

Park County Commission Meeting Minutes
Week of December 10 – 14, 2012
Park County, Montana

December 10, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:32:35 a.m., Commissioner Malone called a meeting to order in the Commission Chambers. Commissioners Durgan and Malone were present. Also present were Raea Morris, administrative assistant; Clyde Bainter, contractor; John Mueller, minutes clerk. No public comment made.

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

Correspondence for December 4 included:

- Memo email re. courthouse phone system work
- Memo document re. commission postage report
- Memo document re. Koontz Construction Mission Creek gravel crushing invoice
- Memo email re. City of Livingston access to property mapping
- Memo document re. Gallatin County Grants Administration NRMEDD in-kind contribution invoice
- Memo document re. landfill facility transmittal receipt for SWB meeting
- Memo email re. December 6 IT commission meeting

Correspondence for December 5 included:

- Memo email re. wildfire and citizen property owner rights
- Memo email re. Main Boulder Road project meeting notes
- Memo document re. detention rates resolution
- Memo email re. CWMA agenda
- Memo document re. Cooke City snow removal bids
- Memo document re. tenant refuse stickers
- Memo document re. Data Imaging Systems County Silo invoice
- Memo document re. Montana Stockgrowers cattle/sheep predator control invoice
- Memo email re. fire council meeting agenda
- Memo email re. Christmas Eve courthouse schedule
- Memo document re. CTA Engineering services invoices

Correspondence for December 6 included:

- Memo email re. MSU Extension buyers survey

- Memo email re. maintenance supplies order
- Memo document re. quote for Gardiner road shop concrete work
- Memo document re. immunization grant for signature
- Memo document re. Certificate of Liability Insurance for RGO, Inc.
- Memo document re. Angel Line application
- Memo email re. MACo SRS certification
- Memo email re. property acquisition meeting
- Memo email re. MACo census bureau web tool
- Memo document re. Solid Waste Board application
- Memo document re. Feltenstein property bank stabilization notice
- Memo email re. Fair Board meeting
- Memo email re. draft SWB minutes
- Memo email re. CountySilo scanning station uploading policy
- Memo email re. CPR First Aid class schedule

Correspondence for December 7 included:

- Memo document re. Enterprise truck & trailer legal advertisement
- Memo email re. Montana Burial Preservation Board
- Memo email re. stakeholders meeting
- Memo email re. MACo 2013 New Year Resolutions
- Memo email re. October 2012 SWB agenda
- Memo email re. MACo conference call
- Memo document re. Fridley Construction Chico refuse site invoice
- Memo document re. Livingston Enterprise public information form

Commissioner Malone said the new Chico refuse site is almost completed, but more boxes are needed there for different types of refuse.

Clyde Bainter, contractor, asked if the county will need gravel crushing work done. Commissioner Durgan said the county often needs such work, but must follow a process and always advertises for the work when needed.

@9:37:05 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

December 10, 2012

Discussion/Decision/Second Reading of Ordinance for Local Traffic Only on Clyde Park Road

@9:37:06 a.m., Commissioner Durgan called a meeting to order in the Commission Chambers. Commissioners Durgan and Malone were present. Also present were Shannan Piccolo, civil deputy county attorney; Scott Hamilton, PCSO; Dann Babcox, PCRFD#1; Raea Morris, administrative assistant; Clyde Bainter, contractor; John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider a decision on a second reading for an ordinance for local traffic only on Clyde Park Road.

Civil Deputy County Attorney Shannan Piccolo said the ordinance text was printed in the newspaper after the first reading, which generated concerns from local residents that language states they will not be permitted to drive on Old Clyde Park Road. Piccolo said the language does not prohibit local residents from using the road to come to town to conduct business as part of their normal course of life. Dann Babcox, PCRFD#1, said "Local Traffic" means traffic for business purposes, such as a Sysco truck with a delivery scheduled to a restaurant in Livingston or Clyde Park.

Commissioner Durgan read the ordinance into the record.

Commissioner Malone moved to approve the ordinance as read. Commissioner Durgan seconded the motion. Motion passed.

@9:55:23 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

December 10, 2012

Review of Minutes for Week of December 3, 2012

@10:55:38 a.m., Commissioner Malone called a meeting to order in the Commission Chambers. Commissioners Durgan and Malone 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 December 3, 2012.

Commissioner Durgan requested a revision to Page 7 of 8; first paragraph, the last sentence should read, "She said \$10,000 of cabling is needed to move the project forward, otherwise the project will not be completed until 2014."

Commissioner Malone requested a revision to Page 1 of 8, the last sentences should read, "Hillman said one contractor provided a bid on that work, but no work was completed. FEMA requested the county obtain a second bid, as it felt the one bid was too low." On Page 3 of 8, the middle paragraph should read, "Rob Gilmore, Rocky Mountain Economic Development District (EDD) director, said Park County did not meet obligations of in-kind promised to the EDD grant that supported a comprehensive Gallatin-Park County Comprehensive Economic Development Strategy document. Park County is short \$13,000, and the county has no eligible activities that can go toward in-kind contribution without a Community Development Department."

Commissioner Durgan moved to accept the minutes as corrected for December 3 through 7. Commissioner Malone seconded the motion. Motion passed.

@11:01:30 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

December 10, 2012

Signing of the Rock Creek Rehabilitation Scope of Services for Crossing Replacement

@11:33:07 a.m., Commissioner Malone called a meeting to order in the Commission Chambers. Commissioners Durgan and Malone were present. Also present were Shannan Piccolo, civil deputy county attorney; Mark Westenskow, CTA; Kevin Bales, Altria; John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to sign a Rock Creek Road rehabilitation scope of services for a crossing replacement.

Mark Westenskow, CTA Engineering, provided a statement with a scope of services to permit modification for a crossing replacement to be included in the same bid package as roadway and structural work. Commissioner Malone said the county will pay for the culvert as part of the crossing.

Commissioner Durgan moved to allow CTA Engineering to go forward with signing of a Rock Creek Road Scope of Services for a crossing replacement. Commissioner Malone seconded the motion. Motion passed.

@11:39:50 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

December 10, 2012

1:00 – 4:00 P.M. – Mandatory Employee Safety Tape Viewing – Community Room

2:30 P.M. – Local Advisory Committee – Mental Health Drop-In Center, Livingston

December 11, 2012

County Road/Engineering Services Updates

@8:24:25 a.m., Commissioner Malone called a meeting to order in the Commission Chambers. Commissioners Malone and Taylor (via telephone) were present. Also present were Ed Hillman, road; Shannan Piccolo, civil deputy county attorney; Mark Westenskow, CTA; Marilyn Hartley and Lani Hartung, finance; Raea Morris, administrative assistant; Clint Tinsley, city of Livingston; Gary Barnhart, citizen; John Mueller, minutes clerk.

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

Ed Hillman, road supervisor, said road crewmen were plowing and sanding county roads, and erecting signs. Commissioner Malone said an individual from the state needs to know if the county has material to erect delineators on Old Clyde Park Road and provided Hillman with the state employee's contact information.

There was discussion about \$29,000 the county received from FEMA to repair water damage to Swingley Road above Triangle 7. Malone said the county received one bid from a local contractor in the amount of \$15,000 for that work, but FEMA felt the quote was low and wanted additional quotes. Malone said the contractor is working on a new bid.

@8:36:06 a.m., Taylor moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

December 11, 2012

Discussion/Status of Fleshman Creek Project

@8:37:04 a.m., Commissioner Malone called a meeting to order in the Commission Chambers. Commissioners Malone and Taylor (via telephone) were present. Also present were Shannan Piccolo, civil deputy county attorney; Mark Westenskow, CTA; Raea Morris, administrative assistant; Clint Tinsley, city of Livingston; Gary Barnhart, citizen; John Mueller, minutes clerk.

The meeting was scheduled to discuss the status of the Fleshman Creek Restoration Project.

Mark Westenskow, CTA Engineering, said CTA will incorporate the city of Livingston's comments into the proposed project final design once received from the city on December 12. He said CTA continues working on required FEMA project forms.

Commissioner Malone asked if the county can split the project contract enough to allow local contractors to bid on the project. Westenskow said he has concerns with maintaining coordination among numerous contractors on the project, and he is concerned that FEMA may not approve of a multi-package project, which would be required if multiple contractors were on the project.

@8:45:36 a.m., Taylor moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

December 11, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@9:02:35 a.m., Commissioner Malone called a meeting to order in the Commission Chambers. Commissioners Malone and Taylor (via telephone) were present. Also present were Raea Morris, administrative assistant; John Mueller, minutes clerk. No public comment made.

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

Correspondence included:

- Memo email re. public information request response
- Memo email re. December 12 RC&D meeting reminder
- Memo document re. MACo commissioner reimbursement check
- Memo email re. MACo flag proclamation
- Memo email re. wolf buffer comment letter
- Memo email re. Treasurer project request
- Memo email re. December 14 statewide election race recount
- Memo document re. Old Clyde Park Road Ordinance #27
- Memo email re. citizen refuse removal

@9:14:53 a.m., Taylor moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

December 11, 2012

Human Resources Updates

@9:30 a.m., Commissioner Malone called a meeting to order in the Commission Chambers. Commissioners Malone and Taylor (via telephone) were present. Also present was Jill Ouellette, HR. No public comment made.

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

Jill Ouellette, HR, said Ed Flatt resigned as a refuse department fill-in employee. She said a detention officer qualifies for longevity pay. She said Montana's minimum wage rate will increase to \$7.80 in January 2013.

Ouellette said airport plow trucks were inspected by the county mechanic on November 8 at Commissioner Malone's request, and that report was given to Russ Ferguson on December 5. She said Ferguson was not concerned with the inspection findings. Ouellette provided an exit interview from a summer temporary road employee.

Ouellette said a safety video on distracting driving was being shown to county employees, and some county grants prohibit cell phone use in county vehicles.

There was discussion about whether or not the Commission will finalize the revised county handbook before January 2013.

@9:42:30 a.m., Taylor moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

December 11, 2012

1:00 P.M. – Senior Citizens Meeting – Senior Citizens Center, Livingston

1:00 P.M. – Solid Waste Board – Commission Chambers – Meeting minutes available at www.parkcounty.org and in the Commission Office

2:00 P.M. – Information Technology Advisory Committee – Community Room

December 12, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:34:35 a.m., Commissioner Malone called a meeting to order in the Commission Chambers. Commissioners Durgan and Malone were present. Also present were Allen Carter, SWB; John Mueller, minutes clerk. No public comment made.

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

Commissioner Malone reported on a December 11 Solid Waste Board meeting. He said a refuse truck that tipped over during work hours on November 2 will be sent to Billings to get an estimate of damage. He said a hauler will be hired to transport the truck to Billings.

Malone said the state of Montana will erect delineators on Old Clyde Park Road.

Allen Carter, Solid Waste Board, provided revised refuse roll off truck and pup bid specifications.

Malone said he thinks the county should buy a sander for the road department. He said the county can use the state's bid process to purchase equipment.

Correspondence included:

- Memo emails re. clerk and recorder election recount update
- Memo document re. law enforcement software legal advice
- Memo document re. SWB application
- Memo document re. election results recount questions
- Memo email re. document shredder schedule
- Memo email re. November 15 MDT meeting comments
- Memo email re. employee holiday schedule
- Memo email re. MACo recount cancelation

@8:50:04 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

December 12, 2012

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

December 12, 2012

Appointing of Paradise Valley TV Board Members

@9:34:07 a.m., Commissioner Malone called a meeting to order in the Commission Chambers. Commissioners Durgan and Malone were present. Also present were Stuart Sites and Linda Ulrich, applicants; John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to appoint Paradise Valley TV Board members.

Commissioner Malone said the county received two applications for two open TV board seats. Applications were received from Stuart Sites and Linda Ulrich.

Commissioner Durgan moved to appoint the two applicants to the Paradise Valley TV Board. Commissioner Malone seconded the motion. Motion passed.

@9:37:15 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

December 12, 2012

Discussion/Decision on New Road Name with GIS Rural Addressing

@10:02:45 a.m., Commissioner Malone called a meeting to order in the Commission Chambers. Commissioners Durgan and Malone were present. Also present were Shannan Piccolo, civil deputy county attorney; Julie Sendra, GIS rural addressing; John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider a new road proposed private road name.

Julie Sendra, GIS Rural Addressing, provided a map of the proposed new road off of Chicken Creek Lane. Sendra said two adjacent landowners signed the petition required to make the road a private road, and the county's signature would enable the renaming of the road to the proposed name of Repair Road without having to hold public hearings. The private road designation would free the county from maintaining the road.

Commissioner Durgan moved to sign the petition. Commissioner Malone seconded the motion. Motion passed.

@10:08:26 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

December 12, 2012

Discussion/Decision on Cooke City Transfer Site Special Use Permit

@10:31:51 a.m., Commissioner Malone called a meeting to order in the Commission Chambers. Commissioners Durgan and Malone were present. Also present were Ron Hecker, Morgan Dale and Frank Cifala, USFS; John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider a decision on the Cooke City refuse transfer site special use permit.

Ron Hecker, US Forest Service (USFS), said Park County's special use permit with the Forest Service for the Cooke City transfer station expires at the end of December 2012. He said the USFS intends to resign the lease, but lease language needs to be clarified to address junk vehicles abandoned near the site at a snowmobile trailhead. He said the USFS would like to designate a spot for junk vehicles to be picked up by the county junk vehicle department.

Morgan Dale, USFS, said the lease language should request people abandon vehicles in the designated location before snow falls. He said the vague language on the lease confounds his ability to enforce laws, and the USFS has been making a concerted effort to clean up the site. He said a vehicle tag might be a sufficient way to allow access and improve USFS patrol and enforcement abilities. Commissioner Malone said the county can put the junk vehicles on its side of the property, as described in the lease.

Frank Cifala, USFS, said he will rewrite the lease to include the discussed items and provide it for county review.

Commissioner Durgan moved to continue working on the special use permit with the agreement the two parties would come to a final decision. Commissioner Malone seconded the motion. Motion passed.

@10:58:52 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

December 12, 2012

Discussion/Decision on Finalizing the Community Transportation Enhancement Program Project Ideas

@11:13:55 a.m., Commissioner Malone called a meeting to order in the Community Room. Commissioners Durgan and Malone were present. Also present were Paul Shea, YGM; Ed Meece, Clint Tinsley, Sandy Wulf and Jesse Hogg, city of Livingston; Breanna Polacik, Nittany Grantworks; Kurt Thomson, Stahly Engineering; John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider finalizing Community Transportation Enhancement Program (CTEP) project ideas.

Breanna Polacik, Nittany Grantworks, said the biggest issue reflected through public comment with proposed sidewalk plans (to be paid with CTEP funds) involved the sidewalk along View Vista Drive from St. Mary's Catholic School to H Street. Polacik said the Fair Board had concern with trucks and stock trailers not being able to use the area for parking during the county fair and rodeo. She said there was discussion about making that section of sidewalk with asphalt, with a break to facilitate snow removal.

Polacik said the school district is paying Nittany Grantworks to submit its Safe Routes to School application and for grant administration. Clint Tinsley, city of Livingston, said City Manager Ed Meece offered for the city to pay Nittany Grantwork's application and administration costs of the CTEP grants if the county provided matching funds of \$29,802. Polacik said adding F Street sidewalks would increase the match by \$2,871 to a total match of \$32,673.

Polacik said the proposal is for the county and city to use \$96,136 of its respective CTEP funds for the project, and split a total of \$21,390 to include F Street sidewalks in the project.

Commissioner Durgan moved the county approve the match of 13.42 percent for the project not to exceed \$35,000. Commissioner Malone seconded the motion. Motion passed.

Polacik said the project will include sidewalks on A, B, C and F Streets. She said the next step is for the county to submit a letter stating it will turn over its share of project CTEP funds to the city, and all project funds will be managed as one.

@11:28:36 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

December 12, 2012

2:30 A.M. – RC&D Board – Community Room – Commissioner Durgan attended

December 13, 2012

8:30 A.M. – Commissioner Durgan @ SW Regional Juvenile Detention Meeting – Commission Chambers

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

10:00 A.M. – Commissioner Malone @ Montana Federal Lands Access Program Webinar – Commission Chambers

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

December 13, 2012

Review and Consideration of Possible Acquisition of 32-Acre Property at 79 9th Street Island Drive, Parcel D of Certificate of Survey 1978

@3:00 p.m., Commissioner Malone called a meeting to order in the Community Room. Commissioners Durgan, Malone and Taylor (via telephone) were present. Also present were Shannan Piccolo, civil deputy county attorney; Barbara Woodbury, environmental health; Mike Inman, planning; Martha Miller, auditor; Robin Ogata, parks board; Greg Coleman, DES; Kent Atwood, MT DES (via telephone); Annamarie DeYoung and Larry Jones, Sky Federal Credit Union; Jack Luther, Margot Aserlind, Mary Lennan, Brad Shepard, Dennis Glick, Kristen Wester, Ray Olson, Chuck McCull; Don Burks, Lisa Palmer and Brady Palmer, citizens.

The meeting was scheduled to review and consider possible acquisition of a 32-acre property at 79 9th Street Island Drive, Parcel D of Certificate of Survey 1978.

Mike Inman, planning, said the state hazard mitigation office said the property in question would not qualify for a voluntary FEMA flood hazard mitigation buy-out program, because the house formerly on the property had been removed. Inman said Sky Federal Credit Union owns the property, which appraised at \$500,000 if a structure could be built, and \$120,000 without a structure. He said Sky Federal Credit Union offered sale of the property to Park County for \$120,000 with the joint goals of mitigating future flooding and discouraging someone from buying the property and attempting to build a home in the designated floodway. He said the county's goal at the current point would be to do nothing with the property in terms of development.

Commissioner Malone opened the floor to public comment. Answering a citizen question, Inman said the bank has an offer on the table from a buyer other than Park County. He said the bank has concerns about potential ongoing flooding issues with the property if a structure were built there.

Brady Palmer, citizen, said putting a park on the island would increase traffic on an already degraded county road, and illegal parties are broken up on the front part of the island. He said he cannot see any benefit to the county to acquire the property at the bottom of the island.

Annamarie DeYoung, Sky Federal Credit Union, said she had been approached by a realtor to purchase the property, at which time she spoke with Inman about options to address flooding concerns. She said she had only one offer on her desk for the property. She said the financial institution wants to recoup as much money for the property as possible, but learned a variance must be obtained in order to build a house on the property at the approached value of \$500,000. She said the alleged purchaser hinted he/she would like to attempt to gain a variance to build a structure, and the county was

also interested in the parcel with intent to avoid having to mitigate a structure for flood damage potential.

Barbara Woodbury, county co-floodplain administrator, said the property is 100-percent in the floodway per county floodplain regulations approved by FEMA. She said no individual is permitted to rebuild on the existing foundation, because the floodway designation indicates an area with a high likelihood of flooding. She said she would fight against any attempted variance from the regulations for the purpose of building on the property. She said the property had already experienced erosion from the Yellowstone River. Woodbury said part of the job of the county floodplain administrators is to attempt to mitigate someone trying to challenge the county and taking it through an expensive and drawn-out, resource intensive process of going through legal challenges and the variance process. She said the county is trying to avoid that situation with the acquisition of the property, and it would be inappropriate to have any residential dwelling on the property. Woodbury said the county's intention with purchase of the property is to be proactive in avoiding residential development of the property.

Mary Lennan, citizen, said another option for the property does exist, as a group of adjacent residents on 9th Street Island would be interested in purchasing the property and placing it into a perpetual conservation easement. She said no one was interested in approaching the property owners about that option.

Don Burks, citizen, said he lives adjacent to the property in question and knows the county is inheriting a property that is a flood risk for the entire island. He said the property has wildlife value with moose with calves. Burks said he and another local resident met with the bank and offered to combine his property with the property in question, as well as build a one-lane bridge with no pedestrian access, to avoid the need to build a structure on the property in question. He said he would definitely oppose a park on the property, but he is for fixing the flood problem, which would be simple to do.

Inman said at the current point, the consideration before the Commission is land acquisition only to avoid flood issues. He said the consideration is not for future use. He said there is no proposal to build a park on the property, no proposal to provide public access to the property and no consideration to install a culvert or rip-rap for flood mitigation purposes. He said future uses of the property would require extensive due diligence, research and consideration. Inman said the discussion of parks on the property arose when he was considering other funding sources for the island, but those sources were willing to contribute to acquisition only if the property would be available for public use.

Margot Aserlind, citizen, asked if the county could resell the property to a private citizen for \$120,000 if it purchased the property. Civil Deputy County Attorney Shannan Piccolo said the Commission must auction a property it intends to sell if over a certain value. She said the county must follow another process to purchase property.

Palmer asked the benefit to the county in purchasing the property. Piccolo said the benefit at the current time is mitigating a flood risk. Palmer said the majority of water on his property comes as ground water, so he has a different opinion of flood risk.

Malone asked if the county has to provide access to the property if it purchased the property. Piccolo said that depends on the county's intended use of the property.

Commissioner Durgan said the only thing the county was attempting to do at that point was put together a mitigation proposal, and the county would be subject to obtaining all required permits for the property as a citizen would. Inman said the county was given an island north of Carter's Bridge between the Livingston Ditch irrigation canal and the main Yellowstone River channel. He said that property is not open to the public, and county property does not have to be open to the public for the mere fact it is county property.

Brad Shepard, citizen, asked if the county would be interested in partnering with adjacent private landowners to implement conservation easements to meet its flood mitigation concern while limiting management expenses. He said he thinks the citizens would be interested in that potential.

Greg Coleman, DES, said the county DES Department has worked on plans for flood mitigation for 9th Street Island properties. He said he believes it would be beneficial for private island landowners to set up a program to offer residents the full appraised value of their properties through the FEMA program before a flood event.

DeYoung said the credit union needs to dispose of the property in a timely manner per regulations. She said she approached Inman about potential uses of the property, due to its location in the floodway. She said the offer on her desk is for \$120,000, but the bank wants to dispose of the property without contingencies, such as attempting to build a house on the property or challenge to county floodplain regulations via a variance request. She said the county had not given her an offer for the property in writing to-date. She said the bank and board of directors wants to act in the best interest of the community while disposing of the property for the highest possible value. Inman asked DeYoung what the county needs to do to move forward with an offer on the property. She said she wants an offer of \$120,000 with no contingencies in order to sell and close the property file.

Lennen said she would love to see the county buy the land and pay for mitigations to protect her property. She said the island experiences trespassers on a daily basis.

Durgan said the Commission is not interested in paying to fight a legal battle that could ensue if someone purchases the property and challenges building on it. He said the county has gone that route before, and it is a losing battle for all parties.

Burks said he does not think the county would be able to keep citizens off the property if it purchased it.

Inman said the timing of the situation does not lend for the county to work with private island residents to pursue cooperative conservation easements. Shepard said the adjacent landowners are interested in open space conservation, but may be amenable to providing river access, as they already have issues with people crossing their properties on the island. He said the residents' offer to cooperate with the county is on the table, and he feels the county would find much interest from local residents for conservation easements.

Ray Olson, citizen, asked if the 9th Street Island Bridge was designed for a 200-car per day capacity. Malone said he thought that was correct.

Kristen Wester, citizen, said she thinks all county residents need to be considered in county issues in the future after the county paid half a million dollars for the 9th Street Island Bridge replacement project. She said she has been approached by 9th Street Island residents informing her she did not belong on the bridge.

Kent Atwood, Montana Disaster and Emergency Services, said the county would have the option to fence off the property if it purchased it for agricultural purposes, such as livestock grazing, or agriculture cultivation. He said such may limit trespassing or heavy use issues.

Burks said the next high water event will create the flooding problems being discussed.

Inman said the county would spend a lot more than \$120,000 for the property if the FEMA buy-out program applied, as it would have to come up with 25 percent of the value of the property as appraised with a structure.

Commissioner Taylor said he thinks the Commission should move forward with the land acquisition because he thinks flood mitigation would be easier to attempt with ownership of the property in question. In regards to the property, he said it would be easier to deal with the county commission, which would be flood-mitigation driven, than it would a realtor, who would be profit-driven. He said he thinks a myriad of land uses exist for the property that he feels may be palatable to the island landowners. Taylor said he is in favor of the mitigation, and once lost, the county will not get the current opportunity back.

Durgan said he feels the opportunity enables the county to make a real contribution. He said he understands island resident concerns, but he thinks it is very important that the county participate in a flood mitigation process that will benefit the greater good of the community. He said he is very concerned about someone purchasing the property, insisting on putting a house on it and being willing to take the county on a very long litigation process. He said he thinks the county should pursue the opportunity to purchase the property in question.

Malone said he is opposed to acquiring the property. He said he thinks there is no way the county can keep people off the property, and citizens will demand the county road be reopened. Malone said he thinks the county will have more money in flood mitigation, as island residents will blame the county for flood damages to private properties. He said he does not believe the county is a land management agency and thinks state, federal and nonprofit entities should serve in that capacity. Malone said the property is too small for agriculture uses in his opinion. Durgan said the county has many unimproved roads, including some that serve as access to other land. He said the county does not intend to improve those roads, and he thinks the county can work through that process on the island.

Commissioner Durgan moved the county be authorized to move forward with possible acquisition of the 32-acre parcel on 9th Street Island. Commissioner Taylor seconded the motion. In discussion, Malone said he believes in private ownership. Taylor said he thinks the county, in being proactive and seizing the present opportunity, can eliminate problems that could occur with a profit-driven individual purchasing the property who cared less about the people living on the island than he/she did him/herself. Motion passed. Commissioner Malone voted in opposition to the motion.

@4:02:22 p.m., Taylor moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

December 13, 2012

7:00 P.M. – Gardiner Gateway Project Public Meeting – Community Center, Gardiner

December 14, 2012

No Commission Meetings Scheduled

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

Denise Nelson
Clerk & Recorder
Park County, Montana