

Park County Commission Meeting Minutes  
Week of October 17 – 21, 2011  
Park County, Montana

October 17, 2011

Review Daily Agenda/Correspondence and Current County Projects

@8:32:53 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; 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. municipal election canvassing
- Memo document re. department head meeting agenda
- Memo document re. Ag appreciation weekend invite
- Memo document re. Parks Board Resolution #1040
- Memo document re. FEMA map change
- Memo email re. Solid Waste Board minute taking

Barbara Woodbury, environmental health, provided the Commission with her timesheet for review and inquired about logistics of gathering public comment for the Bell and Associates solid waste study rewrite and the Fleshman Creek Restoration Project.

@9:05:13 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

October 17, 2011

Opening of Fleshman Creek Mitigation Project Request for Qualification Statements

@9:32:19 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; Mark Westenskow, CTA Engineering; Dennis Morelock, Tractor Supply; Lani Hartung, finance; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to open Fleshman Creek Mitigation Project Request for Qualification statements.

Commissioner Taylor opened sealed statements from DOWL HKM , Stahley Engineering and CTA Engineering.

Civil Deputy County Attorney Shannan Piccolo said she suggests the Commission consider forming an independent committee to review statements and provide a recommendation to the Commission. Piccolo said she will draft an evaluation score card for committee members based on requirements listed within the RFQ.

@9:42:38 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

#### October 17, 2011

1:00 P.M. – Property Tax Appeal Board Hearings – Community Room

2:30 P.M. – Local Advisory Committee – East Room

#### October 18, 2011

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

@8:35:30 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; Barbara Woodbury, environmental health; 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. Crazy Mountain Ranch Hammond Creek Road work
- Memo email re. November 16 Gardiner Community Council meeting
- Memo email re. Nov 14 annual external audit
- Memo document re. July 27 conference audio public information request
- Memo document re. Secure Rural Schools funding public information request
- Memo document re. Great West Engineering Main Boulder Road improvements consultant agreement
- Memo email re. city of Livingston railroad underpass grant funding
- Memo document re. solid waste study PCCC attorney inquiries
- Memo email re. community development director out of office schedule
- Memo email re. transfer of public records change of boundary

Barbara Woodbury, environmental health, presented the Commission with Cooke City petition signatures to vote on election for a proposed sewer district. Woodbury said there will be a possible \$800 charge to hold the election.

@8:58:34 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 18, 2011

County Road/Engineering Services Updates

@9:00:58 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; Ed Hillman, road; Mark Westenskow, CTA; Kevin Bales, Crazy Mountain Ranch; and John Mueller, minutes clerk. No public comment made.

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

Road Supervisor Ed Hillman said a county road crewman will grade Hammond Creek Road on October 19. He said the county has a water truck onsite.

Kevin Bales of Crazy Mountain Ranch inquired about an engineering oversight contract for Rock Creek Road. Civil Deputy County Attorney Shannan Piccolo said the estimate has not been broken out as requested to-date. Mark Westenskow of CTA Engineering was provided with email correspondence of Crazy Mountain Ranch's requested cost breakdown.

Westenskow briefed Hillman on water rights issues and potential issues with installing a bridge on Coal Camp Road. Commissioner Durgan asked Westenskow to determine the size of the watershed draining into a Peterson Creek culvert. Piccolo said the county needs to submit a permit for the culvert as it is under a county road.

Commissioner Malone said Titan Machinery submitted a letter stating it will overhaul a damaged road grader for \$85,000.

Commissioner Durgan moved to sign a letter from Jack Knorr. Commissioner Malone seconded the motion. Motion passed.

@9:30:55 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

October 18, 2011

Department Head Meeting

@9:33:17 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Present were Commissioners Durgan, Malone and Taylor; Mary Anne Keyes, Extension; Barbara Woodbury, environmental health; Lani Hartung, finance; Ed Hillman, road; Jill Ouellette, HR; Brett Linneweber, county attorney; Clay Williams, weed; Paul Shea, museum; Ed Barich, superintendent of schools; Richard Wright, refuse; Kevin

Larkin, treasurer; Martha Miller, auditor; Philip Fletcher, community development; and John Mueller, minutes clerk.

Commissioner Taylor opened the floor to public comment. None made.

Employee of the Quarter: Human Resources Analyst Jill Ouellette said Kelly Johnson, maintenance, was nominated as employee of the quarter by Clerk and Recorder Nelson and her staff.

Job Descriptions and Evaluation Process: Ouellette reviewed the county's policy and procedure when conducting employee performance evaluations and the importance of maintaining updated job descriptions. She stressed that all department heads and elected officials need to use the approved county forms and procedures.

Newly Adopted Pay Scales: Ouellette provided pay scales recently adopted by the Commission. She said the scales exclude union employees. County Attorney Linneweber suggested department heads contact Ouellette if they have employees falling outside of their respective pay grades.

Ride-Along Release of Liability Form: Ouellette provided the county ride-along liability form for riding in county vehicles, which was reviewed by the County Attorney's Office. Ouellette asked department heads to see her with questions.

Building Security Concerns: Taylor said the Commission received complaints of the building left open on Sunday, October 16, with exterior doors and interior office doors unlocked and opened. Taylor said the cleaning crew was approached about the issue on October 18. He asked for suggestions on locking the courthouse building at day's end.

Roundtable Discussion of Activities: Department heads and elected officials reported on recent and ongoing activities and projects.

Other Business/Comment: None

@10:25:45 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

#### October 18, 2011 Human Resources Updates

@10:38:12 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; Martha Miller, auditor; and John Mueller, minutes clerk. No public comment made.

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

Human Resources Analyst Jill Ouellette provided the Commission with a travel authorization form to attend a MACo training in Billings and ride with Taylor-Leavitt personnel. She provided change of status forms for Angel Line employees. Ouellette scheduled the Commission with a personnel issue investigator.

Martha Miller, site manager, said the Angel Line Board has not heard from the Commission regarding payment of liability insurance.

@10:45:31 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 18, 2011

10:30 A.M. – IT Meeting – East Room

October 18, 2011

Discussion of Main Boulder with US Forest Service and Sweet Grass County

@11:11:37 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Charlie Boucher, Lauren Oswald and Sharon Sawyer, USFS; Rick Reed and Bill Wallace, Sweet Grass County Commission; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss Resource Advisory Council (RAC) funding for county road improvement projects with US Forest Service (USFS) personnel.

Sharon Sawyer, USFS, said the Boulder Road Project grant duration will extend through December 31, 2013. Sawyer said she will submit the counties' award letters after adjusting funding as agreed upon. She said she will grant the funds for the Willow Creek Road project under a separate award.

There was discussion about specifics of a Sweet Grass County noxious weeds grant and a grant for education, protection and Search and Rescue between Stillwater, Sweet Grass and Park Counties. There was discussion about grant contracting and procurement procedures and requirements. The Sweet Grass County Attorney will draft an agreement between Sweet Grass and Park Counties for shared road work projects.

There was discussion about s Western Federal Highways corridor program and funding.

@12:35:15 p.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 18, 2011

1:00 P.M. – Meals on Wheels – Livingston Senior Center – Commissioner Taylor attended

October 19, 2011

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:30 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 document re. county equipment trade-in protocol
- Memo email re. community development update meeting schedule
- Memo email re. US Census Bureau information request

Commissioner Taylor said a “Dead End” sign is needed on Miller Lane at Merrill Lane because a bridge was removed.

@8:42:30 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

October 19, 2011

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

October 19, 2011

Review of Minutes for the Week of October 10, 2011

@9:58:50 a.m., Commissioner Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Commissioner Durgan moved to recess the meeting until 11:00 a.m. Commissioner Malone seconded the motion. The meeting recessed. @11:26:01 a.m., the meeting reconvened. Commissioners Malone and Taylor were present.

The meeting was scheduled to review Commission minutes for the Week of October 10, 2011.

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

@11:26:54 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

October 19, 2011

Public Hearing on Rakela v. Park County and Eagles Bluff Minor Subdivision Settlement Agreement; Discussion/Decision on Signing Settlement Agreement

@10:01:06 a.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Shannan Piccolo, civil deputy county attorney; Mike Inman, planning; Tara DePuy, MACo; Wes Venteicher, Livingston Enterprise; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled as a public hearing for Rakela Eagles Bluff Minor Subdivision v. Park County settlement agreement and to consider a decision on signing the settlement agreement.

MACo Attorney Tara DePuy provided photographs of the Eagles Bluff Minor Subdivision fire fill site and a newly dug drainage ditch for Commission review. DePuy said the fire district has trained with the fire fill site and feels it is adequate for its emergency services needs. DePuy said the settlement proposal would settle all actions and issues regarding the subdivision to-date.

@10:08:31 a.m., Durgan opened the public hearing. No public comment made. Commissioner Malone moved to close the public hearing. Commissioner Taylor seconded the motion. The public hearing closed.

Commissioner Malone moved to sign the settlement agreement for Park County v. Rakela and the Eagles Bluff Minor Subdivision. Commissioner Durgan seconded the motion. Motion passed unanimously.

@10:11:29 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 19, 2011

1:00 P.M. – Yellowstone Gateway Museum Walk-Thru – Yellowstone Gateway Museum  
– Commissioners Malone and Taylor attended

2:30 P.M. – RC&D Meeting – Community Room – Commissioner Durgan attended

October 20, 2011

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:30:47 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 supervisor; Barbara Woodbury, environmental health; Lani Hartung, finance; Barney Hallin, surveyor; Chuck Goode, citizen; and John Mueller, minutes clerk. No public comment made.

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

Correspondence included:

- Memo emails re. Boulder Road construction project and public comment period
- Memo document re. Gardiner School Sidewalk project
- Memo document re. exempt employee timesheets
- Memo email re. juvenile detention meeting
- Memo document re. Dirt Roads to Downtown program
- Memo document re. CTA Engineering Rock Creek Road construction project
- Memo document re. Montana in the Sky magazine
- Memo document re. Indian Hills county road status
- Memo document re. NACO membership dues
- Memo email re. Livingston Enterprise Boulder Road pre-bid advertisement
- Memo email re. community development director request for EDD board

Barbara Woodbury, environmental health, said she submitted edits to a letter for a Merrill agriculture tract issues suggesting Woodbury provided bad information. Woodbury said County Attorney Linneweber subsequently sent her an email stating she told individuals they could take certain actions to avoid statutory requirements. Woodbury said she never did that and has never done such. She said she does not claim to know planning rules, brought concerns to Montana DEQ's attention, she will not have something false written about her and she will not sign the letter.

Commissioner Taylor said Woodbury has done her job above and beyond and he will have words with Linneweber about the issue. He said he sees no fault on Woodbury's part. He said he asked Woodbury to expedite Merrill the review without skirting any regulations or required steps. Taylor said he will also speak with the senior planner about where the planning process is with the property in question.

Barney Hallin, surveyor, said Woodbury did everything she was supposed to and said nothing different than what needed to be done.

Lani Hartung, finance, said she would like to reallocate stagnant money into three different funds.

Commissioner Malone moved to allow Hartung to go forward with reallocating landfill trust funds among three funds. Commissioner Taylor seconded the motion. Motion passed.

Commissioner Durgan said the IT manager would like to send a contract employee to an IT conference for about \$200 from the IT Department budget.

@9:35:48 a.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

October 20, 2011

Signing of Missouri River Drug Task Force Agreement

@9:47:59 a.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 sign a Missouri River Drug Task Force agreement.

Commissioner Durgan said the proposal is for \$24,827 and will run from July 1, 2011, through June 30, 2012. Commissioner Malone said the sheriff will need to give the Commission time to search for additional funds for the position in question since the grant award is less than in previous years.

Commissioner Malone moved to sign the agreement. Commissioner Durgan seconded the motion. Motion passed.

@9:49:24 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

October 20, 2011

Consider Decision to Waive Tax Penalty and Interest on a Park County Parcel

@11:03:40 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Kevin Larkin, treasurer; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider waiving property tax penalty and interest accruals for a county resident's parcel.

Treasurer Kevin Larkin said the individual in question asked for removal of penalty and interest from property taxes due to hardships in May and August 2006. Larkin said he recalls family medical issues in the past and he now knows of a new medical issue.

Commissioner Malone moved to forgive the penalty and interest if the balance of \$4,938.23 is paid in full no later than 60 days. Commissioner Durgan seconded the motion. Motion passed.

@11:14:09 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

October 20, 2011

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

4:00 P.M. – Library Board – Livingston Library

October 21, 2011

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:34:24 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. Gardiner waste transfer facility and airport board work plans
- Memo document re. IT personnel training expenses
- Memo document re. subdivision review exemption fees resolution
- Memo email re. October 20 EDD working lunch and community development director out of office schedule
- Memo email re. City/County Joint Airport Board minutes
- Memo email re. mobile computer email backup
- Memo email re. nationwide river management zone permit revocations
- Memo email re. Dispatch 911 meeting cancelation
- Memo email re. environmental health inspection report

Commissioner Taylor said the commissioners were unable to speak at the October 20 planning board meeting because a subdivision review ran past 5:30 p.m.

@8:52:47 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

October 21, 2011

Discussion of Wilsall Community Events Retirement Home Project

@10:01:11 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Dirk Adams, Wilsall community events; Rebecca Swandal, Swandal, Douglass and Gilbert, PC; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss a Wilsall community events retirement home project.

Dirk Adams, Wilsall community events, said Park County gave the community of Wilsall a parcel of land between the senior center and highway for a possible senior center project. He said the town has received funding support from many banks and foundations, but it would like the project to raise funds independently and would like a resolution to be rewritten for such an effort with support from the Commission.

Commissioner Malone said he thinks the county attorney and Rebecca Swandal should update a resolution to enable the authorized transfer of Park County owned lots in Wilsall for development for a senior housing project. Swandal and Adams said they agree with that effort.

@10:13:39 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

October 21, 2011

Litigation Strategy for Park County v. Montana Fish Wildlife & Parks and Department of Livestock

@11:03:34 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Brett Linneweber, county attorney; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss litigation strategy for Park County v. Montana Fish Wildlife and Parks and Department of Livestock.

Commissioner Malone moved to close the meeting to discuss litigation strategy. Commissioner Durgan seconded the motion. The meeting closed to the public.

@11:30 a.m., the meeting adjourned.

October 21, 2011

1:00 P.M. – Solid Waste Board Meeting – Commission Chambers – Meeting minutes available at [www.parkcounty.org](http://www.parkcounty.org) and in the Commission Office

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

Denise Nelson  
Clerk & Recorder  
Park County, Montana