

**ANACONDA DEER LODGE COUNTY
COMMISSION MEETING
6:00 P.M. TUESDAY, JULY 21, 2020
Webex**

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, Clerk of Commission Lori Sturm and Webex Facilitator Kimberly Richardson.

Members of the Press: No Press Present

Members of the Public: Per Webex Sign-In

Commissioner Hart – Roll Call of Commission - Called the meeting to order.

Commissioner Hart performed all votes on the Agenda by roll call of commissioners.

Approval of Minutes

Approval of Minutes from the Commission Meeting of July 7, 2020 the Commission Work Session of July 14, 2020 and the Special Commission Meeting of July 14, 2020.

Rose Nyman – Commented about July 7 Minutes and a notation regarding Robert's Rules. Open meeting laws state public comments must be included. This commission has resisted adopting a form of parliamentary procedure. Feels we should support and encourage individuals making comments.

Dori Skrukud – Name is misspelled in the minutes and would like that corrected.

Commissioner Hart – Would like to see the notation removed from the minutes.

Motion made by Commissioner Gates to take action to approve the Minutes from the Commission Meeting of July 7, 2020 the Commission Work Session of July 14, 2020 and the Special Commission Meeting of July 14, 2020 with corrections; Seconded by Commissioner Smith.

Motion Carried 5-0

Approval of Claims

Motion made by Commissioner Huotte to take action to authorize the payment of claims numbered 134394 through 134497 in the amount of \$931,306.56 Seconded by Commissioner Vermeire.

Motion Carried 5-0

Reports of Boards, Committees and Officials

Commissioner Huotte – Attended the Planning Board Meeting via telephone and it was difficult to hear. Members of the public wanted to speak by phone but were not acknowledged. If we are going to continue with these meetings, we need the proper equipment to conduct the meetings.

Commissioner Smith – Nothing to Report

Commissioner Gates – Also attended the Planning Board Meeting in person. Question are they using Zoom or the Webex.

- Commissioner Hart – It was a call-in meeting, or you could have attended in person.

Commissioner Vermeire – On July 9th I attended the DUI Task Force Meeting which did not have a quorum. Items were discussed but no action was taken. Also attended a meeting in Helena on Monday for the Montana State Land board. They were taking comments and voting over the Garrity/ Stumptown land acquisition that we approved in October and did a letter of recommendation. It was approved unanimously. I also attended the Planning board meeting.

Commissioner Hart – Also attended the Planning board meeting by phone and echo the same concerns as Commissioner Huotte that it was difficult to hear and understand.

CEO Everett – Attended the Planning Board Meeting as well and a couple of meetings with the Department of Transportation. Construction meetings with weekly recaps with our contractors. Working with Senator Daine's office and trying to get through the CARE's act. Senator Daine's is writing this and we are trying to give our influence of what is going to be needed from city/county governments. We were able to purchase laptops for the Commissioners from the CARE's act. Now that meeting are required to be remote, we were able to justify the expense and be reimbursed. Thursday, we go before U.S. Department of Transportation to do a ZOOM presentation on the B.U.I.L.D. Grant for Mill Creek. We are trying to acquire 12 million dollars. We have someone from Senator Daines office, someone from Tester's office, MT DOT, the U.S. Forestry and our Engineers; we have a first-class presentation put together.

County Attorney Krakowka – Attended the DUI Task Force. As Commissioner Vermeire noted we did discuss updates.

PUBLIC HEARING

Proposed Changes to Chapter 24 of the Anaconda-Deer Lodge County, MT Code of Ordinances; known as the Development Permit System. (DPS Regulations)

Carl Hamming – This was a topic that Mr. Grayson covered for us. This is stemming from the Settlement agreement from Atlantic Richfield. There is not a lot of substance to these changes, it is largely updating terms and references. It is minor tweaks to the DPS system.

- Mike Grayson – This is essentially an update. These were Negotiated and discussed by county negotiators with ARCO, then taken to the planning board to review and approve and the

commission has the final say. Tonight, is the public hearing. These have been posted on the county planning department webpage.

Opened Public Hearing @ 6:18 p.m.

No Comments were given during the Public Hearing.

Closed @ 6:19

UNFINISHED BUSINESS

Proposed Changes to Chapter 24 of the Anaconda-Deer Lodge County, MT Code of Ordinances; known as the Development Permit System. (DPS Regulations)

Motion made by Commissioner Vermeire to take action to approve the Proposed Changes to Chapter 24 of the Anaconda-Deer Lodge County, MT Code of Ordinances; known as the Development Permit System. (DPS Regulations); Seconded by Commissioner Gates.

Motion Carried 5-0

Amended Ordinance No. 259, An Ordinance for the Creation of Committee to obtain public input on the sale, distribution and/or use of alcohol on Kennedy Common.

Commissioner Hart – Explained why the Amendments were necessary due to COVID-19 pandemic. The Committee was not able to meet the requirements of the original ordinance for meeting and reporting to the commission.

Motion made by Commissioner Gates to take action to approve Amended Ordinance No. 259, An Ordinance for the Creation of Committee to obtain public input on the sale, distribution and/or use of alcohol on Kennedy Common; Seconded by Commissioner Huotte.

Motion Carried 5-0

Resolution No. 20-19, A Resolution Adopting an Updated Building Permit Fee Schedule

Motion made by Commissioner Smith to take action to approve Resolution No. 20-19, A Resolution Adopting an Updated Building Permit Fee Schedule; Seconded by Commissioner Vermeire.

Motion Carried 5-0

Request to Call for a Public Hearing on August 4, 2020 for the Major Development Permit Application (MDP) – East Yards

Motion made by Commissioner Huotte to take action to Call for a Public Hearing on August 4, 2020 for the Major Development Permit Application (MDP) – East Yards; Seconded by Commissioner Gates.

Motion Carried 5-0

Request for Proposal (RFP) Historic Preservation Plan.

Motion made by Commissioner Vermeire to take action to approve the Request for Proposal (RFP) Historic Preservation Plan; Seconded by Commissioner Smith.

Motion Carried 5-0

Anaconda-Deer Lodge County Personnel Policy Manual.

Motion made by Commissioner Vermeire to take action to approve the Anaconda-Deer Lodge County Personnel Policy Manual; Seconded by Commissioner Gates.

Motion Carried 5-0

Special Event Permit – Kiwanis Bike Give Away at Kennedy Common, August 22, 2020.

Commissioner Hart – Received the Certificate of Insurance and it looks in order.

Motion made by Commissioner Gates to take action to approve the Special Event Permit – Kiwanis Bike Give Away at Kennedy Common, August 22, 2020; Seconded by Commissioner Vermeire.

Motion Carried 5-0

Greenway Service Proposal to Purchase Real Estate in Silver Bow County.

Commissioner Huotte – After last week's meeting, I talked with Dori and the engineers and was assured there is enough money to cover the costs and complete the project. Also, they discussed vetting the idea of meeting with Opportunity residents to see if their wants have changed. Urge the Commission to approve the purchase.

- CEO Everett – I have worked on this for over a year. Requested financial information in May of 2019 and not getting the information required. The numbers do not add up. I do not believe there is enough money to finish the trail. Unless we receive something in writing stating "We guarantee your trail will be done up to the standards in Butte" I don't think we should do this... I also talked to the NRD and explained the position. Over \$600,000.00 was spent on Maintenance. Are you responsible for maintenance or does it come out of the account? His response was "I don't know." What if we run out of money? . . . his response was "I don't know". He is looking into this. Will there be enough money for the rest area? This is the only time to have some pressure to get financial commitment that the project will be done. We need financial assurance not just a verbal, something real with some weight. Make sure residents get their fair shake. I believe the trail

is an awesome trail. . . but what are we getting? Proposed to see the Commission TABLE this. I asked for the information over 12 months ago. If you pass at this time you will be letting down the residents of Anaconda-Deer Lodge County.

- County Attorney Krakowka – Not unreasonable to have the Commission want to see how the money in the budget is going to work out. Building projects there is often cost overruns, or engineers or builders run into something they were not expecting.
- Dori Skrukud, Project Manager for the Greenway Service District – Not certain what else can be provided to assure that the project will be completed with the same quality as the portions built today. I have provided CEO Everett with a line item description of the remaining elements for the whole corridor. Stated emphatically the money will finish the trail in Anaconda-Deer Lodge County as designed and it will be the same quality as it is along the corridor . . . because we don't want anything less. CEO Everett mentioned that he spoke to Doug Martin. I expressed to Doug and to you tonight the whole premise of the Greenway Corridor is remedy, recreation and use is the result of the "Record of Decision". The "record of decision" balanced the level of remediation and restoration with a long-term management strategy for this corridor. It was cleaned up and this project developed as a result of the "record of decision" for the streamside tailings operable unit. The "Institutional Control Program" which must be funded on a permanent basis as part of the remedy will be coordinated through a joint effort between Butte Silver Bow and Anaconda-Deer Lodge County . This is the responsibility of the Department of Environmental Quality and they will be required to fund this as part of the remedy.
- Dori Skrukud– regarding discussion from the last meeting and would like to respond to a few items.
 1. The County Attorney's made a statement about the money that was spent, and the Anaconda-Deer Lodge County side looked like a "one lane dirt gravel road" Assured you again and again based on the budget that the project will be completed as designed. He may have been looking at the Hall Road and that is not the Greenway Trail.
 2. Robin Mckernan talked about the trail needing to be completed and not the Responsibility of the citizens.
 - a. I agree 100%. The Project will be completed and will not be a responsibility of the citizens because of the "Institutional Controls" management and Maintenance Controls program must be permanently funded, and that is the responsibility of the Department of Environmental Quality
 3. Any trail you see that has been constructed by the Greenway Service District will be the same trail that is constructed in your county. The trail should be the same quality from start to finish. This is not a Butte vs Anaconda issue.

Motion made by Commissioner Huotte to take action to approve the Greenway Service Proposal to Purchase Real Estate in Silver Bow County; NO SECOND WAS PROVIDED.

Commissioner Hart – There is No Second to the motion by Commissioner Huotte.

Motion dies for a lack of a second.

NEW BUSINESS

Memorandum of Understanding between Anaconda-Deer Lodge County and BrightNight, LLC.

CEO Everett – This is a generic recommendation, letter of support ever to be issued. We are for what you do but we are not committed to anything, at any given time this could be cancelled. There is nothing binding.

- Commissioner Hart – Questioned if this is a development of a solar farm?
- CEO Everett – This is one of 6 presented to us. NorthWestern energy has an RFP out for alternative sources of green energy. Everyone under the sun made proposals to NorthWestern Energy. They needed access of land to put the project on. They all wanted letters of commitment. I was not willing to sign a letter of commitment. Once there is a winner of the RFP, we can look at arranging of land through the commission.

Motion made by Commissioner Vermeire to take action to approve the Memorandum of Understanding between Anaconda-Deer Lodge County and BrightNight, LLC; Seconded by Commissioner Gates.

Motion Carried

MISCELLANEOUS –

Commissioner Huotte – Received a call regarding mosquito spraying in the west valley. Do we know if they are doing that this year?

- CEO Everett – I have no say or power over those boards. We have had the same issue with the Opportunity board.
- Commissioner Hart – Could we send a letter requesting what the projects will be for the summer
CEO Everett – Suggested they make a presentation to the Commission.

Commissioner Gates – No Miscellaneous

Commissioner Smith – No Miscellaneous

Commissioner Vermeire – No Miscellaneous

Commissioner Hart – It appears COVID 19 test results are slow to come back. Public Health is probably frustrated. This is something we may need to address at some time. There will be a Special Commission meeting this Thursday at 6:00 regarding the relocation of the NorthWestern Energy Gas line that runs through the East Yards.

CEO Everett – Encourage everyone to go to Kennedy Common it is looking good. The old streetlights from NorthWestern energy lights were replaced with historical lighting. It cleans up the whole area. We received a grant of \$10,000 from a gentleman and his request was that it be put towards the Common, and the money is being used to restore the bandstand. As chairman Hart pointed out about Corona the testing is ridiculous. Gave an example of testing someone on June 9 received results June 20th, not quarantined for 11 days and positive. Test results go to the state lab, the whole country is having issues. Corona is in your community. When I find a test is positive it wont show for 2 to 3 days on the MT register. Encouraged to be cautious, wear a mask.

County Attorney Krakowka – No Miscellaneous

Public Comment

Donna Shewey – Representative of Smelter City Recreation Complex- Provided the Commission of an update after conversation of last week and the planning board meeting. Ken Connors will have a document to the CEO within a week regarding the land. Hopefully the CEO after he reviews it will move it onto a Commission Work Session. Would also like to bring The Bannack group in from Bozeman to do a presentation to explain the feasibility part in the agreement to clear up some of the concerns.

- Commissioner Hart – To be on the Work Session this will have to be put together by Thursday.
- Donna Shewey – Not looking at next Thursday. Ken will have it to the CEO in a week and when he receives it then it could get it on the Work Session.

Rose Nyman – Question regarding informing the public about the Special Commission Meeting . . . Did see the Ad but feels it was generic. It needs to be advertised as to what is being addressed. To meet administrative code and open meeting laws could there be an ad stating that this for the relocation of the NorthWestern energy lines.

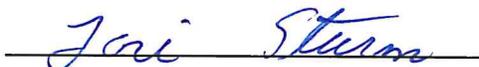
- CEO Everett – This has already been taken care of.

ADLC Public Meeting Dates

Commissioner Hart read the meeting dates and times

Adjournment

Meeting was adjourned at 6:58 p.m.



Lori Sturm
Clerk of Commission



Kevin Hart
Commission Chair