

Park County Commission Meeting Minutes
Week of July 5 – 9, 2010
Park County, Montana

July 5, 2010

Fourth of July Holiday Observed – All Offices Closed

July 6, 2010

8:00 A.M. – City/County Meeting – Community Room

July 6, 2010

Review Daily Agenda, Correspondence and Briefing on Current County Projects

@8:48:48 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; Philip Fletcher, community development; Ed Hillman, road; Bill Harris, citizen; 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. change of employee work date
- Citizen memo re. cutting of trees in Gardiner
- Memo re. July Livingston Ice Skating Association work day
- Memo from Upper Yellowstone Snowmobile Club re. plowing of Highway 212
- Citizen memo re. open container memo
- Memo re. August 19-20 Yellowstone River Symposium
- Memo re. certificate of liability insurance for Bainter Construction
- Memo from Planning Division re. Lahren Boundary relocation exemption appeal
- Memo re. July 7 Parks and Recreation Board agenda

Community Development Director Philip Fletcher said the individual responsible for the Chicory-Chico Trail okayed an interpretive sign there. Fletcher said he provided a rebuttal email regarding Montana DNRC's escalated cost to access the 9th Street Bridge for Commission comment. He reported on an upcoming conference call with the Federal Highway Administration regarding the 9th Street Bridge Replacement Project.

@9:07:56 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

July 6, 2010

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

July 6, 2010

County Road Updates

@9:09:30 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; Bill Harris, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss county road issues.

Citizen Bill Harris asked if anything has transpired on Billman Lane regarding a jack fence built in the roadway by a neighboring citizen. Commissioner Malone said he thinks the county may have to survey the roadway to determine where boundaries lie.

Road Supervisor Ed Hillman said he ordered a roadside mower on July 2, the road crew is patching on Merrill Lane this morning and will be back on Duck Creek Road when more hot patch is made, a crewman is working on Trail Creek Road today and has worked on that road to the end, a crewman graded Suce Creek Road earlier in the year, the crew will replace a culvert on Trail Creek near Divide Road when the water goes down, a bridge deck will be put down on a Hunter's Hill bridge, a culvert on Eight Mile will be installed, East Shield's River Road at Adair Creek will be built up, a crewman is mowing on Willow Creek, and the crew will mow and place gravel on the upper end of Strickland Creek Road.

Commissioner Durgan asked when the crew will patch holes in the Pine Creek cutoff road. Hillman said the crew will patch that road next. The Commission asked Hillman to provide a detailed cost sheet for his repair estimate of Rock Creek Road.

@9:22:17 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

July 6, 2010

Human Resources Updates

@10:02:01 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 a sick grant form from a department head to an employee; change of status forms for Weed Department seasonal employees who did not accurately accrue leave benefits; and a change of status form for a mandatory longevity pay increase in the county attorney's office.

Ouellette said she reviewed FMLA requests and provided a report on how many hours of sick leave various employees have the books. She said she is working on formalizing a model pre-screening for sheriff's deputy applicants, addressed an internal and external position advertisement issue, discussed an employee sick grant issue with MACo, and will participate today in union negotiations with a county union representative.

Ouellette provided the Commission with a comparison of employees participating in the benefit program from May 2010 to July 2010.

The Commission said Ouellette can submit news items/issues to department heads for review and asked Ouellette to schedule interviews for an IT Manager position.

@10:32:40 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

July 6, 2010

Conference Call with Federal Highway Administration to Discuss the 9th Street Bridge Project

@10:33:04 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; Lani Hartung, finance; Scott Nelson, CTA Engineering; Wes Venteicher, Livingston Enterprise; FHWA Personnel Lloyd Rue, Bob Burkhardt, and Kevin McLaury (via telephone); and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled as a conference call with the Federal Highway Administration (FHWA) to discuss the 9th Street Island Street Bridge Replacement Project.

Kevin McLaury of FHWA said \$600,000 in federal funds should be allocated to the county for the 9th Street Bridge Replacement Project, but at this point FHWA does not have a good understanding of when that money will arrive as Congress made no decision of when funds will be released. McLaury said it could be weeks, months or many months and there is possibility Congress may rescind some amount or all of the promised funds. McLaury said, as a result, FHWA is not committing any federal funds to the project and has made no indication it will in the future. He said the project is eligible for federal reimbursement but the risk lies solely on the county if it moves forward with advanced construction.

Community Development Director Philip Fletcher said the county feels it has sufficient funds in its account to proceed with advanced construction without federal funding. McLaury said the next step is to show the county has the funds to fund the project to become eligible for reimbursement with federal funds. Fletcher said the county would like to have an MOU and necessary preliminary paperwork with FHWA finalized by the end of July. McLaury said an MOU with FHWA makes the project eligible for future reimbursement funds if there are any, and he is very confident FHWA could have a financial system in place by September. McLaury said the county can use the same engineering firm as its design and construction oversight engineer provided it follows the correct consultant selection protocol, but it is not recommended.

Commissioner Malone said Senator Tester promised Park County funds for the project. Malone said the county will put out requests for bids to the public as soon as possible and may do so while the MOU is being drafted.

@11:04:03 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

July 6, 2010

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

July 7, 2010

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:44:14 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; Ed Hillman, road; Lani Hartung, finance; 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 from Aeronautics Board re. airport agriculture application guidelines
- Memo re. Beartooth Highway construction project update
- Memo from Senator Baucus re. healthcare reform - To Commissioner Taylor for review
- Memo from USDOT re. July 8 Bearthooth Highway preconstruction meeting in Denver
- Memo from community development director re. Local Public Agency manual
- Memo from DES re. July 8 safety meeting agenda
- Memo from DES re. July 8 LEPC meeting agenda
- Memo from National institute of Building Sciences re. archive records buildings – To Commissioner Malone for review

Commissioner Durgan said citizens are concerned about undercutting of the bank at the Corwin Springs Bridge. Durgan said perhaps the Commission should make an appointment to view the situation next week.

Finance Director Lani Hartung said there may be a change to the scope of work for House Bill 645 funds regarding the 9th Street Bridge Replacement Project.

Road Supervisor Ed Hillman said the road crew is patching Mill Creek Road today, but cannot patch the Pine Creek cutoff road because of water in the potholes.

Undersheriff Scott Hamilton said Captain Doug Wonders viewed a complaint of a cut limb in Gardiner.

@9:05:15 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

July 7, 2010

Signing of FY2011 DUI Task Force Plan

@9:06:20 a.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan 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 sign a DUI Task Force Plan for Fiscal Year 2011.

Civil Deputy County Attorney Shannan Piccolo said the plan was reviewed by County Attorney Linneweber.

Commissioner Taylor made a motion to sign the DUI Task Force Plan for 2011. Commissioner Durgan seconded that motion. Motion passed.

@9:07:42 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

July 7, 2010

Decision to Reappoint Two Applicants to the Board of Adjustments

@10:02:35 a.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Mike Inman, community development; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to reappoint two applicants to the Board of Adjustments.

Senior Planner Mike Inman said two board member terms expired in June 2010, advertisements were placed for applications, two current board members submitted applications, and the Community Development Department recommends reappointment of those applicants.

Commissioner Taylor made a motion to reappoint Peter Mackenzie and Don Gimble to the board of adjustments. Commissioner Durgan seconded that motion. Motion passed.

@10:04:50 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

July 7, 2010

Review of Minutes for Weeks of June 14 and 28, 2010

@10:26:41 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 Commission meeting minutes for the Weeks of June 14 and 28, 2010.

Reviewing meeting minutes for the Week of June 14, 2010, Commissioner Taylor requested a revision to Page 5 of 16, noting the correct spelling of “county.”

Commissioner Durgan requested a revision to Page 11 of 16; first paragraph, the last sentence should read, “She said six new culverts and two lift stations incorporated into the fairgrounds sewer project are a valuable part of the proposed project in addition to the creek habitat improvements.” In the fifth paragraph, the last sentence should read, “Durgan said the project would provide a long-term fix to the fairgrounds sewer issues, as well as relieve a lot of expenses the county experiences on a regular basis with the current septic system.”

Commissioner Taylor made a motion accept the minutes as corrected for the Week of June 14. Commissioner Durgan seconded that motion. Motion passed.

@10:29:12 a.m., Commissioner Taylor made a motion to reconvene with review of minutes after the next scheduled meeting. Commissioner Durgan seconded that motion. The meeting recessed. @11:59:46 a.m., the meeting reconvened.

Reviewing meeting minutes for the Week of June 28, 2010, Commissioner Taylor made a motion to approve the minutes of June 28, 2010. Commissioner Durgan seconded that motion. Motion passed.

@12:00:19 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

July 7, 2010

Decision of Lahren Boundary Line Denial Appeal

@10:31:39 a.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Mike Inman and Philip Fletcher, community development; Shannan Piccolo, civil deputy county attorney; Elizabeth Lahren, citizen; Steve Woodruff, attorney; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to decide on a Lahren Boundary Line Denial appeal.

Attorney Steve Woodruff said he submitted a proposed set of findings of fact on July 1 per the Commission's request at a prior meeting.

Civil Deputy County Attorney Shannan Piccolo said her opinion is the applicant would need to go through a series of Certificate of Surveys to show and establish a common line boundary for each boundary line and subsequent boundary adjustments if the Commission approved the exemption application. Piccolo said that opinion, however, addresses survey requirements and does not address whether the application is a proper use of the boundary line adjustment exemption.

Commissioner Durgan said he feels the application is something that may better be served by subdivision review. Community Development Director Philip Fletcher said he read and concurs with the staff report.

@10:40:00 a.m., Durgan recessed the meeting to enable Woodruff to review Senior Planner Mike Inman's findings of fact. @10:44:49 a.m., the meeting reconvened. There was discussion about actual and perceived intent of a family transfer exemption regarding the property in question, as well as the current boundary line adjustment exemption application.

Commissioner Taylor said his problem with the application is it looks like it has about three different operations going on in the same plat. Taylor said his issue is not with intent, as he knows Al (Lahren) and remembers when the estate planning began. Taylor said if anything needs to be fixed in the future, where would one go to start if many confusing documents were created. He said his heartburn lies in consolidating three parcels, leaving one alone, and splitting one big one into three tracts. He said that does not sound like a common boundary line adjustment or proper use of the exemption to him. He said his major concerns are how it all will be recorded, how the county will look back at it if it needs to, and setting precedent.

Woodruff said the application is not proposing what Taylor described as far as consolidating parcels. He said he did not use the term "consolidation" in its legal sense, but in a layman's sense, as the net effect is three tracts will be consolidated but will not be done through a boundary consolidation where internal boundary lines are eliminated

within tracts, but actually taking boundary lines and completing boundary adjustments to create each tract.

Taylor said it looks to him the application would be more appropriately filed or done as a subdivision than a boundary relocation. He said other issues, such as septic and sanitation review, need to be looked at when lots are moved.

@11:26:03 a.m., Taylor left the meeting to address a family emergency.

Inman said he can work with Woodruff to put together a document that shows similarities and discrepancies in the respective findings of fact documents each submitted in order for the Commission to make a determination. He said he will schedule a follow-up meeting to review the document and for the Commission to make a decision on the matter.

@11:30:44 a.m., the meeting adjourned.

July 7, 2010

Signing of Contract for Agency on Aging with Park County Health Department

@11:35 a.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. No public comment made.

The meeting was scheduled to sign a contract for Rocky Mountain Area IV Agency on Aging with the Park County Health Department.

Commissioner Taylor said the annual contract runs from July 1, 2010, to July 30, 2011, and is an agreement with state agencies to take care of senior citizen centers and services.

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

@11:36:30, Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

July 7, 2010

Consider Decision on HB645 Funding for 9th Street Bridge Project

@11:37:26 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; Lani Hartung, Wes Venteicher, Livingston Enterprise; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a decision on House Bill 645 funding for the 9th Street Bridge Project.

Finance Director Lani Hartung said the county has learned it likely will not expend its share of 9th Street Bridge Replacement, House Bill 645 Infrastructure Project funds by September 30, 2010, but it appears to be an easy process to change the scope of work and budget. Hartung said the Department of Commerce provided recommended revisions and possibly adding projects to the list. She said she would like the Commission to allow such revision to be done on the fly, and some eligible revised projects include county road paving and bridge and culvert work, which could fall under a Reconstruction of County Roads and Stream Crossings scope of work.

Community Development Director Philip Fletcher said whatever the county does must be completed by September 30. The Commission said the county road crew is repaving Duck Creek Road and working on a West Boulder Road bridge replacement project, which may qualify for a revised scope of work. Hartung said she suggests amending the scope of work for the 9th Street Bridge Replacement to state “engineering” of the 9th Street Bridge replacement will be completed by September 30.

Commissioner Taylor made a motion to make amendments to the county’s HB 645 funding for the 9th Street Bridge Project to say “engineering and permitting” instead of “construction” and use money for a list of preapproved projects to be determined appropriate by the grants administrator and financial department. Commissioner Durgan seconded that motion. Motion passed.

@11:53:03 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

July 7, 2010

Signing of Contract with Stafford Animal Shelter

@1:04:14 p.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Vicki Blakeman and Mary Beebe, Stafford Animal Shelter; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign a contract with Stafford Animal Shelter.

Vicki Blakeman of the Stafford Animal Shelter said she changed dates from last year’s contract and lowered the dollar amount for this year to \$6,000 from \$9,000. Blakeman said she estimates needed funds may be \$4,500 this year and attributes that to Stafford’s Spay/Neuter Clinic.

Commissioner Taylor made a motion to sign the agreement with the Stafford Animal Shelter. Commissioner Durgan seconded that motion. Motion passed.

Mary Beebe provided the Commission with expected expenditures of Stafford’s upcoming clinics. There was discussion about using funds to pay for rabies vaccinations.

@1:19:53 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

July 7, 2010

Decision on RFP for Maintenance on HVAC Equipment at the City/County Complex

@1:39:26 p.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 decide on Requests for Proposals for maintenance on HVAC equipment at the City/County Complex.

Commissioner Taylor read into the record a reply to RFP #5-26-2010 HVAC Service proposal from Rick Leckner of Rick's Refrigeration, which proposes maintenance on HVAC equipment at the City/County Complex and includes filter checks every three month and checks on equipment, belts and components for \$1,915.

Commissioner Taylor made a motion to accept the proposal from Rick's Refrigeration for a term of one year not to exceed \$1,915, since it was the only proposal submitted. Commissioner Durgan seconded that motion. Motion passed.

@1:41:07 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

July 7, 2010

Signing of Agreement to Transfer Monies from Non-Preliminary Funds for City/County Airport

@2:32:03 p.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Jerri Miller, airport board; Ed Meece, city manager; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign an agreement to transfer funds from non-preliminary funds for the city/county airport.

Jerri Miller, Airport Board, said non-preliminary funds are placed into a savings-type account by the Helena office of the Federal Aeronautics Association for expenditure at local Montana airports. Miller said the account is administered on a three-year bases, in 2008 the City/County Airport shared its share of funds with the Big Timber Airport project, and is now requesting Big Timber's share of \$131,000 in 2010 for a City/County Airport.

Commissioner Taylor made a motion to sign the agreement on the county's behalf. Commissioner Durgan seconded that motion. Motion passed.

@2:42:29 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

July 7, 2010

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

July 8, 2010

8:30 A.M. - Daily Correspondence/Agenda & Briefing on Current County Projects-Commissioners Chambers – Canceled due to commissioners' schedules

9:00 A.M. - Safety Meeting - Commissioners Chambers

July 8, 2010

Report/Discussion on the Gardiner Sidewalk Project

@9:51:38 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Philip Fletcher, community development; Bill Lloyd and Chris Laity of Great West Engineering; Joe Gross, citizen; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss a report on the Gardiner Sidewalk Project.

Bill Lloyd of Great West Engineering said he believes the original sidewalk design on the north side of Stone Street is still a feasible design. He said that alternative involved a Community Transportation Enhancement Program application and was designed to include a sidewalk, curbs and gutters on the north side of Stone Street against the existing edge of asphalt. Lloyd said the alternative eliminated on-street parking on the north side of Stone Street and the two-way street would have two, 10-foot traffic lanes.

Lloyd said a second alternative discussed was to turn Stone Street into a one-way, westward-bound street, which would create on-street parking on the north side of Stone Street, retain parking on the south side of the street, and create a 12-foot wide lane. He said the alternative would require signage and law enforcement to change/educate the public's use of Stone Street. He said he does not know if a substantial change in cost exists between the two alternatives, and both alternatives would require some retaining walls.

Lloyd said the county would have to match a \$175,000 project with \$26,000 to \$27,000. He said there has not been much change in inflation with the two-year-old design, but the project may be near \$190,000 at this point. Lloyd said he thinks the project can be completed without impacting any private properties at a cost well within the contingency cost. He said neither alternative includes street improvements.

There was discussion about holding a public meeting in Gardiner to introduce the preliminary design on the project to gain public comment, and then make a final decision after that point. Community Development Director Philip Fletcher said it seems to him a one-way street is the best alternative. Commissioner Malone said he would kill the project if he were to vote today because there is not enough support from Gardiner residents. He said a one-way street will not work in Gardiner.

@10:13 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

July 8, 2010

10:00 A.M. - Agency on Aging - West Yellowstone – Commissioner Taylor attended

10:00 A.M. - Local Emergency Planning - Community Room – Commissioner Durgan attended

July 8, 2010

Public Hearing for FY2011 Expenditure of Title III Monies

@1:05:50 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Dann Babcox and Chuck Donovan, PCRFD#1; Greg Coleman, county fire; Lani Hartung, finance; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled as a public hearing for Fiscal Year 2011 expenditure of Title III funds.

Commissioner Malone said Title III funds are provided by Congress, which has restricted expenditure of those funds to various uses, such as a Firewise/Firesafe Program; a collaborative WUI education program; a county fire mitigation and prevention website; county wildfire protection planning; county suppression operations on federal lands; and county SAR operations on federal lands. Finance Director Lani Hartung said the funds are Secure Rural Schools and Community Self Determination funds, and no written comment on expenditure of the funds was submitted to the clerk and recorder's office during the past 45-day public comment period.

Commissioner Durgan made a motion to accept the plan as submitted by the Park County Fire Warden. Commissioner Malone seconded that motion. Motion passed.

@1:20:01 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

July 8, 2010

6:00 P.M. – MSU Extension Meeting - Community Room

July 9, 2010

Review Daily Agenda, Correspondence and Briefing on Current County Projects

@8:31:54 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 the daily agenda and correspondence.

Correspondence included:

- Memo re. Nittany Grantworks certificate of insurance
- Citizen memo re. creek restoration in Silver Gate
- Midwest Assistance Program magazine - To Commissioner Durgan for review
- Memo from MDT re. transportation project awards
- Memo from HR re. part-time road crewman position
- Memo re. July 15 RC&D Board meeting - To Durgan for review
- Memo from DES re. letter for county employees attending safety classes

@8:40:40 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