

Park County Commission Meeting Minutes
Week of January 18 – 22, 2010
Park County, Montana

January 18, 2010

Martin Luther King, Jr. Holiday – All Offices Closed

January 19, 2010

Review of Daily Correspondence and Agenda

@8:31 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo from Oasis Environmental re. 9th Street Bridge plans – To file
- Memo from road supervisor re. road snowplowing protocol
- Memo from union negotiator re. road and bridge wage, hour bargaining issue, and sheriff negotiations – To Commissioner Durgan for review
- Memo re. meeting closure protocol
- Memo re. transportation handling and disposition of asbestos waste – To Commissioner Taylor for review
- Memo from DES Coordinator re. safety HAZMAT training – To file
- Memo from PCRFD#1 re. green box fire fighting services
- Memo re. voting polling places – To commissioners for review
- Memo re. December list of warrants and jurors
- Metal recycling bid contract advertisement for Livingston Enterprise

Commissioner Taylor said he will contact Jim Hunt of the Concerned Citizens and Attorney Courtney Lawellin this week about proposed changes to landfill hours and closing the Corwin Springs green box site.

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

January 19, 2010

9:00 A.M. – Park County Road Updates – Commissioners Chambers – Postponed to January 20 @ 9:00 a.m. due to scheduling conflict

January 19, 2010
Department Head Meeting

@9:30 a.m., Chairman Malone called a meeting to order in the Community Room. Commissioners Durgan, Malone and Taylor were present. Also present were Marc Richards, GIS/IT; Denise Nelson, clerk and recorder; Barbara Woodbury, environmental health; Brett Linneweber, county attorney; Lani Hartung, finance; Lois Hatfield, landfill; Clay Williams, weed/junk vehicle; Philip Fletcher, planning; Ed Hillman, road; Martha Miller, auditor; Raea Morris, commission executive assistant; Jill Ouellette, HR; Belinda Van Nurden, DES; Bruce Martin, maintenance; Kevin Larkin, treasurer; Linda Budeski, justice of peace; Paul Shea, museum director; Scott Hamilton, undersheriff; Suzanne Brown, public health nurse; Kim Knutson, fair manager; Ed Barich, county superintendent of schools, and Allan Lutes, sheriff.

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

Selection of Employee of the Quarter: Human Resources Analyst Jill Ouellette said Jay Dixon was nominated as employee of the quarter. She said she received a recommendation to turn the employee of the month parking spot sign around so the public can use the spot near the courthouse.

Status of the Grants Review Committee: Planning Director Philip Fletcher explained the purpose of the grants review committee as making recommendations to applicants to strengthen grant applications. Malone said the intent of the committee is not to exhaust Nittany Grantworks' contract hours and ensure grants are appropriately filed with the clerk and recorder. There was discussion about grants applied for on a consistent basis by certain department heads and the review committee's lack of expertise to review or be involved in such grants.

Roundtable Discussion of Activities: Meeting attendees reported on their recent and ongoing activities and projects.

The next department head meeting is scheduled for February 16, 2010 at 9:30 a.m. in the Community Room.

@10:34 a.m., the meeting adjourned.

January 19, 2010
Human Resources Updates

@10:44 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 presented the Commission with employee Family Medical Leave Act paperwork for signature. Ouellette said she submitted a job posting for a position in the clerk and records office, researched undersheriff job history for a longevity pay issue, received a notice of a PERS delinquent payment, worked on an OSHA report due June 30, is processing job abandonment paperwork, and will conduct Angel Line bus driver interviews in the near future.

@10:51 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

January 19, 2010

Discuss Potential County Insurance Services

@1:04:13 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Gary Hablutzel of Innovative Benefit Plans, LLC; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss potential county insurance services.

Gary Hablutzel of Innovative Benefit Plans, LLC said the county has been with MACo Healthcare Trust for four years, and he would like to put a proposal together if the county is interested in changing healthcare providers. Hablutzel said his organization is part of a Joint Powers Trust and works to find health risk factors within a company's employee population and work with employees on those issues by encouraging MAYO Clinic health screenings.

The Commission advised Hablutzel to speak with Human Resources Analyst Jill Ouellette about the county's current healthcare services.

@1:23:16 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

January 19, 2010

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

January 19, 2010

Opening of Metal Recycle Bids

@3:07:41 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Lois Hatfield, landfill; Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to open metal recycling bids.

Commissioner Malone said three sealed bids were submitted prior to the deadline from Adkins Construction, Rossen Brothers, Inc., and Pacific Recycling. Malone opened the bids and read the bids into the record as follows:

Adkins Construction minimum bid price of \$57.10. If iron prices are over \$200 per ton, Adkins will pay 30 percent of the delivered price. Market price to be determined by nearest recycling depot. Rossen Brothers, Inc. minimum bid price of \$55 per net ton or 60 percent of the American Metal Market price. Pacific Recycling minimum bid price of \$52 per ton or \$75 less than the current American Metal Market consumer buying price.

Commissioner Durgan made a motion to have the county attorney's office review the bids, but it appears Adkins is the high bid and Pacific Recycling is the low bid. Commissioner Malone seconded that motion. Motion passed.

@3:19:44 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

January 19, 2010
Personnel Meeting

@3:30 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Marc Richards, GIS/IT; Jill Ouellette, HR; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to address a personnel issue.

GIS/IT Manager Marc Richards requested the meeting be closed to the public. Commissioner Durgan made a motion to close the meeting. Commissioner Malone seconded that motion. The meeting closed.

@3:55 p.m., the meeting adjourned.

January 19, 2010

6:30 P.M. – Fair Board Meeting – Park County Fairgrounds Office

January 20, 2010
Review of Daily Correspondence and Agenda

@8:34:26 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo re. January 21 Solid Waste Board meeting agenda
- Memo from RC&D - To Commissioners Durgan and Malone
- Memo from Koontz Construction re. gravel bid of \$375 per cubic yard
- Memo from William Smith re. proposed alternative wording to Yellowstone View Condominiums - To Commission for review
- Invoice from Slip N Slide Ranch re. bill for \$31,492.50
- Memo from DEQ re. asbestos waste handling and transporting video

@8:37:45 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

January 20, 2010

Park County Road Updates

@9:01:21 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Ed Hillman, road supervisor; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss county road issues.

Road Supervisor Ed Hillman said a culvert may be plugged on Jardine Road due to a citizen construction project. Hillman presented a gravel crushing proposal to the commission executive assistant for Mission and Arthun pits.

Commissioner Taylor said citizens on O'Rea Creek Road on the south side of the interstate are concerned about plugged culverts going under the interstate and old US 10. Hillman said those ditches and culvert are a state highway issue.

@9:14:27 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

January 20, 2010

Appeal of Goodman Subdivision Exemption Denial

@9:35:07 a.m., Commissioner Taylor made a motion to recess the meeting until 10:00 a.m. Commissioner Malone seconded that motion. The meeting recessed. @10:06:45 a.m., the meeting reconvened. Commissioners Durgan, Malone and Taylor were present. Also present were Mike Inman, planning; Philip Fletcher, planning; Shannan Piccolo, civil deputy county attorney; Project Engineer/Surveyor David M. Albert and Landowner

Dr. John G. Goodman (via telephone); and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider an appeal of a Goodman subdivision exemption denial.

Senior Planner Mike Inman said the issue at hand is a boundary relocation for Dr. John G. Goodman denied by the planning department because of the prior history of the tracts in question, a criterion under which Inman said boundary relocations must be reviewed per county subdivision regulations Section Roman Numeral V. B. Inman said the prior history of the three parcels in question includes creation of those parcels without subdivision review through a family transfer exemption. Inman said by identifying the reason for relocating the boundary is to increase the value and marketability of the property, combined with the use of the family transfer, the applicant has created a presumption the purpose of the boundary relocation is to evade the Montana Subdivision and Platting Act. Inman said it is now up to the applicant to provide information to the Commission that rebuts that presumption.

Dr. John G. Goodman said the family conveyance occurred 10 to 12 years ago as a gift to his children when the property was owned by the Goodman Family Trust. Goodman said a divorce removed the property from that trust and put it in his name and he now needs to sell a portion of the property due to financial reasons. Goodman said he also wants to improve irrigation for his hay field using the property boundary change.

Planning Director Philip Fletcher said the Commission must decide how remote in time a family transfer would occur to trigger presumption that was a basis of denial and whether eight years is far enough back to overcome the presumption.

Commissioner Taylor said Goodman would have sold the lots sooner than eight years if trying to avoid subdivision review. He said he does not think it is a big foul Goodman is now coming forward to wiggle the boundary line to make the land more sellable and he thinks it is possible. Commissioner Durgan said a red flag comes up with the applicant's statement he needs to sell land for money reasons.

Project Engineer/Surveyor David M. Albert asked if there was a method to amend writing in the application to include Goodman's desire to correct an issue with his irrigation before the tract is sold. Civil Deputy County Attorney Shannan Piccolo said the application submitted contains language of intent to sell the parcel, which would be raised in reviewing prior history of the tract. Goodman said he is not evading anything, is not a developer, loves his property and wants to keep as much as he can, but he needs to sell a piece of property and can sell it as is, but his irrigation will be improved if he can readjust the boundary lines.

Malone said he sympathizes with Goodman on the irrigation issue, has concerns with Goodman's statement he has to sell something, but understands the economy situation today. Taylor said he sees two different issues. He said the three lots should never have

been created because they did not meet the subdivision criteria of being at least one by three along the river. Taylor said a denial would put conditions on the transfer of boundary lines and there are no conditions for that, and if Goodman wants to wiggle boundary lines he should be able to do that. Taylor said Goodman is not trying to evade subdivision review and doesn't think going through such review would serve any purpose. He said the lots already have road access along the highway.

Commissioner Taylor made a motion to accept the boundary line adjustment because he thinks the applicant is not trying to evade subdivision review through it but to make a more sellable lot. Commissioner Malone seconded that motion. Motion passed. Commissioner Durgan voted in opposition to the motion, saying it appears the Commission may be setting precedent.

@10:53:15 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

January 20, 2010

Discussion of Video Monitoring and Recording Equipment

@10:55:11 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Sheriff's Office Personnel Jay O'Neill, Allan Lutes, Scott Hamilton, Gregg Todd and Wendy Wood; Jim Morrissey and Jeff Jallinos of Security Solutions Incorporated; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss video monitoring and recording equipment in the jail.

Captain O'Neill presented the Commission with a proposal to update the jail cameras to a digital system of 25 total cameras and 27-inch flat panel monitors. O'Neill said Security Solutions Incorporated (SSI) would conduct necessary installation measures, and the cost of the system would be \$20,662.10 for installation and \$5,468 for eight microphones, but eight microphones may not be necessary.

Jim Morrissey of SSI said the updated cameras will provide a picture of inmates through infrared even when lights are turned off. Jeff Jallinos of SSI said SSI just finished installation of a similar system in a Deer Lodge training center and in Gallatin County. He said all equipment and labor is backed by a one-year warranty, and the system could include cameras in courthouse hallways. Jallinos said system hard drives contain DVD burners for records retention, and cost of a hard drive rebuild averages \$500 to \$600. He said training O'Neill to conduct records retention is an important factor in the system working to its maximum benefit. Jallinos said SSI has served the Bozeman area for 36 years and emergency maintenance calls can be made 24-hours a day.

Sheriff Lutes said an upgraded security camera system is something long overdue in the county jail and will enhance the sheriff's office's ability to stop problems, such as

fighting among inmates, before they start and improve insurance for employees and prisoners.

Commissioner Malone said he thinks there is Commission consensus to go forward with obtaining a system. The Commission asked SSI to draft a contract for the proposed work to include a maintenance/service agreement.

@11:14:31 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

January 20, 2010

Discussion and Review of Finances with Park County Rural Fire District #1

@11:38:36 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were PCRFD #1 Representatives Dann Babcox, Chuck Donovan and Dan Karell; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss finances associated with the Park County Rural Fire District #1 (PCRFD#1).

PCRFD #1 Fire Chief Dann Babcox presented the Commission with a running tabulation of \$1,100, costs Babcox said PCRFD#1 has incurred putting out fires in county green boxes. Babcox said an agreement with the county enables PCRFD#1 to dump refuse at the landfill and use the services of the county human resources personnel at a cost of \$25 per hour in exchange for green box fire services. Babcox said he will continue to keep a tabulation to ensure one entity is not incurring a disproportionate amount of expenses, but asked the county to keep a tabulation of the human resources personnel hours when assisting PCRFD#1.

In other discussion PCRFD#1 board member Dan Karell said he learned a fire district cannot run its own levy at a trustee seminar. Karell asked the Commission if a resolution was passed forming PCRFD#1, whether a levy passed years ago was legal and approved by the county commissioners, whether trustees of the fire board are liable for financial wrongdoing, and whether a resolution exists on record giving management authority to trustees. Karell said he feels uncomfortable sitting as a trustee on a board spending taxpayer money if a levy was done illegally and suggests the Commission obtain a legal opinion what will stand up other than the Park County Attorney's opinion. Karell said the Commission needs to find out what authority the Commission has regarding PCRFD#1. He said he is also concerned about appointment of trustees when state law said trustees must be elected.

@12:00:30 p.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

January 20, 2010

Signing of Contract for Cooke City Resort Tax Allocations

@1:30:12 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; Raea Morris, executive assistant; Matt Dettori, Livingston Enterprise; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign a contract for Cooke City Resort Tax allocations.

Commissioner Malone said he and Commissioner Taylor reviewed and approved three requests for allocations from the Cooke City Resort Tax on January 8 at a public meeting in Cooke City and received favorable comments on each request.

Piccolo presented the Commission with three contracts for Cooke City Resort Tax allocations for signature. Those contracts included requests of \$11,000 for payment of the Colter Pass/Cooke City/Silver Gate Chamber of Commerce president; \$6,600 for recreational facilities and snowplowing; and \$101,000 for community center construction and payment of a note. Piccolo said the chamber requested any remaining resort tax funds go toward the community center project. Piccolo said the Commission also agreed to pay the Cooke City Water District \$20,000 through an interlocal agreement.

The Commission signed the three contracts. Piccolo said she will distribute the contracts to appropriate Cooke City Chamber of Commerce representatives.

@1:37:02 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

January 20, 2010

Signing of Contract for Medical Claims Administration by Correctional Risk Services, Inc.

@2:31:16 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; Jay O'Neill, PCSO; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign a contract for medical claims administration by Correctional Risk Services, Inc.

Commissioner Malone said the Commission approved the medical claims administration concept in a public meeting last week and is meeting today to approve and sign a contract.

Commissioner Durgan made a motion to sign an agreement with Correctional Risk Services for medical claims administration and management. Commissioner Taylor seconded that motion. Motion passed.

Captain Jay O'Neill said the Sheriff's Office may be interested in applying for extended coverage for \$250 to \$300 per month to cover any major inmate medical incident over \$10,000. O'Neill said the Sheriff's Office received \$3,100 last year in medical restitution.

@2:36:14 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

January 20, 2010

Discuss Landfill Hours and Metal Recycling Advertisement with Solid Waste Board

@3:02:14 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; Lois Hatfield, landfill; Raea Morris, executive assistant; SWB Members Dick Juhnke, John Schuler, Bill Moser, and Bob Currie; Citizens Gay Juhnke and Jim Taylor; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss landfill hours and metal recycling advertisement with the Solid Waste Board (SWB).

There was discussion about the Commission's decision to change landfill operation hours to cut costs and what the changed hours should be. SWB Member Dick Juhnke asked why the county is inconveniencing people by changing the landfill hours. He said Sheep Mountain Meats must dispose of animal remains each day and closing on Mondays presents a major problem for the company. Commissioner Malone said he thinks the company and the county can work out an agreement for the company to dispose of necessary remains by contacting the transfer station manager prior to dumping at either the landfill or transfer station on Mondays.

In other discussion, Juhnke asked why the Commission requires the SWB to come before the Commission with the simplest things such as putting an ad in the newspaper paper for metal dumping. He said there is no use in having the board if the Commission does not let it do anything. Junke said the SWB only addresses refuse bill complaints. SWB Member John Schuler said the SWB has no authority to do anything on its own, and that is getting old. Commissioner Taylor said the Commission must review all documents that represent the county before they are released and the county attorney reviews all documents for content and legality.

SWB Member Bill Moser said he does not think the SWB is capable of making a decision in the time he has been on the board. He said the only interest is in getting an incinerator back in Park County. Moser said the SWB has a great dislike of the fact the

Commission is doing things like closing Deep Creek and Corwin Springs green boxes and putting announcements in the newspaper about landfill hours changing and not telling members of the SWB. Moser said he suggests the Commission can have Commission Minutes Clerk and Solid Waste Board Secretary John Mueller forward information to SWB members via email to show the Commission is trying to communicate with the SWB on issues. Taylor said he did not know the landfill hours advertisement went into the newspaper. Moser said SWB members did not know Deep Creek was closed and then reopened and no feedback was given to the SWB about the Commission's decision to not allow employees to climb into roll offs to sort blowables.

SWB Member Bob Currie said he appreciates Taylor attending SWB meetings to serve as an information conduit with the Commission, but he said a broader issue is what responsibilities and topics the Commission would like the SWB to focus on. Malone said he thinks SWB members should be knowledgeable about all operations and finances of the county's solid waste system and understand reports from landfill and transfer station managers. Attorney Courtney Lawellin said the board now has bylaws, and as an administrative body the board has authority to conduct various activities outlined in statute.

Commissioner Malone provided SWB members with a draft brochure of solid waste operations for review. Schuler said he thinks the county should charge \$49 per ton at both the landfill and transfer station if it wants contractors to dump in the landfill. Schuler said the county should charge city residents equitably at the landfill at \$45 per ton, and he thinks the county is driving business away with its current fee structure. Malone said the Commission will consider landfill and transfer station dumping fees should the SWB submit them. Schuler said he will have an agenda item for the issue put on the January 14 SWB meeting agenda. Moser said solid waste dumping rules need to be defined and explained up front so the public understands them. Moser said the brochure needs to define the term "blowables," explain the free ton policy, and address hazardous waste.

@4:16:02 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

January 21, 2010

Review of Daily Correspondence and Agenda

@8:45:10 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; Shannan Piccolo, civil deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo from HR re. change of HR updates for weeks of Feb 2 and 9
- Memo from SWB member re. bylaws
- Memo from road and bridge supervisor re. outlying office telephone service
- Memo from planning department re. Jan 25 meeting for appointment of citizen member to planning and zoning commission
- Invoice from Tri County Sheet Metal re. air conditioner mode repair
- Invoice from Granite re. commission computer part
- Memo re. energy efficiency block grant application - To planning director for review
- Memo re. April 5-6 Burton K. Wheeler conference in Bozeman

Civil Deputy County Attorney Shannan Piccolo presented the Commission with reviewed metal recycling bids and said each meets the county's bid requirements.

@8:55:11 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

January 21, 2010

Discussion of Outlying Office Telephone and Fax Issues

@9:03:18 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; Marc Richards, GIS/IT; Lois Hatfield, landfill; Kim Knutson, fair manager; Erica Hoffman, IT; Dan Hackman, mechanic; Ed Hillman, road supervisor; Scott Hamilton, undersheriff; Lani Hartung, finance; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss outlying office phone and fax issues.

Commissioner Malone presented GIS/IT Manager Marc Richards with employee comments regarding troubles with outlying office telephone service. Richards said documentation is needed to present to Cerium because it has been unable to rectify phone issues with outlying offices and Cerium needs to fix those problems or refund funds. Richards said the county may have to go back to the old phone system for outlying offices. Richards said there is not enough power going through the broadband and connections are lost between towers because it is too windy in Livingston, which causes the telephone problems. Mechanic Dan Hackman said the telephone problems at the county road shop would be significant in an emergency safety situation.

Civil Deputy County Attorney Shannan Piccolo said she needs to review the contract with Cerium to see if it contains a complaint provision, or the county can submit a formal complaint. She said the time allotted to fix issues may depend on the contract, but 30 days may be reasonable.

Richards said he had all features removed from fax lines and the county could set up a fax server to accommodate eight different fax machines. He said he will review the fax bills and talk to a Cerium representative.

The Commission asked Richards to set up a meeting with the Commission so it can learn how the phone system operates.

@9:30:57 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

January 21, 2010

Consider Approval of Vallentyne Family Transfer

@10:31:38 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; Robert Vallentyne, applicant (via telephone); and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider approval of a Vallentyne Family transfer.

Subdivision Administrator Mike Inman said Robert Vallentyne submitted a family transfer exemption application in September 2009 to transfer roughly 10 acres of land to his daughter, Valerie Hope Vallentyne, from a 21.65-acre parcel. Inman said the planning department, county attorney's office, and the sanitarian reviewed and approved that application. Inman said the meeting was scheduled for the Commission to determine whether the proposed family transfer is legitimate or an attempt to evade the Montana Subdivision and Platting Act and county subdivision regulations.

Applicant Robert Vallentyne said his daughter wants to build a home on Wineglass Mountain after she completes college. Inman said Vallentyne provided documentation the transferred parcel would not be sold for the required period of time, and all documentation for the transfer meets the requirements of the exemption chapter in the county subdivision regulations.

Commissioner Taylor made a motion to accept the Vallentyne Family Transfer as presented and approved by the planning and health departments. Commissioner Durgan seconded that motion. Motion passed.

@10:37:21 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

January 21, 2010

Continuation of Public Hearing for Consideration of Yellowstone View Condominiums

@11:03:44 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; Philip Fletcher, planning; Shannan Piccolo, civil deputy county attorney; Bob Jovick, attorney; William Smith, consulting engineer; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled as a continuation of the public hearing for the Yellowstone View Condominiums project.

The Commission reviewed affects of the development on various subdivision review criteria.

- I. Affects on Agriculture: Commissioner Taylor made a motion to accept the findings for Affects on Agriculture. Commissioner Durgan seconded that motion. Motion passed.
- II. Affects on Agriculture Water User Facilities: Commissioner Durgan made a motion to accept the findings as written. Commissioner Taylor seconded that motion. Motion passed.
- III. Affects on Local Services: Commissioner Taylor made a motion to accept the Affects on Local Services as written. Commissioner Durgan seconded that motion. Motion passed.
- IV. Affects on the Natural Environment: Commissioner Malone requested inserting the word “Supervisor” on Recommended Finding; B Condition 6 to read “...County Noxious Weed Control Board Supervisor...” On B-7, delete the words “and Weed.” Commissioner Durgan made a motion to accept the Affects on the Natural Environment with additions and amendments. Commissioner Taylor seconded that motion. Motion passed.
- V. Affects on Wildlife: Taylor requested including the following language in Condition #12: “The final Storm Water Drainage Plan shall be reviewed and approved by the Department of Environmental Quality.” Malone requested changing “MSU Extension” in Finding C to “Park County Extension Office.” Malone requested adding the following language to Condition #12: “The Storm Water Drainage Plan shall include plant species that minimize soil erosion and promote soil stabilization.” Commissioner Durgan made a motion to pass the recommended findings and amended conditions for Affects on Wildlife. Commissioner Taylor seconded that motion. Motion passed.
- VI. Affects on Wildlife Habitat: Commissioner Taylor made a motion to accept affects on wildlife habitat as written. Motion passed.
- VII. Affects on Public Health and Safety: Malone said the applicant recommended language for Recommended Condition #17.

Consulting Engineer William Smith said the applicant stands by wording proposed to the Commission faxed on January 19. Inman said the planning department was not provided with that faxed information, thus the information has not been available to the public for its review. Malone said he has issue with Smith’s proposed language because it seemed to tie the engineers’ hands by requiring certification of all retaining structures and slope mitigation as designed in accordance with what is existing.

The Commission and Jovick agreed to an upfront mutual agreement on the geotechnical engineer to be hired to review the condominium project. Smith said he is okay with that as long as the final report can be reviewed and discussed. Civil Deputy County Attorney Shannan Piccolo said she feels the agreement would make the engineer's decision binding on the county and applicant in order to avoid a battle of experts.

The applicant and Commission agreed to final amended language for Condition #17 as follows, "Prior to final plat approval, the County and the Applicant shall mutually agree upon an engineer and geotechnical engineer. If both parties do not mutually agree upon an engineer and geotechnical engineer prior to the expiration of the governing board approval period, the preliminary plat approval will become null and void in accordance with the *2009 Park County Subdivision Regulations*. The applicant(s) shall bear all associated costs for hiring the engineer and geotechnical engineer. The engineer and geotechnical engineer shall study soil composition and soil stability on the property. The engineer and geotechnical engineer shall submit a report(s) to the Park County Commission which identifies any necessary slope and soil stability mitigation on the property necessary for stabilization for the proposed subdivision. The report shall be signed and notarized with the engineers' certified stamp of approval. The Commission shall review the report and make the report available to the applicant(s) for review. Upon approval by the County Commission, the applicants shall comply with all recommendations for slope stability mitigation identified in the report, prior to final plat approval. The same engineer and geotechnical engineer shall inspect and certify all final slope stability mitigation measures implemented by the applicant."

Inman said Section II-A-8 of the county subdivision regulations states developers cannot bond out of required retaining wall structures or mitigations.

Addressing Recommended Condition #18, Jovick said he offered to completely substitute requirements in #18 with language presented by the applicant or use the county's language. Inman said he suggests a third alternative that would allow the applicant to come up with alternatives that meet both recommendations in the engineers' reports and mitigates all slope stability concerns or potential hazards. Malone said the applicant's proposal requires the neighbor to come in and look at the plat and do a lot of work to see if some of his property rights. Inman said the responsibility to meet required construction mitigations falls to the applicant and not the county. Inman said the applicant is trying to make the county provide an option for the applicant, which could have been determined at a pre-application meeting or it may have been determined the project location was not suitable for construction and the project would not have been built. Planning Director Philip Fletcher said he is absolutely convinced the problem is the applicant building the condos before approval and not talking to his neighbors in advance, and now the Commission is being asked to work under conditions of hypotheticals. Jovick said the applicant would be making the same language request if the condos were not yet constructed.

Taylor said he agrees with the planning board on Recommended Condition #18 and would like to leave it at written. Durgan said he feels the wording submitted by the

applicant, particularly the subjective nature of the words “reasonable attempt,” is not strong enough, so he agrees to leave wording as submitted by the planning board.

Durgan requested adding language “The easement shall comply with the recommendations identified in the engineer’s and geotechnical engineer’s report, as applicable,” and “The easement(s) shall allow for continued slope stability measures necessary for the project by the applicant(s) or homeowners association in perpetuity, including necessary mitigation measures identified in the engineer’s and geotechnical engineer’s report.”

@1:02:38 p.m., Durgan requested a five-minute break. @1:10:05 p.m., the meeting reconvened.

Commissioner Taylor made a motion to accept Section VII. Affects on Public Health and Safety as amended. Commissioner Durgan seconded that motion. Motion passed.

- VIII. Commissioner Taylor made a motion to accept Roman Numeral VIII. Commissioner Durgan seconded that motion. Motion passed.
- IX. Commissioner Durgan made a motion to accept Section IX with recommended findings and conditions as presented. Commissioner Taylor seconded that motion. Motion passed.
- X. Commissioner Taylor made a motion to accept Section X. Commissioner Durgan seconded that motion. Motion passed.
- XI. Commissioner Durgan made a motion to accept Section XI. Commissioner Taylor seconded that motion. Motion passed.
- XII. Commissioner Taylor made a motion to approve Section XII. Commissioner Durgan seconded that motion. Motion passed.
- XIII. Commissioner Durgan move to accept XIII. Compliance with the Park County Subdivision Regulations. Commissioner Taylor seconded that motion. Motion passed.

Commissioner Taylor made a motion to approve the Yellowstone View Condominiums subdivision with finding and conditions as amended by the Park County Commission. Commissioner Durgan seconded that motion. Motion passed unanimously.

@1:18:37 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

January 21, 2010

Consider Knutson-Callan Final Plat Application

@1:33:10 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, planning; Mike Inman,

planning; Courtney Lawellin, attorney; Gerald Dubiel, surveyor; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a Knutson-Callan final plat application.

Subdivision Administrator Mike Inman said the subdivision was reviewed and approved under the 2005 county subdivision regulations. Inman said the applicant received preliminary plat approval in July 2006 and submitted final plat approval on July 19, 2009. Inman said his final plat review resulted in a variety of deficiencies, and he returned it to the applicant with an additional 30 working days beyond the expiration of November 24, 2009. Inman said Condition #13 states the applicant shall meet the subdivision regulation requirements prior to final plat approval, and that condition was not met because a suitable water source for fire protection was not identified. Inman said he contacted Allan Shaw, of the Golden Age Village site, who said the water source mentioned in the Knutson-Callan final plat application is owned by the Church Universal and Triumphant (CUT) and he could not guarantee the water would always be accessible. Shaw said the CUT had not entered into any agreement with the applicants for use of the water source and would not be inclined to do so.

Inman said Surveyor Gerald Dubiel submitted covenant language prior to November 24, 2009 stating the Paradise Valley Fire District (PVFD) agreed to use the hydrants at Golden Age Village, and if inaccessible, the present or future owners of Lots 9A and 9B must install fill sites approved by the PVFD and the planning department. Inman said PVFD did not agree to the covenant. Inman said he recommends denial of the final plat approval, as the preliminary plat approval period expired based on the subdivision regulations and state statute. Dubiel said he feels the recommendation is a little unreasonable.

Attorney Courtney Lawellin said she is representing Bob Callan who is required to divide and sell his portion of the property as part of a Minnesota divorce decree, which exempts his portion of the subdivision from review per state statute. Piccolo said Callan can still deal with the decree at a later date through legal avenues.

Inman said the applicant had ample time with statutory requirements of three years and an additional 30 days, but eventually there has to be a deadline. Commissioner Durgan said the Commission will set precedent if it does not support the recommended denial.

Commissioner Durgan made a motion to disapprove the final plat application based on the subdivision administrator findings provided in the subdivision report rendering the governing body preliminary plat approval period null and void. Commissioner Taylor seconded that motion. Motion passed unanimously.

Lawellin said no provision exists and no checks are being done at subdivision sites to ensure water supplies are maintained, which could result in water not being available in time of emergency, and that may be an issue of liability for the county if loss of property or life increases as a result. She asked if there was anything that could be done with

existing fire departments to have them check maintenance needs. Inman said such checks now fall to the subdivision or subdivision homeowner's association.

@2:01:00 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

January 21, 2010

Discussion of Budget to Actual Comparison

@2:34:24 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; Allan Lutes, sheriff; Scott Hamilton, undersheriff; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss budgeted to actual budget comparisons.

Finance Director Lani Hartung said she called the meeting to compare budgeted to actual county budget funds as the county is half-way through the fiscal year and in receipt of tax money. Hartung reviewed with the Commission a report of budgeted to actual expenditures to-date.

Sheriff Lutes provided a review of planned K-9 and personnel trainings in the sheriff's office.

@3:13:11 p.m., the meeting recessed.

January 21, 2010

3:30 P.M. – Planning Board and Commissioners Discussion of Upcoming Goals and Expectations – Community Room – Canceled due to board member schedules

4:00 P.M. – Library Board – Park County Library, Bev Stevenson Room

4:00 P.M. – 911 Communications – West Room

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

January 22, 2010

Review of Daily Correspondence and Agenda

@8:41:13 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 museum re. reports and January 26 meeting agenda - To Commissioner Durgan for review
- Memo re. RC&D meetings on second Thursday of every other month
- Memo from MT Clean - re. supplies order
- Memo from BLM re. Whitetail Basin and Pipestone EA projects
- Memo from police chief re. SLEUTH software payments
- Memo from Granite Enterprises re. video projector mounting and training bid
- Memo from planning department re. draft energy efficiency grant application
- Memo re. 2010 census
- Memo from DES coordinator re. 9th Street Bridge work communication protocol
- Memo from finance director re. finance report training
- Memo from clerk and recorder re. request for bids for 9th Street Bridge replacement project
- Memo from planning board member re. commendation of planning staff
- Memo re. invoice from Oasis re. 9th Street Bridge project
- Memo re. Montana in the Sky Magazine

Commissioner Taylor reported on the January 21 Solid Waste Board meeting. Taylor said the board recommended dumping fees of \$49/ton for any citizen at the transfer station and landfill; recommended appointment of Edie Mundell to the board as the Clyde Park representative; discussed multi-colored tags next year for businesses and residences; discussed removing the one free ton of dumping at the landfill; plans to research refuse assessments of storage units; voted to accept state-approved asbestos at the landfill; will hold election of officers at its February meeting; will submit an advertisement to the commission executive assistant for free metal recycling at the landfill with the goal of submitting it to the newspaper on January 26; and recommended permanent closure of the Corwin Springs green box site. Taylor said he will draft a letter to appropriate individuals for the proposed Corwin Springs green box closure and will talk to the civil deputy county attorney about removing a board member with cause.

Commissioner Malone said he does not want to charge less than the city for refuse dumping. Taylor said he agreed. Malone said he will check into the issue with the city. The Commission instructed Morris to schedule a meeting to discuss the fees. There was discussion about Taylor contacting Landowner Ray Sundling about conducting a garbage pickup on his property in 2010.

The Commission reviewed a list of the boards on which each commissioner sits.

@9:30:13 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

January 22, 2010

Discussion of Bailey Bridge Removal

@10:00:59 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Dave Crumley, MDT; Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss removal of the 9th Street Island Bailey bridge.

Commissioner Malone said the meeting was scheduled to review the rental agreement contract for removal of the Bailey bridge as part of the bridge replacement project contract and to mutually agree what both parties will do for bridge removal. Dave Crumley of Montana Department of Transportation (MDT) read into the record parameters of the contract for removing the Bailey bridge. Crumley said MDT's role will be as advisors in the Bailey bridge removal. He said work will be conducted by paid contractors who bid on the entire project, but contract specifics regarding Bailey bridge removal are included in the bid.

Commissioner Durgan said he thinks it is important to conduct a damage inspection prior to Bailey bridge removal.

Malone said the bid for the 9th Street Island Bailey Bridge Replacement Project will go out in today's newspaper, and the selected contractor will determine the structure and type of the temporary bridge.

@10:36:19 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