

Park County Commission Meeting Minutes
Week of May 12 – 16, 2014
Park County, Montana

May 12, 2014

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

@9:02 a.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan, Malone and Tinsley; Raea Morris, administrative assistant; John Mueller, minutes clerk

Correspondence for May 8 included:

- Memo re. accounts payable complaint letter
- Memo re. Gallatin & Southern Montana RAC funding
- Memo re. May Parks and Recreation Board meeting agenda
- Memo re. Fleshman Creek water issue
- Memo re. Upper Yellowstone Snowmobile Club certificate of liability insurance
- Memo re. Robert Peccia and Associates Mission Field Airport Improvements Addendum #1
- Memo re. auctioned vehicles/equipment check
- Memo re. Library Board meeting date change
- Memos re. Peterson Creek Road #31

Correspondence for May 9 included:

- Memo re. Cooke City Fire District seat recommendation
- Memo re. SAR building letter
- Memo re. May Fair Board meeting agenda
- Memo re. draft March Angel Line Board minutes
- Memo re. Roughneck Jet Boat information
- Memo re. DPHHS FY2014 Medicaid Match payment
- Memo re. right of action on security for Fairgrounds Sewer Project
- Memo re. Cooke City Museum grand opening
- Memo re. 2014-15 MACo Workers' Compensation Trust class codes
- Memo re. Spectec visit invitation

Commissioner Malone reported on a May 9 trip to Gardiner.

@9:40 a.m., the meeting adjourned.

Human Resource Department Updates

@10:04 a.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan, Malone and Tinsley; Jill Ouellette, HR; John Mueller, minutes clerk

Jill Ouellette, HR, provided two updated job descriptions for review, change of status forms for homemaker, weed and a road workers (with job description), change of status form for a homemaker who completed a six-month probationary period (with requested \$0.50 wage increase). Ouellette provided an update of ongoing work efforts.

@10:20 a.m., the meeting adjourned.

Discussion/Signing of Fleshman Creek Restoration Project Change Order #3

@10:30 a.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan, Malone and Tinsley; Kevin Feldman, CTA; Parks Frady, public works; John Mueller, minutes clerk

Kevin Feldman, CTA Engineering, said the final change order is a reconciliation of actual quantities installed versus those in the bid form. Feldman reviewed the changes in the final project change order. Original contract price = \$2,166,187.53. Prior to the change order the project experienced an increased cost of \$49,764.61. Increased project cost resulting from Change Order #3 is \$13,227.80. Total contract price = \$2,229,179.94. Project work is substantially complete.

Commissioner Malone moved to sign the change order per recommendation of the consulting engineer. Commissioner Durgan seconded the motion. Motion passed.

@10:34 a.m., the meeting adjourned.

Discussion/Signing of Park County Fairgrounds Sanitary Sewer Extension Change Order #1

@11:01 a.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan, Malone and Tinsley; Kevin Feldman, CTA; Parks Frady, public works; John Mueller, minutes clerk

Kevin Feldman, CTA Engineering, said as of May 9, all sanitary and water mains have been completed on site. Change Order #1 is a housekeeping, quantity-reconciliation measure. Total project cost increase due to Changer Order #1 = \$4,710. Total revised

contract price = \$197,561. Goal substantial completion date is May 15. Project is under budget.

Commissioner Durgan moved to sign Fairgrounds Change Order #1. Commissioner Malone seconded the motion. Motion passed.

@11:08 a.m., the meeting adjourned.

Discussion/Decision on Liquidated Damages for Sewer for Search and Rescue Building

@11:30 a.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan, Malone and Tinsley; Shannan Piccolo, civil deputy county attorney; Wendy Wood, SAR; Parks Frady, public works; Kevin Feldman, CTA; Marie Guerra, MCG Contracting; John Mueller, minutes clerk

Kevin Feldman, CTA Engineering, said the Commission requested all punch list items be completed by March 17. 20 punch list items remained by that date. Liquidated damages were in dispute. The Commission agreed to half of the additional days requested by General Contractors (GCCC). Agreed-to days = 41 days at \$24,500. Wendy Wood (SAR) compiled what the county feels are actual dollar damages incurred by Park County in an amount of \$7,284.41, some of which was additional professional service costs, time by SAR staff to complete punch list items, and costs of delay. Seven items remain outstanding, two of which are warranty items. The general contractor has withheld payment from some subcontractors, to-date.

Feldman said his recommendation is to offer General Contractors a last and final offer before going into mediation on closeout change order to consider only the actual costs incurred as liquidated damages. Change to the contract is a negative \$5,377.85 for a total contract amount of \$802,591.78. Feldman said a subcontractor is not willing to do additional work to repair the sewer line issue until paid. He said he feels it is in the county's best interest to install insulation for the sewer piping with its equipment and labor.

Commissioner Malone moved to allow CTA to send a final offer to General Contracting as detailed by Feldman. Commissioner Durgan seconded the motion. In discussion, Marie Guerra (MCG Contracting) said she is also frustrated. Her firm finished its work and billed the general contractor, but was given excuses and the run around on getting paid, which it has not. Motion passed.

@12:03 p.m., the meeting adjourned.

2:30 p.m. – Local Advisory Committee – Mental Health Drop-In Center, Livingston

3:00 p.m. – Angel Line Board Meeting – East Room – Commissioner Malone attended

5:00 p.m. – Park County Weed Fair – Fairgrounds, Livingston – Commissioner Durgan attended

May 13, 2014

Opening of Bids for Mission Field Airport Snow Removal Equipment and Building

@1:30 p.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Malone and Tinsley; Lani Hartung, finance; Jerri Miller, Don Wilson, Kerry LaDuke, airport board; Brooke Logan, Diamond Construction; Dave Clark, Wadsworth Builders; Matt Strong, John Deere; Shirley Wilson, citizen; John Mueller, minutes clerk

Commissioner Tinsley read into the record sealed bids as follows:

- Moody Implement Company: Schedule One (equipment): \$156,650

Commissioner Malone moved to submit Schedule One to legal counsel and the engineer for review to ensure it meets bid specifics. Commissioner Tinsley seconded the motion. Motion passed.

- Kruse Enterprise Inc.: Schedule Two (building): \$187,355
- Diamond Construction: Schedule Two: \$236,800
- Wadsworth Builders Company Inc.: Schedule Two: \$259,900
- Lutey Construction: Schedule Two: \$190,724

Commissioner Malone moved to submit the bids to legal counsel and the engineer for review of specifications. Commissioner Tinsley seconded the motion. Motion passed.

@1:39 p.m., the meeting adjourned.

2:30 p.m. – Signing of Montana Aeronautics Board Grant/Loan Documents – Canceled

Opening of Meeting: 6:00 p.m.; Gardiner Community Center

Attendance: Commissioners Durgan, Malone and Tinsley; Parks Frady, public works; Mike Inman, planning; Shannan Piccolo, civil deputy county attorney; Katie Weaver, MSU Extension; John Mueller, minutes clerk; Citizens Sabina Straus, Jean Modesette, Frankie Aars, Sandy Bierle, Joseph Gross, Myron Kovash, Bev Kovash, Jill McAllister, Scott Kremer, Edie Cox, Judy Freeland, Laura Clem, Chuck Tanner, Roger Keaton, Missy Miculka, Laura Williams, Derek Johnston, Daniel Bierschwale, Sharlene Darr, Linda Ballagh, Ken Ballagh, Deborah Mackey, Barbara Read, Francesca Monte, Rebecca Demaree, Cheryl Hoppe, Richard Parks

Commissioner Durgan moved to postpone agenda items scheduled for action at the current meeting to May 15 at 9 a.m. Commissioner Malone seconded the motion. Motion passed.

Public Comment

Civil Deputy Count Attorney Shannan Piccolo said the resort tax passed on April 8; the Commission passed an ordinance defining how the resort tax will be administered; two public readings were held on April 15 and May 1. Ordinance effective on May 30; resort tax is effective June 1. Resort tax runs June through September each year.

Treasurer Kevin Larkin said resort tax money from each business needs to be submitted to his office by October 10 each year to facilitate a property tax relief on the current tax year's tax bill. Any funds after October 10 will be held over to the next year in a savings account generating interest. Tax relief is 5% of resort tax funds collected between June – September each year. The tax relieve will change annually, as it is based on actual resort taxes collected. There will be two annual types of tax relief:

- 5% to property tax relief
- 5% to rebate fees that appear on the property tax bill (an equal amount per taxpayer)

Public Comment

Jill McAllister, Comfort Inn, said it is unfair business owners not living in the area did not get to vote for the resort tax, which likely is 75% to 90% of the business owners in Gardiner. She said she has not read any information on the tax sent by the county. She has heard not everyone living in the (proposed) tax area received ballots to vote. She said her computer system will not calculate a resort tax, and the record keeping will be a nightmare for businesses. She said she can guarantee every business in the district will not pay into the resort tax. The county did not think the tax through good enough and did not ask the businesses. McAllister asked how the resort tax will be policed. The ordinance defines enforcement measures.

There was discussion about when resort taxes will be collected regarding prepayment or down-payment for lodging.

Myron Kovash, Yellowstone Gifts and Sweets/Gardiner Laundry, said the county is imposing a tax on individuals who could not vote on it, which is unconstitutional. Kovash said he will sue the county to put a stop to the resort tax from going in. He said the county cannot regulate coin-operated machines.

Roger Keaton, Yellowstone Association, asked for clarification on how booking outside the June – September tax window is taxed regarding refundable versus non refundable down payments on a service.

Richard Parks asked whether a mechanism could be set up to make calculated deposits against tax dues over the resort tax window. Larkin said such should not be an major issue to do.

Eddie Cox, Riverside Cottages, said his cottages are already half full for the summer season. He collects 50% lodging rate up front. He said it is not a good situation that businesses like his will now have to tell his clients they will owe 3% on the balance.

A woman with a custom lodging business in Gardiner said she feels after year-one clients will know about the resort tax and things will go much simpler.

Debbie Mackey, Best Western, said she is concerned about 25 contracts she has with groups from June 1 – September in which documents state taxes are 7%. She asked how to handle that issue, because she cannot eat the tax difference.

Chuck Tanner, K Bar, asked if the county has had any thought on how businesses are to pay for costs associated with costs to reprint menus, change software to add the tax, pay accountants, etc. Each business receives a 5% to rebate fees that appear on the property tax bill (an equal amount per taxpayer). Tanner said that will not pay for much.

Kovash asked the county to put off the tax for a year to let business owners not living within the resort area to vote. State law dictates who can and cannot vote in a resort tax election.

Mike Inman, planning director, said the time when money exchanges hands defines when a payment (lodging reservation pre-payment/down payment) is or is not taxed. Goods and services sold with money exchanging hands during the resort tax window are taxed.

Scott Kramer, Cenex, asked how an audit of a company found not to pay resort tax would be conducted, and whether the entire books would be opened or just qualifying resort tax line items. Only the latter would be audited. No audits have been done in Cooke City to-date in the 10 years of its life.

Bev Kovash asked how coin operated laundry facilities could assess a three-percent resort tax.

Inman said issues and questions will continue to come up with the new resort tax and asked individuals to provide them to the county in writing. Piccolo said she encourages property owners and business owners within and outside of the resort tax area to be on resort tax board of advisors. Piccolo said Park County did not implement the tax, rather people in Gardiner petitioned the county and then voted it in. Gardiner can go through a similar process to amend resort tax ordinance language if desired.

Update on Current County Projects

Fleshman Creek Project

Gardiner Gateway Project
Bicycle/Pedestrian Trail Extension
Gardiner Green Box Refuse Site
Gardiner Confluence Park Project
Gardiner Sidewalk Extension Project
Bicycle Trail Extension Resurfacing
Museum Roof Restoration Project
Fairgrounds Sewer Project
Rock Creek Road
TSEP County Bridge Improvement Project

ACTION ITEMS

Signing of a Task Order #3 for the Park County Landfill Closure Cost Estimate with Great West Engineering

Signing of Charter Contract for County Broadband

CONSENT ITEMS

Review of Minutes for Week of May 5, 2014

Public Comment Period, County Departmental Updates, Signing of Administrative Documents/Claims and Review of Daily Correspondence/Agenda

Park County Board/Committee Meetings

1:00 p.m. – Senior Citizens Meeting – Senior Citizens Center, Livingston

2:00 p.m. – IT Advisory Committee, Community Room

Adjournment: 6:59 p.m.

May 14, 2014

9:00 a.m. – Safety Committee Meeting

10:00 a.m. – MACo District Meeting for Districts 8, 9 and 12 – Commissioner Malone attended

3:00 p.m. – Parks and Recreation Board – East Room

May 15, 2014

Opening of Meeting: 9:02 a.m.; Commission Chambers

Attendance: Commissioners Durgan and Malone; Raea Morris, administrative assistant; John Mueller, minutes clerk

Department Updates

Public Works Department Update: Parks Frady provided a written report of activities conducted in departments he oversees.

ACTION ITEMS

Appointing of Recommended Cooke City Fire District Trustee/Signing of Appointee Letter: Jason Hahn and Blake Zimmerman were elected to the fire district. Hahn has resigned. The board requests Troy Wilson be appointed to the vacant seat. Commissioner Durgan moved to sign the letter of appointment for Troy Wilson. Commissioner Malone seconded the motion. Motion passed.

Signing of Department of Administration Standard Audit Contract: Commissioner Durgan moved to sign the contract. Commissioner Malone seconded the motion. Motion passed.

Signing of Great West Engineering Task Order #3 for Park County Landfill Closure Cost Estimate: The task order is not-to-exceed \$1,500. Work will be budgeted in FY' 15. Commissioner Durgan moved to sign Task Order #3 for Park County Landfill Closure Cost Estimate with Great West Engineering. Commissioner Malone seconded the motion. Motion passed.

CONSENT ITEMS

Public Comment Period, Signing of Administrative Documents/Claims and Review of Daily Correspondence/Agenda

Correspondence for May 12 included:

- Memo re. Fair Board seat application
- Memo re. MSU Extension board training invoice
- Memo re. Planning and Development Board meeting agenda
- Memo re. Park County FCC Licensing information
- Memo re. J & H Office copier lease invoice
- Memo re. May 15 SWB meeting agenda
- Memo re. May 13 CWMA meeting minutes
- Memo re. Fairgrounds Sanitary Sewer Extension project

Correspondence for May 13 included:

- Memo re. May Fair Board meeting time change
- Memo re. Bozeman Chronicle Airport Board bid ad invoice

- Memo re. Clyde Park Rural Fire trustee recommendation letter
- Memo re. YGM Roof Replacement Project completion report
- Memo re. FAA building construction Mission Field Airspace Determination
- Memo re. Livingston Enterprise public information request
- Memo re. Southern Zone Agency Administrator meeting
- Memo re. May 14 Safety Committee meeting agenda
- Memo re. public groundwater webinar
- Memo re. SB56 DOR meeting
- Memo re. YGM roof project closeout
- Memo re. 2014 Altria Park County/Hammond Creek Road agreement
- Memo re. draft April Safety Committee meeting minutes

Correspondence for May 14 included:

- Memo re. Rural Fire #1 trustee recommendation letter
- Memo re. Airport Board upcoming meetings
- Memo re. high water update
- Memo re. department head key fob request
- Memo re. commissioner mileage reimbursement report
- Memo re. Mission Field project bids
- Memo re. DNRC surplus dozer
- Memo re. FY 14-15 Secure Juvenile Detention per diem rate

Commissioner Malone reported on a May 14 MACo district meeting.

Adjournment: 10:25 a.m.

Park County Board/Committee Meetings

1:00 p.m. – Solid Waste Board – East Room

4:00 p.m. – Planning and Development Board – Community Room

May 16, 2014

Discussion/Decision on Signing of Renewal Contract for Granite TCS Professional Services

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

Attendance: Commissioners Malone and Tinsley (via telephone); Erica Hoffman, GIS/IT; Bill Procnier, Granite TCS; John Mueller, minutes clerk

Erica Hoffman, GIS/IT, said the civil deputy county attorney reviewed and okayed the contract. Hoffman said the contract is for \$82,410 with Granite invoicing Park County

each month for one calendar year. Bill Proconier (Granite TCS) said the contract has a three-percent increase over last year's contract. Next year's contract will be the same amount as this year's contract.

Commissioner Tinsley moved to accept the contract as stated. Commissioner Malone seconded the motion. Motion passed.

@9:05 a.m., the meeting adjourned.

MACo JPIA/JPA Renewal Meeting

@9:31 a.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Malone and Tinsley (via telephone); Jill Ouellette, HR; Dan Gutebier, Taylor-Leavitt; Greg Jackson, MACo; John Mueller, minutes clerk

Greg Jackson, MACo, reviewed property and liability renewal rates, loss control credits, cyber liability coverage, and the workers' compensation program.

@10:56 a.m., the meeting adjourned.

Clint Tinsley
Chairman, Park County Commission
Park County, Montana

Denise Nelson
Clerk & Recorder
Park County, Montana