Daily Agenda and Correspondence

@8:47:02 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Raea Morris, Commission executive assistant; and Commission Minutes Clerk John Mueller. No public comment was made.

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

Correspondence included:

- Email from state of Montana re. LAC and CIT planners
- Agenda for March 17 department head meeting
- Memo from fair manager re. fair board meeting agenda
- Memo re. park dedication - To Commissioner Taylor for review

- American Farmland Trust newsletter
- Memo re. stimulus package web conference on March 12, 17 and 18
- Memo from Montana Water Trust - To Commissioner Durgan for review
- Memo re. solid waste board - To Taylor for review
- Memo re. Shields Valley Water Trust
- Memo from NW Energy re. electric motors
- MT Department of Industry newsletter
- Memo re. Area on Aging - To Taylor for review
- Citizen memo re. O'Rea Creek road issue
- Memo re. Bridger Communications credit agreement
- Minutes from Yellowstone Country Montana tourism board meeting
- Memo re. Mill Creek snow measurements
- Memo re. culvert technology updates - To road department for review
- Copy of Resolution #1045 re. county purchase order dollar amount
- Memo re. Harvesting Clean Energy bills - To Taylor for review
- Memo to mental health stakeholders - To Taylor for review

@9:02:59 a.m., Taylor made a motion to adjourn the meeting. Commissioner Malone seconded that motion. The meeting was adjourned.

March 13, 2009

Discuss Road Approach and Access Options for Mountain View Acres Minor Subdivision – Onsite at Cottonwood Bench Road

@9:00 a.m., Commissioners Durgan and Taylor, Planner Mike Inman and Developer Don Wilson met onsite at Mountain View Acres Minor Subdivision to discuss road approach and access options.

March 13, 2009

1:00 P.M. – Second Planning Meeting for Hospital Full Scale Exercise – Community Room

Marty Malone  
Chairman, Park County Commission  
Park County, Montana

Denise Nelson  
Clerk & Recorder  
Park County, Montana