

Park County Commission Meeting Minutes
Week of March 26 - 30, 2012
Park County, Montana

March 26, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:47:10 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 included:

- Memo email re. NRM EDD city of Livingston April 11-12 assessment visit
- Memo email re. Livingston Food Pantry EDD assessment visit attendance
- Memo email re. Gardiner Sidewalk Knife River box advertisement
- Memo email re. downstairs basement painting effort
- Memo email re. city of Livingston refuse trial effort result data
- Memo email re. detention center rates
- Memo email re. April 5 JSEC seminar
- Memo document re. alcohol tax support of addictive and mental disorders programs
- Memo document re. IBMP adaptive management adjustments
- Memo email re. Fourth of July parade emergency services training
- Memo email re. June 26-28 affordable housing seminar

The Commission reviewed a meeting request from Craig Campbell of Montana DNRC for an annual fire fighting agreement.

@9:02:11 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

March 26, 2012

Review of Minutes for Week of March 19, 2012

@9:29:10 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Taylor recessed the meeting until after the scheduled 9:30 a.m. meeting.

@10:16:44 a.m., the meeting reopened. 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 March 19, 2012.

Commissioner Durgan requested a revision to Page 1 of 18, noting the correct spelling of Beattie Gulch. Durgan noted he did not attend a March 20 Fair Board meeting.

Commissioner Malone requested a revision to Page 7 of 18; last paragraph, the first sentence should read, "Commissioner Durgan said he had been appointed as the lead individual to research Montana Code Annotated (MCA) and a letter from Clerk and Recorder Denise Nelson that stated the county was not required to hold a primary election for non-partisan elected officials per MCA due to the number of candidates filed." The last sentence should read, "Durgan said the Commission as a whole is to make a decision as the governing body by March 22 should it opt to hold a primary election for non-partisan elected officials." On Page 13 of 18, center of page, a paragraph should read, "Commissioner Taylor said the contract is for painting of courthouse downstairs hallway walls."

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

@10:22:27 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

March 26, 2012

Signing of Contracts for Cooke City Resort Tax

@9:34:49 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; Lani Hartung, finance; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to sign contracts for Cooke City Resort Tax funds.

Commissioner Malone moved to sign the contracts for the Cooke City Resort Tax. Commissioner Taylor seconded the motion. Motion passed.

@9:35:41 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

March 26, 2012

12:00 P.M. - Airport Board Meeting - Mission Field, Livingston – Commissioner Durgan attended

March 26, 2012

Selection of Bid Regarding Main Boulder Road Drainage Project

@3:05:24 p.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; Bill Lloyd, Great West Engineering (via telephone) Valerie Bainter, contractor; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to select a bid for a Main Boulder Road Drainage Project.

Bill Lloyd of Great West Engineering said Great West reviewed all bids for the Main Boulder Road drainage project and deemed them responsive. Lloyd said question with one bid was a mute point, as it was not the lowest bid. Lloyd said Great West talked at length with Steve Trbovich of C. Davies Enterprises, the lowest bidder, and the contractor had answers to the multitude of questions Great West asked. Lloyd said C. Davies Enterprises is comfortable with its bid and has the right equipment and methodology to complete the project, but he is very concerned about how low the bid is.

Lloyd said Great West's recommendation to the Commission is to award the bid to C. Davies Enterprises. He said there is no recourse at this point other than to cancel the bid opening and rebid the entire project.

Commissioner Malone moved to give the contract to C. Davies Enterprises pending legal review and submittal of performance, completion bond and other legal requirements per the contract. Commissioner Durgan seconded the motion. Motion passed.

@3:22:15 p.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

March 27, 2012

Road Updates/ Engineering Services Updates

@8:11:52 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were 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.

Mark Westenskow, CTA Engineering, said a Coal Camp Road permit was submitted to Montana FWP; a Montana FWP 124 permit has been secured for a Mill Creek Road project and CTA is awaiting Army Corps of Engineers 404 and county floodplain permits; a Trail Creek Road project at the Morrison Creek culvert crossing and a Tom Miner Bridge project are being researched; a White Lane project has been completed; a Gardiner compactor site project application is being processed by appropriate agencies;

bridge planning is being worked on; and a Gardiner Main Street drainage issue will be worked on with CTA and Commissioner Malone.

Westenskow provided a Chico green box site sketch for review. Commissioner Taylor said the Commission is waiting for more of a consensus of whether to replace a removed bridge on Miller Drive.

@8:28:16 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

March 27, 2012

Discussion/Status of Fleshman Creek Project

@8:34:40 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; Martha Miller, auditor; Philip Fletcher, economic development; Lani Hartung, finance; Mark Westenskow, CTA; Brenda Adams, citizen; and 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 be surveying downstream from H Street, and utility surveyors have surveyed down to E Street. Westenskow said CTA is commencing discussions with sewer users on the south side of the creek corridor and boring and lab work is completed for the geotechnical soil sampling investigation.

Lani Hartung, finance, said she has road department timesheets to capture in-kind flagging work on the project associated with the geotechnical work.

Philip Fletcher, economic development, said he will have work completed on a final examination of DNRC items within a few hours and will provide it to Hartung to review fiscal changes. He said the items will be shipped to Montana DNRC by March 30. Hartung said the data has to reach DNRC by April 2 and will be submitted by March 30. Hartung said she is preparing a billing for the Fleshman Creek Project and needs commissioner hours spent on the project. Fletcher said in-kind time can be captured back to July 2008. He said he has captured in-kind hours for his, the commissioners, the finance director, county attorney's office and planning department employees in Excel spreadsheet from meeting minutes as of about a year ago, but that data is on the Planning Department's O Drive to which he has no access to, so he needs someone to retrieve that document for him. Malone said he will talk with the IT Manager about that data.

Citizen Brenda Adams said all project work will be in vain if dredging and maintenance of the lagoon is not part of the project scope of work.

@9:04:20 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

March 27, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@9:14:51 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 included:

- Memo email re. Main Boulder Road Drainage Project award letter
- Memo email re. Colter Pass resort tax funds
- Memo email re. women's restroom ADA work quote
- Memo email re. courthouse ADA door quote
- Memo document re. Tom Roe and Sons certificate of liability
- Memo email re. Main Boulder Road funding
- Memo email re. Parisi Plumbing water leak quote
- Memo email re. MACo Healthcare Trust 9.5-percent rate increase

Commissioner Malone said the new NRM Economic Development Director would like to schedule a meeting with the Commission.

@9:32:35 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

March 27, 2012

Discussion of City/County Tennis Courts

@9:34:36 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Kelvin Hoover, Carol Goosey and Larry Teeter, Tennis Association; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss city/county tennis courts.

Carol Goosey said the Livingston/Park County Tennis Association has been in existence for one year and is a 501 c (3) nonprofit entity with a goal to promote tennis in the city of Livingston and Park County by refurbishing tennis courts at Sacajawea Park. Goosey said refurbishing work will be completed by grants and fundraising efforts, but the association may request in-kind work from Park County in the form of hauling gravel.

Larry Teeter said the U.S. Tennis Association Quick Start tennis program in elementary, middle and high school systems is exposing local children to tennis through Physical Education curriculum. He said a separate summer program is also getting kids involved in the sport. Teeter said the girls' high school team has been very successful since 1999, but there will be no courts in Livingston in two years due to deterioration. He said the middle school courts are not regulation size, and the overall proposal is to rebuild eight courts in town for \$380,000 with hopes of hosting the high school state tennis tournament in a couple of years.

Teeter said the Livingston/Park County Tennis Association is registered through the United State Tennis Association, which permits application for grant funds. He said the association hopes to apply for two grants next spring and start on Phase I of the construction project in summer 2013. He said there will be little to no maintenance of new courts within the first 10 to 15 years, so the hope is to build up a maintenance pot during the first 15 years.

Goosey said the association is putting together grant packets at this time and would like Park County to provide a letter of support for the proposed project. Goosey said she will provide a draft letter for Commission consideration. She said the county's parks board can register with a Tennis in the Parks Agency.

@10:08:49 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

March 27, 2012

10:00 A.M. – Human Resources Updates – Commission Chambers – Canceled due to scheduling conflict

10:30 A.M. – Employee MACo Healthcare Trust Meeting – Community Room

March 27, 2012

Signing of Contract with Park County Community Foundation

@10:44:18 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to sign a contract with the Park County Community Foundation.

Commissioner Malone said the Park County Community Foundation was a successful applicant for a county-administered grant to conduct health needs assessments, first trimester visits, promote education of mapping of community services and other healthcare efforts.

Commissioner Malone moved to sign the contract between Park County and the Park County Community Foundation. Commissioner Taylor seconded the motion. Motion passed.

@10:45:59 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

March 27, 2012

Sign Agreements with Crazy Mountain Ranch for Rock Creek Road Work

@1:08:51 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Kevin Bales, Crazy Mountain Ranch; Steve Sampson, Altria; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to sign agreements with Crazy Mountain Ranch for Rock Creek Road work.

Commissioner Malone said the renewal agreements with Crazy Mountain Ranch allow the ranch to maintain Rock Creek Road.

Commissioner Malone moved to sign the agreement between AGDC and Park County. Commissioner Taylor seconded the motion. Motion passed.

@1:13:31 p.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

March 27, 2012

1:30 P.M. – Employee MACo Healthcare Trust Meeting – Community Room

March 27, 2012

Review and Consideration of the Gelderloos Family Transfer

@2:34:14 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Mike Inman, planning; Pouwel Gelderloos, applicant; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to review and consider the Gelderloos Family Transfer Exemption Application.

Senior Planner Mike Inman said Pouwel Gelderloos submitted a family transfer application to Park County on March 1, and that application was reviewed and approved by the Planning and Environmental Health Departments and County Attorneys' Office in accordance with Chapter 5 of the *2010 Park County Subdivision Regulations*. Inman

said Gelderloos is proposing transfer of 1.2 acres to his son in North Glastonbury and has signed affidavits promising not to sell the property for the required three-year time period.

Commissioner Malone asked Gelderloos if he intends to sell the transferred property within five years. Gelderloos said he does not intend to sell the property at all.

Commissioner Malone moved to approve the Gelderloos Family Transfer. Commissioner Taylor seconded the motion. Motion passed.

@2:37:05 p.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

March 27, 2012

Signing a Memorandum of Understanding with City of Livingston Regarding Resolution of Intent for Property Transfer for Cowboy Hall of Fame and Western Heritage Center

@4:05:57 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Mike Inman, planning; Mary Anne Keyes and Tracy Mosley, MSU Extension; Bruce Becker, city of Livingston; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to sign a MOU with the city of Livingston for a resolution of intent for property transfer for a Cowboy Hall of Fame and Western Heritage Center.

Commissioner Taylor said the county has received permission from its legal counsel to sign the document, and the city attorney has reviewed the document as well. City Attorney Bruce Becker said the city has a provision in its property resolution that allows it to dispose of property for economic purposes. Commissioner Malone said the county does not have that option.

Commissioner Malone moved to sign the MOU between Park County and the city of Livingston regarding resolution of intent to transfer property for the Cowboy Hall of Fame project. Commissioner Taylor seconded the motion. Motion passed.

@4:10:57 p.m. Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

March 27, 2012

5:30 P.M. – Museum Board Meeting – Yellowstone Gateway Museum, Livingston – Commissioner Taylor attended

March 28, 2012

No Commission Meetings Scheduled

9:30 A.M. – Western Montana Mental Health – Mental Health Center, Butte Montana –
Commissioner Taylor attended

March 28, 2012

Public Hearing to Gather Public Comment and Consider Adoption of Interim Zoning
District and Regulations

@6:03:28 p.m., Chairman Taylor called a meeting to order in the Community Room of the City/County Complex. Commissioners Malone and Taylor were present. Also present were Mike Inman and Jeri Stevens, planning; Shannan Piccolo, civil deputy county attorney; Dann Babcox, PCRFD#1; Kerry Fee, PCEC; citizens Josh and Ken Meredith, Peter and Anne Mackenzie, Blake Blatter, David Haug, Chuck Donovan, Sue and Dan Nelson, Sue and Bruce Martin, Mike Bowles, Michael Hopkins, Patti Smith, Mary Karell, Richard Knapp and Howard Harper; and John Mueller, minutes clerk.

The meeting was scheduled as a public hearing to gather public comment and consider adoption of interim zoning regulations and an interim zoning district.

Chairman Taylor said the Commission is concerned that inappropriate uses, such as gravel pits within residential areas, can cause consternation if zoning regulations are not in place in the former donut zoning district. Taylor said the Commission is looking at implementing interim zoning in what was the donut zoning area. He said the Commission would take public comment and review the entire donut area and proposed changes if the interim zoning district were implemented, as development patterns have changed in Park County due to economic issues.

Conflict of Interest: Taylor said he lives in the former donut district, but he does not feel such is a major conflict, as he has lived in the same area his whole life.

Public Comment: Taylor opened the floor to public comment on any issue not scheduled as part of the public hearing: None made

Open Public Hearing: @6:05:00 p.m., Taylor opened the public hearing portion of the meeting.

A. Brief Introduction by Chair: Taylor said the Commission is considering reestablishing zoning regulations in the former donut zoning district in an interim basis in order to provide the Commission with time to listen to public comment in attempt to reestablish a zoning district. Taylor said the Commission feels it is time to review the former donut zoning regulations, as they were last updated in 1997. Taylor said the Commission needs to conduct that review before conflicts arise, as people have expectations of uses within an area and the Commission wants to avoid conflict created by new uses that do not fit within the residential or industrial character of the former donut zoning district.

B. Presentation by Zoning Administrator: Mike Inman, zoning administrator, provided an overhead map of the proposed zoning district for review by meeting attendees. Inman

said the map is essentially the same as the former map, except for changes to city boundaries due to annexations. Inman said the proposed regulations are essentially the same as the former donut zoning regulations except for removal of references to a now non-existent city/county planning board, as well as the donut itself.

Inman said the former donut zoning district was nullified by a district court determination based on a lawsuit against Park County. He said that determination was made not in support for or opposition to the donut zoning regulations or any problems with the regulations, but as a result of technicality of process. Inman said the Park County Planning and Development Board made a recommendation to the Commission to pursue interim zoning, which resulted in two public Commission meetings in which public comment was taken relative to reestablishing an interim district in the former donut area. Inman said the Commission then made a determination to schedule the current public hearing to consider adoption of interim zoning regulations, as well as the district. He said legal notices were printed in the *Livingston Enterprise* in accordance with state statute and a quarter-page advertisement of the proposed district map and description of the proposal was also printed in that publication. Inman said the proposed map and legal description have been available in the County Clerk and Recorder's and Commission Offices, Planning Department and website for public review.

Inman read into the record the purpose of interim zoning districts and regulations per state statute, Montana Code Annotated (MCA). Inman said MCA states the Commission must work toward adoption of zoning regulations within the interim period within a one-year time frame. Inman said the Commission has identified upon adopting interim zoning regulations, it would start the process of taking public comment to revise the donut zoning regulations in looking at the district. Inman said the Commission identified it would like the Planning and Development Board to gather public comment in order to make revisions to the regulations and district itself based on that public comment. He said the Commission can withdraw the interim regulations at any time, and the interim regulations go away if the Commission does not pursue adoption of zoning regulations within one year. Inman said the Commission can request a one-year extension of the interim regulations if it is making a forward effort toward drafting regulations, but needs more time to complete them.

Public Comment: Thirteen citizens provided oral public comment. One citizen submitted into the record a written statement in addition to her public comment. Commissioner Malone said the Commission has two options per the district court opinion, either do nothing or change the former donut zoning regulations through public comment during an interim period. Malone asked citizens who provided public comment into the record whether they were for or against interim zoning regulations in the former donut zoning district.

@6:20 p.m., Commissioner Durgan entered the meeting.

Addressing a question in the public comment session, Inman said establishing interim zoning in the former donut zoning district is one option available to the Commission after

the court determination that the donut zoning district no longer exists. Inman said the Commission also had the option to do nothing, wait for citizens to approach the county with citizen-initiated zoning, or commence the process of recreating a new donut zoning district and regulations following all public hearing requirements, which would take six to 12 months at a minimum.

Inman said a lot of citizens who attended public Commission meetings on the interim zoning period prior to the current public hearing identified they were very concerned about what might come in next door to them without regulations, as they have lived at their property for x-number of years in a residential area. He said the commissioners identified the potential of certain land uses that might not be appropriate or compatible with some of the established residential areas within the donut, hence the potential for an emergency. Inman said, as an example, without the former donut zoning regulations in place, nothing eliminates the ability of an individual to install a tire dump in the Five Acre Tracts or create a gravel pit behind Merrell Road or Willow Bend. He said citizens who attended the earlier meetings in support of an interim zoning period identified the potential for certain types of uses, such as lumber mills, mechanic shops, gravel pits, tire landfills. Inman said, as a result, the commissioners determined to bring back the district and regulations that have been in place for 36+ years, last updated in 1997, in order to immediately address the potential for those types of emergencies. Inman said the Commission also recognized problems in the former donut regulations because they have not been updated for 15 years. He said part of the interim process will be to look at the regulations and district, take public comment, look at whether landowners want to be in or out of the proposed district boundary, potential zone changes and address the concerns of the community, because everyone living in the donut has not had input relative to the district for the past 15 years. Inman said such is the goal of the interim zoning period – addressing potential uses not compatible with residential areas and putting the Commission through a very extensive, required public process to take public comment and look at potentially adopting zoning regulations and a district for the area in question.

Inman said the Commission and Planning and Development Board have identified they want to hold numerous public hearings and work sessions on the issue in order to develop final regulations. Inman said he agrees the citizen working sessions within the donut area, as suggested by a citizen during the public comment session of the hearing, are a good way for citizens to develop their wishes and concerns to relay them to the Commission.

@7:19:56 p.m., Taylor closed the public comment session of the public hearing.

Commission Discussion, Public Comment Analysis, Motion(s) and Determination: Commissioner Durgan said he feels interim zoning is a stop-gap measure protecting the status quo while the Commission takes public comment. He said it is then up to the citizens to determine what they want the regulations to look like and to address deficiencies in the regulations he said he admits exist.

Malone said he questions whether an emergency exists. He said it would be interesting to know why a citizen's property was originally not in the donut zoning district but then was, as stated by that citizen within the public comment session. Malone said he has heard a lot of people hesitantly say they do not want any zoning. He said he would take Citizen Peter McKenzie's suggestion that the Commission hold more meetings to discuss the history of the former donut zoning district, and perhaps Inman can research how the district was started. Civil Deputy County Attorney Shannan Piccolo said the district was created by a former Park county Commission.

Inman said outside of an interim zoning period, any land use would be permitted throughout Park County during the time it would take the county to establish new zoning district regulations and boundaries. He said that is in essence why the Commission began considering the option of pursuing an interim district to bring back the status quo. He said doing such would require them by state law to conduct the process identified by citizens as necessary measures, such as public meetings and taskforces to collect public comment, in order to officially adopt final district and regulations. Inman said he has been tasked by the commissioners to take on and facilitate that proposed effort, and the April Planning and Development Board agenda includes discussion of the process by which residents in the donut area will be brought together to draft zoning regulations that work, provided the Commission elects to implement interim measures. He said he is the first person to admit to ambiguities in the regulations, as he is the one who has to administer the regulations, but he sees the interim period as an opportunity to work together with residents in the donut to develop regulations without such ambiguities.

Citizen Peter Mackenzie asked how the county can assure citizens that changes will be made to the regulations to reflect their public comments. Mackenzie said he is skeptical of the county because at one time a county attorney randomly circled properties as included in or excluded from the donut. He said a lot of what he has been told by the county in the past has not happened, and without zoning in place, he knows nothing will be done by the county. He asked if the county attorney's office can provide a document assuring landowners that they can opt in or out of the proposed donut district,

Citizen Josh Meredith asked who has verified that every property owner listed on the proposed district map is correct. Inman said the county can address discrepancies with the clerk and recorder's office, and such is appropriate for the county to do.

Taylor said interim zoning would protect residential areas within the donut from gravel pits and solid waste incinerators, two land uses he has had to deal with at his personal residence. He said a zoning regulations document has to be put together by the people for the people, and he thinks the county needs to implement a process as suggested by Sue Nelson during the public comment session of the hearing in order to collect more and good public comment from citizens living in different locales within the former donut zoning area. He said such may improve citizen confidence in the document. Taylor said he envisions a process as was used when citizens designed the county growth policy, as that process went well and included many citizens, but one meeting with 30 to 40 people present is not sufficient. Taylor said he is not for the interim zoning process until the

Commission receives a consensus from citizens within the different areas of the donut area.

Malone said questions raised by the public in the current hearing might pose an opportunity to relook at the history of the former donut zoning district and why some properties got in and collect more thought on the issue, as only two-percent of the citizens living in the former donut district were in attendance at the current hearing. He said the county still has a year to consider interim zoning. Malone said he thinks the people have more questions in listening to their comments and thinks the county needs to provide better education on how the former district was started and what citizens' options are if the Commission makes no effort at creating regulations. Malone said he will vote to have zoning in the donut district if the citizens say they want it.

Commissioner Malone moved the county hold another hearing on the issue a month from the present date, conduct more survey work, and mail each resident in the donut to inform citizens of opportunities and the county's efforts. Commissioner Durgan seconded the motion. In discussion, Durgan said the consensus he hears is citizens still have a lot of questions, and he agrees with Malone that likely many other citizens also have questions and comments the county has not heard. Piccolo said the Commission is considering whether to accept public comment based on whether or not an emergency exists in order to adopt interim zoning to protect public health and safety. Piccolo asked the Commission if it is stating through its motion that it does not have enough information at the present time to determine whether or not an emergency exists. Taylor answered in the affirmative and said the Commission does need more information, as it is obvious it cannot use the former donut zoning district regulations with the discrepancies they contain. He said 30 days is plenty of time to review the former regulations, he intends to read the regulations in that time period and encouraged citizens to read the regulations and come back with complaints and questions for the Commission to tally. Piccolo said state statute does not permit the county to make changes to and then adopt the proposed interim zoning regulations and map if different from what was publicly noticed for the statutorily-required notice period. Durgan said he does not think there is any intention to make changes to the former regulations at the present time, but rather the Commission wants to take more public comment. He said he would like to see more participation from the public through the public process before the Commission comes to a decision, and he personally would like to visit with the planning department to get more background on the proposed process. Motion passed.

@7:48:36 p.m., the meeting adjourned.

March 29, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:32:45 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; Kelly Johnson, maintenance; Lani Hartung, finance; and John Mueller, minutes clerk. No public comment made.

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

Correspondence for March 27 included:

- Memo email re. EPA agreement for safe drinking water
- Memo email re. March 28 public hearing agenda
- Memo email re. fraudulent letters
- Memo document re. Rock Creek Road agreement
- Memo document re. Billman Creek Lane citizen property damage
- Memo document re. donut zoning district advertisement
- Memo document re. CTA Engineering proposal
- Memo document re. Gallatin County CEDS payment
- Memo document re. RC&D EDD board members
- Memo email re. fire district boundaries

Correspondence for March 28 included:

- Memo emails re. Cooke City museum CTEP application
- Memo document re. Main Boulder Road maintenance contract
- Memo email re. Mill Creek bank stabilization work bid
- Memo email re. Glass Steigal Act
- Memo email re. school signage
- Memo email re. revised City/County Compact

Commissioner Malone said he thinks a March 28 public hearing to discuss a proposed interim zoning district in the former donut zoning area was fairly well attended, but it seems to him the Planning Department needs to do more outreach to educate the public about what the donut issue is than just running an advertisement in the newspaper. Commissioner Taylor said he agreed, as the people should have had more of an idea of what was going on when they came into the meeting. He said the citizens came into the meeting to complain about the donut area, not to work on it. Taylor said he agrees with a citizen who said regional citizen working groups should be set up in order to work on issues or needs relative to their individual locations.

Malone said perhaps a history lesson of who started the donut zoning district and when it got modified is in order, as perhaps the county is assuming people know more about the donut than they actually do. Taylor said the civil deputy county attorney could be present to inform the commissioners of the county's options in the matter, whether it can start the entire process over by creating its own document or has to use the former donut zoning district regulations.

Malone said he heard citizens comment at the March 28 hearing that they are not happy with the former regulations. Taylor said the citizens are afraid the county will not change

the document per their public comment from the form presented on March 28. He said the people would like some kind of security to know their changes will be incorporated.

Malone said his question to the civil deputy county attorney is why the Commission has to adopt the former donut zoning regulations if it enacts interim zoning. He said the purpose of the March 28 meeting was to determine whether the Commission should adopt those former regulations. He said the Commission should perhaps do something else completely different, but it has a year to do such.

Taylor reported on a March 29 Western Mental Health meeting. He said he provided Civil Deputy County Attorney Shannan Piccolo with building janitorial contract specifics, and Piccolo said she will try to have a draft contract with that information by April 2.

The Commission reviewed and scheduled meetings requested from Park County Rural Fire District #1 regarding budget issues, a personnel meeting, and a subdivision review meeting.

Kelly Johnson, maintenance, provided a quote for rear courthouse ADA door options and provided a quote from a local plumber to replace a water line in the courthouse basement. Johnson provided a window cleaning bid for approval and said Green Acres Park needs to be power raked, so he will get bids for that work.

@9:20:06 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

March 29, 2012

Review of Legislative Redistricting Maps

@9:20:26 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Erica Hoffman, GIS/IT; Denise Nelson, clerk and recorder; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to review legislative redistricting maps.

Erica Hoffman, GIS/IT, presented redistricting maps to the Commission and said she and Clerk and Recorder Denise Nelson will attend a meeting on April 13 to propose the maps to the state as Park County's redistricting data plan. Commissioner Malone said he would also attend that meeting.

@9:33:39 a.m., the meeting adjourned.

March 29, 2012

Human Resources Updates

@9:33:52 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners 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 review activities in the Human Resources Department.

Jill Ouellette, HR, said she received a check from an insurance provider for a county-owned truck damaged by hail two years ago. Commissioner Malone said he wants the funds allocated to equipment acquisition. Ouellette said she received a letter regarding county property being damaged on East River Road by a State Farm insurer. She said she and the road supervisor viewed an LTAP training webinar on trips, slips and falls, icy areas and back March 21, and the webinar is offered free of charge once a month. The commissioners said they would like to encourage the road supervisor to have his crewmen attend the webinars and have HR assist in making that happen.

Ouellette provided change of status forms for a detention officer with an exit interview for a retiring road crewman and offered a job posting approval for the part time green box position, which has remained open for over a year. She provided Park County an estimate of actual compensation wages for the average Park County employee in comparison to the national rate for state and local governments, which is \$40.90 per hour. She said the numbers are based on FY 2012 actual budget of wages and benefits compared to Full Time Employees of \$27.58. She said using the average pay wage of \$15.00 per hour would make the compensation total closer to \$24.00 per hour.

Ouellette provided three use-or-lose leave requests from the Park County Sheriff's Office and a memo to the accounting department reminding that department that paid and unpaid leave information given on time sheets is considered confidential personnel information that is not to be disclosed.

@9:55:39 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

March 29, 2012

Personnel Meeting

@10:05:22 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; Merlin DeShaw, citizen; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to address a personnel issue.

Barbara Woodbury requested the meeting close to the public, as her right to privacy outweighs the public's right to know about meeting content. Woodbury said her husband, Merlin DeShaw, could remain in the meeting.

Commissioner Malone moved to close the meeting. Commissioner Taylor seconded the motion. The meeting closed, the audio recording was turned off, and the recording secretary exited the meeting chambers.

@10:22:46 a.m., the meeting adjourned.

March 29, 2012

7:00 P.M. – Public Presentation of Results on Park County Solid Waste Survey – Community Room

March 30, 2012

No Commission Meetings Scheduled

8:00 A.M. – Critical Incident Stress Management Training – Community Room

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

10:00 A.M. – Commissioner Malone in Cooke City to Hear Area Resident Concerns – Cooke City Community Center

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

2:00 P.M. – Commissioner Malone in Gardiner to Hear Area Resident Concerns – Gardiner Community Center

Voided Checks

Claims #: 74403; 74526

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

Denise Nelson
Clerk & Recorder
Park County, Montana