

**Anaconda-Deer Lodge County
Commission Meeting Minutes
6:00 p.m. July 5 2016
Courthouse Courtroom**

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

Excused: Commission Vice-Chair Vermeire

Others Present: Julie K. Pooley, Clerk of Commission

Commission Chair Hart called the meeting to order at 6:02 p.m. and the Pledge of Allegiance was recited.

Commissioner Mulvey recited the Pledge but remained seated to do so as she is recovering from bilateral knee replacement surgery.

Commissioner Vermeire is excused from tonight's meeting due to the death of his father-in-law, Lorry Thomas.

Commission Chair Hart explained the Commission Rules of Procedure.

APPROVAL OF MINUTES

Approval of Minutes from the Commission Meeting of June 21, 2016 and the Commission Work Session of June 28, 2016.

Commissioner Lux-Burt noted a minor grammatical error in the June 28th minutes.

Commissioner Mulvey moved to approve the minutes from the Commission Meeting of June 21, 2016 and the Commission Work Session of June 28, 2016; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

APPROVAL OF CLAIMS

CEO Ternes Daniels informed the Commission that claim #122770 to Positive Promotions in the amount of \$672.82 for the Fire Department was for items related to career day at the high school. The Fire Department received a grant in the amount of \$500 to purchase the items.

Commissioner Smith moved to approve claims numbered 122686 through 122809 in the amount of \$158,902.93; seconded by Commissioner Mulvey.

Motion carried unanimously.

REPORTS OF BOARDS, OFFICIALS, COMMITTEES

Commissioner Smith attended two special meetings with the Old Works Golf Course Authority Board and the Commission.

Commissioner Lux-Burt attended the two special meetings with the Golf Course Authority Board Meeting and the Commission. She attended two West Valley Construction Meetings. The meetings have ended and the focus has turned to cleaning up the park. She announced the first sewer was hooked up last week.

CEO Ternes Daniels informed the Commission the County is still going through some formalities with the State with regard to funding the West Valley Park remodel. Once the funding is approved, planning sessions for the park remodel will take place.

Commissioner Lux-Burt also attended an Access the Stack meeting and the first of the budget hearings this morning. However, the budget hearings were postponed due to Lorry Thomas' funeral.

Commissioner Hart attended the two special meetings with the Golf Course Authority Board and the Commission. He explained these were executive sessions to discuss matters related to the confidential consent decree and Institutional Controls Agreement.

CEO Ternes Daniels attended the two special meetings and the Access the Stack meeting.

County Attorney Krakowka had a trial; he attended the Health Board Meeting, met with Karen Courtney and Karen Solberg regarding the abandoned structure ordinance, attended the County Attorney's Conference, and attended Lorry Thomas' funeral. He commented that Lorry was a good friend and an excellent community member.

UNFINISHED BUSINESS

Approval of Resolution No. 16-29, a Resolution Authorizing Anaconda-Deer Lodge County to Dispose of Unneeded City-County Property

CEO Ternes Daniels informed the Commission the Tenant Sweeper is no longer used by the County and Philipsburg has been using it. Wayne Wendt spoke with Tenant regarding the cost (\$1,500) and they believe it is fair. She recommended the Commission approve the resolution.

County Attorney Krakowka spoke with Wayne Wendt and noted replacement parts are not available for this model. He asked the company to send a letter stating this fact, but they would not do it. However, they verbally indicated that \$1,500 was a fair price. Philipsburg is aware that parts are not available for it.

Commissioner Lux-Burt moved to approve Resolution No. 16-29; seconded by Commissioner Mulvey.

Motion carried unanimously.

Approval of the Fourth Addendum to the Real Property Conveyance/Transfer Agreement between Atlantic Richfield Company, Anaconda-Deer Lodge County and Old Works Golf Course, Inc.

CEO Ternes Daniels did not have anything to add from last week's discussion. However, she believes there may be some confusion with the public's perception citing an editorial that was in the paper. She suggested it may warrant a response to clear the air.

Commissioner Smith moved to approve the Fourth Addendum to the Real Property Conveyance/Transfer Agreement between Atlantic Richfield Company, Anaconda-Deer Lodge County and Old Works Golf Course, Inc.; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Approval of the West Valley Phase 2 Sewer Extension Easement Agreement for the Gagnon Drive Sewer Extension between Anaconda-Deer Lodge County (Grantee) and Leonard C. Gagnon and Constance J. Best (Grantors)

CEO Ternes Daniels informed the Commission this easement took a while to get done as it was not done in Phase 1. She recommended moving forward with approval.

Commissioner Lux-Burt moved to approve the West Valley Phase 2 Sewer Extension Easement Agreement for the Gagnon Drive Sewer Extension between Anaconda-Deer Lodge County (Grantee) and Leonard C. Gagnon and Constance J. Best (Grantors); seconded by Commissioner Mulvey.

Motion carried unanimously.

Approval of the Agreement between Anaconda-Deer Lodge County and Pintler Pets for the Period July 1, 2016 through June 30, 2017

CEO Ternes Daniels requested the Commission table this item and place it on next week's Work Session Agenda. Several things have transpired with regard to the contract since it was initially brought to the Commission. Pintler Pets requested additional funding and then sent a letter indicating they were terminating the contract. CEO Ternes Daniels met with Pat Phillips and Tom Williams last Thursday and they agreed that the County will pay Pintler Pets \$20.00 for each rabies shot. Another issue that came to light during the meeting is the increase in hoarding cases. Pat Phillips has provided all requested financial information and the most recent billing statement. CEO Ternes Daniels would like to get the contract language worked out, have the County Attorney review it, and bring it back to the Commission at next week's Work Session.

Commissioner Lux-Burt believes this is acceptable and noted Animal Control is having its budget hearing in the interim.

Commissioner Hart expressed concern that the previous agreement terminated on June 30th. A Bridge Agreement was presented to the Commission at last week's Work Session which extended the agreement through September 30th. He asked County Attorney Krakowka if the Commission should take action to table the Bridge Agreement. County Attorney Krakowka concurred with this assessment.

Commissioner Lux-Burt moved to table the Agreement with Pintler Pets; seconded by Commissioner Smith.

Motion carried unanimously.

Award of the Request for Qualifications for Professional Services at Anaconda-Deer Lodge County's Airport Bowman Field

CEO Ternes Daniels reiterated that Morrison Maierle has done an outstanding job with the work they have completed at the airport. To date, \$4.6 million has gone into the airport. Funding has come from the FAA and Montana Aeronautics. The County has spent less than \$200,000 in tax dollars. She informed the Commission some projects are under the gun because of funding availability, and a grant application for fencing will be on next week's Work Session agenda.

Commissioner Hart acknowledged Morrison Maierle's extensive experience working with airports and stated they submitted an impressive RFQ.

Commissioner Smith moved to award the Request for Qualifications for Professional Services at Anaconda-Deer Lodge County's Airport Bowman Field to Morrison Maierle; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Award of Bid for a 2011 or Newer Skid Steer Loader for the Wastewater Treatment Plant

Commissioner Hart reminded the Commission that Titan is the preferred bid as they are offering a brand new 2016 skid steer loader with a warranty, and the CAT machines are used.

CEO Ternes Daniels stated the two loaders from CAT are substantially older and the machine from Titan is new.

Commissioner Lux-Burt moved to award the bid for a 2011 or newer skid steer loader for the Wastewater Treatment Plant to Titan Machinery in the amount of \$35,926.14; seconded by Commissioner Mulvey.

Motion carried unanimously.

Approval of DPHHS Task Order No. 17-07-3-31-062-0; Montana Tobacco Use Prevention Program for FY 2016-2017

This item was reviewed in detail last week by Katherine Basirico. CEO Ternes Daniels recommended the Commission approve it.

Commissioner Smith moved to approve DPHHS Task Order No. 17-07-3-31-062-0; Montana Tobacco Use Prevention Program for FY 2016-2017; seconded by Commissioner Mulvey.

Motion carried unanimously.

Appointment/Reappointment of a Member to the Solid Waste Board for a Four-Year Term (Tim Flynn has requested reappointment)

Commissioners Lux-Burt and Hart and County Attorney Krakowka all agreed that Tim Flynn is a vital member of this board and does an excellent job.

Commissioner Lux-Burt moved to reappoint Tim Flynn to the Solid Waste Board for a four-year term; seconded by Commissioner Smith.

Motion carried unanimously.

Special Event Permit for 2016 Art in the Park to be held July 15th – 17th at Washoe Park

Commissioner Lux-Burt is looking forward to this year's event.

Commissioner Hart asked if the issues he brought forth at last week's meeting were relayed to the appropriate person. CEO Ternes Daniels will ensure they are.

Commissioner Lux-Burt moved to approve the Special Event Permit for 2016 Art in the Park to be held July 15th – 17th at Washoe Park.

Motion carried unanimously.

Special Event Permit for the Anaconda Horse Shoe Club Horse Shoe Tournament to be held July 16th and 17th at Washoe Park

Commissioner Hart remarked that this event goes hand in hand with Art in the Park every year.

Commissioner Smith moved to approve the Special Event Permit for the Anaconda Horse Shoe Club Horse Shoe Tournament to be held July 16th and 17th at Washoe Park; seconded by Commissioner Mulvey.

NEW BUSINESS

Flags on Main Street

Commissioner Lux-Burt received a comment from a new resident asking if it is possible to display the American Flags along Main Street from Memorial Day through Veteran's Day. She would like the CEO to check into this possibility.

MISCELLANEOUS

Head Start Playground Equipment

Commissioner Lux-Burt announced that Head Start will be receiving its new playground equipment on July 12th. The old equipment will be dismantled at that time. She sent Wayne Wendt an email notifying him of the plan but she has not talked to John Leo yet. Commissioner Hart asked if anyone from the Rotary Club has been in contact with Wayne Wendt. Wayne Wendt indicated no one has contacted him. Commissioner Hart informed him someone from the Rotary Club will be contacting him to make arrangements for the equipment to be moved to Rotary Park.

Commissioner Hart announced the death of Lorry Thomas. He stated he was a great sportsman and advocated for Anaconda. He read a portion of the obituary that was in the Montana Standard. Commissioner Lux-Burt stated that Lorry was a driving force behind opening up Modesty Creek Road. CEO Ternes Daniels attended Lorry's funeral today and it was a testimony to what a special man he was. She stated he was concerned about wildlife fencing and was responsible for the County's fencing regulations. His love and desire for public access and wildlife is commendable.

County Attorney Krakowka noted a correction on the June 28th draft minutes. He was not in attendance at the June 28th meeting.

PUBLIC COMMENT

Rose Nyman asked Commission Chair Hart who is responsible for painting the handicapped curbing. CEO Ternes Daniels did not know. Wayne Wendt informed Mrs. Nyman, the CEO and the Commission that homeowners are responsible for the curbing if it is located on private property, the State is responsible for curbing on Park and Commercial, and the County is responsible for curbing in front of County-owned property. Mrs. Nyman informed the Commission the curbing in front of the Post Office and the Methodist Church is in need of painting.

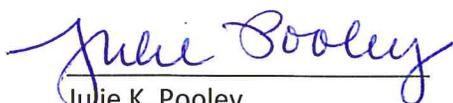
Mrs. Nyman also asked if Head Start's old playground equipment was purchased with tax dollars, because if it was it would need to be disposed of to a County property. Commissioner Hart informed her that Rotary Park is a County park. The Rotary Club "adopted" the park. He believes the current slide and swings came from Washington School.

ADLC PUBLIC MEETING DATES

Commission Chair Hart read the ADLC Public Meeting Dates. CEO Ternes Daniels noted that additional budget hearings will take place next week and will be advertised appropriately.

ADJOURNMENT

Commissioner Lux-Burt motioned to adjourn the meeting. The meeting adjourned at 6:42 p.m.



Julie K. Pooley
Clerk of Commission



Kevin A. Hart
Commission Chair