

Park County Commission Meeting Minutes
Week of June 7 - 11, 2010
Park County, Montana

June 7, 2010

Review Daily Agenda, Correspondence and Current County Projects

@8:30 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; Lani Hartung, finance; Erica Hoffman, GIS/IT; Ed Hillman, road; Joan Bosley, Elks; Richard Husen, citizen.

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

Correspondence included:

- Memo from Montana Clean re. complaints of service
- Memo from Montana Clean re. sale of company
- Memo from maintenance re. vehicle maintenance logs
- Citizen memos re. Gardiner area road work commendations
- Citizen memo re. Willow Creek project
- Memo from JSEC re. small business scams
- Memo re. Communications and Intercommunications meeting in Helena – To Commissioner Durgan for review
- Memo re. FY 2011 final entitlement share amounts – To finance for review
- Citizen memo re. Arch Park open container request

Joan Bosley of the Elks said the Elks would like to hold a public ceremony about 3:00 p.m., on June 14 in the courthouse foyer about flag history. Commissioners Durgan and Malone said it is okay for the Elks to conduct that ceremony in the courthouse foyer.

There was discussion and it was determined Erica Hoffman, GIS/IT, would order private road signs and Road Supervisor Ed Hillman would order county road signs, and signs shall be ordered from Newman Signs. Hoffman said her GIS budget has \$5,000 remaining this year to pay for erecting county road signs, equaling 21 days. Hillman said he received another \$1,100 worth of signs in the last week. Hoffman said she and Finance Director Lani Hartung will contact Kelly Johnson about erecting signs and she will pick up necessary equipment from the road shop.

Hillman asked about contract specifics of an individual hired to clean the road shop. He said a duel mower needs shut off capabilities so as not to throw rocks into the road, and he has contacted an individual about addressing that issue. Hillman said he will bring in gravel samples for a citizen to review.

There was discussion about high water and road washouts around the county and citizen complaints of road conditions on Pray Road and Busby Lane.

Citizen Richard Husen asked if Merrill Lane will be repaved this year. Hillman said the road will be patched as soon as weather permits, and the road is not slated to be repaved.

Commissioner Durgan said he spoke with Citizen Franklin Rigler who asked him about what was going on with a claim he submitted about a former county employee trespassing on his property.

Community Development Director Philip Fletcher said he met with the Gardiner Superintendent of Schools to talk about a proposed Safe Routes to Schools sidewalk project and its excessive cost and design. Fletcher said rerouting of the sidewalk was discussed and may not be practical, as kids likely would not use the reroute, but a sidewalk on the south side of Stone Street would be more desirable. Fletcher said the superintendent will look into alternative sources of funding that may not have been researched, including a possible donation from Qwest. There was discussion about whether any citizens from Gardiner want the sidewalk installed.

Fletcher updated the Commission on various projects he is involved with, including the 9th Street Island Bridge Replacement Project, a right-of-way easement fee for the 9th Street Bridge, and a Fleshman Creek Restoration project.

@9:20 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

June 7, 2010

Discussion of Community Development Department Budget FY2011

@9:30 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; Lani Hartung, finance; and Kevin Funk, citizen. No public comment made.

The meeting was scheduled to discuss the Community Development Department budget for Fiscal Year 2011.

Community Development Director Philip Fletcher provided the Commission with his department's proposed annual work program. He said he is expecting a 20-percent increase in department revenues and is requesting a 10-percent increase in expenditures. Fletcher, the Commission and Finance Director Lani Hartung reviewed the proposed department budget, which included a line item for county parks maintenance.

@10:24 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

June 7, 2010

11:00 A.M. – Commissioners Conference Call with Beaverhead County –
Commissioners Chambers

June 8, 2010

7:30 A.M. – Job Service Employers Committee – Vince Grant Hall, Livingston

8:30 A.M. – Defensive Driving Mandatory Training – Community Room

June 8, 2010

Review Daily Agenda, Correspondence and Current County Projects

@8:33:27 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; Bill Harris, citizen; and Commission Minutes Clerk John Mueller. No public comment made.

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

The Commission held a conference call with Montana Association of Counties Representatives Mike Sehestedt and Keith Stapley to discuss a complaint from a Park County citizen who alleges a former county employee entered his private property without permission.

@8:54:21 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

June 8, 2010

County Road Updates

@9:02:18 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Shannan Piccolo, civil deputy county attorney; Bill Harris, citizen; Hunter Michelbrink, Brogan Sand and Gravel, Larry and Linda Durgan, citizens; Matt Cocharo, citizen; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss county road issues.

Citizen Bill Harris talked about Five Acre Tracts roads and another citizen's fence he said is on the section line and in the county road. Harris said the fence causes issues with road plowing and emergency services and he would like the Commission to look into the issue and thinks the fence should be moved back.

Citizen Hunter Michelbrink of Brogan Sand and Gravel said he has concerns about procedures going on in the county and is glad to see the county adopted gravel standards specifications. Michelbrink said he is not aware of the county buying gravel from his or other pits in the county and would like justification for that fact. Commissioner Durgan said he and Road Supervisor Ed Hillman viewed gravel at Brogan's Pit and Hillman did not like it, but the county now has partial test kits it can use to sample gravel sources. Michelbrink said his gravel passed all ASHTO and Montana Public Works standards for crushed gravel base course gravel. He asked why the county is using specifications different from ASHTO and public works standards. Commissioner Malone said the county's specifications came from federal highway specifications and the Local Technical Assistance Program (LTAP).

Hillman said there is not enough clay and plasticity in gravel pits in the county. Michelbrink said he does not think that is the case for all county roads. He said he is extremely frustrated the county spent money to drive back to Livingston for surface gravel when Cinnabar Basin Road washed out instead of purchasing gravel from him. Michelbrink said his gravel is good enough for the state and federal government but obviously not good enough for Park County. He provided the Commission with specifications of his gravel source prepared by a professional engineer. Hillman said he will buy gravel from both Larry Durgan and Brogan's Pit if they meet the county's specifications. Michelbrink said he can make gravel to meet any plasticity or other standards.

Larry Durgan said citizens are concerned about tax dollars being spent to haul gravel long distances past many gravel pits in the county. He said he thinks county tax payers would have been saved a lot of money if Frelich Lane had been graveled with his pit gravel.

Malone said the Commission relies on Hillman to determine what gravel is sufficient for county roads. He said Larry Durgan and Michelbrink need to do a trial test on the road with their gravel. Hillman said he will put some of Durgan's and Michelbrink's gravel on Cinnabar Road after the bridge is fixed to see how it does. Michelbrink asked the commissioners to look into how much it costs the county to run county gravel trucks.

Citizen Matt Cocharo said he is at his wit's end with asking the Commission to erect speed limit and stop signs in the Five Acre Tracts after a year of requests without any action. Cocharo said the issue is public safety and property damage. Hillman said potholes on Merrill Lane are scheduled to be repaired. Cocharo said he is insisting all 15 non-enforceable speed limit signs be replaced with 25 MPH signs. Hillman said he needs to know where to erect the signs. Civil Deputy County Attorney Shannan Piccolo said the county can erect a stop sign at every intersection. Cocharo said Sheriff Lutes recommended that action, and the last time he met with the Commission Malone told Hillman to put up signs. Malone said the county has signs to go up and will put them up to see if it will help. He told Hillman to use his best judgment if the Sheriff's Office is not going to assist in where to place signs. Cocharo said he recommends a stop sign at the corner of Merrill and Canyon View, Miller Drive and Merrill Lane.

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

June 8, 2010

Human Resource Updates

@10:05 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Jill Ouellette, HR; Martha Miller, auditor; and Raea Morris, executive assistant. 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 FMLA leave request, an employee change of status form, and a renewable AFLAC contract for the county FLEX plan for Commission signature. Ouellette said she needs to submit employee benefit information by June 10. The Commission said it will wait until the final budget is presented in order to decide on requested employee wage increases.

Ouellette said she has been working with the county's union negotiator regarding a Sheriff's Office longevity pay issue, processed a worker's compensation claim, and addressed a former employees COBRA insurance issue and employee complaint.

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

June 8, 2010

Sheriff's Office Budget Workshop FY 2011

@10:30 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Sheriff's Office Personnel Scott Hamilton, Jay O'Neil, Wendy Wood and Colleen Singer; Marilyn Hartley, finance; and Lani Hartung, finance. No public comment made.

The meeting was scheduled to review a proposed Fiscal Year 2011 Sheriff's Office budget.

Finance Office and Sheriff's Office personnel reviewed proposed budgets for the Sheriff's Office, Search and Rescue and Jail. There was discussion about a requested position to work half-time in the Sheriff's civil office and half-time in the jail. The Commission asked the Sheriff's Office to put the request and justification for that request in writing.

Undersheriff Scott Hamilton said it would help the Sheriff's Office get answers it needs with read-only access to the CSA accounting software showing the Sheriff's Office budget in real time. Hamilton submitted information from Granite Enterprises about

logistics of providing that access. The Commission said it needs to decide if read-only access is something it will allow offices and departments that have requested it.

Commissioner Malone said the Commission will hopefully make adjustment to longevity pay by the new fiscal year so it no longer comes out of the Sheriff's Office payroll line item.

@12:20 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

June 8, 2010

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

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

June 9, 2010

Review Daily Agenda, Correspondence and Update County Projects

@8:40:22 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; Lani Hartung, finance; Mary Anne Keyes, MSU Extension; and Commissioner Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo re. HOME grant signature form
- Memo from Big Moose Resort re. plowing of road
- Citizen memo re. Mission Road slide area signage concern
- Memo from undersheriff re. "No Parking" signs in Gardiner
- Memo re. County Treasurer's cash balance
- Memo from Community Development Department re. Shaun Jones Family Transfer application - To Commissioners for review
- Memo re. vehicle maintenance logs
- Legal advice to Commission from county attorney's office
- Memo re. personal property tax five-plus years delinquencies

Commissioner Executive Assistant Raea Morris said she submitted all necessary copies of an airport grant application.

Mary Ann Keyes, MSU Extension, discussed budgetary issues with the Commission, requesting \$1,000 for a MSU Extension local nutrition educator position. Commissioner Malone said workspace for that employee will be in the Superintendent of Schools Office.

@9:24:59 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

June 9, 2010

Discussion of Railroad Easement in Wilsall

@9:33:23 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Shannan Piccolo, civil deputy county attorney; Signe Lahren, attorney; Brenda Gilbert, attorney; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss a railroad easement in Wilsall.

Attorney Brenda Gilbert said she represents heirs of the Jordan Family with property on the east side of the highway in Wilsall and is concerned there is no legal access across the railroad right-of-way. She said a previous Commission meeting determined the county was interested in receiving a public easement across the railway on Clark Street, a county road, to create an established, existing street. Gilbert said Montana Rail Link would grant an easement to Park County with the caveat of being able to reestablish a rail line if desired. She said she had an easement document prepared by MRL and Surveyor Fred Hall describing access and considers the easement a benefit to property owners on the east side of Wilsall and other citizens of Park County.

The Commission said the county will process the appropriate paperwork and get back to Gilbert.

@9:46:40 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

June 9, 2010

Consider Jones Family Transfer

@10:30:42 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Mike Inman, planning; Shannan Piccolo, civil deputy county attorney; Shaun and Bobbi Jo Jones, citizens; and Commissioner Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a Jones Family Transfer application.

Senior Planner Mike Inman said Citizen Shaun Jones submitted a request to do a family transfer to his wife Bobbi Jo in order to separate a business from a residential remainder of one property located in both the county and Town of Clyde Park. Inman said everything with the application looks fine through Montana Code Annotated and county review, and all affidavits were signed by the applicant. Inman said he recommends

approval of the family transfer application with the condition Jones receive approval from the Town of Clyde Park prior to filing.

Applicant Shaun Jones said he is working on estate planning and to set up a family trust and was advised by his attorney of the liability of having both a business and a home on the same property.

Commissioner Durgan made a motion to approve the family transfer based on the recommendation of the planning division, county attorney's office and environmental health department, contingent upon the Town of Clyde Park Counsel or planning department approving the application as well. Commissioner Malone seconded that motion. Motion passed.

@10:38:15 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

June 10, 2010

Review Daily Agenda, Correspondence and Current County Projects

@8:37:54 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; Denis Brandon, citizen; and Commissioner Minutes Clerk John Mueller.

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

Correspondence included:

- Citizen memo re. magnesium chloride testing
- Memo from Montana DNRC re. \$14,849 cost to cross Yellowstone River at 9th Street Island for bridge restoration
- Memo from Federal Aviation Administration - To Commissioner Durgan for review

Citizen Denis Brandon stopped in to suggest the Commission trade county land with some Watson property near an existing gravel pit in order to have a gravel source.

@8:59:19 a.m., the meeting adjourned.

June 10, 2010

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

10:00 A.M. - Local Emergency Planning - Community Room

1:00 P.M. - Budget Workshop FY 2011- Commissioners Chambers - No quorum - Canceled

1:00 P.M. - Defensive Driving Class for Forest Service - Community Room

June 11, 2010

10:00 A.M. - Review and Consideration of Lahren Boundary Line Adjustment Denial Appeal - Commissioners Chambers – Canceled due to no quorum of commissioners

June 11, 2010

Consider Approval of FY 2011 Preliminary Budget

@1:06:02 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Lani Hartung, finance; Raea Morris, executive assistant; and Commissioner Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider approval of a Park County FY 2011 preliminary budget.

Finance Director Lani Hartung and Commissioner Malone said they think the budget is a good, working preliminary budget. Hartung said the levy matrix was reviewed and all reserve funds are currently in the black, and the budget balances within itself.

Commissioner Malone made a motion to approve the FY 2011 preliminary budget. Commissioner Durgan seconded that motion. Motion passed.

@1:12:05 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

June 11, 2010

Discussion of Longevity with Teamsters Union

@1:35:53 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Jill Ouellette, human resources; Brett Linneweber, county attorney; Sheriff's Office Representatives Scott Hamilton and Tony Steffins; Jim Stone, Teamsters negotiator; Rick D'Hooge, union negotiator; and Commissioner Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss a Sheriff's Office longevity pay issue with the Teamsters Union.

Teamster Representative Jim Stone said he must express frustration with Park County regarding the slow speed with the scheduling of the meeting on this issue. Stone said he

sent a series of letters requesting clarification of motions made in a December 30, 2009, meeting on the longevity pay issue, and he has yet to receive response or clarification from Park County. Stone said the issue has gone on too long and needs to be resolved.

Human Resources Analyst Jill Ouellette provided a report of longevity pay calculations she has made to-date.

Commissioner Durgan said he recalls something different was negotiated and agreement reached than what was revealed in the December 30, 2009, motion. The Commission reviewed a previously-submitted confidential legal advice memorandum on the issue from County Attorney Brett Linneweber. Linneweber said his job is to advise the Commission only, he has done that in this case, and he will not make any decisions.

Stone said payment numbers in question arise from the motion made on December 30, 2009. Stone said he still does not know the county's interpretation of that motion to-date. He said the union wants other deputies in question compensated the same way as Deputy Blatter was compensated.

There was discussion about which deputies would receive longevity pay and how those payments would be calculated, using an old, incorrect formula or one created through a Supreme Court decision.

Commissioner Malone said the only way the Commission can make a policy on the decision is to look at the numbers, talk to counsel about options and get back to Stone. Ouellette said she does not have payroll records for some periods and employees in order to calculate longevity pay figures. Stone said he will work with Ouellette to come up with a date of hire to use for calculations, and an estimate will be made in cases records are missing in attempt to reach an agreement.

Tony Steffins, Sheriff's Office, said Blatter and Hamilton are the only two part-time deputies in the equation, and reserve deputies are unpaid positions with the county.

Ouellette said she will do her best to have the requested data of six employees in question within 45 days. A meeting was scheduled for July 29, 2010, at 10:00 a.m. to provide an update and possible decision on the matter.

@2:40:28 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

June 11, 2010

Review Daily Agenda, Correspondence and Current County Projects

@3:00:17 p.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 Commissioner Minutes Clerk John Mueller. No public comment made.

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

Correspondence included

- Memo from RC&D Board re. employee resignation
- Memo from Montana DEQ re. landfill license
- Memo from clerk and recorder re. vault security camera
- Memo from Montana Clean re. invoice
- Memo re. Fair Board agenda - To Commissioner Durgan for review
- Memo re. county fuel tax allocation
- Memo re. Granite Enterprises professional IT contract
- Memo from justice court re. requested employee wage increases
- Memo re. June 15 Yellowstone Country Board of Directors meeting
- Memo from county treasurer re. cash account
- Memo from CASA re. funding request

Treasurer Kevin Larkin said a citizen received an assignment notice on his property due to failed payments and is seeking waiver of tax penalties and interest from 2005. Larkin said the citizen owes \$4,081.76, of which \$839.01 is penalty and interest. Commissioner Durgan said he suggests the County Treasurer can make an arrangement of a series of payments or a lump sum payment by the citizen in full by September 30, 2010, or penalty and interest will be reinstated. The Commission asked Larkin to submit the decision on County Treasurer letterhead.

@3:26:30 p.m., Durgan 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