

Anaconda-Deer Lodge County
Commission Work Session Minutes
6:00 p.m. Tuesday, August 23, 2016
Courthouse Courtroom

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

Others Present: Julie K. Pooley, Clerk of Commission

Members of the Press: Kathie Miller, Anaconda Leader

Members of the Public: per sign-in sheet

Commission Chair Hart called the meeting to order at 6:01 p.m. and explained the Commission Rules of Procedure.

Presentation – Forest Service Update/Pintler Face Project Update

CEO Ternes Daniels informed the Commission that Matt Arno, Local Government Forest Advisor with DNRC, had planned on being here tonight. However, his presentation is rather lengthy and due to time constraints with the budget hearings, he will reschedule. Mr. Arno provided a questionnaire and information regarding the Pintler Face Project meeting for the Commission packets. Mr. Arno would like the Commissioners to fill out the questionnaire. A meeting will take place on September 12th in Wise River regarding the Pintler Face Project. This is a thinning project that may involve some potential road closures.

Public Hearing – Anaconda-Deer Lodge County Budget Amendments for Fiscal Year 2015-2016

CEO Ternes Daniels informed the Commission and the public that putting together the budget has been a monumental task. Thirty-one (31) budget hearings with department heads took place to go over this year's expenditures and revenues. Two Commissioners attended almost every hearing. Budget hearings have taken place since 2012 and it gives department heads a chance to explain their needs and have a frank discussion with the CEO, Commissioners and the public. CEO Ternes Daniels believes the County is in great shape.

Joey Blodnick, Clerk and Recorder, presented the following budget amendments for FY 2015-2016. She explained that the amendments are needed to meet audit requirements.

1. Mission: Lifeline Montana grant received by the fire department to purchase a defibrillator (\$23,133)
2. MT Tobacco Use Prevention Program Summit Grant for Tri-County Tobacco Prevention Olympics (\$3,200)
3. Budget authority for Senior Transportation Services – fiscal adjustment (\$6,577)
4. Additional Mill Creek TIFID revenue received (\$1,714)

5. ARCO funding received for Conveyance Property weed control (\$39,613)
6. Superfund global settlement meeting expenses reimbursed by ARCO per MOU agreement (\$293,530.24)
7. Preschool grant funding awarded to Anaconda-Deer Lodge County Head Start (\$316,257)
8. FY 14-15 Big Hole Solid Waste Fee billing not received/paid until May 2016 (\$7,220)
9. Immunizations purchased to complete required public school vaccinations. Cost recouped from parents/insurance after completion (\$37,063)

Commission Chair Hart opened the public hearing at 6:15 p.m. After three calls for public comment and no public comment, Commission Chair Hart closed the public hearing at 6:16 p.m.

Public Hearing – Establishing the Anaconda-Deer Lodge County Budget for Fiscal Year 2016-2017

CEO Ternes Daniels stated that thirty-one (31) budget meetings were held and that Commissioners Lux-Burt and Vermeire were in attendance at these meetings.

CEO Ternes Daniels and Joey Blodnick presented the budget for FY 2016-2017 and provided information as detailed below.

Salary/Insurance/Position Details

Non-Union employees will receive a 2% salary increase. Union employees will receive salary increases as follows:

- Clerical Teamsters – 2%
- Detention – no increase as they received a \$.65/hour increase in FY 15-16
- 911 Dispatchers – 2%
- Firefighters – 2%
- Machinists – 2%
- Operating Engineers – 2%
- Law Enforcement – 2%
- Road/Water Teamsters - \$.40/hour

All FTE employees (>30 hours/week) will see an increase in the insurance benefit from \$600 per month to \$620 per month. CEO Ternes Daniels explained that the Affordable Care Act requires employers who have more than 100 employees to provide health insurance for employees who work more than 30 hours a week. This is a big item for the County's budget at approximately \$960,000. The County offers insurance through MMIA. It is in its second year of a five year agreement with MMIA.

Three library clerk positions will increase in FY 16-17 in order to provide better coverage. The Planner I/II position has been eliminated. CEO Ternes Daniels explained that the Planning Department is in flux until it is ultimately determined what is happening with Superfund. She reiterated that Bob Horne is a consultant planner who is dealing with DPS issues and anything that comes up with planning in terms of a coordinator. Superfund contributes a substantial amount to the Planning Department and will not be doing so this fiscal year. An electrician position has been eliminated; neither electrician employed

by the County is licensed. The position being eliminated has been vacant for some time. CEO Ternes Daniels stated the current electrician does a great job, and when the County needs a master electrician, it outsources those needs to Colbert or Peterson Electric. A 50% FTE Recreation Tech position has been added to assist the Traci Thomas, Recreation Coordinator. The new recreation program is outstanding and the Parks and Recreation Department is just now getting back to where it once was. It is still in flux with the school district and its programs, but Traci Thomas has done a remarkable job in a short amount of time. CEO Ternes Daniels believes some private programs may also end up back with the County.

FY 2016-2017 Major Projects

CEO Ternes Daniels informed the Commission and the public that the community has had a tremendous amount of need in terms of infrastructure. Projects for FY 16-17 continue to focus on infrastructure and include the following:

- Repair of park bathrooms
- Bridges – Copper Sands Road Path
- RDU3 Storm Drain Project
- Washoe Park Improvements
- Public Health Building – pave parking lot, interior renovations
- Hearst Free Library roof repairs
- Cemetery improvements – New Hill Cemetery irrigation system
- Historic street light renovations – 3rd Street still needs to be complete and the County is responsible for completing Front Street. Park Street will be completed in the future. The County did go after a grant last year to do the lights on Main and Cedar but was not successful in getting the grant.
- Airport improvements – the County applied for FAA funds and received some but not all of the funds requested. The project will cost over a million dollars and the County's match is approximately \$109,000. The County will apply for a MT Aeronautics grant to cover some of the match.
- West Valley Park improvements – the remaining funds that Senator Baucus procured for the Beaverdam Park project will be used to complete this project.
- West Valley Sewer project – the mains are in and the project is moving into the hook up phase. To date twelve homeowners have been hooked up.
- Water line replacement – NRD funds are being used to complete this project. \$5 million is left over and CEO Ternes Daniels estimates an additional five projects can be completed. Ogden Street will be the next water line replacement project to take place.

Taxpayer Impacts

The county-wide authorized mills are up from \$321.33 in FY 15-16 to \$324.79 in FY 16-17. CEO Ternes Daniels explained that typically, local governments always levy the maximum. According to the CEO, the County has not levied the full levy amount since 2012. This year, the County-wide authorized mills have been reduced by 35 mills; the County is only allocating \$289.79. In addition, the county-wide

cemetery district has been reduced by 12 mills (authorized \$19.95; allocating \$7.95) and Opportunity Mosquito District has been reduced by 1 mill (authorized \$1.53; allocating \$.53). CEO Ternes Daniels explained that besides the mill levy, the assessment done by the State Department of Revenue figures into property taxes. CEO Ternes Daniels indicated that the Mill Creek TIFID and the power plant have also contributed to tax breaks in the community.

Projected Tax Revenue

Joey Blodnick explained that the County's tax revenue is the amount which is generated from the authorized mills. FY 16-17 projected tax revenue is \$4.6 million. Excess Mill Creek TIFID revenue and voted levy revenue will increase the total tax-based revenue to approximately \$7 million dollars. Tax revenue comes from the following funds:

- General Fund (26%)
- Road Department (17%)
- Weed Department (1%)
- Hearst Free Library (3%)
- Law Enforcement (22%)
- 911 Dispatch (8%)
- Care of Prisoners (7%)
- City Fire District (14%) (*does not receive any general funds)
- County Cemetery District (2%)
- West Valley Mosquito District (0%)
- Opportunity Mosquito District (0%)
- Opportunity Light District (0%)
- Senior Transportation/Services
- Head Start Program
- Jail Bond (Debt Service)

Budget Breakdown Summary

- Beginning Resources Available: \$17,610,660
- Projected Revenue: \$26,787,865
- Projected Expense: \$28,368,246
- Gain/(Loss): (\$1,580,381)
- Ending Cash Reserve: \$16,030,279

Joey Blodnick explained that the Downtown TIF generated over \$44,000 in tax revenue; they will use this money to offer grants to downtown businesses for various improvements. The Mill Creek TIFID will get additional funding to start pursuing improvements. They have an operating budget of \$120,000. CEO Ternes Daniels noted these are true tax increment dollars going to the Mill Creek TIFID Board. Some improvements were done above and beyond the power plant which facilitated this. Carl Nyman, Jim Davison and Gene Vuckovich are three of the members that serve on this board, and the CEO spoke with each of them – this is the first time a real increment from the transformers has paid

off. She stated this is truly starting to work like a true tax increment so the money is there. Joey Blodnick indicated the numbers will go up as soon as she receives the school district's mill levy numbers.

In terms of debt service, Joey Blodnick explained this includes the County's outstanding loans and bonds. Under the guidelines, the County is required to have at least one year's worth of payments set up under reserve.

CEO Ternes Daniels thanked NorthWestern Energy for the power plant. She explained that there are 12 budgeted capital reserve funds. The cemetery fund dollars are generated from a permanent levy; however, once the cemetery's major projects wrap up; this levy may no longer be needed in the full amount. CEO Ternes Daniels discussed the following projects she would like to see completed: courthouse renovation, Mill Creek Highway, water line projects, historic lighting, street paving, and the expansion of the city fire hall. She reiterated that the County is continuing to put money aside for all of the projects it is facing down the road.

Joey Blodnick informed the Commission that permanent funds refer to the perpetual care trust established for the cemetery. This is a short-term investment pool (STIP) fund. No expenses are charged to the fund, and it receives a minimal amount of interest. She reiterated that the County is meeting all of its needs without having to increase taxes. Further, she indicated that health insurance is not mandatory – it is only a benefit and only paid to those who take it. Further, she informed the Commission that prior year comparisons are a bit skewed because she has not received the school mill levy information yet.

Throughout the budget process, the CEO stated it was certainly a goal of hers and, she believes, a goal of the Commission, to do three things. The first was to take care of County staff to the best of their abilities within reason. Second, it has been an astronomical task to chip away at all of the deferred capital projects that have been put off for the past thirty years. However, CEO Ternes Daniels believes the County has made tremendous strides in getting several projects done without gouging the taxpayers. She did acknowledge that sewer fees increased; however, she noted that Anaconda's combined rate for water and sewer is still lower than most rates in the area. Some people say that the County is a disaster and a mess, but CEO Ternes Daniels thinks the County is far from that. She thinks the projects that have been completed are tremendous and thinks more can be done in the future.

Commission Chair Hart opened the public hearing at 7:12 p.m.

Mike Grayson 112 E. Commercial/522 Hickory: Mr. Grayson noted that the Superfund budget for FY 15-16 consisted of \$579,000 from EPA and \$432,000 from ARCO. In the current budget \$94,000 comes from EPA and \$1.129 million comes from ARCO. He asked if the money from ARCO is projected revenue from the IC Agreement. Joey Blodnick informed him the money has nothing to do with the IC Agreement. It is a continuance of the Superfund contract for this upcoming year and a carryover of the EPA five-year agreement. It does not reflect the IC Agreement. A budget amendment will be done once the IC Agreement is signed. Mr. Grayson asked for an explanation with regard to an increase in the budget for Legal Services. In the past, this amount was \$3,000 and now it is budgeted for \$40,000. CEO Ternes Daniels informed him the County has had a lot of issues with labor negotiations which

necessitated hiring a labor attorney – Cindy Walker with Poore, Roth and Robinson. In addition to the labor negotiations, the County had an unfair labor practice suit and significant arbitration. She added that she had money in the CEO budget to purchase new vehicles but backed off on that due to having to increase the legal services budget. Mr. Grayson's last question dealt with funding. He asked if there is a change to the Planning Department. CEO Ternes Daniels indicated there is a change. She stated that \$93,000 from the Superfund Cooperative Agreement has been shoring up the Planning Department but now those resources may be better utilized elsewhere. She stated at some point in time the Planning Director's position will be filled. CEO Ternes Daniels stated that Bob Horne is an expert planner, was involved in the rewrite of the DPS and is filling the position until the County can really evaluate the needs of the Planning Department. The previous Planning Director decided not to stay in the position, and she is not willing to backfill the department at this time. Mr. Grayson noted that the Planning Department serves many functions besides administering the DPS. He also pointed out that several of the IC Agreement exhibits direct people to call WET for assistance. CEO Ternes Daniels believes the County needs to look at the exhibits and the criteria in the DPS in terms of the Superfund sites and redevelopment. Mr. Grayson asked if WET's mission is creeping into a larger role within the County. CEO Ternes Daniels explained that WET plays an integral and key role in terms of GIS and permitting; stating they are instrumental in these areas. Mr. Grayson asked if it wouldn't be more efficient to leave these functions in-house at the County and answer to the Planning Director. He reminded the CEO that the County has an administrative code that states these functions are administered by the Planning Director, and it seems the functions and jobs are being pushed to a contractor. He is concerned that the positions are being filled by non-union employees, that the County has no sense of control over it, and that it is not cost effective. CEO Ternes Daniels thinks the County is getting a tremendous deal. She stated if the County had to hire someone to do these functions it would not be a union position because the pay scale would be far lower, and it would be difficult to find someone with the level of expertise that is required. She believes the County was fortunate to get the Superfund Cooperative Agreement and is light years ahead of where it was before. She does not believe it is totally through with designing the program. She believes the dollars have been well spent, and noted that no tax payer dollars have been spent at this point in time. She also thinks it is premature at this point to look at one person in the Planning Department.

Donna Shewey – 216 ½ Pennsylvania: Ms. Shewey is a part-time resident of Anaconda. Over the course of the last three months, she has called the Planning Department several times and spoke with Mr. Horne regarding a land issue. It took quite a bit of time, and ultimately, it was dumped back in the CEO's lap. Ms. Shewey indicated it eventually got dropped because the CEO is very busy and cannot get back to people. Ms. Shewey believes the County could get a planner who is also a licensed engineer for what Mr. Horne gets paid every month - \$6,000. With regard to \$40,000 budgeted for legal services, Ms. Shewey informed the CEO and Commission that she has worked for 15 different cities in her lifetime and understands that HR issues take up a lot of time. She believes personnel issues need to be dealt with immediately and wondered why the County isn't budgeting for a top-notch HR person. She feels an HR person can minimize the need for attorney services, deal with touchy situations and play a huge role in labor negotiations. In addition, Ms. Shewey believes an HR person can facilitate training to keep the County from being sued by employees or outside organizations.

Carl Nyman, Superfund Coordinator, sought to clarify innuendos that he believes are driven in language choice that do not reflect reality. He stated it is not WET's mission or the intention to have the Planning Department or Superfund pushed off to WET. WET has functioned as the County's representative with regard to Superfund. According to Mr. Nyman, the decision was made long ago to contract with higher qualified people to review permits. WET has qualified staff – a wildlife biologist, engineers, and staff with construction management experience. Some of the staff lives in Anaconda and some live out of town. With regard to the Planning Department, Mr. Nyman indicated that the Superfund Cooperative Agreement was the first one that provided funding specifically for planning. No IC program existed prior to 2008, and about 15 development permits were issued every year. In 2008, about 100 permits were issued. The IC program started with one staff member and the number of staff has gradually increased in order to handle the level of permitting. Because the County had professionals that were paid more and took on more and more duties than others who did not have the qualifications or the time, the IC program has grown. In addition, WET has worked closely with planning staff on non-Superfund issues. Mr. Nyman pointed out that the DPS is much more than Superfund and as this has morphed into the IC program, staff has begun to realize that all of the money going into the Planning Department meant less for Superfund. Now, the County has reached a day of reconciling and is at a juncture. Mr. Nyman explained that the Planning Department had a couple of people leave and the County decided to reevaluate the needs of the department. He stated that it has been suggested that if the CEO loses the election, it will be a place for her; Mr. Nyman stated that is absolute nonsense. Mr. Nyman indicated that the \$72,000 covers the previous Planning Director's salary and benefits. He indicated the County hopes to get someone more qualified to handle issues with growth, the TIFID and the IC program. He stated the County is on the cusp of some really great things; however, it does not make sense to keep doing things over and over. Therefore, Mr. Nyman does not think there is enough volume of work for an assistant planner that our staff cannot handle. He pointed out that engineers tend to be very specialized and the County has projects that are specialized. He is not convinced the County needs a city engineer and noted it has not worked well in the past. He believes it would be beneficial to hire a Planning Director that has the qualifications to meet the needs of the County as it dovetails with the Superfund program.

Kathie Miller with the Anaconda Leader asked for clarification with regard to whom Mr. Nyman is referring to when he states "our staff." Mr. Nyman stated he is referring to the Superfund Program. Kathie Miller asked if that meant WET, and Mr. Nyman indicated it did.

Mike Grayson stated the Commission should be amending the administrative code and pointed out that Mr. Nyman is talking about staff who works for him who are contractors. He is uncomfortable with this. Mr. Grayson has also heard that permits will be issued through a kiosk rather than through the Planning Department, and he has not seen this in any Commission Meeting minutes. He acknowledged he has not gone to a lot of meetings but it seems to him there ought to be a resolution or ordinance indicating this change. Mr. Grayson stated to the Commission that they should be deciding these changes and not having staff decide the structure.

Donna Shewey believes a licensed engineer brings extreme credibility. She agrees that in the past the position may not have worked out. However, Ms. Shewey believes that when one engineer talks to another engineer, there is a certain level of credibility. Ms. Shewey questioned if we are going to be a county who only hires consultants and send a message that we are only open for the consulting

business. She also pointed out that there is a top engineering school just 30 miles away. She thinks the time for a Planning Director who is also a licensed engineer is needed now more than ever because of all the Superfund issues. Ms. Shewey told the Commission that staff should not be taking the lead on this – the Commissioners are the elected officials and should be making the decisions.

Kaitlin Leary – 1640 N. Cable: Ms. Leary noted that she is a bit biased in this situation because she formerly served in the Planning Department. She worked with WET, knows the contractors and believes they do a wonderful job for our community. Ms. Leary informed the Commission that her job in the Planning Department was a public service position so when contractors start getting added it makes her a little nervous. She indicated that when the Planning Department was properly staffed, they went out of their way to address the public's concerns. In addition, she feels that if the Planning Department only has a director functioning as the DPS Administrator and working with the IC program, the director is not in a great position to disagree if any issues arise.

Jim Davison – 118 E. 7th St.: Mr. Davison encouraged the Commission to plan for an HR officer. Anaconda-Deer Lodge County is large and employs a lot of people. It seems to him that HR issues tend to eat up a lot of the CEO's time. Further, Mr. Davison stated that the contractors the County has utilized for different projects have done great jobs. However, a person on staff can deal with issues ahead of time. Lastly, Mr. Davison asked how the new overtime rules affect the new budget, particularly department heads. CEO Ternes Daniels stated she was not aware of the new overtime rules. Joey Blodnick informed him that all of the department heads are non-exempt and are eligible for comp time so the new law does not apply to them.

Carl Nyman believes it is interesting that people are choosing to use certain words and saying they did not mean to disparage anyone when those words clearly have meaning. He reiterated that the Commissioners have all been aware of Superfund and that he has communicated with all of them – he has not done anything without approval. Further, Mr. Nyman does not disagree that some adjustment to the administrative code may need to be done. He stated it is time to move into the future with the funding that is designed to be here for the County. The West Valley Sewer project has been going along very well and a permit has been issued for every sewer hookup. Mr. Nyman stated that everything staff does is about taking care of the customer. With regard to the kiosk, Mr. Nyman believes it is great that word is getting out about it. He thinks it will be great not to have to go to several different offices to get a permit and thinks the County can move to an electronic permitting system. He stated that someone will be there to walk people through it and provide a level of customer service. Mr. Nyman noted that a lot of contractors do repeated development permits. Mr. Nyman acknowledged that resistance in the Planning Department has caused problems and stated people in Planning are not in a position to disagree with Superfund. The ultimate goal is to strive for consistency and customer service.

Commission Chair Hart called for public comment an additional three times. With no further public comment, Commission Chair Hart closed the public hearing at 7:46 p.m.

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

Commission Chair Hart stated Joey Blodnick did a good job explaining this resolution.

Item placed on the agenda.

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 the County is still waiting for the mill levy information from the school district. Joey Blodnick hopes to have the information from Superintendent, Michael O'Rourke by September 1st.

Item placed on the agenda.

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

CEO Ternes Daniels informed the Commission salaries reflect a 2% increase, and union contracts were referenced and discussed as well.

Commission Chair Hart believes the salary increases are fair across the board.

Item placed on the agenda.

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

CEO Ternes Daniels explained this resolution is required to adopt the budget.

Donna Shewey asked if positions can be added by the Commission by putting a line item into the budget or if new positions have to wait until next year. CEO Ternes Daniels informed her that the budget can be amended after it is adopted or positions can be added next year – it is at the pleasure of the Commission.

Rose Nyman reminded the Commission that the Adult Learning Center came before them and asked for assistance. She asked if their request was in the budget. CEO Ternes Daniels indicated it was.

Kathie Miller with the Anaconda Leader remarked that the Planning Director position was not included in the budget and asked if it has been eliminated. CEO Ternes Daniels informed her that the Planning Director position is in the budget. Joey Blodnick explained that the \$72,000 that is currently allocated to pay Bob Horne will be reallocated to the Planning Director position once it is filled. The only position eliminated in the Planning Department was the Planner I/II. CEO Ternes Daniels explained that \$93,000 from Superfund had been funding the Planning Department and that money is no longer

available. Until the IC Agreement and Superfund program is sorted out, she is not willing to backfill the Planning Department.

Commissioner Lux-Burt sat in on all but three of the budget hearings. She loves the process because she is comfortable with it and enjoys meeting with all of the department heads. The first year, she sat in with Rose Nyman when she was a Commissioner. Some of this year's requests were items that were not needed, but most were very reasonable. She feels that every request was honored except requests for salary increases above 2% and a request to add a position. Commissioner Lux-Burt has often thought an HR person would be a good idea; however, they are hard to find and the County does have the services of Don Klepper at its disposal. In six years, Commissioner Lux-Burt has seen the list of County projects shorten up and reserves increase. She believes much good has happened and feels good about the budget.

Commissioner Vermeire really enjoyed meeting with all of the department heads as it was very informative. It gives him an opportunity to hear about all of the projects that are going on. He spoke with Wayne Wendt regarding the RDU3 project. If there is money left over, Commissioner Vermeire would like to see new storm drains installed on Tammany because when the water rises it causes havoc with the asphalt. Commissioner Vermeire is grateful the County has a Capital Improvements Plan in place noting that in the 80's the County fell on hard times, had no revenue coming in and had to tighten its belt. Now, he feels everything is going in the right direction.

Commissioner Mulvey was not able to participate in the budget hearings this year because she had bilateral knee surgery. In the past, it was always a pleasure meeting with department heads and seeing that they also have the community's best interests in mind.

Commission Chair Hart believes all the comments from the public and the Commission reflects the times. In prior years, the County had to cut positions and services. Now, positions are being discussed; a planning director with better qualifications and an HR director. In the past, the CEO wore many hats. Butte has a similar structure to ADLC and was able to implement more structure. Commission Chair Hart hopes the County can look at adding an IT position, and he noted that Carl Nyman alluded to having permits available online. He believes the budget shows that the County is doing very well and other positions can be looked at including a public works director. He believes the County is approaching exciting times.

Introduction/First Reading/Schedule Public Hearing – Ordinance No. 247, an Ordinance Creating a Local Emergency Planning Committee and Establishing Its Powers, Duties and Responsibilities

CEO Ternes Daniels informed the Commission this is another clean-up item. Prior to codification, the LEPC was established in August 1987. For some reason, it was repealed in January 1998 along with several other boards and committees. The LEPC plays a critical role in the community. She thanked Julie Pooley for doing great research on this issue. County Attorney Krakowka has reviewed the draft ordinance and it is in keeping with the EPCRA.

County Attorney Krakowka informed the Commission the ordinance borrows heavily from the EPCRA statute and language from the act is included in the ordinance. After reviewing how the LEPC was set

up in 1987 and how it is worded now, it makes it a little more “bulletproof” if the codification is changed.

CEO Ternes Daniels questioned the membership section of the ordinance and asked the County Attorney if it needs to be specific by name as the County typically advertises board openings for 30 days. County Attorney Krakowka informed the CEO and the Commission that members can fill more than one position (i.e. elected official and law enforcement; fire department and EMS; hospital and first aid), so there can be a lot of cross-over in the membership. CEO Ternes Daniels noted that the entities have to be represented on the board per the EPCRA and by the ADLC Charter and Administrative Code the positions have to be advertised.

Donna Shewey asked if the Commission could just appoint the members. CEO Ternes Daniels reiterated that the ADLC Charter and Administrative Code regulate how boards are formed and how members are appointed. Open positions must be advertised for 30 days. Ms. Shewey suggested calling the hospital to make a membership appointment.

Carl Nyman called for point of order to remind members of the public there is a process in place to interact with the Commission.

Commission Chair Hart believes the prior ordinance had the same positions which were filled by good, qualified people. He believes the membership intent is broad but for specialized people so it will be interesting to see who applies and who we get.

Julie Pooley informed the Commission she is unsure of this section as well. She met with DES Coordinator, Bill Converse, this morning who also had questions regarding this section. She plans to call Martha Smith, the Regional DES Coordinator to get some clarification on the issue. In addition, Ms. Pooley will get in touch with Butte-Silver Bow’s, Missoula’s, Beaverhead County’s, and Granite County’s LEPC Chairpersons and find out how they structure their membership. Since Anaconda-Deer Lodge County creates its boards and committees by ordinance it may be a bit different; however, she will do some more research.

Commission Chair Hart set the public hearing for September 13, 2016.

Task Order No. 17-07-5-21-006-0, Anaconda-Deer Lodge County WIC Program

Katherine Basirico, Public Health Director, informed the Commission this Task Order is for the WIC program in the amount of \$56,366 and the Breast Feeding Peer Counseling (BFPC) program in the amount of \$2,470. The amount of the WIC funding has decreased because our health department is no longer serving Beaverhead County. In addition, the amount allotted for BFPC will be amended to include an additional \$1,560 because we will be covering Beaverhead and Madison Counties for their first year. An amendment to the Task Order will be forthcoming.

Commissioner Lux-Burt is glad to see that Beaverhead County has decided to do its own thing as it has been a drain on our resources in terms of mileage and staff. Even though funding has decreased, Commissioner Lux-Burt is okay with that. Commissioner Vermeire agreed with Commissioner Lux-Burt.

Item placed on the agenda.

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

Ed Janney with DOWL informed the Commission this Task Order dates back to November. At that time, he presented options to the Uelands in order to move forward with signing the agreement for continued wastewater irrigation and rapid infiltration facilities on their property. The Uelands asked for several conditions that would add significant costs to the existing irrigation and facilities. Due to these significant costs, CEO Ternes Daniels asked Mr. Janney to explore alternative options. Mr. Janney informed the Commission that the DEQ and EPA approved wastewater and the IP ponds adjacent to the existing treatment ponds back in 1983. However, major deposits of mine tailings were found in the ponds in 1984. Carl Nyman met with Superfund officials, and the DEQ tested the ponds in March 2016. Metals testing indicated that arsenic concentrations were low to moderate, and the soil is well suited to IP ponds for wastewater disposal via discharge to groundwater. Mr. Janney believes this is a viable solution and a better location than Lost Creek because it is further from surface water. The next step will be to file a ground water permit to set discharge limits.

CEO Ternes Daniels clarified that Mr. Janney was directed to do this by her and not by staff. The additional costs the Uelands were asking for triggered another look at possible options, and she was pretty surprised at what Mr. Janney and Mr. Nyman found. CEO Ternes Daniels felt it needed to be done for this community.

Carl Nyman believes this is exciting on many levels, and feels that with the IC Program and the staff we have, the County has the capability and equipment to turn things around. With the evolution of the site, the County is able to implement resources. Mr. Nyman believes wastewater is a valuable asset, and the investment to upgrade the wastewater treatment plant provides a resource for economic development. He is excited to be a part of this and believes it will be very good for the future of the community.

Commissioner Lux-Burt is excited about the prospect of this new option.

Commissioner Vermeire believes this is a big step. He asked Ed Janney if the current area will require any remediation once the new site is complete. Mr. Janney informed him that the Uelands will be responsible for remediating the current site. In addition, most of the 18 inches of the line runs into the highway and could be left in place.

Commission Chair Hart explained that the Ueland agreement was good at the time, but when it came down to needing improvements this year, they asked for \$1.5 million. Therefore, it seemed like a good time to look at other options so the County is not at the mercy of another party. As Carl Nyman explained, wastewater is a valuable asset and something to push economic growth. Commission Chair Hart believes it is time for the County to control its own destiny. He thanked Ed Janney, Carl Nyman and CEO Ternes Daniels for their work.

Item placed on the agenda.

2016-2017 Cooperative Agreement between Anaconda-Deer Lodge County Head Start and Anaconda Public Schools

CEO Ternes Daniels informed the Commission this agreement is entered into annually between Head Start and the school district.

Item placed on the agenda.

Agreement between Anaconda-Deer Lodge County and the Anaconda Housing Authority for a Housing Officer

CEO Ternes Daniels informed the Commission she had a productive meeting with Kaitlin Leary regarding this position and that County Attorney Krakowka has reviewed the agreement. The Housing Authority is willing to put in \$50,000 annually to cover the cost of the officer. Kris Vauthier will be the officer assigned to the Housing Authority, and he has some new and innovative ideas to better protect the area. Officer Vauthier's salary with benefits is \$62,605.87. After an enlightening phone call with Ms. Leary, CEO Ternes Daniels informed the Commission that Officer Vauthier does not spend all 2080 hours at the Housing Authority, and therefore, the County will be responsible for a portion of his salary. The agreement will be pro-rated for ten months since it will not be approved until the September 6th Commission Meeting. Officer Vauthier will work afternoons and weekends.

Kaitlin Leary is glad to see this before the Commission. She informed the Commission the Housing Authority has not had an officer since May. Prior to this year, the Housing Authority has paid the officer's entire salary. However, the Housing Authority is currently being funded at 89%. Ms. Leary informed the Commission the Housing Authority has seen an increase in bullying over the last few months. The police department informs them if there is an issue, but the Housing Authority does not have access to criminal background checks. They would like to be in better touch with the police department and this agreement will facilitate that.

Melanie Armstrong – 212 Cedar: Ms. Armstrong is a Housing Authority resident. She believes cooperation between the police and the residents is important in the community. She feels positive growth in our community is especially important for our kids. She does not think our kids care about street lights or sewers, but just want a positive education and role models. Ms. Armstrong asked the Commission to consider the officer for the Housing Authority and stated he provides a great service for our community.

Carl Nyman – 19 Apple Rose Dr. E: Mr. Nyman commended Kaitlin Leary in her new position as Executive Director of the Housing Authority. He believes she is breathing new life into the position. Mr. Nyman has heard nothing but great things about Officer Vauthier and believes he will work to improve pride and the behavior of some of the residents.

Commission Chair Hart believes it is important to continue this position. The officer gets a great deal of information from this concentrated clientele and serves a great public need. In addition, the officer is a role model for the kids and a resource for what is going on in the community.

Item placed on the agenda.

Promotion of Loy Bink from Probationary Firefighter to Firefighter

Fire Chief, RJ Tocher, informed the Commission that Loy Bink will complete his one year probationary period as of August 24, 2016. Mr. Bink had an Anaconda Fire Department job evaluation performance test on August 18th. The test required a general understanding for fire operation, address locations, hydrant location, and operation of fire trucks. His test score for the first three was 92%, and he passed the Operation of Fire Truck. RJ Tocher has been on fire and medical calls with Mr. Bink and informed the Commission that Mr. Bink has full knowledge on all aspects of the job; he has met all other Firefighter/EMT job requirements. Per the union contract, section 24; Mr. Bink is being presented to the governing body for confirmation within thirty (30) days after his one year probationary period terminates. RJ Tocher recommends that Mr. Bink be promoted from Probationary Firefighter to Firefighter effective August 24, 2016.

CEO Ternes Daniels thanked Mr. Bink and noted that she was part of the selection committee who hired him. She believes Anaconda has a great fire department and thanked RJ Tocher and the great group of young men and women who serve and protect the community each day. She hopes the Commission will approve this request at its September 6th meeting.

County Attorney Krakowka, Commissioners Mulvey and Lux-Burt congratulated Mr. Bink on a good job and the public gave him a round of applause.

Commission Chair Hart believes Anaconda has a great fire department and noted the ISO rating of 4, which he stated is a testament to the crew the department has.

Item placed on the agenda.

Appointment/Reappointment of a Member to the Parks and Recreation Board for a Four-Year Term

CEO Ternes Daniels informed the Commission that Robin McKernan submitted a letter requesting reappointment.

Commission Chair Hart informed the Commission that Ms. McKernan is the current Chair of the Parks and Recreation Board. He believes she does a great job and will continue to be an asset to the board if reappointed.

Item placed on the agenda.

Appointment of a Member to the Greenway Service District Board to Fill the Remainder of Lorry Thomas' Term through October 1, 2016

CEO Ternes Daniels explained that Kay Eccleston submitted a letter for appointment to the Greenway Service District Board. She has been serving as the "swing" member of the board for quite some time,

and is still doing so as Butte-Silver Bow has not filled the position yet. She is a great asset and knows the project inside and out.

Commissioner Smith informed the CEO and Commission that as of the last meeting, the swing position has been filled. He also noted that he has been on the Greenway Service District Board since becoming a Commissioner. He believes Ms. Eccleston has a lot to offer and is a great asset.

CEO Ternes Daniels pointed out that her term will expire on October 1, 2016, but she may request reappointment at that time.

Item placed on the agenda.

Appointment of a Member to the Anaconda Housing Authority Board for a Five-Year Term

CEO Ternes Daniels informed the Commission that Julie Pooley submitted a letter expressing interest in serving on the Housing Board. She has experience and background that she can bring to the board.

Kaitlin Leary, Housing Authority Director, informed the Commission that Ms. Pooley expressed interest about the board. Ms. Leary noted that her interest along with her background would be a huge asset to the board.

Julie Pooley informed the Commission she has lived in Anaconda for over two years. Prior to living in Anaconda, Ms. Pooley lived in Missoula where she worked for an organization that served low-income and homeless women and their families. In addition, she pursued a degree in sociology from the University of Montana and served on the Missoula Head Start Policy Council.

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

Item placed on the agenda.

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. at Durston Park

CEO Ternes Daniels provided details of the event for the Commission and informed them that the insurance for the event is in order.

Commissioner Lux-Burt commented that the community and world can use all the prayers they can get.

Item placed on the agenda.

Miscellaneous

Head Start Employee Handbook

Commissioner Lux-Burt informed the Commission that Gail Mickey made all of the requested changes to the Head Start Employee Handbook.

Street Signs and House Numbers at Georgetown Lake

Commissioner Lux-Burt received a phone call from a community member who is concerned that street signs are missing at Georgetown Lake. This person also thought the County should require address signs at each property. Commissioner Lux-Burt explained she thought this was a personal choice and did not know if the County could require this. However, Commissioner Lux-Burt noted it may be a good idea to assist emergency responders.

Commission Chair Hart agreed that address signs are a personal issue, but it may be something the Commission could look at.

Watering at Benny Goodman Park

Commission Chair Hart noticed that the grass at Benny Goodman Park is turning brown, and he asked for an update on the sprinkling system. CEO Ternes Daniels informed him that the sprinkling system was a topic of discussion during the budget hearings. The system is antiquated and the County cannot get parts to repair it. A new system has been budgeted for in FY 2016-2017.

Public Comment

Donna Shewey – 216 ½ Pennsylvania: Ms. Shewey noted that Carl Nyman made a comment at the August 10th meeting that the IC Agreement would be signed in the next month. She asked if there was going to be additional public meetings related to the agreement. CEO Ternes Daniels informed her that the County is waiting for all of the attachments to be available prior to holding another meeting. Nothing will be signed until it goes through a process. The Agreement will go before the Commission at a Work Session and receive public comment. Commission Chair Hart asked the CEO for an update regarding the attachments, and Ms. Shewey interjected and stated that Rose Nyman had a good suggestion to have everything available at the library. Commission Chair Hart continued with his question and asked Carl Nyman for an update regarding the attachments.

Carl Nyman informed the Commission he has been working with Shane Ellingson with WET over the past few days to update the exhibits. Mr. Nyman was provided with four new attachments and nine exhibits still remain and are in various stages of development. Shane Ellingson formatted all of the new attachments into one document and sent them to Julie Pooley to upload to the website. Julie Pooley confirmed that the new exhibits were uploaded to the County's website this morning. Commission Chair Hart reiterated the importance of all the attachments and the language in the IC Agreement being complete. He would like to know when it is done, and he would like a full copy available at the library and the courthouse for the public. Commission Chair Hart's intent is to give the

public ample time to review all of the exhibits and the Agreement prior to placing it on a Work Session. Depending on how the Work Session goes, it would be placed on the Commission Meeting agenda for consideration for approval.

Carl Nyman informed the Commission he received a call from Gary Wilson of Bonneville Power. He wants to take a look at the C Hill for emergency radio operations. Mr. Nyman informed him he would need to communicate with the Communications Board. In the past, new operations have interfered with what is already on C Hill, so a potential analysis would need to be presented to the Communications Board and the Commission in order to move forward.

Carl Nyman received a message from Jane Dierenfeldt who is the Chair of the Board of Health. Mr. Nyman informed the Commission she owns property in Crackerville. Water run-off from the Peterson's property drains down through her garage. Recently, ARCO remediated some of the Peterson's land and put it back the way it was. Ms. Dierenfeldt continued to have problems and she contacted Ken Brockman with the EPA. Mr. Brockman approached Carl Nyman and asked for his assistance. Carl Nyman credited Jay Slocum and Shane Ellingson with WET and noted it is not a "them and us", and he does not look at them as contractors; he looks at them as people who help us. Mr. Nyman explained that Jay Slocum moved here because of this job and brought his wife who is a dentist, and she ended up opening her own practice downtown. Carl Nyman informed the Commission that he, Jay Slocum and Shane Ellingson took a drive out to Ms. Dierenfeldt's house. At first, Jay and Shane had conflicting ideas of what needed to be done; however, they came to a consensus and took their ideas to the Peterson's. The Peterson's have subsequently installed a ditch and no flooding has since occurred. Jane Dierenfeldt called Carl Nyman to thank him. Mr. Nyman indicated this is another byproduct of the Superfund program.

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 9:10 p.m.


Julie K. Pooley
Clerk of the Commission


Kevin A. Hart
Commission Chair

