ANACONDA DEER LODGE COUNTY
COMMISSION MEETING
6:00 P.M. TUESDAY, MARCH 17, 2020
COURTHOUSE COURTROOM

Present: District 1, Commissioner Terry Vermeire, District 2 Commissioner Steve Gates, District 3 Commissioner Kevin Hart (Chair), District 4 Commissioner Paul Smith, District 5 Commissioner Mike Huotte (Vice-Chair), and Clerk of Commission Lori Sturm

Excused Absence: CEO Bill Everett, County Attorney Krakowka

Members of the Press: No Press present

Members of the Public: Per Sign-In Sheet

Commission Chair Kevin Hart called the meeting to order at 6:00 p.m. and the Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Approval of Minutes from the Commission Meeting of March 3, 2020; and the Commission Work Session of March 10, 2020.

Motion made by Commissioner Smith to take action to approve the Minutes from the Commission Meeting of March 3, 2020, And The Commission Work Session of March 10, 2020; Seconded by Commissioner Gates.

Motion Carried 5-0

APPROVAL OF CLAIMS

Motion made by Commissioner Huotte to take action to authorize the payment of claims numbered 133521 through 133649 in the amount $277,148.55 seconded by Commissioner Vermeire.

Motion Carried 5-0

Reports of Boards, Committees and Officials

Commissioner Huotte – Attended the Funding and Settlement Agreement on March 6th, the Old Works Golf Course Meeting on the 11th and on the 12th I attended the Public Settlement meeting at the Library and also a Greenway Service District Meeting.

Commissioner Smith – Attended 2 of the Public meetings on the settlement.

Commissioner Gates - Attended the first meeting on the Commons regarding alcohol use.

Commissioner Vermeire – Attended 3 of the public meetings on the settlement agreement, a DUI Task Force meeting, Old Works Golf Course Authority Board meeting and an Airport Board Meeting.

Commissioner Hart – Attended all 5 of the Settlement agreement meetings. They were very informative. There were a lot of good questions and it seems like the settlement is being well received by the community.

UNFINISHED BUSINESS

Resolution 20-09, A Resolution Requesting Distribution of Bridge and Road Safety and Accountability Program Funds.

Motion Made by Commissioner Gates to take action to approve Resolution 20-09, A Resolution Requesting Distribution of Bridge and Road Safety and Accountability Program Funds; Seconded by Commissioner Huotte.

Motion Carried 5-0

Fiscal Year 2020 County Motor Vehicle Graveyard Grant for Anaconda-Deer Lodge County

Motion made by Commissioner Smith to take action to approve Fiscal Year 2020 County Motor Vehicle Graveyard Grant for Anaconda-Deer Lodge County; Seconded by Commissioner Gates.

Motion Carried 5-0

Bid Results for West Third and Side Streets Pavement Restoration and Recommendation of Bid Award

Motion made by Commissioner Huotte to take action to award the bid for West Third and Side Streets Pavement Restoration to Mungus Co. in the amount of $1,853,800.43;Seconded by Commissioner Vermeire.

Motion Carried 5-0

Request for Proposals – Hotel Facility and Related Developments

Motion made by Commissioner Smith to take action to advertise the Request for Proposals – Hotel Facility and Related Developments; Seconded by Commissioner Gates.

Motion Carried 5-0

Ordinance #260, An Ordinance Establishing the Anaconda-Deer Lodge County Urban Renewal Agency Board and to Establish Powers and Duties.

Commissioner Hart – This is a housekeeping item to set the date for the public hearing. We are looking at April 7th.

Motion made by Commissioner Gates to take action to set April 7th, 2020 as a Public Hearing Date for Ordinance #260; Seconded by Commissioner Huotte.

Motion Carried 5-0

Ordinance #261, An Ordinance Adopting and Incorporating the International Building Code, International Residential Code, International Existing Building Code, International Energy Conservation Code, International Fire Code & NFPA 70

Motion made by Commissioner Huotte to take action to set April 7th, 2020 as a Public Hearing Date for Ordinance #261; Seconded by Commissioner Gates.

Motion Carried 5-0

Request for Reappointment to the Housing Authority Board by Sharati Pia.

Motion made by Commissioner Smith to take action to reappoint Sharati Pia as a member to the Housing Authority Board; Seconded by Commissioner Huotte.

Motion Carried 5-0

Special Event Permit– Anaconda After Hours – Friday Evening Summer Events at Kennedy Common (pending certificate of insurance)

Commissioner Huotte– Last week we discussed getting additional information.

Commissioner Hart – we should get that information before this is passed. The initial information was a possibility of alcohol, but this one does not mention alcohol.

Commissioner Gates – We have time.

Motion made by Commissioner Huotte to take action to **TABLE** the Special Event Permit – Anaconda After Hours – Friday Evening Summer Events at Kennedy Common pending receipt of additional information. Seconded by Commissioner Gates.

Motion to Table Carried 5-0

Special Event Permit - Opportunity Volunteer Fire Department – East Egg Hunt at Beaverdam Park April 11, 2020 (pending certificate of insurance)

Commissioner Hart – We will have to consider . . . it is on the agenda for new business for the CEO to authorize the Special Events for the Easter Egg hunts. We may approve these items but they may also be canceling them. All organizations need to be prepared for the cancellation of events due to public safety.

Motion made by Commissioner Huotte to take action to approve the Special Event Permit - Opportunity Volunteer Fire Department – East Egg Hunt at Beaverdam Park on April 11, 2020 (pending certificate of insurance); Seconded by Commissioner Smith.

Motion Carried 5-0

Request for Reappointment to the Communication Board by Pat Dunn, (Letter Attached)

Motion made by Commissioner Gates to take action to reappoint Pat Dunn to the Communication Board; Seconded by Commissioner Smith.

Motion Carried 5-0

NEW BUSINESS

Special Event Permits for Easter Egg Hunts to be approved by the CEO with verification of Insurance Certificate.

Motion made by Commissioner Smith to take action to allow approval of Special Event Permits for Easter Egg Huns to be approved by the CEO with verification of Insurance Certificate; Seconded by Commissioner Gates.

Motion Carried 5-0

Miscellaneous

Commissioner Huotte – We need to have a discussion regarding board meeting and public meetings at this time and how to proceed.

Commissioner Hart - We do need to take a look at this. Concerned about meetings scheduled for the ARCO Agreement. These are public meetings and we encourage public participation, yet we want to limit attendance by the new caution of 10 people or more. I wonder if the meetings should be delayed. There is concern about getting the meeting done.

- Commissioner Huotte – Those meetings could gather quite a crowd.
- Rose Nyman – What is the absolute latest date that this could be done
- Commissioner Hart – Not sure of an absolute end date. The CEO believes that getting this done sooner than later is important.
- CEO Everett on Speaker Phone – Consider the situation from a medical standpoint. This could go out until August, and will get worse before it gets better. We cannot wait that long. We need the benefit for the community. We need the tax benefit to lower taxes for the residents and we want the cash in our accounts. British Petroleum stock is down. They may limit many liability related activities. We don't want to be in that position. I want to get this through, the money is guaranteed in different ways and that is the life for Anaconda for the next 25 years. We don't know the consequences of waiting. There have been 5 public meetings, and I have attended numerous meetings; we have not received anything negative except in regards to the non-profits; and even then we came up with an idea for them. We could have a call-in number or write letters. Concerned about getting British Petroleum to sign their half.
- Rose Nyman – I really think the CEO's comments are appropriate. Suggested, we need to recognize that people are focused on the virus. Move the meeting to the Little Theater where people could spread out, or put a survey in the paper. I am surprised the public has not taken more of an interest. I agree it has been well vetted; people had the opportunity to attend the informational sessions.

- Blake Hempstead – We have been dealing with this with the school board. The school building is not available. The schools have been shut down by the government. As far as open meetings you can video conference as long as there is a quorum and it is recognized properly. There are programs available at minimal or no charge.
- Rose Nyman – Asked about board meetings. The Kennedy Common Alcohol Committee had 6 meetings set up; the meeting sites are not available. The question is "What is considered a non-essential meeting through this emergency". The planning board has a public hearing next week for a major development hearing, I consider that an essential hearing.
- Commissioner Hart – Asked what the CEO would consider essential for meetings.
- CEO Everett (phone) – Most boards will have to be shut down. The Planning board is crucial and will be kept operational. The Superfund meeting is essential. We need to do whatever we have to, to have that meeting. We won't have a crowd of more than 20 people, we could plan for 50. We will find a solution. We could offer masks and rubber gloves and take whatever precautions are necessary.
- Commissioner Hart – Gloves and masks might be sufficient for having it at the courthouse. The largest meeting was at the Metcalf Center and it was about 30 people including CM and ARCO
- CEO Everett (phone) – Half of those were our own people like BP; we can keep them away. We can limit the bodies.
- Commissioner Hart – Concerned about the open meeting laws . . . there has to be an avenue for debate.
- CEO Everett – We don't want any questions about the legality of this. We don't want the validity of this screwed up in this important decision.
- Commissioner Huotte – Suggested an advertisement in the Leader "Due to the virus if you don't want to come to the meeting . . . write or call to Lori Sturm".
- Commissioner Hart – Questioned if any written comments had been received?
- CEO Everett (phone) – We have received one. It was in support and that was received this morning. I would like this moved up to next week. This is getting worse by the day. Would like this on next week's work session.
- Commissioner Hart – I do agree. There is a possible second wave of this. What if this was advertised, discuss under the work session and a Special session after the work session to vote.
- CEO Everett (phone) – We can advertise this tomorrow. We want the word out
- Blake Hempstead – As long as everything is spoken of in advance. Gloves are not necessary. You can't limit the number of people. Their voices need to be heard.
- Rose Nyman – Would you want to jeopardize the settlement by violating open meeting laws . . . not worth jeopardizing. Voiced against having a work session and voting on this afterwards but I also understand the importance of getting it approved. It is a puzzle. Just don't risk violating the open meeting laws. Is the Washoe Theater closed?
- CEO Everett (phone) – We could definitely do the movie Theater. This will not be a problem. A great idea.
- Commissioner Vermeire – I don't think we would be in any violation if we had the work session with public input and then a meeting after to vote. We may have trouble getting a quorum in the next few months.
- Commissioner Hart - What if we schedule the work session next week and the Special meeting to follow at the Theater.
- CEO Everett (phone) – We will have gloves and a masks available when they enter. They can space out when they get there. It will be well advertised.

- Rose Nyman – I think that is workable, you have to do what you haves to do in extraordinary situations. Suggested that when you have the next business session in April the work session could follow. That would be 2 meetings a month and would reduce the exposure.
- Commissioner Hart – We can talk about that. Bill "Have you considered doing an emergency declaration"?
- CEO Everett (phone) – I will have to. We will need the funds and some are tied to declaring an emergency. I can declare that myself and then follow through with the Commission. Give me the leeway to make decisions for the individual boards and what is necessary. We will be as conservative as possible. Most boards like Parks and Rec do not need to meet.
- CEO Everett (phone) – The Planning board is the most crucial for now.
- Commissioner Hart – Questioned if Rose would take care of the Kennedy Common board.
- Rose Nyman – Alerted the members, but there is a 4 month deadline, but I am sure you will be understanding.
- Commissioner Vermeire – What about the Board of Health?
- CEO Everett (phone) – That Board will go forward no matter what, we are on the phone every other hour.
- Commissioner Hart – Asked if any other Commissioners have any Miscellaneous items.
  No Response from other Commissioners.

Public Comment

Rose Nyman – Still advocating that the economic development package be open for non-profits, and for tourism dollars. Would like the opportunity when the time arrives to have some highway signs and brochures.

Rose Nyman – I think elected officials come and go and it is important that this Commission, the CEO and the negotiating team be remembered for a lasting legacy. Think about what you want to leave this community as your legacy. I looked at different websites looking at economic development. There are lots of components. One I liked "reduces poverty, increase per capita income, development of agriculture section, development of industrial section, reduce unemployment and enhance productivity." It has been brought up that the Commission already gives grants to different agencies, but those provide a service, such as the Adult Learning Center and Discovery House. I think that is a comparison of apples and oranges. Comparisons have been made to the food bank and the present emergency could put a strain on the food bank. Those are entry level jobs that are being lost with the closures. People may need assistance. There are agencies out there for assistance. I would like a decision of who will be able to obtain funding to be made by the Commission.

A-DLC Public Meeting Dates

Commissioner Hart – Many of the meetings have been cancelled.
Commissioner Hart read the updated list of meeting dates and times giving notice to cancelled meetings. Commissioner Hart pointed out that the work session on the 24th and the Special Commission meeting after the work session will take place at the Washoe Theater.

Adjournment

Meeting was adjourned at 6:57 p.m.

Lori Sturm
Clerk of Commission

Kevin Hart
Commission Chair