

Park County Commission Meeting Minutes
Week of September 29 – October 3, 2014
Park County, Montana

September 29, 2014

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

@ 9:00 a.m., the meeting opened in the Commission Chambers

Attendance: Commissioner Clint Tinsley, Commissioner Jim Durgan; Commissioner Marty Malone; Parks Frady, Public Works; Raea Morris, Administrative Assistant/Minutes Clerk

Department Updates: Parks Frady, Public Works; updated the commission on his schedule and gave a briefing on upcoming meeting regarding Gardiner Gateway Project that a commissioner need be present for.

Correspondence for September 25th included:

Paul Shea	Email - Museum board agenda
Parks Frady	Email - Park County letter of support for Rock Creek Rd.

Correspondence for September 26th included:

Yellowstone Bend Citizens Council	Drop off - invitation to MT Renewable Clean energy tour gathering
MACo	Mail - Invoice for a JPIA Claim
Planning Department	Drop Off - Buena Vista Major subdivision Amended Final plat proposal
Greg Coleman	Email - Fire Council resumes next week
Kristen Galbraith	Email - 2014 SRS Title II project submission for Park
Mariah Leuschen	Email - 2014 SRS Title II project submission for Park

Commissioners Reports

Commissioner Malone reported that he attended the Annual MACo conference in Kalispell and gave a briefing on some of the topics that were covered.

Commissioner Durgan had nothing to report

Commissioner Tinsley reported on the Forest Service letter and why it was not signed. It was addressed that Park County has two RAC applications in for projects what could be at stake and it was suggested that the letter be rewritten. Clint Tinsley also reported on the meetings he attended up in Silver Gate and Cooke City. The only report that came

from Cooke City was the ongoing school sign issue and they are still not put up, Parks Frady stated that those will be put up. Commissioner Tinsley also gave a report of the Solid Waste board meeting he attended and the presentation put together by Great West Engineering regarding the options of closing the landfill.

@ 9:31 a.m., the meeting adjourned.

Human Resources Department Updates

@9:33 a.m., the meeting opened in the Commission Chambers

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

Jill Ouellette, HR, provided an update.

@ 9:46 a.m., the meeting adjourned.

Park County Board/Committee Meetings

No Board/Committee Meetings Scheduled

September 30, 2014

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

Attendance: Commissioner Durgan, and Commissioner Tinsley; Parks Frady, Public Works Director; Shannan Piccolo, Civil Deputy Attorney; Mike Inman, Planner; Kevin Larkin, Treasurer; Greg Coleman, DES; Kristen Galbraith, Nittany Grantworks; Pat Harlin, Six Point Inc.; Jennifer Farve, Moore Law firm attorney; George Bornemann, CTA; Diane Rankin, Public; Roy Rankin, Public; Carol Goosey, Tennis Assoc.; Larry Teeter, Tennis Assoc.; Raea Morris, Administrative Assistant/Minutes Clerk

Public Comment

ACTION ITEMS

Discussion/Decision on In Kind Work for the Completion of Tennis Courts with Tennis Association: Carol Goosey, Tennis Association; reported that the tennis court project was brought to the commission approximately three years ago to ask for help, since then two courts on the north side of Sacajawea park have been completed as well as the middle school courts. The tennis association appreciates the county allowing the materials to be dumped at the landfill. All that is left of that project are the four courts at Sacajawea. Larry Teeter, Tennis association; states they have been talking to Shannan Holmes, City Public Works and the city will be doing the excavation of the old asphalt in which is approximately 220 foot wide by 228 feet long and 4 inch deep to be removed.

We would like to ask if the county would aid in some in kind help with a driver and dump truck to aid in hauling the material sometime in January, February or March. Commissioner Tinsley told Carol Goosey that at the time when the county is needed for help just give Parks Frady, Public Works a call and let him know. Commissioner Malone made the motion to provide in kind work to the Tennis Association by hauling materials to the landfill for the Tennis court project. Commissioner Durgan seconded the motion. Motion passed.

Discussion/Decision on Gardiner Gateway Match Agreement Modification 2:

Parks Frady, Public Works; explained the match agreement modification for the Gardiner Gateway project indicates materials Park County will receive by Montana Department of Transportation by the date of 4/15/2015 in which Park County will receive all of the materials, at this time MDT will provide a credit of approximately \$124,000 dollars for that material to the project and that number will obviously change as we get an exact amount from MDT. Parks Frady said that there will also be an agreement drawn up for Brogan Sand and Gravel for a location to stockpile these materials. Commissioner Malone made a motion to accept the Match agreement Modification 2 for the Gardiner Gateway Project. Commissioner Durgan seconded the motion. Motion passed.

Discussion/Decision on Filling a Vacant Position in Treasurers Office:

Commissioner Tinsley; stated briefly that the treasurer's office had a person leave and having a vacancy come up in that office the commission had decided that they wanted to give a 60 day trial period to see if the position was really necessary to be refilled. Kevin Larkin stated that the person who left indicated that the position wasn't needed and there wasn't enough work to do in that office to keep everyone busy which Kevin Larkin disagrees with. Kevin Larkin asked the commission for their input on the trial period since the commission indicated they were going to monitor the hallway during this time. Commissioner Durgan stated he has been in the office and visited with the employees in his office from time to time when Kevin Larkin has been absent. Commissioner Tinsley stated that he has seen the hall ways and on only a couple of occasions where there were a few people out waiting in line in the hall and he has spoken to some of the folks and no one seemed to be upset over the wait. Commissioner Durgan stated that he too hasn't seen too long of lines in the hall however he knows Kevin has a great staff and figured he had it under control and take care of things efficiently and can pick up the slack where ever needed to. Commissioner Malone stated that the reason for the commission doing this was to reduce expenses and he feels in the times he has been in there that the staff is efficient in what they do and he has monitored the hall way as well. Commissioner Malone stated that he has gone into the Bozeman Courthouse and there are 20-30 people waiting in line there too, during these 60 days he has been in the office to license his own vehicle and staff is very efficient at what they do. Commissioner Malone also said he hasn't heard a complaint from the public either and their phone numbers are posted on the office door. Kevin Larkin stated that since January to yesterday his office has processed 19,618 renewals in just motor vehicle and each title has its own story and can take anywhere from 5 minutes to 15 minutes or more to process. Kevin Larkin also stated that there is more to do in his office besides motor vehicle, they also do tax assignments

and those take at least 10 minutes to do. Kevin Larkin stated he doesn't feel in a time of finding places to cut he feels that this position isn't one to be cut.

Commissioner Malone said the commission would be okay with getting a temporary person for times when it's needed for emergency, but it appears the office is doing well currently without another full time person. Kevin Larkin argued that his office is in need of this position and that it's a needed position, he doesn't come to the commission unless it's something he needs. Commissioner Durgan asked if it would be an alternative to hiring a part time position and Kevin Larkin stated no because it requires someone learning motor vehicle and the Merlin system to be doing it every single day because of the daily changes. Commissioner Tinsley asked for a motion, twice. No motion was made, no motion seconded. No action was taken due to lack of motion.

Signing of a Letter to Forest Service regarding Six Mile Creek Road:

Commissioner Tinsley stated this letter wasn't decided on during a previous commission meeting at that time it was tasked for Mike Inman, Planner to look at the letter and change some wording to put a nicer phase on it. Commissioner Durgan stated that he agreed to have the letter changed in order to come out on a more positive aspect rather than a negative one. Mike Inman stated that the approach he took was not to take away from Commissioner Malone's comments he just felt like the letter could serve as a challenge for the Forest Service to do better instead of just stating what they did wrong based on some of the feedback the commission have got from discussions. Moving forward it might be an opportunity to work together and do better. Commissioner Malone stated there were a few things in the letter he felt needed to remain in the letter and he understands that there was some wording that could be changed in order to keep a positive working relationship with the Forest Service since Park County has current projects we are working on with them. Commissioner Malone said that he would like to see the part about local timber people added back in because they were not considered, there is timber being shipped from Canada but our local timber companies aren't allowed to cut above Six Mile Creek, Commissioner Malone finds that unacceptable. Commissioner Durgan agreed to that statement and said that was a fact. Commissioner Malone made a motion to sign the letter with the changes in regards to the timber companies being added back in, also the statement that harvesting timber wasn't economical however none of our local companies were contacted. Commissioner Durgan seconded the motion. Motion passed.

11:00 a.m. - Discussion/Decision on Gardiner 4th Street South Road Abandonment:

George Bornemann, CTA; stated that Diane and Roy have petitioned a portion of 4th Street to be abandoned before, they had known that when they bought the property there was a shed on their side in the middle of the county right of way. When it was petitioned the first time the commissioner weren't interested in vacating it at that time. Now it comes up with the Gardiner Gateway Project and constructing the drainage out fall structure right now we are pushed between a small area between the shed and the Grady's property line is originating and our outfall structure is really squeezed in there and is not the ideal situation. The Rankins have petitioned again to have half of that right of way vacated, if they can get half of that right of way vacated we can take that shed down and they can build a new garage to take its place and the county can move the new drainage

structure away from the Grady's property. Commissioner Tinsley said it sounds like through doing this it clears a lot of things up and everyone knows where their property line is and that the garage would be on Rankin's property. Roy Rankin stated with the big Gardiner project they heard the concerns and thought they could approach the county with some alternatives and their biggest concerns were if they tore the shed down how they could build another one to replace it. The shed is a 20X22 foot structure and the way the property line goes if they were acquire or purchase 25 feet of that right of way we could reposition it to build a new one.

Commissioner Malone stated that he spoke with Ms. O'Grady and she doesn't like the proposal. The Rankins asked why and that she hasn't or won't talk to the Rankins about it, Commissioner Malone said she had plans for something on her property and doesn't like the idea of someone owning that close to her property and plan and she has been use to having the 50 or 60 foot easement she's had. They way it is now the shed is 10 or 15 feet from her property now if it's taken out and rebuilt it will be 15 feet further away from her property than it is now giving more space. The original offer which was also turned down was that the county has a small utility easement for that storm drain system and she didn't want that either.

Parks Frady, Public Works briefly spoke about the timeline and when he got involved back in October 2012 when the project got under way and the first public meeting was held at the school there was about 90 people in attendance. A few of the major issue that came up was drainage issues in town and pedestrian vehicular safety. The next public meeting October 30, 2012 they presented a series of alternatives along with some methods of conveyance of what this out fall structure does and methods of infiltration or dry wells being placed on Park County properties. Along with this we also made provisions for storage on Park County property as part of the easements so this is how this drainage system has come to be what it is today with all three elements being implemented the fall out structure is something we are going to need to have in some way shape or form. December 2012 they presented all of these options again in a public meeting in Gardiner and this alignment and fall out was presented again at that time. Commissioner Malone stated in his opinion he doesn't feel like this road abandonment is necessary.

Commissioner Tinsley made the motion to approve the Gardiner 4th Street South Road Abandonment as proposed. Commissioner Durgan seconded the motion. Commissioner Malone opposed the motion. Motion passed.

1:00 p.m. - Personnel Meeting (Subject to be closed):

@ 1:00 p.m., the meeting opened in the Commission Chambers

Attendance: Commissioner Malone, Commissioner Tinsley; Commissioner Durgan; Shannan Piccolo, Civil Deputy Attorney; Nels Swandal, County Attorney; Jill Ouellette, HR; Raea Morris, Administrative Asst/Minutes clerk

Shannan Piccolo decided to keep the meeting open to the public and a wage increase was discussed. County Attorney Nels Swandal recommended Civil Deputy Attorney, Shannan Piccolo, is paid the same amount as the other deputy in the County Attorney's Office. Commissioner Tinsley noted for the record that he request for a wage increase came from County Attorney Swandal a few months ago, but the commission had not taken any action on it.

Commissioner Tinsley made the motion to increase Ms. Piccolo's wage to that of the other deputy and to apply this wage retroactively. Commissioner Malone seconded the motion. Motion passed.

@ 1:25 p.m., the meeting adjourned.

PUBLIC HEARINGS / ORDINANCES / RESOLUTIONS:

Public Hearing to Review, Consider and Determine Material changes to Buena Vista Major Subdivision Final Plat: Mike Inman, Planner gave an explanation to the Buena Vista Major subdivision Amended Final Plat Proposal. We have Pat Harlin from Six Point LLC here today as well as their legal representative Jennifer Farve. Buena Vista was approved back in the 1990's by Robert Planoff, Buena Vista Subdivision is off of Brackett Creek Road and they are all 20 acre parcels. This is the second time the homeowners association has asked to amend the subdivisions final plat prior to this they had restrictive covenants that didn't allow for livestock, and modified that to allow for livestock in the covenants. What the proposal is today is to modify the restrictive covenants in which each lot is to be used as a single family residential, to allow for lot 4 to be used for single family residential and commercial in the form of housing guests and association related to an out fitting business. So the covenant they are proposing will allow for lot 4 only for Six Point LLC which is fishing, hunting outfitting business and they would operate in Shields Valley and Crazy Mountains as well as the Bangtail Range. Given the limited availability of housing and accommodations in the area they would be able to establish their own accommodations to their guests in this particular location. Because it is a change from residential to commercial use it constitutes material change and requires us to go back through the process. As far as access they would provide a road approach off of Brackett Creek Road rather than the initial subdivision road this would limit impacts caused by additional traffic on the internal subdivision road. The site plan would have about 8 bedrooms, and about 5,000 square foot house with accommodations to house 8-10 individuals per night and no limitation on use however it would coincide with the fishing and hunting season. The county is reviewing a change in use as applied to Lot 4 and the impacts this change in use will have. The County lacks the authority to restrict the change of use and require that the use convert back to single family residence upon the selling of Lot 4. So if the applicants themselves wanted to limit the future use then that would be up to the homeowners association to impose such a restrictive covenant. The only other issue that has come up with the Planning and Development board is a covenant required to have commercial structures provide self suppression fire sprinkler systems in them, the point in this covenant was to identify if the structure was indeed classified as commercial by the state then they would be required to have fire suppression sprinkler systems. This doesn't mean what Six Point is proposing is a commercial structure but commercial use. The determination of whether the proposal is a commercial use will depend upon the number of guest per year and which type of water and sanitation permit is required and the applicants will meet with Barbara Woodbury, Environmental Health to make this determination. Barbara Woodbury is either going to require that they contact the state to get a state building permit or not. If they have to get a state building permit they will required most likely to put in the fires suppression system but we aren't requiring that as part of the regulations it's only based on if applicable. When we get to the conditions we can modify the language to make sure it's

clear that when they go get approval from the sanitarian if it's not required to go through the state and receive a building permit then that covenant would not apply. The commission will go through the findings and conditions either one at a time or combining sections but to make sure that the commissioners have read through the findings and conditions and then moving to approve as stated or as modified by the board.

Commissioner Malone made the motion to accept the findings of fact and conditions set forth in sections 1-6. Commissioner Durgan seconded the motion.

Ms. Farve provided the modified covenant language for Section 7c of the findings of fact and conditions set forth in section 7c. Shannan Piccolo stated, for the record that if the proposal does constitute a commercial building and fire sprinklers are not required the subdivision already has a pond in it and restrictive covenants for that so there already is fire suppression mechanisms out there.

Commissioner Malone made a motion to accept the findings of fact and conditions set forth in section 7 as amended, Commissioner Durgan seconded the motion.

Commissioner Malone made the motion to accept the findings of fact and conditions set forth in section 8-13. Commissioner Durgan seconded the motion.

Mike Inman said that one of the things that they are being required to do from the supreme court down is to make sure you identify that you have read and addressed any public comments. Commissioner Tinsley stated for the record that he has heard all public comments concerning the amendment subdivision and the findings of fact and condition mitigate the applicable public comments. Commissioner Malone moved to approve the amended subdivision and amended by the Commission. Commissioner Durgan seconded the motion. Motion passed.

Department Updates

Greg Coleman, DES reported on his department projects and things he has going on with DES and Emergency management.

Update on Current County Projects

County staff provided updates of activities on the following projects:

Gardiner Gateway Project

Park County Pedestrian Path Extension Project

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 September 29th:

Ed Meece	Drop Off - Request for utility extension
Hub Intl	Drop Off - Certificate of Liability
Martha Miller	Drop off - Examination of books for Public administrator
Rob Gilmore	Email - EDD money and park co letter
Marty Malone	Email - Osh Kosh specs

Commissioner's Updates

Commissioner Malone stated that Erica Hoffman, IT said that the county will need to authorize the purchase a laptop that can be assigned to Miral Gambradt, CIP Contractor in order to do the CIP/Budget work assigned by contract. Currently his computer will not work with our computer system to do the contracted work he was assigned.

Commissioner Malone also stated that he will be at a meeting in Big Timber on Wednesday for Montana Water issues.

Commissioner Durgan had nothing to report.

Commissioner Tinsley stated that he would be in Gardiner for a meeting Wednesday.

Review of Minutes for the Week of September 22, 2014:

Commissioner Tinsley moved to approve the minutes as written.

Commissioner Durgan seconded the motion. Motion passed.

Park County Board Updates/Recommendations

Nothing at this time

Park County Board/Committee Meetings:

5:30 p.m. – Museum Board @ Yellowstone Gateway Museum, Livingston MT

Adjournment: 11:55 a.m.

October 1, 2014

No Commission Meetings Scheduled, no minutes.

9:00 a.m. – Claims Review in Commission Chambers

7:00 p.m. - Commissioner Malone @ Montana State Water Plan 2015 Public Hearing - Big Timber Public Library

Park County Board/Committee Meetings:

2:30 p.m. – Parks and Recreation Board – East Room

October 2, 2014

Opening of Meeting: 9:03 a.m.; County Commission Chambers

Attendance: Commissioner Tinsley; Commissioner Durgan; Commissioner Malone; Shannan Piccolo, County Deputy Attorney; Katrina Hecimovic, Gardiner Gateway Project; Bill Berg, Greater Gardiner Community Council member; Dennis McIntosh, Greater Gardiner Community Council; Jill Ouellette, Human Resource; Raea Morris, Admin. Asst/minutes clerk

ACTION ITEMS

Discussion and Consideration on Park County Funding Northern Rocky Mountain Economic Development District \$15,000 for 2014-15: (Cancelled until further notice)

Signing of a Letter of Support for Rock Creek Road Improvements RAC Application:

The letter for support was under deadline to be turned in and was signed last week; this meeting was scheduled to take care of the administrative aspect.

Commissioner Malone made a motion to sign the letter of support for Rock Creek Road improvements on RAC application. Commissioner Durgan seconded the motion. Motion passed.

11:00 a.m. - Personnel Meeting (Subject to be Closed):

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

This meeting adjourned at 11:34 a.m.

Department Updates

Gardiner Gateway Project Update

New Depot Building Update – Greater Gardiner Community Council:

Bill Berg, GGCC and Katrina Hecimovic, Gardiner Gateway Project; gave an update on the Gardiner Gateway Project and March 1st marking the Anniversary of Yellowstone National Park turning 143 years old and hopeful that the groundbreaking for Gardiner Gateway project will take place sometime around March 2nd 2015 when the notice to proceed goes out to the contractor. Shannan Piccolo, Civil Deputy Attorney; Stated that something the county should be thinking about is how the construction is going to impact Arch Park and special events that take place there every year. Commissioner Tinsley stated that Arch Park just wouldn't be available to book special events for the next year or so. Dennis McIntosh mentioned that it probably wouldn't be a bad idea just to say it won't be available for the next couple years approximately until August 2016 for special events. Commissioner Tinsley mentioned that it would be costly to have to hold back construction to hold an event at the park; we don't want to do that. Shannan Piccolo

stated that the commission should schedule a meeting to make a decision on closing the park to special events. Dennis McIntosh mentioned that Arch Park will most likely be used as a staging place for the construction of the project; Shannan said that then the county most definitely doesn't want the public in the area for safety reasons. Bill Berg talked about the New Depot Building and mentioned that they received a 1.5 million dollar challenge grant for a new depot library and we know that there are some obstacles to making that dream come true which gives us other things to talk about and have discussions about. Bill Berg said they haven't given up on that yet and we know we have to work with you folks on that with some heart to heart conversations here in the short term. Commissioner Tinsley said that they have great support from the commission for all these projects. Bill Berg thanked the commission for the letter mailed to historical register for the Gardiner Jail, also the chamber applied for a trust fund grant in the amount of \$25,000 dollars to move the welcome center design forward and that they intend on moving into that new building by January which is very exciting. Gardiner Resort Tax first cycle is done as of September 30th so they need to get with Kevin Larkin, Treasurer, Shannan Piccolo who ever and figure out what the next steps are going to be. Shannan Piccolo said that she has put together an application for the creation of a five member committee. The members on the committee have to be from the Gardiner Resort Tax area and it needs to address if there may be a conflict of interest and what that conflict may be. The Gardiner Resort Tax committee will be the ones to review the applications, take public comment from the public on how they feel about the projects that are submitted, and whether they should or shouldn't be supported and put together a recommendation to the commissioners. The commissioners can then award the projects through that process. Shannan Piccolo said she will work on getting it published with the Enterprise and also put in the Gardiner newsletter. Commissioner Tinsley mentioned that getting the Gardiner Resort Tax implemented was a great achievement and he was a bit worried about it getting passing.

Public Works: Parks Frady was not available to provide a written report of activities in his departments today due to meetings in Gardiner.

PUBLIC HEARINGS / ORDINANCES / RESOLUTIONS

Nothing at this time

CONSENT ITEMS

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

Correspondence for September 30th included:

Shannan	Email - Agreements for Brogan Sand and Gravel and Bainter to Crush gravel
Tammy Brawn	Email - Library snippets
Jeri Stevens	Email - Notice of Parks board meeting date change
Tammy Brawn	Email - Library Board meeting change

Correspondence for October 1st included:

Liz Suniga	Email - IVEE Training
Miral Gamradt	Email - IVEE Training
Virginia Kelly	Email - Greater Yellowstone Federal Land Mgmt meeting
Mike Hedegaard	Email - NRMEDD newsletter
Pam Payovich	Email - City county agenda
Jessica Anderson	Email - State water plan
Denise Nelson	Email - Legal publication of Public hearing for Gardiner 4th St. second publication
Dann Babcox	Drop off - Public information request
Shannan Piccolo	Drop off - legal response to PIR

Commissioner Reports:

Commissioner Malone reported on his attendance to the State Water Plan meeting in Big Timber and he felt the meeting sparse attendance and poorly ran, there was no public comment period. The language in the plan was very anti storage, however it was stated in the meeting that they like water storage. If you read the plan, dams are expensive to maintain and build, Insurance requirements are high and it goes on and on. It should be interesting to see how the legislature feels about this.

Commissioner Durgan reported that the grader still hasn't shown up on Yellowstone Trail west side of the river.

Commissioner Tinsley reported on the meeting he attended in Gardiner, he felt it was very impressive and a lot of details to go through, well attended and is impressed with the people who are representing the project; they are doing a great job.

Park County Board/Committee Meetings:

3:00 p.m. - Testers Outreach Session - East Room

Adjournment: 10:10 a.m.

October 3, 2014

No Commission Meetings Scheduled

Voided Checks

Payroll #: 49692

Claims #: 81212, 81213

Clint Tinsley
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana