

Park County Commission Meeting Minutes  
Week of October 4 – 8, 2010  
Park County, Montana

October 4, 2010

Daily Correspondence, Agenda and Briefing on Current County Projects

@8:31:30 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; Erica Hoffman, GIS/IT; Jill Ouellette, HR; Shannan Piccolo, civil deputy county attorney; 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. October 7 Upper Yellowstone Watershed meeting
- Memo from MACo re. dispersment loss and compensation run
- Memo from PCEC re. Fleshman Creek project
- Memo from Representative Rehberg re. grey wolf impacts
- Memo to RHWA re. 9<sup>th</sup> Street Island logistics
- Memo from sanitarian re. Cooke City sewer system options
- Memo re. website developer invoice
- Memo re. CTA certificate of liability insurance
- Memo re. Commission postage log
- Memo re. September Solid Waste Board meeting minutes
- Memo re. October 7 Fire Council meeting
- Memo from teamsters negotiator
- Memo re. Willow Creek project in Cooke City/Silver Gate area
- Citizen memo re. wind farm concerns
- Memo from DES coordinator re. ideas to decrease county expenditures
- Memo re. Cooke City snow removal bid
- Memo from attorney re. Aldridge Lake Trail
- Memo re. October 6 Enerfin wind farm update meeting
- Memo from Montessori Island School re. stop sign at corner of Miller and Guthrie Lanes
- Memo re. October 7 TAC meeting - To Commissioner Durgan for review
- Memo re. Rick's Refrigeration invoice for courthouse air conditioning units
- Memo re. status of Crevice Mountain Road
- Memo from city manager re. water main repairs along Fleshman Creek
- Memo re. completed maintenance work request

- Memo re. invoice for Livingston Enterprise advertisement
- Memo re. Idaho county wolf disaster area
- Memo re. Eli Lilly grant RFP
- Memo re. 2011 Helena MACo loss control conference
- Memo re. county floodplain development permit
- Memo from Oasis Environmental re. Flesman Creek hydraulic model
- Memo re. RC&D strategy retreat
- Memo from Montana Clean
- Memo from Montana DEQ re. Jesson Ranch rock mining permit comment period

GIS/IT Manager Erica Hoffman provided the Commission with an update of GIS and IT Department activities for the last month.

Human Resources Analyst Jill Ouellette said county coworkers are having a fundraiser for another coworker and she is involved in planning meetings. The Commission directed Ouellette to use personal leave at the planning meetings held during work hours.

Community Development Director Philip Fletcher said the Commission needs to make a decision at an October 6 meeting if it wants to continue with the Flesman Creek Restoration Project and sign a money award from FEMA. Fletcher said he met onsite with Montana DNRC about a 9<sup>th</sup> Street Bridge easement, and dollar value negotiations are ongoing. Fletcher provided details of a proposed Vision Livingston billboard on county property.

@9:48:45 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

October 4, 2010

Signing of Temporary Construction Easement Consent for Landowners on 9<sup>th</sup> Street Island for Bridge Project

@9:49:05 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Philip Fletcher, community development; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign a temporary construction easement consent for the 9<sup>th</sup> Street Island Bridge Project.

Community Development Director Philip Fletcher said three property owners must provide consent for the county to access their property for 9<sup>th</sup> Street Bridge Replacement Project construction, and one signature from Citizen Carter Boehm must be obtained.

Commissioner Durgan made a motion to sign the agreement between Park County and Carter Boehm. Commissioner Taylor seconded that motion. Motion passed.

@9:51:20 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

October 4, 2010

Signing of NW Energy Easement Agreement for Crazy Mountain Productions

@10:17:37 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; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign a contract with Northwest Energy for an easement agreement with Crazy Mountain Productions.

Civil Deputy County Attorney Shannan Piccolo said the contract contains maps, and she added provisions stating Crazy Mountain Productions must fix whatever it disturbs during the project.

Commissioner Taylor made a motion to sign the easement with Northwest Energy for Crazy Mountain Productions. Commissioner Durgan seconded that motion. Motion passed.

@10:19:03 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

October 4, 2010

Signing of TSEP PER Certification of Completion Document for 9<sup>th</sup> Street Bridge Project

@10:31:06 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; Breanna Polacik, Nittany Grantworks; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign a Treasure State Endowment Program grant Preliminary Engineering Report Certificate of Completion document for the 9<sup>th</sup> Street Bridge Project.

Breanna Polacik of Nittany Grantworks said all funds have been reimbursed to the county by TSEP for a PER for the 9<sup>th</sup> Street Bridge Replacement Project.

Commissioner Taylor made a motion to sign the TSEP grant preliminary engineering report certificate of completion. Commissioner Durgan seconded that motion. Motion passed.

@10:34:02 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

October 4, 2010

Review of Minutes for Weeks of September 20 & 27, 2010

@11:26:01 a.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 minutes for the Weeks of September 20 & 27, 2010.

Commissioner Durgan requested a revision to Page 5 of 10; first full paragraph, the last sentence should read, "Durgan said big potholes exist on Shields River Road East at each end of the bridge over the river."

Commissioner Malone requested a revision to Page 9 of 10, the third paragraph should read, "Commissioner Malone said he will walk Fleshman Creek on September 23 with the city manager, Oasis Environmental, and a few individuals from the fishing industry as part of planning for a Fleshman Creek Restoration Project."

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

@11:29:47 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

October 4, 2010

Consider Signing for Billboard with Vision of Livingston

@11:31:33 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Philip Fletcher, community director; Raea Morris, executive assistant; Dan Kaul, Vision Livingston; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider signing an agreement for a Vision of Livingston billboard.

Dan Kaul from the Vision Livingston Board said he is present to ask the county for permission to erect a billboard on county property east of town. The Commission reviewed an overhead aerial photograph of the proposed location. Civil Deputy County Attorney Shannan Piccolo said the county cannot give space to any entity and must capture lease payments.

The Commission said it will consult the landowner currently involved in a lease agreement with the county on the property in question and get back in touch with Kaul about the proposal.

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

October 4, 2010

Signing of Agreement with Public Health and Human Services for Satellite Phone

@1:07:42 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign an agreement with the Department of Public Health and Human Services for installation of a satellite phone.

Commissioner Durgan made a motion to postpone a decision on the matter in order to gather more information on costs and have Dispatch 911 present for discussion. Commissioner Taylor seconded that motion. Motion passed.

@1:08:06 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

October 4, 2010

Discussion of Envirocon Refuse Contract

@2:02:11 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Richard Wright, transfer station; Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss an Envirocon refuse contract.

Refuse Manager Richard Wright said Envirocon invoiced Park County for refuse transport services with an increase of \$6.48 to \$46.32 per ton retroactive to April 15, 2010. Wright said the county had already paid for April through July at the original rate. Commissioner Taylor said he expected an Envirocon representative to provide Park County with a proposal and not just bill the county with an increased rate. Taylor said the county's five-year contract with Envirocon expired on November 17, 2009, and the county is currently not under contract with the company.

The Commission telephoned Greg Frame of Envirocon to discuss the matter, but he was out of the office. The Commission said it will talk with Frame and discuss the issue again at a later time.

In other discussion, Wright said grizzly bears are pulling down fences at the Gardiner green box site and entering the site. He said a citizen entering the site in the dark is in danger of meeting a grizzly bear exiting the site. The Commission scheduled a meeting for October 7 to make a decision on the matter.

@2:21:51 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

October 5, 2010  
City/County Meeting

@8:10 a.m., Commissioner 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 Jones and Spannring were present. Also present were Ed Meece, city manager and John Mueller, minutes clerk.

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

Montana Aeronautics Loan and Grant for City/County Airport: City and county representatives said the loan and grant is moving along.

Fleshman Creek Restoration Project: There was discussion about city involvement in a proposed Fleshman Creek Restoration Project. Commissioner Durgan said the city's involvement in the project is inevitable given sewer lines and other infrastructure. City Manager Ed Meece said he has never been told precisely by Oasis Environmental, Nittany Grantworks or the county commissioners what the county wants the city to do regarding the project in the two years the project has been planned. He said the city will not be involved in the project until it is presented with a proposal, dollar figures and project specifics. Meece said the city does not have the resources to maintain fish habitat or water levels in the creek, and property ownership issues still remain on the creek. City Commissioner Bill Spannring asked if the county has any entity traveling door to door inquiring about private land accessibility. Durgan said many different groups are working on the project.

There was discussion about installation of storm water inceptors to filter city street storm water runoff as part of the project and the city's involvement in addressing that issue.

Commissioner Taylor said he wants to see dollar figures for the project, and he does not know how a county of 15,000 people can conduct a stream project in the city in the current economic times. Meece said he thinks the city and county can work much more effectively on a flood mitigation project replacing culverts in the city for much less than \$3,000,000.

Durgan said part of the project plan is to piggyback the project with a sewer system project for the fairground, country club and the schools.

Handicap Access: Malone said a courthouse parking lot sidewalk ADA project has been completed and the Commission will research installing an ADA door in the courthouse east wing.

Other: Meece said the city has not checked its ADA plan since 1994 and will provide a checklist of ADA requirements for the courthouse. Meece said the city and county split a \$1,400 cost to provide gravel for the Myer's Flat access road.

The County Commission said it settled a lawsuit with the Park County Concerned Citizens regarding a refuse lawsuit. The Commission said the lawsuit was dismissed with prejudice, and the county will have to conduct another solid waste report with focus on incineration and cogeneration options.

Spannring asked the county's point of view on a proposed wind farm on Mission Ranch. Durgan and Taylor said it is a private issue of private funds and private property. Spannring said it is a private land issue.

@8:45 a.m., the meeting adjourned.

October 5, 2010

County Road Updates

@9:01:41 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Ed Hillman, road supervisor; Raea Morris, executive assistant; Bill Harris and Phil Dawson, citizens; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss county road issues.

Road Supervisor Ed Hillman asked if he can erect 15 MPH speed signs in work zones. He said people are driving too fast past road graders. Civil Deputy County Attorney Shannan Piccolo said she will look into relevant statutes.

Hillman said seven crewmen attended a training session to measure the stability of a roadbed and conduct safety audits. He said snow fence on Swingley Road has been erected near Beaver Creek and the crew will begin erecting snow fence in Tom Miner.

Citizen Bill Harris thanked the Commission for removing 15 MPH signs on Canyon View and Loves Lane. Harris said he still contends a citizen's fence is in the county road right-of-way. Malone said surveying the road is on the list of things for the Commission to do.

Citizen Phil Dawson said the Chicory Road Homeowners Association is thankful for all road repairs done on the road this summer. He said a question came up about chip sealing the road and thinks some private funds may be raised for that effort. Hillman said chip sealing the road would help it, but chip sealing costs \$22,000 a mile and there is no way the county can afford to do that work. Dawson said the citizens could probably raise one-third of the funds. Malone said it is a great place for a Rural Improvement District. Piccolo said she will provide a memorandum about the history of Chico-Chicory Road abandonment efforts.

Malone said a citizen reported rough driving conditions on Adair Creek Road. Hillman said the grader went up Adair Creek Road recently, and it was determined last week Adair Creek Road would not be maintained beyond the cattle guard. He said it has not been maintained past the cattle guard for some time.

Commissioner Durgan said Trail Creek Road has potholes.

Malone asked about a stop sign to be placed on Guthrie and Miller Lanes. Hillman said he would like someone to tell him where to put the sign, because a driveway egresses to the corner. Morris said she will contact the Sheriff's Office about placement of a sign.

Hillman said signs are ordered for Deep Creek Lower Bench Road and Bottler Springs Lane and Oregon Trail. He said he thinks a temporary employee needs to be hired for 90 days by November.

@9:50:36 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

October 5, 2010  
Human Resources Updates

@10:01:24 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; Philip Fletcher, community development; 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 change of status forms for a green box site manager, jailer and IT tech. Ouellette provided the information on Employee of the Quarter and a Treasurer's Office employee evaluation. She said interviews will be held for a fairgrounds caretaker position this afternoon and an oral board will meet for a deputy hiring on October 13.

There was discussion about employee benefit accrual rates, cell phone policy and funding a county position in which the employee will ultimately end his employment.

@10:29:06 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

October 5, 2010

11:00 A.M. - Discussion of Silver Gate Water Users Resort Tax and Water Project - Commissioners Chambers – Canceled

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

October 5, 2010

Review of Daily Correspondence, Agenda and Update of Current County Projects

@2:30 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Raea Morris, executive assistant; and Shannan Piccolo, civil deputy county attorney. No public comment made.

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

Correspondence included:

- Confidential legal advice to road supervisor from civil deputy county attorney
- Memo re. janitorial services bid documents
- Memo from community development director re. cell phone usage stipend
- Confidential legal advice to Commission from civil deputy county attorney
- Memo re. cleaning of Gardiner Sheriff's Office
- Memo re. Livingston PACE program cancelation
- Memo re. treasurer's cash report
- Memo re. FHWA bridge bid award opening
- Memo re. LTAP Matters newsletter – To Commissioner Durgan for review

@3:00 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

October 5, 2010

Discussion to Follow Up on Main Boulder Road

@3:00 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Ed Hillman, road supervisor; Rick Reed, Susan Mosness, and Phil Hathaway, Sweetgrass County commissioners; Randy Werdal, Sweetgrass County road supervisor; and Ron Archuleta and Lauren Oswald, Forest Service. No public comment made.

The meeting was scheduled as a follow-up meeting for Main Boulder Road maintenance.

Commissioner Malone said the Park County and Sweetgrass County commissioners previously met onsite with residents at the Main Boulder Road to discuss road maintenance issues.

Ron Archuleta of the Forest Service said RAC and the Federal Highways Program are two possible federal funding sources for maintenance of the Main Boulder Road. There was discussion about using RAC money to do shoulder and cross-drainage work and Federal Highways funds for gravel surfacing. Archuleta said his supervisory engineer was very supportive of the idea of resubmitting a full-spectrum, three-year renovation project of Main Boulder Road in the spring through partnership with the Forest Service and the counties using Federal Highways funds. Archuleta said the Forest Service goal is to maintain Main Boulder Road as a county road using federal funds to improve it. He said creation of gravel pits likely would be part of the project.

Both commissions said they have interest in Archuleta further researching the funding and project options. Archuleta said he will conduct that research in anticipation of conducting public informational meetings about where the road should be located through contentious areas in which residents have encroached on county rights-of-way. Archuleta said the work will extend to Box Canyon, and the scope of work will include drainage, resurfacing and realignment needed to improve traffic safety.

@3:47 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

@4:00 p.m., the meeting reconvened.

Sweetgrass County Road Supervisor Randy Werdal said Park and Sweetgrass Counties could enter into a joint effort to buy or lease equipment, including a grader and roller and hiring a contractor, to maintain the Main and West Boulder Roads. He said the counties would provide the water truck. A Sweetgrass County commissioner said it would be in the best interest of both counties to maintain the roads after repair through the proposed federal highways program. There was discussion about an individual living in the Boulder area contracting with the counties to maintain the roads using county equipment.

Werdal said Sweetgrass County is not going to do anything on Duck Creek Road, and he will get figures on the Main and West Boulder Roads proposal for Park County review.

@4:18 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

October 6, 2010

Review of Daily Correspondence, Agenda and Update of Current County Projects

@8:42:39 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 supervisor; 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 HR re. employee sick grants
- Memo from Moose Horn Gallery re. business afterhours
- Memo re. Friends of Aviation Montana - To Commissioner Durgan for review
- Citizen memo re. disruptive dogs in county - To Commissioner Taylor for review
- Confidential legal advice to Commission from civil deputy county attorney

MSU Extension Agent Mary Anne Keyes said Extension will partner with the Community Development Department to host a candidate forum in Clyde Park.

Road Supervisor Ed Hillman said Montana DEQ viewed a rip rap project conducted by the road department in Cooke City. Hillman said an expired stream work permit will be renewed. He said he will measure the distance between Shields River Road East and the cattle guard on Adair Creek Road.

Community Development Director Philip Fletcher said he informed Kent Atwood of Montana DES the Commission will decide whether to sign a FEMA grant award at an October 6 public meeting.

There was discussion about a Fleshman Creek Restoration Project. Fletcher said grant funds exist to complete Phase II of the project, which will provide a final project cost, design information, and landowner consent agreements at no expense to the county, and the Commission could decide after that point to modify the agreement or squash the project. Fletcher said a final design will provide all cost estimates for project work.

@9:16:04 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

October 6, 2010

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

October 6, 2010

Update with Enerfin Energy Company regarding the Coyote Wind Project

@9:31:30 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; Shannan Piccolo, civil deputy county attorney; Juan Pablo Vicente and Cesar Perez of Enerfin; Wes Venteicher, Livingston Enterprise; Dave Duncan, Thomas Bock and Jesse Durden, citizens; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to update the Commission about an Enerfin Energy Company Coyote Wind Project.

Juan Pablo Vicente of Enerfin Energy Company said he is present to provide the Commission with an update on the status of a proposed Coyote Wind Farm project in Sweetgrass County near Springdale, access to which may require travel over Park County roads. Vicente said Enerfin is currently in discussions with Puget Sound Energy for purchase of the wind farm energy, and the easiest route to the wind farm is from the Springdale exit off Interstate 90. Commissioner Malone said the county needs a written letter from Enerfin stating what it will do with the county roads it travels over. Vicente said Enerfin will agree roads will be in better condition than they currently are.

Vicente said Enerfin needs a letter from the Commission to provide to the utility stating Enerfin has the county's approval to use the county roads and build the project through completion of the project. Vicente said he will provide a draft letter for county legal counsel review. Civil Deputy County Attorney Shannan Piccolo said the county cannot grant a permit without Enerfin first applying for one, but it can conditionally grant approval to use the county roads for the project.

Citizen Dave Duncan asked if Enerfin has interconnection with the transmission line. Vicente said Enerfin is in negotiations for an interconnection agreement with Northwestern Energy and Park Electric. He said the project hopes to commence construction by the end of 2012.

@10:06:49 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

October 6, 2010

Consider Decision on Fleshman Creek Project and Signing of FEMA Grant Agreement

@10:30:19 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 and Mike Inman, community development; Martha Miller, auditor; Lani Hartung, finance; Barbara Woodbury, environmental health; Mary Anne Keyes, Extension; Kim Knutson, fair; Fair Board Members Ed Flatt, Bob Skillman, and Mike Adams; Kerry Fee, PCEC; Sharon Sweeney

Fee, TU; Scott Opitz, FWP; Kathy Kelliher, Nittany Grantworks; Mike Cox and Tom Coleman, Oasis Environmental; Todd Wester, Livingston Public Schools; Wes Venteicher, Livingston Enterprise; Citizens Hebbard Blesius, Theresa Coleman, Dan Nelson, Steve Woodruff, Jon Ellen Snyder, Kevin Fochs, Ted Madden, and Robert “Nick” Currie; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to consider a decision on the Fleshman Creek Project and sign a FEMA grant agreement.

Commissioner Malone said Oasis Environmental wrote the original grant for the Fleshman Creek Restoration Project to the Federal Emergency Management Agency, and FEMA awarded the Commission with \$2.28 million for the project. Malone said the primary scope of that funding was to alleviate flooding in the lower reach of Fleshman Creek. Malone read into the record project phase and funding source specifics from a *“Fleshman Creek Flood Prevention and Restoration Project Funding Sources Scope of Services and Financial Summary by Project Phase”* document. Malone said a survey and landowner construction agreement process has not been conducted for the project.

Kerry Fee of the Park County Environmental Council (PCEC) said a flow agreement for Fleshman Creek exists between the Joe Brooks Chapter of Trout Unlimited and the City of Livingston.

Malone said he would like to speak to the City of Livingston to ask them what their involvement in the project would be.

Todd Wester of Livingston City Schools said the city was willing to sign on to a feasibility study for a community center that would relocate the swimming pool, and the primary concern of flow is coordinating flow with the pool. He said that effort was a show of support for a restoration project, perhaps in an indirect way. Wester said the city is helping with funding of school water quality monitoring measures, supported a storm drain project and knows the storm interceptors will have to be maintained with city assistance.

Malone said he wants to ensure the county is not on the hook for \$1,000,000 similar to what happened in Beaverhead County, which is the same type project. He said he is looking out for the people of Park County.

Mike Cox of Oasis Environmental said Oasis was involved in part of the Beaverhead County project, and the primary problem with that project was miscommunication between the county engineer and his superiors, and a public relations/land surveying and landowner construction agreement process was not conducted prior to heavy equipment showing up onsite for construction work. Cox said a second mistake was the county hired a lowest bidding contractor whose reference advised the county not to hire. Cox said there are lots of lessons to be learned from the Beaverhead project and thinks those mistakes were situations of circumstances that can be avoided. He said the adjacent landowners and City of Dillon are now raving about the project, close to 250 homes will

be removed from the designated floodplain area, and stream flood issues have been improved.

Fee said the Upper Fleshman Creek Project on the Voyich Ranch went completely right and can be looked at as a success story.

Sharon Sweeney Fee of the Joe Brooks Chapter of Trout Unlimited said she will have to pay something to replace the 9<sup>th</sup> Street Bridge because it was neglected and ignored by prior administrations and she would hate to see that happen with sewer lines and culverts in the city along Fleshman Creek.

Ted Madden of Vision Livingston and Livingston Public Schools School Board said potential cost overruns can be avoided and as a taxpayer the opportunity of getting an eight to one match and creating jobs and infrastructure for the community is worth the risk, especially when mitigations will have to be done to minimize existing risks. Madden said he thinks the county cannot walk away from that.

Wester said the school district's commitment remains to project based learning opportunities for Livingston students, and his concern is continuing to speculate what landowners will say about the proposed project without asking them. He said one landowner who is a school official has indicated her willingness to do the project via her property. Wester said he urges the best information moving forward and a stop to speculating what objections landowners may have by holding public meetings and finding out what objections may exist.

Citizen Hebbard Blesius asked how much public access exists to Fleshman Creek to avoid equipment having to traverse private property. Malone said many landowners did quick claim deeds to the center of the stream flow and major work will be conducted in the creek bed and sometimes on stream banks. Cox said city, state, schools and sizeable private landowners have said they are in favor of the project. Cox said his recommendation is to have community involvement from everyone and try to maintain the project in the long run. He said accessing the creek via private properties will be dependent on a case by case basis. Cox said he applauds the Commission in supporting the project and avoiding a Dillon situation by taking a phased approach with a landowner consent and design and cost estimate phase. Cox said he thinks there is a positive way to get the project done and stay within the realms of funds the county has. He said tree replacement is part of the design, and the project will increase property values along the creek.

Commissioner Durgan said the project does not intend to change the face of the earth, and he is hopeful the project will make a permanent and long-term improvement for a lot of generations. Malone said the county does not have a crew to maintain the creek, and the creek currently contains car seats, steel posts, boards and silt that he presumes came off of city streets. Durgan said the creek will not return to that state if the project is completed, as landowners and schools have taken ownership and citizens will have

something they can share with pride. Durgan said the amount of citizen use of Mayor's Landing is gratifying to see.

Malone said the county is not in the business of maintaining trout habitat and needs to find someone to maintain the project in the long term.

Livingston High School Teacher Kevin Fochs said he speaks in favor of the project as a teacher for its importance in providing students with an opportunity to create habitat and take water quality samples. Fochs said all one would have to do is take any landowner along the stream in objection to the project to the Voyich project and that will alleviate a lot of concerns. Fochs said from an individual standpoint, water is backed up in the stream today, and it is annually in the St. Mary's Church parking lot. He said the county needs to worry about litigation if it does not do something about flooding before a flood causes damage some day. Fochs said there may be an issue of liability if the county chooses to say "no" to the project now and a subsequent flood damages residents' properties. Fochs said from an agriculture teacher point of view, he thinks there are advantages to be gained by the project as far as sewage issues at the fairgrounds. Fochs said restrooms cannot be used in a new building at the fairgrounds, but if the fairgrounds can tie its project into the Fleshman Creek Project he is in favor of that too. He said he cannot see the positives do not way outweigh the negatives of doing the project.

Fee said Trout Unlimited has Fleshman Creek on its annual cleanup and it is a great way to get kids involved in the effort. Fee said a weed problem at the Voyich project took two weeks to knock out, and the Fleshman Project will be a thing of pride when done.

Community Development Director Philip Fletcher said he has no doubt in his mind that community groups exist that would contribute to the long-term maintenance of the creek project. He said if groups are saying they would contribute, then he suggests agreements are made for that purpose. Wester said the schools' letter of support was a letter of agreement, and the schools had a \$60,000 day at Mayor's Landing when using FEMA volunteer hourly wages. Fee said he can commit PCEC to the maintenance effort. Sweeney Fee said Joe Brooks TU will sign onto something as soon as the county signs onto something.

Sanitarian Barbara Woodbury said her interest in the project has to do with a lift station making it more economically feasible for a fairgrounds sewer system. Woodbury said she thinks an updated fairgrounds sewer system is critical, as two new buildings there have restrooms that cannot be used. Woodbury said a septic system serving the concession stand is inadequate, and there is no way to do anything in the future to make the facility more usable. Woodbury said she is disinclined to allow any more septic installation at the fairgrounds because it is in a floodplain, and the right thing to do is to get the sewage out of that area. She said it will make it difficult for the county to get funding from agencies for any future things it needs done if it does not go ahead with the Fleshman Creek project. Woodbury said the Fleshman Creek area has experienced flooding in the past when she looks at the FEMA Comprehensive Management Plan, and the area will likely see flooding expenses in the future. Woodbury said City of

Livingston citizens are county citizens as well, and it is a good question to ask why the city is not present. She said the project is an opportunity to clean up a beloved corner of the county that a lot of people utilize.

Malone said a possible fairgrounds sewer project is over and above the Fleshman Creek Project. Woodbury said the Fleshman Creek Project would make it easier for the county to afford to clean up the fairgrounds facility. Durgan said Robert Peccia and Associates engineering firm suggested the possible fairgrounds sewer system tie-in as equipment and labor would already be onsite and available.

Tom Coleman of Oasis Environmental said the city sewer is connected in a way that pipes cannot be avoided. Coleman said the culvert at St. Mary's is set at an elevation resulting in water back up. Coleman said the culvert needs to come down to convey flows, which will require a change in streambed grade and elevation. He said the change in grade will expose a sewer pipe above the ground, so all things with the project are connected and must be appropriately dealt with at one time.

Fee said the county has an opportunity to take care of issues now, and DEQ will require county involvement if culverts and sewer lines fail in the future. Fee asked why the county would wait until a problem arises when money is available now.

Fair Manager Kim Knutson said the fairgrounds sewer system is old and the fairgrounds could be shut down if it fails. Knutson said the fair is trying to bring in more events, and the timing seems to be just right to address sewer issues.

Wester said the district mission states working in cooperation with the community, and the schools are present to collaborate and applaud the Commission in thinking of the right questions, possibilities and practical concerns that have to be considered. Wester said he would like for the Commission to think in terms of what successful completion of the project might entail. He said the lower reach of Fleshman Creek stays clean perennially after it was redone, and school kids erect dog clean up signs and address weeds along that stretch. He said the stretch is a well-stewarded piece of the creek since 2004 and the Voyich project was another success story. Malone told Wester to ask Superintendent Hannibal Anderson if he will put money into a new sewer system.

Madden said the recent school bond passed 65 to 35 and was a two to one match, and the Fleshman Creek grant is a no-brainer with an eight to one match. He said he thinks the community is ripe for smart investments and a boost in the arm of making this a better place.

Fletcher said the Community Development Department would hold community landowner meetings. He said the department has already met informally with some stakeholders and his reading is there will be no shortage of effective people and organizations willing to work with the county to put together a comprehensive and systematic landowner consent and public education program.

Malone said the county will have to determine how far landowners own into the creek.

Malone said the city manager said no one has asked the city what it wants the city to do regarding the project and he asks why the city has not backed into the project. Fee said he is trying to get the city commission to support the project with a vote at the next city commission meeting.

Durgan said logistically and realistically the city has to be involved in the project at some point given the vicinity of the city sewer system along Fleshman Creek.

Fletcher said the project is a two-year project. He said his department would have to finish paperwork for three other grants if the Commission votes to go forward with the project, but the county will continue to look for additional funding and bring in a larger portion of the community in whatever capacity.

Commissioner Taylor asked if the county can pull the plug on the project if it commits \$300,000 for a final design and does not like the design or it is not right for Park County. Fletcher said FEMA informally recognizes the project can be done in phases. Fletcher said his suggestion is to insert a paragraph clarifying the county will agree to the FEMA funds, but the county will not complete Phase III if the project cost goes up too high or landowner consent is not obtained. Fletcher said Phase I and II of the project can be completed without using any county funds. Taylor said he is afraid of committing the county to a black hole and the county does not have a final project design. He said he is fine with getting a final design but he wants to see what the Commission is voting for and does not want to break the county. He said he is all for stream restoration at the right price, but he is not going to tell the people in Gardiner the Commission is going to raise their taxes for a stream through Livingston. He said he has to see fiscal responsibility with the project, and after the final design is completed he would like to have the flexibility to pull the plug on or redesign the project in order to make the project fit the community. Taylor said he wants to know the county does not have to go forward with the project come hell or high water if it says "yes" to the FEMA money.

Durgan said he thinks Taylor's sentiments are shared by everyone, and he thinks the county is missing the boat if it turns back the funds FEMA has for the project.

Fletcher asked Cox if it is possible to create a parallel final design that reduces the final design in order to bring the project into line of \$3.1 million to guarantee the project does not go beyond budget. Cox answered in the affirmative and said Beaverhead County did that very thing in removing one bridge and 800 feet of creek from its restoration design plan.

Wester said the Commission may be able to approach Gardiner residents with a cost/benefit analysis that shows a savings in county taxpayer dollars by preventing floods. Wester said the county is currently maintaining a broken system in Fleshman Creek and hopefully will save funds in the end. He said the school got its Safe Routes to

Schools project done recently at a cheaper cost because construction costs are down and that may also benefit the Fleshman Creek Project.

Malone said he would like FEMA to sign a statement saying the county can scale the project back if the final design comes in higher than expected. Fletcher said he does not know why the county and FEMA cannot address in writing Malone's request within a couple of days.

Malone said he sees four parts to project with the primary goal being flood mitigation or replacing culverts, so there remains three other phases the Commission can decide on - sewer lines, receptors and stream restoration.

Fee said the entire stream system will work better, hydrology will change, and the creek will better flush itself if all project pieces are put together. Cox said sediment transport will change with interceptors and culvert maintenance costs will go away at a cost savings to the county. Cox said it is all one project of building banks and FEMA requires revegetation, the cost of which can be reimbursed with FEMA funds.

Commissioner Dugan made a motion to accept the FEMA offer made and accept the agreement with the primary consideration at this point is Phase II to consider a final design and landowner consent, and upon obtaining that the Commission will have the opportunity to revisit and reconsider the FEMA grant at a later date, to include verbiage stating the county can opt out of or rescale Phase III of the project if the final design proves to be too costly to the county, and the Commission will sign two of the three documents for FEMA to provide legal counsel time to draft said language and add it to the agreement. Commissioner Taylor seconded that motion. Motion passed unanimously.

Commissioner Durgan nominated Fletcher as the single point of contact for the project. Commissioner Taylor seconded that motion. Motion passed.

@11:49:54 a.m., the meeting adjourned.

October 6, 2010

Discussion/Follow up of Longevity Issue

@11:57:03 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; Marilyn Hartley, accounting; Rick D'Hooge, union negotiator; Gary Tanascu and Dan Wertz, citizens; Wes Venteicher, Livingston Enterprise; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss a Sheriff's Office longevity issue.

County Union Negotiator Rick D'Hooge said all payments and treatment applied to Teamster's Local personnel will be applied to retired sheriff's office personnel Gary

Tanascu and Danny Wertz. D'Hooge said he will send additional information on the matter to the Commission and Human Resources Analyst Jill Ouellette and will provide Tanascu and Wertz with the county's longevity figures working spreadsheet. Tanascu said he wants to make sure figures are made right with retirement personnel because it affects the bottom line. D'Hooge said Wertz and Tanascu will be treated like everyone else.

@12:02:51 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

October 6, 2010

Discussion of Bears in Green Box Sites

@2:30:26 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Raea Morris, executive assistant; Shannan Piccolo, civil deputy county attorney; Richard Wright, refuse manager; Courtney Lawellin, attorney; Allan Shaw, CUT; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss bears in county green box sites.

Refuse Manager Richard Wright said Montana Fish, Wildlife and Parks (FWP) game wardens have put a culvert trap at the Gardiner Green Box Site where a grizzly bear has been entering the site since a meeting with the Commission on Monday. Wright said hunters are throwing rotting hunting kills in the green box site and the bear is attracted to the kills. He said FWP is trying to keep tabs on the bear in the daytime and hopes to have him trapped in a night or two. He said FWP is trying to work with the county so it does not have to close the site, and citizens there know the bear is frequenting the area are not dumping trash after dark.

Allen Shaw of the Church Universal and Triumphant said bears are active around the Corwin Springs Green Box site.

@2:50:18 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

October 6, 2010

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

October 7, 2010

Review of Daily Correspondence, Agenda and Update of Current County Projects

@8:50:03 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; Ed Hillman, road supervisor; 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. October 25 notice of public hearing for abandonment of Hill Road
- Memo re. Montana DNRC HCP public review period
- Memo from chief probation officer re. missing office items
- Memo from Slip N Slide Ranch re. review of trespass on property
- Memo re. satellite phone estimate
- Memo from clerk of court re. juror warrants
- Citizen memo re. wind farm report

Executive Assistant Raea Morris said a citizen telephoned to complain about Crazy Mountain Ranch road maintenance vehicles driving too fast on a gravel county road.

@9:08:22 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

October 7, 2010

Discussion of Planning Grant Award

@9:09:06 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Belinda Van Nurden, DES; Philip Fletcher, community development; Kent Atwood, Montana DES; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss a planning grant award.

Kent Atwood of Montana Disaster and Emergency Services said the federal grant award of \$9,750 is designed to assist Park County in updating its pre-disaster mitigation plan and requires a minimum local match of \$3,251.75

@9:22:51 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

October 7, 2010

10:00 A.M. - Agency on Aging Meeting - White Sulpher Springs, MT – Commissioner Taylor attended

October 7, 2010

Signing of Agreement with Public Health & Human Services for Satellite Phone

@1:08:17 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 Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign an agreement with the Department of Health and Human Services for a satellite phone installation.

Commissioner Durgan made a motion to conditionally sign the agreement after receiving more information from Mr. Tong of Bridger Communication. Commissioner Malone seconded that motion. Motion passed.

@1:11:40 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

October 7, 2010

Presentation of TRAFx Traffic Counters and Capital Improvement Goals and Objectives

@2:01:49 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Mike Inman and Philip Fletcher, community development; Ed Hillman, road; Erica Hoffman, GIS/IT; Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled as a presentation of TRAFx traffic counters and capital improvement program goals and objectives.

Senior Planner Mike Inman provided a presentation of county TRAFx traffic counters operation and associated software and how the counters will be used in developing a countywide capital improvements plan. Inman said impacts, infrastructure and associated maintenance costs are big factors in developing a countywide capital improvements plan, and traffic counts can justify fiscal assistance programs such as impact fees or fee increases. Inman said a methodology will have to be developed and adhered to in how the county will obtain and then process data.

@2:55:45 p.m., the meeting adjourned.

October 7, 2010

7:00 P.M. - Upper Yellowstone Watershed Basin Meeting - St. Johns Church, Emigrant MT

October 8, 2010

No Meetings Scheduled

Marty Malone  
Chairman, Park County Commission  
Park County, Montana

Denise Nelson  
Clerk & Recorder  
Park County, Montana