

Park County Commission Meeting Minutes
Week of May 21 – 25, 2012
Park County, Montana

May 21, 2012

No Commission Meetings Scheduled

10:00 A.M. – MACO District 9 Meeting – Community Room

6:00 P.M. – Candidate Forum – Community Room

May 22, 2012

County Road/Engineering Services Updates

@8:01:39 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; Belinda Van Nurden, DES; Mark Westenskow, CTA; and John Mueller, minutes clerk. No public comment made.

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

Commissioner Taylor reviewed a list of priority projects and needs for the road department, which was confirmed by Road Supervisor Ed Hillman. Taylor said traffic counters have been placed on Falls Creek, Fiddle Creek, Shields River South and Shields River North. He said obtaining gravel and rollers and graveling the Jardine Hill are priorities, and a priority guardrail repair was completed. Two flaggers and water trucks are needed for work on Willow Creek in the fall with reclamite costs at \$13,700 per mile.

Hillman said he would like to put a two-inch-thick overlay on Swingley Road, and overlay Five Acre Tract roads and part of Cokedale Road again. He said necessary work has been completed on Spring Street near AmeriGas, gravel has been removed from Park Street in Gardiner, survey work has been completed, and road shops have been cleaned up and iron hauled away. He said Merrell Lane, Old Clyde Park Road, Gardiner roads, Pine Creek Road and Mill Creek Road were patched, and Meigs Road is currently being patched. Hillman said a crewman is currently grading on Willow Creek Road to the top of the hill, and a plugged culvert on Old Yellowstone Trail causing a road closure with water over the road will be cleaned out with water from a fire truck.

Malone said a price of \$9.32 per yard was quoted for gravel for a Boulder Road Project, but Steve Koontz provided a quote of 15,000 tons of gravel for \$49,500 with various stipulations.

Mark Westenskow, CTA Engineering, said a permit was received from the Army Corps of Engineers on May 16 for Mill Creek culvert work. He said the 9th Street Bridge was formally inspected the previous week. The Commission asked Westenskow to put together a time and materials estimate for green box site proposals.

@8:34:19 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

May 22, 2012

Discussion/Status of Fleshman Creek Project

@8:36:21 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Barbara Woodbury, environmental health; Shannan Piccolo, civil deputy county attorney; Lani Hartung, finance; Philip Fletcher, economic development; Mark Westenskow, CTA; and John Mueller, minutes clerk. No public comment made.

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

Mark Westenskow, CTA Engineering, said CTA is reviewing lift station and storm water treatment area options and is moving forward with refining the creek corridor to define what the stream/street crossings will look like. He said CTA provided an explanation of the project to the Planning Board the previous week.

Philip Fletcher, economic development, said he will have the county website revised in a day or two to reflect the current status of the project.

Lani Hartung, finance, said Kent Atwood, Montana DES, visited Park County to discuss the county's first billing of Fleshman Creek in detail, particularly county in-kind hours not verifiable with documentation. Hartung said she is not getting in-kind hours from outside entities, such as Joe Brooks Chapter of Trout Unlimited, after repeated emails, and Atwood told her to inform TU the project may be in jeopardy if such in-kind contributions are not made.

@8:54:16 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

May 22, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@9:07:57 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were

Kerry LaDuke, airport board; and John Mueller, minutes clerk. No public comment made.

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

Correspondence for May 18 included:

- Memo email re. MSU Extension support survey
- Memo email re. Library Board meeting documentation
- Memo email re. citizen land use letter
- Memo email re. MDT East River Road overlay project
- Memo document re. June 25 MT FWP wolf hunting season meeting
- Memo email re. Cooke City Historical Committee museum fundraiser

Correspondence for May 21 included:

- Memo email re. Old Yellowstone Trail water issues
- Memo email re. economic development director project list
- Memo document re. jury room restrooms complaint
- Memo document re. RPA fairgrounds sewer project application

Kerry LaDuke, Airport Board, said he is proposing a solution to a proposed refuse facility on Gardiner Airport property by going with Option A via a variance for building height. LaDuke said he is adamant about the runway protection zone, which was created due to deaths at airports in the United States. He said he thinks the Airport Board would be agreeable to a sub-grade compactor in the vicinity of the current site, but that may require moving roll off boxes offsite in the future if the airport seeks federal funding. He said he proposes closing down the Gardiner green box area after another suitable site is found, as he wants to see the runway protection zone closed off at the Gardiner Airport.

@9:45:33 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

May 22, 2012

Human Resources Updates

@9:50:25 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 change of status forms for four seasonal workers picking up trash at the landfill, a fulltime road operator position, a reduction in hourly wage for an employee in the Treasurer's Office who requested reduced duties, a seasonal landfill scale house operator, a resignation form for a nurse

homemaker, a resignation from a homemaker and exit interview for a clerk in the Clerk of Court's Office, and a resignation form for an Angel Line employee.

Ouellette said a detention officer position closed on May 18, but clerk positions in the Justice of the Peace and Clerk of Court Offices were extended in attempt to get more applications. She said she is working on employee insurance benefit open enrollment. Ouellette said Wage and Hour complaints may prompt the county to correctly classify positions by switching non-qualifying department heads from salaried positions to hourly positions as current personnel leave their jobs.

Ouellette said Jim Nyes can complete the county handbook policy for \$3,000 in July or August, and he can create return to work and social media policies and update the drug testing policy for \$500 more. Commissioners Durgan and Malone said they believe the work needs to be completed, but it needs to be determined whether the county attorney will approve the policy if given a timeline to do so.

@10:11:12 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

May 22, 2012

Review of Minutes for Week of May 14, 2012

@10:30:14 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 May 14, 2012.

Commissioner Durgan requested a revision to Page 8 of 16, the middle paragraph should read, "Commissioner Durgan provided a report from a Fair Board member about safety issues the board will address, including a ladder that needs replaced, rubber stoppers that need to be affixed to tables and chairs and low tree branches around exhibit buildings."

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

@10:36:44 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

May 22, 2012

Personnel Meeting

@10:33:00 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Lani Hartung, finance; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to address a personnel issue.

Lani Hartung requested the meeting close to the public.

Commissioner Malone moved to close the meeting, as Hartung's right to personal privacy outweighs the public's right to meeting content. Commissioner Durgan seconded the motion. The meeting was closed.

@11:10:01 a.m., the meeting adjourned.

May 22, 2012

Discussion/Determination of Maintenance/Upkeep of the Lone Island Subdivision Roads

@11:15:25 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; and Jon Whiting, Lone Island Subdivision. No public comment made.

The meeting was scheduled to consider maintenance/upkeep of Lone Island Subdivision roads.

Jon Whiting, Lone Island Subdivision Homeowner's Association, said a former road supervisor maintained Island Park Drive, Riverside and Driftwood roads in the subdivision, but that maintenance has stopped. He said the county commission was petitioned in 1978 to make those roads public roads. Civil Deputy County Attorney Shannan Piccolo said a July 23, 1979, letter was sent to the homeowner's association stating the petition was granted, and she has not found any petitions to abandon said roads.

Commissioner Malone moved to categorize and add Driftwood Drive, Island Park Drive and Riverside Drive to the county's list of roads. Commissioner Durgan seconded the motion. Motion passed.

@11:22:58 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

May 22, 2012

12:00 P.M. – Airport Board – Mission Field – Commissioner Durgan attended

May 22, 2012

Discussion on Future of the Current Refuse Site in Gardiner

@1:34:16 p.m., Commissioner Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone Taylor were present. Also present were

Shannan Piccolo, civil deputy county attorney; Barbara Woodbury, environmental health; Mark Westenskow, CTA; Kerry LaDuke, airport board; Dick Juhnke, Allen Carter and Robert Currie, SWB; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss the future of the Gardiner refuse site.

Mark Westenskow, CTA Engineering, provided a drawing of proposed options for a refuse site at the current Gardiner green box site near the Gardiner Airport, particularly options that remove the site from the runway protection zone. He said a compactor site proposal with a building was submitted to the FAA for comments. Westenskow presented a document discussing the effects each option may have on potential improvements regarding wildlife attractant benefits, operational benefits and disadvantages.

Kerry LaDuke, Airport Board, said the Airport Board's concern is with the current location within the runway protection zone because it is a public safety issue. He said 80 percent of aviation accidents happen within 5,000 feet of the runway and 38 percent happen in the runway protection zone, thus FAA guidelines suggest no facilities attracting masses of people should be located in that zone. He said the board would like to see enforcement of the runway protection zone, and wants the existing green box site to be returned to airport use if a suitable offsite green box site is found elsewhere in Gardiner.

LaDuke said the Airport Board would be receptive to a variance for a facility in the proposed Alternative 1 area, because citizens would not have to cross the runway and it is convenient for people of Gardiner. He said the board could grant a height variance for a 16-foot building, and an open compactor would require granting a variance for FAA wildlife control. Westenskow said Gardiner citizens had concerns about visibility issues with the building proposed in Alternative 1.

The Commission said it may have CTA create another site design to show Gardiner residents at an Airport Board meeting in Gardiner on June 11.

@2:23:37 p.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

May 22, 2012

1:30 P.M. – City/County Compact (Solid Waste) – Community Room – Commissioner Taylor attended

6:00 P.M. – City Commission Budget Workshop – Community Room

May 23, 2012

No Commission Meetings Scheduled

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

10:00 A.M. – Dispatch Training – East Room

2:00 P.M. – Missouri River Drug Task Force Meeting – East Room

5:00 P.M. – Judges Training – Community Room

6:00 P.M. – City Commission Budget Workshop – East Room

7:00 P.M. – Main Boulder River Road Corridor Study – Big Timber – Commissioner Malone attended

May 24, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:33:10 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 the daily agenda and correspondence.

Correspondence for May 22 included:

- Memo document re. Montana Clean Janitorial Services Contract
- Memo document re. Treasurer's citizen refuse over charge letter
- Memo email re. county historian Bright Lane status
- Memo email re. CDBG grant funds

Correspondence for May 23 included:

- Memo email re. May 31 county employee open enrollment
- Memo email re. MACo meeting thank you
- Memo email re. RC&D conference attendance
- Memo email re. janitorial cleaning complaint

Commissioner Malone said he viewed road conditions in Gardiner on May 23, as well as a proposed refuse facility at the Gardiner Airport. Malone reported on a May 23 Main Boulder Road restoration project meeting.

Commissioner Taylor reported on a May 23 Western Mental Health meeting.

@8:54:56 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

May 24, 2012

10:00 A.M. – Commission Onsite Viewing of Duck Creek Road – Duck Creek Road

May 24, 2012

Consider Decision on Reimbursement Request of PCRFD#1 Mills

@1:06:35 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Dann Babcox, Dan Karell and Chuck Donovan, PCRFD#1; Suzanne Hoefler, citizen; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider requested reimbursement of Park County Rural Fire District #1 (PCRFD#1) mills.

Commissioner Taylor said the county shorted PCRFD#1 3.65 mills the last fiscal year.

Commissioner Malone said he thinks the county should stop using past practice and have all fire districts approach the state assessor's office and tell it how many mills it wants for the next fiscal year. Dann Babcox, PCRFD#1, said he agrees such is a good idea, but he thinks a legal opinion is needed to define a proper procedure and protocol. Malone said he will request an attorney general's opinion regarding whether or not mills can grow or floating mills can be applied to a subsequent year.

Babcox said PCRFD#1 wants to continue its working relationship with the county, thus meeting annually regarding budgets may be necessary. Malone said he does not want to set a precedent that all boards in the county need to have their budgets approved by the Commission.

Commissioner Malone moved to turn the requested mill reimbursement over to MACo under errors and omissions with a request for an attorney general's opinion regarding the floating mills. Commissioner Durgan seconded the motion. Motion passed unanimously.

Dan Karell, PCRFD#1, said he would like to know whether Rural One would report requested mills to the county clerk and recorder, state assessor or county treasurer. Karell also said he is concerned with PCRFD#1 responding to fires in unprotected areas, because district members pay for the response, which can be expensive.

@1:50:25 p.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

May 24, 2012

Discussion of Budget to Actual Revenues and Expenditures and Treasurer's Cash for April 2012

@2:10:40 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Lani Hartung, finance; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss budget to actual revenues and expenditures and a Treasurer's Cash report for April 2012.

Lani Hartung, finance, reviewed budget to actual revenues and expenditures and a treasurer's cash report for April 2012.

@2:31:13 p.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

May 24, 2012

Fiscal Year 2013 Budget Workshop

@2:40:08 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Lani Hartung, finance; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled as a Fiscal Year 2013 Budget Workshop.

Lani Hartung, finance, provided budgets she had reviewed with department heads and reviewed Commission budget line items with proposed dollar figures.

Hartung said the Library Board will present its proposed budget at the May 31 Budget Workshop. There was discussion about whether floating mills can grow and whether applications should be made to various budgets with such mills.

@3:59:04 p.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

May 25, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:37:17 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 the daily agenda and correspondence.

Correspondence included:

- Memo email re. Conservation District fracking presentation press release
- Memo email re. CTA TSEP comments
- Memo document re. May 29 YGM meeting agenda
- Memo email re. ConPlan annual action plan
- Memo email re. TSEP application comments requests
- Memo email re. environmental permits index
- Memo document re. MRL check
- Memo document re. Hank Rate Emigrant Cemetery invoice
- Memo document re. BLM Cooperating Agency booklet
- Memo document re. CUT green box site lease
- Memo document re. audit report
- Memo email re. Hard Rock Mining Impact Board
- Memo document re. June 12 Oil and Gas meeting agenda
- Memo email re. DNRC wildland maps
- Memo document re. DPPHS Master Contract

Commissioner Malone said Bob Currie, SWB, provided drawings for a proposed Chico green box site renovation design.

@8:59:26 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