

**Anaconda-Deer Lodge County**  
**Commission Work Session**  
**6:00 p.m. Tuesday, January 26, 2016**  
**Courthouse Courtroom**

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

Others Present: Julie K. Pooley, Clerk of the Commission

Commission Chair Hart called the meeting to order at 6:00 p.m. and explained the Commission Rules of Procedure.

**Public Hearing - Anaconda-Deer Lodge County Early Public Notice for Floodplains and/or Wetlands**

Ed Janney with DOWL informed the Commission and the public that thirty-three (33) of the properties in the West Valley are either partially or wholly located within the floodplain. As a condition of the CDBG grant, the County is required to discuss alternatives and receive public input regarding adverse impacts and ways to possibly lessen those impacts. Mr. Janney did note, however, that this project is an underground project that will leave a small, temporary footprint.

Commission Chair Hart opened the hearing for public comment at 6:03 p.m. After three calls for public comment and no comments received, Commission Chair Hart closed the hearing at 6:04 p.m.

**Discussion – Resolution No. 16-02, a Resolution to Accept Bid Proposal and List Terms and Stipulations of Sale and Property that has been sold at a Tax Deed Land Sale Auction (Parcel 71400, 811 W 5<sup>th</sup> Street)**

CEO Ternes Daniels read Treasurer Eric Hoiland's memo aloud, which stated the first tax deed auction for 2011 tax deed properties was held on Friday, January 22, 2016 from 9:00 a.m. to 5:00 p.m. Five properties were available to the public for auction. The County received no bids on two properties and one bid each on the remaining three. None of the three was above the minimum bid as set by resolution.

The property's minimum bid was set at \$9,505.50 and received a bid of \$3,800.00.

Item placed on the agenda.

**Discussion – Resolution No. 16-03, a Resolution to Accept Bid Proposal and List Terms and Stipulations of Sale and Property that has been sold at a Tax Deed Land Sale Auction (Parcel 121300, 519 E. Park Street)**

The property's minimum bid was set at \$4,242.00 and did not receive a bid.

Item placed on the agenda.

**Discussion – Resolution No. 16-04, a Resolution to Accept Bid Proposal and List Terms and Stipulations of Sale and Property that has been sold at a Tax Deed Land Sale Auction (Parcel 121400, 517 E. Park Street)**

The property's minimum bid was set at \$37,655.40 and received a bid of \$7,600.00.

Item placed on the agenda.

**Discussion – Resolution No. 16-05, a Resolution to Accept Bid Proposal and List Terms and Stipulations of Sale and Property that has been sold at a Tax Deed Land Sale Auction (Parcel 189600, 521 E. Park Street)**

The property's minimum bid was set at \$13,327.83 and did not receive a bid.

Rose Nyman asked if any bids were received on this property and if it was the vacant lot.

Commission Chair Hart noted that CEO Ternes Daniels had informed the Commission this property did not receive any bids.

Ms. Nyman clarified this was the Washoe Market property.

Item placed on the agenda.

**Discussion – Resolution No. 16-06, a Resolution to Accept Bid Proposal and List Terms and Stipulations of Sale and Property that has been sold at a Tax Deed Land Sale Auction (Parcel 40900, 505 E. 3rd Street)**

The property's minimum bid was set at \$20,832.00 and received a bid of \$10,500.00.

Item placed on the agenda.

**Discussion – Award of Bid to Furnish a 16 Metric-Ton Class Excavator for the Anaconda-Deer Lodge County Road Department (two bids received from Caterpillar and Case)**

Road Foreman, Wayne Wendt informed the Commission the County received two bids for the excavator – one from Caterpillar and one from Case. The bids were \$175,465 from Caterpillar and \$170,166.03 from Case. The difference is \$5,298.97. Although Case came in with a lower bid, Caterpillar offers a better 3 and 5-year buy back option. Therefore, Mr. Wendt recommended awarding the bid for the excavator to Caterpillar.

CEO Ternes Daniels informed the Commission that Case did not meet some of the required bid specifications. In terms of overall specifications and cost savings, primarily with regard to the buy back options, CEO Ternes Daniels agreed with Mr. Wendt's recommendation.

Commissioner Lux-Burt asked Mr. Wendt how much was budgeted for this purchase. He informed her approximately \$200,000 was budgeted.

Item placed on the agenda.

**Discussion – CDBG Economic Development TIG Welding Lab Project – Invitation to Bid for a Ventilation System for the TIG Welding Lab**

Jim Davison with Anaconda Local Development Corporation informed the Commission the ventilation system was part of the TIG Welding Lab bid and listed as an “exception” to the bid. One contractor bid on the ventilation system and two listed it as an exception. As a result, it created an issue with the budget. After speaking with representatives from CDBG, Job Corps and CEO Ternes Daniels, it was decided to bid separately for the ventilation system.

Item placed on the agenda.

**Discussion - Waiver of the Capital Growth Current Due Diligence Deadline of January 19, 2016 by Seven (7) Days to January 26, 2016 based on the Anaconda-Deer Lodge County Board of Commission’s Inability to take Formal Action on the Developer’s Request Prior to Expiration of the Deadline**

As discussed at last week’s Commission Meeting, Carl Nyman informed the Commission he received an e-mail from Capital Growth on Sunday, January 18<sup>th</sup> requesting a 60-day extension to its due diligence period. The agreement did not require advance notice to request an extension. Dan Manson advised the County to extend the due diligence deadline by seven (7) days to January 26<sup>th</sup> in order to satisfy the public notice requirements.

CEO Ternes Daniels thanked Mr. Nyman for reaching out to Capital Growth. She believes the extension request shows Capital Growth is still interested in moving forward and she hopes the County still has a viable project.

Item is on the agenda for the Special Meeting immediately following the Work Session.

**Discussion - Third Amendment to Agreement for Sale of Real Estate between Anaconda-Deer Lodge County and CGP Acquisitions and Development, LLC to Extend the Capital Growth Due Diligence Period to 7:00 p.m. EST, March 19, 2016**

Carl Nyman informed the Commission the agreement formally extends the due diligence period to 7:00 p.m. EST on March 19, 2016. CGP’s attorney contacted him today and would like to set up a meeting to discuss some ideas with regard to moving forward with the project. Mr. Nyman noted that Superfund is not an issue. CGP is also in discussions with a local lender who has made projects work in the past in terms of construction loans. He hopes to see movement in the next sixty (60) days.

Commission Chair Hart informed the public this agreement is in regards to the Shopko development.

Item is on the agenda for the Special Meeting immediately following the Work Session.

**Discussion - Addendum No. 1 to Third Extension Agreement (Weed MOU) between Anaconda-Deer Lodge County and Atlantic Richfield Company**

Carl Nyman informed the Commission this Agreement is tied to the 1994 Conveyance Agreement. It is for maintenance, weed spraying and irrigation. Since 2011, the County has been operating under extensions and working closely with ARCO. The County obtains a cost estimate, does the work, reports

to ARCO and ARCO inspects the work. This extension extends the agreement that was entered into over the summer and allows the County to complete the work in the spring.

Item placed on the agenda.

**Discussion - Agreement between Anaconda-Deer Lodge County and the Local No. 100 International Association of Firefighters**

CEO Ternes Daniels informed the Commission the firefighters have ratified their contract. She reviewed the changes to the contract which includes increases in pay for standbys, longevity, uniform allowance, EMT Endorsement Incentives, and wages. In addition, the County contribution to health insurance increased to \$600 per month, an incentive for sick leave was added, and the duration of the agreement was extended to two years. She thanked Jason McElroy and the firefighters for their attention to detail in reviewing the contract and noted it is always challenging to go through the process.

Commissioner Lux-Burt thanked Jason for his work and noted she is glad to see a two-year contract.

Item placed on the agenda.

**Discussion – Agreement between Anaconda-Deer Lodge County and Anaconda Environmental Education Institute (AEEI) for Grant Writing Services**

CEO Ternes Daniels informed the Commission that a significant amount of work on the Downtown TIFD and Downtown Master Plan has taken place and will continue to do so in the coming year. Jamie Roessler has been involved in the process and written several grants to support the projects.

Commissioner Lux-Burt supports the agreement noting that Ms. Roessler is a good grant writer and the rate is reasonable.

Item placed on the agenda.

**Discussion - Cooperative Law Enforcement Annual Operating Plan and Financial Plan between Anaconda-Deer Lodge County Law Enforcement and the USDA, Forest Service Beaverhead-Deerlodge National Forest**

Chief of Law Enforcement, Tim Barkell informed the Commission this is the yearly contract with the Forest Service to provide weekly patrol at Georgetown Lake and the Big Hole. The agreement is in the amount of \$10,000 and 49 percent can be used for equipment. Last year, law enforcement purchased a side-by-side with the money.

Item placed on the agenda.

**Discussion - Subaward Agreement UCF-16-108 between Anaconda-Deer Lodge County and Montana Department of Natural Resources and Conservation (DNRC) for the 2016 Urban and Community Forestry Anaconda-Deer Lodge County Program Development Project**

CEO Ternes Daniels informed the Commission the County applied for and was awarded this grant in the amount of \$7500 for tree improvements. The match is also \$7500 which will be met mostly with in-kind from the street tree program.

Item placed on the agenda.

#### **Discussion - Special Event Permit for the Ancient Order of Hibernians' St. Patrick's Day Race**

CEO Ternes Daniels reported this year's race will take place on Saturday, March 12<sup>th</sup> from 10 a.m. to 12 p.m. beginning at Stumptown Road and finishing at Dahood Law Office on 3<sup>rd</sup>. However, CEO Ternes Daniels will confirm the route as the map and memo provided by Heather Edwards states the race starts at Cable Road.

County Attorney Krakowka pointed out that although this is a wonderful event for the community, people need to consume alcohol responsibly during and after the event.

Commissioner Vermeire pointed out the Hibernians' insurance expires on March 3<sup>rd</sup>.

Julie Pooley drew attention to the 2015 minutes attached to the permit wherein the Commission approved both the race and parade contingent upon updated insurance being submitted prior to the events.

Item placed on the agenda.

#### **Discussion - Special Event Permit for the Ancient Order of Hibernians' St. Patrick's Day Parade**

CEO Ternes Daniels informed the Commission the parade will take place on St. Patrick's Day. The route will be from Cherry to Commercial to Locust, then onto Park and down to Cedar.

Item placed on the agenda.

#### **Discussion - Appointment/Reappointment of a Member to the Anaconda-Deer Lodge County Planning Board (one vacancy; 2-year term – Mary Kae Massey has submitted a letter for reappointment)**

CEO Ternes Daniels announced that Ms. Massey has been serving on the Planning Board and has requested to continue in that capacity.

Item placed on the agenda.

#### **MISCELLANEOUS**

##### **CEO Ternes Daniels**

CEO Ternes Daniels received an e-mail from Scott Marsh regarding the Fire District in Wise River. Mr. Marsh received the verified petition back from all three counties and would like to schedule a combined commission meeting in Wise River. He has proposed February 27<sup>th</sup>, March 5<sup>th</sup>, or March 12<sup>th</sup>, which are all Saturdays. She asked the Commissioners get back to her as soon as possible and let her know which day works best for them.

CEO Ternes Daniels informed the Commission that Marty Mavrinac has been working hard with Search and Rescue to bring forth a resolution to ask the voters to support a permanent two mill levy to help fund Search and Rescue. CEO Ternes Daniels will place it on the next Work Session agenda. However, if there is an issue with getting it on the ballot sooner, it may be under New Business on next week's agenda.

Marty Mavrinac stated he is meeting with County Attorney Krakowka and CEO Ternes Daniels to finalize the resolution.

#### **PUBLIC COMMENT**

Rose Nyman contacted the Code Enforcement Officer via email regarding the Snack Station on 4<sup>th</sup> and Oak as the snow was not removed from the sidewalk. The Code Enforcement Officer responded noting that the owners were in Florida, but she would contact them. After another heavy snowfall, Ms. Nyman contacted the Code Enforcement Officer a second time but did not receive a response. At this time, 2-3" of ice has formed on the sidewalk. Ms. Nyman is not only concerned for the residents of Hearthstone who use walkers and wheelchairs, but also for the amount of traffic from the library and schools who use that sidewalk as well. She does not know how the property owners can get away with not clearing their sidewalks.

In addition, Ms. Nyman noticed the park bench in front of Thrifty Drug was damaged. She spoke with an employee at Thrifty who informed her they did report it to law enforcement. The bench is beyond repair. Ms. Nyman is appalled that whoever did this did not own up to it and believes something needs to be put in place so this does not continue to happen.

Commission Chair Hart asked if the bench has been removed. Ms. Nyman replied the bench was still there as of 1:30 p.m. this afternoon.

CEO Ternes Daniels asked if any cameras from other business were in place. Ms. Nyman suggested it may be worth asking a few questions to business owners in the area.

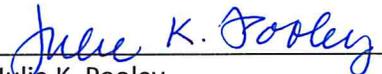
Ms. Nyman also informed the Commission the decorative beams from the Credit Union were laying on the ground.

#### **ADLC Public Meeting Dates**

Commission Chair Hart read the ADLC Public Meeting Dates.

#### **Adjournment**

The meeting adjourned at 6:53 p.m.

  
Julie K. Pooley  
Clerk of the Commission

  
Kevin A. Hart  
Commission Chair