

**Anaconda-Deer Lodge County  
Commission Meeting  
MINUTES  
6:00 p.m. February 2, 2016  
Courthouse Courtroom**

Present: Commission Chair Hart, Commissioner Mulvey, Commissioner Lux-Burt, Commissioner Smith, and County Attorney Krakowka.

Excused: Commission Vice-Chair Vermeire and CEO Ternes Daniels (MACO Winter Conference)

Others Present: Julie K. Pooley, Clerk of the Commission and Kathie Miller, Anaconda Leader

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 January 19, 2016, the Commission Work Session of January 26, 2016 and the Commission Special Meeting of January 26, 2016**

Commissioner Lux-Burt commented that Julie Pooley did a really good job on the minutes.

Commissioner Mulvey moved to approve the minutes from the Commission Meeting of January 19, 2016, the Commission Work Session of January 26, 2016 and the Commission Special Meeting of January 26, 2016; seconded by Commissioner Smith.

Motion carried unanimously.

**APPROVAL OF CLAIMS**

Commissioner Lux-Burt informed the Commission that claim number 121602 was for Mungas in the amount of \$124,208.08 for the West Valley Sewer Project.

Commission Chair Hart noted a claim for DOWL in the amount of \$25,399.05 for the same project.

Commissioner Lux-Burt moved to approve claims numbered 121478 through 121606 in the amount of \$314,315.68; seconded by Commissioner Mulvey.

Motion carried unanimously.

**REPORTS OF BOARDS, OFFICIALS, COMMITTEES**

Commissioner Lux-Burt attended the Head Start Policy Council Meeting, the Headwaters RC&D Board Meeting and two Superfund Meetings.

Commissioner Mulvey attended the Western Montana Mental Health Board Meeting.

County Attorney Krakowka had a meeting in his office with the Anaconda Sportsmen regarding Modesty Creek. He also attended a meeting with them in Granite County regarding the Racetrack Creek Trail/Modesty Creek Drainage and the access and use of 4-wheelers on the trail.

#### **UNFINISHED BUSINESS**

**Resolution No. 16-02, a Resolution to Accept Bid Proposal and List Terms and Stipulations of Sale and Property that has been sold at a Tax Deed Land Sale Auction (Parcel 71400, 811 W 5<sup>th</sup> Street – minimum bid was set at \$9,505.50 and received a bid of \$3,800.00)**

With regard to the tax deed resolutions before the Commission, Commission Chair Hart noted five parcels were to be sold. Three properties received bids and two did not. The bids were substantially less than the minimum requested.

Commissioner Mulvey moved to reject Resolution No. 16-02; seconded by Commissioner Smith.

Motion carried unanimously.

**Resolution No. 16-03, a Resolution to Accept Bid Proposal and List Terms and Stipulations of Sale and Property that has been sold at a Tax Deed Land Sale Auction (Parcel 121300, 519 E. Park Street – minimum bid was set at \$4,242.00 and did not receive a bid)**

Commissioner Lux-Burt moved to indefinitely postpone Resolution No. 16-03; seconded by Commissioner Mulvey.

Motion carried unanimously.

**Resolution No. 16-04, a Resolution to Accept Bid Proposal and List Terms and Stipulations of Sale and Property that has been sold at a Tax Deed Land Sale Auction (Parcel 121400, 517 E. Park Street – minimum bid was set at \$37,655.40 and received a bid of \$7,600.00)**

Commissioner Mulvey moved to reject Resolution No. 16-04; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

**Resolution No. 16-05, a Resolution to Accept Bid Proposal and List Terms and Stipulations of Sale and Property that has been sold at a Tax Deed Land Sale Auction (Parcel 189600, 521 E. Park Street – minimum bid was set at \$13,327.83 and did not receive a bid)**

Commissioner Lux-Burt moved to indefinitely postpone Resolution No. 16-05; seconded by Commissioner Mulvey.

Motion carried unanimously.

**Resolution No. 16-06, a Resolution to Accept Bid Proposal and List Terms and Stipulations of Sale and Property that has been sold at a Tax Deed Land Sale Auction (Parcel 40900, 505 E 3rd – minimum bid was set at \$20,832.00 and received a bid of \$10,500.00)**

Commissioner Mulvey moved to reject Resolution No. 16-06; seconded by Commissioner Smith.

Motion carried unanimously.

**Award of Bid to Furnish a 16 Metric-Ton Class Excavator for the Anaconda-Deer Lodge County Road Department**

Commission Chair Hart informed the Commission that although Case came in with the lower bid, overall, Caterpillar's bid offers better financing over the long-term.

Commissioner Lux-Burt moved to award the bid to furnish a 16 Metric-Ton Class Excavator for the Anaconda-Deer Lodge County Road Department to Caterpillar in the amount of \$175,465.00; seconded by Commissioner Mulvey.

Motion carried unanimously.

**CDBG Economic Development TIG Welding Lab Project – Authorization for Invitation to Bid for a Ventilation System for the TIG Welding Lab**

Commissioner Mulvey moved to authorize the invitation to bid for a Ventilation System for the TIG Welding Lab; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

**Addendum No. 1 to the Third Extension Agreement (Weed MOU) between Anaconda-Deer Lodge County and Atlantic Richfield Corporation**

Commissioner Smith moved to approve Addendum No. 1 to the Third Extension Agreement (Weed MOU) between Anaconda-Deer Lodge County and Atlantic Richfield Corporation; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

**Agreement between Anaconda-Deer Lodge County and the Local No. 100 International Association of Firefighters**

Commission Chair Hart acknowledged the firefighters present in the audience.

Commissioner Mulvey moved to approve the Agreement between Anaconda-Deer Lodge County and the Local No. 100 International Association of Firefighters; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

**Agreement between Anaconda-Deer Lodge County and Anaconda Environmental Education Institute for Grant Writing Services**

Rose Nyman informed Commission Chair Hart she could not find this item in the budget. Commission Chair Hart informed Ms. Nyman that CEO Ternes Daniels did state there was money in the budget for this at last week's Work Session. However, he did not recall which budget, and it was not referenced in the minutes. Ms. Nyman stated it was her understanding the line item needed to be specifically stated in the budget per state law, according to MACO. Commission Chair Hart stated he would need to check with the CEO. Martin Mavrinac interjected and agreed with Ms. Nyman concerning the state law. Commission Chair Hart again stated that CEO

Ternes Daniels commented at last week's Work Session there was money in the budget for this, but he did not know which specific budget it was coming out of. Again, Ms. Nyman stated that no one on the Commission knew if it was a line item in the budget. Commission Chair Hart stated he did not know if it was a line item in the budget because he did not have the budget in front of him and would need to do more research.

Martin Mavrinac, 615 E. Commercial – Mr. Mavrinac informed the Commission that as long as there is a question concerning the budget that by state law, the Commission should table this item since they are unsure which budget it is coming out of. Commission Chair Hart disagreed, noting CEO Ternes Daniels stated at the Work Session there were funds available in the budget. Mr. Mavrinac stated the Commission controls the purse strings and is not sure, and as a taxpayer, he is suggesting it be tabled. Commission Chair Hart noted his comments. Mr. Mavrinac again noted the Commission is unsure. Commission Chair Hart again reiterated that he is only unsure of which line item it is coming out of and that the CEO stated at the last meeting that there was money in the budget for this; he just did not recall which budget she said it was coming out of. Mr. Mavrinac stated it still comes down to being unsure and he is suggesting the Commission table it until they can tell the taxpayers which line item or which part of the budget it is coming out of. Commission Chair Hart noted his comments.

Commissioner Mulvey moved to table the Agreement between Anaconda-Deer Lodge County and Anaconda Environmental Education Institute for Grant Writing Services; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Commission Lux-Burt agreed this item should be tabled. However, she stated this contract is for grant writing services that would be utilized for specific projects and would come out of various budgets.

**Cooperative Law Enforcement Annual Operating Plan and Financial Plan between Anaconda-Deer Lodge County Law Enforcement and the USDA Forest Service, Beaverhead Deerlodge National Forest**

Commission Chair Hart informed the Commission this is for patrols at Georgetown Lake and the Big Hole.

Commissioner Lux-Burt moved to approve the Cooperative Law Enforcement Annual Operating Plan and Financial Plan between Anaconda-Deer Lodge County Law Enforcement and the USDA Forest Service, Beaverhead Deerlodge National Forest; seconded by Commissioner Mulvey.

Motion carried unanimously.

**Subaward Agreement UCF-16-108 between Anaconda-Deer Lodge County and Montana Department of Natural Resources and Conservation (DNRC) for the 2016 Urban and Community Forestry and Anaconda-Deer Lodge County Program Development Project**

Commissioner Smith moved to approve the Subaward Agreement UCF-16-108 between Anaconda-Deer Lodge County and Montana Department of Natural Resources and Conservation (DNRC) for the 2016 Urban and Community Forestry and Anaconda-Deer Lodge County Program Development Project; seconded by Commissioner Mulvey.

Motion carried unanimously.

### **Special Event Permit for the Ancient Order of Hibernians' St. Patrick's Day Race**

Commission Chair Hart informed the Commission the Hibernians' will receive its updated Certificate of Insurance on March 3<sup>rd</sup> and recommended conditional approval of the Special Event Permit.

Julie Pooley informed the Commission that Heather Edwards followed up with Pete Lorello regarding the race route. The race will begin on North Cable Road, not Stumptown Road.

Commissioner Mulvey moved to approve the Special Event Permit for the Ancient Order of Hibernians' St. Patrick's Day Race conditional upon receipt of an updated Certificate of Insurance; seconded by Commissioner Smith.

Motion carried unanimously.

### **Special Event Permit for the Ancient Order of Hibernians' St. Patrick's Day Parade**

Commissioner Lux-Burt moved to approve the Special Event Permit for the Ancient Order of Hibernians' St. Patrick's Day Parade conditional upon receipt of an updated Certificate of Insurance; seconded by Commissioner Smith.

Motion carried unanimously.

### **Appointment/Reappointment of a Member to the Anaconda-Deer Lodge County Planning Board (one vacancy; 2-year term – Mary Kae Massey has submitted a letter for reappointment)**

Commissioner Mulvey moved to reappoint Mary Kae Massey to the Anaconda-Deer Lodge County Planning Board for a 2-year term; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

### **NEW BUSINESS**

No New Business.

### **MISCELLANEOUS**

Commission Chair Hart asked Sarah Jones from Copper Environmental to present information to the Commission regarding the next water system improvement project. Sarah Jones informed the Commission the next project is for water system improvements to Washoe Park Road. As she will not be in attendance at next week's Work Session, she wanted to provide an overview of the project and answer any questions the Commission may have. New waterlines will be installed along Sycamore Street, Washoe Park Road and Copper Sands Road. Water mains along Elm, Maple, Locust, Hickory, Main and Cherry Streets will be replaced as well. In addition, paving will take place on Washoe Park Road and Copper Sands Road. Ms. Jones anticipates DEQ approval by next week. The Invitation to Bid will run in the Leader on March 2<sup>nd</sup> and 9<sup>th</sup>, with the bid opening taking place on March 14<sup>th</sup>.

Commissioner Lux-Burt asked Ms. Jones how many years of waterline projects are left. Ms. Jones informed the Commission approximately one year remains after this year. Discussions will begin in March in order to prioritize remaining projects. Two to four million dollars from NRD remain to complete necessary projects. She noted that ADLC has the newest water systems in the state.

Commission Chair Hart informed the Commission and the public that Ozzie Watkins passed away. Mr. Watkins came before the Commission a number of times regarding Benny Goodman Park. Although the Commission was unable to resolve many of the issues, Commission Chair Hart noted that Mr. Watkins' heart was always in the right place.

**PUBLIC COMMENT**

No public comment.

**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 6:42 p.m.



Julie K. Pooley  
Clerk of the Commission



Kevin A. Hart  
Commission Chair