

Park County Commission Meeting Minutes
Week of August 17 – 21, 2009
Park County, Montana

August 17, 2009

Review Daily Agenda and Correspondence

@8:38:30 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Taylor and Malone were present. Also present were Raea Morris, Commission 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:

- Chart of investment accounts and cash-on-hand report
- August 18 Department Head meeting agenda
- Email re. Royal Teton Ranch buffalo guard project
- Announcement of August 20th 911 meeting in West Room
- Memo re. safety meetings to be held second Thursday of each month at 8:30 a.m.
- Memo from senior planner re. September 24 site visit to Venus Heights Subdivision
- Safety management compact discs
- Memo from US EPA re. draft NPDES notice for proposed permits for MT wastewater lagoon systems
- Memo re. senior grant request for Area IV Agency on Aging
- Memo re. allocation for MT bonding authority chart
- Memo re. Rocky Mountain RC&D hazardous fuels grant update
- Memo re. mental health funding and healthcare reform - To Commissioner Taylor for review
- Memo re. tour of Mountain View Cemetery
- Memo from clerk of court re. list of witness and juror warrants
- Memo re. museum director job description – To Commissioner Malone for review

@8:49:10 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

August 17, 2009

Discussion of HRDC Community Service Block Grant for FY 2010

@10:35:53 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Taylor and Malone were present. Also present were Heather Grenier, HRDC; Shannan Piccolo, deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss a Human Resources Development Council Community Service Block Grant for Fiscal Year 2010.

Heather Grenier of HRDC said the Community Service Block Grant enables planning and transfer of funds where the majority of HRDC funding is marked for a specific focus. Grenier said the Federal Department of Health and Human Services provides funding to 10 HRDCs across the state to work on conditions affecting individuals living below the poverty level. Grenier said the District IX HRDC in Park County partners with Gallatin and Meagher Counties, and goals of HRDC is affordable housing in Livingston and rural housing in Livingston and White Sulphur Springs. Grenier said HRDC is looking to add a pilot financial counseling curriculum to a program serving families with trends of continually needing financial services. Grenier said the home weatherization program has a goal of weatherizing 260 homes to make them more energy efficient. Grenier said HRDC serves 40 Head Start students in Livingston and serves 10 to 15 households a month in Park County with emergency rent. She said HRDC is adding a second Streamline Route from Livingston to Bozeman with added stops at Printing For Less and WalMart.

The Commission signed a letter stating it reviewed and approved the HRDC of District IX Community Service Block Grant Work Plan for Fiscal Year 2010/2011.

@10:52:54 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

August 18, 2009

Review Daily Agenda and Correspondence

@8:37:02 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Taylor and Malone were present. Also present were Raea Morris, Commission 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:

- Citizen memo re. request for refuse assessment reimbursement - To Solid Waste Board for review
- Memo from County DES re. training program
- RMHD mileage reimbursement check - To Finance Director for review
- Park County cash-on-hand report
- Memo from MACo re. Title II and Title III payments
- Citizen memo re. Bannock Trail maintenance
- Memo from DES Coordinator re. Interoperability Montana meeting in Bozeman
- Memo from DES Coordinator re. county DES Assistant

Commissioner Malone said he spoke with Brad Flowers of FWP regarding letting bids for a buffalo guard project in Tom Miner Basin.

The Commission signed invoices for replumbing of the fairgrounds hog barn and an entertainer for entertaining at the county fair and an employee travel authorization form.

@8:50:23 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

August 18, 2009

Park County Road Updates

@9:05:27 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Taylor and Malone were present. Also present were Ed Hillman, road supervisor; Shannan Piccolo, civil deputy county attorney; Dan Hackman, county mechanic; Glenn Kelsey and Scott Hennager of RDO Equipment; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss county road issues.

Commissioner Malone said the Commission has concerns with transmissions going out in two John Deere graders in one month. Road Supervisor Ed Hillman said he and Mechanic Dan Hackman have concerns with service and parts from RDO. Hillman said the two John Deere graders were serviced as they should have been since the county received them, but RDO blamed the transmission failures on incorrect servicing of the graders by the county.

There was discussion about the transmission failures. Glenn Kelsey of RDO said his opinion is one of the graders was not maintained, which is why the transmission failed. He said the grader had multiple problems when it came in for transmission repair. Kelsey listed a number of issues he found with one grader when addressing the broken transmission. Kelsey said morning inspections of graders should have caught some of the problems, and he thinks the county needs to look at things more closely from the operator level down. Kelsey said he would switch operators on graders on occasion to help catch problems with the machines and have a checklist for inspecting graders. Hillman said the crew has such a checklist.

Malone asked RDO, Hackman and Hillman to establish a procedure to ensure proper inspection and maintenance of county graders.

@9:37:18 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

August 18, 2009
Department Head Meeting

@9:41:31 a.m., Chairman Malone called a meeting to order in the West Room of the City/County Complex. Commissioners Malone and Taylor were present. Also present were Lani Hartung, finance; Marc Richards, GIS/IT; Kim Knutson, fair; Martha Miller, auditor; Belinda Van Nurden, DES; Jill Ouellette, HR; Raea Morris, commission executive assistant; Allan Lutes, sheriff; Kathy Carrick, deputy county attorney; Philip Fletcher, planning; Barbara Woodbury, environmental health; Clay Williams, weed/junk vehicle; Tracy Mosley, MSU Extension; Lois Hatfield, landfill; Suzanne Brown, health department; Kevin Larkin, treasurer; Ed Barich, superintendent; Bruce Martin, maintenance; and Commission Minutes Clerk John Mueller. No public comment made.

Selection of Employee of the Month: Human Resources Analyst Jill Ouellette said Nurse Janet Clark in the Health Department was nominated by Community Health Nurse Suzanne Brown as employee of the month.

DES Coordinator Belinda Van Nurden said the county needs better attendance at county safety committee and LEPC meetings. Van Nurden said safety committee meetings will be held in the commissioners chambers from now on. Commissioner Taylor said the Commission is trying to improve the safety culture in the courthouse and it needs the department heads' help in taking safety seriously, which will help with insurance premiums.

Finance Director Lani Hartung said Olness and Associates was present last week to review the county's financial organization. Hartung said department heads and elected officials need to take responsibility for accurately coding expenditures and accounts in their respective departments and offices. Hartung distributed a new chart of accounts for department heads and elected officials to use to ensure uniform coding and asked they be shared with department staff.

Commissioner Malone said using motor pool vehicles saves the county money when used for extended trainings, and the county now has enough motor pool vehicles for such use. Sanitarian Barbara Woodbury asked if there was a policy to fill motor pool vehicle gas tanks after use, because there is a problem with leaving vehicles empty and subsequent department users having to pay for the fuel fill ups.

Department heads and elected officials reviewed their activities in a roundtable discussion. Deputy County Attorney Kathy Carrick said the county attorney's office is conducting business as usual prosecuting criminals. School Superintendent Ed Barich said he is assisting in the search for a superintendent for Arrowhead Schools as well as teachers at that school, waiting for the Department of Revenue to finish budgets, and school starts for students next Wednesday. Weed/Junk Vehicle Coordinator Clay Williams said he is spraying knapweed and weeds for residents out of compliance, is hauling junk vehicles, and is mowing roadsides. Planning Director Philip Fletcher said he is assisting with rewriting of floodplain regulations, conducting floodplain

enforcement and permits, reviewing subdivisions, conducting zoning enforcement, rewriting the donut zoning area ordinance, the Parks Board is finishing its first project with FWP fishing access sites, the planning department is co-sponsoring a land conservation forum, he working on a planning board annual report, and he attended a workshop in Butte for planning for people and wildlife. Environmental Health Officer Barbara Woodbury said she attended floodplain school last month in Maryland, is conducting septic system installs and hotel/motel/restaurant inspections, Sanitarian in Training Rachael Lewis takes her R.S. test soon, and Woodbury plans on adoption of updated wastewater regulations soon. Ouellette said the Montana Supreme Court confirmed a railroad discrimination case in which the railroad discriminated against a job applicant because of his weight. Ouellette said the Livingston Job Service has 34 job openings, the county road and bridge department is getting a new full time position, a fairgrounds ground keeper job is open, and a Cooke City green box position transitioned into seasonal position status. Justice of the Peace Linda Budeski said Justice Court is status quo. GIS/IT Manager Marc Richards said the Commission awarded a city/county complex phone bid last week and the system will be installed by October 1, computer training days will be held September 23 and 24 and will include new phone system training. Fair Manager Kim Knutson thanked everyone who helped with the fair and said activities are scheduled at the fairgrounds every weekend through November. Public Health Nurse Suzanne Brown said she is gearing up for school entry immunizations. Sheriff Allan Lutes said there is some illness in the jail with prisoners and detention officers, the department is conducting physical fitness tests today for new applicants, the department has new vehicles, Search and Rescue has conducted a lot of river rescues, a new deputy has one month remaining on his field training, and four deputies assisted with President Obama's visit. Hartung said the Department of Revenue will have certified taxable valuations to the county next week at what point the county can finish the final FY' 10 budget within 45 days. Treasurer Kevin Larkin said the motor vehicle software system is improving and his office is now open during the lunch hour. Larkin said taxes were difficult this year because changes in legislation caused mobile homes and personal property taxes to go out late. Landfill Manager Lois Hatfield said the Rainbow Motel may be demolished soon and disposed of in the landfill. Van Nurden said she is writing grants and was invited to participant in a vigilant guard statewide exercise, encouraged employees to compete online ICS 100-200 and 700-800 training and submit completion certificates to her as soon as possible. Van Nurden said she is submitting a safety plan to the county attorney for review regarding use of the city/county building afterhours, and she is working on printing a color-coded floor plan of the building.

No additional staff of public comment made.

@10:35:20 a.m., the meeting adjourned.

August 18, 2009

Discussion of Classification Plan Study Summary Report

@11:08:50 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; Lani Hartung, finance; Marilyn Hartley, finance; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss a classification plan study summary report.

There was discussion about the status of a study to be completed for Park County by an independent entity comparing Park County employee pay grade and wage scales to other county governments. Human Resources Analyst Jill Ouellette said she spoke with the independent entity who said he would conduct a one-day training with Ouellette in order to complete the classification study. Ouellette said she has money in her budget to pay for that training.

The Commission said it would like to have a conference call with the independent entity to discuss the status of the report and determine whether the study should or can be completed.

@11:30:22 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

August 18, 2009

2:30 P.M. – Discussion and Presentation of Interoperability Montana – Gallatin County Commission Community Room – Commissioners Malone and Taylor attended

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

August 19, 2009

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

August 19, 2009

Finalize Museum Directors Job Description

@10:05:44 a.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Yellowstone Gateway Museum Board Members Vern LeDoux, Pat Davidson, and Donna Amentaro; Friends of YGM President Rick Van Aken; Shannan Piccolo, civil deputy county attorney; Jill Ouellette, HR; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to finalize a museum director job description.

The Commission reviewed the revised job description. Human Resources Analyst Jill Ouellette said County Attorney Linneweber has reviewed the job description, but recommends he provide written authorization before release of the position description and posting of the vacant position.

@10:29:24 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

August 19, 2009

Discussion of Fiscal Year 2010 Refuse Tags and Mailing

@1:34:39 p.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Raea Morris, Commission executive assistant; Lois Hatfield, landfill; Richard Wright, transfer station; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss Fiscal Year 2010 refuse tags and mailing.

Commission Executive Assistant Raea Morris provided the Commission with a proposal from Printing For Less (PFL) for mailing Fiscal Year 2010 refuse tags. Morris said the service would prevent returned tags from individuals no longer living at an address. There was discussion about the time it takes for county employees to mail the tags, as well as issues with the system. Landfill Manager Lois Hatfield, Transfer Station Richard Wright, and Morris said they think it is a good idea to have PFL conduct the mailing for an approximate total project cost of \$5,000 which would include printing of tags.

Commissioners Durgan and Taylor said they see the value in having the mailing done by PFL from an efficiency and accuracy standpoint and said the landfill and transfer station can pay for the service if money exists in their budgets.

@1:57:02 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

August 19, 2009

2:00 P.M. – Outreach Hour with Field Representative of Senator Tester’s Office – West Room

August 20, 2009

Review Daily Agenda and Correspondence

@8:37:37 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Taylor and Malone were present. Also present were Raea Morris, Commission 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 from GIS/IT manager re. telephone bid disqualification
- Three memos re. legal advice to Commission from civil deputy county attorney
- Memo re. fair board member advertisement
- Memo from MT Historical Society re. Carbella Bridge
- Memo from finance director re. budget reports
- Memo from city manager re. city/county complex telephone system
- Gallatin County Solid Waste District meeting minutes
- Citizen memo re. museum director
- Lease contract from Dept of Revenue re. Assessor's Office
- Employee memo re. personal salary
- Public information request
- Memo re. HOME Grant
- Memo re. October 6 MACRS meeting
- Memo re. draft wildlife monitoring report online
- Citizen memo re. Bannock Trail
- Memo re. local business road maintenance of Five Acre Tracts roads
- Memo from MACo re. recovery bonds
- Memo from DES Coordinator re. training request
- Memo re. Big Hole fuels project
- Memo from refuse board re. clerk position - To Commissioner Taylor for review
- Citizen memo re. request for refuse assessment waiver - To Taylor for review
- Memo re. Gallatin Park Board - To planning director for review
- Memo from NACo re. jail diversion seminar in San Antonio
- Memo re. MT DNRC Forested State Lands draft EIS comment period extension

Civil Deputy County Attorney Piccolo provided the Commission with a janitorial services contract and a Cooke City road grading contract for review.

@9:11:38 a.m., the meeting adjourned.

August 20, 2009

Discussion of Tax Relief

@9:15:21 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Taylor and Malone were present. Also present were Jim Liska, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss a citizen tax relief request.

Citizen Jim Liska said he purchased his home and set up a protective trust six years ago at a California bank in order to buy a local restaurant. Liska said he received a letter in 2005 from a former county commissioner saying his taxes had not been paid, and he paid those taxes with the penalties and interest waived. Liska said he has not paid his taxes again since 2005, but has not received a notification of his taxes. Liska said his tax debt

was sold to an institution in Utah saying it will take his house if he does not come up with \$6,218 in back taxes.

The Commission telephoned the county treasurer's office, which said Liska's tax bills are being sent to the California bank address, and Liska's house was put up for assignment without notification. The Commission said it will consult the treasurer to further discuss the issue and get back with Liska.

@9:28:49 a.m., the meeting adjourned.

August 20, 2009

Discussion of Meredith Ranch Road

@9:34:50 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 director; Citizens Mardi Madsen, Lynn Madsen, Don Strong, Colleen Strong, and Chuck Donovan; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss a Meredith Ranch Road issue.

Planning Director Philip Fletcher said the planning department is an administrative department that follows the regulations enacted on the county for subdivisions and has no official opinion of the merits of any proposed subdivision. Fletcher said the Meredith Ranch Road issue falls under the *2006 Park County Subdivision Regulations*, which require legal and physical access to Meredith Ranch Road for subdivided property. Fletcher said the issue with the private road goes back to 2004, and the options are to have landowners on the road sign off on an easement, which was tried unsuccessfully once, or turn Meredith Ranch Road into a county road. Fletcher said the issue is at the Commission level and a decision should be made to show where the county stands.

Citizen Mardi Madsen said she agrees the issue has gone on long enough and needs to be resolved. Madsen said adoption of the 2006 county subdivision regulations on October 1, 2006 changed language stating citizen-owned easements along Meredith Ranch Road are no long valid because they do not grant public access. Madsen said the citizens offered to give the road to the county three times, but the county said it is not accepting roads at this time. Madsen said 81 acres in question is useless for anything other than subdivision with all surrounding land subdivisions. She said Montana code does not require public access to private roads as required by the county's '06 subdivision regulations, and she is looking to the Commission for help and a solution.

Fletcher said the issue of requiring public access on private roads was discussed at length in public meetings and hotly debated before the planning board and Commission voted to include the language in question in the county code. Fletcher said many western Montana counties have included such language.

Citizen Colleen Strong said Meredith Ranch Road was built to every county specification.

Civil Deputy County Attorney Shannan Piccolo said all subdivisions must meet the requirements of the county subdivision regulations in effect at the time of the application. Piccolo said the citizens can produce a petition with 10 freeholder signatures, but the county must pay damages to anyone along the stretch of road in question who disagrees with making it a county road. Piccolo said the Commission can declare the road a county road through eminent domain through the court, but the county must pay property owners along the road for the value of the public easement dimensions.

There was discussion about public access to private roads. The Commission reviewed a map of the road in question presented by Mardi and Lynn Madsen. Piccolo said she will review subdivision language and landowner easements to each piece of property along Meredith Ranch Road. Fletcher said he will provide Piccolo with the case file with all legal documents. Mardi Madsen said she will email Piccolo the names of all property owners along Meredith Ranch Road in the stretch in question. Piccolo said she will try to complete her research in a month's time.

@10:11:52 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

August 20, 2009

10:00 A.M. – Personnel Meeting – Commissioners Chambers – Canceled

August 20, 2009

Discussion of Treasurer State Endowment Program Bridge Grant

@1:36:14 p.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; Lori Benner, Nittany Grantworks; Jim Barrett, Park County Environmental Council; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss a TSEP bridge grant.

Lori Benner of Nittany Grantworks said she understands the county may not conduct a Professional Engineer's Report (PER) for the 9th Street Bridge and instead conduct a PER for other county bridges per Engineer Kevin Feldman of CTA Engineering. Benner said the county can use a \$15,000 planning grant to study other bridges, but the state of Montana is now researching whether the RFQ process used by the county to secure CTA Engineering will remain in place if the county decides to spend funds on other bridges. Benner said some communities are using state planning grants for engineered assessments of multiple bridges less than 20 feet in length, and that multi-bridge PER can be used for any bridge in the county within that study.

Benner said the county without a doubt will take itself out of ability to apply for a \$500,000 grant in May 2010 for the 9th Street Bridge if the county foregoes the preparation of a PER for the bridge. Benner said she understands CTA feels the \$645,000 allocation the county received from the federal government will cover the entire cost of building a new 9th Street Island Bridge.

Commissioner Durgan said he is reluctant to accept CTA's recommendation because initial discussion of the cost to replace the 9th Street Bridge was in the millions of dollars and the Commission cannot be sure a contractor can actually build the bridge for \$645,000.

Benner said her advice from a funding perspective would to continue forward with the PER process until funding is secured. Benner said the \$500,000 TSEP grant application is due May 15 and she would like to have a PER in complete form by March 1.

@2:03:06 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

August 20, 2009

Discussion of Memorandum of Understanding for Cooke City Community Center

@2:12:22 p.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; Lani Hartung, finance; Marilyn Hartley, finance; Sarah Hamlen and Teresa Koper of NRMRC&D; Cooke City Residents Betty Sommers, and Beverly Chatlain; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss an MOU for the Cooke City Community Center.

There was discussion about financing the proposed Cooke City Community Center. The Commission said the county would hold the pool of resort tax money to pay for the Community Center because it would hold the loan from the bank. Commissioner Malone said the structure would likely have a 15-year mortgage, which is the life of the current resort tax, and the county would hold construction and all other insurance on the building through its insurance provider. Sarah Hamlen, Northern Rocky Mountain RC&D, said Cooke City resort tax funds would break down into 1) other Cooke City community project requests, 2) community center operation and maintenance costs, 3) water and sewer costs, and 4) bank note/loan repayment.

The Commission said all construction invoices would be submitted to the county. Cooke City Resident Beverly Chatlain said two or three people on the community council board may be interested in acting as a project contracting officer to ensure construction work is completed correctly and on time.

Deputy County Attorney Shannan Piccolo said she will attempt to have technicalities of the MOU and bank loan language in draft form for review by the Cooke City Council on August 28.

@3:05:55 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

August 20, 2009

3:30 P.M. – Planning Board Meeting – Community Room – Meeting minutes available at www.parkcounty.org and in the Planning Department

August 21, 2009

Discussion of Rafting Companies' Traffic and Parking Issues with Gardiner Citizens

@9:01:17 a.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; Steve Woodruff, attorney; Gardiner Citizens Rob Trotter, Keith Nykerk, Sandra Nykerk, Jim Garry, Joseph Gross, Addeline Mobulon, Judy Wantulok, Jim Wantulok, Geoff Faerber, Liza Faerber, Steve Miller, Carolyn Duckworth, and Mike Cretella; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss parking issues in Gardiner involving rafting companies.

Gardiner Citizen Sandra Nykerk read into the record a citizen letter discussing safety issues and concerns about 5th Street West and other streets in Gardiner regarding parking issues and rafting companies.

Nykerk said a specific group of Gardiner citizens oppose an application by the Flying Pig Rafting Company to create a loading zone in front of the Flying Pig business on Highway 89 because of traffic and safety issues. Nykerk said enabling such a safety zone would set precedence for all other rafting companies. Nykerk said the citizens propose raft bus loading and unloading at the Gardiner Rodeo Grounds or somewhere outside of Gardiner to alleviate traffic issues. Nykerk said rafting employees use Highway 89 for parking, which creates a lack of parking in Gardiner, and illegally parked cars make it impossible to see when exiting alleyways. Nykerk said the rafting busses and trailers block Highway 89 and 5th Street West when loading and unloading clients, they create dust clouds and diesel fumes; block views, increase noise levels, do not provide changing facilities for clients and clients undress in public alleyways, 5th Street West is only 12 feet wide and was never designed for commercial traffic, the historically residential area is no longer safe due to the raft company traffic, retail customers use 5th Street West as a circle to find parking in town, and the condition of the alleyway has deteriorated.

Nykerk provided the Commission with photographs of the situations described. She said the citizens request designation of 5th Street West as a residential street only with no commercial traffic to alleviate health and safety issues, enforcement of the posted 15

miles per hour speed limit signs on 5th Street West, and post “No Through Traffic” signs on the road. Nykerk said the citizens would like a cease and desist order so large vehicles must stop using 5th Street West and for the Commission to entertain a resolution prohibiting parking large busses or vehicles within 50 feet of a residence not owned by the bus or vehicle. Nykerk said the issue has been difficult for the citizens for three years and they need help with mitigation.

Gardiner Citizen Karolyn Duckworth said she supports Nykerk’s statements, but her biggest concern is for pedestrians on 5th Street West due to traffic and the condition of the road, which is full of potholes. Duckworth asked the Commission to consider the amount of traffic that road receives compared to other county roads, and she asked what will be done between the end of the season and the start of the next rafting season so affected Gardiner residents can live in harmony again.

Gardiner Citizen Mike Cretella said the Commission promised a couple of years ago to chip seal 5th Street West after citizens paid for magnesium chloride application to control dust. Cretella said the Commission has not lived up to promises it made in the past, and he challenges the current Commission to do something about the issue at hand. Cretella said 5th Street West was never intended to be a commercial road.

Gardiner Citizen Jim Wantulok said he is unsure the Flying Pig is the full culprit in the deterioration of 5th Street West, but it may be a combination of rafting companies and tourist traffic. Wantulok said the amount of traffic on 5th Street West is unbelievable and is creating a safety concern.

Gardiner Citizen Joseph Gross said the county needs to erect two stop signs on 2nd Street.

Gardiner Citizen Rob Trotter said he now owns the Yellowstone Raft Company and has continued running that business as it had been run for 30 years. Trotter said he is in the process of downsizing his rafting busses to vans to better navigate Gardiner streets and his client loading areas are located out of town. Trotter said he does everything he can to encourage parking off of Main Street and away from residential houses and discourages any parking in back alleys. Trotter said the Yellowstone Raft Company is a separate entity from what is going on with traffic issues, and it is working with the citizens to make it a smooth operation for everyone.

Steve Woodruff, attorney for Geoff Faeber, owner of the Flying Pig Rafting Company, said 5th Street West is a dedicated, platted public street and no legal precedence exists for defining use on a publicly dedicated road unless a zoning plan for the entire community exists. Woodruff said the Commission is being asked to “spot” zone an area to affect a business certain residents have a problem with, and spot zoning is illegal. Woodruff said a yellow curb in front of the Flying Pig had yellow paint and curb cuts for years, the area was designated a no-parking zone with curb cuts when the property was purchased six or seven years ago, and the Flying Pig therefore has taken no parking out of the collective parking of Gardiner. Woodruff said Gardiner is a gateway community to Yellowstone National Park, and as such is not realistic to think the community will

continue to be a quiet and bucolic place. He said Gardiner will grow with businesses and tourist traffic and noise will result. Woodruff said it is troubling his client was not invited to the present meeting, and he is very troubled a letter read into the record by Sandra Nykerk discusses gang activity and threatens complicit violence to Geoff Faerber, his wife and child if citizens do not get help from the Commission. Woodruff said such a letter underscores the need to come to a resolution on the matter.

Cretella said the citizens would not be having the present meeting if Faerber would have done the things he promised the citizens he would do, such as rebuilding Cretella's fence and oiling the road. Cretella said Faerber has no concern for the citizens of Gardiner and only cares about making money from tourists. Cretella said it is up to the Commission to make a decision on the use of 5th Street West as a commercial road.

Gardiner Citizen Steve Miller said he agrees Gardiner is not an incorporated city, therefore it falls upon the county to take care of issues. Miller said a 15-miles-per-hour limit on the street is an example of micro-zoning, and zoning or restricting traffic to residents only is no more than putting up a speed limit sign. Miller said he had to erect a post in his driveway because he asked the Flying Pig repeatedly to not use his driveway as a turn-around. Miller said his bushes have been torn up and he has ruts in his driveway, which shows a total lack of respect for anyone as a person. Miller said Flying Pig bus drivers speed, receive speeding tickets in town and do not comply with laws.

There was discussion about differences in limiting use of a city street versus a county road and creating a zoning district in Gardiner. Civil Deputy County Attorney Piccolo said individual pocket zoning is not legal, and zoning districts must be created town-wide.

Commissioner Malone said he would visit Gardiner on August 31 at 2:00 p.m., at the community center to hold an open, public meeting to view road issues and further discuss the topic. Malone said he would contact Duckworth and Woodruff about the meeting.

Miller said whoever bought property on the corner of a bridge in Gardiner piled large rocks against the bridge and is building up a big mound of dirt, which structurally is not good for the bridge. Citizen Joseph Gross provided the Commission with pictures of the rock.

@10:33:49 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

August 21, 2009

9:00 A.M. – Commissioner in Wilsall to Hear Area Resident Concerns – Val's Mercantile

10:30 A.M. – Commissioner in Clyde Park to Hear Area Resident Concerns – Clyde Park Town Hall

August 21, 2009

Review Daily Agenda and Correspondence

@10:54:17 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Raea Morris, Commission 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 from Yellowstone Gateway Museum re. meeting agenda and progress report - To Commissioner Taylor for review
- Citizen memo re. bison chute constructed by FWP
- Memo re. Gallatin County news release
- Two memos re. legal advice to Commission from civil deputy county attorney
- Memo from DEQ re. mine reclamation site acceptance
- Montana and the Sky newsletter - To Commissioner Durgan for review
- Memo from IT Manager re. city/county complex phone system
- Memo from MACo re. HB 645 update
- Citizen memo re. snow removal contract bid
- Invoice from Energy Labs re. Gardiner Sewer District - To Taylor for review
- Memo from MACo re. real estate reappraisal process teleconference
- Memo from Parks Board chairman re. board meeting - To Taylor for review
- Memo re. environmental health workers - To Taylor for review
- Citizen memo re. maintaining roads in Five Acre Tracts
- Citizen memo re. requesting preliminary external audit report
- Memo from Solid Waste Board members re. removal of citizen refuse fee – To Taylor for review
- The Commission reviewed one confidential memo

Commission Executive Assistant Raea Morris said she is drafting a letter to Montana Clean regarding unclean courthouse restrooms.

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

Marty Malone
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana