

Park County Commission Meeting Minutes
Week of February 28 – March 4, 2011
Park County, Montana

February 28, 2011

Review Daily Correspondence / Agenda and Briefing on Current County Projects

@8:35:49 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Raea Morris, executive assistant; Lani Hartung, finance; 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. March 31 Gas Land showing
- Memo re. citizen refuse assessment request
- Memo from IT re. road log program
- Memo re. web committee meetings
- Memo re. \$5,400 Tri-County Sheet Metal heating system invoice
- Memo from Gardiner Chamber of Commerce re. Arch Park liquor license - To Commissioner Malone for review

Commissioner Taylor said he will forward an updated solid waste report scope of services from Bell and Associates to Solid Waste Board members and a Park County Concerned Citizens attorney.

Finance Director Lani Hartung provided the Commission with a contract from Robert Peccia and Associates for an airport project, bond for a lost warrant check, Bailey bridge lease payment and Public Administrator PERS forms for signature.

@8:56:39 a.m., Malone made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

February 28, 2011

Review of Minutes for Week of February 21, 2011

@10:05:12 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone 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 February 14, 2011.

Commissioner Malone requested a revision to Page 6 of 12; third paragraph, the last sentence should read, "He said the Commission has discussed budgeting \$100 per month toward the Chamber's maintenance of the park, which is what the chamber is requesting."

Commissioner Taylor requested a revision to Page 3 of 12; third from last full paragraph, the second sentence should read, "Fletcher said he would make a proposal for this year."

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

@10:08:24 a.m., Malone made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

February 28, 2011

Presentation of County Silo Data Imaging System

@1:19:39 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; Raea Morris, executive assistant; Carol Woodley, PCGS; Matt Davison, DIS; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to presentation of County Silo Data Imaging System.

Matt Davison of Data Imaging Systems said his company has created an online version of its Paper Vision program through its County Silo program, which provides for unlimited licenses through internet access. Davison said the county currently hosts is version of the program, but required in-house server space can be costly. He said the online version is billed by gigabyte, which can hold 30,000 single sheets of scanned paper, and a gigabyte costs \$105/month with each additional gigabyte costing \$40/month.

Davison said he can hold a scanning training at Park County if the county decides it would like to establish the online scanning program.

@2:45:19 p.m., Malone made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

March 1, 2011

8:00 A.M. – City/County Meeting - Community Room

March 1, 2011

Review Daily Correspondence / Agenda and Briefing on Current County Projects

@8:41:13 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, executive assistant; Philip Fletcher, community development; 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. March 8 Upper Yellowstone Watershed Basin group meeting
- Memo from MACo re. juvenile administrative rule changes

Commissioner Malone said the previous commission paid \$6,700 for a scanning software program and the current commission signed a \$1,000 per year software upgrade.

@8:57:07 a.m., Malone made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

March 1, 2011

County Road Updates

@9:02:29 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; Lani Hartung, finance; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss county road issues.

Commissioner Durgan said water is running across Eight Mile Road. Road Supervisor Ed Hillman said he will check on that issue. Hillman said O'Rea Creek and Cokedale Roads were plugged with snow again today.

Finance Director Lani Hartung provided a status report of the Road Department budget.

@9:27:10 a.m., Malone made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

March 1, 2011

Human Resources Updates

@9:31:34 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 Commission 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 an employee FMLA request for signature. Ouellette said she discussed a longevity pay grievance issue with a MACo attorney and will conduct sanitarian position interviews on March 2.

There was discussion about classifications of exempt employees, department heads working from home and how sick and vacation leave benefits are recorded by those employees on timesheets.

@9:49:39 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

March 1, 2011

Consider Decision on Bell and Associates Updated Scope of Services for Zia Update

@2:00:29 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Citizens Dick Juhnke, Gay Juhnke, Edith Mundell, Garry Cotant, Jay Kiefer, Nick Currie, Bob Currie, Courtney Lawellin, Jim Hunt, Bruce Martin, Allen Carter, Peter McKenzie and Dennis Dodge; Chris Bell, Bell and Associates (via telephone); and Commission Minutes Clerk John Mueller.

The meeting was scheduled to consider a decision on a Bell and Associates updated scope of services for a Zia Report update.

Commissioner Taylor said Chris Bell of Bell and Associates submitted a revised scope of work for a solid waste services update report that equaled \$89,220. Taylor provided that document and a resume of an individual who will conduct the incineration portion of the study for meeting attendees to review. Taylor said he and Nick and Bob Currie talked with Chris Bell about Bell's cost to update the report and proposed conducting the study in two phases with Bell and Associates doing the incineration portion and a team of county stakeholders updating the statistics within the Zia Report. Taylor said such an agreement would cut \$40,000 from Bell's proposal. Taylor read into the record a revised scope of work submitted by Bell and Associates, which outlines Phases I and II of the new proposed plan.

Park County Concerned Citizens (PCCC) Attorney Courtney Lawellin said PCCC carefully worded its settlement agreement and the original RFP to ensure all rules in the US EPA's rulemaking gateway pertaining to solid waste were considered in the study update. She said potential future EPA rules may confound the use of landfills and the PCCC wanted to know if incineration was the best option now and into the future.

PCCC Chairman Dick Juhnke said the City of Livingston needs to be involved in the discussions as it would be a vital part of an incineration effort. Taylor said the city has been cooperative and is willing to assist the county in any way it can in its effort to revise its solid waste management plan. He said the city is charging residents \$52 per ton and is hauling refuse for \$39 per ton with the remainder paying off the new city transfer station. He said charges per ton may be adjusted in 10 years after the transfer station is scheduled to be paid off.

Chris Bell said he relooked at Bell and Associates' scope of work and broke it into two phases with the first being an analysis of disposal options available to Park County. He said those options include the current system used, teaming with the City of Livingston, building a landfill, and incineration. Bell said he and Richard Hertzberg will focus on the first three of options and engineers from HDR will conduct the incineration piece.

He said Bell asked the county to put together a committee of interested stakeholders to gather information for submission to Bell and Associates. He said Bell and Associates will hold a conference with the county team to glean additional information, conduct research on that information, submit a technical memo to the county for review, and present findings of disposal options available to the county. He said at that point the county would make a decision whether to go forward with Phase II of the proposal and update the relevant sections of the solid waste management plan with gathered data.

Bell said he plans on an April 1 start date for gathering information and conducting research and the technical memo will be submitted to the county commissioners and committee by early June. He said Bell will require the county to put together a committee to participate and read the information in total. Bell said he is all for the local folks doing the legwork on the Zia Report updating work to cut overall costs.

Taylor said the next step is to determine what chapters each entity will take on, but the county is agreeable to the two-phase approach as proposed. He said the county will be in touch with Bell and Associates to draft a final contract with the new proposal. Civil Deputy County Attorney Shannan Piccolo asked Juhnke if PCCC will discuss the new study proposal and consider granting the county two additional weeks to finalize a contract with Bell and Associates at its next meeting.

@2:39:27 p.m., Malone made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

March 2, 2011

Review Daily Correspondence / Agenda and Briefing on Current County Projects

@8:37:54 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Raea Morris, executive assistant; Mike Inman and Philip Fletcher, community development; 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. March 26 ag workshop in Bozeman
- Memo re. Freshman Creek RFQ
- Memo re. local government committee bear predator management bill
- Memo re. January 20 Solid Waste Board minutes
- Memo from LTAP re. road slope stabilization
- Memo from USDA re. mountain pine beetle in Lewis and Clark National Forest
- Citizen memo re. Gardiner Sidewalk agreement
- Memo re. postage log meter
- Memo from City of Livingston re. recycling containers

Commissioner Durgan said part of a water problem on Eight Mile Road was rectified yesterday and he will check again on the issue.

Community Development Director Philip Fletcher said Ted Madden will give a short presentation to the Planning Board on March 17 and a second presentation will take place at 2:30 that day.

@8:52:33 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

March 2, 2011

Public Hearing for Review and Consideration of Parcel 45 Subdivision of Glastonbury

@9:02:03 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Raea Morris, executive assistant; Mike Inman and Philip Fletcher, community development; William Smith, consulting engineer; Citizens Jon Springer, Alyssa Allen and Robert and Maxine Rasmussen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to consider approval of the Parcel 45 Major Subdivision.

Conflict of Interest: None

Public Comment: None

IV. New Business

A. Review and Consideration of Parcel 45 Major Subdivision Preliminary Plat Application

1. Subdivision Administrator's Report: Subdivision Administrator Mike Inman provided background information and photographs of the proposed subdivision off Aquarius Drive in North Glastonbury. Inman said the subdivision is a six-lot major subdivision of 20

total acres consisting of five lots ranging in size from 1.076 to 5.191 acres, and a sixth lot with an underground storage area that cannot be built upon per Glastonbury Landowner's Association regulations. Inman said the subdivision was reviewed under the *2010 Park County Subdivision Regulations* and received recommended approval by the Park County Planning and Development Board with findings and conditions as listed in the report provided.

Inman said the applicant requested two variances from the subdivision regulations: 1) variance from the 30,000-gallon onsite fire fill site requirement; and 2) variance from parkland dedication/cash in lieu of parkland because the sixth subdivision lot cannot be built upon. He said the applicant proposes tapping into the existing Golden Age Village fill site two miles distant, which gained planning board recommended approval with installation of a hydrant at Venus Way and Capricorn Drive per request of the Paradise Valley Fire Department. In addition, Inman said the planning board recommended a condition the applicant must insert specific language in the subdivision covenants that identify wildfire mitigation provisions prior to final plat. Inman said the planning board denied the variance request to waive parkland dedication and recommended cash in lieu of parkland, as one or the other is required per state law. He said the applicants offered \$3,000 to go to the Paradise Valley Recreation Center. Inman said the funds must go into the county parks fund per state statute and applicants can submit an application to the parks board for use toward the PVRC.

2. Presentation by Applicant: Consulting Engineer William Smith provided background information of the property in question, including tenancy in common the property has experienced since the early 1980s between the Bodeaux and Mayer families. Smith said the PVRC is a nonprofit entity and the variance would enable the applicants to donate funds to the PVRC.

3. Public Hearing: a) Public comment on proposal: Citizen Robert Rasmussen said he has concerns with guest houses he views as a loophole for permanent residents, which he has seen happen in the area before. Inman said the applicant must maintain the units as guest houses only if they are identified for such purposes.

b) Comment on Water and Sanitation: Smith said groundwater has been analyzed and DEQ submittal does not include provision for guest houses on the three permitted lots. He said the applicant will amend the DEQ submittal to include guest houses.

4. Discussion and Determination by Commission: The Commission addressed the applicant's variance requests. Commissioner Taylor said he has no concerns with the fire fill site variance after review and he sees no reason to deny the variance after its approval by the planning board.

Commissioner Durgan made a motion to accept the variance with the findings and recommendation of the planning board. Commissioner Taylor seconded that motion. Motion passed.

Taylor said he believes it is appropriate do cash in lieu of parkland as recommended by the Parks and Recreation and Planning and Development Boards because the application is for a six-lot major subdivision. Taylor said he thinks it is good to have applicant buy-in via family recreation opportunities and parks funds could possibly be increased through the parks board. Durgan said he thinks it would tend to give the Glastonbury Landowners Association an opportunity to work with the parks board to leverage more financing on a more countywide basis.

Commissioner Durgan made a motion to accept the findings and conditions recommended by the planning board and deny the variance. Commissioner Taylor seconded that motion. Motion passed.

- I. Affects on Agriculture: Commissioner Durgan made a motion to accept the recommended findings and conditions as determined. Commissioner Taylor seconded that motion. Motion passed.
- II. Commissioner Durgan made a motion to accept Part II. Affects on Agriculture Water Use Facilities. Commissioner Taylor seconded that motion. Motion passed.
- III. Commissioner Durgan made a motion to accept findings and conditions for Affects on Local Services. Commissioner Taylor seconded that motion. Motion passed.
- IV. Commissioner Durgan made a motion to accept findings and conditions for Affects on the Natural Environment. Commissioner Taylor seconded that motion. Motion passed.
- V. Affects on Wildlife
- VI. Affects on Wildlife Habitat: Commissioner Durgan made a motion to accept the recommended finding and conditions on V. and VI. Affects on Wildlife and Wildlife Habitat. Commissioner Taylor seconded that motion. Motion passed.
- VII. Commissioner Durgan made a motion to approve the finding and conditions for Affects on Public Health and Safety. Commissioner Taylor seconded that motion. Motion passed.
- VIII. Compliance with the Survey Requirements in Part for the Montana Subdivision and Platting Act
- IX. Compliance with Provisions of Physical and Legal Access to Each Parcel within the Subdivision and the Required Notation of that Access on the Applicable Plat and Any Instrument of Transfer Concerning the Parcel
- X. Compliance with the Provisions of Easements for the Location and Installation of Any Planned Utilities. Commissioner Durgan made a motion to accept findings and recommendations for items VIII, IX and X regarding compliance.
- XI. Compliance with the Review Procedures Contained in the Montana Subdivision and Platting Act
- XII. Consideration of an Officially Adopted Growth Policy for the Area Involved. The Commission added a recommended finding stating the subdivision is consistent with the land use goal of the county growth policy and existing

infrastructure including Capricorn Drive, Aquarius Drive, the Golden Age Village Fire Fill Site and the Town of Emigrant. Commissioner Durgan made a motion to accept recommending findings and recommended conditions as amended in XI and XII. Commissioner Taylor seconded that motion. Motion passed.

- XIII. Commissioner Durgan made a motion to accept item XIII. Compliance with the Park County Subdivision Regulations. Commissioner Taylor seconded that motion. Motion passed.

Commissioner Durgan made a motion to approve the Parcel 45 North Glastonbury Major Subdivision with the findings and conditions as identified and amended by the Park County Commission including the two variance determinations, one accepted and one denied. Commissioner Taylor seconded that motion. Motion passed.

@10:29:12 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

March 2, 2011

11:00 A.M. – Beartooth RC&D Meeting – Big Timber

11:00 P.M. – 9th Street Bridge Construction Meeting – CTA Office, Livingston – Commissioner Durgan attended

3:00 P.M. – Parks and Recreation Board – West Room – Meeting minutes available in the Community Development Department

March 3, 2011

Review Daily Correspondence / Agenda and Briefing on Current County Projects

@8:31:26 a.m., Commissioner Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Raea Morris, executive assistant; Lani Hartung, finance; Philip Fletcher, community development; Martha Miller, auditor; 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. senior citizen newsletter
- Memo from community development re. economic development status report

Road Supervisor Ed Hillman said a woman at Reese Creek complained about the condition of Old Yellowstone Trail in the park and is trying to get Yellowstone National Park to work on the road.

Commissioner Durgan said an issue of water over the road on Eight Mile Road has been rectified. Durgan said the 9th Street Bridge Project oversight engineer expressed concern about the project's progression to-date at a March 2 project status report meeting. Finance Director Lani Hartung said the project is just shy of 15 percent complete to-date and is scheduled to be 30 percent complete by this date.

Lani Hartung provided the Commission with a second billing from TCA for 9th Street Bridge work.

@8:53:54 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

March 3, 2011

10:00 A.M. – Board of Adjustments – Community Room – Meeting minutes available in the Community Development Department

March 3, 2011

Legislative Work Session

@12:00 p.m., Commissioners Durgan and Malone were present. Also present were Tracy Mosley, MSU Extension; Philip Fletcher, community development; and Representative Dan Skattum (via telephone). No public comment made.

Meeting attendees discussed legislative issues with Representative Skattum.

@12:30 p.m., the meeting adjourned.

March 4, 2011

No Commission Meetings Scheduled

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

Denise Nelson
Clerk & Recorder
Park County, Montana