

Park County Commission Meeting Minutes
Week of September 14 – 18, 2009
Park County, Montana

September 14, 2009

Review Daily Agenda and Correspondence

@8:33:54 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:

- Newsletter from Center for Health Transformation - To Commissioner Taylor for review
- Memo from airport board requesting reimbursement of refuse fee
- PCRFD#1 daily status reports
- Memo from Livingston Area Chamber of Commerce
- Memo re. October 27 weed management area meeting - To Commissioner Durgan for review
- September 17 Solid Waste Board meeting agenda
- Memo from clerk and recorder re. Shamrock Lane and Shooting Star road abandonment public hearings
- Memo from city manager re. waste collection services
- Memo from DES re. list of safety members
- Memo from IT manager re. 911 emergency center phone system
- Memo re. city/county meeting agenda item
- Memo from treasurer re. cash-on-hand report
- Memo from planning department re. expiration of planning board member terms
- Memo from MDT re. Cedar Creek Bridge public meeting - To Durgan for review
- Memo from undersheriff re. JAG grants
- Memo from DES coordinator re. Miller Lane impassible on 9-09-09
- Memo re. employee public information request
- Memo re. Extension request for wireless headsets
- Memo from MACo re. JPIA course
- Memo from 6th Judicial Court re. request for wireless headset
- Memo from MACo re. Wheeler conference
- Confidential memo from union negotiator
- Memo from planning department re. Venus Heights Subdivision plat
- Legal advice to Commission from civil deputy county attorney

@9:14:47 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

September 14, 2009

Discussion of Fiscal Year 2010 Budget

@10:05:48 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Lani Hartung, finance; Martha Miller, auditor; Philip Fletcher, planning; Brett Linneweber, county attorney; Allan Lutes, sheriff; Scott Hamilton, undersheriff; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss the Fiscal Year 2010 county budget.

Finance Director Lani Hartung said she hopes to have the budget passed on September 29, and public hearings are scheduled in advance of that date.

There was discussion about library budget floating mills. Hartung said the Commission proposed reducing the library's mills from 2.25 mills to 2.0 mills for Fiscal Year 2010.

County Attorney Brett Linneweber said the Commission cannot decrease the library's budget and cannot decrease its voted mills. Hartung said she recommends providing the museum with \$5,600 and splitting the difference between 2.0 and 2.25 mills to meet the library's requested budget.

There was discussion about the 911 Dispatch budget. Sheriff Allan Lutes provided the Commission with a contract for Dispatch 911. The Commission reviewed a Gardiner debt fund, a Cooke City Community Center capital fund project, and discussion about road grader payments and the road and bridge budget.

@11:14:06 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

September 14, 2009

Consider a Resolution to Appoint Special Deputy Attorney in Conflict Case

@1:00:41 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Brett Linneweber, county attorney; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a resolution to appoint a special deputy attorney in a conflict case.

County Attorney Brett Linneweber said a family friend has been charged with an offense, so it is not appropriate for him or anyone else in the county attorney's office to prosecute the case. Linneweber said City Attorney Bruce Becker would serve as the prosecuting attorney.

Commissioner Taylor made a motion to approve Resolution #1066 to appoint a special deputy attorney in a case in which Mr. Linneweber has a conflict. Commissioner Durgan seconded that motion. Motion passed.

@1:02:22 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

September 14, 2009

Review of Minutes for Week of September 7, 2009

@1:53:21 p.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 Commission meeting minutes for the Week of September 7, 2009.

Commissioner Durgan requested a revision to Page 4 of 18; first paragraph, the last sentence should read, "Zaluski said all mother bison will be brucellosis tested and receive vaginal implants and tracking collars."

On Page 5 of 18; third paragraph, the first sentence should read, "Citizen Druska Kinkie said "adaptive management" was discussed at many of the Interagency Bison Management Plan (IBMP) meetings she attended last year." On Page 6 of 18, the third full paragraph should read, "Wilks asked about bison crossing over to Forest Service lease property and suggested a protocol is necessary similar to a 10 (j) in wolf management for bison directly adjacent to the RTR."

Commissioner Taylor requested a revision to Page 2 of 18; the fourth paragraph should read, "There was discussion about how a temporary employee will be funded and review of the permissive medical levy line item, a PILT telephone budget and the IT budget."

Commissioner Malone requested a revision to Page 3 of 18; fourth paragraph, the fourth paragraph should read, "He said Step II will allow up to 50 Yellowstone National Park bison to exit the park on the west side of the Yellowstone River." On Page 4 of 18; second full paragraph, the first sentence should read, "Citizen Lewis Wilks asked which party will be responsible for river enforcement if bison cross the Yellowstone River and whether bison will be hazed back into the management area or eradicated." On Page 9 of 18, the fourth and fifth paragraphs should read, "Finance Director Lani Hartung presented the Commission with a PILT expenditures to revenue report for Fiscal Years 2008 and

2009, as well as the amount of PILT funds spent in those fiscal years. There was discussion about a CAT payoff for formerly leased county road graders.”

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

@2:01:58 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

September 14, 2009

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

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

September 15, 2009

Review Daily Correspondence and Agenda

@8:45:54 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; Raea Morris, executive assistant; Alston Chase, citizen; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Email from MACo re. updated county classification spreadsheet and county taxable values
- Memo re. September 23 and 24 computer classes and phone training signup
- PCRFD#1 daily status report
- Memo re. change in landfill hours on October 3
- Memo re. request to donate Gardiner land to Park County
- Memo re. Emigrant incorporation
- Memo re. Gallatin County Board of Park Commissioners meeting
- Memo from J & H Office Machines re. perpetual agreement
- Memo re. warranty coverage on 2006 Dodge Durango
- Memo re. Aging Horizons newsletter
- Memo re. safety committee meeting members
- Memo re. Myer's Flat Radio site meeting
- Memo re. children and family health and human services interim committee - To public health nurse for review
- Memo from MACo re. 2010 county classifications by county commissioners

@9:03:42 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

September 15, 2009
Park County Road Updates

@9:04:24 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Ed Hillman, road supervisor; Shannan Piccolo, civil deputy county attorney; Raea Morris, executive assistant; Alston Chase, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss county road issues.

Citizen Alston Chase said landowners' deeds along Deep Creek South Fork Road show the road is a county road. Chase said he proposed at a meeting last year the county treat the road as a county road until the legal status of the road could be determined. He said former Commissioner Larry Lahren said he checked with the county attorney and decided to go ahead with that arrangement, but the residents have again been told the road is not a county road and will not be maintained as such.

Road Supervisor Ed Hillman said Deep Creek South Fork Road was never petitioned by citizens as a county road and the simple solution would be to petition the road for that status. Chase said the petition process is complex and expensive to him, and the road was maintained without a petition for a century. Chase said he is happy to trust the Commission and wait on an answer for status of another road in the area, but the notion to have to apply for a county road bothers him.

Deputy County Attorney Shannan Piccolo said the Commission cannot simply declare a road a county road and must go through the legal channels to create a county road. Piccolo said the petition process is much easier and cheaper than suing the county to declare the road a county road.

Commissioner Durgan said he thinks the county needs to continue business as usual and needs to ensure the road is clear at least through the winter time. Durgan said he thinks the county should share some of the responsibility in the matter and help the citizens do the leg work and offer the legal department to get things cleared up in one fell swoop.

Commissioner Malone said the Commission will continue to mow the road and plow the road when it snows.

In other discussion, Durgan said a citizen telephoned asking why the road to the Big Sky Ranch was not maintained.

@9:28:45 a.m., Durgan made a motion to postpone the meeting until after the department head meeting. Commissioner Taylor seconded that motion. The meeting postponed.

@10:20:20 a.m., the meeting reconvened.

Hillman said Crewman Jay Dixon and Mechanic Dan Hackman will remain on the safety committee per discussion with the union representative.

Hillman said gravel is being crushed again at Chico, the Miller Drive Bridge will be fixed in the next couple of days, he will meet with the planning director tomorrow about possible trail systems at Emigrant Meadows to Chicory and the old Castle Mountain Road, and a safety audit will take place this afternoon at 2:30 p.m.

@10:42:52 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

September 15, 2009

Department Head Meeting

@9:31:47 a.m., Chairman Malone called a meeting to order in the Community Room. Commissioners Durgan, Malone and Taylor were present. Also present were Ed Hillman, road supervisor; Brett Linneweber, county attorney; Raea Morris, executive assistant; Allan Lutes, sheriff; Philip Fletcher, planning; Barbara Woodbury, sanitarian; Suzanne Brown, nurse; June Little, clerk of court; Martha Miller, auditor; Mary Anne Keyes, Extension; Clay Williams, weed/junk vehicle; Marc Richards, GIS/IT; Lois Hatfield, landfill; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss county issues.

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

Employee of the Month: Commission Executive Assistant Raea Morris said Mechanic Dan Hackman was nominated for employee of the month by Road Supervisor Ed Hillman for upgrading his ASCE automobile certification, being flexible to work on whatever needs fixing, making equipment and operator safety a priority, helping with road department interviews, and going above and beyond the call of duty.

Final Budget Discussion: Malone said the Commission will pass a final budget on September 28.

Discussion of Notice of Entering Private Property: County Attorney Brett Linneweber said certain county departments or officials are permitted to enter private property, such as sheriff's office personnel, the sanitarian, and the planning department when reviewing subdivisions. Linneweber said the Commission established a policy to telephone landowners and ask permission in advance of visiting their property. Linneweber said receiving a "no" answer from a landowner may require the employee to discuss the issue with their respective department head if they have a right to enter private property in the course of county work. Sanitarian Barbara Woodbury asked if she has to call ahead even though a septic inspection requires landowner signature allowing the county sanitarian to enter a property to inspect the septic system. Linneweber said the Commission has created a policy as common courtesy. Linneweber said to notify the responsible party of

a property if she is going to enter it. Planning Director Philip Fletcher said individuals often would not want the planning department on their property because they may find or require something the landowner will disagree with.

Seasonal Influenza Clinic: Public Health Nurse Suzanne Brown said the county influenza clinic will be held in the Community Room on September 25.

Telephone Update and Reminder of Trainings: Malone said new telephone system training days will be September 23 and 24.

Round Table Discussion: Clerk of Court June Little said her office is seeing a lot of pro se litigants coming to a court date without an attorney. Little said her office will have self-help training to attempt to rectify the issue. Superintendent Ed Barich said Arrowhead School still does not have a superintendent, and Rod Olsen has been retained for one day a week in that capacity. Barich said schools started countywide, and only one school in the county did not show a decrease in enrollment. Auditor Martha Miller said she is working on various projects. Mary Anne Keyes, Extension, said she is working on a new food stamp program and providing education classes on that topic. Weed/Junk Vehicle Coordinator Clay Williams said he has sprayed more weeds this year than in the past and junk vehicles are down. Sheriff Allan Lutes said tourist season is winding down causing a slow down in activity, his office is conducting extra training, and is expecting delivery of two new vehicles. Linneweber said his staffing is up to full speed, but he has a major judge case on October 9 so he will not be very available around that date. Linneweber said non emergencies procrastinated until the last moment may not be answered and pushes back the rest of his work load. Linneweber said he does not give private employee advice about department or department head issues. Road Supervisor Ed Hillman said the road crew will try to fix Miller Drive Bridge next week. Fletcher said the planning department is working on subdivision exemption review and reviewing a backlog of subdivisions from four years ago, expects subdivision activities to taper off this winter, is working on zoning compliance especially in Cooke City, is seeing an upsurge in assessor requests asking the planning department to write letters to define a property's condition, is working on donut area zoning ordinance, and is working on floodplain compliance, inspections and consultations. Woodbury said Rachael Lewis passed her sanitarian test and is now an official R.S., sanitation regulations were updated and finalized and licensed regulators are coming onboard, she is working on sanitation issues in Cooke City and will start discussions with Cooke City/Silvergate to discuss a centralized sewer system, and she is conducting food inspections. Brown said she is setting up flu clinics in schools. Morris gave a report from Treasurer Larkin, stating his office has completed 75 tax assignments in one month and is getting ready for real estate tax time. Morris said the human resources department said Montana's unemployment rate is the 8th lowest rank in the nation, and Park County is 37th in Montana. GIS/IT Manager Marc Richards said new telephone lines are being run in the building. Malone said the Commission will decide who will receive cordless headsets. Landfill Manager Lois Hatfield said the landfill had a passing safety inspection and metal was recycled.

No additional public comment made.

@10:07:28 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

September 15, 2009

Public Hearing to Consider Annexation of Adjacent Property into Rural Fire #1

@11:03:03 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 Dan Karell, Mary Karell, Chuck Donovan, Jerry Rahn and Mary Rahn; and Commission Minutes Clerk John Mueller.

The meeting was scheduled as a public hearing to consider annexation of adjacent property into Park County Rural Fire District #1.

Citizen Dan Karell said he is in favor of the annexation. Citizen Jerry Rahn said he did not know his property was not in the district. Citizen Mary Rahn said she is in favor of the annexation.

Commissioner Malone said enough citizen signatures were on the petition to make it valid.

@11:13:03 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

September 15, 2009

1:30 P.M. – Onsite Inspection of Venus Heights Minor Subdivision – Glastonbury

3:30 P.M. – Discussion of Fiscal Year 2010 Budget – Commissioners Chambers – Canceled

6:30 P.M. – Extension Meeting – Community Room – Canceled

September 16, 2009

Review Daily Correspondence and Agenda

@8:30:50 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; Alston Chase, citizen; 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. September 17 land conservation workshop

- Memo re. Yellowstone Conservation District meeting agenda - To Commissioner Durgan for review
- Memo re. mental health call-in webinar - To Commissioner Taylor for review
- Memo re. Park Conservation District mill levy meeting request
- Memo re. ditch above the museum - To Taylor for review
- Memo re. Big Blue River LLC vs. Gallatin County Commission
- Memo from LTAP re. southeast road forum - To road department for review
- Memo re. American Recovery and Reinvestment Act signs for local governments
- Memo re. Park County Weed Control Board meeting agenda
- Memo from MACo re. climate change
- Minutes of city airport board meeting - To Durgan for review
- Memo from MACo re. Healthcare Trust - To Durgan for review
- Legal advice to Commission from civil deputy county attorney
- Two confidential opinions from county attorney's office

@8:54:56 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

September 16, 2009

Weekly Updates with Human Resources Department

@9:34:49 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Jill Ouellette, human resources; Martha Miller, auditor; Marc Richards, GIS/IT; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss weekly updates from the HR Department.

Human Resources Analyst Jill Ouellette asked Commissioner Taylor if he provided input for a department head appraisal. Taylor said he will provide that information today.

Commissioner Malone asked about a temporary position with the road department moving to full time. Ouellette said she just found out about that change yesterday. The Commission told Ouellette not to pursue a job advertisement until road department finances are assessed. Ouellette presented the Commission with a full time position description for the road department.

Ouellette presented the Commission with Change of Status forms for signature. The Commission reviewed and signed the forms.

Ouellette said a draft memo was requested in a closed meeting last week. Civil Deputy County Attorney Piccolo said the labor union will draft that memo per discussion with the county attorney.

Ouellette said she updated pay scales per Commission request and asked whether the Commission is planning to adopt those scales for the FY '10 budget, which would affect the bottom line budget. Malone said the Commission is discussing that issue.

Ouellette said an accident with a vehicle was not reported to HR per county policy, and she is now working with the responsible department head on that issue. Ouellette said she would like to have that policy reiterated at the next department head meeting. She said employees are also failing to notify Ouellette immediately after an injury.

Ouellette said jobsite analyses of the landfill, jail, transfer station and road departments were recently conducted. Ouellette said the analyst requested a defensive driving certification for snow plow drivers.

Ouellette said she has been working on the MACo library and documenting a list of trainings completed to date.

Malone asked if Ouellette is going to rewrite the county personnel policy. Ouellette said she has addressed some of the policy as it comes up in various issues. Ouellette said the Commission can give her a date to have the policy updated, and if she cannot complete it possibly the work could be contracted out. Ouellette said she suggests modeling the county's handbook after MACo's personnel policy, even though that has not been updated since 2000.

@9:59:53 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

September 16, 2009

Discussion of Community Development Block Grant Funds

@10:32:27 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Martha Miller, auditor; Barbara Woodbury, sanitarian; Philip Fletcher, planning; Josh Keller, RC&D; Janice Copeland of Headwaters RC&D; and Jim Davidson of Anaconda Local Development (via telephone); and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss Community Development Block Grant (CBDG) funds.

Janice Copeland of Headwaters Resource Conservation & Development (RC&D) said Commissioner Malone said Park County would like to get a revolving loan fund set up with CBDG funds available to Park County. There was discussion about assistance various entities can provide, as well as in what capacity those entities can best serve administration of a county's revolving loan fund. There was discussion whether revolving loan funds can be used for marketing efforts.

Josh Keller, RC&D, said it would be helpful for Headwaters RC&D to share its professional services contract with Planning Director Philip Fletcher if Fletcher decides to take on CBDG administration. Keller said he recommends building a pot of money to access when a company presents itself for beneficial use of the funds.

Fletcher said he would like to move forward with the effort, market it to businesses and work with initial applicants and banks to put together packages and programs through joint marketing.

Copeland said she will e-mail Headwaters RC&D's revolving loan plan to Fletcher. Fletcher said he would like to become actively involved in the local RC&D board and program. There was discussion about Fletcher possibly filling one of the county's seats on that board.

@11:20:46 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

September 16, 2009

Discussion of Fiscal Year 2010 Budget

@1:39:11 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Lani Hartung, finance; Martha Miller, auditor; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss the FY '10 budget.

Finance Director presented the Commission with the county budget levy matrix for review. There was discussion about increasing certain employee wages for Fiscal Year 2010 and back longevity pay issues with various offices. There was discussion about road grader payments.

@3:05:54 p.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

September 16, 2009

3:00 P.M. – Discussion and Review of Rebuttable Presumption – Commissioners Chambers – Canceled

September 17, 2009

Review Daily Correspondence and Agenda

@8:31:19 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:

- Legal advice to Commission from Civil Deputy County Attorney
- Memo re. September 4 public hearing for Gardiner loading zone request
- Memo from senior planner re. request for relocation of common boundary
- Memo re. courthouse phone system directory
- Memo re. Yellowstone Clean Energy Coalition - To Commissioner Durgan for review
- Memo from MACo re. SRS Title III funds
- Memo re. Harvat's Flats cleanup effort
- Memo from Livingston Roundup Association re. fairgrounds restrooms
- Memo from MT Association of Oil, Gas and Coal Counties
- Citizen memo re. refuse assessment added to property tax
- Friends of the Library newsletter
- September 17 planning board meeting agenda
- Memo from Montana Department of Commerce re. historic preservation grants

@8:52:20 a.m., the meeting adjourned.

September 17, 2009

9:00 A.M. – Presentation of a Future Community Center in Joint of City, School and County – Community Room

September 17, 2009

Discussion of Fiscal Year 2010 Budget

@2:06:39 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Lani Hartung, finance; Martha Miller, auditor; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss the FY '10 county budget.

Finance Director Lani Hartung said she talked with a CAT Financial representative and agreed on payments for road graders. Hartung said an employee owed back longevity pay is grant funded, so she recommends making that payment from a PILT vacation/sick payout budget line item.

There was discussion about the ambulance and Gardiner Sewer District budgets.

@2:50 p.m., the meeting adjourned.

September 17, 2009

Discussion Regarding Petition to Incorporate Emigrant

@3:00:14 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Brett Linneweber, county attorney; Denise Nelson, clerk and recorder; Shannan Piccolo, civil deputy county attorney; Camden Easterling, Livingston Enterprise; Citizens Robert Quesenberry, Val O'Connell, Dan O'Connell, R. Berry, Eleen Story, Sean Murphy, Frances Warnick, William Smith, Kristina Sones and Bob Sones; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss a petition to incorporate Emigrant.

County Attorney Brett Linneweber said the meeting is scheduled to discuss a petition filed with the Park County Clerk and Recorder's Office to incorporate Emigrant. Linneweber said Park County must follow orders dictated by the courts and requirements of state law in issues such as incorporations, and it does not take a stand in either direction on such efforts. Linneweber said litigation stemmed from the original, citizen-circulated petition to incorporate Emigrant filed on September 28, 2007, and that petition was deemed insufficient by District Judge Nels Swandal for not meeting map requirements. Linneweber said Swandal ordered the county to work with the petitioner to create an official petition map with metes and bounds. Linneweber said Park County GIS Department created that map with legal descriptions, and the map included three wards.

Clerk and Recorder Denise Nelson presented the map, petition and documentation she used in conjunction with the Montana Votes program to determine what voters lived within the proposed district and which voters were eligible to sign the petition. Nelson said the final list she generated contains all street names within the proposed district, a list of individuals living within the proposed district from a Year 2007 list of registered voters, and a report of individuals on the petition who were eligible to sign the petition.

Linneweber said the county was insistent Nelson go through that process to verify the required number of inhabitants occupy the proposed area per Montana Code Annotated, as no case law exists applicable to the effort. Linneweber said the process pointed out six potential accuracy problems including, in part, inactive voters, deceased voters, voters registered to a non existing residence and the county's rural addressing system not listing a voter's residence. Linneweber said those problems make it impossible for the county to accurately determine the grand total of eligible electors in the proposed district and thus impossible to determine whether the petition meets requirements of Montana Code Annotated.

Linneweber said the only way to accurately determine the totals is to conduct a house-to-house census, and that is therefore the next step in the process to determine whether incorporation of Emigrant will go before the voters. Linneweber said such a census may

not be perfect, as it has to determine Year 2007 information from a current-year census, but it is a court order and is the only option the county has. Linneweber said Montana Code states the Commission shall appoint an individual to conduct the census. He said the census taker will have to gather information to determine whether a voter lived within the district in 2007 at the time of the petition filing. Linneweber said Montana Code allows for the census and does not provide a means enabling the county to not conduct the census. He said the census must be conducted as a good-faith effort in good time as accurately as possible, as it is the county's responsibility to appoint a census taker and not the petitioner's, as the government is the neutral authority on the matter. Linneweber said he recommends making a public announcement describing the census process in advance of it commencing.

Citizen Bob Sones of North Glastonbury said the map he viewed at a public meeting during the petitioning process did not have a fixed western boundary as the current map does. Linneweber said the judge ordered the map have a western boundary and the map created was per the judge's order.

Citizen Robert Quesenberry asked how the first petition is legitimate if it did not have a boundary map, and why the county is burdened for conducting the census. He asked why businesses in the proposed district will not be acknowledged in the census, because they would be affected by the tax base as much as anyone else. Linneweber said the petition only includes electors.

Citizen Val O'Connell said the boundaries of the map almost follow exactly the original map because it followed the plat lines. Linneweber said the county created a map using the legal descriptions provided per the judge's orders.

Malone said the county will find a census taker per the county attorney's recommendation, create a form, communicate with the petitioner and public to make sure everyone is comfortable with the process, have a public meeting in Emigrant, and inform folks someone may be knocking on their door for information the county needs for this effort.

O'Connell said she suggests talking with Mayor Williams in Colstrip, as that town incorporated in 1998.

Citizen Frances Warnick asked if Nelson came up with a total of registered voters on the petition. Nelson said what she certified to the Commission states to the best of her knowledge there were 411 registered voters in the proposed district, and 253 signatures on the petition were valid. Linneweber said the county cannot know the accuracy of those numbers based on the problems explained, which is why the census is necessary. Warnick asked the acreage of the proposed area. William Smith said it is about 17 square miles multiplied by 640.

Linneweber said affidavits were filed with the original petition by the petitioner stating some individuals were or were not at a residence in the petition area for X-amount of time, and that information should be made available to the census taker.

Citizen Sean Murphy said he has questions about the map, petition, and election. Murphy said the Murphy family has been in the area for four generations, but he has never met the petitioners, and he has no idea what the purpose of this effort is. Murphy said that is a big problem for the petitioners. Linneweber said the county does not ask such questions. Murphy said the map not having total acreages figured out is a big problem. He said this is the boldest thing he has ever seen in his life and it is a big issue when people propose to do something with dozens of properties they do not own. He said there was an issue with drama when the petition was distributed, and there should be no drama if it is a good petition. He said the petition is really ill-conceived in his opinion, and the petitioners may not be able to get past the voters at an unfair expense to Park County. He said he does not see any way the petitioners have the population density to meet state law, business owners in the area cannot vote for the incorporation and that is a problem, he is against the incorporation, thinks none of the footwork was done before it was filed, and he wishes it would be withdrawn.

Warnick asked if a population estimate can be taken of the area before the census is taken so the county does not waste time. Linneweber said he expects a lawsuit if the county tried to do that.

Linneweber said the judge mandated Park County follow Montana Code in effect at the time of the petition, so the laws from 2005 will be used as the petition was filed two days before the '07 laws came into effect on October 1, 2007. Linneweber said signatures cannot be removed from the petition, but individuals who signed the petition do not have to vote for the incorporation.

Malone said the county will be as transparent as possible, will post the map to the county website and the county is not taking a stand on this effort. Malone said all public comment on the issue will go into the public record.

@3:49:46 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

September 17, 2009

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, Bev Steveson Room

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

September 18, 2009

9:00 A.M. – Commissioner in Wilsall to Hear Area Residents Concerns – Val’s Mercantile

September 18, 2009

Open Bids for a Note for Cooke City Area Community Center Project

@9:10:46 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Lani Hartung, finance; Martha Miller, auditor; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to open bids for a note for the Cooke City Area Community Center project.

Commissioner Malone read into the record note bids submitted to the county clerk and recorder before the bid deadline from American Bank with a 5 percent per annum with no origination fees and a total interest on a 15-year note of \$125,702; First Interstate Bank at 4.8 percent with a \$250 origination fee; and Bank of the Rockies at 4.95 percent with no origination fee.

Finance Director Lani Hartung said the State of Montana Board of Investments Intercap Program currently has a 3.2 percent interest rate and that rate has not risen above a 3.99 percent average over the last 10 years. Durgan said that rate never went above over 8 percent over the last 22 years.

Commissioner Durgan made a motion the Commission postpones a decision to award the note bid until it knows what the bottom line for the other two banks will be. Malone seconded that motion. Motion passed.

@12:38:03 p.m., the meeting reconvened. Commissioner Taylor was in attendance.

Commissioner Malone said Finance Director Lani Hartung determined the First Interstate Bank bid with the \$250 origination fee is the lowest bid.

Commissioner Durgan made a motion to accept the low bid which appears to be the First Interstate Bank. Commissioner Taylor seconded that motion. Motion passed.

@12:39:27 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

September 18, 2009

Appoint Commissioner to Western Montana Mental Health Board

@9:33:47 a.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 made.

The meeting was scheduled to appoint a commissioner to the Western Montana Mental Health Board.

Commissioner Malone said Commissioner Taylor expressed interest in sitting on the board. Commissioner Durgan made a motion to appoint Commissioner Taylor to the Western Montana Mental Health Board. Commissioner Malone seconded that motion. Motion passed.

@9:34:42 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

September 18, 2009

Discussion and Appointing of Members to Safety Committee

@10:01:31 a.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 made.

The meeting was scheduled to discuss and appoint members to the county safety committee.

Commissioner Malone read into the record a list of suggested county employees for the county safety committee. Those employees included Belinda Van Nurden, Bruce Martin, Jill Ouellette, Lois Hatfield, Clay Williams, Vicki Butcher, Ed LaCombe, Barb Williams or Patti Blake, Dan Hackman, Jay Dixon, and a commissioner. The list also lists one city employee and a representative from Swanson-Leavitt Insurance.

Commissioner Durgan made a motion to accept the list of safety committee members. Commissioner Malone seconded that motion. Motion passed.

@10:05:14 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

September 18, 2009

Review Daily Correspondence and Agenda

@10:15:19 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone 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. September 22 webinar for wind energy
- Memo re. House Bills 130, 131, 132 - To Commissioner Taylor for review
- Memo re. September 21 Gallatin County press release
- Memo re. October 26 RC&D meeting @ 10:00 a.m.
- PCRFD #1 daily status report
- Memo re. harvesting clean energy Feb 7-9 conference
- Memo re. Montana transportation learning network courses - To road supervisor for review
- Memo re. Supplemental Nutrition Assistance Program educator office space needs
- Two memos re. legal advice to Commission from civil deputy county attorney
- Memo from Dowl HKM re. gas monitoring results for Park County Landfill
- Memo re. Area IV agency on aging agenda - To Taylor for review
- Memo re. MDT Aeronautics Division - To Commissioner Durgan for review
- Memo from Reed Construction Data re. bid results for Cooke City Area community center
- Memo from senior planner re. Hubbard Wascom relocation of common boundary requested meeting Sept 24 or 25
- Memo re. Yellowstone Gateway Museum progress report
- The Commission reviewed one confidential memo.

Commission Executive Assistant Raea Morris said a citizen telephoned in support of the Fish Wildlife, and Parks proposed buffalo fence project.

@10:34:48 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

September 18, 2009

10:30 A.M. – Commissioner in Clyde Park to Hear Area Residents Concerns – Town Hall in Clyde Park

September 18, 2009

Signing of Public Health Emergency Preparedness and Training Contract

@11:44:57 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 consider signing a public health emergency preparedness and training contract.

Commissioner Malone said the Commission reviewed and had no issues with the contract.

Commissioner Durgan made a motion to sign the contract. Commissioner Taylor seconded that motion. Motion passed.

@11:46:10 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

September 18, 2009

Discussion of Buffalo Fence with Fish, Wildlife and Parks

@12:08:05 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Matt Dettori, Livingston Enterprise; and Commission Minutes Clerk John Mueller. No public comment made.

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

Commissioner Malone said he met with Montana FWP Representative Brad Flowers to see if the county and FWP can come to agreement with FWP's proposed buffalo plan, specifically item #6. Malone said the Commission has no problem with bison going north of Yellowstone National Park as long as they are tested and determined to be seronegative for brucellosis as is required in Step II of the Interagency Bison Management Plan. Malone said Step III of the plan would allow some untested bison to exit the park. Malone said this issue is a health and safety concern for the county. Commissioner Taylor said he thinks it is fair to require testing of buffalo for brucellosis if all domestic cattle must be tested, specifically since FWP has available facilities.

@12:37:51 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

September 18, 2009

1:00 P.M. – Discussion of Longevity Issues for Sheriff's Office – Commissioners Chambers – Canceled

Marty Malone
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana