

**ANACONDA DEER LODGE COUNTY  
COMMISSION WORK SESSION  
6 P.M. TUESDAY, JULY 14, 2020  
COURTHOUSE COURTROOM  
Webex**

Present: 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, and Clerk of Commission Lori Sturm

Excused Absence: District 1 Commissioner Terry Vermeire,

Webex Facilitator – Kimberly Richardson

Members of the Press: Kathie Miller-Webex

Members of the Public: Per Webex

**Commission Chair Hart called the meeting to order at 6:00 p.m.**

Commissioner Hart – Roll Call of Commission, (Commissioner Vermeire absent) CEO and County Attorney. Reminded that there would be a Special Commission meeting following the work session.

**Resolution No. 20-17, A Resolution to Place on the General Election Ballot A Question for Determination by The Qualified Electors of Anaconda-Deer Lodge County for the Levying of Mills for the Operation of the Hearst Free Library.**

CEO Everett – There are 2 different numbers that came up and there is still a lot of discussion that needs to take place. At this time, I would like to postpone this.

- Commissioner Hart – Remove this from this evening's agenda

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

Carl Hamming, Planning Director – This is stemming from a conversation from a few weeks ago with the National affordable housing network. The County's building permit fee schedule is a bit higher than surrounding areas. We want to produce a more conducive development atmosphere throughout the community so that people will be able to make improvements to their homes and foster new development. We modeled the proposed schedule from Butte Silver Bow. We wanted to start with something simple and modeled from our neighbor.

- CEO Everett – Our goal is to encourage people to build and create a larger capital tax base. Our fees are double what they should be and is discouraging people from wanting to build. Getting this information from the Board of Housing on what other communities are charging . . . I was embarrassed. Our fees are probably double of what they should be. This is a step in the right direction to promote and encourage building in our community.
- Rose Nyman – Commission packet refers to Exhibit A; I assume was the fees but not in the packet. Provided a bit of history about a county employee that was not charging fees for improvements and we lost about \$70,000.00. This is a happy medium and would like to see the fees.

- Commissioner Hart – Make sure the fee schedule is included on the next packet.

Place on the Agenda.

**Resolution No. 20-20, A Resolution to Allow Chief Executive to Execute Certain Documents Pertaining to the East Anaconda Yards Hotel Project.**

CEO Everett – This was prepared by Mike Grayson last week. We are doing a lot of quick movements. Many of the things we need to do are not necessary to go before the Commission. This is just making sure that everything is legal. Any document I sign I pass along to everyone including our County Attorney.

- Mike Grayson – There are Items coming up and provided the Easement example with NW energy. We can wait for that to be drawn up, put it on a work session, move through the normal process or this is the kind of document that this resolution would allow Bill to sign when everything is complete and when he has been told that it is legally OK and it is what the developer wants to see. The problem is we want to close the transaction by the end of July or first week of August and we would like to sign the deeds. We are going to run into a time crunch for the county to sign the deeds. We don't even have the Buy/Sell completed yet. None of these are substantive changes. The Commission has approved the East Yards Hotel Project and we are now trying to get the smaller documents in place so that we can make this go in a timely manner. To get ground broke in the summer and hopefully a foundation placed.
- Commissioner Hart – Is it fair to say the documents are more procedural things that the Commission has already approved?
- Mike Grayson “Yes” specifically in part 1 the buy/sell agreement . . . relocation of easements and surveys for the East Yards boundaries. This requires the owner to sign off on a survey. We can make it a Commission business item; my fear is that it must be done and filed before getting deeds prepared. This is meant for ministerial types of things.
- County Attorney Krakowka - I believe it is appropriate for a large project like this. Delegating the ability for the CEO to address the parts of the project so that it can move along. More efficient to go with what Mr. Grayson is suggesting.
- Rose Nyman – Concerns about this Resolution. Remember the oath you took to uphold to uphold the U.S. Constitution, Montana state Constitution and the charter of Anaconda-Deer Lodge County. The Charter states Commission approval is needed for the CEO to enter into contracts. The Public will be denied the right to know and participate. Some of these will be presented after the fact.
- Mike Grayson – As far as the Charter goes this is the Commission approving the CEO to enter into these agreements. That is why we are drafting this. All will be public documents and will be available when they are drafted. There is nothing secret. We don't want delays. The Public Right to know according to the constitution is limited to matters of public substantial interest. Gave examples such as details on the surveys such as legal descriptions. This is the Commission approving the CEO to sign these ministerial agreements. We will have complied with the charter.
- Rose – It almost feels like a blank check. I would like to see as much transparency as possible. I understand the deadlines.
- Kathie Miller, Leader – Question about the buy/sell agreement. That is something the public will be interested in.
- Mike Grayson – The public will be able to see all the documents. The problem is trying to place them on a Commission Agenda. The buy/sell agreement will have a summary of what was in the proposal that the Commission approved. There will be 2 phases of transactions; Phase 1 deals with the hotel and the other deals with lots south of the hotel parcels. We have exchanged drafts.
- Kathie Miller –Does the Buy/Sell agreement have any Financial information attached.

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- Mike Grayson– No because he is not paying anything for the land. It talks about the grant and a revolving loan that he requested in his proposal . . . that the Commission approved. No money is being paid to the county for this land.
- Commissioner Hart – Could this be placed on the County Website, so the documents could all be found in one spot.
- Mike Grayson – A good idea.

Place on the Agenda

### Major Development Permit Application (MDP) – East Yards

Carl Hamming – A lot of moving parts right now. Looking for guidance from the Commission as to proceed with hearing the Major Development permit after we conduct the public hearing before the planning board on the 20<sup>th</sup>. Does the Commission want the Public Hearing after the Planning Board? Regulations do not require a Public Hearing, but I understand you may have a public hearing for transparency and have information available for everyone. How to proceed after the Public Hearing on the 20<sup>th</sup>. We could have it as an agenda item on the 21<sup>st</sup>, it could be part of the Work session again on the 28<sup>th</sup> and on the Commission Business Session meeting on August 4<sup>th</sup>. Concerned about time. How would you like to proceed?

- CEO Everett – It is up the Commission if they want to hold another public hearing. I am all for discussion and that gives the community a chance to comment. Time is of the essence.
- County Attorney Krakowka – It is up to the Commission to decide which way they prefer.
- Rose Nyman – This is unprecedented to have an item on the Commission before it has gone through the Planning Board for a public hearing. I am hearing all of reasons to expedite but we have other projects. The appearance is that preferential treatment is being given here. Would like to see the normal process followed.

Donna Shewey – I tried to comment way back on agenda item No. 3.

Commissioner Hart – Do you have comment on this item for the MDP application

- Donna Shewey– No, this is about item #3. I represent Smelter City Recreation Complex. We have a concern about this Resolution and setting precedence with the hotel project. We are for the hotel but in the past 3 years we have been dealing with the Commissioners and CEO Everett. The Commission gave us approval for 15 acres with an additional option on another 15. We had Mr. Moodry do 2 surveys for us. We just found out the CEO Everett has moved our location. We are looking at a MDP down the road. Will we get the same treatment if we must expedite our permits? Question if by adopting this Resolution . . . Are you setting a precedence?
- Commissioner Hart – As you know we are already done with that item. It has not been approved yet and will be on the agenda next week for a vote.

Commissioner Hart – We are looking at a Planning Board public meeting on the 20<sup>th</sup>. We could have a public Hearing on the 21<sup>st</sup>, and on the work session on 28<sup>th</sup> and could be considered for a vote on August 4<sup>th</sup>.

- Rose Nyman – You must meet the legal public hearing requirements.
- Carl Hamming - You could post the Public Hearing on August 4<sup>th</sup> during the business meeting and take action after the public hearing.
- Commissioner Hart– Rose is referring for advertising for the public hearing. Initial notice on the 21<sup>st</sup> we would need to have the public hearing on the 4<sup>th</sup> and yes would be able to take action after the 4<sup>th</sup> with a different agenda item.
- Commissioner Hart – Initial notice of the 1<sup>st</sup> hearing on the meeting of the 21<sup>st</sup> and then set the public hearing on August 4<sup>th</sup> as one item and then a consideration to vote.

Commissioner Huotte – I would like to see the first notice next Tuesday and then the public hearing on the 4<sup>th</sup>.

### **Request for Proposal (RFP) Historic Preservation Plan**

Gayla Hess, Historic Preservation Officer – Anaconda-Deer Lodge County boasts a unique and cultural heritage and history and resources including the Butte-Anaconda National historic landmark district. Our county needs a Historic Preservation Plan. Anaconda-Local Development Corporation applied for a main street Montana grant and with the funds awarded to the community along with a contribution by the Urban Renewal Agency Board and with funds from the Historic Resources board we would like to hire a qualified consultant to help us prepare a Historic Preservation plan. This plan would be based on community consensus, a vision from the community for our preservation goals and offer guidelines for preservation of registered historic property and our historic neighborhood districts. Would appreciate feedback for the request for proposals for that consultant.

- Jim Davison – This plan would help with development in the community. There are projects coming to the URA board and people wanting to know what would be necessary for development of a project It could help provide guidelines that could lead to tax credits to support development in the historic districts and give Guidance to other boards. Hope Commission looks favorable on this.
- Commissioner Hart – Question about the cost of plan and the 3 financial sources; Would the entire cost be covered?
- Gayla Hess - "Yes"

Place on the Agenda

### **Anaconda-Deer Lodge County Personnel Policy Manual.**

Heather Edwards, Executive Assistant – This is a Draft of the Anaconda Personnel Policy . It is a good idea to update frequently. Worked with the Payroll department and included some payroll protocols. Need to address the situation of relatives and relations working in the same office. Need to put some clarification into the policy to make sure we were not doing anything unlawful. MMIA has reviewed the revisions.

- Commissioner Hart– Questioned the part about County Credit Cards for travel and all receipts must accompany the credit card upon return and alcohol expenses will not be reimbursed. It does not state anything about alcohol not being able to be purchased with the county credit card. Needs clarification.
- Heather Edwards –We could place a statement that the county credit card is not eligible for any reimbursement for alcohol purchases.

Discussed changes to vacation and sick leave. All changes are due to payroll protocols and follows state law. Talked about the verification of illness. After 5 days of consecutive illness it is the county's prerogative to ask for a written notice to be released back to work. MMIA recommended the wording in the policy. Brought up the need for a consistent guidelines and guidelines for supervisory notes (internal documentation) that the county could follow. The only thing required at this time is that if an employee is out 5 consecutive days, we request a Dr's note stating they can perform the essential functions of their job. There will be a revision for next week.

Place on the Agenda.

**Introduction and First Reading - Anaconda-Deer Lodge County Ordinance No. 262, An Ordinance Creating an Economic Development Advisory Board and Establishing its Powers and Duties. And the Commission would set a Public Hearing**

CEO Everett – This a starting point and went off of the formation of the Golf Course Board. If you have recommendations, I would love to hear them. We are thinking of a 7-member board, it would be valuable to have legal counsel on the board. We need county banking background, decipher financial information. Two members from the Commission that the community has voted in. This is only an advisory board they will provide advice to the Commission on where the money should be allocated.

- Rose Nyman– Concerns about the makeup of the board It is top heavy with elected officials. Believes it is more important to have the planning director rather than an attorney. Consider removing the attorney and putting in the planning and bump up to a 9-member board; and have 2 citizens at large. Critical to have planning director on the board. Concerns about understanding of the economic development is. It could be enhanced with an all-day retreat with economic development to do some training. There should be some listening sessions to see what the public wants Anaconda to look like and what projects should come forward. If there is an attorney appointed will they be a volunteer like the rest.
- Donna Shewey – Echo Rose's comments. It is top heavy with officials. There should be special requirements more than just saying you are interested in the community. They should have to have a resume. Agree it should be a 9-member board and more specifics of what they are doing with the economic development. Questioned if there are 2 commissioners on any of the boards. Would also like research on the Superfund Committee, my understanding is that would role into the Economic Development Committee and give their expertise. Also believes there should be more than 1 citizen at large.
- Commissioner Hart – Two members on the Old Works Golf Course Board. Do not recall that language regarding the Superfund Committee and when it was created, but those members would be able to provide information to this committee.
- Jim Davison – I like the idea of an attorney on the board , especially when they have a background in business and contracts. Some promises can be fully executed, and we do not want the county left holding the bag. An attorney would have the training to help guide discussion and keep you out of trouble.
- Donna Shewey – I understand where you are coming from . There is a fine line of liability and legal advice an attorney can give. Either the county attorney must be the reviewer of those contracts, or you have a retainer for a local attorney. Many attorney's that serve on a board are hesitant to give advice because of the liability.
- Commissioner Hart – The idea of the Planning Director would be beneficial and would like to see one additional citizen at large. If both were added that would be a 9-member board. Another change is that no Commissioner shall serve as chairman, but it also needs to state will not be the Chairman or Vice Chairman.
- Commissioner Hart – Looking at a Public Hearing on could be on the 28<sup>th</sup>.
- CEO Everett – No problem with changes and will adjust those changes.
- Commissioner Hart – Believes it is a good idea to have legal counsel on board, agree that the planning director would be beneficial and increase citizen at large up to at least 2.

Commissioner Hart - Tentatively set Public Hearing for July 28 unless that doesn't work and then it may be the 4<sup>th</sup>, but for now the 28<sup>th</sup>

**Special Event Permit – Kiwanis Bike Give Away at Kennedy Common, August 22, 2020, Pending Certificate of Insurance.**

CEO Everett – Fantastic event we have done every year. Hesitant with the Corona situation but believe it can be run safely, with the understanding that it could change. Rules change daily with the Corona situation.

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**Presentation - Greenway Service Proposal to Purchase Real Estate in Silver Bow County. – Dori Skrukrud**

Dori Skrukrud, Project Manager for the Greenway Service District. – Would like to request an authorization from the ADLC to buy real property in Silver Bow County. Acknowledge that there are board members present on the Greenway Service District Board. Mike Huotte, currently a member, Carl Hamming is the ADLC staff member, JP Gallagher, Public Works director from Butte is also on the call. Commissioner Smith is a past member of the board. Dori explained the location, which is southwest of Ramsey, Montanan

Question and Answer Discussion between Dori Skrukrud and the CEO regarding this request.

The CEO asked some of the following questions:

- What was the purchase price?
- Purchase is from the Uelands?
- Is the purchase price the only financial benefit they would receive?
- A bridge is involved. . . what is the cost of the bridge?
- Voiced concerns over administration costs and maintenance?
- Estimate years to finish the project?

Dori Skrukrud– Answers to questions

- Purchase price would be \$280,000.00
- Purchase is from the Ueland Ranch LLC
- They would require an access easement to move cattle, the other investment is the provision of a bridge across Silver Bow Creek. Important to keep cattle off the restored banks.
- Bridges range from \$100,000.00 to \$120,000.00 . . . expect it to be less

CEO Everett - Provided a recap of money allocated for the trail (23.6 million) approximate amounts spent by the DEQ for clean-up and what remainder would be left. Skeptical if there is enough money left to finish the project. The Greenway Trail is a fantastic idea. The largest percentage of the trail is in Butte Silver Bow and there are elaborate rest areas for the Butte-Silver Bow section. Would like to see some money spent on the Anaconda-Deer Lodge County side. There are even rumors that a mill would be required to finish the trail. Believes that there is a shortage of about a half million and that does not include optional items. The dollars do not add up to get this finished.

- Dori Skrukrud – Only 3 miles are in Anaconda-Deer Lodge County. That does not mean that we are not dedicated to seeing this project completed. The DEQ should be finished in about 2022 and the target date for completion is 2022-2023. Stated that there is enough funds to purchase and install the bridge. There is some latitude in using some of the funding.
- County Attorney Krakowka – The CEO is bringing up some good points. There is concern about the money that has been spent. The Anaconda-Deer Lodge County side looks like a one lane dirt gravel road. This project will utilize all the funds.
- Robin McKernan, President of the Anaconda Trail Society - Also Share Bill's concerns about funding. Our group and the Citizens of Anaconda would like to see this happen. The part of the trail in Deer-Lodge county needs to be completed; but not a responsibility of the citizens.

- Commissioner Hart – The CEO's concerns are legitimate. The trail should be the same quality from start to finish.

Place on the Agenda

### Miscellaneous

**Commissioner Huotte** – No Miscellaneous

**Commissioner Gates** – No Miscellaneous

**Commissioner Smith** – No Miscellaneous

**Commissioner Hart** – No Miscellaneous

**CEO Everett** – Regarding Statements from Donna Shewey referring to the Smelter City Recreation Center frustration. I am sure they are frustrated but would like to give you some exacts. We spoke on January 23<sup>rd</sup> to discuss details of a contract. There is no paperwork with any documentation. The next meeting was February 10<sup>th</sup> with their attorney Ken Connors. Talked of some possibilities. Since February 10<sup>th</sup> I have had no communication with anyone and have not received any documents. I am not stalling or holding onto information. Would love to see some documents or some ideas of where they are trying to move forward.

- Donna Shewey – We went to the Commission 3 years ago and 2 years ago. The last meeting, we went to the Commission with a huge presentation. The Commission said we could have 15 acres with an optional 15 acres. We started with Mike Grayson as our attorney, and because of a conflict of interest we have gone with Ken Connors. We had to raise 3 million to get the deed; you as the CEO has told us that. At our last meeting with you we were going to hire the Bannack group to do a feasibility study. Our attorney would meet with them and bring you back an agreement. You have not had that on your desk, because Ken has been sick. We are frustrated in that we have done the planning commission process, have done 2 surveys and had no idea that our property had been changed. We had an agreement. CEO Everett keeps changing what he wants in that agreement. You are establishing a precedence with allowing other developers to not follow process with the planning commission, not having to wait for work sessions, and the commission to sign off on invoices, surveys, etc. We had to follow process and we continue to be sidetracked and not notified when you have made a deal with the hotel to change our site.
- CEO Everett – Just to be clear I have not talked with anyone since February. Would love to have some discussion.
- Donna Shewey – The County Commissioners make the decision. That is why we are concerned when you want full authority to sign off. Willing to expedite everything with the hotel. This is a volunteer group that has worked thousands of hours and you have done nothing but sidetracked us because we are nonprofit and do not bring in tax dollars to the community. Feels discriminated against because we are a nonprofit.
- CEO Everett – The proposal to expedite was not my idea, that was legal advice to get things taken care of. I do follow legal guidance.
- Donna Shewey – This contract needs to go before Mr. Everett. He has told us that he is the one to sign and has authority to sign the agreement. Hope he has it signed in 2 weeks.
- CEO Everett - I cannot sign an agreement without the commission agreeing to the details.
- Donna Shewey – We will follow process.

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**CEO Everett** - We have received 5.25 million from Atlantic Richfield today. Construction is going fantastic. We are still dealing with Corona and have been successful with what funds we have received. We may need to have a meeting soon to see if we need to take further action. We have limited cases but may need to react quickly.

**County Attorney Krakowka** – No Miscellaneous.

**Public Comment –**

No Public Comment Given

**ADLC Public Meeting Dates**

Commissioner Hart read the meeting dates and times. Reminder that following this meeting is a short special commission meeting.

**Adjournment**

Meeting adjourned 8:00 p.m.



Lori Sturm  
Clerk of Commission



Kevin Hart  
Commission Chair