

Park County Commission Meeting Minutes  
Week of January 24 – 28, 2011  
Park County, Montana

January 24, 2011

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:33:05 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Raea Morris, executive assistant; Lani Hartung, finance; 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 county historian re. misuse of funds
- Memo from department of commerce re. CDBG grant
- Memo from FWP re. Mill Creek EA
- Memo from Crazy Mountain Ranch re. Rock Creek road maintenance options
- Citizen memo re. snow fence erection permission
- Memo re. road employee call-out list
- Memo from county attorney re. office access
- Memo re. Golden Ratio inventory
- Memo re. airport grant - To Commissioner Durgan for review
- Memo from community development re. YRRE fund
- Memo re. Emigrant Gulch Road
- Memo from district court re. Public Administrator 1099

Finance Director Lani Hartung said a local contractor would like to install new lights in the Commission Office and leave them on for 24 hours to test their efficiency.

Commissioner Malone reported on research he conducted on a contract with Buffalo Restoration on January 21.

@8:56:14 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

January 24, 2011

9:30 A.M. - Review of Minutes for Week of January 10-14 and January 17-21-  
Commissioners Chambers – Postponed to January 27

January 24, 2011

Opening of Bids for Recovery and Recycling of Metal Waste at the Landfill

@10:31:50 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 open bids for metal waste recovery and recycling at the landfill.

Commissioner Taylor opened three sealed bids received in the Clerk and Recorder's Office prior to bid deadline. Taylor read into the record bids from Pacific Recycling for a minimum price of \$97 per ton with heavy metal of \$175 per ton; Steel ETC Holding Company for a minimum price of \$90.50 per net ton for scrap iron with a bin provided; and Mike Adkins for a minimum price of \$69.10 with bidder paying 30 percent of his delivered price less freight from landfill to recycling center if the market price of iron is over \$200 per ton.

Commissioner Malone made a motion to have legal review the bids. Commissioner Taylor seconded that motion. Motion passed.

@10:37:27 a.m., Malone made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

January 25, 2011

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:34:44 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo from city re. Montana Clean communications
- Memo from Montana Clean re. district judge water cooler
- Memo from Yellowstone Country re. vehicle bill
- Memo from Forest Service re. Shields River Road Forest Highways issue
- Memo from district court re. Public Administrator
- Citizen memo re. snow fence permission

Commissioner Malone reported on a January 24 PRAHD meeting.

@8:48:08 a.m., Malone made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

January 25, 2011

County Road Updates

@9:04:05 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; Shannan Piccolo, civil deputy county attorney; Jack Knorr, Great West Engineering (via telephone); Phil Hathaway and Jim Gibson, Roe Construction; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss county road issues.

Commissioner Malone said his opinion is Road Supervisor Ed Hillman needs some management and supervisory training to make him a more effective road supervisor. Commissioner Taylor said the Commission is interested in developing short- and long-term planning, accountability, and labor costs of projects. Malone asked Knorr to generate a proposal and discuss it with the Commission in an open meeting. Knorr said he will come in to get an exact idea of what the Commission wants and discuss scope of work and fees.

Hillman asked if IT is working on developing a new format for road log data entry. He said Bioseal did not fax a quote regarding Wilsall road shop insulation and a governor went out on a new plow truck. He said a road crewman plowed Tom Miner Road two times on January 24 to open the road to a ski area for Gardiner school kids.

There was discussion about parking a grader at Mill Creek or East River Road near Pray Road instead of mobilizing it each day to and from the shop.

Phil Hathaway and Jim Gibson of Roe Construction said they would like to provide a bid for maintenance of Boulder Road if a maintenance agreement is not made for the road between Sweetgrass and Park Counties. Hathaway said Roe would like to bid on routine and winter maintenance of Boulder Road and said maintaining the road two times is the bare minimum for the road, but three or four efforts will help the road heal between gradings. Hillman said Roe could provide a proposal for maintaining the road two times in the spring and once in the winter and include all equipment to be used. Malone asked Roe to come back for a public meeting on the matter.

@9:35:11 a.m., Malone made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

January 25, 2011

Discussion of Appropriations with Senator Baucus Office Representative

@10:06:23 a.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; Martha Miller, auditor; Brianne Dugan, Senator Baucus' Office; Kevin Funk, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss appropriations with a Senator Baucus representative.

Brianne Dugan of Senator Baucus' Office said Congress was unsuccessful in passing earmarks last year and no House earmarks are expected from a new Republican House of Representatives. Dugan said her office is asking for appropriations forms to be filled out this year to assist in prioritizing projects and staying on the same page with constituents.

Commissioner Malone said the federal government's bison management efforts are a waste of taxpayer dollars. Commissioner Durgan explained his concerns about untested bison in Park County and effects he said the Interagency Bison Management Plan may have on Park County cattle producers. Malone said the amount of funding being spent by the Forest Service on questionable projects is a problem and the Forest Service does not help the county with road maintenance. Malone said the federal government needs to stop putting Payment in Lieu of Taxes (PILT) funding into Secure Rural Schools funding.

Dugan said a vote on PILT funding is due at the end of 2012 and SRS is due in 2011. Dugan said legislators of western states that rely on PILT funding need to fight hard for PILT funds in part by educating eastern states legislators. She said her office is waiting on the president's State of the Union Address to understand what Congress will take up this year, which may include corporate tax reform.

Community Development Director Philip Fletcher said a sewer system and Emergency Operations Center in Cooke City are ongoing or proposed projects that need funding, as are sewers at the county fairgrounds and researching a new county criminal justice center and jail. Dugan said she has been looking into each of those projects.

Citizen Kevin Funk said one of his greatest concerns is wasteful spending by the federal government. Funk referenced an article from the Livingston Enterprise showing the amount of money the Obama Administration has spent in comparison to the George W. Bush Administration. Funk said Park County has no jobs and the problem with America is the politicians in Washington, D.C. have stopped serving their constituents and are serving their own parties. Funk said he would like to see the federal government follow suit with how small businesses have had to cut their spending.

@11:03:42 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

January 25, 2011

Signing of Contracts for Energy Retrofit for Water Heaters and Air Balancing

@11:08:26 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; Martha Miller, auditor; Lani Hartung, finance; Raea Morris, executive assistant; Mark Engle, Tri-County Sheet Metal Inc; H. Wayne Parker, RGO, Inc; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign contracts for water heaters and air balancing for an energy retrofit project.

Community Development Director Philip Fletcher said the Commission offered a hot water heater installation project to Parisi Plumbing and Heating. Fletcher said the work commenced while he was on vacation and Parisi completed gas line and structural work prior to installing 60-gallon water tanks. He said the contract specifications stated 100-gallon tanks, Parisi has signed that contract, but the contract has not been executed by the Commissioners.

Fletcher said everything he sent out to bidders stated the project was to include installation of 100-gallon tanks. He said he talked to Parisi on January 20 about the incorrectly sized tanks and Parisi said he may assess a \$2,500 cost to replace the tanks with 100-gallon tanks. He said Parisi's quote at an increased \$2,500 would remain lower than DW Burn's quote.

Commissioner Malone said Mr. Burns was present and expressed concerns he would have been the lowest bidder had Parisi bid on 100-gallon tanks. Malone said he assumes 60-gallon tanks are adequate and will save money in the long run.

Commissioner Malone made a motion the county leave the 60-gallon tanks in place upon review by counsel of the county's legal options concerning the discrepancy between Parisi installing two 60-gallon water tanks instead of 100-gallon water tanks. Commissioner Durgan seconded that motion. Motion passed.

Commissioner Malone made a motion to recess the meeting to 11:55 a.m. Commissioner Durgan seconded that motion. The meeting recessed.

January 25, 2011

Discussion of Air Balancing Retrofit of City/County Building

@11:31:11 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; Martha Miller, auditor; Lani Hartung, finance; Raea Morris, executive assistant; Mark

Engle, Tri-County Sheet Metal Inc; H. Wayne Parker, RGO, Inc; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss air balancing issues for an energy retrofit project.

Community Development Director Philip Fletcher said ducting damper issues and numerous holes were discovered in the courthouse ducting system, which negated RGO's ability to complete air balancing work per an energy efficiency retrofit contract. Fletcher said Tri-County Sheet Metal was contracted to repair ducting holes, but it was discovered that building blueprints do not match the current building layout.

H. Wayne Parker of RGO said the courthouse HVAC system was balanced by a company from Billings in 1998, and Buffalo Restoration created the holes in the ducting after that date when it incorrectly attempted to clean ducting. He said all patches applied to holes by Buffalo after its work will eventually blow out and volume dampers were also destroyed. He said all repair work of the system needs to be completed before RGO can do its contracted work. He said Tri-County will repair what is currently in the system, but additional issues may come to light in the future, such as additional broken volume dampers.

Mark Engle of Tri-County Sheet Metal said his firm has found 80 holes already in the lower level ducting, and it will take four days to repair those holes.

Finance Director Lani Hartung said repair work being conducted is over and above what the retrofit grant would pay for and the county would need to notify the City of Livingston of a project price increase.

GIS/IT Manager Erica Hoffman said an overheating remedy to the computer server room may also increase the cost by \$3,000. Engle said his firm is looking at conducting duct work to get the server room on one ducting system. He said the room is currently served by three different zones, an exterior zone likely heating all the time and two internal zones pretty well conditioned by hallways.

Fletcher said air balancing and basic commissioning was grant-specific and was bid at about \$12,500. He said Montana DEQ considers ducting system patching as part of air balancing, so the county can tap into grant funds to do that work, but that would deplete grant funds for RGO's work. Parker said RGO has already done \$2,500 in repair work, which is 80 percent of the lower level. Engle said repairing the lower level dampers is estimated at \$2,000; a multi-zone unit with missing duct work is estimated at \$1,800; main level patching of 100 holes would cost \$4,000; and damper repairs would cost \$2,000. Engle said 80 percent of the heating systems heat is blowing into the ceiling.

Fletcher said the Commission does not have a signed contract with RGO. Civil Deputy County Attorney Shannan Piccolo said the county has an agreement with RGO to do work.

Parker said RGO's initial bid was balancing and commissioning and commissioning entails ensuring all controls function properly. He said work he has done to-date is search and discovery for Tri-County. RGO said work will require seven or eight days beyond the number of contract days.

Commissioner Malone said he suggests Tri-County approach the Commission with a written proposal, RGO submit a bill for work completed and the Commission determine at a later time if it will balance the system. Piccolo asked if Montana DEQ is okay with the county not balancing the system if it uses grant funds to patch the system.

Engle said Tri-County could do all work in less than two weeks. Parker said it would take RGO three weeks after that to balance the system. Engle said he can have a proposal to the Commission by January 26.

Commissioner Malone made a motion to schedule a meeting on January 27 at 1:30 p.m. to consider a decision on RGO and Tri-County Sheet Metal contracts. Commissioner Durgan seconded that motion. Motion passed.

The Commission said it would like Tri-County to finish its work on the basement floor.

@12:11:15 p.m., Malone made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

#### January 25, 2011

12:00 P.M. – Airport Board Meeting – Best Western, Livingston, MT

1:00 P.M. – Site Inspection of Orfalea Minor Subdivision – On Site

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

5:30 P.M. – Board of Health – East Room – Canceled due to lack of quorum

#### January 26, 2011

##### Daily Correspondence/Agenda and Briefing on Current County Projects

@8:39:41 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; Lani Hartung, finance; Martha Miller, auditor; 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. Library board of trustees packet - To Commissioner Durgan for review

- Memo from Park County Genealogical Society re. YRRE funds
- Memo from Area IV Agency on Aging re. homemaker letter of support request
- Memo re. January 19 district judge letter response
- Memo from county attorney's office re. January 27 1:30 p.m. meeting agenda item
- Memo re. January 3 SW Juvenile Detention Board agenda - To Durgan for review
- Memo from community development director re. EECDBG retrofit grant contracts staff report
- Memo re. Feb 25 Planning and Zoning Commission meeting notice
- Memo from JPT re. employee healthcare options - To HR for review
- Memo from Dept of Health and Human Services re. state aging plan - To Commissioner Taylor for review
- Memo re. citizen public information request - To civil county attorney for review
- Memo from community development director re. water heater retrofit issues
- Memo from 911 Coordinator re. battery over temperature alarms
- Memo from senior planner re. Orfaea Subsequent Minor Subdivision
- Memo re. BioSeal bid for replacing skylights \$1,300; RL Insulation for \$400

Finance Director Lani Hartung said she met with the city to inform them of building retrofit issues and a meeting on the issue. Hartung said she was trying to cover her responsibilities regarding submitting a 1099 for a Public Administrator position. Correspondence from the County Attorney read into the record stated the county must do what the district judge orders regarding form submittals. Auditor Martha Miller said she feels the Public Administrator may approach the Commission if a W-2 is submitted without withholdings.

@9:11:30 a.m., Malone made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

January 26, 2011

Human Resources Updates

@9:12:16 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; 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 provided change of status forms for a Sheriff's Office deputy with longevity anniversaries during the current pay period, a retiring employee, and Sheriff's Office employees on paid administrative leave. Ouellette reviewed employee suggestion box entries.

There was discussion about how to handle employee parking issues around the building and in the employee lots and erection of parking signs.

Ouellette said interviews for an Angel Line driver position will be held that afternoon, and openings for seasonal, part-time positions for two weed spraying, a mosquito spraying, and Gardiner and Cooke City green box attendant positions are coming up.

Ouellette said she attended a PCRFD#1 board meeting on January 24 and the paid fire chief position is open.

@9:34:48 a.m., Malone made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

#### January 26, 2011

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

10:00 A.M. – Western Mental Health Board Meeting – Butte, MT – Commissioner Taylor attended

4:00 P.M. – Coffee Hour with New Library Director – Park County/Livingston Library

#### January 27, 2011

##### Daily Correspondence/Agenda and Briefing on Current County Projects

@8:30:34 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Raea Morris, executive assistant; Lani Hartung, finance; Martha Miller, auditor; 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 MACo re. February 9 JPA membership meeting
- Memo from DES Coordinator re. emailed safety minutes
- Memo re. Jan 27 Orfalea Minor Subdivision meeting agenda
- Memo re. Joe Brooks TU schools meeting
- Memo re. January 27 HB 317 hearing date
- Memo from MT Historical Society re. Carbella Bridge national register certificate  
- To museum director for review

Finance Director Lani Hartung provided the Commission with a Montana DNRC bill for a 9<sup>th</sup> Street Bridge easement for signature.

@8:53:33 a.m., Malone made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

January 27, 2011

Review of Orfalea Minor Subsequent Minor Subdivision

@9:03:34 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Mike Inman, community development; Shannan Piccolo, civil deputy county attorney; George and Joan Hedrick, citizens; Parks Frady, CTA Engineering; Daniel Tompkins and Fred Fleet, applicant representatives; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to review an Orfalea Subsequent Minor Subdivision application.

Conflict of Interest: None reported

Public Comment: None

New Business

Consideration of Orfalea Subsequent Minor Subdivision Preliminary Plat Application

1. Subdivision Administrator's Report: Subdivision Administrator Mike Inman said applicants Paul and Natalie Orfalea are attempting to lift an agriculture exemption from a 1.975-acre lot near Tom Miner Basin northeast of 1882 Yellowstone Trail South adjacent to Tom Miner Creek. He said that exemption would allow for a dormitory-style building to house up to 13 people for use in conjunction with the Montana Yellowstone Expeditions youth camp. Inman said adjoining land uses include residential, agriculture and undeveloped lands. Inman said the Planning and Development Board recommended conditional approval of the subdivision at its January 20 meeting with conditions as reviewed under the 2010 county subdivision regulations. He provided the Commission with aerial pictures of the site, as well as maps provided by the developer outlining proposed setbacks from Tom Miner Creek.

Commission questions: None

Presentation by Applicant: Applicant representative Fred Fleet said the applicant is proposing a 100-foot setback from the creek as the permitted building area. Inman said such a setback is what is required in the county floodplain regulations.

Public Hearing: @ 9:18:58 a.m., Taylor opened the public hearing.

a) Public Comment on Proposal: Inman read written comments from Harry L. Cody of Chicago, Illinois, and adjoining property owners George and Joan Hedrick into the record.

Addressing a question of whether the subdivision's proposed use will benefit other subdivision property owners or disturb tranquility of adjoining neighbors, Inman said nothing within the county subdivision regulations requires assurance a land use will maintain the peace of adjoining property owners. Commissioner Taylor said the camp is

not responsible for benefitting adjoining neighbors. Commissioner Durgan said he has strong opinions on the rights of adjacent landowners, but the Commission does not have the right or ability to dictate how a neighbor will act.

b) Public Comment on Water and Sanitation Information: No comment was made. Inman said he will compile and submit all comments on water and sanitation to the applicant who must submit them to Montana DEQ as part of their water and sanitation application.

Discussion and Determination by Park County Commission: The Commission reviewed potential effects on various criteria as listed in the Subdivision Administrator's Report.

Addressing Section IV. Affects on the Natural Environment, Commissioner Malone requested a revision to Recommended Condition 9 as follows: "Lot owners(s) shall complete a 'Weed Management Plan,' approved by the Park County Weed supervisor prior to final plat approval. A covenant shall be filed with the final plat stating: "Lot owner(s) shall comply with the required Noxious Weed Management Plan, approved by the Park County Weed Board." Malone requested a revision to Recommended Condition 10, striking "Natural Resource Conservation Service or County Noxious Weed Control Board" and replacing with "MSU Extension Service."

Addressing Recommended Condition 16, the Commission added the following: "Prior to final plat approval the applicants shall meet with Montana Fish Wildlife and Parks and present all proposed and existing temporary uses within 100 feet of Tom Miner Creek. The applicant shall meet with the Park County Commission and present all recommendations from MFWP regarding temporary uses and locations of all temporary structures. The Commission shall make the final determination regarding temporary uses and structures within the floodplain and 100 foot buffer."

Addressing Section VI. Affects on Wildlife Habitat, the Commission added the following Recommended Finding and Condition: "Pronghorn utilize this area as a primary winter migration route. Fencing may hinder the ability of migrating pronghorns. A covenant shall be filed with the final plat that states, 'All new fencing shall be wildlife friendly, in accordance with Montana Fish Wildlife and Parks specifications on "Wildlife Friendly Fencing."'"

Addressing Section VII. Affects on Public Health and Safety, the Commission added Recommended Finding H, "Drifting snow caused by fencing may hinder the ability of emergency services and access to the proposed subdivision. The Commission added the following recommended condition: "A covenant shall be filed with the final plat that states: 'Any new fencing located adjacent to Old Yellowstone Trail Road or the road approach shall be constructed to minimize drifting of snow.'"

Commissioner Malone made a motion to adopt the findings of fact and conditions as modified by the Commission. Commissioner Durgan seconded that motion. Motion passed.

Commissioner Durgan made a motion to approve the Orfalea Subsequent Minor Subdivision with the findings and conditions as amended by the Park County Commission. Commission Malone seconded that motion. Motion passed.

Public Comment: None made

@10:11:36 a.m., the meeting adjourned.

January 27, 2011

Review of Minutes for Week of January 10-14 and January 17-21

@11:11:06 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to review minutes for the Weeks of January 10 and 17, 2011.

Commissioner Durgan requested a revision to Page 11 of 16, the fourth to last paragraph should read, "Civil Deputy County Attorney Shannan Piccolo said she recommends the Commission rescind its previous motion, as it was not the correct meeting for that motion."

Commissioner Taylor requested a revision to Page 12 of 16; third full paragraph, the second sentence should read, "He said the fund contains about \$62,000 per the books, but there may not be that much money in the fund as it has been viewed by the cemetery association as its fund to spend on cemetery projects at Emigrant and Old Chico."

Commissioner Durgan made a motion to approve the minutes as corrected. Commissioner Taylor seconded that motion. Motion passed.

The Commission said it would review minutes for the Week of January 17 at its regularly scheduled minutes review meeting on January 31, 2011.

@11:16:00 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

January 27, 2011

Consider Decision on Scope of Work for the Gardiner Sidewalk Project

@11:34:44 a.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; Raea Morris, executive assistant; Lani Hartung, finance; Great West Engineering (via telephone); and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a decision on the scope of work for a Gardiner Sidewalk Project.

The Commission telephoned a Great West Engineering representative and said it needs a cost to construct the sidewalk after the project goes out for bid. The representative said he will provide that.

@11:49:15 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

January 27, 2011

Signing of Lease Agreement between Citizen Ray Sundling and Park County

@1:05:21 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present was Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign a lease agreement with Citizen Ray Sundling.

Commissioner Taylor said a written agreement is needed for a lease of land east of town for the purpose to conduct agriculture operations in order for Citizen Ray Sundling to permit a group to erect a billboard on the land. Taylor said the \$1,500 lease is to be paid on the 31<sup>st</sup> day of December of the current lease year throughout the term of the lease.

Commissioner Durgan made a motion to accept the real estate lease with Mr. Sundling and ensure Exhibit A is attached. Commissioner Taylor seconded that motion. Motion passed.

@1:08:13 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

January 27, 2011

Consider Decision on Follow-up Discussion of Air Balancing with RGO and Tri-County Sheet Metal Contract for Retrofit Repair

@1:31:14 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Philip Fletcher, community development; Raea Morris, executive assistant; Lani Hartung, finance; Martha Miller, auditor; Ed Meece, city manager; Wes Venteicher, Livingston Enterprise; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a decision on a follow-up discussion of air balancing with RGO and a Tri-County Sheet Metal contract for building retrofit repairs.

Community Development Director Philip Fletcher said RGO submitted a bill for \$6,700 for work done to-date on the courthouse ducting system and Tri-County Sheet Metal submitted an estimate of \$14,550 to conduct remedial repairs including the computer server room. Fletcher said the Tri-County quote equals the amount of the air balancing portion of a building retrofit grant, but oral conversation with the Montana DEQ contract officer said the ducting patchwork effort could be included as part of necessary balancing and qualifies for grant fund expenditure.

Civil Deputy County Attorney Shannan Piccolo said the county needs to ask if it can use the air balancing funds for the patchwork if balancing is never done.

Finance Director Lani Hartung said the county has funds in a HVAC account to pay for air balancing at a later date if the grant's scope of work can be changed. Fletcher said commissioning and balancing with funds outside of the grant contract or putting off the work for a period of time may be options, but he wants to get written confirmation from DEQ. Fletcher said the grant funds have to be spent by February 28, but he thinks DEQ will give more time to complete work given the severity of issues found with building ducting.

Commissioner Taylor said he thinks the county needs to continue with ducting and damper repair work using as much grant funds as it can to repair the system and conduct commissioning and balancing at a later date.

Hartung said the county currently has \$38,000 in expenditures for the grant line item of \$14,300. Hartung said the county is asking if the city will spend 37 percent of \$10,000 or \$21,000, which is dependent on whether commissioning is done. City Manager Ed Meece said he has no problem with the city sharing in payment of the work as part of building maintenance, but he would like to budget it for the work next year. He said he would like to see how the system functions with the ducting patched before the commissioning is done.

Commissioner Durgan made a motion, based on conditional DEQ approval, the county move forward on repair of damper and ducts as necessary and do balancing and conditioning perhaps at a later date. Commissioner Taylor seconded that motion. Motion passed.

@2:14:03 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

January 27, 2011

Clarification on Prior Commissioner Meetings Appointing Deputy Fire Warden, Fire Planner, and Assistant DES Coordinator

@2:17:14 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Jill

Ouellette, HR; Greg Coleman, fire planner; Lani Hartung, finance; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to clarify prior meetings to appoint a deputy fire warden, fire planner and assistant DES coordinator.

Human Resources Analyst Jill Ouellette said March 4, 2010, Commission minutes on appointment of a temporary position were misleading in that they read like the Commission appointed an individual to a permanent position using Title III funds. Ouellette said the county personnel policy handbook states the county must go through a selection process if a position is given on a permanent basis. She said MACo legal staff suggested the current meeting be held to clarify the Commission was looking into using Title III funds to do some work under the fire warden. She said since that time the county created a permanent, part-time fire planner position with an individual hired through the appropriate selection process.

Ouellette said she changed the job description of the employee in question, Greg Coleman, at the suggestion of MACo to reflect he serves as a deputy county fire warden in the same capacity as the fire planner. She provided that job description for Commission signature. Ouellette said the current meeting also clarifies appointment of Coleman as a deputy fire warden as recorded in July 22, 2010, meeting minutes.

Addressing a Disaster and Emergency Services issue, Ouellette said the Commission can appoint a paid position if permitted by Montana Code Annotated. She said she is researching whether that code exists.

@2:22:19 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

January 27, 2011

Consider Decision on Short Term Additional DES Duty Assignment

@2:30:25 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Jill Ouellette, HR; Greg Coleman, fire planner; Lani Hartung, finance; Belinda Van Nurden, DES; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a decision on a short-term additional DES duty assignment.

DES Coordinator Belinda Van Nurden said a one-quarter-time position was put in the current year's DES budget for upcoming special projects.

Human Resources Analyst Jill Ouellette said there is more need for Van Nurden to work on operations procedures in light of a Thanksgiving snowfall event and need for Coleman

to work on things as a short-term assignment in the DES Department for the remainder of the fiscal year.

Ouellette said the county has the option of making the assignment a noticed temporary position filled through a selection process. She said a second option is a short-term, work assignment by a staffed employee. She said the county can also seek volunteers for the position. Ouellette said Fire Warden Bob Fry and Van Nurden said they would like to give the assignment to Greg Coleman, who is an existing employee.

Commissioner Durgan made a motion to accept the second option of a short-term work assignment in the DES Department to be finished at the end of the fiscal year.

Commissioner Taylor seconded that motion. Motion passed.

Commissioner Taylor swore Coleman into the appointed position.

@2:35:56 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

January 27, 2011

Discussion of YRRE Historical Preservation Fund Account Policies and Administration

@3:01:17 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Philip Fletcher, community development; Lani Hartung, finance; Denise Nelson, clerk and recorder; Jerry Brekke, county historian; Park County Genealogical Society members Carol Woodley, Nancy Adkins, Connie Standish, Sharon Monrow, Nardella Whitmore, Audrey Dodge, and LouAnn Skattum; Tom and Cielo Jerde, citizens; Lorna Marchington; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss Yellowstone River Ranch Estates (YRRE) historical preservation fund account policies and administration.

Commissioner Taylor said the commission needs to know where funds are supposed to go, who is accounting for it and what funds are to be used for when the county is responsible for maintaining a funding account, in this case the YRRE fund.

Historian Jerry Brekke said he is a paid historian when he conducts historical research for the county, but the Park County Genealogy Society (PCGS) is made up of volunteers. Brekke said the PCGS by resolution was authorized by the commissioners to conduct records keeping and historical interpretation. Brekke said he and Larry Lahren, archaeologist, consult with the PCGS because it is the entity of record for interpretation work for the county. Brekke said the PCGS work for Clerk and Recorder Denise Nelson as special collections archivists, and PCGS provide a multi-component type of work for the county as volunteers.

Referencing a communication sent to the PCGS by the Commission asking the PCGS to cease and desist on work and expenditure of YRRE funds, Brekke said he wants to clear the air of whether there was any misuse of county funds. Commissioners Durgan and Taylor said there was never any implication from the county of a misuse of funds.

Brekke said there is a real question in his mind as to how the YRRE funds will get to the priority cemeteries and the historical interpretation of the valley per the intent expressed in the two original resolutions. He said he became disenchanted in an October omnibus meeting in which Community Development Director Philip Fletcher used the terms seed money, revenue neutral and exclusive use. Brekke said no one has ever operated under the understanding the YRRE funds were for exclusive use by the cemeteries, however the funds were prioritized for such use through resolutions.

Brekke said Commission Resolution #960, which abandoned a portion of Chico-Chicory Road, contained a Memorandum of Understanding (MOU) in which Section #5 states the funds received by Park County will be used on historical restoration projects improvements within the valley, such as improvements to Emigrant and Old Chico Cemeteries. The resolution reads funds are to be appropriated and used according to decisions of the Park County Commission. Brekke said Commission Resolution #965 appropriated the YRRE fund No. 2399 for Fiscal Year '06 and '07 with the intent to appropriate fund #2399 in the amount of \$39,560.04 in order to disperse the revenue per Resolution #960.

Brekke said the county completed its portion of the agreement and received the remainder of the funds which became the YRRE fund account last year. He said he thinks the decision of the commissioners needs to have in place a commitment on the obligation that was done in the resolution, such as how the funds will be applied in what amounts and when. He said four years after the fact, the Emigrant Cemetery Association or the Chico cemetery people have not received a penny from the funds.

Brekke said the PCGS, Lahren and he have been asked by the Community Development Department in the last couple of years to supply a comprehensive plan and cost breakdown of work they do for the county. He said he was also asked to supply a purpose document that he did not submit. Brekke said that requirement is fine, but until the funds are diverted into a parks and recreation budget, the same accounting needs to apply to the commissioners. He said it offends him that some of the groups mentioned in the MOU that were to receive funds were not aware they were to receive funds. He said the county needs to get to grass roots and not create a filter system where it makes people feel like they are coming to the Commission with hat in hand to beg for money.

Fletcher said he was accidentally made aware the county's portion of the YRRE fund was hanging out there as the county's obligation needed to be fulfilled. He said the historical preservation plan was submitted by Lahren and he is strongly in support of it and has included it in proposals to the commissioners as a project that should be moved forward. He said the basic plan allows him to find additional funding. Fletcher said he was interested in finding out what the YRRE funds were for so he took the issue to the

commissioners because there was confusion as to how the funds were to be spent. He said he needs to know the official statement of what the funds can be used for and he did not know where the funds came from when he started in his position with the county.

Fletcher said every request for funds from the parks fund has followed the same process since he has been at Park County, which includes a line item budget and explanation of what the funds will go toward. Fletcher said he specifically asked the Commission to account for the YRRE funds the same as any other fund once it is determined what the funds are for. He said he has heard volunteers working on the two cemetery projects have some understanding they will be reimbursed for expenses from the fund so the county needs to put the brakes on work until it understands the extent of that belief. Fletcher said the county needs to know how many funds exist if payments have or will go out for expectations from past work in order to get an accurate accounting of what is in the fund. Fletcher said he was asked to get the YRRE fund moving and funding projects instead of it sitting on the books as it had been.

Fletcher said he has seen nothing in writing from the PCGS as to how it plans to spend YRRE funds. Commissioner Durgan said as far as he is concerned, the Commission has seen no actual documentation of plans. Brekke said a comprehensive plan on historical interpretation was submitted to Fletcher on June 28 and he submitted a cost breakdown plan of the two cemeteries in August. Durgan and Taylor said they have not seen those plans.

A woman in attendance said she was offended by “put the brakes on” words Fletcher used because volunteers have already submitted requests for money. She said it is very offensive to everyone who has worked in the PCGS, and work they do is done at considerable costs and time. She said she knows she has attended meetings and presented things to the Commission but Fletcher says he has not seen any plans.

Finance Director Lani Hartung said the county is looking for invoices for work done. Brekke asked Hartung why she did not telephone Carol Woodley for outstanding invoices if an accounting of invoices is what the county was after rather than wording a Commission-signed memorandum to immediately cease incurring financial obligations against the county.

Brekke read Resolution #987 into the record stating PCGS operates as a nonprofit community service organization to compile archives and promote the use of genealogic and historical research material for the general public operating as an independent organization since 1999 and whose members voluntarily provide record management and interpretive services. The resolution states Park County shall fund PCGS for ongoing archiving and security of PC historical records as set forth in the amount set forth in the FY '08 budget, and Park County shall individually contract with PGSC for historical research on a needed basis. Brekke asked Fletcher if he was aware that PCGS was this type of entity or if he thought it was another ad hoc group coming to Park County for a handout.

Lorna Marchington said the focus of the Emigrant Cemetery Association is to expand the cemetery and will provide a written statement on that issue to make all sides happy.

PCGS President and county archivist Carol Woodley read into the record two letters, one dated January 27, 2011, in which PCGS proposed tasks and administrative structure for services to Park County, Montana, including reimbursement submittals. Fletcher said he respects the amount of work volunteers do, but he thinks using the parameters listed within Woodley's letter will be more rigorous than what the county requires. Woodley said she understood Fletcher knew what the PCGS is proposing regarding cemetery and other work. Fletcher said a one-page description of the project and a simple budget request needs to be submitted for review by the grants review committee. Fletcher said the Grants Review Committee also reviews funding requests that come into the county beyond grants. He said the Commission approves requests for funding and the overall project budget, but the county does not require receipts within that budget.

Brekke said he suggests the Emigrant Cemetery Association, PCGS and he go through all information and data discussed today for submission to the Commission. Fletcher said the only project he has ever heard specifically proposed with a dollar figure attached to it is Lahren's for \$5,000. He said it is the county's policy to have requests for funding on the Commission agenda within two weeks. Brekke said as of today, no one has expenses to reimburse for a nonexistent cemetery project.

Brekke said no one has incurred a charge against the project in preparation to take advantage of the funds when they become defined. Fletcher said he understands from Lahren there were costs incurred by some work that was done. He said his department's number-one priority is to get funding from the county bank account to projects for completion, and the Commission has asked his department for recommendations on projects.

Marchington asked if the cemetery association has permission to get bids for reimbursement with funds. Taylor said "yes" provided it is within the scope of the project. Brekke said it needs to be defined out of respect if cemetery expansion will disturb existing graves with ground-penetrating radar. He said the Chico and Emigrant Cemeteries are in danger of being overused.

Taylor said the county is very sorry if the volunteers ever felt the county did not trust them. He said the county has to account for funds. Brekke said the letter would have taken a phone call from one commissioner and receipts could have been submitted in five minutes. Durgan said he did not know the letter would cause the consternation it did. He said the county had unreliable reports there would be claims made against the account, and that's why the letter went out. Durgan said he apologizes for the wording of the letter and he thinks the wording could have been more subtle and respectful.

Cielo Jerde asked how many funds exist. Hartung said \$4,300 has been budgeted for archive work from the county's general fund, and the YRRE fund contains about

\$62,000. She said the county wants to know if there will be any requests toward the \$62,000.

Audrey Dodge of the Emigrant Cemetery Association said she wants someone to give her a step-by-step form to know what expectations to meet in order to get the Emigrant Cemetery project underway. Fletcher said he has such a form. Woodley asked Fletcher to send her the form via email so she can distribute it.

Brekke said he suggests grass roots people be informed of future set-aside funds so they can make applications toward them.

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

January 28, 2011

No Commission Meetings Scheduled

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

2:00 P.M. – Commissioner in Gardiner to Hear Area Resident Concerns – Gardiner Community Center

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

Denise Nelson  
Clerk & Recorder  
Park County, Montana