

Anaconda-Deer Lodge County
Commission Meeting Minutes
6:00 p.m. February 16, 2016
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 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 February 2, 2016 and the Commission Work Session of February 9, 2016

Commissioner Lux-Burt noted a few grammatical changes to the February 9, 2016 minutes as well as changes to what she said regarding posting pictures of the tax deed properties in the Leader. In addition, she asked County Attorney Krakowka for clarification regarding whether Ordinance 245 pertains to items sold or pawned at local shops. County Attorney Krakowka stated the minutes could read both "sold" and "pawned."

Commissioner Smith moved to approve the minutes from the Commission Meeting of February 2, 2016 and the Commission Work Session of February 9, 2016 with the changes noted above; seconded by Commissioner Mulvey.

Motion carried unanimously.

APPROVAL OF CLAIMS

Commissioner Vermeire moved to approve claims numbered 121607 through 121723 in the amount of \$228,835.05; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

REPORTS OF BOARDS, OFFICIALS, COMMITTEES

Commissioner Smith attended the Greenway Service District Board Meeting and the Old Works Golf Course Authority Board Meeting.

Commissioner Vermeire attended two Superfund Global Settlement meetings and the MACO Midwinter Conference.

Commissioner Lux-Burt attended two Superfund Global Settlement meetings.

Commissioner Mulvey attended the DUI Task Force Meeting.

Commissioner Hart attended the Study Commission Meeting.

CEO Ternes Daniels attended two Superfund Global Settlement meetings and the MACO Midwinter Conference, which she found very informative. The conference included a DES conference which was very enlightening and worthwhile. She also attended a cybersecurity session during the conference.

County Attorney Krakowka attended the DUI Task Force meeting but noted there was no quorum so no action was taken on any items. He also met with representatives from the Forest Service to discuss opening up a back way into the Modesty Creek area. He noted the work has begun but there is still a long way to go.

UNFINISHED BUSINESS

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.

Although she is supportive of Search and Rescue, Commissioner Lux-Burt stated she cannot vote for a permanent mill. She informed the Commission and the members of Search and Rescue that were present that she received information regarding MCA 10-3-801 which pertains to an account in the state's special revenue fund that provides up to \$6,000 reimbursement for each search and rescue mission. However, Marty Mavrinac explained this MCA only applies to for-profit search and rescues.

Commissioner Mulvey agreed with Commissioner Lux-Burt with regard to this being a permanent levy and thought a non-permanent levy may be a better option.

Commissioner Vermeire agreed as well and felt a non-permanent levy is the better way to go. However, he stated he will probably vote for the resolution and leave it up to the people to decide.

CEO Ternes Daniels lauded Search and Rescue's efforts. She provided some background information to assist the Commissioners with their decision. She explained that the County currently has two permanent mill levies: West Valley Volunteer Fire Department and the Cemetery. The Library, Head Start, and Senior Citizen Center and Transportation mill levies are non-permanent and are on the ballot every two years. She pointed out that the Commission has the option to modify the motion from a permanent levying of two mills to a non-permanent levying of two mills. In doing this, the people have a chance to re-evaluate how Search and Rescue is doing and determine whether to continue supporting the levy.

Martin Mavrinac addressed the Commissioners and firmly stated Search and Rescue believes the levy should be permanent. Madison County receives approximately \$86,000 from one mill and Lewis and Clark County receives approximately \$100,000 from one mill; both are permanent levies. He invited the Commissioners to come down to see what Search and Rescue has to work with and noted it is hard to replace equipment once it is gone.

Billy Laws, 120 Garrity: Mr. Laws just recently joined Search and Rescue and got nominated as Commander. He had the opportunity to do a walk through to see what they own. He explained to the Commission that if Search and Rescue is expected to conduct a good search and rescue, they have to have the equipment to do so and at this time they do not have it. In order to outfit a person in snowshoes and poles, it costs approximately \$300-\$400 per person.

Bob Nelson, 105 Bridge Drive: Mr. Nelson informed the Commission that Search and Rescue members use their own equipment (snowmobiles, first aid) when they go out. If the levy passes, they could save lives because they would have the right safety equipment and could provide the proper medical care.

Rose Nyman thanked Commissioner Vermeire for reminding everyone that this will be on the ballot and the voters will decide. She had the opportunity to visit Search and Rescue in 2012 and the equipment was in sad shape. According to the Charter, each of the Commissioners is elected to represent a district and Ms. Nyman was curious if any constituents do not support this. She informed the Commission that she and Commissioner Lux-Burt put a lot of time into restructuring the districts and wondered what percent of people had contacted their Commissioners to say they do not support this.

Commissioner Smith moved to approve Resolution No. 16-07; seconded by Commissioner Mulvey.

Motion carried 4 to 1 with Commissioners Hart, Mulvey, Vermeire and Smith voting in favor and Commissioner Lux-Burt opposing.

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

CEO Ternes Daniels informed the Commission this is simply a housekeeping matter that needs to be done by resolution each year.

Commissioner Vermeire moved to approve Resolution No. 16-08; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

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

Commissioner Hart and CEO Ternes Daniels remarked that Eric Hoiland, Treasurer, provided new information showing that the sales prices include the 30% Fair Market Value.

Rose Nyman informed the Commission that with the pending remodel of St. Peter's Church, the Food Bank may be forced to find a new location. She believes the property at 517 E. Park may be a good location for the Food Bank. Ms. Nyman spoke with Phil Masters last week, and she suggested the County get a hold of him if they have any interest in donating the property.

Commissioner Hart agreed with Ms. Nyman and stated he would hate to see a piece of property stay vacant that could potentially be put to good use. Commissioners Lux-Burt and Vermeire agreed as well, but were concerned with the condition of the building. Ms. Nyman informed them it was stuffed with junk.

CEO Ternes Daniels did not have any objections to donating the property but noted that no one from the Food Bank has come forward to discuss the option.

Eric Hoiland informed the Commission no action can be taken in terms of donating the property until the second auction has taken place.

Commissioner Mulvey moved to approve Resolution No. 16-09; seconded by Commissioner Vermeire.

Motion carried unanimously.

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 explained that the Granite County Attorney needs assistance with a case. The case is not labor intensive.

CEO Ternes Daniels believes it is the neighborly thing to do as ADLC works with the Granite County Attorney on other issues.

Commissioner Vermeire moved to approve Resolution No. 16-10; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Rejection of Bids for the Irrigation System Replacement for New Hill Cemetery (two (2) bids were received from Rainmaker Lawn Sprinkler Systems and Brugh Landscaping; both bids were incomplete)

CEO Ternes Daniels informed the Commission that there were issues with both bids. Carl Thuesen, the consultant on the project has informed CEO Ternes Daniels it will cost a little over \$7,000 to re-bid the project. She finds this to be a little over the top as the County had to re-bid the RDU3 project and the Parks Bathrooms Renovations project and it did not cost that much. CEO Ternes Daniels highly recommended the Commission reject the bids. She and Jerold Forkan, Cemetery Supervisor, will work with Mr. Thuesen to re-bid the project, but will need to get the cost under control before moving forward.

Commissioner Lux-Burt moved to reject the bids for the Irrigation System Replacement for New Hill Cemetery received from Rainmaker Lawn Sprinkler Systems and Brugh Landscaping; seconded by Commissioner Mulvey.

Motion carried unanimously.

Authorization to Advertise the Second Call for Bids for the Irrigation System Replacement for New Hill Cemetery

CEO Ternes Daniels encouraged the Commission to authorize the second call for bids but noted she will be working with Mr. Thuesen before it goes out to bid because of the issue regarding the cost.

Commissioner Smith moved to authorize the advertising of the second call for bids for the Irrigation System Replacement for New Hill Cemetery; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Authorization to Advertise the Invitation to Bid for the ADLC Water System Improvements to Washoe Park Road

CEO Ternes Daniels informed the Commission she would like to get the specification clarified in the invitation to bid that whoever submits a bid has to look at using Big Sky Reclamation for the re-vegetation portion of the project. In the past, things have been done incorrectly, and it is very important things are done right. She has discussed this with Sarah Jones and would like to speak with Alden Beard about it as well.

Carl Nyman, Superfund Coordinator, agreed with CEO Ternes Daniels and added that it has been a huge problem getting contractors to complete all phases of the project. Using Big Sky Reclamation is a way to ensure it gets

done correctly. Mr. Nyman also stressed the importance of the waterline improvement projects and asked the Commissioners to view it not only as an infrastructure improvement but also as an investment in safe drinking water for the community. Years ago, Anaconda was under a boiling order, and now the lead level in the water is 26 times below what is considered safe. Although infrastructure may not be considered exciting, Mr. Nyman noted water comes into every single house in the community and, therefore, it is important to recognize why the County is doing these projects and the benefits the community is receiving from them.

Commissioner Mulvey moved to authorize the advertising of the Invitation to Bid for the ADLC Water System Improvements to Washoe Park Road; seconded by Commissioner Vermeire.

Motion carried unanimously.

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

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

Motion carried unanimously.

Request by Anaconda Trail Society to Submit an Application to MT Fish, Wildlife and Parks' Recreational Trails Program for Grant Assistance to Resurface the Washoe Park Trail

CEO Ternes Daniels believes this is a great project and noted that Anaconda Trail Society is providing the match.

Commissioner Smith moved to approve the request by Anaconda Trail Society to submit an application to MT Fish, Wildlife and Parks' Recreational Trails Program for Grant Assistance to Resurface the Washoe Park Trail; seconded by Commissioner Vermeire.

Motion carried unanimously.

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

Commissioner Lux-Burt believes Ms. McKenna will continue to do an excellent job on the Board.

CEO Ternes Daniels informed the Commission Ms. McKenna is currently filling out the remainder of a term. She added that it will be nice to have her serve a full term.

Commissioner Mulvey moved to reappoint Mary Lynn McKenna to the Hearst Free Library Board of Trustees for a five-year term; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

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)

CEO Ternes Daniels did not have anything further to add to her comments from last week.

Commissioner Lux-Burt moved to reappoint Charlie Strong to the Anaconda-Deer Lodge County Police Commission for a three-year term; seconded by Commissioner Mulvey.

Motion carried unanimously.

Authorization to Call for a Public Hearing on Saturday, March 5, 2016 at 1:00 p.m. in Wise River, MT Regarding the Creation of a Proposed Fire District in the Wise River, Montana Area

CEO Ternes Daniels informed the Commission this public hearing is for a three county area (Beaverhead, Anaconda-Deer Lodge and Butte-Silver Bow) to establish a Fire District in order to generate tax dollars for the fire district.

County Attorney Krakowka informed the Commission that he spoke with Jed Fich, the Beaverhead County Attorney regarding the appropriate procedure for electing the trustees. County Attorney Krakowka's recommendation is to take action in our County at a Commission Meeting. CEO Ternes clarified that two actions are taking place at the public hearing – establishing a joint fire district between the three counties and electing trustees to the board.

Kathie Miller with the Anaconda Leader asked CEO Ternes Daniels if the Commission will convene after the public hearing to take formal action. CEO Ternes Daniels indicated that action will take place at a regularly scheduled Commission Meeting.

Commissioner Smith moved to authorize the call for a public hearing on Saturday, March 5, 2016 at 1:00 p.m. in Wise River, MT regarding the creation of a proposed fire district in the Wise River, Montana Area; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

NEW BUSINESS

Award of Bid for Bathroom Renovations at Washoe Park, Legion Field and Benny Goodman Park

CEO Ternes Daniels informed the Commission Jeremy Fadness with WWC was here on Friday and she spoke with Dale Harris as well. However, she did not receive any numbers to present to the Commission. She respectfully requested the Commission table this item.

Commissioner Lux-Burt moved to table the award of bid for bathroom renovations at Washoe Park, Legion Field and Benny Goodman Park; seconded by Commissioner Mulvey.

Motion carried unanimously.

Resolution No. 16-12, a Resolution Authorizing the Chief Executive to Execute the Agreement Document for the Removal and Restoration of the Historic Military Flag Carried by Anaconda and Butte Soldiers Serving in the Spanish-American War

CEO Ternes Daniels thanked Barry DeChaine for bringing the information regarding the flag forward to the Commission's attention. She explained that the way Ordinance No. 238 is written, the Commission has to

approve the removal of artifacts from the library. She informed the Commission funding for the project is coming from donations and fundraising efforts through Mr. DeChaine and veterans.

Commissioner Mulvey moved to approve Resolution No. 16-12; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Commissioner Lux-Burt

Motor Vehicle Local Option Tax

Commissioner Lux-Burt informed her fellow Commissioners they received a letter from Eric Hoiland, Treasurer on January 28, 2016 regarding placing a Motor Vehicle Local Option Tax on the General Election ballot. Apparently, Anaconda-Deer Lodge County is one of three counties in the state that does not have this tax. Commissioner Hart informed the public this tax is used solely for the purpose of street repair and maintenance. He reported that the Treasurer has indicated that a number of very expensive vehicles, boats and aircrafts that have never set foot in the county are being registered here because we do not have the tax. Commissioner Lux-Burt stated that vehicles from Europe are being registered here as well. She believes it would be a way to start generating funds to fix up the streets and a way to generate money without solely relying on homeowners to foot the bill.

CEO Ternes Daniels thanked Eric Hoiland for bringing this to the Commissioners' attention. She believes the voters of the community have a lot of big questions before them this election season. It takes almost a full-time clerk to deal with these registrations, and the County does not get anything out of it so it is certainly worth taking a look at it. She noted that Dawson County receives over \$638,000 in revenue from this tax.

Commissioner Hart would like Eric to give a presentation at the February 23rd or March 8th Work Session in order to provide more detail about this proposal.

MISCELLANEOUS

CEO Ternes Daniels

Public Health Building

CEO Ternes Daniels informed the Commission the Public Health Building has a major leak in the ceiling in one of the bathrooms. A gasket was not put in correctly during the roof installation this past summer. As a result, the building is closed and Public Health has a temporary office in the Community Service Center.

Katherine Basirico, Public Health Director, informed the Commission that Bjorn Johnson came by Saturday to assess the situation. Day Spring Restoration was in the building Monday and today. Plumbers were in the building today. The ceiling is no longer leaking. Day Spring will be back on Wednesday morning to remove all of the wet plaster and sheetrock. Once all of the wet material is removed, they should be allowed back in the building. There is some concern about mold. All of the work is being done under warranty so there will be no charge to the County.

Negotiations

CEO Ternes Daniels informed the Commission that negotiations have wrapped up with the Anaconda Police Union and a tentative agreement is in place. A draft agreement for Commission review should be on next week's Work Session.

PUBLIC COMMENT

Carl Nyman, Superfund Coordinator: Mr. Nyman informed the Commission the Old Works Golf Course has hired Mark Savoie as the new manager and Anthony Bennis as the new golf course superintendent.

In other golf course news, Mr. Nyman informed the Commission there is a beaver colony along the creek at the golf course which is about 100 feet long. With the tremendous amount of energy behind the dam, there is a high potential for it breaking loose and scouring away any protective covers that exist. He explained that the beavers have been relocated and with the help of Jay Slocum, they are going to start to move the dam tomorrow. Mr. Nyman also stated there is at least one resident on Cherry Street who has a bunch of trees that have been chewed up by beavers. He has spoken with Jay Slocum about this issue as well. However, it is not clear who owns the streambed – ADLC, the property owner, or the State. This needs to be determined in order to do something about the trees. Mr. Nyman believes it may be worth it to consider some sort of research to figure out who actually owns the streambeds and who is responsible for the trees. He also suggested coming up with a policy to deal with the beavers.

Commissioner Hart agreed this problem cannot be ignored and agreed that ownership is an issue. He believes regulating the beaver population is the least expensive solution and noted the problem cannot be ignored anymore.

CEO Ternes Daniels informed the Commission she had a similar conversation with Jay Slocum today and that this issue has been on the radar for quite some time. She wants to ensure the proper permits are in place and determine who owns the land before moving forward.

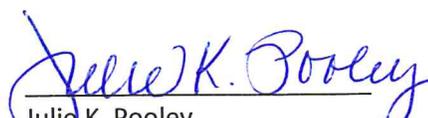
Commissioner Hart asked Mr. Nyman to follow-up with the new golf course superintendent regarding contracting with the County for weed control at Kennedy Common. Mr. Nyman noted he will speak with him but because he is just getting his feet wet this year, it may not happen until next year.

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 7:45 p.m.


Julie K. Pooley
Clerk of the Commission


Kevin A. Hart
Commission Chair