

Park County Commission Meeting Minutes  
Week of July 26 – 30, 2010  
Park County, Montana

July 26, 2010

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:31:11 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; Philip Fletcher, community development; 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 from MT Dept of Commerce re. HOME grantees - To RC&D for review
- Memo re. August legislative subcommittee - To Commissioner Durgan for review
- Memo re. Montana Meth.org
- Memo from deputy county fire warden re. neighbor grass clippings
- Memo from NPS re. winter use plan public comment
- Memo from DES Coordinator re. fire restrictions
- Memo re. Yellowstone View Condominiums slope evaluation - To Community Development Director for review
- Memo from city manager re. weed agreement resolution - To civil deputy county attorney for review

Commissioner Malone said he reviewed the county road to Aldridge on July 23. Malone said the classification of the William North Road needs to be changed to Class 5.

Finance Director Lani Hartung provided the Commission with the City/County Library budget for review. Hartung requested more information regarding refuse reimbursement claims.

Community Development Director Philip Fletcher reported on a July 23 meeting he had with the Montana DNRC regarding a 9<sup>th</sup> Street Bridge Replacement Project easement cost and a July 22 meeting with the Federal Highway Administration.

@9:27:46 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

July 26, 2010

Review of Minutes for Week of July 19, 2010

@9:55:38 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 July 19, 2010.

Commissioner Malone requested a revision to Page 3 of 10; fifth paragraph, the last sentence should read, "He said a mower and donated tractors have arrived, and eight people have applied for a temporary road crewman position." On Page 5 of 10; the second paragraph should read, "Commissioner Malone said the proposed contract is for \$60 per hour not to exceed 240 hours and \$14,400 annually, with monthly invoices for work performed and an expiration date of June 30, 2011."

Commissioner Taylor made a motion to approve the minutes with the stated changes. Commissioner Malone seconded that motion. Motion passed.

@9:58:01 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

July 26, 2010

10:00 A.M. - Park County Transportation Meeting- Community Room

1:00 P.M. - Employee Safety Tape Viewing - Community Room

July 26, 2010

Consider Decision on Resolution for Open Container Restrictions at Fairgrounds

@1:31:30 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; Kim Knutson, fair manager; Mike Adams, fair board; Wes Venteicher, Livingston Enterprise; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a resolution for open container restrictions at the Park County Fairgrounds.

Civil Deputy County Attorney Shannan Piccolo said the draft resolution would set a policy of where alcohol is and is not permitted at the fairgrounds, "No Alcohol" signs can be erected, and the fair board members can confiscate alcohol and ask violators to leave the fairgrounds. Piccolo said the sheriff's office could cite violators in the future after an ordinance is established. Undersheriff Scott Hamilton said the sheriff's office can

remove unruly citizens for trespassing if they fail to leave the premises after being asked by the fair board.

Piccolo said the resolution would prohibit alcohol in livestock pens and barns, bucking chutes, roping and stripping shoots and other animal handling areas, and the parking lot. She said alcohol would remain permissible in the fairgrounds campground, RV and arena areas, and main exhibit building when that building is rented out with an alcohol permit. She said the proposed resolution came about from fair board concerns with people drinking in fairgrounds barns. Fair Board Member Mike Adams said a situation occurred last year with late-hour drinking by adults that got out of control.

Commissioner Malone said he does not think an ordinance is enforceable and wants to make sure one would be written correctly. Piccolo said the resolution would have to be posted at the fairgrounds.

@1:51:33 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

July 26, 2010

Consider Decision on Status of a Treasure State Endowment Program Grant Application

@2:06:27 p.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; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a decision on the status of a Treasure State Endowment Program (TSEP) grant application.

Community Development Director Philip Fletcher said the county planned to apply for State of Montana TSEP funds as backup funding for the 9<sup>th</sup> Street Bridge Replacement Project, and at one time those funds were the primary source of funding for the project. Fletcher said the State of Montana has requested an update on the county's planned start date of the 9<sup>th</sup> Street Bridge Replacement Project, and a 2010 TSEP grant application would not be awarded in time for the county's planned start date of September 2010. Fletcher said it will reflect poorly on Park County for future TSEP fund requests if it does not cancel its current TSEP grant application. Commissioner Malone said the county will rely solely on funding promised by Senator Tester for the project.

Commissioner Taylor made a motion to withdraw the county's TSEP funding application for the 9<sup>th</sup> Street Island Bridge Replacement Project. Commissioner Durgan seconded that motion. Motion passed.

@2:14:15 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

July 27, 2010

Review Daily Agenda, Correspondence and Briefing on Current County Projects

@8:31:29 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; Brett Linneweber, county attorney; Brian Prah and Bill Edwards, citizens; and Commission Minutes Clerk John Mueller.

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

Correspondence included:

- Memo from PCEC re. Park County recycling letter to editor
- Memo re. July 15 Fire Council meeting
- Memo from Nittany Grantworks re. PER invoice reimbursements - To community development director for review
- Memo re. open container resolution at fairgrounds
- Memo from Gallatin Valley Elevator re. proposed contract fees

Bill Edwards and Brian Prah provided a progress report on an Emigrant incorporation census they conducted, as well and an explanation of census procedure. The report included a summary finding of registered electors.

@8:52:49 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

July 27, 2010

County Road Updates

@9:02:02 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; Gordon Rothe, fire warden; Kevin Bales, Crazy Mountain Ranch; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss county road issues.

Road Supervisor Ed Hillman said the road crew patched the Shields River Road yesterday and is heading to Rock Creek likely by July 30. Kevin Bales of the Crazy Mountain Ranch said he needs road maintenance estimates from Hillman. Hillman said he will provide Crazy Mountain Ranch today with estimates for the ranch to maintain Rock Creek Road and Hammond Creek Road each year.

Hillman said the crew will install a culvert on Eight Mile Road next week, and Duck Creek Road patching will be finished on July 28.

There was discussion about the need to have the civil deputy county attorney research liability issues with Deputy Fire Warden Gordon Rothe using a county vehicle for fire incidents.

@9:26:13 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

July 27, 2010

Human Resources Updates

@9:34:26 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 an authorization access form for a new hire online background check system and change of status forms a temporary employee for the county attorney's office, deputy coroner and roll-off truck driver positions for signature. Ouellette said she addressed an issue with organization of drug testing information; is working on a sheriff's office longevity pay issue and will discuss an employment status issue with Deputy Fire Warden Gordon Rothe.

@9:50:01 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

July 27, 2010

Consider Decision on Economic Development Grant Applicant

@10:02:05 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; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a decision on an economic development grant application.

Economic Development Director Philip Fletcher said the county grants review committee reviewed and recommended approval of three grants on July 26. Fletcher said he submitted the same economic development grant application three months ago, but this application has an updated and expanded countywide economic development strategic plan per suggestion of the Economic Development Administration. Fletcher said differences in the updated application includes a 50:50 match, county cash outlay remains \$12,500 with \$12,500 of in-kind contribution through the Community Development Department staff, and the federal government will pay \$25,000.

Commissioner Durgan made a motion to approve the proposal for the economic development grant application. Commissioner Taylor seconded that motion. Motion passed.

Fletcher said a second grant application is for a National Park Service Rivers, Trails Conversation Technical Assistance program for technical assistance on proposed county trails.

Commissioner Taylor made a motion to gain technical assistance through the NPS grant. Commissioner Durgan seconded that motion. Motion passed.

Fletcher said a third grant through the Tourism Infrastructure Investment Program is for a Yellowstone Gateway Museum HVAC project, for which the museum must raise \$50,328.81. He said the museum is not asking for county money, but needs to apply for the grant program to obtain remaining needed funds.

Commissioner Taylor made a motion to approve the grant with the condition it requires no county funds without explanation from Interim Director Paul Shea. Commissioner Durgan seconded that motion. Motion passed.

@10:19:39 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

July 27, 2010

Teleconference Call Pre-Hearing for Wage and Hour Complaint

@10:34:27 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; Jill Ouellette, HR; Brad Wilson; road; Sheila Royston, assistant; Terry Spear, Montana Department of Labor and Industry; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to set dates for an employee wage and hour complaint.

Per discussion, discovery is to be completed by September 13; prehearing motions must be filed by September 27; the exchange deadline is October 22; the prehearing conference date is November 5 at 8:00 a.m.; and a hearing date is scheduled for November 22 and 23.

@11:14:01 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

July 27, 2010

12:00 P.M. - Airport Board – Clark’s Crossing – Commissioner Durgan attended

July 27, 2010

Discussion of FY 2010 Secure Rural Schools Payment

@1:32:12 p.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 discuss Fiscal Year 2010 Secure Rural Schools payments.

Commissioner Malone said the State of Montana reported Park County will receive \$794,266 in Federal Secure Rural Schools funding to be split between Title I, II and III programs. He said the funds can be spent on gravel, schools, and a Forest Service Resource Area Conservation Plan between Sweet Grass, Stillwater and Park Counties. Malone said the county recommends 85 percent of the funds be spent for Title I, eight percent spent for Title II and seven percent of funds spent for Title III.

Commissioner Taylor made a motion to accept the proposed split-out percentages. Commissioner Malone seconded that motion. Motion passed.

@1:34:52 p.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

July 27, 2010

5:00 P.M. – Museum Board – Yellowstone Gateway Museum – Commissioner Taylor attended

July 28, 2010

Review Daily Agenda, Correspondence and Briefing on Current County Projects

@9:10:15 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo from clerk of recorder's office re. typewriter disposed of by cleaning crew
- Memo from Montana Clean re. broken paper towel dispenser
- Memo from Big Bear Contracting re. removal of parking lot lip
- Memo re. Montana petroleum report
- Memo re. July 22 Library Board meeting minutes - To Commissioner Durgan for review
- Citizen memo re. Mission Ranch wind farm

- Memo re. August 5 Juvenile Detention Board meeting - To Durgan for review
- Memo from RC&D - To Durgan for review
- Memo from energy committee - To Durgan for review
- Memo re. resolution for alcohol at fairgrounds
- Memo from road supervisor re. Rock Creek Road maintenance cost estimate

Commissioner Durgan said the Community Development Director will check into an airport affected area regarding a proposed wind farm at Mission Ranch and the wind farm engineer will present at the next Airport Board meeting.

@9:27:07 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

July 28, 2010

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

10:00 A.M. – Western Montana Mental Health - Butte, Montana – Commissioner Taylor attended

1:00 P.M. – Interviews for Refuse Green Box Attendant – East Room

1:30 P.M. – Transportation Committee – West Room – Commissioner Malone attended

July 29, 2010

Review Daily Agenda, Correspondence and Briefing on Current County Projects

@8:33:34 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; 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:

- Memo from fair manager re. emergency meeting
- Memo from civil deputy county attorney re. Nittany Grantworks contract
- Memo from Teamsters Union re. sheriff's office longevity pay issue
- Memo from assistant finance director re. updating cell phone roaming coverage
- Memo from Department of Revenue re. new construction appraisal list
- Memo re. Clyde Park business transfer of ownership
- Memo from Environmental Quality Council re. petroleum bill public comment

Community Development Director Philip Fletcher provided the Commission with a report on the county's Treasure State Endowment Program grant application, saying state

personnel encouraged the county to keep its TSEP grant for the 9<sup>th</sup> Street Bridge Replacement Project active. Fletcher said he withdrew the county's decision to withdraw the application. The Commission said it has consensus to ratify Fletcher's decision to repeal the county's decision to withdraw the TSEP grant.

@8:56:07 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

July 29, 2010

9:00 A.M. – Personnel Meeting – Commissioners Chambers – Canceled

10:00 A.M. - Update and Possible Decision on Sheriff's Office Longevity Pay Issues- Commissioners Chambers – Canceled

July 29, 2010

Review of Sally Port Area Sloping Issue

@10:18:26 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Belinda Van Nurden, DES; Kelly Johnson, maintenance; Charlton Pino, Big Bear Contracting; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to review a Sally port area sloping issue.

Belinda Van Nurden said a handicapped individual reported difficulty in accessing an ADA-accessible entrance to the courthouse due to a slope.

The Commission viewed the site in question and requested a bid from Big Bear Contracting for concrete work to make the area ADA compliant.

@10:34:47 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

July 29, 2010

Decision on Resolution Establishing Open Container Restrictions at the Fairgrounds

@11:01:26 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; Kim Knutson, fair manager; Mike Adams and Bob Skillman, Fair Board; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to decide on a resolution establishing open container restrictions at the fairgrounds.

Commissioner Malone asked why the Fair Board just does not put the alcohol restriction in the Fair Book. He said he is concerned with having a blanket restriction with the number of events at the fairgrounds

Commissioner Taylor made a motion to approve Resolution #1083 with grammatical changes to be made by the civil deputy county attorney, and the resolution will be revisited in one year to determine its effectiveness. Commissioner Durgan seconded that motion. Motion passed.

@11:28:43 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

July 29, 2010

Discussion of Status of Shields River Road Improvement Project

@11:31:33 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; Ed Hillman, road; Raea Morris, executive assistant; Ron Archuleta, Forest Service; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss the status of a Shields River Road improvement project.

Ron Archuleta of the U.S. Forest Service said he is present after learning the Commission is considering withdrawing from a commitment to take over the Shield's River Road after losing \$500,000 in Federal Payment in Lieu of Taxes (PILT) funds. Archuleta said the Park County Commission agreed in writing in 2002 to take over jurisdiction of Shield's River Road after the Forest Service reconstructed the road to county road standards. Archuleta provided the Commission with a detailed timeline of Forest Service efforts and expenditures on the approximate \$4 million construction project, as well as \$2 million more for Smith Creek Road and Upper Shield's River Road improvements.

Archuleta said the county's commitment to take over jurisdiction of the road was significant in the Forest Service receiving almost \$2 million in American Reinvestment and Recovery Act funds for the project, and the Forest Service would have conducted simple road maintenance with no environmental assessment or intensive public involvement had it not built the road to county specifications, and reconstruction and rerouting of the road would have cost \$1 million and would be completed. Archuleta said it is disconcerting to him the county is considering withdrawing from a commitment it made on a nine-year project and asked the county to not withdraw from its commitment. He said he appreciates the county's loss of funding for road maintenance as the Forest Service is suffering from the same thing.

Commissioner Malone said the Commission is looking at every dollar source it has and cannot take care of the roads the county has. He said his opinion is county roads receive

high recreation traffic to Forest Service accesses, but the county receives zero help with road maintenance from the Forest Service. Malone said the county is responsible for paying for search and rescue operations when people are lost in the national forests, and the federal government is now taking Secure Rural Schools funds from the county's PILT allotment.

There was discussion about problems with parking issues for a snowmobile club. Archuleta said a new parking lot is not a snowmobile lot, but is for spring and fall parking before the Forest Service opens the remainder of the roads.

Road Supervisor Ed Hillman asked if the Forest Service will leave a gravel source for county road maintenance after finishing road reconstruction. Archuleta said he is told the gravel source created onsite will be tapped and reclaimed after road work is completed. Commissioner Durgan said he would like verification the gravel pit will be tapped. Archuleta said he will provide that verification.

Civil Deputy County Attorney Shannan Piccolo said she does not recommend the county renege on its commitment since the county previously made written agreement to accept jurisdiction of the road and the Forest Service received federal funds based on that commitment. Piccolo said the Forest Service is aware the county will determine the level and type of maintenance the county will conduct on the road. Archuleta said the Forest Service has no expectations on the level of maintenance of the road.

There was discussion about the status of the road once the county takes over jurisdiction. Piccolo said a road usually becomes a county road when the county takes jurisdiction over a road from another government entity. Malone said he just wants the Forest Service to be aware of the county's concerns. Archuleta said the Forest Service would be glad to agree to swapping maintenance of different roads with the county as was done in the past.

Hillman said he wishes the road department would have been at the meeting when the county initially agreed to take over jurisdiction of Shield's River Road East.

@12:00:30 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

July 29, 2010

Consider Resolution to Establish Elected Officials Compensation for FY2011

@1:04:21 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Brett Linneweber, county attorney; Lani Hartung, finance; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a resolution to establish elected officials' compensation for Fiscal Year 2011.

County Attorney Brett Linneweber said the resolution reiterates a Commission vote that already granted longevity pay will not be taken away, no new longevity will be added, and elected official salaries will remain flat in Fiscal Year 2011.

Commissioner Durgan made a motion to accept Resolution #1084 to establish elected officials' compensation for Fiscal year 2011. Commissioner Malone seconded that motion. Motion passed.

@1:08:48 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

July 30, 2010

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

8:30 A.M – 12:00 P.M. – Safety Tape Viewing – Community Room

10:00 A.M. – Commissioner in Cooke City to Hear Area Residents Concerns – Cooke City Fire Hall

2:00 P.M. – Commissioner in Gardiner to Hear Area Residents Concerns – Gardiner Community Center

Marty Malone  
Chairman, Park County Commission  
Park County, Montana

Denise Nelson  
Clerk & Recorder  
Park County, Montana