

Park County Commission Meeting Minutes  
Week of January 25 – 29, 2010  
Park County, Montana

January 25, 2010

8:30 A.M. – Review of Daily Correspondence and Agenda – Commissioners Chambers – Canceled due to employee absence

9:00 A.M. – Review Commission Minutes for Weeks of January 11 and January 18, 2010 – Commissioners Chambers – Postponed to January 26, 2010 at 2:30 p.m. due to employee absence

January 25, 2010

Appoint a Citizen Member to Planning and Zoning Commission

@10:30 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Philip Fletcher, planning director. No public comment made.

The meeting was scheduled to appoint a citizen member to the Planning and Zoning Commission.

Planning Director Philip Fletcher said Planning and Zoning Commission Member Tracy Raich's term expires in February. Fletcher said the Commission has the option to reappoint Raich, select another member, or advertise and interview for the position. Fletcher said Raich told him she would accept a reappointment to the board.

Commissioner Taylor said he sat on that board with Raich and thought Raich did a good job and brings realtor knowledge to the board. Commissioner Durgan said Raich always makes good comments on the board, has positive aspects and has been a good addition.

Commissioner Durgan made a motion to reappoint Tracy Raich to the Planning and Zoning Commission. Commissioner Taylor seconded that motion. Motion passed.

@10:34:19 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

January 25, 2010

Consider Employee of the Quarter Program

@1:00 p.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 Lani Hartung, finance director. No public comment made.

The meeting was scheduled to consider an Employee of the Quarter program.

Human Resources Analyst Jill Ouellette said she received input from department heads to implement an employee of the quarter honor with a parking space for three months, turn the parking sign to face the back parking lot, and retain a \$10 gift certificate.

Commissioner Durgan made a motion to accept the recommendation of the department heads and the human resources department and go forward with an Employee of the Quarter program. Commissioner Taylor seconded that motion. Motion passed.

Finance Director Lani Hartung said the building pop machine fund funding the employee of the quarter award is currently in the hole and the Commission may need to look into that fund. There was discussion about ownership of the pop machines.

@1:11:57 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

#### January 25, 2010

1:00 P.M. – Shields Valley and Paradise TV District Meeting – West Room

#### January 25, 2010

##### Continuation of Budgeted to Actual Expenses Report

@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 Lani Hartung, finance director; and Martha Miller, auditor. No public comment made.

The meeting was scheduled to continue discussion of a budgeted to actual expenses report.

Finance Director Lani Hartung presented the Commission with a summary of the county's tax revenues as of December 31, 2009. Hartung presented the Commission with a detailed revenue/expense summary report for the general, law enforcement, PILT, and Burlington Northern funds.

@3:42:10 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

#### January 25, 2010

##### Discussion and Overview of Fleshman Creek Project Environmental Assessment

@3:45 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Mike Cox, Oasis Environmental; Lori Benner, Nittany Grantworks; Philip Fletcher, planning director; Matt Dettori, Livingston Enterprise; and Gary Barnhardt, citizen. No public comment made.

The meeting was scheduled to discuss the Fleshman Creek Restoration Project environmental assessment.

Lori Benner of Nittany Grantworks said a company named URS submitted a preliminary draft Environmental Assessment (EA) for culvert replacement and other proposed environmental improvements to the lower reach of Fleshman Creek. Benner said URS was hired and paid for by the Federal Emergency Management Association. She said the Commission can submit comments to URS for consideration, and a citizen public comment period will be opened as well.

Mike Cox of Oasis Environmental said URS reported no findings of significant impact of the proposed project in its EA. He said URS requested an alternative analysis of the project, which included a levy and pump at the lagoon. Cox said he recommends minor revisions to URS' report, including URS clarifying beaver dam activity on the creek and rewording temporary easement language and language stating working in a dry creek.

Cox said the county can conduct a formal public process to negotiate easements and discuss willow tree removal along the creek. Cox said he thinks the EA may be finalized by March, after which the Commission would let a contract for a design and construction phase. Cox said Oasis will conduct all streambed restoration, culverts, and address water and sewer utilities.

The Commission said it will wait for receipt of a final draft from URS to assess proposed revisions.

@4:14:58 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

January 25, 2010

6:00 P.M. – State of the City/County Event – Community Room

January 26, 2010

Review of Daily Correspondence and Agenda

@8:44:10 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; Allan Lutes, sheriff; 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 IT re. rural addressing books
- Memo re. January 25 Livingston Job Service workshops

- Memo from county superintendent of schools re. K-8 district consolidation
- Memo re. February 2 Water Trust meeting
- Memo re. MCDC annual report
- Memo re. Gardiner residential parking request - To file
- Memo re. January 26 Bozeman TAC meeting
- Confidential legal advice to Commission from civil deputy county attorney

Commission Executive Assistant Raea Morris provided the Commission with metal recycling bids reviewed by the county attorney.

Commissioner Malone reported on a January 25 State of the City/County presentation.

Commissioner Durgan reported on a January 25 informational meeting with the Montana Stockgrowers in Emigrant regarding the cattle/bison brucellosis issue.

Sheriff Allan Lutes provided information on the costs of Search and Rescue helicopter services.

@9:02:40 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

January 26, 2010  
County Road Updates

@9:04:15 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; 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 pup trailer is being fixed in the shop, and Caterpillar continues ongoing grader engine replacement under recall. Hillman said he looked into a citizen sign request on an icy stretch of Suce Creek Road, but the county cannot legally erect a sign making a portion of the road a one-lane road. Commissioner Durgan said the citizens want the sign to advise motorists at the base of the hill to yield to oncoming vehicles from the top of the hill for safety reasons. Civil Deputy County Attorney Shannan Piccolo said the county could erect an advisory sign for the stretch of road in the winter and remove it in the summer season. Hillman said he will work on an advisory sign.

There was discussion about the status of Travertine Lane. Piccolo said she will research the status of that road, but she will not get to that research until the end of February.

@9:20:58 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

January 26, 2010

Human Resources Updates

@9:32:34 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; 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 employee change of status forms and a Sheriff's Office employee longevity pay issue form for signature. She said she conducted an exit interview with the outgoing landfill manager who is retiring, and some discussions revolved around liability issues. Ouellette said she conducted an exit interview with an Angel Line driver as well.

Ouellette said she discussed daily employee presence in the building with energy audit personnel. She said she addressed an issue with refuse trucks not operating in extreme low temperatures. Ouellette said the department head has the discretion to send workers home on those days as time off without pay, but employees can take the days as annual leave with pay without going through the two-week leave approval period. She said she reviewed the correct process of handling that issue with the transfer station manager.

Ouellette said she is addressing an IRS levy issue and subsequent garnishment of employee wages per the IRS, addressed a sick leave use issue with an employee, she will talk with Swanson-Leavitt Insurance regarding worker's compensation codes, and the IT Manager contacted her with a request to update job descriptions in his department.

Ouellette said 25 applications were submitted for an Angel Line bus driver position and 12 applications were submitted for a clerk and recorder clerk position. She said interviews were held on January 22 for the Angel Line driver position, but no board members attended. Ouellette said drug testing was conducted last week and the county is possibly looking at an immediate termination. Ouellette said MACo will pay for a health screening rental fee for a fair held at the fairgrounds.

Ouellette said 16 accident reports were filed last and this year and six of those required zero payout dollars. She said a part-time individual will cover the Extension Office department head position during upcoming vacation time. Ouellette said Park County Rural Fire District #1 would like her to review job descriptions and its employee handbook, and she will notify PCRFD#1 she will not have that information by its next board meeting.

@9:52:26 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

January 26, 2010

10:00 A.M. – Union Negotiations – West Room – Commissioner Durgan attended

January 26, 2010

Consider Extending the Preliminary Plat Approval Period for Shields River Bluffs  
Subsequent Minor Subdivision

@10:31:02 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Mike Inman, planning; Ed Schilling, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to consider extending the preliminary plat approval period for the Shields River Bluffs Subsequent Minor Subdivision.

Subdivision Administrator Mike Inman said the Shields River Bluffs Subsequent Minor Subdivision received preliminary plat approval by the Commission in April 2008, and that approval will expire in April 2010. Inman said the applicants are in the process of installing improvements in preparation for final plat approval and are requesting a one-year extension to avoid delays with possible inclement winter weather.

Citizen Ed Schilling said he lives in Clyde Park and the developer has addressed an access visibility safety issue brought up during the subdivision's application. Schilling said he was vocal about the subdivision application, but he thinks the Commission should grant the one-year extension as long as it is a one-time thing.

Commissioner Taylor made a motion to extend the preliminary plat approval for one year for one time only. Commissioner Malone seconded that motion. Motion passed.

@10:36:10 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

January 26, 2010

Discussion of Loss Control and Affects on Insurance Rates

@11:32:54 a.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; Dan Gutebier, Swanson and Leavitt; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss loss control and affects on insurance rates.

Dan Gutebier of Swanson-Leavitt Insurance presented the Commission with MACo-proposed increases to the county's general liability insurance and a loss ratio adjustment. Gutebier said MACo is recommending a five-percent increase in general liability insurance, which includes law enforcement and E and O, adding \$7,182 to the county's

current-year costs. Gutebier said in addition, the county can be assessed either a five-percent debit or credit to that increase equaling another \$7,182 based on loss ratio, employee trainings attendance and a job safety analysis.

There was discussion about the need for Park County to track and ensure MACo is tracking employee attendance at loss control and other trainings. Gutebier provided the Commission with MACo trainings to consider as part of its risk management program.

Gutebier said MACo is also proposing putting a 30-percent surcharge on high ratio counties like Park County based on a five-year loss ratio, as well as substantially increasing deductibles across the board. Gutebier said MACo has 13 years to pay on its existing trust bond, and any member county is obligated to pay on the bond even if it decides to go with a private insurance carrier.

Gutebier said MACo will start conducting random inspections to set building values with required improvements cost-shared 50-50 between MACo and the county. He said random shop safety evaluations will begin, as well. Gutebier said MACo will implement a "Jack Clause" stating MACo will defend a lawsuit but will not indemnify a settlement for counties who fail to follow adopted jail standards. Gutebier said the county should look at replacement costs for county buildings because current costs seem to be very low.

Malone said he will submit an email to determine all trainings attended by staff in the past year.

In other discussion, there was discussion about insurance issues with fairgrounds use and activities. Gutebier said no claims have come in from the fairgrounds.

@12:16:25 p.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

#### January 26, 2010

12:00 P.M. – Airport Board – Clarks Crossing – Commissioner Durgan attended

#### January 26, 2010

##### Final Review and Approval of Refuse Pamphlet

@1:00 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Raea Morris, executive assistant. No public comment made.

The meeting was scheduled as a final review and approval of a refuse services pamphlet.

Commissioner Malone said the Commission decided to change transfer station fees and landfill fees to \$55 per ton for Refuse District #1 members and non-members. Malone said the landfill will be closed on Sundays, Mondays and Holidays, and the transfer

station will be closed Wednesdays, Sundays and holidays. Landfill winter hours will be from 8 a.m. to 4 p.m.

The Commission signed a purchase order for printing of the brochure.

@1:04:10 p.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

January 26, 2010

Final Consideration for Buford Family Transfer Denial

@1:35:47 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Mike Inman, planning; Philip Fletcher, planning; Shannan Piccolo, civil deputy county attorney; Lisa Buford, landowner; Paul Buford, citizen; William Smith, consulting engineer; Steve Woodruff, attorney; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to continue consideration of a Buford family transfer denial.

Attorney Steve Woodruff said a January 14 meeting on the subject revealed the purpose for denial of the Buford family transfer exemption was due to Section V. B. of the county subdivision regulations and appearance the applicant is attempting to evade the Montana Subdivision and Platting Act through the family transfer application exemption application. Woodruff said the history of the tract was stated by Subdivision Administrator Mike Inman as a reason for denial, and that history includes a five-lot subdivision in 2001, which received preliminary plat approval from the planning board, which was not pursued, and Buford twice meeting with former planner Mike Spencer in 2006, one time in attempt to waive an environmental assessment for the subdivision. Woodruff said he sees no language in statute that mandates the governing body deny a family transfer application if there was interest in subdividing the property in the past. Woodruff said the Commissions set precedent last year in approving a family conveyance for Harry Miller.

Inman said the applicant has the opportunity to rebut presumptions raised by the subdivision activity history and previous family transfer to her father and then a subsequent transfer of that parcel to a third party not in the family.

Paul Buford, son of Applicant Lisa Buford, said he was born and has lived in Montana his entire life and wants to raise a family in Montana after some traveling. He said he does not see himself buying land in Montana, and he does not think he has any intention of selling the property his mother is trying to gift to him.

Applicant Lisa Buford said she decided not to go forward with a subdivision in 2001 after receiving preliminary plat approval because she discovered she would incur more taxes and assessment fees on the lots, did not want to sell the lots, and no one mentioned a family conveyance option to her. Buford said her current effort regarding the property in

question is estate planning and her kids love Montana. She said any money she would have to spend on subdividing the property is less money she has to pay for her kid's education, so why should she have to spend that money.

Commissioner Malone asked Inman for a report on his review of meeting audio and minutes on the matter since the January 14 meeting. Inman said nothing in records he reviewed indicated Buford's intent was anything other than a subdivision.

Woodruff said the issue comes back to the landowner's intention. He said it seemed the consensus in the room at the January 14 meeting was Buford's current efforts appear look, smell and act like a legitimate family conveyance and it was not her intent to sell the property. Woodruff said if that was the case, the Commission must look at the Montana Code allowing for family conveyances.

Malone said he apologized for not articulating the Commission's findings at the last meeting. Malone read into the record the facts of the issue as interpreted by the Commission:

- The applicant has been working with William Smith since 2001, who is knowledgeable about the family transfer exemption.
- In 2001, the applicant went through the subdivision process and obtained preliminary plat approval for the property now in question.
- Nothing in the record at that time indicated the applicant intended on transferring the subdivided property to her children.
- The applicant failed to meet the requirements of final plat, and preliminary plat approval was vacated for failure to submit a final plat within the allotted time.
- The applicant in May of 2006 met with the planning department for a subdivision pre-application meeting.
- The applicant requested a waiver of the Environmental Assessment (EA) requirement set forth in the county subdivision regulations.
- The applicant was told the EA requirement could not be waived because the property was over 20 acres.
- The applicant never submitted a subdivision application in 2006.
- Nothing in the record at that time indicated the applicant intended on transferring the land to be subdivided to her children.
- The applicant submitted a family transfer exemption for the property now in question in 2008.
- The exemption was approved and the lot was transferred to Buford's father, William Hutchinson.
- Nothing in the record at that time indicated the applicant intended to further transfer property to her children using the family transfer exemption.
- William Hutchinson shortly after receiving the lot transferred the lot to a third person.
- The applicant has submitted a certificate of survey that has almost the identical configuration of lots as the 2001 subdivision.

Woodruff said the facts as presented lead to the concept Buford is attempting to evade the Montana Subdivision and Platting Act. Woodruff said he thinks a lot of facts were omitted from those cited and Montana statute enables the Commission can look at all relevant circumstances with the issue. Woodruff said perhaps Buford's economic circumstances have changed over time and she can now afford to pay the lot fees. Paul Buford said it did not make sense for his mother to pay higher taxes on the land in 2001 when she was not transferring that property to her children. Smith said Paul Buford now works and will hold the responsibility to pay the lot fees.

Buford said her family transfer to her father William Hutchinson in 2008 was done on emotion and whim in hopes he would move to Montana. Buford said Hutchinson did not want to move to Montana and deal with taxes and covenants, so he turned around and gave the parcel to a family friend, possibly a couple of months later. Buford said it likely would cost her upwards of \$20,000 to complete the required road and fire protection standards if she were to now go through the subdivision process.

Commissioner Taylor made a motion to deny the Buford Family Transfer Exemption because he feels it is more of a subdivision than a family transfer, he has heard nothing today to change his mind or rebut, Buford has the option to go through a subdivision and transfer the lots to their children as they say they will do, most work has been completed by Smith and most things are in place and it will not be too much of an expense, he does not want to set a precedent of people starting with a subdivision and then coming back with a family transfer because the applicant says something is too expensive, and based on the 14 reasons read into the record by Commissioner Malone. Commissioner Malone seconded that motion. Motion passed.

@2:30:33 p.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

January 26, 2010

2:00 P.M. – Accounting Presentation on Reading Financial Reports – Community Room

January 26, 2010

Review Commission Minutes for Week of January 11, 2010

@2:58:46 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners 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 January 11, 2010.

Commissioner Malone requested a revision to Page 14 of 20; last paragraph, the first sentence should read, "Malone said the occasional sale went away because many landowners sold off 10 acres when they needed cash." On Page 20 of 20; first full

paragraph, the first sentence should read, “Rigler submitted to the Commission a bill of lost income and expenses he said he has incurred since time the county made a payment to him on the matter in summer 2009.”

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

@3:01:32 p.m., the meeting adjourned.

January 26, 2010

Discussion of Landfill Management Duties and Landfill Procedures

@3:01:33 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Lois Hatfield, landfill manager; Richard Wright, transfer station manager; Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss landfill management duties and procedures.

Landfill Manager Lois Hatfield said she thinks the county must have personnel in the landfill scale house to take care of scale operations or citizens can roam anywhere in the landfill if the other two workers are working out of sight of the scale house. Hatfield said she feels the landfill has come a long way in putting the scale in and needs to continue with operations in that area. She said landfill employees Ken Johnson and Dan Larkin know the landfill operations well, and she was comfortable with them running the landfill whenever she took personal leave. Hatfield said Bill Moore works part time at the landfill in the summer and is knowledgeable about operations and types of acceptable waste, and she suggests the Commission consider he complete office work a couple days a week. Hatfield said the county needs to continue addressing roll off containers in the landfill staging area and pit because it is a violation if household garbage is in the pit.

There was discussion about permitting new charge accounts at the landfill, balancing daily cash received protocol, and completion of daily landfill transmittal reports. Transfer Station Richard Wright said new charge accounts have always been set up in the finance department.

Commissioner Malone said he personally believes the county needs to reduce its expenses and will make that effort with the solid waste operations on a trial basis. Malone and Commissioner Taylor said the Commission has appreciated Hatfield’s service to the county over the years.

@3:42:51 p.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

January 26, 2010

Discussion with Union Representative and Union Negotiator Regarding Longevity Issues

@4:04:11 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Brett Linneweber, county attorney; Jill Ouellette, HR; Rick D'Hooge, union negotiator; Jim Stone, Teamsters Local #2; Matt Dettori, Livingston Enterprise; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss longevity pay issues.

Commissioner Durgan said the meeting was scheduled at his request to get back on track with longevity pay issues and explain the status, Commission expectations and roles of those involved in light of confusion that surfaced along those lines.

County Attorney Linneweber said it is illegal for anyone in the room except him to make a legal determination on the matter. Linneweber said MACo is displeased with the amount of telephone calls and partial picture it is receiving from Park County and negotiators about the longevity pay issue. He said the purpose of a meeting in December was not to exclude the union or the county's negotiator, but to review correspondence and clear payment issues from the books that had been agreed upon.

Commissioner Malone said he suggests the meeting adjourn and Durgan, Linneweber, and the county and union negotiating representatives speak outside a public forum.

@4:12:06 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

January 26, 2010

5:00 P.M. – Museum Board – Yellowstone Gateway Museum – Commissioner Taylor attended

January 27, 2010

Review of Daily Correspondence and Agenda

@9:25:40 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Tentative agreement re. union negotiations - To commissioners for review
- Memo re. February 2 Interagency Bison Management Plan meeting

- Memo from DES Coordinator re. January 29 safety training
- Memo from finance director re. verification of trainings attended
- Memo re. January 27 Transportation Coordination Committee meeting
- Memo re. February 2 Montana Water Trust meeting in Missoula
- Memo from MT DEQ re. Park County landfill groundwater monitoring plan - To Commissioner Taylor for review
- Memo re. status of Gardiner street and sidewalk project
- Memo from Montana Community Development Coalition - To planning director for review
- Certificate of liability insurance for Oasis Environmental
- Memo from MSU re. local government policy profiles chart update request - To finance director for review
- Memo from Granite Enterprises re. amended IT support agreement
- Memo re. February 4 juvenile detention board conference call at 10:00 a.m.

Civil Deputy County Attorney Shannan Piccolo said an email from Attorney Susan Swimley stated the Gardiner Sewer District transition is moving along and may be completed within two weeks, but an easement through a citizen's property needs to be completed.

Commissioner Durgan reported on January 26 sheriff's office union negotiations.

@9:57:46 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

#### January 27, 2010

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

10:00 A.M. – Western Montana Mental Health Meeting – Butte, Montana

1:00 P.M. – Presentation by Montana Department of Transportation Bridge Bureau on the Yellowstone River Bridge Proposal Aesthetic Components – Community Room

#### January 28, 2010

##### Review of Daily Correspondence and Agenda

@9:21:08 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Raea Morris, executive assistant; 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 road department re. road crewmen's daily work schedule
- Memo re. Park County Mental Health Center - To Commissioner Taylor for review
- Rocky Mountain Development Council reimbursement - To Taylor for review
- Memo from Senator Tester's office re. FY '11 appropriations goals
- Memo from MT DEQ re. state electronics challenge
- Memo from Commissioner Malone re. February 2 video conference for funding requests

Civil Deputy County Attorney Shannan Piccolo provided the Commission with easement contracts for the 9<sup>th</sup> Street Island Bridge Replacement Project for signature.

@9:32:08 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

January 28, 2010

Appointing of Museum Board Applicants

@9:32:56 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Paul Shea, museum director; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to appoint museum board applicants.

Interim Museum Director Paul Shea read into the record a letter from the Yellowstone Gateway Museum Board of Trustees recommending Sarah Orms, Bob Moore, and Don Ellis as board members.

Commissioner Durgan said he thinks the new applicant Mr. Don Ellis would be a very valuable member of the board with a long-time history of residence in Park County and the two incumbents would be good to retain.

Commissioner Durgan made a motion to accept the recommendation of the museum board and accept the applications presented for Sarah Orms, Bob Moore and Don Ellis. Commissioner Malone seconded that motion. Motion passed.

@9:45:16 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

January 28, 2010

Follow-up Discussion and Planning for Sewer System on Fairgrounds Property

@10:01:13 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Shannan Piccolo, civil deputy county attorney; Barbara Woodbury, sanitarian; Kim

Knutson, fair manager; Jeannette Blank, Oasis Environmental; Fair Board Members Rick Adams, Mike Adams, Ed Flatt, and Bob Skillman; Tom Vincent, citizen; Gary Barnhardt, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled as a follow-up discussion regarding planning for a sewer system on fairgrounds property.

Sanitarian Barbara Woodbury said she spoke with state Treasure State Endowment Program (TSEP) and rural development representatives about possible funds for a fairgrounds sewer system. Woodbury said the fairgrounds are not a good candidate for TSEP funds because those funds are awarded based on residences within a project area and floodplain development is discouraged.

Jeannette Blank of Oasis Environmental said the Fleshman Creek Restoration Project is in the conceptual stage, but the environmental assessment is near completion and funds may be awarded in time to start the project in early April. Blank said the most cost-efficient and -effective way to complete the proposed sewer fairgrounds project is to try to tie it into the Fleshman Creek project. Blank said she estimated the cost to complete a Professional Engineers Report (PER) for the fairgrounds system at \$20,000. Woodbury said the county currently has funds to pay for that study.

Citizen Gary Barnhardt asked where the fairgrounds lift station would be located. Blank said multiple options exist, but existing city sewer lines run between F and G streets. Commissioner Malone said an alternative may be to cooperate with the country club and put a fairgrounds drain field on country club property. Citizen Tom Vincent said infrastructure is in for a new country club clubhouse, but the economy has halted construction. He said some groundwater testing was completed at the country club that may be beneficial to a comprehensive sewer project.

Commissioner Durgan said the county would benefit from a PER whichever way it decides to go with the fairgrounds sewer issue and needs the PER to apply for grant or loan funds. He said the Commission will set up a meeting to decide whether to go forward with a PER. Woodbury said she will contact the city of Livingston, Robert Peccia and Associates and CTA Engineering to attend the next meeting on the issue.

@10:32:34 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

January 28, 2010

Consideration of Energy Efficiency Community Block Grant Application

@1:34:44 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Shannan Piccolo, civil deputy county attorney; Philip Fletcher, planning director; Jerri Stevens, planner; Raea Morris, executive assistant; Martha Miller, auditor; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider an energy efficiency community block grant application.

Planning Director Philip Fletcher provided the Commission with draft copies of an energy efficiency community block grant application for energy efficiency upgrades to the city/county complex. Fletcher said the county grants review committee reviewed and recommended approval of the application to the Commission. Fletcher said the \$52,000 grant is a competitive grant throughout the state and will not cost the county money as grant funds will be recovered through rebates from Northwestern Energy.

Commissioner Durgan made a motion to approve the energy efficiency grant application and submittal by the planning director. Commissioner Malone seconded that motion. Motion passed.

@1:42:57 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

January 28, 2010

Appointing of Clyde Park Solid Waste Board Applicant

@2:13:58 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present was Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to appoint a Clyde Park Solid Waste Board applicant.

Commissioner Malone said the Commission received one application from Edith Mundell for one open Clyde Park seat on the Solid Waste Board. Malone said Mundell was deemed a qualified applicant by Commissioner Taylor and recommended for the seat by the Clyde Park town council and the Solid Waste Board.

Commissioner Durgan made a motion to accept the recommendation from the Solid Waste Board. Commissioner Malone seconded that motion. Motion passed.

@2:16:25 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

January 28, 2010

2:30 P.M. – Discussion and Presentation of Park County Community Foundation –  
Commissioners Chambers – Canceled due to scheduling conflicts

January 29, 2010

Review of Daily Correspondence and Agenda

@9:06:40 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 Livingston Transportation Committee re. meeting attendance
- Memo re. Environmental Quality Council permitting publication
- Memo from MT FWP re. 15-day comment period for 9<sup>th</sup> Street Bridge permit
- Memo re. FWP testing for brucellosis - To Commissioner Durgan for review
- Memo from union negotiator re. typo correction
- Memo re. county road crewmen daily work schedule
- Memo from SWB member re. refuse assessment research - To Commissioner Taylor for review
- Memo from Park County Commission re. special project funding request to Senator Tester
- Memo re. wastewater webinar - To Taylor for review
- Memo from Oasis Environmental re. 9th Street Bridge permitting status - To file
- Memo re. biennial noxious weed report
- Memo from NPS re. Yellowstone winter use plan
- Memo from MT Department of Revenue re. oil and gas counties
- Memo from MT Water Trust - To Durgan for review
- Memo from CTA Engineering re. Yellowstone View Condominium project engineers
- Memo from ACOE re. 9<sup>th</sup> Street Bridge Replacement Project permit - To file
- Fairgrounds sewer line aerial photographs

@9:28:25 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

January 29, 2010

8:30 A.M. – Employee Safety Video Viewing – Community Room

January 29, 2010

9:00 A.M. – Commissioner in Wilsall to Hear Area Resident Concerns – Val's Mercantile – Canceled due to scheduling conflict

10:30 A.M. – Commissioner in Clyde Park to Hear Area Resident Concerns – Clyde Park  
Town Hall – Canceled due to scheduling conflict

11:00 A.M. – Transfer of Gardiner Sewer District – Gardiner Water District Office –  
Gardiner, Montana – Commissioners Malone and Taylor attended

Marty Malone  
Chairman, Park County Commission  
Park County, Montana

Denise Nelson  
Clerk & Recorder  
Park County, Montana