

Park County Commission Meeting Minutes  
Week of November 7 – 11, 2011  
Park County, Montana

November 7, 2011

Review Daily Agenda/Correspondence and Current County Projects

@8:36:43 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; and John Mueller, minutes clerk. No public comment made.

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

Correspondence for November 2 included:

- Memo email re. Upper Yellowstone Watershed Basin meeting schedule
- Memo email re. Library Board bylaws
- Memo document re. citizen refuse assessment request
- Memo email re. healthcare cost quotes
- Memo email re. ExxonMobile Yellowstone River oil spill burn
- Memo email re. November 8 JSEC meeting
- Memo document re. citizen comments on Fleshman Creek Road

Correspondence for November 3 included:

- Memo email re. November 10 Safety Committee meeting
- Memo email re. Community Development Department projects report
- Memo document re. Locks and Clocks invoice
- Memo document re. Montana DEQ landfill groundwater monitoring report
- Memo email re. Big Creek Road temporary work closures
- Memo email re. Ford Windstar gas cap
- Memo document re. November 9 agriculture exemption meeting documentation
- Memo document re. Parks and Recreation Board bylaws

Correspondence for November 4 included:

- Memo email re. community development director DNRC contract
- Memo email re. Economic Development Subcommittee November 29 fracking meeting
- Memo email re. community development director out of office schedule
- Memo email re. MACo boards administrative meeting

- Memo document re. donated island tax issue
- Memo document re. Montana DNRC solid waste management grant
- Memo document re. road crewman citizen commendation
- Memo email re. SWB agenda items
- Memo document re. October 2011 county cash balance sheet
- Memo email re. EDD committee membership
- Memo email re. Donovan Boundary Line Exemption Denial appeal report
- Memo document re. senior citizens HOME grant

Human Resources Analyst Jill Ouellette said two jailer positions are currently open with a recent resignation. Ouellette said the county needs to consider data packages for the IT Department with the need to address unique accommodations for an employee.

Commissioner Malone and Taylor nominated Randy Todd for Employee of the Quarter for his positive public relations and road work efforts in his Gardiner road district.

@9:08:50 a.m., the meeting adjourned.

November 7, 2011

Consider Decision to Waive Penalty and Interest on Citizens Property Taxes

@9:41:31 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Kevin Larkin, treasurer; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider waiving penalty and interest on citizen property tax.

Treasurer Kevin Larkin said Citizen Jeff Shryer asked if penalty and interest on his 2010 tax bill can be waived. Larkin said Shryer paid his taxes in full. Larkin said Shryer stated a personal check did not clear his bank or was lost in the mail.

Commissioner Malone moved to forgive Mr. Shryer's penalty and interest. Commissioner Taylor seconded the motion. Motion passed.

@9:44:36 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

November 7, 2011

1:00 P.M. – Review of Minutes for Week of October 31 – Commission Chambers – Rescheduled for November 9 at 11:00 a.m.

12:00 P. M. – Community Networking –Job Service, Livingston

1:30 P.M. – Main Boulder Road Pre-Bid Meeting – Big Timber – Commissioner Malone attended

November 8, 2011

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

8:00 A.M. – Septic Installer Training – Community Room

November 8, 2011

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:48:39 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 John Mueller, minutes clerk. No public comment made.

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

Correspondence included:

- Memo document re. Fair Board application
- Memo email re. Bell and Associates public comments
- Memo email re. Montana Cowboy Hall of Fame finalist
- Memo email re. RPA Mission Field award nomination
- Memo email re. November 7 building access issue
- Memo email re. community development director 2011 vacation schedule
- Memo document re. \$250 Pray Road Standish Excavation invoice
- Memo email re. Fleshman Creek DNRC contract
- Memo document re. Rocky Mountain Economic Development District
- Memo document re. Livingston Locks and Clocks bid estimate

Lani Hartung said MCA was changed requiring Montana wood materials in county bridge decking and sign/guardrail posting.

@9:08:45 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

November 8, 2011

County Road/Engineering Updates

@9:33:30 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; Mark Westenskow, CTA; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss county road issues and engineering updates.

Road Supervisor Ed Hillman said a 9<sup>th</sup> Street Island Road gravel job will be worked on that day, and the road crew is installing a culvert on Eight Mile Creek.

Mark Westenskow, CTA Engineering, provided the Commission with a drawing of proposed bank stabilization and culvert work for Cavanaugh Creek under Coal Camp Road.

Commissioner Malone reported on a November 7 Main Boulder Road pre-bid conference and walk-through meeting. Malone said a loader bid will be put out to the public on November 10, and the county is interested in that loader for the Road Department.

@10:06:05 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

November 8, 2011

Discussion of Loss Runs with Taylor-Leavitt Insurance

@10:07:58 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; Dan Gutebier and Krista Grindleprenger, Taylor-Leavitt; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss county insurance loss runs report with Taylor-Leavitt Insurance.

Dan Gutebier, Taylor-Leavitt, provided the Commission with a to-date loss run insurance report, which included worker's compensation and property and casualty claims. He said most of the county's claims were made by Road Department and Sheriff' Office employees.

@10:44:19 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

November 8, 2011

Human Resources Updates

@10:48:23 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 John Mueller, minutes clerk. No public comment made.

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

Human Resources Analyst Jill Ouellette provided a change of status form for a landfill employee. She said an issue exists with a payable claim for July, August and September

for a county cell phone issued to the fairground caretaker and she needs to know what the Commission wants to do about payments owed to that employee. The Commission said the employee will be paid payment owed him. Ouellette said an employee complaint investigation report will be completed in two to three weeks.

@11:00:46 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

November 8, 2011

Appeal Meeting, Donovan Boundary Line Adjustment

@11:04:16 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Mike Inman, planning; Shannan Piccolo, civil deputy county attorney; Chuck Donovan, applicant; Dann Babcox, PCRFD#1; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled as an appeal meeting for a Donovan Boundary Line Adjustment.

Senior Planner Mike Inman said Chuck Donovan's boundary line adjustment was approved by the Environmental Health Department but denied by the Planning Department and County Attorney's Office on September 13, 2011, because of Donovan's stated intent to sell the 20-acre parcel to be created by the boundary line adjustment. He said a rebuttable presumption of avoiding subdivision review exists if a parcel falls below 160 acres after boundary line adjustment. He said the appeal falls under Chapter 5; Section F3 of the county subdivision regulations.

Chuck Donovan, applicant, said more tracts of record will be created if he goes through subdivision review. He said he wants to sell off the 20 acres to pay off the bank, but there is no intent to evade subdivision review. He said he is just trying to take the shortest route to do what he intends to do. Inman said Donovan indentified his intent on his boundary line adjustment application as preserving his ranch in operation and creating a 20-acre parcel for sale. He said the Commission needs to determine whether Donovan is requesting the boundary line adjustment to continue his ranching operations or to sell the 20-acre parcel.

Donovan said his intent with the boundary line adjustment exemption is to continue his ranching operations. Commissioner Durgan said he stands up in loud support for anyone interested in continuing ranching operations.

Commissioner Malone moved to accept Mr. Donovan's boundary line adjustment with facts stated by Mr. Donovan in the meeting. Commissioner Durgan seconded the motion. Motion passed.

@11:39:55 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

November 8, 2011

1:00 P.M. – Senior Citizen Meeting – Livingston Senior Center

2:00 P.M. – Cooperative Weed Management – USDA Office, Livingston

2:00 P.M. – I.T. Advisory Committee – Community Room

November 9, 2011

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:38:45 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; and John Mueller, minutes clerk. No public comment made.

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

Correspondence included:

- Memo email re. Knife River contract directions for Gardiner Sidewalk Project
- Memo email re. donut zoning issue meeting
- Memo email re. November 14 external audit
- Memo email re. Community Development Director Gardiner Sidewalk Project timeline
- Memo email re. Community Development Director telephone availability
- Memo email re. Cooke City emergency center financing

@9:02 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

November 9, 2011

Discussion/Presentation of a Cooke City Petition to Form a Sewer District and Decision to Hold an Election in Cooke City to Approve a Sewage District

@9:37:28 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Barbara Woodbury, environmental health; Denise Nelson, clerk and recorder; Shannan Piccolo, civil deputy county attorney; Wes Venteicher, Livingston Enterprise; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss a Cooke City sewer district petition and consider a decision to hold an election in Cooke City to approve a sewer district.

Barbara Woodbury, environmental health, provided a proposed district map for a sewer district in Cooke City and presented the Commission with signatures in number enough to call for an election. Woodbury also provided a title report of all properties within the proposed district.

Commissioner Malone moved to accept the petition and request Clerk of Court Nelson to verify that the signatures on the petition meet statutory requirements, and if so, call for an election. Commissioner Durgan seconded the motion. Motion passed.

Nelson said she requests an election be a mail ballot only election.

@9:46:53 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

November 9, 2011

Opening of Bids for 2011-2012 Cooke City Snow Removal

@10:33:06 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to open bids for snow removal in Cooke City for 2011-2012.

Commissioner Taylor opened a sealed bid from Robert Smith for \$65 per hour with no additional charge for additional manpower necessary, and \$23 per hour for manual snow removal from fire hydrants. Smith said he will not plow unless more than five inches of snowfall or if Yellowstone National Park plows the highway.

Taylor opened a sealed bid from Asplund Enterprises for \$68 per hour and \$28 per hour for snow removal from fire hydrants. Asplund said all snow would be cleared from streets by the time requested, one foot or more of snow would result in a \$10 per hour increase of cost and Asplund can haul excess snow to a dump site for \$80 per hour with a loader cost of \$74 per hour.

Commissioner Malone moved to allow the civil deputy county attorney to review bids to ensure they are up to specs, as well as review for House Bill 319 requirements.

Commissioner Durgan seconded the motion. Motion passed.

@10:40:14 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

November 9, 2011

Review of Minutes for Week of October 31, 2011

@11:50:27 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to review Commission meeting minutes for the Week of October 31, 2011.

Commissioner Durgan requested a revision to Page 3 of 17; third full paragraph, the last sentence should read, "The Commission directed Hillman to confer with CTA about additional drawings detail as requested by FWP."

Commissioner Taylor requested a revision to Page 11 of 17, noting the correct spelling of "Warren Newhouse."

Commissioner Malone moved to accept the minutes as corrected. Commissioner Durgan seconded that motion. Motion passed.

@11:56:17 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

November 9, 2011

Discussion of Animal Hoarding and Developing Guidelines

@2:01:51 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; Ed LaCombe and Tom Totland, PCSO; Clint Tinsley, city of Livingston; Judy Roy, Livingston animal control officer; Vicki Blakeman, Stafford Animal Shelter; Wes Venteicher, Livingston Enterprise; Patty Martin, citizen; and John Mueller, minutes clerk.

The meeting was scheduled to discuss animal hoarding and developing guidelines.

Vicki Blakeman, Stafford Animal Shelter, said the shelter is running into issues with people keeping more animals than they can care for, which is also causing issue for law enforcement officers with no associated regulations on record. Blakeman said the shelter is interested in implementing a companion animal licensing requirement within three miles of the city of Livingston in Park County. She said such would enable the shelter to track animals in a database system. Regarding animal hoarding, Blakeman said she wants to address animal cruelty issues.

The Commission reviewed a proposed resolution provided by Blakeman requiring humane animal treatment standards, licensing requirements, feline spay/neuter requirements, and animal vaccination and immunization for companion animals.

Commissioner Taylor said Blakeman's proposal is a good start, but he does not know how much of it is enforceable or when certain issues become applicable. He said he thinks the document should be compared to the city of Livingston's. Blakeman said it is unrealistic to ask Sheriff's Office (PCSO) staff to enforce the efforts, but the idea is to have regulations on the books to establish repercussions of violations, primarily on a complaint-driven basis. She said currently there are no regulations on the books by which law enforcement officers can address animal cruelty or hoarding problems.

Judy Roy, animal control officer, said database information can save valuable law enforcement time by providing data on animals in question.

Ed LaCombe, PCSO, said enacting the proposed regulations would be costly to the county, and the number of telephone calls and officers needed would increase as soon as word is out, as all complaints must be answered. He said the county would need to start out slowly and work up if regulations were enacted, such as starting with a no-hoarding ordinance only.

Blakeman said stiffening abandonment and animal cruelty laws would be helpful in curtailing the county pet population issues. Mary Beebe, Stafford Animal Shelter, said ordinances give law enforcement leverage to deal with animal problems issues and sets a community standard. She said 10 percent of the people are creating a problem, the tab of which is picked up by 90 percent of the people. She said particular individuals routinely show an inability to share responsibility in spaying their female cats, as they have brought hundreds of kittens to the shelter over the years.

Taylor said he would like to have the civil deputy county attorney review the proposed ordinance. Blakeman said she thinks the effort should start with expanded cruelty and hoarding provisions.

Civil Deputy County Attorney Shannan Piccolo said she will conduct legal research to determine whether Park County can legally create an animal hoarding ordinance and may have something for review within a month's time.

@2:50:48 p.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

November 9, 2011

Discussion/Decision on Lifting of Agricultural Covenant for Merrell Tract

@3:02:32 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Mike Inman, planning; Shannan Piccolo, civil deputy county attorney; Bob Julian, citizen; Rebecca Pape, attorney; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider lifting an agricultural exemption for a Merrell property tract.

Rebecca Pape, attorney for the Merrells, said the Merrell's position has been laid out in a letter dated November 3, 2011, which touched on the high points of why the agricultural restriction should be removed. Pape said the Merrells believe the Commission has the power to do such, as the property in question is a Park County-approved division of land, the property changed hands, the county approved a septic permit for house construction and the Merrells built a house on the property and have lived in it for 20 years. She said the agricultural covenant is limiting the ability for the family to market and sell the property after a family death. Pape said the situation is an unfortunate situation where the parties who purchased the property did not know it was ag restricted. She said the property is prohibited from commercial use and further subdivision with said restriction.

Civil Deputy County Attorney Shannan Piccolo said her opinion is the property must be re-aggregated or go through minor subdivision review in order to lift the ag restriction and the property be used for purposes other than ag purposes. Subdivision Administrator Mike Inman said the issue is how and when an agriculture covenant was created, as well as the history of the property to the present.

Bob Julian, applicant, said the property in question is valueless if the family cannot get the ag exemption lifted, as it would negate the current buyer's contract and no one will be able to get financing for the property. Julian said the Merrell family has built a fairly good record for the property where people have lived on the property and paid taxes and complied with all restrictions. He said the county now suggesting the need to comply with subdivision review with little material benefit to anyone is stretching the notion of parity and precedent setting. He said it seems common sense and practicality is relevant in this instance, and he would have no problem with going through subdivision review if the Merrells were proposing a subdivision. Julian said the history sets the land apart from most if not all cases that will come before the Commission and he would like the Commission to approach its decision in that vein, and not on a perfunctory requirement of statute.

Piccolo said the Commission must look at facts and circumstances and whether the property must go through subdivision review per statute. Taylor said Piccolo may research a Bruffy Subdivision issue that may provide insight into the property in question.

Commissioner Malone moved to take the matter under advisement and for Piccolo to provide a written opinion. Commissioner Durgan seconded the motion. Motion passed.

@4:13:57 p.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

November 10, 2011

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:48:57 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Raea Morris, administrative assistant; and John Mueller, minutes clerk. No public comment made.

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

Correspondence included:

- Memo email re. wolf management status
- Memo email re. Cowboy Hall of Fame finalists
- Memo email re. November 14 solid waste presentation advertisement
- Memo email re. Cooke City emergency building
- Memo document re. CTA Engineering Coal Camp Road and Gardiner compactor site invoice
- Memo document re. cause of order report

@8:58:54 a.m., the meeting adjourned.

November 10, 2011

9:00 A.M. – Safety Meeting – Commission Chambers

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

November 10, 2011

Consider Awarding Bids for Sheriff Office New Vehicles

@10:43:38 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present was John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider awarding a bid for new Sherriff's Office vehicles.

Commissioner Durgan said legal counsel reviewed the bid from Vito Enterprises for content. He said the bid had a base price of \$26,202 per vehicle, a total price per vehicle of 42,300 for additional law enforcement equipment for a total price of \$126,924 for three vehicles.

Commissioner Taylor moved to accept the bid. Commissioner Durgan seconded the motion. Motion passed.

@10:46:48 a.m., Taylor moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

November 10, 2011

Signing of Knife River Contract Documents for Gardiner Sidewalk Project

@11:32:35 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Lani Hartung, finance; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to sign documents with Knife River for a Gardiner Sidewalk Project.

Commissioner Durgan moved to sign the documents in accordance with instructions from legal counsel. Commissioner Taylor seconded that motion. Motion passed.

@11:34:08 a.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

November 10, 2011

12:00 P.M. – Critical Incident Stress Management – East Room

6:00 P.M. – MSU Extension Meeting – Community Room

November 11, 2011

Veterans' Day Holiday – All offices closed

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

Denise Nelson  
Clerk & Recorder  
Park County, Montana