

Anaconda-Deer Lodge County
Commission Work Session Minutes
6:00 p.m. Tuesday, March 22, 2016
Courthouse Courtroom

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

Excused: County Attorney Krakowka

Others Present: Julie K. Pooley, Clerk of Commission and Kathie Miller, Anaconda Leader

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

Introduction/First Reading/Scheduling a Public Hearing for Ordinance No. 243, an Ordinance Holding Any Social Host Accountable in the Event They Allow a Gathering to Take Place on Property They Are in Control of and/or a Person Who Organizes Such an Event or Gathering

The Fred Moodry 8th grade honors class presented updated information to the Commission regarding Ordinance No. 243. Caleb Thompson, President of the class, informed the Commission the ordinance has been updated to include powdered alcohol as an alcoholic beverage, the county limits were defined as anywhere within the boundaries of Anaconda-Deer Lodge County and the fines were lowered.

The students presented survey information to the Commission which indicated that the majority of underage drinkers consume alcohol with three or more of their peers, and they get their alcohol from a parent or someone under the age of 21 who is either a family member (not a parent) or not related to them. In addition, almost half of those surveyed have been to a house where alcohol was served to minors and many have ridden in a car with someone who was driving under the influence.

Sven Rasmussen, one of the students present, told the Commission the students care about the issue related to house parties because they are unsupervised and binge drinking occurs. In addition, he believes it increases the risk of DUI, sexual assault, violence, and injury. He believes the ordinance will encourage property owners not to hold parties.

The students read a letter written by Heidi Nielsen of Anaconda Community Intervention, Inc. (ACI), supporting the ordinance (attached to the minutes).

Christine Leipheimer, the students' advisor, informed the Commission that over a third of her students drink regularly every month, and it frightens her. She noted it takes away a large part of her teaching time because the kids talk about the previous weekend's parties at the beginning of the week, start planning for the next weekend during the middle of the week, and get more excited about the weekend as the week draws to a close. She believes the community needs to focus more on the alcohol being provided to our kids and believes parents and those providing the alcohol need to be held accountable monetarily. Something has to give, and Ms. Leipheimer hopes the Commission will take a look at the ordinance again and seriously consider their plea. She added that the kids have worked on this every lunch hour since the beginning of the year, created posters and placed ads in the Leader.

CEO Ternes Daniels asked Ms. Leipheimer if this is a different class than last year. She acknowledged some students remain from last year and some students are new. CEO Ternes Daniels informed the students that the County does take the issue very seriously, applauded them for taking on this serious issue, and informed them the Commission will have to schedule a public hearing as a next step in the process.

Commissioner Lux-Burt realizes the need for the ordinance and wants it to succeed, but added that when creating a law, it needs to be enforceable. She offered the following not as a criticism of the intent of the ordinance, but as suggestions to add clarity: 1) shorten the title of the ordinance; 2) clarify the language on pg. 2, 6b; and 3) clarify the language on pg. 3, Section 4 1(b) regarding the fine and whether or not it should be redlined. In addition, Commissioner Lux-Burt opposes any language regarding reimbursing the cost of emergency responders as that language is not found in any other County ordinance. She asked that the students give her a law she can approve as it will be permanent. She informed the students she has had friends die, as we all have, from alcohol-related issues.

Commission Chair Hart also asked for clarification regarding the fine on pg. 3, as well as the language on the same page, in section b(i). He believes this was not meant to be redlined out. He was unsure of the language regarding deferring of the sentence and would also like clarification on that. Commissioner Hart does think the ordinance is workable and would like to get input through the public hearing process. He commended all the students for all of their hard work. He noted the Commission did receive a letter of support from Superintendent Dr. Gerry Nolan.

Dr. Nolan was in the audience and reiterated his support for what the students are doing. He stated law enforcement and the school can go after the kids all they want, but the suppliers are the ones who need to be held accountable.

Jane Dierenfeldt, Board of Health Chair, agreed that something needs to be done and was curious to know if anyone has asked the kids about what they would do if they were not drinking or why they are drinking.

Bud Myotte, 715 E. 3rd: Mr. Myotte agreed with Jane Dierenfeldt and believes we need to find out the reasons the kids are drinking. He also believes the community needs to develop more things for our youth to do.

Commissioner Mulvey commended the students on a wonderful job.

Commission Chair Hart and CEO Ternes Daniels informed the students the earliest the public hearing could take place is April 12, 2016.

Ms. Leipheimer asked if the suggested changes to the ordinance should be made prior to the public hearing. Commission Chair Hart advised her to meet with County Attorney Krakowka prior to making any changes.

Commission Chair Hart scheduled the public hearing for April 12, 2016 with action to be taken on April 19, 2016. However, Julie Pooley, Clerk of Commission informed him that there has to be at least twelve (12) days between a public hearing and approval of an ordinance. Therefore, the item will be placed on the May 3, 2016 Commission Meeting agenda for approval.

Award of Bid for the Anaconda Water System Improvements – Washoe Park Road (Eight (8) bids were received and LHC, Inc., is the apparent low bidder for the project in the amount of \$1,464,741.71)

Sarah Jones with Copper Environmental informed the Commission the average of all the bids was approximately 1.8 million dollars, and the low bid coincides with the NRD project estimate. LHC completed the West Valley Phase I project, and ADLC staff informed Ms. Jones the pipe installation was of good quality. However, there were several warranty issues. Since that time, LHC has added a new site superintendent, Chris Roberts, who was the site superintendent on the Mill Creek Waterline project. LHC has ensured Ms. Jones that Mr. Roberts will be the on-site superintendent for this project. Ms. Jones informed the commission that LHC's bid was the lowest and it was responsive. She recommended the Commission move forward with awarding the bid to LHC.

CEO Ternes Daniels informed the Commission she was present for the bid openings and it was a very good process.

Commissioner Lux-Burt asked Paul Puccinelli, Water Department Foreman, if he was satisfied with LHC, and he indicated he was.

Item placed on the agenda.

Public Health Board Biannual Report

Jane Dierenfeldt, Health Board Chair, presented a brief report to the Commission to update them on Board activities over the past six (6) months. Ms. Dierenfeldt informed the Commission the Board has finished its review and revisions of its bylaws, ordinance and mission and vision statements; it has initiated four (4) task groups to work on governance function development; and has supported the Public Health Director in developing a Community Needs Assessment. In the future, the Board plans to set short and long-term measurable goals with measurable outcomes, and it plans to schedule speakers from local community groups to present programs related to the Board of Health.

Ms. Dierenfeldt noted that two Board members attended the MT Public Health Association state educational meeting in October. DPHHS personnel presented additional training to the Board and public in February. In addition, the Board has changed the format for its reports for improved tracking of progress. The Board has faced some challenges refining the structure of its meetings and does have two ex-officio positions open at this time.

Lastly, she would like the County Attorney to assist with review of the bylaws, ordinance and mission and vision statements once completed. She also requested an organizational chart depicting the Board's relationship to the County Commission and Public Health Department. Ms. Dierenfeldt noted that the Board will continue to build on its successes and address its challenges in the coming months.

CEO Ternes Daniels thanked Ms. Dierenfeldt and noted she attended both of the training sessions mentioned above. She applauded all of the work the Board is doing.

Commissioner Lux-Burt thanked Ms. Dierenfeldt as well and noted that she has been very vigilant in giving a report to the Commission every six (6) months.

Proclamation Designating March 30th as Welcome Home Vietnam Veterans Day for Anaconda-Deer Lodge County

CEO Ternes Daniels informed the Commission that Barry DeChaine requested this be brought forward. It is the subject of this evening's Special Commission Meeting.

Commissioner Lux-Burt noted she is married to a Vietnam Vet and acknowledged they did not receive a very nice welcome upon returning home. She believes it is important to let them know how valuable their service was.

Item is on the Special Commission Meeting agenda.

Conditional Approval of MDP 16-02, a Request by APOC World, LLC to Develop a 25-yard Indoor Shooting Range to be Operated by SAFER

Planning Director, Doug Clark, presented information to the Commission regarding MDP 16-02. MDP 16-02 is a request to develop and operate a 102'x20' indoor shooting range at 1020 E. Commercial Street. The non-profit organization, Shooting and Firearm Education Responsibilities (SAFER), will operate the range under a long-term lease agreement with APOC World, LLC. SAFER received a grant in the amount of \$90,000 from MT Fish, Wildlife and Parks (FWP) to establish and promote shooting sports and gun safety.

Doug Clark informed the Commission the proposed location of the shooting range falls within the Highway Commercial Development District (HCDD). Indoor shooting ranges are not specifically listed in the existing land use and zoning codes, but staff research indicates that in some urban areas, shooting ranges are common and attached to sporting goods stores. The property does have legal non-conformities with regard to landscaping and parking. However, the existing building (APOC World) was built prior to the current codes. The facility will have five (5) lanes for shooting and each lane will have a collection system in place for lead and an exhaust system in place for gas.

SAFER will be able to build the shooting range for less than what it usually costs to do so. However, they have already had to spend some money in order to provide site plans to the Planning Board in order for it to do a thorough review. Given the research staff did, review done by the Planning Board with input from the public and review by the Board of Adjustments because of variances, staff feels the project is viable. The Planning Board recommended approval with sixteen (16) conditions. However, Mr. Clark noted the vote for this was a little challenging. Nine (9) individuals serve on the board and seven (7) were present at the meeting. Two (2) members abstained from the vote as they are employees of NorthWestern Energy and the development may have some impact on NorthWestern Energy's building, which is located just to the west of the proposed site. However, the motion passed 4-1.

The following sixteen (16) conditions were proposed and approved by the Planning Board, all of which are based on various sections of the recently updated Development Permit System (DPS):

- 1. The approval of MDP 16-02 is contingent upon approval of variances from the FAR standards and front setback standards and front setback standards of the HCDD, from the ADLC Board of Adjustments, prior to further project. Failure to obtain a variance for either or both of these standards will render this approval void and invalid.*
- 2. On-site parking shall substantially conform to the proposed parking plan identified in Exhibit B3 of this Staff Report.*

3. *Prior to beginning operations, the Developer/Operator shall install all appropriate safety mechanisms consistent with the with information provided with the application and this condition shall is subject to the following stipulations:*
 - a. *The Developer shall install, at a minimum an, air handling system, a lead recovery system and any additional safety systems or mechanisms identified by the ADLC Building Inspector and/or by Local, State, and Federal building and safety codes.*
 - b. *Prior to installation the Developer must submit to the Planning Department all required building and systems specifications, including manufacturer spec sheets, engineered drawings, and State mechanical and electrical permits, if required.*
 - c. *Upon completion, the Developer shall provide the Planning Department evidence of successful final inspections for all permits required.*
4. *Prior to beginning operations, the Facility Operator shall provide evidence to the County's Institutional Controls Program the Operator's plans abilities to comply with all relevant environmental regulations pertaining to handling and disposing of lead.*
5. *Any exterior located air handling or mechanical systems must be appropriately screened from view from primary rights-of-way. Roof mounted systems should be shielded by a "mansard roof" or other aesthetically appropriate screening, and ground systems shall be located to the rear of the lot or screened by adequate fencing and/or landscaping.*
6. *No mechanical systems may be located within required setback areas or within required on-site parking and circulation areas if that location will impede the Developer's ability to meet the parking and circulation standards required as part of this permit approval.*
7. *If the Developer is approved for a Variance from the front setback standard, the Developer shall be required to provide a sodded landscape between the front of the new building and the back of the existing sidewalk line as established by the existing sidewalk to the west of the Developer's lot.*
8. *Prior to erecting any signage, the Developer shall submit a sign application, which must be approved prior to installation.*
9. *The Developer shall provide a lighting plan showing adequate ingress/egress lighting for the new structure. This lighting plan may be included in the engineered construction plans for the building or submitted separately by the Developer. All lighting must comply with County standards as found in Appendix A of the DPS and the Building Code.*
10. *In the event that the Developer chooses or is required to bring additional utility services to the site, the Developer shall meet with and get approval from the appropriate County Staff, including the County Roads Foreman for any Sewer and Storm Drain connections, and the Anaconda Water Foreman for any water connections. Furthermore, the Developer shall contact the ADLC Institutional Controls Staff prior to any site excavation for any project now or in the future.*
11. *Prior to construction, the Developer shall submit a final building plan to the Anaconda Fire Chief to verify compliance with adopted fire protection codes. No construction shall start until final approval has been provided by the Fire Chief.*
12. *Prior to beginning operations and throughout the duration of operations, the facility shall be required to have an active landline in the building to provide non-cellular 911 access from the facility. The Developer may verify compliance with this condition by submitting proof of service to the Planning Department, or during their final inspection by the Building Inspector.*
13. *Prior to operations, the facility operator shall make available adequate emergency contact information for responsible range staff to the Director of Emergency Medicine for the Community Hospital of Anaconda, ADLC Law Enforcement and ADLC Emergency Services. The operator shall also update this information with the listed parties as necessary as a condition of continued operations. Failure to keep this information current can result in a suspension or revocation of this permit.*
14. *Prior to construction, the Developer shall be required to provide sufficient evidence that any noise resulting from operating this facility will be sufficiently mitigated so that any noise impacts do not extend beyond the borders of the property. This evidence may be composed of a combination of appropriate construction specifications, as well as systems and manufacturing specifications for any mitigation systems used. However, the evidence must also include contact information for similar indoor shooting ranges that are currently operating and which employ mitigation measures similar*

to those proposed for this project. No construction may begin until the County has verified that the effectiveness of proposed mitigation plan has been sufficiently proven. Failure to adequately satisfy this condition will render this permit void and invalid. Furthermore, failure to maintain adequate noise mitigation throughout the operational lifespan of this facility will result in the suspension or revocation of the permit.

15. Throughout the lifetime of this permit, the Developer and/or facility operator shall be required to notify the County in advance in the event that the property and/or facility is closed, sold, or operations are transferred to another operator or organization.

16. This permit is only guaranteed valid for operations for the original operators. The County reserves the right to void this permit if it is determined that a future purchaser and/or owner and/or operator is legally barred by law from owning firearms and/or operating facilities associated with the use of firearms, or who is found to have a past record of illegal activities that indicate a potential public safety risk.

In terms of noise, Mr. Clark informed the Commission there is a standard in the code that noise be mitigated. The Planning Board had to determine what is reasonable and does not exceed what one would normally hear during standard business operating hours from businesses such as auto shops, trucking yards, and welding/fabrication places, etc. Noise from the shooting range may not be louder than that or persist beyond normal business hours. Mr. Clark noted that a Planning Board member has experience with building materials, and sound absorbing insulation does exist. Staff did research and the noise from the shooting range is mitigatable to a degree *and* may not even be heard outside of the building. Mr. Clark cannot guarantee zero noise, but it will be considered reasonable as described above.

CEO Ternes Daniels thanked Doug Clark for taking on this challenging project.

Bud Myotte, 715 E. 3rd: Mr. Myotte is the Vice-President of SAFER. He hopes that the shooting range will provide for and bring more people to our community for competitions. SAFER plans to educate everyone on gun safety and noted that it will be nice to teach kids something different. His organization has been working on this project for approximately five (5) months, and he offered to answer any questions the Commission may have.

Commissioner Lux-Burt thinks this is a neat project and noted that when she mentioned it to her son, he was pretty excited about it. Bud Myotte informed her that he just got back from looking at indoor shooting ranges in Seattle and eventually, SAFER would like to do an indoor archery facility as well.

Commission Chair Hart expressed concern regarding sound mitigation as there is a residential area located behind the proposed location, as well as an AWARE facility. He stated gun fire has a different sound than noise that equipment that Dee Motors uses. Doug Clark assured the Commission that sound mitigation is on the front burner of this project. Commission Chair Hart asked if notices went out to tenants and property owners alike. Doug Clark stated notices went out to property owners only. However, an ad ran twice in the Leader.

Bud Myotte informed the Commission he moved to Montana from Michigan. He informed the Commission the basement of his high school had a shooting range, and the noise was minimal. His goal is for SAFER money to be available to create a high school shooting team and scholarships, but the basic motivation is education. Additionally, he visited a site in Omaha, Nebraska and the noise was mitigated very well. He explained there is a material called "helix" which can be added to the concrete to assist with noise mitigation. He also explained that nothing over a .50 caliber will be allowed at the range, and individuals must complete a safety course prior to being allowed to use the shooting range.

Mike Merino, owner APOC World: Mr. Merino informed the Commission he has been actively involved in the project and informed the Commission his business will contribute a portion of the match required by the grant. He informed the Commission the equipment for the shooting range is rated at 3600 feet per second. Anything faster than that will not be allowed. In addition, ammunition will have to be checked, and no steel penetrators will be permitted. Mr. Merino informed the Commission he was in the military for fifteen (15) years. He is a 4H instructor, as well as a military instructor. Safety personnel will be onsite at the shooting range at all times. He agrees that sound mitigation is critical and assured the Commission everything will be done to mitigate the issue. He also noted that this grant is awarded annually, and they will apply for it again next year. At this time, they plan on charging a reasonable fee for membership. The goal is to expand into archery, bring events/competitions to the community, and provide education and instruction to kids.

Item placed on the agenda.

Appointment/Reappointment of a Member to the Anaconda-Deer Lodge County Historic Resources Board (one vacancy; 2-year term – Dr. David Webb has requested reappointment)

Commissioner Lux-Burt informed the Commission that Dr. Webb is a friend. She respects him and believes he will continue to do a good job on the Historic Resources Board.

Item placed on the agenda.

Special Event Permit – Bagdad Shrine Request to Hold a Parade on June 11, 2016

CEO Ternes Daniels informed the Commission the parade route is attached to the permit and insurance is in order.

Item placed on the agenda.

Miscellaneous

Commission Chair Hart

Commission Chair Hart informed the Commission he had a conversation with Dale Schaffer who will begin advertising that he will take refrigeration units at his business site in Opportunity. Mr. Schaffer feels it will help the community so the units do not end up being dumped on back roads, etc.

Commission Chair Hart also informed the Commission he attended the Parks and Recreation Board meeting. They discussed weed mitigation for the fields at Charlotte Yeoman. The agreement with Old Works will not work out for this year. TruGreen has agreed to put the County on the front burner and ensure the fields are sprayed. In addition, someone will be coming to look at the bandstand regarding the walls. Lastly, the Recreation Department may be getting back T-Ball, machine pitch baseball, and flag football for the younger kids.

CEO Ternes Daniels

CEO Ternes Daniels informed the Commission the adult recreation programs have been successful. She would like Traci Thomas to update the Commission on the recreation program at a future meeting.

CEO Ternes Daniels informed the Commission that Head Start needs approval of its Narrative for Reducing Enrollment and Converting Slots to Full Day. The Commission agreed by consensus to place this item on the April 5, 2016 agenda.

CEO Ternes Daniels received an email from Kathie Miller of the Leader informing her that Jerry Nagle would like to donate \$1,000 to help renovate the bandstand. He lives in Vancouver, Washington, but his parents grew up here. CEO Ternes Daniels spoke with him on the phone and he told her his family always had a fondness for Anaconda and would like to continue his parents' legacy.

Public Comment – *This is the time for members of the public to comment on items NOT appearing on this agenda.*

No public comment.

ADLC Public Meeting Dates

Commission Chair Hart read the ADLC Public Meeting Dates.

Adjournment

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



Julie K. Pooley
Clerk of Commission



Kevin A. Hart
Commission Chair