

Park County Commission Meeting Minutes
Week of July 11 – 15, 2011
Park County, Montana

July 11, 2011

Review Daily Agenda/Correspondence and Current County Projects

@8:34:08 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, administrative assistant; Ed Hillman, road; Lani Hartung, finance; Dan Gutebier, Taylor-Leavitt; and Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo document re. \$3,720-invoice from Standish Excavation LLC for rebuild of Shamrock Lane in the Five Acre Tracts
- Memo document re. millings roller rental for 20 working days invoice for \$4,000
- Memo email re. Oasis Freshman Creek culvert specifications
- Memo resolution re. draft resolution for Gardiner open container limitations
- Memo resolution re. Resolution #1109 closing Miller Lane
- Memo document re. MT DEQ energy retrofit project payment
- Memo document re. Wilsall Senior Center invoice
- Memo email re. July 25 transportation meeting
- Memo email re. Beartooth Highway construction project update
- Memo from MACo re. ESA language for appropriation bill
- Memo email re. Montana DEQ Jardine arsenic tailings
- Memo email re. HB 123 budget deadlines
- Memo email re. August 16 KPRK bridge planning meeting
- Memo document re. Senior Center HOME Project grant information
- Memo document re. CAMP Implement information

Commissioner Taylor said he will telephone MRL about a Trans-load lease.

Road Supervisor Ed Hillman said Convict Grade, Old Clyde Park Road and roads in Wilsall have been mowed, and the mowing crew is mowing roads today. Taylor said the runway in Wilsall for a fly-in needs to be mowed by July 15. Hillman said Busby and Clark Lane were graded, and Six Mile will be graded that week.

There was discussion about removing a high water earthen berm at the fairgrounds.

Finance Director Lani Hartung said she applied for rebate funds from Northwestern Energy for building energy retrofit installations. She said installation work must be completed by August 30 in order to qualify for rebates. Taylor signed the contract.

Hartung said Park County has incurred \$51,361 in flood costs as of July 8. Hartung said she needs flood-related costs from the road supervisor.

@9:31:15 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

July 11, 2011

Opening of Professional Engineering Services Bids

@10:00:39 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Kevin Feldman and Mark Westenskow, CTA Engineering; Wes Venteicher, Livingston Enterprise; and Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to open professional engineering services bids.

Commissioner Taylor opened a sealed bid with an RFQ from CTA Engineering. The Commission said county legal counsel will review the RFQ and a public meeting will be scheduled to decide on professional engineering services at a later date. Mark Westenskow of CTA said he will submit a rate schedule to the county for review.

@10:12:41 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

July 11, 2011

Review of Minutes for Week of July 4, 2011

@1:01:36 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 4, 2011.

Commissioner Malone requested a revision to Page 2 of 8; last paragraph, the first sentence should read, "Road Supervisor Ed Hillman said the road crew applied reclamite on Cokedale, Meigs and Swingley Roads and fogged Swingley Road."

Commissioner Malone moved to approve the minutes as corrected. Commissioner Durgan seconded the motion. The meeting adjourned.

@1:03:18 p.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

July 11, 2011

Signing of Contracts and Notice to Proceed Documents for a City/County Airport Project

@2:00:38 p.m., Commissioner Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were airport Board members Jerri Miller, Dennis Skattum and Kerry LaDuke; and Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign contracts and notice to proceed documents for the City/County Airport project.

Airport Board Chair Jerri Miller provided the Commission with executed contract documents, Knife River construction contracts, a certification for equipment construction contract and notice to proceed documents for signature. Miller said the project date to proceed is July 18.

Commissioner Malone moved to sign the contracts and notice to proceed for the City/County Airport. Commissioner Durgan seconded the motion. Motion passed.

@2:12:31 p.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

July 11, 2011

3:00 P.M. – Angel Line Board – West Room – Commissioner Malone attended

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

July 12, 2011

Review Daily Agenda/Correspondence and Current County Projects

@8:34:50 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo email re. June 26 PTH rock crushing demo
- Memo email re. Park County Hazard Mitigation Plan
- Memo email re. Ray Sundling property cleanup
- Memo email re. dry-storage key

- Memo email re. RC&D board meetings on third Thursdays at 2:30 p.m.
- Memo email re. July 15 SWB agenda
- Memo email re. MSU local government center
- Memo email re. July 29 Gardiner open container permit
- Memo email re. law and justice updates
- Memo document re. open cut mining agreement
- Memo document re. DHHS block grant

Commissioner Malone reported on a July 11 Angel Line Board meeting.

@8:49:46 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

July 12, 2011

County Road Updates

@9:02:14 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; Kerry LaDuke, airport board; and Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss county road issues.

Road Supervisor Ed Hillman said "Road Closed" signs will be removed on 9th Street Island. Hillman said Hard Drives is still in the process of putting together information on repairing Rock Creek Road. He said there are dust issues on Lower Cottonwood Road and Joyce Sarrazin will have someone apply magnesium chloride to that road. Hillman said it will cost \$40,000 to seal Mill Creek Road and the road crew needs to fog seal Meigs and Cokedale Roads.

Taylor asked Hillman to patch a hole on Chestnut and Pine.

There was discussion about how the county will remove an earthen berm at the fairgrounds. The Commission said a contractor may be hired to do the work so road crewmen will not have to be taken off grading and patching of county roads.

Kerry LaDuke, Airport Board, said the Wilsall Airport needs to be mowed by the first week of August. Hillman said a road crewman will take care of that work. Taylor directed Hillman to mow the road to the City/County Airport. LaDuke said millings are available at the airport as part of a construction project there. Taylor said he will talk to Clyde Bainter and ask if he will spread the millings on Fleshman Creek Road.

@9:32:01 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

July 12, 2011

Human Resource Updates

@9:32:52 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Jill Ouellette, HR; Belinda Van Nurden, DES; 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 said she finalized a PCRFD#1 personnel policy handbook. Ouellette provided the Commission with change of status forms for a refuse department employee; Gardiner green box position; an employee who changed from short-term to permanent status; and a seasonal landfill employee.

Ouellette said an employee must be permanent to receive a COLA. She said the Assistant DES position does not qualify for a COLA increase, because it is considered a temporary position. She said the position needs to be appropriately advertised and filled if it will become a permanent position. The Commission said it is okay with the Assistant DES position becoming a permanent position.

Ouellette said the Commission needs to fill out a performance evaluation for its administrative assistant.

@9:56:25 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

July 12, 2011

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

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

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

July 13, 2011

Review Daily Agenda/Correspondence and Current County Projects

@8:45:59 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Raea Morris, administrative assistant; Kelly Johnson, maintenance; Ed Hillman, road; and Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo document re. Rick's Refrigeration compressor replacement quote
- Memo document re. water and sewer districts board members/trustees elections
- Memo email re. July 23-24 law and justice center
- Memo email re. July 18 Airport project pre-construction meeting
- Memo document re. Cooke City newsletter

Commissioner Taylor said Road Supervisor Ed Hillman needs to capture all labor, materials and equipment time that can be claimed for possible FEMA flood-event reimbursement funds for work on Miller Bridge after FEMA determined the flood damage was caused by the bridge. Hillman said he and a FEMA representative viewed flood-damaged areas around the county on July 12, which included a Newman Creek slide and a Trail Creek Road washout. He said he calculated expenditures for qualifying flood-related road work for the finance director.

Taylor said the road crew needs to repair a fence it damaged when plowing snow. Taylor said he will make arrangements for the repair. Hillman provided an estimate of sealing five miles of Mill Creek Road for \$36,000 from Hard Drives. The Commission directed Hillman to schedule the work.

Hillman said patching on Rock Creek Road has been completed. Taylor asked Hillman to look into gravel on Old Yellowstone Trail North. Hillman said a road grader needs brake work, and crewmen are mowing roadsides when they can fit it into their work schedules. He said the road crew will put a new deck on the West Boulder Bridge next week.

The Commission determined two and a half miles of Fleshman Creek Road could receive millings from an airport project, and a private contractor can apply them if requested.

The commissioners asked Kelly Johnson, maintenance, to speak with the playhouse manager about a parking lot striping company. There was discussion about asking the city to sweep the employee lot before it is striped.

@9:23:58 a.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

July 13, 2011

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

10:00 A.M. – Meeting with Yellowstone National Park Chief of Maintenance – Gardiner, MT – Commissioner Malone attended

1:00 P.M. – Fire Safe Coalition – West Room

1:30 P.M. – City/County Compact – Community Room – Commissioner Taylor attended

July 14, 2011

Review Daily Agenda/Correspondence and Current County Projects

@8:32:04 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Raea Morris, administrative assistant; Ed Hillman, road; Philip Fletcher, community development; 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. Burton Minor Subdivision August 9 onsite review and August 10 public meeting
- Memo email re. cleaning crew window cleaning
- Memo document re. potential DOR Assessor's Office move
- Memo document re. mowing contract
- Memo document re. HKM methane monitoring invoice
- Memo email re. Swandal Ranch refuse changes
- Memo email re. request for qualifications for engineering services
- Memo email re. Department of Urban Development housing application
- Memo email re. external auditors in building
- Memo email re. MDT pavement preservation of Garnier Avenue
- Memo email re. MDT pavement preservation of Star Road
- Memo email re. July 20 Swingley Road maintenance

@8:56:12 a.m., Malone moved to recess the meeting until after the scheduled 9:00 a.m. meeting. Taylor seconded the motion. The meeting recessed. @9:42:53 a.m., the meeting reopened.

Finance Director Lani Hartung said she has completed four quarterly reports for the Fleshman Creek Restoration Project. She said the current quarterly report asks if the project will be completed within the performance period, which she answered “no,” and she answered “yes” to a question asking if the county expects to change the project’s scope.

Community Development Director Philip Fletcher said he will give a presentation on how county grant programs fit into the county growth policy at the July 21 Planning and Development Board meeting.

Commissioner Malone reported on a July 13 meeting with the maintenance director of Yellowstone National Park in which extending snow plowing to Cody, Wyoming, in the winter months was discussed, as well as the National Park Service’s interest in assisting with a Gardiner compactor refuse station and Arch Park efforts.

@9:58:18 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

July 14, 2011

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

10:00 A.M. - Signing of Agreement to Lease Angel Line Bus to City - Commission Chambers – Canceled

10:00 A.M. – Area IV Agency on Aging – Boulder, MT

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

July 14, 2011

Signing of Block Grant Contract for Department of Health and Human Services

@11:03:53 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign a block grant contract for the Department of Health and Human Services.

Commissioner Malone moved to sign the block grant contract for the Department of Health and Human Services. Commissioner Taylor seconded the motion. Motion passed.

@11:05:35 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

July 14, 2011

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

July 14, 2011

Discussion of Refuse Services with Allied Waste Services

@2:01:17 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Max Bauer, Jason Barker and Phil Ideson, Allied Waste; and Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss refuse service options with Allied Waste Services.

Max Bauer, Allied Waste, said Allied has been working with the City of Livingston for the last few months with the city considering privatization of refuse services, and he is requesting the opportunity to provide the county with solid waste management service options, as well. Bauer said the City of Livingston cannot pick up donut-area refuse, which has been discussed between the city and county, due to Allied's Public Service Commission license. Bauer said Allied's rate of \$14.83 per resident per month for an 80-gallon container for residential refuse services, including green waste, is less than what the city currently charges. He said Allied has three different-sized residential refuse bins for desired service levels and household volumes generated.

Bauer said municipalities across America are finding cheaper ways to manage solid waste in difficult economic times, and Allied has been taking over services in many areas by purchasing municipalities' trucks, transfer stations, equipment and other operations, as well as interviewing and employing some of their employees. He said Allied recently purchased the largest landfill in Idaho by buying its equipment and hiring its employees. Bauer said Allied serves 26 counties in Montana, but also works with many small haulers in areas that do not want to sell out to Allied.

Bauer said some counties still tax residents through a refuse district while others are totally removing refuse charges from tax bills and citizens sign up with private companies for services. He said many options exist for Park County, and Allied can provide a cost estimate for hours the county would want services available for its constituents, and the county can contract with Allied for partial services as well. Bauer said all Allied's green box sites are monitored with full-time attendants. He said contracts can be written to include rate and service restrictions, and Allied has not had one refuse district regret selling services to Allied after initial citizen concerns with changing services.

Commissioner Taylor said the county is currently updating the Zia solid waste study with emphasis on incineration. He said perhaps Bauer can contact Chris Bell of Bell and Associates and discuss the options Allied can propose for Park County services. Taylor asked for Allied's proposals to be presented to the Solid Waste Board at its August 19 meeting. Bauer said he will create a proposal for Allied to take over the county's entire operation, but will include verbiage that says Allied's service level can be tailored per the county's wishes.

@2:54:20 p.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

July 15, 2011

Consider Grant Contract with Montana Fish and Wildlife and Parks

@10:31:27 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 and Philip Fletcher community development; Raea Morris, administrative assistant; and Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a grant contract with Montana Fish, Wildlife and Parks (FWP).

Senior Planner Mike Inman said he has drafted a mini grant and received funds to put together a team made up of Bill Berg and Traci Isaly and Scott Optiz and Karen Loveless of FWP to participate in a planning for people and wildlife seminar in Helena. Inman said the team will put together a set of Living with Wildlife recommendations or guidelines in hopes the county will adopt them, but the primary purpose of the grant is to work with FWP and the county's GIS department to utilize FWP's Crucial Area Planning System (CAPS) in addressing sensitive wildlife habitat areas for planning purposes. He said the relationship with FWP will provide data enabling overlay analysis with county GIS data for planning aspects and subdivision review.

Inman said the effort will also provide the Commission with data to update the growth policy and create an outreach program to identify wildlife habitat areas of concern in Park County, such as an ongoing bison issue around Gardiner, antelope migration in the canyon, hunting access, over population, and fishing issues in the Shields River watershed. He said the idea then is to conduct site inspections of CAPS areas with public participation as an educational effort. Inman said all planning is to be completed by November per the grant. He said there will be no cost to the county for the grant, as he designed the grant to assist with updating the growth policy and county subdivision and floodplain regulations, as well as improved GIS layers.

Commissioner Taylor said his concern is the entire county eventually is going to be overlaid for different issues with the Wildlife Urban Interface (WUI) mapping and the proposed CAPS. Taylor asked what then will be left for the people. He said his concern is FWP laying groundwork where in time it can tell a landowner he may not develop an area because it is designated as an antelope critical migration route.

Inman said FWP put out a set of regulations the agency would like counties to adopt in county subdivision regulations, but he commented it is not a good idea to pass that amount of regulation in a blanket approach in dealing with wildlife habitat. Inman said he commented that such blanket regulations would not work, because it will limit growth potential. He said the best approach is to encourage participation with FWP professionals early in the subdivision/development process to provide issues to consider and mitigation options for potential impacts with appropriate design before the developer is financially vested and a conflict arises. Inman said FWP's recommendations are a valuable resource but not something the county should adopt as a blanket document because every piece of property is different and unique. Inman said his goal is not to limit development in any way, shape or form but to mitigate potential impacts that result from poorly designed development and developments that fail to take anything into consideration. He said the same criteria required to ensure public health and safety applies to wildlife, wildlife habitat and water quality issues.

Inman said the proposed guidelines would provide a tool to document critical winter range for elk, for example, but it would not mean the property could not be subdivided or developed. He said it would require all relevant parties be involved at the outset of a subdivision application to discuss what needs to happen on the project to mitigate issues and enable the development to occur. Inman said it is problematic for the developer and the county if a development goes in and such things are not considered and issues then arise. Inman said the idea is to create good subdivision design, which is the opposite of shutting down development. He said the idea is for an approved development plan to be squeaky clean so no one can come back and say “This or that was not considered.” Inman said growth is important, but things need to be considered when development is proposed. He said it is very difficult to get someone to change to wildlife-friendly fencing after a subdivision is built, but at the outset they may be willing to install wildlife-friendly fencing. He said the same goes for data with the WUI – people need to know there are a set of issues that must be considered if they want to build their house in the WUI.

Commissioner Durgan said he does not mind having the information available to local officials for mitigation, but he does not want someone in Denver or Washington DC telling him what people can and cannot do on their property. Taylor said he can see this type of effort starting as information, then recommendations come from FWP, then the Planning Board changes the growth policy to incorporate the recommendations, and finally someone cannot have a subdivision because it goes against the county growth policy. Inman said his goal is provide information to better review proposals in the design and review process and specifically stay away from what Taylor described.

Community Development Director Philip Fletcher said the department already addresses wildlife habitat issues in subdivision proposals, as the department asks for letters of comment from FWP and relevant agencies. Fletcher said the proposal will provide systematic data earlier in the process, and the effort is data collection for analysis and public education based on existing issues. Fletcher said a public process is required for all government efforts, thus such data gathered enables the people to decide on issues through education.

Commissioner Malone moved to allow the Community Development Department to move forward on the grant with FWP. Commissioner Durgan seconded the motion. Motion passed.

@10:59:23 a.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

July 15, 2011

Review Daily Agenda/Correspondence and Current County Projects

@11:02:45 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, administrative assistant; Kelly Johnson, maintenance; 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. Swingely Road work closure notification letters
- Memo email re. July 20 RC&D board meeting
- Memo email re. Mental Health Center CISM team pledge
- Memo email re. Livingston Trust budget balance
- Memo email re. Amazing Taxi rate increase

Administrative Assistant Raea Morris said the courthouse building's back doors were unlocked at 7:30 p.m. the previous evening. Kelly Johnson, maintenance, said he arranged for doors to be locked by jailers on days when he cannot lock the doors, but he wants to establish a schedule before winter arrives.

Johnson said he would like to work Mondays, Wednesdays and Thursdays to accommodate work projects that take more than one day to complete. He said parking lot striping contractors will be present on July 18 to provide an estimate for proposed work.

Community Development Director Philip Fletcher provided Taylor with bid notice requirements for the Gardiner Sidewalk Project for signature.

@11:19:07 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

July 15, 2011

1:30 P.M. – Solid Waste Board – Commission Chambers – Meeting minutes available in the Commission Office and at www.parkcounty.org

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

Denise Nelson
Clerk & Recorder
Park County, Montana