

**Anaconda-Deer Lodge County
Commission Meeting Minutes
6:00 p.m. Tuesday, November 15, 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 6:01 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 November 1, 2016 and the Commission Work Session of November 9, 2016

Commissioner Lux-Burt provided very minor grammatical changes to Julie Pooley, Clerk of Commission.

Commissioner Smith moved to approve the minutes from the Commission Meeting of November 1, 2016 and the Commission Work Session of November 9, 2016 with the minor grammatical changes noted by Commissioner Lux-Burt; seconded by Commissioner Vermeire.

Motion carried unanimously.

APPROVAL OF CLAIMS

Commissioner Vermeire moved to approve claims numbered 123708 through 123922 in the amount of \$261,423.72; seconded by Commissioner Mulvey.

Motion carried unanimously.

REPORTS OF BOARDS, OFFICIALS, COMMITTEES

Board of Health Update

Jane Dierenfeldt, Board of Health Chairperson reported that the board has been finishing up its review and revisions of its bylaws, ordinance and mission and vision statements which was a goal objective. It continues to support the Public Health Director in preparing a Community Needs Assessment presentation for the Community. Board of Health members submitted recommendations for speakers and the top five were selected (DES, Representative Kathy Swanson, Law Enforcement, Western Montana Mental Health Center, and Community Health Center). To date, Kenny Bell with the Mental Health Local Advisory Council, County Attorney Krakowka, Tobacco Specialist Amanda Boehrer and DES Coordinator, Bill Converse have all

presented to the Board of Health. Board member, Audrey Mattson provided a list of Washington State approved suicide and depression classes to the board and these classes are scheduled for January 2017. In addition, Ms. Dierenfeldt informed the Commission that Community Hospital has hired a full-time pediatric mental health specialist. Further, the board incorporated changes to its reporting format which allows a longitudinal review of statistics for future planning and tracking of progress. After the County-sponsored board training which was held in August, Board of Health members established e-mails strictly for board business. Two public hearings regarding variances were held and DPHHS provided an educational offering to board members. At this time, 2 ex-officio positions are open on the board. In the future, the board hopes have the County Attorney review its bylaws, ordinance and mission and vision statements. Ms. Dierenfeldt thanked the Commission for its support.

Commission/CEO/County Attorney Reports

Commissioner Smith attended the Greenway Service District Meeting.

Commissioner Vermeire attended the TIFID No. 2 Board meeting and went over and watched the installation of the beaver deceiver.

Commissioner Lux-Burt attended the Headwaters RC & D Board meeting.

Commissioner Mulvey attended the Library Board meeting, the DUI Task Force meeting and watched the installation of the beaver deceiver.

Commission Chair Hart attended the Parks and Recreation Board meeting and the TIFID No. 2 Board meeting.

CEO Ternes Daniels acknowledged that Bill Everett, Anaconda-Deer Lodge County's newly elected CEO, was in the audience. She congratulated him and wished him and the County the best for 2017.

County Attorney Krakowka attended the DUI Task Force Meeting, a Child Protective Services meeting and an Adult Protective Services meeting.

PUBLIC HEARING

Fiscal Year 2016-2017 Budget Amendments

CEO Ternes Daniels informed the Commission that the Mill Creek TIFID will still end up with the money they initially requested in their budget. She hopes a significant project will take place out there. Joey Blodnick informed the Commission the school district does not have floating mills like the County does, and this did impact the school district's budget. She informed the Commission the mill value decreased from \$12,876 to \$12,692. The County will be able to maintain the 30 mill reduction and will not have to cut any budgets, other than the Mill Creek TIFID Board budget. Ms. Blodnick provided the resolutions, which detail out the changes to the mill values and where the revenue adjustments are being made.

Commission Chair Hart opened the public hearing at 6:24 p.m. After three calls for public comment and no comments received, he closed the public hearing at 6:25 p.m.

The CEO informed the Commission the resolutions will be on the Special Meeting that she assumed Commission Chair Hart will be calling.

Commission Chair Hart asked Julie Pooley, Clerk of Commission, if the Special Meeting had been scheduled. She indicated it had and informed the Commission that the resolutions will appear on the Work Session in order for them to be acted on at the Special Meeting.

UNFINISHED BUSINESS

Authorization for the TIFID No. 2 (Mill Creek) Board to Advertise for Request for Proposals for Land Disposition for Proposed Development in the Mill Creek TIFID

Jim Davison informed the Commission that if approved, the Request for Proposals will advertise the next two Fridays, be due on November 29th and come before the Commission for selection on December 6th. Mr. Davison indicated the TIFID Board met and determined the lot size should be increased from 100 acres to 120 acres. During the TIFID Board meeting, the Board asked Premier industries to provide additional information, and the Board will meet again on November 28th to review it. The TIFID Board will also meet on December 1st to review the proposals in order to make a recommendation to the Commission. Commission Chair Hart asked Mr. Davison to coordinate with Julie Pooley, Clerk of Commission, to ensure the necessary information is included in the December 6th Commission packets.

County Attorney Krakowka reminded Mr. Davison that if there is any information that needs to be reviewed, it needs to be to him no later than 4:45 Thursday afternoon. County Attorney Krakowka will be out of the office beginning Friday, November 18th and the entire week of November 21st.

Commissioner Lux-Burt moved to authorize the TIFID No. 2 (Mill Creek) Board to advertise for Request for Proposals for Land Disposition for Proposed Development in the Mill Creek TIFID; seconded by Commissioner Vermeire.

Motion carried unanimously.

Approval of the Ueland Ranches First Minor Subdivision with the Five Conditions Stipulated by the Planning Board

Bob Horne, consultant with Applied Communications, informed the Commission that this is a first minor subdivision which, by law, is not subject to a public hearing. The subdivision will create three lots with a remaining tract of 3,850 acres. The following conditions apply:

1. The final plat shall be substantively similar to the preliminary plat with the exception of any modifications required by these conditions or required as a result of the examining land surveyor (ELS) review.
2. A maintenance agreement for S. Racetrack Road from Hwy. 273 to and including the access point for Tract B-3, shall be prepared by the applicant subject to the approval of ADLC, and shall be executed between the owners of Tracts B-2 and B-3.

3. Should the State Fire Marshal approve the requested exemption of Tract B-4 from the current fire code requirement to have 1,000 gallons of water available for fire suppression, a note to that effect, along with an explanation of how and when this code requirement will be met, shall appear on the final plat.
4. The applicant shall provide a letter from the chief of the Racetrack Fire Protection District that all other fire safety requirements are met.
5. The applicant shall revise the Weed Management Agreement submitted with the preliminary plat application, and resubmit it subject to approval of the ADLC Weed Coordinator.

In addition, a sixth condition was left off of the memo Mr. Horne provided to the Commission. It is as follows:

6. A fire suppression water supply agreement must be executed between the owner of the cistern and the owners of Tract B-2 and B-3. This agreement must provide that ADLC be notified no less than 90 days before such an agreement is terminated by either party.

With these recommendations, the Planning Board recommends unanimous approval from the Commission.

Commissioner Smith moved to approve the Ueland Ranches First Minor Subdivision with the Six Conditions Stipulated by the Planning Board; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Approval of the Reconciling Change Order between Anaconda-Deer Lodge County, LHC Inc., and Copper Environmental for the Washoe Park Road Waterline Project

No further comments were given on this item.

Commissioner Vermeire moved to approve the Reconciling Change Order between Anaconda-Deer Lodge County, LHC, Inc., and Copper Environmental for the Washoe Park Road Waterline Project; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Approval of the Revisions to the Anaconda-Deer Lodge County Bowman Field Airport Capital Improvements Plan

Commissioner Smith moved to approve the revisions to the Anaconda-Deer Lodge County Bowman Field Airport Capital Improvements Plan; seconded by Commissioner Mulvey.

Motion carried unanimously.

Approval of the Revisions to the Anaconda-Deer Lodge County Personnel Policy Manual

As discussed last week, CEO Ternes Daniels stated two minor changes were made to the personnel manual.

Commissioner Vermeire moved to approve the revisions to the Anaconda-Deer Lodge County Personnel Policy Manual; seconded by Commissioner Smith.

Motion carried unanimously.

Authorization to Call for Bids for a 2017 Police Package SUV, 4-door, 4x4 for Anaconda-Deer Lodge County Law Enforcement

The County is making an effort to upgrade law enforcement's vehicles in order to serve the community of Anaconda and the County's rural areas. County Attorney Krakowka noted that law enforcement often responds to dangerous situations, which requires them to use their vehicles from preventing people from escaping. This is the County's effort to continue updating vehicles so law enforcement is not in the situation it was a few years ago when they experienced a shortage of vehicles.

Commissioner Vermeire moved to authorize the call for bids for a 2017 Police Package SUV, 4-door, 4x4 for Anaconda-Deer Lodge County Law Enforcement; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Authorization to Call for Bids for a 2016 Combination Sewer Catch Basin Cleaner for the Anaconda-Deer Lodge County Road Department

Commissioner Lux-Burt believes this has been on the table for a long time. ARCO is providing the money for this piece of equipment. CEO Ternes Daniels added that ARCO provided the funding for the RDU3 storm drain project and this piece of equipment will assist in maintaining the storm drains.

Commissioner Smith moved to authorize the call for bids for a 2016 Combination Sewer Catch Basin Cleaner for the Anaconda-Deer Lodge County Road Department; seconded by Commissioner Mulvey.

Motion carried unanimously.

Approval of Resolution No. 16-39, a Resolution Requesting Prosecutorial Assistance

County Attorney Krakowka informed the Commission this investigation started out locally, went to the State, and then the FBI became involved. It appears a County employee was involved in criminal behavior while at work and on his own time. Given the fact that this person is still employed by the County, Mr. Krakowka does not feel comfortable prosecuting it and believes it will be handled more appropriately by a neutral third party.

Commissioner Vermeire moved to approve Resolution No. 16-39; seconded by Commissioner Smith.

Motion carried unanimously.

Approval of the Special Event Permit for the Chamber of Commerce’s Tree Lighting Ceremony to be held Friday, November 25, 2016 at Kennedy Common

Commission Chair Hart will emcee this event as the CEO will be out of town.

Julie Pooley, Clerk of Commission, provided follow-up to Commissioner Lux-Burt’s question regarding chimneas. She explained that there will be one chimnea at Kennedy Common and two at Durston Park. An individual with a fire extinguisher will be placed at each chimnea.

Commissioner Lux-Burt moved to approve the Special Event Permit for the Chamber of Commerce’s Tree Lighting Ceremony to be held Friday, November 25, 2016 at Kennedy Common; seconded by Commissioner Mulvey.

Motion carried unanimously.

Approval of the Special Event Permit for the Lights of Love Remembrance Memorial Event to be held Friday, November 25, 2016 at Durston Park

Commissioner Smith noticed that the County is not listed as the additionally insured. Therefore, the CEO suggested approving the permit conditionally pending proper insurance.

Commissioner Smith moved to approve the Special Event Permit for the Lights of Love Remembrance Memorial Event to be held Friday, November 25, 2016 at Durston Park subject to providing the proper insurance certificate; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Appointment of a Member to the Communications Board for a Technical Representative to Fill the Remainder of Martin Mavrincac’s Term through August 18, 2018

Commissioner Lux-Burt stated that Mr. Eller is well-suited for the position but questioned whether Mr. Eller is a good choice for the Board as he is employed by Dunne Communications, and Pat Dunne sits on the board as well.

Commissioner Smith moved to appoint Antony Eller to the Communications Board as a Technical Representative to fill the remainder of Martin Mavrincac’s term through August 18, 2018; seconded by Commissioner Vermeire.

Motion carried unanimously.

NEW BUSINESS

No new business.

MISCELLANEOUS

PERS

CEO Ternes Daniels informed the Commission the County is currently dealing with two issues with regard to PERS. One issue has been ongoing since 2001 and Anderson Zurmuehlen (AZ) will be here on December 13th to provide a report to the Commission. Most recently it was brought to her attention, and she had no idea it was going on until a police officer brought a grievance over to her, that there is another issue with PERS. PERS installed a new system and while getting the new system uploaded, discussions took place between PERS and the County's payroll clerk, Tera Smith. Something got manually switched off in the County's payroll system which affected the employees' PERS. The County is currently trying to rectify the situation; however, it is a bit more complicated than simply pushing a button to adjust it. Therefore, Anderson Zurmuehlen will be going back two months and reviewing everyone's payroll to ensure that the PERS contribution is correct. A memo from County Attorney Krakowka was supplied to Commissioners. The CEO stated it will be corrected and everyone will get what they are supposed to have. She stated that payroll is extremely complicated as the County has eight union contracts that have to be taken into consideration, and believes it will need to be looked at in the future. She would like to work with AZ to get this most recent issue corrected as soon as possible, hopefully by the second week in December.

Joey Blodnick informed the Commission MPERA's new system has been in effect since July 1, 2016. According to her, counties and everyone throughout the state have been having difficulties with the new system in terms of getting data uploaded. Clerks and school districts throughout the state are manually uploading data so she does not know if anybody is up-to-date at this point. It appears Ms. Smith was working with MPERA staff to get the County's uploads done. The first upload for July took place in September. In doing so, it was determined that several additional pay types, stipends and longevity types which meet certain criteria within MCA are allowable to be reported and it was determined by MPERA these were not able to be uploaded. This functionality was then manually turned off in the system by Ms. Smith, and Ms. Blodnick was not made aware of it. Because of the timing of the election, Ms. Blodnick informed the Commission it did not allow her to do a thorough review of payroll, and it was not brought to her attention until the grievance was filed. She is confident it can be corrected; however, she cannot do it in the next three weeks. With AZ's assistance, she hopes it can be done before the end of the tax year.

County Attorney Krakowka informed Ms. Blodnick he was approached by an officer today who is concerned about the situation. Specifically, the officer is concerned about any interest that would have accrued in the state retirement system had the correct amounts been coming out. Ms. Blodnick indicated that no penalties or interest will be levied against employees. County Attorney Krakowka clarified his question informing her that he was asking about any interest that would be accruing in employee's PERS account. Ms. Blodnick stated this is on the MPERA side and has nothing to do with the County.

Commission Chair Hart believes it will be a minimal cost to have AZ review payroll and believes the CEO is able to authorize them to do this in order to get it corrected as quickly as possible.

Judie Tilman Contract

CEO Ternes Daniels announced that Judie Tilman is terminating her contract and all associated task orders effective December 31, 2016. Ms. Tilman wrote the CDBG grant for the West Valley Sewer Hook-Ups. She

has been administering it, and CEO Ternes Daniels told the Commission it is primarily a “paper shuffle” – although she stated it is a bit more complicated. The CEO talked with DOWL who has familiarity with the project and has administrative staff that can probably handle this. She has a call into CDBG to see if this is possible. At this time, the CEO is looking at transition options noting that it is a good time to do it because winter is approaching and the work will cease. DOWL’s RFQ talks about financial and grant assistance, and DOWL did the SRF loan programs for the West Valley Sewer project. She stated the West Valley project is significant and has to be handled appropriately. She estimates 80-90 sewer hook-ups have been completed to-date.

Special Commission Meeting

Commission Chair Hart announced that Commissioner Vermeire will not be present at next week’s meeting and stressed the importance of all other Commissioners being present in order to have a quorum.

PUBLIC COMMENT

Julie Pooley informed the Commission that the kids from Head Start were at the courthouse today. Four classes of 3, 4 and 5 year olds toured the courthouse and Heather Edwards led the tours. It was a pre-planned event and the kids were able to tour the majority of the courthouse. Unfortunately, some areas of the courthouse were not accessible to them. Heather Edwards ordered mini Olympic medals and coloring books for the kids, the County Attorney’s office provided stickers, the Extension office provided ribbons, and the District Court officer also provided stickers.

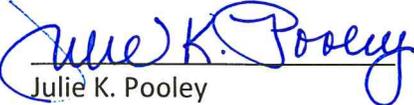
With reference to Judie Tilman’s contract termination, Julie Pooley took the opportunity to publicly thank Heather Edwards who has done a big chunk of the administrative work for the West Valley Sewer project. She informed the Commission that Ms. Edwards reviews the grant or loan paperwork with the West Valley residents (many of whom are elderly) and answers any question they may have prior to them signing it. Once the paperwork is signed, Ms. Edwards gets it to the Clerk and Records’ in order for it to be recorded. Once that is done she gets copies to Judie Tilman and the homeowner. Ms. Edwards also works with the contractor to get their contract signed and keeps track of all the paperwork. Ms. Pooley wanted to ensure that Ms. Edwards was acknowledged for the work she has done.

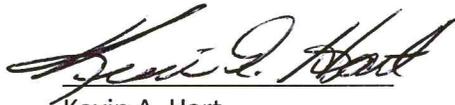
ADLC PUBLIC MEETING DATES

Commission Chair Hart read the public meeting dates.

ADJOURNMENT

Commissioner Lux-Burt motioned to adjourn the meeting. The meeting adjourned at 7:10 p.m.


Julie K. Pooley
Clerk of Commission


Kevin A. Hart
Commission Chair