

Anaconda-Deer Lodge County  
**Commission Work Session Minutes**  
6:00 p.m. Tuesday, July 12, 2016  
Courthouse Courtroom

Present: Commission Chair Hart, Commissioner Mulvey, Commissioner Lux-Burt, Commissioner Vice-Chair Vermeire, Commissioner Smith, CEO Ternes Daniels, and 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 6:02 p.m. and explained the Commission Rules of Procedure.

**Introduction/First Reading/Schedule a Public Hearing for Ordinance No. 241A, an Ordinance Amending Ordinance No. 241, Chapter 24 of the Code of Ordinances of Anaconda-Deer Lodge County**

Bob Horne, DPS Administrator, reviewed the proposed DPS amendments with the Commission. The DPS was rewritten over a year ago and some things need to be tweaked. The amendments fall into three categories: 1) Home-based businesses: this category has been amended to clarify that in most cases, home businesses cannot be operated out of doors; additional language clarifies the number of home businesses that may be operated from a single residential property to two; provides guidance on the number and size of signs allowed; and adds a cottage industry category to broaden the ability for people to conduct business out of their home. 2) Accessory Uses: when the current DPS was being rewritten, an issue arose regarding property owners who wanted to build garages or have pre-built storage sheds placed on vacant lots in Anaconda for personal storage. The concern is the vacant lot with the storage building is unlikely to be developed as a primary residence. Instead, with items of value inside the storage building, it may lead to crime. A DPS amendment is being proposed to allow these structures without a primary use in rural, low density areas. However, these structures will remain prohibited in urban districts. 3) Fencing Standards: this amendment will remove the requirement for a 1" air space for certain types of fencing. In addition, the DPS sets a standard maximum height of 42" in front setbacks. However, most fencing in Anaconda is 48" and no fencing standards existed prior to 2009. Staff is requesting the DPS be amended to allow for a maximum height of 48" in front setbacks.

CEO Ternes Daniels requested a public hearing be set.

Commissioner Lux-Burt brought up the issue of perpetual yard sales and asked if the amendments to the home-based businesses address this issue. Bob Horne informed her if the person has a development permit, they are grandfathered in. However, if they do not, it is illegal and it will be dealt with appropriately.

Commissioner Hart believes the changes are reasonable and it is good to listen to the public and make necessary changes. He set the public hearing for Tuesday, August 2<sup>nd</sup>.

## **Presentation of the Anaconda-Deer Lodge County Urban Renewal Agency Board**

Adam Vauthier, Chair of the Urban Renewal Agency Board, informed the Commission that the board has met several times to prepare the grant applications in order for the public to apply for funds through the Downtown Tax Increment Finance (TIF) District. The applications have been divided into categories and include guidelines and scoring criteria. The purpose of the grants is to fight blight and increase the tax base in the Central Business District. The board met with the budget committee and CEO Ternes Daniels is working on a resolution to roll the previous Downtown TIF money, which sunsetted in 2012, into the current TIF. Doing so would give the TIF a budget of approximately \$90,000.

CEO Ternes Daniels informed the Commission there is \$44,059.58 left in the former TIF fund. According to MCA, TIF funds can be retained and rolled over into a new TIF. CEO Ternes Daniels would support and recommend doing this as it would make a significant difference in kicking off the new Downtown TIF.

Commissioner Lux-Burt is excited to see this moving forward and agreed to doing a resolution to roll the funds over.

Commissioner Hart agreed noting the money was intended for the previous Downtown TIF, and it would be a good start for this venture.

CEO Ternes Daniels requested the resolution be brought back and placed under New Business on next week's agenda. The Commissioners agreed by consensus to do so.

Adam Vauthier informed the Commission that the TIF has agreed to commit \$6,000 per year for the broadband project.

Item placed on the agenda.

## **Request for Proposals (RFP) for the Administration of the Anaconda-Deer Lodge County Urban Renewal Agency (URA) Board and Tax Increment Finance (TIF) District**

Adam Vauthier presented the RFP to the Commission. The URA Board is looking for someone to provide administration of the board, marketing of projects and services, and someone to act as liaison for the board. In addition, the board wants the administrator to have knowledge of revolving loans.

CEO Ternes Daniels would like language in the RFP requesting that respondents include information regarding hourly rate. Adam Vauthier noted the board determined that no more than 10 percent of the budget will go toward administration fees.

Jim Davison informed the Commission people are really interested in the TIF for a variety of projects ranging from signs to major upgrades to buildings. He believes the TIF will benefit downtown.

Commissioner Lux-Burt asked Jim Davison what the difference is between a TIF and a TED. Jim Davison indicated that a TED is a Tax Enterprise District. The Legislature renamed it last session as there were five different kinds of TIFs. All MCA related to the various TIFs got condensed into one.

CEO Ternes Daniels reiterated she would like information regarding an hourly rate included in the RFP. Adam Vauthier will add this to the RFP prior to advertising it.

Item placed on the agenda.

### **Application for Federal Assistance for a New Wildlife Fence at Anaconda-Deer Lodge County Bowman Field**

Shawn Shea with Morrison Maierle presented information to the Commission regarding the application. The funds will be used for design, construction management, grant close-out and administration. This grant closes out the last piece of the project for land acquisition and includes funding for the wildlife fence. In essence, it is putting the “cart before the horse” but the FAA has a tight deadline to get the application submitted in order to get the grant funds. The estimated cost of the project is \$860,000, but the amount being requested from the FAA is \$985,050.

CEO Ternes Daniels congratulated Mr. Shea and Morrison Maierle as A-DLC has agreed to continue its relationship with Morrison Maierle to provide services for the airport for the next five years. CEO Ternes Daniels informed the Commission time is of the essence to secure funding from the FAA. The County’s share of the project is \$109,445 some of which may be covered by a Montana Aeronautics’ grant.

Shawn Shea explained the County gets approximately \$150,000 year which can be carried over. Eventually, it must be used or the County loses the funding. The funding Morrison Maierle would like to secure through the FAA needs to be locked in this summer or it will be gone. If the County does not get funding from the FAA, it would have to borrow money from other municipal airports to fund the project. This money would have to be paid back.

CEO Ternes Daniels thanked Mr. Shea for coming over from Missoula. To date, \$4.6 million has gone into the airport. The CEO stated that Morrison Maierle has done a terrific job.

Item placed on the agenda.

### **Revised and Restated Workers’ Compensation Program Agreement between Anaconda-Deer Lodge County and Montana Municipal Interlocal Authority (MMIA)**

CEO Ternes Daniels informed the Commission MMIA has been providing the County’s Workers’ Compensation Program for a number of years. No changes have been made to the agreement; it is simply a renewal of the plan. She has a call into MMIA to confirm this.

Item placed on the agenda.

**Authorization to Advertise the Vacancy on the Greenway Service District Board to fill the remainder of Lorry Thomas' term through October 1, 2016**

In light of Lorry Thomas' passing, CEO Ternes Daniels informed the Commission his vacancy on the Greenway Service District Board needs to be filled. She noted that he will be missed. He served on the board for a long time and always had great ideas and vision.

Item placed on the agenda.

**Special Event Permit for the Lil' Copperhead Wrestling club Co-Ed Softball Tournament to be held July 22<sup>nd</sup> – 24<sup>th</sup> at the Charlotte Yeoman Complex**

CEO Ternes Daniels informed the Commission this event will take place July 22<sup>nd</sup> 24<sup>th</sup>. The proper insurance certificate is attached with Anaconda-Deer Lodge County listed as the additional insured.

---

Commissioner Hart had an issue with the insurance with regard to the letter from Bill Hill stating the Wrestling Club was covered under ASA's policy. He would like documentation from the insurance agent confirming this. CEO Ternes Daniels will double check the insurance but noted that ASA is an umbrella organization for various things.

Item placed on the agenda.

**Special Event Permit for Montana Golden Gloves Boxing Matches to be held August 18<sup>th</sup> at Legion Field**

This Special Event Permit still needs some work, but CEO Ternes Daniels wanted to bring it before the Commission to get the process started. Heather Edwards is meeting with department heads on Thursday to review the permit. CEO Ternes Daniels has not spoken with Sarah Jones to determine if the water project will be wrapped up by August 18<sup>th</sup>, but staff believes the project will not interfere with this event since it is being held at Legion Field.

Commissioner Lux-Burt asked if the bathrooms are still being worked on. CEO Ternes Daniels talked with John Leo Sladich today and the bathroom remodel is still underway. However, CEO Ternes Daniels noted the event is over a month away.

Item placed on the agenda.

**Miscellaneous**

***Begonia House***

Commissioner Lux-Burt announced that the Begonia House has windows again and begonias.

### ***Goosetown Clean-Up***

CEO Ternes Daniels spoke with John Leo Sladich today. John Leo Sladich informed her there was some minor clean-up that needed to take place but nothing outrageous.

### ***SMA Contract for Hearst Free Library Roof***

CEO Ternes Daniels presented an agreement from SMA Architects to provide design services for the roof repairs at the Hearst Free Library. The cost is \$30,220. The CEO met with the library director and some Library Board members and determined the fee will be paid through the library's memorial fund. Once this work is completed, the project will be ready to go out for bid. CEO Ternes Daniels requested the Commission place the item on the agenda for approval.

Item placed on the agenda.

### ***Pintler Pets Agreement***

CEO Ternes Daniels informed the Commission that Pat Phillips is out of town. The agreement is being worked on, some language has been added, and the County Attorney will review the agreement.

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

Rose Nyman asked if Anaconda-Deer Lodge County advertises its meetings in the Montana Standard. Both Commissioner Hart and CEO Ternes Daniels indicated Commission meetings are not advertised in the Montana Standard. Mrs. Nyman stated she read the Planning Board minutes and Bob Horne informed the Planning Board and the public that meetings are advertised in the Leader, Montana Standard and on the website. Commissioner Hart stated that Bob Horne misspoke.

Mrs. Nyman informed the Commission that she attended a Planning Board meeting last winter where Doug Clark announced his resignation as Planning Director. He stated he would be resigning sometime in June or July. Several weeks ago, Commissioner Vermeire mentioned he sat in on interviews for a new Planning Director but nothing has come forth. Mrs. Nyman indicated that some people in the community are wondering if Mr. Clark is still here or if he is gone. She asked if the County is going to re-advertise for the position.

CEO Ternes Daniels explained that she did advertise and had a couple of applicants. However, she was not really sure if they would fit the bill for what the County is looking for. She explained there are some issues regarding Superfund and the process with regard to permitting and what the actual needs will be in the Planning Department. She stated that a substantial amount of funding through Superfund has basically been subsidizing the Planning Office in the amount of \$93,000. She wants to ensure Superfund and planning obligations are met. She is still in the process of evaluating and looking at staffing needs. Bob Horne is working as a consultant planner. He has been with the County since 2008 helping with administering the DPS. As the County works through this, she wants to make sure the right staff is in place in order to work with the programs the County has to implement. At this

point, she has not felt comfortable bringing anything forward. CEO Ternes Daniels had a meeting this morning with Doug Clark. Even though he has stepped down he has been agreeable to be accessible. They sat down and went through a list of projects and permits. She stated they are coordinating all of it so she does not believe things are not getting done.

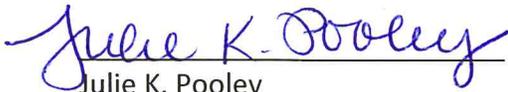
Mrs. Nyman clarified that when the CEO says Doug Clark has stepped down then he is done. CEO Ternes Daniels and Commissioner Hart both indicated that is correct.

### **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 6:44 p.m.



Julie K. Pooley  
Clerk of the Commission



Kevin A. Hart  
Commission Chair