

Park County Commission Meeting Minutes  
Week of January 16 – 20, 2012  
Park County, Montana

January 16, 2012

Martin Luther King Jr. Holiday – All Offices Closed

January 17, 2012

County Road/Engineering Updates

@8:11:27 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; Bill and Mary Beth Keil, Arch and Gwen Wagner, citizens; and John Mueller, minutes clerk. No public comment made.

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

Citizen Bill Keil asked the Commission about rocks that were moved that had been blocking a county right-of-way in the Whispering Pines Subdivision. Keil said his neighbor Duane Long has been driving through the right-of-way with a tandem axle dump truck, backhoe and Bobcat and he thinks the existing access is more suitable for such equipment, as 18-wheelers have gone through the existing roadway to build cabins in the subdivision and the topography lends only to use of the existing roadway.

Road Supervisor Ed Hillman said the Commission gave Long permission to move the rocks. Keil said Long has opened the right-of-way that traverses through his and two neighboring yards, and the right-of-way was closed by the county via Resolution #1020. He said boulders that were in the right-of-way have been removed by Long. Keil said his official stance is he and three other local landowners would support county abandonment of the right-of-way by getting documentation on paper in a legal manner.

Commissioner Malone said the Commission has to go by the resolution and his opinion is to send the road supervisor to talk to Long and then take other action. He said he was under the understanding Long had a legitimate need to drive through the easement. Commissioner Taylor said the county needs to talk to Long and then consult the county attorney and county historian.

In other discussion, Hillman said he was discouraged about information received from CTA Engineering regarding White Lane, as no locates were made with one locate right above a service water line. Hillman said as a result, the crew decided it would not work until new locates were made. Mark Westenskow, CTA, said he will look into the issue.

The Commission asked CTA to begin design work on a Miller Road replacement bridge.

@9:05:01 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

#### January 17, 2012

8:30 A.M. – Daily Correspondence/Agenda and Briefing on Current County Projects – Commission Chambers – Canceled

#### January 17, 2012

##### Department Head Meeting

@9:35 a.m., Chairman Taylor called a meeting to order in the West Room of the City-County Complex. Present were Commissioners Durgan, Malone and Taylor; Barbara Woodbury, environmental health; Lani Hartung, finance; Ed Hillman, road; Jill Ouellette, HR; Erica Hoffman, IT/GIS; Clay Williams, weed; Paul Shea, museum; June Little, clerk of court; Denise Nelson, clerk and recorder; Richard Wright, refuse; Ed Barich, superintendent of schools; Suzanne Brown, health department; Shannan Piccolo, civil deputy county attorney; Mary Anne Keyes, MSU Extension; Raea Morris, administrative assistant; and John Mueller, minutes clerk.

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

Employee of the Quarter 2012: Jill Ouellette, HR, said Randy Todd of the road department was nominated by his supervisor as employee of the quarter for his positive interaction with citizens and good work on maintaining roads.

Employee Wellness Clinic: Ouellette said an employee wellness screening will be held by MACo Healthcare Trust on January 24, 25 and 26, and employees can sign up for screening times online or using a 1-800 number.

Montana Safety Fest: Ouellette said the safety fest is a combined effort between MACo and the State Fund and will be held February 27 through March 2. Ouellette provided meeting attendees with a festival agenda and said the county would like to send as many employees as possible, as the county's worker's compensation premiums are affected in part by the county's efforts in its safety program. She said all classes are free and attendance should be coordinated with Belinda Van Nurden, DES.

Space Heaters: Commissioner Taylor asked employees to contact the Commission Office when office temperatures are not warm, as space heaters confound the heating unit sensors, which can negatively affect adjoining office temperatures.

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

Other Business/Comment: Mary Anne Keyes, MSU Extension, inquired about the county's efforts with grant writing and management. There was discussion about the relationship between county and MSU Extension efforts regarding grant efforts.

The next Department Head meeting is scheduled for February 21, 2012.

@10:16 a.m., the meeting adjourned.

January 17, 2012

Human Resources Updates

@10:41:30 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 a change of status form for a seasonal, Cooke City green box site position for signature and a road crewman exit interview for review.

Ouellette said there is an ongoing problem with the wrong departments interpreting benefit policy that conflicts with Montana Code Annotated. She said interpretation of policy (Benefit Administration) is an HR function and not in other county employees' job descriptions. She said the issue is causing Ouellette to have to rectify resulting problems, which she does not have time for with the present HR department workload. Ouellette requested that each commissioner come to her office individually for a more detailed explanation. In other discussion, Ouellette stated the DES Department sent out an email blast about the Wellness clinic to all county employees, and such makes it appear county employees do not understand what the HR Department is for or in charge of. She requested that the commission speak directly with that department head.

@10:54:49 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

January 17, 2012

Awarding of Used Wheel Loader Bids

@11:35:22 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; Ed Hillman and Dan Hackman, road (via telephone); Dennis Morelock, T&E; James Miller, RDO; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to award a used wheel loader bid.

Civil Deputy County Attorney Shannan Piccolo said both bids were responsive.

Ed Hillman, road department, said both loaders have too many hours, the trade-in value of the county's used loader is more than the offer in the two bids, and he recommends the county does not buy either loader. Commissioner Malone asked Dan Hackman, mechanic, to travel to Bozeman and look at the loader offered by Tractor and Equipment.

Commissioner Malone moved to recess a decision on the issue until 8:00 a.m. on January 24, 2012. Commissioner Taylor seconded the motion. Motion passed.

@11:55:30 a.m., the meeting adjourned.

#### January 17, 2012

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

2:00 P.M. – Cooperative Weed Management – USDA Office, Livingston

6:30 P.M. – Fair Board – Fairgrounds Office, Livingston – Commissioner Durgan attended

7:00 P.M. – Public Presentation on Solid Waste Disposal Alternatives for Park County – Emigrant Hall, Emigrant

#### January 18, 2012

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

@8:32:47 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; and John Mueller, minutes clerk. No public comment made.

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

Correspondence for January 13 included:

- Memo email re. coffee machine maintenance
- Memo email re. World Heritage Report
- Memo email re. Jan 20 Yellowstone View Condominiums meeting
- Memo email re. natural gas permitting
- Memo email re. City/County meeting schedule
- Memo email re. Montana Housing Conference
- Memo email re. April, August, October Serve Safe classes
- Memo email re. Cooke City resort tax claims
- Memo email re. Library Board agenda
- Memo email re. RC&D Board agenda

- Memo email re. Forest Reserves payments
- Memo email re. Busby Lane plowing request
- Memo email re. SWB agenda
- Memo document re. road and bridge department consultant evaluation report
- Memo email re. January 19 Dispatch 911 meeting cancelation
- Memo document re. absentee bid form
- Memo document re. public information request

Commissioner Durgan reported on a January 17 Fair Board meeting.

Road Supervisor Ed Hillman said the Gardiner road shop is costing the county \$600 per month to heat. He said an option is to shut off the heat and leave equipment plugged in. The Commission said it will ask Rick's Refrigeration to make sure the heater units are working okay.

Hillman said he will have a road crewman do snow plowing work on the Arrowhead School road.

The Commission said it will increase Hillman's minimum purchase order amount to \$2,000.

@9:28:09 a.m., the meeting adjourned.

January 18, 2012

Review of Minutes for Week of January 9, 2012

@10:26:11 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 review Commission meeting minutes for the Week of January 9, 2012.

Commissioner Taylor requested a revision to Page 10 of 12; last paragraph, noting a misspelled word.

Commissioner Durgan moved to approve the minutes for the Week of January 9 with correction. Commissioner Taylor seconded the motion. Motion passed.

@10:28:17 a.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

January 18, 2012

Appointing of Angel Line Board Applicants

@11:01:35 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to appoint recommended Angel Line Board applicants.

Commissioner Malone said the Angel Line Board recommended Lisa Adams as a new board member and reappointment of previous members Lee Parriott and Kevin Funk.

Commissioner Malone moved to appoint Kevin Funk, Lee Parriott and Lisa Adams to the Angel Line Board. Commissioner Taylor seconded the motion. Motion passed.

@11:02:26 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

January 18, 2012

Discussion/Decision with Amazing Taxi Service on Public Transportation in Livingston

@11:32:56 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; David Kack, HRDC/MSU; Carrie Pintar and Wolfgang Kirchdorfer, Amazing Taxi; Wes Venteicher, Livingston Enterprise; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider a decision on public transportation.

Carrie Pintar, Amazing Taxi, said the deadline is approaching to submit an application for Federal Department of Transportation funds regarding public transportation, and she is asking the Commission if the county is willing to serve as the lead agency to receive and distribute those funds. She said Park County would be able to purchase vehicles for the Angel Line service for 14 cents on the dollar with the funds if Park County is declared the lead transportation agency by the federal government. She said the commitment would be only one year for all parties.

David Kack, Human Resources Development Council/Montana State University, said the county would be responsible for submitting quarterly expense and ridership reports for the Angel Line Service, which it already does. He said the arrangement would make the county the umbrella agency with operation of the Angel Line Service and contracting with Amazing Taxi to provide the public service. He said that would require submittal of taxi ridership numbers and the county acting as the bank, as the county is reimbursed for the public service expenditures with the MDT funds. He said the Angel Line funds would stay with the Angel Line service, and the other funding would be useable in other ways. He said the deadline to submit the application for lead agency funds is March 1.

Commissioner Malone said he thinks the county is overstepping its boundaries in getting into something like this without a citizen vote. He asked why a nonprofit entity does not serve as the lead agency. Philip Fletcher, community development, said it is easier to get federal grant funds with the county serving as a lead agency.

Commissioner Durgan said the county attorney's office has given legal advice in the past that the Commission cannot use levied money to support the requested effort. He said he would like to present a formal, written contract to the county attorney's office to determine whether the county can serve as the lead agency.

Commissioner Taylor said he would like Fletcher to look into the effort and grant situation and asked why the city of Livingston was not asked to serve as the lead agency because the proposal sounds like city business to him. Fletcher said his department work program includes completion of a county-wide, public transportation plan. He said the county will have a good strategic document dealing with transportation issue and funding issues for transportation in Park County this year, which will include input via public meetings.

Pintar said she is about to raise her fare to ride in her taxi to \$6, but if the MDT funds are obtained, she may be able to charge \$2 and subsidize the other \$4. She said she will put together some numbers for county attorney review.

@12:20:06 p.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

January 18, 2012

Discussion with New RC&D Director

@1:10:16 p.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Tracy Mosley, MSU Extension; John Shafer, NRM RC&D; Philip Fletcher, community development; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to hold a discussion with the new Northern Rocky Mountain Resource Conservation and Development (RC&D) director.

Jon Shafer, RC&D director, provided a report of projects he is pursuing in his new role and asked for input on projects the Commission feels needs attention.

There was discussion about a proposed National Park Service Arch entry restoration project in Gardiner, and there was recommendation leadership training may be of assistance to active factions in Gardiner.

Philip Fletcher, community development, said he has grants for a capital improvements planning and an economic development plan, both of which have a fair amount of money

for contracting and consulting services that has not been committed. He said perhaps sub-agreements can be made to bring in additional money.

@2:08:18 p.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

January 18, 2012

2:30 P.M. – RC&D Board Meeting – Community Room – Canceled due to lack of quorum

January 19, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:39:19 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. Washington School Master's Gardiner conference
- Memo email re. man camp zoning issue
- Memo document re. Gardiner dance club comment
- Memo document re. \$1,170 Public Works Assessment invoice
- Memo email re. February 8 Grants Review Committee meeting
- Memo email re. South Fork LLC refuse assessments
- Memo email re. Main Boulder Road improvement project
- Memo document re. floodplain permit #1511

Commissioner Taylor said residents in Wilsall would like a culvert replaced.

@8:51:42 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

January 19, 2012

Discussion/Decision of Reimbursement on Citizen Taxes for Recovery of Discrepancy Error on Square Footage

@9:34:29 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 consider a reimbursement on citizen taxes for recovery of square footage discrepancy.

Audrey Dodge, Department of Revenue (DOR), said the square footage on the lot in question has been inaccurately measured since 1993, but the DOR considers recognizing the discrepancy is partly the responsibility of the taxpayer. She said DOR policy is to refund back only five years. She said the issue was not brought to the DOR's attention for 15 years and the DOR feels the issue needs to move forward.

Commissioner Malone moved to refund Lenneman's tax bill back two years for a total of \$104.00. Commissioner Durgan seconded the motion. Motion passed.

@9:47:58 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

#### January 19, 2012

10:30 A.M. – Northern Rocky Mountain Economic Development District Sub-Committee Meeting – Community Room

1:30 P.M. – Planning Board Meeting – Community Room – Meeting minutes available at [www.parkcounty.org](http://www.parkcounty.org) and in the Planning Department

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

7:00 P.M. – Public Presentation on Solid Waste Disposal Alternatives for Park County – Gardiner Community Center, Gardiner

#### January 20, 2012

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

@8:39:28 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. public information request
- Memo email re. septic tank sizing data
- Memo document re. state Medicare match

Commissioner Malone reported on a January 19 solid waste alternatives presentation in Gardiner. He said a federal agent will be in Gardiner today to look at wildlife issues at the Gardiner Airport regarding a possible airport compactor site.

Commissioner Durgan reported on a Northern Rocky Mountain EDD subcommittee meeting regarding a proposed Arch Park/Yellowstone National Park entrance project.

@8:51:07 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

January 20, 2012

Appointing of Solid Waste Board Applicants

@9:34:45 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; Courtney Lawellin, PCCC attorney; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to appoint Solid Waste Board applicants.

Commissioner Taylor said there are three vacant seats on the Solid Waste Board with one vacancy to be filled by an individual living in Clyde Park. He said applications were submitted by John Kaiser and Robert Currie for the two non-Clyde Park seats.

Commissioner Malone moved to appoint Mr. Currie and Mr. Kaiser to the refuse board. Commissioner Durgan seconded the motion. Motion passed.

@9:35:59 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

January 20, 2012

Consider Granting Extension of Yellowstone View Condominiums Final Plat

@10:04:45 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, planning; Shannan Piccolo, civil deputy county attorney; William Smith, engineer; Bob Jovick, attorney; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider granting a final plat extension to the Yellowstone View Condominiums Final Plat.

Mike Inman, subdivision administrator, said the Yellowstone View Condominiums final plat was reviewed and approved by Park County on January 20, 2010, under the 2010 county subdivision regulations, which allowed for a one-year extension after the two-year preliminary plat approval period. Inman said legislative changes have since extended

final plat approval periods to three years and provide for extensions not defined by a one-year deadline but by agreed-upon end dates. He said the statute does not permit additional extension requests if an extension request is made prior to the three-year preliminary deadline. Inman said the development's representatives are requesting a one-year extension in accordance with the 2010 regulations, but the new statute is retroactive. He said his department does not have issue with granting the extension and agrees with the representatives the development has made good progress toward completion.

William Smith, project engineer, provided an update of the development's progress.

Bob Jovick, attorney, said an 18-month extension at this time makes sense if the Commission is amenable to that, and that defined extension period is the representatives' preference.

Commissioner Durgan moved to allow an additional 18-month extension. Commissioner Malone seconded the motion. Motion passed.

@10:13:11 a.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

January 20, 2012

1:00 P.M. – Solid Waste Board Meeting – Commission Chambers

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

Denise Nelson  
Clerk & Recorder  
Park County, Montana