

Park County Commission Meeting Minutes
Week of August 19 – 23, 2013
Park County, Montana

August 19, 2013

Public Comment Period; County Departmental Updates; Signing of Administrative Documents in Signature Folder; Review of Daily Correspondence and Agenda

@9:00 a.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan, Malone and Tinsley; Raea Morris, administrative assistant; Ed Hillman, road; Kelly Johnson, maintenance; John Mueller, minutes clerk

Department Updates

Ed Hillman, road supervisor, said two truckloads of magnesium chloride (covers 2.5 miles) are available for Tom Miner Road. A wildfire just started burning on that road.

Kelly Johnson, maintenance, said installation of a new HVAC unit is scheduled for August 27. ACE Roofing will provide a quote to redo the roof underneath the unit when the old unit is removed from the building.

Correspondence from August 15 included:

- Memo re. Montana DEQ landfill methane monitoring results
- Memo re. refuse inspection reports
- Memo re. county Secure Rural Schools payments
- Memo re. 2014 taxing jurisdiction changes
- Memo re. FWP proposed 2013 late season regulations on hunting comment period
- Memo re. Enterprise auction items legal ad
- Memo re. RAC news release
- Memo re. FY'14 budget hearing
- Memo re. MACo FY2014 forest payment correction

Correspondence from August 16 included:

- Memo re. CTA Gardiner solid waste facility scope of services modification
- Memo re. CTA Fleshman Creek Project notice of award
- Memo re. Fleshman Creek landowner temporary construction easements
- Memo re. HR meeting request
- Memo re. Senior Center boiler

@9:44 a.m., the meeting adjourned.

Budget Workshop

@10:05 a.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan, Malone and Tinsley; Lani Hartung, finance; John Mueller, minutes clerk

The proposed FY' 14 county budget was reviewed, including Commission mileage and professional services line items.

@10:52 the meeting recessed. @11:02 the meeting reconvened.

Attendance: Commissioners Durgan, Malone and Tinsley; Lani Hartung, finance; Allen Lutes and Scott Hamilton, PCSO; Raea Morris, administrative assistant; John Mueller, minutes clerk

The proposed FY' 14 sheriff's office budget was reviewed.

@11:38 a.m., the meeting adjourned.

Personnel Meeting

@1:00 p.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan, Malone and Tinsley; Jill Ouellette, HR; Erica Hoffman, GIS/IT; John Mueller, minutes clerk

Erica Hoffman, GIS/IT manager, said she was okay with her performance evaluation scores and meeting discussion topics being on the record and did not need the meeting closed to the public record.

Performance evaluation scoring sheets were reviewed as completed individually by each commissioner. Hoffman provided a report of internet, telephone, IT and GIS-related trainings she has completed or is in the process of completing since her last performance evaluation, which was with the commission prior to January 1, 2013.

Hoffman said she has arranged her department personnel budget to accurately reflect IT and GIS work being completed by staffers. She is requesting an increase to \$23.00 per hour from a current wage of \$20.30 per hour, retroactive to the start of the current fiscal year. Ouellette said \$23.00 per hour puts Hoffman between the mid and max range of her current Grade 17, which ranges from \$21.22 to \$25.46. Hoffman will request a wage grade increase to Grade 18. Ouellette said \$23.00 per hour is between the minimum and midpoint for a Grade 18 (\$2.00 per hour less than midpoint wage).

Commissioner Tinsley moved to give Hoffman an increase of \$2.70 an hour to \$23.00 per hour retroactive to July 1, 2013. Commissioner Durgan seconded the motion. In discussion, Ouellette said Hoffman's job description will be updated as a comprehensive overhaul of all department head pay grades is completed. Motion passed.

The Commission signed a change of status form to reflect the approved motion.

@1:41 p.m., the meeting adjourned.

Discussion/Decision on Commission Comments to Year-round Yellowstone Bison Environmental Assessment

@3:00 p.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan, Malone and Tinsley; Rose Brown, Livingston Enterprise; Laura Lundquist, Bozeman Chronicle; Nancy Schultz, GWA; Kathryn QannaYahu, Enhancing Montana's Wildlife and Habitat; Jeanne-Marie Souvigney, GYC; Matt Skoglund, NRDC; Bart Melton, NPCA; Tim Stevens, NPCA; Residents Scott Hoeninghausen, Tom Arrandale, Jerry O'Hair, Barbara O'Grady, Dan Backman, Charlotte McDevitt, Sabina Strauss, Margarita McLarty, Donald McLarty, Bill Campbell; John Mueller, minutes clerk

Public Comment: Jeanne Marie-Souvigney said she has been working on the bison issue for 20 years on behalf of the Greater Yellowstone Coalition. She said it is clear to her Commissioners Malone's comments (in a proposed letter for a Montana FWP Environmental Assessment (EA) for year-round bull bison on the Gardiner Basin) go far beyond the scope of the EA and hopes the Commission can think of a way to have a dialogue with a larger sector of Park County with bison and all issues. She said her concern is the tone of Malone's eight points were one-sided and may ignore the deep economic, social and cultural issues people have.

Tim Stevens, National Parks Conservation Association (NPCA), said he urged the Commission as a whole to get up to speed, with the times, reality and its constituencies, as the Interagency Bison Management Plan (IBMP) is not the same today as when it was completed. Bison are now allowed outside of Yellowstone National Park (YNP). He said a group of Park County citizens have a bison working group on how to work forward on bison/livestock issues, and no new information is listed in Malone's eight points. He said he urges the Commission to take a leadership role in the issue.

Barbara O'Grady, president of Bear Creek Council, asked the Commission to reschedule a meeting when people in Gardiner could attend. The current meeting time is not conducive for people to attend. She offered to help facilitate an evening meeting in Gardiner. She said any decision without Gardiner resident comments would be ill-advised. Bison are part of the Gardiner community. This is an opportunity for Park County to be a leader, open-minded to a new perspective, and not stuck in the past.

Sabina Strauss, Gardiner business owner, said she was fairly upset with the eight points as a taxpayer and registered voter, as they do not represent how the majority of people in Gardiner feel. They welcome bison on their property. She was on the citizen working group, which worked really hard to come to a consensus, and she would appreciate if the Commission would take the group seriously. She said she urges the Commission to support Alternative B. She said spending money on capture, slaughter and hazing of bison is a waste. A meeting at 3:00 p.m. in Livingston is not conducive to people in Gardiner.

Nancy Schulz, resident on citizens working group, said the group worked hard for a consensus. She provided information on the economic importance of wildlife and YNP as researched by the University of Montana.

Margarita McLarty of Pray said she had a private backpacking business in the park for years and hopes the Commission listens to new available data. She said she assumes the Commission just isn't up to speed on the new data with all the issues it must face on a daily basis.

Jerry O'Hair, Paradise Valley livestock producer, said agriculture is the number-one industry in Park County and thinks bison are dangerous to the livestock industry. He said he is surprised it has come to a point where the county commission is debating the issue. Brucellosis has put people out of business, and he has doubts about elk spreading the disease. He said allowing bison out of YNP is a takings by the federal government. He said he is concerned as a rancher and thinks Malone's points are well taken and he is in full support of them.

Connie Yougue, Gallatin Wildlife Association, said a tremendous amount of research data clearly shows that bison are not transmitters of Brucellosis and there has not been one documented case of bison transmitting to cattle in the U.S. Research shows an elk brucellosis strain has gotten into cattle, not a bison strain. She said tourism has exceeded agricultures input into the U.S. economy, not considering subsidies that go with agriculture.

Don Backman, served on citizen working group, said he endorses Souvigney's comments and urges the Commission to take citizen comments to heart.

Matt Skoglund, National Resources Defense Council (NRDC) and former member of citizen working group, said no action is not a viable option given the changes to the IBMP over the years. He said the need for the EA resulted from the livestock, tourism and wildlife interests presented today. He said Alternative B promotes the twin goals of the IBMP, preventing brucellosis transmission and promoting a wild and free-roaming bison population. He said many nonprofit entities have bison fencing projects for area ranchers.

Charlotte McDevitt, ten year Gardiner resident, said she supports free-roaming bison in the Gardiner Basin. She said it is best to live with wildlife and challenges the Commission on how to do that.

Scott Hoeninghausen, Gardiner resident, said he feels fortunate to be able to live in and around free-roaming bison. He asked the Commission to come down to Gardiner and hold a meeting there.

Bart Melton, NPCA Yellowstone Field Office, said growth and visitation of YNP is the one growing thing in the area, and people come here to see bison. He said it would be great to see the Commission look at information out there gathered by community members, as well as best available science. He said it is important to understand how people spend their money to understand the economy of Park County.

Commissioner Tinsley said he has struggled with the bison issue since running for the county commission. He said cattle ranchers in Paradise Valley make less money than elsewhere. If science and all facts are correct, there should not be that disparity in prices. Tinsley said he cannot support Malone's letter, but serious issues facing ranchers in Paradise Valley need to be addressed. He said he thinks ranchers get the short end of deal on their means of a living because of the bison issue, and all elements need to be considered if this will work, ranchers' incomes included.

Commissioner Durgan said he is a cattle rancher and agrees for the most part with what Malone has put together, but some things need refinement. Durgan asked how bulls will be monitored to ensure only bulls exit the park. He said the issue of not taking action falls on FWP and YNP and he challenges the management within those agencies to take some management action. He said livestock people have to manage their resources and thinks the big problem is the park is overgrazed and overused. Managers there should do a better job of managing their livestock and do it according to available forage. Durgan asked how the solution of giving wildlife more room to roam is answered, roam where? He said it ends up being on private lands and there needs to be some discussion and some way to work this out. He said he does not think it is right for the National Park Service to think they can just run animals lose and run on their neighbor. Ranchers cannot do that. He asked about the rights of people trying to live off the land, as they need consideration also. Durgan said adaptive management seems like an oxymoron and another way of the NPS not keeping its word. If something does not work the way it intends, then it changes it to its benefit. He said YNP and FWP need take more responsibility.

Commissioner Malone said he does not trust Montana FWP or the Department of Livestock and thinks the state veterinarian is suggesting he will prevent disease except in the Gardiner Basin. Malone read into the record an excerpt from the Bison Working Group and IBMP. He said Phase II has been skipped in his opinion. He said he has officially requested local government input on some decision making at many IBMP meetings, and as far as he is concerned the IBMP Committee is violating the Montana Constitution and makes a lot of decisions without allowing for public input. Malone said he thinks fencing exasperates the problem and it should be taken out, because it puts

bison back on the highway. Malone said it was a mistake for the federal government to take crested wheatgrass out of the Cutler Meadow area, which was intended to be an area for bison to forage. He thinks the Gardiner part of the EA should be separate than West Yellowstone's.

Malone said it frustrates him that authorities have allowed bison to move 15 miles through the Gardiner Basin in six months and asked when it will stop. He said the elk working group did not have one person from Paradise Valley on it. Malone said FWP frustrates him with an obvious mission to wildlife around the world. He said he has no problem with revising his letter or throwing it out altogether. He said he has been told numerous times he cannot sit on the IBMP. He said they ought to let a local government official on the panel to provide input to the group. No one on the IBMP Committee lives with bison.

Souvigney said the Designated Surveillance Area (DSA) was created as a way to minimize the effect on livestock producers across the state. Producers across the state wanted it. It does not seem fair to Park County producers, but not allowing bull bison out of the park will not reduce the brucellosis/livestock issue. She said a broader discussion across Montana and Wyoming is necessary.

O'Hair said he was told last year replacement heifers he sold in Nebraska cannot be used for breeding if they are from the DSA. He said livestock people do not get subsidy checks.

Matt Skoglund said the EA on the table is for the park boundary to Yankee Jim Canyon, only.

Strauss said the EA is for the park boundary in Gardiner to Yankee Jim Canyon and she feels like Durgan and Malone muddied the water, as the discussion is not about bison roaming in Livingston. She said there are two livestock producers in that area, one of which does not have issue with bison.

Durgan said agencies need to say how they will manage the resource, which he has not seen in a long time.

O'Grady said she can provide bison managers to answer scientific questions. The Commission represents the community, and she does not feel well represented. Tinsley said a meeting with ranchers present also needs to be held.

The EA public comment deadline is September 13. Durgan said he would like to hold an evening meeting to get more input on the letter because he still feels like he is not hearing the greater picture. Strauss said the meeting should be in the Gardiner Basin.

Commissioner Durgan moved to hold a meeting on the topic in Gardiner hopefully by the end of the month. Tinsley seconded the motion if a stock growers meeting is held in the Paradise Valley on the same topic. Motion passed.

@4:20 p.m., the meeting adjourned.

7:00 p.m. – Shields Valley Watershed Group – St. Margaret’s Church

August 20, 2013

Opening of Meeting: @9:02 a.m.

Public Comment: Mike McDaniel, Paradise Valley Homeowners Association, said interpretive signs installed by the county at the south end of the L.E. Dunn Road trail are gone, a No Motorized Vehicles sign is gone, and a locked gate is across the trail access point.

Dann Babcox, PCRFD#1, said Park County needs to consider restricting open burning from 4 a.m. to noon only.

Update on Current County Projects

Attendance: Commissioners Durgan, Malone and Tinsley; Mike Inman, planning; Raea Morris, administrative assistant; Paul Shea, museum; Parks Frady, Kevin Feldman and George Bornemann, CTA; Kristen Galbraith, Nittany Grantworks; Mike Adams, fair board; Sime Construction representative; Bob Ebinger and Gary Barnhart, citizens; John Mueller, minutes clerk

Fleshman Creek Rehabilitation Project: Kevin Feldman, CTA Engineering, said Sime Construction was awarded the construction contract. Kristen Galbraith, Nittany Grantworks, is putting together an informational notice to go home with school children the first week of school.

Citizen Gary Barnhart asked the status of a settlement agreement payment he is to receive for cooperating with the Fleshman Creek Project.

Mike Adams, fair board, asked the status of the fairgrounds sewer system project in light of the Fleshman project. Commissioner Tinsley said the fairgrounds system will be started after the Fleshman Creek Project is completed. Preliminary engineering will commence in the winter.

Gardiner Gateway Project: Parks Frady, CTA, said surveyors are working in Gardiner to identify underground utilities. Mike Inman, planning, said geotech exploration will commence on September 9.

Gardiner Sidewalk Extension: Galbraith said MDT is working on the project, which is tentatively scheduled for construction in summer 2014.

Museum Building Restoration: Funds may be available by the end of October.

Main Boulder River Road: Project being administered by Sweet Grass County

Rock Creek Road: Feldman said the culvert should be installed today. Tinsley said dust control on bypass roads is wearing away and dust is getting bad.

County TSEP Bridge Projects: Postponed until March 2014.

Public Comment Period for the Above Projects: Inman said he and Nittany Grantworks met with Rob Buckvich of MDT and Dave Haug of Livingston Ditch about a proposed bicycle path extension project through the canyon into Paradise Valley. The entire project would be within an MDT right of way and funds would be sought through the Montana Alternatives Program. The Parks Board held a public meeting to request funds. There will be no match funds required of the county.

Inman said access to the south end of the Chico-Chicory Trail has been blocked off, and interpretive signage placed by the county is gone.

ACTION ITEMS

Discussion/Decision on Water Rights Settlement for Fetterhoff Residents for Fleshman Creek Project

George Bornemann, CTA Engineering, read into the record a letter from Citizen Eric Fetterhoff requesting a monetary settlement agreement of \$3,500 for the value of his water rights that may be affected during the Fleshman Creek project.

Commissioner Tinsley moved to approve the water right settlement for the Fetterhoff property on Fleshman Creek. Commissioner Durgan seconded the motion. Motion passed.

Discussion/Decision on Retaining of Current Engineering Consultant Services at Landfill

Commissioner Tinsley moved to recess the meeting, as well as discussion of draft solid waste fee schedule to after the bid opening scheduled for 1:00 p.m. Commissioner Durgan seconded the motion. Motion passed.

Discussion/Decision on Stucco Tec Contract

Commissioner Tinsley moved to recess the meeting until August 21 at 9:00 a.m. Commissioner Durgan seconded the motion. Motion passed.

Opening of City-County Janitorial Bids

@1:04 p.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan, Malone and Tinsley; Raea Morris, administrative assistant; John Mueller, minutes clerk

Commissioner Malone opened one sealed bid from Exeucare Services Inc. for \$3,996 per month.

Commissioner Durgan moved to accept the bid pending legal review. Commissioner Tinsley seconded the motion. Motion passed.

Discussion/Decision on Retaining of Current Engineering Consultant Services at Landfill

Commissioner Malone said he encourages the Commission to put out an RFQ for a new engineer.

Commissioner Tinsley moved to go out for RFQs for engineering of landfill services. Commissioner Durgan seconded the motion. Motion passed.

Public Hearings/Ordinances/ Resolutions

Signing of a Resolution for Declaration of Disaster in Shields Valley for Damages during Storm August 1, 2014

Commissioner Tinsley read the resolution into the record, which discussed damage to crops, equipment and structures due to a hail storm in the Shields Valley on August 1.

Commissioner Tinsley moved to sign the letter to Governor Bullock. Commissioner Durgan seconded the motion. Motion passed.

CONSENT ITEMS

Discussion of Draft Solid Waste Fee Schedule

Attendance: Commissioners Durgan, Malone and Tinsley; Lani Hartung, finance; John Mueller, minutes clerk

Commissioner Malone and Lani Hartung, finance, said they cannot find a resolution that sets county refuse rates. Proposed revisions were made to the draft fee schedule.

@2:01 p.m., the meeting adjourned.

Review of Daily Correspondence and Agenda/Signing of Administrative Documents and Upcoming Claims/P.O.'s

Correspondence included:

- Memo re. Department of Army Corp of Engineers Fleshman Creek Project

- Memo re. Stucco Tec contract
- Memo re. city of Livingston grant letter of support
- Memo re. notice of HVAC replacement and power shut down
- Memo re. August Solid Waste Board agenda
- Memo re. Department Head meeting
- Memo re. Capital Improvements news release
- Memo re. medical benefits meeting request
- Memo re. citizen Fair Board application

Review of Minutes for Week of August 12, 2013

Commissioner Tinsley moved to accept the minutes for August 12 to 16 as submitted. Commissioner Durgan seconded the motion. Motion passed.

Adjournment: 10:36 a.m.

Park County Board/Committee Meetings

9:00 A.M. – Mandatory Employee Safety Tape Viewing – Community Room

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

August 21, 2013

Public Comment

Attendance: Commissioners Durgan, Malone and Tinsley; Kelly Johnson, maintenance; Bruce Lay, realtor; John Mueller, minutes clerk

Bruce Lay, realtor, presented the Commission with a plat map of the Yellowstone River Ranch Estates property and associated easements, location of Old Yellowstone Trail (OYT) and access points to the Chico-Chicory Trail. Lay said the contention is (OYT) never touched an area others say it did. He said on the south end, it was understood the interpretive sign was an agreement if a 99-lot subdivision was developed, which it was not. Lay said the sign was asked to be removed by a fence installer as it was in the middle of the road. He said the sign still exists. Commissioner Tinsley said it would have been good to have had this discussion before the interpretive sign was removed, because residents are asking the Commission to press charges in the matter.

Discussion/Decision on Stucco Tec Contract

@9:00 a.m., a meeting reopened from the previous day.

Attendance: Commissioners Durgan, Malone and Tinsley; Raea Morris, administrative assistant; Kelly Johnson, maintenance; John Mueller, minutes clerk

Commissioner Malone said the owner of Stucco Tec will have to add \$7,000 to his bid to repair stucco on the City-County Building in order to comply with prevailing wage laws required for a government project in excess of \$25,000.

Commissioner Tinsley moved to approve the bid for Stucco Tec for the fire department for \$19,222. Commissioner Durgan seconded the motion. Motion passed.

Commissioner Tinsley said Rock Creek Road will be closed for another week beyond initial timeline because a culvert was damaged during delivery.

@9:18 a.m., the meeting adjourned.

Department Head Meeting

@9:37 a.m., the meeting opened at the MSU Extension Office.

Attendance: Commissioners Durgan, Malone and Tinsley; Martha Miller, auditor; Warren Newhouse II, refuse; Paul Shea, museum; Erica Hoffman, IT/GIS; Kelly Johnson, maintenance; Craig Caes, environmental health; Clay Williams, weed; Denise Nelson, clerk and recorder; Brett Linneweber, county attorney; Mary Anne Keyes and Tracy Mosley, MSU Extension; Raea Morris, commission office; Kim Knutson, fair; John Mueller, minutes clerk.

Report from Commissioners: Commissioner Malone said the Commission will ask CTA Engineering to assess building space and office space needs in the City-County Complex and asked department heads to provide comment if interested in moving office spaces.

Safety Short: Paul Shea read a safety short into the record discussing eye protection, proper protective eyewear in the workplace, common workplace eye injuries and first aid care of eye injuries.

Report from Finance: Lani Hartung said external auditors will complete an annual audit the week before Veteran's Day and asked department heads to be available to discuss any grants. She discussed the Park County Procurement Policy parameters, which is located on the county website under the Accounting Department page. There was discussion about how many bids must be obtained when soliciting services per policy.

Report from Clerk and Recorder: Denise Nelson said a municipal election will take place in November and she will need room for all associated equipment. She will use the former DOR office for space if still vacant.

Report from MSU Extension: Mary Anne Keyes said the new MSU Extension Office conference rooms are available for county department use.

Roundtable Discussion of Activities: Department heads and elected officials provided updates of current and ongoing projects and efforts.

County Attorney Brett Linneweber said he will be sending out three memorandums for the Commission to send out addressing best practices and potential legal issues that have been occurring lately. There have been issues the past year with Commission decisions where department heads disagree and actively attempt to get the decision changed or refuse to comply. Department heads advise the Commission, but once the Commission makes a decision (which may affect work tasks or assignments), neither department heads nor other employees are in a position to refuse to comply with that decision. This behavior may create a hostile work environment and can result in discipline or termination.

Public Comment: None

@10:40 a.m., the meeting adjourned.

10:30 A.M. – Rock Creek Road Project Meeting – Onsite – Commissioner Tinsley attended

Public Comment Period, County Departmental Updates, Signing of Administrative Documents in Signature folder and Review of Daily Correspondence/Agenda

Attendance: Commissioners Durgan, Malone and Tinsley; Raea Morris, administrative assistant; Mike Inman, planning; Denise Nelson, clerk and recorder; Anne Hollowell, citizen; John Mueller, minutes clerk

Public Comment

Citizen Anne Hollowell of Fleshman Creek said she attended the planning board meeting the previous week in which public opinion poll results were reviewed. The MSU graduate student made an excellent presentation and Bill Berg did a good job of chairing the meeting. Hollowell said she noticed the county planning board was accepting comments from residents who live in the city of Livingston, which she presumed was its own jurisdiction as an incorporated area with its own planning board. She provided the Commission with a section of Montana Code Annotated she said defines jurisdictions and incorporated areas. She said she spoke with the county planner about the issue and asked him why the county was accepting comments from city residents on the land use survey. Hollowell asked the Commission what the particular MCA means and whether there is a legal issue that can be answered regarding the MCA in question. She said her issue is residents within the city of Livingston's jurisdiction completing the county land use survey.

Malone said Hollowell's question is a good one. He wrote to Dr. Austin that morning asking to omit survey responses from the "Livingston-area" (accounting for 43% of survey responses). He said the thing to look at given all questions is whether the opinion provided is valid, thus whether the survey is valid, particularly given discrepancies, such as only 29% of county residents having a bachelor's degree or higher, but 75% of individuals who took the survey having that level of education. Malone said his opinion

is to mail out numbered surveys to all landowners if you want a real survey, as SurveyMonkey is a shot in the dark and all faults of the survey have to be considered to determine whether results really indicate how landowners feel. He said the other issue he had with the survey is it did not specify only the first survey completed on an IP address was accepted. Malone said there are some issues with the survey. Commissioner Durgan said there are issues with any survey conducted. Hollowell said she did not like the reference to asking how large of a piece of land one owns and how much money one earns, because if you are a landowner you have the right to speak because you have a vested interest. Malone said if you look at the typical Montana resident (he/she) tends to be for property rights.

Department Updates

Commissioner Durgan asked if the county was going to hold any more meetings on the land use survey. Mike Inman, planning, said he just spoke with Professor Austin (MSU professor who facilitated the survey) about a request from Commissioner Malone to take the Livingston-area resident responses out of the response pool. Inman said Austin will take out those responders and cross tabulate the data with responses from individuals living only in defined areas of the county to see if results are skewed. He said some county resident responses will be taken out as a result, as the survey defined the demographic as “Livingston area” and not the “city of Livingston.”

Inman said the county is getting a lot of intimidating and threatening voice messages referencing Agenda 21, probably from outside the state per caller identification. He said messages state (paraphrased) “we know what you’re up to, there will be consequences and you better watch your back.” Malone said he saw that email, but does not know how to react to such a message. He said the issue has gotten people talking as Bill Berg stated it had. In other discussion, Malone said Bruce Lay was in that morning commenting on Yellowstone River Ranch Estates and Lay interprets issues with Chico-Chicory Trail access differently than the county. Malone said the civil deputy county attorney has not come back with an opinion on the issue.

Back to the land use survey, Inman said action can be taken when Commission underlings and board members receive threats. He thinks the Commission should make a statement in a public meeting that personal attacks and threats toward county staff and volunteer board members will not be tolerated. Durgan said such threats are considered a threat to the entire courthouse. Inman said a Park County resident’s statement to the board chair in the August 15 Planning and Development Board meeting “May the Lord smite thee” was received by applause from many audience members, and the Commission made no response. Empowerment through such type comment does not allow for civility or any kind of progress as far as the discussion goes. Inman said he does not think it is appropriate for the commissioners to allow such behavior at any meeting. Durgan said “exactly,” but said he took the wish of the board chair’s death with a grain of salt.

Inman said the director of the Park County Environmental Council wants him to listen to three threatening calls he has received to determine whether it is the same person telephoning the county government. Inman said his recommendation is the Commission schedule a meeting and either step up and support the planning board in its land use information gathering effort or don't. The remaining option is to not hold meetings because of intimidation. Inman said a county resident demanded he be fired at a previous meeting on the issue. Malone said Durgan responded to that demand. Inman said no one is standing up and saying such comments will not be tolerated. Malone said no one defended him at that previous meeting either.

Inman said whether the Commission believes it or not, the planning board is trying to engage people in a dialogue on the issue of land use. He said as far as he understands the Commission partially sanctioned the process and agreed the board could go out in the community and talk to people on the topic. Malone said, in defending the Commission, he spoke with Berg and told him any future meetings need to be in the Commission Chambers so it is an official Commission meeting where a vote can be made. Inman said the Commission has the authority to shut down the current effort at any time. He said the planning board members are receiving a lot of flak for the effort, and feedback being heard is that the Park County commissioners are not in support of the process nor have they been at any point and the effort is a backdoor sneaky deal by a few select individuals trying to zone the county. He said the board and planning staff expects the Commission to state such is not true or that it is true and therefore is shutting down the process. Malone said he has stated several times if a survey is going to be done the county should mail it out to residents. Inman said the online survey was opted for because MSU told the county such would be the best method to obtain a statistically valid sample of the population of Park County and be able to control IP addresses. Inman said he believes a sample of Park County was obtained with methodology used. Malone said such is why he asked Dr. Austin what happens if the 43% was thrown out, which is a fair question. Inman said that answer will be found out. Inman said the board and staff were never given a direction that people in the city of Livingston and town of Clyde Park must be excluded if talks with residents about land use were conducted. Malone said the Commission will schedule a meeting to give clear direction if the board and staff want it.

Inman said he does not like getting threats and hearing the things he is from particular county residents who think he is the devil's spawn trying to take their property. He said he does not need to be doing this and can be working on more important projects rather than putting himself out there to be scrutinized without any support from the people he works for. He asked what the point was if he and the board were not going to get that support, as the work is being done for the Commission. The idea is to gather information so the Commission can do with it whatever it wants. Malone said the Commission needs to determine what it wants to do. Inman said whether the Commission made a formal motion to approve it or not, he and the board understood the Commission was supportive of the land use data-gathering process when the board commenced working on it over 12 months ago.

Correspondence included:

- Memo re. USDA assistance to MT farmers recovering from storms
- Memo re. tennis court proposal for asphalt to the landfill
- Memo re. citizen Rock Creek Road CIP comment
- Memo re. citizen LE Dunn County Road
- Memo re. citizen public information request
- Memo re. Upper Yellowstone Watershed Basin special meeting

Denise Nelson, clerk and recorder, said she cannot accept a partial road abandonment petition as submitted by resident in Whispering Pines Subdivision.

Commissioner Durgan reported on an August 20 Fair Board meeting.

@11:39 a.m., the meeting adjourned.

Human Resource Updates

@11:40 a.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan and Malone; Jill Ouellette, HR; Mike Inman, planning; John Mueller, minutes clerk

Jill Ouellette, HR, said she presented an FMLA request to the Commission and noted all the paperwork was in order according to policy. The Commission signed off on the leave request. Ouellette provided an exit interview for a detention officer who resigned. She was told that the sheriff's office changed deputy working hours due to the fire emergency and said she needed to be involved as her duties included working in the capacity for union negotiation as and in light of being in between contracts at this time. She will handle getting the union advised of the emergency change in work hours.

Ouellette provided an employee leave bank report; change of status form for a deputy with a longevity pay anniversary; and employee comments. Ouellette said two applications were received for the public works director position, six applications for the fairground caretaker position, and a Chico/Trail Creek caretaker position will be reposted. Paperwork was completed for wage increases for the planning director and GIS/IT manager. Ouellette provided for signature paperwork to rectify a \$90-error in an employee's COLA from FY 13. Ouellette said she was proofing payroll that morning with the cutoff shortly following, thus could not attend the 9:30 a.m. Department Head meeting.

Ouellette said she submitted an email to MACo legal about a detention officer position applicant who requested accommodation to not take a portion of the physical test. She requested a legal opinion regarding the accommodation due to the physical fitness necessary to work in the jail and be able to restrain an inmate, for example, which is a major safety concern on many fronts. She said the MACo attorney was very dismayed at

and berated her about the physical requirement section of the job description as released by the county and suggested the county use a MACo model.

Ouellette said additional comments were received about having to walk through a smoker's area to enter the courthouse building. Commissioner Malone said no one has complained to him and he is not interested in moving smoking benches to another area as he is following state law.

@12:07 p.m., the meeting adjourned.

Budget Workshop to Include Library Budget with Library Board

@1:30 p.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan and Malone; Lani Hartung, finance; Tammy Brawn and Nancy Kessler, library; John Mueller, minutes clerk

Nancy Kessler, Library Board of Trustees, said the Library Board is asking for \$2,000 additional funds from the previous year for a total allocation of \$20,000.

Lani Hartung, finance, said an August 27 public hearing will allow for public comment on the proposed FY' 14 county budget, and the Commission will consider signing a resolution to pass the budget and set the levies for the general and special revenue funds.

@3:00 p.m., the meeting adjourned.

2:30 p.m. – RC&D Meeting – Community Room

Discuss Existing Gardiner Depot Building Deficiencies and Tenant Needs

@3:35 p.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan and Malone; Mike Inman, planning; Ron Shorter, Gardiner Water and Sewer District; John Mueller, minutes clerk

Mike Inman, planning, said the original Gardiner Gateway Project application discussed what to do with the existing depot building in Gardiner, but the building was not included in the final grant application. Inman said the Commission needs to determine whether it wants to generate a plan of options to address long term solutions to deficiencies in the depot regarding needs of the Gardiner Water and Sewer District and sheriff's office, which are currently housed in the building. Ron Shorter, Gardiner Water and Sewer District, said he is fine with being housed at the current location, but knows his board would support construction of a new facility. Commissioner Malone said he would like to address the issue down the road, but the Commission has its plate full at present.

Inman read into the record deficiencies of the existing depot building as submitted by the undersheriff.

Inman said the residents of Gardiner were led to believe the county would raze the existing depot building if a new one was built. It will be a problem if individuals renting the current building do not have other space options. He said individuals who would seek funds to build a new depot would have to work on a tight timeline. Malone said he thinks there will be more time to make decisions than Inman is alluding to and it is not a crisis situation at present.

Commissioner Durgan said at this point it does not appear the Commission has a consensus of what it wants to do and may have to approach the matter at another meeting to get more input.

@3:54 p.m., the meeting adjourned.

August 22, 2013

Opening of Meeting: 9:00 a.m.

CONSENT ITEMS

County Road/Engineering Service Updates

Attendance: Commissioners Durgan, Malone and Tinsley; Raea Morris, administrative assistant; Scott Hamilton, PCSO; Dan Babcox, PCRFD#1; John Mueller, minutes clerk

Commissioner Tinsley reported on dust control application and other elements of the Rock Creek Road Project.

Public Comment Period, County Departmental Updates, Signing of Administrative Documents in Signature folder and Review of Daily Correspondence/Agenda

Dann Babcox, PCRFD#1, said fire entities in the state have exhausted resources to fight wildfire, so the next step will be to request a state of emergency and request National Guard assistance.

Commissioner Tinsley moved to sign a Fleshman Creek Montana DNRC grant extension agreement. Commissioner Durgan seconded the motion. Motion passed.

Correspondence included:

- Memo re. August 2013 Airport Board agenda
- Memo re. citizen year-round bison EA comments
- Memo re. county attorney LE Dunn Road comment
- Memo re. city of Livingston letter of support

- Memo re. Commission Malone year-round bison response

Commissioner Malone said he has heartburn about a proposed bicycle extension trail through the canyon to Old Yellowstone Trail North.

@9:25 a.m., the meeting recessed until 1:30 p.m.

Claims Review

ACTION ITEMS

Signing of Cooperative Emergency Declaration with DNRC for Park County Wildfires – Emergency meeting held August 19

Appointing of Applicants to the Fair Board – Canceled

Discussion/Decision on Past Due Tax Bills and Removing Penalty and Interest

@1:30 p.m., the meeting reopened.

Attendance: Commissioners Durgan and Malone; Kevin Larkin and Vicky Holland, treasurer's office; Lani Hartung, finance; John Mueller, minutes clerk

Treasurer Kevin Larkin provided information on back taxes and associated penalties and interest on numerous delinquent tax bills for mobile homes.

A mobile home in Linda and Gene Budeski's mobile home park has \$942.51 in penalty and interest and a tax balance due of \$1,425.06. Commissioner Durgan moved to waive the penalty and interest. Commissioner Malone seconded the motion with the caveat the individual has 60 days to pay off the taxes. Motion passed.

A mobile home has penalty and interest of \$106.03 with \$501.69 in back taxes. Commissioner Durgan moved to waive the penalty and interest with balance paid within 60 days. Commissioner Malone seconded the motion. Motion passed.

Property in Clyde Park on which a building no longer exists has \$10,399.94 in penalty and interest. Malone asked for documentation that the building is gone. Commissioner Durgan moved to take it off the books pending legal approval. Commissioner Malone seconded the motion. Motion passed.

Larkin said the Gateway Hose Company in Gardiner only received a tax bill in 2011 for a \$555-refuse assessment. The Commission instructed Larkin to hold onto the bill, as it will address the issue of assessing refuse to nonprofits in the near future.

Bergsing Excavation went out of business in 2004. Commissioner Durgan moved to remove the former business from the tax rolls. Commissioner Malone seconded the motion. Motion passed.

A building that no longer exists has delinquent 2006 taxes in the amount of \$7,181.03 for 2008. Commissioner Durgan moved to take it off the books pending legal approval. Commissioner Malone seconded the motion. Motion passed.

Gary and Joyce Lahaye have a strip of land adjoining their property given to them by Dave Viers. Larkin is requesting permission to have the DOR reassess the tax bill for 2009 - 2011 from \$96, 641 to \$31, 892, as property was improperly assessed by the DOR. Commissioner Durgan moved to have Larkin work with the DOR to revise the tax bill. Commissioner Malone seconded the motion. Motion passed.

Russell Viers will pay the base amount of \$7,490.36 on four trailers if the Commission waives \$2,981.93 interest and penalty in order for Viers to put the trailers in his name. Commissioner Durgan moved to waive the penalty and interest on four trailer homes noted. Commissioner Malone seconded the motion. Motion passed.

Larkin asked for permission to eliminate the penalty and interest on numerous delinquent tax bills for land and personal property that no longer exist. Commissioner Durgan moved to allow Larkin to remove penalty and interest on trailers. Commissioner Malone seconded the motion. Motion passed.

Signing of Emergency Declaration with Montana Department of Natural Resources for Active Fires

Commissioner Durgan moved to sign an emergency declaration with the MT DNRC for active fires. Commissioner Malone seconded the motion. Motion passed.

Discussion/Decision of Fair Board Recommendation to Increase the FY 14 Budget Relative to the Exempt Status of the Fair Manager and Other Staffing with Fair Board Present

Attendance: Commissioners Durgan, Malone; Mike Adams, Bill Rambow and Ed Flatt, fair board; Kim Knutson, fair manager; Jill Ouellette, HR; John Mueller, minutes clerk

Jill Ouellette, HR, said she met with fair board earlier in the week to discuss the exempt status of the fairgrounds manager. She said federal exemption rules were adopted in May 2010. Ouellette read into the record criteria required for exempt employees. Ouellette said her recommendation based on the criteria is to move the fair manager into the non-exempt category, which will have budgetary implications.

Ouellette provided a breakdown of the employee's hours worked since 2011. She said the employee was permitted to collect comprehensive time since 2004 when moved from a 20 to 30 hour per week employee, which is a violation of state code. Ouellette provided a report of the employee's leave accrual figures.

Kim Knutson, fair manager, said she would like to keep her job and make a win-win situation for her and the county. She is willing to try working 40 hours per week as an hourly employee. Mike Adams, fair board, said increasing Knutson to a full time employee would increase the upcoming fiscal year fair budget \$14,000 to \$20,000. He said the board already has a hard time balancing the budget.

Malone directed Ouellette to work with Knutson to determine how much money should be put in her 2014 budget and for Knutson to submit those figures to the Commission.

Discussion/Decision on Implementing Fire Restrictions for Park County, Montana

Commissioner Durgan moved to pass an ordinance to ban open burning in Park County. Commissioner Malone seconded the motion. Motion passed.

Adjournment: 3:30 p.m.

Park County Board/Committee Meetings

1:00 P.M. – Solid Waste Board – East Room – Commissioner Tinsley attended

1:30 P.M. – Mandatory Employee Safety Tape Viewing – Community Room

4:00 P.M. – Library Board – Library

August 23, 2013

No Commission Meetings Scheduled

Marty Malone
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana