

**Anaconda-Deer Lodge County
Commission Meeting
6:00 p.m. December 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 K. Pooley, Clerk of the Commission

Commission Chair Hart called the meeting to order at 6:00 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 December 1, 2015, the Commission Work Session of December 8, 2015 and the Special Commission Meeting of December 8, 2015.

Commissioner Lux-Burt noted some minor grammatical corrections to the minutes of the December 8, 2015 Work Session. In addition, she noted the remarks on page 7 regarding John Drastal using Skype as a way of attending Health Board Meetings should read ".....he Skypes in to the meetings."

Commissioner Smith moved to approve the minutes from the Commission Meeting of December 1, 2015, the Commission Work Session of December 8, 2015 and the Special Commission Meeting of December 8, 2015 with the corrections noted; seconded by Commissioner Vermeire.

Motion carried unanimously.

APPROVAL OF CLAIMS

Commissioner Vermeire moved to approve claims numbered 121165 through 121271 in the amount of \$287,558.95; seconded by Commissioner Mulvey.

Motion carried unanimously.

REPORTS OF BOARDS, OFFICIALS, COMMITTEES

Commissioner Smith attended the Old Works Golf Course Authority Board Annual Meeting. The Greenway Service District Board Meeting was cancelled.

Commissioner Vermeire attended two Superfund Committee meetings, an RV resort meeting, the Old Works Golf Course Authority Board Annual Meeting, and the Charlie Dowd Uniform Dedication Ceremony.

Commissioner Lux-Burt attended two Superfund Committee meetings and the Charlie Dowd Uniform Dedication Ceremony.

Commissioner Mulvey attended the DUI Task Force Meeting, the Hearst Free Library Board Meeting and the Charlie Dowd Uniform Dedication Ceremony.

Commission Chair Hart attended the Parks and Recreation Board Meeting.

CEO Ternes Daniels attended two Superfund Committee Meetings. She spoke at Charlie Dowd's Uniform Dedication Ceremony. Mr. Dowd is the last surviving Montana veteran of Pearl Harbor. She thanked Mike Burt, Lee Burt and Barry Duchene for organizing the ceremony.

County Attorney Krakowka attended the DUI Task Force Meeting and an Adult Protection Team Meeting. He also attended Charlie Dowd's Uniform Dedication Ceremony.

UNFINISHED BUSINESS

Authorization to Advertise the Request for Qualifications for Superfund Re-vegetation, Maintenance and Noxious Weed Control Services

CEO Ternes Daniels informed the Commission she met with both Carl Nyman and Michael Marker to finalize the RFQ. She recommended the Commission move forward.

Commissioner Vermeire moved to authorize the advertising for the Request for Qualifications for Superfund Re-vegetation, Maintenance and Noxious Weed Control Services; seconded by Commissioner Mulvey.

Motion carried unanimously.

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)

Commissioner Lux-Burt is glad to see that cell service will be available in this area.

CEO Ternes Daniels thanked Doug Clark, Planning Director, for doing a good job presenting the information regarding the MDP. Although there may be some issues when the tower goes up, communications in that area are needed and will be to everyone's benefit.

Commissioner Smith moved to approve MDP 15-04 with the 14 Conditions of Approval as set by the Anaconda-Deer Lodge County Planning Board; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

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

Doug Clark, Planning Director, informed the Commission that after the Planning Board reviewed the minutes from its November 30th meeting at its December 14th meeting, a member of the Planning Board noted that the motion for one of the conditions was to restrict access to the shooting range to local law enforcement only. The Planning Board was unsure if the motion was passed correctly and wanted to ensure that the condition restricted use of the shooting range to local law enforcement. The Planning Board then asked Mr. Clark to bring forward to the Commission that the shooting range be restricted to local law enforcement. The condition as written now allows other entities to use the range at the discretion of Chief Barkell. Concern was raised this may lead to unauthorized use of the range. During a public hearing, the Planning Board received public comment from a concerned citizen regarding noise. No other public comments or concerns were expressed at that hearing.

Commission Chair Hart did not see an issue with the condition as written and felt Chief Barkell should be able to authorize any other law enforcement entities to use the range.

County Attorney Krakowka cautioned that creating too many restrictions could inevitably cause problems. He believes less restrictions coupled with common sense is the best way to utilize the facility. Doug Clark agreed and noted that if issues arise, the condition can be re-evaluated in the future.

Rose Nyman felt it was important to leave the condition as is and commented on the spirit of cooperation between the different law enforcement agencies.

CEO Ternes Daniels fully agreed with County Attorney Krakowka's comments and believed the conditions were adequate. In addition, she noted the County has tried for a long time to find a suitable site for law enforcement to have a shooting range and does not believe it should be restricted.

Commissioner Vermeire moved to approve MDP 15-05 with the conditions as presented at the December 8' 2015 Work Session as set by the Anaconda-Deer Lodge County Planning Board; seconded by Commissioner Smith.

Motion carried unanimously.

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

Commissioner Lux-Burt commended Alden Beard for doing a good job on the CIP and thanked everyone involved in its development.

CEO Ternes Daniels reiterated Commissioner Lux-Burt's comments. She reviewed some of the CIP priorities for 2016 and noted the following five had the same amount of votes from the Commission:

- East Yards natural gas main relocation
- Courthouse window replacement
- Hearst Free Library roof repair
- Bathrooms at Washoe and Benny Goodman Parks
- Street signing

Remaining priorities include:

- West Valley sewer user service connections
- Bowman Field Airport animal control fencing
- Repairs/upgrades to Law Enforcement HVAC & plumbing
- WWTP Improvements
- Public Health Building improvements

Commissioner Lux-Burt moved to approve Resolution No. 15-35; seconded by Commissioner Vermeire.

Motion carried unanimously.

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

Commissioner Mulvey moved to approve Resolution No. 15-36; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

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

Commissioner Mulvey moved to approve Resolution No. 15-37; seconded by Commissioner Vermeire.

Motion carried unanimously.

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

CEO Ternes Daniels informed the Commission that CDBG requires the name and title of the individual from ADLC who will serve as its Equal Opportunity Officer.

Commissioner Vermeire moved to approve Resolution No. 15-39; seconded by Commissioner Mulvey.

Motion carried unanimously.

Award of Bid for the Purchase of a Truck for the Code Enforcement Department

Commission Chair Hart informed the Commission the bid from Dee Motors came in under budget.

CEO Ternes Daniels recommended the Commission award the bid to Dee Motors as it was the low bid.

Commissioner Lux-Burt moved to award the bid for the purchase of a truck for the Code Enforcement Department to Dee Motors in the amount of \$31,946.00; seconded by Commissioner Mulvey.

Motion carried unanimously.

Agreement between Pintler Billing Services, LLC and Anaconda-Deer Lodge County for Ambulance Billing Services

CEO Ternes Daniels informed the Commission Pintler Billing provides excellent service to the County. The agreement includes a .75 percent increase, which is standard within the industry.

Commissioner Mulvey moved to approve the Agreement between Pintler Billing Services, LLC and Anaconda-Deer Lodge County for Ambulance Billing Services; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Agreement between Anaconda-Deer Lodge County and the International Union of Operating Engineers Local 400

CEO Ternes Daniels informed the Commission this is Kurt Wyant's and Chase Wyant's contract. She pointed out a minor error on the signature page. Sandi Wenger was still listed as the Clerk of Commission. CEO Ternes Daniels will fix this error prior to the contract being signed.

Commissioner Lux-Burt believes the County is very lucky to have Kurt and Chase working for it and to have Kurt training Chase.

Commissioner Lux-Burt moved to approve the Agreement between Anaconda-Deer Lodge County and the International Union of Operating Engineers Local 400; seconded by Commissioner Vermeire.

Motion carried unanimously.

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

CEO Ternes Daniels informed the Commission the Dispatch Unit ratified its contract.

Commissioner Lux-Burt noted Dispatch staff does a great job in a very stressful environment.

County Attorney Krakowka was glad to see an increase in their pay.

Commissioner Smith moved to approve the Agreement between Anaconda-Deer Lodge County and Anaconda Police Protective Association (APPA) Dispatch Unit; seconded by Commissioner Mulvey.

Motion carried unanimously.

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 informed the Commission she received email confirmation the contract has been ratified.

Commissioner Mulvey moved to approve the Agreement between Anaconda-Deer Lodge County and the International Association of Machinists and Aerospace Workers, District Lodge W24 and Affiliated Local Lodge 88; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Appointment/Reappointment to the Anaconda-Deer Lodge County Health Board

Commissioner Smith moved to reappoint John Drastal to the Anaconda-Deer Lodge County Health Board for a three-year term; seconded by Commissioner Mulvey.

Motion carried unanimously.

Appointment/Reappointment to the Anaconda-Deer Lodge County Airport Board

Commissioner Lux-Burt moved to reappoint Nick Nardacci to the Anaconda-Deer Lodge County Airport Board for a five-year term; seconded by Commissioner Vermeire.

Motion carried unanimously.

NEW BUSINESS

No new business.

MISCELLANEOUS

No miscellaneous.

PUBLIC COMMENT

Rose Nyman noted the Christmas tree is a nice addition to the Courthouse and thanked Kurt for bringing in another tree and staff for decorating the tree.

Carl Nyman, Superfund Coordinator, informed the Commission the quote Northwestern Energy provided to the County for the gas line project in the East Yards expires on December 27th. At this time, the status of Shopko is still unknown. If the Shopko project does move forward, it will not open until spring or fall of 2017 which means the gas line does not need to be moved during the heating months. Mr. Nyman explained it takes 3-4 months for the parts to be manufactured and delivered. He reminded the Commission materials must be paid for at the time they are ordered. He anticipates bringing more information to the Commission after the first of the year. Further, he would like to have more discussion with Northwestern Energy to discuss the easement on the property to the west. The easement was created in the 90's. It is a sign easement which allows the Chamber of Commerce to place signs on both sides of the highway. It could have a potential impact for Shopko. In addition, the owner of the property would like the easement removed.

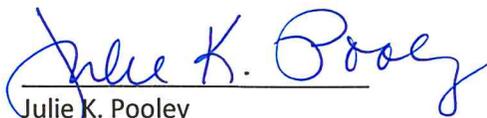
Doug Clark, Planning Director informed the Commission this is a perpetual easement and was originally crafted when the Chamber proposed to lease sign space to promote business in Anaconda. However, the Chamber has never taken any action to exercise its right to the easement. Therefore, it may be subject to a reverse prescriptive easement or subject to abandonment. Mr. Clark suggested meeting with the Chamber Board to ask them to consent to abandoning the easement.

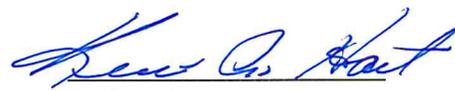
ADLC PUBLIC MEETING DATES

Commission Chair Hart read the ADLC Public Meeting Dates.

ADJOURNMENT

Commissioner Lux-Burt made a motion to adjourn the meeting. The meeting adjourned at 7:08 p.m.


Julie K. Pooley
Clerk of the Commission


Kevin A. Hart
Commission Chair