

Park County Commission Meeting Minutes  
Week of October 29 – November 2, 2012  
Park County, Montana

October 29, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:32:43 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; Lani Hartung, finance; Barbara Woodbury, environmental health; and John Mueller, minutes clerk. No public comment made.

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

Correspondence for October 25 included:

- Memo email re. Madison County employee evaluations
- Memo email re. Montana DES payment schedule
- Memo email re. CTA permission request for Rail Link project
- Memo document re. Peterson Creek temporary restraining order
- Memo document re. Hogenson snow plowing services proposal
- Memo email re. KPRK Bridge access issues
- Memo documents re. MDT Cooke City, CTEP and Deep Creek agreements
- Memo email re. needed janitorial products items
- Memo email re. MSU Extension Pine Creek Fire Recovery Program noxious week grant letter of support

Correspondence for October 26 included:

- Memo document re. MACo lawsuit deductible claim
- Memo document re. ACE Roofing contract
- Memo email re. MACo debt memorandum
- Memo email re. Fire Council meeting
- Memo email re. Board of Health officer appointment
- Memo email re. HRDC transportation meeting request
- Memo email re. Tennis Association meeting request

Lani Hartung, finance, said the county cannot use trust money earmarked for landfill closure until the county closes the landfill. Hartung said a change is upcoming to the state's procurement program, as Com Data's contract with the state will expire and will not be renewed. She said she suggests Park County follow the state's lead and go with

the new credit card carrier. The Commission said the finance department can move forward with switching carriers.

Barbara Woodbury, environmental health, said she got a telephone call from county refuse employees about green box lids and z wall issues at the Chico green box site.

@9:15:40 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

October 29, 2012

Review of Minutes for Week of October 22, 2012

@9:48:43 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 October 22, 2012.

Commissioner Taylor requested a revision to Page 3 of 14, noting the correct spelling of "Hoppportunity Partners."

Commissioner Durgan requested a revision to Page 5 of 14; second to last full paragraph, the first sentence should read, "Durgan said any county board, administrative or advisory, only makes recommendations, as the Commission has the final decision on issues regarding hiring or firing of employees and purchases." On Page 8 of 14; middle paragraph, the second sentence should read, "Inman said the developer, Mr. Planalp, would like to allow for livestock, specifically horses, under a livestock management plan that he would develop." The next sentence should read, "Inman said other subdivisions in the area allow for livestock, but livestock management plans must be approved by MSU Extension." The first sentence of the next paragraph should read, "Inman said Planalp initially proposed no livestock on the subdivision, which is contrary to language that states the Commission imposed that restriction."

Commissioner Malone requested a revision to Page 7 of 14, the last sentence should read, "Civil Deputy County Attorney Shannan Piccolo said a Montana DNRC representative responded to a citizen question regarding Fleshman Creek Restoration Project monitoring and access into the project area."

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

@9:55:42 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 29, 2012

Signing of Contract with Integra for Caller ID

@10:01:33 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Erica Hoffman, GIS/IT; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to sign a contract with Integra for Caller ID services.

Erica Hoffman, GIS/IT, said the civil deputy county attorney reviewed the contract. She said a DELL engineer will be present that week to move all file servers to a virtual environment, so Caller ID services will commence possibly the first week of December.

Commissioner Malone moved to sign the contract with Integra for Caller ID. Commissioner Durgan seconded the motion. Motion passed.

@10:03:08 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 30, 2012

Road Updates/Engineering Services Updates

@8:30 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Malone and Taylor were present. Also present were Ed Hillman, road; Raea Morris, administrative assistant; and Mark Westenskow, CTA Engineering.

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

Ed Hillman, road supervisor, said crewmen are grading Swingley, Porcupine, Fall Creek and Old Yellowstone Trail Roads. He said Suce Creek, Deep Creek Bench and Pray Roads are on the list to grade. Hillman said one grader is being worked on in the shop, and a culvert in King Lane in Gardiner will be replaced.

Mark Westenskow, CTA Engineering, provided a report of CTA's engineering services work for Park County.

Commissioner Malone said six water trucks are for sale at an auction in Twin Falls.

@8:44:30 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

October 30, 2012

Discussion/Status of Fleshman Creek Project

@8:30 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; Mike Adams, fair board; Mark Westenskow, CTA Engineering; Brenda Adams and Gary Barnhart, citizens.

The meeting was scheduled to discuss the status of the Fleshman Creek Restoration Project.

Civil Deputy County Attorney Shannan Piccolo said a Montana DNRC representative informed her that DNRC legal counsel agrees with Piccolo's project contract interpretation that the county must accommodate requests for public access to project documents and onsite work areas, as the project is funded by public money; however, that right to access stops once the project is completed. Citizen Brenda Adams said she wants a signed document from the Commission and Piccolo that states all public access to private property will cease upon completion of the project.

Citizen Gary Barnhart said he does not think county funds should be used for a sidewalk that heads in front of his house down View Vista Drive, because it has nothing to do with the Safe Routes to Schools or Fleshman Creek Projects. Westenskow said the sidewalk lines drawn on the map were just preliminary estimates of possible sidewalk locations. Commissioner Malone said the project Barnhart is speaking about is a separate project from the Fleshman Creek Project.

@9:06:16 a.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned.

October 30, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@9:00 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Raea Morris, administrative assistant. No public comment made.

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

Correspondence included:

- Memo email re. MACo DES comments
- Memo email re. HOME program training webinar
- Memo email re. recycling presentation request
- Memo email re. Board of Health reappointment
- Memo email re. STAB appeal filings
- Memo document re. Board of Health reappointment request

- Memo email re. inmate insurance renewal
- Memo email re. MDT CTEP curbs and gutters reimbursements
- Memo document re. Great West Engineering Main Boulder Road project

Commissioner Durgan asked how the Commission planned to approach an Airport Board denial appeal.

Commissioner Malone said he and two Solid Waste Board members viewed the Big Timber transfer station on October 29.

@9:16:42 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

October 30, 2012

Human Resources Updates

@9:30 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Jill Ouellette, HR. No public comment made.

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

Jill Ouellette, HR, provided change of status forms for two weed employees to roll into the road department to mow roadsides, an outgoing museum employee, a temporary road department worker and a temporary fair worker.

Ouellette said an employee suggested purchase of photocopier wipes, which was done. Another employee said a safety issue exists with parking spaces and deliveries at the back of the building.

Ouellette said an administrative assistant training in the building went well, and she can continue to provide such trainings in attempt to improve employee morale by giving employees tools to deal with issues regularly faced in the workplace. She asked if the Commission would like the HR Department to focus on the proposed effort in a small way by having departments come in for an hour each week for the trainings and learn ways in which they can best deal with emotional issues and individuals at work. Commissioners Durgan and Taylor said they felt the trainings could be beneficial and should be up to department heads to determine if they want their employees to participate. Commissioner Malone asked if he cares. Taylor said he will introduce the proposed effort at the next department head meeting.

Ouellette said she needs to work on a new hire orientation training program and continues to work with contractor Jim Nys on the revised personnel policy handbook.

@9:45:15 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

October 30, 2012

Signing of the Deep Creek Refuse Site Lease Agreement with MDT

@10:00 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. No public comment made.

The meeting was scheduled to sign the Deep Creek refuse site lease agreement with Montana Department of Transportation (MDT).

Commissioner Malone said the county has a refuse site on MDT property at Deep Creek, and the \$1,400 annual lease has a 90-day cancelation clause.

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

@10:06:15 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 30, 2012

Signing of the Community Transportation Enhancement Program Agreement for Cooke City Visitors Center

@10:30 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present was Donna Rowland, Cooke City (via telephone). No public comment made.

The meeting was scheduled to Sign the Community Transportation Enhancement Program (CTEP) agreement for the Cooke City Visitors Center.

Commissioner Malone said the grant process started two years ago, and the amount to be awarded is \$72,943 with matching funds at \$9,789.

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

@10:32:13 a.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

October 30, 2012

Presentation of Early Childhood Home Visitation Program

@11:00 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were

Ted Madden, Chelsey Clark and Katie Regan, PCCF; and Mike Inman, planning. No public comment made.

The meeting was scheduled to hear a presentation of the Early Childhood Home Visitation Program.

Ted Madden, Park County Community Foundation (PCCF), provided an overview of PCCF's efforts with the early childhood visitation program, as well as a program report. He also provided a PCCF annual report for review.

@11:12:42 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 30, 2012

Discussion/Decision on Court of Record in Justice of Peace

@1:00 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Linda Budeski, JP; Scott Hamilton and Tom Totland, PCSO; Brett Linneweber, Kathy Carrick and Shannan Piccolo, county attorney's office; Dann Babcox, PCRFD#1; Wes Venteicher, Livingston Enterprise and Wade Ester, citizen. No public comment made.

The meeting was scheduled to consider a court of record for the Justice of Peace.

Linda Budeski, justice of peace, provided comments she solicited from other judges about the benefits of having a court of record, as she said the Commission had asked her for more information on the proposal.

County Attorney Brett Linneweber said the legislature intended that only one trial occur per case, but a defense attorney challenged that long ago, which resulted in today's large numbers of appealed cases. He said implementing a court of record would be a good feature of accountability and a huge time and taxpayer expense saver.

Commissioner Malone said he sees the Justice Court as a people's court, with defendants going before a peer. He said he sees the district court as one with a judge, and he has concern about people not having a chance to appeal their case. He said it is important to give every citizen equal and fair justice.

Deputy County Attorney Cathy Carrick said she does not see a downside to a court of record, as the defendant's rights are upheld, but it negates a need for a new trial just because the defendant wants it. Budeski jury and witness costs are a burden on taxpayers when hearing a trial twice. She said most cases appealed in her court are DUIs, and the only case not appealed was when an individual represented himself.

Undersheriff Scott Hamilton said becoming a court of record would help the sheriff's office time wise and moneywise. Hamilton said the trend shows the number of appealed

cases in Park County is increasing, going from four appeals to twenty in a few years. Civil Deputy County Attorney Shannan Piccolo said she supports the proposal on behalf of her office.

Commissioner Durgan moved to proceed toward establishing a court of record in the justice court. Commissioner Taylor seconded the motion. Motion passed. Commissioner Malone voted in opposition to the motion.

As public comment, Linneweber said the court of record can be amended or done away with if Budeski or a subsequent judge feels it is not working well. Commissioner Taylor said he thinks the benefit of a court of record is saving sheriff's deputies from having to testify twice for the same case. Taylor said the justice court can proceed with the resolution process toward establishing a court of record.

@1:28:54 p.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

October 30, 2012

Discussion/Decision on Ordinance for Weight Limits on Old Clyde Park Road

@1:30 p.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 supervisor; Scott Hamilton and Tom Totland, PCSO; Shannan Piccolo, civil deputy county attorney; Dann Babcox, PCRFD#1; Wes Venteicher, Livingston Enterprise and Chuck Donovan and Wade Ester, citizens.

The meeting was scheduled to consider an ordinance for weight limits on Old Clyde Park Road.

Commissioner Durgan said Bearclaw Petroleum submitted a letter for the record opposing a weight limit on Old Clyde Park Road, because that local company uses that road to deliver fuel to clients.

Dann Babcox, PCRFD#1 chief, said emergency services diverted traffic the previous year 20 to 30 times, and the highway was open each time, so such will be a problem during the KPRK Bridge replacement project if the highway closes. He said options for Old Clyde Park Road include weight or length limits, "Local Traffic Only" signs, installing snow delineators and lowering the speed limit on some parts of the road.

There was discussion about installing signs to notify large trucks of road width and weight limit restrictions in attempt to eliminate the number of large trucks using the road. Ed Hillman, road supervisor, said he can install roadside delineators.

Commissioner Malone moved to allow the civil deputy county attorney piccolo to come up with a resolution that prohibits what the county considers semi traffic, but allows for local traffic. Commissioner Durgan seconded the motion. Motion passed.

@1:59:29 p.m., Durgan moved to adjourn the meeting. Malone seconded the motion. The meeting adjourned.

October 30, 2012

7:00 P.M. – Gardiner Gateway Project Public Meeting – Community Center, Gardiner MT – Commissioner Malone attended

October 31, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:30:54 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. Upper Yellowstone Watershed Basin meeting
- Memo email re. Southwest Juvenile Detention Board conference call
- Memo email re. Secure Rural Schools project
- Memo document re. MDT Main Boulder Road corridor study debriefing

Commissioner Malone reported on an October 30 Gardiner Gateway Project meeting in Gardiner.

@8:45:31 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 31, 2012

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

October 31, 2012

Litigation Strategy for Fletcher v. Park County

@10:04:36 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Brett Linneweber, county attorney; Shannan Piccolo, civil deputy county attorney; Ed Hillman, road department; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to discuss litigation strategy for Fletcher v. Park County.

Commissioner Malone moved to close the meeting to the public to discuss litigation strategy. Commissioner Durgan seconded the motion. The meeting was closed to the public, the audio recording turned off and the recording secretary exited the chambers.

@11:08:48 a.m., Taylor reopened the meeting.

Commissioner Malone moved Commissioner Durgan serve as the Commission representative for the litigation issues. Commissioner Taylor seconded the motion. Motion passed.

@11:09:22 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

October 31, 2012

1:00 P.M. – KPRK Bridge Project Meeting – Best Western Yellowstone Inn, Livingston

October 31, 2012

Discussion/Decision to Sign a Contract with City of Livingston for Solid Waste Disposal

@2:00:13 p.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; Ed Meece, city of Livingston; Wes Venteicher, Livingston Enterprise; Dick Juhnke and John Kaiser, SWB; Bruce Martin, Rick Van Aken and Brad Wilson, citizens; and John Mueller, minutes clerk.

The meeting was scheduled to consider signing a contract with the City of Livingston for solid waste disposal.

Commissioner Taylor said the Solid Waste Board (SWB) recommended the Commission sign and enter into the refuse contract offered by the city of Livingston, which is a five-year contract with no cost per ton escalation clause and no changes to be made to the contract without negotiation by both the city and county commissions.

Commissioner Malone moved to sign the contract with the city of Livingston for solid waste disposal. Commissioner Durgan seconded the motion. In discussion, Dick Juhnke, SWB, said he would like to see the accounting numbers he and Warren Newhouse, interim refuse manager, asked an accounting employee for regarding solid waste figures. Commissioner Taylor said the county employee was unauthorized to do that work, and Juhnke should have asked the finance director to conduct the work. Taylor said the numbers that were put together were draft numbers and would not be revealed in a draft form. He said the employee was told to stop working on the effort. Juhnke said the only memorandum the SWB received from the commissioners regarding contacting county employees was a memo stating board members could not talk to the county attorney's office and did not specify they were not to talk to county employees. Juhnke said the Commission has said all along for the board to consult the finance office if wanted to

discuss refuse figures. Taylor said the SWB is not to talk to county employees. John Kaiser, SWB, said the agreement between the county and city is an agreement about disposal more than collections, so that needs to remain the focus. Citizen Brad Wilson said 59 percent of people in Park County polled by the Commission do not want a solid waste contract with the city and asked if the Commission does not make decisions based off of voter majority. Taylor said the Commission voted by listening to the SWB, which voted 6 to 1 to enter into a contract with the city. Motion passed unanimously.

City Manager Ed Meece provided public comment and said “thank you” to the county commission for taking a big step forward in coordination between the city and county commissions, which is a step in the right direction toward saving county taxpayers \$500,000. Commissioner Durgan thanked Clint Tinsley, city director of public works, for his assistance with the proposed effort.

Meece said the results of survey question #7 in which only residents living in the unincorporated areas of Park County were asked about their selection for refuse disposal options were: 34 percent for retaining the existing county landfill and transfer station operations; 38.8 percent for taking county refuse to the city of Livingston transfer station; 1.9 percent favored a newly constructed landfill; and 25 percent favored constructing a new incinerator facility.

@2:14:23 p.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

November 1, 2012

Daily Correspondence/Agenda and Briefing on Current County Projects

@8:35:44 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; Ed Hillman, road supervisor; and John Mueller, minutes clerk. No public comment made.

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

Correspondence included:

- Memo document re. Wilsall Senior Center cleaning invoice
- Memo document re. public information request
- Memo email re. Pierce Pit public notice
- Memo document re. Paradise Valley TV Board application
- Memo email re. November 8 Main Boulder Road close-out meeting
- Memo email re. Montana DEQ recycling program meeting request
- Memo document re. public information request legal opinion
- Memo email re. Sletton Construction KPRK Bridge meetings

@8:51:10 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

November 1, 2012

Signing of Letter of Support for Noxious Weed Grant

@9:03:20 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Tracy Mosley, MSU Extension; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to sign a letter of support for a noxious weed grant.

Tracy Mosley, MSU Extension, said she is in the process of preparing a noxious weed trust fund grant to cover half the cost of aerial seed application, as well as purchase some herbicide for properties burned in the Pine Creek Fire. Mosley said she is present to ask for a letter of support and permission to run the money through the county if received.

Commissioner Malone moved to sign the letter for the noxious weed grant for Pine Creek Fire rehabilitation. Commissioner Durgan seconded the motion. Motion passed.

@9:13:52 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

November 1, 2012

Discussion/Decision of Implementing a Ride-Purchase Agreement with Local Taxi Services

@9:31:49 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Martha Miller, auditor; Raea Morris, administrative assistant; Jeff Rupp, HRDC; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider implementing a ride-purchase agreement with the local taxi service.

Jeff Rupp, Human Resources Development Council (HRDC), said an application request for \$60,000 has been added to a Montana Department of Transportation grant, the funds to be spent in Park County, as a result of assistance from a local "basic needs group." He said initially proposed funds for Park County had been removed from the grant application after talks about the proposed grant project stalled, as well as after failed discussions with the local taxi service, Amazing Taxi.

Rupp said the proposed program would offer \$6 toward a taxi ride costing \$8 with the hopes the rides would be used by local residents in need of them, for example for rides to the food pantry, Community Health Partners and the RSVP volunteer program. Rupp

said vouchers should originate from service providers in the community as opposed to invoices submitted by Amazing Taxi. He said such would assist in fostering accountability and credibility for the program in the community.

Commissioner Malone said the Angel Line Board gets concerned when that service is mentioned within the context of the proposed grant program. Commissioner Taylor asked what happened to the assistance Amazing Taxi was to receive through the proposed HRDC program. Rupp said the grant supporting the proposal was not awarded.

Rupp said a meeting with the local basic needs group will take place that day, to be attended by Martha Miller, Angel Line site manager, with the goal to ensure all parties understand what is going on with any proposed Angel Line fund match. He said the requested match would be forwarded to HRDC, and then HRDC would write a check back to the county for the match amount. Rupp said he would like to reimburse Angel Line for rides it may provide through the program at HRDC's request. He said the current proposal is for the second half of the grant year to see how the program goes. Rupp said the Commission has a legitimate concern service users may want the service to continue after its funds are expended, but he does not know why HRDC would not continue the program if it was successful.

Malone said he suggests a letter be written to the Angel Line Board for the proposal to get its permission. Miller said it may be the actual \$30,000 match from Park County may not need to come from Angel Line.

@9:53:30 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

November 1, 2012

Discussion/Decision of Progress of the Tennis Association Rebuilding of Courts and Use of Funds through PILT

@10:02:46 a.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Martha Miller, auditor; Lani Hartung, finance; Raea Morris, administrative assistant; Carol Goosey and Larry Teeter, Livingston-Park County Tennis Association; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to consider using Payment in Lieu of Taxes (PILT) funds for assistance with rebuilding of local tennis courts.

Carol Goosey, Livingston-Park County Tennis Association, said the association has received nonprofit organization status and established a board of directors since its last meeting with the Commission. Goosey said the association has a bid from a Bozeman firm to rebuild the tennis courts and hopes to start with Phase I of the project the upcoming spring and summer. She said funds are being sought through fundraisers, grants and donations, including a grant through the US Tennis Association (USTA).

Larry Teeter, Livingston-Park County Tennis Association, said the USTA wants the association to produce construction and soil testing documents before awarding funds to ensure quality courts are put in. He said the USTA will match 20 percent of the overall project up to \$50,000, and the association needs to come up with between \$9,000 and \$12,500 to contract with Allied Engineers to produce the required testing documentation. He said he and Goosey are present to ask whether county PILT funds can be used to fund the testing requirements. Teeter provided an email from a soil testing engineer in Bozeman with an itemized proposal. Goosey said testing increases the association's chances of getting the grant funds.

Teeter said he and Goosey will approach the city with the same proposal. Commissioner Malone said his goal is general taxpayer dollars should be spent on public health and safety purposes, and tennis does not fit into that philosophy.

Commissioner Taylor said the association should wait for a firm proposal from the engineering firm in Bozeman and a report of how much funding other entities will contribute toward the effort before it again approaches the county for a funding request. He said he thinks the Commission will be interested in helping the association and could consider helping fund the design and testing efforts.

Teeter said there have been six state tennis championships in the high school since 1999, and 60 to 70 kids come out for the tennis teams, annually.

@10:27:50 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

November 1, 2012

Signing of Work Change Directive for Peterson Creek Project Contract

@11:03:04 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; Kevin Feldman, CTA (via telephone); Courtney Lawellin, attorney; Barbara Fletcher, citizen; and John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to sign a work change directive for a Peterson Creek Road project.

Civil Deputy County Attorney Shannan Piccolo said the meeting was scheduled pursuant to the county's contract with Frontier West MCA Article 15-15.01 describing owner (Park County) may suspend work due to an October 25, 2012, temporary restraining order in order to show cause granted in Fletcher v. Park County DB2012-175. Piccolo said the document will state the project is suspended until resolve of the case, and the county does not know when or if the county may resume work.

Kevin Feldman, CTA Engineering, said the retained contractor, Frontier West, has told the county additional costs to the project will be experienced associated with the suspension of work. Feldman said the proposed work change order would typically allow the county to stop work and inform the contractor of a specific date that work can resume, which helps the contractor tabulate costs associated with the delay, such as lost profits from other jobs, equipment standby time, and additional equipment mobilization or demobilization. Feldman said the document is a formality to the restraining order, as the contractor will be permitted a change of cost and time as a result of the suspension of work.

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

Courtney Lawellin, attorney, said she would ask for a signed copy of the contract with Frontier West and the change order paperwork. Lawellin said she fielded responses and one motion and will have another response to Piccolo's plea that afternoon. She said it was not her intention to drag out the issue, but she said what needs to happen and what she was trying to do is get a meeting together with the Commission, counsel, plaintiffs, Montana FWP, Army Corps of Engineers and Northwest Energy onsite in order to get everyone on the same page and get the project back on track and completed. Piccolo said she does not think that can happen before the scheduled November 8 hearing given individual schedules of the mentioned agencies. She said the county's stance is to go forward with the hearing, as it will experience substantial costs as a result of the stop order. Durgan said CTA advised the county that a very small time window exists to work on the project, which is why Piccolo is holding fast to the proposed hearing date.

@11:16:14 a.m., Malone moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned

November 1, 2012

Park County Fair Wrap-Up Discussion

@1:00:31 p.m., Chairman Taylor called a meeting to order in the Commissioners Chambers. Commissioners Durgan, Malone and Taylor were present. Also present were Kim Knutson, fair manager; Raea Morris, administrative assistant; Lani Hartung, finance; Mike Adams, Ed Flatt and Bob Skillman, fair board; Gregory Durham, citizen; and John Mueller, minutes clerk.

The meeting was scheduled to discuss the 2012 Park County Fair.

Kim Knutson, fair manager, provided documentation of 2012 county fair income and expense figures. She said the fair received positive feedback from parents of children who used the inflatable jump apparatus, and the fair was invited to the International Association of Fairs to speak about the inflatable rides. She said the reptile display was a positive attraction that received a tremendous amount of positive feedback, as well. Knutson said she has an entity interested in funding the reptile show, and has other doors

of support she can knock on. She said the team roping outfit may be taken on by a private entity and thus may not be back to the fair next year, and she feels the 2012 fair was better attended, but it is not possible to get an accurate gate count without charging an entrance fee. Commissioner Malone said the fair can use the county's road counters to determine attendance numbers.

Mike Adams said it is hard to find gate attendant money takers willing to take the abuse they do from fairgoers for a \$1 entrance fee. Malone said attendance numbers help justify the taxpayer dollars that are spent on the fair. He said he suggests the Fair Board use county motor pool vehicles to visit other county fairs to get ideas. He said he thinks the county needs to try something different.

Gregory Durham, citizen, said 2012 was his first experience at the Park County Fair, as he just moved to the area, and he thinks having a music lineup may help keep people at the fairgrounds and spending money. He said there were very few food vendors, and the 4-H kitchen seemed to monopolize the vending a bit. Knutson said the board took every vendor that inquired. Durham said the fair program stated the fair ran August 1 - 4, but it broke up quite a bit Saturday night, and the demolition derby took place at 1:00 p.m. on Sunday, so perhaps different timing may keep crowds at the fairgrounds.

There was discussion about a truck pull, music lineups and a dance as possible fair events. Mike Adams, fair board, said budget constraints limit what logistically can be brought into the fair.

@1:45:24 p.m., Malone moved to adjourn the meeting. Taylor seconded the motion. The meeting adjourned

November 1, 2012

1:00 P.M. – Park County Fire Safe Coalition – East Room – Canceled

November 2, 2012

9:30 A.M. – Daily Correspondence/Agenda and Briefing on Current County Projects – Commission Chambers – Canceled

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

Denise Nelson  
Clerk & Recorder  
Park County, Montana