

**Anaconda-Deer Lodge County
Commission Meeting Minutes
6:00 p.m. Tuesday, September 6, 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

Members of the Press: Kathie Miller, Anaconda Leader

Commission Chair Hart called the meeting to order at 6:03 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 16, 2016 and the Commission Work Session of August 23, 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.

Commissioner Smith moved to approve the minutes from the Commission Meeting of August 16, 2016 and the Commission Work Session of August 23, 2016 with the noted minor corrections; seconded by Commissioner Mulvey.

Motion carried unanimously.

Approval of Minutes from the Commission Executive Sessions of June 22, 2016 and June 29, 2016

During the training provided by Dan Clark with the Local Government Center, it was discussed that a new law went into effect which dictates that minutes of executive sessions must be kept. Although the Commission was aware of the new law, it was not aware the minutes needed to be approved. Therefore, the minutes are before the Commission tonight for approval. Commission Chair Hart explained to the public that the minutes are confidential, and once approved, they will be sealed and kept in a locked area in the County Attorney's Office.

Commissioner Lux-Burt noted that each Commissioner read the minutes separately throughout the day today.

County Attorney Krakowka indicated that the Attorney General recommends the minutes from executive sessions be kept by county attorneys. He informed the Commission he has a secure location with a locked door and locked cabinet.

Respecting the confidentiality of the minutes, Rose Nyman asked how long each meeting lasted. Julie Pooley, Clerk of Commission, informed her that each meeting lasted approximately three hours. Mrs. Nyman asked if any votes were taken at the meetings, and Commission Chair Hart indicated that no votes were taken at either meeting.

Commissioner Smith moved to approve the minutes from the Commission Executive Sessions of June 22, 2016 and June 29, 2016; seconded by Commissioner Vermeire.

Motion carried unanimously.

APPROVAL OF CLAIMS

CEO Ternes Daniels informed the Commission claims included large item expenditures including the following:

- \$75,000 to Dunne Communications for a new 911 Dispatch console
- \$40,000 to H&H Contracting for the Copper Sands project
- \$81,000 to H&H Contracting for the RDU3 Storm Water project
- \$160,000 to RainMaker for the New Hill Cemetery Irrigation project

Commissioner Vermeire moved to approve claims numbered 123144 through 123282 in the amount of \$635,585.49; seconded by Commissioner Mulvey.

Motion carried unanimously.

REPORTS OF BOARDS, OFFICIALS, COMMITTEES

Commissioner Smith attended the Greenway Service District Authority Board meeting and the Old Works Golf Course Authority Board meeting.

Commissioner Vermeire attended the Airport Authority Board meeting, the Public Health Board meeting, an IC Agreement meeting, and several meetings regarding the 5th Street abandonment petition.

Commissioner Lux-Burt attended the Head Start Policy Council meeting, the Georgetown Lake Homeowners meeting, the Job Corps picnic, and the uniform display ceremony for Floyd Johnston who is a WWII veteran.

Commissioner Mulvey attended the Job Corps picnic and a Western Montana Mental Health Board meeting.

CEO Ternes Daniels informed the Commission she attended much of what was discussed. With regard to the Georgetown Lake Homeowners meeting, she stated that it is always nice to get out and see what is going on in other parts of the county, as it encompasses more than Anaconda. The CEO was in attendance at the uniform display ceremony and commented that although Mr. Johnston is 94 years old, he seems very vibrant. She remarked that while many of us read history books about WWII and think of things like the Battle of the Bulge, Mr. Johnston lived it. She feels that the uniform displays are great and remind us of those who wore the uniform and sacrificed for our country. The CEO thanked Barry Duchaine, Mike Burt and Lee Burt for the research and work they do to ensure that the veterans get all of the medals they deserve.

County Attorney Krakowka informed the Commission that Deputy County Attorney, Ellen Donahue, had a jury trial last week and tried Robert Fleming who sold alcohol to a minor. The minor became extremely ill as a result. The jury found Mr. Fleming guilty. The County Attorney is pleased with the outcome of the trial and believes it sends a message that this type of behavior will not be tolerated.

PUBLIC HEARING

A Petition to Abandon the Portion of 5th Street that Lies between the Right-of-Way (R/W) of Main Street and the Alley that Runs between Main Street and Oak Street, Anaconda Original Townsite

Commissioner Vermeire met with Tom Moodry of Moodry Southwest Technical Surveying to review the survey monuments from previous surveys. Mr. Moodry agreed to survey the parcel and provide a preliminary Certificate of Survey. According to Commissioner Vermeire's research, the Anaconda School District petitioned for the 5th Street closure in late 1985. It went before the Commission on December 4, 1985 and a public hearing was held on December 18, 1985. After the public hearing, it was moved to temporarily close this portion of 5th Street from Main Street to the alley to determine the impact on traffic flows. The matter came back before the Commission on March 5, 1986, and some issues were identified with the temporary closure and recommendations made to rectify the issues. A motion was made to table the matter and place it on the March 12, 1985 Work Session. The Commission voted unanimously to approve the closure of 5th Street at its March 19, 1985 meeting. Commissioner Vermeire explained that 5th Street has been closed for over 30 years, and he feels that any issues were resolved long ago. He believes the wishes of the petition are merited, and he recommends the County abandon this portion of 5th Street between Main Street and the alley that runs between Main Street and Oak Street.

Commission Chair Hart informed the public the portion of 5th Street to be abandoned is the park next to the high school. The school district intends to build a vo-tech center on the site and has formally asked the County to abandon this portion of 5th Street.

Commission Chair Hart opened the public hearing at 6:21 p.m.

Carl Nyman – 19 Apple Rose Drive E: Mr. Nyman believes the high school creates a great deal of parking problems, and between the owner of the Community Service Center building and the school district, he has tried to fix the problem. With the abandonment, he believes it presents an opportunity to do something about the parking. He suggested coming up with a parking plan that includes

designated spaces, as parking spaces are currently being utilized by students, Community Service Center employees, residents of the apartments, and nursing home employees. Mr. Nyman informed the Commission he has been called four-letter words by some of the high school students when he has addressed them regarding parking. Mr. Nyman understands how difficult this issue is but believes it is something everyone should be contemplating together.

Kathie Miller, Anaconda Leader: Ms. Miller asked if Commissioner Vermeire's report was from 2013 or 2016. Commission Chair Hart informed her that Commissioner Vermeire's report is from 2016.

Commission Chair Hart called for public comment three additional times. With no further public comment, the public hearing closed at 6:24 p.m.

UNFINISHED BUSINESS

Approval of the Petition to Abandon the Portion of 5th Street that Lies between the Right-of-Way (R/W) of Main Street and the Alley that Runs between Main Street and Oak Street, Anaconda Original Townsite

CEO Ternes Daniels supports the abandonment, noting that 5th Street has been closed for almost 31 years. She indicated that the school district will be responsible for the cost of moving some infrastructure.

Sarah Jones with Copper Environment asked how the property will be disposed of and if that should be addressed at this point.

Commission Chair Hart informed her it will be addressed at a later date, and the Commission is only dealing with the abandonment at this time.

Commissioner Vermeire is of the understanding that the property would be ceded to the district without the necessity of following the procedures set forth in the Chapter 18, Article V of the Code of Ordinances. The school district has been taking care of the property and owns both sides of the property.

CEO Ternes Daniels is under the impression that when the County abandons a road or street it cedes to the property owner on both sides. She does not believe this would trigger land disposition.

County Attorney Krakowka indicated not every case is the same, but he does not have an answer off the top of his head. It seems appropriate in this case since the school district owns both sides of the property; however, he will have to do some research to ensure it is done properly.

Dr. Gerry Nolan, Superintendent of the Anaconda School District, informed the Commission that the school district has every intention of incurring the costs of the survey.

Commissioner Lux-Burt moved to approve the Petition to Abandon the Portion of 5th Street that Lies between the Right-of-Way (R/W) of Main Street and the Alley that Runs between Main Street and Oak Street, Anaconda Original Townsite; seconded by Commissioner Vermeire.

Motion carried unanimously.

Approval of Resolution No. 16-34, a Resolution Amending the Budget for Anaconda-Deer Lodge County for Fiscal Year 2015-2016

CEO Ternes Daniels explained this resolution closes out the budget for Fiscal Year 2015-2016.

Commissioner Vermeire moved to approve Resolution No. 16-34; seconded by Commissioner Mulvey.

Motion carried unanimously.

Approval of Resolution No. 16-35, a Resolution Establishing the Mill Levy for Anaconda-Deer Lodge County for Fiscal Year 2016-2017

CEO Ternes Daniels informed the Commission that this resolution has been updated to include the mill levies from the school district.

Commissioner Smith moved to approve Resolution No. 16-35; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Approval of Resolution No. 16-36, a Resolution Establishing Salaries for Anaconda-Deer Lodge County Employees for Fiscal Year 2016-2017

No additional comments were made with regard to this item.

Commissioner Mulvey moved to approve Resolution No. 16-36; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Approval of Resolution No. 16-37, a Resolution Adopting a Budget for Anaconda-Deer Lodge County for Fiscal Year 2016-2017

CEO Ternes Daniels called on Joey Blodnick, Clerk and Recorder, to review the final budget as there were some changes made when the school district mill levies were received.

Joey Blodnick informed the Commission she received the school mill levies. The school mill levies had an impact on the proposed budget as follows:

- Airport FAA Grant County match is now \$15,301 (was \$49,872)
- Cemetery District allocated mills will be 7.30 (was 7.95)

- Jail Debt Service allocated mills will be 7.77 (was 8.00)
- Opportunity Volunteer Fire District allocated mills will be 10.00 (was 10.50)
- Downtown TIF will receive \$71,111 (was \$55,734)
- Mill Creek TIFID Authority Board will receive \$802,550 (was \$762,485)
- Mill Creek TIFID excess remittance will be \$4,959,977 (was \$3,430,571)
- General Fund (“TIFID backfill”) will be \$1,904,160 (was \$1,766,189)
- County-wide Reserve Fund transfer will be \$500,000 (was \$400,000)
- YTD loss (expenditures more than revenue) will now be -\$1,447,964 (was -\$1,580,381)

CEO Ternes Daniels reiterated that the County is financially in good shape. The County tried to not mill the max, hold taxes down and repair and rebuild infrastructure. She believes the County did a tremendous job and made a big dent.

Commissioner Lux-Burt moved to approve Resolution No. 16-37; seconded by Commissioner Mulvey.

Commissioner Lux-Burt thanked Joey Blodnick, the Commissioners who have taken part in the budget process, and especially CEO Ternes Daniels. Commissioner Lux-Burt believes the County is in good shape and things are getting done and fixed.

Motion carried unanimously.

Approval of Task Order No. 17-07-5-21-006-0, Special Nutrition Program for Women, Infants and Children (WIC) and Breast Feeding Peer Counseling (BFPC)

CEO Ternes Daniels noted that this Task Order was thoroughly discussed at the August 23rd Work Session; however, she noted that Katherine Basirico is in the audience if the Commission has any questions.

Commissioner Mulvey moved to approve Task Order No. 17-07-5-21-006-0, Special Nutrition Program for Women, Infants and Children (WIC) and Breast Feeding Peer Counseling (BFPC); seconded by Commissioner Vermeire.

Motion carried unanimously.

Task Order Nineteen to Professional Services Agreement No. 04-HKM-0420 between Anaconda-Deer Lodge County and DOWL for Advanced Wastewater Treatment and New Disposal Site Evaluation

CEO Ternes Daniels informed the Commission this was thoroughly discussed at the August 23rd Work Session, and the work was done at her request. She recommended the Commission approve this item.

Commissioner Smith moved to approved Task Order Nineteen to Professional Services Agreement No. 04-HKM-0420 between Anaconda-Deer Lodge County and DOWL for Advanced Wastewater Treatment and New Disposal Site Evaluation; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

2016-2017 Cooperative Agreement between Anaconda-Deer Lodge County Head Start and Anaconda School District #10

No additional comments were made with regard to this comment.

Commissioner Lux-Burt moved to approve the 2016-2017 Cooperative Agreement between Anaconda-Deer Lodge County Head Start and Anaconda School District #10; seconded by Commissioner Mulvey.

Motion carried unanimously.

Approval of the Contract between the Housing Authority of the City of Anaconda and Anaconda-Deer Lodge County for the Provision of Specific Law Enforcement Services Associated with the Authority's Security Programs

CEO Ternes Daniels informed the Commission the amount of the agreement is prorated to \$41,667 since the officer will not be working full-time for the Housing Authority.

County Attorney Krakowka informed the Commission he reviewed the agreement. He indicated there was some concern regarding what was in the minutes versus the language in the agreement. However, he has not heard back from law enforcement so he believes the Commission can proceed with approving the agreement.

CEO Ternes Daniels acknowledged that both Chief Barkell's and Assistant Chief Sather's concerns were addressed.

Kaitlin Leary, Executive Director of the Housing Authority, informed the Commission that the Housing Authority is excited to move forward. She would be happy to address any concerns and do any work that needs to be done.

CEO Ternes Daniels explained that since the job is a union position, it has to be posted.

Commissioner Mulvey moved to approve the Contract between the Housing Authority of the City of Anaconda and Anaconda-Deer Lodge County for the Provision of Specific Law Enforcement Services Associated with the Authority's Security Programs; seconded by Commissioner Vermeire.

Motion carried unanimously.

Promotion of Loy Bink from Probationary Firefighter to Firefighter

Commission Chair Hart noted that Loy Bink has met all of the qualifications in order to be promoted.

Commissioner Lux-Burt congratulated Mr. Bink.

CEO Ternes Daniels welcomed Mr. Bink to full-time status. She appreciates the work the fire department and ambulance staff does and noted that you never know when it may be a family member that needs the service.

Commissioner Vermeire moved to promote Loy Bink from Probationary Firefighter to Firefighter; seconded by Commissioner Smith.

Commissioner Mulvey echoed CEO Ternes Daniels' and Commissioner Lux-Burt's comments and noted that she has relied on the ambulance for her mom and they are always great.

Chief Tocher offered congratulations to Mr. Bink and affixed his badge to his uniform.

Mr. Bink looks forward to serving the citizens of ADLC and stated that it is a privilege to work for the department. He is proud of its professionalism and has learned through hard work and dedication over the past year.

CEO Ternes Daniels went on to thank Victor Zenhalik and Danny Edwards who took her husband by ambulance to Missoula when he suffered his medical emergency. She stated she was very grateful to them.

Motion carried unanimously.

Appointment/Reappointment of a Member to the Parks and Recreation Board for a Four-Year Term (Robin McKernan has requested reappointment)

CEO Ternes Daniels informed the Commission that Robin McKernan has requested reappointment and that she has been serving on the board for several years and wants to continue to serve.

Commissioner Lux-Burt moved to reappoint Robin McKernan to the Parks and Recreation Board for a four-year term; seconded by Commissioner Vermeire.

Motion carried unanimously.

Appointment of a Member to the Greenway Service District Authority Board to Fill the Remainder of Lorry Thomas' Term through October 1, 2016 (Kay Eccleston has requested appointment)

Kay Eccleston has served as the swing member on the Greenway Service District Authority Board and has had longstanding involvement with it. This is a short appointment, but CEO Ternes Daniels expects Ms. Eccleston will request reappointment.

Commissioner Smith moved to appoint Kay Eccleston to the Greenway Service District Authority Board to fill the remainder of Lorry Thomas' term through October 1, 2016; seconded by Commissioner Mulvey.

Motion carried unanimously.

Appointment of a Member to the Anaconda Housing Authority Board for a Five-Year Term (Julie Pooley has requested appointment)

Commissioners Lux-Burt and Mulvey stated they believe Ms. Pooley will do a great job on this board.

CEO Ternes Daniels informed the Commission that Ms. Pooley wrote a great letter expressing her interest in the board. Combined with her background, the CEO believes she will be a good member of the board.

Commissioner Mulvey moved to appoint Julie Pooley to the Anaconda Housing Authority Board for a five-year term; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Approval of the Special Event Permit for Anaconda Catholic Community's Our Lady of Fatima Rosary Rally to be held October 15, 2016 at 12:00 p.m. in Durston Park

Commissioner Lux-Burt moved to approve the Special Event Permit for Anaconda Catholic Community's Our Lady of Fatima Rosary Rally to be held October 15, 2016 at 12:00 p.m. in Durston Park; seconded by Commissioner Mulvey.

Motion carried unanimously.

NEW BUSINESS

Award of Bid for Airport Improvements at Anaconda-Deer Lodge County Bowman Field (four bids submitted by Mild Fence, Grizzly Fence, Custom Fence, and Deer Lodge Asphalt. Mild Fence had the lowest bid of \$514,290.18)

CEO Ternes Daniels informed the Commission Mild Fence's bid came in much lower than anticipated; it was expected to be approximately \$1 million. Shaun Shea assured the CEO that Mild Fence submitted a good bid and is a reputable company.

Tyler Reed with Morrison Maierle informed the Commission the engineer's estimate for the project was \$870,000 and Mild Fence's bid came in about 30% less. Mild Fence is out of Kalispell, and Morrison Maierle has worked with them before. Mr. Reed explained that the main area of discrepancy was in various unit prices created through an uncertainty in the site conditions due to the wetlands and cultural issues and the timing of the project. In addition, Mild Fence was also significantly lower in Mobilization costs. The contractors were also given the choice to start the project in the fall or to purchase the materials in the fall and start the project in the spring.

Commissioner Lux-Burt thinks it is great that Mild Fence's bid came in low.

Nick Nardacci with the Airport Authority Board expressed his concern to the Commission that the board had no knowledge of the bid specifications until six days before the bids were opened. He

stated that the board should have been kept in the loop and had time to review the specifications long before the bid opening.

Jim Novak, Airport Manager, stated that Morrison Maierle was entirely at fault for this. The bid process and opening went extremely fast in order to get the project started this year and within the FAA's timeframe. He stated it was a matter of days before the project went out for bid and, therefore, there was not time to hold a board meeting. He stated it has not been a normal process because the County has been working with the tribes, and an assessment had to be done – both of which prolonged the process. This is why the board did not get the documentation.

CEO Ternes Daniels expressed her apologies to Mr. Nardacci. However, she believes there has been a lot of discussion regarding the wildlife fence and that the board is familiar with the idea. She stated that if the County did not act and move forward it may have lost the opportunity and had difficulty moving the project forward. She hopes the board is pleased with the cost as it is unbelievable and she is amazed. She believes that Morrison Maierle has done a great job to capitalize on all of the airport projects. She further explained that typically an item like this would go to a Work Session and then to a Commission Meeting for approval, but because of availability of funding it needed to move forward quickly. The CEO apologized that the board felt somewhat left out, but she does not believe they were left out of the project.

Nick Nardacci reiterated that the board only had six days to review the information and felt the board needed to be in the loop as it functions as an advisory board. He agreed the timeframe was short, and the board did not want to hold up the process. However, he wanted to make note of the situation and bring it to the Commission's attention.

Carl Nyman – 19 Apple Rose Drive E: Mr. Nyman mentioned that the golf course has a seven-foot chain link fence around it that is ideal for keeping wildlife out, but it has barbed wire so it is difficult for the wildlife to get out. He hopes the wildlife fence at the airport will be wildlife friendly and suggested installing a ramp that enables the wildlife to jump over the fence.

Jim Novak informed Mr. Nyman that Morrison Maierle has addressed this.

Commissioner Vermeire moved to award the bid for Airport Improvements at Anaconda-Deer Lodge County Bowman Field to Mild Fence in the amount of \$514,290.18; seconded by Commissioner Mulvey.

Motion carried unanimously.

Approval of the Record of Negotiations for Task Order No. 2 between Anaconda-Deer Lodge County and Morrison Maierle for Architectural and Engineering Services for the Wildlife Fence at Bowman Field

CEO Ternes Daniels informed the Commission this is a FAA requirement in order to ensure that Morrison Maierle is charging the County the right amount for its services.

Tyler Reed informed the Commission that KLJ performed the Independent Fee Review for Morrison Maierle and their estimate was 6% higher than Morrison Maierle's. Morrison Maierle's estimate was considered reasonable by the County.

Commissioner Lux-Burt moved to approve the Record of Negotiations for Task Order No. 2 between Anaconda-Deer Lodge County and Morrison Maierle for Architectural and Engineering Services for the Wildlife Fence at Bowman Field; seconded by Commissioner Vermeire.

Motion carried unanimously.

Approval of Supplemental Services to the 2016 NRD Funding Administration Contract between Anaconda-Deer Lodge County and Beard Environmental and Technical Services (BETA), LLC

BETA's agreement to assist with NRD funding administration is \$7,495.50. This would increase the contract by \$3,998.88 for a total of \$11,494.38. CEO Ternes Daniels informed the Commission a meeting took place with NRD, and some projects will require an amendment to the restoration plan. She stated that Mr. Beard is worth his weight in gold and he, along with the entire crew, does a tremendous job.

Commissioner Mulvey moved to approve the Supplemental Services to the 2016 NRD Funding Administration Contract between Anaconda-Deer Lodge County and Beard Environmental and Technical Services (BETA), LLC; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Approval of the Professional Services Contract between Anaconda-Deer Lodge County and Anaconda Local Development Corporation to Administer the Anaconda Urban Renewal Agency Board and Downtown Tax Increment Finance District

Commissioner Lux-Burt is glad to see the Downtown TIF will have some more money.

CEO Ternes Daniels informed the Commission that County Attorney Krakowka reviewed the contract and did not have any changes. In addition, she noted that all of the Downtown TIF contracts have come before the Commission and there is still one more to be presented.

County Attorney Krakowka informed the Commission the other contract is between the Downtown TIF and the potential businesses that will be receiving funds from the TIF. He explained the contract is too vague for him to evaluate and make recommendations on.

Commissioner Smith moved to approve the Professional Services Contract between Anaconda-Deer Lodge County and Anaconda Local Development Corporation to Administer the Anaconda Urban Renewal Agency Board and Downtown Tax Increment Finance District; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Approval of the Montana Tobacco Use Prevention Program Policy Grant Application for Tobacco-Free Parks and Trails

Katherine Basirico, Public Health Director, informed the Commission the applications for the grants (Policy and Summit) are not complete. The turnaround time for the grants is short and the Public Health Department is attempting to partner with local organizations. The Tobacco Prevention Specialist has been working diligently on both applications but has not been able to finalize them. She indicated that this year's Policy Grant is similar to last years – with the intent to have at least one park in Anaconda be tobacco-free. Ms. Basirico noted that Arrow Stone Park in Powell County has been designated as such, as well as a few parks in Helena. In terms of enforcement, these communities rely on the honors system. In addition, sign placement has benefited the parks in terms of pollution, clean-up costs, health of wildlife, and the general health of the community.

Commissioner Mulvey moved to approve the Montana Tobacco Use Prevention Program Policy Grant Application for Tobacco Free Parks and Trails; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Approval of the Montana Tobacco Use Prevention Program Summit Grant Application for the Second Annual Tri-County Tobacco Prevention Olympics

Katherine Basirico informed the Commission she hopes to establish the Olympics as a yearly event. She stated the first year was successful and resulted in a great turnout. The event started off with the Suicide Prevention Walk, and Public Health will continue to partner with them each year in order to raise awareness.

Commissioner Vermeire moved to approve the Montana Tobacco Use Prevention Program Summit Grant Application for the Second Annual Tri-County Tobacco Prevention Olympics; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Acceptance of the Resignation of Bill Willing from the Airport Board and Authorization to Advertise the Vacancy to Fill the Remainder of the Term through July 10, 2017

Commissioner Lux-Burt believes Colonel Willing has done a good job on the board and has been a member for some time. She suggested accepting his resignation if this is what he has decided and sending him a thank you letter for his service.

CEO Ternes Daniels informed the Commission that Colonel Willing wrote a great letter but did not really elaborate his reasons about why he was resigning and she is not really sure what they are. By her interpretation of his letter, she believes his time on the board was rewarding and that he was pleased to work with board members, County staff and the Commission. In addition, Colonel Willing thought the board training was excellent. She agrees with Commissioner Lux-Burt to move forward and accept his resignation.

County Attorney Krakowka believes Colonel Willing managed to stick through until the fence was up.

Greg Bahr, 202 Warren – Mr. Bahr is Chair of the Airport Board. He informed the Commission he was unable to attend the board meeting previously discussed. From what he has heard and from reading the rough draft of the minute, it is his understanding there was some animosity and Bill Willing was upset regarding the fact the Airport Board was not involved with the bid process for the wildlife fence. In Mr. Bahr's view, the process was totally acceptable. He hates to see Bill go and has been trying to get into contact with him to get him to reconsider. He has left two messages for him but has not heard back yet. The Airport Board is down two members and is having a hard time finding people who may be interested in serving on the board. Mr. Bahr stated he is working on someone who just started training as a private pilot. Mr. Bahr is also concerned about the board being able to function legally and properly without enough members.

Commissioner Lux-Burt moved to table the acceptance of the resignation of Bill Willing until the next Commission Meeting to give Greg Bahr a chance to speak with him; seconded by Commissioner Mulvey.

Commission Chair Hart stated he was in awe with regard to the Airport Board's concerns regarding the short notice. Since the wildlife fence has been an ongoing discussion for years, and especially over the last year at several Commission Meetings, he would be shocked if it was not discussed during Airport Board meetings. Considering all of the issues surrounding the archeological finds and Native American burial grounds, Commission Chair Hart is shocked that members of the Airport Board do not feel they were included in the process. Mr. Bahr informed him it has been discussed at every Airport Board meeting, but the biggest issue was the bid process. Mr. Bahr stated that Jim Novak gave the board updates at each Airport Board meeting. Commissioner Vermeire informed the Commission that Colonel Willing did get a little excited at the last meeting because there was no information brought to the board regarding the bids, "not zero, zip." Commissioner Vermeire stated that Jim Novak informed the board there was a spreadsheet with the bid information, but he did not present it to the board. Commissioner Vermeire stated that realistically, if the information was there and Mr. Novak had it he should have brought it to the board.

Motion carried unanimously.

MISCELLANEOUS

Head Start Playground Equipment

Commissioner Lux-Burt asked for an update regarding the Head Start playground equipment. Commission Chair Hart informed her he spoke with Wayne Wendt, Road Foreman, who is working with Parks Director, John Leo Sladich to get it moved. CEO Ternes Daniels stated Mr. Wendt is getting locates for the park in order to get the poles done and set in concrete.

PUBLIC COMMENT

Rose Nyman brought to the Commission's attention a situation at Durston Park. She prefaced it by reminding the Commission that a number of community members have worked to improve the downtown business district, and the community is fortunate that the golf course holds a public tournament which directly benefits the community. These benefits, along with small grants, have enabled the community to purchase park benches, planters, trash cans, and street banners. However, Mrs. Nyman informed the Commission that approximately \$5,000 worth of banners were lost, and she hopes they are sitting in storage somewhere. Last year when the idea of the painted pianos was being discussed, Mrs. Nyman received an email from Lydia Janosko asking for her input. Her first reaction was that it was not a good idea, but she forwarded the information on. Mrs. Nyman explained that the purpose of the gazebo at Durston Park is so that people have a place to sit and relax and get out of the sun or rain. Last we before Alive at Five, she noticed that one of the pianos was in the gazebo blocking the seating. She asked the Commission how this can be handled. Commission Chair Hart asked Mrs. Nyman if she knew who is responsible for the piano. Mrs. Nyman assumed it is the group who paints the piano, and she made it clear that she is not against the idea of the pianos. However, she stated that the gazebo is not a warehouse – it is a place to rest. Commission Chair Hart informed her it needs to be determined who is responsible for the piano and the gazebo in order to get the piano relocated. Mrs. Nyman thanked Commission Chair Hart.

Carl Nyman, Superfund Coordinator, informed the Commission that Dan Manson and Elizabeth Erickson are not comfortable scheduling the second public meeting to discuss the Institutional Controls Agreement on September 14th. Mr. Nyman stated a lot of progress was made last week but there is still more to go. Both Mr. Manson and Ms. Erickson feel they cannot be adequately prepared by September 14th and would like to propose postponing the meeting until further notice with the idea of seeing how far they get by the end of this week and think about scheduling the public meeting for September 21st. Mr. Manson wants the public to have as much information as possible prior to the meeting to give the public adequate time. Mr. Nyman knows it is frustrating because the September 14th meeting has apparently been advertised and it is unfortunate.

Kathie Miller with the Anaconda Leader asked Mr. Nyman if there is something being advertised in tomorrow's paper that needs to be changed. Julie Pooley, Clerk of Commission, indicated is being advertised. Mr. Nyman stated that Ms. Pooley informed him it was being advertised on Friday, and Ms. Pooley informed Mr. Nyman that the meeting was advertised after getting the go ahead from Commission Chair Hart, the CEO and Commission Vice-Chair Vermeire.

Mr. Nyman informed the Commission that after a constructive, three-hour meeting last Friday progress was made on the main exhibits.

Commission Chair Hart asked Mr. Nyman if he is on target for having the remainder of the exhibits to the public and the website. Mr. Nyman indicated it is his goal to have this done. He explained that the revisions to the exhibits have been put out there, but five or six exhibits still need to be completed. He does not see any of them as being time consuming. Three documents remain to be finalized – the golf course operations and maintenance plan, the County parcel operations and maintenance plan and the

implementation and assurance plan for Institutional Controls. Once these documents are complete they will need to have internal review.

Commission Chair Hart asked Mr. Nyman if the large binders of the complete agreement have been put out yet. After discussion last week and knowing what may change, Mr. Nyman indicated that Ms. Erickson has started on some portions of the binder but wants to give it another week to see how far they get. They want to ensure people have time to review everything. However, Mr. Nyman believes there is no reason why people cannot go out and view it online. He noted that the "attachments to the attachments" are not going to change – only the bodies of the plans are being tweaked in order to make the County's obligations more clear.

Commissioner Lux-Burt encouraged Mr. Nyman to get what is currently available to the library and the CEO's office and insert a blank yellow sheet to indicate what is missing, which is only a handful of documents according to Mr. Nyman. She told Mr. Nyman she tried to look at it on the computer and it was tough because it is almost 1600 pages, and personally, she would like to look at a book.

Julie Pooley publicly acknowledged the Job Corps program noting that her son, Connor, graduated from the Culinary Program today. He joined the program 13 months ago after dealing with difficult issues. She stated that the program changed his life, and he was offered a full-time job at the Ranch at Rock Creek. Ms. Pooley is very happy the Job Corps is in the community. They have a great staff, many of whom live in Anaconda. She encouraged the Commission and the County to continue to support the program any way it can. Commission Chair Hart believes Job Corps is a great program and it does great work in the Community. Most recently it completed the archways for the cemeteries. He offered is congratulations to Connor. Commissioner Lux-Burt agreed that Job Corps is a great program and stated it gives kids a second chance to turn their lives around.

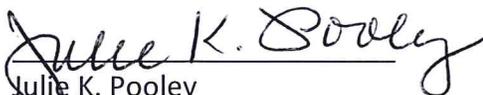
ADLC PUBLIC MEETING DATES

Julie Pooley, Clerk of Commission, informed Commission Chair Hart that the September 12th Planning Board Meeting and Parks and Recreation Meeting were cancelled.

Commission Chair Hart announced the public meeting dates.

ADJOURNMENT

Commissioner Lux-Burt motioned to adjourn the meeting. The meeting adjourned at 7:55 p.m.


Julie K. Pooley
Clerk of Commission


Kevin A. Hart
Commission Chair

