

Anaconda-Deer Lodge County
Commission Work Session Minutes
6:00 p.m. Tuesday, March 8, 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: Artha Mae Whealon, Clerk 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.

Ordinance No. 245, an Ordinance Establishing Requirements for Pawnbrokers, Junk Dealers and Dealers in Secondhand Goods within Anaconda-Deer Lodge County

CEO Ternes Daniels stated there was a lot of good discussion regarding this Ordinance and it was back in front of the Commission for any final comments.

County Attorney Krakowka started out the discussion requesting additional guidance from the Commissioners. He felt the presentation he and Detective Eamon did should have answered all their questions. In regards to Mike Grayson's concerns, it simply does not apply to used car dealerships or to garage sales. On Page 2, it states "as long as no cash is paid to the person trading the appliance by the merchant or dealer with whom such trade-in is made." This Ordinance is designed for people who routinely buy and sell every day. This Ordinance would not be applied to transactions involving a title being recorded through another system. County Attorney Krakowka suggested on Page 1, to change the definition of **Junk** from "all old iron" to "metal" then it would include copper, aluminum and other metals that are subject to being stolen. On Page 1, it was suggested to change the language of **Junk Dealer** which means any person engaged in or conducting business of buying, selling or dealing in "junk" to "business of buying and selling junk." Then, we are not talking about every person who is going out and picking up scrap metal **but** to the person they are selling to. This is the person we want the Ordinance to apply to.

Detective Eamon talked about the nature of the software. If Detective Eamon was in the system "fishing" for different items or misusing it for his personal use, he would get kicked out of the system. For Detective Eamon to use the software, he had to go through a back-ground check to receive a password, he had to prove he was a Police Officer and worked for a Police Department and each search has to have a Case Number attached to it. He has to put that kind of information into the software to make sure the program is not being misused.

The Coin Store and the Jewelry Store reflect another issue. Just a couple of months ago, two (2) people from Deer Lodge lost their lives over a bar of silver. How do you get rid of a bar of silver once you've stolen it? This Ordinance is to help find the thieves committing crimes like this and solving cases. Thieves are very resourceful. They know where to sell their stolen merchandise so they don't get caught.

Recently we arrested several men selling dangerous drugs. They had the scales, they had the cash and in the back seat of their car, they had buffalo nickels, gold watches and a gold pocket knife. How is this

stuff going to be tracked? Thieves are going to take these items somewhere where they won't be caught. Thieves are looking for a bargain like everyone else. This is a great tool to stop thieves and allow our Police Officers to catch them.

Butte, Helena and other communities use this software and it has been very effective. The world did not come to an end, these communities haven't fallen apart and people haven't left town. What happen was they started catching criminals who were stealing property and turning around and selling it. They are solving cases that otherwise might have gone unsolved.

If you are uncomfortable with the fine, get rid of it. If you are unhappy with the jail time, change it. One thing I ask you not to get rid of is the business license because in the end this is the one that matters.

Commission Chair Hart asked about the 10-day waiting period. He wondered if there was a way to address this issue because gold prices change from one day to the next.

County Attorney Krakowka stated that gold prices can go down from day to day but they can also go up and this fluctuation of prices needs to be built into the business line. In the case in Deer Lodge, once that silver bar is sold, it can be melted down and then you are not able to collect finger prints or other markings on the bar. The 10 days is in there to maintain and control the evidence. I don't have a simple solution.

Commissioner Vermeire stated this system is very limited and they have to be looking for something specific. You can't even search by a date range.

County Attorney Krakowka added that this system is trying to protect people's privacy. It has to be assigned a case number. Detective Eamon is prosecuting a case involving \$40,000 worth of stolen items. This case would have never been solved without Leads on Line.

Commissioner Lux-Burt wondered if the Ordinance could be more specific because it seems to be loose and vague.

County Attorney Krakowka questioned how you could tighten it up more. In regards to a dollar amount stated, he tries to bring these proposals to the Commissioners without a price on it because of inflation and time. In the case involving the breaking and entering of forty-one (41) cars, it would have not been solved except for the \$5.00 fishing pole that connected it all together. A dollar amount does not stand the test of time.

Commissioner Lux-Burt said she was referring to the amount of bookkeeping that is involved. It seems to be excessive. I want to be responsible and prudent.

County Attorney Krakowka said these businesses were already keeping records and this process could be done in place of what they are doing now. You get ticketed every day for non-compliance of shoveling the snow off your walk and you could get several tickets a day speeding through town. County Attorney Krakowka stated he was not opposed to taking out the fine or jail time but felt it necessary to pull their business license if they weren't in compliance because that has its own criminal penalties.

Janet Kittleson – Mike's Pawn: Janet stated they are already required to keep a ledger. She has been keeping these ledgers for years. The Police Department is supposed to come down and pick these

ledgers up every week but these ledgers have not been picked up for 6 years. She feels this law will not change anything just put more work on the business owners. She didn't understand why she had to do this every day and why would you pull my business license for not doing it.

Hank Senn – 307 East Park: I agree with our County Attorney. I think it is a great plan to catch criminals. Regarding this Ordinance #245, it says we need to get names and addresses. People would quit doing business with us if we posted their address. I think we all do a good job. I think this Ordinance is far too broad. The Bozeman Ordinance is a good ordinance and it was given to each of the Commissioners. He wondered where the liability lies if this program gets hacked and releases all the names and addresses. Hank stated they get a driver's license from everyone. He stated there was no coin ordinance in the State of Montana and this Ordinance was too strict and too restrictive. No one can do the type of job County Attorney Krakowka wants. He asked the Commissioners to take a second look at the Bozeman Ordinance. He stated no one has time to put every coin into this system. He also felt Leads on Lane did not have any liabilities attached to it. He recommended using a driver's license number and not the name and address, it was just not reasonable.

Annie Senn – 307 East Park: Annie stated if someone comes into their store and looks suspicious, they don't buy from them. She feels this Ordinance will hurt people coming into our town and they are just asking to keep their store open. If this Ordinance passes we will have to close our store.

County Attorney Krakowka explained why he did not feel Janet's way would work. If people are traveling through town her plan will not work, the ledgers do not work. Where are we at? We are at the same place. This software cost the County about \$1500 but does not cost the business owners a dime. If someone brings in thousands of pennies, you don't have to log each one. Use common sense when entering this into the database and just put your store received "thousands of pennies" and let the software do the rest. The duties are no different; the business owners are just recording it in a different place.

County Attorney Krakowka stated people want to live in a safe community. If something gets stolen, people will have a chance to get their stuff back through this software. The Thrift Center does not apply because the Thrift Center does not buy anything. I am pushing it on Second Hand Stores and Junk Dealers. This software is incredibly effective. It flags stolen items nationwide. It protects businesses. This information needs to be kept track of.

Hank Senn – 307 East Park: Hank again requested reviewing the Bozeman Ordinance. He stated they were not a pawn broker. He deals in high-end things and would not want his client's names put on a national website.

County Attorney Krakowka stated rifles would be put into Leads on Land. It does not do any good to keep paper ledgers.

Rosemary Miller, 513 4th Street: Rosemary stated that our police are flooded with work and if we could make their jobs easier, why wouldn't we. If we are known as a community that helps our police, why wouldn't we want that?

Rose Nyman, 121 East 3rd: Rose made a comment to check with the Treasurer's Office to see how many business licenses were in arrears.

Commissioner Lux-Burt stated the Ordinance #245 should move forward with a few changes. She would like to see the penalties taken out other than the business license. Replace the written ledgers with the database so there is no double work. Take the address out and use some other form of identification such as a driver's license, state or federal ID. We need to move forward being reasonable and not blowing things out of proportion.

Hank Senn, 307 East Park: Hank stated people will simply not do business with him. They will take their business out of town. Stores will go out of business. He stated he can't have a business where his client's name will be on a national database.

County Attorney Krakowka stated he did not see any way to exempt Coin Shops. He felt the Ordinance was Constitutional and showing equal protection. You can't give one exemption without giving it to all the stores.

Carl Nyman, Superfund Coordinator spoke saying things had gotten incredibly painful and awkward. He stated the Commissioners were legislative bodies, representing a lot of people. At this time, this talk was wasting a lot of people's time and not getting us where we need to be. Maybe at this time a subcommittee should be established to work out any existing problems.

Commissioner Chair Hart stated the Commissioners were trying to get as much information as they could.

County Attorney Krakowka stated he felt he could make the changes requested by the Commissioners and have a final draft in front of them at the Business Meeting on March 15th.

Item placed on the agenda.

Ordinance No. 246, - Introduction/First Reading/Set Public Hearing for April 5, 2016 –An Ordinance Creating a Mental Health Local Advisory Council Board Referred to as the Pintler Mental Health Local Advisory Council (LAC) Board and Establishing its Powers and Duties

CEO Connie Ternes Daniels stated there was a lot of community support for this Ordinance.

Commissioner Chair Hart said it would serve the community well.

A Public Hearing was set for April 5, 2016.

Change Order #1 for RDU 3 Storm Water Plan – AFFCo Ditch Upgrade Project

Steve Anderson, WET presented Change Order #1 to the Commissioners with the following tasks and associated costs:

Task #1 – Locate and determine the viability of a currently unknown 24" pipe.
Cost: \$1,500 (est)

Task #2a – Order a new manhole that ties the 24-inch line into the new alignment.

Cost: \$3,500 (est)

Task #2b – Order a new manhole or modify the existing hook up

Cost: \$1,500 (est)

Task #3 – Adding storm inlets

Cost: \$2,500 (est)

Mr. Anderson stated there is a Task #2c which would be no change at all. He did go on to say Task #1 would be done for sure and either one of the Task #2. He stated there was an \$80,000 contingency and the best scenario would be \$17,000 and the worst would be \$27,000.

CEO Connie Ternes Daniels wanted the Change Order to be more complete. She stated the cost in Mr. Anderson's letter was very different from H & H's letter.

Mr. Anderson stated he gave the best estimate he had at the time. He said H & H would like to get started next week. Mr. Anderson would like to see the work started considering all the Tasks were still below the contingency.

Carl Nyman, Superfund Coordinator said he appreciated Steve's work in planning ahead but recommended that his job be tracked separately from the work Carl is doing. The funds Carl is working with are very specific so the two (2) jobs should be separate until they get connected.

Commissioner Lux-Burt stated the Change Order was very confusing the way it stands and needs to be completed right.

Commissioner Vermeire said it looks like they are changing the scope of work.

Mr. Anderson stated he would present the Commissioners a complete change order with the correct information and cost.

Item placed on the agenda.

MDP 16-01, an Application for a Major Development Permit, submitted by D Bar T Enterprises, LLC to Develop a 40' x 40' two-story office building at 807 E. Commercial Avenue

Doug Clark, Planning Director stated the Planning Board has reviewed this development and approved it. D Bar T Enterprises, LLC purchased the old body shop with plans to develop a two-story office structure which would be the primary business office space for Colbert's Electric while the pre-existing building would be utilized as a shop and warehouse for their operations. This area has several non-conforming blocks and the County may want to provide them with some type of status. This area is without sidewalks and they will install rain gutters to direct the flow of storm water into the landscape area on the west side of the building. The building would still meet set-back standards. Doug asked that this item be placed on the agenda for next week.

CEO Connie Ternes Daniels stated she would certainly be in favor of this project. She thanked Teri and Dave Colbert for submitting this major development permit, taking on this commercial building and making a difference in our community.

Rose Nyman, 121 East 3rd: Rose stated she was in favor of this project. She also noted two (2) changes in the Planning Board's minutes. Doug Clark apologized for missing that and said he would take care of it.

Dave Colbert, 100 Howe Street: Dave addressed the Commissioners saying they had been looking for a place to move their home based business for about 15 years. Being as old as the existing building is, the office building next to it would really help them out.

Commissioner Lux-Burt stated she has driven by the property and it looks better already. She thought it was a good project and glad to see that lot fixed up.

Commissioner Chair Hart stated that lot has not changed a lot in his life time and is glad to see this development happening there.

Item placed on the agenda.

Agreement between Anaconda-Deer Lodge County and Big Sky Weed Control and Reclamation, Inc. to Perform Weed Control, Re-Seeding, Soil Amending, Erosion Control, and Various Other Services at A-DLC Superfund Locations

Carl Nyman, Superfund Coordinator stated this is a follow-up to the RFP that went out about a month ago. Carl reviewed the original RFP and made changes to it. Mark Moodry of Big Sky Weed Control and Reclamation, Inc. approved those changes and they will start work on it this spring.

CEO Connie Ternes Daniels stated a 30-day written termination agreement needed to be in the agreement.

County Attorney Krakowka stated even if all aspects of the contract are met, a 30-day written termination agreement is still written into the contract.

Carl stated he would address that with Mark Moodry and present a final agreement to the Commissioners.

Item placed on the agenda.

Fourth Amendment to Agreement for the Sale of Real Estate between Anaconda-Deer Lodge County and CGP Acquisitions and Development, LLC to Extend the Due Diligence Period until 7:00 p.m. Mountain Time on May 19, 2016

Carl Nyman, Superfund Coordinator stated Capital Growth (CGP Acquisitions and Development, LLC) has hired an environmentalist to handle this and some good things are coming out of that.

CEO Connie Ternes Daniels thanked Carl for his tremendous amount of work.

Commission Chair Hart stated for the public this was the Shopko project going into the east yards.

Commissioner Lux-Burt stated she would be glad to see Shopko come in. It is a great little store and would be great for Anaconda.

Commissioner Vermeire said he thinks this is Attorney #4 for Shopko but thanked Carl and was glad to see the project moving forward.

Item placed on the agenda.

Request from Anaconda-Deer Lodge County to NorthWestern Energy to Relocate a Gas Line in the East Yards

Carl Nyman, Superfund Coordinator stated there is such a need to relocate this gas line and provided a map to the Commissioners showing them where the gas line is. NorthWestern Energy has great people to work with and they are very responsible. The parts NorthWestern Energy needs to relocate this gas line will take 3 months to make. NorthWestern Energy has stated they do not want to relocate the gas line unless Shopko agrees to commit. GM Partnership is also a land owner so that piece has to fall into place too. This project might not happen until 2017 which might be safer and less likely to interrupt people's gas service. There are a lot of balls in the air with this.

CEO Connie Ternes Daniels stated she was grateful that NorthWestern Energy was doing this so the County can save funds to do other projects.

Carl mentioned there is a sign easement on both sides of Hwy 1 and if that area gets developed, the Commissioners may want to rescind on that. GM Partnership would like to see that easement go away and the County would too.

Item placed on the agenda.

West Valley Sewer Assistance Program – CEO Connie Ternes Daniels (Documents include the Community Development Block Grant Program/A-DLC Agreement for Assistance; Anaconda-Deer Lodge County Agreement for Loan Assistance; Notice of Security Interest; Promissory Note)

CEO Connie Ternes Daniels stated these documents have been reviewed and approved by CDBG. These documents take into consideration low – moderate income families, families who would be taking a loan out through the County to pay for services to abandon current septic tanks and connect to existing sanitary sewer stub-outs, the Notice of Security Interest and the Promissory Note.

County Attorney Krakowka stated he has been over these documents and thinks they are very usable.

Commission Lux-Burt said she was glad to see these documents moving through and was happy with the 2% rate on the loan application.

Item placed on the agenda.

Change Order in the Amount of \$10,030 from DM Obermaier Sales (Standard Pacific, LLC) to purchase a larger Construction Trailer for CDBG TIG Welding Lab Project

Jim Davidson, ALDC stated when they got to the end of bidding, there was enough money to buy a bigger trailer. The Job Corp would like to purchase the larger trailer.

CEO Connie Ternes Daniels thanked Jim for the great job he has done and said if there was money in the grant to buy a bigger trailer, they should do it.

Item place on the agenda.

Resolution No. 16-13, 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 5th Street)

Eric Hoiland, Treasurer stated James Forsman submitted the highest bid at \$7,011. However, Eric noted his intent for the property could be storage and if that is the case, he would not recommend him to have the bid.

Daniel Christianson had a bid of \$6,280 and it would be his desire to fix it up and use it a rental. Daniel was also interested in the property at 517 E. Park Street. He stated if we accept his bid on both properties, he could roof it, put windows and doors on it, paint it and have the work done in two months. He would use this property as a rental.

Commissioner Lux-Burt was glad to see interest in this property. It is a residential area and should not be used as storage.

Eric requested language for any stipulations the Commissioners would want to put on these properties.

County Attorney Krakowka suggested 2 years from the date of transfer that the owner of the property would bring it up to the standards of the building codes adopted by A-DLC.

Item placed on agenda.

Resolution No. 16-14, 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)

Eric Hoiland, Treasurer recommended Steve Gates be awarded this property. Steve intents to expand the family business and put in parking to relocate June's Pasty Shop.

Item placed on the agenda.

Resolution No. 16-15, 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)

Eric Hoiland, Treasure stated he would recommend Daniel Christianson be awarded this property. His intent is to use it as a home after rehabilitation of property. Again, Eric noted he will put the 2-year stipulation on all the properties up for bid.

Item placed on the agenda.

Resolution No. 16-16, 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)

Eric Hoiland, Treasurer recommended Steve Gates be awarded the bid. Steve is planning on building on the two lots awarded to him for a family business.

Commission Chair Hart stated that corner has been the subject of a lot of discussion and he is glad to see the plans Steve Gates has for it.

Item placed on the agenda.

Resolution No. 16-17, 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 Street)

Eric Hoiland, Treasurer stated they only had one (1) bid on the property and that was Tom Rice. Tom's intentions are to use the property as rentals after rehabilitation of the property.

CEO Connie Ternes Daniels mentioned the owners still have time to redeem.

Eric stated the owners have till 5:00 p.m. on Monday, March 14th, to redeem their property.

Item placed on the agenda.

Refrigerators at the A-DLC Landfill

CEO Connie Ternes Daniels stated she went out to the Landfill and met with Dannee Miller – Landfill Manager. She found out DEQ and EPA have a lot of stipulations regarding refrigerators. For one, refrigerators need to be stored inside and not outside. If the freon in these refrigerators leaks into the ground, the County will have a problem on their hands. The Butte Landfill does not take refrigerators. She will continue to look at other options but her recommendation is not to do this.

County Attorney Krakowka would like to see a local business take these refrigerators instead of the County. This might make way for a private business to handle these refrigerators.

Rosemary Miller, 513 4th Street: Rosemary asked if there was a local business in Anaconda willing to do this. She thinks if some business doesn't take it on, people may just put them out on the street. She thought it would be good to let the public know where they can take their old refrigerators.

CEO Connie Ternes Daniels said people may have to call Nordic Refrigeration.

Commission Chair Hart stated if the County doesn't do something, people could very well start polluting the County. The point is the freon needs to be remove before refrigerators can be disposed of.

Jorgen Miller, 105 North Cedar: Jorgen wondered how much it would cost to remove the freon and how much could you be fined if your refrigerator did leak?

Commission Chair Hart stated they needed to look into this further.

Commissioner Lux-Burt mentioned Nordic might be willing to pick up these refrigerators once a year during Clean-Up Day. There is money in that fund to pay for their services.

Item will not be placed on the agenda. More discussion is involved.

Invitation to Bid for Concession Contract for the Charlotte Yeoman Softball Complex beginning May 2016 through April 2017

CEO Connie Ternes Daniels stated this is a great deal for the County.

County Attorney Krakowka said it was a simple way to handle concessions as a rental. It is easier to enforce.

Commission Chair Hart stated he was satisfied with the \$1,200.

Item placed on the agenda.

Appointment of a Staff Member to the Greenway Service District Board

CEO Connie Ternes Daniels stated Charly Loper has been recommended for this appointment. She would recommend moving forward and putting Charly on the Board.

Commissioner Lux-Burt said she thought it was a good recommendation.

Item placed on the agenda.

Appointment/Reappointment of Two Members to the Old Works Golf Course Authority Board (two vacancies; 5-year terms – Terry Galle and Mike King have requested reappointment)

CEO Connie Ternes Daniels mentioned both Terry Galle and Mike King have requested reappointment to the Board and both letters are in front of the Commissioners.

Commissioner Paul Smith stated it would be a good choice to keep them both on the Board.

Item placed on the agenda.

Appointment/Reappointment of a Member to the Anaconda-Deer Lodge County Police Commission (one vacancy; Gene Lutey has requested reappointment)

CEO Connie Ternes Daniels stated Gene Lutey has requested reappointment to the Board and the Police Commission has been very busy lately.

Commission Chair Hart said Gene had been on this Board for a while.

Item placed on the agenda.

Appointment to the Anaconda-Deer Lodge County DUI Task Force for a Licensed Addiction Counselor (one vacancy; 3-year term – Michelle Faith Heald, MSW, LAC has requested appointment)

CEO Connie Ternes Daniels said Michelle Faith Heald's letter of appointment was in front of the Commissioners.

County Attorney Krakowka and Commissioner Mulvey stated it would be good to have her.

Item placed on the agenda.

Special Event Permit for Living Waters Revival Center Easter Egg Hunt

CEO Connie Ternes Daniels stated this event is one they do every year. Their insurance was in order and she was in favor of approving this.

Item placed on the agenda.

Miscellaneous

Commission Chair Hart stated he is looking into the bandstand at the Commons.

CEO Connie Ternes Daniels requested three (3) more items be put on the agenda for next week's business meeting.

1. The Wise River Fire District – all the Commissioners had attended a meeting there over the week-end. Beaverhead County has decided to move forward with this fire district and would request that A-DLC do the same. As far as appointing members to the fire district board, those members who are interested in serving on that board would be approved at a later date.

Commission Chair Hart stated there were about 30 people at the meeting in Wise River and everyone was in favor of this fire district.

Item placed on the agenda.

2. CEO Connie Ternes Daniels asked the Commissioners to let her deal with any late Special Permits that come into the office. Several organizations and churches will be doing Easter Egg Hunts and she could review their permit and make sure their insurance is in order.

Item placed on the agenda.

3. CEO Connie Ternes Daniels stated the 2016 Montana Federal Lands Access Program grant is due April 1st. This grant is being submitted for Mill Creek. The current project is 7 million

dollars and the State is going after that. CEO Connie Ternes Daniels would request the Grant Request be put on the Agenda so they can move forward.

Item placed on the agenda.

Public Comment – *This is the time for members of the public to comment on items NOT appearing on this agenda.*

Rosemary Miller, 513 4th Street: Rosemary was wondering why there are no street signs in Anaconda.

CEO Connie Ternes Daniels stated the Road Department is working to get them back up. It has been a big project and I think we are doing the best we can do. The Road Department has started to put them back up and we just need time to get it done.

Carl Nyman, Superfund Coordinator talked about the trees in the Park. NorthWestern Energy came over and they have agreed to take out the trees that affect their power lines.

Carl said he estimated the cost of taking the trees out would be around \$12,000 and having NorthWestern Energy work around the power lines seems to be the best option. NorthWestern Energy could start at the beaver dam as soon as possible and then we can start managing the beavers.

ADLC Public Meeting Dates

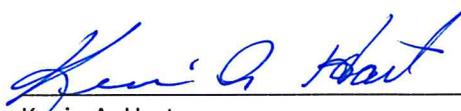
Commission Chair Hart read the ADLC Public Meeting Dates.

Adjournment

Commissioner Lux-Burt moved to adjourn the meeting. The meeting adjourned at 9:22 p.m.



Artha Mae Whealon
Deputy Clerk



Kevin A. Hart
Commission Chair