

ANACONDA-DEER LODGE COUNTY
COMMISSION WORK SESSION
6 P.M. TUESDAY, DECEMBER 8, 2015
COURTHOUSE COURTROOM

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

Others Present: Artha Mae Whealon, Deputy Clerk, 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 – Request to Create a Fire District in the area around Wise River, MT

A presentation was done by Scott Marsh, Beaverhead County Fire Warden, about a very important issue that has come up around Wise River. He was asking to move forward with creating a Fire District around Wise River. In 1992, there was a Fire Company established with the State of Montana. In 2007, there was a petition started up to create a Fire District instead of a Fire Company but it fell by the wayside. The major difference between a Fire Company and a Fire District is a Fire Company has no taxing authority and must rely on fundraisers and donations for income. Scott Marsh is the GIS Coordinator and the County Fire Warden. In 2007, the petition was just for Beaverhead County but Mr. Marsh would like to extend this district into three (3) different counties which include Silver Bow, Deer Lodge and Beaverhead Counties. Mr. Marsh gave the Commissioners a copy of a map showing the area he was requesting.

Mr. Marsh noted M.C.A. 7-33-2101 Rural fire district authorized – petition. He noted 3 or 4 ladies worked hard all summer long on a petition signed by owners of property in the proposed district. By M.C.A. codes, you only need 40% but these ladies were able to get 62-65% of the signatures required. These signatures are being verified by the Clerk and Recorder in each County. Mr. Marsh noted the Commissioners, within 10 days after receipt of the petition, must give notice of a public hearing within 10 days. If the Commissioners make a decision to go ahead with the Fire District, they will appoint five qualified trustees to govern and manage the fire district, according to M.C.A. 7-33-2104. They would stagger the terms of the office to 1, 2 and 3 year terms and they would draw lots to see who would be placed in each of these positions.

Mr. Marsh commented one of the questions that came up in Butte was how the taxes would be collected. The Wise River School District is set up already in their tax roll so this would be set up the same way so there should be no problem. There is real support for this Fire District.

Mr. Marsh stated once the petitions are verified, they would like to set up a meeting with the Commissioners in Wise River in January or February 2016.

CEO Ternes Daniels stated this request looked promising and a meeting in other areas would be a good thing so you don't get caught up in our own area.

Mr. Marsh stated all 911 calls can be routed through Dillon. He thought the average tax increase would be around \$30.00 a year. He said the ladies that did the petition tried to talk to everyone but they did miss a few. He thought they may have to mail out letters to all the landowners as part of the notification process. He stated

he had all the addresses and it can be done without being a big deal. Sonny Ralston was one of the ladies that took the petition around and he was hoping she would eventually end up being one of the trustees.

County Attorney Krakowka thanked Mr. Marsh for having such a comprehensive package. It contained excellent information. It is one thing to read it but it is another thing to see it in your break downs. Congratulations on an excellent job.

Commissioner Lux-Burt stated she would prefer to have the meeting on a Saturday during the day.

Mr. Marsh stated that would not be a problem, whatever works.

CEO Ternes Daniels stated this was an informational presentation. A meeting will be scheduled after the petitions are reviewed and then the Commissioners can move forward with this request.

Discussion – Conservation Easement Proposal for Hefner’s Dam

Mark Sweeney presented this conservation easement for Hefner’s Dam. Mark stated the need to mitigate these wet lands. It has 50 years of self-reclamation and is a natural area. This is protected property as set forth in the Mitigation Bank Agreement approved by the US Army Corps of Engineers. Mr. Sweeney said there is interpretive signage in this proposal, if it were ever sold or transfer ownership, this proposal would transfer with the deed.

Several of the following restrictions are included in this proposal:

- There shall be no filling, mining, dumping and no alteration of the topography
- There shall be no dredging, draining or impairing of the flow of waters
- There shall be no clearing, burning or cutting of trees or vegetation
- No agricultural, industrial or commercial activity
- There shall be no construction of buildings
- There shall be no construction of new roads

Mr. Sweeney stated County Attorney Krakowka will need to look at this proposal. He stated ~~is~~ ^{it} seemed like an easy way to work with the Army Corps.

CEO Ternes Daniels wondered when this proposal needed to be put on the agenda and felt it necessary for County Attorney Krakowka to review it.

Mr. Sweeney stated they could take whatever time they needed. This is a perpetual forever easement and it will always have to be maintained in the condition it is in.

Commission Chair Hart said the comments about Washoe Park have been unbelievable. He said it should be protected and what this proposal will do for the community will be unmeasurable.

Discussion – Authorization to Advertise the Request for Qualifications for Superfund Re-Vegetation, Maintenance & Noxious Weed Control Services

Carl Nyman, Superfund Coordinator and Jay Slocum gave a background for this request. According to the agreement with the County by Atlantic Richfield in 1994, qualified applicants must be licensed and bonded with experience in re-vegetation, maintaining Superfund features, controlling noxious weeds and providing reporting

that satisfies Superfund requirements. This is where things are falling through the cracks and the County is not following through with their obligations to the Agreement. Mr. Slocum would like to see the County hire a local contractor who understands Superfund language to make sure these obligations are met.

Mr. Slocum added hiring contractors from out of town that have no idea how to handle a Superfund area, makes for a lot of hand holding. The program spends a lot of time forcing these contractors to do their job and fulfill their responsibility.

CEO Ternes Daniels stated she knows this has been a problem. It does take someone who knows what they are doing. It has cost the County a lot of money and the last thing we want is to not get this done properly.

Commissioner Lux-Burt and Commissioner Vermeire stated the County does have an obligation and we need to get this work done.

Item placed on agenda.

Discussion – RECOMMENDATION OF CONDITIONAL APPROVAL OF MDP 15-04. A Request by Mercury Towers LLC to Develop and Operate a 195-foot Telecommunications Tower in the Spring Hill Development District (SHDD)

Doug Clark, Planning Director reported that the Planning Board received a request from developer Mercury Towers LLC for a Major Development Permit to develop and operate a 195-foot telecommunications tower in the Spring Hill Development District. The proposed site is located at 267 Silver Cloud Road and is 11 miles west of Anaconda and 0.25 miles southwest of Montana Highway. The proposed project site is 80' x 80' on a 125 acre site owned by Carl VanderMolen. The site would be developed and operated in accordance with a lease agreement between Mercury Towers LLC and Mr. VanderMolen. The terms of this lease have been provided.

Mr. Clark went on to say most of us lose cell phone service between the camel humps and Georgetown. He stated the Planning Board did not get a lot of interest, communication or comments about this area. There will be a telecommunication building on the land surrounded by a 6 foot fence so no one can drive by and hurt themselves. If in the future other telecommunication companies want to use this area, they can build their own buildings within this fenced area.

The Planning Board approved this request with the following conditions:

1. The project will be developed consistent with the plans that were reviewed and approved by the ADLC Planning Board and Board of Commissioners.
2. Prior to construction, the Developer shall submit to the ADLC Planning Department written specifications.
3. Prior to construction, the Developer shall provide ADLC Planning Department copies of any required State permitting.
4. Prior to construction, the Developer shall have a pre-construction meeting ^{with} the County Staff.
5. Prior to construction, the Developer shall obtain a County Encroachment Permit from the ADLC Roads Foreman.
6. Prior to construction, the Developer shall submit to the Planning Department an approved Weed Control Plan.
7. The Developer shall include an FCC compliant standard obstruction light on this tower.
8. If this tower is determined by any State or Federal agencies, including the FCC, to be subject to any additional safety regulations they will be reviewed.

9. During construction, the Developer shall be required to minimize and dust along Silver Cloud Road.
10. Any facility lighting for operations must be reviewed and approved by the ADLC Planning Director.
11. In the event that a back-up generator must be used on site, the use of any generator shall be limited.
12. In the event of any change in ownership of the tower and/or change in contracted site operators, the Developer shall be required to notify the County Planning Department.
13. The Developer shall notify the County Planning Department of any changes in the lease or ownership of the property.
14. Should the Developer fail or be unable to comply with any condition, this permit may become null and void.

Commissioner Lux-Burt wondered if the Communications Board was aware of this tower.

Mr. Clark said they did not go to the Board directly but that the Board was having a meeting tomorrow and Dusty McKenney was going and would notify them.

Item placed on agenda.

Discussion - RECOMMENDATION OF CONDITIONAL APPROVAL OF MDP 15-05. A Request by ADLC Law Enforcement to Develop and Operate a Shooting Range in the Mill Creek TIFID and Opportunity Triangle/Mill Creek Industrial District (OT/MCID)

Doug Clark, Planning Director reported our law enforcement has been looking for a place to discharge their firearms. The area they are requesting use to be an impound road and you don't get to it till you cross Mill Creek. It does possess some development issues but should be a good area for this shooting range for a long time. Shooting in this area will be in a southern direction. They will build a 10 foot tall berm around the whole area which is on approximately 1.75 acres of ADLC's 292 acre parcel in the Mill Creek Area. The shooting range itself would operate at 100 yards.

Mr. Clark noted our law enforcement officers have to certify three (3) times a year. Typically, you will never have the whole force out there at the same time and once a year they will have night training. Certifications usually do not take more than a day or two to complete.

Concerns other than being a shooting range, is the noise. The Burnhams are the nearest resident to this project. They indicated in the past when they lived in West Valley, the noise was so intense they ended up leaving their home for a couple of days. They requested notification in advance of any activity being planned. They also wanted to keep this area available for local law enforcement only.

Mr. Clark gave a list of the proposed conditions of approval:

1. The County Board of Commissioners reserves the right to void this permit if it is in the best interest of the County to utilize this site for other purposes.
2. The County shall improve the access road to the Range.
3. The County shall provide a dedicated parking area.
4. The County is able to improve and maintain this site in a cost effective manner.
5. The County shall maintain the access to the Range sufficient for all County emergency service vehicles.
6. The safety berm surrounding the site shall have adequate top-soil to establish sufficient vegetative growth.
7. The County chooses to install permanent or temporary lighting

8. In the event the County uses this site for nighttime training, the County shall provide notice to the public at least one (1) week in advance.

CEO Ternes Daniels said there was a real need for this and it pulls a lot of people together.

Commissioner Smith was concerned about the bullets putting lead into the irrigation ditch and if Fish, Wildlife and Parks were aware of this shooting range going in. He was also concerned about the possibility of a fire out there.

R.J. Tocher, Fire Chief stated this area is not covered in ^{their} there fire district but they would respond to the area if needed.

Item placed on agenda.

Discussion – Resolution No. 15-35, a Resolution Adopting the 2015 Capital Improvements Plan for Anaconda-Deer Lodge County

CEO Ternes Daniels reported this Resolution is coming down to the wire. Mr. Beard it still working on some changes and those changes will be in the Commissioner's packets.

Item placed on agenda.

Discussion – Resolution No. 15-36, a Resolution to Create the Anaconda Urban Renewal Agency Board and Establishing its Powers and Duties

CEO Ternes Daniels stated this resolution is to establish the powers this Board will have. This 5 member board will consist of the County Planning Director, a business owner, an economic developer, banker and citizen-at-large.

Item placed on agenda.

Discussion – Resolution No. 15-37, a Resolution Designating County Holidays for Calendar Year 2016

CEO Ternes Daniels stated this resolution is done every year to establish County Holidays for 2016.

Item placed on agenda.

Discussion – Resolution No. 15-38, a Request for Prosecutorial Assistance

County Attorney Krakowka stated this request is for assistance because of his conflict of interest in the case. He knows the person being prosecuted very well. There will be a special meeting after this Work Session to discuss this resolution.

Commissioner Lux-Burt stated she felt she needed to disclose the fact that she also knows this person. He is a friend of hers but feels she can be impartial.

Item placed on agenda.

Discussion – Resolution No. 15-39, a Resolution Formally Adopting the Anaconda-Deer Lodge County Equal Employment Opportunity (EEO) Policy

CEO Ternes Daniels stated in updating other resolutions that this resolution needed to be updated because of the CDBG Grant for the West Valley Sewer Project.

Rose Nyman, 121 East 3rd St.: Ms. Nyman wondered why a county employee had to be identified as the Equal Opportunity Officer.

Commissioner Lux-Burt stated she had the same concern as Ms. Nyman and felt it was kind of limiting.

CEO Ternes Daniels said she doesn't think it makes sense because the title of Equal Opportunity Officer should be tied to a position and not a name but this is the way CDBG wanted it. She stated CDBG wanted to be able to identify a person and their successor.

Item placed on agenda.

Discussion –Award of Bid for the Purchase of a Truck for the Code Enforcement Officer/Two bids received

CEO Ternes Daniels stated in keeping with our budget process, this vehicle is for the Code Enforcement Officer. There were two (2) bids that were received. The recommendation is to award this bid to Dee Motors. They came in with a bid for a 2016 Chevy Silverado 1500 4WD for \$31,946.

Commission Chair Hart stated it was nice that both bids came back under the proposed budget and because of that they will be able to add a few extras to the vehicle.

Item placed on agenda.

Discussion – Agreement for Billing Services with Pintler Billing Services, LLC

CEO Ternes Daniels stated Pintler Billing has done a tremendous job for the Ambulance service. This billing service is largely responsible for the success of the Ambulance Department. Pintler Billing has requested an increase in their services from 7% to 7.5 % which is still below the medical billing average of 8%.

R.J. Tocher, Fire Chief, stated what a great job Pintler Billing has done. The trip reports are sent to them electronically and Pintler Billing does all the filing with Medicare, Medicaid and private insurance carriers. They also do the collections.

County Attorney Krakowka stated medical billing is very complex and if there is something that is working for the Ambulance Department, they should stay with it.

Commissioner Lux-Burt said her daughter does this kind of work and it is very challenging and has changed drastically in the last few years.

Item placed on agenda.

Discussion – Agreement between Anaconda-Deer Lodge County and the Operating Engineers Local 400

CEO Ternes Daniels stated there were 8 collective bargaining unions and three (3) more were settled. This Agreement has 2 members in it. This Agreement changed from a 3-month probationary period to 6-month probationary period which is standard language in keeping up with the Personnel Policy. Cash out for personal days will be paid out by June 30th of each year at the rate it is earned, there was a \$.10 an hour increase in their pension fund, their clothing allowance went from \$200 to \$300 and insurance was bumped up to \$600. This is a 2-year contract with the standard 2% increase.

Item placed on agenda.

Discussion – Agreement between Anaconda-Deer Lodge County and the Anaconda Police Protective Association (APPA) Dispatch Unit

CEO Ternes Daniels stated this unit has 9 full-time employees and 1 part-time. She stated the Dispatch Unit does a tremendous job. It is a very stressful job. She stated all the County Employees do a great job but Dispatch is a tough job. This Agreement is for 2-years with a 2% increase each year in keeping up with the other contracts. One of the changes in this Agreement was when staff wanted to request personal leave; they had to have the leave approved by the Chief of Law Enforcement. The language was changed to allow their Supervisor or the Chief of Law Enforcement to approve their leave request. Cash out for personal days will be paid out by June 30th of each year at the rate it is earned. The health insurance was bumped up \$20 to \$600 per month. There is language in this Agreement that if the County can pay more towards their health insurance next year, everyone across the board will receive it. Dispatch made a compelling case regarding their cell phones. Everyone in Dispatch is required to have a phone. Sometimes they are required to send a picture and they have been using their own phones for this service. This Agreement will allow them a \$20 a month stipend to cover this usage. This Agreement allows \$.50 in longevity the first year and nothing in the second year.

Item placed on agenda.

Discussion – Agreement between Anaconda-Deer Lodge County and the International Association of Machinists and Aerospace Workers, District Lodge W24 and Affiliated Local Lodge 88

CEO Ternes Daniels said this is a 2 member unit. Changes in their 2-year Agreement included the bump of \$20 in health insurance to bring it to \$600 a month, \$.10 each year in their pension and a 2% increase in the salary. They do get a clean pair of coveralls every day which are provided by a cleaning service but now they will receive a clothing allowance to purchase appropriate work clothing.

Item placed on agenda.

Discussion – Appointment/Reappointment to the Anaconda Deer Lodge County Health Board [one vacancy/three year term]. John Drastal has requested reappointment

CEO Ternes Daniels stated Mr. Drastal has requested reappointment.

Commissioner Lux-Burt said she serves on the Health Board with Mr. Drastal and he is a good board member and very knowledgeable. She stated he is gone quite a bit but he skypes ~~in all the time~~ *in to the meetings.* He is very good about doing this and does a good job.

Item placed on agenda.

Discussion – Appointment/Reappointment to the Anaconda Deer Lodge County Airport Board [one vacancy/five year term]. Nick Nardacci has requested reappointment

CEO Ternes Daniels has known Mr. Nardacci for a long time and she is glad to see him wanting to be reappointed.

Item placed on agenda.

Miscellaneous

CEO Ternes Daniels said the Department of Commerce is reviewing all the loan documents for the CDBG grant for the West Valley Sewer Project. CEO Ternes Daniels and Judie Tilman are trying to put a package together for the Commissioners in the spring but in case of an emergency, they may have to move forward before that.

County Attorney Krakowka stated 2 or 3 weeks ago there was an individual who requested appointment to the Police Commission Board. County Attorney Krakowka questioned his appointment because there were charges against him. For the record, those charges were dropped and County Attorney Krakowka felt he needed to publicly announce that to be fair.

CEO Ternes Daniels stated that CCCS is closing the ^{RYO} RIO Facility and Mr. Thatcher is looking for some remedies or alternate plans for the people they serve at this facility.

County Attorney Krakowka stated there are other facilities in other communities such as Great Falls, Missoula and Moses Lake, Washington and they are examining different options.

Doug Clark, Planning Director said they were working on another major project. The Planning Department did the newspaper ads but skipped out on property notifications. This project is to extend the boat docks at Georgetown Lake and he would bring it to the Commissioners in January 2016.

Public Comment

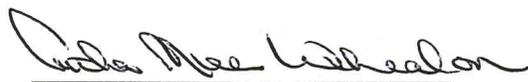
No public comment.

Calendar of Events

Commission Chair Hart read the ADLC Public Meeting Dates. The only change on the Meeting Dates was with the Public Health Board. They do not meet in December.

Adjournment

The meeting adjourned at 8:30 p.m.



Artha Mae Whealon
Deputy Clerk



Kevin A. Hart
Commission Chair