

ANACONDA DEER LODGE COUNTY
COMMISSION MEETING
6:00 P.M. FRIDAY, APRIL 24, 2020
Webex Conference

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), CEO Bill Everett, County Attorney Krakowka, and Clerk of Commission Lori Sturm

Members of the Press: Kathie Miller, phoned in by Webex

Members of the Public: Per Webex Roll Call

Commission Chair Kevin Hart called the meeting to order at 6:00 p.m.

Reports of Boards, committees and Officials

Commissioner Huotte – Attended an Old Works Golf Course meeting and the Health Board/Department meetings.

Commissioner Vermeire – Attended the Old works Golf Course Authority Board meeting.

Commissioner Smith – Nothing to report.

Commissioner Gates – Nothing to report

CEO Everett – Most of the meetings have been regarding the Corona Virus with State and local Agencies, some superfund meetings and some meetings regarding Old Works Golf Course

County Attorney – Nothing to report

Commissioner Hart – Kimberly Richardson was able to assist with some practice sessions on Webex, hopefully some of the bugs have been worked out and we can proceed with these type of meetings.

All Votes were done by a Roll Call Vote by Commissioner Hart

APPROVAL OF CLAIMS

Motion made by Commissioner Huotte to take action to authorize the payment of claims numbered 133807 through 133876 in the amount \$227,749.10 seconded by Commissioner Vermeire.

Motion Carried 5-0

UNFINISHED BUSINESS – None

NEW BUSINESS

Appointment of Carl Hamming as the Planning Director to be effective as of March 30, 2020

CEO Everett – Carl has been with us for about a month. Doing a fantastic job. Looking forward to what he can bring to the Planning Department.

Motion made by Commissioner Smith to take action to approve Carl Hamming as the Planning Director to be effective as of March 30, 2020; Seconded by Commissioner Gates.

Motion Carried 5-0

Appointment of Jodi Lechman as the District Court Clerk to be effective as of April 1, 2020.

CEO Everett – Jodi has been with the county for a long time. We look forward to her taking the lead in that department.

County Attorney – A large part of my job is working with Jodi and she is doing a very good job.

Motion made by Commissioner Huotte to take action to approve the Appointment of Jodi Lechman as the District Court Clerk to be effective as of April 1, 2020; Seconded by Commissioner Smith.

Motion Carried 5-0

Reschedule a Public Hearing Date for Ordinance No. 260 and Ordinance No. 261 of the Anaconda Deer Lodge County Code of Ordinances: Ordinance No. 260, an Ordinance to establish the A-DLC Urban Renewal Agency and Board to Establish Powers and Duties. Ordinance No. 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.

Commissioner Hart - This had been previously been discussed and we were not able to meet, and we are rescheduling for May 12, 2020.

- During the Roll Call of votes there was an issue with Commissioner Vermeire's ability to respond.
- County Attorney – If there is a problem with Commissioner Vermeire's ability to participate at this time we still have a quorum and I believe the Commission could proceed.
- Commissioner Hart – Received a text from Commissioner Vermeire.
- Commissioner Vermeire – Was able to log back to the WebEx conference

Motion made by Commissioner Gates to take action to reschedule a public hearing date for Ord 260 and 261 to May 12, 2020 as the Public Hearing Date; Seconded by Commissioner Huotte.

Motion Carried 5-0

Major Development Permit – Butana Sand and Gravel

Gayla Hess – The Planning Board met March 23rd with some participants to the by a conference call. Butana is applying for permits to expand current operation to the North and lists a second existing access road to the open cut mining area. The estimated reclamation date changed to 2040. After open cut mining ends the entire area will be reclaimed as a large pond and wetland. The planning board unanimously recommended the MDP for approval with 4 conditions as written within the staff report.

- Dust controls for access roads
 - Update/amend weed control plan for noxious weeds
 - Update project property addresses
 - If cultural materials be inadvertently discovered during project, SHPO and ADLC Planning Department to be contacted and site investigated.
-
- Commissioner Vermeire – On a major development permit is it required the planning Department have a Public Hearing?
 - Gayla Hess – It does require a public hearing and it was held March 23rd Planning Board Meeting.
 - Commissioner Hart – I will abstain from this vote as I see that one of the owners is John Jeffery and my son has just recently been employed with him.

Motion made by Commissioner Smith to take action to approve the Major Development Permit – Butana Sand and Gravel with the 4 conditions mentioned by the planning board; Seconded by Commissioner Vermeire.

Commissioner Hart - Abstained
Motion Carried 4-0

Amendment Number One to Task Order Number 20-07-6-11-017-0, A Task Order to upgrade and enhance local public health capacity to respond to events, and COVID-19 impacting public health.

CEO Everett – We are getting additional funds because they have taken on additional responsibilities regarding the Corona Virus. A lot of work will be involved with this and I recommend this.

Motion made by Commissioner Vermeire to take action to approve Amendment Number One to Task Order Number 20-07-6-11-017-0, A Task Order to upgrade and enhance local public health capacity to respond to events, and COVID-19 impacting public health; Seconded by Commissioner Gates.

Motion Carried 5-0

Family Planning Agreement between Butte-Silver Bow County and Anaconda-Deer Lodge County for the purpose of providing comprehensive reproductive health services in Anaconda-Deer Lodge County.

CEO Everett – This is a continuation of an agreement we have had with Butte Silver Bow County for the

last few years. It is a great partnership and provides some great resources to the community.

Motion made by Commissioner Huotte to take action to approve the Family Planning Agreement between Butte-Silver Bow County and Anaconda-Deer Lodge County for the purpose of providing comprehensive reproductive health services in Anaconda-Deer Lodge County; Seconded by Commissioner Gates.

Motion Carried 5-0

Paving parts of the Willow Glen Road for Dust Suppression in the area of Dave Gates Generating Station

CEO Everett – The funding will come through the Mill Creek TIFID. The road we are trying to pave is in front of NW Energy facility. NW Energy is the largest taxpayer in our community. The dust causes some complications to the plant. This will be great for our community and will prevent some of the dust issues to the plant. Once this is approved then it will go out to bid.

Motion made by Commissioner Gates to take action to approve Paving parts of the Willow Glen Road for Dust Suppression in the area of Dave Gates Generating Station; Seconded by Commissioner Smith.

Motion Carried 5-0

Concession Contract for Charlotte Yeoman Softball Complex beginning May 2020 through April 2021

CEO Everett – We only had one person submit a bid and it was Bill Hill.

Commissioner Huotte – Pointed out the Certificate of insurance expires today; we need an updated one to cover the season.

- Donna Shewey – With the COVID virus will there be baseball this year? Will they be able to hold tournaments?
- Commissioner Hart – That will be a separate issue, this is for the concession contract for a period of one year. If there will be any activities that will have to be determined.
- There was discussion between Donna Shewey, Commissioner Hart, the County Attorney and the CEO regarding whether activities had to be held at the park to have the concession stand open.
- County Attorney – This is just a bid for the contract, it falls into “buyer beware”.
Yes, a Concession could operate if there was activity or not, subject to if there is a public health concern and no one would be allowed to operate.

Motion made by Commissioner Smith to take action to approve the Concession Contract for Charlotte Yeoman Softball Complex beginning May 2020 through April 2021 pending updated certificate of insurance with Bill Hill; Seconded by Commissioner Huotte.

Motion Carried 5-0

DNRC Forestry Subaward Agreement - 2020 Urban and Community Forestry Subaward Agreement – Anaconda-Deer Lodge County Program Development Project

Motion made by Commissioner Gates to take action to approve the DNRC Forestry Subaward Agreement - 2020 Urban and Community Forestry Subaward Agreement – Anaconda-Deer Lodge County Program Development Project; Seconded by Commissioner Vermeire.

Motion Carried 5-0

Resolution 20-11, A resolution authorizing the Anaconda-Deer Lodge County Chief Executive Officer to submit a federal grant application for the U.S. Department of Transportation’s Better Utilizing Investments to Leverage Development (BUILD) funds and the subsequent appropriation of \$500,000 of County funds to demonstrate the County’s commitment and sincerity in securing the grant.

CEO Everett – This is a project that has been worked on for about 3 years. It is to repave a section of Mill Creek, the S curves and about halfway up the Mill creek pass. We have had a team of local leaders involved putting this together, Copper Environmental, the Planning and Road Department. It should be a good grant and hopefully we get it this time.

- Commissioner Hart – Requested CEO Everett to cover the funding source?
- CEO Everett – Funding source will be out of the capital improvement projects.
- Rose Nyman – This is a worthwhile project. Wondering who wrote the grant?
- CEO Everett – That was the Team, Copper Environmental, the planning department, Erin Nicholes . . . there are probably 12 names that deserve to be on the application.

Motion made by Commissioner Huotte to take action to approve Resolution 20-11, A resolution authorizing the Anaconda-Deer Lodge County Chief Executive Officer to submit a federal grant application for the U.S. Department of Transportation’s Better Utilizing Investments to Leverage Development (BUILD) funds and the subsequent appropriation of \$500,000 of County funds to demonstrate the County’s commitment and sincerity in securing the grant; Seconded by Commissioner Smith.

Motion Carried 5-0

Resolution 20-12, A Resolution to Begin Tax Deed Process and Review Bids for Title Abstracts

Eric Hoiland, Treasurer – This is a resolution to bring the tax deed process for the 2016 uncollected real property tax. I have discussed this with the CEO. It is being presented to the Commission, but it is a process that can be picked up next year. With the CEO’s recommendation I would table this. It is your call if you want to go through with debt collection.

- CEO Everett – I agree with Eric. Let’s not pursue this right now. It is not the time to be shutting down on people’s properties. We can do this next year.
- Eric Hoiland – At this time we have 35 properties in the uncollected status, however it could be whittled down to 23 that we would go after. I will maintain a courtesy type notice collection pattern until we pick this up next year.

- Commissioner Huotte – I agree that this should be tabled given the crisis with COVID right now.

Motion made by Commissioner Gates to take action to TABLE Resolution 20-12, A Resolution to Begin Tax Deed Process and Review Bids for Title Abstracts; Seconded by Commissioner Huotte.

Motion to Table Carried 5-0

Resolution No. 20-13, A Resolution to Accept Bid Proposals and List Terms and Stipulations of Sale of Properties That Have Been Sold at a Tax Deed Land Sale Auction.

Eric Hoiland – On March 20th we conducted the last tax deed sale from last years taxes, we had 4 properties go through the process, we did not receive any bids. These properties will roll into our inventory.

Motion made by Commissioner Huotte to take action to approve Resolution No. 20-13, A Resolution to Accept Bid Proposals and List Terms and Stipulations of Sale of Properties That Have Been Sold at a Tax Deed Land Sale Auction; Seconded by Commissioner Gates.

Motion Carried 5-0

Grant Application for Head Start COLA (Cost of Living Adjustment) and Quality Improvement – Commission to approve Head Start to submit to the Regional Office.

MandyBoyer, Head Start Director – This grant is for 2% across the board. The Quality Improvement grant I would like to have a mental health support staff person that is available for the classrooms. This person would be a support to all 4 classrooms; and would be able to work with students experiencing higher trauma. Request that you give permission for me to submit the grant to the regional office.

Motion made by Commissioner Vermeire to take action to approve Head Start to submit the Grant Application for Head Start COLA (Cost of Living Adjustment) and Quality Improvement to the Regional Office; Seconded by Commissioner Smith.

Motion Carried 5-0

Lease between Anaconda Local Development Corporation and Anaconda-Deer Lodge County (Public Health Department Lease)

CEO Everett – As you know we moved the public health department to a new facility. Our timing could not have been better. Proud of what we have created, it is a first-class looking unit.

- Adam Vauthier – Things are going well; we are trying to improve the space. Parking is working well, and we will see if it continues after they come back to school.
- Rose Nyman – Pointed out that the documents have Jim Davison's name on the lease.
- Adam Vauthier – We will get this corrected.

Motion made by Commissioner Huotte to take action to approve the Lease between Anaconda Local

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Development Corporation and Anaconda-Deer Lodge County (Public Health Department Lease) with the removal of Jim Davison's name and replaced with Adam Vauthier's name; Seconded by Commissioner Vermeire.

Motion Carried 5-0

Lease between Anaconda Local Development Corporation and Anaconda-Deer Lodge County, Public Health for COVID-19 Supply area for 6 months.

CEO Everett – We have rented additional space to stockpile supplies. We are receiving some additional funds for this.

Motion made by Commissioner Gates to take action to approve the Lease between Anaconda Local Development Corporation and Anaconda-Deer Lodge County, Public Health for COVID-19 Supply area for 6 months; Seconded by Commissioner Smith.

Motion Carried 5-0

Renewal Application for Miscellaneous Professional Liability Insurance – Public Health Department.

CEO Everett – These fill in a gap we have with our MMIA insurance. We have had this for the last few years.

Motion made by Commissioner Smith to take action to approve the Renewal Application for Miscellaneous Professional Liability Insurance for the Public Health Department; Seconded by Commissioner Huotte.

Motion Carried 5-0

Amendment to Standard Agreement for Professional Services Amendment No. 1 – Airport Beacon Replacement Project

CEO Everett – We are getting some federal money on this and it will pay for the entire project

Commissioner Vermeire – I believe we also have some money from the MT Aeronautics Association from the state for this project also.

Motion made by Commissioner Vermeire to take action to approve the Amendment to Standard Agreement for Professional Services Amendment No. 1 – Airport Beacon Replacement Project; Seconded by Commissioner Gates.

Motion Carried 5-0

Anaconda Beacon Replacement Project – Bid Results and Award Recommendation.

Commissioner Hart – It appears that sealed bids were opened on March 27, 2020. Two bids were received. Pavlik Electric Inc. submitted the low bid and Colbert Electric had the second-low bid.

Commission Gates – Pointed out that 2 forms that were required were not included with the Colbert bid.

Motion made by Commissioner Gates to take action to award the bid to Pavlik Electric for the Anaconda Beacon Replacement Project: Seconded by Commissioner Huotte.

Motion Carried 5-0

Franchise Agreement with Northwestern Energy adopted through Ordinance No. 231 for relocation of a gas line on county property in the East Yards.

- CEO Everett – We are moving the gas line closer to the highway. It will be in our best interest. Through the franchise agreement this should not cost us any money. I ask the Commission to approve this. We still have some battles with NW Energy; they are contesting some things right now. We have negotiations with NW Energy next week.
- Commissioner Vermeire – This all started with the ShopKo project in about 2015 and 2016. The gas line must be moved out from the middle of those properties.
- Commissioner Hart – I think at the time there was going to be a special order of some pipe or fittings.
- Commissioner Vermeire – The parts had to be custom made. It is the line that supplies gas to the whole community.
- Rose Nyman – Had a question regarding a letter TO Connie Daniels that talks about Ordinance 13-10.
- Commissioner Hart – Believes it is a misprint. Believes it involves Ordinance 231. We are dealing with the franchise agreement with NW Energy that was adopted through that ordinance.

Motion made by Commissioner Gates to take action to approve the Franchise Agreement with Northwestern Energy, adopted through Ordinance No. 231 for relocation of a gas line on county property in the East Yards; Seconded by Commissioner Vermeire.

Motion Carried 5-0

Easement for an underground electric line to service DUNN Communications operations.

Commissioner Hart – Questioned that this is an easement for their electric line to be underneath county property. Is this for anything that will be developed on county property.

CEO Everett – No this should have no effect; it goes through NW Energy as well. If we ever needed to move, we could use the Franchise agreement that you just saw. They need more communication abilities for the internet connection.

- Marilyn Haggin Smith – Questioned if this had anything to do with 5G?
- Commissioner Hart – I do not have that information. The CEO stated this was for internet capabilities. We are considering an underground electrical line that would run off a vacant piece of property.

Motion made by Commissioner Vermeire to take action to approve the Easement for an underground electric line to service DUNN Communications operations; Seconded by Commissioner Gates.

Motion Carried 5-0

Request for Reappointment by Leia Pate-Terry to the A-DLC Tree Board (Letter attached)

Motion made by Commissioner Vermeire to take action to reappoint Leia Pate-Terry as a member to the A-DLC Tree Board; Seconded by Commissioner Smith .

Motion Carried 5-0

Request for Appointment by Tami Martin to the A-DLC Board of Health (Letter attached).

Tami Martin – Happy to answer any questions

- Adam Vauthier – She would be a huge asset
- Rose Nyman – Ditto Adam’s Comment, she would be a faithful and excellent board member.
- Donna Shewey - Tami would be awesome on this board.

Motion made by Commissioner Huotte to take action to appoint Tami Martin to the A-DLC Board of Health; Seconded by Commissioner Smith.

Motion Carried 5-0

Miscellaneous

Commissioner Huotte – Thank you to Leigh Ann Holmes and her staff for the outstanding work on helping us through the COVID19 crisis.

Commissioner Vermeire – No Miscellaneous

commissioner Smith – No Miscellaneous

Commissioner Gates – No Miscellaneous

Commissioner Hart – No Miscellaneous

CEO Everett – No Miscellaneous

County Attorney – No Miscellaneous

Public Comment

Adam Vauthier – I have 2 items. First it has been a crazy couple of months. We have done our best to assist all the local businesses. I have exhausted the entire revolving loan fund. I have received a contribution from the Anaconda Community Foundation to continue that loan fund. We have been counseling them whether they will apply for our money, the payroll protection program or the SBA disaster loans. We are doing better than the counties around us. I have not heard much about businesses that would be closing. Second . . . there were some politics played and our Veteran’s clinic

will be leaving the community.

Rose Nyman – Questioned on the proposed settlement agreement. Thanked everyone involved for changing the language to allow non-profits to apply. Do you have to hold a second public hearing because the language was changed? Also Advocating for 10% instead of 5%. Brought up the Warner and the Recreation Complex and wondered if they are moving forward. I think it is important for a government to fail or succeed on their own merits. Both projects seem to be stalled.

Commissioner Hart – I talked to the County Attorney and Mike Grayson and have been assured that we do not need to hold a second public hearing. Asked Donna if she had some answers for Rose regarding the Recreation Complex

Donna Shewey – This has been held up by the CEO. I believe it is based from the acreage. The Commissioners never made a final vote. We have met with Bill, and our attorney Ken Connors. The Contract was going to be worked on. The issue was the 30 acres. A letter of Support was sent, but there is an issue with the additional acreage.

- CEO Everett – I met with Ken once.
- Donna Shewey - There was also language changes. There is an issue with just giving us the deed.
- CEO Everett – Once you give a deed it can then be clouded. Provided the example of the hotel property by the golf course, it took the county 10 years to get that back and probably \$150,000.00.

Discussion continued about the funding, the deed, and phasing the project.

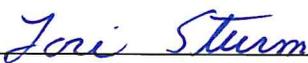
A-DLC Public Meeting Dates

Commissioner Hart – All non-essential meetings have been cancelled. This Tuesday, April 28th there will be work session followed by a Special Commission meeting. The Special Commission meeting will be specific to the Atlantic Richfield agreement. That information will be available on the website. There will also be a Board of Health conference meeting.

Commissioner Hart – Thanked everyone for participation in this meeting and their patience. Please continue to follow the guidelines in social distancing for yourself and others. Please continue to practice the guidelines.

Adjournment

Meeting was adjourned at 7:55 p.m.



Lori Sturm
Clerk of Commission



Kevin Hart
Commission Chair