

Park County Commission Meeting Minutes
Week of April 18 – 22, 2011
Park County, Montana

April 18, 2011

Consider Authorizing County Attorney to Seek Injunctive Relief for Bison Management

@8:00 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Brett Linneweber, county attorney; Citizens Bill Oestreich, Gene Kremer, Franklin Rigler, Scott Kremer, Barbara Schmidt, Peter Schmidt, Joe Sperano, Sr., Joe Sperano, Jr., Bill Hoppe, Judy Freeland, Glenn Hockett, Jack Davis, Jeanne-Marrie Souvigney, Julia Page, Jerry O’Hair and Justin O’Hair.

The meeting was scheduled to consider injunctive relief for bison management.

County Attorney Brett Linneweber said the Commission contacted him about general public health and safety issues regarding the number of Yellowstone National Park buffalo making contact with humans in the Gardiner area. Linneweber said he has also received complaints from the Park County Sheriff’s Office (PCSO) and both bodies have asked what action can be taken. Linneweber said the county is not a signatory on the Interagency Bison Management Plan (IBMP), and injunctive action toward the state and possibly federal agencies is a possible recourse action. He said the injunction action can be directed against the governor’s proclamation or IBMP.

Linneweber said he will look into and research what recourse is possible and requested by the Commission. He said some citizens have begun legal proceedings with the Crowley lawfirm, and the county may be able to join in that effort.

The Commission accepted public comment on the matter from meeting attendees.

Commissioner Malone made a motion to authorize the county attorney to take action regarding buffalo/bison management and state/federal agencies including court action for injunctive relieve. Commissioner Durgan seconded that motion. Motion passed.

@8:44:22 a.m., Malone made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

April 18, 2011

Review Daily Correspondence and Agenda and Briefing on Current County Projects

@8:50:20 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were

Raea Morris, administrative assistant; Ed Hillman, road; Lani Hartung, finance; and Minutes Clerk John Mueller. No public comment made.

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

April 14, 2011, correspondence included:

- Memo email re. Department of Commerce Board of Housing
- Memo document re. Fleshman Creek RFP
- Memo re. YRRE MOU cairn placement
- Memo letter re. citizen tax relief letter
- Memo from MDT re. aeronautics newsletter
- Memo letter re. road supervisor millings plan

April 15, 2011, correspondence included:

- Memo email re. May 5 mandatory training
- Memo email re. white board request
- Memo email re. Bannock Trail road grooming
- Memo letter re. refuse reassessment request
- Memo email re. Mountain Sky Guest Ranch certificate of liability
- Memo email re. road closure
- Memo email re. metal mines payments
- Memo letter re. BioSeal insulation bid
- Memo email re. flag proclamation
- Memo email re. safety committee tile issue
- Memo email re. IBMP
- Memo email re. Silver Tip Company
- Memo email re. Park County weed fair
- Memo letter re. census personnel
- Memo email re. HRDC CDBG work plan
- Memo email re. Gardiner bison issue

Commissioner Durgan said a citizen commented on road condition on Trail Creek Road.

Road Supervisor Ed Hillman said the road crew will try to patch Old Clyde Park Road this week if the weather permits. Hillman said he got the okay from a Montana FWP biologist to address a rip-rap washout issue on Mol Heron Road.

Finance Director Lani Hartung said she thinks the 9th Street Bridge will be open to traffic today per TSA. Addressing an EECDBG courthouse grant, Hartung said she talked with Beartooth Electric for motion sensor switches for the restrooms and Community Room. She said RGO is ready to do HVAC system commissioning to wrap up that grant work.

Commission Administrative Assistant Raea Morris said she is getting numerous complaints about people having to stand in line in her office for burn permits. Finance Director Lani Hartung said her office is issuing burn permits.

@9:24:43 a.m., Malone made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

April 18, 2011

9:30 a.m. – Review of Minutes for Week of April 11, 2011 – Commissioners Chambers – Postponed to April 25, 2011

April 18, 2011

Approval of HRDC Community Development Block Grant

@10:30:44 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Raea Morris, administrative assistant; Ed Hillman, road; Lani Hartung, finance; and Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to approve a Human Resource Development Council (HRDC) Community Development Block Grant (CDBG).

HRDC Director Jeff Rupp said the CDBG is the main source of funding for HRDC, and he has concerns whether HRDC will be funded for its budget year beginning October 1, 2011. Heather Grenier, HRDC, said she questions to what level the agency's energy assistance and environmental programs will be funded. She said work plan goals include bringing affordable housing to Livingston and conducting home rehabilitation. She said a mobile outreach plan is being proposed with an office at Community Health Partners one day a week because HRDC no longer has an office in Livingston.

Commissioner Malone made a motion to sign the letter to approve the HRDC Community Development Block Grant. Commissioner Durgan seconded that motion. Motion passed.

@10:44:41 a.m., Malone made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

April 18, 2011

Signing of Agreement with Sweet Grass County to Provide Sanitarian Services

@11:42:01 a.m., Chairman Taylor 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; Barbara Woodbury, sanitarian; and Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign an agreement with Sweet Grass County for sanitarian services.

Sanitarian Barbara Woodbury said requested revisions were made to the joint contract for Park County to provide sanitarian services to Sweet Grass County.

Commissioner Durgan made a motion to sign the one-year agreement with Sweet Grass County regarding sharing of sanitarian services. Commissioner Malone seconded that motion. Motion passed.

@11:45:57 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

April 18, 2011

Discussion of City/County Maintenance Position

@1:11:00 p.m., Chairman Taylor 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; Jill Ouellette, HR; Raea Morris, administrative assistant; Kelly Johnson, maintenance; Martha Miller, auditor; Ed Meece, city manager; Pam Payovich, city of Livingston; and Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss a City/County Maintenance position.

City Manager Ed Meece said the city can assist the county with the maintenance position. There was discussion about shoveling of snow around the city/county building, locking the building at 5 p.m. and performing necessary maintenance issues on Tuesdays and Thursdays when maintenance personnel is not working. Human Resources Analyst Jill Ouellette said there will be no supervisory structure between city and county maintenance staff. There was discussion about having a 60-day trial for the joint maintenance effort and the city and county finance personnel determining costs of necessary work. There was discussion about mosquito spraying and other tasks.

Commissioner Malone made a motion the maintenance position is set up as a permanent, three-quarter-time position that may exceed 30 hours per week. Commissioner Durgan seconded that motion. Motion passed.

@1:50:45 p.m., Malone made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

April 18, 2011

Consider Decision to Forgive Citizen Property Tax Penalties and Interest

@1:50:47 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Martha Miller, auditor; and Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider forgiveness of citizen property tax penalties and interest.

The Commission said it is attempting to set policy to not forgive citizen property tax penalties and interest beyond three years.

Commissioner Malone made a motion the Commission forgive the penalty and interest on taxes for Mr. Nardella for 2004, 2005, 2006 for approximately \$2,500. Commissioner Durgan seconded that motion. Motion passed.

@1:53:19 p.m., Malone made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

April 18, 2011

Pre-Budget Analysis

@2:16:48 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Lani Hartung, finance; Martha Miller, auditor; and Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss the upcoming budgeting process.

Finance Director Lani Hartung said she suggests having a preliminary budget by June 10 and an approved budget by September 1. There was discussion about the possible value of a mill levy for Fiscal Year 2012. Hartung said she figured a conservative value of a mill for FY 2011, which is valued less than speculation of the upcoming mill amount.

@3:15:25 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

April 19, 2011

Review of Daily Correspondence / Agenda and Briefing on Current County Projects

@8:30:53 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Raea Morris, administrative assistant; Shannan Piccolo, civil deputy county attorney; Mary Anne Keyes, MSU Extension; and Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo email re. Divide Creek culvert work canceled
- Memo email re. STAB reimbursement
- Memo email re. SW Regional Juvenile Detention reporting
- Memo email re. county mandatory safety training
- Memo email re. Gardiner bison issue
- Memo email re. Gardiner bison issue
- Memo email re. IBMP meeting in Gardiner
- Memo letter re. deceased employees final paycheck
- Memo email re. May 16-20 Billings Safety Fest
- Memo lawsuit re. Heart K Ranch
- Memo email re. NACo opposition to Wildlands Policy

Mary Anne Keyes, MSU Extension, said Extension will pay \$100 toward a county board member training workshop. The Commission said the county will pay the remaining \$125 for the training. Keyes said she will be a certified trainer after the training.

Commissioner Malone said the government will chase bison back into Yellowstone National Park today and a citizen telephoned about bison in his yard this morning.

There was discussion about liability concerns for the county with snow plowing of Bannock Trail.

Civil Deputy County Attorney Shannan Piccolo said she needs facts from the Commission regarding insulating outlying county road shops.

@8:51:47 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

April 19, 2011

County Road Updates

@9:02:46 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Ed Hillman, road; Bill and Toby Harris, citizens; and Minutes Clerk John Mueller.

The meeting was scheduled to discuss county road issues.

Citizen Bill Harris provided pictures of a citizen's fence along a county right-of-way on Billman Lane.

Road Supervisor Ed Hillman said the road crew is patching holes on Swingley Road before millings are put down.

@9:23:55 a.m., Malone made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

April 19, 2011

Department Head Meeting

@9:32 a.m., Chairman Taylor called a meeting to order in the Community Room. Present were Commissioners Durgan, Malone and Taylor; Ed Hillman, road; Mary Anne Keyes, Extension; Erica Hoffman, GIS/IT; Ed Barich, superintendent of schools; Paul Shea, YGM; Barbara Woodbury, environmental health; Mike Inman, community development; Lani Hartung, finance; Martha Miller, auditor; Raea Morris, administrative assistant; Jill Ouellette, HR; Suzanne Brown, public health; Kevin Larkin, treasurer; Clay Williams, weed; Brett Linneweber, county attorney; and John Mueller, minutes clerk.

Mandatory Training: Human Resources Analyst Jill Ouellette said a mandatory employee training day will be held May 5 at 10:30 a.m. and 1:30 p.m. with a barbeque lunch. She said volunteer employees are invited to the lunch meal. Ouellette said a scheduled 7:00 a.m. road department training may not go off due to a road project.

Cardboard Recycling: Administrative Assistant Raea Morris said the city will begin collecting flattened cardboard near the jail.

HR Report/Policy Manual: Ouellette said DeAnne Durgan was nominated as Employee of the Quarter by Suzanne Brown, public health director.

Ouellette said she will begin revising the employee handbook/policy manual section by section.

Budget Discussion: Finance Director Lani Hartung said end-of-month budget balancing is now being done by the Treasurer's Office and end-of-month reports will be mailed out today for 75 percent of the year completed. She said preliminary budgets will be due on June 10 with passage of the final budget by September 1. Hartung said the county may move to zero-based budgeting, which will require each department head to justify requested expenditures and budget line items. She said the county will use a conservative estimate of the taxable mill valuations for the upcoming year.

Roundtable Discussion of Activities: Department heads and elected officials reported on recent and ongoing activities and projects.

Other Business: Morris said an after-hours motor pool key drop-off box is located in the Dispatch 911 hallway.

The next department head meeting is scheduled for May 17, 2011, at 9:30 a.m.

@10:40 a.m., the meeting adjourned.

April 19, 2011

Human Resource Updates

@10:47:31 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Jill Ouellette, HR; and Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss activities in the Human Resources Department.

Human Resources Analyst Jill Ouellette provided the Commission with a job application for a part-time landfill scale-house operator. Ouellette reported on a webinar in which she participated. She said she has been working on job descriptions and performed a mediation on April 18.

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

April 19, 2011

Appointing/Reappointing of Board of Health Members

@11:32:02 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Barbara Woodbury, environmental health; and Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to appoint and reappoint Board of Health members.

Sanitarian Barbara Woodbury said the Board of Health recommended at its April 12 meeting that Brandi Ollerman become the board's city representative, John Mann be appointed as a county representative and Rusty Collyer be reappointed to the board as a county representative.

Commissioner Durgan made a motion to accept the recommendation of the Board of Health and appoint John Mann to the Board of Health as the county member and reappoint Rusty Collyer as a county member. Commissioner Malone seconded that motion. Motion passed.

@11:33:36 a.m., Malone made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

April 19, 2011

Opening of Bids for a City/County Airport Construction Project

@1:31:58 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Brett Linneweber, county attorney; Rick Donaldson, RPA; Jerri Miller, Russell Ferguson, Ray Sundling, Kerry LaDuke, airport representatives; Zach Heer and Nicole Hull, Century Companies; Steve Baeth, Knife River; Kenny Moorhead, Nelcon; George Denton, and Dennis Shalter, citizens; and Minutes Clerk John Mueller.

The meeting was scheduled to open bids for a City/County Airport construction project.

Commissioner Taylor said the county legal office has a question on whether the advertisement was properly worded, as it did not include language stating the office location at which to drop-off applications.

County Attorney Brett Linneweber said he does not think the advertisement is specific enough and advises the Commission to re-advertise the bid announcement, and that advertisement period would be a three-week period.

Commissioner Malone made a motion to recess a decision on the matter for 48 hours for Linneweber to review the newspaper advertisement. Commissioner Durgan seconded that motion. Motion passed.

The Commission said submitted bids will be opened at a public meeting at least 48 hours from the current meeting if Linneweber approves of the advertisement language.

@1:47:03 p.m., Durgan made a motion to recess the meeting. Malone seconded that motion. The meeting adjourned.

April 19, 2011

2:30 P.M. – City/County Airport Preliminary Budget for FY2011 – Commissioners Chambers – Canceled by Airport Board

April 19, 2011

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

April 20, 2011

Review of Daily Correspondence / Agenda and Briefing on Current County Projects

@8:30:52 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Raea Morris, administrative assistant; Ed Hillman, road; and Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo card re. citizens review panel for proposed projects
- Memo email re. April 20 County Silo program setup
- Memo email re. Todd preliminary approval vacation
- Memo email re. Fleshman Creek RFQ
- Memo email re. Log Creek Cafe B&B Bannock Trail snow plowing
- Memo email re. postage rate increase

Commissioner Malone said he thinks all bids let by the county should come through the Commission Office and no bids advertisements should go out without County Attorney's Office review.

Road Supervisor Ed Hillman said Lieutenant Totland requested the road department install a gravel pad for a gun range building.

Hillman said he does not want to contact anyone other than DES Coordinator Belinda Van Nurden when he closes a road for road work. Malone said the county's policy is for the PCSO to officially close the road.

@8:53:40 a.m., Malone made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

April 20, 2011

9:00 A.M. – Claims Review – Commission Chambers

11:00 A.M. – 9th Street Bridge Construction Meeting – CTA Office, Livingston

2:00 P.M. – Transportation Advisory Organizational Committee – Community Room

April 21, 2011

Review of Daily Correspondence / Agenda and Briefing on Current County Projects

@8:32:19 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Raea Morris, administrative assistant; Shannan Piccolo, civil deputy county attorney; and Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo emails re. airport bid opening
- Memo email re. juvenile detention grant guidelines
- Memo email re. Jardine Road grading citizen commendation
- Memo email re. Cinnabar Basin Road grading citizen commendation
- Memo email re. Arch Park alcohol permit
- Memo email re. community development director working vacation explanation
- Memo document re. Gardiner street map
- Memo document re. department head budget worksheets
- Memo bid re. \$49,500 Arthun Pit reclamation from Koontz Construction
- Memo email re. IT personnel out of office

Civil Deputy County Attorney Shannan Piccolo said the Commission needs to change Boulder resident refuse rates during the budget cycle if it intends to do so.

Piccolo said RPA would like an update of whether the County Attorney's Office will contact him about whether airport project bids will be opened at 1:30 on April 21. The Commission said it will waive attorney/client privilege and allow Piccolo to contact the RPA representative to inform him the county will require re-advertisement of the project bid process with an opening date of around May 6.

Commissioner Malone said he submitted a 9th Street Bridge resolution and YRRE funding resolutions to Piccolo on April 20.

@8:51:29 a.m., Malone made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

April 21, 2011

9:00 A.M. – Grants Review Committee – East Room – Meeting minutes available in the Community Development Department

April 21, 2011

Final Decision on Final Plat of Eagles Bluff Minor Subdivision

@10:02:46 a.m., Chairman Taylor 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; Mike Inman and Philip Fletcher, community development; Kathleen Rakela, applicant; Hertha Lund, attorney; and Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to decide on final plat approval for Eagles Bluff Minor Subdivision.

Senior Planner Mike Inman provided background and a sequential history of events of the Eagles Bluff Minor Subdivision and process in question.

Attorney Hertha Lund said the applicant, Kathleen Rakela, believes all work was completed that was necessary to meet Conditions #10, 18 and 22, which were deemed insufficient by the county. Lund said a contractor, Gene Lemke, said he did work after September 15, 2010, and would contest he completed all written work prior to that date and any work he did after that date was add-on work requested by fire personnel.

Addressing Condition #10, Lund said the property was reseeded, so that condition should be considered as met. Lund said the county cannot legally require a seed to grow before its time, and the requirement is to reseed the property, not establish vegetation. Commissioner Malone asked Lund her opinion of what it means to “establish vegetation.” He said the May 3, 2010, meeting was held with the intention Rakela seed the property in question in 2010. Malone said the extension was granted so work would be completed by September 15.

Addressing Condition #22, Lund said the county requested road approaches and surfaces be taken out and obliterated and made impassible. Lund said the road approaches are now impassible and it will take time for the roads to disappear completely.

Addressing Condition #18, Lund said Rakela feels she is being held to fire protection standards in excess of what others have to be held do. Lund said she does not think it is clear how the measure can be met and much evidence exists the condition was met.

Commissioner Taylor said he does not believe the Commission is accepting new evidence beyond September 15, 2011, as per a statement from Rakela’s former attorney in a public meeting on May 3, 2010.

Taylor asked Rakela if she tested her fire fill site system and ensured the fire system works. Rakela said her husband tested it, but she does not have results. Lund said Rakela said she understood the Paradise Valley Fire Department (PVFD) had to be part of the testing process. Rakela provided correspondence about testing of the water system. Taylor said communication talking about testing is not a test or test results. Taylor said the testing was a condition of preliminary plat as per Condition #18. He said no test results have been presented by the PVFD as requested in a Commission motion on May 3, 2010.

Lund said it is not clear to the professionals in the field what is required with the testing process. Commissioner Durgan said it is the applicant’s responsibility to do what is necessary to complete required conditions.

Inman said Rakela’s husband designed the subdivision’s fire fill site and met with him many times. Inman said he told Rakela’s husband the local fire authority with jurisdiction needs to inspect the system to ensure it meets fire fighting purposes. He said as far as he knows tests were never provided in preliminary or final plat applications for review by the PVFD. He said it is not a requirement the fire department tests the system, but it must review and approve test results for adequacy.

Lund said the PVFD was asked to test Rakela's system and refused to do so. Inman said it is up to the applicant to find someone to test the system and submit that as part of the final plat application. Lund said she is unsure if that requirement was part of the original conditions in the plat approval. Inman said Condition #18 was part of the original preliminary plat approval, and it is required that PVFD approve of the fire fill site.

Piccolo said the May 3 meeting was to resolve the fire fill site issue and it was decided on at that time through a compromise that the county would accept the fire fill site in question if approved by PVFD, and an extension was granted to Rakela to September 15, 2010. Inman said Rakela stated after that meeting she should not be held to the fire fill site requirement, as it is unlawful.

Lund said she did not know the fire fill site was part of Condition #18, and thought that condition only dealt with the cul-de-sac. Taylor said the condition does include fire protections requirements. Inman said the cul-de-sac is very important, but Condition #18 is a combo of cul-de-sac design and fill site. Lund said she did not pick up the testing requirements from the written record, but she now understands the protocol and Rakela can complete the testing requirement if the Commission gives her 15 days to do so. She said there is a question of whether a misunderstanding of the testing requirements confused the fire fill site testing effort.

Taylor read into the record a statement from Malone at the May 3, 2010, meeting that the granted extension was the final extension for the subdivision, and failure to meet all conditions by September 15, 2010, would result in denial of the subdivision final plat approval.

The Commission made findings of fact for Conditions #10, #18 and #22.

Condition #10: Inman said timing of reseeded of subdivision sites is taken into consideration, but revegetation is required or an agreement with the applicant is required to ensure vegetation is established. He said the purpose of the May 3, 2010, meeting, was to show the property was reseeded or have the applicant enter into a guarantee it would be reseeded, which was done. Inman said Rakela provided video footage showing Rakela spreading seed on the subdivision property. Inman said the county also has pictures of both site inspections that illustrate the results of reseeded. He said some areas had established cover, some had not and some areas were not reseeded.

Findings of Fact: Malone said it appears the applicant has provided the governing board with seed receipts and evidence the seed was in fact applied to the land. Taylor said he is comfortable Rakela tried to reseed the property for the purpose of establishing groundcover and is sure she was not out there to feed the birds.

Commissioner Malone made a motion the applicant has completed Condition #10. Commissioner Taylor seconded that motion. Motion passed unanimously.

Condition #18: Malone asked Lund if lack of communication was an issue, would she not verify correspondence was made via certified letter. Lund said the rules were changed during the process of the subdivision in question. She said Inman had a part in the breakdown of communication, and Rakela is not a developer. Piccolo said Rakela has been reviewed under the 2005 county subdivision regulations throughout the process. Durgan said the only rules that were changed were the Commission granted extensions to Rakela to submit requested information, and that information has not been provided. Lund said the county was going through a change with how it was going to address fire suppression systems. Durgan said Inman has religiously adhered to and been adamant about informing the Commission the subdivision is being reviewed under the 2005 regulations.

Findings of Fact: The Commission said the subdivision is being reviewed under the *2005 Park County Subdivision Regulations*. Taylor said the Commission has correspondence from the PVFD deeming the fire fill site inadequate, and Rakela was given specifics that the system needed to be tested and results approved and presented by PVFD, and neither of those actions occurred.

Commissioner Durgan made a motion to accept the findings of fact. Commissioner Malone seconded that motion. In discussion, Taylor said there was issue with the applicant meeting cul-de-sac requirements. Taylor read into the record a letter from PVFD Chief Greg Coleman to Inman dated November 8, 2010, addressing deficiencies of road side to side slope, road crown, base course material and PVFD's inability to approve the subdivision's fire prevention provisions without being provided test results. Inman said Road Supervisor Ed Hillman viewed the subdivision property after September 15, 2010, and noted turning radii were not put in and were deficient. He said PVFD Chief Greg Coleman noted the side slope of five percent and crowing of two percent were not addressed and did not meet the radius. Commissioner Durgan amended the motion to include the additional findings of fact for the inspection of the cul-de-sac and test results spoken to by Road Super Hillman and PVFD Chief Greg Coleman. Commissioner Malone seconded that amendment. Amendment passed unanimously.

Commissioner Malone made a motion, given the findings of fact, Rakela has not met the requirements of Condition #18. Commissioner Durgan seconded that motion. Motion passed unanimously.

Condition #22: Inman said the Commission has heard testimony from Ms. Rakela and her attorney the driveways were obliterated or blocked off. Inman said road approaches existed to two lots and a cul-de-sac. He said approaches for the two driveways were removed from the property, but Hillman found the cul-de-sac road approach deficient because it did not include turning radii.

@11:16:12 a.m., the meeting recessed for Inman to retrieve Hillman's written correspondence on the matter. @11:25:43 a.m., the meeting reconvened.

Inman read into the record email correspondence from Hillman dated Wednesday, November 3, 2010, stating radii on the approaches do not meet county specifications of 25 feet and the cul-de-sac does not meet county specifications regarding slope of sides.

Findings of Fact: Malone said the radiuses on the approach do not meet county specifications of 25 feet, therefore the cul-de-sac does not meet county specifications as per County Road Supervisor Ed Hillman. Malone said the condition the other road approached be obliterated or removed was met.

Commissioner Malone said his previous statement is his motion for findings of fact for Condition #22. Commissioner Durgan seconded that motion. Motion passed unanimously.

Commissioner Durgan made a motion, based on the findings of fact presented, the condition has not been met in total. Commissioner Malone seconded that motion. Motion passed unanimously.

Lund said she understands deficiencies are not to come up the last day and the record is not complete with the radius issue. Inman said the original road approach for the cul-de-sac met specifications, but after the water system was improved, the road approach was made smaller and then did not meet approach specifications. Inman said a table and chart outlining turning radii for cul-de-sacs, base material for roads, and all other road specifications are included in the county's subdivision regulations. Inman said subdivision properties are reviewed onsite at pre-application meetings, planner site review, planning board site visits, Commission site visits, road and fire personnel, FWP or other personnel site visits and upon final plat.

Lund said she argues Rakela's subdivision no longer has a cul-de-sac because the cul-de-sac in question is not at the end of a road and therefore the applicant does not need to meet the road requirements of the subdivision regulations.

Commissioner Malone a motion the Commission deny the final plat of the Eagle's Bluff Minor Subdivision based on findings of fact. Commissioner Durgan seconded that motion. Motion passed unanimously.

@11:35:33 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

April 21, 2011

Possible Opening or Rebid of City/County Airport Construction Project Bids

@1:30 p.m., Chairman Taylor 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; Jerri Miller and Kerry LaDuke, airport representatives; and Tom Etchart, Knife River. No public comment made.

The meeting was scheduled to consider opening or rebidding City/County Airport construction project bids.

Civil Deputy County Attorney Shannan Piccolo said her opinion is the county needs to extend the airport project bid advertisement period so the notice reflects the county's statutory duties. Piccolo said the bid specifics will remain the same, and addendums can be made to already-submitted bids. She said submitted bids will remain sealed and secured in the courthouse if desired, and the new bid opening date will be May 5 or 6.

Commissioner Malone made a motion to re-advertise. Commissioner Durgan seconded that motion. Motion passed.

@1:38:30 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

April 21, 2011

1:30 P.M. – Planning and Development Board – Community Room – Meeting minutes available in the Community Development Department

4:00 P.M. – Library Board – Library, Bev Steveson Room

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

7:00 P.M. – Solid Waste Board – West Room – Meeting minutes available in the Commission Office – Commissioner Taylor attended

April 22, 2011

No Commissioners Meetings Scheduled

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

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

Randy Taylor, R.S.
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana