

**Anaconda-Deer Lodge County
Commission Meeting Minutes
6:00 p.m. May 3, 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 Commission

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 19, 2016 and the Commission Work Session of April 26, 2016

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

Motion carried unanimously.

APPROVAL OF CLAIMS

Commissioner Vermeire moved to approve claims 122170 through 122237 in the amount of \$184,264.11; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

REPORTS OF BOARDS, OFFICIALS, COMMITTEES

Commissioner Vermeire attended the Board of Health Meeting and the Airport Authority Board Meeting.

Commissioner Mulvey attended the Hearst Free Library Board of Trustees Meeting, the DUI Task Force Meeting and the Western Montana Mental Health Center Board Meeting.

CEO Ternes Daniels has been attending to the day-to-day business of the County.

County Attorney Krakowka attended the DUI Task Force Meeting.

UNFINISHED BUSINESS

2016 Poppy Day Proclamation

Commission Chair Hart read the proclamation aloud and declared May 6, 2016 Poppy Day.

CEO Ternes Daniels was presented with a red poppy corsage from the American Legion Auxiliary. She thanked the Auxiliary for all they do and remarked that it was an honor to receive the corsage.

Commissioner Mulvey moved to approve the 2016 Poppy Day Proclamation and allow for the presentation of the corsage; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Ordinance No. 243, an Ordinance Establishing Accountability for Social Hosting

Commissioner Lux-Burt asked for clarification regarding the difference between table wine and wine. County Attorney Krakowka realizes that although the definitions may be overbroad, it is better to capture all alcohol-related items in the definitions section to ensure nothing is missed.

CEO Ternes Daniels thanked Ms. Leipheimer and the students for their tenacity in completing the ordinance. She appreciated that they listened to the audience and input from the Commission and took an active part in their government to formulate the ordinance.

County Attorney Krakowka informed the Commission this group of students has given the County a good, workable and enforceable ordinance that law enforcement can use to write citations and the state can use to prosecute offenders. He commented that prior to the start of this process; he did not know anything about powdered alcohol. Although it has been around since the 1950's, powdered alcohol is being produced in quantities large enough to be regulated. With this ordinance in place, Anaconda is steps ahead of many communities in addressing alcohol use among youth. County Attorney Krakowka encouraged the Commission to pass the ordinance.

Caleb Thompson – 415 Cherry Street: Caleb thanked the Commission for their wisdom, time and thought during this process. He hopes what they have done turns out good. He thanked Ms. Leipheimer and Mr. Krakowka for their time.

Commissioner Lux-Burt thanked the students and Ms. Leipheimer. She knows she has been a little tough on the students. However, an ordinance is a law and has to be right regardless of who brings it forward. She thanked the students for being proactive and commented that we have all seen lives destroyed by alcohol.

Commissioner Mulvey thanked the students.

Commission Chair Hart noted the ordinance was something for the youth of the community by the youth of the community and something they should be very proud of.

Commissioner Vermeire moved to approve Ordinance No. 243; seconded by Commissioner Mulvey.

Motion carried unanimously.

Funding Request by Anaconda Adult Learning Center to Help Fund the Adult Education Program in the Amount of \$3,500

CEO Ternes Daniels clarified that this request is for the upcoming fiscal year and asked the Commission to consider the request during the upcoming budget process.

Commissioner Lux-Burt thought it would be appropriate to consider the request during the upcoming budget hearings.

Commissioner Lux-Burt moved to approve the funding request by the Anaconda Adult Learning center to help fund the Adult Education Program in the amount of \$3,500; seconded by Commissioner Smith.

Motion carried unanimously.

Resolution No. 16-21, a Resolution Establishing Polling Places for 2016 Deer Lodge county Primary and Federal Elections

Commissioner Lux-Burt believes the right to vote is important and has been hesitant about this resolution. She was glad to see the survey go out to the residents in Wise River. It showed that while some would like to see the polling place stay, most are happy to vote absentee or come to Opportunity to cast their vote. She commended the Commission for asking for the survey and Joey Blodnick for taking care of it.

Commission Chair Hart read some of the comments from the Wise River residents. He noted that they lend credibility that the polling places do not work for the handicap or election judges, and a majority will move to absentee voting if it is consolidated. He thanked Joey for her work.

CEO Ternes Daniels thanked Joey for a good job in getting the survey out. People did comment and will overwhelmingly look at voting absentee.

Commission Chair Hart would like to send the Ralston's a thank you letter signed by all of the Commissioners.

Joey Blodnick informed him she planned on sending them a letter and will make sure all of the Commissioners sign it before it goes out. In addition, all of the residents will be receiving new voter registration cards and applications for absentee voting.

Commissioner Smith moved to approve Resolution No. 16-21; seconded by Commissioner Mulvey.

Motion carried unanimously.

Resolution No. 16-22, a Resolution Establishing and Adopting Wastewater Lift Station User Fees for Wastewater/Sewer System Customers Served by the Lift Stations

CEO Ternes Daniels informed the Commission a lot of work and research has gone into this resolution, which is a good compromise. As more people come onto the lift station, the cost will decrease.

Skip Meyer – 218 Stewart Street: Mr. Meyer informed the Commission that heavy, loaded trucks have pounded his street into a series of chuck holes that are 6-7" deep and 1-2' in diameter. He wants something to be done about it.

John Calman – 207 E. Front Street: Mr. Calman informed the Commission his commercial taxes went up by 39% last year. He read an article in the Leader which stated the lift station will add an additional \$480 to his tax bill and asked if this was accurate.

CEO Ternes Daniels clarified that the lift stations are provided for pumping sewage up to the lagoon system for properties located in the Opportunity Triangle. She informed Mr. Calman he would not be affected by the rate increase since his business is located in town. She explained that the lift stations are important to provide waste water treatment in order to encourage development in this area. In addition, CEO Ternes Daniels took this opportunity to explain that the State Department of Revenue did a reappraisal of property last year which is why

residents saw an increase in their property taxes. In addition, residents saw an increase in the sewer rate to \$315 per year. However, Anaconda still has one of the lowest sewer rates in the region.

Commission Chair Hart would like to pass on Mr. Meyer's concerns to the Road Department regarding Stewart Street.

CEO Ternes Daniels noted that it is spring time and the roads in Anaconda do tend to break up this time of year. The Road Department will be getting out as soon as they can to start fixing the potholes.

Commissioner Vermeire moved to approve Resolution No. 16-22; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Special Event Permit for the Community Market at the Kennedy Common

Commissioner Lux-Burt attended last year's market a few times and really enjoyed it. She did notice vehicles parked on the Common last year and noted that Parks Director, John Leo Sladich, has requested that no vehicles park or drive on it this year.

CEO Ternes Daniels shared Commissioner Lux-Burt's concerns regarding parking and driving on the Common. She believes all of the vendors have been informed not to park or drive on the Common. In addition, the warming shack will not be utilized this year.

Rose Nyman informed the Commission the Parks and Recreation Director guided vehicles onto the Common last year and most of the vehicles were food vendors.

Commissioner Mulvey moved to approve the Special Event Permit for the Community Market at Kennedy Common; seconded by Commissioner Lux-Burt.

Motion passed unanimously.

Placement of an "Expression Swing" at Durston Park

Commission Chair Hart informed the Commission that extra information regarding the swing was contained in their packets.

County Attorney Krakowka thanked Lydia Janosko for the additional specifications regarding size. He thinks the swing is a good idea and it seems like a fun activity a parent can do with their kids.

Commissioner Lux-Burt moved to approve the placement of an "Expression Swing" at Durston Park; seconded by Commissioner Mulvey.

Motion passed unanimously.

Opportunity Triangle Final Plat Approval

CEO Ternes Daniels is happy to see this getting done as it has been a long time coming.

Commission Chair Hart noted this is a vital component to get industry into this area.

Commissioner Vermeire moved to approve the final plat for the Opportunity Triangle Area; seconded by Commissioner Smith.

Motion passed unanimously.

Contract Extension for Judie Tilman Agreement

CEO Ternes Daniels informed the Commission that Mrs. Tilman has been an unbelievable asset to the community and has guided the County through challenging projects, including the West Valley Sewer project with a successful CDBG grant, the Head Start Re-competition grant and TSEP grants for bridges. Mrs. Tilman does amazing work and charges less than any other consultant the County contracts with. CEO Ternes Daniels noted that the extension is for a year as Mrs. Tilman is working towards being semi-retired.

County Attorney Krakowka asked CEO Ternes Daniels if Mrs. Tilman would be interested in doing a housing study. He has been meeting with Jim Davison and Adam Vauthier regarding blighted properties in the community. CEO Ternes Daniels thought she would not be interested as the West Valley project is huge to administer and takes up the majority of her time. In addition, she is trying to be semi-retired as well.

Commissioner Mulvey moved to approve the contract extension for the Judie Tilman Agreement; seconded by Commissioner Vermeire.

Motion passed unanimously.

KONE, Inc. Proposal for Elevator Repairs and Service

CEO Ternes Daniels informed the Commission the County Attorney has gone through the contract and has several questions and concerns. She recommended tabling the proposal until his questions and concerns have been addressed.

County Attorney Krakowka concurred with CEO Ternes Daniels and believes the contract is one-sided and unconscionable. He believes the County should look for other companies that can provide the same service at a better price.

CEO Ternes Daniels has been assured that the elevator is safe.

Commissioner Lux-Burt moved to table the proposal from KONE, Inc., for Elevator Repairs and Services until further information can be obtained; seconded by Commissioner Mulvey.

Motion passed unanimously.

Arbor Day Proclamation

Commissioner Hart read the proclamation aloud and proclaimed April 29, 2016 as Arbor Day and the month of May as Arbor month for in Anaconda.

CEO Ternes Daniels thanked the Tree Board and Lydia Janosko for their work.

Commissioner Smith moved to approve the Arbor Day Proclamation; seconded by Commissioner Vermeire;

Motion passed unanimously.

Kids to Parks Day Proclamation for Anaconda-Deer Lodge County

Commission Chair Hart read the proclamation aloud.

CEO Ternes Daniels commented that our community takes our parks very seriously, and the County has invested a lot of money in the parks. Opportunity has a new park and Washoe Park was remodeled last year.

Commission Chair Hart noted the planned improvements to the West Valley Park.

County Attorney Krakowka believes our parks are wonderful and are a good way to enjoy the community.

Commissioner Mulvey moved to approve the Kids to Parks Day Proclamation for Anaconda-Deer Lodge County; seconded by Commissioner Lux-Burt.

Motion passed unanimously.

Appointment/Reappointment of a Member to the Anaconda-Deer Lodge County Tax Appeal Board

Commissioner Lux-Burt moved to reappoint Dusty McKenney to the Anaconda-Deer Lodge County Tax Appeal Board for a three-year term; seconded by Commissioner Smith.

Motion carried unanimously.

Appointment/Reappointment of a Member to the Anaconda-Deer Lodge County Tree Board

Commissioner Lux-Burt believes Sean Steinebach does a great job on this board and loves trees just as much as Lydia Janosko.

Commissioner Vermeire moved to reappoint Sean Steinebach to the Anaconda-Deer Lodge County Tree Board for a three-year term; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Resignation of Robert Mulske from the Tree Board and Authorization to Advertise the Vacancy

CEO Ternes Daniels thought Mr. Mulske's letter was quite moving so she called and talked to him. She had a really good conversation with him and noted that he contributed greatly to the board and community.

The Commissioners asked that a thank you letter be sent to him.

Commissioner Smith moved to accept the resignation of Robert Mulske from the Tree Board and authorize the advertisement of the vacancy; seconded by Commissioner Lux-Burt.

Motion passed unanimously.

Special Event Permit for the Kiwanis Bike Giveaway at Kennedy Common

CEO Ternes Daniels thanked Al Messer for all of the kids that have gotten bikes because of the work he has done.

Commissioner Mulvey moved to approve the Special Event Permit for the Kiwanis Bike Give Away at Kennedy Common; seconded by Commissioner Lux-Burt.

Motion passed unanimously.

Big Sky Trust Fund Grant Application for KB Enterprises

CEO Ternes Daniels informed the Commission this grant will help a local business purchase a piece of equipment and allow them to hire new staff as well.

County Attorney Krakowka believes this is an excellent way for this business to expand, hire and purchase new equipment.

Commissioner Vermeire moved to approve the Big Sky Trust Fund Grant Application for KB Enterprises; seconded by Commissioner Mulvey.

Motion passed unanimously.

Request by Search and Rescue to have the County Pay Utility Fees for its Leased Building/Amend Lease Agreement with Search and Rescue

Commission Chair Hart informed the Commission additional information regarding Search and Rescue's monthly utility fees were included in this week's packets. He pointed out that ARCO has paid a total of \$78,000 since March 1997 at an average of \$4,320 per year. He also noted that the lease agreement was negotiated in 1997. Search and Rescue pays the County \$1.00 per year and is to be responsible for the utilities per the terms of the lease.

Commissioner Mulvey commented that an energy audit should be conducted on the building as the bills seem to fluctuate from one extreme to another.

Commissioner Lux-Burt agreed with Commissioner Mulvey. She also informed Search and Rescue she drove out to the building earlier today. She noted the size of the building and asked for clarification as to what is stored in the building.

Marty Mavrinac with Search and Rescue informed the Commission that the baseboard heat is only turned on in the meeting room and bathrooms and is shut off to the rest of the building. The hot water heater is only three years old. He does not know why the electric bills are so high.

Commissioner Vermeire believes something is wrong with the meter or that something else may be hooked into the meter. He has a 220 dryer he runs at his business every day, and his power bill is half of what Search and Rescue's is.

CEO Ternes Daniels did not have the pleasure of being at last week's meeting but expressed concern that when she is absent things are brought up that she never said. She made it clear that at no time did she say the County was paying the utilities for the building. She informed Search and Rescue she went back and listened to the

tapes of previous meetings and stated they were welcome to listen to or purchase the tapes for \$25.00. CEO Ternes Daniels reiterated that the lease is what Search and Rescue agreed to do in 1997. What happened after that, she cannot say. However, she cannot change the lease just because she thinks it is a good idea.

Bill Laws of Search and Rescue informed the Commission that Search and Rescue only made \$140 last year. They received a donation of \$500 from AOH and had over \$800 in expenses. If they are saddled with a \$360 electric bill every month they will be out of business. He added that he built a brand new 40'x30' shop at his residence and he runs two electric heaters during the winter. His bill is \$225/month for a bigger area. He believes someone else may be tapping into the power at Search and Rescue.

Commission Chair Hart wondered if there is a way for someone else to tap into the power on the outside of the building.

Marty Mavrinac stated he noticed an extended fork loader plugged in during the months of October, November, December and January, as well as a front loader and diesel pick-up and questioned if it belonged to the County. CEO Ternes Daniels pointed out that Wayne Wendt, Road Foreman, was in the audience and asked him if any County equipment was plugged in down there. Mr. Wendt informed her it was not.

At the time the lease was executed, Search and Rescue felt they could pay the utility bill. Commission Chair Hart asked if there had been a change in their financials and if they do any fundraising.

Marty Mavrinac explained that in the past they donated their time to Art in the Park and some other things. However, they quit doing it because it was too hard to enforce the rules (i.e. county employees were bringing in coolers) because the rules kept changing. Search and Rescue is mainly run off of donations. Mr. Mavrinac stated Search and Rescue does the AOH Parade and Run and the Chamber Stroll as fundraisers, but it is mostly run off of donations. If Search and Rescue went non-profit (*see Kathie Miller comments below*) they could charge but they do not want to because it is a burden.

Kathie Miller from the Leader clarified whether Search and Rescue is non-profit or for profit with regards to charging for their services. Marty Mavrinac clarified his comments and stated that if Search and Rescue went for profit they could charge for their services.

CEO Ternes Daniels asked the Commission to consider doing some more research before agreeing to amend the lease. She thanked ARCO for paying the bill for the past 19 years and for agreeing to pay the bill through the end of May. She reminded the Commission that Search and Rescue has a mill levy on the primary ballot in June and hopefully, the public will support their efforts. She recognizes the County needs to solve this issue, but the utility bill needs to be analyzed to understand what the situation is before amending the lease.

Carl Nyman, Superfund Coordinator informed the Commission that when this was first brought to his attention at a construction progress meeting, he had no idea the amount of money that was involved. In contrast to the negative comments made by Search and Rescue last week, the first thing Mr. Nyman believes is appropriate is to thank ARCO. Despite being called "crooked" and a "brown-noser" by Mr. Mavrinac at last week's meeting, Mr. Nyman informed the Commission he contacted Shannon Dunlap at ARCO, who agreed to pay the electric bill for another month. Mr. Nyman pointed out that the County leases this building to Search and Rescue for just \$1.00 per year. At the same time, the County does not know what goes on at the building and there seems to be no oversight in terms of who is using the building or plugging into it. In addition, Mr. Nyman expressed frustration that people repeatedly complain that taxes are too high yet repeatedly ask for money week after week at the meetings. He believes that if the County does agree to pay the utility bill there needs to be more oversight and it cannot continue to be a blank check like it has been for the past 19 years.

Marty Mavrinac stated Search and Rescue is grateful for what the County and ARCO has done for them. When he made the statement “something is crooked in Denmark” it was not personal to the County, Commissioners, ARCO or one person. He feels like there are efforts to get things done to Search and Rescue. When Search and Rescue called up to find out who had the power bill so it could get switched over, NorthWestern Energy did not know. The County did not know either. He believes there is a power leak somewhere. Mr. Mavrinac reminded the Commission he mentioned to them before that he would let them into the building if they would like to come down and take a look. He noted that only Commissioner Vermeire, former Commissioner Rose Nyman and CEO Ternes Daniels have been down to look at the building.

Commission Chair Hart believes an energy audit is in order before moving forward on amending the lease and looking at possibilities regarding payment of the utilities. He noted if the mill levy passes, funds could be available through that to help with the cost of the utilities. He questioned whether natural gas services could be piped into the building.

Marty Mavrinac informed him that the gas line was cut to the building.

Commissioner Lux-Burt moved to table the amended Lease Agreement with Search and Rescue to Allow County Funds to Pay Utility Fees for their Leased Search and Rescue Building until further information can be obtained; seconded by Commissioner Mulvey.

Motion carried unanimously.

New Business

No new business.

Miscellaneous

Commissioner Hart informed the Commission there is no meeting on the 5th Tuesday of May and no meeting scheduled on Primary Election Day, June 7th. However, he proposed holding a Commission Meeting on one of the days in order to address claims. By consensus, the Commission will meet on June 7, 2016.

CEO Ternes Daniels informed the Commission all of the election equipment has been moved back to the Clerk and Recorder’s office. Typically, the Commission does not meet on Election Day because the courtroom is being utilized and County staff is assisting with the election.

County Attorney Krakowka asked the Commission to hold a Special Meeting immediately following next week’s Work Session to approve a resolution for prosecutorial assistance from the Granite County Attorney. This is with regard to a county employee who has been charged with a DUI and a hit and run.

PUBLIC COMMENT

Skip Meyer – 218 Stewart Street: Mr. Meyer believes ARCO should be responsible for rebuilding Stewart Street from the fire hall to east of the Frontage Road. He noted that whoever rebuilt the road did a lousy job, and it needs to be rebuilt very soon.

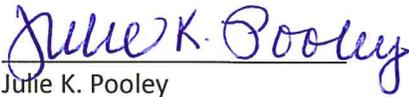
Rose Nyman expressed appreciation for bringing election central back to the courthouse. She asked how the public will be handled. CEO Ternes Daniels remarked that some seating will be available to the public but she will find out exactly where and get back to her.

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 7:41 p.m.



Julie K. Pooley
Clerk of Commission



Kevin A. Hart
Commission Chair