

Park County Commission Meeting Minutes
Week of July 2 – 6, 2012
Park County, Montana

July 2, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:31:55 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Raea Morris, administrative assistant; Ed Hillman, road; Kelly Johnson, maintenance; and John Mueller, minutes clerk.

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

Correspondence included:

- Memo email re. Stage 1 fire restrictions tweets
- Memo email re. Beaverhead and Madison Counties fire restrictions
- Memo emails re. fireworks ban citizen comment
- Memo email re. July 9 Angel Line meeting
- Memo email re. MDT electronic road sign policy
- Memo email re. Highway 89 South accident road closure
- Memo email re. paper towel storage
- Memo document re. RYO youth detention rates
- Memo email re. DES road closure announcement
- Memo email re. July 10 Board of Health meeting
- Memo email re Gallatin County fireworks ban schedule
- Memo email re. Transportation Bill passage

Commissioner Malone reported on a June 29 visit to Cooke City.

A citizen who owns a fireworks stand in Gardiner telephoned and said he has \$10,000 in fireworks inventory and asked if the Park County Commission can follow Gallatin County's ban lifting on July 4 or permit a controlled area possibly in Arch Park with a fire engine on site. Malone told the citizen to talk to Gardiner Fire Chief Bob Copeland.

Road Supervisor Ed Hillman said the county road crew will start to repair Cokedale Road that morning starting with redoing the ditch along the road. He said bad spots will be repaired and an overlay put on the road after that. Hillman said the road crew finished applying gravel to Jardine Road, and another overlay of gravel will be applied. Hillman said he will have a crewman grade Peterson Creek Road and crewmen are grading on Horse Creek Road, Trail Creek Road and Cokedale Road.

A citizen who works at a fireworks stand in Gardiner telephoned and asked about relieving the fireworks ban on July 4.

@9:06:31 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

July 2, 2012

Signing of Proposal for Roof Repair in Dispatch

@9:06:53 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; Kelly Johnson, maintenance; Jake Magalsky, ACE Roofing; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to sign a proposal for roof repair in Dispatch 911.

Kelly Johnson, maintenance, said ACE Roofing discovered more issues on the roof on June 29 when researching requested work to repair a leak into Dispatch 911. Jake Magalsky, ACE Roofing, said his firm has found the source of the leak as seam failure in possibly 200 areas on the roof. Magalsky said he is asking the Commission to accept a proposal for a roof replacement before a final decision is made to patch the roof. He said ACE would refund repairs it had made on the roof over the years.

Magalsky said a “Band-aid” quick fix to repair the leak in Dispatch 911 could be done by day’s end for less than \$1,000. Commissioner Taylor told Magalsky to patch the leak, and the Commission will then review a roof replacement proposal from ACE.

Commissioner Malone moved to sign the contract with ACE Roofing. Commissioner Taylor seconded the motion. Motion passed.

@9:14:04 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

July 2, 2012

Review of Minutes for Week of June 25, 2012

@9:52:07 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 review Commission meeting minutes for the Week of June 25, 2012.

Commissioner Malone requested a revision to Page 12 of 15, noting the correct spelling of Gene Brue.

Commissioner Taylor requested a revision to Page 12 of 15, the last sentence should read, "Larkin said the cost of a sheriff's sale is not an option due to cost and low value of the mobiles."

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

@9:55:49 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

July 2, 2012

Signing of CDBG Contract Extension

@10:09:59 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 sign a Community Development Block Grant (CDBG) contract extension.

The Commission reviewed the original contract.

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

@10:11:01 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

July 2, 2012

12:00 P.M. – Courthouse Cannon Ceremony – City/County Courthouse Lawn

July 3, 2012

Road Updates/Engineering Services Updates

@8:29:38 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Ed Hillman, road; Raea Morris, administrative assistant; Lani Hartung, finance; Mark Westenskow, CTA Engineering, and John Mueller, minutes clerk. No public comment made.

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

Mark Westenskow, CTA Engineering, provided a report of CTA's engineering services for Park County. Commissioner Malone said he thinks the county should go forward with a redesigned Chico green box site with z walls and roll off boxes.

Road Supervisor Ed Hillman said the road crew will request locates on Cokedale Road before it works on repairing ditches. He said county road graders will be grading on the lower end of Convict Grade, North Fork of Horse Creek, Old Yellowstone Trail and either Willow Creek or Fleshman Creek Road.

@8:41:37 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

July 3, 2012

Discussion/Status of Fleshman Creek Project

@8:43:10 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Ed Hillman, road; Raea Morris, administrative assistant; Lani Hartung, finance; Mark Westenskow, CTA Engineering, and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss the status of the Fleshman Creek Restoration Project.

Mark Westenskow, CTA Engineering, said CTA met last week with Commissioner Taylor and Lani Hartung, finance, to discuss the status of the conceptual design of the stream channel and corridor. He said CTA will meet with the Montana Department of Transportation on July 11 to discuss Main and H Street crossings, and a public informational meeting will be held on July 19.

Lani Hartung, finance, said the project's price tag currently is larger than the grant funds the county has for the project. Westenskow said CTA is starting with a large design for the project and then can scale it down to meet grant dollars available.

@8:53:24 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

July 3, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@9:09:59 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; 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. citizen mining claim plans
- Memo email re. July 9 Angel Line meeting
- Memo email re. MACo disbursement program
- Memo email re. July 11 Parks and Recreation Board member appointment
- Memo document re. CTA Engineering TSEP comments
- Memo email re. Tom Roe and Sons certificate of liability insurance
- Memo email re. juvenile detention costs
- Memo email re. Lewis and Clark County BLM land use restrictions

The Commission scheduled meetings to discuss economic development department updates, appointment of a Parks Board member and a citizen meeting request to discuss mining claims.

@9:19:30 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

July 3, 2012

Human Resources Updates

@9:32:47 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Jill Ouellette, HR; Dick Juhnke, citizen; and John Mueller, minutes clerk. No public comment made.

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

Jill Ouellette, HR, said she continues talks with the elected official whose longevity pay was not correctly figured by the county and is working on getting information from the County Attorney on a request from the Public Administrator for short-term staffing.

Ouellette said a Gardiner resident telephoned about a personal vehicle allegedly damaged by gravel blowing from a county road department truck that cracked a windshield. Ouellette said she informed the citizen to submit a repair quote.

Ouellette said she will talk with other counties about how they handle employment of interim managers. She said she is working on Department of Transportation driver files by reviewing updated motor vehicle records and DOT certificates.

Taylor said the Commission would like to move a landfill employee to operating a roller for the road department while all county refuse in July is taken to the city of Livingston.

Ouellette presented the Commission with employee Cost of Living Adjustment change of status forms for review and signature.

Ouellette provided the monthly report of employee benefit leave balances.

@9:53:10 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

July 3, 2012

Fiscal Year 2013 Budget Workshop

@10:02:47 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Lani Hartung, finance; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled as a Fiscal Year 2013 budget workshop.

The Commission reduced the ambulance mills to 2.00 and provided line item estimates for the landfill budget. The Commission reduced the annual refuse assessment from \$185 to \$155.

Lani Hartung, finance, said she will close out the pop machine fund and put it under the commissioner's budget in the general fund.

@11:15:25 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

July 3, 2012

Discussion/Decision and Public Comment on Emergency Ordinance Prohibiting Open Burning and Implementing Stage 1 Fire Restrictions

@11:33:39 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan (via telephone), Malone and Taylor were present. Also present were Allen Lutes and Tom Totland, PCSO; Greg Coleman, county fire; Dann Babcox, PCRFD#1; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to accept public comment on an emergency ordinance prohibiting open burning and implementing Stage 1 fire restrictions.

Dann Babcox, PCRFD#1, said conditions will worsen today for wildfire and a red flag warning will be in effect. Greg Coleman, county fire, said most southwestern Montana counties are already under either Stage 1 or Stage 2 fire restrictions.

Citizen William Smith said he thinks setting the Stage 1 fire restrictions is a sensible thing to do.

Lieutenant Tom Totland, PCSO, provided statistics from June 14 to July 3 for 2011, which were 41 fireworks calls and two resulting fires. For the same period in 2012, there

have been 24 calls for fireworks countywide and 15 wild land fires with one fire started by a smoke bomb firework. Totland said a large fire in Madison County was started by fireworks.

Totland and Babcox said they would like the Commission to consider moving toward Stage 2 fire restrictions. Totland said a fire in Cooke City is four to five miles from the town, but only one mile from a subdivision near a mine reclamation area. He said the fire is between 215 and 220 acres.

County Attorney Brett Linneweber said the emergency ordinance can last only 90 days, but can be rescinded before that time. He said another ordinance after 90 days is possible, as well. Linneweber said no decision is necessary at the current meeting, as the Stage 1 restrictions were enacted by the Commission as an emergency measure the previous week.

@11:42:48 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

July 3, 2012

Discussion/Decision and Public Comment on Emergency Ordinance Prohibiting Fireworks

@12:02:37 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan (via telephone), Malone and Taylor were present. Also present were Brett Linneweber, county attorney; Allen Lutes and Tom Totland, PCSO; Greg Coleman, county fire; Raea Morris, administrative assistant; Dann Babcox, PCRFD#1; William Smith, Mike Adkins, Dave Carter and Chuck Donovan, citizens; and John Mueller, minutes clerk.

The meeting was scheduled to accept public comment on emergency ordinance prohibiting fireworks.

County Attorney Brett Linneweber said the meeting is to take public comment on the already-enacted emergency ordinance to ban fireworks that will remain in effect for up to 90 days. Linneweber said rescinding the ban for a day's time would require the Commission to reenact another ban.

Lieutenant Tom Totland, PCSO, said a red flag warning was currently in effect with a 40-percent chance of a lightning strike that afternoon. Totland provided statistics from June 14 to July 3 for 2011, which were 41 fireworks calls and two resulting fires. For the same period in 2012, there have been 24 calls for fireworks countywide and 15 wild land fires with one fire started by a smoke bomb firework. He said a small fire was started in a yard by a firework in Gardiner the previous night.

Sheriff Allan Lutes said he supports the ban remaining intact, as county emergency responders are in a hazardous situation with the current weather conditions.

Dann Babcox, PCRFD#1, said volunteer fire departments are understaffed at the present time with 75 to 80 percent of US Forest Service forces already fighting fires elsewhere, which is usually not the case at this time of year. Babcox said he agrees with Sheriff Lutes that the current year is not the year to permit lighting off of fireworks.

Commissioner Durgan said citizens called from the Northern Lights Subdivision with concerns about adjacent tall grasses catching afire and support a continued ban on lighting off of fireworks.

Citizen Dave Carter said he sells fireworks in Gardiner and perceives enough citizens have enough common sense to not light off fireworks in the current weather conditions and continuing the ban is turning him into a lawbreaker and his neighbors into police officers. Carter said Totland's statistics will be inflated next year due to the current year's ban, and resultant ill effects of such will damage fireworks sellers' businesses for years to come. Carter said people left to their own devices will take precautions and respond to a fire they start, which will not be the case as people will go to areas other than usual places to light off fireworks because of the ban. He said he is not against the ban, but has concerns about the damage to his industry in subsequent years.

Lutes said the ban is not based off of statistics, and statistics are kept for informational purposes only to log how much time and resources the department spends on a fire, homicide or any other call eliciting response. Lutes said he does not share the same faith in people being responsible in his 40 years of police work, and the fireworks ban is to assure the safety of the public.

Fire Warden Greg Coleman said he would guess easily 95 percent of people were in support of the fireworks ban due to weather conditions as he was erecting signs around the county.

Durgan said the issue is one of public health and safety and a real threat of harmful happenings with wildfire in current weather conditions. He said the current situation is way bigger than people tattling on others shooting off fireworks, as Carter suggested will happen, and officials need to take the responsibility to protect the county and the state.

@12:42:07 p.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

July 4, 2012

Independence Day Holiday – All Offices Closed

July 5, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:35:43 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; Shannan Piccolo, civil deputy county attorney; 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. citizen fireworks ban comments
- Memo email re. Prospera Business Network contract
- Memo document re. \$6,000 Envirocon FY 2013 lease
- Memo document re. RPA fairgrounds sewer project engineering invoice
- Memo email re. July 23 Park County bus transportation meeting
- Memo document re. \$5,000 Veteran's Center cannon fund donation
- Memo document re. Stillwater Mine corporate report

Commissioner Malone said a citizen commented on a buried culvert on Six Mile Road, a second citizen on the school board requests the county match the city's \$60,000 donation for a sidewalk at the high school and a third citizen reported on displeasure with how the sheriff's office handled a stolen motorcycle report.

Malone said he wonders if MSU Extension should consider forming a drought advisory committee to follow in line with the state.

Lani Hartung, finance, said she will meet with Rob Bukvich of Montana Department of Transportation on July 5 to close out the Gardiner Sidewalk Project.

@8:53:57 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

July 5, 2012

9:00 A.M. – Fiscal Year 2013 Budget Workshop – Commission Chambers – Canceled

July 5, 2012

Discussion/Decision to Abate Real Estate Taxes on a Mobile Home

@11:02:02 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners 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 abating real estate taxes for a mobile home.

Treasurer Kevin Larkin said a mobile home was dropped off at Chad Standish's property, and Standish does not want the mobile. Larkin said Standish is willing to bury the mobile if the 2011 taxes in the amount of \$267.71 are removed.

Commissioner Malone moved to abate the real estate taxes on the mobile that mistakenly was delivered to Chad Standish's property and that Standish is not interested in keeping. Commissioner Taylor seconded the motion. Motion passed.

@11:04:40 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

July 6, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:34:23 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; Shannan Piccolo, civil deputy county attorney; Mark Westenskow, CTA Engineering; 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. Three Forks, Montana, fireworks ban
- Memo email re. utility company encroachment permit protocol
- Memo email re. PCSO bridge repair
- Memo email re. economic development director out of office schedule
- Memo email re. Prospera Business Network contract signing
- Memo email re. postage meter log
- Memo email re. economic development director Prospera contract status
- Memo email re. revolving loan fund attachment
- Memo document re. Gardiner Arch Project thank you letters
- Memo document re. signed Montana DNRC Fleshman Creek grant
- Memo email re. operational fire plan draft
- Memo document re. EnviroWorks LLC contract
- Memo document re. Maternal and Child Health Block Grant Program grant
- Memo email re. PCEC "Clean it Up Day" landfill request
- Memo email re. county motor pool maintenance policy
- Memo email re. July 6 courthouse window cleaning
- Memo documents re. PCRFD#1 annexation request notices
- Memo document re. DIS invoice

The Commission set a date of July 26 for a Fleshman Creek Restoration Project public meeting.

@8:52:56 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

July 6, 2012

Opening of Request for Qualifications for GIS Surveyor

@9:04:33 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 John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to open Request for Qualifications (RFQ) for Geographic Information Systems (GIS) work surveying.

Commissioner Taylor opened sealed bids from Mueller Consulting Land Surveyors and CTA Engineering submitted before the RFQ deadline.

Commissioner Malone moved to set up a committee to review the two surveyor qualification packets. Commissioner Taylor seconded the motion. Motion passed.

@9:11:20 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

July 6, 2012

Public Hearing with Intent to Amend Fiscal Year 2011-2012 Budget

@9:32:44 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Lani Hartung, finance; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled as a public hearing with intent to amend the Fiscal Year 2011-2012 Budget.

Lani Hartung, finance, said the resolution was drafted to amend appropriations for specific funds that need to be adjusted because they received additional appropriations, unanticipated revenue or previously unbudgeted revenue. Hartung said the included funds are Payment In Lieu of Taxes (PILT); Maternal Infant, Early Childhood, Home Visiting Infrastructure Development Project; Jail/Commissary; Museum; Missouri River Drug Task Force; Planning; Metal Mines; Victim Witness; Road and Bridge Capital Improvement; and Road. Hartung said the resolution includes dollar amounts to be transferred as needed, and she submitted the most recent draft to the county attorney on July 5.

Commissioner Malone moved to sign Resolution #1132 to amend the Fiscal Year 2011-2012 Budget. Commissioner Taylor seconded the motion. Motion passed.

@9:37:18 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

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

Denise Nelson
Clerk & Recorder
Park County, Montana