

**Anaconda-Deer Lodge County**  
**Commission Work Session**  
**6:00 p.m. Tuesday, January 12, 2016**  
**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: Julie K. Pooley, Clerk of the Commission

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

**Discussion – Resolution No. 15-30A, a Resolution Amending Resolution No. 15-30, to Determine the Minimum Sale Prices for Tax Deed Auction Properties Sold at a Tax Deed Land Sale in Anaconda-Deer Lodge County**

Eric Hoiland, Treasurer, informed the Commission the purpose of this resolution is to reschedule the tax deed land sale to January 22, 2016. He will have an updated attachment for next week's meeting with regard to the Washoe Market property. He received the lien for the property and the updated sale price will be approximately \$14,000.

Rose Nyman inquired into the status of the Navarro property. Eric Hoiland stated he did have contact with the family a while back but has not heard from them since. He informed the Commission the County reserves the right to issue a writ and bring the property back into the County's inventory if the family does not move forward.

Item placed on the agenda.

**Discussion – Award of Request for Qualifications for Superfund Re-Vegetation, Maintenance & Noxious Weed Control Services**

Carl Nyman, Superfund Coordinator, informed the Commission the County received only one response from Big Sky Reclamation. The County is hoping to enter into a five-year agreement in order to provide services for re-vegetation and maintenance of storm water on the properties conveyed in 1994. ARCO will reimburse the County for the work that is done. Mark Moodry is the principal of Big Sky Reclamation. His company has worked for ARCO for a long time, and ADLC has hired Big Sky Reclamation in the past. Carl Nyman also noted that Mr. Moodry is a former Butte Commissioner. The RFQ was scored based on qualifications. Thirty (30) references were provided, and Mr. Nyman noted Mr. Moodry's company has the expertise and equipment to provide quality services to the County.

CEO Ternes Daniels stated it is apparent Big Sky Reclamation has experience and believes it is a wise decision to go with them. Hopefully, most problems in terms of re-vegetation will go away with better management and the County will be in better compliance with Superfund.

Commissioner Lux-Burt informed the Commission she has no connection to Big Sky Reclamation. However, she does have a family member who works with them. She will speak with County Attorney Krakowka with regard to abstaining from voting next week.

Item placed on the agenda.

**Discussion – Task Order No. 3 to the Agreement for Professional Services between Anaconda-Deer Lodge County and Tilman Consulting for the Administration of CDBG Public Facilities Grant West Valley Sewer Extension Project**

CEO Ternes Daniels informed the Commission this task order is for management of the CDBG grant. Ms. Tilman's major contract was done in 2012 and allows for yearly extensions. The current extension expires in May and CEO Ternes Daniels suggested the next extension coincide with the management of the CDBG grant.

Item placed on the agenda.

**Discussion – Income Certification Form for Direct Benefit for LMI Households for Sewer Hookups in the West Valley**

CEO Ternes Daniels informed the Commission this document will be used to verify income levels to determine eligibility for LMI residents to use grant funds to hookup to the sewer in the West Valley. The document has been approved by CDBG and now needs Commission approval.

Commissioner Lux-Burt is glad to see this grant move forward as it will help so many in the West Valley who would otherwise struggle to hookup to the sewer.

Item placed on the agenda.

**Discussion – Anaconda-Deer Lodge County Sewer Connection Program Policies and Procedures**

CEO Ternes Daniels informed the Commission this is a four-page document outlining the policies and procedures for the sewer connection program. The document is necessary to meet the criteria of the grant.

Item placed on the agenda.

**Discussion – Authorization to Advertise for the Invitation to Bid for the Irrigation System Replacement for New Hill Cemetery**

CEO Ternes Daniels informed the Commission this project will put the water system in place at New Hill.

Jerold Forkan, Cemetery Department Supervisor, informed the Commission Mt. Olivet's water system was completed last spring. He asked the Commission's consideration to move forward with this next step for New Hill's water system.

Item placed on the agenda.

**Discussion – Request by Tony and Sandy Puccinelli to Remove Sewer Fees at 107 N. Hickory**

CEO Ternes Daniels informed the Commission this property has no water or sewer connections and the curb box will be removed in the next few months.

County Attorney Krakowka stated Tony and Sandy Puccinelli have worked on various buildings around town to make them habitable and usable.

Commissioner Mulvey knows the Puccinellis and noted the storage units in question are located next to her sister's home. She confirmed there are no water or sewer connections on the property.

Item placed on the agenda.

**Discussion – Appointment/Reappointment of a Member to the Anaconda-Deer Lodge County Board of Adjustments (one vacancy; two-year term)**

CEO Ternes Daniels noted the Board of Adjustments is not an easy board to serve on. Ms. Kostelecky has served on this board for a very long time, and CEO Ternes Daniels appreciates the fact she wants to consider another term.

Item placed on the agenda.

**MISCELLANEOUS**

**CEO Ternes Daniels**

**Anaconda Urban Renewal Agency Board**

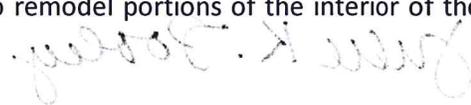
CEO Ternes Daniels informed the Commission that specific qualifications are required for board members per the resolution, and the vacancies and qualifications must be advertised. She respectfully requested the Commission place this on next week's agenda in order to authorize the advertising of the vacancies.

Item placed on the agenda.

**Public Health Funding**

CEO Ternes Daniels informed the Commission that Public Health may receive potential funding for some construction through WIC.

Katherine Basirico, Public Health Director, informed the Commission this funding opportunity came up very quickly and the request was due yesterday. The County asked for 60% of what the cost will be for architects to come up with design plans and bid documents to remodel portions of the interior of the Public Health building.



**Notice to West Valley Property Owners**

CEO Ternes Daniels informed the Commission this notice will be mailed out to property owners in the West Valley along with the income certification form.

## **PUBLIC COMMENT**

Jim Heaphey, 126 Heaphey Rd: Mr. Heaphey asked the Commission for clarification with regard to his road and whether or not it is a county road. He explained his home is on school trust land and he and his wife live in the former Modesty School House. His grandmother donated the land to the school prior to the 1920's. In 2008, DNRC leased some land to the Ueland Corporation which changed the status of the road. It is his understanding no easement exists on the road and as far as he knows, the road was never abandoned. In addition, a culvert was replaced and the road was graded in 2008, but they no longer receive any County road services. Mr. Heaphey informed the Commission he has had several conversations with CEO Ternes Daniels, County Attorney Krakowka and the Road Department concerning this issue.

County Attorney Krakowka informed Mr. Heaphey and the Commission that a county road may be gated as long as it is not locked. He noted the property is gated off because the Ueland's are grazing cattle. In addition, since it is school trust land, it is up to the State to enforce the lease.

CEO Ternes Daniels informed the Commission she grew up by Galen, close to where Jim and Sherry live, and she was shocked when DNRC came in to do the lease. According to DNRC, the road must have been a dedicated road prior to 1889 (statehood). The County has gone through all the records and has not been able to substantiate it was a road prior to 1889. She noted that a prescriptive easement does not apply in this case since the road is on school trust land.

Commission Chair Hart asked CEO Ternes Daniels if any further research can be done. CEO Ternes Daniels informed him all records have been gone through. However, the County can take a second look but she would like the County Attorney to be involved to determine how to best deal with DNRC and the state land issue. Commission Chair Hart informed Mr. Heaphey the County will do further research and get an answer to him in the near future.

## **ADLC Public Meeting Dates**

Commission Chair Hart read the ADLC Public Meeting Dates.

## **Adjournment**

The meeting adjourned at 6:43 p.m.



Julie K. Pooley  
Clerk of the Commission



Kevin A. Hart  
Commission Chair