

Park County Commission Meeting Minutes
Week of August 2 – 6, 2010
Park County, Montana

August 2, 2010

8:30 A.M. - Commissioner at Fairgrounds for 4-H Animal Judging - Park County Fairgrounds

August 2, 2010

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:43:20 a.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan 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 FWP re. bear attractants in Cooke City, Montana
- Memo re. box lunches by Baptist Church
- Memo from 6th Judicial Court re. last quarter juvenile detention placements
- Memo re. maintenance agreement for Clark Street in Wilsall
- Memo re. fire restrictions as of August 2
- Gardiner citizen memo re. rafting company noise
- Citizen memo re. proposed wind farm meeting - To community development for review
- Memo from Nittany Grantworks re. Fleshman Creek payment
- Memo re. Montana oil and gas payments
- Memo from DEQ re. West Moreland lignite coal mine public comment period
- Memo re. Livingston Transportation Coordinating Committee minutes - To Commissioner Malone for review
- Memo re. 89 Bridge project 2011 date
- Memo re. July Safety Committee meeting minutes

@9:12:15 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

August 2, 2010

Review of Minutes for Week of July 26, 2010

@9:46:20 a.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present was Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to review and approve Commission meeting minutes for the Week of July 26, 2010.

Commissioner Durgan requested a revision to Page 3 of 12, noting the correct spelling of the word “chutes.” Durgan noted Commissioner Malone attended a Transportation Committee meeting on July 28.

Commissioner Taylor requested a revision to Page 7 of 12, a bulleted item should read, “Memo from clerk of recorder’s office re. typewriter disposed of by cleaning crew.”

Commissioner Taylor made a motion to approve the minutes as changed. Commissioner Durgan seconded that motion. Motion passed.

@9:50:57 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

August 2, 2010

Consider Decision on Changes to Bylaws for Parks and Recreation and Planning Boards

@10:34:28 a.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Philip Fletcher, community development; Shannan Piccolo, civil deputy county attorney; Raea Morris, executive assistant; Chuck Donovan, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to consider a decision on changes to bylaws for the Parks and Recreation and Planning Boards.

Community Development Philip Fletcher said the Parks and Recreation Board is proposing one at-large board member from the county, to include individuals living within the incorporated areas of the City of Livingston and the Town of Clyde Park.

Commissioner Taylor made a motion to accept the Parks and Recreation Board bylaws change as proposed by Mr. Fletcher. Commissioner Durgan seconded that motion. Motion passed.

Fletcher said proposed changes to the Planning Board bylaws to change the board title to “Park County Planning and Development Board” intend to capture individual board members’ economic development and planning interests.

Commissioner Taylor made a motion to approve the bylaws for the Park County Planning and Development Board as proposed by Mr. Fletcher. Commissioner Durgan seconded that motion. Motion passed.

Citizen Chuck Donovan said he has a problem with planning board members who do not live in the donut area addressing donut area zoning issues.

@10:57:58 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

August 3, 2010

8:00 A.M. – City/County Meeting - Community Room – Commissioner Taylor attended

August 3, 2010

Review Daily Agenda, Correspondence and Briefing on Current County Projects

@8:35:06 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; Philip Fletcher, community development; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Commissioner telephone bill - To Commissioner Taylor for review
- Citizen memo re. Meredith Ranch Road issue
- Memo re. Paradise and Shamrock Lanes missing rural addressing signs
- Memo from executive assistant re. GIS assistance complaints
- Legal advice to Commission from civil deputy county attorney
- Memo re. HB 645 funds expenditure by Sept 30
- Memo from DOWL HKM re. landfill methane monitoring invoice
- Memo from Normont Equipment Company re. mower purchase invoice
- Memo from LEPC - To Commissioner Durgan for review

Community Development Director Philip Fletcher provided an update on the 9th Street Island Bridge Replacement Project; Fleshman Creek Restoration Project; Energy Efficiency Community Development Block Grant application; and a proposed wind farm project.

@9:03:10 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

August 3, 2010
County Road Updates

@9:07:33 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; Ed Hillman, road; Citizens Chris Davis, Dave Davis and Bill Harris; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss county road issues.

Road Supervisor Ed Hillman said he called Anderson Precast for an estimate to replace a broken cement manhole cover in the City/County Complex parking lot. Hillman said the road crew is patching Rock Creek Road and hauling materials to an Eight Mile culvert installation project site. Commissioners Durgan and Taylor said a dip remains in a recently patched culvert sink in the Pine Creek cutoff road. Durgan said something needs to be done before ice forms in the dip. The Commission said it will schedule a public meeting to discuss what to do regarding maintenance issues of Duck Creek Road.

Citizen Dave Davis of 208 Llama Street said he has telephoned Hillman quite a few times and left messages for returned calls the last couple of years and now the answering machine is not working. Davis said Llama Street is in rough shape, potholes are getting bad and his car is starting to feel the pain of the road. He said the last time the road was graded gravel was scratched into some holes, but that did not hold up. Chris Davis said cars can no longer straddle potholes and the road needs gravel. She said weeds on Miles Lane are so tall someone will get T-boned, and snow fence was not installed last winter and she was snowed in six times or so last winter. Hillman said Miles Lane is now a city road, but the snow fence will be erected this winter. He said he knows Llama Street is in bad condition and a road grader will move to that road as soon as it finishes grading Suce Creek Road. The Commission directed Hillman to contact Chad Standish to inquire whether he would like to continue a road grading contract with the county.

Citizen Bill Harris asked what is going on with a fence in the county right-of-way on Billman Lane. He said moving the fence back would relieve a bottleneck in the road. Civil Deputy County Attorney Shannan Piccolo said the road would need to be surveyed to determine the location of the right-of-way and research conducted as to whether an encroachment permit was issued to the landowner with the fence.

@10:03:09 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

August 3, 2010
Human Resources Update

@10:06:53 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were

Jill Ouellette, Human Resources; Scott Hamilton, undersheriff; and Commission Minutes Clerk John Mueller. No public comment made.

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

Undersheriff Scott Hamilton said he is dealing with change of status forms from deputies who would receive longevity pay increases at the beginning of the new fiscal year and he needs to know whether the Commission will freeze all employee wages in addition to elected official wages. Commissioner Malone said his opinion is all wages are frozen. Commissioner Taylor said he agrees with that. The Commission said it will schedule an official meeting to make an announcement.

Human Resources Analyst Jill Ouellette provided the Commission with change of status forms for signature, including a sick grant for a department head, green box rover maintenance position, temporary road crewman and Treasurer's Office six-month probation wage increase. Ouellette provided estimates of hail damage repair for Wilsall road shop buildings and updated the Commission on projects and activities on which she has been working.

@10:43:46 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

August 3, 2010

Signing of Amendment to Infrastructure HB 645 Grant

@10:47:58 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Philip Fletcher, community development; Lani Hartung, finance; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign an amendment to an Infrastructure House Bill 645 grant.

Finance Director Lani Hartung said the county changed the scope of work for grant fund expenditures at the Department of Commerce's suggestion to include 9th Street Bridge Replacement Project engineering and permitting and reconstruction of county roads and stream crossings. Commissioner Malone said all county HB 645 funds will be expended by September 30, 2010.

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

@10:52:21 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

August 3, 2010

Signing of HVAC Maintenance Agreement with Rick's Refrigeration

@11:01:42 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; Richard Leckner, Rick's Refrigeration; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign an HVAC maintenance agreement with Rick's Refrigeration.

Commissioner Malone said he will recuse himself from voting because of a family relation to Leckner.

Commissioner Taylor made a motion to approve the signing of the HVAC with Rick's Refrigeration. Commissioner Durgan seconded that motion. Motion passed. Commissioner Malone abstained from voting.

@11:08:04 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

August 3, 2010

Consider Decision on FFA Booth "Oasis" with Fair Board

@11:31:29 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; Kim Knutson, fair manager; Fair Board Members Mike Adams, Bob Skillman and Kelli Parker; Dan Gutebier, Taylor-Leavitt; Bob Anderson, FFA Alumni; Citizens Kevin Fochs, Julie Kennedy, Alan Richfield and Paul Sunvison; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to consider a decision on a Future Farmers of America (FFA) "Oasis" booth with the Fair Board.

Fair Manager Kim Knutson said an issue of liability insurance arose for a FFA concession booth when the FFA invited additional vendors to the Oasis Picnic Area, and an attempt was made to iron out the issue this spring, although she admitted she was tardy in forwarding the FFA subcontractor contract to Civil Deputy County Attorney Piccolo.

Bob Anderson, Park County FFA Alumni, said the FFA was unaware it would need liability insurance to sell alcohol at its Oasis vending stand since the FFA has been running under the county's liability insurance for x-number of years and there was no assumption that would change.. He said he did not receive a revised contract until 10 days before the fair was to start, but he received an insurance quote of \$770.

Commissioner Malone asked why the change occurred. Piccolo said the county attorney's office requires liability insurance for all subcontractors and people who do work for the county so the county is not on the hook if something happens. She said potential liability for alcohol is huge and she is unaware why insurance was not required in the past if in fact it was not. Malone said his issue is everyone must be treated the same at the fairgrounds.

Dan Gutebier of Taylor-Leavitt said the county and Fair Board are covered by its insurance provider for sponsored events at the fair. He said the issue at hand is ultimately the Commission's decision, but MACo has stated it will subrogate and go after the entity responsible for a claim if it determines the event/entity did not meet the criteria and an issue arises. Gutebier said MACo has separated various types of events into classes in helping to draw a line of when liability is assumed and by whom.

Citizen Kevin Fochs said the county needs to have umbrella insurance coverage for the entire fair because it seems vague now in picking and choosing components of events or events on certain days.

Anderson said he will buy the insurance, but he has issue with the short timeframe of everything. Knutson and Mike Adams, Fair Board, said all vendors are treated the same at the fairgrounds.

@12:08:58 p.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

August 3, 2010

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

4:00 P.M. - Livingston Trust Meeting – Livingston Enterprise – Commissioner Malone attended

August 4, 2010

Review Daily Agenda, Correspondence and Briefing on Current County Projects

@8:37:08 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:

- Citizen memo re. rafting company issues
- Memo from county teamsters rep re. longevity issues

- Memo re. Livingston Community Trust proposal
- Memo re. cell tower leases
- Memo from road supervisor re. emergency access through Eight Mile culvert work area
- Memo from GIS Manager re. department status
- Memo re. Safety Committee agenda - To Commissioner Durgan for review
- Memo re. LEPC meeting agenda - To Durgan for review
- Memo from county auditor re. examination of county books as of June 30, 2010
- Memo re. Montana DES weekly update
- Memo from community development director re. bridge construction bid requirement
- Memo from county superintendent of schools re. special transportation meeting
- Memo re. quote to repair Wilsall road shop buildings

Commissioner Durgan said he will participate in library interviews.

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

August 4, 2010
Personnel Meeting

@9:03:09 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; Erica Hoffman, GIS/IT; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to address a personnel issue.

GIS Manager Erica Hoffman requested the meeting close to the public.

Commissioner Taylor made a motion to close the meeting. Commissioner Durgan seconded that motion. Motion passed.

@9:25 a.m., the meeting adjourned.

August 4, 2010
Presentation of FEMA Freshman Creek Funds

@10:02:19 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Philip Fletcher, community development; Belinda Van Nurden, county DES; Kent Atwood, Montana DES; Todd Wester and Hannibal Anderson, Livingston Public Schools; Bob Fry, fire warden; Brianne Rogers, Senator Baucus representative; Mary Ellen Szafranski, Livingston Health Care; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to present Federal Emergency Management Agency
Fleshman Creek funds.

Kent Atwood, Montana Disaster and Emergency Services, presented the Commission
with a check for \$2,280,000 as part of a \$3,040,000 Fleshman Creek Flood Mitigation
Project.

@10:23:05 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that
motion. The meeting adjourned.

August 4, 2010

10:00 A.M. – Listening Session with Congressman Rehberg – District Courtroom

1:30 P.M. – Commissioners at Fair Pie Tasting Contest – Fairgrounds

3:00 P.M. – Parks and Recreation Board – West Room – Meeting minutes available at
www.parkcounty.org and in the Community Development Department

August 5, 2010

8:30 A.M. - Juvenile Detention Teleconference Meeting - Juvenile Detention Office

August 5, 2010

Review Daily Agenda, Correspondence and Briefing on Current County Projects

@8:36:59 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. Health Forest Initiative
- Memo re. August 19 onsite meeting for Duck Creek Road
- Memo re. courthouse energy efficiency retrofit project

Road Supervisor Ed Hillman said the Forest Service emailed him with an offer to grade
the road from the South Fork of Deep Creek to the Forest Ranger Station and Travertine
Lane on a one-time basis. Hillman said he gave the Forest Service permission to water
and grade the Jardine Hill to the campground today.

Hillman said he ordered a storm drain manhole cover in the City/County Building parking lot.

Hillman said Eight Mile Road will be passable this evening with installation of a culvert, the road crew will work on the Hunter's Hill bridge deck next week, a tree is down on 9th Street Island, and the road crew started patching Rock Creek Road. Hillman said he wants to replace a narrow bridge with a culvert on a second fork of Eight Mile Road.

There was discussion about insulation options and costs to heat road shops in Wilsall and Clyde Park.

@9:08:37 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

August 5, 2010

Signing of Energy Efficiency Community Block Grant; Consider Decision to Go Out to Bid for Grant Tasks

@10:02:45 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Philip Fletcher, community development; Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign an Energy Efficiency Community Development Block Grant and consider a decision about how to go out for bid for grant tasks.

Community Development Director Philip Fletcher said the grant was submitted in February and fully funded, with partial funding for conditioning controls. He said Commission signature enables commencement on the project.

Commissioner Durgan made a motion to sign the energy efficiency community block grant. Commissioner Taylor seconded that motion. Motion passed.

In other discussion, there was discussion about protocol for going out for bid. Commissioner Malone said he suggest splitting the grant work into three contracts, one contract each for plumbing, electrical and HVAC.

@10:22:43 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

August 5, 2010

Consider Decision on MOA with FHWA for 9th Street Bridge Replacement Project

@11:00:57 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were

Shannan Piccolo, civil deputy county attorney; Philip Fletcher, community development; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider signing a decision on a memorandum of agreement with the Federal Highway Administration for the 9th Street Bridge Replacement Project.

Community Development Director Philip Fletcher said the county attorney's office has reviewed the MOA from the FHWA, which is parallel to the MOU the county sent to that agency. Fletcher said an FHWA representative told him the county must go out to bid for construction oversight engineering services for the 9th Street Bridge Replacement Project.

Commissioner Taylor made a motion to sign the MOA with the Federal Highway Administration with Park County pertaining to the 9th Street Bridge Project. Commissioner Durgan seconded that motion. Motion passed.

@11:17:02 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

August 5, 2010

Review Certified Taxable Valuations and Budget for FY 2011

@1:12:11 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; Colleen Singer and Scott Hamilton, PCSO; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to review certified taxable valuations and budget for Fiscal Year 2011.

Finance Director Lani Hartung provided a report of the county's received certified taxable valuations. Hartung said the county general mill will increase from \$36,285 to \$37,589 for the fiscal year.

The Sheriff's Office budget was reviewed, and there was review of county permissible medical levy expenditures. Department requested adjustments to the budget were made.

@2:45:01 p.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

August 5, 2010

6:00 P.M. - Upper Yellowstone Watershed Basin Meeting - St. John's Church, Emigrant

August 6, 2010

Review Daily Agenda, Correspondence and Briefing on Current County Projects

@8:31:55 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; Ed Hillman, road; 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. Yellowstone River Symposium - To Commissioner Durgan for review
- Memo from PCEC re. Fleshman Creek Project
- Memo re. Interim Transportation Committee - To Durgan for review
- Citizen memo re. road gravel issues in Cooke City

The Commission telephoned Harold Blattie of MACo to discuss difficulties it has had with gravel mining permitting with Montana DEQ.

@9:34:24 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

Marty Malone
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana