

Park County Commission Meeting Minutes
Week of September 6 – 10, 2010
Park County, Montana

September 6, 2010

Labor Day Holiday – All Offices Closed

September 7, 2010
City/County Meeting

@8:10 a.m., City Commissioner Rick VanAken called a meeting to order in the Community Room of the City/County Building. County Commissioner Malone was present. Also present were Ed Meece, city manager; Peggy Glass, 911 Dispatch; Dann Babcox, PCRFD#1; and Commission Minutes Clerk John Mueller.

City Commissioner Rick VanAken opened the floor to public comment. None made.

Myer's Flat Radio Site Road Improvements: Dann Babcox, Park County Rural Fire District #1, said a private citizen said he will conduct maintenance of the Myer's Flat Radio Site road if gravel is provided. Babcox said maintenance likely would include grading of the road and gravel in the switchback areas, and he is suggesting 35 to 40, 10-yard loads of three-inch minus gravel. He said an improved road would enable citizens with cabins to mitigate trees and PCRFD#1 to access 12 homes in the event of a structure fire. Dispatch 911 Coordinator Peggy Glass said bids for Myer's Flat site work are higher because the condition of the road is poor.

City Manager Ed Meece said the city will split the cost with the county, which would be \$12,000 apiece. Commissioner Malone said he will bring the issue up to the county commission.

9th Street Bridge ADA Update: Meece said the city can assist with an ADA-accessible sidewalk associated with the 9th Street Bridge Replacement Project through its city sidewalk project schedule. Meece said the city will conduct prep work, the work will not be completed in the immediate future, and the work will be done at the county's expense.

Other: Malone said the county will pay for fixing an ADA-accessible entryway sidewalk for the City/County Building.

Meece said a group from Park City, Utah, will be present on September 10 to 9:30 a.m. to 1:00 p.m. Meece said Crazy Mountain Productions will approach the county about a possible easement across the parking lot for three-phase power to the East Side School.

Babcox said the fire district is still looking to vacate its building on Park Street and looking to relocate south of the interstate. Meece said the city is interested in participating in a joint training center.

@8:35 a.m., the meeting adjourned.

September 7, 2010

Review Daily Agenda, Correspondence and Briefing on Current County Projects

@8:38:53 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; Shannan Piccolo, civil deputy county attorney; Bill Harris, citizen; and Commission Minutes Clerk John Mueller.

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

Correspondence included:

- Memo from Forest Service re. Main Boulder Road follow up meeting
- Citizen memo re. clean up of bears spreading trash from Deep Creek green boxes - To Commissioner Malone for review
- Memo from city manager re. 9th Street Bridge ADA sidewalk work
- Memo from city of Livingston re. variance
- Memo from Community Development Director re. 9th Street Bridge Project permitting
- Memo from HR re. three-quarter-time fairgrounds caretaker position

Commissioner Malone said the city agreed to split the cost of providing gravel for maintenance of the road to the Myer's Flat Radio Site and asked if the county will pay the remaining portion. Malone said Crazy Mountain Productions may request an easement from the county across the parking lot to install power lines to East Side School.

Commissioner Taylor said he viewed Hill Road with a surveyor, and the surveyor will write up a report this week.

Malone said road work was not yet done on Divide Road.

Citizen Bill Harris said all information regarding a jack leg fence in the county right-of-way belonging to Citizen Haas is on file with the clerk and recorder and asked if he needs to go in another direction for action. Civil Deputy County Attorney Shannan Piccolo said she will not research the situation until the county surveys it and knows where the right-of-way exists.

@9:05:44 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

September 7, 2010
County Road Updates

@9:05:46 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; Shannan Piccolo, civil deputy county attorney; Bill Harris, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss county road issues.

Citizen Bill Harris asked the Commission to survey Billman Lane to determine if another citizen's fence is in the county right-of-way. Piccolo said she suggests the county use a surveyor other than Hank Rate, who surveyed the road the first time.

Commissioner Malone said Six Mile Road is full of potholes, and a citizen said Cinnabar Basin Road is beautiful and in the best condition it has ever been in.

Road Supervisor Ed Hillman provided the Commission with tentative crewmen work schedules for the week. Hillman said the road crew mentioned the road department should have one satellite phone for areas with poor cell phone coverage. He said Contractor Chad Standish graded Llama Lane, but a citizen called on Friday and said the work was not satisfactory.

@9:32:54 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

September 7, 2010
Human Resources Updates

@10:03:27 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Jill Ouellette, HR; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss activities in the Human Resources Department.

Human Resources Analyst Jill Ouellette provided the Commission with a change of status form for a new sheriff's deputy for signature. Ouellette said she is addressing a health benefits issue, a posting for the fire warden, processing past and current fiscal year flex accounts, and will provide the First Baptist Church with a thank you card for offering courthouse employees free lunches.

Ouellette said no applicants put in for a Cooke City green box caretaker position, but the winter employee did the job in August and the position will be reposted in the spring.

Ouellette said four applicants have applied for the IT technician position at Job Service. She said she interviewed for a jury duty position in the Clerk of Court Office.

There was discussion about a citizen who reportedly damaged his vehicle in a county road crew construction zone.

@10:17:48 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

September 7, 2010

Review of Minutes for Week of August 30, 2010

@10:37:53 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 and approve Commission meeting minutes for the Week of August 30, 2010.

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

@10:41:58 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

September 7, 2010

Selection of Construction Oversight for 9th Street Island Bridge Project

@11:03:58 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 contractor for construction oversight of the 9th Street Island Bridge Project.

Civil Deputy County Attorney Shannan Piccolo said the Federal Highway Administration wants to review the county's oversight engineer selection process.

Commissioner Taylor made a motion to postpone the meeting until Monday, September 13 at 10:00 a.m. to decide on who will do construction oversight on the 9th Street Island Bridge Project, as more insight from Community Development Director Philip Fletcher on the selection process may be necessary. Commissioner Durgan seconded that motion. Motion passed.

@11:05:57 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

September 7, 2010

Budget Workshop for FY 2011

@1:31:12 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; Erica Hoffman, GIS/IT; Martha Miller, auditor; Lani Hartung, finance; Wendy Wood, SAR; Scott Hamilton, Allan Lutes, Colleen Singer, and Gregg Todd, PCSO; Philip Fletcher, community development; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled as a Fiscal Year 2011 budget workshop.

Finance Director Lani Hartung provided the Commission with the county budget levy matrix for review. Hartung said she made changes to the budget since the last budget workshop, including a Fleshman Creek fund and a plotter map sales fund per Commission discussion about closing out that budget.

IT/GIS Manager Erica Hoffman said she proposed to the Commission in her department budget review meeting the plotter map sales budget be an external proprietary fund, instead of an internal proprietary fund. Hoffman said she thinks the plotter map sales fund should be changed to a five thousand fund, because citizens come in and request maps for purchase, and the new plotter was bought out of that fund. Hoffman said making the fund an external, five thousand fund would create a baseline for that budget. Hartung said she cannot create a new five thousand fund line by Thursday, so the line will remain the same at this time and a new line can be created by resolution after the fiscal year budget is passed. Commissioner Malone directed Hoffman and Hartung to determine what will be done with the fund.

Malone said he proposed the Sheriff's Office budget reserves be reduced by \$100,000, and the sheriff's staff expressed concern with Assistant Finance Director Marilyn Hartley doing the Sheriff's Office budget instead of Hartung. Hartung said it works for her to delegate budgets to Hartley. Undersheriff Scott Hamilton said he is concerned numbers are not the same between Hartley and Hartung. Malone asked if Hartung should take care of the Sheriff's Office budget. Malone said Hartley should be in the room when the Sheriff's Office budget is being discussed. Hamilton said there is a breakdown in communication, as shown in an email that Missouri River Drug Task Force (MRDTF) and Search and Rescue (SAR) will no longer be funded with Payment in Lieu of Taxes (PILT) reserves.

Hamilton said the Sheriff's Office is not trying to build its cash reserves, which he said Hartung stated at the last budget workshop meeting. Hamilton said the Sheriff's Office is conscientious about spending, does not spend funds unless it has to, and some people do not understand all the things on which the office has to expend funds. Hamilton said to

not make the Sheriff's Office a target. Sheriff Allan Lutes said he wants his office budget reserves at a comfortable level to conduct services it must in a wildfire or other emergency or public safety situation.

Hamilton said the sheriff would like clarification of the true cash reserve numbers. Hartung provided a spreadsheet of budget figures with \$100,000 removed from the Sheriff's Office reserves budget, which resulted in a reserve amount of 28.4 percent, or \$472,000. Hartung said the Sheriff's Office budget would receive \$111,000 as its share of mills if all citizens pay their taxes. Malone said sheriff's deputy longevity settlement funds will come from the PILT/litigation fund. Sheriff Lutes said he will agree to reducing the Sheriff's Office budget \$100,000. Hamilton said the sheriff will have to dip into his reserves to balance his budget.

Hamilton said the Sheriff's Office agreed to give up a half a mill for a year, and that turned into 1.7 mills. He said the office did not get the mill back this year, he is trying to look ahead into the trend and he is worried about the decreasing trend of the Sheriff's Office budget, where things were and where they are going. Malone said the trend is that the Sheriff's Office budget has been increasing more than other county budgets. Hamilton said he compared county budgets today and thinks the Commission would be surprised to see other budgets are also increasing.

There was discussion about those figures, as well as MRDTF, SAR and PILT transfers in and out. Hamilton said MRDTF and SAR funds would have to come out of the Sheriff's Budget reserve fund to balance those budgets if they are not supported by PILT. Hamilton asked why SAR and MRDTF funds are not shown on the budget, when such is shown on other budget line items. Hartung changed the Sheriff's Office PILT budget to \$260,000 at the Commission's direction to reflect the SAR and MRDTF funds. She said the county's PILT budget line item changed to \$1,448,829.

Addressing the SAR budget, Wendy Wood said her reserve budget would be dropped to nine percent by the end of the year if she is not granted the requested \$30,000 PILT funds. Wood said she will remain one mill short if her reserves are cut below the \$65,000 limit, and the SAR budget has been budgeted at \$65,000 for decades, and that amount is a proactive approach to funding a potential disaster. Wood said the \$30,000 transfer to the SAR budget was requested from PILT, not the Sheriff's Office budget. She said the \$30,000 is to balance her budget. Malone said he wants in writing from Wood the purpose of the \$65,000 reserve funds are for emergency use. Wood said she will provide Malone with a copy of the resolution for those funds.

Addressing MRDTF, Sheriff's Clerk Colleen Singer said the total 30.33-percent match to be met for MRDTF is \$20,694 to be split with the City of Livingston, and the county's share will be \$10,694.

The Commission reviewed the landfill budget.

@3:12:56 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

September 8, 2010

Daily Correspondence, Agenda and Briefing on Current County Projects

@8:30 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; and Philip Fletcher, community development. No public comment made.

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

Correspondence included:

- Memo from community development coordinator re. revolving loan status reports
- Memo from PCRFD#1 re. request for Myer's Flat site road gravel
- Memo from community development director re. Fleshman Creek project synopsis
- Memo from MDT re. ADA turnaround for 9th Street Island Bridge
- Memo from Census Bureau re. 2010 census
- Memo from Stillwater Mining Company
- Confidential legal advice to Commission from civil deputy county attorney

Commissioner Taylor said he will attend a grand opening for the Senior Citizens Center at 3:00 p.m. on September 10. Taylor said Llama Lane road grading was done well.

Commissioner Malone said he telephoned Citizen Buzz Basini and told him the county will clean litter from his property daily, which is being spread by bears from the Deep Creek Green Box Site.

Community Development Director Philip Fletcher reported on an ADA lane for the 9th Street Island Bridge. Fletcher said FHWA told him it is reviewing the county's oversight engineer review process, and the county is hoping to go out for construction bid next week.

Civil Deputy County Attorney Shannan Piccolo said she received an email from MACo regarding a platting issue with the Gardiner sewer per Great West Engineering.

@9:02:30 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

September 8, 2010

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

September 8, 2010

Discussion/Decision of FY 2011 County Employee Wage Freeze

@10:30 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; Barbara Woodbury, environmental health; Marilyn Hartley, finance; Jill Ouellette, HR; Lani Hartung, finance; and Martha Miller, auditor. No public comment made.

The meeting was scheduled to consider a decision on a Fiscal Year 2011 county employee wage freeze.

Human Resources Analyst Jill Ouellette said she sent the Commission an email containing possible motion options. Commissioner Malone said that memo suggests a freeze of county employee wages for Fiscal Year 2011 except for new employees completing six-month probationary periods; recently or newly promoted employees with evaluations/pay increases documented in an offer of employment; existing employees who qualify for statutory increases; and existing employee who have taken on new duties in higher skill sets, which does not include employees taking on additional duties within their pay grade or below their pay grade. Ouellette said the Commission does not want to be boxed in by stating there will be an across the board freeze in employee wages, and she wants to avoid a rush on redoing employee job descriptions in order to meet that wage increase criterion.

Finance Director Lani Hartung said the Commission might be tying its hands if it makes such a motion, and any salary changes the Commission makes is at its discretion anyway, so she does not know why a motion such as is presented is necessary in the long run.

Malone said the other option is to make a motion the balance of employees can expect not to receive a Cost of Living Adjustment (COLA) since the Elected Officials Compensation Committee voted to not award a COLA for the upcoming fiscal year. Malone said that leaves the Commission with the authority to individually grant wages or decrease wages as it sees fit over the next fiscal year. He said the Commission can always say “no” to each department head on an individual basis and they can come in to debate requests.

Ouellette said a union contract specifies Sheriff’s Office longevity pay stays flat if an employee COLA is not granted.

Commissioner Durgan said his only reservation about making a motion at this time is the Commission getting itself into a situation where it will get a lot of cry from employees and other elected officials and possibly it should check with the County Attorney’s Office and MACo. Malone said his thought is to state no COLA will be awarded.

Durgan made a motion to postpone making a final decision until it can consult further on the issue. Motion died due to lack of second.

@10:47 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

September 8, 2010

Discussion/Signing of Actuaries Northwest LLC Contract

@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 Marilyn Hartley, finance; Jill Ouellette, HR; and Lani Hartung, finance. No public comment made.

The meeting was scheduled to consider signing a contract with Actuaries Northwest LLC.

Finance Director Lani Hartung said the issue at hand relates to GASB 45 (Governmental Accounting Standards Board), and post-employment benefits that will come into effect in FY 2011. Hartung said she thought changes to that benefit would have a minimal effect on Park County, and Assistant Finance Director Marilyn Hartley found a price from a reputable company to conduct an actuaries report. Hartley said Actuaries Northwest LLC is proposing \$3,000 to complete the actuary work, which is a snapshot of the number of people and demographics on the county's healthcare benefits as of June 2010. Hartley said some retirees are on the county plan, but are not separated from current employees at this time, which gives them a better rate because of the lower average age. She said the actuary report is to determine the value of that better rate.

Hartung said the county must conduct the actuary or have an external group do it to satisfy GASB 45. Ouellette said from what she understands retirees and rates they pay need to be rated on age and experience. Commissioner Durgan asked why the county needs to spend \$3,000 for something that is not going to require any action. Hartung said it would result in an unqualified audit, which can affect credit ratings.

Hartley said MACo stated it will take care of the administration if provided with the proper documentation.

Commissioner Taylor made a motion to sign on Actuaries Northwest to conduct the actuary study. Commissioner Durgan seconded that motion. Motion passed.

@2:46:30 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

September 8, 2010

Discussion of Summary Review for Fleshman Creek Project

@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; Philip Fletcher, community development; Lani Hartung, finance; Todd Wester, Livingston Public Schools; and Mike Cox, Oasis Environmental. No public comment made.

The meeting was scheduled to discuss a summary review of the Fleshman Creek Restoration Project.

Commissioner Malone said Community Development Director Philip Fletcher reviewed all Commission meeting minutes about the history of the Fleshman Creek Restoration Project. Civil Deputy County Attorney Shannan Piccolo said she will review the data and formulate a confidential opinion on what was stated in regards to the project.

There was discussion about two reaches mentioned in a plan for the project as designed by Oasis Environmental. Todd Wester of Livingston Public Schools said areas where he knows flooding is a concern is the St. Mary's Parking Lot with a partially collapsed culvert, tennis courts and East Side Elementary. Mike Cox of Oasis Environmental said flooding has occurred in both reaches, most recently in the upper reach between County Market and the lagoon in the winter due to ice. He said documentation of flooding in the 1970s in the lower reach is in newspaper clippings. Cox said a sewer pipe is exposed in the creek, which the schools are tied into, and if that pipe failed Montana DEQ would require it to be lowered and a lift station installed at a cost of at least \$300,000.

Malone said he wants to go into the project with his eyes wide open so he does not commit the county to a project with dollars, and he keeps hearing stories from a Dillon stream, project that are not pleasant. Cox said the commissioners in that county chose to make a decision that was not advised to them, and the county engineer failed to gain easements and hold public information sessions before the project commenced. Malone said he would like to avoid that situation with the Fleshman Creek Project.

Malone said in a January 30, 2008, Fleshman Creek RFQ responder questions conference, there was talk about private properties. Malone asked the status of Fleshman Creek regarding who owns it. Malone said Oasis said it would contact property owners in that meeting. Cox said it was left that private landowners would be contacted prior to entering property to survey, but one surveyor entered property without permission. Cox said the channel from County Market to the lagoon was surveyed with detailed topography shots of the creek and floodplain. He said Oasis then created a hydraulic model of the upper reach and used the survey from the Livingston flood study by the Army Corps of Engineers to create the model of the lower reach. Cox said a detailed top map was not put into the comprehensive management plan.

Malone said his concern is the county is trying to gather all information for a grant. Fletcher said he obtained files on the project from Nittany Grantworks and reviewed them. He said he made a list of observations and concerns, and the biggest concern was the lack of property owner consent, as well as agreements without contracts. Malone said he once had to pay \$10,000 for cutting down a tree on a property during a project and there is a lot of potential for that to occur with the Fleshman Creek Project. He said he is

having a hard time going to a landowner telling them the county wants access to his property without a project design. Piccolo said the county can redesign the project to get around a landowner who does not want the county on his property or enact temporary eminent domain.

Cox said he envisions the big picture design as the 100-year flood is equivalent to what is going on in Dillon. He said undersized culvert pipes have created a lot of sedimentation, and the stream channel can be reduced in width in resolving that issue, but stream dredging will be necessary in lowering the streambed. He said he does not see as much bank disturbance as can exist in other urban projects. He said the design will provide improved water conveyance, fish habitat and water quality. Cox said he cannot at this time tell landowners what type of work will be conducted on their properties, but he thinks the project will result in reduced flooding and increased property values.

Piccolo said she is most worried about landowner consent regarding allowing excavators and heavy equipment on private properties. Fletcher said a Montana FWP agreement states FWP will not provide any of the \$100,000 promised funding until the county has property owner consent. Wester said when the decision was made to apply for the grant, a great deal of discussion was about gaining landowner consent. He said a landowner in opposition to the project said he would be okay with the project so long as gates were closed.

Wester said he is representing the schools, which is in the process of considering applying for a DEQ 319 grant that could serve as match for the project and he needs to have a clearer idea of where the project is likely headed. Malone said he is not against the project but wants to be sure the county can afford it and all i's are dotted and t's are crossed. He said his issue is if flooding is in reach one, why is there talk of reach two. Malone asked what constitutes a flood, and said a flood includes multiple houses. Cox said logistics and cost made a project in the upper reach impossible. Wester said he thinks the schools can cost share with the project through its water quality monitoring efforts.

Malone said he sees the grant was originally to replace culverts. Cox said it had five points, including water quality, flood mitigation, water quantity, community amenity and holistic approach. Cox said he thinks the Federal Emergency Management Agency (FEMA) realizes channel design on a holistic basis is a better option than channelization.

Fletcher said he thinks the county can meet its in-kind contribution. He said he thinks it is highly unlikely the project will receive unanimous property owner permission, and the county needs to quickly decide redesign feasibility options if the Commission is not prepared to enact eminent domain. There was discussion about whether work is permitted in the Fleshman Creek streambed, and whether the county would have to compensate landowners. Cox said he does not see much work needing to be conducted in citizen's backyards. Wester said he urges a preliminary understanding of whether the current Fleshman Creek is the original Yellowstone River channel. Fletcher said many unknowns and data need to be discovered, especially those relating to financing the

project. Malone said he is not interested in eminent domain and is not sure the county can win an eminent domain case. Piccolo said it is not a case, but a time during which equipment would be on property to complete the project. Piccolo said the county can either go door to door to create an easement agreement for signature and explain the project or hold a large public meeting to do the same thing. Wester said the project would reduce a lot of beaver problems in the creek.

Malone said he is really concerned if the county completes the project as proposed in one project, landowners will be upset and the county will increase the stream flow with replacing culverts. He said he thinks Trout Unlimited and other people with habitat interests can do a PR effort for landowners. Cox said he thinks going door to door is a good plan, but some people will never support the project without a design. Malone said he has two concerns, landowner consent and the City of Livingston not being involved in the project. Cox said he suspects the city does not want to be involved with FEMA and any supposed flooding problem.

Malone said his thought is to go forth with the design regarding the undersized culverts, but as it is, the county is headed for money it does not have. Malone said the county lost \$500,000 in PILT funds. He said he does not want to bankrupt the county with the project or run into the problems Beaverhead County did with its stream restoration project. Fletcher said he sees no parallel between that project and the proposed Fleshman Creek project. Wester said school kids are already invested in the project and would like to serve as part of the stream's maintenance crew. Fletcher said the county needs to decide if it will first do a marketing program or create a project design. Malone said he would like to conduct the marketing effort first and then see if the project can be completed in phases. He said it looks to him the county is on the hook for \$750,000 at this point. Piccolo said a final plan has to be created before anything can be implemented. She said a 70 percent final plan can be done and the county could then go out to learn the public perception, but either way the Commission needs to make a decision on how to proceed with the project.

Malone asked Cox to provide the county with a detailed, electronic topographic map.

@4:32 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

September 9, 2010

Daily Correspondence, Agenda and Briefing on Current County Projects

@8:35:06 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. Fleshman Creek update meeting review
- Memo from governor's office re. Montana deficit
- Memo from teamsters negotiator
- Memo from sanitarian re. draft survey
- Memo from MT FWP re. Deep Creek/Corwin Springs green box sites bear problems
- Memo re. LEPC minutes - To Commissioner Durgan for review
- Memo re. July Safety Committee minutes
- Memo re. Yellowstone County fire restrictions

Commissioner Malone said he discussed relocation of a green box site at Deep Creek with an MDT employee.

Finance Director Lani Hartung said she stated after the last budget meeting closed she would make some changes to the budget, and she said she found a \$16,000-grant Extension Service line item in the general fund that she failed to budget out and will make that change. The Commission said she can make that change. Hartung said she also over budgeted the attorney's office for \$4,000 for a benefit line, so the net effect will be about \$11,000.

Undersheriff Scott Hamilton said he read an article in the newspaper that the FY 2011 budget will save the taxpayers \$2,000,000 and asked if that is accurate. Hamilton said the way the article reads the county is slashing \$2,000,000 from the budget. He said that choice of wording may have negative public perception repercussions regarding the budget in subsequent years if the public thinks the county can slash \$2,000,000 from the budget.

In other discussion, Hamilton said the Sheriff's Office has no communications from the Henderson Peak radio tower in Cooke City. Malone said he will take the issue to the Forest Service's attention at a meeting next week.

@8:49:34 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

September 9, 2010

9:00 A.M. - Safety Meeting- Commissioners Chambers – Meeting minutes available in the Commission Office

10:00 A.M. - Local Emergency Planning Committee - Community Room – Meeting minutes available in the Commission Office

September 9, 2010

Consider Signing Rock Creek/Hammond Creek Maintenance Agreement

@1:36:52 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; Kevin Bales and Katie Hale, Crazy Mountain Ranch; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider signing a maintenance agreement for Rock Creek and Hammond Creek roads.

Civil Deputy County Attorney Shannan Piccolo said the county and Crazy Mountain Ranch have been working on the agreements, which outline the conditions of how and when the county will conduct road maintenance on Rock Creek and Hammond Creek roads.

Commissioner Taylor made a motion to sign the agreement with Altria for Hammond Creek and Rock Creek maintenance. Commissioner Durgan seconded that motion. Motion passed.

@1:46:38 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

September 9, 2010

Public Hearing to Pass a Resolution for FY2011 Budget

@2:02:16 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Scott Hamilton, Colleen Singer and Wendy Wood, PCSO; Jill Ouellette, HR; Erica Hoffman, GIS/IT; Raea Morris, executive assistant; Martha Miller, auditor; Philip Fletcher, community development; Lani Hartung, finance; Ron Arthun and Kevin Funk, citizens; Wes Venteicher, Livingston Enterprise; and Commission Minutes Clerk John Mueller.

The meeting was scheduled as a public hearing to pass a resolution for the FY 2011 budget.

Finance Director Lani Hartung provided the Commission with a county levy matrix and provided an explanation of the matrix and spreadsheet for meeting attendees.

Auditor Martha Miller said many people would like an explanation of the \$2,000,000 across the board savings by the county in its Fiscal Year 2011 budget as stated in the September 8 issue of the Livingston Enterprise. Hartung said she feels the article was accurate and some changes were recurring expenses that will no longer be made, including a road grader loan that was paid off and refinanced through the BN Capital

Fund. Miller said such is not really indicating budget cuts across various funds, as some of the savings are large, one-time expenses that will not be revisited in FY '11. Miller said such large payments are a Community Development Block Grant and HOME grant for a Senior Center rehabilitation project, which will reduce from \$900,000 last year to \$200,000 this year. Miller said those are not across the board budget cuts and the clarification is the \$2,000,000 million savings was a lot of one-time savings in FY '10.

Commissioner Durgan said he thinks the current meeting is a good place to clarify the issue and he has had many people approach with him with questions today. Durgan said the Enterprise published a sensational headline of the county slashing \$2,000,000 million from its budget, because that is not what was done. Miller said she thinks department heads budgeted well and were conservative in their budgeting. Malone said the Commission lost \$500,000 in Payment in Lieu of Taxes funds for FY '11.

Citizen Kevin Funk asked if the Enterprise was in contact with the county about the article and how it got so far off base in understanding the county was cutting \$2,000,000 million from its budget.

Commissioner Taylor made a motion to accept the FY 2011 budget as presented. Commissioner Durgan seconded that motion. Motion passed.

@2:23:31 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

September 9, 2010

3:00 P.M. - Planning and Zoning Commission - Community Room – Meeting minutes available in the Community Development Department

September 10, 2010

Daily Correspondence, Agenda and Briefing on Current County Projects

@8:39:59 a.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; Kevin Funk, citizen; and Commission Minutes Clerk John Mueller.

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

Correspondence included:

- Memo re. Yellowstone River Conservation District Council
- Memo from MDT re. Frontage Road paving
- Memo from Terrell's Office Machines re. maintenance contract invoice
- Memo re. Treasurer's cash on hand report
- Memo re. quick claim deed for Gardiner property

- Memo re. maintenance work request
- Memo re. MSTI project supreme court decision

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. The Commission said it should talk with MDT about how it will help with maintaining the road.

Citizen Kevin Funk said a newspaper article in the Livingston Enterprise makes it sound like the county slashed its budget by \$2,000,000. Funk said he is concerned about the article, because a reduction in funds did not take place, and the reduction was money that was not spent. Funk said he is bringing his concern to the Commission because it is not his place to approach Finance Director Lani Hartung regarding statements she is quoted as saying in the article. Commissioner Taylor said Hartung's statements are accurate and he stands behind them. Funk said his concern is some people in Park County think there was a real \$2,000,000 savings in the budget, and the story should never have even hit the newspaper because there was no story. Commissioner Durgan said he suggests Funk write a letter to the editor to explain how changes in the county's expenditures resulted in a \$2,000,000 smaller budget.

@9:04:09 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

Marty Malone
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana