

**Anaconda-Deer Lodge County
Commission Meeting Minutes
6:00 p.m. Tuesday, November 1, 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 6:02 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 October 18, 2016, the Commission Work Session of October 25, 2016 and the Special Commission Meeting of October 25, 2016

Commissioner Lux-Burt provided Julie Pooley, Clerk of Commission with some minor grammatical changes to the October 18th minutes.

Commissioner Smith moved to approve the minutes from the Commission Meeting of October 18, 2016, the Commission Work Session of October 25, 2015 and the Special Commission Meeting of October 25, 2016 with the minor changes noted by Commissioner Lux-Burt; seconded by Commissioner Mulvey.

Motion carried unanimously.

APPROVAL OF CLAIMS

Commission Chair Hart noted that claims included \$100,000 for Washoe Park improvements and \$256,000 for water main replacements. CEO Ternes Daniels stated that big projects are wrapping up.

Commissioner Vermeire moved to approve claims numbered 123637 through 123707 in the amount of \$579,024.73; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

REPORTS OF BOARDS, OFFICIALS, COMMITTEES

Headwaters RC & D – Joe Willauer, Executive Director

Mr. Willauer introduced himself to the Commission and explained that Headwaters RC&D is the regional economic development organization for southwest Montana. Headwaters RC&D is improving the economic and social well-being of the Southwest Montana region through conservation, development, and

proper use of natural and human resources. It provides technical assistance for natural resource, community development, and economic development projects and programs. Its loan office works the Anaconda Local Development Corporation to assist businesses in Anaconda with small business financing, job creation and leveraging of private funds. All of the services it offers are free with the exception of nominal interest charges on loans.

CEO Ternes Daniels informed the Commission she worked for Headwaters for thirteen years as a regional economic development planner. She assisted communities across southwest Montana. It was a great opportunity for her career-wise, and she stated it was an opportunity to help a lot of people, and she is glad to see the work continuing.

Mr. Willauer informed the Commission that Headwaters is currently producing a video series about the region. It is aimed at marketing Headwaters RC&D, rural lifestyles and the impact that one small business can have on a community.

Commission/CEO/County Attorney Reports

Commissioner Vermeire attended the Airport Board meeting and was invited to the Kiwanis Club to give a talk on the IC Agreement.

Commissioner Lux-Burt attended the Head Start Policy Council meeting and election refresher training.

Commissioner Mulvey attended the Western Montana Mental Health Center Board meeting.

Commissioner Hart attended a Land Use Committee meeting along with Commissioner Vermeire.

CEO Ternes Daniels has been very busy and did not have much to report outside of the day-to-day business of the County.

County Attorney Krakowka attended an Anaconda Sportsmen's meeting and gave a presentation to high school students who are considering occupations in the mental health field.

UNFINISHED BUSINESS

Approval of the Consultant Services Agreement between Anaconda-Deer Lodge County and WWC Engineering for Project Development and Design for Federal Aid Project Number MT299 (19), Uniform Project Number 9219, Anaconda, MT

Commissioner Vermeire clarified that this agreement is for the West Valley Park.

CEO Ternes Daniels informed the Commission the County Attorney reviewed the agreement. County Attorney Krakowka informed the Commission he had no additional corrections to the agreement.

Commissioner Lux-Burt moved to approve the Consultant Services Agreement between Anaconda-Deer Lodge County and WWC Engineering for Project Development and Design for Federal Aid Project Number MT299 (19), Uniform Project Number 9219, Anaconda, MT; seconded by Commissioner Mulvey.

Motion carried unanimously.

Approval of the Head Start Non-Competing Continuation Grant Application

Commissioner Mulvey moved to approve the Head Start Non-Competing Continuation Grant Application; seconded by Commissioner Vermeire.

Motion carried unanimously.

Approval of the 2017 Urban Forestry Grant Application

CEO Ternes Daniels explained that this grant will provide more trees and assist with removing problem trees.

Commissioner Vermeire moved to approve the 2017 Urban Forestry Grant Application; seconded by Commissioner Mulvey.

Motion carried unanimously.

Approval of the Lower Hill Cemetery Proposed Scope of Work and Fee Proposal from Steiner Thuesen, PLLC

CEO Ternes Daniels explained that this is the third cemetery project. The cemetery's watering systems are being upgraded and this proposal is for the Lower Hill Cemetery. CEO Ternes Daniels acknowledged Gerald Forkan and his crew along with Steiner Thuesen for their outstanding work on the projects.

Commissioner Mulvey moved to approve the Lower Hill Cemetery proposed scope of work and fee proposal from Steiner Thuesen, PLLC; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Approval of the 2016-2017 MACO/CRS Inmate Excess Medical Insurance Program Renewal

Commission Chair Hart reiterated that there is no rate increase for this year.

CEO Ternes Daniels believes this is a great policy for catastrophic medical issues. Last week, she indicated she would have a report available for the Commission at this week's meeting. However, with staff preparing for the election and dealing with the budget, she has been unable to prepare the report. Once the election is over and the budget is dealt with, she will bring the report before the Commission.

County Attorney Krakowka informed the Commission that eight or nine years ago only a small percentage of his cases were drug related; now about seventy-five to eighty percent are. Most of these people are not interested in maintaining their health and come into the system with hepatitis C, AIDS and other medical issues. All of these issues must be addressed as part of the County's mandate to take care of its prisoners. County Attorney Krakowka emphasized that some of these prisoners are too dangerous to release. He realizes this program can cost up to \$10,000 per inmate, but it alleviates putting the community at risk by releasing inmates.

Commissioner Vermeire moved to approve the 2016-2017 MACO/CRS Inmate Excess Medical Insurance Program Renewal; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

2016 Marine Corps Day Proclamation

Commission Chair read the Marine Corp Day Proclamation aloud.

Commissioner Lux-Burt is glad to see Marines, past and present, being honored.

County Attorney Krakowka noted that Griz was in his office today and he is sure it is something Griz appreciates because he served in the military until he retired.

Rose Nyman commented that one of her children was in the military for four years. She informed the Commission that the first Marine Corps Ball was held in the 20's, and that the Marine Corps Birthday is observed nationwide at every Marine Detachment. She explained that every part of a Marine's uniform has meaning (i.e., the red stripe down the pants leg indicates blood shed). At the Ball, the first piece of cake is cut by the oldest Marine and passed to the youngest Marine, which Mrs. Nyman explained, is symbolic of knowledge being passed down. She informed the Commission that the first time she attended a Marine Corps Ball; the cake was cut with a saber. She believes it is a very neat occasion.

Commissioner Lux-Burt moved to proclaim November 10th as the 2016 Marine Corps Day Proclamation; seconded by Commissioner Mulvey.

Motion carried unanimously.

Appointment/Reappointment of an Anaconda School District No. 10 Representative to the TIFID No. 2 (Mill Creek) Board for a Four-Year Term

Commissioner Lux-Burt believes the TIFID Board is going to be very important in the near future.

CEO Ternes Daniels acknowledged Dr. Nolan in the audience. She agrees with Commissioner Lux-Burt that the TIFID Board is important for the future of the community.

Commissioner Lux-Burt moved to reappoint Dr. Gerry Nolan as the Anaconda School District No. 10 Representative to the TIFID No. 2 (Mill Creek) Board for a four-year term; seconded by Commissioner Vermeire.

Motion carried unanimously.

Appointment/Reappointment of a Financing Industry Representative to the TIFID No. 2 (Mill Creek) Board for a Four-Year Term

CEO Ternes Daniels commented that Rich Rivers has been a valuable member of the TIFID Board for a number of years.

Commissioner Mulvey moved to reappoint Rich Rivers as a Financing Industry Representative to the TIFID No. 2 (Mill Creek) Board for a four-year term; seconded by Commissioner Vermeire.

Motion carried unanimously.

NEW BUSINESS

Request to Set a Date for a Public Hearing to Amend the Anaconda-Deer Lodge County Fiscal Year 2016-2017 Budget

CEO Ternes Daniels informed the Commission that this hearing is necessary to amend the budget. As a result of the settlement between the Department of Revenue and NorthWestern Energy, the value of the mill dropped and the Mill Creek TIFID remittance has been affected. She requested the Commission hold the hearing on November 15th. In addition, she informed the Commission there are provisions within MCA which mandate a copy of the amended budget be available for public review at the time the public hearing notice is published. She indicated that the Clerk and Recorder's office is very busy with the election and will get that information available as soon as possible.

Kathie Miller asked what the mill value is being recertified to. CEO Ternes Daniels informed her that the county-wide dropped down by approximately \$200,000, and the Mill Creek TIFID dropped down by approximately \$700,000. She stated the biggest concern is the Mill Creek remittance, but until she reviews the numbers she cannot give a definite answer.

Rose Nyman informed the Commission she has been following this issue and understands that tax statements will be late because of this issue. She has been getting a lot of phone calls from elderly community members who are on fixed incomes who are trying to figure out how to budget for a possible increase in their taxes. She asked if the County is anticipating an increase in taxes. CEO Ternes Daniels was unable to give Mrs. Nyman a definitive answer. She stated it is not her intention to raise taxes and she will do everything in her power not to raise taxes; however, until she gets a handle on the big picture she is unable to provide an answer. Therefore, as Mrs. Nyman understands it, the CEO will attempt not to do a 30 mill reduction in property taxes, will work to cut expenses, or look for additional options.

Kathie Miller asked if this will create an issue with the mill levies that are on the ballots. CEO Ternes Daniels indicated that the mill levy values will go down. County Attorney Krakowka informed Kathie Miller that the language on the ballots is correct and noted that the mill levies are projected because year to year they are subject to change. Kathie Miller clarified she wanted to ensure she had the facts correct for her article. CEO Ternes Daniels asked Ms. Miller to ensure that her article mentions that 42 counties, along with all of the school districts, were impacted by this decision, and it is a significant issue statewide.

Commissioner Smith moved to hold a public hearing to amend the Anaconda-Deer Lodge County FY 2016-2017 Budget on November 15, 2016; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Acceptance of a Proposal to Develop the Parcel of Land Created by the Abandonment of the 5th Street Right-of-Way between Main Street and the Alley between Main and Oak Streets

Sarah Jones informed the Commission the school district plans on building a 9,800 square foot vocational education building on the A square. It will take up the entire parcel. Utilities will be relocated and some abandoned. Currently, students are bussed to the building on Park Street. Constructing the building next to the high school will save the district \$35,000 a year in transportation costs and \$10,000 a year in energy costs. Ms. Jones informed the Commission it will not create any additional parking issues. She anticipates the design and utility relocations being done this fall and construction commencing in the spring.

Dr. Gerry Nolan informed the Commission this project will more than double the amount of students in the program, and 7th and 8th grade students will be able to participate in vocational education programs as well.

County Attorney Krakowka believes this is a good plan and gives the school district an opportunity to save money on transportation in order to spend it on programs that will benefit the students.

Katy Coswell asked the Commission how the site will be accessed during construction. Sarah Jones informed her it will be accessed through the alley. She informed Ms. Coswell that the contractor will coordinate with her so that Hearthstone does not experience any issues.

Commissioner Vermeire moved to accept the proposal to develop a parcel of land created by the abandonment of 5th Street Right-of-Way between Main Street and the Alley between Main and Oak Streets; seconded by Commissioner Mulvey.

Motion carried unanimously.

Approval of Resolution No. 16-38, a Resolution for the County to Cooperate with Montana Fish, Wildlife and Parks to Establish Moving Game Check Stations Within Anaconda-Deer Lodge County

County Attorney Krakowka provided quite a bit of information last week to the Commission regarding this resolution. Hunting provides value for the community and brings money into the community. He feels that it is the County's responsibility to assist Fish, Wildlife and Parks to protect our resources. This resolution will allow FWP to get approval from the CEO 48 hours in advance for a moving game check station. The CEO will be able to consider the state of local government to determine if the location is suitable for use.

Commission Chair Hart believes it is a fantastic idea for the County to partner with FWP.

Commissioner Mulvey moved to approve Resolution No. 16-38; seconded by Commissioner Vermeire.

Motion carried unanimously.

Appointment of Melissa Huotte, Victim Witness Advocate, to the DUI Task Force for a Three-Year Term

CEO Ternes Daniels informed the Commission that Joanne Heaney resigned as the Victim Witness Advocate and Melissa Huotte was appointed to the position. The Victim Witness Advocate serves on the DUI Task Force.

County Attorney Krakowka informed the Commission that Melissa Huotte has joined the County Attorney's Office as the Victim Witness Advocate. Today was her first day, and she spent it making initial contact with a few victims she will be working closely with over the next several months. He explained that the Victim

Witness Advocate participates in the DUI Task Force. By having a DUI Task Force, the County has brought in a substantial amount of money to combat drinking and driving and underage drinking. County Attorney Krakowka believes Melissa Huotte will do a wonderful job.

↙ CEO Ternes Daniels informed the Commission that Melissa Huotte took a cut in pay to take this job and is very enthusiastic about it. She stated that Joanne Heaney, the former Victim Witness Advocate, was a top notch professional.

Commissioner Smith moved to appoint Melissa Huotte, Victim Witness Advocate, to the DUI Task Force for a three-year term; seconded by Commissioner Mulvey.

Motion carried unanimously.

Acceptance of the Resignation of Gail Mickey as Anaconda-Deer Lodge County Head Start Director Effective December 30, 2016

Commissioner Lux-Burt acknowledged Gail Mickey for all of the years she has served as Head Start Director. She believes she has done a wonderful job and is sorry to see her go but realizes that Gail Mickey is ready to retire.

Commission Chair Hart believes Gail Mickey has done an admirable job at Head Start and has seen a lot of children go through the program. He mentioned that Gail Mickey stated she will help however she can with the transition.

CEO Ternes Daniels echoed both Commissioner Lux-Burt's and Commission Chair Hart's statements. She is having a phone conference with Gail Mickey and the Denver Head Start office on Thursday to discuss the transition and the process to find a new director.

Commissioner Lux-Burt moved to accept the resignation of Gail Mickey as Anaconda-Deer Lodge County Head Start Director effective December 30, 2016; seconded by Commissioner Mulvey.

Motion carried unanimously.

Authorization of the TIFID No. 2 (Mill Creek) Board and Any of Its Subcommittees to Enter Into a Confidentiality and Non-Disclosure Agreement with Premier Industries on Behalf of Anaconda-Deer Lodge County

According to CEO Ternes Daniels, the Non-Disclosure Agreement has been reviewed by the County Attorney. In order for the TIFID No. 2 Board to enter into the agreement, it needs to be brought before the Commission. This is a private business interested in developing a substantial business. The County needs to analyze its financial information, but at the same time protect the business's confidential information.

Jim Davison informed the Commission the County has been working with this business for two years and seriously for the past year. The County is doing its due diligence by asking for the financial information, and Premier Industries is willing to provide it but they want to be protected and that is where the non-disclosure agreement comes in. He informed the Commission the NDA is based on what the State has developed and it has gone through the State Supreme Court. Certain information can be vetted to the public. Premier wants to obtain land within the Mill Creek TIFID to develop a project which will create quite

a few jobs. Premier wants to start investing money by the end of the year, so the TIFID board is trying to move forward as quickly as possible.

CEO Ternes Daniels believes it would be valuable to have a Commissioner involved in the analysis of the project. She stated that Commissioner Vermeire has looked at the project and believes it is worthwhile. She informed the Commission that the TIFID Board is meeting tomorrow, and she recommends that Commissioner Vermeire work with the TIFID Board. Commission Chair Hart explained that for the purposes of tonight's meeting, the only thing the Commission is authorizing is the Non-Disclosure Agreement.

County Attorney Krakowka explained that the Commission may authorize the TIFID Board to enter into the agreement. He realizes that nobody likes dealing with another potential confidential document; however, businesses have trade secrets, and the County is subdividing land and selling it off. The TIFID needs to know that the people they are doing business with are qualified to do so. The County Attorney provided the example of the individual who was going to build the hotel adjacent to the golf course several years back. He informed the commission there were ten boxes of litigation files for that case – it could have been avoided if the financial records of this individual were more closely examined. This non-disclosure agreement is a way to protect the County and, at the same time, encourage businesses to come to the community.

Rose Nyman informed the Commission that Premier Industries is innocuous and asked which Premier Industries the County is dealing with as the public has a right to know. Jim Davison informed her Premier Industries processes slag.

Commissioner Vermeire moved to authorize the TIFID No. 2 (Mill Creek) Board and Any of Its Subcommittees to Enter Into a Confidentiality and Non-Disclosure Agreement with Premiere Industries on Behalf of Anaconda-Deer Lodge County

Commission Chair Hart noted that the motion language had changed per the suggestion of the County Attorney. County Attorney Krakowka informed the Commission "on behalf of Anaconda-Deer Lodge County" is excessive because the TIFID Board is part of the County.

Commission Chair Hart asked Commissioner Vermeire to rephrase the motion.

Commissioner Vermeire moved to authorize the TIFID No. 2 (Mill Creek) Board and Any of Its Subcommittees to Enter Into a Confidentiality and Non-Disclosure Agreement with Premiere Industries; seconded by Commissioner Smith.

Motion carried unanimously.

MISCELLANEOUS

No miscellaneous.

PUBLIC COMMENT

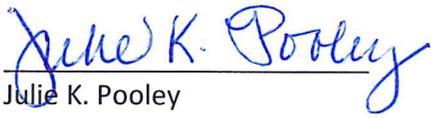
Kathie Miller with the Leader asked for a copy of the Non-Disclosure Agreement, and Commission Chair Hart provided her with his copy.

ADLC PUBLIC MEETING DATES

Commission Chair Hart read the public meeting dates.

ADJOURNMENT

Commissioner Lux-Burt motioned to adjourn the meeting. The meeting adjourned at 7:20 p.m.



Julie K. Pooley
Clerk of Commission



Kevin A. Hart
Commission Chair

