

**ANACONDA-DEER LODGE COUNTY
COMMISSION MEETING
6 P.M. TUESDAY, May 16, 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 Ben Krakowka, and Clerk of Commission Seanna Zacher

Excused Absence: CEO Bill Everett

Members of the Press: James Rosien, 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 May 02, 2023; and the Commission Work Session Meeting of May 09, 2023

Motion made by Commissioner Gallagher to take action to approve the Minutes from the Commission meeting of May 02, 2023; and the Commission Work Session Meeting of May 09, 2023; 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 142001 through 142107 in the amount of \$222,602.08; Seconded by Commissioner Gates.

Ron Defrancesco – I was just wondering what this entails, I am not actually familiar with what this is.

- **Commissioner Hart** – These are the claim numbers and the total amount of these claims for this period.
- **Ron Defrancesco** – Claims for what?
- **Commissioner Hart** – The bills for the County. This includes all the claims other than payroll.
- **Ron Defrancesco** – You are not being very specific, is this regular County business?
- **Commissioner Hart** – Yes, this is regular County business. These claims are always available in the CEO's office prior to the meeting.
- **Ron Defrancesco** – Thank you.

Motion Carried 5-0

REPORTS OF BOARDS, COMMITTEES AND OFFICIALS

- **Commissioner Huotte** – I attended the Old Works Golf Course Open House.
- **Commissioner Gates** – Nothing to Report.
- **Commissioner Gallagher** – Construction began yesterday on the first section of the Greenway Trail along Silver Bow Creek. They are moving from the rest area south to Crackerville. Hopefully by the time we get there the temporary easement will have been made permanent.
- **Commissioner Beausoleil** – This Friday the High School students will be participating in a project for alcohol and drug prevention with the DUI Task Force at the Washoe Theater.
- **Commissioner Hart** – Nothing to Report.
- **CEO Everett** – Not Present.
- **County Attorney Krakowka** – I attended the Old Works Golf Course Open House, the DUI Task Force Meeting, a Multi-Disciplinary Task Force meeting for abused children and an Adult Protection Committees meeting.

UNFINISHED BUSINESS

Supplemental Healthy Montana Families Task Order Amendment One for Anaconda Deer Lodge Public Health Department, Supplemental Task Order Number 22-25-8-41-160-0

Motion made by Commissioner Gates to take action to approve the Supplemental Healthy Montana Families Task Order Amendment One for Anaconda Deer Lodge Public Health Department, Supplemental Task Order Number 22-25-8-41-160-0; Seconded by Commissioner Beausoleil.

Motion Carried 5-0

Montana Department of Commerce Community Development Block Grant Program Contract MT#-CDBG-PL-21-10

Motion made by Commissioner Gates to take action to approve the Montana Department of Commerce Community Development Block Grant Program Contract MT#-CDBG-PL-21-10; Seconded by Commissioner Beausoleil.

Motion Carried 5-0

Resolution No. 23-17, A Resolution Establishing Salaries for A-DLC Employees for Fiscal Years 2023-24

Commissioner Hart – I would like to state for public information that this wage schedule does not include those that are in a bargaining unit, those contracts are due this year and will be forthcoming.

Motion made by Commissioner Gates to take action to approve Resolution No. 23-17, A Resolution Establishing Salaries for A-DLC Employees for Fiscal Years 2023-24; Seconded by Commissioner Beausoleil.

Motion Carried 5-0

Awarding Concession Contract for the Charlotte Yeoman Softball Complex

Commissioner Hart – I would like to state that we only received one bid.

- **CA Krakowka** – Over the years we have tried alternate means of how to make money from the concessions, this seems to be the most effective way.
- **Commissioner Gallagher** – As it pertains to the next item as well; the Softball Association will be allowed to operate the concessions during the Little League Tournament, the food vendors will not be exclusive?
- **Commissioner Hart** – The Anaconda Softball Association is submitting the bid for the concession contract which is separate from the Little League tournament that is taking place at the Charlotte Yeoman Complex as a special event. The vendors will be allowed as well as the concessions.

Motion made by Commissioner Huotte to take action to award the Concession Contract for the Charlotte Yeoman Softball Complex; Seconded by Commissioner Gates.

Motion Carried 5-0

Special Event – Little League Softball District Tournament, June 20, 2023 – June 22, 2023 (Pending Certificate of Insurance)

Commissioner Gallagher – I would like to thank Mr. Anderson for bringing this Little League event to Anaconda.

Motion made by Commissioner Gallagher to take action to approve the Special Event Permit – Little League Softball District Tournament, June 20, 2023 – June 22, 2023
(Pending Certificate of Insurance); Seconded by Commissioner Beausoleil.

Motion Carried 5-0

Special Event – Anaconda PRIDE Celebration, June 25, 2023 (Pending Certificate of Insurance)

Commissioner Gallagher – I have two concerns, the first being the use of public funds to support this event. I have talked to several people who are not opposed to the event but do not think the use of public funds is appropriate. My other concern is that in past years there has been a family drag show. I personally have issues with family drag shows, adults are fine. This community will not allow a burlesque show and that is the same thing. Members of the community do not think that this should include individuals under the age of eighteen.

- **Commissioner Hart** – I would just like to note that this special event permit does not require any public funds, the reason it is before the commission is due to the event being held on county property.
- **CA Krakowka** – I do not see anything concerning about the request for the PRIDE Celebration. I do not see any utilization of county funds to support this event. I have many friends who are gay, this is a terrific opportunity for them to celebrate their lifestyle.

Motion made by Commissioner Huotte to take action to approve the Special Event Permit – Anaconda PRIDE Celebration, June 25, 2023 (Pending Certificate of Insurance); Seconded by Commissioner Gates.

Motion Carried 5-0

Request for Appointment to the Library Board by Marsha Miller

Motion made by Commissioner Gates to take action to approve the Appointment of Marsha Miller to the Library Board; Seconded by Commissioner Gallagher.

Motion Carried 5-0

Request for Reappointment to the Solid Waste Board by Mark Peterson

Motion made by Commissioner Gates to take action to approve the Reappointment of Mark Peterson to the Solid Waste Board; Seconded by Commissioner Gallagher.

Motion Carried 5-0

Per Municipal Code/Removal of Adam Vauthier from the Economic Development Board

Motion made by Commissioner Gates to take action to approve the Removal of Adam Vauthier from the Economic Development Board; Seconded by Commissioner Beausoleil.

Motion Carried 5-0

Per Municipal Code/Appointment of Kathleen Tarkalson to the Economic Development Board

Motion made by Commissioner Beausoleil to take action to approve the Appointment of Kathleen Tarkalson to the Economic Development Board; Seconded by Commissioner Huotte.

Motion Carried 5-0

NEW BUSINESS

Proclamation – National Peace Officers Memorial Day – Commissioner Hart

Commissioner Hart – I do need to make an apology, these first two items of new business were overlooked while our clerk was transitioning. Both should have been about two weeks prior to this so they will both be voted on after the fact.

- **Commissioner Gallagher** – In my previous capacity I was able to preserve fallen officer’s memories with the naming of several parks. There is no higher attribute than the laughter of children for people who gave their life to their community. In this resolution it states we have lost officers in the past in this community, I would like to know the names of those fallen officers. If they gave their life for their community, the community should know their names.
- **Commissioner Beausoleil** – There is a memorial on the second floor of the courthouse for these officers.
- **Commissioner Gallagher** – A name on a plaque is not the same as a park bearing their names.
- **Carl Hamming, Planning Director** – I just wanted to point out a small typo in the last paragraph.
- **Seanna Zacher, Clerk of Commission** – The final copy has been corrected. Thank you.
- **Rose Nyman** – I usually do this under public comment, this is an annual thing for me. I will read the names of the four officers that A-DLC has lost; Patrick Dougherty, last watch March 6, 1905, died from internal injuries breaking up a street fight. Albert Oldhaber, Deputy Sheriff, last watch June 06, 1939,

gunshot at Sladich Bar. Edwin Stuart, Assistant Chief of Police, last watch June 06, 1939, gunshot at Sladich Bar. Lt. Timothy 'Sox' Sullivan, last watch February 10, 1985, gunshot. Some of you probably read the article about the observance in the rotunda at the State Capitol, the first recorded lost officer was in 1878 since then we have lost 147 officers in the line of duty. Hopefully, this observance will continue.

- **Commissioner Gallagher** – Thank you, Rose.

Motion made by Commissioner Gates to take action to approve the Proclamation- National Peace Officers Memorial Day; Seconded by Commissioner Gallagher.

Motion Carried 5-0

Proclamation – National Correctional Officers Week – Commissioner Hart

Motion made by Commissioner Gates to take action to approve the Proclamation – National Correctional Officers Week; Seconded by Commissioner Gallagher.

Motion Carried 5-0

Master Contract for Department of Health and Human Services and Anaconda-Deer Lodge County, Task Order 24-07-4-31-112-0

Lauren Bolton, Public Health Director – Good evening, Commissioners. This task order is with DPHHS, it is in the amount of \$7502.00. This is an increase of \$1200.00 from last year. This is to provide immunization services in A-DLC.

- **Commissioner Gallagher** – Just to confirm, this is for immunizations. This pays for the actual immunizations.
- **Lauren Bolton** – We cannot purchase immunizations with these funds. This allows us to pay the staff to administer the immunizations.

Motion made by Commissioner Huotte to take action to approve the Master Contract for Department of Health and Human Services and Deer Lodge County, Task Order 24-07-4-31-112-0; Seconded by Commissioner Beausoleil.

Motion Carried 5-0

Awarding the Bid for paving the parking lot on Main Street – Carl Hamming, Planning Director

Carl Hamming, Planning Director – We received the three bids before you, ranging between about \$32,000.00 to \$45,000.00. They are all familiar companies working here locally and in Silver Bow County. I would recommend that we award the contract to H&H Contracting, Inc in the amount of \$31,900.00, to be completed this summer. We are quite familiar with their work, as they did the Old Works Estates as well as several other local projects.

- **Commissioner Gallagher** – Requested clarification of the details of each bid. This bid is subject to change so I feel ACME would be the better choice.
- **Carl Hamming** – We did do a site visit with the five contractors that were interested, we did make it very clear that the grading and drainage plan provided by Alloy would be our expectation to be included in this bid. We will make sure that is included in the language for the contract.

Motion made by Commissioner Gates to take action to Award the Bid for paving the park lot on Main Street to H&H Contracting, Inc. in the amount of \$31,900.00; Seconded by Commissioner Beausoleil.

Motion Carried 5-0

Naming a road within the Lost Creek Stock Ranch Estates No. 1 Subdivision – Carl Hamming, Planning Director

Carl Hamming, Planning Director – The Andrews family, who own a number of the lots in this subdivision, has been working with Sarah Jones of Deluxe Engineering to remove and lift the sanitary restrictions so they can develop those lots. They are looking to apply for a building permit and would like an address assigned. At this time, they have requested a couple of unique road names, their first choice is Lewie Rose Drive which is a unique name per our 911 addressing system. The Planning Department is comfortable with this if the Commission agrees.

- **Commissioner Hart** – The choices they have listed are in order of preference?
- **Carl Hamming** – Correct.

Motion made by Commissioner Gates to take action to approve the Naming a road within Lost Creek Stock Ranch Estates No. 1 to Lewie Rose Drive; Seconded by Commissioner Gallagher.

Motion Carried 5-0

Request for Public Hearing – Smelter City Estates Final Plat Approval – Carl Hamming, Planning Director

Carl Hamming, Planning Director – I know Kevin Orrino was here last week to update the Commissioners on this item as well. They are working furiously on Smelter City Estates phase three to satisfy the conditions of preliminary plat approval so they can move forward to final plat approval. As you can see in the letter provided, paving is scheduled for June 1st. We have experienced previous weather delays, so we are trying to get this hearing scheduled sooner than later. I was hoping to set the public hearing date for June 6th and if for any reason the conditions are not satisfied at that meeting, the Planning Department would recommend postponing the public hearing date until all conditions are satisfied.

- **Commissioner Gallagher** – If this is for phase 3, do you have a master plan?
- **Carl Hamming** – This is the final phase of Smelter City Estates, this goes back to the late nineties, Mr. Orrino could give you a better history than I can. Phase three has come a long time after phases one and two. To answer your question, essentially no but as a part of the original proposal was a commitment to do these residential developments in the Smelter City Estates.
- **Commissioner Gallagher** – It states that any covenants need to be approved by the County, is that referencing the Planning Department or the Commission?
- **Carl Hamming** – So that would be a part of the final plat approval by the Commission.
- **Commissioner Gallagher** – Covenants fall under civil, neighbor vs neighbor, the government should not be in the middle. I am concerned that action by the Commission would be deemed zoning and not covenants. Would we be expected to enforce the covenants?
- **Carl Hamming** – We do try to make it abundantly clear that covenants are an HOA issue and not something that our local Code Enforcement Officer would deal with. We do see subdivisions where proposed covenants are an attempt to address foreseeable issues that are outside of zoning or development standards.
- **Commissioner Gallagher** – The one that comes to mind is the Pink House. Somehow this was approved, someone built it, and the developer ended up paying five times more to get rid of it.

- **Carl Hamming** – We stay out of architectural review committees and anything of that sort. That is for the HOA, nothing that the County or the Planning Department wants to be involved in.
- **Kevin Orrino** – 903 Marcus Daly Dr. This has been a three-year project, overall, a thirty-four-year history. I am asking for your support and vote for advertising the public notice. We anticipate asphalt next week; things are moving very fast. Our infrastructure will be complete before the public hearing date. We have a short building season here in town and I am excited to move this forward. I was awarded the bid back in 1999, I have fulfilled my obligation and promise to Anaconda-Deer Lodge County. I am excited and proud to see Anaconda move forward, thank you.
- **Ron Defrancesco** – I would like to ask the board about the Arbiter Plant, the back side is owned by my family and the entrance is blocked.
- **Commissioner Huotte** – Point of order. This is a non-agenda item.
- **Commissioner Hart** – The reason we are stopping you is because what you are bringing up does not pertain to this agenda item. We will have a public comment period for items not appearing on the agenda. Does your comment have anything to do with setting a date for a public hearing for Smelter City Estates?
- **Ron Defrancesco** – I am not exactly sure how this works, I just want to know why they have put up a fence and blocked access to my property.
- **Commissioner Hart** – We ask that you wait for the proper time for public comment, which will be coming up here in a bit. Thank you.

Motion made by Commissioner Beausoleil to take action to approve the date for the Public Hearing for the Smelter City Estates Final Plat Approval for June 06, 2023; Seconded by Commissioner Gates.

Motion Carried 5-0

MISCELLANEOUS

- **Commissioner Huotte** – Nothing to Report.
- **Commissioner Gates** – Nothing to Report.
- **Commissioner Gallagher** – Nothing to Report.
- **Commissioner Beausoleil** – Nothing to Report.
- **Commissioner Hart** – Nothing to Report.
- **County Attorney** – Nothing to Report.
- **CEO Everett** – Not Present.

PUBLIC COMMENT

Ron Defrancesco – Yes, as I said earlier, my access has been blocked. I was wondering who was responsible for that, and why they put the gate up.

- **CA Krakowka** – Mr. Defrancesco, I can partially answer that for you. The contract you had for the processing of the waste at the smelter has been terminated. Your organization or company was eventually the subject of sanctions for failure to respond and frivolous lawsuits. The matter is closed. It is not under the discretion of this Commission as to where ditches or anchor ways in and out of that property are placed, that is in the hands of the Federal judge who cited the lawsuit. The Commission does not have the discretion or ability to make any alterations to that entryway or the ingress or egress of that property.

- **Ron DeFrancesco** – First, I would like to say that is a byproduct not a waste product, and it is not contaminated. I would like to know which judge said that this is over with, I have proof of all the lies and deception that went on here. This is far from over. I got a phone call from CEO Everett telling me my scale needed to be removed within ninety days. Mr. DeFrancesco commented on CEO Everett’s manner in dealing with this issue. Do I work with you on getting this scale removed?[Clerks Note: Mr. DeFrancesco directed this comment to Carl Hamming, Planning Director in the audience.] This is far from over and this is an outrage. Thank you.

Rose Nyman – I would like to express my appreciation to the County Road Department for their efforts on street sweeping. Also, I received a phone call that the CEO of Western Montana Mental Health is separating from that organization. I do not know the circumstances of the separation, but I think most people in Southwestern Montana recognized that there were some issues. I will be following this as closely as I can and if they put together a board to save the agency, I will be coming back to you on this. I have been a longtime advocate for the treatment of behavioral health issues. The last thing I would like to mention is Fallen Officers Memorial Day observance, it is my understanding that a community can bid on that. I looked into this a number of years ago, back then we did not have the housing for the number of people that attend that but now we do. I would like to see the DUI Task Force become more pro active in moving this into our community. They bring the pipers down from Canada and its very impressive. Thank you.

ADLC Meeting Dates and Times

Commissioner Hart - Read the meeting dates and times.

ADJOURNMENT

Meeting Adjourned at 6:50 p.m.

Seanna Zacher
Clerk of Commission

Kevin Hart
Commission Chair