

**Anaconda-Deer Lodge County**  
**Commission Work Session Minutes**  
**6:00 p.m. Tuesday, May 24, 2016**  
**Courthouse Courtroom**

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

County Attorney Krakowka arrived late to the meeting at 6:18 p.m.

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.

He announced that the Special Meeting to approve the contract with Rainmaker has been cancelled. CEO Ternes Daniels informed the Commission she and Ben Krakowka spoke with Carl Thuesen regarding the contract. It is missing a few pieces and once those are received the County Attorney will review it to make sure everything is in order. The contractor is anxious to get started and hoped to so after Memorial Day, but the contract needs to be straightened out first. She requested the Commission place this item on the June 7<sup>th</sup> agenda.

**Public Hearing – Community Development Block Grant Funds (CDBG) – Obtain Public Comments Regarding the Community Development Needs and Priorities of the County for Economic Development, Housing and Community Revitalization, and Public Facilities; particularly as those needs affect low and moderate income persons**

CEO Ternes Daniels thanked Julie Pooley, Clerk of Commission for putting together the information packet utilizing the information provided from the MT Department of Commerce. She explained that this is the first hearing regarding CDBG funds. The hearing occurs annually to discuss projects the County may want to pursue using the funds. Possible projects include planning, housing, public facilities, and economic development. She informed the Commission the County currently has a CDBG Public Facilities grant which is assisting people in the West Valley hook up to the new sewer. In addition, the County in partnership with Anaconda Local Development, Highlands College and the Job Corps also has an Economic Development grant. CEO Ternes Daniels noted that any project using CDBG funds must benefit at least 51% of low to moderate-income individuals. A second CDBG hearing will take place to determine which projects the County wants to pursue.

Commission Chair Hart opened the public hearing at 6:06 p.m.

Jim Davison, 118 E. 7<sup>th</sup> St: Mr. Davison thanked Julie Pooley, Clerk of Commission for figuring out the schedule for the public hearing and getting the information put together. The information gives a good, basic understanding of the CDBG programs. He informed the Commission that median income for the County was \$35,310 in 2010 and is now approximately \$43,000. Median housing for a family of four is \$60,300. Mr. Davison explained there are three major sectors in Anaconda that meet the 51%

LMI requirement. Two of those areas are east of Cherry Street and run to Madison, and the third area is from 4<sup>th</sup> Street from Hickory to Elm. Applications for planning grants open on July 1<sup>st</sup>, and Mr. Davison noted that the County has been encouraged to submit its application in the next few weeks. He informed the Commission a transportation plan for the County is a priority and will cost approximately \$80-\$85,000. Planning grants are \$25,000 which must be matched dollar for dollar. MDT may be willing to fund \$40,000 and because of the Main Street Master Plan, the County is eligible to apply for an additional \$15,000. Furthermore, CDBG and the USDA are encouraging the County to do three to four housing plans. Mr. Davison suggested focusing on Goosetown because it meets the income requirements and is a historical area, as well as focusing on removing blight and replacing it with new housing. Other ideas include utilizing buildings in the business district and rehabbing them to provide housing.

With regard to public facilities, he noted these funds can be used for sewer upgrades, as well as the various items noted in the Capital Improvement Plan (CIP). Community facilities such as the library and the health department can utilize the funds to improve their facilities. In addition, public entities or non-profits can apply for funds to fix up the schools that are vacant in the community.

Economic Development grants can be used to expand businesses or purchase new equipment. The County is eligible for \$380,000. Mr. Davison informed the Commission that ADLC can apply for two planning grants because it is a city-county government.

Charly Loper – 502 Main: Prior to working for the County, Ms. Loper was a VISTA volunteer. She interviewed business owners twice regarding their concerns for our community. The two things that were emphasized the most were housing and transportation. Housing concerns focused around blight and, transportation issues included pedestrian safety, Park and Commercial being one-way streets and the lack of parking. The second round of interviews focused on housing. With some employers in the community employing a large number of people (Community Hospital employees 400), it is vital to bring housing to Anaconda. Business owners informed Ms. Loper that potential job candidates turn down positions because of lack of housing, and some employees live in Butte because there is no housing in the community. Ms. Loper informed the Commission a session took place with CDBG and USDA with regard to housing and how to formulate a planning grant to deal with the issues. She also noted the Growth Policy may need to be addressed and funds are available to assist with this as well.

Rose Nyman – 121 E. 3<sup>rd</sup>: Ms. Nyman thanked the Clerk of Commission for putting together the handout as it was easy to follow. She commented that the sidewalks from Oak Street east for a number of blocks are in disrepair, with some sections missing. She does not know how those in wheelchairs or the blind navigate the sidewalks. She has paid for cement work on her property in the past and it was not expensive. She believes many would apply to have their sidewalks fixed.

Commission Chair Hart called for public comment three additional times. The public hearing closed at 6:17 p.m.

CEO Ternes Daniels asked that everyone sign the sign-in sheet so it can be included with the public hearing documentation.

**Resolution No. 16-24, a Resolution Authorizing Anaconda-Deer Lodge County to Dispose of Unneeded City-County Equipment and/or Property by Public Auction**

Wayne Wendt, Road Foreman, informed the Commission the list of items to be auctioned off is fairly extensive. However, some items may be removed because they qualify for a sheriff's sale. In addition, RJ Tocher is waiting to hear back from FEMA regarding disposal of the Mack firetruck. Per the ordinance, the auction will take place on the steps of the courthouse, but items will be available for viewing at the landfill.

CEO Ternes Daniels thanked Wayne Wendt and Artha Whealon for their work in putting this together. She stated an auction is always fun and hopes everyone can attend.

County Attorney Krakowka arrived late so he asked Wayne Wendt if he informed the Commission that items may be removed from the list.

Wayne Wendt noted that some items will be taken off as they will need to go to a sheriff's sale. He would like to put bigger items on the website because they are too big to take to the landfill. However, the ordinance would have to be amended in order to do this.

Commissioner Lux-Burt is glad to see this taking place as there has been discussion about this since she became a commissioner. She stated this is one way the County can address its own blight and get rid of things it does not need or use. She noted that the County will save money on insurance as well. She thanked Artha Whealon for putting the list together.

Commission Chair Hart believes this is a good step to get the process started. Wayne Wendt agreed and stated there may be more to come in the future.

Item placed on the agenda.

**FY 2017 Supplemental Nutrition Assistance Program-Education (SNAP-Ed) Memorandum of Understanding/Support Agreement between Montana State University and Anaconda-Deer Lodge County**

Molly Viall, SNAP-Ed Program Manager, informed the Commission this MOU is to renew grant funding for the next fiscal year, which starts in the fall. She stated SNAP is the new name for food stamps and part of the program includes education. She will offer classes on nutrition and healthy living for adults and youth. In addition, she will continue to work on policies to improve the general wellness for the community.

CEO Ternes Daniels informed the Commission she met with Abbie Philip and Molly Viall to discuss the program.

Item placed on the agenda.

## **Appointment of Five Trustees to the Wise River Fire District #5**

CEO Ternes Daniels explained that Beaverhead County has made recommendations regarding the five trustees. She reviewed their choices, believes they did a great job and recommends moving forward with their selection. Two of the candidates are from ADLC; Sunny Ralston and Jim Street and CEO Ternes Daniels personally knows Liz Jones.

Commissioner Lux-Burt has not met most of the applicants but she trusts Beaverhead County as they have more knowledge of the applicants than she does.

Commission Chair Hart thinks Beaverhead County has done a good job with its selections. He noted the highest number is the top applicant, Cindy Sorich, followed by Lu Kirkpatrick, Sunny Ralston, Liz Jones, and Jim Street. He noted that Jim was a wrestling coach in Butte for a number of years. He certainly supports moving forward with Beaverhead County's selections.

CEO Ternes Daniels informed the Commission this will be on the ballot in November.

Item placed on the agenda.

## **West Valley Sewer Extension Phase 2 Construction Contract Change Order No. 2 to Extend the Contract Time from 200 Calendar Days to 216 Calendar Days**

Ed Janney informed the Commission the original contract was for 200 days and was to end on May 18<sup>th</sup>. He is recommending a 16-day extension for construction. Throughout the course of the project, the contractor has been asked to perform additional work which was not in the original contract. The main focus has been installing sewer service to 16 out of 23 vacant lots. In addition, large rocks had to be removed throughout construction and extra asphalt has to be laid down due to conditions beyond the contractor's control. He explained that this change order is only for time. Payment for the additional 16 sewer services are not included in this change order but will be included in a final one, where the original bid quantities will be reconciled to the final quantities. In terms of what this means financially for the project, Ed Janney explained that the loan has a 12% contingency fee which will be sufficient enough to cover the additional cost. Mr. Janney worked with the field inspector and contractor and all feel that the one day per service connection is a fair and equitable amount. Sixteen calendar days brings the completion date to June 6<sup>th</sup> with an additional 30 days for clean-up time, which brings the final date to July 7<sup>th</sup>.

CEO Ternes Daniels informed the Commission she and Ed Janney discussed this change order. It is primarily for an extension on days for minimum dollars. The final change order will include the additional rock removal and asphalt costs and could be as much as \$60-\$70,000. However, she noted that the contingency on the loan will absorb the costs. She stated it is unfortunate the sewer system was not put in when the community was built, but she truly supports the project and it has been a huge benefit for the community. She recommended the Commission move forward with the change order.

Commissioner Lux-Burt is glad to see 16 of the 23 vacant lots getting sewer service and thinks it is indicative of future development. She has been to all the construction meetings, besides one, and stated it has been a hellacious and difficult project with all of the work that needed to be done.

Commission Chair Hart asked Ed Janney if 16 days is sufficient to complete the project. Ed Janney affirmed it is and informed that Commission if extra days are needed, these can be added to the reconciling change order.

Item placed on the agenda.

**West Valley Sewer Extension Phase 2 Design and Administration Contract (DOWL Task Order Fifteen) Task Order Amendment No. 1 to Extend the Construction Inspection Timeframe from 160 Calendar Days to 216 Calendar Days**

Ed Janney informed the Commission this task order is a request to extend the contract obligations and provide compensation. It will extend the contract from 160 calendar days to 216 calendar days and provide full-time inspection during the 30-day punch list and final clean-up period. The project went through an in-house QA process in which the field inspector and the engineers looked everything over and determined 160 days was not enough to finish the project. In total, Mr. Janney is requesting a 12-week extension in approved construction administration time.

CEO Ternes Daniels explained the project has been arduous and challenging. A seasoned team has been working on the project. She stated the field inspector is great and the County is glad to have him. She reminded the Commission this task order is within purview of the loan and within the confines of the budget.

Item placed on the agenda.

**Proposal from Copper Environmental Consulting to Provide Property Development Support for the Mill Creek TIFID Phase II Scope of Work**

Sarah Jones with Copper Environmental informed the Commission that the purpose of this proposal is to provide development support for the Mill Creek TIFID. This is the second step in the process to bring developers to the area. Copper Environmental has been working with Jim Davison, Carl Nyman and other members of the TIFID board to create packets to distribute to potential developers. In addition, the proposal includes possible creation of a website for the TIFID and doing active marketing. The budget is a time and materials budget, but the TIFID can ask for additional tasks to be added to the contract.

CEO Ternes Daniels explained that when Copper Environmental was selected to do the Preliminary Engineering Report (PER), the big topic was marketing and putting development packets together. She stated these things need to be in place to attract new business to the area.

Jim Davison stressed the importance of this information. He informed the Commission that three months ago, five communities were invited to submit proposals regarding development. However, the

TIFID board simply did not have all the information they needed in order to do this. Copper Environmental can assist with these requests by developing information that is professional and competitive in order to be out front to pursue projects.

Carl Nyman informed the Commission it has been challenging from the beginning to function as a TIFID. Many do not realize that the power plant is outside of the TIFID, and the only money comes from transformer improvements. This money paid the debt service for water and sewer lines out there to lay the foundation for development. He explained that the board has not had much of a budget to work with even though it has felt strongly from the beginning the area needs more than just the power plant in terms of development. The current budget of approximately \$50,000 is not much to get things done but it is a start. He stated that the County takes money off the top for redevelopment of the property prior to disbursing it to other jurisdictions. He hopes this sets a precedent to set more aside to develop the land, which has been remediated for this purpose. He indicated the TIFID board is behind this and the sooner this gets going the better.

Commissioner Lux-Burt commented that she attended a TIFID board meeting a few years ago where this was discussed. She is glad to see it moving forward to get the land developed out there.

Commission Chair Hart stated enough work has been done in order for the County to market the area. He believes the County needs to seek out businesses, and the development packets will assist with this. He is excited to get this done and look for potential developers.

Item placed on the agenda.

#### **Memorandum of Understanding between Anaconda-Deer Lodge County and NorthWestern Energy for Aspen Hills/Clear Creek New Electric Power Service**

CEO Ternes Daniels informed the Commission that a resident wanted to erect a power line which would run across easements of other land owners. This sparked a conversation and put the project in a holding pattern, but it has been worked out. The MOU will allow NorthWestern Energy to erect the power line for this particular project only. She explained that the covenants apply to utilities in the right of way. This project varies from the covenants but the issues have been worked out, and this will help deal with any other issues that may come about with other power lines being erected in the area.

Commissioner Lux-Burt asked for confirmation that the residents are aware of the project and MOU. She received a phone call a few weeks ago from a resident that was very upset about this. CEO Ternes Daniels believes everything has been worked out. However, she will check and ensure the Commissioners have the final MOU before the next meeting.

Item placed on the agenda.

### Anaconda-Deer Lodge County 2016-2017 DUI Task Force Plan

Chief Tim Barkell presented the DUI Task Force Plan to the Commission. He informed the Commission he had some corrections to the DUI and MIP statistics. Chief Barkell presented the following information:

DUIs	MIPs
2009 – 73	2009 - 43
2010 – 75	2010 - 68
2011 – 56	2011 - 64
2012 – 49	2012 - 63
2013 – 52	2013 - 80
2014 – 66	2014 - 36
2015 – 49	2015 – 40

County Attorney Krakowka pointed out the last paragraph of page two. He explained that the average BAC is actually a practical measure to show how effective DUI enforcement is in ADLC. Ideally, the number should hover as low as possible. This number has gone down in ADLC since 2012, which indicates officers are picking up more people who are closer to the .08 level. This has a desirable impact for the community and shows that prevention efforts are paying off. County Attorney Krakowka informed the Commission the DUI Task Plan is important as it allows ADLC to collect money from license reinstatement fees. Counties that do not have a DUI Task Plan forfeit that money and, as a result, the County has received an extra \$18,000. This increased the budget two-fold. He asked the Commission to consider approving the plan.

Commissioner Lux-Burt stated the plan seems to be working and step by step attitudes toward drinking are gradually changing.

Commission Chair Hart asked how many Task Forces are in place throughout the state. Chief Barkell was not sure but stated that more and more counties are joining every year. Powell County joined two years ago, and Granite County joined last year.

Item placed on the agenda.

### Agreement between Anaconda-Deer Lodge County and Qwest Corporation d/b/a CenturyLink QC for Enhanced 9-1-1

After speaking with Jay Slocum and Jeff LeProwse with WET, Chief Barkell indicated they suggested getting rid of the Summit system which is antiquated. Jay and Jeff suggested going with Century Link who will install a fiber optic network. The team met with Swift and Univision to ensure the Century Link system would work with the 9-1-1 system and the police reporting system. Both believe it is the best way to go. There will be some costs associated with the change up front, but over the long term it will be less expensive.

CEO Ternes Daniels informed the Commission she was also part of the discussions, and the new system is definitely more efficient.

Item placed on the agenda.

**DPHHS Task Order No. 17-07-5-01-012-0, Maternal and Child Health Block Grant Program for FY 2016-2017**

Katherine Basirico, Public Health Director explained that this grant helps cover Maternal and Child Health Services (MCH) and Fetal, Infant, Child and Mortality Review (FICMMR). The grant amount is \$8,649, which is \$701 less than last year.

Item placed on the agenda.

**DPHHS Task Order No. 17-07-5-11-020-0, Montana Personal Responsibility Education Program (PREP) Grant**

Katherine Basirico informed the Commission this grant will provide teen pregnancy and sexually transmitted infection programs to students at Anaconda High School and Job Corps. The contract may be extended for six years if the parties agree in writing to it prior to the end of the term of this contract.

County Attorney Krakowka stated PREP is very important.

Commissioner Lux-Burt asked Ms. Basirico who is teaching the curriculum. Ms. Basirico informed her that Debbie Robinson, R.N. will be providing the training.

Item placed on the agenda.

**Appointment/Reappointment of a Member to the Planning Board for a two-year term**

CEO Ternes Daniels noted that Adam Vauthier has served for some time and requested reappointment.

County Attorney Krakowka is glad to see him requesting reappointment.

Commission Chair Hart noted that Adam is a valuable member of any board he serves on.

Item placed on the agenda.

**Resignation of GJ Walker from the Tree Board and Authorization to Advertise the Vacancy**

CEO Ternes Daniels informed the Commission GJ Walker is resigning from this board.

Julie Pooley, Clerk of Commission, spoke with Mr. Walker who told her he has too many things going on and could not give the Tree Board the time it deserved.

Commissioner Lux-Burt would like a thank you letter sent to him for his service on the board.

Item placed on the agenda.

### **Special Event Permit for the Friends of the Hearst Free Library's Shakespeare in the Park**

CEO Ternes Daniels informed the Commission that Sam Walters has submitted the permit on behalf of the Friends of the Library. The event will take place at the Washoe Park Begonia House on August 12<sup>th</sup> from 2 p.m. to 10 p.m. She stated this is a fun event and great opportunity to enjoy a little Shakespeare.

Commissioner Lux-Burt asked why the location was changed and CEO Ternes Daniels informed her that another event was already scheduled at the pavilion.

Item placed on the agenda.

### **Miscellaneous**

**Superslide:** Commission Chair Hart asked CEO Ternes Daniels to look into why it is closed. She will check with John Leo to see what the issue is and report back to the Commission.

**Landfill Hours:** Commission Chair Hart received a phone call about the landfill not being open on Sundays. He asked if there is a way to open it or have extended hours during the week as many people are cleaning up their properties on the weekend and need to use the landfill.

**WWC Contract for West Valley Park:** CEO Ternes Daniels informed the Commission the County has received the contract from WWC for the West Valley Park renovations. She explained that the grant has to be in by June 30<sup>th</sup> and requested the Commission place this item on the agenda for the June 7<sup>th</sup> meeting.

County Attorney Krakowka requested a copy of the contract as soon as possible so he can review it.

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

Sarah Jones, Copper Environmental: Ms. Jones informed the Commission that the waterlines will be going in around the area of the pavilion in August. Heather Edwards has been told not to schedule the pavilion during this time. This may be why Shakespeare in the Park is taking place at the Begonia House.

Rose Nyman had questions regarding money since the Commissioners are responsible for claims. She asked if the mills from the 2015-2016 TIFID were set aside for tax relief. CEO Ternes Daniels informed her that 105 mills have been banked since 2012. 30 mills were set aside the first year for tax relief and 25 mills were set aside the past three years. Mrs. Nyman clarified that she was only asking because she had not heard with any certainty that the mills were set aside.

Mrs. Nyman read an article in the Leader regarding the Central TIFD contributing funds to assist the school district with installing fiber optics at a cost of \$25,000. She was surprised because she does not know how much has been accrued in that account. CEO Ternes Daniels informed her that the press release came from the school district and there has been no discussion with the County.

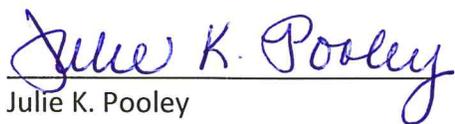
Lastly, Mrs. Nyman reminded the Commission that the taxpayers paid for the website and pay for the maintenance of the site.

#### **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 7:13 p.m.



Julie K. Pooley  
Clerk of the Commission



Kevin A. Hart  
Commission Chair