

Park County Commission Meeting Minutes
Week of October 13 – October 17, 2014
Park County, Montana

October 13, 2014

The Courthouse was closed in observation of Columbus Day.

October 14, 2014

Opening of Meeting: 9:00 a.m.; County Commission Chambers

Attendance: Commissioner Tinsley, Commissioner Malone, Commissioner Durgan; Shannan Piccolo, Civil Deputy Attorney; Mike Inman, Planning; Barbara Woodbury, Environmental Health; Kristen Galbraith, Nittany Grant Works; John Payne, Citizen; Barbara Ulrich, Gardiner Citizen; Roy and Diane Rankin, Gardiner Citizen; Raea Morris, Administrative Assistant/Minutes Clerk

Public Comment

John Payne, Citizen; called in on conference to speak on behalf of trouble with getting a liquor license at the old fire house five building (Buckhorn Theatre) John Payne states that they were ready to close on the deal when the state building inspector showed up and stated that they are enforcing the International building code of 2009 on this building. The building was built during the time they didn't have building codes in Montana back in around 1992. Montana didn't adopt building codes until around 1997, so he doesn't understand; they are not enforcing the existing building codes of 2009. They are requiring the building have a sprinkler system installed in order to use the entire building.

John Payne received letters from the fire chiefs representing Rural #1 and City fire stating, that moving the license from the current location to where it is at now is significantly safer due to the fact that there would be more fire exits to utilize and the response time would be much quicker. John Payne wanted to know if the commissioners could take a look or if there is someone in the county that could do the building inspection and sign off on it, making it easier than going through the state. Commissioner Tinsley stated that the county commission really has no say when it comes to the county building codes and inspections that this is something that comes from the state level. The state building inspector is the inspector for Park County. The county has no control of the state building inspector and no control of Rural Fire at all either. Commissioner Tinsley suggested that John Payne talk to the building inspector's supervisor. John Payne asked the commission if they ever thought about working in joint with the City planning building inspection department to have inspections done for the county. Commissioner Tinsley states that the problem in Park County is the zoning issue and the land use issue all these things are such a big deal that I don't think we would get support in Park County to contract with the city for building inspections, even with building inspections with a

commercial building for commercial use requires state building inspection as well. John Payne stated that if there is some way for the county to help that it would be beneficial because the way it is currently is a small business killer. The city building inspector even doing the city inspections isn't as restrictive as the state, the city has to turn in a log every three years to the state, the state isn't looking at their stuff because there are all kinds of facilities that aren't sprinkled that are all brand new and have liquor licenses and all that as the same capacity as mine and they aren't getting drug through the coals like I am on this deal. Commissioner Tinsley took Mr. Payne's number and told him he would think on it but didn't really know how they could help him.

ACTION ITEMS

Discussion / Decision on Hiring Russ Wenger for Appraisal on Gardiner Properties:

Shannan Piccolo, Civil Deputy attorney; stated that this is in regards to the Iron Horse and the county jail properties, Zaban Burton will be paying the appraiser directly rather than Mr. Burton paying us and Park County paying the appraiser Shannan goes on to say that this doesn't clear up all the issues with the two properties by all means it's just a part of the process. Commissioner Tinsley wanted clarification on the fact that the county is the one who has to hire the appraiser to do the appraisal and the landowner is the one who pays the appraiser and decides he isn't going to pay for it for some reason; then the county is liable to pay for it. Shannan Piccolo stated that is correct, yes the county is liable. Commissioner Malone suggested changing the motion to authorize the use of Russ Wenger as the appraiser for the Iron Horse/County Jail properties. Commissioner Tinsley said that he remembers making it clear at the meeting that was held, commission said Park County would give the property owner the quote and he would pay for it and have the appraisal done. Commissioner Malone made the motion to authorize the use of Russ Wenger to appraise the said properties. Commissioner Durgan seconded the motion. Motion passed.

PUBLIC HEARINGS / ORDINANCES / RESOLUTIONS:

Signing of a Resolution adopting a Policy for Selecting Board Members on a County board:

Shannan Piccolo; gave a brief explanation in regards to the resolution; in which she hasn't been able to make the changes in regards to advertising. Commissioner Malone made the motion to table the signing of resolution adopting a policy for selecting Board members to county boards until the commissioners can view the modified version. Commissioner Durgan seconded the motion. Motion passed.

11:00 a.m. - Public Hearing on Gardiner 4th Street South Road Abandonment: Present was Shannan Piccolo, Civil County attorney; Parks Frady, Public Works; George Bornemann, CTA; Gardiner Citizens Barbara Ulrich O'Grady, Roy and Diane Renkin

Shannan Piccolo, Civil Deputy attorney stated that the original meeting held had to be rescheduled due to the fact that a viewers report wasn't completed prior to the public

hearing, since then there has been a viewers report completed by surveyor George Bornemann, CTA.

Barbara Ulrich O'Grady read her public comments of opposition into the record regarding the Gardiner 4th Street South Road abandonment.

There was some discussion about property boundaries, parking and parking issues and access on 4th St. to property owner's properties.

Shannan Piccolo, Civil Deputy attorney made statement to state statutes, the MCA codes that Ms. O'Grady referred to in her public comment and how it is or isn't applicable to this particular road abandonment.

Commissioner Tinsley asked how wide the road is; Shannan Piccolo replied the remaining portion is 25.49 at one end and 25.97 at the other end so approximately 50 feet wide. George Bornemann, CTA stated that 4th Street S. is a platted street.

Shannan Piccolo said that the commission should put on record what the viewer's recommendations were and have George Bornemann provide information from the viewer's reports. George Bornemann stated that if we abandon half of that road way it would give the option to move that shed out of the way we could move the outfall over and away from the O'Grady's property and it would give enough room to work and the public access is still there, additionally it moves the outfall so it's not right against property owners stem wall. Commissioner Durgan asked for more dialogue in regards to public access and how it will work and to eliminate having folks in Gardiner upset over this project. Parks Frady stated that he could probably speak more to this, so currently at 4th Street where it runs to the Yellowstone River we do not maintain that as a public access to the river and don't have plans to however it is public access to the river. Ms. O'Grady stated that is why people use her stairs because it looks like it would be public access. Shannan Piccolo stated therefore we would not be taking away public access any more or less than what is already there.

Commissioner Malone stated again it is his opinion that the best way to do this is use that easement and go right down the center line it gives more room to move around and gives more construction and maintenance time. Roy Renkin stated he would agree with Marty if that rule of thumb was implemented throughout this whole project across town.

Commissioner Tinsley asked for a motion and got no response, Commissioner Tinsley made the motion to approve the Gardiner 4th Street South Road abandonment.

Commissioner Durgan addressed the issue that he hasn't been out to inspect this like commissioner Tinsley and Malone have and therefore feels like he doesn't have a clear concept of what he wants to vote on today and shouldn't second the motion at this point. Commissioner Malone commented that he feels like this abandonment is benefitting one property owner and not the other, abandonment should benefit both parties.

Commissioner Malone said he wouldn't have a problem if Park County abandoned the whole thing and use the easement for the outfall. Commissioner Tinsley repeated that there was a motion on the floor is there a second? There was no second on the motion. Motion failed. There was further discussion on the other options to using both property easements and the Renkins expressed concern with the removal of the existing structure, and the lack of room to replace and rebuild it; they felt like their needs therefore are totally denied.

Department Updates

Meeting opened at 10:45 a.m. in the Commission Chambers

Attendance: Commissioner Tinsley, Commissioner Malone, Commissioner Durgan, Jill Ouellette, Human Resource; Raea Morris, Administrative Assistant/Minutes Clerk

Human Resource Updates: Jill Ouellette, Human Resource; updated the commission on the things she is working on in her department.

Update on Current County Projects

County staff provided updates of activities on the following projects:

Gardiner Gateway Project

Park County Pedestrian Path Extension Project (On hold until Spring 2015)

Gardiner Green Box Site Project

Gardiner Confluence Park Project

MT Transportation Alternatives Trail Extension and Pedestrian Safety Project

MT FWP Recreational Trails Interpretive Signage and Trail Amenity Project

CIP Planning Project

Boulder Road Project

CTEP Projects:

Gardiner Sidewalk Extension (On hold until Spring 2015)

Park County Bicycle Trail Resurfacing (On hold until Spring 2015)

TSEP County Bridge Improvement Project

CONSENT ITEMS

Public Comment Period, County Departmental Updates, and Review of Daily Correspondence/Agenda:

Correspondence for October 9th:

Shannan Piccolo	Email - Notice to publish for Closure of Arch Park
Claims - MACo	Email - New JPIA claim
Traci Waddell	Email - Bainter Const Certif. of Liability
Maria Jackson	Email - Park Co CDBG Planning Grant Application letter of award
Tracy Mosley	Email - RLF money
Commission of Political Practices	Mail - Complaint Royston v. Tinsley, Malone and Durgan
Montana Assoc Oil and Gas	Mail - payment of membership
Tim Miller	Mail - Resubmitted objection in regards to formation of Chicory Road RID
Karen Harrison	Drop off - Notice of Floodplain improvements
Tom Totland	Email - NAMI Class National Alliance on Mental illness

Correspondence for October 10th:

Office of the Governor	Mail - Notice of Community Development Block Grant Award
Payne West Insurance	Mail - Cert of liability for Bainter Construction
CTA	Mail - Invoice for GCDB Enhancement work
Erica Hoffman	Email - Minutes posted
Todd Devlin	Email - Thank you
Shannan Piccolo	Email - Meeting rooms
Kim Knutson	Email - Fair Board interviews
Marilyn Hartley	Email - Costco coming
Marilyn Hartley	Email - Meeting room

Commissioner’s Updates –

Commissioner Malone did his routine check on Chico site and is still upset over the sign that reads “County vehicles only beyond this point” because it is designed for someone to turn in and go around in a circle avoiding people to back up. Commissioner Malone watched for a 2011 Sterling snow plow truck in Cody Wyoming on auction we will be getting this vehicle to replace the one in Wilsall, this vehicle was approved in the budget.

Commissioner Tinsley reported that the SWB had their meeting and made the recommendation that Park County close the landfill with a unanimous vote. There were six board members there with one absent, the commission will be getting that recommendation to decide on soon and should be on our agenda soon to decide on.

Commissioner Durgan had nothing to report.

Commissioner’s Road Reports - Nothing

Review of Minutes for the Week of October 6th, 2014:

Commissioner Malone moved to approve the minutes as corrected.

Commissioner Tinsley seconded the motion. Motion passed.

Park County Board Updates/Recommendations

Nothing at this time

Park County Board/Committee Meetings:

12:00 p.m. - Job Service Employers Committee @ Job Service, Livingston MT –
Postponed until October 15, 2014

1:00 p.m. - Senior Citizens Meeting @ Senior Citizens Center, Livingston MT

2:00 p.m. - Information Technology Committee @ Community Room

5:00 p.m. - Board of Health - East Room

Adjournment: 11:55 a.m.

October 15, 2014

9:00 a.m. – Claims Review

Park County Board/Committee Meetings:

Department Head Meeting:

@9:30 a.m., the meeting opened in the Commissioners Chambers

Attendance: Commissioners Durgan, Malone and Tinsley; Paul Shea, Museum director, Martha Miller, Auditor; Linda Budeski, Justice of the Peace; Shannan Piccolo, Deputy County attorney; Kim Knutson, Fair; Clay Williams, Weed/Junk Vehicles; Ed Barich, Supt of Schools; Jill Ouellette, Human Resource

County Department Heads and Elected Officials gave updates on what their departments are doing.

@10:23 a.m., the meeting adjourned.

October 16, 2014

Opening of Meeting: 9:00 a.m.; County Commission Chambers

Attendance: Commissioner Durgan; Commissioner Malone; Shannan Piccolo, County Deputy Attorney; Parks Frady, Public Works; Mike Hedegaard, NRMEDD; Rob Gilmore, NRMEDD; Raea Morris, Admin. Asst/minutes clerk

ACTION ITEMS

Discussion/Decision on Board Committee Recommendation for Fair Board Applicants: Commissioner Durgan stated that there were interviews held to select two board applicants to the Fair board out of the three applications. The interview committee made the recommendation to retain the two incumbents who had reapplied, Bill Rambow and Mike Adams.

Commissioner Durgan made the motion to go with the recommendation of the interview committee who was Barbara Woodbury, Environmental health; Kim Knutson, Fairgrounds manager; and Fair board chair Jim Sykes to reappoint Bill Rambow and Mike Adams to the board for another term. Commissioner Malone seconded the motion. Motion passed.

Discussion / Decision on Funding of NRMEDD:

Mike Hedegaard, NRMEDD gave a report to the commissioners on Economic Development in Park County and some of the issues right here in Park County issues like lack of housing in Gardiner and the lack of workforce housing in the Shields Valley. Commissioner Durgan asked how NRMEDD is tying in with MSU Extension and Katie Weaver who is doing economic development as well, and how they are trying to work together. Mike Hedegaard stated that they have invited Katie Weaver to be involved in any of the projects they do and they have met with Katie numerous times on a lot of these projects. One of the projects they are working together with her on is the Gardiner housing initiative and it was agreed in a recent meeting that NRMEDD would work on the northern section of Park County, Shields Valley area for some of their economic development assistance. Commissioner Malone stated that he would like to see more projects and attention pertaining to Park County in order to get the counties money's worth of help and expertise on economic development. Commissioner Durgan made the motion to extend the annual funding of \$15,000 to NRMEDD in Park County. Commissioner Malone seconded the motion. Motion passed.

Department Updates

MSU Extension: Mary Anne Keyes, Tracy Mosley and Katie Weaver all spoke on behalf of their activities, and projects going on in Park County. Commissioner Malone briefed Tracy Mosley on the range tour/meeting he attended in Paradise Valley regarding Elk Brucellosis and Wolf issues. The next IBMP meeting will be at Chico on November 20th in which he will speak about vegetation.

Public Works: Parks Frady provided the commission a written report of activities in his departments.

PUBLIC HEARINGS / ORDINANCES / RESOLUTIONS

Nothing at this time

CONSENT ITEMS

Public Comment Period, County Departmental Updates, and Review of Daily Correspondence/Agenda

The correspondence wasn't read, due to the lack of time.

Commissioner Reports:

No commission reports

Commissioner Road Reports:

No commission road reports

Park County Board/Committee Meetings:

9:00 a.m. - Commissioner Tinsley out of the office

11:00 a.m. - Planning and Development Board @ Cooke City Community Center, Cooke City MT

2:00 p.m. - Community Project Update @ Cooke City Community Center, Cooke City MT

Adjournment: 10:50 a.m.

October 17, 2014

No Commission Meetings Scheduled

Clint Tinsley
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana