

Park County Commission Meeting Minutes  
Week of April 5 - 9, 2010  
Park County, Montana

April 5, 2010

8:30 A.M. – Review Daily Correspondence and Agenda – Canceled due to commissioner scheduling issues

8:30 A.M. – Burton K Wheeler Conference “The Next Economy” – Bozeman, MT

9:30 A.M. – Review of Minutes for Week of March 22, 2010 – Commissioners Chambers – Rescheduled due to commissioner scheduling issues

12:00 P.M. – Community Network Meeting – Livingston – Commissioner Durgan attended

April 6, 2010

Review of Daily Correspondence and Agenda

@8:33:46 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo re. Livingston Ice Skating Association
- Memo re. Madsen Family Transfer meeting transcription
- Memo re. April 14 Board of Health meeting - To Commissioner Taylor for review
- Citizen public information request
- Memo from MACo re. release of local and historic grant funds and HB 645 funds
- Legal advice to Commission from civil deputy county attorney
- Memo from Human Resources re. MACo job safety analysis training in Helena

@8:58:52 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

April 6, 2010

County Road Updates

@9:03:32 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were

Shannan Piccolo, civil deputy county attorney; Ed Hillman, road supervisor; Lani Hartung, finance; Martha Miller, auditor; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss county road issues.

The Commission and Road Supervisor Ed Hillman discussed supervision of road crewman work efforts, issues with gravel specifications, road shop telephone issues, and leave request protocol. Finance Director Lani Hartung provided the Commission and Hillman with end-of-month road and bridge funds status reports for review.

@9:53:19 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

April 6, 2010

Human Resources Updates

@10:03:58 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Jill Ouellette, human resources; Ed Hillman, road supervisor; Martha Miller, auditor; and Commission Minutes Clerk John Mueller. No public comment made.

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

Human Resources Analyst Jill Ouellette explained employee leave request protocol for departments and HR requirements of periodic audits of that protocol.

Ouellette provided the Commission with sheriff's deputy longevity forms, employee change of status forms for seasonal weed employees, two carryover vacation requests, an Angel Line driver performance appraisal, and elected officials employee performance appraisals for signature. Ouellette said the Angel Line bus drivers will be attending Passenger Assistance Service and Safety training and a Family Heritage representative will be in the courthouse to discuss insurance options with employees. The Commission said Ouellette can use her discretion in handling sheriff's office longevity pay protocol.

Ouellette said she addressed a use-or-lose employee leave issue, worked on a wage and hour issue, attended a training for medical marijuana, submitted a job abandonment letter, conducted exit interviews, attended a road department staff meeting, and conducted an employee appraisal with Road Supervisor Ed Hillman.

@10:50:39 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

April 6, 2010

Appointing of Applicant to the Local Advisory Committee

@11:15:15 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to appoint an applicant to the Local Advisory Committee.

Commissioner Malone said one application was submitted for one open committee seat by Citizen Cheryl Horvath.

Commissioner Taylor made a motion to accept Cheryl Horvath on the Local Advisory Committee board. Commissioner Durgan seconded that motion. Motion passed.

@11:16:37 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

April 6, 2010

11:00 A.M. – Discussion of Gardiner Sidewalk Project with Community Development Director – Commissioners Chambers – Postponed to 4-7-10 @ 1:00 p.m.

1:30 P.M. – Construction Progress Meeting Regarding Senior Center Rehabilitation Project – Livingston Senior Center – Commissioner Taylor attended

April 6, 2010

Fuel Tax Map Meeting

@3:00 p.m., Chairman Malone called a meeting to order in the Community Room of the City/County Complex. Commissioners Durgan and Malone were present. Also present were Ed Hillman, road; Erica Hoffman, GIS; Jerry Stevens, community development; and Wade Estes, citizen. No public comment made.

The meeting was scheduled to determine annual certification of county roadway mileage from a fuel tax map.

Commissioner Malone said the state of Montana states Park County has 930.363 miles of off-system roads and 53.456 miles of secondary, urban roads from which the county receives gas taxes. The Commission, Road Supervisor Ed Hillman, and Erica Hoffman, GIS, reviewed country roadways on existing gas tax maps.

Commissioner Durgan made a motion to sign the yearly certification of 930.36 miles of off-system roads and 53.45 secondary, urban roads for a total of 983.8 roadway mileage from the Montana Department of Transportation. Commissioner Malone seconded that motion. Motion passed.

@3:07:26 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

April 6, 2010  
City/County Meeting

@4:00 p.m., City Commissioner Rick VanAken called a meeting to order in the Community Room of the City/County Complex. County Commissioners Jim Durgan, Marty Malone and Randy Taylor were present. City Commissioner Rick VanAken was present. Also present were Shannan Piccolo, civil deputy county attorney; Robyn Keyes, city of Livingston; Jacquie Nelson, Park Conservation District; Paul Shea, interim museum director; David Haug, Livingston Ditch Association/Park Conservation District; Bob Ludwick, Roscoe Steel; and Russ Anderson, Morrison-Maeirle Engineering.

City Commissioner Rick VanAken opened the floor to public comment. None made.

Extra Recycling Container Invoice: Commissioner Taylor said the county forwarded an extra recycling container invoice from the city to the county transfer station manager, which will be paid upon monthly reconciliations between the city and county finance directors.

County Update on Library Mills/Tax Revenues: Commissioner Malone said the county needs to relook at the agreement with the city about library mills because it is very vague. Malone said the county commissioners at the time the agreement was written stated the mills were a flat fee. Malone advised VanAken to have City Manager Ed Meece contact the county finance director about the issue.

Livingston Ditch near Yellowstone Gateway Museum: Jacquie Nelson of the Park Conservation District said the district is looking at renewable resources funding opportunities and project sites through the Montana Department of Natural Resources. Nelson said Morrison-Maeirle Engineering was hired to conduct a water efficiency conservation study and will submit a grant to the DNRC for up to \$100,000. Nelson said the ditch behind the museum is a problem site and area of concern, and the district is asking for support on the project from the city and county.

David Haug, Livingston Ditch Association, provided a history of the Livingston Ditch and details on ditch problem areas, of which the top priority is a stretch of seepage in the ditch behind the Yellowstone Gateway Museum. Haug said leakage in the canyon may be a greater concern for DNRC due to the amount of water leaking there, but the association would like cooperation from the city and county in the form of in-kind contribution or equipment to facilitate the DNRC grant to address the YGM priority area.

Russ Anderson of Morrison-Maeirle Engineering explained the specifics of the DNRC Renewable Resources grant program application process and the benefits of having support in receiving grant funds. There was discussion about public health and safety

issues with potential ditch failure in Livingston and possibly installing a septic pipe below the ditch near the YGM to catch leaking water. Interim Museum Director Paul Shea provided a visual of museum buildings with foundation water leaks and said he has some funds to mitigate immediate water issues behind the museum building.

Haug asked if the city and county could make a decision soon in the form of a memorandum of understanding of in-kind support the city and county can provide to bolster the grant application. VanAken said he will talk with Meece about the matter.

No additional public comment made.

The next meeting is scheduled for May 4, 2010, at 4:00 p.m. in the Community Room

@5:17 p.m., the meeting adjourned.

April 7, 2010

Review of Daily Correspondence and Agenda

@8:33:32 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo re. Western Mental Health Center county contributions - To Commissioner Taylor for review
- Citizen memo re. Crevice Road near Jardine
- Memo from HR re. PERS meeting
- Memo re. Livingston Ditch
- Citizen memo re. county park on 9<sup>th</sup> Street Island - To file
- Memo re. asbestos in Gardiner building
- Memo re. petroleum tank - To Commissioner Malone for review
- Memo from MDT re. parking along U.S. 89 in Gardiner
- Confidential legal advice to Commission from civil deputy county attorney
- Citizen memo re. improvements to Yellowstone National Park road in Gardiner
- Memo from Surveyor Hank Rate re. Gardiner Sewer District easements
- Memo re. April 16 Water Policy Interim Committee meeting in Helena

@9:00:48 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

April 7, 2010

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

April 7, 2010

Opening of Weed Chemical Bids

@9:34:48 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Clay Williams, weed/junk vehicle; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to open weed chemical bids.

Commissioner Malone opened four sealed bids from weed chemical vendors submitted to the county clerk and recorder's office prior to the bid deadline. Bids were submitted by Yellowstone Air Service with a total bid of \$13,686; Mountain View Co-op with a total bid of \$18,470; Shields Valley Grain with a total bid of \$13,036; and Stu's Chemical with a total bid of \$12,797.50.

The Commission presented the bids to the civil deputy county attorney for review, and said a bid award meeting will take place after that review on April 9.

@9:51:57 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

April 7, 2010

Consider a Decision of City Taking Possession of Booking the West Room

@10:09:12 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Raea Morris, executive assistant; Shannan Piccolo, civil deputy county attorney; Denise Nelson, clerk and recorder; Philip Fletcher, community development; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a decision for the city of Livingston to take possession of West Room booking.

Commission Executive Assistant Raea Morris said her concern with the city taking over booking responsibilities of the West Room would be three separate entities scheduling use of courthouse conference rooms. Morris said she suggests one person schedule for all rooms and have a paper trail of scheduling.

Commissioner Taylor made a motion to have Morris schedule use of the three meeting rooms and everyone will schedule through her. Commissioner Durgan seconded that motion. Motion passed.

There was discussion about changing a resolution to clarify use of the Community Room.

@10:17:53 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

April 7, 2010

Discussion of Loss Control

@10:33:27 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Dan Gutebier, Scott Rogers and Mike Taylor of Taylor-Leavitt Insurance; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss county loss control issues.

Scott Rogers and Mike Taylor of Taylor-Leavitt Insurance introduced themselves as members of the recently merged Taylor-Leavitt Insurance firm. Commissioner Malone said he would like a defensive driving course for employees who use motor pool vehicles. Rogers said Taylor-Leavitt has a fleet management program it can introduce to the county. There was discussion about conducting more department walk-through inspections. Rogers said many resources exist to provide Park County with necessary trainings and he has a good rapport with various local trainers. Rogers said he is also a one of three registered industrial hygienists in the state of Montana.

@11:26:59 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

April 7, 2010

Discussion of Gardiner Sidewalk Project

@1:04:34 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Philip Fletcher, community development; Shannan Piccolo, civil deputy county attorney; Kathy Kelleher, Nittany Grantworks; Joseph Gross, citizen; Mickal McNulty, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss a Gardiner Sidewalk Project.

Community Development Director Philip Fletcher said the Gardiner Sidewalk Project is at a point it needs to move forward in some sort of systematic way or the county will lose money and credibility with grant funders. Fletcher said the Commission needs to either make a decision under the existing knowledge and facts to defer the project until a county capital improvement project is formulated, go with the lowest-cost option, kill the project, or determine what additional information needs to be gathered in order to make a decision on the project.

Citizen Mike McNulty said he is in favor of the county using the entire county right-of-way on Stone Street. McNulty said the county is trying to satisfy two people who bought property knowing where their property boundaries were and built into the right of way, when the big discussion is about a public sidewalk for all people. He said the county has a 60-foot right-of-way and not being able to build a two-way road with a public sidewalk sounds a little ridiculous to him.

Fletcher said in his opinion the best way to get the project in and address public health and safety issues is to consider a one-way street on Stone Street. Fletcher said debating the project further will not accomplish safety of the children, which is the primary goal of the project.

Commissioner Malone said no one from Gardiner has come to him asking when the Commission will build the sidewalk, and he has asked the superintendent for funds three times with no success. Malone said he has yet to see anyone walking down Stone Street in 14 months, and another thing that disturbed him is it was never said health and safety was being compromised by kids walking to school in Gardiner. Malone said to him the county does not have the funds and has a bridge at 9<sup>th</sup> Street that isn't there. He said his personal thought is the Stone Street proposal is way too expensive socially and financially.

The Commission said it will look at other sidewalk route options and Commissioner Malone will be in Gardiner on April 30 to view the route options. Kathy Kellerher of Nittany Grantworks said she will call the state funders today to fill them in on the project's status.

@1:50:21 p.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

April 7, 2010

Continuation of Discussion and Decision on Madsen Family Transfer

@1:52:49 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Philip Fletcher and Mike Inman, community development department; Citizens Mardi Dunn Madsen, Lynn Madsen, Colleen Strong and Don Strong; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to continue discussion and make a decision on a Madsen Family Transfer Exemption Application.

Citizen Mardi Dunn Madsen said the family transfer would leave 40 acres to her husband Lynn Madsen, 20 acres to her daughter, and she would hold 20 acres for her son. Commissioner Malone asked whether the Madsens are willing to put the parcel to be transferred to Madsen's son into a trust. Madsen said "no," and asked why she would do

that. Malone said a trust is one way to ensure the county the parcel will not be sold immediately and would show Madsen is not trying to evade the Montana Subdivision and Platting Act, which the Commission must determine for family transfer exemption applications. Madsen said a trust would be one more legal expense and she thinks they have spent enough money. Lynn Madsen also said “no.” Mardi Dunn Madsen said enough money has been spent in referencing a trust, she is not sure her son is interested in the land, he may not be the individual that gets the land, so she does not want to set it up in a trust for him.

Commissioner Durgan said in reading through the various staff reports, it seems to him the preponderance of comments he reads is the fact just recently the Madsens wanted to do a family conveyance, recognizing there were changes in regulations during an effort to subdivide that did not work. Durgan said it was brought up before on record it may be necessary for the Madsens to sell the property. He said he is not here to say whether or not the Madsens can sell the property, but there has to be a timeframe, which is why he thinks Malone talked about the possibility of a trust to ensure there is a timeframe to adhere to. Durgan said a trust of the son’s parcel would ensure there will be no violation of the timeframe so the county will not be part of setting precedence, which it does not want to do.

Lynn Madsen said he and his wife have been battling this issue for four years, and everything they have done on the property has been at the suggestion of an official at Park County, including the road construction and land subdivision. He said every time they have done something on the property it has cost them more money, and if they are going to do anything, it will probably be what they do and not at the suggestion of Park County. Madsen said the process has cost them four years and nearly \$20,000 doing everything asked of them by Park County, plus thousands of dollars from missing work to attend meetings about the road issue. He said the Madsens need an answer now and need to leave their options open, because one day they would like to retire and may have to sell the property to retire. Madsen said he and his wife have never petitioned Meredith Ranch Road to be a county road and asked where the gain would be to do that. Mardi Dunn Madsen said the landowners along the road want the Madsens to compensate them for their easements if that effort were made.

Senior Planner/Subdivision Administrator Mike Inman said the Madsens submitted a family transfer proposal that was denied by both the planning department and the attorney’s office in a preliminary determination. Inman said based on the evidence on file and record, the community development department must look at the surrounding circumstances of why a family transfer is being sought. Inman said the Madsen’s subdivision proposal in 2007 included an 80-acre parcel, and a second 80-acre parcel split into three tracts of land. He said the family transfer exemption application looks just like that 80-acre parcel split into three tracts of land, and the onus is on the applicants to show they are not attempting to avoid going through subdivision review for whatever reason. Mardi Dunn Madsen said her professional planner did not put anything in the subdivision application stating intent to gift the property to their children. Madsen said she verbally told Former Planner Mike Spencer about that intent in a pre-application meeting.

Civil Deputy County Attorney Shannan Piccolo said she proposed the option of a trust as a compromise effort and way to make sure the son does not go off and sell the parcel after Madsen said she wanted to give a parcel to her son who was too young to receive it. Piccolo said the trust could show Madsen's intent to gift the properties since there is no documentation of such in the record or subdivision application.

Commissioner Durgan said he feels like the Commission has not heard anything to the contrary that would indicate the Commission should reject the recommendation of the planning board and planning staff; thinks the board and staff have done due diligence and feels like the Commission offered a solution that would give the Commission assurance the parcel would be held in trust for a sufficient time period to meet the letter of the law, and if the Commission does not meet the letter of the law, it sets a precedent for the next person who asks why they do not get special treatment. Durgan said he hates to be hardnosed about it, but the county gets nailed every time they turn around when they try to make a special consideration. Durgan said regulations in front of the Commission and statutes it has to work with are the only thing the Commission has to stand on.

Commissioner Durgan made a motion to take the recommendation of the planning department and staff and deny the family transfer application. Commissioner Taylor seconded that motion. Motion passed. Commissioner Malone voted in opposition to the motion.

@2:14:53 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

#### April 7, 2010

3:00 P.M. – Parks and Recreation Board Meeting – West Room – Meeting minutes available at [www.parkcounty.org](http://www.parkcounty.org) and in the Community Development Department

#### April 8, 2010

9:00 A.M. – Agency on Aging Meeting – Three Forks, MT – Commissioner Taylor attended

9:00 A.M. – Safety Meeting – Commissioners Chambers

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

#### April 8, 2010

##### Review of Daily Correspondence and Agenda

@10:29:21 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present was Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo from finance director re. telephone directory listing changes
- Memo from MACo re. COLA increases
- Memo from Nittany Grantworks re. FEMA legal advertisement
- Memo from HR re. 2003 revised maintenance supervisor job description
- Two memos re. legal advice to Commission from civil deputy county attorney
- Memo from Nittany Grantworks re. 9<sup>th</sup> Street Bridge letter
- Memo from executive assistant re. landfill operating time change sign
- Memo from community development coordinator re. Yellowstone View Condominiums engineer selection
- Commission postage log
- MDT Newslite newsletter
- Source Magazine

@10:36:12 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

April 8, 2010

Continuation of Decision of Engineer for Yellowstone View Condominium Project

@1:32:29 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Philip Fletcher and Mike Inman, community development; Bob Jovick, attorney; William Smith, engineer; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to continue a decision of an engineer for a Yellowstone View Condominium project.

Commissioner Malone said Community Development Director Philip Fletcher provided a memorandum of findings of facts he felt were relevant to selecting an engineer for the Yellowstone View Condominium project. Fletcher said he suggests the decision on the engineer be made by firm and not by individuals, as in his opinion, both firms presented by the county and applicant are highly qualified to do the necessary work and experience to address the basic components required on this project. Fletcher said the project is not complicated, which is the reasoning on which he based his opinion a PHD is not as significant in this situation as others.

Attorney Bob Jovick said he understood the process was selection of an engineer and not a firm and feels the Commission is changing criteria in mid stream from the most qualified geotechnical engineer to an engineering firm. Jovick said he does not agree the Commission can consider someone on a PHD level to someone at a Master's Degree level. Jovick said he thinks it will be less expense to his client to pay for Doug Chandler's Allied Engineering firm, and the county can rest assured Mr. Chandler and

Allied is a good choice per Fletcher's report. Engineer William Smith said a simple project does not require a PHD, but a PHD has the tools to use if the project becomes complicated. He said the project is not big enough to have more than one person working on the project and his client will incur more expense with more individuals involved in the project.

Commissioner Durgan said everyone is making much ado about something that, had it been done properly, no one would be here discussing this issue, as Jovick and Smith would have chosen their engineer and would have done this per their procedure. Durgan said the Commission is now trying to play pickup and cover its bases so someone does not come in in the future and point to problems created and expect the same treatment. Durgan said the Commission has to do something and he would expect a PHD is going to cost more than a master's degree-level engineer. Commissioner Malone said CTA Engineering recommended GeoScience, PLLP because CTA worked with GeoScience on a lot of slope stability issues in Yellowstone County, one of which was a house that no longer belonged to a developer but to a bank.

Commissioner Durgan made a motion the Commission go with the firm familiar with CTA Engineering, since the firms have worked on projects together, and accept one of the individuals or both from GeoScience. Commissioner Malone seconded that motion. Motion passed.

@2:01:49 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

April 8, 2010

3:00 P.M. – Discussion of Accounting for PERS – Commissioners Chambers – Canceled due to scheduling conflicts

April 8, 2010

Consider Amendment of Granite Enterprises Contract

@4:08:44 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present was Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider an amendment to a Granite Enterprises contract.

Commissioner Malone said the contract amendment request was made by Erica Hoffman, GIS, for Granite Enterprise to provide up to an additional two hours a day at the current contract rate of \$65 per hour through June 30, 2010.

Commissioner Durgan made a motion to accept the amendment to the Granite contract as presented. Commissioner Malone seconded that motion. Motion passed.

@4:10:07 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

April 9, 2010

Review of Daily Correspondence and Agenda

@8:32:14 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present was Commission Minutes Clerk John Mueller. No public comment made.

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

Correspondence included:

- Memo re. Yellowstone View Condominiums engineer selection
- Memo re. April 15 Planning Board meeting cancelation
- Memo re. April 13 ITAC meeting agenda

@8:39:49 a.m., the meeting adjourned.

April 9, 2010

Consider Decision for 9<sup>th</sup> Street Bridge PER and Funding Options

@9:32:23 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; Philip Fletcher, community development; Lani Hartung, finance; Martha Miller, auditor; Breanna Polacik, Nittany Grantworks; Dann Babcox and Chuck Donovan, PCRFD#1; Kevin Funk, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to consider a decision for a 9<sup>th</sup> Street Bridge Replacement Project Preliminary Engineering Report and funding options.

Community Development Director Philip Fletcher said he provided a memorandum about two decisions the Commission needs to make about the 9<sup>th</sup> Street Bridge Replacement Project.

Commissioner Taylor made a motion the Commission replace the 9<sup>th</sup> Street Island Bridge at its present site or close to the present site. Commissioner Durgan seconded that motion. Motion passed.

There was discussion about how the county would fund the estimated \$1.2 million 9<sup>th</sup> Street Island Bridge Replacement Project. Fletcher said he recommends the county use \$605,000 from congressional appropriations and the Commission obtain the remaining \$550,000 from shifting funds in the county road and bridge budget. Fletcher said it would be cheapest and most cost-effective to build the bridge this year. He said Treasure

State Endowment Program (TSEP) funds are speculative, as those grant funds may not be awarded, and the Federal Highway Administration said it will not approve the project with speculative funding. Finance Director Lani Hartung provided an explanation of funds transfer between road and bridge capital improvement program funds for Fiscal Year 2010 and expected budgets at the end of the fiscal year that would enable the county to finance the remainder funds needed for construction of the bridge replacement project this year.

Commissioner Durgan said he feels comfortable with using Payment in Lieu of Taxes (PILT) funds as a backup, but the Commission should make a concerted effort to get funding through the state because the PILT fund is the county's emergency fund.

Citizen Kevin Funk said he would like all proposed funding in written format on paper so the public can understand and easily reference the dollar figures being discussed. Funk asked whether a Rural Special Improvement District (RSID) was discussed with island residents, as it looks like the project will cost taxpayers a considerable amount of money and it would be nice if the citizens affected would pay their share of the project. Malone said he approached that subject at last Thursday's public meeting. Civil Deputy County Attorney Shannan Piccolo said it is up to landowners to create an RSID. There was discussion about a Federal Emergency Management Agency island buyout program.

Dann Babcox of Park County Rural Fire District #1 said there is zero chance of saving a house on 9<sup>th</sup> Street Island that caught on fire with the Bailey bridge in place. Babcox said the county should look long term at finding a way for another access onto the island as an emergency route in case the bridge ever fails again. He said grant funds may be available from a public health and safety standpoint and the one-way in/one-way out issue is something the Fed is very aware of.

Commissioner Taylor made a motion the Commission expend and accept finances as presented: \$608,000 from the Federal Highway Association; \$120,000 from House Bill 645; \$140,000 from the county bridge fund and \$140,000 from the county PILT fund, hoping to reduce the numbers by \$80,000 with county work on the bridge project. Commissioner Durgan seconded that motion. Motion passed.

There was discussion about Nittany Grantworks completing a TSEP grant application by April 15 as backup project funds. Breanna Polacik of Nittany Grantworks said \$950 remains on Nittany's contract for completing that grant. She said the county paying for the project may undermine the county's chances of getting the \$550,000 TSEP construction funds because all public meeting minutes must be included in the grant application and the county stated it has the funds now to complete the project. Polacik said the construction funds would not be available for construction until 2011, and the county would not be able to use those funds as matching money if it starts the project in advance of that date.

Commissioner Durgan made a motion to finance the completion of the TSEP application for \$950. Commissioner Taylor seconded that motion. Motion passed.

@10:35:24 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

April 9, 2010

Awarding of Weed Chemical Bids

@10:43:21 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Clay Williams, weed/junk vehicle; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to award a weed chemical bid.

Commissioner Durgan said Agtech/Stu's Chemical is the apparent low bidder.

Commissioner Durgan made a motion to accept the bid from Stu's Chemical for \$12,797.50. Commissioner Taylor seconded that motion. Motion passed.

@10:45:54 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

April 9, 2010

Review of Minutes for Weeks of March 22 and 29, 2010

@10:49:14 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to review and approval Commission meeting minutes for the Weeks of March 22 and 29, 2010.

Reviewing meeting minutes for the Week of March 22, 2010, Commissioner Durgan requested a revision to Page 4 of 10; fourth paragraph, the last sentence should read, "The Commission said it would check with Hillman on cleanup areas and report back to Fee." On Page 9 of 10; third paragraph, the second sentence should read, "McEwen scored the county's safety efforts accordingly."

Commissioner Taylor made a motion to accept the minutes for the Week of March 22. Commissioner Durgan seconded that motion. Motion passed.

Reviewing meeting minutes for the Week of March 29, Commissioner Malone requested a revision to Page 6 of 16; second paragraph, the second sentence should read, "Inman said that subdivision application was deemed insufficient due to subdivision regulations requiring physical and legal access, which could not be provided by Madsen because Meredith Ranch Road is privately owned."

Commissioner Durgan made a motion to accept the minutes as corrected for the Week of March 29. Commissioner Taylor seconded that motion. Motion passed.

@10:53:45 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

Marty Malone  
Chairman, Park County Commission  
Park County, Montana

Denise Nelson  
Clerk & Recorder  
Park County, Montana