

Park County Commission Meeting Minutes
Week of February 21 – 25, 2011
Park County, Montana

February 21, 2011

Presidents Day Holiday Observed – All Offices Closed

February 22, 2011

Review Daily Correspondence / Agenda and Briefing on Current County Projects

@8:38:22 a.m., Chairman Taylor 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; Bob Ebinger, YGM; 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. Kevin Larkin appointment to grants review committee
- Memo re. Boulder and Shields River Road Forest Service Highways program
- Memo from MACo re. American Great Outdoors call-in
- Memo from Clerk and Recorder re. fire district nominations
- Citizen memo re. DNRC School Trust land sale comment
- Memo from clerk of court re. foreign judgment
- Memo re. Bank of Rockies refund request letter
- Memo re. Parcel 45 Subdivision Planning Board report
- Memo re. Parcel 45 Subdivision application

Yellowstone Gateway Museum board member Bob Ebinger said YGM needs offsite storage space. Ebinger said he will schedule a meeting with the Commission to discuss the issue further.

@9:03:33 a.m., Malone made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

February 22, 2011

County Road Updates

@9:10:27 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were

Ed Hillman, road; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss county road issues.

Road Supervisor Ed Hillman said road crewmen are plowing O'Rea Creek, Eldridge Creek, and Fleshman Creek Roads; Tom Miner Road and Gardiner roads this morning. Hillman said five applicants have applied for a full-time position in Gardiner. Hillman said neither he nor Transfer Station Manager Richard Wright agree with refuse personnel plowing snow for the road crew, but they will comply if that is what the Commission wants to do.

The Commission telephoned CAT representative Dennis Morelock about renting CAT loaders. Commissioner Durgan reported Trail Creek Road needs plowed per a citizen. Hillman said he will see if he can get a crewman on that road.

There was discussion about the county road crew plowing the Arrowhead School parking lot. Hillman said he needs to see documentation showing the county is to conduct that work.

@9:36:10 a.m., Malone made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

February 22, 2011

Consider Decision to Publish a Request for Proposals/Qualifications to Compile a Qualified Planning Consultant Pool to Supplement Existing Planning Staff on an Hourly as Needed Basis

@10:03:09 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Philip Fletcher, community development; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a decision to publish a request for proposals to compile a qualified planning consultant pool to supplement existing planning staff.

Community Development Director Philip Fletcher said his proposed concept is to advertise for and establish a pool of planning consultants to assist the Community Development Department in the event the department is short-handed, gets an influx of work or for whatever reason. Fletcher said his specific request is to send a proposal to Civil Deputy County Attorney Shannan Piccolo for her legal review and the only cost at this point would be to advertise for a Request for Proposals. Fletcher said the idea emerged from discussion with Commissioner Taylor when Taylor asked what the department will do if it gets an influx of subdivision activity in light of the department recently taking on other scopes of work. Fletcher said he and Senior Planner Mike Inman

discussed the consultant pool concept in December and both agreed it would be a great idea as a backup for whatever reason.

Commissioner Malone said the reason the county expanded the scope of the department is because there were no subdivisions coming in for review. Fletcher said the department had a lot to do other than subdivisions, and he personally has reviewed hundreds of subdivisions so that is not the issue. He said he thinks a consultant pool would be a good insurance policy for the department, and such a pool would not be unique to Park County as they have been set up in other places. Fletcher said he envisions the pool would work primarily on land development proposals, zoning, and subdivision reviews.

Commissioner Taylor asked where Fletcher would find someone familiar with Park County and its issues. Fletcher said he is primarily talking about subdivision review and the county subdivision regulations are highly correlated with state model regulations that a lot of places use. He said most of the subdivision review is done by handouts and checklists. Fletcher provided an example saying he once reviewed a 500-acre subdivision on a moment's notice in Arizona. He said zoning review is also perfect for bringing in a contractor on an hourly basis.

Malone asked where the assistant planner's skills line up with the work described in Fletcher's proposal. Fletcher said that employee assists with counter work and other special projects and does not review subdivisions. He said about 80 percent of her work is subdivision exemptions, but she is a support person to make photocopies and access files. He said the assistant planner is an important position but not a planning position. Commissioner Durgan asked if that employee's job description states she is to be trained in the area of planning in time. Fletcher said her job description conflicts in that it states she is an administrative assistant but she serves as a planning assistant. He said that issue is in Human Resources for resolution. Fletcher said the assistant planner's job description is nowhere near doing subdivision pre-application or application work.

Durgan asked if Fletcher's budget can support the proposed consultant pool. Fletcher said he would make a proposal for this year. He said a commissioner-initiated fund for a floodplain public education program exists from Heart K penalty funds and he suggests the Commission may want to rename the fund to "Code Enforcement Fund" and define it to include his consultant proposal. Fletcher said he always includes consultant fees in his budget process.

Commissioner Malone made a motion to allow Mr. Fletcher to create a pool of consultants and approach the Commission before anyone is hired from that pool. Commissioner Durgan seconded that motion. Motion passed unanimously.

The Commission asked Fletcher to have the list of pooled consultants reviewed by the Human Resources Department and County Attorney's Office.

@10:26:38 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

February 22, 2011

Review of Minutes for Week of February 14, 2011

@10:58:03 a.m., Chairman Taylor 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 February 14, 2011.

Commissioner Malone requested a revision to Page 5 of 18, noting the correct spelling of Bob "Curie."

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

@11:01:01 a.m., Malone made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

February 22, 2011

Consider Decision on Request for Quotations for Electrical Retrofit

@11:01:17 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Philip Fletcher, community development; Lani Hartung, finance; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a decision for electrical retrofit request for proposals.

Commissioner Malone made a motion the Commission will perform a majority of the electrical retrofit work in-house, but a consultant will be hired to install motion sensors. Malone said based on that fact, the county will not award a contract for a RFQ for electrical work and contractors will be notified of that decision per letter. Commissioner Durgan seconded that motion. Motion passed.

@11:07:11 a.m., Malone made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

February 22, 2011

12:00 P.M. – City/County Joint Airport Board Meeting – Best Western, Paradise Room – Commissioners Durgan and Malone attended

February 22, 2011

Reappointing of Board of Adjustment Member

@1:32:35 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Jerri Stevens and Philip Fletcher, community development; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to reappoint a Board of Adjustments member.

Planning Technician Jerri Stevens said Citizen Chuck Donovan said he would like to be reappointed to the county Board of Adjustments after his term expired. Stevens said Donovan said he did not receive mail correspondence from the county on the expired term.

Commissioner Malone made a motion to nominate Chuck Donovan for reappointment to the Board of Adjustments. Commissioner Durgan seconded that motion. Motion passed.

@1:36:17 p.m., Malone made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

February 22, 2011

Signing of Attorney Retainer Agreement for Lobbying Services

@2:06:17 p.m., Chairman Taylor 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; Wes Venteicher, Livingston Enterprise; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign an attorney retainer agreement for lobbying services.

Commissioner Malone said the Commission received a request from a number of Park County cattle producers that the county assist with \$250 for lobbying fees for Senate Bill 237. Malone said the cattle producers hired the law firm Doney, Crowley, Bloomquist, Payne and Uda P.C to lobby in Helena. He said Madison County supported such a request on the bill.

Commissioner Durgan said personally he thinks Park County has a lot to lose if it does not try to get something done with the situation and \$250 is well spent to get legislation in Helena.

Commissioner Durgan made a motion to spend \$250 for lobbying expenses. Commissioner Taylor seconded that motion. Motion passed unanimously.

@2:09:23 p.m., Malone made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

February 22, 2011

Consider Decision of Authority for Contract on Maintenance of Arch Park and Contract with Great West Engineering for Final Design, Bid package and Construction Oversight of Gardiner Safe Routes to School Project

@3:05:55 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Philip Fletcher, community development; Lani Hartung, finance; Joe Gross, Dale Piatt and Tim McLaughlin, citizens; Wes Venteicher, Livingston Enterprise; Chris Laity and Greg Lloyd, Great West Engineering (via telephone); and Commission Minutes Clerk John Mueller.

The meeting was scheduled to consider a decision of authority for a contract on maintenance of Arch Park and contract with Great West Engineering for final design, bid package and construction oversight of a Gardiner Safe Routes to School project.

Community Development Director Philip Fletcher said he has updated the Commission about a discussion with the Gardiner Chamber of Commerce regarding maintenance of Arch Park. Fletcher said the chamber states it is losing money each year on maintaining the park and wants to work something out with the county regarding reimbursement or maintenance costs of the county park. Fletcher said the chamber's average annual park maintenance expenditures are \$1,200 and the county gave the chamber \$900 from the maintenance budget to reimburse some expenditures in the past. He said the Commission has discussed budgeting \$100 per month toward the Chamber's maintenance of the park, which is what the chamber is requesting.

There was discussion about leasing the park. Malone said Arch Park is a public park and he thinks the Commission needs to find out a way to allow people to use the park, but insurance issues are confounding that issue.

Commissioner Malone made a motion the county pay the Gardiner Chamber of Commerce up to \$1,200 per year or \$100 per month for maintenance of Arch Park. Commissioner Durgan seconded that motion. Motion passed.

Discussing a Gardiner Safe Route to School Sidewalk Project, Bill Lloyd of Great West Engineering said the current project is to construct a sidewalk on the north side of Stone Street from the existing sidewalk at the school to the alley at 3rd Street and Highway 89. He said construction of some retaining walls will allow two-way traffic along Stone Street. Lloyd said construction costs are anticipated to be \$188,704, and changed scope of work has required Great West to use funds from its original budget. He said the company still has to finalize plans, develop specifications, put the project out for bid, and provide construction services. Fletcher said the county has spent \$23,000 on the project to-date from the PILT fund.

Gardiner residents Dale Piatt and Tim McLaughlin asked about parking issues with three alternatives presented by Great West. Piatt said the Great West proposal appears to be a workable, livable alternative and funds are currently available. Gardiner resident Joe Gross said the county should go forward with the project.

Commissioner Durgan said the originally proposed alternative with a suggested jog in the sidewalk may help McLaughlin with parking for a six-plex housing unit he owns on Stone Street. Durgan said the county probably will not get another chance to use available funds for the project and thinks the Commission needs to move forward with the project and discussions of the proposal with Great West Engineering.

Great West said it will email copies of the proposed plan with the revised sidewalk cutout alignment. Lloyd said the total project budget is \$208,000, and the county will have to dedicate between \$10,000 and \$14,000 in additional funds to complete the project. He said the county will have \$28,000 total in the project after that point.

Commissioner Durgan made a motion the county proceed with the current proposal as discussed with the cutout proposed by Great West Engineering. Commissioner Malone seconded that motion. Motion passed unanimously.

Piccolo said the county will draft an amendment to the original contract with Great West Engineering to cover additional project expenses.

@4:29:08 p.m., the meeting adjourned.

February 22, 2011

Discussion of Status of Capital Improvement Program with Roads and Traffic Counters; Appointing of Applicant to Grants Review Committee

@4:31:17 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Philip Fletcher, community development; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss the status of the capital improvements program regarding traffic counters and appoint an applicant to the Grants Review Committee.

Community Development Director Philip Fletcher said he will ask for a work session with the Commission, his department and Road Supervisor Ed Hillman to map out and prioritize where the county wants to conduct traffic counts to come up with a game plan that will be part of the county capital improvements program.

Fletcher said he submitted his resignation from the Grants Review Committee a few weeks ago because he writes 80 percent of the grants the committee reviews. Fletcher said Treasurer Kevin Larkin has agreed to fill Fletcher's spot on the committee and Fletcher thinks he would make a good member of that team.

@4:34:36 p.m., Malone made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned

February 22, 2011

4:00 P.M. – Community Development Parks and Trails Executive Committee –
Community Room

5:30 P.M. – Museum Board – Yellowstone Gateway Museum – Commissioner Taylor attended

5:30 P.M. – Board of Health – East Room

February 23, 2011

Review Daily Correspondence / Agenda and Briefing on Current County Projects

@8:50:15 a.m., Commissioner Durgan 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:

- Memo re. Bell and Associates scope of work and budget revision
- Memo from assistant finance director re. county motor pool vehicle list
- Memo from PCEC re. Fleshman Creek project
- Memo re. Fleshman Creek fact sheet
- Memo from community development re. Freidline Family Transfer application -
To commissioners for review

@9:05:58 a.m., Malone made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

February 23, 2011

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

February 23, 2011

Human Resources Department Updates

@9:32:00 a.m., Commissioner Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Jill Ouellette, HR; Linda Budeski, JP; Jerri Stevens, community development; and Commission Minutes Clerk John Mueller. No public comment made.

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

Human Resources Analyst Jill Ouellette provided change of status forms for a new pay line for an IT employee; sheriff's office longevity, Angel Line transportation coordinator position increasing from half-time to three-quarter time, and a new sheriff's office deputy. Ouellette read into the record a thank you card from the spouse of a deceased employee, provided a performance evaluation for an IT technician, said she is addressing a sheriff's office longevity pay issue, and is following relevant legislation in the Montana legislature including insurance coverage, worker's compensation and genetic information bills. She said the PCRFD#1 Board voted to hire Dann Babcox as new fire chief at its February 22 meeting. Ouellette said has been assisting the fire district with that hiring process, and a job description effort will be completed in short time which should end Ouellette's work with the department.

Ouellette said Justice of the Peace Linda Budeski is present to request a \$0.75 per hour increase for a clerk in her office who has successfully completed her six-month probationary period. Budeski said the employee in question has been reliable and improved greatly from her starting point. Budeski said the employee should be making a wage far higher than what she is and her wage is lower than the same position in other counties even with the proposed increase. Budeski said she thinks the employee should receive \$0.75 now and \$0.25 at the start of the new budget cycle. She said the employee goes above and beyond what is asked of her, attempts to learn new things when she has completed her tasks and she is trustworthy. She said the Commission needs to consider morale issues, as a \$0.50 per hour increase that equals a wage on the low end for someone in her position is not a morale boost for the employee. Commissioner Malone said he disagrees with Budeski about the employee morale issue. Commissioner Durgan said the flip-side of the morale issue is other county employees who do not receive a post-probationary increase above \$0.50 per hour.

Durgan and Malone said a \$0.50 per hour increase after successful completion of the probationary period has been the Commission's policy. Durgan asked if Budeski can increase the employee \$0.25 on July 1, 2011, when the new budget year starts to reach the requested \$0.75 per hour increase. Ouellette read into the record five county employees who received post-probationary increases between \$0.75 and \$2.00 per hour since January 2009. The Commission signed off on the \$0.75 per hour increase.

Ouellette read into the record a portion of an exit interview from a former sanitarian who commended another office employee's ability and willingness to step in to assist two departments in the same physical office.

@10:12:44 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

February 23, 2011

11:00 A.M. – 9th Street Bridge Project Construction Meeting - CTA Offices, Sterling Savings Bank, Livingston – Commissioners Durgan and Malone attended

1:00 P.M. – Parcel 45 Major Subdivision Site Visit – Glastonbury – Commissioners Durgan and Malone attended

February 24, 2011

Review Daily Correspondence / Agenda and Briefing on Current County Projects

@9:02:28 a.m., Commissioner 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; Raea Morris, executive assistant; Ed Hillman, road; 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. Feb 22 Airport Board minutes - To Commissioner Durgan for review
- Memo re. Fleshman Creek RFQ
- Memo from county auditor re. county semi-annual books review
- Memo from PCSO re. vehicle insurance list
- Memo from RPA re. fairgrounds sewer PER
- Citizen memo re. Cooke City cell tower public comment
- Memo re. Double Tree Incorporated wastewater systems
- Memo from RPA re. airport renovation grant

Civil Deputy County Attorney Shannan Piccolo asked the Commission if it would like to hold a public meeting to discuss a Bell and Associates updated scope of services.

@9:19:38 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

February 24, 2011

Update of Park County Economic Development Program; Status of NRMRC&D

@9:35:08 a.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Philip Fletcher, community development; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss activities with the county economic development program and status of Northern Rocky Mountain Resource Conservation and Development.

Community Development Director Philip Fletcher said a Northern Rocky Mountain RC&D will hold a special meeting in Bozeman on March 11 to discuss the future direction of that organization. Fletcher said Park County is now focusing differently on its economic development strategy. He said the county is talking with Beartooth Resource Conservation & Development Area, Inc., as it needs to partner with another county or region to obtain available economic development funds. Fletcher said a comprehensive economic development strategy needs to be completed for that purpose.

Fletcher said the upcoming work program for his department will have an emphasis on an economic development website, and he will meet with the board of realtors to get data for that website for potential businesses that may want to relocate to Montana. Fletcher said a county economic development committee is generating a list of projects to work on in the coming year. Fletcher said he is interested in moving a local revolving loan fund program forward. There was discussion about Prospera Business Network that leads that effort. Fletcher said he does not like working with people who promise more than they deliver, and he was unable to conduct an analysis because information was not provided to him. He said he will work on the issue with the City of Livingston, who supports Prospera's performance.

Fletcher said the county has an active local group looking into economic development from the Planning and Development Board and that group looks to start a good relationship with the Beartooth Resource Conservation & Development Area, Inc. Malone said a presentation from that group to Park County may be beneficial.

@9:57:32 a.m., Malone made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

February 24, 2011

10:00 A.M. – IT/Road Department Presentation of Road Log Program – Community Room – Commissioners Durgan and Malone attended

February 24, 2011

Consider Decision on Freidline Family Transfer Exemption

@1:30:50 p.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Jeri Stevens, community development; Shannan Piccolo, civil deputy county attorney; Chris Freidline, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to consider a decision on a Freidline Family Transfer Exemption.

Civil Deputy County Attorney Shannan Piccolo said John Freidline submitted a family transfer exemption application on September 2, 2010. Piccolo said the application was

initially denied by the county sanitarian because the property did not have Montana DEQ approval, but that approval was later obtained. She said the County Attorney's Office and the Community Development Department recommended approval of the exemption.

Chris Freidline said his father purchased the property in question off West Pine Creek Road with plans to retire in Montana and build a house on Tract 1, but an existing home on that tract has since been renovated and his father now lives in that home. Freidline said he currently resides on Caledonia Road, but he is looking to sell his residence on that property and build a house on Tract 1B after the exemption approval.

Commissioner Malone made a motion the Commission approve the Freidline Family Transfer Exemption since all three departments recommend approval of the exemption. Commissioner Durgan seconded that motion. Motion passed.

@1:38:31 p.m., Malone made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

February 25, 2011

10:00 A.M. – Commissioners in Cooke City to Hear Area Resident Concerns – Cooke City Community Center

11:00 A.M. – Planning and Zoning Commission – Cooke City Community Center

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

Denise Nelson
Clerk & Recorder
Park County, Montana