

Park County Commission Meeting Minutes  
Week of November 9 – 13, 2009  
Park County, Montana

November 9, 2009

8:30 A.M. – Review Daily Agenda and Correspondence – Commissioners Chambers – Canceled

9:30 A.M. – Review of Minutes for Weeks of November 2, 2009 – Postponed to 11-13-09

10:30 A.M. – Consider Signing of Resolution to Draw on Note for Cooke City Community Center Project – Commissioners Chambers – Postponed to 11-10-09

11:30 A.M. – Discussion and Update with MSU Extension Activities– Commissioners Chambers – Canceled due no quorum of commissioners

1:30 A.M. – Discussion of Abandonment of Chicory-Chico Road – Commissioners Chambers – Canceled due no quorum of commissioners

3:00 P.M. – Angel Line Board – West Room – Meeting minutes available at [www.parkcounty.org](http://www.parkcounty.org) and in the Commission Office

3:00 P.M. – Local Advisory Committee – Park County Mental Health Center

November 10, 2009

Park County Road Updates

@9:11:12 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Durgan were present. Also present were Ed Hillman, road supervisor; Shannan Piccolo, civil deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss county road issues.

Road Supervisor Ed Hillman said Cinnabar Road bridge work will commence next week. The Commission said it will run a notice in the Gardiner Gazette for that work.

Civil Deputy County Attorney Shannan Piccolo said Aldrich Road is a county road based on research done by Historian Jerry Brekke. The Commission asked Piccolo to research a right-of-way and court order issue for a corner of Billman Lane.

@9:36:34 a.m., the meeting adjourned.

November 10, 2009

Weekly Human Resources Updates

@9:36:37 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Durgan were present. Also present were Jill Ouellette, human resources; Martha Miller, auditor; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss weekly human resource department activities.

Human Resources Analyst Jill Ouellette provided the Commission with an interim museum director position description for signature. Ouellette said the position was posted.

Ouellette said grievance issues of longevity pay and a sheriff's deputy not receiving credit for his part-time years of service continue, but the vacation component for the deputy issue is completed. She said additional errors in deputy pay were found. Ouellette said she obtained new safety videos and said an issue of taking vacation hours in quarter- or half-hour increments will be discussed at the next department head meeting. There was discussion about an employee sick grant program and donation of sick leave. Ouellette said a temporary road crewman's hours are about to expire, after which time the county will be required to pay him PERS benefits.

Ouellette said she received a formal written complaint from an employee about holiday pro-ration and assisted the employee and associated department head/elected official with that issue. Ouellette said a planning department employee working 30 hours per week will soon move to 36 hours per week.

Ouellette said she reviewed a Park County telephone bill of an exempt employee on annual leave to determine how many hours the employee will be paid for hours worked. She said it was convenient to have 2007 pay stubs in her office to explain to an employee why his paycheck is less than it was two years ago.

@10:14:08 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

November 10, 2009

Consider Signing Historic Preservation Grant Application

@10:30:54 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Durgan were present. Also present were Shannan Piccolo, civil deputy county attorney; Kathy Kelliher, Nittany Grantworks; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider signing a historic preservation grant application.

Kathy Kelliher of Nittany Grantworks said she is working on a \$250,000 House Bill 645 historic preservation competitive grant for a climate control HVAC system for the Yellowstone Gateway Museum building. Kelliher said an HVAC system would enable the museum to remain open year-round and protect museum artifacts. Kelliher said KMA Architecture and Engineering conducted an evaluation of the museum building with Friends of the Museum funds and estimated a total project cost of \$326,144.20 to install an HVAC system, remove vermiculite and install insulation. Kelliher said the museum currently has \$323,438 available for the project through the HB 645 funds; \$67,100 from a U.S. Department of Energy, Energy Efficiency and Conservation Block Grant and \$6,300 in reserve funds, leaving \$2,706 to fundraise. She said matching funds are not required but make an application more competitive. Kelliher said construction is planned for fall 2010 and is expected to last nine months.

Commissioner Durgan made a motion to sign the historic preservation grant application. Commissioner Malone seconded that motion. Motion passed.

@10:51:31 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

November 10, 2009  
Personnel Meeting

@11:32:28 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Durgan were present. Also present were Tom Sarrazin, road; Ed Hillman, road; Jill Ouellette, HR; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to address a personnel issue.

Road Crewman Tom Sarrazin asked to close the meeting to the public. Commissioner Durgan made a motion to close the meeting. Commissioner Malone seconded that motion. The meeting closed.

@12:10 p.m., the meeting adjourned.

November 10, 2009

1:00 P.M. – Senior Citizens Meeting – Senior Citizens Center – Commissioner Durgan attended

2:00 P.M. – I.T. Advisory Committee – Community Room – Canceled

November 10, 2009  
Canvass Municipal Election Results

@3:01:08 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Durgan were present. Also present were Ronda

Winge, deputy clerk and recorder; Denise Nelson, clerk and recorder; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to canvass municipal election results.

Commissioners Durgan and Malone; Ronda Winge, deputy clerk of recorder; and Denise Nelson, clerk and recorder; reviewed and verified November 2, 2009, municipal election results for the city of Livingston, Town of Clyde Park and Cooke City.

The review committee determined the voting results were valid.

@3:23:03 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

November 10, 2009

Review Daily Agenda and Correspondence

@3:38:33 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Chamber of Commerce election deadline date
- Quote from Graybeal's All Service re. welding hood
- Memo from Montana Petroleum Association re. Cap and Trade bill
- Memo from MACo re. IT committee
- Invoice re. Clyde Park green box dumping
- Legal advice to Commission from civil deputy county attorney
- Memo re. Venus Heights II Subsequent Minor Subdivision meeting
- Memo from insurance agent re. insured Gardiner buildings
- Parks and Recreation Board bylaws
- Gallatin Valley Land Trust newsletter
- Memo re. Hilite wilderness study area
- Cash-on-hand report from county treasurer
- Memo re. Senior Center construction meetings
- Memo from MACo re. draft decay ordinance
- Memo from auditor re. HR/Payroll activities in Montana counties
- Memo from MACo re. Health and Human Services Committee - To Commissioner Taylor for review
- Memo from MACo re. Energy Committee - To Commissioner Durgan for review
- Memo re. Slip N Slide Cutler Lake Cell Tower report

- Memo re. LEPC bylaws
- Citizen public information request
- Memo re. controlled wildfire program in Park County
- Memo from DES Coordinator re. ADA plan approval
- Memo from planning director re. appointments to county loan committee
- Memo from Yellowstone County Commissioner re. \$250 request for May 26 Western Region MACo meeting in Billings
- Contract with Toasty Designs for county web page upgrades

@4:08:54 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

November 10, 2009

Consider Signing Resolution to Draw on Note for Cooke City Community Center Project

@4:08:56 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Shannan Piccolo, civil deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider signing a resolution to draw on a note for a Cooke City Community Center Project.

Civil Deputy County Attorney Shannan Piccolo said Mae Nan Ellingson of Dorsey & Whitney law firm drafted the resolution for the Cooke City Area Community Center Project. Piccolo said the county attorney's office reviewed that contract.

Commissioner Durgan made a motion to sign the resolution to draw on the note for the Cooke City Community Center Project. Commissioner Malone seconded that motion. Motion passed.

@4:15:51 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

November 11, 2009

Veteran's Day Holiday – All Offices Closed

November 12, 2009

8:30 A.M. – Safety Meeting – Commissioners Chambers

November 12, 2009

Discussion and Updates of MSU Extension Activities

@9:33:13 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Mary Anne Keyes, MSU Extension; Tracy Mosley, MSU Extension; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to update the Commission on MSU Extension activities.

Extension Agent Tracy Mosely said she and Agent Mary Anne Keyes set up a booth at the Livingston Farmer's market with a weed identification game. Mosley said she attended a Russian Olive tour with the Yellowstone River Conservation Council, coordinated a safety update training for pesticide applicator tags, attended a National Association of County Agriculture Agents conference in Portland, Oregon, will serve on a county loan review committee and hosted a pest management safety program at MSU on mountain pine beetle and crop diseases for 40 trainees.

Mary Anne Keyes provided a summary of her work with 4-H activities, family and consumer science, and community development. Keyes said fair entries were up by 368 individuals but the auction was down due to the economy. Keyes said she helped with a robotics program at the schools and conducted numerous food safety trainings. She said she organized a tour for the annual conference and is working with the Park County Community Foundation to learn the status of the county.

@10:02:49 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

November 12, 2009

Discussion and Updates of Loss Control

@10:03:07 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Jill Ouellette, HR; Belinda Van Nurden, DES; Chuck Vancura, Swanson-Leavitt; Dan Gutebier, Swanson-Leavitt; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss county loss control and safety issues.

Dan Gutebier of Swanson-Leavitt said county building and vehicle surveys for the landfill, transfer station, jail, and road department were completed with good employee interaction. Gutebier said the road shop floors are a pig sty, which shows a "really don't care" attitude, but the landfill, transfer station, jail and landfill were spotless. He said employees in the jail were unsure of what they had and had not been trained on or how that training was tracked. He said jail employees need blood-borne pathogens training and it looks like no one is accountable for who is tracking employee training and

documenting it in a central location, which is giving MACo a misconception training at Park County is not occurring. Gutebier said MACo wants rosters of trainings. He said six-minute trainings are not happening, and reviewing employee training records may be necessary to supplement promotion requests.

Chuck Vancura of Swanson-Leavitt said the idea behind MACo's safety program is addressing job hazard analysis. He said the county needs to continue trainings and tracking of those trainings. Vancura said the county needs to start improving on its safety training and vehicle/equipment safety inspection programs and build from there. Vancura reviewed a MACo training grading sheet comparing MACo and Park County employee perception of the county's training program. The Commission said DES Coordinator Belinda Van Nurden will keep a training spreadsheet to log employee training attendance.

@11:27:07 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

November 12, 2009

Public Hearing to Consider a Preliminary Plat Application for Venus Heights II Subdivision

@1:05:28 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Shannan Piccolo, civil deputy county attorney; Philip Fletcher, planning; Mike Inman, planning; Steve Woodruff, attorney; Edward Anderson, citizen; William Smith, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled as a public hearing to consider a preliminary plat application for the Venus Heights II Subdivision.

Senior Planner Mike Inman said the Venus Heights II Subsequent Minor Subdivision applicant is in violation of the 2005 subdivision regulations because the developer applied for a subsequent minor subdivision, proposed an access road, and then improved that road before approval of the preliminary plat application.

Commissioner Malone said Inman provided photos of the road in question with correlating dates. Attorney Steve Woodruff said there is no dispute the road would provide access to other lots in the subdivision if the subdivision was approved. Woodruff said a letter from Developer Edward Anderson points out roadwork was done by Anderson because of an interest he had to construct a private residence for himself on the upper end of the subdivision property. Woodruff said the subdivision road was constructed for legitimate, private purposes and incidental use of the road would occur with development of the Venus Heights II Subdivision. He said Anderson was not trying to evade the county subdivision review, and improvements to the road resulted from 2001 planning board approval of Subdivision Plat #371, which contained findings and

conditions requiring any subdivision road be built to county standards. Woodruff said the upper lot is part of the entire subdivision and part of the application.

Inman said the application the county has for the subdivision does not show the subdivision road intended for a single residence, but shows specifically it is an access road for the entire subdivision. Civil Deputy County Attorney Shannan Piccolo said the upper lot on which Anderson claims he would like to build a personal residence avails itself to the county subdivision regulations because it is part of the subdivision as a whole. Woodruff said Anderson's intention for the top lot matters because it distinguishes the road between public and private purposes. Piccolo said improvements to the road are considered a public improvement because they access other lots in the subdivision. Piccolo said the term "Public Improvements" is defined within the 2005 county subdivision regulations as, "Any structure or facility constructed to serve the residents of a subdivision or the general public such as parks, streets and roads, sidewalks, curbs and gutters, street lighting, utilities and systems for water supply, sewage disposal and drainage."

Planning Director Philip Fletcher said he concurs with Inman's staff report. He said Woodruff's argument is creative and brings up interesting points, but he agrees with the memorandum of law sent to the Commission rebutting Woodruff's argument, as the argument made by Anderson and Woodruff has to do with mitigations. Fletcher said he thinks it is the planning department's responsibility to interpret the law and county regulations, and nothing stated argues against the fact a violation of code, as written, occurred. Fletcher said he would be interested in hearing how the developer proposes the county can legally get around the plain language of the code and approve the subdivision.

Durgan said the simple fact is, by the subdivision regulations, the Commission needs to deny the application because the road work was willfully done incorrectly against regulations that were in place. He said the Commission is out of compliance and may be subject to other laws and lawsuits if it grants approval to a case it knows was done wrongfully. Durgan said two wrongs do not make a right.

Malone said circumstantial evidence exists showing Anderson stopped improvement of the road at a lot lower than the top lot on which he said he wanted to build his residence. Malone said it appears from what he is hearing and from walking the site the developer violated the 2005 subdivision codes by improving the road before receiving preliminary plat approval. He said counsel submitted a written opinion the Commission should deny the subdivision because the developer conducted work on the access road prior to preliminary plat approval.

Malone opened the floor to general public comment on the subdivision and public comment on water and sanitation. No comment made. Malone closed the public hearing.

Durgan made a motion to accept the findings of the staff report and planning board report, because he does not see the Commission has any other pertinent information that would change anything discussed so far, and accept recommendation of the county

attorney to deny the approval. Commissioner Malone seconded that motion. After discussion, Durgan and Malone withdrew their motions.

Durgan said he does not see how the Commission can accept the recommendation for approval in the 2005 planning board report with the recommendations and discussion held today. Fletcher said the Commission has Inman's staff report with facts of the subdivision history and an opinion from counsel to deny the subdivision based on a violation of the *2005 Park County Subdivision Regulations*, and the Commission reviewed a memorandum submitted by Woodruff stating why the subdivision application should be approved. He said the Commission can make a motion on the matter based on that information.

Commissioner Durgan made a motion to deny the Venus Heights II Subsequent Minor Subdivision based on Fletcher's statement. Commissioner Malone seconded that motion. Motion passed.

@2:11:01 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

November 12, 2009

Consider Signing Lease Agreement for Road Department Equipment

@3:21:30 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Kevin Funk, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to consider signing a lease for road department equipment.

Commissioner Malone said the lease in question is a lease-to-own arrangement for a Walk 'N Roll grader attachment from a firm in Havre for \$4,035 per year for four years. Malone said maintenance on the county's old roller is time consuming.

Citizen Kevin Funk asked why the road department has tires on such a piece of equipment that need maintenance and asked what will happen to the old roller. Malone said no one wants the old roller.

Commissioner Durgan made a motion to accept the lease. Commissioner Malone seconded that motion. Motion passed.

@3:26:26 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

November 12, 2009

Discuss Emigrant Incorporation Census

@3:30:52 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Brett Linneweber, county attorney; Shannan Piccolo, civil deputy county attorney; Erica Hoffman, GIS/IT; Denise Nelson, clerk and recorder; Camden Easterling, Livingston Enterprise; Citizens Val O'Connell; David O'Connell; Bill Edwards; Frances Warnick; Sean Murphy; and Maggie Murphy; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss an Emigrant incorporation census.

County Attorney Brett Linneweber said a court order required the county to work with the petitioners to put together a map for the proposed wards and districts of the proposed incorporated town of Emigrant when the county clerk and recorder determined her evaluation would be inconclusive as to whether the required percentage of votership would be met.

Commissioner Malone said the Commission asked Bill Edwards whether he was interested in conducting the census. Malone said Edwards is an ex-legislator, is familiar with census taking, is unbiased in the issue, and has lived in Park County for a number of years. He said Edwards would have a visible county ID tag and would be an information gatherer only. Malone said Edwards would use aerial photographs and GPS equipment to assist in documenting residences, and the census would focus on determining Park County registered voters living in the proposed district on the date of filing.

There was discussion about census questions and determining whether a citizen's home in Emigrant is their primary voting district.

Sean Murphy, Emigrant landowner, said the Murphys are not a fan of the incorporation proposal. He said it appears an implied idea in Montana Code Annotated is incorporation is to take place where a certain number of voters live in an area in relation to the land mass. Murphy provided visual pictures of the town of Colstrip, Montana, which incorporated, and Emigrant in Paradise Valley. Murphy said 25 percent of Rosebud County lives in Colstrip, but Emigrant is sparsely populated with five- to 20-acre ranchettes. He said it seems to him the spirit of the law applies to Colstrip and less to developments in the valley. Murphy said he suggests the census include a formalized written explanation of why the census is being conducted and the methodology and GPS coordinates and photographs of physical locations. Murphy said he knows for a fact new and old uninhabited structures exist in Glastonbury and cautions the county rural addressing in that area is not 100 percent accurate. Murphy asked how the data will be recorded and the goals of the census. He said complying with a court order to avoid getting sued is not a good goal, but he can support an effort to obtain the most accurate information possible for use in a meaningful way. Murphy said he does not think things are so wrong in the Emigrant area citizens need to throw the baby out with the bathwater, reinvent the wheel, or make a town out of what used to be ranches.

Malone said the county will do its best to find out who lived in what locations at what date and whether they were a registered voter so Clerk and Recorder Nelson can determine whether the incorporation petition meets requirements. Malone said it will be an apolitical effort, as the county has a neutral interest in the matter's outcome. Linneweber said any determinations made will be absolutely transparent and information gathered will be public information.

Citizen Val O'Connell said there are several benefits for Emigrant to incorporate and asked for Edward's qualifications. She said she needs to know what legal capacity he would be acting in. Linneweber said Edwards would be an agent of Park County.

Malone said he thinks Mr. Edwards is competent, can be fair, ask five questions, is a good recorder, takes excellent notes, lives outside of the proposed district, and is a disinterested party the same as the Commission. O'Connell said she cannot make public comment on someone she does not know the qualifications of. Edwards said he has three academic degrees and served 10 years in the Wyoming state legislature.

Commissioner Durgan said he feels the Commission has made public the qualifications of the proposed census taker and moved to appoint Bill Edwards as the census taker for the incorporation of Emigrant if there is no objection from counsel. Commission Malone seconded that motion. Motion passed.

@4:26:33 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

November 13, 2009

Review Daily Agenda and Correspondence

@8:54:18 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo re. CAT grader for sale
- Memo re. Rock Creek Bridge South photograph
- Invoice for courthouse cannon wheel restoration
- Memo from attorneys re. temporary Deep Creek green box site closure
- Memo from DEQ re. solid waste management systems
- Vision Air newsletter - To Commissioner Durgan for review
- Memo from Southside Law Center re. amended Heart K Ranch floodplain application

- Memo from senior planner re. donut zoning district
- Memo re. Senior Center rehabilitation project
- Memo re. Gardiner Sewer District

@9:07:49 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

November 13, 2009

Review of Minutes for Week of November 2, 2009

@12:02 p.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 made.

The meeting was scheduled to review and approve Commission meeting minutes for the Week of November 2, 2009.

Commissioner Durgan requested a revision to Page 6 of 14; fifth paragraph, the last sentence should read, "Ouellette said she is working on hiring a part-time position for the treasurer's office and mentioned issues with applicants applying for part-time positions who want full-time work." On Page 12 of 14, the fourth paragraph should read, "Commissioner Durgan said 9<sup>th</sup> Street Island Citizen Margo Aserlind submitted a letter thanking the Commission for the public informational meeting with the engineer and asking for a pedestrian lane and safe bridge to 9<sup>th</sup> Street Island."

Commissioner Durgan made a motion to approve the minutes for the Week of November 2 through 6 as corrected. Commissioner Malone seconded that motion. Motion passed.

@12:05 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

November 13, 2009

Discuss Economic Project in Park County

@10:05:28 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were K.C. Romans, Jr., citizen; Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss an economic project in Park County.

Citizen K.C. Romans, Jr. said he is working on establishing a business to bottle water from a Passage Creek spring on his property. Romans presented the Commission with an official certificate of water rights and asked what he needs to do with the county besides get a license. Commissioner Taylor said Romans should talk with the county health department about his proposal.

@10:12:57 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

November 13, 2009

Discussion of Abandonment of Chicory-Chico Road

@10:32:15 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Philip Fletcher, planning; Ed Hillman, road; Jerry Brekke, historian; Carol Woodley and Jack Luther of the Park County Genealogical Society; Bret DeYoung, citizen; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss abandonment of Chicory-Chico Road.

Historian Jerry Brekke said an agreement between the county and a developer required abandonment of the old Chico-Emigrant Road in the Chicory area, as well as a portion of Old Yellowstone Trail along the riverbank. Brekke said the developer paid Park County \$36,000 in the agreement, which included erecting a historical sign on the end of Emigrant Bench Road. Brekke said abandonment of Old Emigrant Gulch Road included an interpretive sign and money was earmarked for a historic program and trail development in the valley. Brekke said the Yellowstone River Ranch Estates agreed to remove a fence blocking the trail as part of the agreement.

Civil Deputy County Attorney Shannan Piccolo said the county must comply with a MOU that requires the county to erect a sign stating "No Motorized Vehicles" and a historical interpretive sign. Planning Director Philip Fletcher said next step is to decide whether to move forward with its obligation and fulfill the contract and try to collect money owed to the county. Malone said his concern is erecting an interpretive sign encouraging people to walk the Old Yellowstone Trail may result in people walking on private property.

The Commission said there is consensus to move forward by asking Fletcher or Brekke to create a list for Commission review of bullet points of what the county is required to do per the agreement to determine downsides of the issue.

@11:05:31 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

November 13, 2009

Discussion of Temporary Removal of Deep Creek Green Boxes

@11:16:22 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were

Shannan Piccolo, civil deputy county attorney; Raea Morris, executive assistant; Buzz Basini, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss temporary removal of Deep Creek green boxes.

Civil Deputy County Attorney Shannan Piccolo said the Commission can only discuss the issue in the meeting because it did not meet required 48-hour advanced meeting notice.

Citizen Buzz Basini said he is the landowner who complained about bears spreading trash on his property from the Deep Creek green box site. Basini said the problem has gone on for years but only occurs for a couple weeks in the fall season. He said he sees the only solution as closing the site altogether or installing bear-proof boxes. Basini said bears can scale the site fences and the problem. He said bear boxes would work, but people do not close the doors after use and the bears access the boxes through the opened doors.

Commissioner Malone asked whether a bear can scale a roll off box and whether roll offs can replace green boxes. There was discussion about citizens not being able to get trash into roll off boxes. The Commission said it will address the annual bear issue at the site by possibly installing real bear proof boxes or fixing doors on green boxes.

@11:34:12 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

November 13, 2009

1:00 P.M. – Mill Creek Water Committee Meeting – Emigrant – Commissioner Malone attended

Marty Malone  
Chairman, Park County Commission  
Park County, Montana

Denise Nelson  
Clerk & Recorder  
Park County, Montana