

Anaconda-Deer Lodge County
Commission Work Session Minutes
6:00 p.m. Tuesday, June 14, 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 and Kathie Miller, Anaconda Leader

Commission Chair Hart called the meeting to order at 6:02 p.m. and explained the Commission Rules of Procedure. He announced that a Special Commission Meeting will take place immediately following the Work Session to approve a Special Event Permit.

2015 Annual Report MSU Extension

Abbie Phillip introduced herself to the Commission and explained that she is a contracted employee who provides services of Montana State University's Extension program to Anaconda-Deer Lodge County. It is an annual tradition for the Extension to present its annual report, and Ms. Phillip informed the Commission her presentation would focus on 2015 activities, bits and pieces of 2016 and the hopes for 2017.

Through its Core Values of engagement, integration, discovery, stewardship, access, and learning, Extension works to improve the lives of all Montanans through education, outreach, service, and unbiased research-based information. Ms. Phillip explained Extension works locally to understand issues and it utilizes key partnerships to develop solutions, opportunities which have sustainable and long-term impacts for ADLC and its residents.

Ms. Phillip described Extension's program areas which include Community Economic Development, 4H Youth Development, Horticulture, and Family Consumer Science. The areas overlap in goals and the programs include the following components:

Community Economic Development:

- Beginner Farmers and Local Food Business Classes
- Anaconda Community Market
- Small Business Development Class
- Anaconda L.E.A.D. (Leadership Education and Development) – a new program that is emerging to build classic leadership skills. It focuses on key partnerships, leadership classes, forums for local issues, housing and decay, youth issues, local government, non-profits, for-profits, and individuals. She stated it will be helpful in understanding CDBG, grant cycles, capital improvements, and updates/revisions to the Growth Policy
- Non-Profit Development – Ms. Phillip serves on a variety of boards and provides support to the non-profits

Horticulture

- Gardening Classes
- Anaconda Street Tree Project
- Presentations, consulting and media
- NEW for 2017 – City Beautification Leadership Development for East Anaconda

4H Youth Development

- Leadership
- Citizenship
- Service-Learning
- Positive Outcomes
- Oversight
- Service
- Education and Outreach
- Tri-County Fair
- Volunteerism
- School-Based Leadership Academy, After-School Programs and International Student Exchange

Family and Consumer Science

- Grandparents Raising Grandchildren
- Personal Wellness (walking, Strong Women, SNAPEd, stress management, and recreation)

Ms. Phillip ended her presentation by informing the Commission the Extension office welcomes phone calls, visitors and opportunities to collaborate with ongoing projects in the County.

Commissioner Lux-Burt thanked Ms. Phillip for doing a great job and commented that she is involved in so many areas and is glad to see it.

Memorandum of Understanding between Anaconda-Deer Lodge County and NorthWestern Energy for Aspen Hills/Clear Creek New Electric Power Service

CEO Ternes Daniels introduced Bob Horne who will provide information regarding the MOU. She noted that a lot of folks from the area are present, and she certainly wants to hear their thoughts.

Bob Horne introduce himself and informed the audience he is a community planning consultant based in White Fish, Montana, but he has worked with the County for over eight years. He has been involved in developing the Growth Policy, including conducting focus groups and neighborhood meetings. In addition, he was involved in revising the Development Permit System (DPS) which was first adopted in 1992 and underwent a comprehensive rewrite beginning in 2013. He stated it has been a pleasure to work with ADLC over the past eight years.

Mr. Horne presented a map detailing the power line, road and easement with regard to the first permit that was granted for power. As indicated on the map, all three were in different locations. While the roads are clearly for access and public utilities, they do not line up, and if all 200 property owners

wanted to obtain power in the same manner it would be a mess. In order to come up with a coordinated approach to extend power in this area, the County asked NorthWestern Energy to stop the work it was doing until something could get figured out. Mr. Horne presented a second map showing Certificate of Survey (COS) 87D which covers the east half of Aspen Hills. The yellow lines indicate the current easement superimposed on the roadways. The dotted yellow lines represent where the easement diverges from the road. Since all of the certificates of survey refer to the language in the covenants which reserve easements "30 feet in each direction from the centerline of existing roads," the County and NorthWestern Energy felt it was necessary to have something in place which would allow residences to make a default route for electric power. Mr. Horne explained that prior to the Montana Subdivision Act, no one reviewed the plans, and the developer could do whatever it wanted. Therefore, the layout of the roads is not always conducive to running electric power. The MOU follows the covenant in that utilities must follow the existing easement. However, if this is not possible then an easement can be created between a *willing buyer and a willing seller*. In addition, if a landowner is going to deviate from the existing easement, they must also factor in customer cost, environmental impact and visual impact. Mr. Horne believes the MOU is very explicit, and each request to deviate from the existing easement will be worked out on a case-by-case basis. NorthWestern Energy has reviewed the draft MOU and is ready to sign it and move forward. NorthWestern Energy has been doing as it has agreed to and following the easements per the COS. Mr. Horne hopes this is a comprehensive solution. Mr. Horne introduced Dan Kuchtyyn with NorthWestern Energy and asked that any questions be saved until after Mr. Kuchtyyn spoke.

Dan Kuchtyyn is the Construction Manager for the Butte Division of NorthWestern Energy. He stated this situation is unique in that there are not a lot of large subdivisions going up in these areas and, if there are, the issues are usually resolved and the contractor foots the bill. He informed the Commission he is more than happy to work with the local government and the residents. NorthWestern Energy's desire is to hook up those who want to have power at the lowest cost. He believes the MOU is working and stated NorthWestern Energy is happy to cooperate.

Commissioner Hart asked if the original line that was put in is an overhead or underground line. He also asked if other residents want to hook up to the existing line, do they have to obtain an easement to do so. Mr. Horne informed him the original line is an overhead line. The line goes from pole to pole up to the Robinson's property so the easement already exists and there is no private easement. Mr. Horne reiterated that no one can force an easement on someone else. Mr. Kuchtyyn also stated that all of the lines are protected under the tariff.

CEO Ternes Daniels informed the Commission she received a letter from Mr. Paul Morgan. He could not be in attendance at this evening's meeting, but he requested the letter be part of the record. CEO Ternes Daniels read the letter into the record, and it is attached to the minutes.

The CEO expressed her appreciation to Mr. Horne for his presentation and thanked the residents for coming out to discuss this further. She stated the County has put forth all efforts to abide by the covenants despite it being difficult.

County Attorney Krakowka informed the audience and the Commission that the area was subdivided prior to functional rules being created for subdividing property. He believes the original goal was to

run power, but with the issue of rugged terrain, the residents must follow the road. The County Attorney reiterated that the easements will not be forced on anyone. He hopes residents can figure out a way to work together. He does understand some residents do not want to be hooked up to the grid.

Commissioner Hart asked if the MOU deviates from the covenants in any substantial way. County Attorney Krakowka feels like the MOU closely follows the covenants. Mr. Horne agreed and informed the Commission that once the research was done, it was determined the MOU was necessary in order to run power cross country.

Mr. Horne also explained he has heard from some residents that do not want power at this time. However, if they decide to have power they want it underground. Underground power is within the scope of the MOU. He reiterated again that absolutely no one will be forced to hook up to power.

David Webb – 629 Aspen Hills: Dr. Webb informed the Commission there are no roads in the area only trails. He stated a true homeowner’s association does not exist as many residents classify themselves as a “rural escapist group.” He is astonished by how many opinions and reactions there have been to this issue. The one clear result is that everybody feels the most desirable thing the residents would have liked is to have been informed. Dr. Webb asked the Commission to slow down, have some due process and get a consensus from the residents. He asked the Commission to do a mailing with key questions and give landowners 60 days to respond before moving forward to approve the MOU. He pointed out that about 20 people out of 200 have commented on the MOU and would recommend a 60-day waiting period prior to approving the MOU.

Dorothy Zwygart – 1454 Outlaw Trail: Mrs. Zwygart informed the Commission she has been to a couple of meetings and has been quite impressed but a bit confused. She acknowledged that she agreed to the covenant and will not deny anyone the convenience of power. However, her main concern is the beauty of the area and there are easements that are already in place. She understands that cost is important to landowners and revenue is important to large companies. Although she realizes she does not have to have power if chooses not to, she does not want to have to look down the hill and see a maze of poles and streetlights all over the place. Mrs. Zwygart is concerned that a conglomeration of people will be taking power off “this or that pole” and those residents in the lower area will have a direct view of the poles. She worries about street lamps going in and where it will stop from there.

Barbara Webb – 629 Aspen Hills: Mrs. Webb expressed her appreciation for the hearing and Mr. Horne’s presentation which made it clearer about how the County is proceeding with the letter of agreement. However, she still has some concerns. She has always lived in the country; even when she lived in Florida, she had solar power. Mrs. Webb believes living off grid is not negative but positive for the environment for many reasons. She stated that she and her husband are supporters of the environment and the Montana Wilderness Association. According to their beliefs, it is important to put nature and the environment ahead of what might be more convenient and less costly. It is extremely important to her to live where she does because she has considerable views of the surrounding properties, and she has views of Butte as well. Mrs. Webb believes everyone has the right to have power. When she bought the property, she understood that power may come because of the

easement, but thought it would be underground. She agrees it is difficult to put power in because of boulders, but informed the Commission that landowners still manage to put in septic lines so it is not impossible. Mrs. Webb proposed some changes to the MOU. She is disturbed that the cost to the customer is listed first, before visual and environmental impacts. She believes everyone wants to get away with doing the cheapest thing these days. Mrs. Webb would also like to be assured that when the lines come in, even if they are a quarter of a mile away, she will not see them. She informed the Commission the first person who put in power has a bright security light and asked the Commission to address the light issue. In her opinion it is light pollution, which affects the people who live above him and the wildlife in the area. In addition, Mrs. Webb believes those that own property next door or across the street, whether or not they live there, should be notified of what is happening and given the opportunity to have input regarding the MOU. Lastly, Mrs. Webb commented that power is not a necessity of life for those that have bought property there.

Terry VanMeel - 495 Aspen Hills: Mrs. VanMeel informed the Commission she owns one of the biggest homes in the area, and it cost \$80,000 to install alternative power. When things go out, it can cost thousands of dollars to fix. Her home is currently for sale, but it is not cheap, and if it takes ten years to sell than it will take ten years. Mrs. VanMeel and her husband talked about bringing power in because they do not want to continue to maintain batteries and solar. She wants to put a power pole up and believes it is a part of life. She does not see street lights coming until the roads get paved. Mrs. VanMeel also believes that if a landowner is paying for power they should be able to put it in the middle of their yard. She stated the next thing she will be stopped from doing is putting up a flag pole at her home. She informed the Commission she would not have bought the property 14 years ago and spent \$80,000 if she was able to have power. She commented that the County is fighting the residents but at Georgetown Lake there are poles, and it is like saying she cannot have cell service where she is because the cell tower is visible. She stated it is not her fault that the easements and roads were not put in correctly, and if she can work with her neighbor to put up a power pole she should be able to. Mrs. VanMeel told the Commission the people elected them to fight for the community against big companies. She stated that Aspen Hills is a home-based community and they should be able to live how they want. She should not have to shut her TV off at 10 p.m. just because some people live by lantern. Mrs. VanMeel stated it does not stop with power and eventually residents will be told how deep a well can be or how far set back a house must be built.

Russ Goddard, Lot 80: Mr. Goddard informed the Commission it does not matter whether it is 5, 8, or 10 poles – no one has the right to dictate what happens off of their property. If a landowner does not want to see the power pole, Mr. Stoddard believes they should foot the bill for underground power. He does not care what someone wants to do on their own property – that is what true freedom is all about. He believes seeing light a quarter mile away is just progress and nothing can be done about that.

Ron Robinson – 34 Outlaw Trail: Mr. Robinson informed the Commission he is the one who installed the security light on his property. He has more wild game come around his property with the light. He told the Commission it is nice to go out to his yard and not stumble around. If it is offending someone he does not know what to tell them. Security lights can be found all around town and there is a reason they are up and a reason he put his up.

Greg Kinney – 1300 Clear Creek Trail: Mr. Kinney asked if anything in the MOU prohibits overhead power poles or dictates underground lines and whether another landowner can hold up a project if it is being done correctly. He also asked who determines what constitutes “aesthetic impact” and who controls what is acceptable.

County Attorney Krakowka explained the point of the MOU is so there are no “willy nilly” lines. If it is not specified in the covenants, the owner and the person running the line across the property will have to come to that conclusion themselves. Mr. Krakowka explained the County’s position is to make sure power going in is done in the most effective way possible by granting a permit. However, the County is not going to take a position with regard to whether the lines must be overhead or underground.

Mr. Kinney stated it seems like there are factions who want lines underground, which is very cost prohibitive. If so, the covenant states all homeowners need to take a vote to institute additional rules and covenants. County Attorney Krakowka suggested looking into forming a homeowner’s association.

County Attorney Krakowka further explained that if a homeowner wants to stop someone then the litigation is between the homeowner and the person putting in power. The MOU ensures that the easements are being followed and if a person needs to go outside of it, a new easement must be created so power poles are not being placed all over. The County Attorney believes that from the beginning the development should have been better planned, but the law at the time did not require it so the developer did the absolute minimum.

Mr. Kinney complemented Mr. Horne on the presentation as it cleared up a lot of issues.

Russ Goddard – Lot 80: Mr. Goddard asked for assurance that no more red tags will be issued with the MOU in place unless work is being conducted outside the guidelines of the MOU. County Attorney Krakowka thinks once this is done, no stop work orders from the County or the Planning Department will be issued. However, he cannot promise that legal action, District Court decisions, or judge’s orders will not stop work – this is outside of his power.

Dan Kuchtyn with NorthWestern Energy cleared up some of the misconceptions regarding underground lines. He explained that on flat levels, the cost for overhead and underground is comparable. Under the tariff, NorthWestern Energy is required to give two free estimates. Mr. Kuchtyn assured residents they will always go out to the site and give the best estimate to determine what will work best.

Mr. Horne explained that fewer poles go up if the wild swings of the road do not have to be followed. If there is a willing buyer and willing seller, the poles can go cross country. Related to this, Mr. Horne stated the intent was never to have customer cost be the primary factor, it is just one factor to consider. Visual and environmental impacts are just as important – they are three equal factors, but he will reorder them if necessary. The purpose of the MOU is to have an approach that is predictable and logical in order to stay as close to the COS as possible and only deviate when necessary.

Barbara Webb was surprised that underground lines are as cheap as overhead and asked if the County will make a recommendation that one should be used over the other.

County Attorney Krakowka suggested forming a homeowner's association and get 66% of the landowners to vote for underground lines. He stated the County is concerned with the MOU to ensure the lines are not going in "willy nilly" or redundantly and to ensure the lines are following the easements.

Barbara Webb asked if it was an individual decision. County Attorney Krakowka indicated he was not going to speak for the landowners and stated the County was not going to take a stand one way or another. The County is permitting the lines to go in. Mrs. Webb clarified that it is then up to the landowner to get the permit and decide whether it will be overhead or underground. The County Attorney stated she was correct.

Terry VanMeel wondered if it would be Montana Power's (*Mrs. VanMeel's wording*) decision to decide where the lines go and suggested there should not be any stop orders. Since it is going to be Montana Power putting the lines in, it should be up to them to ensure the permits are in order. Mrs. VanMeel stated the permits are revenue for the County. If the power company says she can go one way, the landowners should listen to them. She does not think they will go "willy nilly" because they have engineers. If she wants power she is going to trust Montana Power to tell her where it is and not the Commissioners. She does not believe that having power poles everywhere stops wildlife and no one consulted them about digging 40 power poles that they have to see every day when they are driving home.

County Attorney Krakowka explained to Mrs. VanMeel that the reason this came to a head is because an entire set was going in that was not on an existing easement but was on the owner's property. However, it did seem to be going up through the area and other neighbors were upset about it. He told Mrs. VanMeel that the County is not telling people where to put the poles. Residents are still stuck with the covenants and no one can force their way across someone else's property. He explained that if switchbacks exist across a property and the owner says no, the only other way to run power is through the easements which already exist. If permission is granted from the landowner, a straight line can go in; if not, it will have to follow the switchback the entire way.

Commissioner Lux-Burt expressed her appreciation for all of the comments. If she was up there she would want to have her cake and eat it too and want the power but not the poles. She hopes the residents can work amongst themselves to get things figured out. She encouraged them to think of their neighbors and stated she would not want to see anyone go without power if they want it. Commissioner Lux-Burt stated the County is trying to work out a way to do things as well as they can in order to make it work for everyone.

CEO Ternes Daniels informed the audience and Commission the County's intention is to abide by the covenants. She is grateful the residents came to the meeting last week, the Planning Board meeting last night, and the meeting tonight. She understands the issues are complicated. The CEO thanked Mr. Horne for doing a terrific job with the MOU and encouraged the residents to consider forming a homeowner's association.

Commissioner Hart commented that the power lines will follow the roads when practical. It appears the MOU is going along with the covenants, while also adding some guidelines for NorthWestern

Energy. He thanked everyone for coming out and participating in the forum and noted a large turnout happens when something is near and dear to people's hearts.

Item placed on the agenda.

Request to set a Second CDBG Public Hearing

The initial, general CDBG hearing was held a few weeks ago in order to discuss potential needs for the community. CEO Ternes Daniels informed the Commission the purpose of the second hearing is to set specific priorities for CDBG projects.

Jim Davison added that the County can actually hold several second hearings to define projects and receive public input.

CEO Ternes Daniels requested the hearing be held on June 28th. The Commission set the hearing for this date.

Authorization to Apply to the Montana Department of Commerce for a Community Development Block Grant (CDBG) Planning Grant to Develop a Transportation Plan for Anaconda-Deer Lodge County

Jim Davison meets quarterly with the MT Department of Transportation (MT DOT) and they are encouraging the County to develop a transportation plan. The estimated cost to do so is \$80,000. Planning grants through the MT Department of Commerce's CDGB program are available to assist communities with developing transportation plans. Mr. Davison explained the MT DOT may contribute \$40,000 to the project, the County can apply for a Montana Main Street grant in the amount of \$15,000 and the CDBG grant would be in the amount of \$25,000. The planning grant would provide funds to look at roads, public transportation, cycling, walking, parking, and handicapped access. Mr. Davison explained the state is focusing on handicapped access because so many lawsuits have been filed. He also informed the Commission that timing is of the essence because the grant money will go quickly after July 1st. The transportation plan will focus on long-term issues as well, and Mr. Davison pointed out that the Mill Creek Highway project was started twenty years ago, and the next repaving of Park and Commercial will take place in ten years, but the planning for it has already begun.

Jamie Roessler is excited, both personally and professionally, because she has seen all of the successes that have come from the Downtown Master Plan and believes the transportation plan will have the same effect. She informed the Commission the public will have input on the plan.

CEO Ternes Daniels noted that planning is essential. Through the Downtown Master Plan, other projects have been funded and the same will be true with the transportation plan.

Item placed on the agenda.

Authorization to Apply to the Montana Department of Commerce for a Montana Main Street Grant to Develop a Transportation Plan for Anaconda-Deer Lodge County

Jim Davison informed the Commission the reason the County can apply for the Main Street Grant is because it created the Downtown Master Plan and discussed the transportation plan in the Plan.

Jamie Roessler stated the MT DOT can be difficult to work with at times because the planning process is long. However, she feels this is a great way to create a partnership with them because they have buy-in.

CEO Ternes Daniels noted it takes a variety of sources to create a meaningful plan. The transportation plan will be comprehensive and involve the coordination of multiple agencies.

Commissioner Lux-Burt believes it is very important to move forward. She was involved with the West Valley transportation planning sessions for close to a year when she first became a Commissioner. However, it will not even be on the drawing board until 2020. Therefore, she understands the need to take advantage of this.

Item placed on the agenda.

Authorization to Allow CEO Connie Ternes Daniels to Request Matching Funds from the Montana Department of Transportation to Create a Transportation Plan for Anaconda-Deer Lodge County

Jim Davison informed the Commission this portion of the funding request requires CEO Ternes Daniels to sign a letter to the MT DOT.

CEO Ternes Daniels noted this is actually the “big enchilada” as it is the request for the biggest portion of funds for the transportation plan.

Item placed on the agenda.

2016 Waterline Easement Agreement between Anaconda-Deer Lodge County and Patricia Johnson of 116 N. Maple Street, Anaconda, MT 59711

Sarah Jones with Copper Environmental informed the Commission there are two easements for this years’ waterline project. This portion of the project will create additional connectivity as the current waterlines dead end, which creates an issue with the amount and freshness of the water. A loop will be created around the back of both properties to correct the issue.

Ms. Jones has had several conversations with Mrs. Johnson and has received a verbal agreement from her. Mrs. Johnson is in favor of the project. However, her only concern is that the alley will continue to be maintained by the County. Ms. Jones and the road supervisor met with Mrs. Johnson and assured her it will continue to be maintained.

Ms. Jones informed the Commission the easement is almost identical to last year's easements and was developed in coordination with the County Attorney. Section 15 was amended per the request of the property owner at 119 N. Locust, and the County Attorney approved the change.

County Attorney Krakowka confirmed that the easements have been reviewed.

Item placed on the agenda.

2016 Waterline Easement Agreement between Anaconda-Deer Lodge County and Catherine R. Laslovich of 119 N. Locust Street, Anaconda, MT 59711

Sarah Jones informed the Commission that Mrs. Laslovich and her son have given a verbal agreement to proceed. Mrs. Laslovich requested the change to Section 15 of the easement, which was approved by the County Attorney.

Commissioner Hart asked for clarification regarding the alley noting that the area in question is not an alley.

Sarah Jones explained that the easements are not on an actual alley but on an area where people have driven from the creek to the street and have created an alley-like path. In turn, this has created a dedicated access easement at the Maple Street property. At the Locust Street property, construction will cut across the vegetation, which will not be replaced. In addition, Ms. Jones informed the Commission the agreement specifies that the County will maintain insurance to cover any damage from the waterline.

Item placed on the agenda.

West Valley Sewer Extension Phase 2 Construction Change Order No. 3 for the Gagnon Drive Sewer Extension

Ed Janney with DOWL informed the Commission that the Gagnon Drive sewer extension is 170 feet on a private drive. The project was part of the original design plans for Phase 2. He explained this sewer extension serves four lots; two are occupied and two are vacant. The intent was to have this on the original bid but because it is on private property, the landowners needed to obtain easements. The easements and agreements are now in hand, and the County Attorney has reviewed them. Two of three have been received and recorded, and the third is in the mail. Two of the easements are grantor statements and do not commit the County to anything. However, the third easement asks the grantee to restore the ground to reasonably the same condition.

The change order is based on bid items that are in the contract. However, there are four items in the supporting estimate that are not in the current contract. Mr. Janney expects Mungas to complete this portion of the project in 30-40 days once the Commission approves the change order.

Item placed on the agenda.

Amendment to the Agreement between Anaconda-Deer Lodge County and LexisNexis for the Lexis Advance Subscription Agreement for the Anaconda-Deer Lodge County Attorney's Office

County Attorney Krakowka informed the Commission the contract with LexisNexis is expiring and it is time to renew it. He informed the Commission he and his staff use LexisNexis to research cases and keep on top of things. Without it, they would have to go through books to get citations which can take up to five to six hours. With LexisNexis it can be done in about ten seconds.

CEO Ternes Daniels stated it is a necessary tool for the County Attorney's office.

County Attorney Krakowka realizes it is expensive, and he did work with LexisNexis to remove some of the items from the contract. However, it is a package deal and money cannot be saved by cutting things out.

Commissioner Lux-Burt stated it sounds like something the County Attorney needs.

Commissioner Hart commented it is truly an absolute necessity, and he cannot imagine there is an attorney or judge in the state who does not have it.

Commissioner Mulvey believes it would be more expensive if the County Attorney did not have it.

Item placed on the agenda.

Memorandum of Understanding between Anaconda-Deer Lodge County and Western Montana Mental Health Center to fund Basic Mental Health Therapy, Case Management Services and the Crisis Intervention Team

Janine Stewart from Western Montana Mental Health Center (WMMHC) informed the Commission this request is for continued support and funding for the Mental Health Professionals and Crisis Response Team, and per capita dollars for general mental health services. The request is the same amount as last year, \$17,217; \$7,800 for crisis intervention and \$9,417 for per capita dollars. The per capita amount is based on the 2010 census. The per capita dollars provides funding for programs the Mental Health Center does not get reimbursed for.

County Attorney Krakowka stressed the importance of these programs and informed the Commission he worked with these counselors when he was a public defender and works with them now as the County Attorney. Mental health issues seem to hit the fan around 2:00 a.m. and County Attorney Krakowka does not want to be in a situation where someone commits suicide because these services are not available.

He went on to ask Janine Stewart about the facility in Butte that has a lockdown room for individuals experiencing a mental health crisis. Ms. Stewart explained this unit is housed at the Hays Morris House in Butte, and there are one to two rooms designated for this purpose. She informed Mr. Krakowka that various counties have agreements in place with WMMHC to use the facility as an alternative to sending people to the state hospital. Mr. Krakowka asked what the cost is to use the facility, and Ms.

Stewart informed him he will need to speak with Mary Morgan, Executive Director of WMMHC when she returns to the office on June 29th. Mr. Krakowka is looking forward to speaking with her and believes this is something worth pursuing as it may be a better, cost-effective alternative for some individuals.

Item placed on the agenda.

Agreement between Anaconda-Deer Lodge County and Pintler Pets through June 30, 2017

CEO Ternes Daniels informed the Commission this is the same agreement as in years past, and asked Pat Phillips to provide the Commission with any comments she may have.

Pat Phillips asked the Commission to increase the amount the County pays Pintler Pets per animal by \$10 to \$45 per animal. Vet bills are increasing, cat hoarding cases are becoming commonplace and they need more help to take care of the expenses. She informed the Commission it costs \$70 to spay/neuter an animal and up to \$55 to euthanize an animal.

CEO Ternes Daniels will get information for the Commission regarding the number of animals that have been turned over to Pintler Pets from the County.

Tom Williams informed the Commission the contract has been in place for four years and it may be time for an increase.

Clayton Evans, 517 Oak: Mr. Evans believes that with all of the grants the County receives, Pintler Pets should be allowed more money than what they are asking for because they provide a great service. He stated there is money out there and they just need help getting it.

Pat Phillips invited members of the Commission to come down to Pinter Pets to view all of improvements.

Commissioner Lux-Burt is looking forward to seeing the figures.

Commissioner Vermeire stated he went through his files and the last Animal Control report he has is from June 2014. He used to receive them every six months.

Item placed on the agenda.

Agreement between Anaconda-Deer Lodge County and Longfellow Finnegan Funeral Home for Indigent Burial Assistance

CEO Ternes Daniels informed the Commission this is the same contract as in previous years. It has been sent to Longfellow Finnegan and reviewed by the County Attorney.

Commissioner Vermeire noted this contract is before the Commission every year and wondered when the County last did an RFP for this service.

CEO Ternes Daniels stated she will look into it, but can certainly pursue a RFP.

Commissioner Hart informed the Commission he was a mortician for 25 years and believes the rates are extremely modest. The only place close to here that could offer the service is Axelson Cremation in Butte. These rates were in existence ten years ago, and the rate for a casket burial is also extremely reasonable. He believes the County is getting a well-rounded agreement for a good price from a local business.

Item placed on the agenda.

Resolution No. 16-25, a Resolution Authorizing Participation in the Short-Term Investment Pool (STIP) Montana Board of Investments (Hearst Free Library)

Eric Hoiland, Treasurer, informed the Commission the County has had these short-term investments through the Montana Board of Investments for years. The Board of Investments now requires a formal resolution each year in order to participate in the STIP. Mr. Hoiland explained the STIP is a pool of money that can be accessed quickly. It is a good way to have quick access to cash but also earn a return on the money.

This particular resolution is for the library and is in the amount of \$26,742.60.

Item placed on the agenda.

Resolution No. 16-26, a Resolution Authorizing Participation in the Short-Term Investment Pool (STIP) Montana Board of Investments (Jail)

Mr. Hoiland explained this STIP is for the Detention Center and is directly tied to the bond debt. It is in the amount of \$1.08 million.

CEO Ternes Daniels informed the Commission it is a requirement of the bond debt to have the money in a reserve account in the event the County were to default on the bond.

Item placed on the agenda.

Resolution No. 16-27, a Resolution Authorizing Participation in the Short-Term Investment Pool (STIP) Montana Board of Investments (Anaconda-Deer Lodge County)

Mr. Hoiland explained this STIP is separate from the Wells Fargo account. It is General Fund operations money.

Item placed on the agenda.

Resolution No. 16-28, a Resolution Authorizing Participation in the Short-Term Investment Pool (STIP) Montana Board of Investments (Cemetery)

This STIP is tied to the perpetual care trust and is limited in what it can be used for.

CEO Ternes Daniels informed the Commission that \$1.00 from each perpetual care site goes into the fund.

Commissioner Hart commented that state law regulates these funds.

Commissioner Lux-Burt remembers seeing an invoice for flowers that came out of this fund.

Item placed on the agenda.

DPHHS Task Order No. 17-07-3-01-130-0, Montana Asthma Control Program

Katherine Basirico, Public Health Director, informed the Commission this Task Order is for the Montana Asthma Control Program in the amount of \$32,000 with the same deliverables as last year. The program has increased from serving one child to serving seven children in ADLC. Their asthma is better controlled and ER visits have decreased, as well as the need for rescue inhalers.

Commissioner Lux-Burt asked Ms. Basirico to clarify if the program is serving seven or seventy children. Ms. Basirico clarified that it serves seven children. She went on to explain the program is voluntary and free of charge. Depending on the situation, children receive free pillow and mattress covers and a filter system for their room. In addition, children receive instruction to understand their inhalers and the public health works with the doctor and the school to develop an asthma action plan. As a result of these interventions, public health sees a reduction in symptoms, less need for rescue inhalers and fewer trips to the ER.

Item placed on the agenda.

Appointment/Reappointment of a Citizen-at-Large Member to the DUI Task Force for a three-year term (Heidi Nielsen has requested reappointment)

County Attorney Krakowka informed the Commission that Ms. Nielsen does a fantastic job on the Task Force. He encouraged the Commission to reappoint her and not let her go.

Commissioner Lux-Burt has known Ms. Nielsen for a number of years and has no doubt she does a fantastic job. She is very involved in the community and concerned about alcohol and drug issues.

Item placed on the agenda.

Appointment/Reappointment of a Member to the Planning Board for a two-year term (Audrey Aspholm has requested reappointment)

CEO Ternes Daniels commented that Ms. Aspholm has served for some time and is a valuable member of the Planning Board. She encouraged the Commission to reappoint her.

Commissioner Lux-Burt believes Ms. Aspholm is a valuable member of the Planning Board and recommended she be reappointed.

Commissioner Hart noted that Ms. Aspholm has served on several boards throughout the years and is a very valuable asset.

CEO Ternes Daniels noted that she used to be a Commissioner.

Item placed on the agenda.

Special Event Permit for Anaconda Community Intervention's Battle of the Rock Bands to be held June 20, 2016 at Kennedy Common

CEO Ternes Daniels informed the Commission this Special Event Permit is the topic of this evening's Special Meeting. She believes this event will be fun for the bands, the community and ACI.

Commissioner Lux-Burt noticed a discrepancy with the insurance certificate.

CEO Ternes Daniels recommended approving the permit contingent upon receiving the appropriate insurance certificate.

Item placed is on the Special Meeting agenda.

Special Event Permit for the Society of Creative Anachronism Medieval Recreation Tournament to be held October 15, 2016 at Kennedy Common

CEO Ternes Daniels commented that this group has a great time holding this event and it is neat to see this kind of activity in our town.

Item placed on the agenda.

Special Event Permit for the Goosetown Softball Tournament to be held July 8th – 10th at Charlotte Yeoman Sports Complex and Washoe Park

CEO Ternes Daniels noted it is almost time for the big event which the County tends to have love/hate feelings for. Lengthy meetings were held with regard to the permit, and everyone has signed off on it.

County Attorney Krakowka asked if the cost of having police on duty has been worked out, and CEO Ternes Daniels confirmed it has been.

Commissioner Hart would like the following issues to be addressed:

- He does not want players using the pool showers during the day. In previous years the showers could not be used during pool hours. He believes the safety of the children comes first, and it is important to protect the youth.
- He does not want players camping at Charlotte Yeoman and Rotary Park, nor does he want people parking at Rotary Park. Last year barricades were put up to prohibit people from parking at Rotary Park and it worked well. Players were able to use Rotary Park to practice.

Item placed on the agenda.

Miscellaneous

Clear Creek Discussion by Phone

Commissioner Lux-Burt received a phone call from a woman who wanted to call in and listen to the Clear Creek discussion via her iPhone. Commissioner Lux-Burt explained she was not sure it could be done, and the woman thought not being able to was limiting public participation. Commissioner Lux-Burt remembers Commissioner Pierce calling in some years ago and he could hear but could not respond. She believes it is something the Commission should think about.

WIC Infrastructure Grant

CEO Ternes Daniels informed the Commission that Public Health received an infrastructure grant in the amount of \$39,000 to assist with renovations for the inside of the building. The County needs to go out for an RFQ for architectural services, and she would like to place this item on next week's agenda for consideration. The funds need to be expended by September 30th.

Item placed on agenda.

Professional Services Contract between Anaconda-Deer Lodge County and the Anaconda Family Resource Center

CEO Ternes Daniels informed the Commission the contract was never quite completed and it needs to be done in order to recoup budget funds from this year. The County Attorney has reviewed the contract and the Family Resource Center is in agreement with it as well. She informed the Commission that, along with the contract, the County will also ask for a three month extension in order to maintain the funding for July, August and September.

Katherine Basirico, Public Health Director, informed the Commission that the state is applying at the federal level for funding and there have been some delays. As such, she may be back before the Commission to ask for an additional three month extension.

Item placed on the agenda.

Historic Resources Board Report/Signs

CEO Ternes Daniels informed the Commission that David Webb will give a report to the Commission regarding the Historic Resources Board's activities at next week's meeting. Commissioner Vermeire noted that the entire board will be in attendance.

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

Clayton Evans – 517 Oak: Mr. Evans asked the Commission to consider backing out of the Global Settlement negotiations with ARCO. He informed them the EPA has funds set up for any issues that may arise in the future. He stated that from 1990 to 2015 the EPA took in \$6.3 billion and there is currently over \$1 billion in the fund. He believes the County will be taking over ARCO's problems if it enters into the agreement. He claimed Montana's Constitution requires the State have a continuous \$100 million fund for reclamation, and it must be maintained at that level. He believes the County will encounter more problems by entering into the agreement and so will landowners across Montana and the country.

Commissioner Hart told Mr. Evans he may have some misconceptions regarding what the settlement does and does not do.

CEO Ternes Daniels informed Mr. Evans the public will be able to comment through the public hearing process, but at this time she does not believe it would be advantageous to enter into a lengthy discussion about it.

Mr. Evans provided a handout for the Commission and urged them to look over the information. He suggested letting ARCO, the EPA, DEQ, the State and the Federal government do all of the work and leave the County to mind its own business.

Commissioner Vermeire informed Mr. Evans that a federal judge issued a gag order in the case so negotiations are confidential at this point. Personally, he does not agree with the settlement but did state that no decisions will be made without public comment. Commissioner Vermeire hopes it is not too far down the road until the County can openly talk about the negotiations.

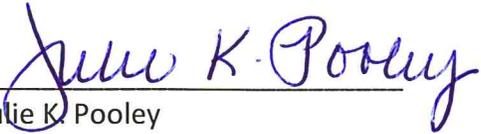
Commissioner Hart acknowledged that with gag order in place, the Commission is limited to what they can say. He believes some of Mr. Evans' concerns will be addressed during the public hearings.

ADLC Public Meeting Dates

Commission Chair Hart read the ADLC Public Meeting Dates. He clarified with Julie Pooley, Clerk of Commission that the Study Commission Meeting was indeed being held in the Courthouse Jury Room.

Adjournment

Commissioner Lux-Burt moved to adjourn the meeting. The meeting adjourned at 8:47 p.m.



Julie K. Pooley
Clerk of the Commission



Kevin A. Hart
Commission Chair

Heather Edwards

From: Paul Morgan <paulm6542@gmail.com>
Sent: Monday, June 13, 2016 9:03 AM
To: Connie Daniels
Cc: Heather Edwards
Subject: Aspen Hills/ Clear Creek Electric Power Service

Ms. Daniels, My name is Paul Morgan and my Wife is Tanja Morgan. we have a residence at 394 Bear Paw Trail, Anaconda in the Aspen Hills subdivision.

We recently heard about the controversy regarding the power line. I stopped by the courthouse last Friday and picked up copies of the draft of minutes of June 7, 2016 meeting and a copy of Memorandum of Understanding. In these documents it is stated the county would like to hear from the residence regarding the power lines.

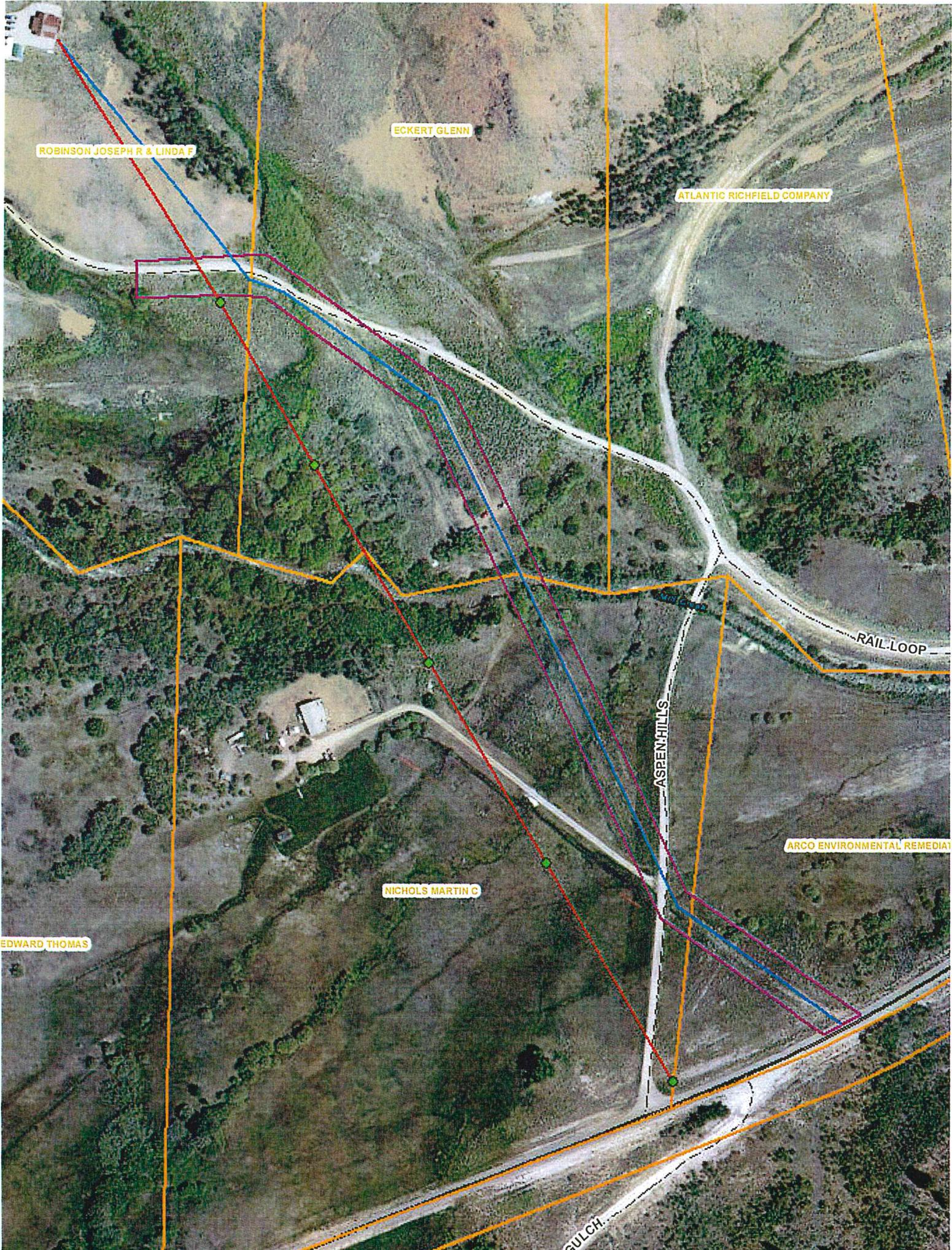
My wife and i would like to go on record voicing our opinion however we will not be able to attend the meeting this coming Tuesday. I ask you to express our opinion by proxy by reading the following comments.

" My name is Paul Morgan and my wife is Tanja Morgan and we have a residence at 394 Bear Paw Trail in the Aspen Hills/ Clear Creek Subdivision. I am not an attorney but we believe here are two factors to consider regarding the newly erected power lines.

The first would be a legal issue in that everyone who purchased property in this area did so with the understanding that there are easements as stipulated in the covenants for direct power if and when that opportunity arises. I believe there is an abundant amount of case law and court opinions supporting the residence have the right and legal obligation to have direct power supplied to their residence by using the easements as stipulated by the covenants. I understand the covenants are viewed as legal documents/contracts that every resident had to sign and agree too. With that said, and with review by the County Attorney to assure I am correct, I believe legally there is no question to whether a resident has the right to direct power via the easements when direct power is available.

The second is a moral and civic issue. People in this area, I believe, chose to live here instead of a town to live in a community in a rural environment. It was stipulated in the covenant that the tracts of property shall be no less than 20 acres to preserve the views and maintain a rural environment by providing a border around ones residence. A person also can purchase as many tracts of property as desired to increase such border around their residence. One does not have the right to deny other residence direct power because they chose not to purchase a large enough piece of property to preserve a view without power lines. A community is more than a city in that it should be a closer group of people willing to help each other reach their goals and dreams. How can anyone say they want to deny anyone access to direct power when electrical power is essential to our lives? Power poles are made from trees and will not substantially distract from the viewing of nature. What minimum distraction they may be is well worth the sacrifice of being a good neighbor, a good community member.

I strongly believe the 20 acre minimum size tracts of property should always be maintained to preserve these borders as we all agreed upon when signing the legal documents. The right to direct power via easements should also be a right not just a privilege. Laws, contracts, and other legal documents are written to maintain civil order. Lets do the legal, civil and morally right thing by granting direct power to the citizens of Aspen Hills and Clear Creek".



ROBINSON JOSEPH R & LINDA F

ECKERT GLENN

ATLANTIC RICHFIELD COMPANY

RAIL LOOP

ASPEN HILLS

NICHOLS MARTIN C

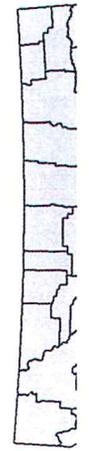
ARCO ENVIRONMENTAL REMEDIATION

EDWARD THOMAS

GULCH



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmap, Community

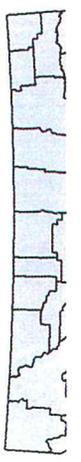


Boundaries on this figure DO NOT represent a legal survey. These boundaries are to be used for general reference only.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Geomatics Community

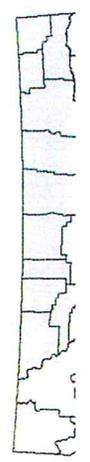
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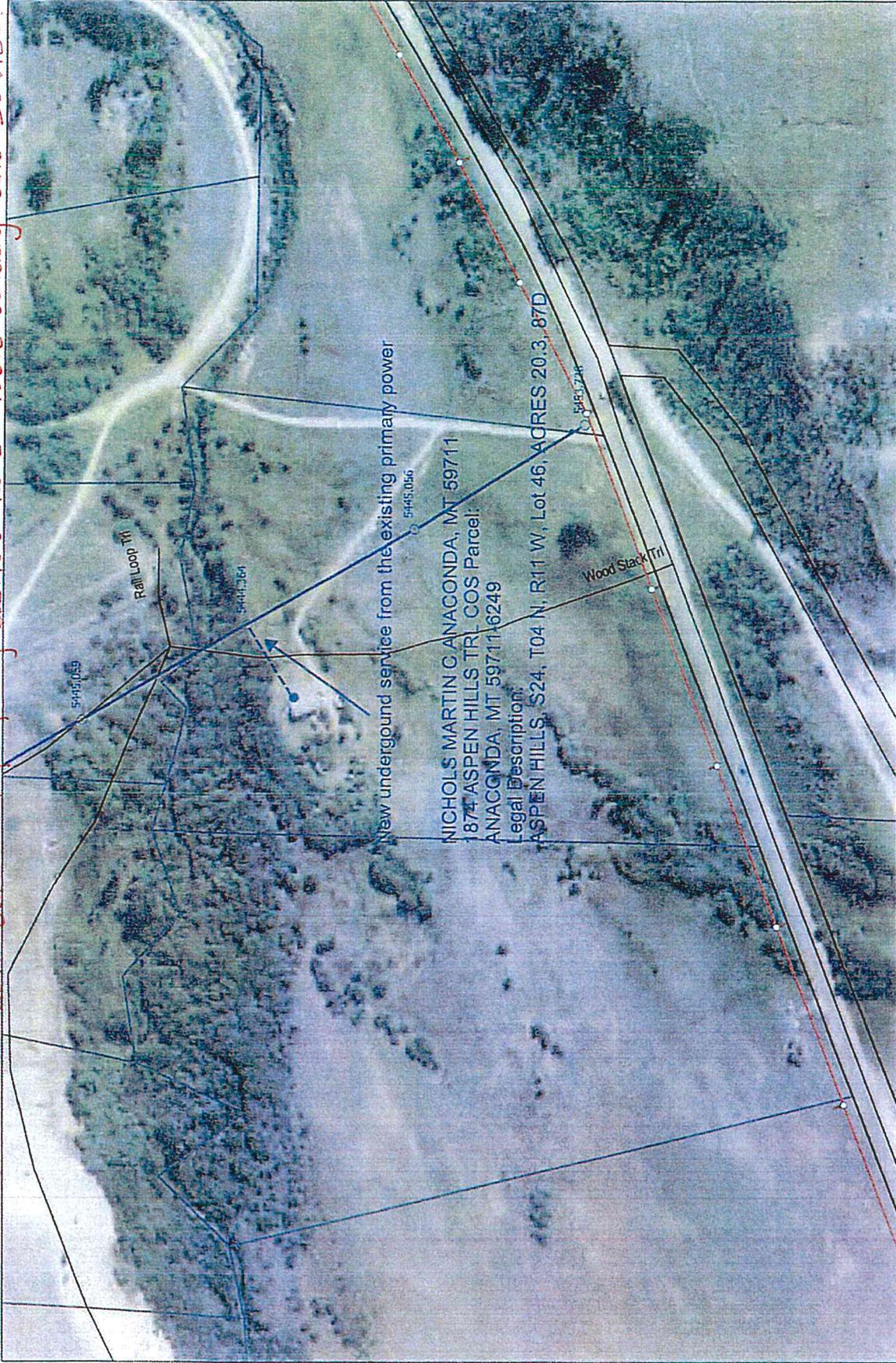


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmappp Community

Boundaries on this figure DO NOT represent a legal survey. These boundaries are to be used for general reference only.



Site #1 All disturbance on property owners land. Note: underground service.



New underground service from the existing primary power

5445056

NICHOLS MARTIN CANACONDA, MT 59711
1874 ASPEN HILLS TR, COS Parcel:
ANACONDA, MT 597116249

Legal Description:
ASPEN HILLS, S24, T04 N, R11 W, Lot 46, ACRES 20.3, 87D

Wood Stack Tr

5445248

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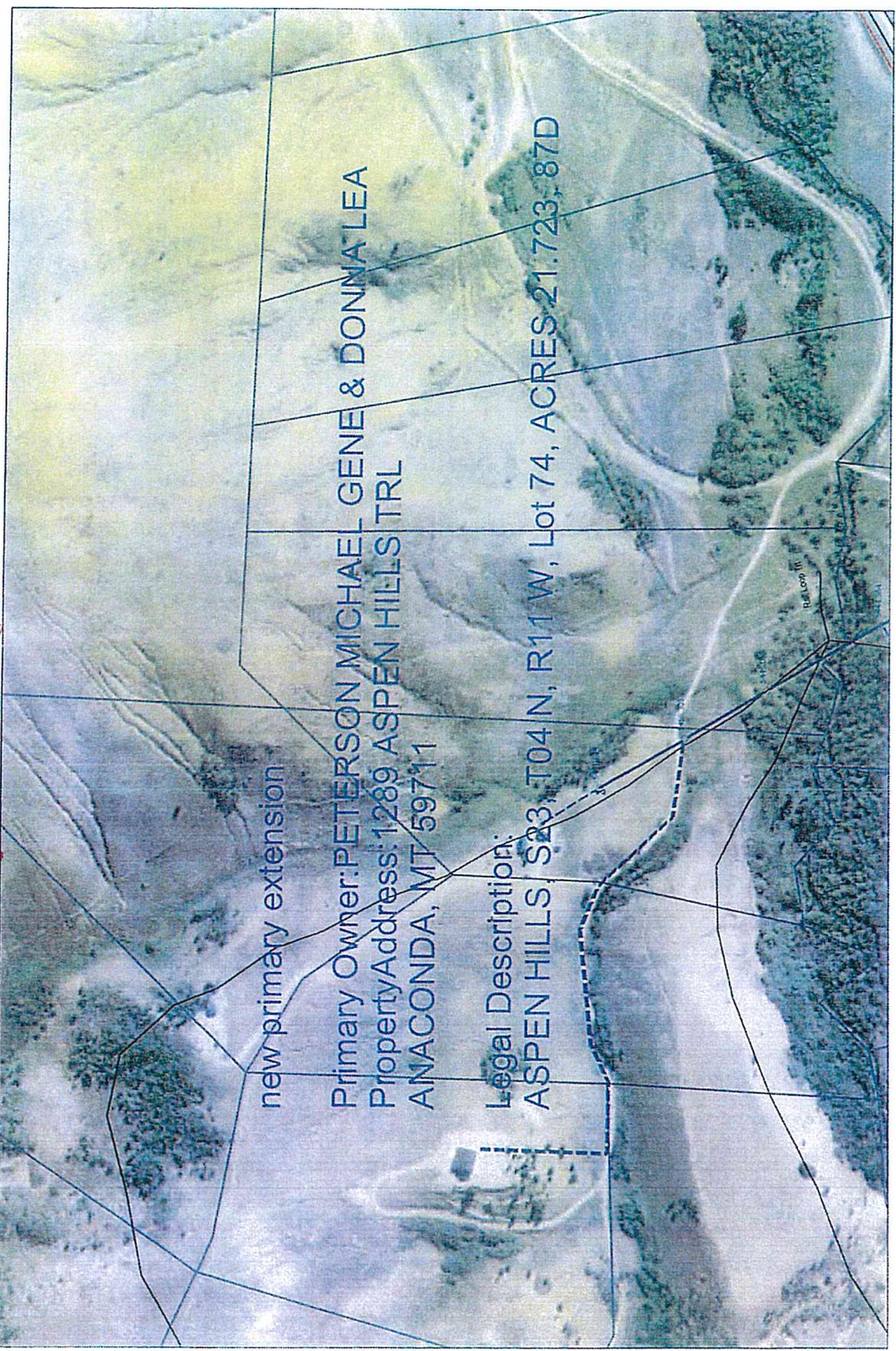
NorthWestern Energy Map Extract

This information is proprietary and confidential data of NorthWestern Energy

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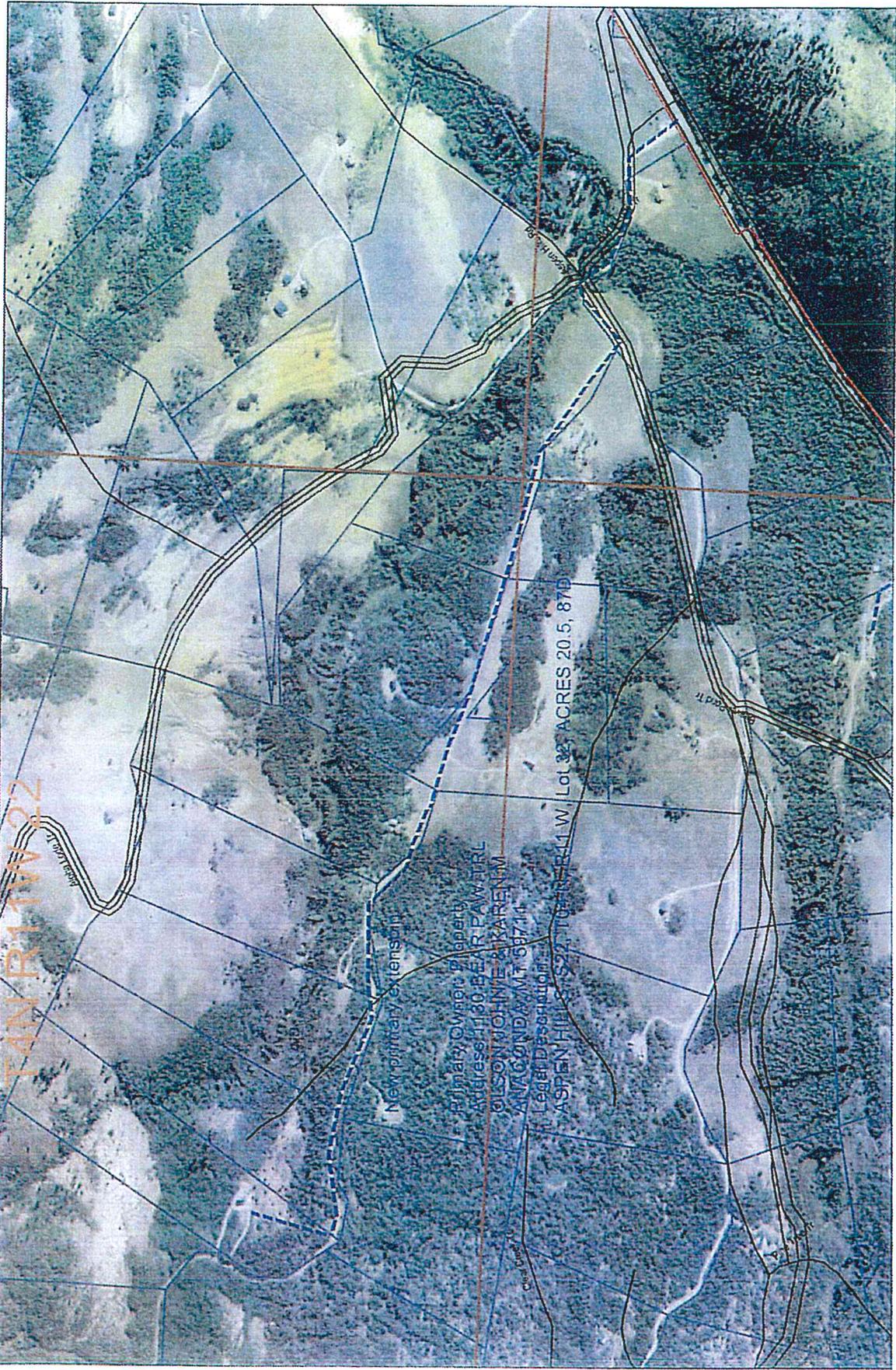
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Confirm poles along road are within 60' Row. Distribution line outside Site #2 the Row - entirely on property owners land.



Note: Up-gradient side of road has less trees.

Continuum poles along road are within 60' ROW, Distribution line outside Site #3 the ROW - entirely on property owners lands.



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NorthWestern Energy Map Extract

This information is proprietary and confidential data of NorthWestern Energy

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Zoom: 590.3

Note: Mill Creek crossing will have floodplain considerations.

Encroaching on Robert + Michael Dugas, why? (Pole locations along Mill Crk
Site #4



Time: 6/7/2016 8:56:36 AM
Session: P:\P-BURG SUBSTATION\new_25-4.gis
NorthWestern Energy Map Extract
This information is proprietary and confidential data of NorthWestern Energy
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Note: Mill Creek crossing will have floodplain considerations.

