

Park County Commission Meeting Minutes  
Week of November 16 – 20, 2009  
Park County, Montana

November 16, 2009

Review Daily Agenda and Correspondence

@8:30 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, 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 from teamsters and county union representatives re. longevity pay issue
- Memo re. Northern Rocky Mountain RC&D program manager's report
- Memo from city manager re. Maple Street snow fence
- Memo from finance director re. county cash-on-hand funds
- Citizen memo re. Gardiner parking issue letter
- Memo re. appointments to county records retention committee
- Memo re. plowing practices at Cooke City schools
- Memo re. Shield's Watershed Committee meeting
- Memo re. DW Burns Plumbing certificate of liability insurance
- Memo re. licensed sanitarian responsibilities
- Memo from LTAP re. comment period for highway grade rail crossing action plan and pedestrian improvements

Commissioner Malone said Extension Agent Tracy Mosley asked if the Commission would sponsor a brucellosis meeting on November 24. Malone said there is question of who is to plow snow from green box sites.

There was discussion about having a green box monitor for valley green box sites and consolidating the landfill and transfer station manager position.

@8:55 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

November 16, 2009

Review of Minutes for Week of November 9, 2009

@9:30 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. No public comment made.

The meeting was scheduled to review and approve Commission meeting minutes for the Week of November 9, 2009.

Commissioner Durgan requested a revision to Page 3 of 14, noting he attended a Senior Citizens Meeting on November 10 at 1:00 p.m., and a 2:00 p.m. IT Advisory Committee meeting was canceled.

Commissioner Taylor made a motion to accept the minutes as corrected and amended. Commissioner Durgan seconded that motion. Motion passed.

@9:34 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

November 16, 2009

Discussion of Abandonment of Shamrock Lane

@10:30 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; Steve Woodruff, attorney; Citizens Tena Versland and Marina Sheridan (via telephone).

The meeting was scheduled to discuss abandonment of Shamrock Lane.

Civil Deputy County Attorney Shannan Piccolo said she provided the Commission with a legal opinion there is no specific legal reason to deny the abandonment request based on an issue of compromising landowner access. Planning Director Philip Fletcher said his report states he can see no practical reason why the roads should not be abandoned from a planning perspective due to the cost it would take to repair the roads for use.

Attorney Steve Woodruff said he submitted a proposed abandonment resolution for Piccolo's review. Piccolo said the county attorney's office reviewed the resolution and the petitioners have met all requirements. Woodruff said he made effort to contact a landowner whose property through which the roads pass.

Commissioner Durgan made a motion to accept the resolution provided and allow the abandonment of the designated portion of Shamrock and Sunset lanes. Commissioner Taylor seconded that motion. Motion passed.

@10:46:45 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

November 16, 2009

Discussion of Video Equipment in Jail

@11:30 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Sheriff's Office Personnel Allan Lutes, Jay O'Neill, and Scott Hamilton; and Wendy Wood, search and rescue. No public comment made.

The meeting was scheduled to discuss video equipment in the jail.

Sheriff Allan Lutes said the sheriff's office needs to maintain safety and security and keep liability at a minimum, and having an enhanced security system with visual aids and a monitoring system can improve jail safety. Lutes said the current system is antiquated and does not do the job. Jailer Jay O'Neill said only four cameras in the jail have been upgraded in 20 years. He said current cameras are not recordable and do not have audio. He said 25 recordable, digital cameras would be added with two wall monitors to visually monitor inmates and record incidents to obtain evidence or assist in mitigation efforts.

The Commission said \$30,000 is probably an accurate figure to allot to the proposal and said it will work on finding those funds within the budget. O'Neill said he will research how much camera electrical work would cost.

In other discussion, Undersheriff Scott Hamilton said the sheriff impound lot and search and rescue equipment are not monitored with cameras and asked if the fairgrounds may have room to store a search and rescue trailer.

@11:56 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

November 16, 2009

4:00 P.M. – Discussion of Community Projects to be Funded by CTEP Grant –  
Community Room – Meeting minutes available in the Commission Office

November 17, 2009

7:30 A.M. – Job Service Employers Committee – Livingston Job Service

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

November 17, 2009

Park County Road Updates

@9:00 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were

Ed Hillman, road supervisor; Shannan Piccolo, civil deputy county attorney; and Lani Hartung, finance. No public comment made.

The meeting was scheduled to discuss county road issues.

Road Supervisor Ed Hillman said road crewman will work on Cinnabar Bridge this morning, and West Grannis Road was plugged this morning and a crewman will address that issue. Hillman said the road crew has not completed erecting snow fence.

Citizen Ellen Fredde telephoned and said she lives 29.6 miles from Big Timber near Whispering Pines and the roads where she lives are in poor condition and the citizens feel neglected and put off with paying taxes. Fredde asked for the road to be fixed correctly and told the Commission to find money somewhere to gravel the road.

Citizen Marty Selusa telephoned about gravel crushing. The Commission asked Selusa about mobilization charges and one-inch minus gravel costs. Selusa said initial mobilization would cost \$12,000 for 10,000 cubic yards and \$8,000 for 30,000 cubic yards. Commissioner Malone said the Commission will put out a bid for gravel crushing services.

Finance Director Lani Hartung provided a to-date review of Hillman's road budget.

@9:30 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

November 17, 2009

Department Head Meeting

@9:30 a.m., Chairman Malone called a meeting to order in the Community Room. Commissioners Durgan, Malone and Taylor were present. Also present were Marc Richards, GIS/IT; Denise Nelson, clerk and recorder; Barbara Woodbury, environmental health; Brett Linneweber, county attorney; Lani Hartung, finance; Barbara Woodbury, sanitarian; Lois Hatfield, landfill; Clay Williams, weed/junk vehicle; Philip Fletcher, planning; Ed Hillman, road; Martha Miller, auditor; Raea Morris, commission executive assistant; Jill Ouellette, HR; Belinda Van Nurden, DES; and Allan Lutes, sheriff.

Commissioner Malone opened the floor to public comment. None made.

Employee of the Month: Human Resources Analyst Jill Ouellette said Vicki Butcher of the transfer station was nominated by Bill Hurley as employee of the month.

Use of Sick and Vacation Benefits: Ouellette said county employees are able to use sick and vacation leave in quarter-hour and half-hour increments.

Timecards: Commissioner Malone said external auditors recommended employees take timecard issues to department heads prior to the Commission. GIS/IT Manager Marc

Richards said he will look into setting up an electronic timesheet to allow for such time documentation.

Vehicles in Back Lot: Malone asked department heads to inform employees not to park in the back lot on snow days so the road crew can plow that lot. Ouellette said there can be as many as six employee vehicles in public parking spots in the back lot causing the public to find other parking.

Round Table Discussion: County Attorney Brett Linneweber said many criminal cases have gone to the sentencing phase and other criminal trials are coming up. Sheriff Allan Lutes said calls are up 30 percent. Auditor Martha Miller said she is working on the timecard issue. Road Supervisor Ed Hillman said he is fielding telephone calls, including a call to plow out the airport for a life flight. Finance Director Lani Hartung said external auditors found 20 findings for FY '09. Clay Williams, weed/junk vehicle, said he has picked up five junk vehicles of late and is balancing weed books. Planning Director Philip Fletcher said the planning department continues to work on monthly tasks and is putting together an annual department and planning board report, is working on a revolving loan fund with RC&D, and is working on a grant review committee. Sanitarian Barbara Woodbury said Sanitarian Doris Morgan retired, she is working on a curriculum for site evaluators, and Sanitarian Rachael Lewis is working on urban chicken guidelines. Clerk and Recorder Denise Nelson said her department started taking business e-recordings and is preparing for a federal audit. Ouellette reviewed relevant HR legislation and issues. Richards said the phone installation process is nearing completion and said he would assign email addresses to each road crewman. DES Coordinator Belinda Van Nurden said she is following up on grants and processing paperwork.

The next department head meeting is scheduled for December 15, 2009 at 9:30 a.m., in the Community Room.

@10:14 a.m., the meeting adjourned.

November 17, 2009

Weekly Human Resources Updates

@10:30 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Jill Ouellette, HR; and Martha Miller, auditor. No public comment made.

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

Human Resources Analyst Jill Ouellette provided the Commission with employment, sheriff's office longevity, and employee change of status forms for signature. Ouellette said she and the accounting department are adjusting vacation and sick leave accruals for a department head who took vacation without documenting it on a timesheet. She provided the Commission with documentation verifying the union and county rectified vacation pay for sheriff's office longevity. Ouellette said there is an issue with health fair

equipment having 24-hour surveillance protection. The Commission asked Ouellette to notify MACo the health fair company needs pay a \$75 fairgrounds rental fee.

Ouellette said the county received a notice of delinquent employee contribution to PERS and she is working with the employee on that matter. She said a 2007 delinquency letter for a sheriff's deputy has sat in the HR office at seven-percent interest, which likely will equal \$10,000 once finalized. Ouellette said employees were not tested for drugs as scheduled due to the testing company's error.

There was discussion about administrative board members sitting in on employee interviews and interviewing process and protocol.

@10:53 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

November 17, 2009

Discussion Regarding Temporary Removal of Deep Creek Green Boxes

@11:30 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; Richard Wright, transfer station; Citizens Courtney Lawellin, Jim Taylor, Ron Liljidlahl, Karyn Tilton, Murray Ames, Larry Jones, Garry Cotant, Warren Latvala, Bob Currie, Darlene Tilton, Dawn Basini, Buzz Basini, Gary Jones, Jim Hunt, and Kevin Funk.

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

Attorney Courtney Lawellin asked why the Concerned Citizens were not advised of the Commission's decision to remove green boxes from the Deep Creek green box site and why the Montana Fish, Wildlife and Parks was not contacted. The Commission said a bear was scattering trash across the green box site and onto adjacent private property. The Commission said it contacted Montana Fish, Wildlife and Parks (FWP) to request a trap to remove the problem bear but received no action from FWP, therefore the Commission decided to remove the boxes because of continued bear problems and people dumping apples at the site. The Commission said it also erected signs at the site explaining the temporary closure and ran an advertisement in the newspaper. The Commission said it felt the situation was a safety concern for residents if they were to encounter a bear inside the green box compound.

Citizen Buzz Basini said he asked the Commission to either move the boxes or install bear boxes because bears are scattering garbage across his property.

Citizen Jim Taylor said the Commission was in the wrong by removing the boxes without notifying the Concerned Citizens or their attorney and must put boxes back in place or the Commission would be held responsible and subject to further action from the Concerned Citizens.

Citizen Kevin Funk said the county should consider contracting with a private hauler or solid waste company for curbside refuse pickup and do away with green box sites.

Transfer Station Manager Richard Wright said the county tried bear-proof boxes at the Deep Creek site and they were not satisfactory because they were in poor physical condition and the hole was too small to allow 30-gallon or larger garbage bags. Wright said that resulted in people setting garbage on the ground or on top of green boxes and continued bear issues. He said boxes that were removed had sliding doors, but doors can freeze shut and are difficult to close, or people leave the doors open and leave the garbage on the ground. Wright said he questions whether it is worth the cost of buying new bear-proof boxes or whether the county should try another option.

Citizen Darlene Tilton said some solution is necessary because the residents need refuse services.

The Commission said it would return boxes taken from the Deep Creek site.

@12:15 p.m., the meeting adjourned.

November 17, 2009

Discussion of Hubbard-Wascom Exemption Appeal

@3:00 p.m., Vice-Chairman Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Philip Fletcher, planning; Mike Inman, planning; Barney Hallin, surveyor; and Steve Woodruff, attorney. No public comment made.

The meeting was scheduled to discuss a Hubbard-Wascom exemption appeal.

There was discussion about the applicant's proposed covenant language and a rebuttable presumption regarding the fact a tract of recorded originally over 160 acres became less than 160 after boundary relocation. Senior Planner Mike Inman and Civil Deputy County Attorney Shannan Piccolo said they have concerns about the applicant's statements at the last public meeting regarding a desire to sell the 40-acre property and not wanting to go through county subdivision review because of the county's road standards. Inman said the county is concerned about potential liability with regards to requiring a person to go through subdivision review even if the division of land did not meet the definition of a subdivision under the Montana Subdivision and Platting Act.

The Commission said it would make a final ruling on the issue at another public meeting.

@4:15 p.m., the meeting adjourned.

November 17, 2009

6:30 P.M. – Fair Board Meeting – Park County Fairgrounds Office

November 18, 2009

8:00 A.M. – Interagency Bison Management Program – Best Western Yellowstone Inn, Livingston

November 18, 2009

Review Daily Correspondence and Agenda

@9:19:06 a.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:

- Returned notifications of 9<sup>th</sup> Street Bridge replacement project
- Employee memo to maintenance re. mice in courthouse
- Memo from NPS re. interim winter use plan
- Citizen memo re. refuse assessment
- Memo from MACo re. county insurance
- Memo re. airport board
- Memo from clerk and recorder re. precinct boundary lines
- Memo re. Grannis Road draft EA
- Memo re. free health screening
- Legal advice to Commission from civil deputy county attorney
- Memo re. final EA for Springdale wind farm
- Memo from Spring Corporation re. Senior Center rehab project - To Commissioner Taylor for review
- Memo from 911 Coordinator re. November 19 meeting
- Safety Committee meeting minutes
- Memos from DES Coordinator re. Cinnabar Road bridge work and safety videos
- Memo re. Yellowstone Country board of directors meeting

Commissioner Durgan said a Mission Field/Livingston Airport Board of Improvements statement of qualifications and experience was provided to the Commission for review. Durgan said the fair board is considering changing the date of the 4-H livestock auction and sale to Saturday morning and serving a breakfast.

@9:42:39 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

November 18, 2009

9:00 A.M. – Park County Claims Review – Commissioners Chambers

November 18, 2009

Selection of County Grants Review Committee

@10:03:46 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, 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 select a county grants review committee.

The Commission reviewed a memorandum of recommended county employees for the proposed county grants review committee.

Commissioner Taylor made a motion to approve Lani Hartung, Martha Miller, Tracy Brewer, Denise Nelson and Philip Fletcher for formation of the county grants review committee. Commissioner Durgan seconded that motion. Motion passed.

@10:07:01 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

November 18, 2009

1:30 P.M. – Discussion of Proposed Changes of By Laws for Board of Adjustments and Parks and Recreation Board – Commissioners Chambers – Canceled

November 18, 2009

Discussion of Mental Health Detention and Protective Custody

@3:01:33 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Brett Linneweber, county attorney; Shannan Piccolo, civil deputy county attorney; Allan Lutes, sheriff; Jay O'Neill, sheriff's office; Scott Hamilton, sheriff's office; Scott Malloy, Gallatin Mental Health Center; John Beck, Park County Mental Health Center; Camden Easterling, Livingston Enterprise; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss mental health detention and protective custody issues.

Scott Malloy of Gallatin Mental Health Center said he is present to ask Park County whether it is interested in being part of the Gallatin Mental Health Center, which is a new

facility in Gallatin County slated to open in March 2010 with video capability for initial inmate court hearings. Malloy said the center would be a state-insured, secured in-patient unit, and the mean average cost for a patient would be approximately \$550 per day. He said the center would accept emergency commitments, but inmates would ultimately be committed to Warm Springs if necessary. Malloy said he will email a proposal to County Attorney Brett Linneweber for review.

Linneweber said he sees county use of the Gallatin Mental Health Center as a benefit to both the county's budget and patient welfare.

@3:26:34 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

November 19, 2009

Review Daily Correspondence and Agenda

@9:40:31 a.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:

- Memo from clerk and recorder re. Emigrant incorporation petition
- Legal advice to Commission from civil deputy county attorney
- Memo re. online burn permit system
- Memo re. November 24 Upper Yellowstone Watershed meeting
- Citizen memo re. Gardiner parking issue
- Citizen memo re. Wilsall sanitary issue
- Memo from State of Montana re. 911 warrant distribution announcements
- Invoice from Tri-County Sheet Metal
- Memo from Swanson-Leavitt re. county department walk-through inspections
- Memo from MDT re. Bailey bridge inspection
- Memo from MACo re. Water Resources Development Act applications
- Citizen memo re. Gardiner loading zone parking issue
- Memo re. confidential issue

@10:07:22 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

November 19, 2009

10:00 A.M. – Western Montana Mental Health Meeting – Mental Health Center, Butte – Commissioner Taylor attended

10:00 A.M. – Local Emergency Planning Committee – Community Room

November 19, 2009

Consideration of Acceptance of Loading Zone Application for a Gardiner Business

@1:30:32 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; Steve Woodruff, attorney; Citizens Joseph Gross, Callie Kellem, Sean Miculka, Susan Johnson, Lauren Silano, Jonathan Berens, Daniel Jaynes, Nick Derene, Les Kellem, Rose Norman, Liza Faerber, Jeff Faerber, Heather Britton, Kelly Stermitz, Ken Britton, Sandra Nykerk, Robin Trotter, Julia Page, Paul Norman, and Adam Britton; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to consider acceptance of a loading zone application for a Gardiner business.

Attorney Steve Woodruff said he is representing Jeff Faerber of the Flying Pig Adventure Company and property owned by G&G Realty LLC. Woodruff provided an overview of an ongoing parking issue in Gardiner and the Flying Pig. Woodruff said a loading zone in front of the Flying Pig would not result in a net loss of parking in Gardiner, as the curb area in front of the business has historically been a “No Parking” area with curb cuts for decades. Woodruff said Faerber has made an effort to address the parking issue as best he can by building an employee living complex outside of Gardiner, providing a carpool bus for employee commutes to work, and installing a bike rack at his business.

Woodruff said he drafted a proposed ordinance for the loading zone specifically for the property in question for review by the civil deputy county attorney to address a concern of setting precedence by granting the loading zone. Woodruff said loading and unloading rafts and customers in the location in front of Faerber’s business is a necessity for Faerber and he will continue to operate his business in Gardiner, regardless. Woodruff said restoring use of a curb cut and driveway on the property would require moving decking built in front of the property and passing of vehicles through a pedestrian crosswalk. He said a second option is to load and unload at 506 West Scott Street across the road from the Flying Pig, which would require installation of a crosswalk that may remove parking. He said there has been public opposition to loading patrons from Fifth Street West if the loading zone is not granted.

Woodruff said the Flying Pig has improved tax revenues for the county and helped Gardiner citizens economically. Woodruff submitted the proposed ordinance and series of citizen letters of support for the record from Kelly Stermitz and Doug Bell, Warren and Susan Johnson, Kobey Dawson, Donald and Gina Knight, and Debbie Demaree.

Commissioner Malone said the Montana Department of Transportation repainted parking curbs in Gardiner, but the county commission must decide on parking zones.

Susan Johnson read into the record a letter of support for the Flying Pig Adventure Company. Gardiner Business Owner Kelly Stermitz made comment on behalf of herself and Doug Bell in support of the Flying Pig, saying Gardiner relies on small businesses for survival. Gardiner Business Owner Les Kellem made comment in support of the Flying Pig, saying the commotion being raised over four parking spots is silly. He said a man living on the other end of town intentionally blocked Fifth Street West. Daniel Jaynes submitted a letter of support for public comment. Adam Britton submitted a letter of support to the Commission. Citizen Lauren Silano, the Flying Pig's sole year-round employee, commented in support of the Flying Pig and said it is laughable so much is being made about the loading zone issue. Silano said this issue is about attacking Jeff Faerber's character and the Commission needs to ask whether this a personal issue and vendetta against him. Nick Derene of the Yellowstone Association said he would use the Flying Pig loading zone 15 to 20 times a week to provide services to clients his organization shares with the Flying Pig. Callie Kellem spoke in support of the Flying Pig saying members of the Gardiner community without government jobs rely on community businesses. Jeff Faerber read into the record comments from the last meeting on the parking issue. Faerber said people in opposition of the Flying Pig have personal issues with him and he has been threatened and felt uncomfortable in Gardiner a few times. Ken Britton said he drives a bus for the rafting company and a loading zone would be a safety improvement and urges the Commission to consider the loading zone for at least the rafting season. John Berens, Flying Pig bus driver, said it would make it much easier for everyone involved to pull into a loading zone and conduct business. Citizen Liza Faerber said the UPS man and food service and delivery trucks were able to use the current loading zone, and it is practical to have space for any vehicle needing to unload.

Commissioner Durgan said the meeting is to discuss a loading zone in Gardiner and the Commission can only go so far in dealing with personal issues.

Citizen Joseph Gross said he is not for or against the issue and is not questioning Faerber's character, but the business is located on the wrong site and creates a bottleneck for people on Fifth Street West. Citizen Sean Miculka asked if the loading zone would be for Flying Pig exclusive use. Malone said the Commission cannot designate a loading zone for one business and it would be a public loading zone. Citizen Paul Norman commented in opposition to the loading zone, saying he agrees the business is in the wrong place and causes parking issues. Norman said he has lived on Scott Street since before the Flying Pig was present, and he does not think the loading zone opponents live in an area of Gardiner where they are impacted by parking issues. He said he has not found Faerber to be a neighborly neighbor. Citizen Sandra Nykerk made comment in opposition to the Flying Pig loading zone, saying she is not opposed to the Flying Pig or any other rafting company in Gardiner, but granting a loading zone would set a precedence that would end up with loading zones up and down Scott Street. Nykerk said a loading zone would disperse parking for local residents and businesses. Citizen Sean Miculka made comment in opposition to the Flying Pig loading zone, saying he would be most affected by any loading zone in the area because he has two businesses adjacent to the Flying Pig. He said it pushes a parking burden onto the porches of other Gardiner residents and businesses, and proponents of the loading zone do not live near the business

and are not impacted by the traffic issues. Miculka said a loading zone in front of the Flying Pig would appear exclusive. Robin Trotter, owner of the Yellowstone Rafting Company, commented in opposition to a Flying Pig loading zone, saying it was very hard to find a parking spot this summer even with having 10 to 12 parking spots of its own. Trotter said a problem was Flying Pig employees and a short bus parked in the Yellowstone Rafting Company spaces. She said rafting companies do not have loading zones in town because it does not work for them. Julia Page, former owner of the Yellowstone Rafting Company, provided a history of the parking situation in Gardiner for rafting companies and made comment in opposition to the loading zone. Page said granting a loading zone in the area perpetuates the Flying Pig's mistake to operate from the location it does. She said Faerber is asking the neighbors to adapt to his expanding business with a loading zone instead of finding innovative ways to adapt his business to the community.

Malone said the Commission has concerns about signs in Gardiner that do not appear legitimate.

Woodruff said many individuals are talking about a systemic lack of parking in Gardiner. He said four parking spaces in Gardiner were not ever there because they were a curb cut with yellow paint. He said he does not understand why the entire onus of the parking problem in Gardiner is being pinned on the Flying Pig when the loading zone in question was never parking space.

Civil Deputy County Attorney Shannan Piccolo said, should the Commission move forward with a loading zone, the Commission will meet required public notice of intent to adopt an ordinance, the public can review the ordinance and supply comment, and a separate public meeting would be held to adopt the ordinance.

Malone said Gardiner is an unincorporated town with no setbacks, businesses can be located in any area, and Scott Street is moving toward more commercial uses. Durgan said Gardiner residents have the option of incorporating and zoning Gardiner as they wish.

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

November 19, 2009

3:30 P.M. – Planning Board – Community Room – Meeting minutes available at [www.parkcounty.org](http://www.parkcounty.org) and in the Planning Department

4:00 P.M. – 911 Communications – West Room

7:00 P.M. – Solid Waste Board – West Room – Meeting minutes available at [www.parkcounty.org](http://www.parkcounty.org) and in the Commission Office

November 20, 2009

Review Daily Correspondence and Agenda

@9:12:57 a.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:

- Memos from DES Coordinator re. LEPC membership and new phone system
- Memo re. delay of Cinnabar Bridge work
- Memo re. November 24 museum board agenda
- Citizen memo re. maintenance of Cinnabar Road
- Memo re. Ecostar small business nominations
- Memo re. Cooke City Chamber of Commerce porta-toilets
- Memo from clerk and recorder re. paint brush request
- Memo re. HB 130, 131, 132 mental health bills - To Commissioner Taylor for review
- Memo re. Pugh property issue
- Invoice from Anthro Research - To county attorney for review
- Memo re. confidential memo

Executive Assistant Raea Morris said the next City/County meeting will be held December 8 at 4:30 p.m.

@9:36:56 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