

Anaconda-Deer Lodge County
Commission Work Session
6:00 p.m. Tuesday, November 10, 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 Commission and Kathie Miller, Anaconda Leader

Commission Chair Hart called the meeting to order at 6:00 p.m. and explained the Commission Rules of Procedure.

Discussion – Agreement between Anaconda-Deer Lodge County and Ueland Ranches, LLC for Wastewater Irrigation and Land Lease Easement for Sewage Effluent Storage and Rapid Infiltration Ponds and Mixing Zone at Anaconda-Deer Lodge County

Ed Janney informed the Commission that he has been working with Don and Dan Ueland over the past few months to address their concerns and develop an irrigation renewal agreement that will be beneficial for them as well as the County. The Uelands have agreed to pay for modifications to the existing irrigation pivots to comply with DEQ standards regarding end guns, buffer zones and setback distances from surface water. They have also agreed to install a fourth pivot to make up for the loss of irrigated acreage resulting from modifications to the existing pivots. The Uelands are requesting the County make modifications to the irrigation pump station, line storage pond 2 and construct a third storage pond. They are concerned that usable wastewater storage is not sufficient to maintain irrigation application rates in late July and early August, when irrigation demand is at its peak. In addition, warning signs and wastewater screening have also been proposed. Estimated cost of the project is approximately \$2.7 million, which would come from a combination of SRF loans and sewer fees.

Mr. Janney presented alternatives to the Commission which include a long-term agreement with a different landowner; ADLC purchase of land to construct and operate a groundwater discharge site/operation and wastewater spray irrigation system of its own; and discharging groundwater year-round east of the existing WWTP or changing to year-round discharge to surface water into Warm Springs Creek. However, Mr. Janney believes these options are not feasible as the Uelands own most of the nearby land that is suitable to spray irrigation of treated wastewater. In addition, ARCO's properties have deficiencies when it comes to wastewater irrigation, and the cost to build new pipelines and storage ponds would be significant.

CEO Ternes Daniels informed the Commission that ADLC is still below the targeted rate with regard to sewer fees. Sewer fees are based on median household income within each community, and ADLC's fees are lower than many communities. As Mr. Janney's analysis shows, it would be an expensive endeavor for ADLC to embark on constructing and operating its own groundwater discharge/wastewater spray irrigation system. CEO Ternes Daniels realizes many folks are on a fixed income but believes the community will benefit from the agreement.

Commissioner Vermeire asked Mr. Janney how much irrigation capacity the Uelands are looking for. Mr. Janney explained that the DEQ's Allowable Irrigation Rate varies between 18-23 inches annually, which is the Ueland's target rate as well. Commissioner Vermeire questioned whether a third storage pond is

necessary and inquired into whether modifications of the two existing storage ponds were discussed. Mr. Janney informed the Commission that he did discuss modifications with the Uelands. However, the construction of a third pond is non-negotiable for the Uelands and must be part of the agreement.

Historically, this has been a 20-year agreement. However, CEO Ternes Daniels believes 30 years may be more appropriate considering the updates and changes that are being proposed in the agreement. Mr. Janney informed CEO Ternes Daniels and the Commission he discussed the term of the agreement with the Uelands, but the Uelands opted for a 20-year term.

Commission Chair Hart proposed language in the agreement regarding non-performance.

County Attorney Krakowka agreed with CEO Ternes Daniels regarding a 30-year agreement. With regard to non-performance, County Attorney noted it is critically important, given the amount of money the County is spending, that an indemnification clause be in the agreement. He will thoroughly review the entire agreement and bring his recommendations back to the Commission.

Carl Nyman, Superfund Coordinator, offered a different perspective on alternatives to the agreement. Mr. Nyman informed the Commission the EPA approved non-lined ponds at the golf course as the area is not heavily contaminated. He suggested the County could use this area if the nitrogen issue could be addressed and a thorough analysis was conducted.

CEO Ternes Daniels recommended more discussion with the Uelands prior to placing the agreement on the Commission Meeting agenda for approval.

Discussion – Exhibit A – Task Order Sixteen (16) to DOWL Professional Services Agreement No. 04-HKM-0420 between County and Engineer for Planning, Engineering, Design, and Construction Oversight related to the West Valley

CEO Ternes Daniels informed the Commission that this was tabled in July because the Ueland Agreement was not finalized. However, these improvements to the WWTP need to move forward, and she recommends Commission approval in lieu of the agreement with the Uelands being approved.

Commissioner Lux-Burt questioned whether the DEQ will be willing to move forward if the Ueland Agreement is not finalized at the same time.

From the standpoint of moving forward with this Task Order, Ed Janney believes it will not cause any issues for the County. He will provide an update to CEO Ternes Daniels with regard to the Ueland Agreement in one week. If need be, work on the WWTP can be temporarily suspended until the Agreement is finalized.

Item placed on the agenda.

Discussion – Bowman Field Airport Seven-Year Airport Capital Improvement Plan 2016-2022

CEO Ternes Daniels informed the Commission that Jim Novak, Airport Manager, has reviewed this along with Morrison and Maierle. Projects include an Animal Control Fence, Fuel Farm Installation, Pavement Maintenance Project, and Aircraft Parking Apron Reconstruction. Total cost for all projects is

approximately \$2.1 million dollars. Projects are funded by a combination of FAA grants and 10 percent ADLC match (with the assistance of Montana Aeronautics grants).

Item placed on the agenda.

Discussion – Winter Maintenance Agreement for the Moose Creek Maintenance Area between Anaconda-Deer Lodge County and NELCON, Inc.

Wayne Wendt, Road Foreman, informed the Commission that NELCON did not finish its paving project. Therefore, ADLC has agreed to provide winter road maintenance to the unpaved road.

CEO Ternes Daniels noted that County Attorney Krakowka has reviewed the agreement.

Item placed on the agenda.

Discussion – FY 2016 Extension Services Agreement between Montana State University Extension and Anaconda-Deer Lodge County

CEO Ternes Daniels informed the Commission this agreement was approved in the budget. However, a discrepancy exists in the amount listed in the agreement and the amount approved in the budget.

Abbie Philip concurred with CEO Ternes Daniels regarding the discrepancy between the two amounts and stated she will provide the correct information prior to next week's meeting. Ms. Philip informed the Commission that ADLC and MSU have been partners for fifty years. Ms. Philip is looking forward to her second year as the County's Extension Agent and further developing a relationship with the Commission.

Item placed on the Agenda.

Discussion – Memorandum of Understanding between Anaconda-Deer Lodge County Law Enforcement Agency and the Southwest Montana Drug Task Force regarding Multi-Jurisdictional Drug Task Force Crime Data Reports to MTIBRS

According to CEO Ternes Daniels, the County contributes \$10,000 to belong to the Task Force. It has been approximately one year since our local officers have been a part of the Task Force.

County Attorney Krakowka hopes to see more Drug Task Force activity in the County as Detective Eamon is running himself ragged. Support from the Task Force would go a long way to assist law enforcement.

Commissioner Lux-Burt would like Chief Barkell's input prior to approving the MOU.

Commission Chair Hart recommended placing the item on the agenda and asking Chief Barkell to attend next week's meeting to further discuss the item prior to approval.

Item placed on the Agenda.

Discussion – Award of Bid for the Anaconda-Deer Lodge County Law Enforcement 2016 Police Package SUV 4-door, 4x4

CEO Ternes Daniels informed the Commission the County received one bid from Dee Motors in the amount of \$51,726.84, which was less than anticipated.

County Attorney Krakowka reminded the Commission that Law Enforcement has three reliable vehicles, but in the span of a few months, two of them were involved in accidents. He reiterated that our officers need reliable vehicles to do their jobs.

Commission Chair Hart is glad to see a local dealer bid on a law enforcement package vehicle.

Item placed on the agenda.

Discussion – Resolution No. 15-31, Anaconda-Deer Lodge County Hatch Act Resolution

CEO Ternes Daniels informed the Commission this resolution updates the County's current Hatch Act resolution to be in compliance with the requirements for CDBG funding and current law.

Rose Nyman – Ms. Nyman informed the Commission she has a file dating back to 2006 which contains violations of the Hatch Act and campaign law by current and past officials and employees. In fact, Ms. Nyman believes two violations occurred in this courtroom in 2012 and 2014. Further, she informed the Commission and CEO that sanctions can be imposed and federal funding can be cut off if local governments are found to be in violation of the Hatch Act.

Item placed on the agenda.

Discussion – Resolution No. 15-32, ADA Complaint Resolution Procedures and ADA Complaint Form (Section 504)

CEO Ternes Daniels informed the Commission this resolution needs to be updated to be in compliance with ADA law.

Item placed on the agenda.

Discussion – Resolution No. 15-33, Budget Authorization for the CDBG ED-2015 TIG Welding Lab Project

CEO Ternes Daniels informed the Commission this resolution is for the Economic Development grant which Jim Davison secured. She noted this is a rough draft, and she will be doing some further work to it before next week's meeting to bring it into compliance.

Item placed on the agenda.

Discussion – Resolution No. 15-34, Budget Authorization for the CDBG PF-2015 West Valley Sewer Extension Project

CEO Ternes Daniels informed the Commission this resolution is for the West Valley Sewer grant in the amount of \$450,000. She noted this is a rough draft, and she will be doing some further work to it before next week's meeting to bring it into compliance.

Item placed on the agenda.

Discussion – Authorization to Call for Bids for a 2015 or 2016 4x4 Pickup Truck for the Code Enforcement Department Truck

CEO Ternes Daniels noted this is the next vehicle on the list to be replaced. It was approved in this year's budget.

Item placed on the agenda.

Discussion – Resignation of Blake Hempstead from the Anaconda-Deer Lodge County Parks and Recreation Board and Authorization to Advertise the Vacancy

Commission Chair Hart read Mr. Hempstead's resignation letter.

Rose Nyman expressed concern that Mr. Hempstead is the third board member to abruptly resign this year. She stated Mr. Hempstead was a strong voice on the Parks and Recreation Board and is a loss to the Board.

Commissioner Lux-Burt truly hates to see Mr. Hempstead leave the Board. However, she noted it was his decision to make.

Commission Chair Hart did get in touch with Mr. Hempstead to see if he would consider his resignation, Mr. Hempstead declined to do so.

Item placed on the agenda.

Discussion – Resignation of Will Pauley from the Tri-County Fair Board and Authorization to Advertise the Vacancy

CEO Ternes Daniels informed the Commission Mr. Pauley emailed Julie Hoffman informing her he has moved out of Anaconda-Deer Lodge County.

Item placed on the agenda.

MISCELLANEOUS

Commissioner Lux-Burt noted the West Valley Construction meeting has been postponed until Friday.

CEO Ternes Daniels presented a DRAFT notice and agreement for the homeowners in the West Valley. She informed the Commission eight homeowners are facing emergencies with failing septic systems and need to take action sooner than anticipated to hook-up to the sewer.

County Attorney Krakowka and Deputy County Attorney Michelle Sievers have reviewed the documents.

Kathie Miller asked when the documents will go out to the homeowners. CEO Ternes Daniels informed her that the eight homeowners who are facing the emergencies have already received the draft notice.

CDBG must approve the notice and agreement. However, they are aware of the situation with the eight homeowners.

County Attorney Krakowka informed the Commission he will be out of town beginning the afternoon of November 20th and will be gone the entire week of November 23rd and will not be accessible. As such, if the County has any legal matters he needs to review, he asked that those get to him as soon as possible.

PUBLIC COMMENT

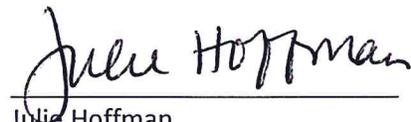
No public comment.

ADLC Public Meeting Dates

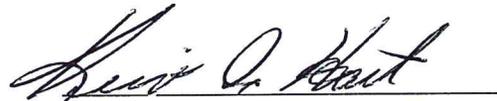
Commission Chair Hart read the ADLC Public Meeting Dates.

Adjournment

The meeting adjourned at 8:16 p.m.



Julie Hoffman
Clerk of the Commission



Kevin A. Hart
Commission Chair