

Park County Commission Meeting Minutes
Week of October 22 - 26, 2012
Park County, Montana

October 22, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:35:24 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 for October 18 included:

- Memo email re. EPA grant assistance
- Memo email re. October 23 YGM Board meeting
- Memo document re. Montana DEQ subdivision review county reimbursement
- Memo email re. snow plowing request for proposals
- Memo email re. snow plowing bids
- Memo email re. October 26 Chamber of Commerce tourism meeting
- Memo email re. PCRFD#1 tracking class
- Memo email re. Main Boulder Road Project comment period

Correspondence for October 19 included:

- Memo document re. Fair Board application
- Memo email re. new Gallatin County grants coordinator
- Memo document re. public information request
- Memo email re. Intercap loan approval

@8:51:27 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

October 22, 2012

Signing of Contract with Park County Community Foundation and Early Childhood Health

@9:03:39 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 contract with the Park County Community Foundation and Early Childhood Health.

Commissioner Malone moved to sign the contract with the Park County Community Foundation to conduct early childhood health services. Commissioner Durgan seconded the motion. Motion passed.

@9:04:27 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 22, 2012

Review of Minutes for Week of October 15, 2012

@10:07:05 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 October 15, 2012.

Commissioner Malone requested a revision to Page 2 of 12; first full paragraph, the second sentence should read, "She said the cost would increase the entire current bill by \$60 per month, including a one-time \$475 installation fee, but the County Attorney's Office currently pays \$60 per month per line for caller ID through CenturyLink analog lines, thus switching over all building phones would essentially be a wash cost-wise."

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

@10:09:44 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 23, 2012

County Road Updates/ Engineering Services Updates

@8:04:27 a.m., Commissioner Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Ed Hillman, road; Mark Westenskow, CTA; Chris Ross, Hoppportunity Partners; Bill and Mary Beth Keil, citizens; and John Mueller, minutes clerk.

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

Citizen Bill Kyle of 1 Whispering Pines Lane presented the Commission with easement documents and abandonment requests for the Old Boulder Road that now passes through

three private properties as drawn up by surveyor Gerald Dubiel. Kyle said Dubiel's drafts do not accurately describe the extent of what the citizens want abandoned, and explained the document to the commissioners. Kyle said he requests filing fees for the petitions be waived, as the effort is a public service and would not have been necessary had all the specifics been properly attended to initially. He said the effort has cost private citizens \$35,000, to-date.

Commissioner Malone said the county attorney's office needs to review the document and public hearings scheduled per statute for a road abandonment petition.

Ed Hillman, road supervisor, said materials are arriving for a Peterson Creek Bridge replacement project staging area, and work will commence once they arrive. He said work is being done to improve the Old Yellowstone Trail South truck route toward Tom Miner, the Chico Cemetery Road will be graded if it is not too wet and a crewman is grading Porcupine Road.

Mark Westenskow, CTA Engineering, provided and reviewed documentation for a Peterson Creek Replacement Crossing project, as well as a summary report of CTA's engineering services for the county.

Clint Tinsley, city of Livingston, said someone replaced the city's speed limit signs on Miles Lane and Old Clyde Park Road from 35 to 25 MPH signs. Tinsley said the state said it did not do it, and Hillman said he can assure him the county road crew did not do it. Commissioner Durgan said the state has said Old Clyde Park Road will not be an alternate route for the KPRK Bridge replacement project, but his guess is the state erected the signs since they are to state specifications as Tinsley stated.

@8:34:06 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

October 23, 2012

Discussion/Status of Fleshman Creek Project

@8:39:14 a.m., Commissioner Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Mark Westenskow, CTA; Lani Hartung, finance; Raea Morris, administrative assistant; Gary Barnhart, citizen; and John Mueller, minutes clerk.

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

Mark Westenskow, CTA Engineering, said CTA continues to work on completion of a set of drawings for the first full week of November, which includes sewer and water crossing details. Westenskow said water testing was conducted by Montana DEQ after a 2007 fish kill, but no soil testing was done at that time. He said DEQ will send CTA its report.

Citizen Gary Barnhart said the whole scope of the project has changed from two years ago, where initially sediment removed from the stream was to be hauled off, but now the proposal is to stage it on adjacent citizen properties. He said he thinks the soil needs to be tested.

Raea Morris, administrative assistant, said the civil deputy county attorney is waiting to hear back from Montana DNRC for answers to citizen questions about contract stream-access language.

@8:54:57 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

October 23, 2012

Review Daily Correspondence/Agenda and Briefing on Current County Projects

@9:06:55 a.m., Commissioner Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Raea Morris, administrative assistant; Mike Adams, fair board; John Ansotegui, location scout; 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. public information request approvals
- Memo email re. Frontier West certificate of insurance
- Memo email re. board member expiration

John Ansotegui, filming location scout, asked the Commission for permission to film segments of a music video on Swingley and Mission Creek Roads and the county fairground rodeo grounds. Commissioner Malone said he has no issue with the request provided Ansotegui has all required insurance policies and keeps the roadways safe during shooting.

@9:12:35 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

October 23, 2012

Human Resource Updates

@9:31:29 a.m., Commissioner Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Jill Ouellette, HR; Martha Miller, auditor; Raea Morris, administrative assistant; Kelly Johnson, maintenance; 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 public information request from a former employee, a change of status form for a part-time seasonal landfill employee reducing work down to three days a week, an employee leave balance report, and an email etiquette memo.

Ouellette said the Department of Labor requested response to a survey about Park County's green technologies and practices. She read into the record a memorandum titled How to Identify a Lousy Boss, Is It You?, a list of courts of record in Montana and the top nationwide reasons why employees are fired from positions. Ouellette said she is working with Jim Nys on a revised personnel policy handbook to possibly include policies on animals in the building, return to work, mandatory safety trainings and cell phone plans.

Ouellette said she reviewed an audio recording of the latest Solid Waste Board (SWB) meeting and asked whether the board members had received the MSU Extension Office board training course. Commissioner Durgan said perhaps a special training can be set up for that board. Ouellette said she thinks there should be zero tolerance for board members yelling at county employees and recommends there is no discussion of employee performance in a board meeting, as employee performance is not an issue that can be discussed in a public meeting without the employee present and having waived his/her right to privacy. She said she hopes the Commission will take strong action and make sure to the best of its ability the behavior does not repeat.

Commissioner Malone said a problem is the board is an administrative board as is stated in the resolution that created the board. He said he and Durgan were not present at the last SWB meeting. Durgan said any county board, administrative or advisory, only makes recommendations, as the Commission has the final decision on issues regarding hiring or firing of employees and purchases. John Mueller, minutes clerk said he will produce SWB minutes from audio recording if requested, but he will no longer sit in SWB meetings to record meeting minutes.

@9:54:44 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

October 23, 2012

Discussion of Roof Leak and Possible Options of Repairs with Ace Roofing

@10:06:37 a.m., Commissioner Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Raea Morris, administrative assistant; Kelly Johnson, maintenance; Ed Meece and David Fine, city of Livingston; Jake Magalsky, ACE Roofing; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss a roof leak and possible options of repairs with Ace Roofing.

Jake Magalsky, ACE Roofing, provided a quote he said would remedy the section of the roof above Dispatch 911 offices that is leaking for \$14,900, and the entire roof can be done at a later time if the city and county governments decide to do such to ensure a manufacturer's warranty. Magalsky said his company has done extensive repairs on the roof over the years, attempting to solve the leak issue probably 24 times. He said it may be time to spend some real money on the roof repair.

City Manager Ed Meece said he is in agreement with the proposal. The Commission said it will schedule a meeting to sign a contract with Ace Roofing to move forward with the proposed work for \$14,900. Magalsky said the installation work can be done in any weather type, except for extremes.

@10:21:24 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

October 23, 2012

12:00 P.M. – Airport Board Meeting – Mission Field, Livingston

1:30 P.M. – Tax Appeal Board Hearings – Community Room

October 23, 2012

Discussion/Decision of Staffing at Chico Green Box Site

@3:00 p.m., Commissioner Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Raea Morris, administrative assistant; Jill Ouellette, HR; Warren Newhouse II, refuse; and Barbara Woodbury, environmental health. No public comment made.

The meeting was scheduled to consider staffing the Chico Green Box site.

Warren Newhouse II, interim refuse manager, said his recommendation is to use existing refuse employees to staff the newly renovated Chico green box site, as employees at the county transfer station are qualified to operate equipment, understand refuse disposal classes, and will be less busy once all county refuse is delivered to the city transfer station. He said the attendant position can be a part-time position or possibly filled on a rotational basis. Commissioner Malone said he is thinking the position should be a 40-hours-per-week position. Jill Ouellette, HR, said she recommends the position is a temporary position if the county puts the position announcement out to the public.

The Commission said it has no problem with Newhouse serving as the attendant as part of his managerial duties to get the monitoring system in place. Malone said he thinks the county has told the refuse workers it is not going to lay anyone off.

Commissioner Durgan moved to authorize Newhouse to work out the staffing arrangement for the Chico Green Box site. Commissioner Malone seconded the motion. Motion passed.

@3:51 p.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

October 23, 2012

5:30 P.M. – Museum Board Meeting – Yellowstone Gateway Museum

6:30 P.M. – AAUW Candidates Forum – Community Room

October 24, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:32:57 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 department; 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. Montana DNRC Fleshman Creek contract
- Memo document re. CTA Engineering services report
- Memo document re. Peterson Creek Bridge Replacement schematic
- Memo email re. SHOPKO processing
- Memo document re. fair board citizen application
- Memo document re. Bainter Construction snow removal services quote
- Memo document re. November 13 water rights training

Civil Deputy County Attorney Shannan Piccolo said a Montana DNRC representative responded to a citizen question regarding Fleshman Creek Restoration Project monitoring and access into the project area. Piccolo said the public must have access to project documents and the work site, as the project is publicly funded, but the clause goes away after construction is completed. Piccolo said the county will have to go out for bid for a roof contract if the entire roof is repaired at an amount exceeding \$50,000.

@8:52:26 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 24, 2012

Review and Consideration of Non Material Changes to Buena Vista Major Subdivision

@9:02:22 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; Raea Morris, administrative assistant; Shannan Piccolo, civil deputy county attorney; Hebbard Blesius and Jon Ellen Snyder, realtors; Catherine Bielitz, citizen; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider non material changes to the Buena Vista Major Subdivision.

Senior Planner Mike Inman said the developer is requesting to amend a covenant that limited the number of horses to zero in the Buena Vista Subdivision on Brackett Creek Road. Inman said the developer, Mr. Planalp, would like to allow for livestock, specifically horses, under a livestock management plan that he would develop. Inman said other subdivisions in the area allow for livestock, but livestock management plans must be approved by MSU Extension. Inman said a significant letter between two Montana FWP wildlife biologists states the subdivision is located in winter range of Brackett Creek mule deer habitat unit PHU, and it is estimated the area comprises 50 percent of mule deer winter range in harsh winter conditions. Inman said as a result the biologist recommended cluster design and no livestock for the subdivision. Inman said Planalp initially proposed no livestock on the subdivision, which is contrary to language that states the Commission imposed that restriction. Inman said nothing in Planalp's proposed wildlife damage plan speaks to the mule deer issue, so he does not know whether Planalp's plan mitigates the concerns in regards to wildlife and wildlife habitat as reviewed in the subdivision application. Inman said the realtors are having a hard time selling the subdivision's lots with the no livestock restriction in comparison to other similar lots.

Commissioner Durgan said it seems there needs to be professional assistance from the conservation service, or MSU Extension or range and animal science department with a proposed livestock management plan. Inman said he feels there is potential to get to middle ground on the proposal, and a positive is livestock management plans can provide an education to a landowner about their property and the best management of it.

Jon Ellen Snyder, realtor, said she feels Planalp was pressured into agreeing to the zero horse covenant, and he now wants to make changes because the lots are not selling. Snyder said she does not want the Homeowner's Association having to enforce the livestock management plan, as those associations generally fail to do such. Commissioner Malone said he does not want the county to have to enforce it.

Inman said he can schedule a meeting with Karen Loveless, regional wildlife biologist with Montana FWP, and MSU Extension agents to discuss covenants that allow for individual landowners to create livestock management plans as long as they adhere to key elements addressing the mule deer critical winter habitat issue. He said the plans would

ultimately be approved by MSU Extension. Malone said he thinks the county would not have allowed the subdivision to be approved in the first place if the critical mule deer habitat were a reality. He said he thinks mule deer coexist with people well and FWP is not needed in this issue. He said he thinks livestock management plan language will suffice.

Civil Deputy County Attorney Shannan Piccolo said she has to advise the commissioners that they have to take into account the previous Commission's findings during preliminary plat approval that the proposed subdivision lies within critical mule deer habitat, and the intention of the no animal clause as mitigation for that habitat issue. Inman said his recommendation is have landowners develop a livestock management plan with MSU Extension, but he recommends Montana FWP be allowed to weigh in on the issue. Snyder said she is fine with that proposal and is willing to work with it. Malone said he has a problem with involving FWP, but he will yield to county counsel's recommendation.

@9:35:23 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 24, 2012

Review and Consideration of Non Material Changes to Hillside View Minor Subdivision

@9:35:53 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; Raea Morris, administrative assistant; Shannan Piccolo, civil deputy county attorney; Jon Ellen Snyder, realtor; Catherine Bielitz, citizen; and John Mueller, minutes clerk.

The meeting was scheduled to consider non material changes to Hillside View Minor Subdivision.

Mike Inman, planning, said the Glastonbury subdivision in question is proposing to eliminate one home site that was originally proposed and approved by Montana DEQ.

Commissioner Malone moved to approve the non-material change to the Hillside View Minor Subdivision and proposed covenant language. Commissioner Durgan seconded the motion. Motion passed.

@9:38:15 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 24, 2012

Discussion of Claims and Loss Runs with Taylor-Leavitt Insurance

@10:02:41 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; Dan Gutebier, Taylor-Leavitt; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss Park County insurance claims and loss runs with Taylor-Leavitt Insurance.

Dan Gutebier, Taylor-Leavitt, provided reports of insurance claims and loss run data for review.

@10:47:56 a.m., the meeting adjourned.

October 24, 2012

Discussion/Possible Decision of Contract with MSU Extension and City of Livingston on Community Development Activities

@11:12:22 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 Meece, city of Livingston; Tracy Mosley and Steve Siegelin, MSU Extension; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider a possible contract with MSU Extension and the city of Livingston for community development activities.

Steve Siegelin, MSU Extension, provided proposed memorandum of understanding (MOU) and position description documents as drafted and approved by Montana State University, which included a negotiable, proposed start date of April 1, 2013, and a 36-month commitment with a 180-day notice of termination clause thereafter from MSU Extension, city of Livingston or Park County.

City Manager Ed Meece said his sense of the city commission is it is very excited about the proposal and looks forward to working with Park County and MSU, but it is careful to recognize historical issues that occurred in the economic development role and how efforts would be evaluated for performance. Meece provided a document with his proposed changes regarding concerns about developing a set of expectations, indicators or metrics to be attached to the agreement in order to establish evaluation measures from the outset. Commissioner Malone said he agrees a good evaluation system is necessary. Meece said he thinks the effort needs to chart and measure certain demographic factors in a public way, such as median wage in Park County, in order to be able to gauge overall success or failure. He said the city of Livingston approaches the effort from an economic development vision and not a community development vision. Meece said he suggests the county commission submit its ideas of metrics and measurements to the county Extension agents in order for them to consult Siegelin and possibly incorporate the ideas and redraft the MOU and job description.

Mosley said she can work with the county commissioners to generate a list of ideas.

@11:59 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 24, 2012

1:30 P.M. – Transportation Coordination Committee – Community Room – Commissioners Durgan and Malone attended

October 24, 2012

Discussion/Decision of Rural Fire Mill Issues

@2:36:28 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Martha Miller, auditor; Raea Morris, administrative assistant; Courtney Lawellin, Dann Babcox and Chuck Donovan, PCRFD#1; Wes Venteicher, Livingston Enterprise; and John Mueller, minutes clerk.

The meeting was scheduled to consider a Park County Rural Fire District #1 (PCRFD#1) mill issue.

Commissioner Taylor said the Commission has learned from its MACo insurance people it may be a long time before the county learns whether MACo will agree to honor the county's claim request to pay the PCRFD#1 mills in question, therefore the county would like to square up with PCRFD#1 at the present time. The amounts in question are 3.65 mills at \$12,669.398 per mill totaling \$46,243.31.

Commissioner Durgan moved to settle up with Rural Fire for the 3.65 mills that were not paid to them but due to them for a total of \$46,243.31. Commissioner Malone seconded the motion. Motion passed.

@2:42:03 p.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

October 25, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:37:26 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 department; 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. MT DNRC Fleshman Creek access language
- Memo email re. missing kitchen utensils
- Memo email re. October 25 KPRK emergency impacts/response meeting
- Memo email re. safety videos

@8:59:06 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 25, 2012

Comparison of Budget to Actual Expenditures and Revenues as of September 30

@9:30:53 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Martha Miller, auditor; Lani Hartung, finance; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss budget to actual expenditures and revenues as of September 30, 2012.

Lani Hartung, finance, provided a fiscal report for review.

@9:57:31 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 25, 2012

7:00 P.M. – Safe Routes to Schools Meeting – Community Room

October 26, 2012

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

9:00 A.M. – Department of Agricultural Economics and Economics Conference – Bozeman – Commissioner Durgan to attend

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

Denise Nelson
Clerk & Recorder
Park County, Montana