

**Anaconda-Deer Lodge County
Commission Meeting Minutes
6:00 p.m. July 19, 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: Julie K. Pooley, Clerk of Commission

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

Approval of Minutes from the Commission Meeting of July 5, 2016 and the Commission Work Session of July 12, 2016.

Commissioner Smith moved to approve the minutes from the Commission Meeting of July 5, 2016 and the Commission Work Session of July 12, 2016; seconded by Commissioner Mulvey.

Motion carried unanimously.

APPROVAL OF CLAIMS

Commissioner Lux-Burt reported the amount listed on the claims report is \$861,935.69, which is different than the amount listed for approval on the agenda. CEO Ternes Daniels stated the claims report is correct and includes a claim that had to be redone.

Commissioner Vermeire moved to approve claims numbered 122810 through 122954 in the amount of \$861,935.69; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

REPORTS OF BOARDS, OFFICIALS, COMMITTEES

Proposal to Redevelop the Benny Goodman Basketball Court

John Zurak presented information to the Commission regarding a project to overhaul the basketball court at Benny Goodman Park. Mr. Zurak has been working with Accelerate Anaconda, Anaconda Local Development, Rotary, and Kiwanis to begin fundraising. Zombie Construction has agreed to be the contractor for the project, and Mike Merino and the National Guard Reserves may be interested in providing labor as a training tool. He informed the Commission the current court is in a state of disrepair. The goal is to create a safe, family-oriented facility that would serve multiple uses, including events and tournaments. The overall estimated cost of materials is \$12,000.

Commissioner Lux-Burt thinks it is great when the community can come together to get things like this done. Mr. Zurak informed her he has had nothing but positive feedback for the project.

CEO Ternes Daniels informed the Commission that Mr. Zurak and Bud Myotte (Zombie Construction) met with John Leo and Traci Thomas to discuss the project. Traci Thomas thinks this is a great idea. Mr. Zurak noted the court will be expanded to a full-sized court. CEO Ternes Daniels informed the Commission that staff supports the effort and the project will be at no cost to the County.

County Attorney Krakowka thanked Mr. Zurak for showing initiative. If he is taking votes on the color of the court, his vote is for blue and silver. Mr. Zurak is leaning toward those colors as well. The County Attorney offered to help in any way he can.

Commissioner Hart noted that this item is not actionable at this time, merely a presentation. He believes it is a fantastic idea and the Commission fully supports it. Mr. Zurak informed him that the school district is donating the rims and backboards from the old junior high school.

County Attorney Krakowka suggested Mr. Zurak get in touch with NorthWestern Energy as they like to donate money to these kinds of projects.

Commission Reports

Commissioner Smith attended the Greenway Service District Board meeting.

Commissioner Vermeire attended three Institutional Controls Agreement meetings and 23 budget hearings.

Commissioner Lux-Burt attended three Institutional Controls Agreement meetings and ~~23~~20 budget hearings.

Commissioner Mulvey attended the Library Board meeting.

Commissioner Hart had nothing to report.

CEO Ternes Daniels attended the Institutional Controls Agreement meetings and the budget hearings.

County Attorney Krakowka attended the DUI Task Force meeting, an Adult Protective Services meeting, and his department's budget hearing. Last Friday, he went to Racetrack with some individuals to explore a different route into Modesty Creek.

UNFINISHED BUSINESS

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

Commissioner Lux-Burt asked if the number of estimated hours should be listed in the RFP. CEO Ternes Daniels noted that the URA Board will not spend more than 10% of its budget on services to administer the board.

Commissioner Lux-Burt moved to authorize the advertising of the Request for Proposals (RFP) for the Administration of the Anaconda-Deer Lodge County Urban Renewal Agency (URA) Board and Tax Increment Finance (TIF) District; seconded by Commissioner Mulvey.

Motion carried unanimously.

Resolution No. 16-30, a Resolution Establishing a Policy to Transfer Tax Increment Funds from the Tax Increment Finance District No. 2 to the Downtown Urban Renewal Agency

CEO Ternes Daniels informed the Commission this resolution transfers funds from the old Downtown TIF into the new Downtown TIF. Typically, the funds would go back into the general fund. However, the funds will be transferred to assist the new TIF. The amount to be transferred is approximately \$45,000 to create a total fund of approximately \$90,000.

Rose Nyman is not opposed to the resolution but had some questions regarding logistics. It is her understanding the Downtown TIF sunsetted in 2012 and it was rolled into the general fund. She asked if the funds can be retroactively removed and put into another fund. CEO Ternes Daniels informed her that the TIF did sunset. Delinquent taxes continue to come in for an additional three years, and the money was held in the fund. CEO Ternes Daniels believes it is fine to transfer the funds. Mrs. Nyman also pointed out that the original Downtown TIF is referred to as Tax Increment Finance District No. 2 in the resolution, which she does not believe is correct. CEO Ternes Daniels will follow up on this to ensure it is correct.

Commissioner Vermeire moved to approve Resolution No. 16-30; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Approval of the Application for Federal Assistance for a New Wildlife Fence at Anaconda-Deer Lodge County Bowman Field

Commissioner Lux-Burt is glad to see this moving forward since it has been discussed for a long time.

CEO Ternes Daniels informed the Commission time is of the essence because of funding availability. It will be harder to get funds together in the future to do the project if the application is not submitted now.

Commissioner Mulvey moved to approve the Application for Federal Assistance for a New Wildlife Fence at Anaconda-Deer Lodge County Bowman Field; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

Approval of the Revised and Restated Workers' Compensation Program Agreement between Anaconda-Deer Lodge County and Montana Municipal Interlocal Authority

CEO Ternes Daniels informed the Commission this agreement has not changed, and the provisions are the same.

Commissioner Lux-Burt moved to approve the Revised and Restated Workers' Compensation Program Agreement between Anaconda-Deer Lodge County and Montana Municipal Interlocal Authority; seconded by Commissioner Mulvey.

Motion carried unanimously.

Approval of Fee Proposal from SMA Architects for the Hearst Free Library Roof Repairs in the Amount of \$30,220.00

Commissioner Lux-Burt noted discussions took place with the Library at its budget hearing regarding the fee being paid through library memorial funds. CEO Ternes Daniels informed her that the Library Board gave approval for the funds to be used to pay for this portion of the project. She also noted this is only the design phase of the project. Once it is complete, the project will go out for bid to repair the roof.

Commissioner Vermeire moved to approve the fee proposal from SMA Architects for the Hearst Free Library Roof Repairs in the amount of \$30,220.00; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

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

CEO Ternes Daniels recommended that the Commission move forward to fill the vacancy. She noted that Cindy Vermeire was in the audience and expressed her condolences. CEO Ternes Daniels told Mrs. Vermeire that Lorry will be sadly missed on the board. County Attorney Krakowka expressed the same.

Commissioner Smith moved to authorize the advertising of the vacancy on the Greenway Service District Board to fill the remainder of Lorry Thomas' term through October 1, 2016; seconded by Commissioner Mulvey.

Motion carried unanimously.

Special Event Permit for the Lil' Copperhead Wrestling Club Co-Ed Softball Tournament to be held July 22nd – 24th at Charlotte Yeoman Complex

Commissioner Vermeire noted the insurance is in order and all signatures have been received.

CEO Ternes Daniels informed the Commission some teams playing in the tournament are not sanctioned by the ASA. Therefore, the Wrestling Club is providing its own insurance for the tournament. Commissioner Hart noted Anaconda-Deer Lodge County is listed as the "owner of the building" on the insurance certificate and wondered if this is an issue. Angie Sawyer informed the Commission she did not fill that section out when completing the form and it may have automatically filled that section in.

County Attorney Krakowka believes the insurance certificate is clear in stating who the additionally insured is. He is not concerned and stated the county is covered.

Commissioner Smith moved to approve the Special Event Permit for the Lil' Copperhead Wrestling Club Co-Ed Softball Tournament to be held July 22nd – 24th at Charlotte Yeoman Complex; seconded by Commissioner Mulvey.

Motion carried unanimously.

Special Event Permit for Montana Golden Gloves Boxing Matches to be held August 18, 2016 at Legion Field

CEO Ternes Daniels informed the Commission all of the parties involved had a meeting. A detailed list of what was discussed was included in the packets. Everything looks in order according to the CEO.

Chris Eamon, 514 E. 3rd: Mr. Eamon thanked the Commission for listening to them. His group planned this event spur of the moment after the event they held in Butte. Eric Hempstead is an Anaconda kid, and Mr. Eamon informed the Commission he has a lot of potential and after this event they may not be able to afford to bring him back.

Commissioner Vermeire moved to approve the Special Event Permit for Montana Golden Gloves Boxing Matches to be held August 18, 2016 at Legion Field; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

NEW BUSINESS

Approval of Change Order No. 3 for the Washoe Park/Hefner's Dam NRDP Project

Mark Sweeney first informed the Commission that he served with Lorry Thomas on the Greenway Service District when he was a Commissioner. Mr. Sweeney stated it was an honor to work with him in the community on many different projects.

With regard to the Change Order, Mr. Sweeney informed the Commission that the pump house is being stripped down and will be rebuilt. The crane is scheduled to arrive in mid-late August/early September in order to set the bridge, which will provide access to Hefner's Dam. Once the bridge is complete, the trail will follow. The bridge installation is running a bit behind because the crane is late, but also to correspond with low water flows of Warm Springs Creek. The Army Corps of Engineers has given a deadline for completion of March 2017. The Change Order removes the trout pond because the designated area is a functioning wetland. Mr. Sweeney discussed the possibility of hooking up to pipeline that was abandoned in the 90's in order to provide more water to the duck pond. The county owns the water rights and he is currently working with the governor's office to get the project back on the radar with FWP. This may necessitate an additional change order.

Commissioner Hart received several comments from visitors attending Goosetown and Art in the Park who were amazed by the changes in the park. Mark Sweeney noted that once everything is connected the community will have a great trail and asset. Mr. Sweeney also thanked John Leo and his crew for cleaning up after Goosetown and Art in the Park, stating they did a fantastic job.

Rose Nyman thanked Mr. Sweeney for his efforts on behalf of Washoe Park. She also noted a hidden benefit through Washoe Park – with only one way in and one way out and the MIDAC unit in use during Goosetown – there was not a single DUI.

Commissioner Lux-Burt moved to approve Change Order No. 3 for the Washoe Park/Hefner's Dam NRDP Project; seconded by Commissioner Mulvey.

Motion carried unanimously.

Request to Set a Public Meeting to Review the Institutional Controls Agreement between Anaconda-Deer Lodge County and Atlantic Richfield Company

Carl Nyman informed the Commission the Institutional Controls (IC) Agreement is a requirement of all the Records of Decisions (RODs) as part of the Superfund Remedy. It is a culmination of seven years of work. Several drafts were proposed in previous years. The County has been out front in implementing the IC program even when the agencies and ARCo did not want to see us doing so. However, the County pushed forward and now receives a lot of support, particularly from ARCo and DEQ. The agreement does not mandate the County take on any Superfund liability. ARCo will still be the responsible party and remediation work will continue for the next 10-15 years in residential and rural areas. The EPA and DEQ will continue to do five year reviews into perpetuity. He emphasized this is not the final consent decree, but hopes it will follow soon after the IC agreement. The agreement fixes some flaws in the 1994 Conveyance Agreement. Mr. Nyman explained that the golf course is a Superfund remedy, a dedicated development site and a waste site and therefore, requires special management. It was also designed to generate revenue. It has fallen short in this arena because the number of rounds played has not been as high as expected. The agreement also puts the County in control of enforcing permitting policies. Mr. Nyman explained the agreement provides funding for a long time to come. He requested the Commission set the public meeting for Wednesday, August 10th to allow adequate time for advertising. Members of the Superfund team, the technical team, legal counselor, the CEO, and the Commissioners who have been on the negotiation team will be present to answer any questions and clarify any misinformation about the agreement. Mr. Nyman spoke with the former County Attorney who suggested placing a series of ads in the Leader ahead of the meeting to give some background information about the origins of the agreement. Mr. Nyman believes people are going to be pleased with the agreement and commented that the County has learned a lot from the mistakes of the past.

Commissioner Lux-Burt questioned where the meeting will be held. Mr. Nyman suggested having the meeting in the courtroom since that is where normal Commission business is conducted. Accommodations can be made if necessary.

Commissioner Hart and Commissioner Vermeire agreed the meeting should take place in the courtroom.

Commissioner Hart addressed the misconception that no public input was given for the negotiations. He received information that there was public input years ago which set the direction for the current negotiations.

CEO Ternes Daniels is looking forward to the public meeting. It has been a long and arduous process and she thanked everyone involved for rolling up their sleeves. She confirmed that public input did direct the negotiations. The agreement will take the community into the future and she is proud of it.

Linda Sather, 512 Alder: Mrs. Sather is concerned the County may be settling too early. She believes the County should hold off and be the last to sign an agreement because we are getting other county's waste. She stated that other counties are getting cleaner and our county is getting dirtier.

Commissioner Hart believes that when Mrs. Sather hears the presentation on August 10th, she will be presently surprised. Mrs. Sather will be out of town that week and will be unable to attend.

Rose Nyman has a great deal of concern regarding the agreement and will be at the public meeting. She noted the courtroom seats about 80 people. She has heard from residents whose biggest complaint is the golf course. She informed the Commission she usually attends public meetings like this, but does not have a memory of meetings that took place regarding public input for the agreement. However, she assumes the information is somewhere or will be presented on August 10th. Commissioner Hart informed her that those meetings were held years ago when the process first started before the negotiations started. He was told the meetings took place through civic organizations. He does not have the documentation and is only going off of what he was told. Mrs. Nyman suggested the meetings could reference the ones that Jim Kuipers held on Tuesday mornings. She had hoped that with residents leaving and moving in, there would be something more recent.

Carl Nyman is not sure why the golf course is such a lightning rod in the community as it does so much for the community and he hates to think of the community without it. However, the golf course funding is being negotiated as a Superfund remedy. No tax dollars go toward funding the golf course. Mr. Nyman addressed the concern regarding public input. He explained that Jim Kuiper's "feet were on fire" going to meetings, which included Rose Nyman and the Main Street group. Mr. Kuipers also did research to determine what worked well in other communities. In addition, meetings took place at the courthouse, twice a month that were open to the public and Jim Kuipers was at Commission Meetings to give updates. Mr. Nyman pointed out the agreement is long-term and the technical aspects address the past, present and future. In addition, if the agencies, ARCo, or the County change positions, the agreement can be re-opened. He reiterated the agreement is not a settlement and it is not carved in stone.

Commissioner Vermeire moved to set a public hearing on August 10, 2016 to review the Institutional Controls Agreement between Anaconda-Deer Lodge County and Atlantic Richfield Company.

Commissioner Hart informed Commissioner Vermeire this was a public meeting not a public hearing and will take place in the courtroom.

Commissioner Vermeire moved to set a public meeting on August 10, 2016 in the courtroom to review the Institutional Controls Agreement between Anaconda-Deer Lodge County and Atlantic Richfield Company; seconded by Commissioner Mulvey.

Motion carried unanimously.

MISCELLANEOUS

Beaver Dam at Washoe Park

Commissioner Vermeire was contacted regarding concerns over the beaver dam at Washoe Park. He asked for an update regarding the beaver deceiver, which was discussed at a previous Commission Meeting.

Carl Nyman informed the Commission that Amy Chadwick will be here on Saturday to install the flow tubes (beaver deceivers). The intent is to bring the water level down one to two feet and hopefully, get the dam off the flood plain and still leave room for fish to pass. Mr. Nyman is still concerned about portions of the trail being underwater, but anticipates this issue being corrected once the trail is repaved. All of the hazardous trees have been removed, and Michael Marker and his weed crew wired the surviving trees. Woody debris was left as food for the beavers. The beavers will continue to come back, so Mr. Nyman reiterated that the County will have to be vigilant and keep something in place to manage the beavers and water levels.

Commissioner Hart received some comments from residents who are extremely concerned about power poles and guide wires that have been in the water for some time, as well as the placement of traps. Mr. Nyman spoke with Vince Labbe from NorthWestern Energy who informed him the integrity of the poles is not in jeopardy at this time. He was in agreement with the concern regarding the traps, noting they are a danger to children and pets.

Sportsmen Club Meeting

Commissioner Vermeire received a phone call regarding the Sportsmen Club meeting which is taking place tomorrow night at 7 p.m. at the AOH. They are encouraging as many people as possible to show up. Lorry Thomas was a mentor and a driving force of the club and has gone onto a better place. The Sportsmen specifically requested Ben Krakowka attend the meeting.

Head Start Playground Equipment

Commissioner Lux-Burt informed the Commission the old equipment ~~has been~~will be removed and ~~is being~~will be temporarily stored before it will be installed at Rotary Park. The new equipment will be installed in the next two to three weeks. The company responsible for installing the new equipment has been on strike and recently returned from strike. Commissioner Hart spoke with a member of the Rotary Club who will get in touch with Wayne Wendt to work out the details of getting the old equipment installed.

DUI Task Force Plan Approval

Commissioner Hart received written notice from MDT that the DUI Task Force Plan for 2016-2017 was approved. This opens up the County to receive funding from reinstatement fees.

Superslide

Several people are continuing to access the slide and Commissioner Hart would like John Leo Sladich to take a look at the barricade and see what needs to be done with the slide. CEO Ternes Daniels will follow through on this request.

Board Training

Commissioner Hart announced the CEO Office has scheduled a 2016 Board Training in conjunction with MSU Extension's Local Government Center. He encouraged all board members to attend. The training will be held on Monday, August 15th from 6 p.m. to 9 p.m. at the Library. The training will cover ethics, meeting

PUBLIC COMMENT

Rick McKinnon – 1000 Kentucky, Deer Lodge, MT: Mr. McKinnon informed the Commission he owns property in Deer Lodge County. The road leading to the property has a locked gate. The Forest Service provided him with a key to the gate. However, the road is a public road created and accepted into record in 1879. Only in the last 20 years did the Forest Service put a gate on the road. He is asking he Commission to take action to remove the gate and assert authority over the county road.

County Attorney Krakowka needs some more information as he does not have a good idea of where the road is. Mr. McKinnon provided him with the map and informed him the property is located on the boundary of Powell and Deer Lodge County. County Attorney Krakowka would like to do some research and set up a time to meet with Mr. McKinnon.

Mike Merino – 1101 Heather Drive, #13: Mr. Merino believes a lot of the public is going to want to see what goes on at the public meeting. He believes there is a lot of interest, fear and concern and he requested the Commission televise the meeting and make it available on the website or online. This is a way to make the process more transparent for the County, a way to engage in good government, and a way to eliminate fears and the misinformation that is circulating in the community.

ADLC PUBLIC MEETING DATES

Commission Chair Hart read the ADLC Public Meeting Dates.

ADJOURNMENT

Commissioner Lux-Burt motioned to adjourn the meeting. The meeting adjourned at 7:32 p.m.



Julie K. Pooley
Clerk of Commission



Kevin A. Hart
Commission Chair

