

Park County Commission Meeting Minutes  
Week of August 9 – 13, 2010  
Park County, Montana

August 9, 2010

Review Daily Agenda, Correspondence and Briefing on Current County Projects

@8:32:12 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; Ed Hillman, road; Barbara Woodbury, sanitarian; 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. medical marijuana business
- Memo from CASA - To Commissioner Taylor for review
- Memo from attorney re. Crowne Butte Mine inquiry
- Memo re. Veteran's Affairs Interim Committee - To Commissioner Durgan for review
- Memo from county attorney re. telephone policy

Sanitarian Barbara Woodbury said items with mold in the Gardiner Sheriff's Office were removed and deposited in green boxes; ceiling and wall seams were caulked and painted; and floor mold was removed with bleach water. Woodbury said she thinks mold and dirt are the issue with the building and not asbestos. She said someone needs to clean the building floor to ceiling and keep it clean, and she will contact a cleaning contractor.

Road Supervisor Ed Hillman said the road crew will install culverts on West Boulder Road and Swingley Road, re-deck a bridge on Hunter's Hill in Clyde Park, and he would like the crew to replace a small bridge with a culvert on the north fork of Eight Mile Road. Hillman said the road crew is hauling gravel to Old Yellowstone Trail and more gravel will be hauled to West Boulder Road.

@9:18:50 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

August 9, 2010

Review of Minutes for Week of August 2, 2010

@10:02:39 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 review and approve Commission meeting minutes for the Week of August 2, 2010.

Commissioner Malone requested a revision to Page 10 of 12; the first sentence should read, "Hillman said he ordered a storm drain manhole cover in the City/County Building parking lot."

Commissioner Taylor requested a revision to Page 11 of 12, noting the correct spelling of Colleen "Singer."

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

@10:03:38 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

August 9, 2010

Signing of Contract with Normont Equipment for Durapatcher Trailer

@10:31:43 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; Lani Hartung, finance; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign a contract with Normont Equipment for a Durapatch trailer.

Commissioner Malone said the professional services contract includes a \$10,000 down payment and payments of \$5,745 due in July of each year.

Commissioner Taylor made a motion to sign the contract with Normont Equipment for a Durapatcher Asphalt Patch trailer. Commissioner Malone seconded that motion. Motion passed.

@10:34:07 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

August 9, 2010

1:00 P.M. - FY 2011 Budget Workshop - Commissioners Chambers – Canceled due to commissioner scheduling

3:00 P.M. – Local Advisory Committee - Mental Health Drop-In Center, Livingston, MT

August 10, 2010

Review Daily Agenda, Correspondence and Briefing on Current County Projects

@8:31:28 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; Scott Nelson, CTA Engineering; 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. Moose Horn Gallery 3<sup>rd</sup> Annual Benefit Art Show
- Memo from Department of Homeland Security re. FEMA flood insurance
- Memo re. county cash-on-hand report

Scott Nelson of CTA Engineering said Oasis Environmental is to have 9<sup>th</sup> Street Island Replacement Project permitting information to him today for submission to the Federal Highway Administration on August 11 to prepare for putting the project out for bid.

@8:47:03 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

August 10, 2010

County Road Updates

@9:01:43 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; Shannan Piccolo, civil deputy county attorney; Chad Hanson and Bill Lloyd of Great West Engineering (via telephone); and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss county road issues.

There was discussion with Chad Hanson and Bill Lloyd of Great West Engineering regarding a proposal on Cooke City gravel specifications, as well as a water pipe buried beneath the road.

Road Supervisor Ed Hillman said road crewmen will move a big rock off of Cokedale Road after receiving notification from 911 Dispatch, crewmen are patching south of town today and the crew will remove a fallen tree on 9<sup>th</sup> Street Island today. He said he and Commissioner Taylor drove Cokedale Road, and a woman complained of car damage from Meigs Road.

Commissioner Malone said he directed a private contractor to address a second washout on Bannack Trail.

@9:33:57 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

August 10, 2010

Human Resources Updates

@9:34:42 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; 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 change of status forms for a temporary employee in the MSU Extension Office, IT/GIS Manager and a short-term employee. Ouellette said she is changing use of billboards in the courthouse, but would like to retain a space near the finance department for county job postings.

There was discussion about upcoming mediation with Sheriff's Office longevity negotiations.

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

August 10, 2010

Signing of FEMA Pre-Disaster Mitigation Project Grant

@10:32:31 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; Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign a Federal Emergency Management Agency (FEMA) Pre-Disaster Mitigation Project grant.

Civil Deputy County Attorney Shannan Piccolo provided the Commission with paperwork for signature to release FEMA Pre-Disaster Mitigation Project grant funds.

Community Development Director Philip Fletcher said three issues exist with grant language, including two inaccurate project completion dates, and FEMA funds will be frozen until the county's mitigation plan is updated.

Commissioner Durgan made a motion to wait to sign the grant agreement until the Commission receives clarification from FEMA personnel. Commissioner Taylor seconded that motion. Motion passed.

@10:54:48 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

#### August 10, 2010

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

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

#### August 11, 2010

##### Review Daily Agenda, Correspondence and Briefing on Current County Projects

@8:31:44 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; Ed Hillman, road; Suzanne Brown, health department; Shannan Piccolo, civil deputy county attorney; Erica Hoffman, GIS/IT; 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. easement agreement with Montana Rail Link for Clark Street in Wilsall
- Memo from Ed Tinsley re. amendments to Fleshman Creek Project grant language
- Memo re. 2010 Crime Prevention Conference
- Memo from BLM re. parking issues at Madison River Recreation sites
- Memo re. August 12 LEPC meeting agenda
- Memo from clerk of court re. jurors report
- Memo re. August Planning Board agenda
- Memo from JPIA re. credits
- Memo re. HB 645 grant 9<sup>th</sup> Street Bridge project revisions
- Memo from RYO re. address change - To Commissioner Durgan for review
- Memo from MDT re. tree on 9<sup>th</sup> Street Bridge

Public Health Nurse Suzanne Brown said she would like to move the Well Child Clinic from Washington School into GIS Manager Erica Hoffman's old office. The Commission said it will consider Brown's request and discuss space issues with the coroner.

Civil Deputy County Attorney Shannan Piccolo said the county needs to readdress an issue with Cerium Networks regarding \$6,000 Cerium claims the county owes it, less money for returned telephone units. The Commission said it will send Cerium \$3,000 and will then try to barter over the remaining \$3,000, as well as return telephones.

@9:05:05 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

August 11, 2010

9:30 A.M. – Claims Review – Commissioners Chambers

August 11, 2010

Update and Possible Decision on Sheriff's Office Longevity Pay Issues

@10:04:21 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Scott Hamilton and Tony Steffins; PCSO; Marilyn Hartley and Lani Hartung, finance; Jill Ouellette, HR; Martha Miller, auditor; Brett Linneweber, county attorney; Vicki Knudsen, mediator; Rick D'Hooge, negotiator; Jim Stone, Teamsters Local; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled as an update and possible decision on a Sheriff's Office longevity pay issue.

Teamsters Local Representative Jim Stone said Vicki Knudsen from the State Board of Personnel Appeals is in attendance for any necessary mediation per request of the Teamsters Union. Stone said the Teamsters Local Union wants every employee represented by the Teamsters Union to receive a fair shake from the date they were first paid by Park County as a deputy moving forward regarding longevity pay. He said a grievance filed by a former sheriff's deputy should be made whole for longevity back to 1989, as was done with vacation accruals. Stone said the Teamsters contend that deputy's date of hire was 1989.

There was discussion about clarity of Commission motions in question made in a December 30 2009, meeting on the longevity issue. Contracted Negotiator Rick D'Hooge said the Commission will not provide Stone with a memorandum containing confidential legal advice County Attorney Brett Linneweber gave to the Commission at that meeting so as not to waive the Commission's attorney/client privilege. D'Hooge said he needs to receive Teamsters Local's suggested remedies to the longevity pay issue at hand, specifically an original grievance filed by a former deputy sheriff. He said he

thinks Park County's obligation is to start Clouse payments on January 17, 2004, and not before that date.

Mediator Vicki Knudsen asked to be in the loop of proposed meeting dates she is to attend.

Stone said he has stayed an unfair labor practice grievance for the time being. D'Hooge and Stone said they have further work to do on the issue together and individually.

@12:29:02 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

August 11, 2010

Fiscal Year 2011 Budget Workshop

@1:07:39 p.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; Martha Miller, auditor; Philip Fletcher, community development; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled as a Fiscal Year 2011 Budget Workshop.

Finance Director Lani Hartung reviewed three spreadsheets with the Commission dealing with a Fiscal Year 2011 levy matrix, FY '11 general fund and FY '11 special revenue funds.

The Commission adjusted mill levies on the 2011 Levy Matrix including changing the Permissible Medical Levy to 10.57.

@2:29:24 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

August 11, 2010

Litigation Strategy Concerned Citizens v. Park County

@3:03 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; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss litigation strategy for Park County Concerned Citizens v. Park County.

Commissioner Taylor made a motion to close the meeting to the public to discuss county litigation strategies. Commissioner Malone seconded that motion. The meeting closed to the public.

@3:45 p.m., the meeting adjourned.

August 12, 2010

Review Daily Agenda, Correspondence and Briefing on Current County Projects

@8:32:38 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; Mike Inman and Philip Fletcher, community development; Howard and Lucia Wendler, citizens; and Commission Minutes Clerk John Mueller.

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

Correspondence included:

- Memo from Big Moose Lodge re. sidewalk in Cooke City
- Memo from Granite Enterprises re. website restoration
- Memo from Montana DEQ re. open cut mining permit
- Memo re. independent contractor licensing
- Memo from FHWA re. Park County approval to build 9<sup>th</sup> Street Bridge
- Memo from William Duffield re. invoice
- Memo from CTA Engineering re. final design invoice
- Memo from Forest Service re. grading Deep Creek South Road

Citizen Howard Wendler said he lives one-half mile from the county line on Trail Creek Road and that road has some dangerous sink holes that have been graded over but not repaired from Coffee Creek Road to the top of the hill by Jim Wagner's property. Wendler said he was told by a Gallatin County road supervisor that millings from an interstate project may be available to improve the road. He also said there is a bad corner on the road, as eight cars went off the road three years ago near Jim Wagner's, seven went off two winters ago and a few others went off the past winter, and perhaps a sign would warn motorists. The Commission said it will talk with Road Supervisor Ed Hillman about the issue.

Senior Planner Mike Inman said the Community Development Department is working with the fire council and fire chief to submit a grant to provide Wildland Urban Interface (WUI) outreach and education to get pertinent information to citizens living in the WUI. Inman said he will try to contact Airport Board members to inform them of an informational meeting next week to discuss the county's involvement and role in a proposed wind farm on Mission Ranch. He said a special Planning Board public meeting on the issue will be held on August 17 at 6:00 p.m.

@8:58:24 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

August 12, 2010

9:00 A.M. - Safety Meeting- Commissioners Chambers – Meeting minutes available in the Commission Office

10:00 A.M. - Local Emergency Planning Committee - Community Room – Meeting minutes available in the Commission Office

August 12, 2010

Litigation Strategy for Emigrant Township Census

@1:30:53 p.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; Brett Linneweber, county attorney; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss litigation strategy for an Emigrant Township Census.

Commissioner Durgan made a motion to close the meeting to the public to discuss litigation strategies. Commissioner Taylor seconded that motion. The meeting closed to the public.

@1:48 p.m., the meeting adjourned.

August 13, 2010

8:30 A.M. - Review Daily Agenda, Correspondence and Briefing on Current County Projects - Commissioners Chambers – Commissioners individually reviewed correspondence

Marty Malone  
Chairman, Park County Commission  
Park County, Montana

Denise Nelson  
Clerk & Recorder  
Park County, Montana