

Park County Commission Meeting Minutes
Week of October 31 – November 4, 2011
Park County, Montana

October 31, 2011

Review Daily Agenda/Correspondence and Current County Projects

@8:32:06 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; and John Mueller, minutes clerk. No public comment made.

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

Correspondence for October 27 included:

- Memo email re. November 17 election results canvassing
- Memo email re. November 8 Donovan public appeal meeting
- Memo email re. Dispatch 911 re-cabling bids
- Memo documents re. Great West Engineering Gardiner Sidewalk invoice
- Memo document re. DOWL HKM landfill methane monitoring invoice
- Memo email re. employee interview expenditures
- Memo email re. employee interview
- Memo document re. 1974 wheel loader specifications
- Memo email re. elected official certification

Correspondence for October 28 included:

- Memo email re. community development director out-of-office schedule
- Memo email re. Cooke City snow bid advertisement
- Memo document re. Cooke City snow removal bids
- Memo document re. November 1 planning board meeting agenda
- Memo document re. court ordered surveys
- Memo email re. November 10 YNP north entrance plan
- Memo email re. Angel Line Board open seat advertisement
- Memo email re. Park and Sweet Grass Counties RAC funding
- Memo email re. Willow Creek RAC project award
- Memo email re. citizen tax issue
- Memo email re. Fair Board applicant letter of recommendation
- Memo email re. USDA Wildlife Services listing
- Memo document re. Fleshman Creek RFQ

Administrative Assistant Raea Morris said she and the HR analyst made proposed revisions to the county janitorial contract.

@9:10:56 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 31, 2011

Consider Resolution Setting Fees to Review Divisions of Land Exempt from Subdivision Review but Subject to Surveying Requirements

@9:31:35 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, planning; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider signing a resolution setting fees to review divisions of land exempt from subdivision review but subject to surveying requirements.

Civil Deputy County Attorney Shannan Piccolo said the county has a resolution on the books allowing for payment of fees associated with land subdivision but not surveying requirements, which fails to address a related element of Montana Code Annotated. Subdivision Administrator Mike Inman said the county has always assessed survey requirement fees, and the resolution is essentially an administrative housecleaning effort.

Commissioner Malone moved to pass Resolution #1120 to set fees for review of subdivision of land exempt from subdivision review but subject to surveying requirements. Commissioner Durgan seconded the motion. Motion passed.

@9:37:55 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 31, 2011

Discussion of Park County Issues with Senator Baucus Representative

@10:30:05 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Brianne Dugan, Senator Baucus staffer; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss county issues with a Senator Baucus representative.

There was discussion about healthcare costs, bison issues and FEMA disaster mitigation reimbursement funding.

@11:17:02 a.m., the meeting adjourned.

October 31, 2011

Discussion/Decision on Montana Fish Wildlife and Parks 124 Permits for Work on Mill Creek Road

@11:30:38 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; Ed Hillman, road; Scott Opitz, FWP; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider a decision on a Montana Fish, Wildlife and Parks (FWP) 124 permit for work on Mill Creek Road.

Scott Opitz, Montana Fish, Wildlife and Parks, provided the Commission with an FWP 124 Permit for work on Mill Creek Road to address bank sloughing. Opitz said the intent of the meeting is to ensure necessary data is included in future 124 permits. The Commission directed Hillman to confer with CTA about additional project drawing detail as requested by FWP.

@11:54:04 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 31, 2011

Review of Meeting Minutes for the Week of October 24, 2011

@1:01:40 p.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 minutes for the Week of October 24, 2011.

Commissioner Taylor requested a revision to Page 5 of 6, noting the correct spelling of Jeff Serrazin.

Commissioner Malone moved to approve the minutes for the Week of October 24 as corrected. Commissioner Durgan seconded the motion. Motion passed.

@1:04:04 p.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 31, 2011

Consider Decision to Waive Penalty and Interest on Citizen Property Tax

@2:00:54 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were

Kevin Larkin, treasurer; Kari Vondra, Vondra LLC; and John Mueller, minutes clerk. No public comment made.

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

Kari Vondra, Vondra LLC, said she assumed the taxes for the Western Drug building, which she has owned since 2009, were being paid through her mortgage payments, but they were not. Vondra said she has not yet checked with her mortgage lender, and she will ensure her tax balance is paid off by the time specified by the Commission.

Commissioner Malone moved to forgive the penalties and interest if the taxpayer pays off the balance within 90 days. Commissioner Durgan seconded the motion. Motion passed.

@2:09:49 p.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 31, 2011

Discussion of County Budget to Actual Revenues and Expenditures

@3:04:16 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; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss county budget to actual revenues and expenditures.

Lani Hartung, finance director, provided the Commission with to-date revenues and expenditures for county funds and departments. Hartung said Treasurer Larkin did not get the September balance completed until October 25, and she is worrying about a tax billing month. She said the external auditor recommended the finance department take over those duties, but Larkin continues to complete the work per statute.

@3:24:39 p.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

Voided Checks

Claims #: 73303

November 1, 2011

MACo Health Care Trust Conference – Whitefish, MT – Commissioner Malone attended

November 1, 2011

City-County Meeting

@8:08 a.m., Chairman Taylor called a meeting to order in the Community Room. Commissioners Malone and Taylor were present. Also present were Erica Hoffman, GIS/IT; Stuart Leidner, Prospera Business Network; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss joint activities between Park County and the city of Livingston.

Stuart Leidner, Prospera Business Network, provided meeting attendees with a presentation of an online, commercial economic development tool that provides demographic, utility, zoning, real estate and available commercial building locations to prospective commercial companies via GIS data layers. Leidner said the tool will be open to public use and four entities, including Gallatin County, city of Bozeman and commercial interests have agreed to pay into the program start-up cost. He said annual payments will be necessary to maintain the program, and Prospera will not extend an unfruitful trial effort beyond two years.

Erica Hoffman, GIS/IT, said she has submitted county GIS data to the city of Bozeman, which is housing the program, and that data has uploaded nicely into the program.

Leidner said he will submit a formal request to the Commission in writing inquiring about Park County's interest in the program.

@8:48 a.m., the meeting adjourned.

November 1, 2011

Daily Correspondence/Agenda and Briefing on Current County Projects

@9:03:12 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; 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. 2002 John Deere trade-in grader
- Memo email re. RAC application substitution
- Memo email re. out of office schedule
- Memo email re. Earth Homes Subdivision variance
- Memo email re. Crazy Mountain Ranch Hammond Creek Road work
- Memo email re. chemical discharge permits
- Memo document re. county auditor department report
- Memo email re. broadband meeting

Lani Hartung, finance, said a citizen came in to inquire about an increase in her tax bill. Hartung said an incorrect increase in the Green Acres Lighting District was an incorrect decimal place and the fault of the Department of Revenue.

@9:20:13 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

November 1, 2011

County Road/Engineering Updates

@9:32:17 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 Engineering; and John Mueller, minutes clerk. No public comment made.

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

Road Supervisor Ed Hillman told Mark Westenskow, CTA Engineering, he needs detailed plans with stake locations for various proposed road projects that will involve the county road crew.

Westenskow led discussion of engineering plans for proposed road work near Cavanaugh Creek on Coal Camp Road off Shields River Road and reviewed a proposed compactor site at the Gardiner green box site, with FAA comment.

@10:03:26 a.m., the meeting adjourned.

November 1, 2011

Human Resources Updates

@10:35:33 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan 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 said AFLAC will be responsible for rectifying an issue with an employee's benefits paperwork. Ouellette provided the Commission with a change of status form with a requested wage increase for an employee in the Justice of the Peace Office; reviewed information she may use when updating the county employee policy handbook and provided photographs and investigation materials for a Wilsall telephone line damaged by a county employee.

Ouellette said an employee PERS issue from the 1990s was settled on October 31 with payment in full, and a Chico/Trail Creek green box site attendant position will be re-advertised per request from the refuse manager.

Commissioner Taylor said he will meet with the maintenance man to discuss a possible job description change with adding some janitorial duties in order to reduce the county's current janitorial services contract.

@10:58:17 a.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

November 1, 2011

Opening of New Vehicle Bids for Sheriff Office

@11:02:10 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Allan Lutes and Scott Hamilton, PCSO; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to open new vehicle bids for the Park County Sheriff's Office (PCSO).

Commissioner Taylor said the county received one sealed bid from Veto Enterprises, Inc., for three 2012 Dodge Rams 1500 crew cabs with 5.7 Hemi engines at \$26,602 apiece. Taylor said the law enforcement package comes to \$15,706 for a total price of \$42,308 for each vehicle and a total price of \$126,924 for all three vehicles.

Commissioner Durgan moved to accept the bid and send it to legal counsel to review that bid specifications were met. Commissioner Taylor seconded the motion. Motion passed.

@11:12:24 a.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

November 2, 2011

MACo Health Care Trust Conference – Whitefish, MT – Commissioner Malone attended

November 2, 2011

Daily Correspondence / Agenda and Briefing on Current County Projects

@8:50:42 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. US Forest Highways corridor study
- Memo email re. MT Dept of Revenue Oil and Gas Counties
- Memo document re. county postage meter log
- Memo document re. PCSO Teamster's Union draft negotiations
- Memo documents re. Earth Homes Subdivision public comment
- Memo email re. draft animal ordinance
- Memo email re. Fleshman Creek RFQ review committee members
- Memo document re. citizen refuse assessment request
- Memo document re. public information request
- Memo email re. citizen mobile home tax clemency request

Administrative Assistant Raea Morris said issue with a citizen riding in a county vehicle was approved by the HR Department and the County Attorney's Office.

@9:03:47 a.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

November 2, 2011

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

November 2, 2011

Planning Department Updates

@9:31:07 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Mike Inman and Jeri Stevens, planning; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss activities in the Planning Department.

Senior Planner Mike Inman provided a status report of projects and efforts in the Planning Department. Inman said restructuring of department documents, including pre-application forms and a department logo, is ongoing. He said the department website will be remodeled when the IT Department redoes the entire county site, which could be the second week of November. Inman said no expenditures have been made from the department budget.

Inman said an Absaroka View Subdivision fill site has not been maintained and he has been to the site to address the issue with county fire personnel. He said the Bullion Placer Minor Subdivision off Old Chico Road has an issue with its fire fill site no longer connected to the water source. Inman said he feels the Planning Department has done what it can with an agriculture tract issue.

Inman said draft Cooke City/Silver Gate/Colter Pass zoning regulations exist, and the department is in the process of further updating the regulations with digital maps and data. Inman said a Montana FWP mini grant has a fund expenditure date of November 30, but funds were just received from Montana FWP on November 1. He said the department plans to use some funds to update the county's GIS data that coordinates with the grant project effort. He said he will submit plans and identify goals and efforts in spring 2012 that will require expenditure of grant funds.

Inman said work on the Donut Area zoning regulations and county growth policy is on hold until the Commission determines how it will move forward with each effort and discussion occurs with the Planning and Development Board. He said staff addresses general office walk-in traffic on a routine basis.

Addressing the Parks and Recreation Board, Commissioner Taylor said Parks Board meetings need to continue so ongoing projects are not dropped. He said meetings will be held in the Commission chambers. Inman said he will begin advertising for members and he will wait to receive a copy of the board's bylaws from the Commission. Commissioner Durgan said he would like to compare original bylaws and proposed changes.

Inman asked about a timeline in which the Planning Department budget will be established. Taylor said the Commission will amend the former Community Development Department budget after the first of the year and dole out funds between the existing Planning and Community Development Departments per projects and efforts. He said each department will put in for individual budgets for Fiscal Year 2013.

Inman said he needs to know where the line exists between planning and community development work, such as natural resources, as most everything he deals with involves the natural environment and development's impact on it. He said he needs to know if he is overstepping his bounds by working on efforts the community development director has identified as a function of that department. He said such is the problems he foresees into the future. Durgan said the Commission needs to have a differentiation between planning and community development, which is why the former Community Development Department was created.

Durgan said the Commission is taking suggestions on how the differentiation should be done. Inman said the Commission disbanded the original Community Development Department, and his specific recommendation is for that disbandment to result in two departments, planning and economic development, which will enable the Commission to define which part of community development falls under planning efforts and vice-versa. He said such would result in a very straight-forward split and remove the ability of planning and community development efforts to intermingle and confuse efforts with determination of which department is supposed to do what.

Taylor said he thinks efforts need to move forward in the interim to assess whether efforts need to be reassigned, but the Commission will ultimately sit down and make a decision and written statement of what the division is. Inman said employees not understanding where they stand will result in misinformation, miscommunication and misunderstanding that will steer efforts in the wrong directions and continue to muddy the waters.

Taylor said he was disappointed the November 1 Planning and Development Board meeting was canceled by the board when a quorum was available. Taylor said the bylaws state a quorum is enough people to have a meeting. Inman said there have been no meeting cancellations in the last three years, and his department was asked a week prior to schedule the November 1 meeting. He said administering the scheduling of board meetings takes a lot of time, effort and county funds, and it is frustrating when such a cancellation is made. He said he realizes there is a lot going on with determining how the split of the original Community Development Department will play out, which is what he chalks up the meeting cancellation to.

Inman said he was very disappointed with specific, personal statements made by the community development director about him and his abilities at work in a public meeting on October 12. Inman said members of the public contacted him about their concern of the statements made about him and commented about employees airing dirty laundry in public meetings. He said the Commission provided no counter evidence, contradiction or discussion regarding the community development director's statements and allowed the employee to freely talk about Inman's employ.

Inman said he feels he should be able to set the record straight and address false statements made about him. Inman said he has consistently done all work the Commission has given him in his employ at Park County, and a statement made that he is taking on projects he has no experience in has no basis and is untrue. He said comments made about an RTCA grant and survey floundering and going nowhere and resulting in being taken away from Inman is completely false. Inman provided the Commission with a history and timeline of the grant and survey in question. He said he has never seen or read the grant goals or objectives. Inman said he is happy to take over the grant effort, but he will not be thrown under the bus in a public meeting. He said he looks to the Commission to inform employees if conversation turns to inappropriate or personnel material. He said the county has an employee policy handbook, by which employees are supposed to abide and operate.

Commissioner Durgan said the Commission does not micromanage the county departments and the Commission was not in any way in the know whether what was being said in the October 12 meeting was true or not. Durgan said Inman's past performance evaluations stated Inman is a good worker and does good work. Durgan said Inman's point about the Commission determining what is appropriate meeting conversation is well-taken and the Commission now has data to better understand the history behind projects and associated statements made by different parties.

Inman said a local developer requested an update on the status of the donut zoning district and was told by the community development director a building code in the donut has never been enforced or addressed by the county. Inman said he had an uncomfortable conversation with the developer to ensure him no building codes exist in the county or donut area and zoning regulations have been enforced on a complaint basis, which is documented and verifiable in Planning Department records. Inman said he does not appreciate the community development director misleading developers and members of the public by providing false information about what the Planning Department has done.

Inman said citizens read public meeting minutes, and he has had to educate two developers about incorrect information stated about county building codes. He said it is embarrassing to him when he hears inaccurate things from third parties, and it puts him on the defensive to clear his name. Inman said he has better things to do than review minutes of another employee's meeting that should not have anything to do with him, but he will continue to do so in order to clear his name in public meetings if necessary.

Taylor said the Commission will not allow such conversation to occur again in public meetings, and no personnel issues will be discussed in department update meetings.

@10:52:21 a.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

November 2, 2011

10:00 A.M. – Union Negotiations – East Room

11:00 A.M. – “Dirt Roads to Downtown” Tour – Livingston – Commissioner Durgan and Taylor attended

12:00 P. M. – Missouri River Drug Task Force Statewide Meeting – Community Room

November 3, 2011

MACo Health Care Trust Conference – Whitefish, MT – Commissioner Malone attended

November 3, 2011

Review and Consideration of Earth Homes Minor Subdivision

@9:06:12 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Mike Inman planning; Shannan Piccolo, civil deputy county attorney; Greg Coleman, interim fire warden; Craig Newhouse, applicant (via telephone); William Smith, engineer; Wes Venteicher, Livingston Enterprise; Warren Newhouse, citizen; and John Mueller, minutes clerk.

The meeting was scheduled to consider an Earth Homes Subsequent Minor Subdivision.

Conflict of Interest: None reported

Public Comment, Including Items not on Agenda for a Public Hearing: None

New Business

A. Review/Consideration of Earth Homes Subsequent Minor Subdivision Preliminary Plat Application

1. Subdivision Administrator's Report: Subdivision Administrator Mike Inman said the Park County Planning and Development Board recommended conditional approval of the proposed subdivision off Orion Way and Evening Star Drive in North Glastonbury. Inman said the proposed subdivision is a four-lot minor with four underground structures, with the property divided into four individual parcels. Inman said the application would allow for an aboveground residential unit to tie into existing structures. He said the proposal has received Montana DEQ approval for water sources and septic systems, as well as underground diesel tanks. He said each unit has an air filtration system.

2. Presentation by Applicant: William Smith, project engineer, discussed requested variances. He said a requested variance is from the 60-foot road easement to use an existing 40-foot easement for an original five-lot subdivision on the site. Smith said the variance would avoid scarifying the land, but the Planning Board did not recommend approval of the easement due to lack of justification of hardship.

3. Open of Public Hearing: @9:50:22 a.m., Taylor opened the public hearing.

a) Public Comments on Proposal: No comments made from meeting attendees. Inman read into the record written comments from Craig Newhouse, Richard and Susan Meed, Kathleen Rakela and Rick Pittendorfer.

b) Public Comment on Water and Sanitation: None

@10:02:18 a.m., the meeting recessed. @10:11:48 a.m., the meeting reconvened.

4. Commission Questions on Proposal: The Commission had no questions.

5. Commission Determinations: The Commission addressed five requested variances.

Variance #1 – Fire Fill Site Requirements: Inman said the applicant proposes using the existing Golden Age Village site, which was recommended for approval by the Planning Board, with conditions.

Greg Coleman, interim fire warden, said use of the Golden Age Village site is preferable to him given the topography of the proposed subdivision site.

Commissioner Durgan moved to accept the board findings and conditions for the requested variance. Commissioner Taylor seconded the motion. Motion passed.

Variance #2 – Cul-de-sac: Coleman said he has concern with the access road itself and emergency equipment's ability to turn around in the proposed subdivision. He said the subdivision provides a good opportunity to help the surrounding community by installing a cul-de-sac in the middle of the subdivision to help with staging of emergency vehicles. He said he would like to see widening of the road to county standards and installation of a cul-de-sac at the 800+ feet mark on the road within the subdivision.

Commission Finding: In the interest of public health and safety, the Commission finds the cul-de-sac variance request should not be granted. The Paradise Valley Fire Chief indicated a second cul-de-sac is necessary for fire emergencies given the topography and nature of wildfires in the area. Because the existing and proposed cul-de-sacs are not visible from the beginning of Evening Star Drive, a sign is necessary for identification purposes located at the beginning of Evening Star Drive.

Commission Condition: The Paradise Valley Fire Chief reviewed the cul-de-sac variance request and findings and conditions set forth by the Planning and Development Board. Subsequently, the Fire Chief identified that a second cul-de-sac is necessary for public health and safety reasons and recommended the applicants be required to install a second cul-de-sac at approximately 850 to 870 feet from the beginning of Evening Star Drive Road. Additionally, the Fire Chief recommends placing a sign at the beginning of Evening Star Drive that identifies the size and distance to the nearest cul-de-sac turnaround. The Commission agrees with these recommendations and finds that the applicant shall comply with the recommendations set in this paragraph.

Commissioner Durgan moved to deny the variance as proposed, but grant the variance from the 750-foot requirements with the findings and conditions set forth. Commissioner Taylor seconded that motion. Motion passed.

Variance #3 – 3:1 Slope: Commissioner Durgan moved to approve the finding on the 3:1 slope with conditions as proposed by the Planning Board. Commissioner Taylor seconded the motion. Motion passed.

Variance #4 – Easement:

Commission Finding: The granting of this variance will not be detrimental to public health and safety because the applicants will be required to upgrade the existing road to county standards, which can be done within the existing 40-foot access easement.

Commission Finding: Because the existing Evening Star Drive is a privately owned and maintained road, and due to the fact no additional subdivision will occur on any lot accessed off Evening Star Drive, the Commission finds that granting this variance will not be detrimental to public health and safety.

Commission Finding: The existing 40-foot easement will allow the applicants to upgrade the existing road to county standards, with the exemption of the 3:1 slope variance request.

Commission Finding: Requiring the 60-foot right-of-way results in an undue hardship, as the applicant has not been able to obtain the necessary twenty-foot increase from the adjoining property owners.

Commission Finding: Not granting this variance would require substantial ground disturbance and area modification to install the alternative access road through all four proposed lots. No improvements to Evening Star Drive would result in continued deficiencies relative to public health and safety.

Commissioner Durgan moved to approve the easement variance with additional findings and modifications to those findings as stated. Commissioner Taylor seconded the motion. Motion passed.

Variance #5 – Lot Depth Ratio: Commissioner Durgan moved to accept the findings from the Planning Board. Commissioner Taylor seconded the motion. Motion passed.

Commissioner Durgan moved to approve the 3:1 slope variance with the findings and conditions set forth and modified. Commissioner Taylor seconded the motion. Motion passed.

Commissioner Durgan moved to accept the easement variance request to utilize the 40-foot existing easement with findings and modifications the Commission provided. Commissioner Taylor seconded the motion. Motion passed.

Commissioner Durgan moved to accept the variance request from the 3 to 1 lot to width ratio with the findings set forth the by the Planning and Development Board. Commissioner Taylor seconded the motion. Motion passed.

The Commission addressed the subdivisions affects on the following:

I. Affects on Agriculture: Commissioner Durgan moved to accept the findings and conditions as recommended for affects on agriculture. Commissioner Taylor seconded the motion. Motion passed.

II. Affects on Agriculture Water User Facilities: Commissioner Durgan moved to accept the findings under water user facilities. Commissioner Taylor seconded the motion. Motion passed.

III. Affects on Local Services: Commissioner Durgan moved to accept the findings and conditions on local services. Commissioner Taylor seconded the motion. Motion passed.

IV. Affects on Natural Environment: The Commission added the following: Condition: 15a. All additional structures on Lots A, B and D shall be directly connected to the existing underground structures by utilizing one of the two entrances. The structure on

Lot C shall be placed directly above the underground structure, in accordance with Exhibit A, which was provided to the GLA during their review of the proposal.

Commissioner Durgan moved to accept the findings and conditions with additions provided by the Commission for Affects on the Natural Environment. Commissioner Taylor seconded the motion. Motion passed.

V. and VI. Affects on Wildlife and Wildlife Habitat: Commissioner Durgan moved to accept the recommended finding and conditions for affects on wildlife and wildlife habitat.

VII. Affects on Public Health and Safety: Commissioner Durgan moved to accept recommended findings and conditions for affects on public health and safety.

VIII. Compliance with the Survey Requirements in Part Four of the Montana Subdivision and Platting Act; IX. Physical and Legal Access; X. Compliance with the Provisions of Easements for the Location and Installation of any Planned Utilities; XI. Compliance with the Review Procedures Contained in the Park County Subdivision Regulations and the Montana Subdivision and Platting Act; XII. Consideration of an Officially Adopted Growth Policy for the Area Involved: Commissioner Durgan moved to accept the findings and conditions. Commissioner Taylor seconded the motion. Motion passed.

XIII. Compliance with the Park County Subdivision Regulations: Commissioner Durgan moved to accept finding and conditions recommended by the planning board under compliance with the Park County subdivision regulations. Commissioner Taylor seconded the motion. Motion passed.

Commission Determination: Commissioner Durgan moved to approve the Earth Homes Subsequent Minor Subdivision with findings and conditions as identified and amended by the Park County Commission, including all five variance determinations. Commissioner Taylor seconded the motion. Motion passed.

@11:37:24 a.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

November 3, 2011

1:30 P.M. – Discussion of Building Security with Sheriff Office – Commission Chambers
– No quorum of commissioners

November 3, 2011

2:00 P.M. – Juvenile Detention Meeting – Community Room

November 3, 2011

Community Economic Development Updates

@2:32:32 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Taylor recessed the meeting until time Commissioner Durgan was present.

@2:44:32 p.m., Taylor reopened the meeting. Commissioners Durgan and Taylor were present. Also present were Philip Fletcher, community development; Kevin Funk, citizen; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss activities in the Community Development Department.

Philip Fletcher, community development, said the county and city of Livingston dues for the newly created Northern Rocky Mountain Economic Development District (EDD) may be \$7,000, but possibly split between the two governments. Fletcher provided a status report of the EDD's progress and said a Comprehensive Economic Development Strategy document will be completed per an existing outline.

Addressing ongoing projects, Fletcher said the Gardiner Sidewalk Project is nowhere near the construction phase, as the contractor, Knife River, did not properly obtain bonding or insurance documents. Fletcher said Great West Engineering will not move forward with the project until the proper paperwork is obtained, and work may not commence until spring 2012. Fletcher said the Montana DNRC contract for the Fleshman Creek project should be ready to send to the state next week. He said property owner consent forms have been produced, but will not be distributed until a final project design is available. Fletcher said a two-year River Trails Conservation Assistance (RTCA) grant provides expertise and not funding, but he has been meeting periodically with the National Park Service contact individual for that grant. He said he took over work on a Parks Board survey project, but is waiting for a definitive determination from the Commission on who handles what work regarding county parks and recreation issues. He said he is fine with whatever decision the Commission makes on that issue. Fletcher said he is working on a Resource Advisory Council (RAC) grant with Forest Service personnel. He said he allocated \$2,000 from the parks fund for a load of gravel from the road department for a Bear Creek Trail trailhead.

Fletcher said the Park County Economic Development Subcommittee will hold a public workshop in November as part of data gathering effort for fracking and gas extraction efforts in the Shields Valley.

There was discussion about Fletcher's timesheet and hours worked and sick leave benefits recorded on timesheets. Fletcher said he records both fringe benefit leave hours as well as hours worked while using those benefits. He said many of his summer hours were generated entering data into a community development department database.

@3:52:33 p.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

November 4, 2011

No Commission Meetings Scheduled

MACo Health Care Trust Conference – Whitefish, MT – Commissioner Malone attended

9:00 A.M. – Solid Waste Work Session – Commission Chambers – Commissioner Taylor attended

10:00 A.M. – Yellowstone River Conservation District Council Meeting – Livingston

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

Denise Nelson
Clerk & Recorder
Park County, Montana