

Park County Commission Meeting Minutes
Week of May 3 - 7, 2010
Park County, Montana

May 3, 2010

Review of Daily Correspondence and Agenda

@8:31:09 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; 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. bid for courthouse air conditioning unit
- Memo re. IT Manager position newspaper advertisements
- Memo from Prospera Business Networks re. May 6 meeting in Bozeman
- Memo from Livingston Community Trust - To Commissioner Malone for review
- Memo from Western Municipal Construction Inc re. Cooke City pipe bedding bid
- Memo re. Cowboys Lodge and Grill liquor license in Gardiner
- Memo from state tax appeal board re. newspaper hearing notice

Community Development Director Philip Fletcher said Kevin Feldman of CTA Engineering thinks the county should commit an additional \$190,000 to pay for the 9th Street Bridge Replacement Project. Fletcher said he needs to submit a Transportation Capital Improvement Program report as soon as possible, and he thinks the county should use the final dollar figure from CTA's Preliminary Engineering Report and amend that figure at a later date if necessary.

Commissioner Malone said he and Fletcher viewed Stone Street and another route in Gardiner for a proposed Safe Routes to School sidewalk.

Commissioner Malone said Cooke City residents will have a grand opening for its new community center in July.

Commission Executive Assistant Raea Morris said a citizen complained about nails and flat tires on Cokedale Road on April 30.

@9:24:06 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

May 3, 2010

Consider Signing Corwin Springs Green Box Agreement and Discussion of Royal Teton Ranch Campground Activities

@10:01:46 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Richard Wright, transfer station; Raea Morris, executive assistant; Alan Shaw, Royal Teton Ranch; Citizens Bill Moser, Dick Juhnke, Jim Hunt and Jim Taylor; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to consider signing a Corwin Springs Green Box Site agreement and discuss Royal Teton Ranch Campground activities.

The Commission reviewed a proposed green box site agreement with Allan Shaw of the Royal Teton Ranch. Commissioner Malone said he questions language about moving an access road at the Church Universal and Triumphant's (CUT) whim. Allan Shaw of Royal Teton Ranch said that clause was included because he anticipated relocation of the green box access road and gates. Shaw said the CUT will improve a road to the green box site and its campground to address a water drainage problem, and the CUT will agree to insert language in the contract stating it will build that road and Park County will accept the design of the road. Malone said the county will maintain the green box access road per the agreement. He said the contract length is two years, can be renegotiated after that time, and the contract states \$120 per year in tax benefits.

Malone and Transfer Station Manager Richard Wright said they have issues with allowing "free access" to the dump per the contract. Wright said the Montana Fish, Wildlife and Parks locks that site when bears are in the area and the idea is to have the site completely closed to people during those lock-out times.

Citizen Jim Taylor said the Concerned Citizens and their attorney met at the site with Mr. Shaw and agreed with CUT suggestions regarding moving of green box gates. Citizen Bill Moser said he suggests curves in the access road have a minimum radius of 50 feet.

The Commission, Shaw and Civil Deputy County Attorney Shannan Piccolo reviewed suggested changes to the agreement, including changing the green box road access site at the church's expense; road maintenance; changing site tax credits to lease payments; road construction; and county removal of the green box site fence installed by the CUT if the site is vacated. Shaw said he is agreeable to remove language stating the county remove green box site fencing from the agreement.

Commissioner Taylor made a motion to approve the agreement with appropriate changes made by the county civil attorney. Commissioner Durgan seconded that motion. Motion passed.

Discussing the CUT's campground activities, Shaw said the church is permitted for 20 RV sites, 10 tents and one cabin. Wright asked if the CUT will make provisions for

additional garbage from the proposed campground, because the county already absorbs refuse from a major CUT gathering at the first of July each year. Shaw said he will have to review the current agreement and an agreement can be made. Malone said the CUT's refuse contract with the county needs to be reviewed.

Moser said he thinks someone from the county owes Mr. Shaw an apology for the amount of angst Shaw received in dealing with this issue. Moser said he apologizes to Shaw on behalf of the county solid waste board.

In other discussion, Citizen Jim Hunt asked about meeting minutes mentioning abandonment of Cinnabar Road. Malone said the CUT submitted such a request after completion of the new Cinnabar Road Bridge, but the Commission has not met on that issue. Jim Taylor said a culvert on Fiddle Creek Road needs to be widened and he almost lost a hay trailer on that road.

Shaw said the county may see activity along U.S. 89 as the CUT is gathering information from conveying water from the LaDuke Spring Box to the old plunge basin at the Royal Teton East Gate.

@10:35:11 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

May 3, 2010

Discussion of Fairgrounds Issues

@10:37:02 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Kim Knutson, fair manager; Fair Board Members Dan Nelson, Bob Skillman and Mike Adams; Jill Ouellette, human resources; Kevin Larkin, treasurer; Raea Morris, executive assistant; Citizens Jim Taylor and Jim Hunt; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss fairgrounds issues.

Fair Board Member Dan Nelson said he wants the weeds sprayed around the rodeo arena and pen because he does not have time to spray them this year. Commissioner Durgan said he will talk to Clay Williams, weed manager, about that request. Nelson provided the Commission with his resignation from the fair board, which he said was for personal reasons. Nelson said he is still available to the fair board for assistance if asked.

Fair Manager Kim Knutson said team roping will take place at the fairgrounds on July 24 and 25 and professional bull riding will take place on July 28.

Treasurer Kevin Larkin said he collected the necessary \$850 for a fairgrounds foundation application fee.

@10:46:21 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

May 3, 2010

Consider Pitman Mortgage Exemption/Boundary Line Adjustment Preliminary Denial

@11:01:46 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Mike Inman and Philip Fletcher, Community Development Department; Shannan Piccolo, civil deputy county attorney; Scott and Susan Pitman, applicants; Fred Hall, surveyor; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a Pitman Mortgage Exemption/Boundary Line Adjustment preliminary denial.

Senior Planner Mike Inman said Mr. Pitman submitted a proposed exemption for a boundary line adjustment involving relocating a boundary of a mortgage tract created through a mortgage exemption. Inman said the planning division of the Community Development Department, Health Department and County Attorney's Office reviewed the exemption application independently, and the planning division denied the application because it conflicts with the purpose of the mortgage tract exemption in the county subdivision regulations. Inman read into the record the purpose of a mortgage tract exemption and statement of intent from the county subdivision regulations.

Inman said Pitman's Certificate of Survey (COS) 41-B created a mortgage tract for the purpose of securing a loan from a lending institution. He said the problem with the proposed boundary relocation is Pitman is proposing to relocate the mortgage tract and create a parcel to be sold or conveyed to a third party, and the remainder would be the mortgage tract alone. Inman said under a typical mortgage tract exemption, a mortgage tract is created, and the mortgage tract goes away once the loan is paid off, resulting in the landowner being left with the entire original parcel. Inman said the landowner cannot sell the remaining parcel of a mortgage tract and keep the mortgage tract, and he cannot sell the mortgage tract because the lending institution has title to that tract. He said the intent of the mortgage tract is solely as a way to secure loans for construction.

Inman said Pitman's mortgage tract exemption application was denied by the planning division because it proposes an increase of the mortgage tract and sale of the original tract, leaving the mortgage tract.

Applicant Scott Pitman provided some additional information that helped clarify the circumstances of the proposed boundary relocation. Pitman said he and his wife have a mortgage that encompasses the entirety of their property, and the mortgage tract in question was created some 30 years ago by the original home builder, Wayne Petersen, as an independent separate tract of record. Pitman said the property was sold one time prior to his ownership, and he assumes Petersen paid off his mortgage at the time of the first sale and said no lien exists on the property in Petersen's name. Inman said in that case

the mortgage tract would go away once the mortgage was paid off. Inman said a difference in opinion exists, because it is the assumption of some that Tract M of COS 41-B in the county clerk and recorder's office is a legal tract of record that can be sold, conveyed and its boundaries relocated. He said based on what a mortgage tract is used for in Montana Subdivision and Platting Act, it is simply to provide security for mortgage funds, and once those are paid off the mortgage goes away, and if they are not paid off, then the lending institution holds title, and a tract is created as a separate parcel of property.

Piccolo said it is the legal opinion of the county attorney's office that a mortgage exemption does not create a separate parcel of record unless the mortgage parcel is foreclosed upon.

Pitman said his contention is his property consists of two identifiable and separate tracts of record defined per Montana Code Annotated 76-3-103; each tract has an identifiable survey, COS 41-A and COS 41-B; and warranty deeds and affidavits exist in the clerk and recorder's office as substantiation. He said each COS is identified on his property tax statement. Pitman read into the record the definition of a tract of record from MCA 76-3-103 as well as language stating an instrument of conveyance does not merge parcels of land unless the instrument states the instrument is intended to merge individual parcels to form an aggregate parcel. He said there was no document or instrument to that effect recorded and therefore the tract remains a viable tract of record. Pitman said MCA allows for boundary adjustments, and he believes his proposal is exempt from review because it is for the purpose of relocating common boundary lines of tracts of record that continue to exist.

Surveyor Fred Hall said Inman and Piccolo are perfectly correct in what they said in general about mortgage tracts, but in this case the Pitmans own two distinct, identifiable tracts of land, and therefore are entitled to relocate common boundaries between existing parcels of land based on simple subdivision regulations. He said the surveys are not relevant in this situation, are merely exhibits and cartoons and the only thing that affects land title are deeds of trust, outright deeds, boundary line agreements or instruments that convey ownership. He said the face of the original survey states the survey was done under the mortgage tract exemption, but he has a warranty deed from the Hatch Family to Wayne and Charlene Petersen from 1977 showing the one-acre parcel 41-B exists as shown on the COS, and that parcel was outright granted to the Petersens. He said the deed was intended to describe one acre and one acre only and an easement remains to that parcel. He said Petersen eventually took title to the entirety of Tract 17, which was already two parcels of land by virtue he took a 10-acre parcel and subtracted one-acre parcel with a remainder greater than five acres.

Hall said the description on Petersen's warranty deed when he sold the property to the Irish Family mentions the larger parcel as Parcel 1 and describes Parcel 2 as the one-acre parcel. He said he deeded Parcels 1 and 2 to the Irish. Hall said the description the Irish gave to the Pitmans was merely for Tract 17, but going back to the original definition of tract of record the one-acre and remainder exist as two identifiable tracts of land. Hall

said the mortgage survey was conveyed to the Petersens and not the lending institution. He said the Petersens took a free and clear parcel of land and put it up for collateral in order to buy the remaining part of the land. He said this mortgage exemption is atypical and there is no intent anywhere in anyone's transactions to demonstrate there was any convergence of parcels, therefore a division made outside of a platted subdivision for locating boundaries is acceptable.

Hall read into the record statements from an attorney general regarding exemptions for purpose of evading the Montana Subdivision and Platting Act. He said the Pitmans have established no pattern of land division and are entitled to a one-time exemption. Hall said he agrees the general mortgage tract used for certificate of trusteeship is not transferrable, but in 1977 the Petersens granted a one-acre parcel. Pitman said the essence of his argument is he is not creating a new parcel. Answering questions from Inman and Piccolo, Hall said as the title now stands to the property, it describes one piece of property, but previous titles describe it as two pieces of property. He said the warranty deed the Pitmans have describes the property as two pieces of property. He said the two parcels have never been merged and the existing parcels of land exist forever unless the landowner merges them with clear, written intent filed in the clerk and recorder's office, which has not happened.

Malone said it seems strange COS 41-B was not identified when the property was bought by Pitman. Hall said the Pitmans acquired Tract 17-A, which is the entire 10.5 acres, but the sale did not state they acquired COS 41-B. He said the title on record does not refer to the survey but describes the parcels, thus by buying COS 17-A, they automatically got COS 41-B. Hall said that is not the least bit uncommon.

Pitman said his home is in the middle of Tract 17-A, on the one-acre parcel and within the boundary of 41-B. He said he and his wife are in foreclosure status and in jeopardy of losing their home. He said they want to draw upon the equity they have in their property to reinstate their mortgage to avoid foreclosure. He said they need to have a portion of their property unencumbered in order to do that and then need approval from their lender for a partial release. He said in order to gain a partial release, Chase Financial will review a property appraisal and proposed survey prepared by Hall, he must gain Montana DEQ approval in conjunction with the county health department, and a letter from the governing body stipulating the requested action is allowable is required. He said that is the intent, and whether the intent is to sell the property or borrow from someone is not the issue and he does not understand why his intent should be a factor in this situation.

Commissioner Durgan said the lender sees the property as one parcel and will put that up at a trustee's sale. Durgan said he is not prepared to make any decision today, because he is not prepared to have the trustee come back to the county saying the county screwed up and then the lender sues the county. He said he wants more clarification from the legal and planning departments and he cannot vote for anything at this point.

Inman said the Commission needs to take into consideration, if it allows the Pitman's request as an allowable practice, the door would be opened to anyone doing a mortgage tract, once they pay off their mortgage, they would then own two parcels they could convey and that would be an evasion of the Montana Subdivision and Platting Act.

Hall said the mortgage company files a document stating a loan is paid off once it has been paid off. He said he agrees the mortgage tract goes away at the moment it is released, but this is a case of existing, identifiable warranty deeds that did transfer a property. Hall said he will not argue the fact the transfer may have been incorrect, but it has been on the record for 30 years and he thinks it may be difficult at this point to expunge that deed.

Piccolo said in her opinion the issue will come down to whether or not the warranty deed filed about 30 years ago actually created separate tracts and whether the two tracts were legally created. She said if a mistake was made in describing the two tracts of land then there is a question of where the remedy may lie – either with the landowner's title insurance or with the county because the deed was recorded with the clerk and recorder's office.

Community Development Director Philip Fletcher said he feels some evidence and documents presented is new evidence that Piccolo has not had time to review in detail, and because of the legal nature of the arguments being raised and the necessity to carefully examine the history of the documents, the commissioners should not put themselves in the position to make a decision today. He said he suggests a point by point analysis of all issues brought forth by the applicants. Fletcher said the department offered to contact the lender in this situation in person, phone or writing to expedite the process, the department will help however it can, but necessary research will require some time to complete.

Pitman said no new information was submitted, he listed all warranty deeds and affidavits as exhibits to the county attorney's office and planning department, there was adequate time for the information to be reviewed, and he feels things were not reviewed properly. Inman said Pittman did not differentiate his current mortgage situation covering the entire property and Tract 41-B in information he submitted to the county. He said the county was under the assumption the lending institution was going to foreclose upon 41-B.

Piccolo said Pitman did submit information in question as part of his application, but in the legal realm the answer one receives is based on the way one frames the question. She said she had a differing picture of the story from what was presented today and therefore the research she conducted does not address the current issue and she does not have the ability today to make a determination of what was presented. Piccolo said she will try to have research completed by the front end of next week but the length of the research will depend on the complexity of the issue and complexities that may arise during that research.

Susan Pitman said she and her husband are trying to save their home of 25 years and are honestly trying to do what is their legal right to do. She said they need the Commission to act in accordance with its responsibility to the community, and the Commission is responsible to uphold the legal law the Pitmans have in their favor. Susan Pitman said she and her husband are not trying to bypass any laws, have all the answers to questions and the issue solved, and are asking for the Commission to say “yes” to the Pitman’s request to do what they want to do. Malone said the Commission has to be concerned about setting precedent for mortgage tract exemptions for other people in the county. Pittman said his concern is for the law and asked Piccolo to identify the section of code for whatever she determines on the matter. Malone said Piccolo will provide that in writing. Durgan said the Commission makes all decisions on a case-by-case basis. Malone said the county will be in touch with the Pitmans on the matter.

@12:04:50 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

May 3, 2010

Consider Decision of Final Plat for Eagle’s Bluff Minor Subdivision

@1:02:27 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Mike Inman and Philip Fletcher, Community Development Department; Shannan Piccolo, civil deputy county attorney; Kathleen Rakela, applicant; Bob Planalp, attorney; Warran Latvala, surveyor; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a decision on the Eagle’s Bluff Minor Subdivision final plat.

Civil Deputy County Attorney Shannan Piccolo said she provided an opinion on three issues after the last meeting: 1) applicant concerns some conditions were placed on the preliminary plat application after its approval, which is prohibited by law. Piccolo said Applicant Kathleen Rakela is asking those conditions be voided, and Piccolo said she suggests the Commission go through those recommendations with the applicant, and if deemed to have been added after preliminary plat, Rakela will not have to meet them for final plat. 2) subdivision improvement agreement, which Piccolo said her opinion to grant an extension of preliminary plat through such an agreement is at the discretion of the Commission. 3) timing issue, which by state law states a preliminary plat cannot be approved for more than two years plus one additional year.

Attorney Bob Planalp cited a former county attorney opinion in stating his opinion is statute authorizes extension beyond the initial one-year extension period, provided that applicant requests the extension prior to the deadline date. Planalp said Rakela is asking for an extension of preliminary plat to August 5, 2010, by entering into a subdivision improvement agreement with the county and posting bond. Piccolo said statute says the

Commission “may” and not “shall” grant an extension, which means an extension is per the Commission’s discretion.

Planup said the applicant agreed and agrees to conditions of final plat when they were placed on the applicant per the county subdivision regulations. Inman said conditions placed were to be met in order to receive final plat approval and those of final plat must specifically be adhered to by the subdivider. Inman said he suggests the Commission go through each condition that was not met by the applicant for final plat individually. Commissioners Taylor and Durgan said they feel it would be a good idea to go through each condition.

The Commission reviewed the following conditions in question: Condition 2: fencing covenant; Condition 10: reseeding of disturbed areas; Condition 18: providing onsite fire fill site per 2005 subdivision regulations or provide permanent legal rights to access water within two miles of subdivision; Condition 19: building envelopes listed on final plat; Condition 20: division into one or more single family residences; Condition 22: road approaches; Condition 23: maintenance agreement for shared road approaches; Condition 26: compliance with general design and improvement standards; Condition 30: changes to preliminary plat changes may require re-submittal of application; Condition 31: subdivision shall comply with all subdivision regulations prior to receiving final plat approval.

Addressing Condition 2: boundary fences: Inman said the information was submitted but not within the timeline.

Addressing Condition 10: reseeding: Malone said the applicant stated she tried to seed the property three times and provided receipts showing seed purchases. Malone said he suggests the applicant try again. Inman said all subdivisions he has reviewed while at Park County have been re-vegetated, and Rakela has provided no information as to how to mitigate the failed vegetation attempts. Commissioner Durgan said he shares Inman’s feelings and there must be something that will grow on the site. Commissioner Durgan made a motion to maintain Condition #10. Commissioner Taylor seconded that motion. Motion passed.

Condition 18: water source: Taylor said he thinks the emergency water source needs to be approvable by the Paradise Valley Fire Department and the applicant has time by August 5 to get something to work. He said test results will tell if a system will work and the applicant needs to spray weeds in the area. Commissioner Taylor made a motion to approve Condition #18 with the caveat there be approval by the Paradise Valley Fire Department, weeds be taken care of, and test results be approved by the Paradise Valley Fire Department for adequacy for their equipment in fighting fires. Commissioner Durgan seconded that motion. Motion passed.

Condition: 19: building envelopes: Commissioner Taylor made a motion to accept the building envelope on 51-D, the applicant needs to locate a driveway that conforms to county standards, and the county will accept DEQ additional information for Lot 51-D

build site and Mr. Inman will verify the numbers and figures are correct on the document. Commissioner Durgan seconded that motion. Motion passed.

Condition 20: the applicant agreed to strike language stating Lot 51-D may be further subdivided from Covenant 20.

Condition 22: road approaches: Inman said he requests the “driveways” present be removed. Commissioner Durgan made a motion to accept Condition 22 and request the temporary roads be obliterated. Commissioner Taylor seconded that motion. Motion passed.

Condition 23: maintenance agreements: Planalp said there are no shared road approaches and therefore no maintenance agreements needed.

Condition 26, 30 and 31: Inman said the three conditions will be taken care of if all other issues are addressed.

Malone said this is the final extension and the applicant has until August 5, 2010, to comply or the application becomes null and void forever or goes back to phase one. Planalp said the applicant would like to extend the extension date to September 15, 2010. The Commission said it agrees to that date. Planup said the applicant will provide a guaranteed plan and guarantees she will comply with all requirements and do the work by September 15, 2010.

@3:27:09 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

May 3, 2010

3:00 P.M. – Discussion of Commission Budget for Fiscal Year 2011 – Commissioners Chambers – Canceled due to computer failure

May 3, 2010

Review of Minutes for Week of April 26, 2010

@3:42 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, 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 April 26, 2010.

Commissioner Taylor requested a revision to Page 3 of 10 noting the correct spelling of “respiratory.”

Commissioner Malone requested a revision to Page 8 of 10. After discussion, the Commission agreed the second paragraph should read, "Commissioner Taylor made a motion the county pay, per past practice, for PERS contributions and interest for all retirement plans offered through MPERA. Employees will be expected to pay only their share of the contribution, not interest, when the county makes calculation errors. Commissioner Malone seconded that motion. Motion passed. Commissioner Durgan abstained from voting."

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

@3:54 p.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

May 4, 2010

Review of Daily Correspondence and Agenda

@8:34:27 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo from MDT re. May 12 meeting for reconstruction of 6.4 miles of U.S. 89 in Park County
- Memo from JPIA re. citizen lawsuit claim
- Memo re. retirement of Library Board of Trustees member - To Commissioner Durgan for review
- Memo re. Community Foundation - To Commissioner Malone for review
- Memo re. Commission postage log
- Memo re. April 23 damage to Qwest property on O'Rea Creek Road
- Memo from DEQ re. waste and underground management rules - To Commissioner Taylor for review
- Memo re. veteran's memorial in Mountain View Cemetery
- Memo re. fourth quarter distribution of oil and natural gas tax
- Memo re. fair board member resignation
- Memo re. citizen public information request
- Memo re. Billings Gazette advertisement invoice
- Memo re. estimates for courthouse roof A/C unit work

@9:00:52 a.m., the meeting adjourned.

May 4, 2010
County Road Updates

@9:02:17 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 supervisor; Lani Hartung, finance; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss county road issues.

Road Supervisor Ed Hillman said Crewman Mark Smith would like to apply magnesium chloride to the Jardine Road in the first of June, because he would like to continue grading at this point with good moisture in the roads. Hillman said he would like a private contractor to complete water leakage work at the museum so he does not have to take crewmen off county road work. Commissioner Malone said he will take care of that issue. Hillman said warm mix is being made in Gardiner and that will be placed in pot holes on Billman Lane.

Malone said a citizen complained about flat tires on Cokedale Road. Hillman said Crewman Brad Wilson is working on that road today. Malone said Qwest reported a telephone cable was damaged by the road crew while installing a culvert on O'Rea Creek Road. Malone said a citizen memo states the condition of Miller Drive is poor. Hillman said a private contractor is working on the Five-Acre Tract Roads.

Commissioner Taylor said a culvert on Fiddle Creek near Citizen Jim Taylor's property needs to be extended. Hillman said he will look at the issue. Taylor said citizens complained of holes in Shields Street and Hannaford and Shannon Roads in Wilsall.

Commissioner Durgan said a citizen on Eight Mile Road said the last time his stretch of road was graded was October 2009. Hillman said a crewman is grading that road today, but he does not know what stretch of road is being graded. Durgan said he received a road complaint from Citizen Mark Narden. Hillman said he does not recollect ever speaking to Mr. Narden.

The Commission reviewed a weekly crewman work log submitted by Interim Road Supervisor Scott Fletcher for the Week of April 26. Malone said Trail Creek Road is rough. Hillman said a crewman is working on that road. Malone said the county currently does not have official gravel specifications. There was discussion about that issue. Malone said he thinks traffic counters need to be put out to assess the amount of traffic on county roads.

Finance Director Lani Hartung provided the Commission and Hillman with budget reports for road, bridge and gas tax funds for April 2010 for review. Hillman said he worked with the finance department to streamline road budget account line items. There was discussion about the need to purchase dump trucks in the near future. Hillman said the pup trailers are old, as well.

@10:01:50 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

May 4, 2010

Human Resources Updates

@10:02:43 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Jill Ouellette, human resources; Lani Hartung, finance; Martha Miller, auditor; 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 said the Gardiner green box position will remain open until Thursday, two applications have been received, and a job offer was made for an open position in the justice court. She said she held interviews for clerk and recorder's office and justice court positions and an elected official was referred to the county attorney's office regarding a discipline directive. Ouellette said the county needs to recoup benefits from an employee who resigned. She said a job posting for the IT Manager position will continue through May 14, no additional applicants have been received by Job Service and the county could elect to drop the education requirement.

Ouellette said she addressed an unemployment claim with the county attorney; addressed a Health Savings Account issue; continued work on an employee computer-use policy; is working on a sheriff's office longevity pay issue; spoke with Owen Vogt of MACo Healthcare Trust about county employee insurance plans; and drafted a memorandum for employees with part-time status who are supposed to accrue benefits. Ouellette said she needs direction from the Commission on how to proceed on that issue.

Finance Director Lani Hartung asked Ouellette the funding and PERS status of a new employee in the clerk and recorder's office. Ouellette said she has addressed those issues with the clerk and recorder.

@10:24:57 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

May 4, 2010

Discussion of Security Camera Installation

@11:41:55 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Jeff Jallings and Jim Morrissey of Security Solutions, Inc.; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss courthouse security camera installation.

Commissioner Taylor said the Commission is looking to secure courthouse hallways with security cameras, specifically by viewing after-hours building occupancy.

Jim Morrissey of Security Solutions, Inc. said hallway cameras would be the same type and cost as those being installed in the jail. He said the sheriff's office would be able to burn an archive record of recordings when necessary, and monitors would be viewed by sheriff's office personnel.

Commissioner Malone asked Morrissey and Jeff Jallings to review courthouse halls for camera locations and provide the Commission with a proposal. Commissioner Taylor accompanied the gentlemen on the tour.

@11:54:41 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

May 4, 2010

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

May 4, 2010

City/County Meeting

@4:10 p.m., County Commissioner Jim Durgan called a meeting to order in the Community Room of the City/County Complex. County Commissioners Durgan, Malone and Taylor were present. City Commissioners Steve Caldwell, Julianne Jones and Rick VanAken were present. Also present were David Haug, Livingston Ditch Association; Camden Easterling, Livingston Enterprise; and Minutes Clerk John Mueller.

County Commissioner Jim Durgan opened the floor to public comment. None made.

Parking Lots Plowing, Sanding and Sweeping: Commissioner Taylor said there has been discussion about the city sweeping the courthouse parking lots in the summer since the county plows and sands the lots in the winter. Commissioners Caldwell, Jones and VanAken said they thought that would be fine. Taylor said he will talk to Clint Tinsley, city utilities, before next meeting to coordinate the effort.

IT Manager Hiring Process: Commissioner Malone said currently three individuals have applied for the position, the position notice has been extended to May 14, and the advertisement has been placed in additional Montana newspapers.

Library Mills/Community Center Levies/Tax Revenues: Taylor said the county returned the library mills to their original amount and Finance Director Lani Hartung is addressing that issue for the next budget year. Durgan said the county told the newspaper it is not comfortable with running a community center levy with a school levy. City

Commissioner Steve Caldwell said the city is waiting to see how the school levy does to determine how to proceed with the community center levy.

West Room Transition: Malone said the county commission voted to have the Community Room, East Room and West Room reserved through Commission Executive Assistant Raea Morris. Durgan said the city and county have first priority on all rooms, which are available on a first come, first served basis. Durgan said the county clerk and recorder reserves the West Room for extended periods of time during election seasons.

Weed Control Issues: Rick VanAken said Citizen Pete Feigley expressed concern over weeds on the Northside Hill. Durgan said Feigley attended the last Weed Board meeting with similar concerns. He said City Manager Ed Meece mentioned possibly coordinating with the county's weed control services to address such issues.

Museum Hill Problems: David Haug, Livingston Ditch Association, said the Association needs to get another cost estimate on ditch work. He said the Association would like to start fixing the ditch, and starting at the location behind the Yellowstone Gateway Museum would be a good place. He said the ditch water will be turned on sometime around May 6.

Caldwell said the city will revisit the proposal at a May 12 meeting prior to a DNRC grant deadline. He said the project engineer did not put on a good presentation at last night's city commission meeting. The county commission said it needs to know the final proposed dollar amount for the ditch work before it can make a decision on helping fund the project.

Malone said the county is installing a French drain behind the museum to capture leaking water, and the water may be reverted back into the ditch or used in a drip irrigation system. There was discussion about determining how much water is entering the drain prior to the ditch being turned on.

Additional Open Business: The commissioners agreed to change meeting times from 4:00 p.m. to 8:00 a.m. on the first Tuesday of each month.

June Agenda Items: The weed and tax revenue issues will be revisited.

The next city/county meeting is scheduled for June 1, 2010 at 8:00 a.m. in the Community Room.

@4:48 p.m., the meeting adjourned.

May 5, 2010
Review of Daily Correspondence and Agenda

@8:38:45 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Raea

Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo re. JP clerk office doors left open - To file
- Memo re. June 8 employee defensive driving training
- Memo re. Verizon Wireless commissioner telephone bill
- Memo from Montana DEQ re. septic permit - To Commissioner Taylor for review
- Memo from MDT re. Statewide Transportation Improvement Program

Commissioner Malone said the courthouse cannon is in the process of being refurbished.

@8:53:08 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

May 5, 2010

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

10:00 A.M. – Five-Acre Tract Road Inspection – Out of the Office – Commissioners Durgan, Malone and Taylor attended

May 5, 2010

Consider Signing Federal Aviation Association Pre-application for Proposed Construction Program

@11:19:13 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Jerri Miller and Kerry LaDuke of the Airport Board; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider signing a Federal Aviation Association pre-application for a proposed construction program.

Kerry LaDuke of the Airport Board said the meeting was scheduled to sign a capital improvements program pre-application for engineering for an airport runway repaving and apron extension project. LaDuke said the city of Livingston signed off on the application. He said 95 percent of the project will be funded by the FAA and Montana Aeronautics Division, and the remaining \$9,000 has been budgeted for in the airport's budget.

Commissioner Durgan made a motion to sign the CIP pre-application. Commissioner Taylor seconded that motion. Motion passed.

@11:21:31 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

May 5, 2010

Consider a Decision on Metal Mines Tax Allocation for 2010

@11:31:40 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were John Beaudry, Stillwater Mining Company; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a decision on a Metal Mines Tax Allocation for Fiscal Year 2010.

John Beaudry of Stillwater Mining Company provided the Commission with an annual report through 2009. Beaudry said the first quarter of 2010 showed a \$13.4 million profit opposed to a \$9 million loss in 2009, but metals market prices are widely fluctuating. Beaudry said Park County's share of the metal mines license tax is determined by the number of mine employees living in Park County. He said Park County's shared allocation in 2008 was 22.925 and is 22.25 for 2009. He said the county may receive a higher dollar amount in '09 because of increased prices and production.

Beaudry said the East Boulder Mine's employment is half of what it was at its peak, but production is 85 percent of what it was after restructuring efforts. He said recycling values are increasing, the auto industry around the world is recovering and the Stillwater Mining Company is now mining for profit margin versus tons per day.

Commissioner Taylor made a motion to accept the 2010 annual allocation for metal mines tax to Park County. Commissioner Durgan seconded that motion. Motion passed.

@11:48:18 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

May 5, 2010

Discussion of Permissive Medical Levy and Health Insurance Budgeting

@1:05:18 p.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; Marilyn Hartley, finance; Lani Hartung, finance; Brad Wilson, road; Owen Voigt, MACo HCT; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss a permissible medical levy and health insurance budgeting.

Owen Voigt of MACo Healthcare Trust (HCT) provided the Commission with projected employee medical benefits renewal figures and reviewed changes to existing and new HCT plans and rates. Voigt said Park County has an average employee count of 108 employees participating in the HCT and a loss ratio of 88.8 percent compared to the HCT average of 71.1 percent. Voigt said 66.6 percent of the next year's premiums are based on the current year's losses with the remaining percentage based on the participating group's average age. Voigt said Park County's claims are significantly higher than the total HCT with premiums of \$759,000 and \$789,000 in medical claims paid out.

Voigt reviewed Park County's medical claims and prescription drug data. He said Park County's insurance premium for the next year will increase 21.7 percent, the highest amount, because the county's loss ratio claims paid exceeded premiums.

Finance Director Lani Hartung and Assistant Finance Director Marilyn Hartley provided information about the county's permissive mill levy and options available to the Commission, such as dropping the benefit plan flex account, dental or vision coverage. Malone said the county insurance committee can come up with as many as five employee insurance plans and make a recommendation to the Commission.

@2:18 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

May 5, 2010

Appointing of Member to Mill Creek Water District

@2:50:02 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Raea Morris, executive assistant. No public comment made.

The meeting was scheduled to appoint an applicant to the Mill Creek Water District Board.

Commissioner Malone said he resigned from the Mill Creek Water District Board on January 1, 2009. He said the board made a recommendation to the Commission to appoint applicant Ryan Malone for the open seat.

Commissioner Taylor made a motion to follow the board's recommendation and accept Ryan Malone to the board. Commissioner Malone seconded that motion. Motion passed.

@2:50:42 p.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

May 5, 2010

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

May 6, 2010

8:30 A.M. – Southwest Juvenile Detention Conference Call – Commissioner Durgan participated

May 6, 2010

Review of Daily Correspondence and Agenda

@9:36:27 a.m., Commissioner Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo from MACo re. June 2 sexual harassment training - To HR for review
- Memo re. City/County Meeting time change
- Memo from Montana Clean re. open courthouse office doors
- Memo from Environmental Solutions re. Gardiner Sheriff's Office asbestos issue
- Memo from SWB member re. CUT green box site contract
- Memo re. Bozeman Chronicle Emigrant incorporation story
- Memo from MDT re. TSEP Carter's Bridge Trail project
- Citizen memo re. Old Yellowstone Trail road condition
- Memo from DEQ re. county graveyard motor vehicle inspection - To junk vehicle coordinator for review
- Memo re. IT Manager position notice for newspaper
- Memo re. Gardiner open container request
- Memo re. county balance sheet as of April 10

Commissioner Durgan reported on a Southwest Regional Juvenile Detention Board meeting. Durgan said Park County has exceeded its annual budget for housing of juvenile defenders by more than \$55,000 to-date and may exceed it by \$100,000 by the end of the fiscal year.

@10:03:41 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

May 6, 2010

10:30 A.M. – Consider Decision of Replacement Compressor Unit for City/County Building – Commissioners Chambers – Postponed until May 10, 2010

3:00 P.M. – County Tax Appeal Board Hearing – Community Room – Canceled due to scheduling conflicts

May 7, 2010

Review of Daily Correspondence and Agenda

@9:21:05 a.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo re. Mill Creek Water District accounting statement - To Commissioner Malone for review
- Memo from Western Mental Health - To Commissioner Taylor for review
- Memo to Montana Clean re. lights left on and doors unlocked
- Citizen memo re. Gardiner sewer easement issue
- Memo re. 2010 June 2 East Zone Preplanning Fire Exercise at Livingston Forest Service office
- Memo re. invoice from CTA for TSEP PER grant work

Commissioner Durgan said Billman Creek Lane was repaired on May 5 and he and Commissioner Taylor have received positive citizen comments.

Commissioner Taylor said he will view Brackett Creek and Daisy Dean Roads in Wilsall today and may view O'Rea Creek Road work.

@9:41:05 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

Marty Malone
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana