

Park County Commission Meeting Minutes
Week of December 12 – 16, 2011
Park County, Montana

December 12, 2011

Review Daily Agenda/Correspondence and Current County Projects

@8:34:24 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Raea Morris, administrative assistant; and John Mueller, minutes clerk. No public comment made.

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

Correspondence included:

- Memo email re. Dec 7 Main Boulder Road open house notes
- Memo email re. Dec 12 JSEC meeting agenda
- Memo email re. EPA fracking draft report
- Memo email re. Dec 8 strategy committee meeting
- Memo email re. DES out of office schedule
- Memo email re. community development director out of office schedule
- Memo document re. Cooke City sewer district legal description
- Memo email re. Cooke City fire department term
- Memo email re. MACo mileage rates
- Memo email re. community development director hours of work

Barbara Woodbury, environmental health, provided her scorecard for engineering firms for a Fleshman Creek Restoration Project final design RFQ.

@8:46:32 a.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

December 12, 2011

Awarding of Used Wheel Loader Bid

@9:32:40 a.m., Chairman Taylor 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; Jack Knorr, consultant; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to award a used wheel loader bid.

Civil Deputy County Attorney Shannan Piccolo said the county requested that the bidder, Tractor and Equipment, accept a used county wheel loader as a trade-in as part of purchasing a newer loader, but T&E said it was unable to take the trade in. She said the bid is thus deemed non-responsive.

Commissioner Malone moved to not award the bid to Tractor and Equipment. Commissioner Durgan seconded the motion. Motion passed.

There was discussion about statute requirements of purchasing used equipment via auctions. Malone said he suggests the Commission go forward with the bid with a three-month ending date and loosen specifications in looking for a used loader.

@9:48:26 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

December 12, 2011

Signing of Cooperative Law Enforcement Agreement between Park County Sheriff Office and US Forest Service

@10:32:03 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to sign a cooperative law enforcement agreement between the US Forest Service and Park County Sheriff's Office.

Commissioner Taylor said the agreement spells out the annual operating and financial plan between Park County and the Forest Service. Commissioner Durgan said the annual renewal of contract is, in part, for patrol activities and not to exceed \$5,500 per year. He said the contract runs from January 1, 2012, to September 30, 2012.

Commissioner Malone moved to sign the agreement. Commissioner Durgan seconded the motion. Motion passed.

@10:38:13 a.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

December 12, 2011

Signing of Gallatin County and Park County Grant Award Sub Recipient Agreement

@11:32:07 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to sign a sub-recipient grant award agreement between Park County and Gallatin County.

Commissioner Malone said the agreement will enable completion of a Comprehensive Economic Development Strategy with the Northern Rocky Mountain Economic Development District, which will enable application for grant funding.

Commissioner Durgan moved to sign the agreement. Commissioner Malone seconded the motion. Motion passed.

@11:33:44 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

December 12, 2011

1:00 P.M. – Review of Minutes for Week of December 5, 2011 – Commission Chambers – Rescheduled for December 15 @ 11:30 a.m.

December 12, 2011

Final Decision Regarding Lifting of Agricultural Covenant for Merrell Tract

@2:31:48 p.m., Commissioner Durgan 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, planning; Rebecca Pape, attorney for applicant; Connie and Bruce Malcolm, Arch and Gwen Wagner, Shirley and Bob Julian, Don Lohrenz and Jeane Aller, citizens; and John Mueller, minutes clerk.

The meeting was scheduled to make a final decision regarding lifting of an agricultural exemption from the Merrell Tract.

Rebecca Pape, council for Merrell Trust, said the history of the tract in question shows Park County granted a septic permit allowing construction of the residence onsite 20 years ago, and the Park County has benefitted from collecting rural residential taxes from the property for 20 years. She said the property is perpetually deed restricted from being developed and asked the benefits of forcing the family to go through minor subdivision review in order to lift the agricultural exemption. She said there have been no issues with health, safety or fire protection in 20 years. Pape said Montana Code Annotated 76-3-207 has a provision stating the county commission has the power to revoke the ag restriction as the governing body, and the statute is to be interpreted liberally. Pape said failure to lift the exemption will be financially damaging to the family, which has a buy-sell agreement on the property that expires on December 15.

Civil Deputy County Attorney Shannan Piccolo said her interpretation of the statute and Subsection 2 states, notwithstanding the provisions of Subsection 1, the property is subject to subdivision review if it will be used for anything other than agricultural use. She said her opinion is the agricultural exemption can be lifted, but it must go through subdivision review. Commissioner Malone said the Commission asked Piccolo to

consult MACo's land rights attorney for an opinion on state statute relative to the matter. Piccolo said Tara DePuy of MACo agrees with Piccolo's interpretation as stated. Malone said he has to consider the issue of setting precedence. Commissioner Durgan said agricultural tracts have a special place in the land development process, and exemption options were created to assist agricultural uses to provide land to heirs without having to go through subdivision review.

Jeane Aller said the tract has not been an agriculture tract for 20 years. Piccolo said the state of Montana is responsible for assessing taxes, not Park County, and information on the septic permit 20 years ago was inaccurate, and the county granted the permit.

Bob Julian said the history of the property shows a comedy of errors on the part of both the county and Merrell family, but he thinks the law provides for the Commission to fix the situation with the ability to change the land use classification. He said failing to lift the exemption would result in an economic loss from an impacted tax base, real estate agents losing commissions and construction industry workers losing work. Julian asked how many properties the Commission has seen with such a unique set of conditions, which he said is very unlikely will ever be seen again. Julian said he thinks setting precedence is not a huge concern and he questions the commissioners consulting with MACo, which is a third party, non-elected lobbying body.

Durgan said he is feeling a little pushed with Julian's comments, and the issue has equally large consequences on the side of Park County. Malone said he asked for MACo's opinion in attempt to find a way to resolve the Merrell issue to the benefit of both the Merrell Trust and Park County, without setting precedence. Piccolo said the county has lifted several ag exemptions in her three years of employment, but they were either aggregated back or went through subdivision review. She said she is unaware of the extent of improvements that may have been on the properties.

Gwen Wagner, realtor, said she knows of two specific cases in which Carbon County commissioners lifted ag restrictions from properties. Wagner said she was assured by the county commissioners in August and September the situation was not an issue and would be taken care of and resolved. She said she believes the Trust made an honest effort and really was not informed it was a dead issue and facing possibly having to go through subdivision review until a statement from Mike Inman of the Planning Department in October. Durgan said the Commission was trying to get the ball rolling on whatever could be done to find a resolution to the issue.

Inman said he was approached by Commissioner Taylor in early September and notified of the agricultural tract. He said Surveyors Barney Hallin and Chuck Goodey reviewed the file with him and decided within 15 minutes that lifting the agricultural exemption would require subdivision review. He said Hallin also identified the property was going through DEQ review and approval for sanitation purposes because the parcel is under 20 acres. Inman said Wagner approached him and asked options available to the Trust in lifting the agricultural exemption. Inman said he conducted research on the property and identified three options for lifting the ag exemption existed under state statute. 1)

aggregate back into the original tract, which cannot be done due to the nature of the original division; 2) go through subdivision review as a minor subdivision; or 3) apply as an exemption under 76-3-201 or 207, MCA.

Inman said he became involved with the parcel in providing recommendations as the county planner in early September and, had subdivision review started at that time, the entire issue would be completed. Inman said the county is not saying the family cannot create the parcel of land, but there are different ways of going about doing it, which are identified by state statute through exemptions and subdivision review. He said there are a lot of ways to divide property, but the property in question would have to go through subdivision review according to what it says in state statute given the parcel's history, data provided by the Trust, and how the property was created.

Inman said the timing of the Trust's buy-sell agreement is beyond Park County's control. Inman said he cannot base his advice beyond state statute and the local subdivision regulations because of a personal situation or time constraints. Inman said he is disappointed that the very first conversation he had regarding the particular tract in question started long enough ago the Trust would have been well beyond the timeframe for subdivision review to have the issue completed regardless of the December 15 buy-sell agreement deadline. Inman said he can guarantee since the initial meeting, no one has approached him about the property to look at the specifics of what it would take to subdivide, no pre-application meetings were requested, no one has made any effort in any meeting he has attended to take him up on his open offer to assist anyone in determining what it would take to get through the process as quickly as possible. Inman said he identified as the person who would initially review the property that he would do whatever he could to expedite that and try to make it go as smoothly as possible. He said no one has spoken to him about it outside of Wagner's initial request to identify what was allowed under state statute.

Wagner said perhaps it is a matter of interpretation, but she can substantiate her numerous calls to Commissioner Taylor through telephone records that she was not informed the effort was dead in the water in terms of the county's position. She said she had to continuously solicit that information from the county, and it probably was around the first of October she was told something. She said the Trust had been waiting for a final decision so the family continued to press for some relief. She said she knows for a fact county commissioners in Carbon County lifted agricultural exemptions and there are homes built on those properties today. She said she believes if it is good for one county under MACo's advisement, it is good for another. Wagner said she and Don Lohrenz, realtor, stand to lose a significant commission with loss of the current buy-sell agreement, but the issue is about what is right and reasonable with the property and lifting of the ag restriction.

@3:11:45 p.m., Commissioner Malone moved to recess the meeting to consult with legal counsel. Commissioner Durgan seconded the motion. The meeting recessed. @3:32:48 p.m., the meeting reconvened.

Pape said the Trust is trying to conserve finances, but recognizes and appreciates Inman's offers to assist with subdivision review. Pape said the Trust is asking the Commission to not follow its attorney's legal advice, but to recognize the uniqueness of the facts of the situation and lift the ag exemption.

Don Lohrenze, realtor, said he represents the buyers and asked if Piccolo would consider talking with Carbon County to inquire about whether lifting of an agricultural exemption occurred there in order to possibly gain more insight. Malone said he is willing to call Carbon County and inquire about its lifting of ag exemptions. Pape said the family would like a decision from the Commission at present.

Commissioner Durgan said after discussion with legal counsel, the Commission has determined it is probably in the best interest to accept her recommendations, follow statute as it reads and deny lifting the ag restriction. Malone said as much as he feels sympathy for the Merrell family he has to follow the advice of the county's legal counsel relevant to applicable state statute.

Commissioner Malone moved to deny lifting the agricultural covenant, contingent upon whether the Merrell Trust does not go through subdivision review or an applicable exemption. Commissioner Durgan seconded the motion. Motion passed.

Wagner asked if the county is willing to waive subdivision review fees since the county has collected taxes on the property for 20 years. Malone said all requests can be considered.

@3:58:41 p.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

December 12, 2011

2:30 P.M. – Local Advisory Committee – Mental Health Drop-In Center, Livingston – Commissioner Taylor attended

December 13, 2011

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:40:59 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Raea Morris, administrative assistant; and John Mueller, minutes clerk. No public comment made.

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

Correspondence included:

- Memo email re. EDD principal site selection tool
- Memo email re. citizen comment for plowing Highway 212

- Memo email re. DEQ deficiency for Stenberg Ranch site
- Memo email re. RC&D financial packages
- Memo document re. Stenberg site deficiencies
- Memo document re. Department Head meeting agenda
- Memo document re. coroner's inquest request
- Memo document re. FWP Morrison Creek culvert replace project approval
- Memo document re. December 30 fire season meeting
- Memo email re. December 16 RC&D strategy meeting agenda
- Memo email re. Main Boulder Road work plan
- Memo email re. December 13 ITAC agenda
- Memo email re. December 18 county department Christmas party
- Memo email re. community development director work schedule

Commissioner Malone reported on a December 13 Job Service Employer Committee meeting.

@9:04:49 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

December 13, 2011

Road/Engineering Services Updates

@9:32:14 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Ed Hillman, road; Kevin Bales, Crazy Mountain Ranch; Mark Westenskow, CTA; Bill Harris, citizen; and John Mueller, minutes clerk.

The meeting was scheduled to discuss county road and engineering services updates.

Road Supervisor Ed Hillman said the road crew started on a Coal Camp Road project on December 12.

Kevin Bales, Crazy Mountain Ranch, said Altria is reorganizing and put a hold on all projects without compliance requirements, so a decision on assisting with Rock Creek Road work is on hold. He said contracts in place are being re-examined in anticipation of approving them for another year. Bales said outstanding bills for 2011 need to be submitted to Altria by December 16.

Mark Westenskow, CTA Engineering, provided the Commission with sketches of a proposed Hamilton Road Bridge project and provided paperwork stating the replacement bridge will be as close to the current bridge specifications as possible. Westenskow said grates are being shipped for culverts on White Lane in Gardiner. He provided drawings of a new proposed location for a Gardiner compactor site.

Citizen Bill Harris said he suggests having inmates remove rocks from county roadways after grading instead of the road crewman having to do it.

@10:07:03 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

December 13, 2011

Discussion with Park County Health Insurance Committee

@10:08:00 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Jill Ouellette, HR; Dan Hackman, road; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss insurance options with the county health insurance committee.

Jill Ouellette, committee member, said the average age of Park County employees exceeds 50 years, and the county's claims have been higher than the premiums paid for the last two years, which are two unattractive traits for insurance carriers. She said going with another carrier may also prohibit the county from offering four or five different plans from which employees can choose, and employees may lose a preventative benefit option. She said an issue that arises with changing carriers is plans rarely match up exactly, thus you cannot compare apples to apples.

Commissioner Malone said thinks the county should stay with its current carrier and will not get better insurance than it is from MACo. Malone said MACo made some recent changes, including looking for another actuary and is looking to create a multi-member pool of counties. He said a county cannot re-enter the Healthcare Trust for three years if it leaves. Commissioner Durgan said he does not want to shop around for other insurance carriers. Commissioner Taylor said he thinks Park County should look at options from other insurance providers. Durgan and Malone said Ouellette should get insurance quotes from firms within Park County.

@10:29:44 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

December 13, 2011

Human Resource Updates

@10:40:58 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Jill Ouellette, HR; and John Mueller, minutes clerk. No public comment made.

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

Jill Ouellette, HR, provided a redacted bill from an investigator who investigated a county employee complaint. The Commission said the bill will be paid from the PILT

legal line item. Ouellette said there will be a vacant position in the near future in the road department. She said the individual selected for a Chico/Trail Creek green box attendant position withdrew his application, so the department head needs to decide whether to go with remaining applicants or start the process over.

@10:48:43 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

December 13, 2011

Appointing of Planning and Development Board Members

@11:21:43 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Mike Inman, planning; Shannan Piccolo, civil deputy county attorney, George Borneman, surveyor; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to appoint Planning and Development Board members.

Senior Planner Mike Inman said three terms on the Planning and Development Board expire at the end of the month and a three-person interview committee interviewed four applicants for the open seats for two-year terms. Applicants included Kevin Funk and three sitting members of the board, Tracy Isaly, Frank Schroeder and Lewis Wilks. Inman read into the record the interview panel's critique of each applicant's strengths and weaknesses to sit on the board as recorded in the interviews.

Commissioner Malone said he has seen Kevin Funk on the Angel Line Board, and Funk is an excellent member of that board providing good input. Malone said he also respects the other three applicants and feels having another member from the Paradise Valley skews the membership too much toward the southern end of the county. He said perhaps Funk can approach the appropriate county personnel to possibly assist in the county's budding economic development efforts. Commissioner Durgan said he thinks the Planning and Development Board is a good working board and he appreciates the continuity the existing members bring to the board.

Commissioner Durgan moved to retain the three current members. Commissioner Malone seconded the motion. Motion passed unanimously.

@11:32:25 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

December 13, 2011

Consider Approval of Final Plat Application for Orfalea Subsequent Minor Subdivision

@11:38:10 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were

Mike Inman, planning; Shannan Piccolo, civil deputy county attorney, George Borneman, surveyor; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider the final plat application for the Orfalea Subsequent Minor Subdivision.

Inman said George Borneman, surveyor, submitted a final plat application in early November, which was reviewed mid month by county legal counsel, fire and road personnel and Inman. Inman said one question from legal counsel about whether the county or developer imposed covenants was answered, and all other issues have been resolved to permit approval of final plat.

Commissioner Malone moved to accept the Orfalea Subsequent Minor Subdivision Final Plat. Commissioner Durgan seconded the motion. Motion passed unanimously.

@11:42:07 a.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

December 13, 2011

1:00 P.M. – Senior Citizens Meeting – Livingston Senior Center – Commissioner Taylor attended

2:00 P.M. – I.T Advisory Committee – Community Room – Commissioner Malone attended

December 14, 2011

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:40:31 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Raea Morris, administrative assistant; and John Mueller, minutes clerk. No public comment made.

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

Correspondence included:

- Memo email re. planning board member appointments and applications
- Memo email re. MDT bison guard installation
- Memo email re. Orfalea final plat application
- Memo document re. EDD EDAP grant debarment certification
- Memo document re. car shuttle Class B service
- Memo document re. FWP elk/brucellosis working group application
- Memo document re. MRL lease area reduction
- Memo document re. department head timesheets
- Memo document re. December 19 Park County Conservation District meeting

- Memo document re. FWP 2012 hunting season regulations meetings
- Memo document re. public information request

Commissioner Taylor reported on a December 13 Senior Citizens Center meeting.

@8:57:45 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

December 14, 2011

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

December 14, 2011

Signing of Contract for 2011-2012 Cooke City Snow Removal

@10:05:58 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Raea Morris, administrative assistant; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to sign a contract for 2011-2012 Cooke City snow removal.

Commissioner Malone said Robert Smith was the lowest bidder, followed all bidding requirements and the bid was reviewed by county legal counsel.

Commissioner Malone moved to award the Cooke City snow removal contract to Mr. Smith, a.k.a. Bear Claw Sales and Services, on the 14th day of December. Commissioner Taylor seconded the motion. Motion passed.

@10:07:41 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

December 14, 2011

2:30 P.M. – RC& D Meeting – Community Room

December 15, 2011

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:33:56 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Raea Morris, administrative assistant; Erica Hoffman, GIS/IT; and John Mueller, minutes clerk. No public comment made.

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

Correspondence included:

- Memo email re. museum board member recommendations
- Memo email re. December 16 SWB agenda
- Memo email re. Montana Clean carpet cleaning schedule
- Memo document re. Museum Board application
- Memo document re. site selector project MOU

Commissioner Durgan reported on a December 8 LEPC meeting and a proposed January 31 telephone training. He said the regularly scheduled February LEPC meeting will constitute an EOC training exercise.

@8:51:49 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

December 15, 2011

9:00 A.M. - Northern Rocky Mountain Economic Development District Strategic Committee – Gallatin County Courthouse

December 15, 2011

Consider Decision on Using Park County CTEP or Secure Rural Schools Funds for Livingston School District Road Improvements Project

@9:31:22 a.m., Chairman Taylor 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; Lani Hartung, finance; Ed Meece, city manager; Breanna Polacik, Nittany Grantworks; Wes Venteicher, Livingston Enterprise; Sandy Rahn-Gibson, school board trustee; George Smith, Sarah Sandberg, Derek Stringer, Rich Moore, Julie Lentz, Gary Kane, Matt Holshouser and Todd Wester, Livingston School District; Will Williams, Livingston Police; Gary Barnhart and Kevin Funk, citizens; and John Mueller, minutes clerk.

The meeting was scheduled to consider using Park County Community Transportation Enhancement Program (CTEP) or Secure Rural Schools (SRS) funds for a Livingston School District road improvements project.

Derek Stringer, Livingston Public School District maintenance department, provided a diagram from Stahly Engineering of a proposed Safe Routes to School (SRTS) grant project, the application for which he said is to provide a safer route to school for East Side Elementary, Sleeping Giant Middle and Park High School children between Geyser Street and Sleeping Giant Middle School via a continuous curb and gutter along the east side of View Vista Drive. Stringer said the project would include widening of the road in various locations, particularly at a tight location past the bus barns. Stringer said the project would also improve the safety of View Vista Drive year round with a high volume of summer traffic, boating and dog park traffic to Mayor's landing, and traffic to

the golf course and county fairgrounds. He said the project will also aid in the school district's attempt to invite Shields Valley and Gardiner School Districts to use Park High track and field facilities.

Rich Moore, superintendent of schools, said the project objective is possible only through partnership with Park County, the city and Livingston and the school district to improve safety, appearance and the overall quality of the road. He said the total estimated cost of the project is \$392,886, with a proposed even contribution using city of Livingston CTEP funds in the amount of \$130,962, Livingston School District SRTS funds in the amount of \$130,962 and Park County SRS funds in the amount of \$15,495 and Park County CTEP funds in the amount of \$115,467. He said the Livingston City Commission voted 4-0 in favor of the project and the School Board also voted unanimously to support the project.

Breanna Polacik, Nittany Grantworks, said SRTS funds can be used in conjunction with CTEP fund applications to pay for engineering services for city and county projects. She said construction of the proposed ADA-compliant sidewalk project with curbed gutters and storm drains would commence summer 2013 when CTEP funds become available. Polacik said the construction phases of the sidewalk and Fleshman Creek Restoration projects would be tied together for construction continuity.

City Manager Ed Meece said the sidewalk project would be a next step in the city and school's concerted efforts to address pedestrian safety issues across the city, precipitated in part by two students being struck by cars two years ago and a student just hit on Park Street two days prior. Meece said a portion of project funds will go toward a student education effort on bike and helmet safety, best travel routes and other associated pedestrian traffic safety issues. He said the project's goal is to limit pedestrian sidewalk traffic to one side of the street from Geysler to the middle school, as kids currently must cross View Vista Drive twice. He said the sidewalk may extend past St. Mary's School in the future.

Gary Kane, Park High principal, said student traffic outside the three schools on View Vista creates a confusing environment with people in a hurry becoming frustrated and not always observing crosswalk areas. He said such creates a recipe for great concern, and safety concerns are paramount to address, particularly if an emergency situation occurred when all students must be directed across the street. Kane said the schools would appreciate any assistance the county could provide.

Meece said the city and schools have agreed to partner on the project, but the project is dependent on award of SRTS funding. He said failure to obtain the funding would send the project back to the drawing board and not increase the three entities' funding amounts. Meece said the city and school are asking the county to commit the funding to the project as a partner. Polacik said the grant application is due at the end of December.

Lani Hartung, county finance, said the county has over \$200,000 in CTEP funds, but has a list of projects in waiting. Hartung said Gardiner has an Arch Park project in mind and

Clyde Park is looking for a sidewalk and Cooke City wants \$80,000 for a museum. Polacik said the county has \$140,000 set aside for a Gardiner sidewalk project and \$190,000 in the bank with \$50,000 just awarded from the state and another \$50,000 to be awarded before the proposed View Vista Drive project commences. Meece said the state has commented that it will reallocate CTEP funds if the city and county do not start spending them, as the city of Livingston and Park County are the slowest spenders of the funds in the state. He said the last thing he wants is for the funds to be returned to Helena, because they were not spent in Park County.

Commissioner Malone said the Fleshman Creek project would match perfectly with the View Vista Drive project, particularly addressing a culvert under Main Street, but he is concerned about one project tearing up work completed by the other. Polacik said project planning would ensure such does not happen. Todd Wester, Livingston schools, said CTEP and SRTS can be used on complimentary projects, and completing the proposed project would result in stretching the collective dollar.

Gary Barnhart, citizen, said parents have always parked on Long's property across from the schools, which will prolong the problem of kids crossing the street to get to cars. Meece said improving the road behind the high school may be a future project to alleviate that concern.

Commissioner Malone moved to commit \$15,495 of Secure Rural Schools funds to the project and \$115,467 of CTEP funds, not to exceed those amounts. Commissioner Durgan seconded the motion. Motion passed unanimously.

Taylor opened the floor to public comment, Meece said "thank you" as a city resident to the county commission for all its efforts in 2011. He said he hopes folks will realize the city, county and schools do work together, and professionally he appreciates the opportunity to work with the county commission to get things done.

Durgan said individuals taking the time to do homework and give positive presentations lend a lot to the Commission being able to cooperate. He said not getting enough information and having to make decisions without information causes the Commission to hesitate in making decisions, which can cause problems.

@10:21:35 a.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

December 15, 2011

Signing of a Contract with Montana Public Works Consulting, Inc.

@11:03:52 a.m., Chairman Taylor 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; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to sign a contract between Park County and Montana Public Works Consulting, Inc.

Commissioner Taylor said consultant Jack Knorr will assist the county's road supervisor in doing things more efficiently. Commissioner Malone telephoned Knorr and asked him if the county can add state per-diem rates for mileage and meals reimbursement to Knorr's proposed contract. Knorr said the county could not do that.

Commissioner Durgan moved to accept and sign the contract. Commissioner Malone seconded the motion. Motion passed.

@11:07:21 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

December 15, 2011

Review of Minutes for Week of December 5, 2011

@11:34:02 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to review Commission meeting minutes for the Week of December 5, 2011.

Commissioner Malone requested a revision to Page 8 of 16, the second paragraph should read, "Commissioner Malone said he must recuse himself from the discussion and any vote due to his family relation to Rick Leckner." On Page 14 of 16; third full paragraph; the second sentence should read, "Kaiser said the Commission's report must not mislead the public."

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

@11:38:48 a.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

December 15, 2011

1:30 P.M. – Planning and Development Board – Community Room – Meeting minutes available at www.parkcounty.org and in the Planning Department

4:00 P.M. – Library Board Meeting – Library, Bev Steveson Room

4:00 P.M. – 9-1-1 Communications – West Room

December 16, 2011

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:47:39 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan and Taylor were present. Also present were Raea Morris, administrative assistant; and John Mueller, minutes clerk. No public comment made.

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

Correspondence included:

- Memo email re. NRM EDD appointment
- Memo email re. December museum board meeting cancelation
- Memo email re. county floodplain administration
- Memo email re. Crazy Mountain Ranch Rock Creek Road estimate
- Memo document re. March 26-29 MACRS conference
- Memo document re. proposed Montana FWP hunting season regulations

@8:56:31 a.m., Durgan moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

December 16, 2011

10:00 A.M. – Northern Rocky Mountain Economic Development District Annual Board Meeting– Gallatin County Courthouse – Commissioner Taylor attended

10:00 A.M. – Commissioner at Cooke City to Hear Area Residents Concerns – Community Center, Cooke City

1:00 P.M. – Solid Waste Board Meeting – Commission Chambers – Commissioner Taylor attended – Meeting minutes available at www.parkcounty.org

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

Denise Nelson
Clerk & Recorder
Park County, Montana