County Commission Meeting Minutes
July 5, 2022

ANACONDA-DEER LODGE COUNTY
COMMISSION MEETING
6 P.M. TUESDAY, JULY 5, 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, (Chair), CEO Bill Everett, County Attorney Krakowka, and Clerk of
Commission Lori Sturm

Members of the Press: Patrick Williams, Anaconda Leader

Members of the Public: Per Sign-In Sheet

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

Approval of Minutes

Approval of Minutes from the Commission meeting of June 21, 2022; and the Commission
Work Session Meeting of June 28, 2022

Motion made by Commissioner Smith to take action to approve the Minutes from the
Commission meeting of June 21, 2022; and the Commission Work Session Meeting of June 28,
2022; Seconded by Commissioner Gates.

Motion Carried 5-0

Approval of Claims

Motion made by Commissioner Hart to take action to authorize the payment of claims
numbered 139409 through 139535 in the amount of $432,098.33; Seconded by Commissioner
Vermeire.

Motion Carried 5-0

REPORTS OF BOARDS, COMMITTEES AND OFFICIALS

- Commissioner Hart – Nothing to Report.
- Commissioner Smith – Nothing to Report.
- Commissioner Vermeire – Attended the joint meeting in Philipsburg and the airport
  board was cancelled.
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- **Commissioner Huotte** – Nothing to Report.
- **CEO Everett** – The festivities in the county were fantastic. Attended the Lake Parade and the Parade in town. No issues and people were very appreciative. There were no issues in the park with the concert. Reported that the Dwyer school was broken into and vandalized. The Chief of Police was working the Fourth of July which was nice to see. He was out and just wanted people to be safe. Cool to see an elected official pulling duty.
- **County Attorney Krakowka** – Nothing to Report.

**PRESENTATION – PLANNING BOARD**

**Rose Nyman** – Several years ago I attended a training for non-profit board members and an item they stressed was “If it can be read it doesn’t need to be said”. Pointed out information on the second page of the report. The Higher Standard application . . . the gentleman doing the project came to the public hearing with completely different information than what was sent in the packets; so, it was not approved. At this time the applicant has abandoned his plans on the original site and is looking at something else. If he comes forward with a new project in a new location, there will be no issue. If he comes back to the area by Lisac’s we will have to rescind a motion that was made inappropriately. Next item that I want to point out is the applicant BrightNight. Every Planning Board member was called and asked to talk to a lobbyist. At one time I was told by a former county attorney that it was OK to do that. You must disclose that. We learned at the board training that it is not OK. I made the disclosure; it was talked about and will no longer be done. Both items’ point to the level of communication between planning staff and the planning board members. It was resolved that if there is an issue of parliamentary procedure, whoever is chairing will call a 5-minute recess; google information; and move forward.

- **Commissioner Hart** – Asked about Higher Standard and if it was to be East of Lisac’s? The credit union submitted detailed opposition to this project.
- **Rose Nyman** – “Yes” it was to be east of Lisac’s. What was erroneous is it said it went to the Round House, but it went to the fence of the railroad lot. He went from septic system to a sewer line, a completely different building and landscaping. It was a brand-new project. There was opposition, Donna Kostelecky reiterated what was in the letter from the credit union. There were also some neighbors who spoke out.

**UNFINISHED BUSINESS**

**Letter of Support for the Bureau of Land Management (BLM) and Rocky Mountain Elk Foundation (RMEF) for the Seymour Creek Acquisition**

Motion made by Commissioner Vermeire to take action to approve the Letter of Support for the Bureau of Land Management (BLM) and Rocky Mountain Elk Foundation (RMEF) for the Seymour Creek Acquisition; Seconded by Commissioner Gates.

Motion Carried 5-0
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Resolution No. 22-12, A Resolution Increasing Rates for Basic Life Support, Emergency and Non-Emergency, and the “Per Loaded Mile” charge and creating a fee for Advance Life Support and Ambulance Request/Non-Transport for the Anaconda-Deer Lodge County Ambulance Service.

Commissioner Hart – Thanked the Fire Chief for providing the information requested for the comparisons.

Motion made by Commissioner Gates to take action to approve Resolution No. 22-12, A Resolution Increasing Rates for Basic Life Support, Emergency and Non-Emergency, and the “Per Loaded Mile” charge and creating a fee for Advance Life Support and Ambulance Request/Non-Transport for the Anaconda-Deer Lodge County Ambulance Service: Seconded by Commissioner Smith.

Motion Carried 5-0

Request to set a Public Hearing Date for Final Plat of the Derzay Subsequent Minor Subdivision located in the Lost Creek Development District. (Suggested date of July 19, 2022)

Motion made by Commissioner Vermeire to take action to approve the Public Hearing Date of July 19, 2022, for Final Plat of the Derzay Subsequent Minor Subdivision located in the Lost Creek Development District; Seconded by Commissioner Smith.

Motion Carried for Public Hearing July 19, 2022 5-0

Request to set a Public Hearing Date for Development District Map Amendment. The subject property is located on either side of Landfill Road, north of MT Hwy 1. (Excluding the Superfund Building – Lot 6 to be a Light Industrial Development District) (Suggested date of July 19, 2022)

Motion made by Commissioner Smith to take action to approve the Public Hearing Date of July 19, 2022, for Development District Map Amendment. The subject property is located on either side of Landfill Road, north of MT Hwy 1. (Excluding the Superfund Building – Lot 6 to be a Light Industrial Development District); Seconded by Commissioner Gates.

Motion Carried for Public Hearing July 19, 2022 5-0
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Request to set a Public Hearing Date for Development District Map Amendment. (Currently designated as Railroad Transitional Development District to amend the development district map for this area to Highway Commercial Development District (HCDD). (Suggested date of July 19, 2022)

Motion made by Commissioner Gates to take action to approve the Public Hearing Date of July 19, 2022, for Development District Map Amendment. (Currently designated as Railroad Transitional Development District to amend the development district map for this area to Highway Commercial Development District (HCDD); Seconded by Commissioner Vermeire.

Motion Carried for Public Hearing July 19, 2022 5-0

Request to set a Public Hearing Date for BrightNight to construct a solar energy project on Atlantic Richfield Company property within the Opportunity Ponds. (Suggested date of July 19, 2022)

Motion made by Commissioner Hart to take action to approve the Public Hearing Date of July 19, 2022, for BrightNight to construct a solar energy project on Atlantic Richfield Company property within the Opportunity Ponds; Seconded by Commissioner Vermeire.

Motion Carried for Public Hearing July 19, 2022 5-0

Lease with Option to Buy Lot 1B Proposal from Cody Neubauer, Mountain Standard Builders and Eric Tracy {See New Proposal}

CEO Everett – As you see there are 2 different proposals on this property. We have worked with Cody for 6 months. His plan is ready to go. It would be my suggestion that the Commission would give Cody Neubauer the option to purchase the land; however, I would like to work with Eric Tracy to perhaps find a parcel of land that would work for him. Also, Eric Tracy does not already own land in the East Yards. I would like to have a discussion with him.

Motion made by Commissioner Gates to take action to approve the Lease with Option to Buy Lot 1B from Cody Neubauer, Mountain Standard Building; Seconded by Commissioner Hart.

Motion Carried 5-0

Lease with Option to Buy Lot 1A Proposal from Nick Kriskovich, Copper City Sheet Metal and Eric Tracy {See New Proposal}

CEO Everett – Once again we have worked with Nick Kriskovich for almost a year on a parcel of land. The proposal brought forward by Eric Tracy is worthy of your consideration. On this portion of land between myself and the Planning director we would suggest it be approved for
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Nick Kriskovich. I would hope that Eric Tracy would reach out to us so we could work on a parcel of land.

Motion made by Commissioner Smith to take action to approve the Proposal for the Lease with Option to Buy Lot 1A from Nick Kriskovich, Copper City Sheet Metal; Seconded by Commissioner Gates.

Motion Carried 5-0

Proclamation Designating July 24, 2022, as Mickie Nazer Recognition Day.

CEO Everett – I am in full support of recognizing Mickie Nazer. He does a lot for the community.

Motion made by Commissioner Gates to take action to approve the Proclamation Designating July 24, 2022, as Mickie Nazer Recognition Day; Seconded by Commissioner Hart.

Motion Carried 5-0

Request for Reappointment to the DUI Task Force Board by Debbie Robinson.

County Attorney Krakowka – Debbie does a good job and is there for about every meeting. There would be a problem with quorum if she wasn’t on the board.

Motion made by Commissioner Vermeire to take action to approve the Reappointment of Debbie Robinson as a member of the DUI Task Force Board; Seconded by Commissioner Gates.

Motion Carried 5-0

NEW BUSINESS

First Reading and Request for a Public Hearing of Proposed Amendment to Anaconda-Deer Lodge County Ordinance #258 (A) Fireworks Ordinance: Article IV, Sec. 10-84

CEO Everett – This is to bring it back for discussion to go before the community to perhaps limit the days for sales and lighting of fireworks. The phone calls this year have been unlike any we have had any other year. We need to address this issue.

- Commissioner Hart – Commissioner Vermeire like to discuss his thoughts on the penalties being included in this instead of by resolution.
- Commissioner Vermeire – Feels the fees and fines should be set by Resolution. If we ever would want to change them on the Ordinance, it would have to go through the public process of first reading, public hearing etc., to get them changed. I would be for omitting those from the Ordinance and doing them by resolution.
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- **County Attorney Krakowka** – The penalty has to be spelled out in the ordinance. A fee associated with the ordinance does not need to be spelled out as part of the ordinance. The penalty and the fine needs to be addressed by an amendment to the ordinance and can’t be addressed by a resolution. Provided example of a fee with association of a special business license for getting a fire work stand, that is something that could be set by resolution.

Motion made by Commissioner Smith to take action to approve a Public Hearing Date of Proposed Amendment to the Anaconda Deer Lodge County Ordinance #258 (A) Fireworks Ordinance on August 2nd, 2022; Seconded by Commissioner Gates

Motion Carried for Public Hearing August 2nd, 2022 5-0

**Proposed Sale of the Greenway Service District’s ½ Interest in the Amelie Lode to Tom Mantha – Mike Huotte**

**Commissioner Huotte** - This was brought forward by the Greenway Service District Board. Several years ago, there was a settlement on some bad debts with Butte Silver Bow and that county got a lot of property. This portion was given to the Greenway Service District. It is not near the trail system and right now it is collecting garbage. There are 2 owners who are both 50/50 owners. Neither owner can do anything with the property. One owner has approached the Greenway Service District to purchase our ½ interest. The first offer was rejected, and they came back with a new offer. The Greenway Service District Board voted to approve this and so has Butte Silver Bow Commission. Under the ordinance of both counties any disposition of property must go before the Commission.

- **CEO Everett** – I would recommend following the recommendation of our commissioner. Commissioner Huotte has put in a lot of time and effort into this.

Motion made by Commissioner Hart to take action to approve the Sale of the Greenway Service District’s ½ Interest in the Amelie Lode to Tom Mantha; Seconded by Commissioner Gates.

Motion Carried 5-0

**MISCELLANEOUS**

- **Commissioner Hart** – No Miscellaneous.
- **Commissioner Gates** - No Miscellaneous.
- **Commissioner Smith** – No Miscellaneous.
- **Commissioner Vermeire** – No Miscellaneous.
- **Commissioner Huotte** – No Miscellaneous.
- **County Attorney** – No Miscellaneous.
PUBLIC COMMENT - No Comments Given.

ADLC Meeting Dates and Times

Commissioner Huotte - read the meeting dates and times.

ADJOURNMENT

Meeting Adjourned at 6:32 p.m.

Lori Sturm  
Clerk of Commission

Mike Huotte  
Commission Chair