

Commission Meeting Minutes; Park County, Montana  
Week of March 24 - 28, 2008

March 24, 2008

County Road Issues

@8:31:37 a.m. Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Lahren and Murphy were present. Also present was Ed Hillman, road supervisor; Brad Wilson, road crew; and Commission Minutes Clerk John Mueller. There were no members of the public present, and no public comment was made.

The meeting was scheduled to discuss county road issues.

Murphy reported he had a few phone calls about Flesham Creek Road last week. Hillman reported Lower Cottonwood and Elk Creek were graveled last week, and the road crew is going through orientation on the new road graders that are due in today. Wilson and Hillman will get computer training this morning on a new computer program.

There was discussion about a Mission Creek gravel lease. Mission Creek people want \$1.25 per yard. Riverside Contracting will need to transfer the bond to the county, which it is willing to do. DEQ is okay with that transfer. Bates will crush gravel for \$4.25 per yard. There was discussion about the county's responsibility to reclaim existing pits.

There was discussion about a letter from Ted Watson regarding alternative gravel sources in the valley. There was discussion about a second county sand source for next year. The road crew applied 300 tons of salt-sand in Gardiner this year, which is the same amount as applied in Livingston. There was discussion about Horse Creek millings up to the bridge there. Horse Creek Road near Wilsall isn't in good shape.

Lahren is putting together a scope of work for planned road work on Old Yellowstone Trail South and is looking at options on Carbella Bridge re. guardrails or boulders at the bridge ends so a vehicle can't hit the beams again. There was discussion about Carbella Bridge deck work and guardrails along the inside edge of the bridge.

Hillman reported IronWolf will be here today to review work proposed for Five Acre tracts, Billman Lane, Miller Drive west, and Paradise Road. Old Clyde Park Road will get hot mix in pot holes as soon as the weather warms.

There was discussion about road crew morale. Wilson said the liability issue regarding welding and use of the county shop for personal business demoralized the morale of the road crew. There was discussion about civil lawsuits against road crew individuals and county road crew workers concerned with civil lawsuits regarding their county work. The Commission will get proof of coverage and freedom from liability. The Commission

will have legal counsel research the MACo civil liability road crew work issue and submit MACo liability findings to Hillman.

There was discussion about beginning to work on projected money needs for next year's budget.

@9:02:55 a.m. Lahren made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

March 24, 2008

Review and Approve Minutes

@9:04:59 a.m. Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Lahren and Murphy were present. Also present was Commission Minutes Clerk John Mueller. There were no members of the public present, and no public comment was made.

The meeting was scheduled to review and approve Commission meeting minutes for the week of March 17, 2008.

The Commission canceled the meeting to be rescheduled at a time when Commissioner Durgan is present.

@9:05:52 AM Lahren made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

March 24, 2008

Review Correspondence, Public Contacts and Determine Action Plan

@10:00 a.m. Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present was Commission Minutes Clerk John Mueller. There were no members of the public present, and no public comment was made.

The meeting was scheduled to review correspondence, public contacts and determine action plans.

Lahren recessed the meeting until 11:08:47, when Commissioner Durgan was present. Correspondence included:

- Memo from Joe Brooks Chapter of Trout Unlimited requesting to dump wood and metal retrieved from the Yellowstone River at its April 12, river clean-up between Yankee Jim Canyon and Springdale at the Park County landfill - To Rich Wright for review
- Correspondence from Lois Hatfield re. cleaning up litter at Sundling property
- Memo from Shirley Ross re. vacation time request - To Miller for review

- Memo from Marilyn Hartley re. Wellness Conference
- Memo from Darren Raney re. DES emergency situations in courthouse memo looks good but a few variables need to be discussed further - To file
- Memo from Peggy Glass to Jim Maston re. microwave and recorder bids - To Denton to schedule meeting with Glass
- Notice from US Bankruptcy Court - To Larkin for review

There was discussion about a draft policy and procedure for notification of and scheduling of public meetings. Lahren read the draft policy and procedure memo into the record.

There was discussion about legal issues involved with a museum contractor hired by the museum.

@11:29:27 a.m. Murphy made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

March 25, 2008

Consider Appointments to the Paradise Valley Television Board; Consider Appointment to the County Tax Appeal Board; Consider Brekke Proclamation; Consider a Resolution for Appointment of Public Members to County Boards, Commissions, and Committees Policy

@9:01:10 a.m. Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present was public citizens Jerry Brekke, Tres and Martin Brekke, Bonnie Brekke, Pat Brekke, Raymond Alt, Harriet Alt, Joe Gaab, Barney Hallin, Signe Lahren, Charley Caplis; Civil Attorney Tara DePuy; and Commission Minutes Clerk John Mueller. There were no members of the public present, and no public comment was made.

The meeting was scheduled to Consider Appointments to the Paradise Valley Television Board; Consider Appointment to the County Tax Appeal Board; Consider Brekke Proclamation; and Consider a Resolution for Appointment of Public Members to County Boards, Commissions, and Committees Policy.

Lahren read a proclamation for Jerry Brekke, Resolution #1016, into the record.

Lahren made a motion for a unanimous ballot to appoint three applicants - Marty Malone, Francine Rizzotto and Genevieve Essig - to the Paradise Valley TV Board. Durgan seconded that motion. Motion passed. Durgan noted the appointments of applicants are reappointments.

Durgan made a motion to appoint Fred Shellenberg to the Tax Appeal Board. Murphy seconded that motion. Motion passed. The appointment is a reappointment.

Murphy read Resolution #1017, Appointment of Public Members to County Boards, Commissions and Committees Policy, into the record.

Murphy made a motion to pass the resolution as read. Durgan seconded that motion. Motion passed.

@9:25:51 a.m. Durgan made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

March 25, 2008  
Personnel Issue

@10:01:57 a.m. Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Lahren and Murphy were present. Also present was Tara DePuy, civil attorney; Polly Miller, human resources; and Commission Minutes Clerk John Mueller. There were no members of the public present, and no public comment was made.

The meeting was scheduled to discuss a personnel issue.

DePuy requested the meeting be closed to the public. The meeting was closed.

@10:25 a.m. the meeting was adjourned.

March 26, 2008  
Consider Proposed Amendments to Element Minor Subdivision Preliminary Plat/Conditions of Final Plat

@2:58:57 p.m. Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present was Joel Shouse, agent for Element Land Company; Mike Inman, planning; Philip Fletcher, planning; Dann Babcox, PCRFD#1; Denise Nelson, clerk and recorder; and Commission Minutes Clerk John Mueller. No members of the public were present, and no public comment was made.

The meeting was scheduled to consider proposed amendments to the Element Minor subdivision preliminary plat/conditions of final plat.

Joel Shouse referenced a letter authored by Element Land Company President Austen Cargill addressing Commission concerns of proposed amendments to delete recommended conditions #5 and #6 from preliminary plat approval. The letter dated February 8, 2008, stated Cargill has no intention of severing water rights from the two lots in the subdivision except in the event the buyer(s) would not be willing to pay for the water rights.

Condition #5 states, “An application for a Water Right Ownership Update and Water Right Transfer Certificate for an Apportioned Water Right shall be filed and approved by the Montana Department of Natural Resources and Conservation.

Condition #6 states, “The subdivider shall advise the purchasers of the tracts, in writing, the amount of water allocated to the tract they purchased.”

Shouse explained the problem with the two recommended conditions is they apply to final plat approval and that approval cannot be reached unless the conditions are satisfied. The seller cannot sell the lots without a final plat, thus he does not know who the buyers will be and whether they want the lot water rights.

Durgan made a motion to change condition #5 to a finding stating the subdivider has no intention of severing water rights from the two lots in the subdivision per the February 8, 2008, letter from Austen Cargill. Condition #6 will become a covenant that notifies potential lot buyers that the subdivider and the buyer shall work out an agreement with regards to water rights upon lot sale. Murphy seconded that motion. Motion passed.

There was discussion about the developer’s request to modify Condition #10 to allow the required waiver to be filed with the final plat rather than being delineated on the final plat.

Condition #10 states, “A waiver of protest to create a Rural Improvement District or Special Improvement District shall be delineated on the final plat as a condition of final plat approval.”

Denise Nelson said she would want a recordable document if the waiver were not included on the plat. That document would have to be notarized. Fletcher said he is okay with Nelson's request.

Murphy made a motion Condition #10 stay the same as listed in the preliminary plat approval. Durgan seconded that motion. Motion passed.

Durgan made a motion to approve the plat as amended. Murphy seconded that motion. Motion passed.

@3:24:56 p.m. Durgan made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

March 27, 2008

Public Hearing – Consider Approval of Cokedale West LLC Development Pattern

@2:58:57 p.m. Chairman Lahren called a meeting to order in the Community Room of the City/County Building. Commissioners Durgan, Lahren and Murphy were present. Also present was William Babington, Jr., attorney; Allan Carter; public citizen; Randy Taylor, health department; Tara DePuy, civil attorney; Peter Vandergrift, Livingston

Enterprise; Philip Fletcher, planning; Mike Inman, planning; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to consider approval of Cokedale West LLC development pattern.

There was no public comment.

Durgan noted he had a conflict of interest in the meeting matter. He participated in discussion, but did not participate in any voting actions.

Inman addressed questions about content within the Proposed Cokedale West Zoning District plan.

In Section 1(C), Inman reported the planning department has not seen a referenced "attached map."

In Section 4(E), Inman requested a more definite definition of the term "dwelling."

In Section 4(F), Inman requested a more definite definition of the term "temporary basis."

Inman noted in Section 4(I), reference to a definition of "mobile home" in subsection 4(I) is found in subsection 4(J).

In Section 6(A)3, Inman requested the requirement to publish notice of public hearings for variance requests be reduced from two published notices to one published notice.

In Section 7(A), there was discussion that determined the planning department will produce the zoning compliance permit.

In Section 8(B)1, Inman requested the requirement to publish notice of public hearings for appeal requests be reduced from two published notices to one published notice. Durgan stated for the record the county planning office is responsible for administering the zoning compliance permitting requirements listed in Section 7.

In Section 8(B)1, Inman noted the planning department typically does not notify adjoining landowners of appeals via letter. The Commission advised the existing directive to notify adjoining landowners of appeals via letter is to be left in the plan in order to reduce complaints by citizens of not being noticed or informed of neighbor land use plans.

In Section 10(A), Inman inquired what amendment process the Planning and Zoning Commission must follow to change fee schedules.

In Section 13, Inman noted the misspelling of Jim Durgan and the incorrect titles given to Jim Durgan, Larry Lahren and Tara DePuy.

@9:24:40 a.m. Murphy made a motion to recess to allow DePuy to consult statute books. Durgan seconded that motion. The meeting recessed.

@9:32:26 a.m. the meeting resumed.

DePuy reported a planning and zoning commission can alter or amend a fee schedule in accordance with 76-2-103 and 76-2-108 of MCA (Montana Code Annotated).

No verbal public comment was made. Murphy read a citizen letter from Bruce Carroll and Suzanne Goodman submitted March 27, 2008, into the record. Lahren closed the public hearing public comment session.

There was discussion to address each item commented on by Inman.

Addressing Section 1(C), Babington will provide a referenced Zoning map to the planning department.

Addressing Section 4(E), the second sentence should read, "An attached or detached garage shall be included as part of the Dwelling."

Addressing Section 4(F), "temporary basis" is to be defined as "not to exceed 90 consecutive days."

Addressing Section 6(A)3 and Section 8(B)1, there need only be one published notice of public hearings for variance and appeal requests.

Addressing Section 10(A), the third sentence shall read, "The Planning and Zoning Commission may alter or amend the fee schedule in accordance with 76-2-103 and 76-2-108 of Montana Code Annotated, however, the fee schedule in effect on the date of a request for a variance, zoning compliance permit or zoning amendment shall govern the amount of the fees the Planning and Zoning Commission may charge for the request."

Addressing Section 13, the correct spelling is Jim "Durgan," and the correct title of Durgan is "Member," the correct title of Larry Lahren is "Chairman," and the correct title of Tara DePuy is "Civil Attorney."

Murphy made a motion to accept the resolution with a zoning map attached to the plat and with amendments added through course of meeting (addressed above). Lahren seconded that motion. Motion passed. Durgan abstained from voting.

No public comment was made.

@9:59:56 a.m. Durgan made a motion to adjourn the meeting. Lahren seconded that motion. The meeting was adjourned.

March 27, 2008

10:00 A.M. – Discussion of Cooke City Resort Tax Issues – Canceled

March 27, 2008

Consider Approval of Minutes

@11:03:00 p.m. Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present was Commission Minutes Clerk John Mueller. No public citizens were present, and no public comment was made.

The meeting was scheduled to consider approval of Commission meeting minutes for the Week of March 17, 2008.

On Page 4 of 17, Murphy noted the correct spelling of public citizen Rick "Adams" and "Morrison-Maierle."

On Page 7 of 17, the eighth paragraph should read in entirety, "There was discussion about a Cooke City water project. There is no solid estimate of a money shortfall, but it looks to be about a million dollars. The Park Service is still in negotiations with Cooke City about water rights. A new bid is due March 18, and Commissioner Murphy will be in Cooke City next week to learn of that bid amount." The ninth paragraph should read in entirety, "A sewer committee was formed in Cooke City, which is looking into a two to three year study for installing centralized sewers. There is not much room for holding lagoons, but the county will look into trading land with the Forest service after the McLaren site is cleaned up."

On Page 8 of 17, the fourth paragraph should read in entirety, "There was discussion about General Electric employing a significant number of people in Billings."

On Page 12 of 17, a bulleted item should read, "Memo from Swimley to Karl Knutchel of Park County Concerned Citizens re. Citizens agreement injunction will remain in place - To file." On Page 12 of 17, a bulleted item should read, "Memo from Sue Higgins re. \$10K for special study on Bozeman area meeting March 24 at Bozeman Public Library. Higgins was not asking the Commission for money."

On Page 7 of 17, Durgan noted the venue of the March 18, 2008, Mike Waite (Rehberg's Office) – County Issues and Updates meeting was the Commissioner's Chamber. On Page 7 of 17, the tenth paragraph should read in entirety, "There was discussion about a Yellowstone River Highway 89 bridge replacement project and the traffic use an already degraded Old Clyde Park Road will experience from diverted traffic. There are concerns the traffic will have to cross the railroad tracks. The Commission would like MDT to consider an underpass at Bennett Street crossing. Murphy mentioned a Commission letter not included in the MDT environmental assessment, and stated the county needs

help with this issue. A second letter was submitted last week. The project is scheduled to start in 2011.”

On Page 8 of 17, the correct spelling is “TITLE 3” monies.

On Page 13 of 17, the last bulleted item should read, “Memo from Office of Public Instruction. Murphy read memo into the record re. School health nurse DeAnn Durgan will attend an OPMI sponsored seminar "Keeping Kids and Schools Safe" in Bozeman on March 26 - To file.”

On Page 1 of 17, Lahren requested to insert the following paragraph, “Lahren advised Hillman that Lahren is in charge of and will make all decisions in regard to the Carbella Bridge and Old Yellowstone Trail project. Lahren will keep Hillman in the communication loop for the project.” On Page 1 of 17, Lahren requested to insert into the fourth paragraph the sentence, “Lahren questioned Hillman as to why Lahren wasn't advised of the status of ordering signs when it was discussed at the first Dome Mountain meeting.”

On Page 2 of 17, Lahren requested the first paragraph read in entirety, “There was discussion about a weekly road crew work plan. Hillman said he does not typically have one at this time of year. He knows after Monday morning what the crew will be doing for the week. Lahren pointed out the Commission received a weekly road crew work plan from Hillman at this time of year the last two years. Road work this week will include hauling gravel to Lower Cottonwood Road; maintaining the five acre tract roads and grading other county roads.”

On Page 10 of 17 Lahren requested the paragraph read in entirety, “Museum Board Chairman Susan Kraft attempted to give a document to Commissioners Murphy and Lahren that was not related to any specific agenda item. The document was refused by Commissioners Lahren and Murphy, and Lahren advised Kraft that she needed to log the document in with the county and agenda that item for a meeting. She handed the document to John Mueller instead of logging it in.”

Durgan made a motion to accept the minutes as amended and corrected with additions. Murphy seconded that motion. Motion passed.

@11:20:46 a.m. Lahren made a motion to adjourn the meeting. Murphy seconded that motion. The meeting was adjourned.

March 27, 2008  
Personnel Issue

@1:02:45 p.m. Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present was Marilyn Hartley, accounting; Tara DePuy, civil attorney; Polly Miller, human resources;

and Commission Minutes Clerk John Mueller. No public citizens were present, and no public comment was made.

The meeting was scheduled to address a personnel issue.

Hartley read into the record her response to a March 12, 2008, Commission memo. The Commission directed Hartley and Miller to develop a list of roles within each individual's job description to define who does what. The two ladies will bring a bulleted list of findings to the Commission for further discussion.

@1:47:57 p.m. Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

March 27, 2008

Review Correspondence, Public Contacts, & Determine Action Plan

@1:49:41 p.m. Chairman Lahren called a meeting to order in the Commissioner's Chambers. Commissioners Durgan, Lahren and Murphy were present. Also present was Bill Hurley, operations; and Commission Minutes Clerk John Mueller. No public citizens were present, and no public comment was made.

The meeting was scheduled to review correspondence, public contacts, & determine action plan. Correspondence included:

- Votes Unlimited 2008 magazine
- Memo from Sue Hankin and JSEC re. meeting April 14-16
- Correspondence from Karl Knuchel re. litigation issue - To DePuy for review
- Letter from SARK re. bid for museum without purchase order and his concern about that matter - To museum for review
- Memo re. advisory council and board meetings agenda – To Murphy for review
- Airport board meeting agendas
- Aviation newsletter
- Olness and Associates re. Norm Kline working for Olness now - To Murphy for review
- Public road law seminar pamphlet in Helena and Missoula
- Memo from Miller re. FY08 potential budget raises - To Miller for review
- Request for vendor information from Highland Products of Florida
- Rossen Brothers liability insurance documentation - To Hatfield for review
- Memo from Kathy Carrick re. trespassing issue of resident in Whispering Pines subdivision - To Lahren for review
- Letter from Dan Semmans re. Gardiner Sewer District conference call - To Hurley for review
- Thank you to Bruce Martin re. moving furniture
- Letter from Jerry Brekke March 25, 2008, re. Gardiner sewer district easement findings - To Hurley for review

- Museum employees timesheets
- Upper Yellowstone Watershed Basin meeting notice
- Memo from VanJamison - To Murphy for review
- Memo from Lisa Ballard re. transportation - To Murphy for review
- E-mail from Greg Jackson of MACo re. county road crew can weld on equipment with county liability insurance protection
- ICCW manual - To Durgan for review
- Memo from Tim Polich re. Executive Director search by MT Water Trust - To Durgan for review
- Letter from Ed Coleman of DEQ re. proposed SEP - To Lahren
- Memo from Mission Ranch to buy gravel at \$1.25/yard - Commission will look into a weed issue on the property
- E-mails re. using acronyms on Commission agenda
- Request from DePuy re. meeting on April 3
- Memo from Kovash Enterprises construction
- Memo re. managing care and managing resources. Laney Reynolds-Keene, RN contacted Durgan re. health care and insurance research for better county benefit rates. A meeting with the county is set for April 3 @ 10 a.m. - To Durgan for review
- DePuy weekly schedule
- Memo from planning department re. Cokedale West road condominiums - To Hillman for review
- Road crew weekly schedule - To road book
- Library board minutes
- Dept of Admin proposal on TF IDs
- Memo re. Forest Service may move to Dept of Interior

Hurley reported the payment for the county operating license for the Gardiner Water and Sewer District was made in full - To Gardiner sewer district file. The Commission had ordered payment of that bill as an administrative order.

@2:26:23 p.m. Lahren made a motion to adjourn the meeting. Durgan seconded that motion. The meeting was adjourned.

#### March 27, 2008

3:00 P.M. – Gardiner School Sidewalk Project Request for Qualification Selection Committee/Consideration of Recommendation to Commission on Selection of Engineer - Emigrant Hall – Commissioner Murphy

#### March 28, 2008

9:00 A.M. – Cooke City Issues – Cooke City Firehall – Commissioner Murphy

9:00 A.M. - Computer Public Information Advisory Committee (CPIAC) meeting -  
Community Room

10:00 A.M. – Fleshman Creek Request for Qualifications Selection Committee  
Meeting/Consideration of Recommendation to Commission on Selection of Consultant –  
Community Room

12:30 A.M. – Gardiner Issues – Gardiner Community Center – Commissioner Murphy

Larry A. Lahren  
Chairman, Park County Commission  
Park County, Montana

Denise Nelson  
Clerk & Recorder  
Park County, Montana