

**Anaconda-Deer Lodge County  
Commission Meeting  
6:00 p.m. August 4, 2015  
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 Hoffman, Clerk of the Commission

Commission Chair Hart called the meeting to order at 6:00 p.m. and the Pledge of Allegiance was recited.

Commission Chair Hart explained the Commission Rules of Procedure.

**Approval of Minutes from the Commission Meeting of July 21, 2015 and the Commission Work Session of July 28, 2015.**

Commissioner Mulvey moved to approve the minutes from the Commission Meeting of July 21, 2015 and the Commission Work Session of July 28, 2015; seconded by Commissioner Smith.

Motion carried unanimously.

**Approval of Claims**

Commission Chair Hart stated the claims included payments of \$275,000 to Jordan Contracting for the Washoe Park/Hefner's Dam Project; \$111,000 to WET; \$169,000 to MMIA for liability insurance; and \$47,000 to MMIA for property insurance. These claims totaled \$602,000 of the \$736,581.53 in total claims.

CEO Ternes Daniels stated there are many projects going on. She informed the Commission that Park and Commercial will not be chip sealed, and both roads should be striped soon.

Commissioner Lux-Burt moved to authorize the payment of claims numbered 120205 through 120278 in the amount of \$736,581.53; seconded by Commissioner Mulvey.

Motion carried unanimously.

**Reports of Boards, Officials, Committees, etc.**

Commissioner Vermeire attended an Airport Board meeting, a Superfund meeting and three budget hearings.

Commissioner Lux-Burt attended two West Valley Sewer construction meetings, a Stumptown Bridge construction meeting, three budget meetings, the Library Board Special Meeting, and Superfund meeting.

Commissioner Mulvey attended three budget meetings and the Library Board Special Meeting.

Commission Chair Hart attended the Study Commission Meeting.

CEO Ternes Daniels attended the Library Board Special Meeting, the Superfund meeting, the budget meetings, and a West Valley Sewer construction meeting. She stated she should have the certified values by Wednesday.

## **UNFINISHED BUSINESS**

### **Invitation to Bid for Anaconda-Deer Lodge County RDU3 Storm Water Plan, AFFCO Storm Water Ditch Upgrade Project**

Commission Chair Hart stated Steve Anderson presented a good overview of the project last week.

CEO Ternes Daniels stated the Commission received a good overview of the project last week and believes the project should go out for bid.

Commissioner Vermeire moved to approve the Invitation to Bid for Anaconda-Deer Lodge County RDU3 Storm Water Plan, AFFCO Storm Water Ditch Upgrade Project; seconded by Commissioner Mulvey.

Motion carried unanimously.

### **Lease Agreement between Anaconda-Deer Lodge County and the State of Montana, Department of Revenue, for the Department of Revenue to lease space at 800 Main Street, Anaconda, Montana.**

Commission Chair Hart stated this lease is for the Assessor's Office in the courthouse.

CEO Ternes Daniels stated this agreement is identical to the previous one. She stated it is a two-year agreement and the annual rent has increased to \$8,248.37.

Commissioner Smith moved to approve the Lease Agreement between Anaconda-Deer Lodge County and the State of Montana, Department of Revenue, for the Department of Revenue to lease space at 800 Main Street, Anaconda, Montana; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

### **Federal Aviation Grant (AIP 3-30-002-017-2015) for the Design of a New Wildlife Fence and Land Purchase**

Commission Chair Hart stated this project has been a long time coming and he is glad to see it moving forward.

CEO Ternes Daniels stated the grant is in the amount of \$132,000. Of that, A-DLC's match is \$13,200. She informed the Commission the County will apply for a grant through Montana Aeronautics for the match.

Commissioner Mulvey moved to approve the Federal Aviation Grant (AIP 3-30-002-017-2015) for the Design of a New Wildlife Fence and Land Purchase; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

### **Final Approval of the Airport Layout Plan**

CEO Ternes Daniels stated Shawn Shea did a great job going over the plan last week. She stated the airport projects have been successful due to the grants and all of the hard work Morrison Maierle has done for the County. She stated \$4.6 million has been invested in the airport and A-DLC has contributed \$150,000 of that.

Commissioner Vermeire moved to approve the Airport Layout Plan; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

**Resolution No. 15-20, a Resolution Authorizing Agents to Acquire Federal Surplus Property from the State of Montana, Property & Surplus Bureau, for Anaconda-Deer Lodge County**

CEO Ternes Daniels informed the Commission she would like to add Chief Tim Barkell and Kurt Wyant to the resolution.

Commissioner Lux-Burt asked if Fire Chief Tocher should be added as well.

CEO Ternes Daniels stated she would check with him and if the Commission so desires he can be added as well.

Commission Chair Hart stated the Fire Department does not get a lot of federal surplus and if it needed any, it could go through Tim Barkell to get it.

CEO Ternes Daniels stated she believed Chief Tocher has been asked, but will double check with him again and will add him to the list if he wants to be on it.

Commissioner Mulvey moved to approve Resolution No. 15-20; seconded by Commissioner Vermeire.

Motion carried unanimously.

**2015 Volunteer Fire Assistance Program Subaward Agreement VFA-16-120 between Anaconda Fire Council and the Montana Department of Natural Resources and Conservation**

CEO Ternes Daniels stated the money received from this grant will be split among all of the volunteer fire departments and the Anaconda Fire Department. She stated RJ is a good fire chief and grant writer.

Commissioner Lux-Burt moved to approve the 2015 Volunteer Fire Assistance Program Subaward Agreement VFA-16-120 between Anaconda Fire Council and the Montana Department of Natural Resources and Conservation; seconded by Commissioner Mulvey.

Motion carried unanimously.

**Appointment/Reappointment to the Anaconda-Deer Lodge County Planning Board**

Commissioner Mulvey moved to reappoint Mary Murphy to the Anaconda-Deer Lodge County Planning Board for a two-year term; seconded by Commissioner Vermeire.

Motion carried unanimously.

**Special Event Permit for Dee Motors' Car Wars**

CEO Ternes Daniels stated she understands the concerns regarding driving on the sprinkler system. She stated John Leo did sign off on the permit. CEO Ternes Daniels recommended going ahead with this event but suggested looking at future events at Kennedy Common and Benny Goodman to ensure the sprinkler system is not being damaged. She stated the sprinkler system is old and it is difficult to get parts to fix it.

Commission Chair Hart stated cars drive on the grass at Washoe Park as well to set up events such as Art in the Park.

Commissioner Smith moved to approve the Special Event Permit for Dee Motors' Car Wars; seconded by Commissioner Mulvey.

Motion carried unanimously.

## **NEW BUSINESS**

- A. Special Event Permit for the 2015 Men's & Women's State Tournament (tournament previously approved at the July 7<sup>th</sup> Commission Meeting for the dates of August 1<sup>st</sup> & 2<sup>nd</sup>. This tournament is to be held on August 7<sup>th</sup>, 8<sup>th</sup>, & 9<sup>th</sup>)**

CEO Ternes Daniels informed the Commission the wrong dates were provided on the original event permit.

Commissioner Vermeire moved to approve the Special Event Permit for the 2015 Men's & Women's State Tournament to be held on August 7<sup>th</sup>, 8<sup>th</sup>, and 9<sup>th</sup>; seconded by Commissioner Mulvey.

Motion carried unanimously.

## **MISCELLANEOUS**

Commissioner Lux-Burt stated Cable Road has received all the millings from the Park and Commercial project and the oil was put down on Friday. She stated she drove the length of it today and it was very nice.

CEO Ternes Daniels informed the Commission the following projects are currently underway or upcoming:

- Park/Commercial re-paving and installation of the ADA corners
- Realignment of Mill Creek Highway
- Stumptown and Willow Creek Bridge
- West Valley Sewer Phase II
- Cable Road millings
- Waterlines project
- Washoe Park/Hefner's Dam Project
- Public Health Building Remodel
- Street Lights on the west end
- Grant for 18 lights from Main to Cedar
- RDU3 Storm Water Drain project
- East Yards
- Library Roof (next year)
- Airport Wildlife fence (next year)
- Wastewater Treatment Plant (next year)

CEO Ternes Daniels informed the Commission that Carl Nyman had an update on the East Yards project.

Carl Nyman informed the Commission that Cocca has elected to assign the option of eight acres over to Capital Growth, which must be approved by the County. He stated he spoke with a representative from Capital Growth this morning who proposed three provisions to the original agreement:

1. Capital Growth would like to split the 8 acres into 2 – 4 acre lots. However, Capital Growth only wants one of the 4-acre lots.
2. Capital Growth would like a 120-day due diligence period to address, research and discuss Superfund concerns.
3. Capital Growth needs to finish its design, secure permits, do a title search, and secure its lease with Shopko.

Capital Growth anticipates thirty days for closing with the ability to extend to sixty days if necessary. Carl Nyman stated Dan Manson believes the window is relatively short. He stated Capital Growth is under a lot of pressure from Shopko to get the project started and make this work. Dan Manson believes because this is occurring during the off season, the risk is relatively low. Mr. Nyman is hopeful an agreement can be before the Commission very soon, perhaps at a Special Meeting next week.

Carl Nyman then went on to discuss the gas line relocation. He informed the Commission it is more involved than previously thought. Mr. Nyman met with Northwestern Energy today. He stated the gas line supplies gas for the majority of Anaconda. At this time of year, not much volume is going through it. In order to relocate the gas line, it has to have a bypass. If the bypass is going to take place during heating season (September 1<sup>st</sup> through May 31<sup>st</sup>), it must be an 8 inch bypass. Mr. Nyman stated the cost will be approximately \$220,000. The County must be willing to put money down for the materials by October 1<sup>st</sup>. He stated Northwestern Energy only needs the cost for materials upfront. He stated the pipe can be delivered by February 2016. He stated the new pipe would be installed in the ground before the bypass takes place. Installing the 8 inch pipe saves 4-6 weeks in the process but costs an additional \$70,000. Mr. Nyman also informed the Commission there is a 30% tax surcharge for the gas line relocation as well. This surcharge is allowed under federal law. He also informed the Commission that Northwestern Energy advised that the County install culverts for future utilities. This will allow for more efficient and economic development in the future. Mr. Nyman stated Northwestern Energy is willing to work with A-DLC to bump up this project and make it happen. He stated Shopko will not be opening by March but if everything goes as planned, it will be open by Thanksgiving of next year.

CEO Ternes Daniels stated even if the money were there and if the County worked with Northwestern Energy to order the materials tomorrow, we could not move forward until October. She stated it is important to have the agreement in place and have the project moving in the right direction.

Commission Chair Hart stated that Shopko and the developer are in this for the long haul. He stated the County is gaining another tax-paying entity and Shopko will be employing people from the community. He stated the gas line is an expense that is worth being paid.

## **PUBLIC COMMENT**

Osbourne Watkins – 220 Monroe: Mr. Watkins brought several concerns to the attention of the Commission. He informed the Commission he was over at Benny Goodman about a month ago and witnessed kids at the playground area picking up glass from the sand. He is proposing to place an ad in the Leader to get some volunteers to get the glass picked up. He asked the Commission if he needs a permit or permission from the Commission to place the ad.

Mr. Watkins then expressed concern with regard to 3<sup>rd</sup> Street. He stated cars continue to ignore the speed limit, continue to drive the opposite way even though it is a one-way street, and use the parking lot at Benny Goodman as a thru-way access. He also stated that cars race and spin out in the parking lot and he also believes there is drug dealing going on in the parking lot at Benny Goodman. He stated there has been talk and consideration from police officers about making 3<sup>rd</sup> Street a two-way street. He stated if that is being considered, he would propose that the County review options for making it safer by moderating traffic patterns when the pavilion is rented because there is much more foot traffic and people driving through during those times.

Commission Chair Hart noted at one time there was a community organization doing some work at Benny Goodman to clean up the glass.

CEO Ternes Daniels informed Mr. Watkins that if someone is going to volunteer for the County, it needs to be coordinated through the Parks & Recreation Department for insurance purposes. She stated it may behoove the County to have a community meeting to see what the community thinks about the issues brought up by Mr. Watkins. She stated if the issues are this extreme it may be beneficial to get input from the neighborhood.

Commission Chair Hart stated closing the parking lot at Benny Goodman is not an option, nor is it an option to turn 3<sup>rd</sup> Street into a two-way street without taking out the railroad right of way. He stated enforcing the law is more reasonable.

Mr. Watkins stated Helena has electronic signs which monitor speed. He stated this may be a good idea for Anaconda as people tend to pay attention to these signs. He also stated the playground equipment is very old and if there is ever any money to update it he would be happy to volunteer to assist with anything that is done.

Rose Nyman – 121 E. 3<sup>rd</sup>: Ms. Nyman asked if it is appropriate to use the parking lot at 3<sup>rd</sup> and Oak to sell used cars. She stated there have been cars parked there for days.

She then informed the Commission there are many angry people in town because of the loss of AWARE's recycling program. She asked if the County would consider a transfer station, even just for cardboard as the volume from local business is huge. She asked if the County's fees from the Rocker landfill will increase and whether the fee is based on the number of residents/households.

CEO Ternes Daniels informed Ms. Nyman that the County's fee is \$72 per year. This is the residential charge and it covers the fees the County pays to Butte-Silver Bow to have access to its landfill and the County's expenses for the Class III Landfill. She stated that commodity prices have significantly dropped and it has had a significant impact on AWARE's recycling program. She met with AWARE and Tim Flynn to discuss plans for moving forward. She stated it is going to take some work to figure out a plan for the County to do its own recycling. She stated whatever plan the County comes up with, there will be a fee structure associated with it. She also stated that Butte-Silver Bow is looking at an increase in its landfill fees because there has not been an increase in years. She expects the increase to be 15-20%.

Commission Chair Hart stated Butte is concerned because its landfill is filling up faster than anticipated.

CEO Ternes Daniels stated AWARE is going to keep its recycling program going in Butte but will not be picking up at the curb. She stated she believes there is a solution if the County gets involved but there will have to be a fee structure in place to accommodate it.

Ms. Nyman stated it comes down to being stewards of the land and taking care of it for future generations.

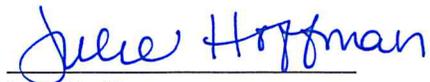
August 4, 2015  
Commission Meeting

**ADLC PUBLIC MEETING DATES**

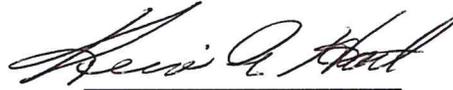
Commission Chair Hart read the ADLC Public Meeting dates.

**ADJOURNMENT**

The meeting adjourned at 7:16 p.m.



Julie Hoffman  
Clerk of the Commission



Kevin A. Hart  
Commission Chair