

Park County Commission Meeting Minutes  
Week of April 19 - 23, 2010  
Park County, Montana

April 19, 2010

Review of Daily Correspondence and Agenda

@8:35:47 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; Lani Hartung, finance; 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. Bozeman Chronicle Fleshman Creek Project article - To file
- Citizen application re. PCRFD#1 board
- Memo re. landfill methane monitoring - To Commission Taylor for review
- Memo re. citizen refuse assessments - To executive assistant for action
- Memo from Nittany Grantworks re. citizen comments on Fleshman Creek project
- Memo re. Governor's Safety Award applications - To DES Coordinator for review
- Memo from Park County Environmental Council re. Livingston Ditch grant
- Memo re. employee confidentiality and security issues

Finance Director Lani Hartung provided an audit report for review.

Commissioner Taylor made a motion to accept and submit the corrective action plan for the audit findings for the fiscal year ending June 30, 2009. Commissioner Malone seconded that motion. Motion passed.

Commissioner Durgan said Allan Shaw of the Church Universal and Triumphant is preparing a petition to vacate the right-of-way on the Cinnabar Basin Road.

@9:09:40 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

April 19, 2010

Review of Minutes for Week of April 12, 2010

@10:01:39 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to review and approve Commission meeting minutes for the Week of April 12, 2010.

Commissioner Malone requested a revision to Page 2 of 10; third paragraph, the first sentence should read, "Yellowstone Gateway Museum Interim Director Paul Shea said the museum needs to address an excavation area behind the museum at a Livingston Ditch water leak."

Commissioner Durgan requested a revision to Page 7 of 10, noting the correct spelling of Museum Board Member Jerry "Miller."

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

@10:06:00 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

April 19, 2010

Appointing of Two Applicants for Rural Fire Council Board

@10:32:15 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Denise Nelson, clerk and recorder; Shannan Piccolo, civil deputy county attorney; Dann Babcox, Chuck Donovan, and Craig Ames of PCRFD#1; Citizens Kevin Funk, Bill Spanring, Dan Skattum and Scott Olson; Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to appoint two applicants for the Rural Fire Council board.

Commissioner Malone said applications for the Park County Rural Fire Council Board were received from Dan Skattum, Chuck Donovan, Sue Martin, Courtney Lawellin, Jeffery Schoenen, Kevin Funk and Dan Karell. Malone said the Park County Election Administrator sent a letter to all fire districts on January 11 reminding them the last day to file for the May 4, 2010, fire district election was February 18. PCRFD#1 Chief Dann Babcox said he was told the district did not receive that letter. Malone said the deputy election administrator stated on March 1, 2010, the county did not receive any nominations by the February 18 deadline and told PCRFD#1 the Commission shall appoint trustees necessary to fill the vacancies. Malone said Chuck Donovan was appointed August 2009, to fill a vacancy which will expire in May 2010 and Dan Karell's appointment will expire on the same date, leaving two vacancies on a five-member board.

Applicants Chuck Donovan, Kevin Funk and Dan Skattum stated reasons why each is applying for and what assets they bring to the board.

Commissioner Malone asked meeting attendees if the board should be made up of fire fighters. Funk and PCRFD#1 Fire Chief Dann Babcox said a mixture of individuals with and without firefighting knowledge should be on the board. Babcox said knowledge of the business is important.

Citizen Bill Spanring said fires are being extinguished, and the problems at PCRFD#1 are not a fire issue but a management issue. He said PCRFD#1 needs management that understands how to build brotherhood, morale and an environment where people want to train.

Commissioner Durgan asked whether an issue exists with Funk being registered to vote in Precinct 2 of Park County and not in the PCRFD#1 voting area. Durgan said he agrees the firefighting force is not in question, but it is the management of the department. Durgan said he is going to be diligent in recognizing deadlines in the future so the Commission is not put in the position of making Band-aid fixes such as this appointment. He said he feels it would be better served to postpone a decision and reconvene after the Commission gets a decision from the civil deputy county attorney about Funk's registration status.

Commissioner Malone said he knows nothing about fire management and thinks the current board, with exception of the two applicants, should select two people of their choice, interview and rank them accordingly and make recommendations to the Commission. Funk said he thinks the appointing needs to be done outside the board and the Commission should determine the qualifications of the applicants.

Commissioner Taylor made a motion to use two fire council people from other fire districts with the three existing PCRFD#1 board members not running for appointment to provide the Commission with a list of three recommended board candidates from which the Commission will make a selection. Commissioner Durgan seconded that motion. Motion passed.

The Commission said it will make a decision on board members after recommendations are received.

@11:24:03 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

April 19, 2010

Signing of Resolution Reestablishing the Accounting Department

@11:33:07 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; Martha Miller, auditor; Denise Nelson, clerk and recorder; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign a resolution reestablishing the accounting department.

Civil Deputy County Attorney Shannan Piccolo said the commission decided on February 4, 1988, to create the accounting department with individuals from the clerk and recorder's and treasurer's offices, but a resolution was never established per law creating an accounting department. Commissioner Malone read into record a statement Clerk and Recorder Denise Nelson consents and agrees to the delegation of duties set forth in the resolution by the board of commissioners.

Commissioner Taylor made a motion to accept Resolution #1078 to reestablish the accounting office by mutual agreement with the Park County Clerk and Recorder.

Commissioner Durgan seconded that motion. Motion passed.

@11:38:02 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

April 19, 2010

Discussion of Dogs Running Loose in County

@1:32:13 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Brenda Viers, citizen; Matt Dettori, Livingston Enterprise; Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss dogs running loose in the county.

Citizen Brenda Viers said she owns Livingston Self Storage at 5237 US Highway 89 South and is present to ask whether any ordinances, rules, or regulations exist for dogs in the county. Viers said she has documentation of numerous calls to Dispatch 911 about a neighbor dog that enters her property. She said she once had to protect herself from the dog with a snow shovel. Viers said her neighbor has made sincere efforts to restrain his dog, but it occasionally continues to enter the property, and she is asking what she can do when a dog is running loose within proximity of her tenants, employees and business. Viers said she is concerned about liability issues with the known fact the dog appears aggressive, and she is concerned about what would happen if someone is bitten by the dog.

Commissioner Taylor said there is no leash law in the county, but per Ordinance #19 (viscous dogs) dogs are not allowed to harass livestock, wildlife or people. Taylor said ranchers have a legal right to protect their livestock outside of shooting distance from a town. He said the Sheriff's Office is the animal control officer in the county.

Commissioner Durgan said writing an ordinance for dogs (other than for viscous dogs) would be difficult because it is difficult to capture all behaviors a dog can present.

Citizen Chuck Donovan said it isn't so much dogs harassing livestock, but people not taking care of their dogs and then expecting everyone else to feel sorry for them when something happens with their dogs.

Taylor said the Commission will talk with legal staff and law enforcement on the matter and report back to Viers.

@1:51:38 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

April 19, 2010

Discussion of Budget to Actual Revenue and Expenditures

@2:10:11 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; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss county budget to actual revenues and expenditures.

Finance Director Lani Hartung provided the Commission with budget to actual comparisons for the third quarter of the fiscal year, which include a treasurer's cash report. The Commission reviewed that report.

@3:19:33 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

April 19, 2010

3:00 P.M. – Local Advisory Committee Meeting – Livingston Drop-in Center –  
Commissioner Taylor attended

April 20, 2010

Review of Daily Correspondence and Agenda

@8:34:27 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. April 29-30 Revenue and Transportation Committee - To Commissioner Durgan for review
- Memo re. MSU Extension town hall meeting schedule

- Citizen memo re. Travertine Road grading
- Memo re. April 20 Montana Rural Education Association meeting
- Citizen memo re. refuse assessment reimbursement
- Memo re. 2009 volunteer time dollar amount
- Memo re. April 26 Montana Board of Health meeting
- Memo from HR re. April 23 clerk and recorder position interviews
- Memo re. April 22 YGM meeting agendas
- Memo from Emigrant census takers re. census information - To file

@8:48:13 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

April 20, 2010  
County Road Updates

@9:04:17 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; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss county road issues.

Road Supervisor Ed Hillman said the road crew continues widening of O'Rea Creek Road and will finish that job by the end of the week. He said the crew will install culverts and gravel that road after widening work is completed. Hillman said the crew has not yet patched a hole in Mill Creek Road.

@9:19:13 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

April 20, 2010  
Department Head Meeting

@9:32 a.m., Chairman Malone called a meeting to order in the West Room of the City/County Complex. Commissioners Durgan, Malone and Taylor were present. Also present were Lani Hartung, finance; Clay Williams, weed/junk vehicle; Ed Hillman, road; Martha Miller, auditor; Jill Ouellette, HR; Paul Shea, interim museum director; Ed Barich, county superintendent of schools; Linda Budeski, justice of peace; Philip Fletcher, planning; Suzanne Brown, public health nurse; Kevin Larkin, treasurer; Raea Morris, executive assistant; Tracy Mosley, Extension; Denise Nelson, clerk and recorder; Kim Knutson, fair; Bruce Martin, maintenance; Richard Wright, transfer station; Allan Lutes, sheriff; and Commission Minutes Clerk John Mueller.

Commissioner Malone opened the floor to public comment. None made.

Legal Ads/Department Budgets: Commission Executive Assistant Raea Morris said the Commission will pay for board opening advertisements, but departments and offices must pay for their legal advertisements. Finance Director Lani Hartung said the same budgeting schedule as last year will be used where department heads and elected officials can choose to meet with the finance department before their budget meetings with the Commission. Hartung said the goal is to have a preliminary budget by June, and she would like budget worksheets submitted by May. Hartung said department heads and elected officials need to be sure employees only use vacation hours budgeted for.

Timesheets/Absence Requests: Hartung said county policy requires all employees except elected officials to complete and sign timesheets. She said policy states approved leave requests are to be filled out, and attaching those to timesheets is helpful for the accounting department. Commissioner Malone said the Commission would like the paperwork attached to the appropriate timesheets, and it is the department heads' and elected officials' responsibility to make sure employee timesheet figures are accurate. Hartung said timesheet format will change on July 1 to include employee in and out times.

Review of Human Resources Forms: Human Resources Analyst Jill Ouellette provided an emergency employee information, equipment loan agreement and request for leave forms for review. Ouellette said sick leave forms must be filled out regardless of whether a sick absence has already occurred, and overtime hours must be approved by an elected official or department head in advance of overtime hours being worked in order to avoid exceeding budget dollars.

Laserjet 13A Printer Cartridge: Clerk and Recorder Denise Nelson said a Laserjet 13A printer cartridge is available in her office.

911 Calls: Hartung said courthouse employees must dial "9" before dialing 911 from inside the building, and callers must tell Dispatch 911 from which office the call is being placed.

Roundtable Discussion of Activities: Department heads and elected officials reported on recent and ongoing activities and projects.

The next department head meeting is scheduled for May 18, 2010, at 9:30 a.m. in the Community Room.

@10:40 a.m., the meeting adjourned.

April 20, 2010  
Human Resources Updates

@10:51:43 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; Lani Hartung, finance; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss activities in the Human Resources Department.

Human Resources Analyst Jill Ouellette provided the Commission with employee performance appraisal and change of status forms and a change of employee job title form for signature and review. Ouellette said she addressed an employee exit interview form; an update from the county union negotiator regarding a wage and hour complaint; and an employee memorandum regarding resignation date. She said she posted position announcements for the clerk of court and IT Manager; received a quote for county flex plan from Allegiance; reviewed a county computer use policy; addressed an employee disciplinary issue; worked on an employee unemployment claim; discussed an approval process of disciplinary measures with the MACo attorney; conducted a training process with the road supervisor on an employee performance appraisal review; addressed a sheriff's office employee longevity pay issue; and discussed policy and procedure issues with a PCRFD#1 board member;

Ouellette said an AFLAC representative visited with county employees, a new employee is working in the detention office, and mandatory random drug testing took place on April 20.

Ouellette said there was an issue of an employee changing her own W-4 deductions information. Finance Director Lani Hartung said she has drafted a written internal policy for the accounting department on the matter stating employees are not to change their own payroll of personal information. The Commission said it will make a countywide policy to avoid such an issue in the future.

@ 11:20:23 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

April 20, 2010

Consider Approval of the Braham Family Transfer

@ 11:32:30 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Mike Inman, community development; Doug Braham, landowner; George Borneman, surveyor; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to consider approval of a Braham Family Transfer Exemption Application.

Commissioner Malone read into the record information the applicant must submit to the county as part of his family transfer exemption application. Senior Planner Mike Inman said Applicant Doug Braham met with him prior to submitting his family transfer exemption application for property on Cedar Bluff Road to inquire about planning issues

and protocol. Inman said he provided Braham with the proper procedures Braham would have to follow, as well as review procedures the planning division must undertake. Inman said he suggested Braham provide legal access to each proposed transferred lot. He said Braham's application was complete, accurate, complies with all standards and regulations and received approval from the planning division of the Community Development Department, county attorney's office and the sanitarian. Inman said Braham has affidavits for each child to be gifted property under the Montana Uniform Gifts to Minors Act.

Applicant Doug Braham said he and his wife have three young children, and are planning for their children's future with an opportunity to provide them with a home site in an area he has come to love. Braham said the intention of the application is to provide his children with an opportunity to build on the property in 15 to 20 years from now if they wish. Braham provided the Commission with an aerial photograph of potential future build sites if the family transfer exemption application were approved.

Commissioner Taylor made a motion to approve the Braham Family Transfer. Commissioner Durgan seconded that motion. Motion passed unanimously.

@11:46:21 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

#### April 20, 2010

1:00 P.M. – Commissioner at RC&D Meeting – Farm Bureau, Bozeman – Commissioner Taylor attended

1:30 P.M. – Commissioner at Senior Center Project Construction Progress Meeting – Livingston Senior Center – Commissioner Taylor attended

#### April 20, 2010

##### Discussion of Mill Levy Analysis for FY 2011

@3:18:48 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 a mill levy analysis for Fiscal Year 2011.

Finance Director Lani Hartung provided the Commission with a spreadsheet presentation of projected county mill values for Fiscal Year 2011 based on countywide general mills distribution from 2001. Hartung said she estimates mill values at \$36,582 with the current mill value at \$36,285.

@3:52:03 p.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

April 20, 2010

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

April 21, 2010

Review of Daily Correspondence and Agenda

@8:34:36 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; Allan Lutes, sheriff; Scott Hamilton, undersheriff; 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. revolving loan fund
- Citizen memo re. Merrill Lane road conditions

Commissioner Durgan reported on an April 20, 2010, RC&D meeting.

Undersheriff Scott Hamilton said DW Burns provided an estimate of \$350 to repair a furnace drain in the Gardiner Sheriff's Office.

@8:58:39 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

April 21, 2010

9:00 A.M. – Claims Review – Commissioners Chambers

April 21, 2010

Consider Decision on Resolution Adopting a Preliminary Park County Bridge CIP

@11:33:03 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, community development; Shannan Piccolo, civil deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a resolution adopting a preliminary bridge capital improvements program for Park County.

Community Development Director Philip Fletcher said it is a requirement for Park County to have a Capital Improvement Program (CIP) to provide more evaluation points on various grant applications. Fletcher said a CIP involves inventory, condition analysis

and estimated costs of replacement of county bridges. He said priority bridges, those in line after the 9<sup>th</sup> Street Island and Bailey bridges, will be put into Phase II of the county CIP after June 30, 2010.

Civil Deputy County Attorney Shannan Piccolo reviewed the resolution for content.

Commissioner Taylor made a motion to accept Resolution #1079, which accepts preliminary CIP Part I bridges as presented by the Economic Development Department. Commissioner Durgan seconded that motion. Motion passed.

There was discussion about changes to the Federal Resource Conservation and Development program, financial programs it will provide and whether it is worth Park County continuing with the organization. Fletcher said he thinks it is worth partnering with RC&D if the organization is restructured and operated properly.

@12:09:53 p.m., the meeting adjourned.

#### April 21, 2010

1:00 P.M. – Weed Board – East Room – Commissioner Durgan attended

#### April 22, 2010

8:00 A.M. – Election Judge Training – West Room

8:00 A.M. – Election Judge Training – Community Room

#### April 22, 2010

##### Review of Daily Correspondence and Agenda

@8:38:36 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioner Durgan, Malone and Taylor were present. Also present were Raea Morris, executive assistant; Allan Lutes, sheriff; 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. Angel Line meeting information - To Commissioner Malone for review
- Memo re. May 18-19 Housing and Urban Development payments
- Memo re. Fiscal Year 2011 floating mill tax calculations spreadsheet
- Memo from Undersheriff Hamilton re. citizen dog issue
- Citizen memo re. poor condition of Miller Drive - To file
- Memo re. Arthun Pit open cut mining application - To Commissioner Taylor for review

- Memo from Stillwater Mine re. 2009-2010 tax base sharing report

@8:57:03 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

April 22, 2010

Consider Decision on Waiver of Taxes on Unlivable Mobile Homes

@9:42:22 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioner Durgan and Malone were present. Also present was Commission Minutes Clerk John Mueller. No public comment made.

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

Commissioner Durgan read into the record meeting minutes from a December 2009 meeting and discussion held with Citizen Ed Skillman regarding refuse taxes on mobile homes: "Skillman said he would pay the taxes on the trailers but would like the refuse assessments reimbursed as no refuse was generated while trailers were abandoned. The Commission said it would 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."

Durgan said the Commission has since determined the solid waste board waived one year's taxes, but there are a total of three years' refuse assessments due. Durgan said in consulting with County Treasurer Larkin, Larkin said the Commission can waive refuse assessments, but taxes would need to be paid. Durgan said Mr. Skillman has already agreed to do that.

Commissioner Durgan made a motion to waive all refuse taxes including the one year back assessment the solid waste board agreed to waive. Commissioner Malone seconded that motion. Motion passed.

@9:45:14 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

April 22, 2010

1:00 P.M. – Interviewing – East Room

April 23, 2010

Review of Daily Correspondence and Agenda

@9:31:42 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioner 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. April 27 Yellowstone Gateway Museum meeting agenda - To Commissioner Taylor for review
- Memo re. April 28 Livingston Luau at the Office Lounge
- Memo re. Gallatin Mental Health Center move to Haggarty Lane in Bozeman - To Taylor for review
- Memo from Regional Youth Offenders re. change of per diem rate
- Memo re. RC&D - To Commissioner Durgan for review

The Commission reviewed its upcoming meeting schedule.

@10:00:08 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

April 23, 2010

8:30 A.M. – Employee Safety Tape Viewing – Community Room

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

10:00 A.M. – Commissioner in Clyde Park to Hear Area Residents Concerns – Clyde Park Town Hall

Marty Malone  
Chairman, Park County Commission  
Park County, Montana

Denise Nelson  
Clerk & Recorder  
Park County, Montana