

Park County Commission Meeting Minutes
Week of March 29 – April 2, 2010
Park County, Montana

March 29, 2010

Review Daily Correspondence and Agenda

@9:55:03 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone 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 from sanitarian re. certified pool operating training in Helena
- Memo from BLM re. prescribed burns
- Citizen memo re. tax interest waiver request
- Memo re. Montana Future Fisheries grant for Fleshman Creek project
- Memo from Allied Waste - To Commissioner Taylor for review
- Memo from MDT re. Mission Airport grant - To Commissioner Durgan for review
- Memo re. HOME grant calculations for Senior Center
- Memo from JSEC re. Business Expansion and Retention - To Commissioner Malone for review
- Memo re. Library Board Meeting agenda - To Durgan for review
- Memo re. April 1 Yellowstone Basin Watershed meeting
- Memo re. Yellowstone Community Trust meeting - To Malone for review
- Memo re. receipt of annual landfill update - To Taylor for review
- Memo from planning department re. March 31 Madsen family transfer

Commission Executive Assistant Raea Morris provided a schedule of Montana Clean's upcoming courthouse carpet cleaning schedule.

@10:05:36 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

March 22, 2010

9:30 A.M. – Review of Minutes for Week of March 15, 2010 – Commissioners Chambers – Canceled due to scheduling issues

March 29, 2010

Review of Upcoming Economic Development Grants

@10:05:54 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Philip Fletcher, community development; Shannan Piccolo, civil deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to review upcoming economic development grants.

Community Development Director Philip Fletcher said he recommends the county apply for three grants: a full \$40,000 capital improvement program grant due April 16, which requires a \$20,000 local match; a Federal Economic Development Administration grant for update of a county strategic economic development program, which the county may be able to match state funds to the federal funds; and a \$20,000 grant with a \$10,000 local match for countywide comprehensive business assessment and economic development. Fletcher said some grant funds may supplement Community Development Department salaries.

@10:25:41 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

March 29, 2010

Review and Decision of Reimbursement Grant for Television Board

@10:35:30 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Philip Fletcher, community development; Lani Hartung, finance; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to review and decide on a reimbursement grant for the television board.

Community Development Director Philip Fletcher provided the Commission with a grant application to reimburse the Paradise and Shields Valley TV District committees for funds they spent on upgrading a transmission tower. Fletcher said he needs to obtain invoice data before he can submit the grant.

Commissioner Durgan made a motion to authorize the signature of the document to reimburse the TV board. Commissioner Malone seconded that motion. Motion passed.

@10:42:05 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

March 29, 2010

Consideration of Tax Earmark for Park County Chemical Dependency

@11:35:46 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Jean McCauley, Southwest Chemical Dependency; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a tax earmark for a Park County Chemical Dependency program.

Jean McCauley of Southwest Chemical Dependency said the county provides tax earmark dollars each year to pay for Southwest Chemical Dependency crisis intervention services not covered by other contracts or funding sources.

Commissioner Durgan made a motion to sign the agreement to earmark liquor taxes from Park County for the DUI Taskforce. Commissioner Malone seconded that motion. Motion passed.

@11:45:02 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

March 29, 2010

Decision on Comment of Yellowstone Winter Use Plan

@1:38:26 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Allan Lutes, sheriff; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to discuss and comment on a Yellowstone Winter Use Plan.

The Commission reviewed a draft letter of Park County's recommendation to the National Park Service regarding winter, over-snow vehicle use in Yellowstone National Park.

Commissioner Durgan made a motion to accept the letter and recommendation from the county and submit it to the appropriate officials in Yellowstone National Park. Commissioner Malone seconded that motion. Motion passed.

@1:42:49 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

March 30, 2010

8:00 A.M. – Economic Affairs Committee Meeting – State Capital Building- Helena, MT

8:00 A.M. – Montana Association of Counties Road Supervisors Conference – Great Falls, MT – Commissioner Taylor attended

5:00 P.M. – Museum Board Meeting – Yellowstone Gateway Museum

March 31, 2010

8:00 A.M. – Montana Association of Counties Road Supervisors Conference – Great Falls, MT – Commissioner Taylor attended

March 31, 2010

Review of Daily Correspondence and Agenda

@9:20:42 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone 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. Commissioner Verizon cell phone bill
- Memo from MACo re. healthcare reform dates
- Memo from Nittany Grantworks re. Fleshman Creek project EA public notice
- Memo from MACo re. county loss ratio
- Memo re. April 1 and April 9 census awareness dates
- Memo re. LAC member application - To Commissioner Taylor for review
- Memo re. Public Perspective Newsletter
- Memo re. April Friends of the Library newsletter
- Memo re. Yellowstone Park native fishes public comment period
- Memo from county treasurer re. audit findings response
- Memo from Commission to citizen re. property taxes
- Citizen application re. Park County Rural Fire Board - To file
- Memo from MACo re. Secure Rural School Title II projects
- Memo re. April 20 Montana Community Development Corporation meeting
- Memo re. April 5 Community Network meeting
- Memo from MT DEQ re. energy efficiency block grant application award
- Memo re. floodplain certification for Barbara Woodbury
- Memo from Upper Yellowstone Snowmobile Club re. 2010-2011 road grooming agreement - To file

@9:33:50 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

March 31, 2010

Consider Engineer for Preliminary Engineering Report for Fairgrounds Sewer Project

@9:37:11 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Raea Morris, executive assistant; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to select an engineer to conduct a Preliminary Engineering Report (PER) for a proposed fairgrounds sewer project.

Sanitarian Barbara Woodbury said the Fleshman Creek Project has funding for a lift station and location of that lift station is flexible per contract. Brad Koenig of Robert Peccia and Associates and Scott Nelson of CTA Engineering said Park County could benefit from having the same engineering firm work on both the Fleshman Creek Restoration Project and the proposed fairgrounds sewer system project, but separate project contracts would be needed to ensure funds were not comingled.

Commissioner Durgan made a motion, based on comments today and recommendations received in past meetings, to accept Robert Peccia and Associates to conduct the fairgrounds sewer system project preliminary engineering report. Commissioner Malone seconded that motion. Motion passed.

@9:49:49 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

March 31, 2010

Consideration of the Madsen Family Transfer

@10:03:08 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Shannan Piccolo, civil deputy county attorney; Mike Inman, senior planner; Mardi Dunn Madsen and Lynn Madsen, citizens; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to consider a Madsen Family Transfer Exemption application.

Senior Planner Mike Inman said the Madsen Family Transfer Application is being reviewed under Chapter 5 of the *2009 Park County Subdivision Regulations*. Inman said the county attorney's office and health and planning departments reviewed the application, and the planning department and county attorney's office recommended denial of the application based on prior history of the tract in question.

Inman said the applicant, Mardi Dunn Madsen, is proposing to divide a parcel into three separate parcels. Inman provided a history of the parcels in question, which includes a Meredith Ranch Subdivision filing in August 2005; a pre-application meeting between

Former Park County Planner Mike Spencer, Colleen Strong and Mardi Dunn Madsen in 2006 requesting division of Certificate of Survey (COS) 2023 into two 80-acre parcels; attempt of a family transfer that was not possible due to statute and notification by the county that property must go through county subdivision review; a subsequent pre-application meeting on November 20, 2006, that took place with a Madsen Family representative to discuss new subdivision regulations that went into effect in October 2006; and a court-ordered division of the property in question into 50/50 ownership between Strong and Madsen.

Inman presented the Commission with a preliminary plat of the proposed subdivision submitted in 2007 showing Parcel B of COS 2023 divided into four parcels. 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. Inman said the current family transfer proposal basically finishes the partially completed subdivision through court ordered exemption, dividing Parcel B-1 of COS 2235 into three parcels, which are identical to parcels created when the preliminary plat application was submitted. Inman said such history of the property must be considered, and red flags of appearance of an attempt to evade the Montana Subdivision and Platting Act must be addressed.

Inman said he knows Planning Director Philip Fletcher recommended to the Madsens they look into the family transfer option when they were continuing to pursue the option to subdivide. Inman said an email from the Madsens states one of their goals was to sell a portion of the remaining parcels, which raised another red flag. He said the purpose of the family transfer exemption is to transfer land to family members and not to subdivide without going through subdivision review.

Citizen Mardi Dunn Madsen said she and her sister wanted to keep a portion of the former family ranch, which is why they subdivided the property per court order. She said she was not told the county subdivision regulations were changing on October 1, 2006, and those changes resulted in Meredith Ranch Road not being eligible for subdivision due to physical and legal access requirements. Madsen said Meredith Ranch Road was built to county specifications and to provide access to people buying property along that road. Madsen said her intent, and that of her sister Colleen Strong, has always been to give a portion of the land to their children through whatever means were available. She said she is not trying to evade anything. Madsen said she and her husband met with the Commission in May and August 2009 about Meredith Ranch Road and have not heard back from the Commission.

Inman said the only discrepancy from day one of the matter is the intent to divide the property into two parcels for Strong and Madsen. Inman said nothing exists in his written files stating an intent to give the property to family members.

Commissioner Malone read into the record a list of criteria to be met by an applicant for family transfer. He asked Madsen if people on Meredith Ranch Road consider the road a private road. Madsen said she does not know the people on the road.

Civil Deputy County Attorney Shannan Piccolo said she provided the Commission with a legal opinion of easements along Meredith Ranch Road and believes her determination was the easements do not provide for public access. Madsen said that is correct, but the road can become a county road if all persons with easements agree to that. Commissioner Durgan said the landowners on the road can petition the county for the road to become a county road, but as far as he is concerned he has to go by what the law says, and a road established as a subdivision road is not necessarily a county/public road.

Citizen Lynn Madsen said the county is taking property through regulations by opening private roads to public access, which is against the U.S. Constitution. He said there is no grandfather clause in the county subdivision regulations to continue a process started prior to those regulations coming into effect.

Durgan said he needs more information from legal counsel and to consult with the planning department on the matter. The Commission scheduled a follow-up meeting for an up or down vote on the matter on April 7, 2010 at 1:30 p.m.

Commissioner Durgan made a motion to reschedule the meeting for 1:30 p.m. on Wednesday, April 7. Commissioner Malone seconded that motion. Motion passed.

@10:37:17 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

March 31, 2010

Signing of Contract for J&H Photocopy Machine Maintenance

@11:33:57 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Shannan Piccolo, civil deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign a J&H photocopy machine maintenance contract.

Civil Deputy County Attorney Shannan Piccolo said the contract is for professional maintenance of the accounting department photocopying machines and includes a 30-day written termination clause by either party.

Commissioner Durgan made a motion to sign the contract with J&H. Commissioner Malone seconded that motion. Motion passed.

@11:35:14 a.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

March 31, 2010

Update of Discussion with Federal Highway Administration Regarding Local Administration of 9th Street Bridge Replacement Project

@1:34:04 p.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Malone were present. Also present were Philip Fletcher, community development; Martha Miller, auditor; Lani Hartung, finance; Breanna Polacik, Nittany Grantworks; Kevin Feldman, CTA Engineering (via telephone); Matt Dettori, Livingston Enterprise; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to update the Commission on a discussion with the Federal Highway Administration (FHWA) regarding local administration of the 9th Street Bridge Replacement Project.

Community Development Director Philip Fletcher said he, Finance Director Lani Hartung and Auditor Martha Miller met with FHWA earlier in the day and learned Park County does not have to be officially certified to locally administer the 9th Street Bridge Replacement Project. Fletcher said FHWA agrees Park County can complete all necessary preparations by June to enable the county to go out for bids and commence construction for a Transportation, Community and System Preservation program; Statewide Transportation Improvement Program; Treasure State Endowment Program; House Bill 645 funds; the National Environmental Policy Act; Preliminary Engineering Report; permitting processes and right-of-way agreements with Montana Fish, Wildlife and Parks.

Fletcher said FHWA said it will submit a draft agreement regarding local administration of the project; FHWA said funds may be available after July and before December, but it agreed to narrow down the timeframe to two months; FHWA has no written policy prohibiting the design engineer from serving as the construction oversight engineer and will talk with its assistant director to make the argument for Park County to administer the project locally; and FHWA will check on whether it can authorize advanced construction funds so Park County does not have to front the funds, but FHWA needs to know where Park County will get project funds.

The Commission said it will discuss bridge design alternatives with CTA Engineering Representative Kevin Feldman before an April 1 public hearing on the bridge project.

@2:12:11 p.m., Durgan made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

Voided Checks

Claims #: 68753

April 1, 2010

Review of Daily Correspondence and Agenda

@8:36:06 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners 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. RC&D committees
- Memo re. brownfield reclamation
- Memo from city of Livingston re. encroachment permit
- Memo re. April 1 Upper Yellowstone Watershed meeting

@8:46 a.m., the meeting adjourned.

April 1, 2010

Signing of Permit Agreement with Forest Service for Cooke City Baseball Fields

@9:35:47 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Shannan Piccolo, civil deputy county attorney; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to sign a permit agreement with the Forest Service for Cooke City baseball fields.

Civil Deputy County Attorney Shannan Piccolo said the county will hold the permit and suggests the county enter into an agreement with the Cooke City Community Council, as it will maintain the baseball fields. Piccolo said the Forest Service will need to be placed on the county liability insurance policy for ball field use.

Commissioner Taylor made a motion to sign the agreement. Commissioner Malone seconded that motion. Motion passed.

@9:38:57 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

April 1, 2010

Discussion of Handicap Accessibility into City/County Complex

@10:32:12 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; Jill Ouellette, human resources; Bruce Martin, maintenance; Vic Donovan, citizen; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to discuss handicap accessibility into the City/County Complex.

Citizen Vic Donovan said he requested the meeting because the county created an Americans with Disabilities Act (ADA) self-evaluation plan in December, which is why he is requesting ADA mitigations to the courthouse. Donovan said the county's plan provides a benchmark from which other county entities can work.

Donovan asked if an ADA door can be installed at the rear entrance door nearest the county offices, as most people enter the building through that door to conduct business on that side of the building. He said having to walk from the ADA door near the Sheriff's Dispatch to the other side of the building presented quite a hardship on him, as he does not walk well due to a spinal cord injury. Donovan said courthouse restrooms are also not ADA accessible.

Bruce Martin, maintenance, said he provided the Commission with an estimate for installation of an ADA door, opener, timing clock and electrician services at the requested location, which was \$2,000.

Commissioner Malone said he realizes the deficiency and agrees with Donovan an ADA door should be installed in the other rear building entrance. Malone said the effort is on the Commission's agenda and it will get done.

Donovan said July 26 is the ADA's birthday and he wants to be an advocate and not an adversary. He said he suggests the county have a disabled person on the county ADA board to help with decision, and he would be more than happy to help in any way he can with the courthouse door and bathrooms effort.

@10:52:29 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

April 1, 2010

Consider a Decision to Terminate Lease of Radio Tower Site in Cooke City

@11:34:40 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; Allan Lutes, sheriff; Scott Hamilton, undersheriff; Wendy Wood, SAR; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a decision to terminate a lease of a radio tower site in Cooke City.

Civil Deputy County Attorney Shannan Piccolo said the Forest Service is going through negotiations with the Reeb Trust and approached the county about terminating a county radio tower site lease agreement in order to make a clear title exchange. Piccolo said the county has an agreement with the National Park Service (NPS) to use the tower, the NPS will gain a permit from the Forest Service to keep the tower, and the county will enter into an agreement with the NPS to use the tower signal. Piccolo said the Commission must agree to terminate the lease, and she will draft a letter for commissioner signature. Undersheriff Scott Hamilton said radio personnel are already working on the issue and do not expect an interruption in service.

Commissioner Taylor made a motion to terminate the lease for the Reeb Estate. Commissioner Durgan seconded that motion. Motion passed.

@11:39:27 a.m., Durgan made a motion to adjourn the meeting. Taylor seconded that motion. The meeting adjourned.

April 1, 2010

Consider Decision to Submit Mitigation Grant Application for FEMA Matching Funds

@2:32:06 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, community development; Kevin Feldman, CTA Engineering; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider a decision to submit a mitigation grant application for Federal Emergency Management Agency (FEMA) matching funds.

Community Development Director Philip Fletcher said he is working with the Floodplain Insurance Program and the Hazard Mitigation Department, which has been negotiating with a trailer court on 9th Street Island to buy out the trailer court. Fletcher said FEMA would come up with \$450,000, which is 75 percent of the current market value of the property, and another entity would have to come up with the remaining 25 percent. Fletcher said he will hold off on submitting an application for FEMA matching funds for such a purchase in order to learn how funds could be matched by a trust and for the county to put more planning into the effort.

@2:56:16 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

April 1, 2010

7:00 P.M. – Public Hearing for Preliminary Engineering Report for 9th Street Bridge Project – Community Room

The Commission held a public hearing to discuss funding and design alternatives for a 9th Street Bridge Replacement Project per requirement of Montana's Treasure State Endowment Program (TSEP). Project Engineer CTA Engineering provided design options, and Nittany Grantworks explained the TSEP process and discussed bridge project funding options.

The Commission accepted public comment.

April 2, 2010

Review of Daily Correspondence and Agenda

@8:36:59 a.m., Chairman Malone called a meeting to order in the Commissioners Chambers. Commissioners 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 from clerk and recorder re. April and May 2009 fines
- Memo from MACo re. April 8 hearing for legislative redistricting
- Memo from MACo re. worker's compensation trends
- Memo from MACo re. general loss report
- Citizen memo re. Bear Creek Bridge condition at Jardine

@8:48:06 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

April 2, 2010

Consider Appropriating Cooke City Resort Tax Funds for Cooke City Water District

@9:03:11 a.m., Chairman Malone 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; Patti Smith, Cooke City Water District; and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider appropriating Cooke City Resort Tax Funds for the Cooke City Water District.

Civil Deputy County Attorney Shannan Piccolo said the county entered into an interlocal agreement with the Cooke City Water District to appropriate \$20,000 from the Colter Pass/Silver Gate/Cooke City Resort Tax Fund so the district does not have to go through an annual bidding process. Piccolo said the Commission therefore must hold a meeting to officially allocate those funds.

Commissioner Taylor made a motion to write a check from the Cooke City Resort Tax Fund to go to the Cooke City Water District. Commissioner Malone seconded that motion. Motion passed.

@9:07:15 a.m., Taylor made a motion to adjourn the meeting. Malone seconded that motion. The meeting adjourned.

April 2, 2010

Consider Decision Concerning a Gardiner Loading Zone

@9:32:14 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; Jeff and Liza Faerber, Flying Pig Rafting Company; Steve Woodruff, attorney; Ken and Heather Britton, citizens; and Commission Minutes Clerk John Mueller.

The meeting was scheduled to consider a decision concerning a Gardiner loading zone.

Attorney Steve Woodruff said he submitted a proposed ordinance to the Commission for a loading zone in Gardiner for use by any Gardiner business.

Civil Deputy County Attorney Shannan Piccolo said the Commission must go through a formal public hearing process to enact a proposed ordinance, which includes a public comment period and a subsequent meeting to adopt or deny the ordinance. Piccolo said the meeting today was scheduled to decide whether the county wants to go forward with the official process to propose a loading zone in Gardiner. Piccolo said the county needs to obtain a decision from the Montana Department of Transportation (MDT) as to whether the ultimate decision for a proposed loading zone on Highway 89 falls to the county or MDT.

Commissioner Malone said his concern is he notices all businesses on State Highway 89 in Gardiner have purchased off-street parking and he does not think the county has jurisdiction over matters on Highway 89. He said the County Commission has no jurisdiction over Highway 89 "No Parking" zones in Emigrant and near McDonalds in Livingston. Malone said he sees many things being done on Highway 89 the County Commission has no control over.

Commissioner Taylor said he does not think the county has a right to do anything on a state highway, and he does not think it is the county's decision to make. He said the Flying Pig decided to open a business on Highway 89 and now wants special treatment. Taylor said he is not in favor at all of a loading zone, and feels if the state painted the curbs in Gardiner to designate parking spaces, it can make the decision on a loading zone.

Commissioner Durgan said he sympathizes with what the Faerbers are going through and thinks there is a place for a loading zone in Gardiner that could be used by several people, but feels the Commission is overstepping its bounds on the issue with Highway 89 being

a state highway. Durgan said he thinks opponents to a loading zone could come back at the county pretty hard.

Woodruff said he can talk to MDT about the matter and perhaps a joint concession between the state and county could be made. Woodruff said the Flying Pig has purchased off-street parking space, but this is a loading/unloading issue, and buying parking space does not cure or solve the problem.

Jeff Faerber of the Flying Pig asked why the Commission did not say anything about its concerns of jurisdiction on the matter four months ago, because he has spent money on this issue for four months and that is very disturbing to him. Liza Faerber said the Flying Pig has three options: rip up its deck and pull in and back out on Highway 89 to unload clients; stop in the middle of Highway 89 to unload clients like UPS does; or have approximately 35 clients carry rafts across the street every two hours.

@9:56:37 a.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

April 2, 2010

Consideration of an Engineer for Yellowstone View Condominiums

@11:32:02 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; Bob Jovick, attorney; William Smith, engineer; Jordan Grover, engineer (via telephone); and Commission Minutes Clerk John Mueller. No public comment made.

The meeting was scheduled to consider an engineer for the Yellowstone View Condominiums project.

Engineer Jordan Grover provided an explanation of his qualifications. Engineer William Smith said he wants the best qualified geotechnical person to work on the project, and in Jovick's and Smith's review Grover's resume is lacking. Smith asked Grover questions about his resume and qualifications. Grover said he has five different resumes and it is unfortunate Smith has his dam resume and not his slides resume. Smith read into the record a letter to Commissioner Malone stating the condo project recommends Doctor Doug Chandler or Craig Madsen P.E.

Attorney Bob Jovick said Mr. Chandler has obvious experience qualifications in comparison to Grover with a PHD in slope stability compared to Grover's B.S. degree in 1999. Jovick said 45 days have been lost since the county submitted partially wrong information materials to him and Smith and the added delay is significant to the project. He said further analysis of resumes does not change a '99 B.S. graduate compared to Chandler's PHD and he thinks the Commission has all the information it needs to make a decision today.

Community Development Director Philip Fletcher said he would like to provide the Commission with a composite evaluation of the three engineers' resumes and provide an objective comparison of all three so the Commission can perhaps make a better-informed decision. Fletcher said he suggests the same interview be conducted for all three engineers if the Commission feels either of the three are close in qualifications.

Commissioner Durgan said the Commission inherited this project without necessary approvals in place and is now trying to clear things up and get it back in the proper perspective. Durgan said people need to be cognizant of the fact this whole project has been convoluted from the start, and there have been some improper procedures that preceded the Commission's involvement in the project.

Commissioner Malone said the Commission will defer to staff to make a point-by-point, defensible review of the three engineers' resumes and make a recommendation to the Commission. The Commission set a meeting for April 8 at 1:30 p.m. to hear that recommendation.

@12:14:58 p.m., Taylor made a motion to adjourn the meeting. Durgan seconded that motion. The meeting adjourned.

Marty Malone
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana