

Park County Commission Meeting Minutes  
Week of May 11 – 15, 2009  
Park County, Montana

May 11, 2009

Review Daily Agenda and Correspondence

@8:36:38 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Bill Hurley, director of operations; Raea Morris, Commission 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 accounting re. expenditure and revenue reports with detail options
- Memo from MACo re. cooperation of weed control and noxious weeds
- Memo re. temporary ranger changes at Livingston Ranger District
- Memo from Swandall, Douglass and Gilbert re. county maintenance on Castle Mountain Road
- Memo from Western Mental Health Center re. county contribution
- Agenda for May 12 JSEC meeting
- Memo re. criminal justice and mental health - To Commissioner Taylor for review

@8:54:01 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

May 11, 2009

Park County Road Updates

@9:06:58 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; Bill Hurley, director of operations; Lani Hartung, finance director; Shannan Piccolo, deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss county road issues.

Road Supervisor Ed Hillman presented the Commission with a proposal to rebuild and gravel 1.2 miles of Eldridge Creek Road and has requested the Commission put the project out for bid. Malone said the Commission will do that. Deputy County Attorney Piccolo said she will type up a draft letter of agreement for a landowner on that road who agreed last year to cost-share with the county for the road rebuild.

Hillman asked about a 1988 GMC plow truck in Helena with a good sander and two-way plow for \$5,000. He said the county can purchase two two-way plows for \$300 apiece with the purchase of the truck. Hillman said a 1996 Peterbilt 10-yard dump truck is also for sale for \$25,000, and a 772 John Deere grader with 15,000 hours is available for \$30,000, which can grade the Five Acre Tracts. Hillman said the road department needs a backhoe trailer, another grader, and another loader.

Finance Director Lani Hartung said a budget amendment will have to be made to the road department budget. Commissioner Durgan made a motion to instruct Hartung to insert \$5,600 into the road budget and make provision for a budget amendment to cover it if necessary. Commissioner Taylor seconded that motion. Motion passed. Malone requested a spreadsheet of the road budget after Hartung completes money transfers.

Hillman said he will present to the Commission an agreement he is working on with Rob Stevenson of the Mission Creek Pit. He said there was a \$1.25/yard royalty last year.

Durgan said the road crew needs to put some gravel in the Pine Creek culvert fix in the eastbound lane. Hillman said the road crew will work on that next week.

Director of Operations Bill Hurley said the county has to pave the approaches on both sides of the O'Rea Creek railroad crossing per contract to accommodate painting per ASHTO specifications. Piccolo said she will research the contract.

@9:45:20 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

May 11, 2009

Fiscal Year 2010 Budget Workshop

@10:14:31 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Bill Hurley, director of operations; Lani Hartung, finance director; Marilyn Hartley, accounting; Martha Miller, auditor; Linda Budeski, justice court; Belinda Van Nurden, DES; Jill Ouellette, human resources; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled as a Fiscal Year 2010 workshop.

Linda Budeski, justice court, presented the Commission with her proposed Fiscal Year 2010 budget.

Jill Ouellette, human resources, presented the Commission with her proposed Fiscal Year 2010 budget. Ouellette said the budget is 43 percent smaller than last year's budget.

Belinda Van Nurden, DES, presented the Commission with her proposed Fiscal Year 2010 budget. Van Nurden said she is applying for a \$54,831 state grant to fund her position, which is the first year county DES budgets comes from grant funds.

@11:45:12 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

#### May 11, 2009

1:30 P.M. – Onsite Discussion of Fairground Utilities and Fairgrounds Parking Lot Inspection – Commissioners Durgan, Malone and Taylor

3:00 P.M. – Angel Line Board – West Room

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

#### May 12, 2009

##### Review Contract for Black Box Design to Solicit Bids for New Phone System

@8:23:18 a.m., Commissioner Taylor called a meeting to order in the Commissioners Chambers. Present were Marc Richards, GIS/IT; Doug Brekke, Black Box Design; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to review a contract for Black Box Design to solicit bids for a new phone system.

GIS/IT Manager Marc Richards said Doug Brekke of Black Box Design gave the county a quote of \$4,500 to handle the bidding for a new phone system for the City/County Complex. Brekke said he will sift through the terms and features of the bidding and will talk with vendors, and his goal is to give an apples to apples bid from vendors.

Richards said he will present the agreement to the deputy county attorney for review.

@8:25:08 a.m., the meeting adjourned.

#### May 12, 2009

##### Review Daily Agenda and Correspondence

@8:46:16 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Bill Hurley, director of operations; Raea Morris, Commission 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 re. PCRFD#1 expenses incurred from 9th Street Bridge project
- Memo from Sweetgrass County re. sharing maintenance on Boulder Road
- Memo re. ice skating opportunities in Livingston
- Memo from MACo re. inmate healthcare costs
- Yellowstone Gateway Museum newsletter - To Commissioner Taylor for review
- Memo re. Restore America's Health Incorporated - To file
- Memo from NW Energy re. green practices for motors
- Memo re. MACo Risk Placement Services binder
- JSEC meeting minutes - To Commissioner Malone for review
- Memo from Livingston Chamber of Commerce re. Mystery Backpacks expanding manufacturing to Park County

Commissioner Durgan said the PCRFD#1 had a discussion about ownership of the property at the Pine Creek Fire Station, and Board Chairman Dan Karell was granted permission to discuss the matter with the county attorney.

@9:05:13 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

May 12, 2009

Fiscal Year 2010 Budget Workshop

@9:14:38 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Bill Hurley, director of operations; Martha Miller, auditor; Lani Hartung, finance director; Marilyn Hartley, accounting; Mary Anne Keyes, Extension; Tracy Brewer, Extension; Sheriff's Office Staff Allan Lutes, Scott Hamilton; Colleen Singer, and Wendy Wood; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled as a Fiscal Year 2010 workshop.

Mary Anne Keyes, 4-H Extension, presented the Commission with a proposed FY '10 MSU Extension budget.

Colleen Singer and Sheriff Allan Lutes presented a proposed Fiscal Year '10 budget for the Sheriff's Office and jail.

Wendy Wood presented a proposed Fiscal Year '10 Search and Rescue budget. The Commission agreed to a budget transfer of \$31,000 to balance the SAR budget.

@12:04:22 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

May 12, 2009

10:00 A.M. – Tabletop Exercise Emergency Action Plan for Crazy Mountain Dam – Crazy Mountain Ranch Conference Center

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

May 13, 2009

Review Daily Agenda and Correspondence

@8:46:55 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Bill Hurley, director of operations; 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. entitlement shares for Montana counties
- Memo re. sheriff office, Search and Rescue ,and Team Bozeman
- Governing magazine - To Commissioner Durgan for review
- Memo re. Energy Options for Park County - To Durgan for review
- Yellowstone Country newsletter - To Durgan for review

Commissioner Durgan said Road Supervisor Ed Hillman is asking for 10 hours of assistance work for completion of a road log entry project. Durgan said PCRFD#1 said it is willing to contract with the county for a water truck and driver in the summer months.

@8:59:52 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

May 13, 2009

Fiscal Year 2010 Budget Workshop

@9:04:32 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Bill Hurley, director of operations; Lani Hartung, finance director; Marilyn Hartley, accounting; Martha Miller, auditor; Marc Richards, GIS/IT; Erica Hoffman, GIS/IT; Kevin Larkin, treasurer; Lori Benner, Nittany Grantworks; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled as a Fiscal Year 2010 workshop.

GIS/IT Manager Marc Richards presented the Commission with a proposed FY '10 budget for the GIS/IT/Rural Addressing Department.

Lori Benner of Nittany Grantworks provided the Commission with a proposal to retain project development and grant preparation services for Fiscal Year 2010 for 40 hours of grant services per month. Benner said she has increased the contract amount by \$4,800, which she said relates to the quality of work Nittany provides the county.

Treasurer Kevin Larkin presented the Commission with his proposed FY'10 budget. Larkin said he has funds for and is in need of a half-time employee.

@11:15:50 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

May 13, 2009

11:30 A.M. – Army Corp of Engineers Special Area Management Plan Meeting – Community Room

May 13, 2009

Opening of Park County Motor Grader Bids

@1:33:56 p.m., Commissioner Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Shannan Piccolo, deputy county attorney; Ed Hillman, road supervisor; Tractor & Equipment Representatives Doug Shipp and Dennis Morelock; Public Citizens Jim Taylor, Garry Cotant, Kevin Funk, Warren Latvala, and Jim Hunt; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to open motor grader bids.

Commissioner Taylor said three bids were submitted by RDO, Tractor & Equipment and CAT Financial Services prior to the May 11, 2009 deadline. Taylor read into the record a letter from Eric Bechtold of RDO stating RDO foregoes submitting a bid.

Taylor said CAT Financial Services included a bid bond and bid for four CAT Model 140M motor graders for purchase at \$172,309.79 each with power train warranties of the remainder of total machine warranty and pickup dates reading “already in possession.” Taylor said the total purchase amount for four machines is \$717,517.36.

Taylor said Tractor & Equipment Company (T&E) included a bid bond. Taylor read into the record a cover letter included in the T&E bid package. That letter stated T&E will provide replacement motor graders for existing county motor graders at no cost until delivery of newly purchased motor graders, and T&E will continue to provide service on existing 140M graders. The letter also stated T&E will offer a guaranteed repurchase price of new 140M motor graders as follows: up to 36 months and 3,000 hours for \$195,243; between 37 and 48 months for \$177,494; and between 49 and 60 months for \$159,744. For purchase of new CAT 140 all wheel drive motor graders, Taylor said the

T&E bid had a net purchase price without trade and including warranty costs and delivery to the Park County Shop for \$252,984 each, and a total net purchase price for four graders of \$1,011,936.

The Commission presented the bids to meeting attendees to view.

Kevin Funk, public citizen, said a few individuals are concerned about the number of bids and the fact that what the county wanted bid on is such a narrow set of criteria it is like asking for one specific grader. Funk said there is currently millions of dollars of inventory being auctioned off by dealers due to inventory. Funk said an individual can find the largest dealers in the country via internet who might have 10 of these graders in their inventory and begging to get rid of them. He said it appears from the outside the whole bid process has been to get the current graders into service to own them. Funk said he is not convinced the county needs four-wheel drive graders. Funk said another concern he has is the quality of the county roads and whether they will hold up and worth the money to maintain them. He said he saw roads graded the other day and within days they were right back to poor condition. Funk said he is concerned about the longevity of the health of the county financially. Funk said four 1999 John Deere 772CH all wheel drive graders were sold today for \$32,000; \$31,000; \$23,000 and \$40,000 in Adams County, Colorado. He said as citizens and taxpayers, meeting attendees are not convinced the commissioners are heading down the right road with the graders. He said the attendees would like for the bid process, if legal, to be put on the shelf and other avenues explored before the county sinks three-quarters of a million dollars in graders. Funk said he is willing to start contacting dealers to see what machines the county can get, but he thinks the county needs to widen the bid specifications to give other companies a better chance to bid and be competitive.

Commissioner Taylor said the Commission loosened up on eight or 10 specifications from the last bid, but wanted newer machines with some remaining warranty. Taylor said the Commission will review the bids and may rebid them.

Warren Latvala, public citizen, asked where the request for bids was published. Commissioner Durgan said he knows the bid went to Butte, Billings, Bozeman and Livingston newspapers. Durgan and Taylor said they do not think the bids went out of state.

Jim Hunt, public citizen, said John Deere had concerns about how the graders were bid and it is unfortunate RDO did not bid this time because he felt they felt intimidated over the bid. Hunt said the Commission has to bid for the same things for the same year to make the table level, and money is going for graders and not needed road materials.

Commissioner Taylor said it is hard to buy things out of state and county governments have to follow state laws and statutes. He said many county roads are down to bare material and are in horrible shape from a lack of maintenance, funds and gravel. He said the county is trying to do the best it can with its roads, but it is in some straits of

desperation. Taylor said the county finance director is working on the road budget and trying to determine how much money remains to buy road materials.

Funk asked whether county roads have speed limits. He said people are driving too fast on county roads. Durgan said the posted speed limit on county roads is 35 miles per hour unless otherwise posted. Funk said he would not expect the government to take care of his road if he lived on one. He said homeowners have to take some of the responsibility, and he does not think the county should have to buy a million dollars worth of graders and keep four men running them every day. He said citizens can call private contractors for needed road work.

Durgan said the current grader lease contract will end on June 23. Funk asked if the county can approach CAT Financial to go month to month on the leases after that date.

Jim Taylor said a new culvert on Fiddle Creek Road has only one inch of cover on it. Road Supervisor Ed Hillman said 12 inches of cover will be applied once the underlying material dries.

@2:19:01 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

May 13, 2009

Appoint Paradise TV Board Member

@2:40:28 p.m., Vice-Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present was Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to appoint a Paradise TV Board member.

Commissioner Durgan said one application was received on May 1, 2009 from Genevieve Essig. Commissioner Taylor made a motion to approve Genevieve Essig to be on the Paradise Valley TV Board. Commissioner Durgan seconded that motion. Motion passed.

@2:41:49 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

May 14, 2009

Review Daily Agenda and Correspondence

@8:45:24 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Bill Hurley, director of operations; Raea Morris, Commission 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 re. Livingston Roundup Association agreement with NW Energy
- Weed board meeting agenda - To Commissioner Durgan for review
- Memo re. Billings Yellowstone River Coalition meeting - To Durgan for review
- Memo re. legislative council meeting May 27
- LEPC meeting agenda - To Durgan for review
- Solid Waste Board meeting agenda
- Memo from Dale Guidi re. grading of Willow Creek Road
- American Farmland Trust newsletter - To Durgan for review

@8:55:50 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

May 14, 2009

Discussion of Right of Way on Old Cinnabar Road

@9:34:21 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, deputy county attorney; Alan Shaw, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss a right of way on Old Cinnabar Road.

Allan Shaw presented the Commission with a picture exhibit of the Old Cinnabar Basin Road and said he is present to request that road right of way be vacated.

Deputy County Attorney Shannan Piccolo said Shaw would have to file a petition for abandonment of the county right of way, after which the Commission will survey the road, hold public hearings and complete the process.

@9:50:42 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

May 14, 2009

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

May 14, 2009

Review and Approve Minutes for Week of May 4, 2009

@1:36:07 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 and approve Commission meeting minutes for the Week of May 4, 2009.

Commissioner Malone requested a revision to Page 3 of 20; first paragraph, the second sentence should read, "Miller said the budget will be the same as last year and this year's budget will be under budget." On Page 9 of 20, Malone noted the correct spelling of "Hauser" Lake.

Commissioner Taylor requested a revision to Page 3 of 20, noting the acronym for the Special Area Management Plant as "SAMP." On Page 7 of 20, Taylor noted the correct spelling of "Miral Gamradt."

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

@1:41:43 p.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

May 14, 2009

Fiscal Year 2010 Budget Workshop

@2:03:00 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Bill Hurley, director of operations; Lani Hartung, finance director; Marilyn Hartley, accounting; Martha Miller, auditor; Richard Wright, transfer station; June Little, clerk of court; Nacoma Barton, chief deputy clerk of court; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled as a Fiscal Year 2010 workshop.

Transfer Station Manager Richard Wright presented the Commission with his proposed FY '10 budget.

Clerk of Court June Little presented the Commission with her proposed FY'10 budget.

@4:35 p.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

May 14, 2009

Personnel Meeting

@4:37:45 p.m., 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; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to address a personnel issue.

Human Resources Analyst Jill Ouellette requested the meeting be close to the public. Commissioner Durgan made a motion to close the meeting. Commissioner Taylor seconded that motion. The meeting closed.

@5:00 p.m., the meeting adjourned.

May 15, 2009

Fiscal Year 2010 Budget Workshop

@9:09:11 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Bill Hurley, director of operations; Lani Hartung, finance director; Marilyn Hartley, accounting; Martha Miller, auditor; Brett Linneweber, county attorney; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled as a Fiscal Year 2010 workshop.

County Attorney Brett Linneweber presented the Commission with his proposed FY '10 budget. Linneweber said an increase in his budget is due to bringing wages of his staff to compliance with state standards.

@9:46:34 a.m., the Commission recessed until 11:00 a.m.

@11:08:29 a.m., the meeting reconvened. Road Supervisor Ed Hillman and finance personnel drafted a proposed Fiscal Year '10 road and bridge department budget. The proposed road department budget increased due to a request for more gravel and purchases of reclamite and mag chloride to facilitate road maintenance and upkeep.

@12:35:42 p.m., the Commission recessed until 2:00 p.m.

@2:08:42 p.m., the meeting reconvened. Finance Director Lani Hartung presented the Commission with her proposed FY '10 budget.

@2:27:47 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

May 15, 2009

2:00 P.M. – Discuss Finance Director Job Description – Commissioners Chambers - Canceled

May 15, 2009

Review Daily Agenda and Correspondence

@2:43:14 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Raea Morris, Commission 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 DES coordinator re. grant and emergency-only credit card issues
- Investment balance account from treasurer - To file
- Memo from Forest Service re. 2009 cooperative road maintenance agreement – A meeting will be scheduled
- Memo from Forest Service re. amending 1987 management of wildland fires plan
- Memo from MACo re. planning board members handbook revisions
- Fair board meeting agenda
- Memo re. MT Transportation Commission conference call - To Durgan for review
- Memo re. June 11 GPS training offered by county GIS Department
- Memo re. Cooke City resort tax - To Commissioner Malone for review
- Memo from CASA re. Honorable Nels Swandal voted CASA judge of the year
- MT Department of Commerce re. community development housing needs
- Citizen memo re. Cokedale Road potholes – To Road Book – the issue will be discussed at the weekly road meeting and a site review may be scheduled
- Claim from CTA Engineering for 9<sup>th</sup> Street Bridge work

@2:57:09 p.m., the meeting adjourned.

Marty Malone  
Chairman, Park County Commission  
Park County, Montana

Denise Nelson  
Clerk & Recorder  
Park County, Montana