

**Anaconda-Deer Lodge County**  
**Commission Work Session Minutes**  
**6:00 p.m. Tuesday, July 26, 2016**  
**Courthouse Courtroom**

Present: Commission Chair Hart, Commissioner Mulvey, Commissioner Lux-Burt, Commissioner 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 6:01 p.m. and explained the Commission Rules of Procedure.

**2016 Volunteer Fire Assistance Program Subaward Agreement between Anaconda Fire Council and the Montana Department of Natural Resources and Conservation**

RJ Tocher, Fire Chief, informed the Commission that the Anaconda Fire Council received a grant totaling \$8,000 to be used for firefighting equipment. The Fire Council consists of the Anaconda Fire Department, West Valley Volunteer Fire Department, Georgetown Lake Volunteer Fire Department, Opportunity Volunteer Fire Department, and Lost Creek Fire Department. The money will be divided equally between the five departments. Each department will receive \$1600.00 and will be required to pay \$177.80 toward the match which is \$889.00. In addition, the Fire Council received \$500 in excess funds from the 2015 grant which will be split equally between the five departments.

Although the benefit from the grant is small, CEO Ternes Daniels believes every little bit helps and will assist in getting much needed equipment. She thanked Chief Tocher for doing a terrific job with getting the grants.

Commissioner Lux-Burt echoed CEO Ternes Daniels' statement and noted the grants really help with keeping the equipment up-to-date.

Commissioner Vermeire believes every bit helps, and Commissioner Hart thanked Chief Tocher for getting the grant.

Item placed on the agenda.

**Task Order Seventeen to the Professional Services Term Agreement No. 04-HKM-0420 for the West Valley Private Sewer Hookups – CDBG Contract Administration Assistance**

Ed Janney with DOWL Engineering informed the Commission this Task Order is to provide assistance with the CDBG grant. It has been divided into two phases. Phase 1 covers pre-construction engineering services that were completed at the request of the County to assist in fulfilling CDBG contract award conditions and to assist Tilman Consulting with administering the contract. Phase 2 covers activities include providing engineering services with regard to construction and post-construction services, including reviewing contractor bids and examining final work prior to payment.

Since some of the work has already been completed, Mr. Janney respectfully requested the Commission retroactively approve this Task Order.

CEO Ternes Daniels informed the Commission over \$5 million has been invested in the West Valley Sewer project and stated it is critical that it is installed correctly. She expressed appreciation for the work Ed Janney and Ron DeWitt of DOWL have done. Initially, County staff was going to do the work; however, staff would have not had the time or expertise to install the services lines.

Commissioner Lux-Burt asked Mr. Janney how many lines have been installed up to this point. Mr. Janney informed her approximately 10-15 have been installed, and he anticipates 2-5 being installed per week for the next couple of months.

Item placed on the agenda.

**Task Order Eighteen to the Professional Services Term Agreement No. 04-HKM-0420 for West Valley Sewer Private Hookups – CDBG and MDT Applications Preparation Assistance**

Ed Janney with DOWL Engineering informed the Commission this Task Order is to provide assistance to Tilman Consulting with the preparation of the CDBG application and to prepare MDT Encroachment Permit applications to provide permitting assistance for private sewer hookups for 23 homeowners along Highway 1. Again, the work has already been completed, and Mr. Janney respectfully requested the Commission retroactively approve this Task Order.

CEO Ternes Daniels indicated this has been a challenging project that has tasked everyone involved. The initial estimate for the project was \$6 million; however, to-date it has cost a little over \$5 million. She believes it has been a challenging project to install basic infrastructure and work with approximately 260 homeowners. Ideally, these Task Orders would have been brought to the Commission prior to the work being done; however, everything has been itemized carefully on the timesheets, and CEO Ternes Daniels respectfully requested the Commission retroactively approve the Task Orders.

Commissioner Lux-Burt spent a good hour today with Ron DeWitt from DOWL, as well as a homeowner regarding a sloping alleyway. She noted there have been unanticipated issues, but Ron has been the first line of defense. She commented that the West Valley looks like a “mini” Mt. Haggin with all of the rocks and debris that has been dug out of the alleys; however, the pile is getting smaller every day. CEO Ternes Daniels also believes the County needs to work harder to get the message out regarding the financial assistance that is available through CDBG. She suggested working with the Leader to do a press release because she does not want anyone falling through the cracks. Commissioner Lux-Burt thanked everyone involved and noted that Judie Tilman has put forth enormous effort to walk people through the process and complicated title issues. She is grateful the County went after the funding to help people who desperately need it.

Item placed on the agenda.

## **Master Agreement for Professional Engineering Services between Anaconda-Deer Lodge County and Morrison Maierle for Airport Improvement Projects at Bowman Field Airport**

CEO Ternes Daniels informed the Commission the County went out for RFQs for services at the airport. Morrison Maierle was the only respondent and was awarded the RFQ. This is the Master Agreement, which the County Attorney's office is still reviewing.

County Attorney Krakowka does not anticipate any significant changes to the document, and he will have it to the Commissioners by next week's meeting.

Item placed on the agenda.

## **Agreement between Anaconda-Deer Lodge County and Pintler Pets**

CEO Ternes Daniels reviewed the agreement which proposes the County reimburse Pintler Pets \$55 per animal (\$35 plus \$20 for a rabies shot) and \$65 per animal in hoarding cases. Hoarding has been defined in the agreement, which would trigger the hoarding clause. The County Attorney reviewed the agreement and made suggestions.

County Attorney Krakowka understands Pintler Pets is primarily concerned with cat and dog hoarding cases. He asked Pat Phillips if there are other hoarding incidents that Pintler Pets is aware of.

Pat Phillips did not have a copy of the agreement and CEO Ternes Daniels apologized as she thought Heather Edwards had emailed it to her. Julie Pooley, Clerk of Commission, provided Ms. Phillips with a copy of the agreement. Ms. Phillips informed the County Attorney that the hoarding cases are mainly cats. She expressed concern that the County was only willing to pay \$10 per animal for hoarding cases. However, CEO Ternes Daniels informed her that the County will pay \$65 per animal. Ms. Phillips informed the Commission that Pintler Pets spent about \$5,000 on medical expenses with the Opportunity hoarding case and noted they do not have a set income and it is difficult to come up with the money.

CEO Ternes Daniels reiterated to the Commission that the County is proposing to pay \$65 per animal in hoarding cases; however it is up to the Commission to decide if they want to handle hoarding cases on a case-by-case basis. Another option the CEO proposed was not taking hoarding cases as both Pintler Pets and the County have limited resources to cover the medical expenses.

County Attorney Krakowka offered Pat Phillips the opportunity to meet with him one-on-one to further discuss the agreement and come up with language that is amenable to both parties. Again, Ms. Phillips stated that Pintler Pets cannot accept \$10 for hoarding cases and the CEO reiterated the County will pay \$65 per animal in hoarding cases.

Mike Merino, 1101 Heather Dr., #13: Mr. Merino spoke in support of Pintler Pets and noted it is a wonderful facility with great staff. He asked the Commissioner to consider paying Pintler Pets an amount between \$60 and \$100 as that is what it takes to care for an animal on a monthly basis. He would like Pintler Pets to have the opportunity to refuse hoarding cases and let the County take care of

them. He believes the County needs to examine its ordinance to determine what constitutes hoarding and levy a fine against individuals who are charged with the offense. Mr. Merino believes it is in the best interest for the County to work with this non-profit and consider Pintler Pets a service organization. He feels the costs should be passed onto the offenders/hoarders so that public does not have to bear the cost.

Kathie Miller with the Anaconda Leader asked the County Attorney if the County is able to collect money back from individuals if they are convicted. The County Attorney explained the courts order restitution to be paid only if a conviction is obtained. Restitution then attaches to a judgment. If it does not get paid, it gets turned over to a collection agency and then it can take years to collect. Kathie Miller asked if a lien can be placed on someone's property and the County Attorney indicated this usually does not happen with a judgment. He also noted that many times when hoarding cases are discovered the individual is deceased or very ill.

CEO Ternes Daniels believes the County has tried to address a major concern. She explained that Pintler Pets does not have to take any animal – they have discretion to refuse animals. The County is not trying to push anything on Pintler Pets and the CEO believes the County has been working very hard to work with Pintler Pets. As an animal lover, CEO Ternes Daniels understands that the hoarding cases are very unfortunate, but the County is trying its hardest to provide resources and the ability for Pintler Pets to take the animals it wants.

Pat Phillips indicated Pintler Pets did not view any of the cats from the hoarding case prior to receiving them from the County. Dr. Gaulke examined the cats and gave them a clean bill of health then they were dropped off to Pintler Pets by a shelter worker.

CEO Ternes Daniels did not realize animals were being taken to Pintler Pets without their ability to discuss or make the decision to accept or reject them. She indicated if it has been happening it needs to stop as there is a 72 hour quarantine procedure the County must follow.

Commissioner Lux-Burt referenced the first page of the agreement and believes the language is confusing and does not clearly reflect that the County will be paying \$65 per animal in hoarding cases. She believes it is a fair amount and noted that Pintler Pets does have the option to refuse an animal. Commissioner Lux-Burt informed Ms. Phillips she is an animal lover, but common sense and reasonableness need to be applied when dealing with the hoarding cases.

Pat Phillips indicated the County's shelter cannot hold many animals and that is why the cats were brought to Pintler Pets without their ability to discuss or make a decision to take or refuse them. She reiterated her concerns regarding hoarding and would like to be able to review them on a case-by-case basis.

Commissioner Vermeire stated he was a bit confused and asked Ms. Phillips to clarify what she meant by case-by-case. He noted the original agreement went from \$35 to \$45 and now to \$55 and \$65 for hoarding cases. However, he is hearing that it is not enough and noted it is not possible to look into the future and determine if there is going to be more hoarding cases. He asked Ms. Phillips if she wants a ceiling or limit on it.

Commissioner Hart interjected in an attempt to clarify the issues surrounding the agreement. In order for Pintler Pets to sustain themselves financially, he believes they need to be doing inspections to ensure they are not taking on high risk animals that are extremely ill with no chance of survival. In addition, Commissioner Hart reiterated that Pintler Pets has the right to refuse any animal(s). He suggested making sure the animal is worthy for Pintler Pets to take and leave the high-risk animals with the County. He suggested moving forward with this agreement and coming up with something that would go above and beyond this agreement to deal with hoarding cases. He noted that the hoarding issues seem limited and he would hate to have the hoarding issue stop the entire agreement.

Commissioner Lux-Burt asked if the entire section regarding hoarding will be removed from the agreement. Commissioner Hart indicated it would stay in as is and if the agreement needs an amendment to deal with the hoarding cases differently that would happen at a later date.

County Attorney Krakowka confirmed that the agreement could be amended at any time. Ms. Phillips asked if the County was only going to reimburse at \$10 per animal for hoarding cases. Commissioner Hart reiterated that the County was reimbursing at \$65 per animal in hoarding cases.

CEO Ternes Daniels indicated to the Commission the entire section dealing with hoarding could come out of the agreement if they deem it necessary. However, the County is trying to give \$65 per animal to Pintler Pets in hoarding cases not \$10. Ms. Phillips expressed concern that the County will not pay the money for the hoarding case since they already paid the \$35. CEO Ternes Daniels reminded her that the agreement is retroactive back to July 1<sup>st</sup>. Commissioner Hart reiterated that inspection and identification of high-risk animals needs to be a larger conversation and are two items currently in the contract that have not been done. He clarified that the County is not taking the position that Pintler Pets should take high risk animals. Commissioner Hart commented that he has had animals and has had the responsibility to review his own finances to determine if he could go through with large scale medical bills or consider euthanization. He suggested moving forward with this agreement and then subsequent conversation can take place if an amendment is deemed necessary.

Commissioner Lux-Burt would like the paragraph regarding the hoarding clarified to make it clear that Pintler Pets will receive \$65 per animal from the County.

Item placed on the agenda.

**Resolution No. 16-07A, a Resolution to Place on the Election Ballot a Question for Determination by the Qualified Electors of Anaconda-Deer Lodge County for the Permanent Levying of Two (2) Mills to Fund the Operation of the Anaconda-Pintler Search and Rescue, Inc.**

CEO Ternes Daniels informed the Commission there was a mistake with the calculation which disqualified it from the primary election ballot.

County Attorney Krakowka acknowledged it was very unfortunate and he bears some responsibility for the mistake. He believes the solution that Eric Hoiland, Treasure, has come up with is excellent and should cut down on miscommunication and errors.

Julie Pooley, Clerk of the Commission, informed that Commission that she received a phone call from Martin Mavrinac who pointed out a mistake in the first paragraph of the resolution. It stated "...received a request from the Anaconda Pintler Search and Rescue, Inc. to place language on the ballot in the June 8, 2016 election." This language should state "...the next general election." She informed the Commission the language was changed, approved by the County Attorney and Mr. Mavrinac was informed of the change.

Commissioner Lux-Burt also acknowledged it was unfortunate it was not on the first ballot. She does not like permanent levies and never will. She has an accounting background and believes there needs to be a system of checks and balances, and does not know that Search and Rescue will need this amount of money forever. Commissioner Lux-Burt stated she will vote against it as she did last time. She noted there are three other levies on tonight's agenda which are for two years. These provide for checks and balances because there is an option to review them every two years.

Commissioner Mulvey believes the levy should not be permanent but a two year levy instead.

Commissioner Vermeire feels the same way and informed the Commission he received a couple of phone calls from people who are strongly against it. He would be for a two year levy. Commissioner Hart believes it is ultimately up to the people to decide and vote for it or against it. Even if it is passed as a levy, it could be revoked by petition. He commented that Search and Rescue volunteers are currently spending their own money and \$25,000 seems like a nominal amount of money to request every year.

Item placed on the agenda.

**Resolution No. 16-31, a Resolution to Place on the General Election Ballot a Question for Determination by the Qualified Electors of Anaconda-Deer Lodge County for the Levying of an Addition Three (3) Mills Above the Current Appropriation Providing for the Operation of the Hearst Free Library**

CEO Ternes Daniels informed the Commission the library asks for this levy every two years. It is for three additional mills.

Commissioner Lux-Burt indicated she will vote for this. The money is well spent and kept track of by the County.

Item placed on the agenda.

**Resolution No. 16-32, a Resolution to Levy One (1) Mill to Fund Special Transportation Services for Senior Citizens and Persons with Disabilities**

CEO Ternes Daniels informed the Commission this levy has been before the voters a number of times.

Kate Coward, Director of the Metcalf Center, explained the importance of the Center's transportation program. The program provides transportation for the elderly and disabled to the store, pharmacy and

shopping trips to Butte. Many elderly citizens are encouraged not to drive and the program provides a safe mode of transportation for these members of our community.

Commissioner Lux-Burt believes these services are important considering Anaconda does not have any forms of public transportation or taxi service.

Commissioner Hart believes these services are not only important but an absolute necessity. The transportation program is the only way some seniors have the ability to get out of the house and do some shopping. It improves the value of their lives.

Item placed on the agenda.

**Resolution No. 16-33, a Resolution Establishing a Fund to Maintain Recreational, Educational and Other Activities of the Elderly and to Levy One (1) Mill for the Support of this Fund**

Kate Coward stressed the importance of these activities for the seniors in our community. Many deal with isolation and depression, and the activities offered by the Metcalf Center such as Scrabble, Sit and Fit, and puzzles create a warm, inviting environment for seniors to interact with each other. She stated it is almost like an adult playground.

Commissioner Hart believes this is also an absolute necessity as senior depression is huge, especially for people living alone.

Item placed on the agenda.

**Appointment/Reappointment of a Member to the Anaconda-Deer Lodge County Police Commission for a three-year term**

CEO Ternes Daniels informed the Commission that Jack Moreni has requested reappointment.

Commissioner Hart commented that Mr. Moreni has been a valuable member of the Police Commission and is very level-headed.

Item placed on the agenda.

**Resignation of Michelle Heald, LAC, from the DUI Task Force and Authorization to Advertise the Vacancy to Fill the Remainder of her Term through March 15, 2019**

CEO Ternes Daniels informed the Commission her office is in receipt of Ms. Heald's resignation letter.

Commissioner Hart stated he hates to see the DUI Task Force lose members; however, Ms. Heald's letter indicates she is relocating.

Item placed on the agenda.

**Special Event Permit for Anaconda Community Intervention's Water Gun Fight to be held Wednesday, August 24<sup>th</sup> at 5:30 p.m. in Washoe Park**

CEO Ternes Daniels indicated this event sounds fun and informed the Commission it will take place from 5:30 p.m. until 8 p.m.

Commissioner Hart noted the insurance is in order and seems like it will be a fun event.

County Attorney Krakowka stated it is always fun to see what Matt Buerkle comes up with. As the County Attorney has expressed in the past, his sympathy is quickly waning for parents whose children get charged with MIP or DUI who complain there is nothing for kids to do in Anaconda. He believes there are activities to keep kids busy all summer long so they do not get in trouble.

Item placed on the agenda.

**Miscellaneous**

**Head Start Playground Equipment**

Commissioner Lux-Burt informed the Commission the old equipment will be removed and dismantled next Monday or Tuesday.

**Request by Anaconda Public Schools to Abandon the Fifth Street Right-of-Way**

Sarah Jones with Copper Environmental informed the Commission that the school district is requesting the County abandon the right-of-way on Fifth Street north of the high school and revert it back to the district. The district intends to build a Vo-Tech Center on the site.

CEO Ternes Daniels informed the Commission this has to go through the formal abandonment process prior to moving forward with a Major Development Permit (MDP). She asked if any infrastructure is involved.

Bob Horne, Interim DPS Administrator, explained the contents of the petition and the associated MCA which states "...the board shall cause an investigation to be made of the feasibility, desirability, and cost of granting the prayer of the petition. The investigation shall be sufficient to properly determine the merits or demerits of the petition. No more than one member of the board and the county surveyor shall make the investigation."

Commissioner Hart asked Commissioner Vermeire if he would consider taking this on since he has done this in the past.

Sarah Jones informed the Commission and the CEO infrastructure includes telephone, water and gas lines. She has been in contact with the water department but has not yet contacted NorthWestern Energy. The phone lines would be handled by Century Link. All of this information would be presented during the MDP process.

Commissioner Lux-Burt expressed support for the project and believes it would be a great place for the shops and would do away with bussing the kids back and forth to the current vo-tech center. She asked who would assume the cost of moving the lines and CEO Ternes Daniels confirmed it would be the district's responsibility.

Dr. Gerry Nolan, Superintendent, informed the Commission the district is trying to provide more opportunities for the kids. As it stands, the kids who take classes at the vo-tech do double periods. Those who are college bound are not able to do back-to-back classes. The new building will enable those students to take vocational classes as part of a well-rounded education.

Rose Nyman believes the vo-tech classes are very important to the youth of any community. She often hears students being pushed to go to college and she certainly did that to her own children. However, she noted she still needs someone to change the oil in her car, paint, fix plumbing problems, etc., and not everyone is suited to go to college.

Item placed on the agenda to appoint an investigator.

### **Special Event Permit for YES Youth Empowerment Services' Battle of the Rock Bands**

CEO Ternes Daniels informed the Commission this event will take place on August 15<sup>th</sup> at Kennedy Common.

Commissioner Hart noted the insurance for the event is in order.

### **National WIC Breastfeeding Week Proclamation**

Katherine Basirico, Public Health Director, informed the Commission that each year the U.S. Department of Agriculture declares the first week of August as National WIC Breastfeeding Week. Public Health has an entire week of festivities planned for the event. They will hold an open house on August 3<sup>rd</sup> from 1 p.m. to 4 p.m.

Item placed on the agenda.

### **Public Comment**

Billy Laws – 159 Garrity: In light of all the negative comments regarding the levy, Mr. Laws encouraged the Commissioners to tour the Search and Rescue building.

Rose Nyman: Mrs. Nyman commented on the following: 1) The American Flag which flies over the east entrance to Anaconda is flying below the Tree City USA flag. The American Flag is also at half-mast, as is the flag at Kennedy Common. The flag at the post office is at full mast. She indicated flags were ordered at half-mast per the President's and Governor's directive, but this ended at midnight on July 22<sup>nd</sup>. She is unsure if a volunteer veteran is responsible for the flag at the east entrance, but noted the flag at Kennedy Common is the responsibility of the County. 2) Mrs. Nyman reminded the Commission that Terry VanMeel made it very clear when she stated the Commission is here to represent us, with

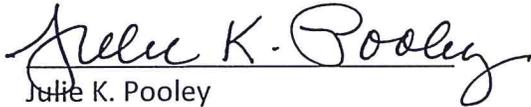
regard to the residents of Aspen Hills and Clear Creek. Mrs. Nyman informed the Commission she brings this up tonight because Commissioners Vermeire, Mulvey and Lux-Burt stated they were against the Search and Rescue levy. Unless their constituents are beating down the door expressing their lack of support, Mrs. Nyman believes they need to move forward and approve it. Mrs. Nyman stated she resides in District 2 and she is not opposed to this permanent levy – it comes down to representation.

**ADLC Public Meeting Dates**

Commission Chair Hart read the ADLC Public Meeting dates.

**Adjournment**

Commissioner Lux-Burt moved to adjoin the meeting. The meeting adjourned at 6:44 p.m.



Julie K. Pooley  
Clerk of the Commission



Kevin A. Hart  
Commission Chair