

Park County Commission Meeting Minutes
Week of March 2 – 6, 2009
Park County, Montana

March 2, 2009

Review Daily Agenda and Correspondence

@8:52:42 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Bill Hurley, operations; Raea Morris, Commission executive assistant; and Commission Minutes Clerk John Mueller. No public comment was made.

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

Correspondence included:

- Memo from GIS/IT manager re. annual leave schedule
- Memo from MACo re. legislative updates - To Commissioner Durgan for review
- Memo from Key Insurance re. county insurance renewal policy
- Memo re. Bentley water and wastewater stimulus package - To Gardiner Sewer District for review
- Memo re. energy efficiency block grant
- Announcement of MT Transportation Commission meeting in Helena on March 4
- Memo from MT Heritage Commission re. summer jobs
- Citizen memo re. Lower Deep Creek Road
- Memo from county attorney re. signed administrative order for Voyich Ranch Fleshman Creek project
- Memo from John Deere RDO re. road grader prices
- List of FY'10 Park County appropriations projects requests
- Announcement of Yellowstone Country board of directors meeting March 10 in Columbus - To Durgan for review
- Memo re. Intercap rate
- Email from Union Local #2 re. road contract and sheriff's longevity pay
- Memo re. state investment board
- Invoice from Great West Engineering re. Gardiner Sidewalk project - To AP clerk
- Yellowstone Angler newsletter
- Announcement of Yellowstone Watershed meeting on March 5
- Memo re. distribution of Cooke City resort tax funds
- Memo re. Cooke City rezoning request
- Memo re. proposed changes to waste and underground bureau
- Dinner invitation from Roscoe Culvert for March 30
- Memo from Pete Feigley re. lead contamination at Harvat's Flat - Commissioner Taylor said he will submit a response letter
- Memo re. hearing for SB 236 livestock reimbursement bill

- Memo re. company to add to county culvert supplier list
- Memo from MACo re. conference planning on March 4
- Memo from HR re. employee of the month program
- Legal advice to Commission from deputy county attorney

@9:37:00 a.m., Commissioner Durgan made a motion to adjourn the meeting. Commissioner Taylor seconded that motion. The meeting was adjourned.

March 2, 2009

Commission Consideration of Planning and Zoning Commission Recommendation Regarding a Requested Zone Change in Cooke City/Silver Gate Zoning District

I. Call to Order: @10:03:43 a.m., Chairman Malone called a meeting to order in the Community Room of the City/County Complex. Commissioners Durgan, Malone and Taylor were present. Also present was Mike Inman, planning; Shannan Piccolo, deputy county attorney; Barbara Woodbury, environmental health; Doris Morgan, environmental health; Bob Crabtree, YERC president; Public citizens Ken Hufford, Dave Brooks, and Josh Irby; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to consider a Planning and Zoning Commission recommendation regarding a requested zone change in the Cooke City/Silver Gate Zoning District by the Yellowstone Ecological Research Center (YERC).

II. Conflict of Interest: None reported.

III. New Business

1. Planning Department Presentation: Planner Mike Inman provided the Commission with a report documenting public comment and findings of fact made by the planning and zoning commission at its January 28, 2009 meeting. Inman reviewed the summary of citizen comments and read into the record additional findings of fact made by the planning and zoning commission and recommended to the Park County Commission.

2. Public Comment: Ken Hufford provided the Commission with written public comment. He said he wanted to go on record as opposing the zone change request. Hufford said he lives next to the YERC property and is the former chair of the Cooke City zoning committee that drafted the Cooke City zoning regulations. He said that committee spent an enormous amount of time addressing zoning in Cooke City and the types of property that should fall into certain uses. He said the intent of the committee was for the RV park that once existed on the YERC property to remain as prime residential lots that would command top dollar, and therefore it was zoned residential. Hufford said it was his understanding the property would revert back to residential if it changed ownership.

Dave Brooks said he lives in Michigan and is a visitor to Cooke City. He said he thinks the key to this process is called land use planning and thinks the zone change would be appropriate and productive to the community.

Josh Irby, Cooke City resident, said he is concerned changing the zoning will allow others to take advantage and develop beyond Cooke City's needs and water and sewer resources. He said he and his wife oppose the zoning change request.

Addressing Hufford's comment, Inman said the uses permitted under the state RV park license were grandfathered when the YERC property changed hands, and YERC can continue to operate as a work camp provided uses are permitted under the grandfathered license. Inman said a state license trumps any local regulations. Sanitarian Barbara Woodbury provided a copy of permitted uses under YERC's current license. She said RV park, campground, work camp, and youth camp uses are all permitted under the same general license and regulations, but exist under different categories. She said facilities are generally brought up to modern standards when a facility is moved or a property sold.

Hufford asked YERC President Bob Crabtree how YERC proposes to access its research center in the winter time. Crabtree said YERC is planning on reducing traffic on Broadway by accessing the center via Republic.

Inman read into the record public comment letters opposing the zone change from Susie Hahn, Mathew Schneider Rhan, and Vicki Denniston dated February 24, 2009; February 25, 2009; and March 2, 2009.

3. Commission Discussion, Findings of Fact, and Determination: The Commission made findings of fact based on public comment received.

Denniston letter: **Comments:** Concerned about eliminating residential lots in Cooke City. Commercially zoned lots are too expensive for people wanting to build a residential home. **Findings:** The requested zone change will not eliminate residential property in the area. The RC zone allows for all residential uses under the R-1 zoning designation. Residential development is not allowed on lots zoned commercial. This property will not be zoned commercial.

Hahn letter: **Comments:** There are six lots that could potentially be two residential lots. The petition from the last public hearing should be considered. There is a precedent set that does not allow for commercial zoning on the back street (Broadway Street). Increased traffic will be generated by the proposed zone change. Allowing the zone change will allow anyone to commercially operate on the "back road." **Findings:** The requested zone change will not reduce the number of residential opportunities on the property. The petition was considered and addressed during the January 28, 2009 public hearing. There will be no commercial zoning on Broadway Street resulting from the requested zone change. Public comment on traffic issues are not relevant because "traffic" is not discussed in the zoning regulations, and traffic volume cannot be predicted regardless of how the property is zoned. All zoning changes will be considered on a

case-by-case basis by the planning and zoning commission and the Park County Commission, and will be based upon individual merits.

Hufford letter: **Concerns:** The RV Park was grandfathered under the zoning regulations - if use changed the zoning would be Residential. This was determined by the Cooke City Zoning Committee (according to Mr. Hufford). Changing the zoning for six lots will result in "spot" zoning and will not serve the original intent of the zoning committee. Increased traffic will be generated by the requested zone change. This change may not withstand a legal challenge. **Findings:** The RV Park is allowed under a State approved license and trumps any local regulations as long as the property owner continues to operate in a manner allowed under the license. YERC is allowed to operate under the permitted license, which includes Work Camp, Youth Camp, RV Park/campground and Trailer Parks. The requested zone change would result in R-1 next to RC, which is consistent with the current configuration. No commercial zoning will be placed in the R-1 zoning area. Low/Impact Commercial was designated by the residents of Cooke City and is specific for that area. Traffic has been addressed through previous comments and discussion. A legal determination will have to be addressed by legal counsel.

Determination: Commissioner Taylor made a motion approve the requested zone change with findings of fact as amended by the Park County Commission. Commissioner Durgan seconded that motion. Motion passed unanimously.

IV. Public Comment: Inman said he thinks it is important for Cooke City residents to understand zoning regulations are a fluid document and provisions exist allowing for variances. Inman said YERC will go through the Cooke City advisory zoning committee, the planning and zoning commission and the Park County Commission if it comes in with a development proposal. He said comments some citizens may feel have fallen on deaf ears may be applicable and heard in the future proposal part of the process.

Hufford said YERC can start with its project with the granted zone change, but the project then comes under Cooke City zoning regulations, which he said will be a brand new, strictly regulated process that he guaranteed would be closely watched.

V. Adjourn: @11:27:22 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

March 2, 2009

Review Minutes for the Week of February 23

@11:43 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Shannan Piccolo, deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to review and approve Commission meeting minutes for the Week of February 23, 2009.

Commissioner Durgan requested a revision to Page 15 of 24, the first paragraph should read in entirety, “Public Citizen Bill Moser said he knows of 30 people upset over Ebinger’s “No” vote on a Montana gun law bill. Ebinger said he intends to vote for that bill when it comes out of committee.”

Page 16 of 24; last paragraph, the first sentence should read, “Durgan said the Commission had no report, and all it had offered to them was the finding of legal counsel that the zoning regulations in the donut zoning area are not presently enforceable.”

Deputy County Attorney Piccolo requested a change to Page 16 of 24, the second to last paragraph should read in entirety, “Linneweber said there is not one secret document, and the press release information was not a policy decision, but a legal conclusion whether or not the donut zoning regulations were enforceable. He said it was crystal clear they are not. Linneweber said there has been a lot of oral and written communications between the county attorney’s office, the Commission and the planning department that went into the press release document, and thus a lot of that material is not documented.” On 19 of 24, the second paragraph; the fourth sentence should read, “Piccolo said the same two-step process that currently exists regarding county zoning issues would remain, where the county planning board would make recommendations to the county commission, and the county commission would have the final decision.”

Durgan made a motion to accept the Commission minutes for the Week of February 23-27 with corrections and additions noted. Taylor seconded that motion. Motion passed.

@11:48 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

March 2, 2009

Discussion of Road Easement on Meredith Ranch Road

@3:02:35 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Shannan Piccolo, deputy county attorney; Bill Hurley, operations; Mike Inman, planning; Lynn Madsen, landowner; Mardi Madsen, landowner; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss a road easement on Meredith Ranch Road.

Landowner Mardi Madsen said she owns 81 acres on Meredith Ranch Road. She provided the Commission with copies of easement agreements and the original right-of-way written in 1933, as well as other joint easements made with other landowners. Madsen said she and her husband are present to ask whether original and subsequent easements are adequate to go ahead with two 20-acre parcel and one 40-acre parcel subdivisions. She asked what alternatives exist if the easements are not adequate.

Lynn Madsen said no provision exists to allow for subdivision along roads constructed prior to the 2006 county subdivision laws going into effect.

Deputy County Attorney Piccolo said she will look into the issue at the request of the Commission.

@3:22:11 p.m., Malone adjourned the meeting.

March 3, 2009

Review Daily Agenda and Correspondence

@8:45:22 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Shannan Piccolo, deputy county attorney; Bill Hurley, operations; Raea Morris, Commission executive assistant; and Commission Minutes Clerk John Mueller. No public comment was made.

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

Correspondence included:

- Memo from Herrera Environmental Consultants
- Memo re. Angel Line resolution modifications
- Agenda of March 16 Angel Line meeting
- Memo from undersheriff re. longevity issue
- Memo re. YGM board appointment thank you
- Memo re. B-Bar Ranch plowing services thank you
- Livingston Job Service employer committee newsletter
- Memo from Farm Bureau re. accident report for an accident on Fleshman Creek Road involving a Park County road grader and a pickup truck - To Durgan for review
- Memo from YNP re. refuse assessment waiver request
- Annual permit fee from DEQ – To Director of Operations Hurley for review
- Agenda for March 3 City/County meeting
- Memo re. Montana Water Trust - To Durgan for review
- Memo re. courthouse cleaning services bid - To Durgan for review
- Selby's service agreement - To clerk and recorder for review
- Memo re. Meals on Wheels funding
- Memo from city manager re. donut area zoning - To Taylor for review
- Memo re. bi-annual fire wardens conference in Lewistown
- Heard Across Montana newsletter - To Hurley for review
- Memo re. cap and tax tax plan from Congress for racial equality

The Commission reviewed its upcoming five-day agenda.

@9:16:23 a.m., Commissioner Taylor made a motion to adjourn the meeting. Commissioner Durgan seconded that motion. The meeting was adjourned.

March 3, 2009

Park County Road Updates

@9:16:33 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Shannan Piccolo, deputy county attorney; Road Crewmen John Young, Mark Smith, Scott Fletcher, and Troy Amunrud; Kevin Funk, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss county road issues.

The crewmen provided updates of road conditions in their road regions.

Commissioner Malone said a contractor told him he could haul chips for \$3 a ton for a millings project and asked John Young to provide an opinion on that offer.

There was discussion about purchasing at least two 3,000-gallon minimum water trucks to replace existing trucks.

@9:29:29 a.m., Kevin Funk entered the meeting. Funk said he can find used water trucks for sale. Mark Smith said the crew needs trucks plumbed front and back.

Smith said the crew will get an OSHA violation for brushing and limbing if it does not obtain needed safety equipment such as chaps and helmets. Smith said he would view a possible safety issue with a road crewman limbing after the meeting.

Smith asked about the road crew working 10-hour days this year. He said the crew usually starts that work schedule with the daylight savings time change, which will be March 8. Commissioner Durgan said he recommends not changing on the time change this year because it is a month earlier this year. Commissioner Malone asked the road crew to talk about the issue and report back to the Commission. Malone said he likes the idea of crewmen working split shifts.

Crewman John Young asked the Commission if it has met on the status of Hill Road. Malone said the Commission will address Shooting Start Road, Sunset Lane and Hill Road abandonment issues together in one meeting.

@9:40:19 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

March 3, 2009

Discussion of Livingston Auto Center and Rankie Trust Tax Value

@9:43:26 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Manny Goetz, public citizen; Kevin Larkin, treasurer; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss a Livingston Auto Center and Rankie Trust tax value issue.

Citizen Manny Goetz said he has been working for eight years on this issue through certified letters to three sets of commissioners, contesting values of real estate assessments on values of property he purchased in Livingston. Goetz said one of his three properties was adjusted down, and he would like the other two to be adjusted accordingly. He said he has delinquent interest and penalties in the amount of \$6,587.14 on his taxes and his goal is to bring taxes current. Goetz said Montana Department of Revenue told him the county commissioners have the authority to change the department's actions on the matter if Goetz was not happy with those.

Commissioner Malone said the Commission will review the status of past Commission actions on such requests regarding delinquent citizen tax payments. Goetz asked the Commission to review the packet of certified letters he submitted to the different commissions over the years.

@10:03:27 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

March 3, 2009

Discussion of Contracting with Park County

@10:04:53 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Shannan Piccolo, deputy county attorney; Erica Hoffman, GIS/IT; Marilyn Hartley, accounting; Kevin Funk, public citizen; John Hogenson, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss contracting with Park County.

John Hogenson of Hogenson Construction provided the Commission with a cost estimate of his charges for grader operation services.

Hogenson said if he were willing to contract for roads in Wilsall and the Clyde Park he would maintain those roads with less men and grade when moisture and other grading conditions were ideal. He said he could do a better job than the county crew and the county would not be paying him when he was not plowing roads when there is no snow.

Hogenson said he would be interested in using one of the county's crewmen for roads he would maintain in the Shields, because with a little guidance he feels that operator would do an excellent job.

Kevin Funk, public citizen, said he thinks the biggest road department costs to the county are for maintenance of equipment. He said the benefit of contracting road work is greater than the cost savings, and that arrangement would be more versatile with contractors, where the county could have local contractors maintaining different road regions. He said contracting would stimulate the economy in the community in a positive way. Funk said the county is better off to contract for tree trimming as well. Funk said small governments like Park County need to downsize and contract to save money. Funk said the Commission could set up an independent board to look at the entire picture of road maintenance, and the Commission could come up with a plan and proposal that works for the Commission and present that to the contractors to find out if that is workable.

Commissioner Malone said he would like to put out a request for services and see what the contractors submit. Malone said he thinks the county needs to look into contracting for snow removal.

The Commission said the road crew has ownership in roads and the Commission needs to be careful not to take jobs away from road crewmen.

@10:52:21 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

March 3, 2009

Discussion of Donut Area Zoning

@1:33:17 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Brett Linneweber, county attorney; Camden Easterling, Livingston Enterprise; Shannan Piccolo, deputy county attorney; Mike Inman, planning; Dann Babcox, PCRFD#1; Public Citizens Dale Reinhart, Lewis Wilks, Ursula Neese, Jim Barrett, John Grant, Pete Feigley, Lou Goosey, Harold Stewart, Chuck Donovan, Peter Mackenzie, Joan Walls, and Rob Forstener; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss donut area zoning issues.

Peter Mackenzie, public citizen, said he would like to thank the county for the cleanup of the free dump on BLM land. He said he would like to put up a fence so no one can access the dump site, because people are there all the time shooting into his ranch.

Mackenzie said he had a discussion with landowners surrounding the Forest Service access up to the Livingston Peak trailhead. He said that road passes through five miles of private land and causes a major issue with trespassing and poaching. Mackenzie said it costs him a lot of money to patrol his property and he offers the solution to reroute the

Forest Service road through the middle of Harvat's Flat, across city/county land, through Dry Creek and back to the existing Forest Service road.

Mackenzie said he believes he is the largest landowner in the donut area. He said zoning is a necessary thing, he bought the property when it was zoned, and he just lost 10-acre zoning and there is no way he will get that back knowing the will and interests of the people in this town. He said he assumes if he made an attempt to zone the area into ten-acre zoning he would have an enormously difficult time. He said he does not understand how the donut zoning was thrown out, but in order to get that done he just lost millions of dollars of value. He said ten-acre zoning is a lot of lots, a lot of value and a lot of money out the door for him.

County Attorney Linneweber provided a brief explanation of the status of the donut zoning area and why no authority exists to enforce the donut zoning regulations.

Mackenzie said this is a legal issue, and the oversight on this issue was by the county and city/county planning board whether that was done purposely or by mistake. He said zoning and development probably should remain closer to the cities than out in the county. He said he thought the donut made a very sensible idea, but he is not sure how it legally became a non-existent zoning area. He said he recommends with the growth policy and people looking to have development closer to town, it probably makes sense to look back into that. He said no one wants him to do citizen-initiated zoning to zone half-acre lots on his 3,000 acres. He said investment decisions have been and will be made based on something that was relied on in the past.

John Grant, public citizen, asked Mackenzie if he is advocating for some sort of authority established by interim zoning to have what he was familiar with under the donut before it was stripped. Grant asked if Mackenzie would like to see something in the way of authority out there sooner or later or if he wants it a free for all.

Commissioner Malone asked whether Mackenzie on his own could enact citizen-initiated zoning and replicate what was there before on his 3,000 acres. Linneweber said every case will have its own circumstances and he wants to research that question before giving an answer.

Dale Reinhart, former chair of the city/county planning board and current chair of the county planning board, said he is speaking as a donut resident and said he would think citizen-initiated zoning for the donut area would be problematic because all neighborhoods are disjointed and disconnected. He said it seems to him it is a tough avenue to just let it happen on its own. Reinhart asked if the planning board could take the leadership to facilitate the public meetings and public comment process if interim zoning is an option. He said that might be a vehicle while the Commission is considering options and decisions, and he thinks the planning board is a good forum to do that, is used to dealing with the public, and follows state laws in the public comment process. Reinhart said he will bring the idea to the planning board at its March meeting.

Deputy County Attorney Piccolo said the purpose of the interim zoning is to allow the status quo to remain while regulations are created.

Jim Barrett, public citizen, said it would seem to him the donut area is under the Commission's authority since the donut zoning ordinance is a stand alone document. He said presently the zoning exists and the Commission has the authority to enforce it unless it can definitively show otherwise in Montana Code Annotated.

Lewis Wilks, public citizen and planning board member, said he supports the interim zoning approach to give the Commission time to deal with this matter while it work on a much bigger issue. Wilks said he suggests the county needs a zoning process that is synchronized to the new and improved growth policy and gives clarity to what people are trying to accomplish in terms of understanding what ordinance and growth initiatives are in place in their areas. He said that will not happen overnight and will require aggressive diligence from the county to put a comprehensive plan in place. Wilks said the growth policy says the county is trying to have cohesive growth, phased development, and understand one landowner's actions have direct and immediate impact on adjacent landowners. Wilks said whatever steps the Commission chooses to take there ought to be a concerted effort of how to attack the problem, what outcome there may be, and who will do the work. Wilks said he agrees with Reinhart, and his opinion is the planning board was asked by the Commission to facilitate public comment.

Ursula Neece, public citizen, said she has lived in the donut for 15 years and has paid for variances she requested. She said the Commission is opening a can of worms because anything can happen now next door to her house, including a Harley Davidson dealership, sawmill, and prisons. She said the Commission needs to enact the interim zoning today.

Louis Goosey, public citizen, said it seems apparent to him the only choice for the Commission is to adopt the interim zoning because that gives the county up to two years to solve all the problems heard for two days here. He said the status quo will be in effect until things are hashed out.

Joan Watts, public citizen, said she did all due diligence in 1995 for her property, paid for permits, and had to notify neighboring residents for her bed and breakfast. She said she does have a sawmill across the street from her and she would like to know what happened to the original rules that were in place. She said things should have gone back to how they were if the city/county board dissolved and if new laws did not pass old ones should remain.

Commissioner Durgan said there was a legal oversight on the part of the county in his opinion and it needs to be corrected.

Grant said the Commission is hearing from a diversity of landowners in the donut and things they relied on to make investments and abide by that were in place have gone

away. He said it seems to him replicating something as soon as possible as close to that as possible is necessary.

Pete Feigley, public citizen, asked the timeframe the Commission is considering to impose interim zoning. Malone said the Commission needs to listen to a lot of people. Feigley said that could take months and asked what kinds of activities will happen while the Commission is leaving the door wide open. He said the purpose of interim zoning is to provide stability, and that is not two months from now and the quicker the better.

Neece said the citizens did not hear when the Commission will make a decision on interim zoning. Malone said that decision certainly will not be prior to a March 11 public information meeting and not before having a publicized public hearing.

@2:16:11 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

March 3, 2009
City/County Meeting

@4:09:44 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Shannan Piccolo, deputy county attorney; Erica Hoffman, GIS/IT; Marilyn Hartley, accounting; Camden Easterling, Livingston Enterprise; City Commissioners Rick VanAken, Mary Beebe, and Vicki Blakeman; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss city/county issues.

1. City Transfer of Funds for Angel Line Update: Marilyn Hartley, accounting, said City Manager Ed Meece contacted Olness and Associates and was told Olness cannot do an audit of Angel Line finances until April. Hartley said that date would be fine.

2. Recycling Efforts Update: Commissioner Taylor said he met with Meece, Clint Tinsley, city operations, and Richard Wright, transfer station. Taylor said Tinsley said city recycling is open to all county citizens, and the city accepts glass, plastic, paper products, aluminum and tin cans, and cardboard.

Taylor said the county solid waste board approved the county's proposal to recycle with the city. Taylor said the county will sever ties with Headwaters Recycling and will join with Full Circle to save about \$20,000 to \$28,000 per year. Taylor said Wright will facilitate the county recycling effort with \$40,000 he has in his budget to buy five county bins to be placed at four locations in the county. Taylor said Wright will try to resell existing bins.

3. Legislative Concerns Update: The city and county commissioners discussed relevant legislative bills.

4. Update on Advertising Legislative Issues: Erica Hoffman, county GIS/IT, said the Thursday legislative update meetings are posted on the city and county websites.

5. City/County Complex Telephone System Update: Hoffman said the county GIS/IT department met with Avaya and Cerium phone systems as part of its information-gathering effort. She said the department is thinking it will not go with voice over IP because it is too much cabling and expensive. She said the department is headed in the direction of digital phones and housing its own PBX system. Hoffman said the department has received a quote from Qwest and will get other quotes on the services.

6. Cooperative City/County IT Program Update: Hoffman said the city and county are still in the process of putting together a committee for a cooperative IT program.

7. "Donut" Zoning Issues: Vicki Blakeman, city commission, said the city commission talked about the donut issue last night at its City Commission meeting. She said the city's big concern deals with the inter-local agreement as far as notification of any subdivisions going in and making them fit with city specifications, such as street widths. Blakeman said County Planner Mike Inman should be familiar with that agreement, and the city is waiting to see what the county is going to do with the issue.

In other discussion, Commissioner Durgan mentioned citizen requests to have a three-way stop at the current four-way stop at the 9th Street Bailey bridge.

Rick VanAken, city commission, said the Yellowstone Gateway Museum will hold a long-range planning session from 9 to 1 on March 7. He said the Friends of Museum agreed to pay for the facilitator to circumvent a county contractor insurance issue.

The next city/county meeting is scheduled for April 7 at 4 p.m. in the Community Room.

@4:41:08 p.m., Malone adjourned the meeting.

March 4, 2009

Review Daily Agenda and Correspondence

@8:43:54 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Bill Hurley, operations; Raea Morris, Commission executive assistant; Winn Treible, road crew; and Commission Minutes Clerk John Mueller. No public comment was made.

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

Correspondence included:

- Memo from Planner Mike Inman re. viewing for Mountain View Road subdivision March 13 at 9 p.m.

- Van Jamison Newsletter re. wind power – To Commissioner Durgan for review
- Announcement of March 5 timber meeting in Emigrant
- Agenda for MT State Society of American Foresters annual meeting March 12 and 13 in Bozeman
- Report of available CBDG grants
- Memo from clerk and recorder re. status of road abandonment requests
- Invoice from transfer station - To Commissioner Taylor for review
- Memo re. legal issue with Lower Deep Creek Bench Road
- Memo from citizen re. back tax issue
- Memo re. new board member applications for LAC board of directors
- February postage log
- Memo re. justice of the peace to attend training
- February 12 minutes for safety committee - To Durgan for review
- CGov newsletter
- Memo from Michelle Beck re. Stormwater Solutions for MT DEQ conference April 7-9 in Bozeman
- Memo re. hardrock mining counties legislation
- NACo newsletter
- Memo from RC&D re. March 10 stimulus and natural resources meeting
- Memo from MACo re. proposed solid waste rulew - To solid waste board

The Commission agreed it would go forward with a review of the status of Deep Creek Bench Road. Durgan said citizens can petition the county to make that road a county road. Commissioner Malone said he will contact Citizen Pat Wagman about the issue.

@9:07:15 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

March 4, 2009

Discussion of Community Development Block Grants

@9:11:42 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Julie Brown, RC&D; Kevin Larkin, treasurer; Marilyn Hartley, accounting; Martha Miller, auditor; and Commission Minutes Clerk John Mueller. No public comment was made.

The meeting was scheduled to discuss community development block grants (CDBG).

Treasurer Larkin said he has one CDBG on the county books, and is about to get another. Julie Brown of RC&D said the Rocky Mountain Resource Development and Conservation (RC&D) was asked to take over administrative control of the existing CDBG grant. There was discussion about a revolving loans fund. Larkin said history of all statements is missing because funds have transferred back and forth between banks in Livingston and Bozeman. Brown said the two CBDG grants can be considered a Park

County revolving loan fund. Larkin said there is \$218,755.39 in the fund as of January 30, 2009.

@9:25:54 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting was adjourned.

March 4, 2009

Opening of Bids for Large Animal Control Services

@10:08:15 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Albert Palmer, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to open bids for large animal control services.

The Commission said no bids were received. Commissioner Durgan said perhaps the Commission should extend the submittal date a few more weeks and announce that in the newspaper. Commissioner Malone said he will talk to the previous contractor.

Albert Palmer, public citizen, said the Sheriff should take care of large animal control services. He said his concern is those services could cost the county \$50,000 a year.

@10:19:54 a.m., Commissioner Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

March 4, 2009

Discussion with Trail Creek Tracts Homeowners Association

@1:32:28 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Allan Lutes, sheriff; Greg Parks, public citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss issues with the Trail Creek Tracts Homeowners Association.

Greg Parks, citizen, said he is concerned about the health, safety and welfare of the county, which includes impact of roads, traffic and emergency services, in regards to a proposed Erik's Ranch on Trail Creek Road. Park said the ranch owner said she was going to proceed with the project, which will service hundreds of individuals through day programming and life learning experiences for 52 adults with autism. Parks provided the Commission with a packet containing a letter proposal and map of the proposed project.

Parks said the Trail Creek Tract Homeowners Association covenants read in part no business shall exist on any tract in the association without written consent. He said he thinks the proposed ranch would be a business, and the proposed occupancy numbers

equate to 4 ½ individuals per livable dwelling, not counting infrastructure and staff. He said his question is how large will the ranch grow and is this the right place for such a ranch to be located.

Parks provided the Commission with an *Are you Ready for an Autism Emergency* report. Parks said the report states drowning is the number-one cause of death for children with autism. Parks asked who is responsible if a camp visitor jumps his jackleg fence and drowns in his creek. Parks said he also shoots guns on his property constantly, and he has a young son and he worries about his safety with the proposed ranch. Parks said he is looking out for the equity of his life savings and the welfare of his community. He said he is worried the proposal will get through without anyone's knowledge, and he wanted to bring the proposal to the Commission's attention. Parks said traveling on Divide Road to the proposed ranch would be difficult.

@1:45 p.m., Sheriff Lutes entered the meeting.

Lutes said his concern would be the Sheriff's office involvement and potential problems if there is a lack of control of patients. He said there needs to be security and restrictive measures, and accidental injuries, death and wandering around are concerns. Lutes said all safety issues will hinge on how much control the enterprise will have over its patients.

Commissioner Malone said the Commission can send a letter to the county attorney stating it has heard the citizen's concern.

Taylor said Park's best bet is to try to stop the development through the subdivision covenants. He suggested Parks talk to the sanitarian and the state licensing bureau.

@2:15:12 p.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

March 5, 2009

Review Daily Agenda and Correspondence

@8:48:27 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Commission Minutes Clerk John Mueller. No public comment was made.

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

Correspondence included:

- Announcement of March 10 JSEC meeting
- Agenda for March 5 Upper Yellowstone Watershed Basin meeting at 7 p.m.
- Memo from clerk of court re. list of monies paid to jurors
- Memo re. Amtrak service and building coaches in Livingston
- Memo re. missing sign on Sunset Lane - To road crew for review

- Memo re. illegal dumping waiver - To solid waste board for review
- Invoices from Qwest re. damage to equipment
- Announcement of March 10 open house for draft EA from Corps of Engineers for Yellowstone River Special Area Management Area at library from 3-7 p.m.
- Application for Shield's Valley Television Tax District
- Announcement of March 20 public hearing to consider proposed project priority list for American Funds and Recovery Act
- Memo re. RAC formation and funds
- Legal advice to Commission from deputy county attorney
- Announcement of meeting to appoint LAC board members - To Taylor for review
- Memo from ASHTO bookstore re. bridge evaluation
- Announcement of March 13 onsite meeting re. road approach and access option for Mountain View Acres subdivision

@9:08:20 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting was adjourned.

March 5, 2009

Conference Call with Area Legislators to Discuss Legislative Issues

@12:16:35 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Ed Meece, city manager; Chuck Donovan, public citizen; Representative Bob Ebinger, and Senators Boniek and John Esp via telephone; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss legislative issues with area legislators.

Representative Ebinger said Senate Bill (SB) 437 regarding fish ponds is in Fish, Wildlife and Parks and has not been scheduled to be heard, and SB 243 had a hearing in state administration and was not yet acted on.

Senator Boniek said a hearing took place on SB 243, which would be an amendment to the Montana Constitution providing for determination of a winner in elections.

Ebinger said SB 390 was heard in local government committee today, which would allow local governments to receive financial assistance from the state to fund improvements to street maintenance districts. Ebinger said House Bill (HB) 361, regarding local energy improvements district financing, may come up today in executive action, and Bill 57, regarding revised laws governing special districts, is up for executive action today.

Enbinger said SB 294, which includes roads as undertaking municipal revenue bonds, is being discussed. Ebinger said SB255, regarding annexation of fire districts, and SB262, allowing for per unit assessment in water and sewer districts, will be heard today. He said HB 276, regarding liability medical issue with law enforcement services, is being

pushed by hospitals with amendments. Ebinger said Bill 228, regarding self defense, has moved to the senate.

City Manager Ed Meece said he has concerns with HB 408, which involves presumption for covered diseases for fire fighters. Meece said he encourages the county commissioners to review HB 408. Meece said the city is looking into a bill to create sludge to mix with food and yard waste in order to take product out of the waste stream and reduce shipping costs.

Commissioner Malone asked for support for SB 217, involving reimbursement to livestock producers for brucellosis testing.

Ebinger said nothing has changed with stimulus package money. He said money will go through various departments and will not be funneled to specific communities. Ebinger said municipalities will have to put in applications for monies and monies will be awarded on a first-come-first-served basis. Boniek said there will not be much money for local governments except for possible TSEP and revolving loan water projects, because the state government has spoken for most of the funds. He said \$200 million of human services money may be freed up for local government, but Montana Department of Transportation has all highway money already spent. Boniek said the word he is getting is the budget office wants to save money for the biennium to keep state government whole. Ebinger said officials are still working on what can be done with one-time only money. He said HB 2 will be presented to the House the Week of March 16, and stimulus bill 2A may be presented a week or two after that.

@12:46:17 p.m., Chuck Donovan, citizen, entered the meeting to discuss a horse slaughter bill.

In other discussion, there was discussion about the city and county working cooperatively on the donut zoning issue.

@12:48:47 p.m., Malone adjourned the meeting.

March 6, 2009

Review Daily Agenda and Correspondence

@11:54:23 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present was Commission Minutes Clerk John Mueller. No public comment was made.

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

Correspondence included:

- Minutes for mock hospital emergency planning meeting
- Announcement of March 9 Montana Transportation Commission conference call

- Memo re. ACE spring luncheon lecture series commencing March 12 at Livingston Public Library
- 2009 MACo legislative transmittal report
- Memo re. MT Association Geographic Professionals meeting - To planning department for review
- Memo from Joan Bosley re. janitorial contract with courthouse
- Memo from Olness and Associates re. county litigation
- Memo from planning department re. city/county zoning resolution for donut area
- Proposal from Jerry Brekke re. county road/DNRC state land easement issue
- Draft solid waste board bylaws - To Commissioner Taylor for review

@12:01:58 p.m., Commissioner Durgan made a motion to adjourn the meeting. Commissioner Malone seconded that motion. The meeting was adjourned.

Marty Malone
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana