County Commission Meeting Minutes
August 2, 2022

ANAconda-Deer Lodge County
Commission Meeting
6 P.M. Tuesday, August 2, 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: No Press Present

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 July 19, 2022.

Motion made by Commissioner Smith to take action to approve the Minutes from the Commission meeting of July 19, 2022; Seconded by Commissioner Gates.

Motion Carried 5-0

Approval of Claims

Commissioner Hart – There is over $113,000 for Butte Silver Bow for the Solid Waste Assessment for the landfill, over $329,000.00 for Hoffman R&M for the East Yards Phase II, $300,000.00 for the Murdoch’s Development for the Economic Development Grant and another $300,000.00 for the Economic Development Loan. There is a little over $277,000.00 for MMIA for Insurance. The Total amount of Claims minus those, make up 83% of the total amount of Claims. There are some big projects.

Motion made by Commissioner Hart take action to authorize the payment of claims numbered 139666 through 139782 in the amount of $1,593,623.93 Seconded by Commissioner Smith.

Motion Carried 5-0
REPORTS OF BOARDS, COMMITTEES AND OFFICIALS

- **Commissioner Hart** – On July 24th I attended the Veteran’s Day Memorial Dedication. It was well attended and was a moving experience. In July there was a Park and Recreation Meeting. There was no quorum. Toni Hofland, Park and Recreation Chair has reached out to the school district. This is a 7-member board and 2 of the members are recommended by the school district to the Commission. She has reached out to the school district to see if they would be interested in reducing that to 1 member, and if they did . . . we would be able to reduce a public member down by 1 and then we would have a 5-member board. If that is something they would be interested in; I would prepare an amended Ordinance to come before the Commission and if approved would draft new by-laws.

- **Commissioner Gates** – I also attended the Veterans Memorial Dedication on July 24th. There was a nice turnout and the weather cooperated.

- **Commissioner Smith** – Nothing to Report.

- **Commissioner Vermeire** – Attended the Veteran’s Memorial Dedication. On July 13th I attended the Economic Development Board meeting, and the Airport Board meeting.

- **Commissioner Huotte** – On the 24th I also attended the Veteran’s Memorial ceremony. On the 28th I attended a Health Board meeting, and yesterday the Old Works Golf Course Board Meeting.

- **CEO Everett** – I was able to attend the Veteran’s Memorial. That was one of the coolest things that has happened in this community. It is one of the few times in my life I wasn’t able to speak, I was choked up. I want to add that 4 of our commissioners were there, the County Attorney and even the district judge. Everyone showed up . . . that is part of our jobs. Also, I attended the Economic Development Board meeting. All our construction projects are going forward. This is the time we start getting nervous about finishing projects. There are some challenges ahead.

  - Have you been to the Duck Pond lately? There is not a duck or goose, it is a big mosquito pit. The intentions were beautiful. What we have is not working and we need to do something different. I think we could change some things and the idea would be a splash park for kids. I traveled around the state and looked at the different splash parks. Let’s get some idea’s and make it unique to Anaconda, maybe some features that represent the smokestack, or some of the big bucket trucks that would dump water. This is one of the first years when looking at the budget, we have done phenomenal changes in the last 5 years. We have paid off the County debts. We have done some great infrastructure: a new waste-water treatment plant, upgraded the water system, streets, curbing, sidewalk, and new streetlights. We have a long way to go but I believe it is time to give back to the community, and it could be the splash park. We did our taxable valuation with the state of Montana. It values the taxable assets in our county. The increase in our taxable value of A-DLC in one year went up $38 million dollars. All the efforts has been to increase the tax base. Increasing the tax base is the derivative of the income one receives to do these cool projects. Splash Parks are expensive. I am
estimating close to a three-quarter million-dollar project. We have the excess funds and will still continue with road construction.

- In attending events at Kennedy Common, there are some deficiencies: there are no restrooms. I would like to budget some money aside for restrooms, similar to the Fish and Game ones. At the Veteran’s affair they provided free food; but there is no place to eat. I would like to purchase 10 park benches and keep them on a trailer. If there is an event, that organization could rent the facility and the park benches. The county crews then could drop them off and pick them up. Another item that stood out was the flag. I like big flags. The flag at Kennedy Common is small and doesn’t look right.

- County Attorney Krakowka – I also attended the Veteran’s Memorial. It was great to see that many people in attendance and to see how proud Mickie was.

PUBLIC HEARINGS (2)

Ordinance #258 (A), Anaconda-Deer Lodge County Amended Fireworks Ordinance

Open: 6:16 p.m.

Sandy Wenger – I believe you are asking us to be respectful and focus more on the holiday. Shared a story about her brother-in-law who served in Vietnam and came home with PTSD. Before his retirement he was sent to the first Gulf War. He was in treatment for many years; fireworks were a particular issue. He spent 20 years in therapy and one of his biggest accomplishments was on the 4th of July one year he went to a casino to watch the fireworks. We have to respect our soldiers and what they are suffering. I am not against fireworks, but when they disrupt someone’s life. We can have fireworks, but they are for a specific reason . . . to celebrate the country.

- Ed Heim - I am in favor of cutting down the fireworks. They are not like they were 10 to 20 years ago. The Fireworks are going off till midnight, every night. I would like it cut down to 3 days and have nothing after the 4th.

- Rose Nyman – Spoke in support of the ordinance. We are a month past the 4th of July and I am still hearing them. The booms are loud and it is hard to tell what part of the community they are coming from. I remember a story about a WWII veteran in Opportunity who on the 4th of July sheltered under his bed. Fully support the change.

- Commissioner Hart – Read the written comments that had been received from individuals not able to attend the Commission meeting.

1. Peter and Dixa Swanson – Letter of Support for the Ordinance
2. Susan Fish – Letter of Support for the Ordinance
3. Steve Murphy – Letter of Support for the Ordinance
4. Nick Ewan – Letter Against the Proposed Changes

- Bill Willing – I am a 38-year veteran. I represent myself and all 110,000 veterans in the state of MT, their spouses, and their dependent children. I feel I am qualified because I have been twice appointed as Chairman of Veteran’s Affairs for the state of Montana to
represent all 110,000 veterans, spouses, and dependent children and I have been appointed to be chairman of the veteran’s home site selection committee. Not to brag but I am a decorated war veteran. I served 2 tours in the Vietnam War; recipient of combat awards of Silver Star, distinguished flying cross, 5 purple hearts, and 20 air metals. On behalf of these veterans and families we have fought to protect the government you are now representing. What goes on now is not understandable to any of us. The National Fire Association has identified what the issues are. The National Fire Associations goal is to prevent fire loss, damage to property, deaths and that is what fireworks represent to the overall population. As a veteran the sounds of fireworks . . . is not the sounds of freedom. It is the sounds of war. They are howitzers, rifle shots it affects not just the veteran but their spouses, and animals. I have only lived here 15 years. When I retired, I asked my bride “Where do you want to live”? She didn’t say Anaconda but said she wanted to go home. I have learned to love this community, but I do not understand why the elected representatives cannot put an end to unnecessary noise.

Closed: 6:32 p.m.


Open  6:33 p.m.

Commissioner Huotte – Called for Public Comments three times. No Comments Given.

Closed 6:33 p.m.

UNFINISHED BUSINESS

Commissioner Hart- Prior to December of 2019 the Ordinance was changed to what it is now. The sale and use was July 1 – 5. When they made the change is when it went from June 24th to July 5th. The reason for the change so it was the same dates as Butte Silver Bow had for sale and use. We were having an enforcement problem with people buying fireworks in Butte and lighting them here. Butte Silver Bow recently changed their ordinance to the 27th ending on the 4th. This change if approved would be for sale and use from July 1st – July 4th. Feels we will still have enforcement problems. It is difficult to enforce an ordinance like this. Law Enforcement probably does not like to write tickets for these types of things. To catch and apprehend can also be difficult. The biggest issue will be enforcement; without enforcement they are useless.

- Commissioner Gates – This is hard, and we try to take the middle ground. At the moment this is probably the best we can come up with. It will be a battle to make everyone happy.
- Commissioner Huotte – Commented about enforcement. It will be hard to enforce.
• **CEO Everett** – I believe what you have heard tonight is a small sample but representation of what the community is feeling. I have been in the seat for 5 ½ years and my phone has never lit up as it has during the 2 weeks around the 4th of July. Some of these people had not slept in days. My personal view “I love America”. I love the 4th of July; it is a great celebration. We are not doing anything to halt the celebration of the 4th of July. But to do this for 2 weeks, I don’t understand. I have heard from veteran’s, pet owners, and people who just work. These are not the same fireworks we grew up with, these are bombs. The more fireworks that go off on the 4th as opposed to June 26th it will make our celebration bigger. Enforcement, 911 is called and the police respond. Someone would say I am trying to sleep it is June 26th at 11:00 p.m. The neighbor is just lighting off stuff. People do not get the concept of respect. The individual asks if it is against the law and the answer is “No”. There is nothing the police can do. At least with this our enforcement will be able to give a ticket. They will have a tool to help deal with the situation. I have also talked to vendors. They reported sales were slow. Things don’t kick off until the 1st of July. Realistically they will sell just as many fireworks in 4 days as 14 days. It is a better business model. Four days of allowing this is still liberal. Asked the Commission to support this.

• **County Attorney Krakowka** – I don’t anticipate a huge number of cases from this. If an individual is informed that they are not to be lighting off fireworks, they apologize, or reply they forgot, and they stop. This ordinance will deal with an incredibly small subsection of individuals. They will get a ticket, but probably only a couple of tickets a year.

• **Ed Heim** – Law Enforcement whenever we called on them, they did a great job. Tickets should start at $100 and go up to $500.

**Ordinance #258 (A), Anaconda-Deer Lodge County Amended Fireworks Ordinance**

Motion made by Commissioner Vermeire to take action to approve Ordinance #258 (A), Anaconda-Deer Lodge County Amended Fireworks Ordinance; Seconded by Commissioner Hart.

Motion Carried 5-0


Motion Carried 5-0
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Service Agreement and Memorandum of Understanding Between Anaconda-Deer Lodge County and the Hearst Free Library Board of Trustees

Motion made by Commissioner Smith to take action to approve the Service Agreement and Memorandum of Understanding Between Anaconda-Deer Lodge County and the Hearst Free Library Board of Trustees; Seconded by Commissioner Hart.

Motion Carried 5-0

NEW BUSINESS

Memorandum of Agreement between Bonneville Power Administration and the Montana State Historic Preservation Office (ADLC is an invited signatory) which includes $25,000 grant to repair, maintain, and restore the historic building at 1612 Smelter Rd.

Carl Hamming – Gayla Hess with our Historic Preservation has been working with the state Historic Preservation office. Bonneville Power is selling the substation on Willow Glen Road to Northwestern Energy. As part of the transaction historic mitigation is a required component. The County has been involved in conversations with BPA. In the Memorandum of Agreement, it is a $25,000 grant and the proposed project is to rehab the Guardsman’s Cabin. This is a 2-part item. The first is signing the MOA with the state historic preservation office as well as BPA. The next item on the agenda is to approve the work that Gayla has prepared and has worked with our building inspector to get quotes and oversee the work.

Motion made by Commissioner Smith to take action to approve the Memorandum of Agreement between Bonneville Power Administration and the Montana State Historic Preservation Office (ADLC is an invited signatory) which includes $25,000 grant to repair, maintain, and restore the historic building at 1612 Smelter Rd.; Seconded by Commissioner Gates.

Motion Carried 5-0

Rehabilitation project of the Lower Gate (also referred to as the guard shack or the guardsman’s cabin) at 1612 Smelter Rd.

Rose Nyman – Spoke in support of the project. This is badly needed. This is a great opportunity. The other day I was on that road and there were 6 vehicles at the interpretive site. It was such a mess. Personally, I prefer Option 2.

Motion made by Commissioner Hart to take action to approve the Rehabilitation project of the Lower Gate (also referred to as the guard shack or the guardsman’s cabin) at 1612 Smelter Rd.;
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Seconded by Commissioner Gates.

Motion Carried 5-0

Seymour Creek Communication Tower Lease between Reinhardt Ranch Company and Anaconda-Deer Lodge County

Carl Hamming, Planning Director – Mr. Mike Mueller of the Rocky Mountain Elk Foundation presented to you the proposed sale of the Reinhardt Ranch to the Rocky Mountain Elk Foundation. This would transfer ownership to the BLM. An outstanding item that needed to be cleaned up before the sale is the communication tower located on the Reinhardt Ranch property, but on the leased land that MDT has close to the sportsman’s campground. The purpose of the communication tower was for 911 purposes for the sportsman’s campground since there is no cell service in the Big Hole Valley. The lease was drafted by an attorney with the Rocky Mountain Elk Foundation. The terms are very favorable to get the sale done so that the sale can continue forward. It is a one-time payment of $1.00 for 30 years. The BLM has reviewed the lease and feels it is acceptable of the terms.

Motion made by Commissioner Vermeire to take action to approve the Seymour Creek Communication Tower Lease between Reinhardt Ranch Company and Anaconda-Deer Lodge County; Seconded by Commissioner Hart.

Motion Carried 5-0

Addendum No. 2 to Remedy Coordination, Funding, and Settlement Agreement. (Residential Attic Remediation

Carl Nyman, Superfund – This is an extension of our funding agreement with Atlantic Richfield from 2020. Specifically for the attic program it extends the term out to 2047. The first people were hired in May. We have 4 guys hired doing about one attic a week since June 29th. The agreement needed to be extended because we had negotiated for a 25-year program. This amendment allows the program to extend for 25 years.

• CEO Everett – Thanked Carl for doing a phenomenal job taking on this program.

Motion made by Commissioner Vermeire to take action to approve Addendum No. 2 to Remedy Coordination, Funding, and Settlement Agreement. (Residential Attic Remediation; Seconded by Commissioner Gates.

Motion Carried
MISCELLANEOUS

- **Commissioner Hart** – No Miscellaneous
- **Commissioner Gates** - Brought up the pedestrian cross walks. I have gotten to a point where I will not stop, if I stop then someone comes up behind me or in the other lane and I have almost had 2 people taken out. Commercial and Park belong to the DOT but there needs to be a flashing light or other enforcement. It is scary.
- **Commissioner Smith** – No Miscellaneous.
- **Commissioner Vermeire** – No Miscellaneous.
- **Commissioner Huottie** – No Miscellaneous
- **County Attorney** – No Miscellaneous.

PUBLIC COMMENT

**Rose Nyman** – Responded to some remarks the CEO made earlier. Restrooms at Kennedy Common are badly needed. I have long thought if 2 small structures were built on either side of the band stand, one for storage and one for bathrooms. One of the first public meetings about the Common, a local resident said “you attend an event, buy food and there is no place to eat. There was a meeting that talked about picnic benches and a local non-profit shot that down. You must have functional use, a place to sit and a place to eat and a bathroom. It has to be done or move the events to East of Anaconda. Asked Chairman Huotive “What Street will be blocked off Saturday for the Scramble”? I was told that it has to be part of the Special Event Permit so that the first responders know where they can drive. Not sure if a street can be blocked without permission. There is a lot going on at the Common that day and I do not see how you cannot block off something for them to organize the race.

**ADLC Meeting Dates and Times**

**Commissioner Huottie** - read the meeting dates and times.

ADJOURNMENT

Meeting Adjourned at 7:05 p.m.

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Lori Sturm  
Clerk of Commission

Mike Huottie  
Commission Chair