

Park County Commission Meeting Minutes
Week of August 8 – 12, 2011
Park County, Montana

August 8, 2011

Review Daily Agenda/Correspondence and Current County Projects

@10:11:42 a.m., Commissioner Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Raea Morris, administrative assistant; Ed Hillman, road; and Minutes Clerk John Mueller. No public comment made.

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

Correspondence for August 4 included:

- Memo email re. Bell and Associates solid waste study efforts
- Memo document re. Secure Rural Schools Determination Act
- Memo document re. Chris Iverson professional services contract
- Memo document re. Fleshman Creek FEMA comments
- Memo email re. Clyde Park floodplain work

Correspondence for August 5 included:

- Memo email re. Oasis Environmental Fleshman Creek comment
- Memo email re. MACo energy tours
- Memo email re. Gardiner Sidewalk bid advertisement review
- Memo email re. RAC grant monitoring plan
- Memo email re. airport renovation project issue

Commissioner Malone said a citizen telephoned about gates across Wall Rock Road. Road Supervisor Ed Hillman said he will talk a look at the gates.

Malone read into the record correspondence from Montana Fish Wildlife and Parks about a denied culvert permit for a culvert installed on Peterson Creek.

@10:30:14 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

August 8, 2011

Discussion of Budget and Pay Increases for Justice of the Peace Office

@10:30:40 a.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Linda Budeski, JP; Jill Ouellette, HR; and Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss the budget and pay increases for the Justice of the Peace Office.

Justice of the Peace Linda Budeski said she is requesting pay increases for two clerks in her office after performance evaluations were completed. Budeski said the employees have taken on extra responsibilities in her office after a clerk left her position, and the employees were told they would receive pay increases for the extra work.

Human Resources Analyst Jill Ouellette said the requested pay increases is \$0.50 for each employee, and one of the employees was increased over \$1.00 per hour within the last couple of years. Ouellette said the employees are Grade 10 and Grade 11, and the Grade 11 employee is currently making more money per hour than her grade maximum.

Commissioner Durgan said he thinks the Commission needs to look closer to accommodate Budeski's request without being out of bounds of the grade scale. He said based on that the Commission must say "no" to the increases at this point.

Commissioner Durgan moved to postpone a decision on a wage increase until the Commission conducts a study of and determines if there is room to upgrade pay grades. Commissioner Malone seconded the motion. Motion passed.

The Commission said it will direct Ouellette to assist the Commission with the wage and salary study.

@10:54:50 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

August 8, 2011

Discussion of Budget and Pay Increases for Clerk and Recorder's Office

@11:02:23 a.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Denise Nelson, clerk and recorder; Jill Ouellette, HR; Martha Miller, auditor; and Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss the budget and pay increases for the Clerk and Recorder's Office.

Clerk and Recorder Denise Nelson said one of her employees reduced her weekly hours from 40 to 20 hours with a corresponding wage rate decrease from \$13.35 to 11.75 per hour and no healthcare benefits. Nelson said the responsibilities of two remaining employees increased as a result, and she is requesting a wage increase to \$12.50 per hour for those two employees retroactive to June 27, 2011. Nelson said performance evaluations were completed and signed off on by her and Human Resources Analyst Jill Ouellette.

Ouellette said the Grade 10 employees in question would be paid \$12.70 per hour with Cost of Living (COLA) increases. She said Grade 10 wages max out at \$12.95 per hour.

Commissioner Malone moved to accept the Clerk and Recorder's recommendation for employee wage increases. Commissioner Durgan seconded the motion. Motion passed.

@11:18:17 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

August 8, 2011

Signing of Contract with Montana DPHHS for Public Health Home Visiting Services

@11:26:18 a.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present was Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign a contract with the Montana Department of Public Health and Human Services (DPHHS) for home visiting services.

Commissioner Durgan said the annual contract runs from August 1, 2011 to June 30, 2012 and county legal counsel reviewed the contract.

Commissioner Malone moved to sign the Department of Health and Human Services contract for public health home visiting services for Park County, Montana. Commissioner Durgan seconded the motion. Motion passed.

@11:27:39 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

August 8, 2011

Discussion of Budget and Pay Increases for Treasurer's Office

@11:31:34 a.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Kevin Larkin, treasurer; Jill Ouellette, HR; Martha Miller, auditor; and Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss the budget and pay increases for the Treasurer's Office.

Treasurer Kevin Larkin said he is trying to get his employees' wages in line with employees in other departments at similar positions. Larkin said he is requesting moving a Grade 11 employee to \$13.10 per hour with a grade ceiling of \$13.60, and two Grade 10 employees to \$12.50 and \$11.20, respectively. Larkin said he thinks part of the employees' wages should be offset by county option tax funds because those funds are collected through the Motor Vehicle Department. He said his employees are occasionally verbally accosted by citizens and such work environment warrants the requested wage increases. Larkin said no employees have left their positions in his six-year tenure for any reason other than a retirement and a move of residence out of county. He said his office will take on additional accounting work from the Accounting Department that statutorily is to be completed in his office.

Commissioner Durgan said he sees no reason to question Larkin's request as the request has been justified, and failing to increase deserved wages can result in employees leaving for other jobs, which costs the county financially through rehiring and training expenses. Durgan said he thinks Larkin has a good team of employees at this time and rewarding that is worth money.

There was discussion about saving county funds through restructuring of the Accounting Department.

Commissioner Malone moved to give one full-time and one part-time employee a \$0.75-cent per hour increase and a second full-time employee a \$0.68-cent per hour increase effective June 27, 2011. Commissioner Durgan seconded the motion. Motion passed.

@12:13:20 p.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

August 8, 2011

Review of Minutes for Week of July 25, 2011

@1:08:42 p.m., Commissioner Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present was Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to review Commission meeting minutes for the Week of July 25, 2011.

Commissioner Durgan requested a revision to Page 4 of 8, the fourth paragraph should read, "Commissioner Durgan said Moodie Equipment will furnish a Gator vehicle for the county fair demolition derby, but the county must ensure proper liability insurance is in place."

Commissioner Durgan moved to approve the minutes as corrected. Commissioner Malone seconded the motion. Motion passed.

@1:10:23 p.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

August 8, 2011

Discussion of Budget and Pay Increases for County Attorney's Office

@2:03:16 p.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Brett Linnweber, county attorney; Jill Ouellette, HR; and Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss budget and pay increases for the County Attorney's Office.

County Attorney Brett Linnweber said he has expressed concern about the salaries of the deputy and civil deputy county attorneys essentially remaining flat for the last couple of years, less increases required by statute. He said he is requesting those two employees receive the same wage increase as he was given from the State of Montana for this year, which is \$2,999. Linnweber said his office has not asked for wage increases for salaried employees in five years, he has not received a wage increase with county dollars since 2008 and he did not accept a longevity increase this year worth \$1,800. He said the two deputy county attorneys are on-call 24 hours a day, and they are being paid at the low end of other deputy county attorneys in Montana. Linnweber said he thinks the employees' performance evaluations stand up, and their skill sets have improved.

Commissioner Malone said the civil deputy county attorney was less available to the Commission this past year compared to prior years. Linnweber said he has increased that attorney's workload, as his own workload has increased due to the Commission asking his department to take on more cases. Malone said he agrees the county has used less outside counsel than in past years.

Commissioner Durgan said he does not understand what Deputy County Attorney Kathy Carrick does. Linnweber said Carrick covers all justice court cases in order to free up Linnweber's time, and the number of justice cases have increased in the last couple of years. Durgan said he thinks the amount of funds requested is too much based on Park County's economy and suggested reducing the total, combined requested increase from \$6,000 to \$5,000 of county dollars.

Commissioner Durgan moved to increase each deputy county attorney's annual wage by \$2,500. Commissioner Malone seconded the motion. Motion passed.

The Commission said the increase is to be retroactive to the beginning of the fiscal year.

In other discussion, Malone said the Juvenile Probation budget was moved from the Sheriff's Office budget to the General Fund and asked if the county is processing juvenile offenders in a timely manner. Linneweber said he thinks juveniles have been processed at a quicker pace than in the past. Malone said he thinks the funds should be moved back into a department budget where they can be monitored.

@2:40:22 p.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

August 8, 2011

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

August 9, 2011

Review Daily Agenda/Correspondence and Current County Projects

@8:51:55 a.m., Commissioner Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Raea Morris, administrative assistant; Ed Hillman, road; Lani Hartung, finance; and Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo email re. Cooke City roof panel replacement
- Memo document re. MACo JPIA property insurance participation
- Memo email re. TSEP project status
- Memo email re. August 17 RC&D Board meeting announcement

Commissioner Durgan said the Southwest Juvenile Detention Board will hold a conference call on August 11.

Commissioner Malone said he viewed the shooting range with the Sheriff on August 8.

Finance Director Lani Hartung inquired about a RAC payment.

@9:00:38 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

August 9, 2011

County Road Updates

@9:01:45 a.m., Commissioner Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Raea

Morris, administrative assistant; Ed Hillman, road; John Lundberg, citizen; and Minutes Clerk John Mueller.

The meeting was scheduled to review county road issues.

John Lundberg of Osen's RV Park said he is getting complaints from his campers about potholes in Merrill Lane. Road Supervisor Ed Hillman said gravel was placed in potholes and the gravel needs to come out of holes before they can be patched. Hillman said he will look at the holes.

Lundberg said he submitted a letter to the county requesting compensation from the county for damage as a result of flooding on Miller Drive. Commissioner Malone said the issue is being addressed by county legal counsel.

Hillman said one-half a mile of Shamrock Road will have millings applied to it at some point. Hillman said the road patching crew is patching roads each day and are patching on Rock Creek and Felix Lane today. Hillman said the mowing crew is mowing roads, as well.

Hillman said he viewed West Boulder Road damage with FEMA personnel on August 8 for a reimbursement report. He said a cattle guard at Triangle 7 and work on West Boulder will be reimbursed, as well as work yet to be completed.

Administrative Assistant Raea Morris said she received a telephone call about a pothole on a blind curve on Dry Creek Road. Hillman said that pothole has been addressed. Morris said John Prince telephoned about tall grass on 9th Street Island Road. Hillman said that roadside was mowed a couple of days ago.

@9:36:25 a.m., the meeting adjourned.

August 9, 2011

Human Resources Updates

@9:36:39 a.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Jill Ouellette, HR; and 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 reported on a review she conducted of parameters defining exempt and non-exempt employees. Ouellette provided the Commission with county employee pay scales for FY '05 with Cost of Living Adjustments applied as part of a comparison report of fair wages. She said the Commission needs to determine whether the fairgrounds, museum, DES and Weed/Junk Vehicle manager positions are exempt positions.

@10:03:09 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

August 9, 2011

Awarding of Successful Firm for Engineering Services Request for Qualifications

@10:06:01 a.m., Commissioner Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor (via telephone) were present. Also present were Mark Westenskow, CTA; Lani Hartung, finance; and Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to award the successful firm for engineering services Request for Qualifications (RFQ).

Commissioner Malone said four engineering firms submitted RFQs and each commissioner scored the submittals using a numerical scorecard. Firms scored included CTA Engineering, Gaston Engineering, Great West Engineering and Stahly Engineering. Scores were read into the record as follows:

Commissioner Malone -- Great West: 87; CTA: 87; Stahly: 84; Gaston: 71
Commissioner Taylor -- Great West: 92.5; Stahly: 90.5; CTA: 89; Gaston: 86
Commissioner Durgan -- CTA: 85; Stahly: 84; Great West: 83; Gaston: 70

Malone and Commissioner Durgan provided their reasons for supporting CTA Engineering as the firm of choice. Malone said legal counsel has given the Commission the option of interviewing the top two scoring firms. Durgan and Commissioner Taylor said they do not want to drag out a decision on the matter further, as the county has many needs for engineering services at this time.

Commissioner Taylor said he liked the job Great West did with the Gardiner Sidewalk Project with patience and providing many cost and design options for the long-term project. Taylor said he is concerned about sharing Stahly with the city due to workload issues, and he had concerns with CTA regarding the 9th Street Island Bridge Replacement Project with invoicing being sporadic. Taylor said he felt a disconnect with CTA on the project as a result.

Commissioner Durgan moved to recommend CTA Engineering. Commissioner Taylor seconded the motion. Motion passed unanimously.

Mark Westenskow of CTA Engineering said he is not familiar with the particulars of billing issues with the bridge project, but is aware of extra services that were needed on the project. Westenskow said CTA's billing is completed locally and he is available to discuss billing issues at all times.

@10:38:11 a.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

August 9, 2011

Presentation of County Budget to Actual Expenditures and County Budget Updates

@10:51:53 a.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Lani Hartung, finance; Martha Miller, auditor; and Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss county budget-to-actual expenditures and budget issues.

Finance Director Lani Hartung presented the Commission with a draft June 2011 budget-to-actual report; draft spread sheet of fund balances for the county's five major funds - general, road, law enforcement, PILT and BN Capital – and a Treasurer's cash report for June. Hartung said the value of a mill will be \$38,156.

@11:31:25 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

August 9, 2011

1:00 P.M. – Senior Center Meeting – Livingston Senior Center

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

August 10, 2011

No Commissioner Meetings Scheduled

8:30 A.M. – Resource Advisory Committee – Billings MT – Commissioner Malone attended

August 11, 2011

8:30 A.M. - Review Daily Agenda/Correspondence and Current County Projects - Commission Chambers – Canceled due to lack of quorum

9:00 A.M. – Safety Committee Meeting – Commission Chambers

9:30 A.M. – Claims Review – Commission Chambers

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

12:00 P.M. – Critical Incident Stress Management – East Room

August 11, 2011

Consider Decision on Plan to Advertise Request for Qualifications to Select Engineering Firm to Provide Final Design and Engineering Cost Estimate for Fleshman Creek Flood Mitigation and Restoration Project

@1:30:41 p.m., Commissioner Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor (via telephone) were present. Also present were Philip Fletcher, community development; Kim Knutson, fair; Lani Hartung, finance; Martha Miller, auditor; Wes Venteicher, Livingston Enterprise; Mark Westenskow, CTA Engineering; Mike Cox, Oasis Environmental; Lori Benner and Kristen Wester, Nittany Grantworks; Kerry Fee and Nelson King, Park County Environmental Council; Sharon Sweeney-Fee, Trout Unlimited; Mike Adams, fair board; Sandy Wulf, city of Livingston; Citizens Gary Barnhart, Ted Madden, Joan Kresich, Rick Van Aken; Sandra Tangan, Tim Tangan, Mark Smith, and Lewis Gottmeyer; and Minutes Clerk John Mueller.

The meeting was scheduled to consider a decision on a plan to advertise for a Request for Qualifications (RFQ) to select an engineering firm to provide a final design and engineering cost estimate for the Fleshman Creek Flood Mitigation and Restoration Project.

Commissioner Malone said he has always had concerns with the Fleshman Creek Flood Mitigation and Restoration Project with the size of replacement culverts required to be designed to a 25-year flood event per the grant application, and the maximum amount the Federal Emergency Management Agency (FEMA) will award the project is \$2.28 million with any amount over and above that coming from Park County. Malone said the county has repeatedly asked Kent Atwood of Montana Disaster and Emergency Services if the county can stop the project at any time if it comes in over and above the \$2.28-million award amount. Malone said Atwood responded to the county's questions by resubmitting a FEMA Finding of No Significant Impact (FONSI) report.

Community Development Director Philip Fletcher said he asked Atwood point blank if at any point during the project, particularly during the final design phase and particularly in good faith, whether FEMA is still in the project financially to the point it has committed, which is 75 percent/25 percent FEMA to county funds. He said he has nothing from Atwood in writing answering that question, but Atwood said the county has documents from FEMA in writing that state such is the case.

Malone said he has concerns with the City of Livingston not being involved in the project and the size of hydraulic structures required for the project. Mike Cox of Oasis Environmental said the current conversation is more reiteration of a conversation held on the subject in a public meeting three months ago after he and Fletcher revised the project scope of work to be submitted to FEMA. Cox asked if that revised scope of work was sent to FEMA. Malone said it was sent to FEMA and Atwood responded with the original project FONSI report. Kristen Wester of Nittany Grantworks said FEMA paid

for the FONSI as required by federal regulations and it has nothing to do with the grant application.

Commissioner Durgan said the Commission has already discussed and reviewed these issues and it is his position the Commission at some point has to get to a point to advertise for an RFQ to get a final design from an engineer, which will speak to the questions he and Malone have. He said he thinks concerns can be addressed between all players at that point. Malone said it will cost the county a minimum of \$300,000 if the county goes forward with the project. Durgan said he does not think Malone can be sure of that figure.

Cox said FEMA will pay for the final design, but the county must pay 25 percent of that cost. Cox said FEMA has stated Park County can walk away from the project if the final design shows the project cost will exceed FEMA's cash contribution. Malone said he has stated time after time he will believe such statement when he sees it in writing from FEMA, which he has not. Fletcher said FEMA stated at the grant award meeting Park County can go back to June or July 2008 to capture in-kind contribution. Fletcher said FEMA's project funds must be spent two years from now, but he understands an extension can be received after that date. He said some other agency monies contributed to the project must be spent by summer 2012 and others by the start of the next legislature.

Citizen Ted Madden asked Fletcher whether his understanding of what Cox said is true regarding FEMA's stance on paying for engineering studies if the county walks away from the project. Fletcher said FEMA will pay its pro-rata share.

Sharon Sweeney-Fee of the Joe Brooks Chapter of Trout Unlimited said Commission minutes state the Commission unanimously approved in October to go through Phase I of the project for engineering design and landowner discussions and Fletcher was appointed director of the project. She said minutes state the Commission's mission in May was to do the RFQ and submit it. She said there has been no talk of what is on the agenda for the current meeting and there is again talk about things that were decided on last October. Malone said he has found out a lot of things on the project since that time that bother him, all of which are more costly to Park County. He said he questions spending three-million taxpayer dollars on restoring the stream. Fee said answers to all of Malone's questions can be answered if a final design is done. She said the Commission voted unanimously in October 2010 to do the first phase of the project. Malone said he has concerns the county is spending taxpayer dollars for nothing and the Commission can change its mind on the project.

Fletcher said outside entities have been conducting activities that can go toward the county's in-kind contribution for the project. Fletcher said he does not think in-kind funds near \$300,000 will be generated with the Road Department and he advised the Commission to be prepared most of the \$300,000 will have to be paid in cash.

Kristen Wester of Nittany Grantworks said the county is getting a bargain on replacement of infrastructure of five new culverts and lift stations for \$300,000, even if habitat restoration is not done. She said culvert infrastructure will not last another 100 years and will need to be replaced. Wester said four other agencies teamed with FEMA for the project, which is rare.

Durgan said the county knows it must work with the city when it addresses the need for a fairgrounds sewer system. He said it seems like a no-brainer to work toward getting that system completed at the same time as the Fleshman Creek Project. Durgan said it will be expensive whenever the fairgrounds effort is done and he does not see how the county can fail to go ahead with the stream project. He said the Commission will not give county citizens a fair shake if it does not go ahead with determining the final design and engineering cost estimate for the project. He said all talk about the project to his point has been subjective and not objective. He said the county has been awarded a very substantial grant that was to be a poster child for other grant opportunities for other communities. Malone said without a letter from FEMA the county will spend a minimum of \$75,000. Durgan said he thinks the Commission owes it to the taxpayers of the county to spend that amount to see if the project can be done, which will be obligation free.

Madden said the county voted to search for an RFQ and asked how that will be done. Malone said he has no problem with seeking an RFQ if a decent CFS (Cubic Feet per Second) can be obtained for the culvert under Main Street. Cox said, at the time the grant was submitted, he was asked by and he told the Commission he feels Fleshman Creek has potential to flood. Cox said the grant was written and the system designed to support a 25-year flood or 525 CFS, which the Commission agreed to at the outset of the project and was based upon the Army Corps of Engineers recommendation. Cox said the county Commission and not Oasis Environmental agreed to clean up the creek to the 25-year flood level.

Commissioner Durgan moved to have the county legal department put together an advertisement for a Request for Qualifications to select an engineering firm for final design and an engineering cost estimate for the Fleshman Creek Flood Mitigation and Restoration Project. The motion died due to lack of second.

Commissioner Taylor said he also needs to see a written statement from FEMA because all he has heard is hearsay from Fletcher, Durgan and Malone. He said he will be happy to support Durgan's motion if a written statement is obtained.

Sweeney-Fee said the county commissioners do not represent the citizens of the county at all and are not interested in doing anything for the community.

Commissioner Taylor moved the county does not put out an RFQ. Commissioner Malone seconded the motion. After discussion, Taylor amended his motion. Commissioner Taylor moved the county does not put out an RFQ at this time. He said the intent of his motion was to state "not at this time" until he sees a FEMA letter or with

legal advice from county legal counsel says it is in the FEMA documents. Commissioner Malone seconded the amended motion. Motion passed. Commissioner Durgan voted in opposition to the motion.

A citizen asked Malone for clarification of what he needs in the FEMA letter. Malone said he thinks the county needs a letter from FEMA that says the county can stop the project if project costs go beyond the capacity for Park County to pay for it. Malone said the letter also needs to state the Commission can stop the project if it comes in at a number the Commission feels it cannot afford per its interpretation of citizen sentiments toward the project.

A citizen asked who from the county will be responsible for getting the information in question from FEMA. Fletcher said he has been trying to get the information, but he has been told by Atwood that FEMA considers Park County's question "speculative" and, as policy, FEMA does not put answers to speculative questions in writing. Fletcher said he has been continually told as far as FEMA is concerned the documents the county has contain the equivalent of the requested information.

A citizen asked whether it would suffice for the Commission if county legal counsel reviewed the FEMA documents and determined they contain the Commission's answer. Fletcher said the county has not gotten anything in writing from Atwood because Atwood does not work for FEMA. He said perhaps the county can physically go to FEMA's office and get answers in person.

Malone said he can request for county legal counsel to review the FEMA documents do determine if they state the county can stop the project at any time. He said the Commission will hold another meeting after that review.

Citizen Gary Barnhart said he has been involved with the project since day one and Montana Fish, Wildlife and Parks said recently streamside landowners will be required to maintain stream banks after the project is completed. He said he owns land along 90 percent of the project area and his cooperation on the project has ended unless he gets something in writing from FWP stating he will not have to maintain the stream banks.

Fletcher said the county's contract reads the county will maintain the stream banks for at least five years after the project is completed. Cox said he understood an FWP official to say FWP has no legal means to require landowners to maintain stream banks, but they may if they choose to.

Cox said the project's design is conceptual at this point and no one will know how much the project will cost until a final number is determined. He said Beaverhead County scaled back the design of a similar FEMA-funded stream restoration project in Dillon to match the amount of available funding. Cox said contractor overruns caused that project to go over budget.

@2:29:57 a.m., Taylor moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

August 12, 2011

Review Daily Agenda/Correspondence and Current County Projects

@10:05:29 a.m., Commissioner Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor (via telephone) were present. Also present were Raea Morris, administrative assistant; Ed Hillman, road; and Minutes Clerk John Mueller. No public comment made.

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

Correspondence for August 9 included:

- Memo email re. Livingston Enterprise reporter inquiring into Flesham Creek Project
- Memo email re. Community Development Director Aug 12, 15, 16 out of office leave schedule
- Memo email re. FWP Peterson Creek culvert issue
- Memo email re. pay scale September 12 meeting
- Memo email re. oil and gas county royalty figures

Correspondence for August 10 included:

- Memo document re. EPA land grab
- Memo email re. YGM HVAC upgrade project status
- Memo email re. Gallatin County waste facility

Correspondence for August 11 included:

- Memo email re. MACo exchange network membership
- Memo email re. August 11 LEPC hazard mitigation plan update session
- Memo email re. August 11 Safety Committee minutes
- Memo email re. Library Snipits
- Memo email re. Department of Energy solar initiative
- Memo email re. Angel Line 1993 bus key
- Memo email re. Cochran First Minor Subdivision water rights issue
- Memo email re. Aug 24 Gallatin County GIS data pilot program presentation

Commissioner Malone said the county received 60 percent of requested Resource Advisory Committee funds, which was \$178,000 of which \$50,000 will go to a Willow Creek Road project, and the Community Development Department will receive \$12,000.

@10:17:36 a.m., Taylor moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

August 12, 2011
Personnel Meeting

@10:30:10 a.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor (via telephone) were present. Also present were Mike Inman and Jeri Stevens, community development; Jill Ouellette, HR; and Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to address a personnel issue.

Senior Planner Mike Inman requested the meeting close to the public.

Commissioner Malone moved to close the meeting to the public since the matter is not within the public's right to know. Commissioner Durgan seconded the motion. The meeting closed to the public. The recording secretary exited the chambers.

@12:00 p.m., the meeting adjourned.

August 12, 2011
Fiscal Year 2012 Budget Workshop

@1:12:05 p.m., Commissioner Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Lani Hartung, finance; and Martha Miller, auditor; and Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled as a FY 2012 budget workshop.

Finance Director Lani Hartung provided the Commission with a Fiscal Year 2012 levy matrix. She said certified taxable valuations were received from the Department of Revenue and the value of a mill came in at \$38,156, but the county gets more mills than last year per the state and can assess 83.09 mills. Hartung said the county currently is assessing 82.08 mills, and usable mills exist on table from the last three years.

Hartung said she made some administrative cost revenue changes to the budget and provided the Commission with a scenario that would save taxpayers 0.1 mills by reducing the mills going to the Angel Line transportation service.

There was discussion about transferring funds to budget for a fairgrounds sewer project in Fiscal Year 2012.

@2:58:03 p.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

Randy Taylor, R.S.
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana