

**ANACONDA DEER LODGE COUNTY
COMMISSION WORK SESSION
6 P.M. TUESDAY, JULY 28, 2020
COURTHOUSE COURTROOM
Webex**

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

Excused Absence: District 4 Commissioner Paul Smith

Webex Facilitator – Kimberly Richardson

Members of the Press: No Press present

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

Reminded that there would be a Special Commission meeting following the work session.

PRESENTATION – West Valley and Opportunity Mosquito Control

Chad Gochanour, Chair of West Valley Board – Informed the Commission about the mosquito fogging, it was fogged last week, scheduled to fog twice this week, and twice weekly for the rest of the summer.

Explained that it all depends on the weather.

- **Linda McGillan, Chair of Opportunity Board** – We called for a 1st spray on June 23rd and he was coming on the 24th. On the 24th it was too windy to spray. It cannot be sprayed if it is windy or too late in the evening. On the 26th he was on his way, but his truck broke down. If it is running too late, they must delay because the mosquitoes are not out. It was sprayed on the 20th and there have not been a lot of mosquito's since then. We usually get a lot of calls . . . but so far, we have had no calls. If you have an issue, please call and let us know. We will get on it and get it sprayed.
- **Commissioner Hart** – Sounds like you are on top of things.

PUBLIC HEARING/SECOND READING OF ORDINANCE 262, An Ordinance Creating an Economic Development Advisory Board and Establishing Its Powers and Duties

Commissioner Hart – We went over the proposed ordinance and some people asked for a change from a 7-member board to a 9-member; we requested the planning director and 2 citizens at large. Those comments were heard and acted upon for this second reading.

- **CEO Everett** – We listened to the community and they had some different ideas and those were included.

Commissioner Hart – Opened the meeting for Public Hearing for comment at 6:08.

- **Rose Nyman** – Thanked everyone for the changes that were made. I know that the larger a board gets it is sometimes hard to reach a consensus. I noticed that this ordinance is missing the statement that “Board members shall serve without compensation”. Does anyone know why that was left out? It is usually included when an ordinance creates a county board. Also believes there are too many elected officials but will see how it works out.
- **CEO Everett** – Will get the statement about serving without compensation added.

Public Hearing Closed at 6:12

Resolution 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 Twelve (12 mills) Permanent for the Operation of the Hearst Free Library.

CEO Everett – A couple of mills signed every couple of years for the voters to vote on. Usually they vote for about 4 mills, but this is misleading. What people don't realize is that the Library costs us a lot more than 2 mills and actually is about 12 mills per year. This would equate out to about \$150,000 per year. The goal is not to raise more taxes, if we are able to get the 12 mills, there is a direct reduction in the mills that the county asks for from the general taxpayer. The net effect to the taxpayer will be zero. However, the taxpayer will realize the money they are paying will actually be funded for the library and understand that it is not a 2-mill operation but a 12-mill operation. It is very justified and will protect the library for many years to come. Right now, our community is very supportive of the Library. This would provide a concrete financial footing for the next 20 to 30 years. The money they are asking for is still very minimal. I want to restate that if we do get the 12 mills for the Library, we will reduce the mills for the general fund by 12 mills. No increase in tax.

- **Sam Walters, Librarian** – This is a way to lock in the money for the library for the future. This is not going to increase anyone's taxes, but this is something we will have to inform people about.
- **Rose Nyman** - Looking at this, the numbers do not add up. The Library requesting 12 mills has a total of \$39,912; Head start requesting 4 mills has \$53,224. Something is wrong.
- **Sam Walters** - Normally we ask for 3 temporary mills every 2 years which roughly comes to about \$37,000. The other mills that fund the Library come from the general fund. Would like to get this locked in place to get a baseline for the operation.
- **CEO Everett** – What Rose is saying makes sense. We want to do 12 mills and will double check with the treasurer. This should be in the \$120,000 to \$140,000 range.
- **Rose Nyman** – These numbers must be correct to be placed on the ballot.
- **CEO Everett** – Will have to talk with the Treasurer and look at the calculations. Rose you are right on track
- **Commissioner Vermeire** – There is a snafu in the math. The \$39,912 that would be correct if 3 mills was used. Believe a template was used and that number was not changed.

Place on the Agenda

Commissioner Hart – Bill will make sure that we get the corrected figures before next week’s meeting.

Resolution 20-18, 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 Four (4) Mills Providing for the Operation of the Anaconda-Deer Lodge County Head Start.

Mandy Boyer, Head Start Director – Asking for this to be on the ballot. This provides help with funding for transportation and building costs. I am asking for this to be placed back on the ballot.

- **Commissioner Hart** – This is the same 4 mills that has been done in the past.

Place on the Agenda

Head Start is seeking approval to submit a Grant Application into the regional office for the purchase of the Dwyer School Building.

Mandy Boyer, Head Start Director – We spoke earlier about Head Start submitting an application for Federal funds to purchase the Dwyer Building to get into a bigger space. If we get the Early Head Start grant; it would be housed there also. This is just getting formal approval from the Commission to submit an application.

- **Commissioner Hart** – Questioned that this is for the Dwyer Primary on Tammany
- **Mandy Boyer** – Yes, we would be purchasing the building from the school district. Requesting the funds from the federal office.
- **CEO Everett** – This is something we have been working on for about 10 months. We had this discussion in D.C. and both US Senators are behind this. I am extremely optimistic we will receive this funding as well as funding to do the necessary improvements. Thanked Mandy for getting this done. It will be a great benefit to the community.
- **County Attorney Krakowka** – Great use of the building.
- **Colleen Riley** – Agree that this is great use of the space. Pleased to see the support of Commissioners, the school district and Head Start.
- **Commissioner Vermeire** – When we had the visit from Mark Heinert (Regional from Denver); we talked about the building and the acquisition. He was positive about the plan and thought it was a good use of the federal money.

Place on Agenda

FY 2021 Extension Service Agreement between Montana State University Extension and Anaconda-Deer Lodge County

CEO Everett – MSU Extension reaches out in a lot of different ways in the community. I stressed when Kimberly came on board . . . I wanted the MSU Extension office to help the youth in our community. Kim is doing a great job at that. During the Corona situation Kimberly was one of the first people to help us, and she is running the meeting tonight. Ask to continue the support for MSU extension and Kimberly herself.

- **Kimberly Richardson, MSU Extension** – Thanked everyone for their graciousness shown through the unprecedented times and all the events that we had to cancel for our youth. We are still trying to go forward with our 4-H plan. Because of the CEO and the Commission . . . because of you I get to continue my job. Our youth has had a lot of heart ache and a lot of things are not happening. We are working with a lot of different coalitions to give them something to look forward to. It is my pleasure to learn from county and be a helping hand. That is the mission of the university . . . to provide field faculty to help in an array of different things. Looking forward to continuing in the community.
- **County Attorney Krakowka**– Kimberly has been doing a good job. Appreciate when she says, “I have an idea and think I can help”. The Webex meetings are a good example.
- **Commissioner Hart** – Kimberly has done a fantastic job for Anaconda-Deer Lodge County not just the normal extension duties but taking care of Webex meetings has been valuable.

Place on the Agenda

2019 Volunteer Fire and Rural Fire Assistance Grant.

RJ Tocher, Fire Chief – Anaconda Deer Lodge County Fire Council has received a 2019 Volunteer Fire and Rural Assistance grant for additional funding totaling \$1000.00 to be used for firefighting equipment. The fire Council consist of the Anaconda Fire Department, and the volunteer departments. (West Valley, Georgetown Lake, Opportunity and Lost Creek). The \$1000.00 would be divided equally between the five departments. Asking for approving the additional funding for the VFA grant.

- **CEO Everett** – In support of this. Thank you, RJ
Place on the Agenda

2020 Volunteer and Rural Fire Assistance Grant

RJ Tocher, Fire Chief – The Council has received the grant for \$12,000 to be used for firefighting equipment. The fire council consists of all the departments in the county. The \$12,000 would be divided equally between the five departments, which would be about \$2,400.00 per department. All departments would be required to pay their share of the \$266.80 match Ask the CEO and Commission to accept the grant and commit the \$266.80 share to meet the Anaconda Fire Department’s share of matching funds.

Place on the agenda.

Updated Lease Agreement between Anaconda-Deer Lodge County Public Health and the Anaconda Local Development Corporation

CEO Everett – This is a contract of expansion of our Public Health Department due to Corona situation. We can get some additional funding as we are using part of the ALDC as a storage facility and the headquarters for our response to COVID epidemic. All funds are being reimbursed dollar for dollar

- **.Leigh Ann Holmes, Public Health** –When we first leased the space, we had 2 options, and we chose the site best suited for a clinic. As COVID started we expanded to the other side for storage. You signed a temporary lease for 6 months. We secured enough funding to continue this lease for

both sides and they (Local Development) agreed to do the upgrades to the other side such as painting and flooring. This is all covered by the grants so no additional expense to the county.

Place on the Agenda

Application for a Major Development Permit (MDP) to operate a septage land business in the East Valley Development District - Request for the Commission to set a Public Hearing Date.

Commissioner Hart – Looking at a Public Hearing of August 18th.

Carl Hamming, Planning Director – This was a Major Development Permit application that came before the planning board last week. Since this was an MDP. . . we had to hold a public hearing. The planning board voted 5-0 to bring to the commission for approval of the application. Explained the reason they had to go through the planning board was because they needed DEQ review/approval and for zoning compliance. That triggers the Planning Board to look at this. The DEQ application requires that they have planning board permission and are following local zoning laws.

Place on the Agenda

Commissioner Hart – Public Hearing on August 18th of 2020.

Contract between Pintler Pets and Anaconda-Deer Lodge County

CEO Everett – We have not had a contract with them for about 9 months. We had some differences on what works for both entities. With the new animal enforcement officer, we believe this will work at these rates. It is in the best interest for the county to continue. We don't put as many animals forth to their services as we used to. It is in the best interest for both entities.

Place on the Agenda

Washington Street (Petition)

CEO Everett – Believes we are premature to discuss this tonight. Would like some legal guidance from MACo as well as outside legal representation. This is a situation that could go bad if not handled properly. I would like some second opinions before going forth.

- **County Attorney Krakowka**– At this point there previously was a problem in that the process wasn't followed in that a petition wasn't filed before it came to the Commission. Now a petition has been filed by AFFCO, we have 30 days for a site examination by Commission. The previous abandonments were not effective, for the road in front of Mr. Puccinellis' house or the road on the other side of the AFFCO fence because there was no petition. AFFCO has now filed a petition asking for this to be opened. Once filed the Commission has 30 days to do examination. After that you can make a decision as what you want to see done, to be abandoned, opened or a dead-end street. That decision will lie with the Commission.

- **Rose Nyman** – Question for Mr. Hamming . . . Refers to the district and what the boundaries are.
- **Commissioner Hart** – Are you looking for the boundaries of the streets in question in the petition?
- **Rose Nyman** – It refers to the district, but it doesn't tell what the district is.
- **Carl Hamming, Planning Director** – For Anaconda Deer Lodge County the entire county is the road district. District refers to the entire county.
- **Rose Nyman**– Questioned if the people who signed the petition must live within a certain number of feet.
- **Carl Hamming, Planning Director** - They just have to live within the road district so just within the county.
- **Rose Nyman** – My opinion is that it is inappropriate for Mr. Krakowka to be involved because of an in-law employed by AFFCO
- **Marilyn Haggan Smith** – When this came up the first time, I commented about this situation, and we talked about notification and how that was being done. I was informed that people were notified door-to-door. The word abandonment and notification did not seem to be fulfilling of obligation of the county toward the citizens.
- **Carl Hamming, Planning Director** – We will be doing written notifications of petitions for road abandonment pursuant with state code. There will be notification of a Public Hearing to abandon a road as well as a written notification of what the Commission decides. Since we did receive a valid petition for reestablishment of road last week that does start the clock for the 30 days. We need to schedule a site visit with one of the Commissioners to adhere to that and then report back to the Commission and be in compliance.
- **Commissioner Hart** – This is the first-time the Commission has seen this and the fact that there is pending litigation it would be premature for the Commission to make comment on this. I believe an attorney by the name of Cindy Walker has been employed to investigate this and we have not heard from Ms. Walker. We need a site visit within 30 days; but we also need a conversation with legal counsel.
- **Commissioner Huotte** – Petitioner is the one with the litigation. I understand the 30 days, but the petitioner is the one with the litigation out there. We should not have 30 days when there is pending litigation on this subject property.
- **Commissioner Gates** – We need to make sure that everything is done correctly. A Commissioner could be with Cindy Walker when they do the site survey.
- **Marilyn Haggan Smith** – What does abandonment really mean?
- **County Attorney Krakowka**– Abandonment means it would cease to be a road and potentially cease to be county property and be privately owned.
 - **CEO Everett** – I would like to schedule a private meeting with the Commissioners, myself and Cindy Walker to get her guidance step-by step. Perhaps we could Schedule a Special Meeting or perhaps during the meeting next Tuesday. I don't know how we could go off-line from the public meeting to a private meeting. I would like you to hear from Cindy directly, but that conversation shouldn't be necessarily public.
 - **Commissioner Hart** – I believe the legal process would be that during the Commission meeting we could break to a closed-door session with the attorney. We could then come back to the open meeting. If the Commission was to take any action it would then be reported. By state law we must record the private conversation and it gets sealed. Could you arrange for Cindy to be with us next week.
 - **CEO Everett** – I will do the best I can.

- **County Attorney Krakowka** – Reported that he sent Cindy and Katie Green an e-mail

Chairman Hart & CEO will do a Referral for Legal Advice

Willow Glenn Road Paving Project

Commissioner Hart - This is also the item on the Special Meeting Agenda after the Work Session

Mike Johnson, Copper Environmental – We are looking to having the Invitation for bids to go out for the construction projects for the Willow Glenn Paving Project. Provided some highlights that the limits of construction would be from the Mill Creek Highway to the Bonneville power substation. This is for dust control and a reduction of maintenance costs. There is a culvert we would look at replacing. Engineer estimate is roughly \$400,000.00. Looking to have the Special Meeting to get through the advertisement process.

- **CEO Everett** – The funding will come out of the Mill Creek TIFID. That TIFID creates about 4 million dollars per year. This will provide dust control for our largest taxpayer which is NorthWestern Energy. My understanding is that they spend literally hundreds of thousands per year on dust filtration for the facility. Hopefully they will see our support of the operation. Mike Johnson and his team have done an amazing job getting this together and another construction job we would like completed this year.

Phase I/II Assessment of the Hotel Parcel in the East Yards.

Elizabeth Erickson, (WET) – So this is the Phase I assessment for the hotel properties, and this is required by the bank to transfer the property. Look and make sure there are no environmental issues that are non-superfund.

- **CEO Everett** – This is part of the process. We are trying to do everything right at a fast pace. This is one part of the development of the East Yards that needs to take place to create the development we all see.
- **Commission Hart** – Are we OK to consider this on the next Business session on August 4th or do we need to have a Special meeting this coming Thursday?
- **Elizabeth Erickson** – Next week is fine.

Place on the agenda for August 4th

Request for Reappointment by Scott Swan to the Anaconda-Deer Lodge County Library Board.

County Attorney Krakowka– Scott will do an excellent job.

Place on the Agenda

Miscellaneous

Commissioner Huotte – Contacted by a resident regarding Fire Lane and Lodgepole Lanes having issues and washing out. Is there anything the road department can do? Informed the Commission that he will not be present next week.

Commissioner Gates – No Miscellaneous but a Question for the Mosquito Board. Do they do any spraying in Anaconda?

- **CEO Everett** – Nothing we have ever done

Commissioner Vermeire – I now have maps of the mosquito districts. A map of Opportunity and West Valley that pay into the mosquito district funds. Our ordinances don't align with those areas and we need to get those in line. Need to get emails and will send them copies of the maps.

Commissioner Hart – Questioned if there were any Updates on COVID for the last few weeks.

- **CEO Everett** – Corona is in the Anaconda Community. We have people quarantined and have a ton of people getting tested but getting the results is frustrating. Almost irrelevant if you get the test results back 12 days later. The state is trying to do better with MSU doing the testing. Ask everyone to wear your mask.

CEO Everett - There are a lot of boards such as the mosquito boards. Receiving complaints about boards is difficult because these people are not our employees. Would like to see the Commission set a 12-month agenda that the boards are given a time to report to the Commission what they are doing.

- Discussion followed between Commissioner Hart and Commissioner Vermeire. They discussed that the Ordinances that creates the boards speaks to the frequency that they need to report. All boards have a requirement to present to the Commission at least once or twice a year. The Boards also need to turn in minutes to the Clerk of Commission within 5 business days after the meeting. The minutes are then kept on file. Commissioner Vermeire clarified that minutes are not minutes until after they are approved, until then they are referred to as meeting notes.

County Attorney Krakowka – No Miscellaneous.

Public Comment

Rose Nyman – Provided a follow-up on Board reports. It usually is stated in the by-laws how often they should report to the Commission. I am as frustrated as the Commission that those reports are not being given. The Historic Preservation Board has been good about providing reports but that is one of the few.

Mike Grayson – We are nearing completion of the Buy/Sell agreement with Mike Johnson and “Show me Anaconda” for the sale of the lots in the east yards. That needs to be put before the Commission for approval. Hopefully by the end of the week that will be completed. Would like it on the county website and would like it on the meeting next week for a vote. We would like to close by August 7th. Another thing that requires Commission approval for CEO to sign.

Commissioner Hart - We could get that on next weeks agenda under New Business. Could be placed on the website for the public to review.

Place on next week's agenda under New Business, have on the website for the public to review.

CEO Everett – Sounds like a great idea. Lori will have on the agenda for next week.

ADLC Public Meeting Dates

Commissioner Hart read the meeting dates and times

Commissioner Hart – Reminder of the Special Commission meeting for action on the Willow Glenn Paving Project following the Work Session

Adjournment

Meeting adjourned at 7:16 p.m.



Lori Sturm
Clerk of Commission



Kevin Hart
Commission Chair