

**ANACONDA-DEER LODGE COUNTY  
COMMISSION MEETING  
6 P.M. TUESDAY, FEBRUARY 21, 2023  
COURTHOUSE COURTROOM**

Present: District 1 Commissioner Mike Beausoleil, District 2 Commissioner, Steve Gates  
District 3 Commissioner Kevin Hart (Chair), District 4 Commissioner Tom Gallagher, District 5  
Commissioner Mike Huotte, (Vice-Chair), County Attorney Krakowka, and Clerk of Commission  
Lori Sturm

Excused Absence: CEO Bill Everett

Members of the Press: Patrick Williams, Anaconda Leader

Members of the Public: Per Sign-In Sheet

Commissioner Hart called the meeting to order at 6:00 p.m. Commissioner Hart explained  
the Commission rules of procedure.

**Approval of Minutes**

**Approval of Minutes from the Commission meeting of February 7, 2023; and the Commission  
Work Session Meeting of February 14, 2023**

Motion made by Commissioner Beausoleil to take action to approve the Minutes from the  
Commission meeting of February 7, 2023; and the Commission Work Session Meeting of  
February 14, 2023; Seconded by Commissioner Gates.

Motion Carried 5-0

**Approval of Claims**

Motion made by Commissioner Huotte take action to authorize the payment of claims  
numbered 141208 through 141371 in the amount of \$353,935.63 Seconded by Commissioner  
Gates.

Motion Carried 5-0

**REPORTS OF BOARDS, COMMITTEES AND OFFICIALS**

- **Commissioner Huotte** – Attended a Head Start Enrollment Meeting today.
- **Commissioner Gates** – Attended the same Head Start Meeting.
- **Commissioner Gallagher** – The Greenway Service District has opening bid tomorrow.

- **Commissioner Beausoleil**– Nothing to Report.
- **Commissioner Hart** – Attended the same Head Start Meeting with the Regional Office for the under-enrollment grant and a meeting this morning with clerk and recorder Toni Hofland to discuss the redistricting that we will have to do this year.
- **County Attorney Krakowka** – Had a jury trial.

## PUBLIC HEARING

### **Public Hearing – Ordinance No. 272, An Ordinance Establishing a Tree Board**

**Opened at 6:06 p.m.**

**Jerod Yerkes** – Talked about Washoe Park and trees.

- **Commissioner Huotte** – Point of Order, this is regarding Ordinance No. 272.
- **Commissioner Hart** – Do you have comments specific to this Ordinance. This is about the establishment of the tree board. Not about the trees in Washoe Park.
- **JH Delaney** – Asked the Commission to explain about the tree board; that would be helpful. It has not been discussed much.
- **Commissioner Hart** – In actuality this has been discussed several different times. It was even covered I believe on the front page of the Anaconda Leader not too long ago. This is about a reestablishment of the Tree Board
- **JH Delaney** – Believes about 5 people will have a lot of say. It is good to go over, and it is like being transparent. When can we talk about rules for the Tree Board? Within the Ordinance there are Sections, and they are talked too little about. Mentioned trees and landscaping being a part of house sales. Who will replace a tree if one is removed?
- **Commissioner Hart** – This is for the reestablishment of the Tree Board. This will make them an advisory board.
- **Rose Nyman** – Thanked everyone for bringing this ordinance forward. Believes it was November 2<sup>nd</sup>, 2021, when I brought the issues of the Tree Board to the attention of the Commission. Interpreting that they will no longer control trees on county property and would have to get permission to plan on county property.
- **Commissioner Huotte** – That would be my interpretation.

**Closed: 6:13 p.m.**

## UNFINISHED BUSINESS

### **Ordinance No. 272, An Ordinance Establishing a Tree Board**

**County Attorney Krakowka** – Talked about Section 6. Read the first 2 sentences of the Section. Feels the first sentences are extraneous. I remember when writing this that it was a relief valve. Anything the tree board is wanting to do; they will have to get approval from the Commission.

- **Commissioner Huotte** – Believe the thinking was with the old tree board and the power they had; this insured a right to appeal and not necessary a final decision. Provides some clarification.
- **Commissioner Gallagher** – I would support this for the verbiage of section 6. A decision by the Tree Board can be appealed.

Motion made by Commissioner Huotte to take action to approve Ordinance No. 272, An Ordinance Establishing a Tree Board; Seconded by Commissioner Gates.

Motion Carried 5-0

**Resolution 23-08, A Resolution Adopting the Anaconda-Deer Lodge County Personnel Manual Policy**

**Commissioner Hart** – This is in regard to the changes required by MMIA.

Motion made by Commissioner Gates to take action to approve Resolution 23-08, A Resolution Adopting the Anaconda-Deer Lodge County Personnel Manual Policy; Seconded by Commissioner Beausoleil.

Motion Carried 5-0

**Resolution 23-06, A Resolution to Remove a Commission Representative from the Community Development Block Grant (CDBG) Revolving Loan Committee**

Motion made by Commissioner Gates to take action to approve Resolution 23-06, A Resolution to Remove a Commission Representative from the Community Development Block Grant (CDBG) Revolving Loan Committee; Seconded by Commissioner Huotte.

Motion Carried 5-0

**Final Plat Request for the Arbiter Major Subdivision.**

Motion made by Commissioner Gates to take action to approve the Final Plat Request for the Arbiter Major Subdivision; Seconded by Commissioner Beausoleil.

Motion Carried 5-0

**Courthouse Parking Lot Project, Recommendation of Contract Award.**

**County Attorney Krakowka** – Glad to see the parking lot is being redone. It is an issue with drainage that is eroding foundation in my office and Justice court.

Motion made by Commissioner Gates to take action to approve the Courthouse Parking Lot Project to Hoffman’s R&M in the amount of \$187,500.00; Seconded by Commissioner Beausoleil.

Motion Carried 5-0

**2023 Asphalt Street Preservation Chip/Fog Seal, Recommendation of Contract Award.**  
(Recommended Jeffery Contracting)

**Commissioner Gallagher** – Requested a street schedule.

- **Sara Cline, Alloy** – It is pretty extensive, and I will send it to you. It is approximately 30 streets with 1 to 5 blocks each: in addition to the entirety of E. and W. Third Street. Almost all of the recent construction to preserve the integrity of the streets.
- **Jerod Yerkes** – Fine to be getting roads together, but we need to think about signs. If you are putting money in roads, think about what has not been done for many years and getting signs up. “Ya all want to invest in stuff we should also take care of stuff.”

Motion made by Commissioner Huotte to take action to approve the 2023 Asphalt Street Preservation Chip/Fog Seal to Jeffery Contracting in the amount of \$779,212.85; Seconded by Commissioner Gates.

Motion Carried 5-0

**Appoint Lynette Maes as the Interim Head Start Director.**

Motion made by Commissioner Beausoleil to take action to Appoint Lynette Maes as the Interim Head Start Director; Seconded by Commissioner Gates.

Motion Carried 5-0

**Request for Reappointment to the Communication Board by Pat Dunne.**

Motion made by Commissioner Beausoleil to take action to Reappoint Pat Dunne to the Communication Board; Seconded by Commissioner Gallagher.

Motion Carried 5-0

**Special Event – Kenny Cook Memorial “Classic Car Show” at Kennedy Common July 22, 2023.**  
(Pending Certificate of Insurance)

Motion made by Commissioner Gates to take action to approve the Special Event – Kenny Cook Memorial “Classic Car Show” at Kennedy Common July 22, 2023. (Pending Certificate of

Insurance); Seconded by Commissioner Huotte.

Motion Carried 5-0

**Special Event – AOH St Patrick’s Day Parade, March 17, 2023 (Pending Certificate of Insurance)**

Motion made by Commissioner Beausoleil to take action to approve the Special Event – AOH St Patrick’s Day Parade, March 17, 2023 (Pending Certificate of Insurance); Seconded by Commissioner Gates.

Motion Carried 5-0

**Special Event – AOH St Patrick’s Day Race, March 11, 2023 (Pending Certificate of Insurance)**

Motion made by Commissioner Beausoleil to take action to approve the Special Event – AOH St Patrick’s Day Race, March 11, 2023 (Pending Certificate of Insurance); Seconded by Commissioner Huotte.

Motion Carried 5-0

**Special Event – Shakespeare in the Park, Washoe Park Pavilion September 5, 2023 (Pending Certificate of Insurance)**

Motion made by Commissioner Gates to take action to approve the Special Event – Shakespeare in the Park, Washoe Park Pavilion September 5, 2023 (Pending Certificate of Insurance); Seconded by Commissioner Beausoleil.

Motion Carried 5-0

**NEW BUSINESS**

**Arbor Day Retroactive Proclamation 2022.**

**Joe Ungaretti, Park and Recreation** – I was contacted by Fred Bicha who is the project manager for the Montana Urban Communities in Forestry Association. In the past Anaconda has always been part of the Tree City USA for the past 20-22 years. With the transition and change of the Tree Board there was no proclamation for 2022. To qualify for the Tree City USA there needs to be a proclamation. That is why it is backdated. The Community did participate in some Arbor Day activities . . . pruning trees at the Common and planting trees with the school kids on the C-Hill. This would get us to qualify for 3-4 million dollars in grants from the DNRC.

- **Commissioner Hart** – That is why we are looking at retroactive one now and the next item will be for next year.

Motion made by Commissioner Gates to take action to approve the Arbor Day Retroactive Proclamation 2022; Seconded by Commissioner Huotte.

Motion Carried 5-0

### **Arbor Day Proclamation 2023**

Motion made by Commissioner Beausoleil to take action to approve the Arbor Day Proclamation 2023; Seconded by Commissioner Gates.

Motion Carried 5-0

### **Request to submit a Public Health Workforce Funding Opportunity Application.**

**Lauren Bolten, Public Health Director** – We are requesting to submit this grant application. Our request would be for 20 hours of public health nursing services a week (.5 FTE) for \$284,089.74 over 4 years. The next section would be funding for 12 hours of administrative staff per week (.3 FTE) \$153,249.67 over 4 years. The total request would be \$437,340.00 over the course of 4 years. This would be between us and DPHHS through a cooperative agreement through 2027.

- **Commissioner Gallagher** – Asked if we funded Public Health through grant money?
- **Lauren Bolten** – The majority of our budget is grant. We have \$150,000 out of the general county fund and the operating budget is about \$500,000.00.
- **Commissioner Gallagher** – The Public Health Department serves a very important function. I don't like the idea of having to get grant money. Feels payroll should not be dependent on grants. It is a concern and mentioned that grants could have constraints.
- **Commissioner Hart** – The county would not be able to support the Public Health Department at the level it is right now if it wasn't for these grants. They are an important mechanism.
- **Lauren Bolten** – This is a great funding opportunity. We won't have as many constraints with some of the other funding that we use to pay staff.

Motion made by Commissioner Huotte to take action to approve the Request to submit a Public Health Workforce Funding Opportunity Application; Seconded by Commissioner Gates.

Motion Carried 5-0

### **Bowman Field/Anaconda Airport (3U3) Master Plan Update/Airport Layout Plan (ALP) Update Scope of Services.**

**Jim Greil** – Not available for comment.

- **Carl Hamming, Planning Director** – I do not have the specifics. There is an airport board meeting tomorrow morning where Jim will provide an update. This is something that

popped up last week. CEO Everett spoke with Mr. Greil by phone about the timing constraints that the FFA and MDT have when making grants available. The timing of getting this submitted and with what the Airport Board is hoping to accomplish in the next few years with capital improvement plans is important.

- **Commissioner Hart** – Asked if it met the FAA requirements?
- **Commissioner Gallagher** – Are we approving expenditure here for \$206,442.00. The ALP (Airport Layout Plan) is all about performance to submit grants. An update to the master plan. Are we hiring a consultant to get the milestones because we are pursuing a grant?
- **Commissioner Hart** – Believe these are grant funds that would be paying for the items.
- **Carl Hamming** – Jim Greil is with Dowl Engineering. This is all he does is work with rural airports to help them. (Functions, capital improvement plan, master plan, airport layout plan and different plans required by FAA to receive grant dollars). Typically, with the FAA Grants it is 90% contribution from the Feds and then a 10% match from either the state or local entity. This is what FAA requires for setting the stage for the AWOS system as well as the potential fuel farm.
- **Commissioner Hart** – Asked about previous years of FAA funds, where we had not expended and let another airport use those funds and then get it back. Do we still have funds coming back.
- **Carl Hamming** – “Yes” we do. Believe it was the Choteau airport that had some funds that were unallocated. Those were loaned out and we are still recouping funds for future projects. Number 1 would be the AWOS system. Bowman is behind the times with having this system installed that allows pilots to land in stormy weather. They also want to look at doing a fuel farm. Those are the top two items. They are also looking at taxiways, hangars and the Shellabarger property. It is incorporating all the long-term objectives into planning documents for FAA satisfaction.

Motion made by Commissioner Gates to take action to approve the Bowman Field/Anaconda Airport (3U3) Master Plan Update/Airport Layout Plan (ALP) Update Scope of Services;  
Seconded by Commissioner Huotte.

Motion Carried 5-0

#### MISCELLANEOUS

- **Commissioner Huotte** – No Miscellaneous
- **Commissioner Gates** - No Miscellaneous.
- **Commissioner Gallagher** – Thanked the West Valley Fire Department and the Anaconda Fire Department for mutual aid assistance last Thursday.
- **Commissioner Beausoleil** – I’ll be at the airport board tomorrow morning at 7:00 a.m.
- **Commissioner Hart**– No Miscellaneous
- **County Attorney** – No Miscellaneous.

**PUBLIC COMMENT**

**Jim Dolan** – You can call me a recovering city attorney. I would like to talk to the Commission about what is transparent and what is fair. On February 7 the Commission approved the 1.5 million Splash project. Feels the agenda did not give the dollar amount nor the fiscal source of the funding. Talked about a site visit that occurred in September of 2022. I did locate a specific agenda item on May 17, 2022 that addressed a specific renovation project for a skate park for \$50,000.00. The dollar amount was specifically stated in the public notice. Talked about constitutional rights under the Montana constitution. My opinion approving a 1.5-million-dollar project is a matter of significant public interest. Does not feel the notice was adequate in informing the public of the cost. Does not feel there was a reasonable opportunity to submit data, views, and arguments. When I was a city attorney, we also looked at the “optics” how it looks to the public. It doesn’t seem right or transparent. In conclusion, I am not here representing any entity or person; I am here as a concerned citizen. Make sure the notices are calculated. Have more meetings if you have to. Better to err on the side of transparency than to face an open meeting lawsuit later.

- **Clerks Note:** Commission Packet are included on the website for approximately 3 months. The 4 requests for proposals for the splash park were included in the packet for the Commission Work Session of January 24, 2023. The packet included information with pictures and prices for the splash park. The proposals were in the CEO/Commission office for review by the public. This was a month with a 5<sup>th</sup> Tuesday, so there was additional time to review the proposals. Three of the firms came to the Commission meeting and gave a presentation/slide show. The Splash Park was voted on by the Commission on February 7, 2023. This was one of the larger groups of attendance for the Commission. The sign in sheet had 21 names listed. Most of the people in attendance were in support of the Splash Park. Documents are always available in the CEO/Commission office. The office is open Monday – Friday 8 a.m. – 5 p.m.

**Rose Nyman** – Within one block of my home are 2 unfinished projects and one goes back at least 15 years and the other about 4 years. My understanding is that when a permit is issued; there is no deadline. We are reading a lot about the state wanting to change zoning. Could there be a conversation about having a regulation, give people a reasonable amount of time, but almost 20 years is not acceptable. The aesthetics of the community are also important. Would like to see a deadline and maybe an appeal process to extend the time.



**ADLC Meeting Dates and Times**

**Commissioner Hart** - read the meeting dates and times.

**ADJOURNMENT**

Meeting Adjourned at 6:57 p.m.

  
Lori Sturm  
Clerk of Commission

  
Kevin Hart  
Commission Chair