Anaconda-Deer Lodge County
Commission Work Session Minutes
6:00 p.m. Tuesday, April 12, 2016
Courthouse Courtroom

Present: Commission Chair Hart, Commissioner Mulvey, Commissioner Lux-Burt, Commission Vice-Chair Vermeire, Commissioner Smith, CEO Ternes Daniels, County Attorney Krakowka

Others Present: Julie K. Pooley, Clerk of Commission and Kathie Miller, Anaconda Leader

Commission Chair Hart called the meeting to order at 6:00 p.m. and explained the Commission Rules of Procedure.

Public Hearing – Ordinance No. 243, an Ordinance Holding Any Social Host Accountable in the Event They Allow a Gathering to Take Place on Property They Are In Control Of and/or a Person Who Organizes Such an Event or Gathering

Jaycee Jette, Fred Moodry Honors Student, thanked the Commission for the opportunity to bring the ordinance forward for a public hearing. She informed the Commission the students took the Commission's suggestions into consideration and made the following changes:

- Shortened the title of the ordinance
- The fine for the second offense shall be $500 with jail time
- No home arrest
- No deferment

Commission Chair Hart opened the public hearing at 6:04 p.m.

CEO Ternes Daniels read a letter of support from Pastor Phillip Masters of Gateway Christian Fellowship into the record (attached to the minutes).

County Attorney Krakowka met with the class to discuss the ordinance and the suggested changes. He informed the Commission questions arose regarding mandatory minimums in terms of fines and jail time. Many alcohol-related misdemeanors (MIPs and DUIs) have mandatory minimums, and the class felt this offense should have them as well.

Commissioner Vermeire commented the section pertaining to reimbursing costs for EMS and law enforcement services had been removed. County Attorney Krakowka informed him the students agreed to remove this section from the ordinance.

Commissioner Lux-Burt expressed appreciation the updated ordinance addressed her concerns.

Michelle Harrington, 227 Pintler: Ms. Harrington is the Substance Abuse Prevention Coordinator for Tri-County Addiction Services. She commended the students for their hard work and perseverance. She asked the Commission to consider taking action and approving the ordinance and noted if the youth are telling the adults a problem exists, it does.

County Attorney Krakowka asked Ms. Harrington if studies of severe substance abuse determine when individuals begin drinking. Ms. Harrington stated the drinking starts anywhere between middle school and high school.

Commission Chair Hart called for public comment three additional times. With no additional comments, the public hearing closed at 6:12 p.m.

Item placed on the May 3, 2016 agenda.

Presentation/Discussion – Sewer Lift Station User Rates

Ed Janney with DOWL presented the Commission with information regarding the three lift stations in the County: Mill Creek Industrial Complex, Opportunity Triangle Industrial Park and CCCS START Detention Facility. ADLC owns the Mill Creek site, is in the process of taking ownership of the Opportunity site, and the CCCS site is privately owned and is not being considered for County ownership at this time.

Mr. Janney informed the Commission it can be challenging to equitably pass on lift station costs to users because not all users run at the same capacity and have the same operating and maintenance costs. However, equipment replacement costs are about the same for each lift station and need to be replaced every 8-12 years.

The County considered three user fee scenarios:

1. Recoup costs of owning and operating the lift stations from the lift station users (i.e., lift station users pay 100% of the costs).

   Under this scenario, Mill Creek's cost would be $6,690/yr; Opportunity Triangle's cost would be $2,400/yr; and CCCS' cost would be $4,680/yr

2. Pass 100% costs on to the entire ratepayer base (i.e., absorb costs in the current sewer rate structure).

   Under this scenario, residents would see an increase of $3.36/year to their sewer bill.

3. Combination of Scenarios 1 and 2: Recoup a portion of the costs from the lift station users and pass the remainder of the costs to the entire ratepayer base.

   This scenario is being recommended for approval by the Commission and would work as follows:
   - Share costs between lift station users and entire system
   - $480/year lift station user fee up to 5 users
   - Adjust the user fee with 6 or more users depending on cost
   - Standard commercial user sewer fees apply
   - Would be applicable to future lift stations

CEO Ternes Daniels thanked Mr. Janney and noted he has researched lift stations in Bozeman, Miles City and Hamilton. She reiterated that infrastructure is critical and she hopes to see more development in these areas. She believes scenario 3 can be absorbed in the rate structure the County currently has.

Carl Nyman, Superfund Coordinator informed the Commission he worked closely with Ed Janney to explore different options which were reasonable and could provide a road map for moving forward. Each station serves a different purpose as potential development moves ahead, and the cost to the rate base will continually decrease as lots are developed. He believes this is worth the investment because it sets the stage for future growth and noted that the County's rates, in comparison with other community's rates, are still on the low side.

Mike Merino, 1101 Heather Dr., #13: Mr. Merino asked if the County has considered replacing the pump at the Opportunity Triangle lift station with a smaller one and when demand increases replacing it with a larger one. He also suggested basing the rate on usage to make it equitable and moving the cost to the general fund as he believes it is tough to put the burden on the taxpayer.

Mr. Janney explained that all of the lift stations have the same size pump because it is based on horsepower and flushing capacity and velocity. The electric cost is for winter heating. He went on to clarify that the EDU's refer to the whole town and those using the lift stations pay proportionately to their use.

Carl Nyman added to Mr. Janney's comments and emphasized that the taxpayers are not being hit with any new fees.

Item placed on the agenda.

Award of Bid for the Irrigation System Replacement for New Hill Cemetery

Two bids were received during the second bid process – one from Rainmaker and one from Brugh Landscaping. Both bids had irregularities with Brugh Landscaping's having substantial issues. After lengthy discussion between CEO Ternes Daniels, Carl Thuesen and County Attorney Krakowka, it was determined Rainmaker did not have substantial issues and the recommendation is to move forward and accept their bid.

County Attorney Krakowka informed the Commission that Rainmaker did not send back the project manual, while Brugh Landscaping had substantial irregularities similar to their first bid. While neither of the bids was complete, it is his opinion that Rainmaker's failure to return the manual is negligible.

Item placed on the agenda.

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

Robyn Smith, Deputy Treasurer, informed the Commission requests were submitted to three companies. Montana Title and Abstract submitted the only bid.

Commissioner Lux-Burt asked if the County has worked with them in the past and if their work has been satisfactory. Ms. Smith confirmed it has been.

Item placed on the agenda.

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

In Chief Barkell's absence, County Attorney Krakowka informed the Commission the MOUs for the WATCh-CCP and START Programs are to 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.

Commission Chair Hart informed the Commission the PREA laws have been in existence since 2003. Parts of the law require jail staff report and respond to allegations of prison rape, and he was surprised our jail has not been doing this. County Attorney Krakowka acknowledged the jail has been following the law and the MOU formally states the jail follows the law.

Commissioner Smith informed the Commission jails are becoming more compliant with PREA. CCCS is currently undergoing a federal audit with regard to PREA. In addition to staff, all vendors must be compliant with PREA as well. Commission Chair Hart noted that auditors randomly select inmates to interview as part of the audit process.

Item placed on the agenda.

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

See comments above.

Item placed on the agenda.

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

County Attorney Krakowka would like to see the Southwest Drug Task Force more active in our County and commented it would be easy for the Task Force to find people selling drugs, especially meth.

Commissioner Lux-Burt remembers Chief Barkell speaking about the Task Force at a previous Commission meeting and being pleased with their efforts. She hopes he is able to attend next week's meeting to discuss the Task Force in more detail.

Item placed on the agenda.

Award of Bid for the Anaconda-Deer Lodge County Fuel System

CEO Ternes Daniels informed the Commission the County received one bid from Town Pump. They offered .15 below the market rate for fuel and diesel. Details need to be worked out with regard to terms for fuel cards, but the cards can be used throughout the state. Sutey Oil did not submit a bid.

Steve Tozzi, Retail Fuel Manager with Town Pump thanked the Commission for the opportunity to submit the bid. On behalf of all the Town Pump employees in Anaconda and those that live in Anaconda

and work in Butte, he informed the Commission the employees are looking forward to working with the County.

Commissioner Lux-Burt thanked him for coming to the meeting. She told Mr. Tozzi if Town Pump would like to build a motel in town the Commission would welcome it and be supportive of the same.

Item placed on the agenda.

Award of Bid for the Charlotte Yeoman Concession Contract 2016-2017

The County received one bid from Anaconda Softball Association/Anaconda Little League in the amount of $1202.01. CEO Ternes Daniels is recommending approval on the condition they supply the retail food license.

Item placed on the agenda.

Anaconda-Deer Lodge County Earmarked Alcohol Tax Money 2016-2017

CEO Ternes Daniels informed the Commission the County has historically given these funds to Western Montana Tri-County Addiction Services.

Janine Stewart, Western Montana Tri-County Addiction Services informed the Commission DPHHS is responsible for distributing alcohol tax monies to the County each year. The tax money is directed at treatment, rehabilitation and prevention of alcoholism. Ms. Stewart informed the Commission unique to the Tri-County Service area is a blending of chemical dependency and mental health-related services. She informed the Commission statistics from 2013 indicate there was not a drop in youth binge drinking. However, there was a considerable drop in narcotic use, DUIs and liquor law violations.

Item placed on the agenda.

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

Anaconda-Deer Lodge County leases office space from Anaconda Local Development Corporation because there is not enough space at the Courthouse. CEO Ternes Daniels informed the Commission Judie Tilman and Don Klepper will utilize the space. The lease is for one year.

Item placed on the agenda.

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

CEO Ternes Daniels informed the Commission this resolution is a necessary step the County takes each year to ensure people have the ability to water their lawn, the County can water the parks and enough water is available for fire suppression.

Although he would like for people to have common sense about water usage and take people on their honor before instituting mandatory restrictions, Commission Chair Hart noted he loses the battle every

year with regard to this resolution. He is glad to see that the County will have to follow the same restrictions as individual property owners.

Item placed on the agenda.

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

Anaconda-Deer Lodge County currently has 4 polling places, 2 in town, 1 in Opportunity, and 1 in Wise River. Joey Blodnick drafted a Resolution which eliminates the polling place in Wise River and combines it with Opportunity's. She informed the Commission the County has run into problems with State guidelines with regard to polling judges and ADA guidelines. She anticipates poll watchers and political watchers this year and wants to ensure all election procedures are being followed. Typically, the location in Wise River has only had two election judges, but state statute requires three. In addition, while the number of registered voters in Wise River has stayed the same, the number of absentee voters has increased. Because of these reasons, she is requesting the Commission approve the resolution to consolidate the polling places.

CEO Ternes Daniels informed the Commission polling in Wise River takes place at the Ralston Ranch in the basement, and some unorthodox things take place to accommodate the voters. She stated it is always a challenge. She worked the election in 2014 and only twelve people voted in the primary and seventeen in the general.

County Attorney Krakowka understands the concern given the number of people casting votes in Wise River. He believes there is something fundamentally important about going to the ballot box. However, if it cannot be properly manned and it may cause an issue with votes, perhaps it should be consolidated.

Rose Nyman asked for an estimate of what it will cost to consolidate the polling places. Joey Blodnick informed her it would save the County approximately $300-$400. Ms. Blodnick suggested the County could pay for the postage for absentee ballots to be returned. However, Ms. Nyman expressed concern it could potentially discriminate against other absentee voters, and the County Attorney agreed.

Commissioner Vermeire would like feedback from the affected voters and asked why this was not brought forward sooner. Commission Chair Hart agreed.

Joey Blodnick explained she had medical issues and the school bond issue to deal with and therefore, this got moved down on the list of priorities.

Commission Chair Hart directed Ms. Blodnick to send letters out to Wise River voters asking them to provide their feedback to the County by April 29, 2016. He stated the Commission will take action on the resolution at the May 3rd Commission Meeting.

Item placed on the agenda.

Job Descriptions for ADLC Life Guards and Pool Manager

CEO Ternes Daniels informed the Commission that the Recreation Coordinator will be responsible for overseeing the pool this summer. The main issue with the life guard job description was the

requirement of having a high school diploma as many of the life guards the County hires are high school students. However, the high school diploma requirement will stay in the Pool Manager job description.

Item placed on the agenda.

Appointment of a Member to the Anaconda Urban Renewal Agency Board for a Business Owner Representative

CEO Ternes Daniels and Commission Chair Hart believe Dawn Dee is an excellent choice for this Board.

Item placed on the agenda.

Appointment of a Member to the Anaconda-Deer Lodge County DUI Task Force for a Public Health Representative

CEO Ternes Daniels informed the Commission Marti Spotted Eagle resigned from the Public Health Department, so her position on the DUI Task Force is vacant. Katherine Basirico, Public Health Director has recommended Debbie Robinson, RN to replace her on the Task Force.

Item placed on the agenda.

Special Event Permit for the Vintage d'Fenders Classic Car Show

This event is scheduled for May 7, 2016 from 10 a.m. to 5 p.m. They have requested to close Alder Street from Park to 3rd. CEO Ternes Daniels informed the Commission there is a question regarding the insurance and she will follow up on this prior to next week's meeting.

Item placed on the agenda.

MISCELLANEOUS

Commission Chair Hart

Commission Chair Hart introduced Kipp McGuire, Field Representative for Representative Ryan Zinke. Mr. McGuire asked the Commission and CEO how dependent the County is on SRF. CEO Ternes Daniels informed him she did not know the numbers offhand, but it is very important to the County. The County supports it through MACO, and does not want to lose revenue.

Mr. McGuire went on to ask what the Commission feels is the number one issue facing the County. County Attorney Krakowka informed him he has been working with the Anaconda Sportsmen Group to gain access to Modesty Creek by getting a road cut into the back side of it. He informed Mr. McGuire the County lost access to Modesty Creek in a lawsuit last year, which was upheld by the Montana Supreme Court. County Attorney Krakowka and the Sportsmen are working with the Forest Service to put the road in, but he noted a nudge from higher up would be helpful to move things along.

Commission Chair Hart believes economic development and bringing business to the community is a top priority. Anaconda-Deer Lodge County has a lot of land in its industrial district which can be used for a multitude of different types of businesses.

Commissioner Lux-Burt informed Mr. McGuire it is important for our community to focus on getting financial help to fix roads and streets. She noted the County has handled its water and sewer system infrastructure better than most communities, but streets are falling apart.

Commission Chair Hart opened up the floor to the public for their input.

Carl Nyman encouraged Mr. McGuire to ask Representative Zinke to get involved with entrepreneurial projects. Mr. Nyman stated oftentimes students want to stay in Montana once they graduate and create their own jobs. Anything the County can do to attract these students not only benefits our community but also benefits the state.

CEO Ternes Daniels thanked Mr. McGuire for coming back before the Commission a second time and hopes that Representative Zinke can come in person in the near future. Many federal programs have been important to ADLC, especially Superfund in terms of redevelopment and providing funding for staff. In addition, CEO Ternes Daniels informed Mr. McGuire the County was lucky to receive federal funding for improvements to Mill Creek Highway as it costs approximately 1-2 million dollars per mile to fix. However, these grant funds are currently on hold as the state does not have matching funds at this time. She also noted the County has been fortunate to receive FAA funds to invest in the airport and reiterated how critical all of the infrastructure projects have been for the community.

Rose Nyman put out a plea to keep the Job Corps Center stating how important it is to our community and informing Mr. McGuire there was a time when funding for the Center was cut. In addition, Ms. Nyman stressed the importance of the Adult Learning Center and noted the students that attend are older.

Commission Chair Hart echoed Ms. Nyman's plea regarding the Job Corps Center and stated there were a number of years when it seemed it was on the chopping block. However, it survives because of the high rate of student success.

Mr. McGuire informed the Commission that Representative Zinke may be here on July 25th for Job Corps' 50th anniversary.

Kathie Miller with the Anaconda Leader expressed concern regarding the Superfund Global Settlement negotiations and the gag order that is in place. She went on record to state that the people have a right to know what is being negotiated on their behalf.

<u>CEO Connie Ternes Daniels</u>

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

CEO Ternes Daniels informed the Commission the County negotiated the bid for the bathrooms with Harris Construction in the amount of $169,000, which was above the engineer's estimate but below what the County budgeted for the project.

Item placed on the agenda.

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 informed the Commission the original negotiated bid did not include the bonds and insurance, thus the need for the change order.

Item placed on the agenda.

Request for Qualifications for the West Valley Park Project

Money is available in the Special Appropriations fund and it must be designated for use prior to the end of June. The park in West Valley was used as a staging area during the West Valley Sewer Phase 2 Project and CEO Ternes Daniels would like to go out for a RFQ in order to begin moving forward with the project. Commission Chair Hart was in agreement and believes the park was never taken care of very well to begin with.

Item placed on the agenda.

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

CEO Ternes Daniels informed the Commission these are grant funds which were awarded to the County for preservation work.

Item placed on the agenda.

Request by Copper Village to Build a Storage Shed at Friendship Park

CEO Ternes Daniels informed the Commission Copper Village has submitted a request to the County to build a storage shed behind Friendship Park. The County owns the park. The Planning Department can issue a development permit and can do so administratively. Once everything is in order, the Planning Director will provide the information to the Commission.

Renewal of Professional Medical Liability Insurance for the Public Health Department

CEO Ternes Daniels informed the Commission her office received a last minute request from Katherine Basirico to place this item on the agenda. The current policy expires on April 21, 2016. Information regarding cost will be available prior to next week's meeting.

Item placed on the agenda.

Recreation Coordinator Update

CEO Ternes Daniels provided an update to the Commission regarding the County's recreation programs. Traci Thomas has several programs up and running and is doing a fantastic job. Programs include boys and girls basketball, a men's basketball open gym, co-ed volleyball, T-Ball and machine pitch youth baseball, and an adult Pickleball league. CEO Ternes Daniels informed the Commission any child in the

community can be part of any program regardless of the family's ability to pay. Commission Chair Hart remarked that the Parks and Recreation Board discussed the same thing at its meeting last month, and the entire board felt the same way. He noted some kids are not participating because the families cannot afford the fees and firmly believes fees should not hinder a child's ability to participate.

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

Janine Stewart with Tri-County Addiction Services informed the Commission grant funds are available through HB 33 which provides for supplemental funding for crisis intervention training. Tri-County Addiction Services has a coordinator to provide training to law enforcement and EMS personnel. In addition, the funding can be used to supplement County funds. Matching funds require .50 on the dollar. Notices went out March 7th and applications are due May 6th. CEO Ternes Daniels stated she will look into the grant.

Jorgen ~~Jordan~~ Miller informed the Commission that the walking path located near the beaver dams is uneven and asked if it is going to be fixed. Carl Nyman acknowledged he is aware of the problem and told him it will be fixed.

Carl Nyman addressed Kathie Miller's concerns regarding the confidentiality of the Superfund Global Settlement negotiations. He informed her Federal Judge Sam Haddon's Order is more than a gag order and the penalty for violating it is jail time. In fact, an individual is already serving jail time for violating it. Mr. Nyman stated these issues have been worked on publicly for the past ten years starting with Becky Guay and Jim Kuipers. Public officials are part of the negotiation team, which provides some level of public representation. In addition, technical and legal experts have representation on the boards. Their input and concerns, as well as the publics', have been brought forth to these negotiations. The number one thing the settlement agreement will provide for is the Institutional Controls (IC) program for the staff that oversees development permits and soil and for the redevelopment fund. Kathie Miller would like to do a story about the negotiations, and Mr. Nyman informed her he would be happy to talk with her anytime.

Carl Nyman informed the Commission the trees on N. Cherry have been cut down and fencing will soon be put up around the existing trees.

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 8:43 p.m.

Julie K. Pooley
Clerk of Commission

Kevin A. Hart
Commission Chair