

Park County Commission Meeting Minutes  
Week of June 13 – 17, 2011  
Park County, Montana

June 13, 2011

Review Daily Agenda/Correspondence and Current County Projects

@8:36:15 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; Raea Morris, administrative assistant; Morris Gullickson, citizen; and Minutes Clerk John Mueller.

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

Correspondence included:

- Memo document re. traffic counter letter
- Memo document re. Park/Meagher County DUI taskforce amendment
- Memo document re. final treasurer balance sheet for May 2011
- Memo email re. Airport transmittal plan
- Memo email re. Shields River Road East closure at Adair Creek Road
- Memo email re. Main Boulder Road travel conditions
- Memo email re. open enrollment attendance
- Memo email re. June 16 911 Communications meeting
- Memo email re. June 13 Livingston/Park County library cattle producers meeting
- Memo email re. June 14 RC&D meeting
- Memo email re. DNRC Floodplain Management Program
- Memo email re. Arrowhead School recycling bin
- Memo email re. DES and Big Sky Hazard Management signature
- Memo email re. Old Yellowstone Trail South road grading
- Memo email re. fire grant assistance renewal
- Memo email re. citizen Arch Park open container request
- Memo email re. social media policy
- Memo email re. NPS open container request in Arch Park
- Memo email re. Park County Senior Citizens Center 1% increase request
- Memo document re. Steve Koontz certificate of liability

Administrative Assistant Raea Morris said the county's contract with Rick's Refrigeration is about to expire.

Commissioner Durgan said a citizen has requested maintenance on Trail Creek Road and the citizens stated there has been damage to vehicles.

Road Supervisor Ed Hillman said the road crew will begin patching roads today using a new technique with millings and oil. Hillman said the road crew is still applying millings to roads. He said parts for an out of service grader are to arrive today, and a second grader is to be repaired today. There was discussion about the road crew putting millings on the alley leading to the employee parking lot.

Commissioner Malone said the county is required to maintain Deep Creek Bench Road per a court order. Hillman said the county has a road sign for that road and will erect it shortly. Malone said Mill Creek Road is very rough. Hillman said the road was graded recently.

Malone said Gardiner High School is erecting a fence around the football field in Gardiner along a county road to keep bison off the field.

There was discussion about the county's responsibility to maintain culverts in county rights-of-way.

Citizen Morris Gullickson asked when Mill Creek Road will be graded. Hillman said that road is on the road crew's agenda to grade.

Hillman said he is considering having his crewmen work four, 10-hour shifts where half of the crewmen will come in on Mondays and half on Tuesdays, which will leave two men on graders on Fridays. The commissioners directed Hillman to go with the schedule to see how it works.

@9:26:11 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

June 13, 2011

Signing of Task Order Amendment to Agreement with Department of Health and Human Services

@9:28:07 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; and Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign a task order amendment to an agreement with the Department of Health and Human Services.

Commissioner Malone said the amendment is a change to be spent by June 30, 2011.

Commissioner Malone moved to amend the agreement with the Department of Health and Human Services. Commissioner Taylor seconded the motion. Motion passed.

@9:29:02 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

June 13, 2011

Budget Workshop FY2012

@10:11:36 a.m., Commissioner Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Lani Hartung, finance; Raea Morris, administrative assistant; and Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled as a Fiscal Year 2012 budget workshop.

There was discussion about Title III funds and the Angel Line budget in reference to that service now paying its own vehicle insurance. There was discussion about a Senior Citizens Center request for increased funds and a Tax Increment Finance District.

@10:28:35 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

June 13, 2011

Review of Minutes for Week of June 6, 2011

@1:22:01 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to review Commission meeting minutes for the Week of June 6, 2011.

Commissioner Malone requested a revision to Page 11 of 16; first full paragraph, the first sentence should read, "Fair Manager Kim Knutson said the fairgrounds has \$10,000 remaining in a fund she would like to use this year to address a proposed security fence to be erected by a volunteer for \$2000.10 and reroofing the caretaker's house and shower house for \$8,000."

Commissioner Taylor requested a revision to Page 12 of 16, noting the correct spelling of Citizens PJ Moran, Jerry Martello, Jim Parrow, Paul McClennen and Jerry Jacobsen.

Commissioner Durgan requested a revision to Page 3 of 16; third from last paragraph, the second sentence should read, "Hillman said two graders are currently out of service, one with steering issues and one in Billings for upgrades." On Page 4 of 16; first full paragraph, the last sentence should read, "Ditch representatives said the city needs to contact Dave Haug to discuss any ditch work and prefer berms be constructed alongside the ditch to avoid plugging of culverts with rock fill." On Page 7 of 16; second to last

paragraph, the last sentence should read, “The Commission said to pay the invoice from the Road Department budget.”

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

@1:29:52 p.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

June 13, 2011

Litigation Strategy for Montana Gift Cabin v. Park County

@2:02:46 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; Barbara Woodbury, environmental health; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss litigation strategy for Montana Gift Cabin v. Park County.

Commissioner Malone moved to close the meeting to the public to discuss litigation strategy. Commissioner Taylor seconded the motion. Motion passed.

@2:29:24 p.m., the meeting adjourned.

June 13, 2011

3:00 P.M. – Local Advisory Committee – Mental Health Drop-In Center, Livingston – Commissioner Taylor attended

Tuesday June 14, 2011

Review Daily Agenda/Correspondence and Current County Projects

@8:34:13 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Lani Hartung, finance; Belinda Van Nurden, DES; Raea Morris, administrative assistant; 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. MT HUD action plan
- Memo email re. Montana Tax Payer newsletter
- Memo document re. Libby dam project public notice
- Memo document re. June 17 SWB meeting

- Memo email re. EPA underground storage tank
- Memo document re. Park/Meagher County taskforce report

There was discussion about FEMA denying emergency funding for Park County flooding expenditures and not recognizing the \$35,500 submittal. There was discussion about whether expenditures for a November 2011, high snowfall event can be included in the county's emergency funds request. The Commission asked DES Coordinator Belinda Van Nurden to talk about the matter with Tim Thennis of Montana DES.

Finance Director Lani Hartung provided the Commission with final payment documents for TCA for the 9<sup>th</sup> Street Bridge Replacement Project work.

@9:08:33 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

June 14, 2011

County Road Updates

@9:12:13 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; Lani Hartung, finance; Raea Morris, administrative assistant; Ed Lamb, citizen; and Minutes Clerk John Mueller.

The meeting was scheduled to discuss county road issues.

Road Supervisor Ed Hillman said the road crew used a sprayer yesterday with CRF and water to apply millings to Divide Road. Hillman said the application worked well. Hillman asked what the county will do about Peterson Creek Road. He said he does not think the small culverts should be put back on that road and he has two larger culverts at the landfill that can be used. The Commission said work will continue on the road with the smaller culverts as initially agreed to.

Hillman said the road crew will have most of the millings work completed today and crewmen will begin grading roads as soon as the millings project is finished. Hillman said a grader is headed to Old Yellowstone Trail today to grade near the Church Universal and Triumphant.

Ranch Manager Ed Lamb said he will clean a cattle guard on Willow Creek Road on June 15, and that road will be closed during cleaning. Lamb said there is a call for project proposals from a Forest Service RAC for road improvements to roads that access Forest Service grounds. Lamb said he needs county backing to develop a proposal. Commissioner Malone said the county has nominated the Boulder Road as its priority RAC project and does not want to have competing roads within the county. Commissioner Taylor said Lamb could come up with a proposal with Hillman and does not think it would be a problem to get the Willow Creek Road proposal in the hopper.

Commissioner Durgan said a citizen telephoned about a big hole past a gate on Cokedale Road at Star Winds Ranch. Durgan asked Hillman to look at the road. Hillman said the road inside the gate is private property.

@9:49:53 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

June 14, 2011

9:30 A.M. - Human Resources Updates - Commission Chambers – Canceled due to employee schedule conflict

10:00 A.M. – Flag Day Flag Ceremony – City/County Courthouse Foyer

June 14, 2011

Signing of RYO Contract for Youth Detention Services

@11:04:22 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; Sue Chvilicek, juvenile probation; and Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign a contract with Reintegrating Youthful Offenders (RYO) for youth detention services.

Civil Deputy County Attorney Shannan Piccolo said Commissioner Malone asked about a recommendation from Chief Juvenile Probation Officer Sue Chvilicek to work with the Board of Crime control to move to a detention region to house juvenile offenders in Billings. She said she thinks such a move would have to coincide with the Board of Crime Control grant cycle. Chvilicek said the county already uses the Billings facility at this time in a limited capacity. She said she recommends the Commission sign the contract with RYO, and discuss moving into a different region when the county must reapply for Board of Crime Control grant funds.

Commissioner Malone moved to sign the RYO agreement with the caveat that Chvilicek look into the pros and cons of changing regions. Commissioner Durgan seconded the motion. Motion passed.

@11:20:34 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

June 14, 2011

Signing of General Contract for Equipment, Personnel and Services in Disaster Situations

@11:30:26 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; Belinda Van Nurden, DES; and Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign a general contract for equipment, personnel and services in disaster situations.

Commissioner Durgan moved to sign the contracts with Juhnke Country Living, Gary's Backhoe, Mann Excavation, Hogenson Construction and Crazy Mountain Construction as contractors available in a disaster situation. Commissioner Taylor seconded the motion. Motion passed.

@11:37:45 a.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

#### June 14, 2011

1:00 P.M. – RC&D Meeting – Livingston/Park County Library – Commissioner Durgan attended

1:00 P.M. – Senior Center Meeting – Livingston Senior Center – Commissioner Taylor attended

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

#### Wednesday June 15, 2011

8:30 A.M. – Montana Farm Bureau 2011 Summer Conference – Gran Tree Inn, Bozeman – Commissioner Malone attended

#### June 15, 2011

##### Review Daily Agenda/Correspondence and Current County Projects

@8:36:08 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; 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. PCRFD#1 board application
- Memo email re. Fleshman Creek project options
- Memo email re. sandbags available in Livingston
- Memo email re. NRCS flood recovery
- Memo email re. September MACo annual conference agenda
- Memo document re. open cut mining agreement

- Memo document re. MDT fuel allocation
- Memo email re. flood damage amendment to budget
- Memo email re. June 14 RC&D meeting
- Memo email re. county wire warden position
- Memo email re. emergency flood repair resources
- Memo email re. MT FWP high water permitting
- Memo email re. GASP 54 resolution
- Memo email re. JL Engineering resume
- Memo email re. June 24 Yellowstone River Council meeting
- Memo email re. July 25 Transportation Committee meeting agenda

Commissioner Malone said the Park County Genealogical Society stated it needs an archiving project and perhaps it can begin archiving files from the Quonset hut.

@8:51:23 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

June 15, 2011

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

June 15, 2011

Discussion of DNRC Letter to Adopt New Rules for Oil and Natural Gas Well Stimulation

@9:31:05 a.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; Raea Morris, administrative assistant; Wes Venteicher, Livingston Enterprise; Nelson King and Kerry Fee, citizens; and Minutes Clerk John Mueller.

The meeting was scheduled to discuss a letter to the Montana Department of Natural Resources Conservation to adopt new rules for oil and natural gas well stimulation.

Community Development Director Philip Fletcher said a local Oil and Gas Board will meet today to discuss rules and regulations for extraction of oil and natural gas in Montana, and suggested the county provide a general statement of expressing Park County's stance on that issue. Fletcher read the proposed statement into the record.

Kerry Fee of the Park County Environmental Council (PCEC) and president of the Park County Natural Gas Committee said the committee is made up of Nelson King, Sarah Orms, Bob Zimmer and Sharon Sweeney-Fee. Fee said advisors include the Montana Bureau of Mines and Geology, national and state Trout Unlimited chapters and the Wildlife Conservation Society. Fee said Peter Fox of the Planning and Development Board is the liaison between the committee and Park County and the committee works with the Northern Plains and Cottonwood Resource Councils. Fee said he and King have

no issues with the letter. King said he is happy the county is making this effort, because the time for planning is now, ahead of the game.

Commissioner Taylor read into the record a sentence he said he has issue with and asked to be omitted. That sentence stated the county advocates a requirement for a closed system of recovery and recycling. He said he does not feel the county knows enough about such systems to advocate anything, but he feels the issue is an important one to discuss. Taylor said he is in support of the letter and does not want bad things to happen in Park County as they have in other places, and it is good to be ahead of the curve like King said.

Commissioner Durgan said he agrees. Durgan said he thinks it is very important to address “trade secrets” as mentioned in the letter, as trade secrets are not a high priority when human health and safety and integrity of land is in question. Durgan said he thinks a procedure should be put into place that all trade secretes can be divulged to the top authorities to address damage to land so that citizens can be taken care of.

Fee said PCEC is not saying it is against gas extraction, as the fact is leases already exist in the Shields Valley. He said PCEC is standing in line with the county on this issue, and the main effort of the committee is education. Fee said the committee wants to obtain water and air monitoring for baseline data to protect landowners.

Fletcher said he can have changes made by noon and the letter will be read at the Oil and Gas Board meeting.

Commissioner Durgan moved to sign and send the letter to the DNRC with changes made. Commissioner Taylor seconded the motion. Motion passed.

@9:53:25 a.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

June 15, 2011

Budget Workshop FY2012

@10:00 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Martha Miller, auditor; Lani Hartung, finance; Greg Coleman, fire; and Philip Fletcher, community development. No public comment made.

The meeting was scheduled as a Fiscal Year 2012 workshop.

Finance Director Lani Hartung reviewed proposed general budget line items within the Fiscal Year 2012 budget.

Interim Fire Warden Greg Coleman and Community Development Director Philip Fletcher presented their respective proposed budgets for FY2012.

@12:21 p.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

June 15, 2011

Compensation Board

@1:30 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Commissioner Durgan moved to recess the meeting until 2:00 p.m. when more board members are present. @2:10 p.m., the meeting reconvened.

Present were Allan Lutes, sheriff; Martha Miller, auditor; Kevin Larkin, treasurer; Denise Nelson, clerk and recorder; Jill Ouellette, HR; Brett Linneweber, county attorney; Steve Woodruff, citizen; and Hannibal Anderson, citizen.

The meeting was scheduled for the Elected Official's Compensation Board to recommend elected official wages for Fiscal Year 2012.

County Attorney Brett Linneweber said he recommends Park County discontinue longevity for elected officials because of a lawsuit in Gallatin County that will require the same longevity given to the sheriff be given to all Park County Sheriff's Office (PCSO) deputies. Linneweber said adjustments to elected official salaries should be through base salary increases.

Linneweber said the state of Montana provides funds for his salary every other year and the state increased his salary \$2,999, as well as increased FICA, worker's compensation, PERS and health insurance. He said he asks that the county does not give him additional funds, which has been the county's protocol for a few years.

Linneweber said in setting salaries for county officers, the county superintendent of schools, treasurer, clerk and recorder and commissioners may receive up to \$2,000 above the base, and the sheriff must receive \$2,000 above the base.

There was discussion about longevity issues and the amount of longevity that would be passed on to sheriff's deputies due to the Gallatin County case. Attorney Steve Woodruff said he thinks it would be good for all committee members to review the Gallatin County lawsuit decision. Linneweber said he would provide members with a copy of the case.

The committee reviewed financial figures provided by the Accounting Department showing projected longevity figures for elected officials. There were questions about the accuracy of those figures. A meeting was scheduled for June 22 at 2:00 p.m., to make a decision on the matter.

@2:14:32 p.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

June 16, 2011

Review Daily Agenda/Correspondence and Current County Projects

@8:31:46 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; Philip Fletcher, community development; Lani Hartung, finance; Al Jenkins, coroner; Mary Anne Keyes, Extension; 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. county road photograph flooding pictures
- Memo email re. EPA land rights network
- Memo document re. treasurer five-year+ delinquent taxpayers
- Memo document re. Senator Tester flood update
- Memo document re. Burton Minor Subdivision water and sanitation comment
- Memo email re. RC&D office space update
- Memo email re. NWS Yellowstone River flood watch
- Memo email re. grants review committee and RC&D board resignation
- Memo letter re. NACo Transportation and Infrastructure Committee

Coroner Al Jenkins reported on two indigent burial issues the county must address.

Commissioner Malone said he viewed a county road grader under repair at T&E in Bozeman. He reported on a June 15 Montana Farm Bureau 2011 Summer Conference he attended.

Finance Director Lani Hartung provided the Commission with a claim without a purchase order and provided a status of the road department tax billing.

MSU Extension Agent Mary Anne Keyes provided an invoice for serving on county boards training. She said Extension could assist the county with Rural Improvement District efforts.

@9:10:06 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

June 16, 2011

Signing of Western Montana Mental Health Contract

@9:31:12 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; Raea Morris, administrative assistant; and Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign a Western Montana Mental Health contract.

Civil Deputy County Attorney Shannan Piccolo said the cost for mental health client housing is the same as last year at \$555.55 per bed at the Western Montana Mental Health Center Hope House in Bozeman.

Commissioner Durgan moved to sign the contract for the next calendar year. Commissioner Malone seconded the motion. Motion passed.

@9:34:41 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

June 16, 2011

Signing of Pre-Disaster Mitigation Grant Plan

@10:13:37 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Belinda Van Nurden, DES; and Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign a Pre-Disaster Mitigation grant plan.

DES Coordinator Belinda Van Nurden said the county's Pre-Disaster Mitigation Plan has to be approved each year at a 75-25 match, and the hazard mitigation plan must be updated every five years. She said the signing of the grant includes contracting with Big Sky Hazard Mitigation to update the county's Pre-Disaster Mitigation Plan.

Commissioner Malone moved to sign the Pre-Disaster Mitigation Grant Plan. Commissioner Durgan seconded the motion. Motion passed.

@10:19:02 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

June 16, 2011

Signing of MOU for City of Livingston and Livingston Golf and Country Club Levee

@11:01:48 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; Tom Totland, PCSO; and Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign a Memorandum of Understanding (MOU) with the City of Livingston and the Livingston Golf and Country Club for a levee.

Commissioner Taylor said the MOU is a hold harmless measure with the city and county, which are partnering on a temporary levee in effort to reduce floodwater damage to the fairgrounds, golf course and adjacent city properties.

Commissioner Durgan moved to sign the Memorandum of Understanding with the City of Livingston and the Livingston Golf and Country Club concerning the levee being put in place to address the flood concern. Commissioner Malone seconded the motion. Motion passed.

Lieutenant Tom Totland said an individual on 9<sup>th</sup> Street Island is starting to build a small dam on the isthmus where water is coming over the road between 9<sup>th</sup> and Siebeck Islands.

@11:15:06 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

#### June 16, 2011

1:00 P.M. – Consider Decision on Traffic Counting and Use of Existing County Employee – Commission Chambers – Canceled due to insufficient data

#### June 16, 2011

4:00 P.M. – Library Board – Park County Library

4:00 P.M. – 911 Communications – West Room – Commissioner Malone attended

#### June 17, 2011

1:00 P.M. – Solid Waste Board – Commission Chambers – Meeting minutes available in the Commission Office

1:30 P.M. – Planning Board – Community Room – Meeting minutes available in the Community Development Department

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

Denise Nelson  
Clerk & Recorder  
Park County, Montana