

Park County Commission Meeting Minutes
Week of February 8 – 12, 2010
Park County, Montana

February 8, 2010

Review of Daily Correspondence and Agenda

@8:34:22 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 from planning director re. proposed role of community development department
- Memo re. Gallatin Valley Land Trust - To Commissioner Durgan for review
- Memo from LTAP re. Feb 17 conference and gravel roads workshop - To road supervisor for review
- Memo re. scheduling at fairgrounds office - To Durgan for review
- Memo from finance department re. grant information request
- Memo re. 9th Street Bridge Replacement Project bid cancellation
- Memo re. juvenile detention planning - To Durgan for review
- Memo re. Airports/Airways Bureau - To Durgan for review
- Memo re. NACO 2010 conference brochure - To commissioners for review

@8:56:22 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

February 8, 2010

Review of Minutes for Week of February 1, 2010

@10:54:34 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 Commission meeting minutes for the Week of February 1, 2010.

Commissioner Durgan requested a revision to Page 7 of 20; fourth paragraph, the second and third sentences should read, “Durgan said the Commission was looking into piggybacking a sewer system onto a Fleshman Creek restoration project, but that project is taking longer than predicted. He said the Commission authorized an engineering study to determine how much money it will cost to install a fairgrounds sewer system and is talking to the city of Livingston and the country club to possibly join in the effort.”

Commissioner Malone requested a revision to Page 5 of 20, noting the correct spelling of Bill “Burckhard” and Thomas “Sarrazin.”

Commissioner Durgan made a motion to approve the minutes as corrected.

Commissioner Taylor seconded that motion. Motion passed.

@11:00:39 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

February 8, 2010

Decision on Preliminary Engineering Report for Fairgrounds Sewer System Project

@1:31:52 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Barbara Woodbury, sanitarian; Brad Koenig, Robert Peccia and Associates; Tim Stephens, citizen; Gary Barnhart, citizen; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a decision on a preliminary engineering report for a fairgrounds sewer system project.

Sanitarian Barbara Woodbury said Robert Peccia and Associates is working on a sewer design for a Fleshman Creek Restoration project and that firm stated it could complete a Preliminary Engineering Report (PER) for a fairgrounds sewer system project for \$19,000 and apply for up to \$100,000 in Montana Department of Natural Resources (DNRC) Renewable Resource funds by May 2010. Brad Koenig of Robert Peccia and Associates said he thinks Park County has a good chance of receiving the DNRC funding with the number of failing septic systems currently at the fairgrounds.

Woodbury said the fairgrounds would not need a lift station and the estimated cost of the project would be closer to \$150,000 opposed to \$380,000 if the project were tied into a Fleshman Creek Restoration Project. Koenig said the best case scenario with funding and permitting for the fairgrounds sewer project would enable construction in summer of 2011. He said installing a lift station near the fairgrounds could potentially capture Park High School, St. Mary’s Catholic School, Sleeping Giant Middle School, Livingston Civic Center, and high school football and community baseball fields. Koenig said his firm would have to assess the depth of existing fairgrounds septic systems to determine where a fairgrounds lift station would be located.

The Commission reviewed aerial photographs of the View Vista Drive area and possible location of a fairgrounds lift station.

Commissioner Durgan made a motion to wait on a decision on going forward with a PER until he and Woodbury talk to the fair board at its February 16 meeting. Commissioner Taylor seconded that motion. Motion passed.

@2:05:21 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

February 9, 2010

7:30 A.M. – Job Service Employers Committee – Livingston Job Service

February 9, 2010

County Road Updates

@9:01:46 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Ed Hillman, road supervisor; Shannan Piccolo, civil deputy county attorney; Kevin Funk, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss county road issues.

Road Supervisor Ed Hillman said the road crew revised a county road classification sheet this morning. Hillman said a citizen in Jardine dug a ditch across Jardine Road and plugged a county culvert with a piece of plywood which has flooded the county road. He said another citizen damaged her vehicle on that area of road. Hillman said another citizen erected a fence to the county road on Wolfe Hill on Swingley Road, which impedes the road crew's ability to maintain the road. He said both citizens need to receive complaint letters from the county attorney's office about the issues.

Hillman said he met with Northwestern Energy on February 8 about a culvert at 9th Street Bridge; the road crew will receive MACo training on winter snowplowing, dump trucks, proper signage and flagging on February 16; and the road shop will be inspected by MACo that day as well.

Citizen Kevin Funk said he saw a road crewman with a grader by Carter's Bridge and he is concerned whether crewman time is being spent as well as it could be. Funk said it took one grader to do half that road in one day and he is very concerned work days are not planned out and the crew is not doing things to the best of their ability each day. Hillman said he cannot plan anything for the winter season, and the crew conducts work on a day by day schedule. Funk said if he were a commissioner he would be side by side with the road supervisor determining the best way to serve the taxpayer's money, and he asked whether road crewmen are just keeping busy or accomplishing something. He said he would cut gravel transport time in half by purchasing from closer companies, and he

thinks there are ways all over the road budget that funds can be better served and spent. He said there is enough fat in the county's spending that cuts could be made and county positions could be done away with and combined. He said he would start with the road crew and the landfill. Funk said he would like to see a purchasing agent in the county and a time is coming when the government will have no money.

Commissioner Taylor said the county's number-one priority is school bus routes, and work on Carter's Bridge Road is resulting from a citizen request for maintenance of that school bus route. Funk asked if the road crewmen could work four-day work weeks. Taylor said the county tried that and it did not work.

The Commission and Hillman reviewed and edited a draft work contract between Park County and the teamsters union.

@10:30:23 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

February 9, 2010

10:00 A.M. – Review of Daily Correspondence and Agenda – Commissioners Chambers
– Canceled due to scheduling conflicts

February 9, 2010

1:00 P.M. – Weed Board Meeting – West Room

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

2:00 P.M. – I.T. Advisory Committee – Community Room – Commissioner Malone attended

7:00 P.M. – Special Solid Waste Board Meeting – West Room – Meeting minutes available at www.parkcounty.org and in the Commission Office

February 10, 2010

Review of Daily Correspondence and Agenda

@8:46:48 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 from Solid Waste Board re. recommended changes to landfill hours and closure of Corwin Springs green box site

- Memo re. March 4 Montana Community Airport Association agenda - To Commissioner Durgan for review
- Memo from SWB chairman re. free metal recycling advertisement
- Legal advice to Commission from civil deputy county attorney
- Memo re. Yellowstone Conservation District Council - To Durgan for review
- Memo re. courthouse handicap accessibility issue
- Memo from planning department re. February 12 Voyich Family Transfer meeting
- Memo from MT Department of Livestock re. February 25 brucellosis issue meeting
- Invoice from Dorsey and Whitney re. Cooke City community center project
- Bitterroot Consulting Services re. Park County Revolving Loan Fund
- Memo re. Livingston Chamber of Commerce newsletter
- Citizen memo re. ice skating rink celebration
- Memo re. state internet general fund revenue report for review
- Memo re. KPRK bridge aesthetic criteria
- Memo from planning director re. grants review committee meeting
- Memo from Board of Crime Control re. juvenile accountability block grant
- Memo re. Cooke City fire hydrant/snowplowing issue
- Memo re. Feb 18-19 Transportation and Revenue Committee meeting in Helena - To Durgan for review
- Memo re. state electrical permit for rewiring of community room
- Memo from CTA Engineering re. 9th Street Bridge Project contractor cancellation letter
- Memo from RC&D re. letter of MCDC recommendation - To Durgan for review
- Memo from YGM re. February 12 museum meeting - To Commissioner Taylor for review
- Memos re. juvenile detention board - To Durgan for review
- Memo re. January list of county jurors
- Litigation confidential legal advice to Commission from civil deputy county attorney
- Memo from MACo re. Build America Bond program - To planning director for review
- Memo re. public lands - To Durgan for review
- Memo from David Martyn re. certificate of insurance

Commission Executive Assistant Raea Morris asked whether log books are in all county vehicles. The Commission said Morris can notify Printing For Less to print refuse tags.

@9:26:44 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

February 10, 2010

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

February 10, 2010
Human Resources Updates

@9:31:05 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Jill Ouellette, human resources; Martha Miller, auditor; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss activities in the human resources department.

Human Resources Analyst Jill Ouellette presented the Commission with a letter from Citizen Larry Lahren regarding Yellowstone Gateway Museum artifacts. Commissioner Taylor said Lahren is not interested in becoming involved in the Yellowstone Gateway Museum again and Interim Museum Director Paul Shea said he spoke with Lahren and the museum is trying to clear Lahren's name regarding ownership of archeological bones in the museum's possession.

Ouellette presented the Commission with an employee change of status form/merit increase for signature and said she worked on a new employee orientation program. Ouellette said a Montana Clean custodian applicant failed a criminal background fingerprint test from law enforcement and requested she assist him with that test. Ouellette said she cannot honor that request and the sheriff's office does not want county applicants contacting its office with such requests.

Ouellette asked the Commission how she should address an issue of an employee exhausting sick leave and using vacation leave for illness purposes. Commissioner Durgan said he is in favor of giving credence to the department head's recommendation on the matter. Taylor said he agrees to have the department head make the decision on the matter, and he does not see a problem. The Commission said Ouellette can approve adjustment of the leave hours to resolve a payroll issue.

@10:03:53 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

February 10, 2010

1:30 P.M. – Discussion of 9th Street Bridge Replacement Project with Montana Department of Transportation – Department of Transportation Office, Bozeman MT – Commissioners Durgan, Malone and Taylor attended

February 11, 2010

8:30 A.M. – Safety Meeting - Commissioners Chambers – Commissioners Durgan, Malone and Taylor attended

8:30 A.M. – Brucellosis Working Group Meeting – State Capital Building, Helena, MT – Commissioner Malone attended

9:30 A.M. – Review Daily Correspondence and Agenda – Commissioners Chambers – Canceled due to commissioner schedules

10:00 A.M. – Local Emergency Planning Committee – Community Room – Commissioner Durgan attended

February 12, 2010

Review Daily Correspondence and Agenda

@8:32:09 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Raea Morris, executive assistant and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Confidential legal advice to Commission from civil deputy county attorney
- Memo from clerk and recorder re. collection fees
- Memo from SWB member re. information request
- Memo from sheriff's office re. seized vehicle
- Memo from floodplain administrator re. 9th Street Island mobile home park
- Invoice from DOWL HKM re. landfill monitoring - To transfer station for action
- Memo from county auditor re. review of county attorney office finances
- Memo from planning director re. February 12 meeting
- Citizen public information request - To Commissioner Taylor for review
- LEPC meeting minutes - To Commissioner Durgan for review
- Memo from union negotiator re. weed personnel working on roads
- Memo from William Smith re. selection of engineer
- Memo re. landfill metal recycling advertisement

Commission Executive Assistant Raea Morris said she finalized refuse tag printing details with Printing For Less.

@8:55:21 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

February 12, 2010

Signing of Immunization Program Contract with Montana Department of Public Health

@9:30:23 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were

Suzanne Brown, public health nurse; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign a contract with the Montana Department of Public Health for an immunization program.

Public Health Nurse Suzanne Brown said the contract is an annual contract running from January 1 through December 31 each year. Brown said the county health department maintains an immunization registry and conducts adolescent and newborn Hepatitis-B programs, policy evaluation of medical records for kindergarten and 7th grade students and immunization review of licensed daycare facilities through the grant program.

Commissioner Durgan made a motion to sign the contract. Commissioner Taylor seconded that motion. Motion passed.

@9:34:05 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

February 12, 2010

Consider Approval of Voyich Family Transfer

@10:02:05 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Mike Inman, planning; Daniel Voyich, citizen, and Commission Minutes Clerk John Mueller.

The meeting was scheduled to consider approval of a Voyich Family Transfer application.

Senior Planner Mike Inman said the application is a family transfer exemption that received preliminary approval from the planning department, county attorney's office and sanitarian after review. He said the application is for three tracts of land off Highway 10 to be transferred to Voyich's three children and access easements exist for the proposed parcels, as well as the retained lot.

Applicant Daniel Voyich said the property has been owned since the mid 1930s and his family has sold only one acre to the Monte Carlo club in 1946. He said his son currently living on the property wants to build a new home, and his daughter and other son plan to build homes on their parcels in the future. Voyich said the purpose of the application is not to sell or resell the property.

Commissioner Durgan noted the proposed tracts look to be 2.5 acres each, and he said he appreciates such straight-forward and legitimate family transfer applications.

Commissioner Durgan made a motion to approve the Voyich Family Transfer as submitted. Commissioner Taylor seconded that motion. Motion passed.

@10:07:48 a.m. Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

February 12, 2010

Discussion of Floodplain Issue

@10:30:10 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Philip Fletcher, planning; Mike Inman, planning; Barbara Woodbury, sanitarian; Karl Knuchel, attorney; Blake Blatter, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss a floodplain issue.

Attorney Karl Knuchel said a December 11, 2009 Park County Floodplain Administration memorandum of decision contains three conclusion and decision bullet points to be met, 1) a \$100 permit filing fee that will be paid today; 2) the applicant submit an updated floodplain study with an engineer's certification stamp stating the buried revetment was designed for a 100-year flood event; and 3) the Heart K Ranch will maintain the revetment in a manner that does not obstruct or interfere with Mission Ranch's ditch right and easement in the future.

Knuchel said he does not understand why Condition #3 is included because the revetment was built because Mission Ranch's activities in the river started the river to change course. Citizen Blake Blatter said he does not think he should have to pay the \$100 permitting fee per an agreement at the last meeting. Malone said the modified plan was assessed a \$100 administrative fee.

Fletcher said Condition #3 is derived from Federal Emergency Management Agency law and an objection by the adjacent Mission Ranch. Fletcher said he and Civil Deputy County Attorney walked through the property and neither had problems with what was viewed and he considers the issue to be a closed matter. Malone said the objection period has ended, Mission Ranch's concerns about the revetment impacting its ditch right to draw water from the river is resolved, and the engineer's plans are stamped and submitted. Fletcher said he will draft and submit a letter to Blatter notifying him the Heart K floodplain issue is resolved and finalized upon receipt of the \$7,000 agreed fine.

@10:39:01 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

February 12, 2010

Discussion of 9th Street Bridge Project Funding

@3:02:31 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Philip Fletcher, planning; Barbara Woodbury, sanitarian; Raea Morris, executive

assistant; Matt Dettori, Livingston Enterprise; Jennifer Madgic, Senator Tester representative; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss 9th Street Bridge Project funding.

Commissioner Malone said the Commission needs to decide whether to administer the 9th Street Bridge Replacement project or have the Montana Department of Transportation administer the project at 18.48 percent of the appropriated funds. Malone read into the record a summary of an email from Robert Burkhardt of the Federal Highway Administration (FHA) stating Burkhardt is seeking advanced construction approval, which would allow Park County to front the project cost and gain reimbursement through Transportation, Community and System Preservation Program (TCSP) grant funds. Malone said CTA Engineering will deliver project construction plans and environmental documents to Burkhardt on February 15 to initiate the TCSP funding process.

Planning Director Philip Fletcher said he has a fairly strong feeling administering a construction grant is complicated, but he is quite confident Park County has the resources to do a good job in administering the project. Fletcher said he recommends the county determine exactly what the administration involves before it commits and the Commission afford him a day next week to research the issue further with appropriate state and federal personnel. The Commission said it will give Fletcher time to further research the administrative issue.

Malone said the county requested appropriations for the project from congressional delegation because the Commission was told by the Montana Department of Transportation a year ago it could complete a 9th Street Bridge project by 2018 for \$4.5 million. He said the Commission's goal remains to get the bridge in as soon as possible.

@3:35:20 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

Marty Malone
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana