

Anaconda-Deer Lodge County
Commission Meeting Minutes
6:00 p.m. April 19, 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: Artha Mae Whealon, Deputy Clerk

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 April 5, 2016, the Commission Work Session of April 12, 2016

Commissioner Smith moved to approve the minutes from the Commission Meeting of April 5, 2016 and the Commission Work Session of April 12, 2016 with the noted change; seconded by Commissioner Mulvey.

Motion carried unanimously.

APPROVAL OF CLAIMS

Commissioner Vermeire moved to approve claims 122051 through 122169 in the amount of \$290,267.68; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

REPORTS OF BOARDS, OFFICIALS, COMMITTEES

Public Protection Classification Summary Report for Fire Suppression Capabilities for Anaconda-Deer Lodge County – RJ Tocher, ADLC Fire Chief

RJ reported ISO completed its analysis of the structural fire suppression delivery for the community of Anaconda. ISO's Public Protection Classification Program (PPC) plays an important role in the underwriting process at insurance companies. Most U.S. insurers – including the largest ones – use PPC information as part of their decision-making when deciding what businesses to write, coverages to offer or prices to charge for personal or commercial property insurance.

Each insurance company independently determines the premiums it charges its policyholders. The way an insurer uses ISO's information on public fire protection may depend on several things – the company's fire-loss experience, ratemaking methodology, underwriting guidelines, and its marketing strategy.

ISO analyzes the relevant data and assigns a PPC grade – a number from 1 to 10. Class 1 represents an exemplary fire suppression program and Class 10 indicates that the area's fire suppression program does not meet ISO's minimum criteria.

From the time RJ began his employment with the Anaconda Fire Department in 1995, it has been a Class 6 ISO rating. Now the rating has been changed to a 04/4X. ISO allocates credit by three major features:

- 1) Fire Alarm and Communications System – This review accounts for 10 percent of the total classification which centers upon a community's facilities and support for handling and dispatching fire alarms (911 call handling)
- 2) Fire Department – This review accounts for 50 percent of the total classification which focuses upon items such as engine companies, distribution of fire stations and fire companies, department manning and training
- 3) Water Supply System – This review accounts for 40 percent of the total classification highlighting the water supply a community uses for fire suppression.

In closing, the Anaconda Fire District Public Safety Program is at the best level it has been in 20+ years. This rating has been successful because of the enhancement of the 911 System, upgrades to the water mains and more hydrants, increased personnel and training through the budget process and grants. This has long been overdue and RJ is very pleased with this rating. Anaconda is in the ball park with the bigger cities in Montana.

Commission Chair Hart congratulated RJ on the tremendous work he and his staff does. It is great news and shows a lot of hard work.

Vice-Chair Vermeire stated he was going to take this down to his insurance carrier. His insurance company rates their bid on the ISO rating and this change in rating will make a difference in his premium.

CEO Ternes Daniels said this was incredible news. This rating is only changed every 15 years. It will make a big difference in the commercial property and buildings downtown. This speaks volumes to the top notch fire department and ambulance service RJ is running and it just gets better and better.

County Attorney Krakowka said this is really great and with the money the County has been putting into infrastructure, it is paying off. This rating will save everyone in the County money. There is a big trickle effect here.

There was public applause for the success and accomplishment of this rating and the reflection it has on the work being done by the Fire Department.

Commissioner Smith attended the Old Works Authority Board and the Greenway Service District meetings.

Vice-Chair Vermeire attended several Superfund Meetings

Commissioner Lux-Burt attended four Superfund Meetings.

CEO Ternes Daniels also attended the four Superfund Meetings and the opening of the Big Pod at the Metcalf Center.

County Attorney Krakowka attended a Child Protection Meeting.

UNFINISHED BUSINESS

Approval of Ordinance No. 246, 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

Commissioner Chair Hart read the Membership Portion of Ordinance No. 246.

There was discussion about the number of individuals it would take to make up the Pintler LAC Board and it seemed unreasonable when trying to establish a quorum.

CEO Ternes Daniels said they would go back and review this portion of the Ordinance and bring it back to the Commissioners in two (2) weeks. She felt this Ordinance was very important to the Community.

Katherine Basirico, Public Health Director stated some of the confusion with the Membership portion of this Ordinance was "ideally" it would be nice to have all these board members but it wasn't set in stone.

Vice-Chair Vermeire said the Ordinance clearly states 50% of the Board shall consist of individuals with lived experience of mental illness or family members. It seems like something is missing here. You can't have less than 33% of your Board show up and get business done.

CEO Ternes Daniels stated people would really like to see this put in place. She would like to go back and visit this one more time and get the language correct; otherwise, you have to go back through the process of amending the Ordinance and having another public hearing. She recommended tabling this Ordinance for two more weeks.

Commissioner Lux-Burt made a motion to table Ordinance No. 246, an Ordinance Creating a Mental Health Local Advisory Council Board Referred to as the Pintler Mental Health Local Advisory Council (LAC) for two weeks to clarify language; seconded by Vice-Chair Vermeire.

Motion passed unanimously.

Approval of Sewer Lift Station User Rates (Scenario 1, 2 or 3 – Ed Janney and Carl Nyman are recommending Scenario 3)

CEO Ternes Daniels stated there was an issue with this approval. Ed Janney and Carl Nyman gave a very thorough explanation of the situation with the Lift Station and a preferred alternative but it does need to be in the form of a resolution. She would respectfully request the Commissioners to revisit this in 2 weeks and then it would be in the correct format with a preferred alternative. It needs to flow better with everything that is going on.

Carl Nyman, Superfund Coordinator said because things have been hanging out there for a while it is important to get this done quickly. He would like to get it on the agenda next week and get it approved. Carl learned the final plat for the Opportunity Triangle that this is tied into expires on May 7th so there is an urgency to have this resolution ready to go. The sooner it is implemented, the better it will be for future development.

Commissioner Lux-Burt made a motion to table the Approval of Sewer Lift Station User Rates until next week's agenda; seconded by Commissioner Mulvey.

Motion passed unanimously.

Award of Bid for the Irrigation System Replacement at New Hill Cemetery to Rainmaker in the amount of \$218,660.00.

CEO Ternes Daniels recommended the acceptance of Rainmaker's bid of \$218,660.00.

Commissioner Mulvey made a motion to Award the Bid for the Irrigation System Replacement at New Hill Cemetery to Rainmaker in the amount of \$218,660.00; seconded by Vice-Chair Vermeire.

Motion passed unanimously.

Memorandum of Understanding between Anaconda-Deer Lodge County Department of Law Enforcement and the WATCH and Connections Corrections West Program (WATCH-CCP)

Tim Barkell, Police Chief stated this Memorandum of Understanding is for the WATCH-CCP and START Programs and they are exactly the same. This will ensure compliance with the Prison Rape Elimination Act (PREA). The jail routinely houses inmates from both programs and the jail must acknowledge taking certain steps to comply with PREA to ensure inmates are not in danger while waiting to be transported to the prison.

Vice-Chair Vermeire made a motion to take action to approve the Memorandum of Understanding between Anaconda-Deer Lodge County Department of Law Enforcement and the WATCH and Connections Corrections West Program (WATCH-CCP); seconded by Commissioner Lux-Burt.

Motion passed unanimously.

Memorandum of Understanding between Anaconda-Deer Lodge County Department of Law Enforcement Agency and the Sanction Treatment Assessment Revocation and Transition Program (START)

Tim Barkell, Police Chief stated this was the exact same wording as WATCH-CCP.

Commissioner Mulvey made a motion to approve the Memorandum of Understanding between Anaconda-Deer Lodge County Department of Law Enforcement Agency and the Sanction Treatment Assessment Revocation and Transition Program (START); seconded by Vice-Chair Vermeire.

Motion passed unanimously.

Memorandum of Understanding between Anaconda-Deer Lodge County Department of Law Enforcement Agency and the Southwest Montana Drug Task Force for Fiscal Year 2017

Tim Barkell, Police Chief stated this was a yearly Memorandum. Several counties are involved in this Memorandum including Anaconda Deer-Lodge County, Powell County, Beaverhead County, Jefferson County, Madison County, Butte-Silver Bow County and Granite County. All the Counties pay the same amount except for Granite County. This Memorandum of Understanding creates an open line of communication and provides the opportunity for each county to work together when there are drugs involved. Half the calls the police department receive involve drugs. This understanding works out well.

CEO Ternes Daniels stated Anaconda-Deer Lodge County provides \$10,000 towards this Memorandum.

County Attorney Ben Krakowka said as a County we need all the help we can get because a tremendous amount of drugs are going through this community right now.

Commissioner Mulvey made a motion to approve the Memorandum of Understanding between Anaconda-Deer Lodge County Department of Law Enforcement Agency and the Southwest Montana Drug Task Force for Fiscal Year 2017; seconded by Vice-Chair Vermeire.

Motion passed unanimously.

Award of Bid for the Anaconda-Deer Lodge County Fuel System (Town Pump, Inc. submitted the only bid)

Commission Chair Hart stated the bid offered \$.15 below the market rate for fuel and diesel and the cards can be used throughout the State.

CEO Ternes Daniels said this was an exceptionally good bid.

Commissioner Lux-Burt made a motion to approve the Award of Bid for the Anaconda-Deer Lodge County Fuel System to Town Pump, Inc.; seconded by Commissioner Mulvey.

Motion passed unanimously.

Award of Bid for the Charlotte Yeoman Concession Contract for 2016-2017 (Anaconda Softball Association/Anaconda Little League submitted the only bid in the amount of \$1202.01)

Commissioner Lux-Burt said this was a better way to handle the concession contract.

Commissioner Smith made a motion to approve the Award of Bid for the Charlotte Yeoman Concession Contract for 2016-2017 to the Anaconda Softball Association/Anaconda Little League upon receipt of their retail food license; seconded by Commissioner Mulvey.

Motion passes unanimously.

Anaconda-Deer Lodge County designation of County Earmarked Alcohol Tax Money (designation of a percentage of County funds to be allocated to Western Montana Tri-County Addiction Services.

CEO Ternes Daniels stated Janine Stewart was in the audience and Janine did a great job presenting this last week. Her recommendation would be to continue with Western Montana Tri-County Addiction Services with 100% funding from the Alcohol Tax Money.

Commissioner Mulvey made a motion to approve the Anaconda-Deer Lodge County designation of County Earmarked Alcohol Tax Money to be allocated to Western Montana Tri-County Addiction Services; seconded by Commissioner Lux-Burt.

Motion passed unanimously.

Lease Agreement between Anaconda-Deer Lodge County and Anaconda Local Development Corporation for Space Located at the Community Service Center, 118 East 7th Street

CEO Ternes Daniels mentioned the County is renting several spaces at the Community Service Center. Water and Environmental Technologies is expanding and needed the space the County was renting. The new space is bigger and nicer and will be used by Judie Tilman and Don Klepper. Judie Tilman will use this office when she meets with the residents of West Valley, and it will be used for any HR activities that might be happening.

Commissioner Mulvey made a motion to approve the Lease Agreement between Anaconda-Deer Lodge County and Anaconda Local Development Corporation for Space Located at the Community Service Center, 118 East 7th Street; seconded by Commissioner Lux-Burt.

Motion passed unanimously.

Resolution No. 16-19, a Resolution Establishing Sprinkling Restrictions for 2016

Commissioner Lux-Burt noted that after RJ Tocher's report, we need to ensure we have the water in case we do have a fire in the Community and have to fight it.

CEO Ternes Daniels echoed Commissioner Lux-Burt's remarks. The County needs to make sure the tank has adequate water in case of a major fire. Last year we had a leak and the alarms went off and that tank was pretty low. It is important we maintain levels in the tank.

Carl Nyman, Superfund Coordinator spoke in favor of the water restrictions. Carl stated anything that promotes conservation of water is becoming increasingly important these days. The County has spent so much money on the water lines and has created a wonderful resource. It is worth conserving and protecting. It doesn't seem like a lot to ask and nothing but benefit can come from it. The world is different and water is not something people should take for granted. This Resolution will help instill that in people's mind.

Vice-Chair Vermeire made a motion to approve Resolution No. 16-19, a Resolution Establishing Sprinkling Restrictions for 2016; seconded by Commissioner Mulvey.

Motion passed unanimously.

Resolution No. 16-20, a Resolution to Begin the Tax Deed Process and Review Bids for Title Abstracts

Vice-Chair Vermeire made a motion to approve Resolution No. 16-20, a Resolution to Begin the Tax Deed Process and Review Bids for Title Abstracts; seconded by Commissioner Mulvey.

Motion passed unanimously.

Job Description for the Washoe Park Pool Life Guard/Swim Lesson Instructor

CEO Ternes Daniels mentioned the issue before was with requiring high school diplomas when many of the life guards are high school students. The high school diploma will still be required for the Pool Manager Job Description.

Commissioner Mulvey made a motion to approve the Job Description for the Washoe Park Pool Life Guard/Swim Lesson Instructor; seconded by Commissioner Lux-Burt.

Motion passed unanimously.

Job Description for the Washoe Park Pool Manager

CEO Ternes Daniels said these job descriptions had been gone over in detail last week.

Commissioner Lux-Burt made a motion to approve the Job Description for the Washoe Park Pool Manager; seconded by Commissioner Mulvey.

Motion passed unanimously.

Appointment of a Member to the Anaconda Urban Renewal Agency Board for a Business Owner Representative for a two-year term (Dawn Dee has requested appointment)

Commissioner Lux-Burt stated she thought Dawn Dee would do an excellent job.

Commissioner Chair Hart said Dawn Dee would be a valuable member and a great asset to the Board.

Commissioner Mulvey made a motion to appointment Dawn Dee to the Anaconda Urban Renewal Agency Board for a Business Owner Representative for a two-year term; seconded by Vice-Chair Vermeire.

Motion passed unanimously.

Appointment of a Member to the Anaconda-Deer Lodge County DUI Task Force for a Public Health Representative (Katherine Basirico has recommended Debbie Robinson)

CEO Ternes Daniels said she would agree with this recommendation.

Rose Nyman, 121 East 3rd: Rose stated historically this position has had a nurse from the Public Health Department. Rose thought a nurse would be more familiar with the physical issues of drug abuse and she has been very impressed with Debbie Robinson. Debbie will be dynamite on that Board.

Vice-Chair Vermeire made a motion to appoint Debbie Robinson to the Anaconda-Deer Lodge County DUI Task Force for a Public Health Representative; seconded by Commissioner Lux-Burt.

Motion passed unanimously.

Special Event Permit for the Vintage d’Fenders Car Show at the Classic Café

Commissioner Chair Hart stated the insurance certificate still isn’t quite right. In order to proceed with this permit, he thought it would be good to approve this permit pending the insurance being submitted to the satisfaction of the CEO.

CEO Ternes Daniels stated Commissioner Chair Hart explained it well. In order for this to be adequate the address needs to be correct. It should be easy to correct.

Commissioner Lux-Burt made a motion to approve the Special Event Permit for the Vintage d’Fenders Car Show at the Classic Café upon the insurance certificate being corrected to the satisfaction of the CEO; seconded by Vice-Chair Vermeire.

Motion passed unanimously.

Agreement between Anaconda-Deer Lodge County and Harris Construction for Bathroom Renovations at Washoe Park, Legion Field and Benny Goodman Park

Commissioner Lux-Burt wanted to know if there will be port-a-potties available while the construction is going on.

CEO Ternes Daniels said she would check on that.

Commissioner Smith made a motion to approve the Agreement between Anaconda-Deer Lode County and Harris Construction for Bathroom Renovations at Washoe Park, Legion Field and Benny Goodman Park; seconded by Vice-Chair Vermeire.

Motion passed unanimously.

Change Order No. 1 between Anaconda-Deer Lodge County and Harris Construction for the Bathrooms Renovation Project to Increase the Lump Sum Project Cost by \$5,500 to Cover Project Bonding and Insurance

CEO Ternes Daniels noted the County has bid this project a couple of times and did not get any bidders. There was an oversight with the original bid and it was submitted without consideration to include bonding and insurance.

Commissioner Smith made a motion to approve Change Order No. 1 between Anaconda-Deer Lodge County and Harris Construction for the Bathrooms Renovation Project to Increase the Lump Sum Project Cost by \$5,500 to Cover Project Bonding and Insurance; seconded by Commissioner Mulvey.

Motion passed unanimously.

Authorization to Advertise the Request for Qualifications for Engineering Services for the West Valley Park Project

CEO Ternes Daniels stated the need to go out for the RFQ to retain an engineer/architect to do the Park Project. The County is under the gun for using the remainder of the Special Appropriations funds.

Commissioner Mulvey made a motion for Authorization to Advertise the Request for Qualifications for Engineering Services for the West Valley Park Project; seconded by Commissioner Lux-Burt.

Motion passed unanimously.

Agreement between Anaconda-Deer Lodge County and the Montana State Historic Preservation Office, Montana Historical Society for CLG Funds in the Amount of \$1,500

Commissioner Smith made a motion to approve the Agreement between Anaconda-Deer Lodge County and the Montana State Historic Preservation Office, Montana Historical Society for CLG Funds in the Amount of \$1,500; seconded by Vice-Chair Vermeire.

Motion passed unanimously.

Renewal of Professional Medical Liability Insurance for the Public Health Department for the Period 4/21/16 through 4/21/17 in the amount of \$3,596.25

Commission Chair Hart addressed the memo from Katherine Basirico, Public Health Director. He said the premium and conditions for this insurance are the same as last year with no increase.

CEO Ternes Daniels noted this renewal request had come up fast and furious and maybe next year Kitty could take care of it sooner.

Katherine Basirico, Public Health Director said the delay was due to medical issues with Mr. Daniel's family. Kitty said next year she will strive to get this done sooner.

County Attorney Krakowka stated insurance always seems expensive but professional medical liability can be catastrophic and we need to make sure the people working at Public Health are insured.

Vice-Chair Vermeire made a motion to approve the Renewal of Professional Medical Liability Insurance for the Public Health Department for the Period 04/21/2016 through 04/21/2017 in the amount of \$3,596.25; seconded by Commissioner Mulvey.

Motion passed unanimously.

Miscellaneous

Vice-Chair Vermeire said a few months ago the Commissioners were going to look at the decay ordinance and had given the task to the County Attorney and the Planning Director. The biggest problem is that the policy was set in the ordinance which made the old ordinance ineffective and hard to enforce.

County Attorney Krakowka handed out copies of the ordinance they are working on with "Sec. 10-133. – Policy for warnings." being the section they want to take out and the rest of the document is a draft and work in progress.

Vice-Chair Vermeire stated this was the first draft and they will keep moving forward on it.

Commissioner Chair Hart said this was a good start because the first thing you want is to make it enforceable. He went on to state doing an ordinance that is not enforceable is useless. People need to be responsible for their own property but when it becomes a public health and safety, then the County needs to be able to step in.

Commissioner Lux-Burt noted the construction company for the West Valley Sewer Project came out and marked all the lines, so it must be construction season again.

Commissioner Chair Hart was wondering where the County was at with the street signs, and CEO Ternes Daniels said she would have a report for him next week.

County Attorney Krakowka added to Vice-Chair Vermeire's Decay Ordinance by saying on the first page of the Decay Ordinance "Sec 10-133. – Policy for warnings." a policy shouldn't be part of legislation. A policy is a function; administration of any ordinance or law and how it should be enforced. If someone gets warned, then they clean up their property a little bit so you warn them again but still there can be so many other problems on the property that weren't even addressed that it makes the warning issue time-consuming and useless. It is impossible to make progress when you have these warning increments in place. This ordinance should solve this problem. This problem comes up a lot in older communities like Anaconda. Newer communities have homeowners associations and they take care of these issues. This is why we need to pursue this ordinance.

PUBLIC COMMENT

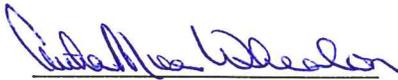
Rose Nyman, 121 East 3rd: Rose wanted to know where the County was with the cell phones signs that were purchased in 2012. Rose noted in regards to the decay ordinance, that a family of a deceased resident had a bulldozer come onto the property and remove the old structure. When this work is done there will be three (3) 25 foot lots in a row. This should allow someone to come in and put up a nice building.

ADLC PUBLIC MEETING DATES

Commission Chair Hart read the ADLC Public Meeting Dates.

ADJOURNMENT

Commissioner Mulvey made a motion to adjourn the meeting. The meeting adjourned at 7:26 p.m.



Artha Mae Whealon
Deputy Clerk



Kevin A. Hart
Commission Chair