

Park County Commission Meeting Minutes
Week of November 28 – December 2, 2011
Park County, Montana

November 28, 2011

10:00 A.M. – Meeting with Gardiner Chamber of Commerce and Yellowstone National Park Superintendant – Yellowstone Association, Gardiner – Commissioner Malone attended

November 28, 2011

Review Daily Agenda/Correspondence and Current County Projects

@8:30 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present was Raea Morris, administrative assistant. No public comment made.

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

Correspondence for November 23 included:

- Memo email re. December 8 Comprehensive Economic Development Strategy meeting
- Memo documents re. EDD materials
- Memo email re. Weed Board application
- Memo email re. recording secretary out of office schedule
- Memo email re. Locks and Clocks courthouse door relocking estimate
- Memo email re. January 30 county telephone system upgrade
- Memo email re. November 29 YGM Board agenda

Commissioner Durgan said Old Yellowstone Trail needs to be graded due to washboards.

@8:39:50 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

November 29, 2011

Review Daily Agenda/Correspondence and Current County Projects

@8:36:05 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, administrative assistant; Ed Hillman, road; Mark Westenskow, CTA; Kerry LaDuke, airport board; Phil Dawson, citizen; and John Mueller, minutes clerk.

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

Correspondence included:

- Memo email re. Airport Board Gardiner green box compactor site comments
- Memo email re. December holiday schedule
- Memo email re. JSEC officer elections
- Memo email re. commission minutes
- Memo email re. Forest Highways program news release
- Memo email re. Planning Department November 14-25 timesheet tracking
- Memo emails re. growth policy update correspondence
- Memo document re. Cooke City water district refuse assessment/property taxes
- Memo document re. December 5 District 9 MACo board of directors meeting agenda
- Memo document re. lawsuit settlement agreement release

Phil Dawson, locksmith, reviewed a courthouse building relocking quote with the Commission.

Commissioner Malone reported on a November 28 meeting with the National Park Service to discuss a new park entrance plan.

@9:39:59 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

November 29, 2011

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

November 29, 2011

County Road Updates/Engineering Services Updates

@9:46:11 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; Mark Westenskow, CTA; Kerry LaDuke, airport board; Dave Streitz, NW Energy; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss county road issues and engineering updates.

Dave Streitz, Northwestern Energy, said NW Energy still does not have permits to fix a gas line location issue on Peterson Creek after an easement was received from Mrs. Wood to the north. Streitz submitted a drawing of a proposed solution and said NW Energy will try to move its right of way to the north, but he is unsure about logistics with a proposed bridge installation. Commissioner Malone said the road is not a county road and the issue has nothing to do with the county.

The Commission asked Mark Westenskow, CTA Engineering, to commence permitting efforts for work on Coal Camp Road, including landowner informational meetings.

There was discussion about construction logistics of a proposed Hamilton Road Bridge and discussion about a Gardiner Airport affected area and its effects on the design of a proposed compactor green box site.

@10:34:51 a.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

November 29, 2011

Human Resources Departments Updates

@10:36:26 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; and John Mueller, minutes clerk. No public comment made.

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

Jill Ouellette, HR, provided the Commission with an updated list of county employee and other necessary telephone contacts. She said the county received insurance money in the amount of \$99,000 for a damaged road grader.

Ouellette said an issue with signatures on a Missouri River Drug Task Force pass-through grant and Equal Opportunity Employer requirement was rectified. She said a data package for an IT manager was purchased, and the road supervisor was able to reduce a Century Link telephone bill by \$520.

There was discussion about written meeting minutes, audio recordings and official meeting documentation. Ouellette said she did not submit a full investigative report regarding an employee discipline issue in a public meeting as written minutes may have suggested.

Ouellette reviewed employment positions available with Park County.

@10:51:51 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

November 29, 2011

Planning Department Updates

@11:04:18 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 Jeri Stevens, planning; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss activities in the Planning Department.

Senior Planner Mike Inman said the Planning Department is holding its last interview for Cooke City Planning and Zoning Advisory Committee seats on November 29, and the department will have recommendations for the committee's meeting on December 8. Inman said the department plans to work on updating the Cooke City zoning regulations in the first quarter of 2012 with a completion goal of spring 2012 to include updated official maps. He said the maps are on display at the Cooke City community center for citizen review.

Inman said an interview committee is conducting interviews for three open Planning and Development Board seats on December 8. He said three sitting board members reapplied for the open seats, and one additional application was submitted. He said the interview committee would like to have a recommendation to the Commission by December 15.

Inman said the department will advertise again for Parks and Recreation Board seats, and the board currently has one active member and two applicants. He said two more applications are needed to conduct interviews.

Inman said he is finalizing a status report for Montana FWP mini grant goals and objectives. Inman provided an update of grant educational brochure information; GIS arc database, which will utilize an FWP CAPS program; funding for that upgrade and outreach and grant education efforts scheduled for this spring.

Inman said he is working with county legal counsel to update the county subdivision regulations to ensure compliance with 2011 legislature rulings. He said two potential subdivisions may come in for review in the near future.

Inman said the department has done little with code enforcement, but submitted letters addressing two subdivision fire fill site deficiencies. He said the violations must respond to the letters within a certain time limit, after which time they will go to the county attorney's office for possible action.

Inman said department annual reports need to be completed by December 31, and he will have to check with the Community Development Department director about the status of that report.

Inman said 76 percent of the department's annual budget has been expended to date. He said he is concerned about the number of expenditures that have been made from the budget. Inman said the department is in the process of putting together budget line item expenditures for Commission review.

Inman said the department continues to wait for an official letter from the Commission separating functions and duties of the newly formed Planning and Community Development Departments. Commissioner Durgan said the Commission may need to hold a meeting to ensure all parties are on the same page with updating the growth policy.

Inman said he recommends Park County use its existing growth policy guidelines, which outline the process by which the county is to update the document. Inman said he recommends someone evaluate all goals and objectives and the implementation timetable to present to the Commission as a status report of growth policy efforts. He said the Commission is responsible for determining all logistics of how the growth policy will be updated.

Inman said the Planning and Development Board may have a training in January with MACo legal counsel.

@11:33:55 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

November 29, 2011

Community Development Department Updates

@11:34:00 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; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss activities in the Community Development Department.

Philip Fletcher, community development, said he is working almost full time on the Montana DNRC contract, which outlines the Fleshman Creek restoration project scope of work. Fletcher said he is spending 80 to 90 percent of his time on the contract, and he does not think it will take long to complete, but he needs to work around a couple of days off next week. He said he will update the project's timeline at the start of next year. Fletcher said he thinks the county will be short on its promised in-kind contribution for the project.

Fletcher said he is monitoring the Gardiner Sidewalk Project, and a pre-construction meeting should be scheduled for that project any day.

Fletcher said the Northern Rocky Mountain Economic Development District will hold a strategic planning committee meeting on December 8 with a regular board meeting on December 16. Fletcher said the agenda was put together by Gallatin County and the board's membership is heavily weighted toward Gallatin County.

Fletcher said he works on other projects as time permits and serves primarily in an on-call, technical capacity with four or five ongoing projects in the Gardiner area. He said he is working on a public lands inventory and will contact a woman on a capital improvements program hopefully within the next week.

There was discussion about Fletcher's timesheet, as Commissioners Durgan and Taylor said they do not understand how Fletcher is filling out his time sheet. Fletcher said his computer automatically tracks work efforts for grant purposes, which does not always match his timesheet hours. Fletcher said he will meet the Commission's request to ensure timesheet hours match.

@12:03:38 p.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

November 29, 2011

Discussion of Roles with Park County Directors of Economic Development District

@1:04:54 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Mike Inman, planning; Barbara Woodbury, environmental health; Philip Fletcher, community development; Ed Meece, city of Livingston; Bill Berg, Peter Fox and Lewis Wilks, EDD board; Wes Venteicher, Livingston Enterprise; Kevin Funk, citizen; and John Mueller, minutes clerk.

The meeting was scheduled to discuss the roles of Park County directors within the Economic Development District (EDD).

Philip Fletcher, community development, said Park County had a concern with joining with Gallatin County in a regional EDD because of the vast size differences between Park and Gallatin Counties. Fletcher said there was initial staff discussion the EDD board would be comprised of seven members from Park County, nine members from Gallatin County and three at large seats. Fletcher said Park County learned that 20 members on the board are from Gallatin County, and all three at-large seats work in Gallatin County, at the first EDD meeting. Fletcher said Park County must make immediate changes if it wants to balance the board and considers the membership size a problem, and he suggests efforts are done diplomatically and quietly with staff-to-staff and commissioner-to-commissioner discussion.

Lewis Wilks, board member, said the size of the board was disconcerting, but he thinks much of it was done under the sense of being all-inclusive to represent a diversity of factions. Wilks said he is not overly concerned about the board makeup at this point. He said he thinks the ultimate gain from the EDD will result from being active and taking a strong leadership position, and he feels the right people are on the board. Wilks said the Park County representatives will do their best to direct the energy and positive efforts toward Park County.

Peter Fox, board member, said he does not see the membership numbers as an issue at this point. Fox said he thinks the members need to go in aware of issues and make a good contribution.

Bill Berg, board member, said he was surprised at how large the board became, and such numbers seem to give Park County a weaker hand, but suggestions are Park County can make up for the membership difference with strong effort.

Ed Meece, board member, said he thinks there is absolutely nothing to worry about with the board's membership composition. Meece said the people who show up at meetings with energy and make the greatest effort get the most accomplished.

Fletcher said he is not bothered by the 27 members and he said early on, on several occasions, that it is not the size of the board, but the representation, that matters.

Commissioner Malone said he expressed his concern about the size differences of the two counties in the first meeting with Gallatin County officials, so he is not afraid to remind Gallatin County of that concern.

Kevin Funk, citizen, said he does not think Park County will come out on the good end of the relationship in the joint EDD effort and asked how badly Park County's economic development future will be hurt in a failed effort. Funk asked how the public will be involved in EDD efforts.

@1:36:02 p.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

November 29, 2011

1:30 P.M. – Presentation of Natural Gas Fracking – Community Room

November 29, 2011

1:30 P.M. – Review of Minutes for Week of November 21, 2011 – Commission Chambers – Meeting rescheduled for December 2, 2011 @ 9:00 a.m.

November 29, 2011

Signing of Letter of Support and County Designated Environmental Preparer for HOME Program

@2:33:05 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Dana Burkett, HRDC; Phil Dawson, citizen; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to sign a letter of support and county designated environmental preparer for a Human Resources Development Council (HRDC) HOME program.

Dana Burkett, HRDC, said HOME program funds come from the Montana Department of Commerce and assist first-time homebuyers in Park, Gallatin and Meagher Counties on an income-eligibility basis. She said the program has paid out \$153,187 since 2006 to assist first-time homebuyers in Park County.

Commissioner Malone moved to sign the letter of support for a county designated environmental preparer for the HOME program in Park County. Commissioner Taylor seconded the motion. Motion passed.

@2:34:43 p.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

November 29, 2011

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

November 30, 2011

No Commission Meetings Scheduled

9:00 A.M. – Datamaxx Ominixx Force Mobile Solution Police Car Equipment Presentation – Community Room

9:30 A.M. – Western Montana Mental Health – Mental Health Center, Butte, MT – Commissioner Taylor attended

10:30 A.M. – Commissioner in Meeting @ Park County Environmental Council – Commissioner Durgan attended

12:00 P.M. – Interagency Bison Management Planning – Chico Hot Springs, MT – Commissioner Malone attended

Voided Checks

Claims #s: 73602; 73603; 73604; 73605; 73606; 73607; 73608
Payroll #s: 47421; 47480

December 1, 2011

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:57:42 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; Ed Hillman, road; Phil Dawson, citizen; Kevin Funk, citizen; and John Mueller, minutes clerk.

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

Correspondence for November 29 included:

- Memo document re. public information request
- Memo email re. courthouse kitchen painting project
- Memo email re. Crazy Mountain Ranch Rock Creek Road engineering quote
- Memo email re. November 31 PCEC meeting
- Memo email re. YNP fire management plan
- Memo email re. Convict Grade Road condition
- Memo email re. ComCast of Montana certificate of liability insurance
- Memo email re. HRDC HOME grant

Correspondence for November 30 included:

- Memo email re. EDD board member out of office schedule
- Memo email re. planning department employee out of office schedule
- Memo document re. Angel Line advisory board application
- Memo document re. SWB application
- Memo document re. employee travel authorization form

There was discussion about extending the application period and re-advertising for Solid Waste Board open board seats and establishing a protocol to notify board members of expiring terms and application deadlines.

Phil Dawson, locksmith, provided the Commission with an updated quote to install new locks on courthouse doors.

@9:30:11 a.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

December 1, 2011

Opening of Bids for a Used Wheel Loader

@9:36:56 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Ed Hillman, road; Dennis Morelock, Tractor and Equipment; Kevin Funk, citizen; and John Mueller, minutes clerk.

The meeting was scheduled to open bids for a used wheel loader.

Commissioner Taylor opened one sealed bid for a used Model IT38G Caterpillar wheel loader from Tractor and Equipment Company for \$68,700. The wheel loader has less than 11,500 hours. The bid stated T&E cannot accept a county trade-in loader because it is burning antifreeze possibly due to either a cracked head or block, but T&E will attempt to sell the used loader on consignment.

The Commission said it will submit the bid to the civil deputy county attorney for her review.

@9:43:55 a.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

December 1, 2011

Signing of Grant Award from Forest Service for Willow Creek and Main Boulder Roads

@10:35:23 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Barbara Woodbury, environmental health; Ed Lamb, Willow Creek Road Ranch; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to sign a grant award from the Forest Service for Willow Creek and Main Boulder Road improvement projects.

Commissioner Taylor said the funding for the Willow Creek Road project in an amount of \$50,000 comes from the Secure Rural Schools and Community Self Preservation programs. Taylor said the Willow Creek Road project funding is in the amount of \$348,667. He said both award documents were reviewed and approved to form by the county civil deputy county attorney.

Commissioner Durgan moved to sign the grants based on the recommendation by legal counsel. Commissioner Taylor seconded the motion. Motion passed.

@10:39:17 a.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

December 1, 2011

Consideration of Waiving Penalty and Interest on a Citizen's Property Taxes

@11:32:01 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present was John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider waiving penalty and interest on a citizen's property taxes.

Commissioner Durgan said Treasurer Larkin stated the taxpayer in question has incurred penalties and interest in the amount of \$693.26 with a remaining balance of \$2,348.81.

Commissioner Durgan moved to waive the penalty and interest and send the citizen in question a notice that she must pay the balance of the property taxes within 90 days to qualify for the waiver of penalty and interest. Commissioner Taylor seconded the motion. Motion passed.

@11:38:41 a.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

December 1, 2011

2:30 P.M. – Personnel Meeting – Commission Chambers – Canceled

December 1, 2011

1:30 P.M. – Tour of Livingston Food Pantry of Park County with MSU Extension – Livingston Food Pantry – Commissioners Durgan, Malone and Taylor attended

December 2, 2011

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:35:21 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 John Mueller, minutes clerk. No public comment made.

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

Correspondence included:

- Memo email re. Main Boulder Road corridor study open house
- Memo email re. MDT corridor study suggested changes
- Memo email re. IT office hours
- Memo email re. MDT intersection project
- Memo email re. Forest Service Christmas tree permits
- Memo email re. December 8 and 16 NRM EDD meetings
- Memo email re. teamsters public information request
- Memo email re. Cooke City sewer district registered voters
- Memo email re. citizen refuse assessment requests

Commissioner Malone reported on a December Interagency Bison Management Plan meeting. Malone said traffic counters were placed on roads in the southern part of the county.

@9:05:39 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

December 2, 2011

Review of Minutes for Week of November 21, 2011

@9:25:17 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Kevin Funk, citizen; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to review Commission meeting minutes for the Week of November 21, 2011.

Commissioner Malone moved to accept the minutes as written. Commissioner Taylor seconded the motion. Motion passed.

@9:25:37 a.m., Taylor moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

December 2, 2011

Consider Decision on Boat Purchase for Search and Rescue

@9:37:17 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Allan Lutes, Scott Hamilton, Gregg Todd and Wendy Wood, PCSO; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider a decision on a boat purchase for Search and Rescue.

Gregg Todd, PCSO, said the county's Search and Rescue (SAR) needs to improve its water response capabilities. He said the county has two jet boats, one is aging and requiring costly maintenance but neither boat can run in very low water. Todd said SAR is requesting acquisition of a new Thunder Jet Denali model boat to enable year-round response of emergencies in all weather conditions.

Todd said the boat retails for \$57,000, but the manufacturer is offering a discounted price of \$42,500 because it wants to place boats in the northwestern part of the U.S. Sheriff Lutes said an aging boat will be put up for Sheriff's auction next year in attempt to recoup some money. Lutes said the PCSO is looking to have the new boat for 20 to 25 years, and it would be an equipment upgrade with an inboard V-8 engine with trim tabs and ability to transfer a full-sized ATV if a water/land rescue arises.

Wendy Wood said SAR has \$25,000 in a capital improvement fund, and the remaining \$20,000 would come from SAR's \$65,000-reserve budget.

Commissioner Malone moved to allow SAR to purchase the Denali boat and equip it with necessary lights and emergency equipment. Commissioner Durgan seconded the motion. Motion passed.

@10:01:57 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

December 2, 2011
Solid Waste Work Session

@10:00 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Allen Carter, Robert Currie and Dick Juhnke, SWB; Wes Venteicher, Livingston Enterprise; John Kaiser, citizen; and John Mueller, minutes clerk.

The meeting was scheduled as a Solid Waste Board subcommittee work session.

Commissioner Malone said the Federal Aviation Administration submitted negative comments about the height and location of a proposed compactor site in Gardiner due to an Airport Affected Area.

Malone said the Commission will make presentations across Park County to inform citizens of the county's current solid waste operations and associated costs, and it will present costs and findings from the Bell and Associates solid waste alternatives report. Malone said the Commission will distribute a citizen survey, as well. Presentation dates will be January 10 in Wilsall, January 12 in Clyde Park, January 17 in Emigrant, January 19 in Gardiner, January 24 in Livingston and January 26 in Springdale.

@11:42 a.m., the meeting adjourned.

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

Denise Nelson
Clerk & Recorder
Park County, Montana