

Park County Commission Meeting Minutes
Week of September 13 – 17, 2010
Park County, Montana

September 13, 2010

Daily Correspondence, Agenda and Briefing on Current County Projects

@8:33:12 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; 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. revenue and transportation meeting notice - To Commissioner Durgan for review
- Memo from RC&D re. Big Sky Energy Revolving Loan Fund - To Durgan for review
- Memo re. September 10 city governments open house
- Memo from Senator Baucus re. pipeline
- Memo re. Cooke City building
- Memo re. Adair Creek Road cattle guard, roadside mowing issues
- Memo re. NWS airport tours training - To Durgan for review
- Memo from SWB secretary re. board member terms
- Memo from former county employee re. reimbursement of legal expenses - To MACo for review
- Memo from civil deputy county attorney re. settlement timeline

Executive Assistant Raea Morris said citizens stopped in and expressed concern about a letter being spread in the neighborhood about a ditch issue.

Road Supervisor Ed Hillman provided the Commission with road crewmen weekly work schedules.

@9:07:01 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

September 13, 2010

9:00 A.M. - Review of Minutes for Week of September 6, 2010- Commissioners Chambers - Rescheduled for September 15 @ 11:30 a.m.

September 13, 2010

Selection of Construction Overseer for 9th Street Bridge Project

@10:01:22 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 select a construction overseer for the 9th Street Bridge Restoration Project.

Community Development Director Philip Fletcher said the county is clear to go forward with the issue per the Federal Highway Administration. Civil Deputy County Attorney Piccolo said both firms met bid requirements.

The commissioners and Fletcher read into the record their individual scorings of Stahley Engineering and CTA Engineering, scorings ranging from one to 10. The Commission said Fletcher's votes will not be counted, but considered as advisory information.

Fletcher said he scored CTA = 6.65 and Stahley = 8.15. Commissioner Taylor said he scored CTA = 9.25 and Stahley = 8.95. Commissioner Durgan said he scored CTA = 7.7 and Stahley = 7.65. Commissioner Malone said he scored CTA = 7.50 and Stahley = 7.35.

Fletcher said he does not think CTA has managed the bridge project well at all and thinks the county had to start from ground zero in February when it took over the lead in project oversight. Malone said he thinks CTA did a nice job when the county was attempting to build the bridge before the federal government became involved.

Commissioner Durgan made a motion, based on evaluation made, to nominate CTA as the overseer for this project. Commissioner Taylor seconded that motion. Motion passed.

@10:29:33 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

September 13, 2010

12:00 P.M. - Community Networking Meeting - Livingston Job Service

September 13, 2010

Discussion of Entitlement Funds

@1:30:10 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were

Lani Hartung, finance; Raea Morris, executive assistant; Jon Esp, senator; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss county entitlement funds.

Senator Jon Esp provided the Commission with an explanation of the history of how county entitlement funds are distributed. Esp said in the mid 90s voters passed initiative I-105, which froze taxes, and currently city and county governments are the last entities left frozen. Esp said the goal of a newer bill was to allow a reasonable amount of growth at the local level. Esp provided the Commission with a Local Government Funding and Structure Committee slideshow for review. There was discussion about Senate Bill 184, the goal of which was in part to create a rational, dependable, stable funding structure for cities and counties. Esp said Park County has experienced a 23-percent growth in the time entitlement shares have been awarded.

@2:28:43 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

September 13, 2010

Discussion with Forest Service regarding Shields River Road Project

@3:00 p.m., a meeting commenced at the Livingston Ranger District Office. Present were Commissioners Durgan, Malone and Taylor; Ed Hillman, road supervisor; Mary Erickson, Custer and Gallatin National Forests; Ron Archuleta, Yellowstone Ranger District; Mary May, Gardiner Ranger District; Laurie Ford and Kerry O'Neill, Big Sky Snowriders; Stacy Bragg, Citizens for Balanced Use; and Gary Barnhardt, citizen.

There was discussion about the Forest Service's Shields River Road Improvement Project and a subsequent lack of parking for snowmobilers on that road. The commissioners and road supervisor expressed concern with taking over maintenance of the road after work is completed. There was discussion about Payment in Lieu of Taxes (PILT) and Secure Rural Schools (SRS) funding, a cut in the county's PILT funding and the Federal Government's operation of the funding types as two separate funds. There was discussion the Forest Service may facilitate public information meetings about Shields River Road parking issues with private landowners, despite Forest Service claims it has no jurisdiction over the road once the project is completed.

@4:16 p.m., the meeting adjourned.

*Minutes submitted by Jo Ann Harper

September 13, 2010

3:00 P.M. - Angel Line Board Meeting - West Room – Meeting minutes available in the Commission Office

September 13, 2010

3:00 P.M. - Local Advisory Committee - Mental Health Drop-In Center, Livingston

September 14, 2010

7:30 A.M. - Job Service Employers Committee - Livingston Job Service – Commissioner Malone attended

September 14, 2010

Daily Correspondence, Agenda and Briefing on Current County Projects

@8:32:40 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. September 21 Fair Board Agenda
- Citizen memo re. Jardine Road grading
- Memo re. HL Construction certificate of liability
- Memo from sanitarian re. Cooke City sewer steering committee
- Memo re. Beartooth Highway construction update
- Memo re. October 7 seasonal influenza vaccines
- Memo re. Viers Family Transfer community development staff report

Commission Executive Assistant Raea Morris said Rick Leckner reported two rooftop unit belts will need replacing soon.

Commissioner Durgan said he talked to Tim Williams from Crazy Mountain Productions who will provide the Commission with a rough sketch of a proposed power line easement to the East Side School.

@8:44:14 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

September 14, 2010

County Road Updates

@9:01:45 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Raea Morris, executive assistant; Ed Hillman, road; Philip Fletcher, community

development; Shannan Piccolo, civil deputy county attorney; Duane Long, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss county road issues.

Road Supervisor Ed Hillman said he viewed a cattle guard on Adair Creek Road, and mowing needs to be completed before snow fence can be put up. Commissioner Malone said a citizen stated the road crewman grading Jardine Road is doing a worse job than the original operator.

Citizen Duane Long of Boulder River Road asked the Commission when it will have a citizen remove a gate and boulders from the county right-of-way road so citizens can again use that portion of the road. Long said the road has been a county road forever and it has received much use, then a citizen moved in and built three buildings in the county-right-of-way, padlocks a gate when he is out of town, and put boulders in the right-of-way. He said another citizen has built a fence into the right-of-way. Long said his concern is the right-of-way is the only deeded access into Whispering Pines subdivision, and it goes against every fiber in his body to see someone confiscate public property for personal use. He said he is asking the fence and gate be taken down and the rocks removed.

Commissioner Malone said the county needs to clean up the ownership through acquisition or trade. The Commission asked Civil Deputy County Attorney Shannan Piccolo to research the issue to begin action on the issue.

Community Development Director Philip Fletcher said road counters were placed in two locations in the county to determine traffic use on county roads, the counters worked well and a lot of data was obtained. He said the data collection phase of the department's county comprehensive and capital improvements plan is going well, and the senior planner will provide the Commission with a presentation in two weeks. Fletcher said he is looking into obtaining interns for capital improvements for the road and bridge phase of the county comprehensive and capital improvements plan.

@9:43:39 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

September 14, 2010 Human Resource Updates

@9:44:06 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 the Commission with a travel authorization form and resignation form for signature. Ouellette said she reviewed savings employees experienced with new auto insurance quotes and said she will inform employees of such possibilities. She said she is addressing a sheriff's office longevity pay issue and COLA increases calculated incorrectly in 2008 for four deputies, addressed a delinquent employee PERS issue, and interviews for four individuals for an IT tech position will be conducted on September 16.

@10:10:20 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

September 14, 2010

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

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

September 14, 2010

Consider Viers Family Transfer

@3:01:27 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; Shannan Piccolo, civil deputy county attorney; Citizens Craig Franzen, Chuck Goode, Fred Hall, Kim Viers Busby, Mike Busby and Vuko Voyich; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to consider a Viers Family Transfer.

Senior Planner Mike Inman provided background information about an application for a family transfer of 5.776 acres off Shields River Road and Falls Creek on the river side from Kimberly G. Viers to Charles Michael Busby. Inman said the application was submitted to the Planning Division on August 4, 2010, and reviewed and denied by the three-member review panel – Planning Division of the Community Development Department, Environmental Health Department and County Attorney's Office. He said a mutual decision to deny the application by the Planning Division and County Attorney's Office was that it does not comply with Section Roman Numeral V. E-2.f.6.b. of the *2010 Park County Subdivision Regulations*, under which the application is being reviewed – Prior History of Tract in Question. Inman said the applicants participated in a subdivision pre-application meeting, and the claimed purpose for the family transfer is to sell the remaining portion of the original tract. He said the Environmental Health Department finding notes the application does not have Montana Department of Environmental Quality review and approval.

Inman said another issue with the application is the recipient submitted an affidavit saying he will not sell the transferred parcel within three years, but current regulations

require signed affidavits stating the transferred and remaining parcels will not be sold within three years.

Inman said he drafted some recommended findings of fact based on history of the tract in question, as well as the pre-application meeting. Inman said both Viers and Busby made it very clear to him in discussion about the proposal that they wanted to divide the parcel into two parcels and sell the smaller, five-acre parcel and remain on the larger parcel. Inman said when the applicants first came to talk to him, they indentified they were under the impression the appropriate means to accomplish that goal was through the family transfer. Inman said he identified at that time the appropriate means would be subdivision review. He said the applicants eventually requested a subdivision pre-application meeting, he then viewed the site, and discussed with the applicants the subdivision review process. Inman said after subsequent clarification meetings, the applicants submitted the request for family transfer on August 4 basically identifying the same goals identified through the pre-application meeting process.

Applicant Kimberly Viers said at the time the issue first came up she had a buyer interested in purchasing the property. She said she approached the planning department with that information to ask the proper procedure to use and was told by two individuals in that department other than Inman the family conveyance would be that procedure. She said she was given an application and a single affidavit, so she started the process, and she was very upfront about what her intention was in starting the family transfer process. Viers said it was not until she met with Inman it became clear the family transfer may not be the process to use, even though she understood she has the right to submit such an application. She said she was almost left with the impression being honest was not the right way to proceed.

Inman said the county subdivision regulations have been amended many times in attempt to clear up discrepancies between them and state statute. Inman said the 2010 county regulations require an affidavit to not sell for three years from both the claimant and recipient, which was not the case in the 2009 regulations. Inman said the department must look at the purpose of land use applications, and if the purpose is to create a subdivided parcel, as defined by statute as anything under 160 acres, is to convey or sell that parcel the appropriate means is to go through subdivision review. He said he told Viers a family transfer cannot be used if the goal is to sell one or all of the parcels in question after transfer.

Viers said she had a buyer for the property when she started the process, but she no longer does, so selling is no longer her intention, but she is sure down the road the parcel will be sold. Viers said she first came in January 27, 2010, Inman said the pre-application meeting was March 4, 2010, and the family transfer application was submitted on August 4, 2010.

Surveyor Fred Hall said the Community Development Department Report mentions 2009 regulations. Inman said that is a typo, he mentions the 2010 regulations as well and the typo is a cut and paste report revision error on his part.

Viers said she does not see what she is evading if she is coming to the Commission with all her cards on the table, and if being honest is the wrong thing to do that is sad. Commissioner Durgan said the point is there is a statute and regulation that applies to the subdivision laws and there is a way to take care of property, divide, sell, or disperse it or whatever a landowner wants to do with it. He said if a landowner intends to sell a parcel, then he needs to go through subdivision review, and if he wants to give it to a family member, then he does a family transfer so he does not have to sell it. Durgan said the main reason for the family transfer is one is not trying to sell the transferred parcel, but pass it down.

Attorney Vuko Voyich said he has yet to see any Supreme Court case state sale of any parcel of land is per se evasion of any subdivision regulation. Voyich said his interpretation of the 2009 county regulations allowed the claimant's parcel to be sold and the recipient's parcel must be held. He said what he sees as the difficult legal question is whether a sale in and of itself is an evasion of the subdivision act. He said he contends it is not. Voyich read Roman Numeral V. E-2.f.6 of the 2009 county subdivision regulations into the record. He said the regulations must be interpreted as stated, and he thinks Viers could sell the parcel per the '09 regulations, but then was told she cannot with the August 2010 application coming in too late. He said the regulations are improperly worded and leave a lot of room for interpretation. Civil Deputy County Attorney Shannan Piccolo said one must look at the whole regulation and look into the intention behind the application. Piccolo said the state legislature passed the buck to counties to determine what evasion is.

Hall said state statute does not say anything about a sale being an evasion, and the legislature has never changed the regulation since 1974 putting limits on the family transfer. Hall said what is going on is total subjectivity and asked how the county goes from firm statute to regulations that are difficult to understand. He said it is impossible for him or Voyich to give advice to clients. Hall said the county is biased with the first question on the application and there is no fairness or clarity in the county's process.

Inman said a common pattern in the history of his review of exemptions was an applicant holding a subdivision pre-application meeting, learning he will have to deal with access issues, fire protection standards, mitigate impacts, and pay associated application costs, and shortly thereafter the same individual would come in with a family transfer application, it was approved, and the individual would immediately sell the parcel. Inman said the county now reviews the entire situation and circumstances of applications to determine whether the exemption is being used appropriately. Inman said not going through the family transfer does not limit a landowner's ability to divide his/her property, because there are mechanisms in place for each goal based on appropriateness. Inman said he has been very straightforward with the applicants in identifying they are trying to subdivide their property as defined under state statute and there are provisions and procedures they are to go through. He said it is not his place whether or not individuals like, dislike or disagree with state statute and county subdivisions regulations, but it is his place to inform the public where they fall within the procedures. He said the county

looks at family transfers in regards to purpose of the application and thinks honesty is very appropriate because there are mechanisms in place for all types of proposed land division.

Inman said he knows determining the appropriate process is a very complex procedure, the county subdivision regulations have typos, the department has been working on revising those regulations for four years and will continue to revise them for another four years, but he highly doubts the county subdivision regulations mean in doing a family transfer the applicant has to sell every parcel. He said the county continually looks for ways to improve its subdivision regulations, and the county's goal is not to confuse people.

Hall asked the county to show him where in the county subdivision regulations it states selling a parcel of land is an evasion. Piccolo said she is not going to argue whether the county subdivision regulations are correct or incorrect or insufficient, and if Hall does not like them he can sue the county in court and the judge can tell the county to fix them. She said the county regulations right now are what they are and that's what associated issues fall under.

Inman said he thinks the Commission has done a good job of trying to identify land use is complicated and consider all surrounding circumstances in reviewing applications on a case by case basis. He said the county has attempted to create an organic process so the applicant has an opportunity to come before the Commission to identify what it is he/she is doing.

David Busby asked how many people the county has prosecuted for evading the subdivision law, and if it has not why has it not. He said the county not prosecuting evasion violators is the same as letting a drunk driver off the hook, and he does not understand the purpose of the law.

Malone said he thinks Voyich brought up some legal questions that need to be answered. Voyich said he asks if it is a claimant's own business if he/she sells a transferred parcel after three years and one day. He said he submits there is no case or specific statute that says a sale is a per se violation of the act. Piccolo said there is no statute she has read, but on the flip side it has not been said a sale is not a violation.

Inman asked Viers why she does not go through the appropriate process to do what she wants to do and finish the subdivision process. Viers said when she first started the process, unable to convey to a sibling a few years ago, she was going to sell the piece, but she honestly now has no idea what she wants to do with the property. She said she wants to exercise the provision in statute for her as a landowner to convey a piece of property to her husband and have her property in two pieces. She asked why she should go through subdivision review if she does not have to.

Busby said he has to admit there is a huge difference in dollars and cents between subdivision review and the family transfer exemption. He said the reason he and Viers

originally wanted to sell the property was because they were in serious financial problems. He said it seems like common sense has pretty much gone out the window and everything has to be delineated down to the last dot, and there seems to be a desire by the powers that be to prevent people from doing things like this in a simple fashion. Busby asked the last time someone was killed by a flying septic tank or other health and safety provision for which the county reviews. He said the process essentially amounts to a tax on property an individual owns.

Commissioner Taylor asked Busby why he needs to have two parcels. Busby said his wife originally intended to sell the property. Taylor asked why they now need two parcels. He said Hall and a survey have already been paid for. Viers said she is in it now, so why not go through with it if it is something she is allowed to do and she is not doing anything wrong. Hall said he was not involved in advising his client to do the family transfer. Busby said he and Viers accepted the word of two other county employees that they were doing the right thing, and no one told them they had to first talk to Mr. Inman.

Malone said the civil deputy county attorney will research Voyich's legal questions. Piccolo said she understands Voyich is concerned about the language in the regulations under 6b and the issue of intent. Hall said he would like to know where in the county regulations it says selling a parcel is an evasion. Malone said the county can answer that question.

Viers said her intent is now different and asked if that changes anything. Inman said the August 4, 2010, application states the purpose of the family transfer is to sell the remaining portion of the parcel.

Piccolo said she is booked for the next two weeks, but will work on the requested research.

@4:05:09 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

September 15, 2010

Daily Correspondence, Agenda and Briefing on Current County Projects

@8:33:54 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; 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. Cooke City newsletter

- Memo re. Montana Invasive Species Summit in Helena
- Memo re. proposed wind farm
- Memo from Montana Clean re. spot cleaning of carpets
- Memo from MACo re. election of officers
- Memo from MRL re. railroad right-of-way rental agreements rates
- Memo re. citizen taxes
- Citizen memo re. mowing roadways - To Commissioner Durgan for review
- Memo re. Sept 16 SWB agenda
- Citizen memo re. public information request
- Memo from Airport Board re. DCE booklet clarification
- Memo re. Hill Road abandonment viewing report
- Memo from county auditor re. quarterly/semi-annual report of county books

Commissioner Durgan said a citizen stated Swingley Road is in terrible shape. Road Supervisor Ed Hillman said a road crewman is headed to that road, but his grader is down at the moment. Durgan said a citizen stated Willow Drive needs holes filled. Hillman said he will look at the road.

Discussing a Fleshman Creek Restoration Project, Commissioner Malone said people do not care about Fleshman Creek. Malone said he is not against the project, contrary to some belief, but he wonders why the city is not involved in the project. He said the long-term effect will not be good if the city and landowners are not on board with the project to clean their trash from the stream. Hillman said his recommendation is to fix the culverts and forget the rest of the project. Hillman said the culverts at C and F Street are too small and need to be replaced. Malone said he agrees the culverts need replaced, but the county needs to be careful in getting into the project. Durgan said a fairgrounds sewer system project will never get off the ground if the Fleshman Creek Project does not go through. Malone said it is going to cost the county \$300,000 to find out how much the Fleshman Creek Project will cost the county. Civil Deputy County Attorney Shannan Piccolo said the contract with Oasis states “may”, and not “shall” and the term “may” does not bind the county. Malone said he spoke with FEMA, and FEMA said the county can do as much as it can with funds available. Piccolo said the FEMA funds are based on a 75/25 FEMA/Park County match.

The Commission reviewed its upcoming agenda and personal schedules.

@9:05:25 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

September 15, 2010

Consider Signing of New Easement for Park Electric to Service Yellowstone Public Radio

@9:09:48 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; Raea Morris, executive assistant; Billie

Kaye Harms, Bob Queen and Stuart Sites, Paradise and Shields Valley TV Boards; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider signing a new easement for Park Electric to service Yellowstone Public Radio.

Civil Deputy County Attorney Shannan Piccolo said Park Electric approached her about its need for an easement to service Yellowstone Public Radio after possibly abandoning an old line. Paradise and Shields Valley TV District personnel said they do not have issue with the county granting the easement.

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

@9:15:16 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

September 15, 2010

Signing of Contract with Public Health and Human Services to Provide Health Related Services

@10:19:10 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 consider signing a contract with the Department of Public Health and Human Services to provide health-related services in Park County.

Commissioner Malone said the county is the contractor in the agreement and will be assisted by the Department of Public Health and Human Services in the amount of \$46,582 paid in quarterly payments.

Commissioner Durgan made a motion to accept the contract between Public Health and Human Services and Park County to provide health-related services. Commissioner Taylor seconded that motion. Motion passed.

@10:22:55 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

September 15, 2010

Maintenance Department Updates

@10:33:06 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Bruce Martin, maintenance; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss activities in the maintenance department.

Bruce Martin, maintenance, said both building elevators were inspected, both telephones are inoperable, and he has contacted the telephone service for repair. Martin said he will install shelving in a new storage department for medicines in a portion of the jail video conferencing room. He said he is mowing all lawns, and will blow all irrigation lines out in October. Martin said he tries to view the motor pool on Fridays. He said work requests are fine, and he installed a new toilet seat, and a bathroom door closer is on order.

The Commission asked Martin to write what work was done on the request forms and return them to the Commission's executive assistant when work is completed.

@10:38:03 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

September 15, 2010

Review of Minutes for Week of September 6, 2010

@11:40:30 a.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present was Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to review minutes for the Week of September 6, 2010.

Commissioner Durgan requested a revision to Page 16 of 16; first full paragraph, the first sentence should read, "Commissioner Durgan said PCRFD#1 reported the 89 North Bridge will be closed to one lane until January once construction efforts begin this fall, and the alternative route for traffic and semi trucks will be Old Clyde Park Road, which may experience damage."

Commissioner Taylor made a motion to accept the minutes for September 6 through 10 with corrections Mr. Durgan noted. Commissioner Durgan seconded that motion. Motion passed.

@11:43:10 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

September 16, 2010

Daily Correspondence, Agenda and Briefing on Current County Projects

@8:33:04 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Raea Morris, executive assistant; Ed Hillman, road; 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. GPS reading for cattle guard on Adair Creek Road - The Commission said the county will continue maintenance as it has before, not maintaining the road beyond the cattle guard.
- Employee memo re. maintenance request
- Memo from Montana DEQ re. landfill methane monitoring compliance letter

Commissioner Malone said he talked with Mike Cox of Oasis Environmental on September 15 to view pictures of a Dillon, Montana, stream restoration project and discuss problems that project experienced. Malone said he is concerned the City of Livingston and landowners are not involved in the proposed Fleshman Creek project, because the project will deteriorate in short time without proper oversight and maintenance. Commissioner Durgan said the Fleshman Creek Restoration Project has farther reaching benefits than the actual creek, including a fairgrounds sewer system that will not get off the ground without the creek project. Malone said the county will pay to improve a few city sewer and storm water issues, but the city is currently not part of the project. Commissioner Taylor said a pristine creek cannot have slews draining into the creek, such as that forms at the end of South 10th Street.

@8:54:47 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

September 16, 2010

Discussion of Juvenile Detention

@9:01:30 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Sue Chvilicek, juvenile probation; Marilyn Hartley, finance; Shannan Piccolo, civil deputy county attorney; Raea Morris, executive assistant; Camden Easterling, Livingston Enterprise; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss juvenile detention issues.

Sue Chvilicek said Park County is part of the Southwestern Regional Juvenile Detention Board, and she said a possible move into the board encompassing Yellowstone County could result in cost savings for Park County in terms of the number of days juveniles spend in detention. Chvilicek said Park County youth offenders currently spend detention time at the Reintegrating Youthful Offenders (RYO) in Galen, Montana. She said kids who spend 20 to 90 days in detention cost the county the most money and the benefit of sending kids to Youth Services in Billings is it has an attached shelter care facility on site, and RYO does not. She said the Billings service provides onsite schooling for kids, but the Big Sky Youth Home in Bozeman facility requires the kids be

enrolled in the Bozeman Public School District, which can be difficult. Chvilicek said that requirement can prevent Park County from using shelter care as an alternative to secure detention. Chvilicek said access to medicine and facilities is more readily available in Billings, and she thinks it is best for kids who qualify for shelter care. She said violent offenders would not qualify, but she thinks it is a better overall option for most of Park County's juvenile offenders. Chvilicek said it will be easier for families to pick up children from Billings than RYO, which can aid psychologically in riding home from detention with parents rather than in the back of a squad car.

Commissioner Malone said he thinks the county needs to look at the welfare of the kids involved over politics. Commissioner Durgan said the nice thing about the regional concept is counties pool funds to assist each other with juvenile detention expenses, but Park County would merely switch pool counties. Malone said it is his consensus the county should change to the Billings facility.

Chvilicek said after the Commission discusses the option with the Sheriff's Office, the next step would be to go to the Board of Crime Control and request to switch regions, and that ideally would be done before the start of the next fiscal year. Malone said the Commission will visit with the Sheriff's Office on the matter.

@9:18:27 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

September 16, 2010

Consider Signing Resolution Setting Daily Credit Rate for Incarceration

@10:03:59 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; Jay O'Neill and Scott Hamilton, PCSO; Martha Miller, auditor; Camden Easterling, Livingston Enterprise; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider signing a resolution setting a daily credit rate for incarceration.

Civil Deputy County Attorney Shannan Piccolo said the resolution is to be passed annually, but has not been done is about eight years, so the increase is not incremental in going from \$47.59 to \$80.62.

Captain Jay O'Neill said the credit is the operating cost to house an inmate and goes toward inmates serving out fines through jail time. He said the increase in credit funds will allow the Sheriff's Office to increase what it charges other agencies when Park County is housing other agency/county prisoners. Commissioner Durgan said he reiterates his frustration and chagrin for crediting a prisoner to sit in jail. O'Neill said fewer inmates are sentenced to pay off fines with jail time than in the past due to local lower-court judge sentencing.

Commissioner Taylor made a motion to accept Resolution #1086 amending Resolution #758 setting the daily rate credit for incarceration in Park County. Commissioner Durgan seconded that motion. Motion passed.

@10:12:53 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

September 16, 2010

Signing of Airport Categorical Exclusion Documents

@1:35:55 p.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Raea Morris, executive assistant; Jerri Miller, airport board; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign an airport categorical exclusion document.

Jerri Miller of the Airport Board said a categorical exclusion is a required process for the airport renovation project planning phase per the FAA, and categorizes whether any issues need to be addressed with a public hearing, such as light emission impacts or impacts to energy supplies or natural resources.

Miller said a decision to sign the document is not required at this time. The Commission said it will review the documents before signature and the Commission executive assistant will submit it to the necessary parties.

Commissioner Taylor made a motion to read and sign the document. Commissioner Durgan seconded that motion. Motion passed.

@1:41:11 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

September 16, 2010

2:30 P.M. – Renewable Natural Resources Subcommittee – Community Room – Meeting minutes available in the Community Development Department

3:30 P.M. - Planning Board Meeting - Community Room – Meeting minutes available in the Community Development Department

4:00 P.M. - Library Board Meeting - Park County Library

7:00 P.M. - Solid Waste Board Meeting - East Room – Meeting minutes available in the Commissioner Office

September 17, 2010

No Meetings Scheduled

Marty Malone
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana