

Park County Commission Meeting Minutes  
Week of December 7 – 11, 2009  
Park County, Montana

December 7, 2009

Review Daily Correspondence and Agenda

@8:55:48 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 re. Rossen Brothers proposal for metal recycling
- Memo re. Emigrant census questionnaire
- Memo re. January planning board/Commission board meeting
- Memo from DES Coordinator re. Disability Rights Montana
- Memo re. juror payments

@9:02:14 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

December 7, 2009

Review of Minutes for Weeks of November 23 and 30, 2009

@10:01:28 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 Weeks of November 23 and 30, 2009.

Reviewing meeting minutes for the Week of November 23, 2009, Commissioner Malone requested a revision to Page 5 of 12; second paragraph, the last sentence should read, "Commissioner Malone asked if the county has to repair a county road in Springdale to allow for many large wind-farm trucks."

Commissioner Durgan noted he attended a concept paper meeting for the Bovine Brucellosis Program from 8:00 a.m. to 10:00 a.m. on November 24. Durgan noted Commissioner Taylor attended a museum board meeting on November 24.

Commissioner Taylor made a motion to accept the minutes as corrected for the Week of November 23 through 27 and Week of November 30 through December 4. Commissioner Durgan seconded that motion. Motion passed.

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

December 7, 2009

10:00 A.M. – Park County Claims Review – Commissioners Chambers

December 7, 2009

Recommendations and Appointing of Fair Board Applicants

@11:05:47 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 consider appointing fair board applicants.

Commissioner Malone said applications were received from Robert Skillman, Kelli Parker, James Sykes and Cathy Denison. Commission Executive Assistant Raea Morris said Denison's application was received after the closing deadline.

Commissioner Durgan made a motion to accept the three applications and appoint them to the correct terms. Commissioner Taylor seconded that motion. Motion passed.

@11:15:30 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

December 7, 2009

Recommendations and Appointing of Planning Board Applicants

@11:32:09 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, planning; Shannan Piccolo, civil deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider appointing planning board applicants.

Planning Director Philip Fletcher said the planning department followed its standard advertising and interviewing process for the open planning board seats. Fletcher said the seats were advertised four times in the Livingston Enterprise and three applications were received from three sitting members on the board. Fletcher said Civil Deputy County

Attorney Shannan Piccolo reviewed applications, and Frank Schroeder, Lew Wilks and Traci Islay were unanimous recommendations for the board.

Commissioner Taylor made a motion for a unanimous recommendation for the three individuals for the committee. Commissioner Durgan seconded that motion. Motion passed.

@11:34:16 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

December 7, 2009

Discussion of Solid Waste

@1:31:35 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Bill Moser, citizen; Camden Easerling, Livingston Enterprise; Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss county solid waste issues.

Citizen Bill Moser said he has come to the conclusion the Concerned Citizens have the votes to block any and all efforts of the Solid Waste Board (SWB), which is substantiated by reports submitted by former SWB member Joe Skaggs. Moser said he figures it would cost \$1,800 for indemnification signs at each of the county's 18 green box sites. Moser said there is no indemnification or contact information at any green box site, and presented the Commission with a rough draft sketch of the signs. Commissioner Taylor said it seems like a duplication of work to post such signs when everyone receiving a refuse tag receives a mailed brochure. Taylor said he is not sure the county can relieve itself of liability with a posted sign. The Commission said it will send the proposal to the county attorney for his review of the liability issue.

Moser said Landfill Manager Lois Hatfield said she will have to stop giving metal to whoever wants to rummage through it if the Commission votes to allow free metal dumping at the landfill. Moser said he feels the taxpayers are losing over \$100,000 a year because all metals are being recycled at the same dollar amount. He said he would like to see metals separated at the transfer station and for the Commission to disallow any metal taken from the landfill. Moser said the county may be able to reduce citizen refuse assessments to \$110 next year from the current \$185.

Moser said he would like permission to talk to Ray Sundling and the Nelson family involved in a lawsuit against the county. Taylor said Moser does not have permission to do that. Moser said the county could build a wire dome over the landfill with scrap metal to solve blowing litter issues.

Moser said he would like to view the solid waste operations at Cooke City. Taylor said Moser can do that on his own time and with his own gas money and vehicle.

Moser said he asked county employees to define “illegal dumping” and those comments will be summarized for Commission review because there does not seem to be any interest by the SWB to define illegal dumping.

Moser said two sheets from the ZIA Report spell out how county resident refuse assessments are assessed and what services residents receive with their annual refuse fee. He said 60 percent of the population in Park County has changed since the landfill lawsuit was filed, and he bets 60 percent of people polled in Town and Country would not know what a “blowable” is. He said citizens could be educated on why blowables are not permitted in the Park County Landfill with one sentence.

@2:03:55 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

December 7, 2009

Consider Signing a Letter Regarding Interagency Bison Management Plan

@3:31:56 p.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; Matt Dettori, Livingston Enterprise; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider signing a letter regarding the Interagency Bison Management Plan (IBMP).

Commissioner Malone said the last meeting of the Interagency Bison Management Plan Committee in Livingston comprised of five state and federal agencies had no representation of surrounding local governments. Malone said the drafted letter in question is addressed to the state veterinarian and committee chairman to request a representative from local government be made part of the IBMP committee.

Commissioner Taylor made a motion to sign the letter. Commissioner Malone seconded that motion. Motion passed.

@3:36:50 p.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

December 7, 2009

Discussion of a Five Dollar Fee for Online Burn Permits

@4:00:36 p.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; Bill Murray, PCRFD#1; Gordon Roth, deputy fire warden; Greg Coleman, Paradise Valley Fire; Calvin Sarver; Wilsall Fire; Bob Fry, fire

warden; Matt Dettori, Livingston Enterprise; Chuck Donovan, citizen; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss a five-dollar fee for online burn permits.

Deputy Fire Warden Gordon Roth said the fire council unanimously supported an online burn permit program and agreed with the need for a program fee. Roth said the council figured \$5 would cover the cost of the program and surplus funds would be used to maintain the rural addressing database.

Commissioner Malone asked if citizens would have a choice to purchase paper permits. Roth said citizens would have that option. Roth said the program would reduce Dispatch 911's work load and the dispatching of resources for every burn call. He said it would also provide data of how many permits are sold/issued. Roth said the fire council would have to pay \$450 once the service commenced in March and a \$1,200 annual hosting fee would be split between participating counties, which may be Gallatin, Park and Lewis and Clark counties. Roth said the county could implement the program for six months or a year as a trial.

Greg Coleman of Paradise Valley Fire said the program sounds like a good idea, and he is amazed Dispatch 911 continues to be telephoned for non-emergencies. Coleman said he has checked on numerous calls when Dispatch 911 was unable to verify whether it was a legal burn. He said perhaps a part-time person could be hired with Park County Fire District Rural #1 with extra funds from the \$5 burn permit fee.

Malone said he does not want to make the online program mandatory and paper permits should be available. He asked who would enter all permit data on the internet and said the county does not want to have to hire additional employees as a result of the proposed program. Malone said he does not want to have to tell the county treasurer he must put purchased permits online.

Civil Deputy County Attorney Shannan Piccolo said she will resolve a potential issue with sharing of the county's database for the program with the county attorney.

Roth said he would like to start on a draft resolution, work order and contract with Park County with the Commission's approval. He said the fire council would take ownership of the burn permit process. The Commission said Roth could move forward with those preliminary actions.

@4:54:12 p.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

December 8, 2009

Review of Daily Correspondence and Agenda

@8:34:48 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 Livingston Ice Skating Association
- Memo from MACo re. Forest Jobs and Recreation Act S-1470
- Memo from Guardian Title re. recording fees
- Memo from Solid Waste Board chairman
- Memo from DES Coordinator re. county cell phone use
- Memo from American Bank re. Cooke City Resort Tax statement
- Memo re. December 10 Solid Waste Board special meeting agenda
- Memo re. general fund review report for November 2010
- Memo re. Beaverhead County commissioner public comment - To Commissioner Durgan for review
- Memo from MACo re. reappraisal of agriculture land
- Memo re. Service Master contract
- Memo from MACo re. Montana Kids Count book
- Memo re. Cinnabar sanding and plowing contract

@8:46:19 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

December 8, 2009

Park County Road Updates

@9:01:02 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; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss county road issues.

Road Supervisor Ed Hillman asked whether he should schedule Iron Wolf to grind up the Carter's Bridge Road. The Commission told Hillman to turn in a purchase order before telephoning Iron Wolf.

Hillman said a road crewman is now putting chains on his plow truck and maintaining to the top of Cinnabar Road.

Commissioner Malone said Hillman needs to call through a list of road crewman to assist law enforcement in emergency situations. The Commission said Hillman needs to maintain a list of private contractors who can be called out for road work in emergency situations.

@9:14:39 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

December 8, 2009

Weekly Human Resources Updates

@9:36:37 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, HR; Martha Miller, auditor; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss weekly activities in the human resources department.

Human Resources Analyst Jill Ouellette said she will attend a MACo quarterly meeting on December 11. Ouellette provided the Commission with a job opening in the justice of the peace office; said she received a doctor's notice for an employee out of work with injury; conducted an exit interview for a detention officer leaving his position on December 11; discussed a PERS issue with an employee working for both the county and the Livingston School District; and two worker's compensation claims were made in the jail in the last two weeks.

Ouellette asked whether awarding an Employee of the Quarter award makes better sense than an Employee of the Month award. The Commission said department heads can discuss the issue at the next department head meeting.

There was discussion about how the Commission can call back a former temporary employee for part-time work in emergency situations.

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

December 8, 2009

Consider Signing a Contract for Final Design of 9<sup>th</sup> Street Island Bridge Replacement

@10:04:12 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; Lani Hartung, finance; Scott Nelson, CTA Engineering; Kevin Feldman, CTA Engineering; Mike Cox, Oasis Environmental;

Jeannette Blank, Oasis Environmental; Jennifer Madgic, Senator Tester representative; Kevin Funk, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss signing a contract to move forward with the final design of the 9<sup>th</sup> Street Island Bridge Replacement project.

Commissioner Malone said a possibility exists of receiving funding from a federal housing and urban transportation bill, and the county needs to decide whether to proceed in drafting a final design for a 9<sup>th</sup> Street Bridget Replacement project due to that possibility.

Kevin Feldman of CTA Engineering said he relooked at whether a final design could be completed in time to begin and complete construction in a February through May 2010 construction period before high water.

Jeannette Blank of Oasis Environmental said Oasis is conducting all permitting work, and all agencies treat projects funded with stimulus and Recovery Act funds as priority projects. Blank said agencies, including the Army Corps of Engineers, said they would do what they can to push the project through. Blank said February is aggressive in getting permits approved, but it may be possible if all paperwork is approved in the immediate future. Feldman said right-of-way acquisition of temporary construction easements is an issue to address for the project to commence. The Commission said the county will initiate that effort for CTA, and it behooves the county to move as quickly as possible on the project.

Civil Deputy County Attorney Shannan Piccolo said the project does not have to go out for bid if CTA completes a final design with CTEP funds, or if the total final design cost is less than \$50,000. Piccolo said she will research whether the county may hire CTA and Oasis separately to permit CTA to complete final design and Oasis to complete environment assessments and permitting without issuing a bid.

Citizen Kevin Funk asked if the Commission changed its mind with moving forward with a final design before the federal funds are approved. Funk said signing contracts locks taxpayers into flipping the bill for the bridge. Malone said his concern is there are 37 homes on 9<sup>th</sup> Street Island. He said other project proposals would require the county to come up with \$400,000 and 25 percent of market value if island residents were to sell out.

Funk asked whether any discussion occurred about island residents paying for a portion of the bridge project. He said he would be much more receptive if island residents would take responsibility for the issue and he wants to see the residents on the island pay money into the project to make it fair to him and all other county taxpayers. Funk said 9<sup>th</sup> Street Bridge connects the people on 9<sup>th</sup> Street Island to Livingston and does not connect Livingston to 9<sup>th</sup> Street Island, and the bridge absolutely does not benefit him.

Mike Cox of Oasis Environmental said the bridge provides him a place of work on the island and an income to support his family. He said looking at the cost per resident in the county, the bridge replacement is not an expenditure to the county that is out of line when compared to county roads maintained for only a few residents throughout the county.

Malone said it is an option to approach island residents about the issue and the Commission had a discussion about bridge financing with them. Malone said the Springdale, Carbella, and Pine Creek bridges have been replaced in recent years, and the 9<sup>th</sup> Street Bridge is on a county road and the county commission has to address the issue since a number of residents live on the road. Commissioner Durgan said Montana Department of Transportation does not want Park County using its Bailey bridge for the long term. Malone said the Bailey bridge prohibits crossing by septic pumpers, ambulance services, and other services such as UPS delivery. Commissioner Taylor said the county pays \$18,000 per year to rent the Bailey bridge.

Commissioner Taylor made a motion to go ahead with final a design contingent upon approval of the county attorney if permitting fees can be split between Oasis and CTA. Commissioner Durgan seconded that motion. Motion passed.

@10:58:14 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

December 8, 2009

Discussion and Signing of Contract for Snow Plowing on Cinnabar Road

@11:07:05 a.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 consider signing a contract for snow plowing of Cinnabar Road.

Commissioner Malone said a contractor was concerned \$4,000 was not enough money to obtain all insurance and expenses it would incur to complete Cinnabar Road snow plowing work.

Commissioner Taylor made a motion to put the contract on hold. Commissioner Malone seconded that motion. Motion passed.

@11:07:51 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

December 8, 2009

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

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

December 8, 2009

City/County Meeting

@4:05:06 p.m., County Commissioner Malone called a meeting to order in the Commissioner's Chambers. Present were City Commissioners Rick Van Aken and Steve Caldwell; Ed Meece, city manager; Shannan Piccolo, civil deputy county attorney; Camden Easterling, Livingston Enterprise; and Commission Minutes Clerk John Mueller.

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

Open Business: None

1. Community Center Feasibility Study: Malone said the county has agreed to join the city and school district with financial funding for the study.

2. Maintenance of Culverts within City Limits: City Manager Ed Meece said the city submitted a written proposal to the county to take over routine maintenance of culverts within the city limits for \$1,000 per month. Meece said the city will not take on capital improvement liability issues but will conduct regular culvert maintenance. Meece said he will write up a legal agreement for the service and submit it to the county civil deputy county attorney for review.

3. City/County Building Maintenance Duties and Issues: Malone said the Commission submitted a written request to the sheriff that jail personnel conduct periodic walkthroughs of the courthouse to ensure nothing is awry within the building.

Malone said the county commission will address an invoice for installation of two locking thermostat covers with the county maintenance man and whether that work needs to be contracted out. Meece said it would be helpful to the city to have a clear definition of the county maintenance man's job duties and work he can conduct.

There was discussion about the city fire department shoveling snow from courthouse sidewalks.

4. Discussion of Annual Park Electric Billing: There was discussion about the Paradise Valley TV Association and how payment of radio towers at Myer's Flat will be split up between entities.

5. Interlocal Agreement Concerning Release of MRL Beautification Property: Civil Deputy County Attorney Shannan Piccolo said an interlocal agreement between the city and county for the said property may reduce confusion about the city's payment of the county lease.

In other open business, Meece said external auditors said the county may qualify for a qualified audited opinion based on reconciliation that needs to occur in the county treasurer's office. Meece said he asked the auditor if the city and county can hire a firm to conduct the reconciliation to ensure the city and county maintain clean audit reports. Meece said the auditor is looking into that possibility.

Malone said he has developed a presentation on county refuse operation costs and procedures and asked if city representatives would be present at a showing. Meece said city representatives would be present and offered to provide financial refuse figures and pictures for city refuse operations.

There was discussion about the 9th street Bridge Replacement Project and possible federal funding for that project.

The next city/county meeting is scheduled for January 5, 2009 at 4:00 p.m.

@4:40:47 p.m., the meeting adjourned.

December 9, 2009

Review of Daily Correspondence and Agenda

@8:52:48 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:

- Legal advice to Commission from civil deputy county attorney
- Memo from Community Health Partners re. Park County Community Foundation presentation
- Memo re. Otter Creek Tracts public comment period
- Memo re. volunteers for hockey skating rink December 12 and 13
- Memo from DES Coordinator re. December 10 LEPC meeting
- Memo from Gardiner Sewer re. system blower maintenance
- Memo from assessor's office re. home appraisals
- Memo from planning director re. planning and zoning commission terms and grants review committee

Commissioner Durgan asked if Road Supervisor Ed Hillman established a call list for emergency snow events. Commissioner Malone said the Commission wants a record from Hillman of calls to all employees employed in the road department for call-outs during emergency situations. Malone said three call lists will be generated consisting of

road department employees, other county employees who can operate equipment, and private contractors.

@9:07:16 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

December 9, 2009

Discussion of a Citizen Refuse Assessment

@9:31:23 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Ed Schilling, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss a citizen refuse assessment.

Citizen Ed Schilling said he paid his taxes last year and this year under protest due to his refuse assessment. Schilling said he is being assessed for three households due to a home-based business, and the county needs to either assess all home businesses with the same assessment or none at all. He said he brought the issue to the Solid Waste Board (SWB) last year and little to nothing happened. He said he feels the board or commission have not taken an active effort in assessing all home-based businesses, and he feels many such businesses are not being assessed.

Commissioner Durgan asked if the SWB has any definitions or qualifications he can cite as to how home-based businesses in Park County are assessed refuse. Schilling said he does not know if any definition exists of what is considered a home-based business.

Schilling said his request is to be assessed one refuse assessment. The Commission said it does not know how home-based businesses are assessed. Commissioner Malone said likely it would have to look at rates and hold a public hearing on how to set rates. He said the Commission will determine how home-based businesses are assessed and get back to Schilling.

@9:52:10 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

December 9, 2009

Discussion of Waiver of Taxes on Unlivable Mobile Homes

@10:44:33 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Shannan Piccolo, civil deputy county attorney; Ed Skillman, citizen; Bill Moser, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss a waiver of taxes on unlivable mobile homes.

Citizen Ed Skillman said back taxes exist on three mobile homes abandoned by tenants in his mobile home park. Skillman said one trailer remains under the name of the tenants who abandoned it, he received the title in March 2009 to a second trailer abandoned in 2003, and he needs to take ownership of a third trailer before he can renovate it for occupancy. Skillman said he would pay taxes on the trailers, but would like refuse assessments reimbursed as no refuse was generated while trailers were abandoned.

The Commission said it will take the issue under advisement with the county treasurer to determine what taxes must be paid and what action can be taken to enable Skillman to move or work on the trailers. The Commission said it will get back to Skillman on the issue.

@10:53:30 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

December 9, 2009

Opening of Cooke City Area Resort Tax Allocation Applications

@11:05:03 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Shannan Piccolo, civil deputy county attorney; Lani Hartung, finance; Cooke City Chamber of Commerce Representatives Donna Rowland, Lisa Olinger, Betty Sommers, Jason Flube, and Bev Chatlain; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to open Cooke City Area resort tax allocation applications.

Commissioner Malone opened sealed bids for Cooke City Area resort tax allocation applications. Applications included a request of \$6,600 for a multi-recreational site/ball fields; \$101,000 for the Cooke City Community Center; and \$11,000 for the chamber executive director position. The Commission said it will be present in Cooke City on January 8, 2010 to award the requests.

@11:26:23 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

December 9, 2009

3:00 P.M. – Board of Adjustments Meeting to Consider a Conditional Use Proposal in the Donut Zoning District – Community Room – Meeting minutes available at [www.parkcounty.org](http://www.parkcounty.org) and in the Planning Department

December 10, 2009

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

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

December 10, 2009

Consider Signing Proposal for Feasibility Study for Livingston Events and Arts Facility

@10:30 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Shannan Piccolo, civil deputy county attorney; Philip Fletcher, planning director; Scott Nelson, CTA Engineering; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider signing a feasibility study for a Livingston events and arts center.

Commissioner Malone requested to recess the meeting to 10:30 a.m., when he would return from an appointment. Commissioner Durgan made a motion to recess the meeting. Malone seconded that motion. Motion passed. @11:01:03 a.m., the meeting reopened.

Malone said the Livingston School District and city of Livingston requested the county cooperate financially in looking at developing a feasibility study for a Livingston community center. Malone said the county's share of the study would be a third of \$25,000. Scott Nelson of CTA Engineering provided an explanation of recreational potentials with the proposed community center and possible construction options.

Planning Director Philip Fletcher said the parks and recreation board received a presentation on the project and said there was some concern the project would be a Livingston project and of less benefit to the county. Fletcher said the he board ultimately voted to support the Commission in a feasibility study.

Commissioner Durgan made a motion to agree to participate in the study. Commissioner Malone seconded that motion. Motion passed.

@11:19:15 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

December 10, 2009

Discuss Proposed Changes to Board of Adjustments and Parks & Recreation Board Bylaws

@11:19:50 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Shannan Piccolo, civil deputy county attorney; Philip Fletcher, planning director; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss proposed changes to bylaws for the Board of Adjustments and Parks and Recreation Board.

Planning Director Philip Fletcher said the Board of Adjustments and Parks and Recreation Board on their own initiative asked Fletcher to prepare amendments to respective bylaws for presentation to the Commission.

Fletcher said the Board of Adjustments voted to add language to set board member terms to begin July 1 and end June 30.

Commissioner Durgan made a motion to accept the amendment proposed by Mr. Fletcher. Commissioner Malone seconded that motion. Motion passed.

Fletcher said the Parks and Recreation Board voted unanimously to change Article III; Paragraph B, "Terms" to add language for board member terms to begin July 1 and end June 30. Fletcher said the board also proposed Article IV. Board Member Conduct at Meetings, because the board felt it needed expectations of civility and lack of personal attacks on individuals from board members. He said the board drafted a code of conduct and sanctions for violating the code of conduct.

Commissioner Durgan made a motion to accept the recommendation of the Parks and Recreation Board to change term appointments to run from July 1 to June 30 dates. Commissioner Malone seconded that motion. Motion passed.

Commissioner Durgan made a motion to accept the recommendation from the Parks and Recreation Board for members conduct at meetings and sanctions if need be. Commissioner Malone seconded that motion. Motion passed.

In other discussion, Fletcher said the Commission can consider term limitations and add those to board bylaws. The Commission said it feels the term limit revision is a very good idea. Fletcher said planning and zoning commission bylaws have internal conflicts between bylaws and appointments. He said the Commission may have options of appointing members to that board due to circumstances per discussion with Civil Deputy County Attorney Shannan Piccolo. There was discussion about board member terms on that board.

@11:49:04 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

December 10, 2009

Discussion of Possible Change in Precinct Boundary Lines

@1:36:07 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Philip Fletcher, planning director; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss possible changes to precinct boundary lines.

Clerk and Recorder Denise Nelson said precinct boundary lines have not been changed for years, and Precinct 3 has 1,500 registered voters while Precinct 1 has 900 registered voters. Nelson said that causes issues at the polls, as precincts are supposed to be similar in size by registered voters.

There was discussion about GIS/IT Manager Marc Richards and Nelson working on mapping for precinct changes and when that work may occur.

@1:44:07 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

December 10, 2009  
Personnel Meeting

@2:32:39 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Bruce Martin, maintenance; Jill Ouellette, HR; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to address a personnel issue.

Commissioner Malone said he scheduled the meeting to learn policies for plumbing, heating, snow removal and various other needs regarding the city/county building. Malone said the Commission received a bill for installing building thermostat covers, work he said he feels can be done by internal maintenance personnel. Malone asked the circumstances under which Martin thinks he should conduct plumbing and electrical-type work in the building. Martin said he does not know the state rules, but he knows he is not licensed in electrical or plumbing work and he only does work he is comfortable doing. Martin said the thermostat covers had to be installed, leveled and insured to operate at 100 percent, which is why he had Tri-County Sheet Metal do the work.

Commissioner Durgan said he appreciated Martin clearing sidewalks of snow in front of the courthouse. Malone asked about the building snow removal procedure. Martin said the agreement with the city is for him to remove snow from sidewalks around the courthouse and East Side School, but the city has never plowed the back parking lot as part of the agreement. Martin said County Road Crewman Jay Dixon plows the lot when he can. Malone said the city fire department said it would store Martin's tractor and remove the snow if asked. Martin said the fire department only clear snow in front of its building.

Malone asked about emergency telephone call protocol. He said apparently there was no answer on Martin's emergency cell phone over the weekend when a waterline broke in the courthouse. Martin said he does not leave the cell phone on all the time and turns it off to charge it every night. He said employees can get a hold of him on his home phone from the phone book. Malone said Martin does not have to turn off the phone to charge it and the Commission would appreciate Martin leaving the cell phone on.

Malone said Martin and Human Resources Analyst Jill Ouellette may want to update Martin's job description and come up with what minor and major repairs or work will be conducted by Martin.

@2:57:11 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

December 10, 2009

Discussion of Updates with Union

@3:34:40 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Jill Ouellette, HR; Rick D'Hooge, union negotiator; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss union negotiation updates.

Union Negotiator Rick D'Hooge presented the Commission with an update of union negotiations with various Park County departments and offices and provided the Commission with options it has in a longevity pay issue.

There was discussion about the need to develop a call-out protocol for road department employees during emergency weather situations. D'Hooge said he feels the county has the right to assign employees to serve on-call if no employees volunteer. He said he will begin working on the issue immediately. There was discussion about meeting again on the issue on December 17 and 18.

@4:11:46 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

December 10, 2009

Discussion of Hiring a New Employee in Justice of Peace Office

@4:12:07 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Jill Ouellette, HR; Linda Budeski, justice of the peace; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss hiring a new employee in the Justice of Peace Office.

Justice of the Peace Linda Budeski said she is looking to hire a half-time employee to replace a part-time employee who recently left a position. Budeski said she would like to bring in an individual at a pay range comparable with experience and would like to have the individual employed by the end of January. Commissioner Durgan said hiring an

individual at such a rate may cause interoffice issues among other employees. Human Resources Analyst Jill Ouellette said the formal hiring and interview process would be used, and pay depending on experience is commonly listed on job postings.

The Commission said Budeski can go forth and work on the announcement and start the hiring process.

@4:32:07 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

#### December 10, 2009

6:30 P.M. – 4-H Extension Meeting – Community Room

7:00 P.M. – Special Solid Waste Board Meeting – West Room – Meeting minutes available at [www.parkcounty.org](http://www.parkcounty.org) and in the Commission Office

#### December 11, 2009

##### Review of Daily Correspondence and Agenda

@9:00:57 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 re. replacement maintenance personnel
- Memo from undersheriff re. road crewman assistance with public
- Legal advice to Commission from civil deputy county attorney
- Citizen memo re. petition for incorporation of Town of Emigrant
- Memo re. bid for recycling of metal at Park County landfill
- Memo re. LAC board members
- Memo from MACo re. Healthy Forest Bill amendment
- Memo re. resignation of Town of Clyde Park Solid Waste Board member

@9:10:17 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

#### December 11, 2009

##### Discussion with Dowl HKM on Landfill Issues

@10:02:30 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Ed

Janney, DOWL HKM Engineering; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss landfill issues.

Commissioner Malone said his concern is the amount of money the county puts toward closure of the landfill, and understands the county can pay less post-closure fees if it reduces the size of its landfill. Ed Janney of DOWL HKM Engineering said he will talk to the Montana Department of Environmental Quality to determine how much of the county's Class II portion of the landfill can be closed to reduce the pit size. He said it does not make sense to keep such a large pit open at such an expense, and the absence of ash deposition with the closure of the incinerator and the reduction in solid waste volume going into the landfill makes closing a portion of the landfill a logical move. Janney said the county could use its own personnel with engineering oversight to conduct the partial closure activities.

Malone said the typical government reaction is to raise prices for citizens to make up the difference in what the county charges and its costs toward closure, so the Commission is looking at all options.

Janney said the Commission can support a decision to close a portion of the landfill by comparing how much it currently pays for post-closure, the cost to close a portion of the landfill now, and the savings incurred with such an action. Janney said he will put together a draft report of partial landfill closure to include a compost element and present that to the Commission for review.

@11:11:00 a.m., the meeting adjourned.

December 11, 2009

Discussion of Reorganization of the Refuse Department

@2:30:37 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Richard Wright and Vicki Butcher of the transfer station; Martha Miller, auditor; Lani Hartung, finance; Ed Hillman, road; Citizens Jim Hunt, Jim Taylor and Dick Juhnke; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss reorganization of the county refuse department.

Commissioner Malone said Landfill Manager Lois Hatfield announced her retirement from the county, and the Commission would like Transfer Station Manager Richard Wright's thoughts on what the Commission should do with the county refuse system.

Wright said he understands the Commission is considering putting the transfer station and landfill under one department head. Wright said he would accept that appointment with compensation. Transfer Station Attendant Vicki Butcher said she would be interested in

helping with the landfill effort. Wright said Butcher completes all transfer station reporting activities and could do the same for the landfill.

Wright said he thinks changes should be made in landfill operations for winter months, such as closing Tuesdays or Wednesdays and being open one weekend day each week; dumping and sorting roll off boxes should take place in the landfill pit; and placing roll offs near the landfill scale to enable citizens with blowables to deposit that trash in those boxes. Wright said such a roll off may help reduce illegal dumping issues in outlying green box area roll offs. Wright said he would make permanent a no charge metal dumping policy at the landfill, because it is a lot cheaper to handle the metal at the landfill than to clean the Harvat's Flat site. Wright said he suggests accepting brush and grass from city residents for free and possibly dropping the \$75 per ton landfill fee to \$45 per ton for everyone, including contractors. Wright said he would rather have refuse in the landfill at \$45 per ton than in green boxes where it has to be manually sorted by his staff. Wright said he thinks one scale person and one other employee could run the landfill if the county relinquishes its Class II classification and keeps its Class III and IV classifications. Wright said he cannot answer landfill staffing needs or issues at present, and a lot depends on the Commission's long range plan for green box roll offs.

Wright said he has gotten a lot of favorable comments about the county's current recycling program, and he does not have any ideas for that program at present. He said the county could find a way to put containers throughout the county for glass recycling if it made a deal with the city of Livingston to accept the county's glass, but it would be worthwhile to invest in more roll offs if the county did that. Commissioner Taylor said he will talk with City Manager Ed Meece and City Public Works Director Clint Tinsley about the matter at the next city/county meeting. He said the Commission is looking at developing a compost cell at the landfill, as well.

Wright said he would like to see the results of a trial effort of opening the landfill for a half day on Sundays this summer. He said that may reduce the amount of illegal dumping his employees must address Monday mornings at Nead's and Forest Service green box sites. Wright said citizens know no one currently monitors green box sites and they can get away with dumping anything in them.

Citizen Dick Juhnke said he wants to know if the Commission is going to accept input on solid waste issues from the Solid Waste Board (SWB). Juhnke said the SWB has always maintained the landfill manager should be an equipment operator, which could eliminate one job. Juhnke said the SWB discussed and agreed it does not feel word of mouth is sufficient to inform county citizens about free metal dumping at the landfill. He said advertising that fact may enable contractors to lower job bids, and the SWB wants permission to put an advertisement in the paper. Juhnke said an SWB member is checking into the county contracting with a vendor to remove refrigerant from appliances brought to the landfill. He said the SWB agreed something needs to be done about disposal of asphalt shingles because they are such a heavy product and are illegally dumped around the county.

Citizen Jim Hunt said he likes Wright's idea of lowering the landfill fee to \$45 per ton. Hunt said it is important to remember city residents helped pay for the county incinerator and transfer station, and all county residents should be able to use the landfill equally because the property and facility belongs to both city and county residents. Malone said the \$45 per ton sounds good, but the county is currently paying \$139 per ton for the landfill. Hunt said higher volumes of trash bring down costs.

The Commission said Wright and Butcher should work with the human resources department to revise their job descriptions, and the date in which any proposed managerial changes would take place will be February 1, 2010. Malone said the county needs to generate a report detailing how many private citizens cross the landfill scale on a monthly basis.

@3:26:35 p.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