ANACONDA-DEER LODGE COUNTY
COMMISSION WORK SESSION MEETING
6:00 P.M. TUESDAY, FEBRUARY 8, 2022
COURTHOUSE COURTROOM

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

Members of the Press: James Rosien, Leader

Members of the Public: Per Sign-In Sheet

Presentation – Fish Wildlife and Parks proposed acquisition of an 829-acre parcel to Mounty Haggin Wildlife Management Area

Martin Balukas, FWP - This is an information item because we try to work within the community. This is a proposed acquisition. The landowners Gayle and Roger Burnett of this 829-acre parcel have decided they wanted to sell to a conservation buyer. It is next to FWP property. The driveway is just before the check station area to the mule ranch. This is on the northern end of the range on Mount Haggin. It spans between the Mount Haggin wildlife management area and an existing conservation ranch. FWP’s purpose would be to provide public access on this property during the summer months, management of the game ranch and closed during the winter for wildlife protection. It was appraised last June with the buildings. There is some discussion about getting rid of the buildings. A purchase price has been agreed at a price of about $3,200 an acre with no buildings. This was part of the Willow Glen subdivision originally. We have sent out a scoping notice and have received positive comments from the public. There was some concern from a neighbor about an existing easement. It has been approved by the FWP commission. We are asking for your support.

- **CEO Everett** – That area basically locks us out for 5 months out of the year. We would not have 12 months of access. The goal is to protect our Elk and deer; but it is a haven for predators. We are not allowed to hunt for predators. There are wolves and mountain lions, and we have mountain lions coming into town. We can’t get permission to run cats out there. We have contacted Fish and Game and cannot get them to do anything about the issue. It is creating more of that type of problem. Why won’t Fish and Game address this.
- **Martin Balukas** – I am not a wildlife manager. Vanna would probably be glad to come and talk to you about that.
- **CEO Everett** – I can’t support anymore land being locked up for 5 months that we can’t access and can’t manage. It doesn’t make any sense.
- **County Attorney Krakowka** – I understand the CEO’s concern about predator management. My concern is that if we pass on this now . . . we might be looking at a situation where this gets subdivided and this is important wintering ground for Elk.
• **Martin Balukas** – There are Elk and they do bring predators. I would suggest is if you choose to write a letter, bring those concerns forward.

• **CEO Everett** – We have had 250 Elk this year at the triangle. The reason the Elk keep migrating down to the triangle is because the predators are not down there chasing them around. You have this great area, but the wildlife doesn’t want to be there because it is dangerous. We have cats coming right into the city boundaries. We can’t release hounds on them because the tracks lead right into the wildlife management.

• **Chris Marchion** – Representing himself and the Anaconda Sportsmen Club. We also testified at the FWP commission meeting in October when they gave approval for this project. We want to give it support. It is a great addition. The wildlife management has been well managed since 1975. It has a great history for all the wildlife, elk, mule deer and moose. The CEO is right about the cats, but there is a line... going over the Mill Creek Highway with Region 2 to the west and Region 3 to the east. Region 3 has data from the last 50 years. They can tell you how many elk are present, age and sex, calf production and the same with mule deer. As the structure changes they change the hunting seasons appropriately. Region 2 is totally different. There are at least 5 adult mountain lions around the city limits. I’ve asked Regions 2 what they are doing about the cats and the answer you get is “huh”. It is embarrassing... there is no management. If you ask Region 3 (which is where this purchase is) about cats they are on top of it. As cats start to increase, they issue more permits. Believes Garrity Mountain Wildlife management area will be open for the pursuit of lions during the month of December for individuals with tags. Mr. Everett is right in his criticism. We are all trying to get to a better position. I don’t want this parcel to be judged with what is happening in region 2. We are not happy with what goes on in region 2 from a wildlife manage perspective; but we are happy with region 3.

• **Daniel Goddard** – I know the Burnett’s personally and they do not allow any hunting in the area. I know there is a problem. There are pros and cons. I feel that predators are a problem, and they chase everything out. There are guns going off all the time at the shooting range, and in the summer that drives everything away. Believes an environmental study should be done as to what is really going on between the gun range, predators, and people. They all have to balanced.

• **Rose Nyman** – As recently as last week I have had mountain lion tracks in my yard. I live in the center of town, and this is the second time I have found tracks in the snow. I would also like to address that this property is in Anaconda-Deer Lodge County. Why is the open house taking place in Butte?

Place on Agenda
Cooperative Law Enforcement Annual Operating Plan & Financial Plan Between Anaconda-Deer Lodge, County of and the USDA, Forest Service Beaverhead-Deerlodge National Forest.

CEO Everett – This is the same agreement we have had for multiple years. It gives some financial ability to spend some time down in the Big Hole area as well as Georgetown Lake. Basically, we are reimbursed for our officers doing some travel in those areas. The last few years we have not had enough officers with spare time to do this. Hope that we have enough staffing this year to use the full force of this funding.

Place on Agenda

MOU Addendum and Extension Agreement (Technical and Legal Assistance MOU)

Commissioner Huotte reported that Mr. Nyman was not present but had emailed the following topic points:

- This agreement provides the County funding for technical and legal services to participate in consent decree discussions and other activities with Atlantic Richfield, EPA and DEQ.
- The agreement authorizes another $75,000 in reimbursement funding.
- The term of the agreement is retroactive to July 1, 2021 and expires on June 30, 2022.
- Even though the last MOU expired on June 30, 2021, Atlantic Richfield continued to reimburse the County for its monthly expenses from July through December 2021.

CEO Everett - A lot of these agreements are retroactively dated. Our relations with Atlantic Richfield are fantastic. We have not had an agreement in place since July and they have reimbursed us for all our expenditures.

Place on Agenda

LexisNexis - Lexis Advance Subscription Amendment for State/Local Government

Ben Krakowka, County Attorney - This contract come up every few years. This contract is for the legal research tool that my office uses over the internet. This accesses state/ federal case law and statutes in case law in other states. Many times, Montana cases are insufficient to address the legal issues that we are researching. If we renew for 1-year at a time it starts at a higher dollar amount; if we renew for a 3-year contract it gradually increases over the 3 years. I would recommend the 3-year contract because it saves us money in the long run.

Place on Agenda
Toni Hofland appointment as Clerk and Recorder/Election Administrator, effective February 21, 2022

CEO Everett – About 2-months ago we appointed Karen Smith in the position. She came to us and stated that it was more of a job than she was willing or able to handle at this time. There are a lot of intricacies in that job; so, I respect her coming forward. We hope to find another position for her in the county. Toni Hofland is in that office, and she is willing to take on the role and responsibilities. She has worked in the office for 4 years, so she understands the position. It is tough to oversee elections right now in this country. You can be under a lot of scrutiny. Even in elections that do go well; there can be a lot of different viewpoints.

- **County Attorney Krakowka** – My experience working with Toni is that she is very reliable, and I would trust her in this position.

Place on Agenda

Request to Advertise for Bid – Smelter City Estates – Water and Sewer Improvements Project

Sarah Jones, Deluxe Engineering – I am representing Smelter City Estates Subdivision. A-DLC will be helping by putting in the water sewer and utilities. This is the request to put those out for bid. This includes just the mains and not the service lines. The bid includes both because it makes sense to have the same contractor put that in Smelter City Estates and understands that they will pay for the service lines, and it will be a bid item. Explained it is difficult time to estimate costs due to the market being so volatile. Anaconda-Deer Lodge County will be buying the materials and then the contractor would come in. This cost was based on what I have been hearing from local contractors . . . I hope that this is high.

CEO Everett – I have spent a lot of time working with Sarah on this project. Believe we have the most efficient product. Timing of these bids is important. February is when you get the good deals. Being the first jobs out there, everyone wants to lock down a couple of jobs to make sure their crews have something to do for the summer. We have streamlined the process. Now we buy most of our pipe. A company often will add on 20% to the material costs. We have cut out that part of the process. It is a way for us to cut corners.

Place on Agenda

Change Order No. 1 – Hoffmans R&M Old Works Road Project

Sarah Jones, Deluxe Engineering – The project was bid as a unit price project, this just cleans up the unit prices to the actual quantities. The overall is a decrease to the bid price of $24,921.00 which brings the final contract to $142,045.41. This was a successful project and was brought in under budget. The change order makes it official and then we can get the contractor their final payment.
• **CEO Everett** – Everything went well on the project. Having access to the golf course has been handy, especially with what we have planned this summer. That will be the main access.

Place on Agenda

**Request to Advertise for Bid – Daly Improvements Project**

**CEO Everett** – We have a great team doing these projects and would like to get this out to bid and it will be another asset for the community.

• **William Converse** – I live in the Daly Addition. I talked with Carl Hamming and was able to see the plans for the project. I am in favor of this project but have a couple of questions, but they would be questions for the engineer. At the end of Linden Street next to Tillie’s café there is a drainpipe that goes from Linden Street under the highway and believe it dumps into Warm springs creek. Under the plans for the project that pipe is going to have to be replaced because it does not have the proper grade. There would be a new pipe for drainage to the other side of MT 1 and it would be collected in a pond. In 1974 the Mosquito Control district was established and under the Mosquito Control “standing water is discouraged from being developed any place in the West Valley or the Mosquito Control district”. We pay for Mosquito control every year. How hard would it be or expensive or even feasible to run a storm sewer drain over to Park Street and down to the storm sewer on Evergreen and Park. Also had questions about right of ways and boundaries. Linden street is the main access to the Daly addition. Talked about the alley approach behind Tillie’s restaurant and goes to the Thriftway gas station. . . the traffic going to the convenience store/gas station stirs up dust that is terrible during the summer. Would it be feasible for the county to provide some millings on the alley to cut down on the dust?

Place on Agenda

**Request for Reappointment to the Communication Board by Gary Wenger (letter attached)**

Place on Agenda

**Request for Appointment to the Board of Health by Ann Campbell.**

Place on Agenda

**Resignation of Mary Murphy from the Hearst Free Library Board**

Place on Agenda
County Commission  WS Meeting Minutes
February 8, 2022

Miscellaneous

Commissioner Hart – No Miscellaneous.
Commissioner Gates – No Miscellaneous . . . I will not be able to attend next Tuesday’s meeting.
Commissioner Smith – No Miscellaneous.
Commissioner Vermeire – No Miscellaneous.
Commissioner Huotte – No Miscellaneous.
CEO Everett – No Miscellaneous.
County Attorney Krakowka – No Miscellaneous.

PUBLIC COMMENT

Rose Nyman – There have been numerous nice comments about the quality of the ice at the Common. The same gentleman has been flooding for the last few years and he is doing a very good job of building the ice. My second item is about the Speaker Series and the item for Thursday was deleted from the county calendar in the newspaper, and it was not on your sheet for meetings, and I am asking why?
• Commissioner Huotte – Reported that it was on his sheet.
• Clerk of Commission – The missing item was pointed out and the Commission sheet was updated.
• Rose Nyman – It was not advertised to the public in the newspaper that serves the county. Fortunately, with funds from the CLG grant we did a paid ad last week and there will be another one. This is a county board sponsored event, and I am expressing concern that we would have a quorum and it should be advertised.

Meeting Dates

Commissioner Huotte read the meeting date and times.

Adjournment

Meeting Adjourned at 6:50 p.m.

Lori Sturm  
Clerk of Commission

Mike Huotte  
Commission Chair