

Anaconda-Deer Lodge County
Commission Meeting
6:00 p.m. September 15, 2015
Courthouse Courtroom

Present: Commission Chair Hart, Commissioner Mulvey, Commissioner Lux-Burt, Commission Vice-Chair Vermeire, Commissioner Smith, CEO Ternes Daniels, and County Attorney Krakowka.

Others Present: Julie Hoffman, Clerk of the Commission

Commission Chair Hart called the meeting to order at 6:04 p.m. and the Pledge of Allegiance was recited.

Commission Chair Hart explained the Commission Rules of Procedure.

APPROVAL OF MINUTES FROM THE COMMISSION MEETING OF SEPTEMBER 1, 2015 AND THE COMMISSION WORK SESSION OF SEPTEMBER 8, 2015.

Commissioner Lux-Burt moved to approve the minutes from the Commission Meeting of September 1, 2015 and the Commission Work Session of September 8, 2015; seconded by Commissioner Smith.

Motion carried unanimously.

APPROVAL OF CLAIMS

Commission Chair Hart noted approximately \$808,000 was for payment of claims for the West Valley Sewer, Waterlines, and bridge construction projects.

Commissioner Vermeire moved to authorize the payment of claims numbered 120522 through 120650 in the amount of \$990,996.71; seconded by Commissioner Mulvey.

Motion carried unanimously.

REPORTS OF BOARDS, OFFICIALS, COMMITTEES

Commissioner Vermeire attended the Airport Board Meeting.

Commissioner Lux-Burt attended the Board of Health Special Meeting/Training. She attended two (2) West Valley Sewer construction meetings. She informed the Commission it has been a difficult project and it is a bit behind schedule. Commissioner Lux-Burt also attended the uniform ceremony for Don Kelly, Sr.

Commissioner Mulvey attended the Hearst Free Library Board Meeting and the Board of Health Special Meeting/Training.

CEO Ternes Daniels attended the Board of Health Special Meeting/Training and stated it was very informative. She attended the Hearst Free Library Board Meeting. She intends on attending the West Valley Sewer construction meeting tomorrow.

County Attorney Krakowka attended the uniform ceremony for Don Kelly, Sr., the DUI Task Force Meeting and a department head meeting yesterday. He informed the Commission the "Coffee with a Cop" event is taking place on Thursday at the Coffee Corral.

PUBLIC HEARING

A Petition Submitted by the St. Timothy's Memorial Chapel Committee to Abandon a Portion of Cable Mountain Road along the front (southwest side) of St. Timothy's Chapel which is located in the Georgetown Lake Planning Area

Prior to the start of the public hearing, Commissioner Vermeire reported he accompanied Wayne Wendt, Road Shop Foreman, to conduct an investigation of the petition request by St. Timothy's. Commissioner Vermeire informed the Commission an incredible amount of work has been done on the road. Wayne Wendt assured Commissioner Vermeire there is plenty of room to maneuver the snow plow on the road. Commissioner Vermeire did note that a resident has requested a sign be placed at the top of the new road directing vehicles to turn right to access the Chapel. Commissioner Vermeire stated he has no reservations accepting the new section of the road and abandoning the old section, with the stipulation of adding the signage as noted above.

Commission Chair Hart opened the public hearing at 6:17 p.m.

After three calls for public comment and no public comment, Commission Chair Hart closed the public hearing at 6:18 p.m.

CEO Ternes Daniels informed the Commission this item was not placed on the agenda for action and requested a Special Meeting be held after next week's Work Session to take action on this item.

UNFINISHED BUSINESS

Bid for the Anaconda-Deer Lodge County RDU3 Storm Water Plan, AFFCO Storm Water Ditch Upgrade Project (Jordan Contracting submitted the only bid in the amount of \$800,400. (\$109,416.75 higher than the Engineer's Estimate of \$690,983.25)

Commissioner Lux-Burt suggested the County go out for bid a second time on this project. She believes the bid amount is too high.

Commissioner Vermeire asked for an explanation regarding the cost of the curb and gutter replacement, noting the Engineer's Estimate was higher than Jordan Contracting's bid.

Steve Anderson with WET agreed that the estimate was indeed higher. However, he was not able to provide an explanation and informed Commissioner Vermeire he would have to check the number.

CEO Ternes Daniels suggested it may be a good idea for all involved to double check numbers. She informed the Commission she met with representatives from Jordan Contracting yesterday to talk about the bid and Engineer's Estimate. CEO Ternes Daniels suggested the best way to straighten it out is go back out to bid. She suggested the Engineer's Estimate be part of the bid.

Steve Anderson informed the Commission the estimates are determined based on actual work WET has done and figures used in the engineering industry.

Commissioner Smith moved to reject the bid from Jordan Contracting in the amount of \$800,400 for the Anaconda-Deer Lodge County RDU3 Storm Water Plan, AFFCO Storm Watch Ditch Upgrade Project; seconded by Commissioner Vermeire.

Motion carried unanimously.

Authorization of the Second Call for Bids for the Anaconda-Deer Lodge County RDU3 Storm Water Plan, AFFCO Storm Water Ditch Upgrade Project

Commissioner Vermeire moved to authorize the second call for bids for the Anaconda-Deer Lodge County RDU3 Storm Water Plan, AFFCO Storm Water Ditch Upgrade Project; seconded by Commissioner Mulvey.

Motion carried unanimously.

Authorization of the Call for Bids for the Construction of the Copper Sands Road Path Project

CEO Ternes Daniels informed the Commission this project consists of construction of a non-motorized pedestrian/bicycle asphalt path connecting Washoe Park and Old Works Trail.

Commissioner Vermeire moved to authorize the call for bids for the construction of the Copper Sands Road Path Project; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Change Order No. 1 for the Transmission Mains Waterlines Project Asphalt Replacement from Juniper to Tamarack on Haggin Street – Option 2

Sarah Jones informed the Commission the total amount of new asphalt on Haggin Street is 4,721 rather than the 4,271 reported last week. This increases the total paving cost from \$149,000 to \$165,000. However, additional paving has been done on the waterline project resulting in additional asphalt savings to be used on Haggin which may decrease the final cost to the County. Over the past week, Ms. Jones discussed this in depth with Alden Beard and the NRD in order to ensure that the costs are correctly accounted for. One positive result of those discussions is they are now aware of the to-date asphalt overages and have indicated they can be paid for separately and do not have to come out of the quantities on Haggin, which may also reduce the total cost to the County. The \$112,980 shown on the change order is the actual additional asphalt quantity multiplied by the unit price and is the greatest un-reimbursed cost the County could expect to pay.

David Mitchell, Des Moines, IA: Mr. Mitchell asked if this was a City or County Meeting. County Attorney Krakowka informed Mr. Mitchell we have a consolidated form of government and the Commission conducts business on behalf of the city and county.

Commissioner Lux-Burt moved to approve Change Order No. 1 for the Transmission Mains Waterlines Project from Juniper to Tamarack on Haggin Street – Option 2; seconded by Commissioner Mulvey.

Motion carried unanimously.

Task Order No. 16-07-5-21-006-0, Special Nutrition Program for Women, Infant and Children (WIC) and Breast Feeding Peer Counselors

Commissioner Mulvey moved to approve Task Order No. 16-07-5-21-006-0; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Montana Department of Natural Resources and Conservation (DNRC) 2016 Tree City of the Year Application

Commissioner Lux-Burt remarked that last year's tree project at Kennedy Common really made a difference and the Common looks beautiful this year.

County Attorney Krakowka noted he would like to see this project move forward as planting trees is one way to repair the environmental damage caused by the smelter.

Commissioner Smith moved to approve the Montana Department of Natural Resources and Conservation (DNRC) 2016 Tree City of the Year Application; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Job Description for Recreation Coordinator

CEO Ternes Daniels informed the Commission she incorporated Commissioner Lux-Burt's suggestion to include uniform coordination into the job description. Upon approval of the job description, the position will be advertised.

Commissioner Mulvey moved to approve the job description for Recreation Coordinator; seconded by Commissioner Vermeire.

Motion carried unanimously.

Appointment of Dr. Gerry Nolan, Superintendent of Anaconda School District #10, to Replace Dr. Tom Darnell on the Tax Increment Financing Industrial District No. 2 Board (Mill Creek) through November 13, 2016

Commissioner Vermeire moved to appoint Dr. Gerry Nolan, Superintendent of Anaconda School District #10, to replace Dr. Tom Darnell on the Tax Increment Financing Industrial District No. 2 Board (Mill Creek) through November 13, 2016; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Resignation of Richard Verstraete from the Hearst Free Library Board of Trustees and Authorization to Advertise the Vacancy to Fill the Remainder of the Term through February 15, 2016

Commissioner Lux-Burt stated Mr. Verstraete has done a wonderful job on the Board and will be missed.

Commission Chair Hart requested a letter of thanks be sent and CEO Ternes Daniels informed him she will do so.

Commissioner Smith moved to accept the resignation of Richard Verstraete from the Hearst Free Library Board of Trustees and authorize to advertise the vacancy to fill the remainder of the term through February 15, 2016; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Resignation of Bob Andreozzi as an Anaconda-Deer Lodge County Representative from the Headwaters RC&D Board

Commissioner Lux-Burt informed the Commission she is not familiar with this board, but noted that Mr. Andreozzi is always 100 percent dedicated to whatever he is involved in.

CEO Ternes Daniels informed the Commission that Mr. Andreozzi has been involved with Headwaters for a number of years. She added that Commissioner Lux-Burt is potentially interested in serving on this board and will attend its next board meeting in Butte this coming Thursday.

Commissioner Mulvey moved to approve the resignation of Bob Andreozzi as an Anaconda-Deer Lodge County representative from the Headwaters RC&D Board; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Special Event Permit for the Rosary for Life Rally

CEO Ternes Daniels noted this event will take place on October 10th from 12:00 until 1:30 at Durston Park.

Commissioner Lux-Burt moved to approve the Special Event Permit for the Rosary for Life Rally; seconded by Commissioner Vermeire.

Motion carried unanimously.

Special Event Permit for the 2015 Pintler Pets "Walk of Terror"

CEO Ternes Daniels noted this year's event will take place on October 23rd and 24th from 6:30 p.m. until 9:30 p.m. at Washoe Park.

Commissioner Mulvey moved to approve the Special Event Permit for the 2015 Pintler Pets "Walk of Terror"; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

NEW BUSINESS

Special Event Permit for Anaconda Community Intervention's Quidditch Open

Commissioner Lux-Burt asked Matt Buerkle to explain what Quidditch is.

Matt Buerkle with Anaconda Community Intervention (ACI) informed the Commission Quidditch is "glorified soccer with hands."

CEO Ternes Daniels stated she is a huge Harry Potter fan and believes this will be a wonderful event at Kennedy Common.

County Attorney Krakowka informed the Commission he was present at the ACI Meeting when this was being planned. He believes this is a great idea and another way to get kids involved in fun, safe activities.

Commissioner Mulvey moved to approve the Special Event Permit for Anaconda Community Intervention's Quidditch Open; seconded by Commissioner Lux-Burt.

Motion approved unanimously.

Special Event Permit for the MSU Extension Pickleball Demonstration

Commissioner Lux-Burt explained that Pickleball is similar to tennis but played with solid wood rackets on a smaller court.

CEO Ternes Daniels informed the Commission Abbie Phillip brought this request forward but is not present this evening. The event will be held on September 22nd from 4:00 p.m. until 7:00 p.m. in conjunction with the Community Market. Wayne Wendt, Road Shop Foreman, has asked Ms. Phillip to notify Hickory Street residents that the road will be closed off for this event.

Commissioner Vermeire moved to approve the MSU Extension Pickleball Demonstration; seconded by Commissioner Mulvey.

Motion approved unanimously.

Change Order No. 1 for the Willow Glen Road Vehicular Bridge in the amount of \$3,532.00

CEO Ternes Daniels informed the Commission this change order is to supply a steel abutment for the Willow Glen Pedestrian Bridge in the amount of \$3,532.00.

Commissioner Smith moved to approve Change Order No. 1 for the Willow Glen Road Vehicular Bridge in the amount of \$3,532.00; seconded by Commissioner Vermeire.

Motion carried unanimously.

MISCELLANEOUS

Commissioner Lux-Burt

Commissioner Lux-Burt informed the Commission she visited Washoe Park today. She reported water is in the duck pond, sod has been laid and trees are planted. She stated it is well worth a visit.

CEO Ternes Daniels

CEO Ternes Daniels respectfully requested the Commission hold a Special Meeting following the Work Session next Tuesday to take action on the Petition from St. Timothy's and a Special Event Permit regarding the Anaconda High School Homecoming Parade.

By consensus, the Commission scheduled a Special Meeting immediately following the September 22, 2015 Work Session.

County Attorney Krakowka

County Attorney Krakowka informed the Commission that Rose Nyman inquired into the status of three letters received by the Commission regarding Library Board business. She raised concerns regarding her comments from the April 21, 2015 Commission Meeting which were not fully included in the minutes. Mr. Krakowka informed the Commission he met with Julie Hoffman, Clerk of Commission, who provided him with the letters, which he provided to Ms. Nyman. Ms. Hoffman also listened to the recording of the April 21st meeting and transcribed Ms. Nyman's comments. Mr. Krakowka read the transcribed comments from the April 21, 2015 Commission Meeting.

Commission Chair Hart inquired if it is sufficient for the Commission to acknowledge at this evening's meeting that the County Attorney read the transcribed minutes or if official action needs to be taken to amend the April 21, 2015 minutes.

County Attorney Krakowka stated it is up to the Commission to decide which action to take. In reviewing state law with regard to minutes, they do not have to a verbatim transcription of what was said at the meeting. However, he suggested adding this item to the next Commission Meeting agenda in order to take formal action.

Commission Chair Hart acknowledged the item will be placed on the next Business Meeting Agenda to take action to amend the minutes.

PUBLIC COMMENT

Rose Nyman – 121 E. 3rd: Ms. Nyman updated the Commission the Coffee with a Cop event takes place from 10:00 a.m. until 11:00 a.m.

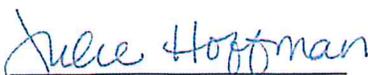
Ms. Nyman went on to thank the County Attorney for his efforts to get the issue with the minutes and letters resolved. She stated she appreciated both his work and the Clerk of Commission's work.

ADLC PUBLIC MEETING DATES

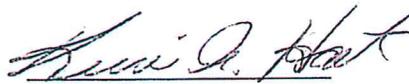
Commission Chair Hart read the ADLC Public Meeting dates and noted the Solid Waste Board Meeting scheduled for Thursday, September 17th was cancelled.

ADJOURNMENT

Commissioner Lux-Burt made a motion to adjourn the meeting. The meeting adjourned at 7:09 p.m.



Julie Hoffman
Clerk of the Commission



Kevin A. Hart
Commission Chair

**Anaconda-Deer Lodge County
Commission Meeting
6:00 p.m. APRIL 21, 2015
Courthouse Courtroom**

Transcribed Public Comments of Rose Nyman re: Resignation of Sandra Wenger from the Hearst Free Library Board

**Transcribed from the SoniClear recording of the April 21, 2015 Commission Meeting on Friday, September 11, 2015 at 1:51 p.m. by Julie Hoffman, Clerk of Commission*

Mr. Chairman would you indulge me and read the letter of resignation please? (Chairman Hart reads the letter) Did any Commissioner's question the abruptness of that resignation? I believe Mrs. Wenger still resides in Commissioner Smith's district, I don't know if he called her. (Commissioner Smith replies that he did not) There is a pretty ugly story floating out on the street and I find it very disturbing. Apparently, there was an incident between two board members following the last library board meeting. To set the background I understand that the meetings are held on Mondays, that the board has informally agreed to keep the meetings to an hour and that the library closes at five. There was apparently some silent communication between the Chair of the Board who is, was Mrs. Wenger and the librarian and basically a signal that we're almost cheating 5:00 and Mrs. Wenger pointed at her watch and there was another person speaking. And so after the meeting that was challenged by the other board member who said don't point at your watch while I'm speaking. And I didn't know if the story was true or not so I called Sandy and the story is true. I would hope that on our county boards that board members would treat each other respectfully and sometimes when you haven't attended board meetings you kinda have to get the lay of the land before you jump in. But, I know a sitting Commissioner has had the same experience, I have had it. I did ask Mrs. Wenger to reconsider her resignation and she was reluctant to do that, and said "I will think about it" and obviously she felt she could not go back to the board. She said to me "Rose, I'm not like you. I can't take this kind of stuff and shrug it off. She said "I stewed about this for days I was so upset." That story is out on the street and it's not very flattering. So maybe you Commissioners should look into what went on there. I felt and another reason I called her was because I had seen her in the middle of March and she definitely had plans to fill her term so it just is not making anyone look very good.