

**Anaconda-Deer Lodge County**  
**Commission Work Session Minutes**  
**6:00 p.m. Tuesday, September 13, 2016**  
**Courthouse Courtroom**

Present: Commission Chair Hart, Commissioner Mulvey, Commissioner Lux-Burt, Commissioner Vice-Chair Vermeire, Commissioner Smith, CEO Connie Ternes Daniels, and County Attorney Krakowka

Others Present: Julie K. Pooley, Clerk of Commission

Members of the Press: Kathie Miller, Anaconda Leader

Members of the Public: per sign-in sheet

Commission Chair Hart called the meeting to order at 6:03 p.m. and explained the Commission Rules of Procedure.

**Public Hearing – Ordinance No. 247, an Ordinance Creating a Local Emergency Planning Committee and Establishing Its Powers, Duties and Responsibilities**

CEO Ternes Daniels reminded the Commission that the Local Emergency Planning Committee was inadvertently disbanded along with several other boards and committees in 1998. This ordinance reinstates it and meets the requirements of federal law. The CEO had questions regarding membership, and she asked County Attorney Krakowka to address those questions.

County Attorney Krakowka acknowledged that the membership requirements are tricky. It is fairly obvious that when the federal statute was passed it was geared toward significantly larger communities. In order, to adapt it for smaller communities one person may fill multiple criteria. The membership requirement contains eleven criteria but does not state how many people should fill those roles. In order to meet the requirements of the statute and keep the board manageable in terms of having a quorum, County Attorney Krakowka proposes an eight person membership consisting of the following: One (1) Commissioner, the Chief of Police or his designee, the Fire Chief or DES, a representative from Superfund, a representative from the hospital, a representative from broadcast or print media, a representative from local transportation, and a representative of owners or operators that are subject to the federal statute. In addition, he suggests a quorum of over 50%. Although these proposed changes did not make it into the ordinance, he did speak with Julie Pooley, Clerk of Commission, and she will make the necessary changes prior to the Commission taking action.

CEO Ternes Daniels referenced the Anaconda-Deer Lodge County Administrative Code, Article V, Section 3, which states “Unless otherwise provided by law, Charter or this Code, appointments to administrative and advisory boards shall be subject to the approval of a majority of the Commission.” She believes this fits this situation because the membership requirements are dictated by federal law. Typically, the County advertises board vacancies for 30 days; however, this board is unusual and the requirements are specific.

Commission Chair Hart opened the public hearing at 6:08 p.m. After three calls for public comment and none given, he closed the public hearing at 6:09 p.m. This item will be placed on the October 4, 2016 agenda.

### **Request to Set Public Hearing for Final Plat Approval for the Quick Minor Subdivision**

Bob Horne informed the Commission only one public hearing took place and the plat has already been recorded. After speaking with the County Attorney, it was determined a public hearing must take place before the governing body.

Citing staff error and the transitions in the Planning Department, CEO Ternes Daniels informed the Commission this is in the process of getting corrected.

Commission Chair Hart scheduled the public hearing for Tuesday, October 4, 2016.

### **Revised Technical Memorandum to the Natural Resource Damage Program (NRDP) for Anaconda-Deer Lodge County's Groundwater Restoration Plan (GWRP) Phase V/Year 5 – 2017 Projects**

Alden Beard with BETA presented proposed changes to the fifth year of the current Groundwater Restoration Plan (GWRP). \$2.3 million remains in the budget after the fourth year projects wrap up. This is quite a windfall because it was estimated that only \$1.1 million would be left over. The County submitted its proposed fifth year projects to NRD in August, which included a substantial change in the scope of work. As such, NRD requested a formal engineering amendment to the original plan. Originally, fifth year projects included replacing over 5800 linear feet of pipe in the Theresa Ann Terrace subdivision due to shallow bury that historically had caused freeze-ups, particularly in service lines. However, freeze-ups have abated since 2012, and the water department reports no freeze-ups the past two winters. This is attributed to "build out" of the subdivision and more users on the system. Mr. Beard believes this project is no longer necessary at this time. In its place, Mr. Beard proposed replacing the Ogden Street mains. Due to corrosion and leak history, the water department has identified this project as its most critical need. The Ogden Street project is consistent with the ongoing priority of extending the County's limited groundwater resources by curtailing leakage. The estimated cost of the project is \$682,000. Additional fifth year projects include Westside valve and hydrant replacements, voluntary water metering and engineering evaluation and "pot-holing" of Warm Springs pipeline at the thermal area. Mr. Beard explained that a catastrophic leak occurred in the spring of 2013 in the pipeline where it passes near a thermal area near the campus of the State Hospital. NRDP has determined this would be a big project and suggested waiting until later to complete it. If it leaks again, it could cause substantial water loss to the County, as well as deprive the hospital of its primary water source. It is unclear whether the leak was caused by corrosive soil or defects in the pipe. Mr. Beard proposes doing a preliminary engineering evaluation by digging multiple "pot-holes" to expose the pipe to assess its condition. Cost to do so is estimated at \$20,000. Estimated cost for each project is as follows:

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|---|-----------|
| • Westside valve & hydrant replacements | \$349,650 |
| • Voluntary water metering              | \$35,000  |
| • Ogden Street waterline replacement    | \$682,000 |

- Engineering Evaluation & “pot-holing” at Warm Springs \$20,000
- 2017 NRD Funding Administration Consultant Services \$7,500
- 2017 Consultant Services for GWRP Amendment \$24,000
- **TOTAL \$1,118.150.00**

\$1.2 million remains in NRD funds after the fifth years projects are complete to move forward with other projects. Upon Commission approval of the revised technical memo, Mr. Beard indicated that NRD should give a fairly quick response to allow the engineers to do fall surveying.

CEO Ternes Daniels, Alden Beard, Sarah Jones, and Paul Puccinelli met with NRD. CEO Ternes Daniels reported that the meeting went very well. She is happy to see the fifth year projects moving forward, and believes it makes sense to do the Ogden Street project. She supports moving forward with the revised technical memo.

Commissioner Vermeire would like the County to consider replacing the storm water system on Larch Street when Ogden Street is torn up. Mr. Beard indicated it would make sense financially, although NRD would not pay for it.

CEO Ternes Daniels informed the Commission that funds can be set aside from the capital reserve fund to pay for such a project. She concurred with Mr. Beard that NRD would not pay for it, and it would have to be brought forward to the Commission by the engineers and staff.

Commissioner Lux-Burt is glad to see the NRD projects continue and the work that has been done to repair the antique water lines.

Commission Chair Hart commented that he has lived in the Theresa Ann Terrace subdivision for 23 years, and he has never had any lines freeze up. It makes sense to him to take care of the issues on Ogden Street and agrees with Commissioner Vermeire to take a look at putting storm drains in.

Item placed on the agenda.

### **West Valley Sewer Extension Phase 2 Construction Contract Change Order No. 4 for Additional Asphalt for Streets in the West Valley**

Except for asphalt and trench restoration, Ed Janney reported that the West Valley project is complete. CEO Ternes Daniels requested that Mr. Janney look at the contingency funds which were already approved in the SRF loan to see if the funds could be used to pave some of the streets. Both SRF and DEQ are supportive of the project as long as the construction is related to the streets that were directly impacted by the project. Ed Janney, Ron DeWitt and Wayne Wendt toured the streets and determined that Mt. Haggin Drive, Jones Lane, Warren Street, Fairview Street, and Theater Drive need repaving. The cost to repave the streets is \$132,000, and Gilman Construction has been hired to do the paving. Paving is expected to begin the last week in September. After this project is complete, \$78,000 remains in the budget unspent, so when the loan is finalized this amount will not have to be repaid.

CEO Ternes Daniels had a conversation with Ed Janney and Ron DeWitt regarding the paving project. She informed the Commission they went street by street and determined this was the best they could do. Mr. Janney and Mr. DeWitt convinced her that this will accomplish good things for the West Valley. CEO Ternes Daniels recommends that the County follow Mr. Janney's change order and move forward with the paving, noting that the entire West Valley Sewer project will come in \$78,000 under budget.

County Attorney is glad to hear projects coming in under budget.

Commissioner Lux-Burt drives those streets every day and noted that some are bad and others are worse due to all of the hauling that took place. If the other Commissioners agree, she would like to see this done.

To Commissioner Lux-Burt's and Ed Janney's point, CEO Ternes Daniels reiterated that SRF is okay with this paving project.

Item placed on the agenda.

**Amendment to Task Order No. 3 to the Contract between Anaconda-Deer Lodge County and Tilman Consulting to Provide Administration of the West Valley Sewer Extension Project Hook-Ups for Private Property Owners**

This amendment is with regard to the CDBG grant that was awarded to the County and the loan program the County is offering to assist low-to-moderate income residents in the West Valley to hook up to the new sewer. CEO Ternes Daniels explained that the project has been more challenging and daunting than anticipated, and it has been a tremendous task to get people hooked up. She stated it is challenging to put in basic infrastructure when the homes already exist. The CEO believes Judie Tilman is very professional and is doing a great job getting this done. She informed the Commission this was approved in the budget, but the CDBG budget will need to be amended.

Kathie Miller questioned wording in paragraph two, noting that it states "that part of the Task Order was completed in May 2017." She asked if it should state May 2016. CEO Ternes Daniels said she did not know and would get it straightened out before it gets approved. Commission Chair Hart pointed out the same and believes it should state May 2016.

Commissioner Lux-Burt has talked with Mrs. Tilman and realizes this is a huge job. Commissioner Lux-Burt has been trying to get her daughter's sewer hooked up. She spoke with DNRC yesterday and they give 25% of the hook up cost back to the homeowner. DNRC has plenty of money left for this purpose.

Item placed on the agenda.

## **Application to the Montana Department of Natural Resources & Conservation (DNRC) for 2017 Tree City of the Year Award**

Lydia Janosko was unable to attend this evening's meeting; however, CEO Ternes Daniels informed the Commission Ms. Janosko would like to submit this application in the amount of \$10,000 for the Tree City of the Year award.

Commissioner Lux-Burt stated that all of the trees in town are getting prettier all the time and because of the trees the town looks nice.

Item placed on the agenda.

## **Resolution No. 16-35A a Resolution Amending the Mill Levy for Anaconda-Deer Lodge County for Fiscal Year 2016-2017**

Julie Pooley, Clerk of the Commission, explained that Resolution No. 16-35 is being amended to reflect two mistakes with the school district mill levy amounts. Michael O'Rourke, County Superintendent of Schools, wrote a letter to the Commission explaining the mistake, and provided the updated mill levy amounts. Wise River's mill levy is now 26.91 and Wisdom's mill levy is now 48.19.

Item placed on the agenda.

## **Appointment of a Licensed Addiction Counselor Representative to the DUI Task Force to Fill the Remainder of Michelle Heald's Term through March 16, 2019 (Tobin Frizzell, LAC has requested appointment)**

Tobin Frizzell, LAC submitted a letter requesting appointment. County Attorney Krakowka informed the Commission he has talked with Mr. Frizzell, and he seems like he will be a pretty good fit on the Task Force. He is looking forward to working with him.

Item placed on the agenda.

## **Miscellaneous**

### **November Commission Meeting Schedule**

It was brought to Commission Chair Hart's attention by Julie Pooley, Clerk of Commission that there are five Tuesdays in November. However, one of the Tuesdays is Election Day and no meeting will be held. The Commission needs to determine if it wants to have a combined Work Session and Business Meeting or if wants to utilize the fifth Tuesday for a meeting. However, items for that agenda would have to be submitted early and the agenda would have to be finalized by November 23<sup>rd</sup> because of the holidays (Thanksgiving and Heritage Day). CEO Ternes Daniels also noted that Friday, November 11<sup>th</sup> is Veteran's Day which is also a holiday. Combined with the other three holidays in the month, it does make it a challenging month for meetings. At this time, however, she cannot predict what the agenda may look like as sometimes it is light and other times a lot of things happen, and it is a full

agenda. Commission Chair Hart noted that the Commission still has some time to make a decision, but would like everyone to give it some thought.

### **Hospital Crosswalk**

Commission Chair Hart asked about the possibility of a crosswalk at the hospital. CEO Ternes Daniels informed him it is already an item of conversation. It has been discussed with the Road Foreman. Work is planned for Pennsylvania; however, the CEO has not attended a meeting with DOT for a while so she does not know the details. She understands the hospital is very interested in having a crosswalk, but noted it will require lights as well. A discussion with the hospital has not taken place yet and there is some preliminary work that needs to happen before moving forward. The cost to install the crosswalk is approximately \$7,000.

### **Special Event Permit for the Anaconda High School Homecoming Parade**

This event will take place on Friday, September 29<sup>th</sup> from 3:00 p.m. to 4:00 p.m. The parade will travel down Main Street to Park, Park to Cedar and Cedar to 4<sup>th</sup> Street. The insurance is in order and lists the County as the additional insured.

Item placed on the agenda.

### **Multi-Modal Transportation Day**

Adam Vauthier informed the Commission that Accelerate Anaconda along with Anaconda Local Development Corporation is sponsoring a three-day Multi-Modal Transportation Workshop. The three-day workshop begins on Thursday, September 22<sup>nd</sup> and will feature presentations by Abbie Philip, MSU Extension Agent; Melinda Barnes, BikeWalk Montana Director; and Pete Kurtz, Sven's Bicycles. Mike Tooley, Director of the Montana Department of Transportation will provide the keynote address. During the day, Accelerate Anaconda will host a reverse angle parking demonstration on the south 300 block of Main Street.

Commission Chair Hart expressed his support for this project, and CEO Ternes Daniels asked him if the Commission needs to officially approve the parking demonstration. Commission Chair Hart asked the Commission if any members had an objection to placing this on the agenda. With no objections, the item was placed on the agenda.

### **American Tower Agreement**

CEO Ternes Daniels informed the Commission that American Tower would like to lease property on C Hill and provide the County with a \$15,000 signing bonus for doing so. At this time the Communications Board has two vacancies and does not have a quorum; however, she would like them to take a look at the lease and get their input. American Tower would like an answer by September 20<sup>th</sup>. CEO Ternes Daniels respectfully requested this item be placed on the agenda, noting she is unsure what may happen.

Item placed on the agenda.

**Public Comment**

Rose Nyman publicly commended Chief Tocher and his staff for observing 9/11. She could see the flag flying from the fire truck from Washoe Park. She does not know what any of us would have done without the firefighters and officers and noted they went in that day knowing they were not coming out. Mrs. Nyman went onto the Helena Independent website and it had about 50 photos from 9/11 posted which had not been publicized that captured the heart stopping moments of that day. She thanked Chief Tocher for his efforts.

**ADLC Public Meeting Dates**

Commission Chair Hart read the ADLC Public Meeting dates.

**Adjournment**

Commissioner Lux-Burt moved to adjoin the meeting. The meeting adjourned at 7:07 p.m.

  
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Julie K. Pooley  
Clerk of the Commission

  
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Kevin A. Hart  
Commission Chair

