

**Anaconda-Deer Lodge County
Commission Meeting Minutes
6:00 p.m. Tuesday, August 16, 2016
Hearst Free Library**

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

Members of the Press: Kathie Miller, Anaconda Leader

Commission Chair Hart called the meeting to order at 6:05 p.m. and the Pledge of Allegiance was recited.

Commission Chair Hart explained the Commission Rules of Procedure.

APPROVAL OF MINUTES

Approval of Minutes from the Commission Meeting of August 2, 2016, the Commission Work Session of August 9, 2016 and the Commission Public Meeting of August 10, 2016.

Commissioner Lux-Burt had a few minor corrections which she gave to Julie Pooley, Clerk of Commission, to make. Ms. Pooley indicated she made the corrections.

CEO Ternes Daniels thanked Ms. Pooley, noting that the August 10th public meeting was very daunting and grueling, and she believes Ms. Pooley did a terrific job on the minutes. CEO Ternes Daniels had a minor correction to the August 10th minutes noting that Mr. Fitzpatrick's first name is Frank.

Commissioner Smith moved to approve the minutes from the Commission Meeting of August 2, 2016, the Commission Work Session of August 9, 2016 and the Commission Public Meeting of August 10, 2016 with the noted corrections; seconded by Commissioner Mulvey.

Motion carried unanimously.

APPROVAL OF CLAIMS

Commissioner Lux-Burt commented that this round of claims included payments for big projects.

CEO Ternes Daniels informed the Commission the following payments will be made with these claims:

- Annual liability payment in the amount of \$188,000
- Payment for the West Valley Sewer project in the amount of \$110,000
- Annual maintenance for Black Mountain Software in the amount of \$48,000
- New roof for Head Start in the amount of \$15,000

- Water Main project in the amount of \$334,000
- Superfund in the amount of \$50,000

She noted claims contained payments for big projects and big annual payments.

Commissioner Vermeire moved to approve claims numbered 123026 through 123413 in the amount of \$960,356.29; seconded by Commissioner Lux-Burt.

Commissioner Lux-Burt indicated there was also a claim for the new warming shack for Kennedy Common.

Motion carried unanimously.

REPORTS OF BOARDS, OFFICIALS, COMMITTEES

Commissioner Smith – nothing to report.

Commissioner Vermeire – nothing to report.

Commissioner Lux-Burt announced she, as well as a few other commissioners, attended the board training facilitated by Dan Clark. She also attended last Wednesday's Commission Public Meeting.

Commissioner Mulvey attended the DUI Task Force Meeting and the board training.

Commissioner Hart attended the board training and the Commission Public Meeting.

CEO Ternes Daniels had a very serious medical emergency in her family, which was a life and death situation; however, it turned out good.

County Attorney Krakowka attended an Adult Protective Services meeting and a multi-disciplinary team meeting that examines children involved in criminal prosecutions.

UNFINISHED BUSINESS

Approval of Ordinance No. 241A, an Ordinance Amending Chapter 24 of the Code of Ordinances of Anaconda-Deer Lodge County

Commissioner Hart reminded the Commission this ordinance went through the public comment process and is now before the Commission for action.

CEO Ternes Daniels informed the Commission the amendments are to the DPS and involved changes to home-based businesses, accessory uses and fencing standards. Bob Horne, interim DPS Coordinator, went over the changes in detail at previous meetings.

No further public comment was received.

Commissioner Vermeire moved to approve Ordinance No. 241A; seconded by Commissioner Smith.

Commissioner Hart believes the County was open and receptive to public comment during this process and worked well with the citizens.

Bob Horne thanked the Commission.

Motion passed unanimously.

Approval of the Request by the West Valley Volunteer Fire Department to Apply for an INTERCAP Loan to Purchase a Water Tender

Commissioner Lux-Burt believes this is a good use of the mill levy and realizes the department has needed this equipment for a long time. She also noted the Commission just received information from the department that it did not get the FEMA grant so the INTERCAP loan is a good "plan B."

Commissioner Vermeire commented that \$2.1 billion was requested from FEMA, and FEMA encouraged the department to reapply in the upcoming grant cycle.

CEO Ternes Daniels believes the department is putting the money to good use to upgrade its equipment. She knows they received a great ISO rating; however, improving equipment, training and response time will continue to improve the rating.

BJ Bjornemo informed the Commission the department budgeted \$25,000 last year for match for the FEMA grant. The department wants to spend about \$100,000 to purchase a reliable used water tender.

Julie Pooley, Clerk of Commission, encouraged Mr. Bjornemo to get feedback FEMA offers regarding its grant application in order to increase its chances of submitting a successful application in the future.

Commissioner Lux-Burt moved to approve the request by the West Valley Volunteer Fire Department to apply for an INTERCAP Loan to purchase a water tender; seconded by Commissioner Vermeire.

Motion carried unanimously.

Approval of the Updated Anaconda-Deer Lodge County Head Start Employee Handbook

Commissioner Lux-Burt met with Gail Mickey on Monday and went over page-by-page the suggestions and items she thought needed to be corrected. Most of these things are minor and have to do with consistency, and are most likely the result of people with different styles working on the handbook throughout the years. Ms. Mickey has made a lot of the corrections and will email Commissioner Lux-Burt an updated copy once the corrections are finished. Commissioner Lux-Burt would like to table the

approval until the next Commission meeting. Gail Mickey indicated the Policy Council will not approve it until the Commission approves it.

Commissioner Vermeire asked if the County Attorney should review it. County Attorney Krakowka indicated he reviewed when there was an issue at Head Start.

CEO Ternes Daniels informed the Commission that Gail Mickey gave her a copy prior to the medical emergency, but she has not had a chance to thoroughly review it. The County's personnel manual is also being updated, which has to meet MMIA requirements. Don Klepper is reviewing it, and CEO Ternes Daniels asked Mr. Klepper to review the Head Start Employee Handbook as well. CEO Ternes Daniels recommended tabling approval.

Commissioner Lux-Burt moved to table the approval of the updated Anaconda-Deer Lodge County Head Start Employee Handbook until the next Commission Meeting; seconded by Commissioner Mulvey.

Motion carried unanimously.

Approval of the Updated Narrative for the Anaconda-Deer Lodge County Head Start Enrollment Improvement Plan

Commissioner Hart noted this was discussed with Gail Mickey at last week's meeting.

Commissioner Lux-Burt believes it is sad but the reality of our community.

CEO Ternes Daniels indicated she read the minutes from last week and is saddened by it. Last year Head Start did a plan which decreased enrollment by ten. She wishes there were more children in the community to serve.

Commissioner Mulvey moved to approve the Updated Narrative for the Anaconda-Deer Lodge County Head Start Enrollment Improvement Plan; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Approval of the Agreement between Anaconda-Deer Lodge County Head Start and Jeananne Murphy, LCPC for Mental Health Consultation and Training Services for School Year 2016-2017

Commissioner Lux-Burt barely knows Ms. Murphy but has always heard fantastic things about the wonderful job she does with the Head Start children.

Commissioner Vermeire knows Ms. Murphy pretty well. Her office was across the hall from his for many years; she was always busy and does a good job.

CEO Ternes Daniels knows her very well and has great respect for her. She pointed out that her rate and not-to-exceed amount has increased, but is still a far cry from Dr. Casey's rate.

Rose Nyman agrees that Ms. Murphy does an excellent job; however she believes the Commission and CEO are comparing apples to oranges because Dr. Casey is a PhD, and Ms. Murphy is a licensed counselor.

Commissioner Smith moved to approve the Agreement between Anaconda-Deer Lodge County Head Start and Jeananne Murphy, LCPC for Mental Health Consultation and Training Services for School Year 2016-2017; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Approval of the Fourth Extension Agreement (Weed MOU) between Anaconda-Deer Lodge County and Atlantic Richfield Company

CEO Ternes Daniels read the minutes from last week's meeting and believes it was well explained. This is an extension to the Weed MOU which will assist the County in meeting its obligations on the conveyed properties until the IC Agreement is done.

Commissioner Mulvey moved to approve the Fourth Extension Agreement (Weed MOU) between Anaconda-Deer Lodge County and Atlantic Richfield Company; seconded by Commissioner Vermeire.

Motion carried unanimously.

Award of the Request for Qualifications for the Administration of the Anaconda-Deer Lodge County Urban Renewal Agency (URA) Board and Tax Increment Finance (TIF) District

CEO Ternes Daniels stated that Anaconda Local Development Corporation (ALDC) has extensive experience and noted that Jim Davison served on the former Downtown TIF board and currently serves on the TIFID No. 2 Board. She informed the Commission that ALDC's fees will not exceed ten percent of the URA's budget.

Commissioner Vermeire moved to award the Request for Qualifications for the Administration of the Anaconda-Deer Lodge County Urban Renewal Agency (URA) Board and Tax Increment Finance (TIF) District to Anaconda Local Development Corporation; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Approval of the Project Specific Agreement between Anaconda-Deer Lodge County and the State of Montana Department of Transportation to Develop and Construct a SAFETEA-LU Section 1934 Transportation Improvement Project #242, UPN 9219, West Valley Park

Commissioner Lux-Burt is really happy to see this grant moving forward. She drove by the project site on the way to the meeting, and the mountain of backfill and rocks are gone, and it is starting to look like a ballpark again. She is looking forward to what can get done.

Commissioner Hart commented that this agreement is for the remaining \$300,000 left over from the Beaverdam Park project.

CEO Ternes Daniels informed the Commission these funds are from the special appropriations secured by Senator Baucus. The funds are treated like CTEP in that the match is the same. Once this agreement is approved, the County will enter into an agreement with WWC Engineering in order to move forward with the project. CEO Ternes Daniels explained that the County did receive some funds upfront for trail design; however, DOT needs to move forward with this portion of the project. She thanked Senator Baucus noting that these dollars made a difference in Opportunity and the West Valley.

Commissioner Lux-Burt moved to approve the Project Specific Agreement between Anaconda-Deer Lodge County and the State of Montana Department of Transportation to Develop and Construct a SAFETEA-LU Section 1934 Transportation Improvement Project #242, UPN 9219, West Valley Park; seconded by Commissioner Vermeire.

Motion carried unanimously.

Appointment/Reappointment of Two Members to the Cemetery Board for Three-Year Terms (Mark Callison and Larry Sladich have requested reappointment)

CEO Ternes Daniels informed the Commission both Mr. Callison and Mr. Sladich have both requested reappointment.

Commissioner Mulvey moved to reappoint Mark Callison and Larry Sladich to the Cemetery Board for three-year terms; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Acceptance of the Resignation of Rick Hamilton from the Planning Board and Authorization to Advertise the Vacancy to Fill the Remainder of the Term through January 20, 2017

Although Mr. Hamilton was not on the Planning Board for a long period of time, CEO Ternes Daniels stated he will be missed, and it is nice that he is prioritizing what is important in life.

Commissioner Vermeire moved to accept the resignation of Rick Hamilton from the Planning Board and authorize the advertising of the vacancy to fill the remainder of the term through January 20, 2017; seconded by Commissioner Mulvey.

Commissioner Lux-Burt requested a thank you letter be sent to Mr. Hamilton.

Motion carried unanimously.

Approval of the Special Event Permit for the State Co-Ed Softball Tournament to be held August 20th and 21st at Charlotte Yeoman Complex

CEO Ternes Daniels stated the permit and insurance are in order.

Commissioner Mulvey moved to approve the Special Event Permit for the State Co-Ed Softball Tournament to be held August 20th and 21st at Charlotte Yeoman Complex; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Approval of the Special Event Permit for the Dead Ringer Horse Shoe League Picnic to be held August 27th at Washoe Park

CEO Ternes Daniels stated the permit and insurance are in order.

Commissioner Smith moved to approve the Special Event Permit for the Dead Ringer Horse Shoe League Picnic to be held August 27th at Washoe Park; seconded by Commissioner Mulvey.

Motion carried unanimously.

Approval of the Special Event Permit for the Job Corps Picnic to be held August 31st at Washoe Park

CEO Ternes Daniels informed the Commission this is a long-standing event. She has great appreciation for the work that Job Corps and the Job Corps students do. She encouraged everyone to go out and say hello to the students.

Commissioner Hart noted it seems like Job Corps always has a project going on in the County; this past year they did work at the cemeteries which was worthwhile and beneficial.

Commissioner Mulvey moved to approve the Special Event Permit for the Job Corps Picnic to be held August 31st at Washoe Park; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Approval of the Special Event Permit for the Kiwanis Bike Give Away to be held September 10th at Kennedy Common

CEO Ternes Daniels is happy to see Kiwanis and Al Messer continue with its bike give aways. She hopes every kid in the three-county area has a bike or soon will.

The County Attorney believes this is always a fun event.

Commissioner Lux-Burt moved to approve the Special Event Permit for the Kiwanis Bike Give Away to be held September 10th at Kennedy Common; seconded by Commissioner Vermeire.

Motion carried unanimously.

NEW BUSINESS

Approval of Task Order No. 1 for Morrison Maierle to Complete the Final Engineering for a New Wildlife Fence at Anaconda-Deer Lodge County Bowman Field Airport

Tyler Reed with Morrison Maierle provided an overview of both Task Orders. Mr. Reed informed the Commission that the FAA has extra funds for the project. Task Order No. 1 is for final design services to include preparation of plans and specifications for the new wildlife fence. It will include design for new drainage and irrigation crossings, and services such as meetings with the County, the FAA and surrounding landowners, as well as the invitation to bid. The amount is \$65,000 and the FAA will cover 90 percent of this cost.

Commissioner Vermeire moved to approve Task Order No. 1 for Morrison Maierle to Complete the Final Engineering for a New Wildlife Fence at Anaconda-Deer Lodge County Bowman Field Airport; seconded by Commissioner Mulvey.

Motion carried unanimously.

Approval of Task Order No. 2 for Morrison Maierle to Complete Construction Management Services and Grant Closeout for the Construction of a New Wildlife Fence at Anaconda-Deer Lodge County Bowman Field Airport

Task Order No. 2 is for construction management and grant closeout services. Services include providing assistance in the bidding process, on-site construction observation, survey and staking needs, and grant management for the project. Grant closeout includes closing out the project with the FAA, lien releases, affidavits and record drawings. In addition, an archeologist will be hired as a sub-consultant to monitor the Yellow Gopher cultural site.

Mr. Reed informed the Commission it is necessary to do an Independent Fee Review (IFR) since the total of both task orders exceeds a certain dollar amount. In 2013, an environmental assessment was done by Stelling and some challenges were identified with the Yellow Gopher site. A Record of Negotiation is attached to Task Order No. 1, which details what happened and explains why the fee increased. Mr. Reed explained that the fee is still in a range that is acceptable to the FAA.

Although it feels like this project has been going on forever, Commissioner Vermeire cannot believe it is finally to this point, and he is glad it is finally here.

CEO Ternes Daniels thanked Mr. Reed for going over the information. She explained that Task Order No. 1 is for \$65,000 and Task Order No. 2 is for \$107,000, which includes the fee review. She thanked Morrison Maierle for the great work they do and noted the project cost is approximately \$1 million. Of that, the County's match is \$109,000, and hopefully, a Montana Aeronautics grant will help bring that down.

Commissioner Vermeire moved to approve Task Order No. 2 for Morrison Maierle to Complete Construction Management Services and Grant Closeout for the Construction of a New Wildlife Fence at Anaconda-Deer Lodge County Bowman Field Airport; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

MISCELLANEOUS

Ogden Street Speed Bumps

Commissioner Vermeire reported that he received a call from a resident who lives on Ogden Street requesting to have the speed bumps “beefed up” a little bit. Commissioner Vermeire noted at one time a discussion took place about installing removable speed bumps like the ones at Benny Goodman. They can be removed during winter if any snow plowing needs to take place. The resident would like to see these done this year. Commissioner Vermeire spoke with Wayne Wendt, Road Foreman, about this issue.

5th Street Abandonment

Commissioner Vermeire reported that this process is moving a bit slower than expected. He will be meeting with Tom Moodry on Friday to look over the project. He would like to move his report to the Commission back another two weeks to have more time for his investigation. He suggested doing the presentation on September 6th. Julie Pooley, Clerk of Commission, informed Chairman Hart that the public hearing for this project is scheduled for August 23rd and asked if the public hearing should be rescheduled for September 6th. Commissioners Hart and Vermeire indicated the hearing should be moved to September 6th. Ms. Pooley indicated the public hearing scheduled for August 23rd has been notice once in the Leader. She will change the notice and re-advertise in the Leader.

Special Event Permit for Golden Gloves

CEO Ternes Daniels informed the Commission that this event has been cancelled due to the predicted weather conditions. The organizers are concerned about the safety of the participants should the weather turn bad. The event has been moved to an indoor facility in Butte.

Anaconda Ambulance

CEO Ternes Daniels thanked the ambulance crew who took her husband to Missoula.

PUBLIC COMMENT

Rose Nyman thanked everyone for the Board Training held on Monday night. She stated that the turnout was impressive, and Dan Clark makes the minutes fly. She believes it was a learning experience and hopes the trainings will continue. She indicated over the last five years there have been discussions regarding customer service training for courthouse employees, and she hopes this will be considered. With regard to the budget hearing taking place on August 23rd, Mrs. Nyman

indicated the notice stated that the preliminary budget is available at the Clerk and Recorder's Office, but wondered if it is going to be available at the library. CEO Ternes Daniels informed her that the notice followed the requirements of the law, and the preliminary budget is available at the Clerk and Recorder's Office.

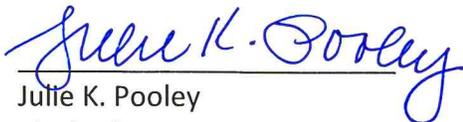
CEO Ternes Daniels informed the Commission there are reports of moles at Benny Goodman Park, and explained that Julie Pooley, Clerk of Commission, could provide an update. Julie Pooley informed the Commission she received a complaint from a resident who lives across the street from the park regarding rodents. She spoke with John Leo Sladich, Parks Director, who informed her that he received the same complaint, and the rodents in question are moles. Mr. Sladich contacted Orkan who will be out tomorrow to assess the situation and provide an estimate to take care of the issue.

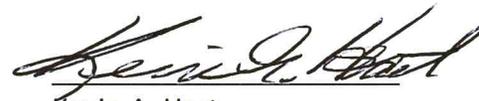
ADLC PUBLIC MEETING DATES

Commission Chair Hart read the ADLC Public Meeting Dates. Commissioners Lux-Burt and Vermeire informed him that the Board of Health Meeting has been rescheduled for Monday, August 22nd.

ADJOURNMENT

Commissioner Lux-Burt motioned to adjourn the meeting. The meeting adjourned at 7:07 p.m.


Julie K. Pooley
Clerk of Commission


Kevin A. Hart
Commission Chair