

Anaconda-Deer Lodge County
Commission Work Session Minutes
6:00 p.m. Tuesday, February 9, 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 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 – Introduction/First Reading/Set Public Hearing for Ordinance No. 245, an Ordinance Establishing Requirements for Pawnbrokers, Junk Dealers and Dealers in Secondhand Goods within Anaconda-Deer Lodge County

County Attorney Krakowka informed the Commission the purpose of this ordinance is to mandate pawn shops, junk dealers and secondhand goods dealers to install software that will track everything that is pawned or sold in the shop(s). It is extremely useful for law enforcement as it reduces the amount of thefts and makes it harder for individuals to sell stolen items. The software is used throughout the state and nationwide.

CEO Ternes Daniels informed the Commission that Detective Eamon approached her about using the software a while back and stated it has made a difference. CEO Ternes Daniels agreed with County Attorney Krakowka that it would help have better control over stolen items and fully supports the ordinance.

Rose Nyman questioned whether changes made during the 2015 Legislative Session would affect the ordinance. County Attorney Krakowka informed her that all of the research for the ordinance was done after the 2015 session ended and after all the new laws went into effect in October 2015. However, he will go back and double check to ensure everything is in order. Ms. Nyman thanked him for bringing this forward and commented she appreciated the section stating it is unlawful to purchase or receive goods from anyone under the influence of alcohol or drugs.

Commissioner Lux-Burt believes the software will be a good deterrent. She was aware Mountain Man was using the software but thinks all the shops in town need to use it for it to be effective.

Commissioner Vermeire talked to the folks at Mountain Man who told him the software makes life easier for them. It also keeps track of their inventory. He is in favor of this ordinance.

Commission Chair Hart questioned if there was a cost to the merchant for the software. County Attorney Krakowka informed him the County pays the fee for them to use it and the software is provided at no cost. In terms of a transition period for the merchant to install the software, County Attorney Krakowka suggested it fall in line with the 30 days it takes for the ordinance to go into effect once it is passed.

Public Hearing set for March 1, 2016.

Discussion – Resolution No. 16-07, a Resolution to Place on the Election Ballot a Question for Determination by the Qualified Electors of Anaconda-Deer Lodge County for the Permanent Levying of Two (2) Mills to Fund the Operation of the Anaconda-Pintler Search and Rescue, Inc.

Martin Mavrinac asked the Commission to place this resolution on the ballot in order to fund Search and Rescue to update equipment that is outdated. He specifically noted that repelling equipment and avalanche equipment is outdated, and stated first aid equipment gets replaced as they can afford to do so. In addition, Search and Rescue would like its members to receive training on repelling, back country survival and tracking. Search and Rescue is asking for a permanent levy of two mills which would bring in approximately \$25,010 per year.

Commissioner Lux-Burt appreciates the need for funds for Search and Rescue. However, she believes permanent levies lack accountability and pointed to the recent permanent levy for the West Valley Fire Department. She feels more comfortable with levies that come up every two to four years for a vote as it gives the voters a chance to re-evaluate its worthiness. However, she does see a need to fund Search and Rescue.

Martin Mavrinac explained the reason for making it permanent is because some of the equipment Search and Rescue has to purchase (transponders, avalanche backpacks) is very expensive and can only be used once or twice. In addition, they go through a lot of first aid equipment when they do get called out and they have been purchasing it through the fire department.

Commission Chair Hart commented that \$25,000 is a drop in the bucket for what is actually necessary. He believes funding Search and Rescue would make it more viable, responsive and professional. However, he acknowledged that permanent levies can be difficult to get through but with the right manpower on the streets it could happen. He stated he supports it and hopes it will be successful.

Mr. Mavrinac informed the Commission that Search and Rescue has been present at the Polar Plunge, St. Patrick's Day Parades/Races, Wayne Estes Tournaments, Mountain Bike Boogie, 4th of July Parades, Old Works Concert, Art in the Park, MMA Fights, and the Christmas Stroll. He also mentioned Search and Rescue helps other organizations with parking and crowd control.

Commission Chair Hart added that members have out of pocket expenses as well. To that, Mr. Mavrinac added that members use their personal vehicles, side-by-sides, arctic cats, and 4-wheelers. He noted that Search and Rescue has tried to get grants in the past to fund their efforts but have not been successful.

Item placed on the agenda.

Discussion – Resolution No. 16-08, a Resolution to Establish the Rate of Credit for Incarceration

CEO Ternes Daniels informed the Commission that MACO dedicated a section of its January newsletter to remind Montana County Commissions which resolutions need to be adopted annually. Julie Pooley, Clerk of Commission drafted the resolution. The Rate of Credit for Incarceration must be established each year and is based on the actual cost of incarceration.

Commission Chair Hart asked for clarification regarding the rate of incarceration. Ms. Pooley informed him the rate was set per the Jail Cost Resolution and the Department of Corrections and is \$76.55.

Item placed on the agenda.

Discussion – Resolution No. 16-09, a Resolution to Determine the Minimum Sales Prices for Tax Deed Auction Properties Sold at a Tax Deed Land Sale in Anaconda-Deer Lodge County

Eric Hoiland, Treasurer, informed the Commission he would like to set the auction for March 4, 2016. He is proposing setting the minimum bids at taxes, costs plus an additional ten to thirty percent. He believes the county needs to add this additional amount in order to start building a redevelopment fund to begin addressing the blight issue in the community and turn these properties into something useful and generate some funds.

Commission Chair Hart would like to see the minimum bid set at taxes, costs and an additional thirty percent (30%). Blight has been an issue for a long time and if the County is serious about establishing a redevelopment fund, anything lower than the 30% will not add up.

Commissioner Lux-Burt thought thirty percent may be a little high. She thanked Kathie Miller for placing pictures of the properties in the Leader.

Commissioner Mulvey agreed with the thirty percent.

Eric Hoiland noted there has been a lot of interest in the old Washoe Market, but it seems the main interest is to turn it into a garage. However, he does not believe the DPS will allow for that. He suggested the Commission may want to add stipulations to the resolutions to constrain what the properties can and cannot be used for.

By consensus, the Commission directed Mr. Hoiland to offer the properties at taxes, costs plus thirty percent (30%). Mr. Hoiland will adjust the Resolution and provide it in the packets for next week's Commission Meeting.

Item placed on the agenda.

Discussion – Resolution No. 16-10, a Resolution Authorizing the Appointment of Anaconda-Deer Lodge County Attorney or Deputy to be Special Prosecutor for Granite County in Granite County Justice Court Cause No. TK-2015-747

County Attorney Krakowka informed the Commission that Blaine Bradshaw, Granite County Attorney asked for assistance on this case as he personally knows the person involved. He is a Granite County employee (snow plow driver) who backed into someone's car while operating the snow plow.

Item placed on the agenda.

Discussion – Award of Bid for the Irrigation System Replacement for New Hill Cemetery (bids received from Rainmaker and Brugh Landscaping)

CEO Ternes Daniels informed the Commission both bids had irregularities. After a series of discussions with Carl Thuesen, Jerold Forkan and County Attorney Krakowka she recommends rejecting both bids and going out for bid again.

County Attorney Krakowka agreed and advised the Commission it is prudent and appropriate to reject the bids and go out for bid again.

Item placed on the agenda to reject the bid.

Discussion – Invitation to Bid for the ADLC Water System Improvements to Washoe Park Road

Mike Johnson with Copper Environmental offered to answer any additional questions the Commission had that may have come up since last week's meeting.

CEO Ternes Daniels informed the Commission she met with Sarah Jones, County Attorney Krakowka, Carl Nyman, and Jay Slocum regarding re-vegetation issues after projects like these are completed. In the past, the County has encountered significant problems in this area when the general contractor has been left to handle the re-vegetation. As this project will have an impact on Washoe Park and storm water, CEO Ternes Daniels would like to see the bid state that the contractor shall utilize Big Sky Reclamation for re-vegetation work. She also pointed out that our community has special issues related to dirt because of Superfund, and we need to hold contractors to a higher standard in this regard.

County Attorney Krakowka offered to speak with members of the Commission individually regarding the above issue as he regards it as legal advice.

Item placed on the agenda.

Discussion – Agreement between Anaconda-Deer Lodge County and Anaconda Environmental Education Institute (AEEI) for Grant Writing Services

CEO Ternes Daniels reiterated the purpose of the contract prior to discussing issues concerning the budget. As in the past, the CEO's budget has a line item for contracted services in the amount of \$50,000. In addition, Community Economic Development Funds are available as well. If it is determined to pull funds from the Community Economic Development funds, a budget amendment will come before the Commission for approval. CEO Ternes Daniels recognized Jamie Roessler for her tremendous work. Rose Nyman stated the only issue she expressed was that the four Commissioners could not specifically answer which budget or line item this was coming out of. She has no problem with the contract.

Adam Vauthier informed the Commission he will be the one signing this contract. The Board of Anaconda Local Development Corporation is also contributing \$15,000 toward this contract. Mr. Vauthier clarified for the Commission that Ms. Roessler's services will assist the County to get funds for the Downtown Transportation Plan, which includes monies for sidewalk and street improvements, as well as funding for housing projects.

Commission Lux-Burt wants to move forward with the Agreement. She stated Ms. Roessler is an excellent grant writer and added that there is a limit to what Judie Tilman is willing and can do. She also noted she would like to see Julie Pooley get started with some grant writing because she thinks she would be excellent too. Commissioner Lux-Burt also pointed out that new funding is always coming available but notice is often short when funds do become available.

CEO Ternes Daniels reiterated it takes a variety of grant writers and a partnership to deal with the problems our community is facing. Working with ALDC, the Chamber of Commerce and other groups

helps the County put together the necessary resources to get things done. The CIP was an essential component to go after grant funding and that is why money was budgeted for these kinds of agreements.

Item placed on the agenda.

Discussion – Request by Anaconda Trail Society to Submit an Application to MT Fish, Wildlife & Park’s Recreational Trails Program for Grant Assistance to Resurface the Washoe Park Trail

Adam Vauthier provided background information to the Commission regarding the Yellow Ditch project. The Anaconda Trail Society (ATS) applied to the same program last year to fund the Yellow Ditch project. However, they were not awarded the grant. This year, the Trail Society received a technical assistance grant to start getting things in order to move forward with the Yellow Ditch project. Some of the property belongs to ARCO and some of it is private property; easements will be necessary in order to connect the trail to the existing Greenway Trail. During this process, ATS receive numerous comments about the condition of the walking trails at Washoe Park. The Recreational Trails Program seemed amenable to move forward with a smaller project to resurface the trails. Thus, ATS is submitting a grant application to take on this project.

CEO Ternes Daniels gave her support to this project and cited this as an example of revenue that will come in which will necessitate an amendment to the current budget.

County Attorney Krakowka noted the trails are heavily used by the public and thinks the money will go to great use.

Rose Nyman stated she was at two meetings and a great deal of enthusiasm was expressed for the Trail Society at both.

Commissioner Lux-Burt is very much in support of this grant. She is thankful the community has groups that are working together with the County as the County can only do so much. She appreciates Accelerate Anaconda, ATS and ALDC who go after these grants.

Commission Chair Hart supports the project and noted Washoe Park is a show place and the trail system is fantastic.

Item placed on the agenda.

Discussion – Washoe Park and Benny Goodman Park Bathrooms Project Update

This project has gone out to bid twice and not received any response. CEO Ternes Daniels, WWC, and SMA met with Dale Harris, General Contractor; Ray Peterson Electric, and Saltenberger plumbing – all local businesses. A good discussion took place and she expects to have a proposal in place in the next week in order to get the project moving forward and complete before summer.

Commissioner Lux-Burt mentioned that Margaret Osika from the Health Board had some concerns/suggestions regarding ADA access. CEO Ternes Daniels stated that the plans and specifications already address and meet all of the ADA requirements.

Discussion – Appointment/Reappointment of a Member to the Hearst Free Library Board of Trustees (one vacancy; 5-year term – Mary Lynn McKenna has requested reappointment)

CEO Ternes Daniels noted that Ms. McKenna was originally appointed to fill out the remainder of Dick Verstraete’s term and she would like to continue on the board.

Commissioner Lux-Burt would be very happy to see her continue as she is a good resource and cares about the community.

Commissioner Mulvey agreed and has enjoyed working with her on the board the past three months.

Commission Chair Hart stated Ms. McKenna is a great resource and a pleasant individual.

Item placed on the agenda.

Discussion – Appointment/Reappointment of a Member to the Anaconda-Deer Lodge County Police Commission (one vacancy; 3-year term – Charlie Strong has requested reappointment and Greg Budd has requested appointment)

Item placed on the agenda.

MISCELLANEOUS

Commissioner Lux-Burt

Ice Rink

Commissioner Lux-Burt discussed several comments on Facebook regarding the ice rink at Kennedy Common. People seemed concerned that it is not being maintained. She wondered if the County can start maintaining it again if the weather holds out.

CEO Ternes Daniels responded and informed the Commission that the lights have always been turned off on February 1st. She agrees it would be nice to maintain the rink as long as possible. She had Julie Pooley pull the temperatures for the month of January. CEO Ternes Daniels reported there were 14 days in January where the temperatures were above freezing which certainly causes issues with maintaining the ice. She thanked John Leo and his crew for doing a tremendous job this season but noted they can only do so much as the conditions of the rink are weather-dependent.

Commission Chair Hart’s preference is to have the rink maintained as long as the weather holds out. He has a soft spot for the Common as he grew up skating there. He did not feel the rink looked as good this year as it normally does.

Cell Phones

Commissioner Lux-Burt was not aware Commission cell phone numbers were not posted on the website and stated she is willing to have hers on the website. She informed the public she does receive a monthly stipend for her cellphone, but noted it is easier to reach her by calling her home phone.

CEO Ternes Daniels acknowledged there were some concerns over cell phone numbers being made available to the public. Law Enforcement uses their own personal cell phones because they are not always able to use the radio. When being used for these purposes, she does not feel they should be published. CEO Ternes Daniels believes Patricia Mulvey got a bad rap in the Leader. She does not have a cellphone, she did receive a stipend but it was paid back. CEO Ternes Daniels stated that did not come across in the paper and sometimes things are said that are not true and quite frankly she believes she is owed an apology. CEO Ternes Daniels reiterated she does not plan on publishing law enforcement cell phone numbers.

Commission Chair Hart

Commission Chair Hart added that he would like to see the band stand at Kennedy Common open for the summer. He also informed the Commission that Dr. Sorini passed away.

CEO Ternes Daniels

CEO Ternes Daniels informed the Commission she has been in touch with Scott Marsh regarding the Wise River Fire District. The public hearing is scheduled for Saturday, March 5, at 1:00 p.m. She and Julie Pooley worked with Mr. Marsh today regarding the public notices. Fire District public hearings only require a 10 day notice. CEO Ternes Daniels requested the Commission formally call for the public hearing at next week's meeting.

Item placed on the agenda.

PUBLIC COMMENT

Barry Duchene would like the County's permission to remove the military flag from the Filipino Rebellion from the basement of the library and take it to Teresa Knutson, a flag conservator, in order to stabilize and preserve it. The total estimated cost would be approximately \$4,000. The library board supported keeping the flag at the library and allowing Barry Duchene to pursue funding options for this project. However, he does not have a group of sponsors yet. He would like to proceed as soon as possible so it could be ready by July 4th so the community could be involved in a ceremony revealing the finished product.

CEO Ternes Daniels thanked Barry as he is always at the forefront for our veterans and cited this as an example of why it was so important to amend the library ordinance and protect the artifacts at the library. She is in favor of him going out and raising funds to get this done. She asked him to come talk to her and County Attorney Krakowka with regard to removing the flag from the library.

Carl Nyman thanked Barry for his enthusiasm and the things he accomplishes for the County.

Commissioner Mulvey thanked Barry for doing this for the Library.

Rose Nyman inquired into the status of the Freon contract. CEO Ternes Daniels informed her the County is waiting on some research and confirmation from DEQ. She expects an RFP to come before the Commission at the next Work Session.

Ms. Nyman informed the Commission the local businessman who rents skates told her he had the best year for skate rentals. She believes the ice rink should go as long as the weather allows. She commented she saw a couple skating on Saturday morning. They were good and worth stopping and watching. She even saw people skating today. She thinks it should follow the weather and not be up to Department Heads to make the decision.

Ms. Nyman went on to state that before a statement is made that something is not true, perhaps one should listen to the recording. She is not concerned about stipends about law enforcement. Commissioners are elected officials and are supposed to be accessible.

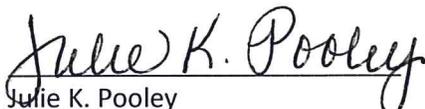
Carl Nyman commented on the ice rink and noted it was a social experience when he was younger. He believes it is no longer a part of people's lifestyles.

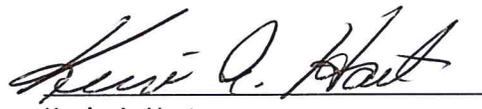
ADLC Public Meeting Dates

Commission Chair Hart read the ADLC Public Meeting Dates.

Adjournment

The meeting adjourned at 7:55 p.m.


Julie K. Pooley
Clerk of the Commission


Kevin A. Hart
Commission Chair