

**Anaconda-Deer Lodge County**  
**Commission Work Session**  
**6:00 p.m. Tuesday, August 25, 2015**  
**Courthouse Courtroom**

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

Others Present: Julie Hoffman, Clerk of Commission

Commission Chair Hart called the meeting to order at 6:05 p.m. and explained the Commission Rules of Procedure.

**Public Hearing – Establishing the Anaconda-Deer Lodge County Budget for Fiscal Year 2015-2016**

Commission Chair Hart opened the public hearing at 6:07 p.m.

CEO Ternes Daniels thanked everyone involved in the budget process. She stated 26 meetings were held with department heads and supervisors. She added it was a collaborative process and she appreciates the time and effort put in by all the staff and Commissioners.

CEO Ternes Daniels provided a brief overview of the salary details for FY 2015-2016. She informed the Commission all non-union employees will receive a 2% salary increase with the following exceptions:

- Promote Planner I to Planner II - \$40,000/year
- Increase Code Enforcement Officer to \$17.98 as she has completed her certification requirement and is the only code enforcement officer in the state who is certified
- Increase Victim Witness Advocate to \$15.60 per hour to bring the wage in line with other legal office personnel

CEO Ternes Daniels stated the employee medical health insurance benefit will increase to \$600/month. She stated the rates through Blue Cross Blue Shield went through the roof and ultimately the decision was made to switch insurance providers to MMIA. She stated any employee who works over 30 hours per week is entitled to health insurance coverage. She stated \$914,400 is budgeted for health insurance.

No union contracts are settled at this time.

CEO Ternes Daniels noted the following position changes/additions:

- Increase PT Commission Clerk to FT (40 hrs/week)
- Increase PT Seasonal Election Assistant to 50% (April-June & Sept-Nov)
- Increase PT Deputy Clerk & Recorder to 75% (30 hrs/week)
- Increase Animal Control Assistant to 75% (30 hrs/week)
- Increase Recreation Coordinator to FT (40 hrs/week)
- Reduce PT Detention Officer to 50% (20 hrs/week)
- Remove FT Public Health Project Nurse
- Add Public Health Teacher Home Visitor (75% PTE)

- Add Public Health RN (60% PTE)

CEO Ternes Daniels briefly listed out upcoming projects for FY 2015-2016, including: East Yards infrastructure completion; bridges, Public Health Building repairs; Hearst Free Library roof repairs; RDU3 storm drain project; repairs to bathrooms at Washoe, Benny Goodman and Legion Field; West Valley Sewer project; waterlines replacement; and Washoe Park/Hefner's Dam.

CEO Ternes Daniels informed the Commission mill values increased slightly from \$12,431 in FY 2014-2015 to \$12,505 for FY 2015-2016. In addition, this is the third year of the sewer fee increase from \$231 to \$315 annually.

Joey Blodnick, Clerk and Recorder, provided an overview of the budget breakdown. Projected revenue for FY 2015-2016 is \$27,344,114; projected expenses are \$29,300,464; and ending cash reserves are \$13,533,939. Ms. Blodnick explained the loss of \$1,956,350 is due to the \$1,500,000 received from ARCO that was not spent in FY 2014-2015 but will be in FY 2015-2016. Ms. Blodnick stated the tax revenue is an estimate and the County is able to use the excess Mill Creek remittance as back fill.

She reviewed the budget breakdown summary which listed details regarding projected revenues and expenses for the general fund, special revenue funds, Mill Creek TIFID, debt service, capital project funds, enterprise funds, and permanent funds. She stated a large part of the capital reserves comes from the fire department, whereas enterprise funds come from water, sewer and solid waste.

Ms. Blodnick provided a revenue breakdown which showed that approximately 35% of the County's revenue comes from taxes; 26% from intergovernment revenue; 16% from fees and charges; and 22% from other financing sources. In terms of expenditures, 27% goes toward salaries and benefits; 22% goes toward purchased services; and 21% goes toward capital outlay. Ms. Blodnick stated capital outlay includes infrastructure projects and purchase of vehicles.

CEO Ternes Daniels stated it has been a balancing act between trying to make the Mill Creek remittance work to give something back to the tax payers and deal with all of the county's infrastructure issues. She informed the Commission the County is in the process of updating its Capital Improvement Plan (CIP) and it should be before the Commission in September. She stated this tool will help with budgeting in the future.

CEO Ternes Daniels informed the Commission and the public copies of the preliminary budget are available for review at the CEO's Office, the Library, and the Clerk & Recorder's Office.

#### Public Comment

Rose Nyman – 121 E. 3<sup>rd</sup>: Ms. Nyman stated she did not know how many tax appeals had been filed in the County. However, she noted that people still have to pay taxes under protest if their appeal has not been heard. She asked how it will affect the budget if tax appeals are filed. CEO Ternes Daniels she stated she did not know. She stated the state has now moved to a two-year reappraisal process rather than a six-year process. Joey Blodnick informed Ms. Nyman only four appeals had been filed at this time. Julie Hoffman, Tax Appeal Board Secretary, stated two individuals filed the appeals and at this time are going through the AB-26 process through the Department of Revenue to resolve the issue.

Ms. Nyman then asked if county money go into the MDT road project on Park and Commercial. CEO Ternes Daniels stated it did not.

Joey Blodnick, Clerk and Recorder, informed the Commission a cash reserve worksheet and three Resolutions were included in the packets. She stated the school levy information has not been received yet but she is hoping to have the information by Friday. The following Resolutions were provided to the Commission to be placed on the September 1, 2015 Commission Meeting Agenda:

- Resolution No. 15-23, a Resolution Establishing the Mill Levy for Anaconda-Deer Lodge County for Fiscal Year 2015-2016
- Resolution No. 15-24, a Resolution Establishing Salaries for Anaconda-Deer Lodge County Employees for Fiscal Year 2015-2016
- Resolution No. 15-25, a Resolution Adopting a Budget for Anaconda-Deer Lodge County for Fiscal Year 2015-2016

After three calls for additional public comment and no additional public comment, Commission Chair Hart closed the public hearing at 6:58 p.m.

Items placed on the agenda.

**Presentation – Arrowhead Foundation Application to the River, Trails and Conservation Assistance Program through the National Parks Service Seeking Technical Assistance for the Completion of a Superfund Master Trails Plan**

Jamie Roessler informed the Commission this grant was submitted earlier in the month. The goal of the project is to create a trails plan that prioritizes and strategizes recreational opportunities within the Anaconda Smelter NPL site to better connect residents and visitors to our parks, creeks, lakes and neighborhoods. Ms. Roessler stated she hopes the County and Foundation can work together to compliment the efforts the County has already made toward this goal.

CEO Ternes Daniels commented that it is great to get the trails connected.

Commissioner Lux-Burt asked Ms. Roessler if she wrote the grant. Commissioner Lux-Burt stated she read the grant and it was very well written, and she was very impressed.

Commission Chair Hart asked if any action needed to be taken on this item.

Ms. Roessler noted she was only providing information at this time. She stated notification of award of the grant will not take place until late September or early October and she will notify CEO Ternes Daniels when and if the grant is awarded.

**Discussion – Second Amendment to Agreement for the Sale of Real Estate between Anaconda-Deer Lodge County and CGP Acquisitions and Development, LLC**

Dan Manson, Attorney, informed the Commission this is framed as a second amendment to the agreement for the sale and purchase of four (4) acres located at the East Yards. He stated the original agreement was between the County and Cocca. Cocca had a relationship with Shopko. However, those ties have been severed, the new developer is CGP, and Cocca would like to assign its rights to CGP. Mr. Manson explained that under the original agreement the County was obligated to pay a 6% commission to the real estate broker. Mr. Manson discussed this with CGP and they did not want to be held responsible for the commission, but they did agree to increase the purchase price \$10,000, which will cover most of the 6% commission. Mr. Manson also explained the agreement has a 120-day due

diligence period. He stated at the end of the period the developer will be obligated to buy the property or walk away from it.

CEO Ternes Daniels stated Mr. Manson has gone over the agreement extensively. She stated her hope is to get it approved tonight in order to move forward with all that needs to be done.

County Attorney Krakowka stated he had no further comment than what Dan Manson said.

Commissioner Lux-Burt stated she was hopeful to see this move forward. She stated it had been a long process and frustrating at times, but believes CGP is serious.

Commissioner Vermeire stated the project has been going on for a long time. He thanked Dan Manson, Doug Clark and his staff and Carl Nyman and stated he appreciated all of their hard work to get this done.

Commission Chair Hart asked Mr. Manson if all of the recent issues in the Stock Market would affect this. Mr. Manson stated he did not know as everyone has a knee jerk reaction to an explosive market. He stated it is a concern nationwide but does not believe it would trickle down quickly.

Item placed on the Special Meeting agenda.

**Discussion – Lease Extension between Anaconda-Deer Lodge County and American Tower Corporation for Site #412904/141422**

Gary Wenger, Communications Board Chair, stated Verizon sold its tower rights to American Tower. He stated this agenda item goes along with the next agenda item. Mr. Wenger did state a letter was received asking for updated information regarding the County's contact information and W9 information and asked that it be filled out and sent to American Tower.

County Attorney Krakowka stated it was appropriate to do so.

**Discussion – Anaconda-Deer Lodge County's Consent to Sublease of Ground Lease 11258 and Subsequent Leaseback of a Portion of Site 141422, Located at Sheep Gulch Road on Hill C, Anaconda, MT with American Tower Corporation**

Gary Wenger, Communications Board Chair, informed the Commission the Communications Board met on July 3<sup>rd</sup> and discussed three options that American Tower presented to the County regarding the tower lease. He stated the Board chose Option 3, which would allow the County to renew the lease at 5-year intervals beginning at the end of the expiration of the lease agreement, which is October 4, 2022. American Tower then came back and informed Mr. Wenger they wanted to extend the lease for 30 years. Mr. Wenger stated he spoke with the County Attorney who advised him to let the present lease ride out until 2022. At that time, the County can decide whether or not to continue leasing the site to American Tower.

County Attorney Krakowka stated the County is under no obligation to choose any options because the property belongs to the County.

Doug Clark, Planning Director, informed the Commission the Planning Department has received several calls over the last two years from different cell site management companies that have shown interest in

leasing/contracting with the County to manage the tower on C Hill. He stated the County has consistently rebuffed the efforts because of the issues on C Hill. He stated C Hill is part of a larger Superfund site and the County owns infrastructure on the hill as well. In addition, access to the hill is difficult as there are issues with the road and legal issues with the owner of property in the area. Mr. Clark stated it is a valuable asset and he is in support of Mr. Wenger's and County Attorney Krakowka's comments.

Commissioner Lux-Burt stated she was glad Gary and Ben were looking out for the County on this issue.

County Attorney Krakowka stated it would be appropriate to send a letter to American Tower informing them of the County's intentions. He stated no Commission action needs to take place as the County is not entering into any contract with American Tower.

#### **Discussion – Request for Final Plat Approval of East Yards Frontage Minor Subdivision**

Doug Clark, Planning Director, informed the Commission the Planning Department received the final plat application for the East Yards Minor Subdivision. The memo he provided to the Commission states the application is in accordance with the ADLC Subdivision Regulations and is complete and ready for approval. Mr. Clark stated once the plat is approved it will go to the examining land surveyor who does a final review to ensure it is in order with state standards.

Item placed on the agenda.

#### **Discussion – Petition to Re-Align a Section of Cable Mountain Road (aka Southern Cross Road) from the Front of to the Rear of St. Timothy's Chapel**

Doug Clark, Planning Director, informed the Commission the Planning Department received a petition from St. Timothy's requesting the abandonment of a portion of Cable Mountain Road (Southern Cross Road). This was previously discussed at a Work Session. The new road will go behind the church. The church plans to abandon a portion of the road in front of the church for development of a garden and reflection pool. Mr. Clark stated per MCA a public hearing must be held regarding the petition, a Commissioner needs to be appointed to make an investigation of this matter with the County Roads Foreman, and staff must issue a public notice regarding the public hearing and the associated action the Commission will be considering when reviewing the petition.

CEO Ternes Daniels informed the Commission the earliest date a public hearing could take place is September 15, 2015.

Commissioner Vermeire was asked and agreed to investigate the matter with Wayne Wendt, the County Roads Foreman.

Commission Chair Hart scheduled the public hearing for September 15, 2015.

#### **Discussion – Authorization to Advertise the Invitation to Bid for the Materials for the Willow Glen Pedestrian Bridge**

CEO Ternes Daniels informed the Commission the materials for the pedestrian bridge will be paid for by CTEP funds.

Commissioner Lux-Burt stated this is another good project moving forward.

Item placed on the agenda.

**Discussion – 2015-2016 Cooperative Agreement between Anaconda-Deer Lodge County Head Start and Anaconda Public Schools**

CEO Ternes Daniels stated this agreement is done yearly in order to follow federal guidelines to provide services to kids who need special attention. She stated it is a requirement and a congressional mandate.

Kathy Leary, Head Start, stated this is the same agreement that has been in place for a number of years. She stated the public school is the lead agency and Head Start is required to enroll at least 10% of children with disabilities.

Item placed on the agenda.

**Discussion – Lease between Anaconda-Deer Lodge County and GJ Walker for Property Adjacent to Sunnyside Road**

CEO Ternes Daniels informed the Commission this lease has been in place for twenty (20) years. She stated the lease expired on June 30, 2015. She stated leases are now renewed yearly. CEO Ternes Daniels would like County Attorney Krakowka to review the lease to determine if the terms need to be tweaked.

Commission Chair Hart asked County Attorney Krakowka if he is able to review the lease prior to next week's meeting. County Attorney Krakowka indicated he will be able to do so.

Item placed on the Agenda.

**Discussion – Special Event Permit – Society for Creative Anachronism Medieval Tournament**

CEO Ternes Daniels stated she thinks it is great they are doing medieval things at Kennedy Common. She stated no public participation is allowed but the public can watch. The event will take place on October 17<sup>th</sup> from 8 a.m. until 10:00 p.m.

County Attorney Krakowka stated the event sounds like a great idea but would like to ensure no horses will be at the event for fear of damaging the grass at Kennedy Common.

Item placed on the Agenda.

**MISCELLANEOUS**

Commissioner Mulvey informed the Commission the Library Board has hired Sam Walters as the new Library Director. He will start September 1<sup>st</sup>.

CEO Ternes Daniels congratulated Sam Walters and stated he will do an outstanding job.

CEO Ternes Daniels stated MDT certainly coordinated with the County when re-doing Park and Commercial this summer. She stated it took cooperation and effort on the County's part. CEO Ternes

Daniels discussed our partnership with MDT as it relates to the Mill Creek Highway project. She stated it has been an unbelievable task to figure out how to rebuild the road. She stated the state went after FLAP funds. The County partnered with the State and they prepared the grant applications. She stated \$14 million has gone into the project to date. CEO Ternes Daniels believes it is very important to partner with state agencies in order to get things done.

#### **PUBLIC COMMENT**

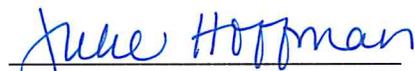
Rose Nyman – 121 E. 3<sup>rd</sup>: Ms. Nyman stated she requested the animal leash sign on the gazebo at Durston Park to be removed a few months ago because she feels it is defacing it. She stated a work party is going to be staining the gazebo this weekend and it would be nice to have the sign removed.

#### **ADLC PUBLIC MEETING CALENDAR**

Commission Chair Hart read the ADLC Public Meeting Calendar.

#### **Meeting adjourned:**

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

  
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Julie Hoffman  
Clerk of the Commission

  
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Kevin A. Hart  
Commission Chair