

Park County Commission Meeting Minutes
Week of December 6 – 10, 2010
Park County, Montana

December 6, 2010

No quorum of Commissioners – No meetings scheduled

8:00 A.M. – MACo District Meeting – Helena – Commissioner Taylor attended

December 7, 2010

No quorum of Commissioners – No meetings scheduled

December 8, 2010

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:31:23 a.m., Commissioner Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Raea Morris, executive assistant; Shannan Piccolo, civil deputy county attorney; Joe Lawellin, citizen; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo re. late citizen board application
- Memo from State Tax Appeal Board re. hearing extension
- Memo re. Bainter Construction snow plowing invoice for \$935
- Memo re. Gallatin Valley Land Trust annual report
- Memo re. December 15 Juvenile Detention Board telephone conference
- Memo re. Bill Pierce snow plowing invoice for 26 total hours
- Memo re. J.J. Enterprises snow plowing invoice for 4 hours
- Memo re. Kurt Chadwick snow plowing for 15 hours
- Memo from MACo re. USFWS CMR Wildlife Refuge public comment
- Memo from Gallatin County Road and Bridge Department re. snow plowing invoice for \$4,410
- Memo re. citizen request for variance from city code
- Memo from community development department re. future law and justice center
- Memo from Montana Clean re. bid award and tobacco spit in urinals
- Memo from Sanitarian re. Haley Ruegheimer letter
- Memo re. snow fence permission at Paradise Valley Estates

- Memo re. two RFQs for YGM HVAC system
- Memo re. certificate of liability service for Matt Asplund
- Memo re. Gallatin County 2010-2011 snow call-out guidelines
- Memo re. certificate of liability insurance for Comcast Montana
- Memo from Trout Headwaters Inc. re. public information request
- Memo from Western Mental Health re. grant application
- Memo from county DES re. citizen snow plowing liability
- Memo from PCRFD#1 fire chief re. emergency snow removal protocol
- Memo from SWB Chair re. refuse tag removal
- Memo from Berg Excavation re. snow plowing invoice for \$425 for 5 hours
- Memo re. PCRFD#1 meeting notes for Thanksgiving Day emergency snow event

Citizen Joe Lawellin of Willow Bend Drive said his road was supposed to receive gravel this past summer but that did not happen. Lawellin said it is a bad idea for the county to give up Willow Bend Road because the Livingston Ditch needs to be cleaned. He said his mother-in-law fell and lay in the snow for 15 minutes because the road is not being plowed past Springer's Corner. The Commission said it will have the road foreman verify if a gate was erected on the county road and have it removed if so.

Executive Assistant Raea Morris asked if the county should begin an interview process for all county advisory board applicants. Morris asked if the county should start scanning all meeting correspondence for permanent electronic retention. The Commission said Morris can talk to the GIS/IT Manager about scanning efforts.

Commissioner Taylor asked Civil Deputy County Attorney Shannan Piccolo about citizen liability for plowing snow from county roads. Piccolo said technically, possibly there is a liability issue for a private citizen to plow or grade on a county road. Piccolo said a certified copy of a letter to citizen Haley Ruegheimer was sent on December 7.

Commissioner Durgan reported on a December 7 Interagency Bison Management meeting in the Paradise Valley and Tom Miner Basin. Taylor reported on a December 6 MACo District meeting.

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

December 8, 2010

9:00 A.M. - Human Resources Updates – Canceled due to scheduling conflicts

December 8, 2010

Review of Minutes for Week of November 15, 2010

@10:00:35 a.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present was Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to review Commission meeting minutes for the Week of November 15, 2010.

Commissioners Durgan and Taylor requested no revisions to the minutes.

Commissioner Taylor made a motion to accept the minutes for the Week of November 15-19 as written. Commissioner Durgan seconded that motion. Motion passed.

@10:01:00 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

December 8, 2010

Consider Engineer Recommendations Regarding Condition #17 of Yellowstone View Condominiums Major Subdivision

@10:03:18 a.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Mike Inman and Philip Fletcher, community development; Shannan Piccolo, civil deputy county attorney; Bob Jovick, attorney; William Smith, engineer; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider engineer recommendations regarding Condition #17 of Yellowstone View Condominiums Major Subdivision.

Senior Planner Mike Inman said reports submitted from Geo Science and CTA Engineering firms regarding retaining walls for the Yellowstone View Condominium Subdivision both identify the retaining walls appear adequate for the condominiums as long as maintained, but the upper retaining wall and rock buttress walls likely were not built to standards. Inman said the reports recommended no immediate improvements to the retaining walls, but continued maintenance must be considered for all retaining walls.

Inman said regarding conditions for final plat, it is sufficient for the Commission to include a condition in the form of a covenant that requires the condo association to continue to maintain both structures to original performance capabilities. He said the only leverage the county has after a proposal reaches final plat approval is to require a covenant that requires continued maintenance of features that can only be changed by consent of the governing body and condo association. Inman said in a perfect world the walls would not have been installed without preliminary review, and the walls would have had to be built to specific standards and received continued maintenance.

Inman read into the record Condition #17 from the Commission Findings of Fact dated January 21, 2010, which required engineering reports to verify slopes were correctly stabilized and retaining walls were adequate.

Civil Deputy County Attorney Shannan Piccolo said the county has no authority over maintenance once the subdivision is accepted, approved and the homeowner's association is created, thus any recourse from failed maintenance after approval would be civil. Attorney Bob Jovick said the private property owner can see to adherence of a maintenance covenant, and the county would not be involved in supervising that maintenance. Jovick and William Smith, engineer, said they will draft a covenant and submit it to planning staff for review. Inman said he will ensure the proposed covenant will include maintenance of the two structures, a timeframe for evaluation and maintenance, and a replacement policy, and the covenant will come as an amendment to the preliminary plat findings of fact to be included in the conditions of final plat.

Commissioner Taylor made a motion the applicant and Mike Inman create a covenant to address the maintenance of the retaining walls as a condition of final plat to be approved by the Commission upon review and submittal by the Community Development Department staff. Commissioner Durgan seconded that motion. Motion passed.

@10:26:29 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

November 16, 2010
County Road Updates

@11:02:02 a.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Ed Hillman, road; Philip Fletcher, community development; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss county road issues.

Road Supervisor Ed Hillman said crewmen have been in the shop the last couple of days repairing plows and grader blades damaged from Thanksgiving Holiday and other snow plowing. Hillman said a crewman is plowing snow today on remaining bad roads, which are West Boulder and Swingley Roads.

Commissioners Durgan and Taylor said they received calls of crewmen plowing out personal driveways. Taylor said he told a citizen the crewmen have to be able to get out of their driveways to ensure they can plow roads.

Durgan said Citizen Joe Lawellin complained about gravel not delivered this summer and a cattle guard and fence across Willow Bend Road. Hillman said the road crew cannot ingress or egress the road near the Lawellin's home because of a gate across the old county right of way. Hillman said he will look at the area to see what can be done.

Hillman said a Forest Service representative asked why the road crew is not plowing to the end of the Mill Creek Road. He said a maintenance agreement with the Forest Service about plowing that road expired two years ago.

Durgan asked if road crewman can stop plowing snow into private driveways because elderly folks have trouble with getting out of their driveways. Hillman said it will cost the county a lot of time and money to clean every driveway.

Community Development Department Director Philip Fletcher said CTA Engineering is planning a December 13 9th Street Bridge Replacement Project preconstruction meeting.

@11:26:52 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

December 8, 2010

11:00 A.M. – Aflac Representatives - East Room

December 8, 2010

Signing of Emergency Declaration

@1:04:46 p.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Raea Morris, executive assistant; Scott Nelson, CTA Engineering; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign an emergency declaration.

Commissioner Durgan said the resolution states the county would declare an emergency, backdated to November 26, 2010, due to countywide hazardous weather conditions.

Commissioner Taylor made a motion to accept the Resolution #1090. Commissioner Durgan seconded that motion. Motion passed.

@1:05:40 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

December 8, 2010

3:00 P.M. - Discussion of Community Transportation Enhancement Program -
Commissioners Chambers – Commissioner Taylor attended

December 9, 2010

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:55:29 a.m., Commissioner Durgan called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo re. Elk River Earth Movers re. Invoice for Willow Creek and Green Acres snow plowing for \$1,275
- Memo from maintenance re. square footage measurements
- Memo from clerk and recorder re. January 3 elected official swearing in
- Memo re. MOU with Park County and National Park Service
- Memo re. citizen public information request
- Citizen memo re. road department snow plowing work commendation
- Memo re. YGM RFBs
- Memo from JSEC re. December 14 meeting

@8:59:23 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

December 9, 2010

9:00 A.M. – Safety Meeting – Commissioners Chambers – Meeting minutes available in the DES Department

10:00 A.M. – Local Emergency Planning Committee – Community Room – Meeting minutes available in the DES Department

1:00 P.M. – RC&D Board Meeting – Montana Farm Bureau, Bozeman, MT – Commissioner Durgan attended

December 10, 2010

No Meetings Scheduled

Marty Malone
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana