

Park County Commission Meeting Minutes
Week of October 12 – 16, 2009
Park County, Montana

October 12, 2009

Columbus Day Holiday – All Offices Closed

October 13, 2009

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

October 13, 2009

Review Daily Agenda and Correspondence

@8:57:25 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo from union negotiator
- Memo re. brucellosis concept paper
- PCRFD#1 daily status report
- Memo re. Maximize Canal Performance LLC - To road supervisor for review
- Center for Health Transformation newsletter - To Commissioner Taylor for review
- Memo from MACo re. updated county taxable values
- Memo re. Senior Center bid request

The Commission signed a Kay Creek Excavating invoice

Civil Deputy County Attorney Shannan Piccolo said the county will publish the Cooke City resort tax applications and December 4 is being considered as a date for the Commission to meet in Cooke City to accept applications.

@9:09:29 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

October 13, 2009

Road Updates

@9:11:47 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Scott Fletcher, road crewman; Shannan Piccolo, civil deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss county road updates.

Acting Road Supervisor Scott Fletcher said the road crew is working on a hitch for a new walk and roll roller and conducting road grader maintenance.

The Commission asked Fletcher if crewmen were available to assist in improving Falls Creek Road for citizens to build a house there.

@9:22:44 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

October 13, 2009

Weekly Human Resource Updates

@10:00:48 a.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; Martha Miller, auditor; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to update the Commission about human resources office activities.

Human Resources Analyst Jill Ouellette presented Commissioner Taylor with employee change of status forms for signature. Ouellette presented the Commission with an employee PERS repayment form, an updated memo for an employee, a sanitarian job description, a DES Coordinator change of status form, emails from department heads regarding HR department performance, and a list of individuals Public Health Nurse Suzanne Brown will use on Fridays to distribute flu shot materials.

Ouellette said she had a lot of suggested changes to an email submitted by the county's union negotiator regarding confidentiality. Ouellette asked the Commission if it made a decision on hiring a part time road employee on a permanent basis and whether the Commission has considered pay scale increases. Commissioner Malone said his opinion is to have a separate meeting to address employee increase requests and he needs to talk to the county attorney about whether it is a county attorney issue or an HR issue. Commissioner Durgan said his thought is the department heads should attend such a meeting and if their budgets support requested increases then it will not be a budget

buster. Ouellette said she will talk to Finance Director Lani Hartung to determine what departments may be affected by increases.

Ouellette said she is unaware of additional pay increase requests that typically would go through her office. She said she created a spreadsheet to help the Commission complete performance appraisals of department heads. Commissioner Malone said he has not had a chance to look at the spreadsheet.

@10:39:08 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

October 13, 2009

Discussion of Denial Appeal for Miller Family Transfer

@11:01:53 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Philip Fletcher, planning; Mike Inman, planning; Steve Woodruff, attorney; Linda Miller, citizen; Harry Miller, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss denial of a Miller Family Transfer Appeal.

Senior Planner Mike Inman said a preliminary review of the family transfer application by the county sanitarian, attorney's office and planning department was completed. Inman said he recommended denial of the family transfer request because it triggered a rebuttable presumption the request was made in attempt to evade the Montana Subdivision and Platting Act. Inman said he denied the application because the applicant stated the purpose of the family transfer was for estate planning, but the remainder parcel may be sold. Inman said this meeting is the applicant's opportunity to present its intention for the family transfer.

Miller said the family transfer is sought for estate planning purposes and it is easier for two children to have two parcels instead of fighting over one parcel. He said he has no intention of selling the remaining parcel.

Attorney Steve Woodruff said the primary reason for the family transfer is estate planning and the Miller property is the most valuable thing the family has in that planning. Woodruff said two houses currently exist on the property. Woodruff submitted the Miller's wills into the record, which state intention to leave the parcels to their daughters. Woodruff said he thinks the Miller's are being honest in the affidavit when stating they are doing the family transfer primarily for estate planning and the remaining parcel may be sold, but no offers have been made on the property. He said the Millers are not trying to evade subdivision review in order to satisfy plans of development or sale.

Commissioner Durgan said he requested involvement in the discussion, but he will recuse himself from the final decision of the Commission because of a conflict of interest. Commissioner Taylor said he feels this is truly a family transfer. He said he has known Harry Miller for 20 years and he knows Miller to do what he says he will do.

Commissioner Taylor made a motion to approve the family transfer. Commissioner Malone seconded that motion. Motion passed. Commissioner Durgan abstained from voting.

@11:30:19 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

October 13, 2009

1:00 P.M. – Senior Citizens Meeting – Livingston Senior Citizens Center

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

6:30 P.M. – Fair Board Meeting – Park County Fairgrounds Office

October 14, 2009

Review Daily Agenda and Correspondence

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

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

Correspondence included:

- Memo from Chad Standish re. \$1,705 for Five Acre Tracts road maintenance
- Memo from MACo Healthcare Trust re. salary information
- Memo re. draft Solid Waste Board meeting minutes
- Memo re. wind power – To Commissioner Durgan for review
- Memo from union negotiator re. longevity worksheet
- Memo re. October 15 safety meeting
- Memo re. October 15 ITAC meeting
- Memo from LEPC re. October 15 meeting
- Memo re. Tri-County Network Against Domestic and Sexual Violence \$10,000 funding request
- Memo re. influenza webinar
- PCRFD#1 daily update
- Memo re. sufficiency request for Senior Citizens Center Project bids
- Confidential memo from union negotiator

Commissioner Taylor said he will contact Dave Crumley of Montana Department of Transportation about a weight limit on the Bailey bridge. Taylor said he will notify the accounting office to submit payment of \$8,300 to a Livingston Community Center feasibility study.

@8:39 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

October 14, 2009

Signing of Contract with Toasty Designs Web Design for Park County

@9:00 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider signing a contract with Toasty Designs Web Design for Park County.

Commissioner Malone said he contacted Toasty Designs to create a template and upgrade the county's website using the county's DreamWeaver software. Civil Deputy County Attorney Shannan Piccolo said the proposed contract meets legal requirements.

Commissioner Taylor made a motion to accept the bid from Toasty Web Design. Commissioner Malone seconded that motion. Motion passed.

@9:03:45 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

October 14, 2009

Conference Call for Discussion of Final Decision and Transfer of Gardiner Sewer District

@10:00 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Ron Shorter, Gardiner Water District; Attorneys Susan Swimley and Dan Semmens (via telephone) and Citizen Bill Hurley. No public comment made.

The meeting was scheduled to discuss a final decision and transfer of the Gardiner Sewer District.

The Commission, Attorney Susan Swimley, representing the county, and Attorney Dan Semmens, representing the Gardiner Water District, reviewed and discussed a list of 22 issues involved in the transfer of the Gardiner Sewer District from Park County to the

Gardiner, Park County Water and Sewer District. Discussions included agreement Park County can use the Parrilli Property for uses not contrary to sewer district operations.

There was discussion about four known easement issues. The county agreed to attempt to settle those issues. There was also agreement the county will assist the sewer district in defending those four easements, and the county is not guaranteeing any unknown pipelines run within easements.

Swimley will make agreed-upon edits to the list of 22 items for further review.

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

October 14, 2009

1:00 P.M. – Continuation of Public Hearing for Consideration of Venus Heights Preliminary Plat Application – Community Room – Canceled

October 15, 2009

8:30 A.M. – Safety Meeting – Commissioners Chambers

October 15, 2009

Review Daily Agenda and Correspondence

@9:32:10 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo re. city of Livingston resolution to sign agreement with Park County for DARE program
- Memo re. request for Spring Corporation bid for Senior Center Project
- Memo re. November 12 subsequent public hearing for Venus Heights Subsequent Minor Subdivision
- Memo re. October 22 Juvenile Detention meeting agenda
- Memo re. incorrect advertisement in Livingston Enterprise
- Memo re. Montana Water Trust board meeting
- Memo re. road crewmen work log
- Memo re. October 26 Crisis Intervention Team Training for county first responders, law enforcement and commissioners
- Memo from Livingston Schools superintendent re. Community Center feasibility study

- Memo from Teresa Koper from RC&D - To Commissioner Malone for review
- Memo re. burn permit process
- Memo re. November 2-3 roadway surface management free workshop - To road supervisor for review
- Memo from Nittany Grantworks re. cost quotes for county road signs
- Citizen memo re. thank you for BLM land cleanup effort
- Invoices from CTA Engineering for a Gardiner drainage project, Boulder Ranch culvert and 9th Street Bridge work
- Memo from LTAP re. National Highway Institute Training Courses
- Memo from Office of Public Instruction re. home school instruction
- Memo re. Casper, Wyoming noise ordinance
- The Commission reviewed a confidential memo.

Commissioner Taylor said he will be in Lewistown on October 26 for a Crisis Intervention Training and in Butte on October 28 for a Western Montana Mental Health meeting.

Commissioner Durgan said Interim Road Supervisor Scott Fletcher said the road crew will fix a plugged culvert on Trail Creek Road before week's end.

@10:00:03 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

October 15, 2009

Discussion of Safe Routes to School in Shields Valley

@10:30:17 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Liz Stone and Audra Fairchild of Clyde Park; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss a Safe Routes to School project in the Shields Valley.

Clyde Park Citizen Liz Stone asked who had jurisdiction of signs in a proposed Safe Routes to School crosswalk and whether funding could be sought for those signs. Commissioner Taylor said Montana Department of Transportation and the county may have responsibility on various roads, but he will check on that.

Commissioner Malone said Mr. Fowler is a highway patrolman stationed in Wilsall in favor of a safe route to school there and recommended Stone request a letter of support from Fowler for a Safe Routes to School application. Stone said she will attempt to secure Community Transportation Enhancement Program funds for the project. Commissioners Malone and Taylor said the project has the Commission's full support.

@10:38:04 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

October 15, 2009

Review of Minutes for Week of October 5, 2009

@11:32:42 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to review and approve Commission meeting minutes for the Week of October 5, 2009.

Commissioner Malone requested a revision to Page 10 of 22; first paragraph, the first sentence should read, "Malone said the county has discussed entering into a one-year contract with Montana Clean, and there has been discussion janitorial work may be done in-house based on the amount of the bid from Montana Clean."

Commissioner Durgan requested a revision to Page 12 of 22; first paragraph, the last sentence should read, "Citizen Allen Chase said he saw the county put up those signs." On Page 13 of 22; second to last paragraph, the first paragraph should read, "Chase said he lived in Natrona County, Wyoming, and that state has a noise ordinance that goes into effect at 10 p.m., after which a certain decibel cannot be surpassed."

Commissioner Taylor requested a revision to Page 16 of 22, noting the correct spelling of citizen "Pouwel Gelderloos."

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

@11:41:42 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

October 15, 2009

1:00 P.M. – Decision of Loading Zone Permit for Flying Pig in Gardiner, MT. – Commissioners Chambers – Canceled

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

3:30 P.M. – Planning Board – Community Room – Meeting minutes available at www.parkcounty.org and in the Planning Department

4:00 P.M. – 911 Communications – West Room

4:00 P.M. – Library Board – Park County Library

6:00 P.M. – Solid Waste Board – West Room – Meeting minutes available at www.parkcounty.org and in the Commission Office

October 16, 2009

Review Daily Agenda and Correspondence

@8:30:14 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- County road crew daily work log
- Memo from MT Aeronautics Division re. loans, grants and courtesy car
- Memo from MACo re. ag emergency for cold weather
- Financial report from finance director - To Commissioner Durgan for review
- Citizen memo re. refuse assessment - To Solid Waste Board for review
- Weed Times Magazine - To Durgan for review
- Memo re. Shields Valley Watershed Group - To Commissioner Taylor for review
- Memo from undersheriff re. uniform allowance and payroll taxes
- Memo re. influenza summit webinar
- Memo re. portable welding hood for road shop
- Memo from Mosaic Architecture re. Spring Corporation bid
- Memo re. RYO payments for youth offenders
- Memo re. Magalsky family transfer staff report

@8:42:21 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

October 16, 2009

Continuation of Discussion of Heart K Floodplain Issue

@9:00:37 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Philip Fletcher and Barbara Woodbury, co-floodplain administrators; Shannan Piccolo, civil deputy county attorney; Scott Opitz, Montana FWP; Citizens Stacy Bragg, Karl Knuchel, Blake Blatter, Kerry Fee and Scott Bosse; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss a Heart K Floodplain issue.

Commissioner Malone read into the record information about the floodplain revetment floodplain project built on the Heart K Ranch, which included dimensions of the as-built

wall. Attorney Karl Knuchel said the proposed road length was 1,600 feet and Heart K Ranch contends the road is on the inside of the revetment wall. Park County Floodplain Administrator Philip Fletcher said he has no opposition to those changes. Fletcher and Knuchel said they agree the changes do not change the substance of what is being discussed.

Commissioner Taylor said he thinks everyone agrees Heart K is currently in material violation of the specifications of its floodplain permit. He said the ranch spent \$13,000 to complete an engineering study required by the floodplain administrators, and at a March 18 meeting the ranch had reasonable but erroneous expectation if they completed the engineering study the administrators' concerns were adequately addressed and they would be allowed to amend the original application to be consistent with the as-built. Taylor said therefore he thinks the resolution ought to read the ranch be allowed to amend its original conditionally approved permit to reflect the as-built condition of the revetment, the July 1, 2009 order of the floodplain administrators be vacated, and the Heart K will make a voluntary payment of \$20,000 payable to Park County for violating the floodplain with the expenditures for the engineering studies deducted.

Commissioner Taylor said he offers his statement in the form of a motion. Commissioner Durgan seconded that motion. Motion passed.

Ranch Manager Blake Blatter said he will submit a check for the required payment when the amended permit is submitted.

Commissioner Durgan said he agrees with fellow commissioners comments, but he was of the opinion the \$20,000 would be in addition to the \$13,000 floodplain study.

Taylor said he felt it is appropriate to deduct the \$13,000 the Heart K felt would remedy the situation and that misunderstanding can be taken care of by giving them credit against the \$20,000 fine which would leave it roughly around \$6,000 or \$7,000. He said he thinks there was a misunderstanding about what the \$13,000 would accomplish and the county can live with the proposed amount.

Citizen Scott Bosse asked if the \$7,000 payment would go toward mitigation or just to the county and how the \$20,000 fine stacks up with the maximum allowable fine. Taylor said he thinks the \$20,000 is the largest fine Park County has laid down since he has been working at the county. Fletcher said Heart K voluntarily agreed to pay that amount of money, so it did not come to a required fine. Fletcher said the \$20,000 is more of a settlement or a voluntary payment. He said a maximum dollar amount for such a violation is not set by state statute.

There was discussion about what budget line item the \$7,000 would go into. Fletcher said he suggests the funds go into the floodplain management budget to support the budget of the floodplain program in future years, particularly to conduct public education on floodplain rules and issues.

@9:11:12 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

October 16, 2009

Discussion of Proposal to Repair Falls Creek Road

@10:32:51 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Citizens Shawn Ryan, Valerie Stack, Lee Stack and John Hogensen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss a proposal to repair Falls Creek Road.

Citizen Lee Stack submitted a proposal from Contractor John Hogensen to make Falls Creek Road passable in order for Stack to build his residence.

Commissioner Taylor said the county thought it could construct the road base at 12 feet wide with three-inch minus pit run gravel and Stack would split the cost with the county beyond that work. Stack said his understanding with discussion with Hogensen was he and the county would split the \$18,000 cost to build the road, which is fine with him. Hogensen said the road material will be pit run only, not solely 3-inch minus.

Stack said it was his understanding the county would make improvements to the road as its budget allows. Stack said he is willing to pay to increase the road to 16 feet in width, and his hope is the county would provide a cap on the road with gravel to avoid potholes and big rocks coming to the surface. Stack said he may be willing to go in halves with the county on gravel for the road.

Malone said the county cannot agree to put a road mix on next year and does not want to mislead Stack that work will be done next year. He said the county will improve the road as time and money allows. Taylor said he does not want to enter into a contract for road work. Stack said improvements made as money allows can be an infinite period of time. He said he is looking for a formal agreement he and the county will work together to keep the road in a reasonable condition and the county will address the road if sometime in the future it needs to be maintained so that it does not deteriorate to a point the mutual investment is lost. Taylor said he thinks that if fair and to put it in ink.

The Commission provided Hogenson with a road approach permit for work on Falls Creek Road. The Commission said road work can commence as soon as the road approach permit is in place. Taylor said any damage that would occur to the existing road is the county's responsibility to repair.

@10:50:56 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

October 16, 2009

Discussion of Fire Planning Updates

@11:03:13 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Gordon Roth, deputy fire warden; Peggy Glass, 911; Bill Murray, PCRFD#1; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss fire planning updates.

Deputy Fire Warden Gordon Roth said he is working with local fire chiefs on implementing an online burn permit system. Roth said there has been discussion about implementing a fee for burn permits to cover online hosting fees. Roth provided the Commission with a draft resolution from Lewis and Clark County for that county's online permit program.

Park County Rural Fire District representative Bill Murray said he likes the convenience of the online system to identify fires in progress. Peggy Glass, Dispatch 911, said the online permit system would relieve Dispatch 911 from burn calls and enable that department to do more pressing work.

Roth said the fire information website is 75 percent finished with all narrative completed.

@11:37:14 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

Marty Malone
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana