

Anaconda-Deer Lodge County
Commission Meeting Minutes
6:00 p.m. March 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: Artha Mae Whealon, Deputy Clerk and Kathie Miller, Anaconda Leader

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 March 1, 2016 and the Commission Work Session of March 8, 2016

Commissioner Lux-Burt made a few minor changes to the minutes from the Work Session of March 8, 2016.

Commissioner Smith moved to approve the minutes from the Commission Meeting of March 1, 2016 and the Commission Work Session of March 8, 2016 with the change noted by Commissioner Lux-Burt; seconded by Commissioner Mulvey.

Motion carried unanimously.

APPROVAL OF CLAIMS

Commissioner Vermeire moved to approve claims 121800 through 121927 in the amount of \$178,499.51; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

REPORTS OF BOARDS, OFFICIALS, COMMITTEES

Commissioner Smith attended the Greenway Service District Meeting and the Wise River Fire District #5 Meeting.

Commissioner Vermeire attended a Superfund Global Settlement Meeting and the Wise River Fire District #5 Meeting.

Commissioner Lux-Burt attended a Superfund Global Settlement Meeting, Headwater Meeting, Accelerate Anaconda Meeting, the Wise River Fire District #5 Meeting, and the Uniform Display Ceremony.

Commissioner Mulvey attended the Wise River Fire District #5 Meeting, the Library Board Meeting and the DUI Task Force Meeting.

Commission Chair Hart attended the Wise River Fire District #5 Meeting.

CEO Ternes Daniels also attended the Wise River Fire District #5 Meeting with the Commissioners, along with the Commissioners from Beaverhead County and the Chief Executive and Commissioners from Butte-Silver Bow.

County Attorney Krakowka attended a Child Protective Service Meeting, an Adult Protective Service Meeting, the Uniform Display Ceremony, and the DUI Task Force Meeting.

PUBLIC HEARING

Downtown Master Plan

Charly Loper, Planner I showed a Power Point presentation of the Anaconda Downtown Master Plan.

This Plan addresses issues and opportunities within the downtown area. It identifies a long-term vision and a set of practical, achievable strategies for improving Downtown's appearance and economic vitality.

The Guiding Principles of this plan are to:

1. Establish Downtown as a distinctive destination
2. Maintain authenticity
3. Embrace Downtown's mixed use nature
4. Promote walkability
5. Augment public spaces
6. Preserve historic integrity while modernizing structures

Project Area follows the same plan as the TIFID District.

During the process of this Master Plan, many Anaconda plans were researched, an on-line survey was available to the Public and drafts were reviewed by Accelerate Anaconda. It was the recommendation of the Planning Board to adopt this plan.

The Economic Revitalization will help support new and existing businesses, redevelopment strategies for economic success and address community decay, and encourage community investment.

This Master Plan hopes to bring awareness through education and signage of the historical history of Anaconda. This Master Plan will develop a branding strategy with comprehensive signage and wayfinding. Street signs are considered signage and wayfinding would be language such as "turn right to get to Washoe Park."

Transportation and parking are another element of this Master Plan. Creating pedestrian and bicycle improvements and evaluating the two-way traffic on Commercial and Park Avenues are other considerations of this Plan.

This Master Plan discusses Tax Increment Financing to assist with building improvements and creation of a revolving loan fund and identifying infrastructure improvements.

This Master Plan will identify a plan advocate and action committees to facilitate implementation and coordinate a yearly review of the progress. In promoting this Master Plan, there will be a "buy local" campaign and hopefully, a historic tour. Ms. Loper said there is \$40,000.00 available to spend on the 1st year of this Master Plan.

Jim Davison, ALDC stated this Master Plan has been in the works for 1 ½ years. Mr. Davison said they are working on tax increments to get this Master Plan up and going and in many respects this is already happening. Jim would encourage people to continue to write in to identify buildings, projects or areas they want to see considered within the community.

After three additional calls for public comment and no further public comment, Commission Chair Hart closed the public hearing at 6:22 p.m.

UNFINISHED BUSINESS

Ordinance No. 245, an Ordinance Establishing Requirements for Pawnbrokers, Junk Dealers and Dealers in Secondhand Goods within Anaconda-Deer Lodge County

Commission Chair Hart presented the Commissioners with two (2) different versions of Ordinance No. 245 that had been prepared by County Attorney Krakowka. One version had "Secondhand dealer" and the other one didn't.

County Attorney Krakowka said in both versions he had removed the jail time and the monetary fine, leaving the revocation of their business license. A business license comes with its own penalties if a business violates any ordinances.

Commission Chair Hart stated he liked the version without secondhand dealers and feels it is appropriate.

Commission Vice-Chair Vermeire agreed with Commission Chair Hart.

CEO Ternes Daniels stated there was quite a public hearing regarding this issue.

Mike Grayson, Attorney – 112 E. Commercial: Mr. Grayson was representing Anaconda Coins and Jewelry as legal counsel. He felt there were a lot of issues still out there but was glad his clients weren't required to do Leads OnLine.

Tim Barkell, Police Chief: Tim stated Leads OnLine has tracked down a lot of missing and stolen items but felt it was up to the County Attorney on how he wants to handle it.

Commission Vice-Chair Vermeire made a motion to approve Ordinance No. 245 without the Secondhand Stores; seconded by Commissioner Mulvey.

Motion carried unanimously.

Change Order #1 for RDU3 Storm Water Plan – AFFCo Ditch Upgrade Project

CEO Ternes Daniels stated Steve Anderson explained the ranges involved in the Change Order will depend on some of the work they may get into.

Commission Chair Hart said there was confusion on the dollar amount at the Work Session but it looks like that has been straightened out.

CEO Ternes Daniels said the bid had come in significantly under bid and this change order is well under the original bid.

Commission Vice-Chair Vermeire wanted to make sure this Change Order does not change the scope of the work ARCO wanted.

Steve Anderson, WET, stated it does not.

Commissioner Lux-Burt moved to approve Change Order #1 for RDU3 Storm Water Plan; seconded by Commissioner Smith.

Motion carried unanimously.

MDP 16-01, an Application for a Major Development Permit, submitted by D Bar T Enterprises, LLC to Develop a 40' x 40' two-story office building at 807 E. Commercial Avenue

Commission Chair Hart stated it seems like a great use of that office.

CEO Ternes Daniels appreciated all the work Doug Clark and the Planning Board did and would be in favor of approving this permit with the conditions recommended by the Planning Board.

Commissioner Smith moved to approve the Application for a Major Development Permit with the 8 conditions recommended by the Planning Board; seconded by Commission Vice-Chair Vermeire.

Motion carried unanimously.

Agreement between Anaconda-Deer Lodge County and Big Sky Weed Control and Reclamation, Inc. to Perform Weed Control, Re-Seeding, Soil Amending, Erosion Control, and Various Other Services at A-DLC Superfund Locations

Commissioner Lux-Burt abstained from voting because of a conflict of interest.

Commission Vice-Chair Vermeire noted the 30-day termination clause had been added.

Commissioner Mulvey moved to approve the Agreement between Anaconda-Deer Lodge County and Big Sky Weed Control and Reclamation, Inc.; seconded by Commissioner Smith.

Motion passed 4-0 with Commissioner Lux-Burt abstaining from the vote.

Fourth Amendment to Agreement for the Sale of Real Estate between Anaconda-Deer Lodge County and CGP Acquisitions and Development, LLC to extend the Due Diligence period until 7:00 p.m. Mountain Time on May 19, 2016

CEO Ternes Daniels thanked Carl Nyman for all the work he has done on this project.

Commissioner Lux-Burt moved to approve the Fourth Amendment to Agreement for the Sale of Real Estate between Anaconda-Deer Lodge County and CGP Acquisitions and Development, LLC; seconded by Commission Vice-Chair Vermeire.

Motion passed unanimously.

Request from Anaconda-Deer Lodge County to NorthWestern Energy to Relocate a Gas Line in the East Yards

CEO Ternes Daniels again thanked Carl Nyman for his work and noted the funds saved on this project will go a long way towards other projects in the County.

Carl Nyman, Superfund Coordinator, added the County still does not have all the answers if they are going to move forward or not but it will be good to get this part done. NorthWestern Energy has been very supportive of this project. It will take 3-4 months to manufacture the parts and install them. The non-heating months of 2017 may be the time frame we are anticipating.

Commission Chair Hart mentioned this is the gas line that will need to be relocated if Shopko goes in. The gas line cuts across the property Shopko will build on. He noted this has been a 3-4 year endeavor.

Commission Vice-Chair Vermeire moved to approve the Request to Relocate the Gas Line in the East Yards; seconded by Commissioner Mulvey.

Motion passed unanimously.

West Valley Sewer Assistance Program Documents (documents include the Community Development Block Grant Program/A-DLC Agreement for Assistance; Anaconda-Deer Lodge County Agreement for Loan Assistance; Notice of Security Interest; Promissory Note.)

CEO Ternes Daniels stated the County went out and got a CDBG grant to help the folks in West Valley decommission their septic tanks and hook up to the new sewer line. These forms are to help low to moderate income families with the loan process. People are already starting to meet with the Program Manager. We are trying to get set-up and this is one more step closer to doing that.

Commissioner Lux-Burt asked how the program was coming along in regards to contractors doing the work.

CEO Ternes Daniels stated they had 9 contractors fill out the required forms and all of them met the necessary qualifications. The County and the Program Manager will work very closely with them. In June, the County will go out again to see if there are more contractors who want to get into the pool. Residents are required to get two (2) bids.

Commissioner Lux-Burt moved to approve the West Valley Sewer Assistance Program Documents; seconded by Commissioner Mulvey.

Motion passed unanimously.

Change Order in the Amount of \$10,030 from DM Obermauer Sales (Standard Pacific, LLC) to purchase a larger Construction Trailer for the CDBG TIG Welding Lab Project

Commissioner Lux-Burt stated this was a great project for Job Corps. This Trailer is larger and handicap accessible and will improve the TIG Welding Center.

Commissioner Lux-Burt moved to approve the Change Order from Obermauer Sales; seconded by Commissioner Smith.

Motion passed unanimously.

Resolution No. 16-13, 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 5th Street)

Eric Hoiland, Treasurer, stated he had added a 2-year stipulation to bring the property up to building code standards on all the tax deed properties. James Forsman was the high bidder on this property and it was Eric's recommendation to accept his bid.

Commission Chair Hart stated the purchase price does pay the taxes due but it also provides a reserve to go into the Community Redevelopment Fund.

Commission Vice-Chair Vermeire moved to approve Resolution No. 16-13; seconded by Commissioner Mulvey.

Motion passed unanimously.

Resolution No. 16-14, 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) – THIS PROPERTY HAS BEEN REDEEMED

Eric Hoiland, Treasurer, stated this property had been redeemed and no further action would be necessary.

Commissioner Lux-Burt made a motion to table Resolution No. 16-14; seconded by Commission Vice-Chair Vermeire.

Motion passed unanimously.

Resolution No. 16-15, 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) – THIS PROPERTY HAS BEEN REDEEMED

Eric Hoiland, Treasurer, stated same owner, same predicament and asked for Resolution No. 16-15 to be tabled as well.

Commissioner Smith made a motion to table Resolution No. 16-15; seconded by Commission Vice-Chair Vermeire.

Motion passed unanimously.

Resolution No. 16-16, 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)

Eric Hoiland, Treasurer, this property was redeemed too, but there is a \$10,000 lien against the property. Eric said County Attorney Krakowka did a lot of work on this and the bottom line is the \$10,000 lien is outside the tax deed sale. The owner did pay the taxes and at this time Eric recommended to table this Resolution.

County Attorney Krakowka said there are liens and then there are tax liens. The owner of this property is only responsible to pay the taxes and when the property is sold, then you can collect on the \$10,000 lien.

CEO Ternes Daniels said the property owner had met with her and is looking for some possible development on the property.

Commissioner Smith made a motion to table Resolution No. 16-16; seconded by Commission Vice-Chair Vermeire.

Motion passed unanimously.

Resolution No. 16-17, 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)

Eric Hoiland, Treasurer, this property did go through the process and the 2-year stipulation to bring it up to code was added to the tax deed. Tom Rice was awarded the bid and Eric would recommend accepting his bid.

Commissioner Lux-Burt stated the County should look at putting other properties out there because property seems to be moving now.

Eric commented that some of these properties need to be torn down and put the lots up for sale and see what happens.

Commission Vice-Chair Vermeire moved to approve Resolution No. 16-17; seconded by Commissioner Lux-Burt.

Motion passed unanimously.

Invitation to Bid for Concession Contract for the Charlotte Yeoman Softball Complex beginning May 2016 through April 2017

CEO Ternes Daniels said the County had done an analysis of the business they were doing down there and the County was losing money. The minimum bid is \$1,200 and she thought it was a great deal for the County.

Commissioner Mulvey moved to accept the Invitation to Bid for Concession Contract for the Charlotte Yeoman Softball Complex; seconded by Commissioner Smith.

Motion passed unanimously.

Resolution No. 16-18, Establishing the Wise River Fire District #5

CEO Ternes Daniels thought establishing this Fire District was a great idea. Beaverhead has already approved their part of this and Butte-Silver Bow will meet tomorrow.

Commission Vice-Chair Vermeire moved to approve Resolution No. 16-18; seconded by Commissioner Mulvey.

Motion passed unanimously.

2016 Montana Federal Lands Access Program grant application for Route S-569 (Mill Creek Highway) being filed by Montana Department of Transportation

Commissioner Lux-Burt was tickled to see this. She was glad to see the Montana Department of Transportation going after more Federal money. It takes a huge burden off the County.

CEO Ternes Daniels stated it was a huge project for the County. The Mill Creek Highway cost more than a million dollars a mile. She thanked the Highway Commission and the Department of Transportation for partnering with the County on this project.

Commission Vice-Chair Vermeire moved to approve the Grant Application for Route S-569; seconded by Commissioner Lux-Burt

Motion passed unanimously.

Special Event Permit for Living Waters Revival Center Easter Egg Hunt

CEO Ternes Daniels stated this Easter Egg Hunt will be at the Kennedy Commons on March 26th. Their insurance is in order and there are Easter Egg Hunts all over the place.

Commissioner Lux-Burt made a motion to approve the Special Event Permit for Living Waters Revival Center; seconded by Commissioner Mulvey.

Motion passed unanimously.

Authorizing the CEO to approve any Special Event Permits for upcoming Easter Egg Hunts on County properties

Commissioner Chair Hart thought this was a necessary item in case other events come in late.

CEO Ternes Daniels stated she hoped she had them all but these events are for the kids and as long as their insurance is in order, she would have no problem reviewing them.

Commissioner Mulvey made a motion to authorize the CEO to approve any Special Event Permits for upcoming Easter Egg Hunts on County Property; seconded by Commissioner Lux-Burt.

Motion passed unanimously.

Appointment of a Staff Member to the Greenway Service District Board

CEO Ternes Daniels said this position was previously held by Kaitlin Leary. It is a staff position and she would recommend appointing Charly Loper to this position.

Commissioner Lux-Burt thought Charly would do a great job.

Charly Loper, Planner 1, stated she would love to be appointed to this Board and thanked the Commissioners for considering her.

Commissioner Mulvey made a motion to appoint Charly Loper to the Greenway Service District Board; seconded by Commissioner Lux-Burt.

Motion passed unanimously.

Appointment/Reappointment of Two Members to the Old Works Golf Course Authority Board (two vacancies; 5-year terms – Terry Galle and Mike King have requested reappointment)

Commission Chair Hart said these two board members have faithfully served on this Board and he would recommend their reappointment.

Commission Vice-Chair Vermeire made a motion to approve the reappointment of Terry Galle and Mike King to the Old Works Golf Course Authority Board; seconded by Commissioner Mulvey.

Motion passed unanimously.

Appointment/Reappointment of a Member to the Anaconda-Deer Lodge County Police Commission (one vacancy; 3-year term - Gene Lutey has requested reappointment)

Commission Chair Hart stated Gene has been on this Board for a while.

CEO Ternes Daniels said this Board has been extremely busy lately and would recommend Gene's reappointment.

Commissioner Lux-Burt made a motion to reappoint Gene Lutey to the Anaconda-Deer Lodge County Police Commission; seconded by Commission Vice-Chair Vermeire.

Motion passed unanimously.

Appointment to the Anaconda-Deer Lodge County DUI Task Force Board for a Licensed Addiction Counselor (one vacancy; 3-year term – Michelle Faith Heald, MSW, LAC has requested appointment)

Commissioner Lux-Burt stated it was nice to see this Board completely filled.

Commissioner Mulvey said she serves on this Board and Michelle will be a nice addition.

Commissioner Mulvey moved to appoint Michelle Faith Heald to the Anaconda-Deer Lodge County DUI Task Force; seconded by Commissioner Lux-Burt.

Motion passed unanimously.

NEW BUSINESS

Deed Restriction Required by Army Corps of Engineers for Hefner's Pond area for mitigation of damage to existing wetland

Doug Clark, Planning Director, said this was the final restoration project across Warm Spring Creek up to Hefner's Pond. The original plan had deed restrictions around the area of the dam. The County wants control over the land and the Army Corp wants to see the wetlands protected. This plan gives the County what they want and the Army Corp what they want. The County will do the planting and over the next 5 years, a yearly report will be done to see how things are progressing.

Doug recommended the Commissioners approve this Deed Restriction so the CEO and the Washoe Park Foundation can move forward with this.

CEO Ternes Daniels thanked Doug and the Washoe Park Foundation for all their hard work. This project has been a challenging one but it is good we are working the Army Corp. She mentioned that Doug Clark has turned

in his resignation but plans to be around till the end of June. He is going to pursue a business endeavor. It is a big deal when we lose Department Heads and he will be missed.

Commissioner Mulvey made a motion to approve the Deed Restriction required by Army Corp of Engineers for Hefner's Pond; seconded by Commission Vice-Chair Vermeire.

Motion passed unanimously.

Requesting approval from Anaconda-Deer Lodge County to donate Greenway Service District Property to the City and County of Butte-Silver Bow, MT to consolidate ownership

Dori Skrukrud, Greenway Service District, said she was looking forward to working with Charly. Dori is requesting a donation of partial interest in land located in Rocker, Montana. This property has some right-of-way issues. It is personal property on land property owners don't own. This request will work to connect their homes to the ground beneath their feet.

CEO Ternes Daniels would certainly support it and move forward.

Commissioner Smith made a motion to approve the request from Anaconda-Deer Lodge County to donate Greenway Service District Property to the City and County of Butte-Silver Bow, Montana; seconded by Commissioner Lux-Burt.

Motion passed unanimously.

Special Event Permit for Opportunity Community Club

CEO Ternes Daniels said this Easter Egg Hunt will be held at Beaver Dam Park on March 26th. Their insurance is in order and would recommend approval of this Special Event Permit.

Commissioner Smith moved to approve the Special Event Permit for Opportunity Community Club; seconded by Commissioner Lux-Burt.

Motion passed unanimously.

Special Event Permit for First Montana Bank Easter Egg Hunt

CEO Ternes Daniels said this Easter Egg Hunt will be at Benny Goodman Park on March 25th and their insurance is in order.

Commissioner Lux-Burt moved to approve the Special Event Permit for First Montana Bank Easter Egg Hunt; seconded by Commissioner Mulvey.

Motion passed unanimously.

Special Event Permit for Knights of Columbus Easter Egg Hunt

CEO Ternes Daniels said this Easter Egg Hunt will be at Washoe Park on March 26th and again their insurance is in order.

Commissioner Mulvey moved to approve the Special Event Permit for Knights of Columbus Easter Egg Hunt; seconded by Commissioner Lux-Burt.

Motion passed unanimously.

MISCELLANEOUS

Commissioner Lux-Burt mentioned Mark Heinert, Head Start Program Specialist from the Regional Office in Denver is visiting Head Start on March 22nd. She would like to see the Commissioners and the Policy Council meet and greet with him downstairs at the Head Start building.

PUBLIC COMMENT

No Public Comment

ADLC PUBLIC MEETING DATES

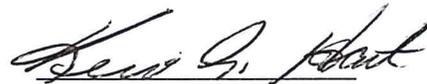
Commission Chair Hart read the ADLC Public Meeting Dates.

ADJOURNMENT

Commissioner Lux-Burt made a motion to adjourn the meeting. The meeting adjourned at 7:50 p.m.



Artha Mae Whealon
Deputy Clerk



Kevin A. Hart
Commission Chair

