

ANACONDA-DEER LODGE COUNTY
COMMISSION MEETING
6 P.M. TUESDAY, September 05, 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), CEO Bill Everett, County Attorney Ben Krakowka, and Clerk of Commission Seanna Zacher

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 August 15, 2023; and the Commission Work Session of August 22, 2023

Motion made by Commissioner Gates to take action to approve the Minutes from the Commission meeting of August 15, 2023; and the Commission Work Session Meeting of August 22, 2023; Seconded by Commissioner Huotte.

Motion Carried 5-0

Approval of Claims

Motion made by Commissioner Huotte to take action to authorize the payment of claims numbered 142827 through 142926 in the amount of \$189,650.55; Seconded by Commissioner Beausoleil.

Motion Carried 5-0

REPORTS OF BOARDS, COMMITTEES AND OFFICIALS

- **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.
- **CEO Everett** – Last week a team of us went to Wyoming and met with Patriot Rail to further negotiations on the County purchasing and acquiring the railroad property. The negotiations went fantastic but there are a lot of hurdles still in our way. The EPA and the State of Montana will be involved as well. Patriot Rail is very open to the concept, it will be an amazing acquisition for the County. This will change Anaconda for the foreseeable future. I had Carl Hamming and Carl Nyman with me on this venture and the prior week in Kalispell. The city of Kalispell had purchased the rail lines and rail operations in their city about ten years ago. We were able to see the benefits provided to their community. It's absolutely amazing to get this rail traffic and rail lines outside of the community corridor. I am optimistic, we have a lot of hard work in front of us, but things are headed our way.
- **CA Ben Krakowka** – I attended an ACI meeting, we planned for the upcoming school year different events to provide options to our youth after community events. These events limit drinking and driving and drug use in our youth in the community.

PUBLIC HEARING

John Sholey, CFO – Two weeks ago we had the preliminary budget, but it was not finalized. We have received the final numbers from the school, which was good news. Their mills are down from last year. The valuations did not change. We cut another twenty-five mills from the 2023-2024 budget, in total one hundred and forty-five mills decrease from last year. That is about \$415,000.00 less taxable from last year. We are going to have a really tight budget. Our capital budget stayed the same, personnel was the same, and debt is down quite a bit. We are in really good shape on the balance sheet. In your packet you should have the most updated information with the both the school and county mills for fiscal year 2023-2024.

- **CEO Everett** – Just to add to what Mr. Sholey was explaining, we went through the final numbers to see how they would actually apply to an individual resident. Eric Hoiland, the Treasurer provided that information and it was still a negative effect on our property owners. That is something that I am against, I am minimalization of tax to an extent that is maybe extreme at times. We went back through the budget, and we looked for places we could cut, how we could tighten it up. We are going to mill one hundred and forty-five less mills than last year. The school is cutting nearly one hundred mills. I don't think there is another county cutting as many mills trying to help the residents. The school did a fantastic job with their budget, I am very appreciative of that. Last year the county milled \$7.8 million, this year we are going to mill \$7.4 million. We are actually getting less money from the residents. However, the residents will most likely still see an increase on their property tax statement. This is due to one hundred and one mills being assessed by the State of Montana, which we have no control over. They will not cut their mills; you will see that Montana will have a huge overage of funds for these education accounts. This is not a rational move that they are making. Our mills went from \$14,000.00 to \$28,000.00, for every mill they get they doubled their money. I can promise you that the cost of their education and higher education did not double last year. Where are all these funds going? This is the question that every county is asking the State of Montana. It is before the Attorney General for an opinion for what kind of discretion that they have. Most likely they will move forward with this high mill allocation, I think you will see in a year or two, the State will act like Santa Claus and give it back to you. It's your money but there is nothing we can do about it; we are fighting like heck for you. Not only will we be getting less revenue from our residents than we ever have, but our overall budget has decreased even more so. Last year's budget, we ran expenses of \$35 million, this year we are at a little over \$30 million. We are running at \$5 million less than we did last year. All of the departments will have to be very strict with their budgets. Our upside is that next year we will receive the second half valuation of the Mill Creek TIFID that we closed this year. Long term this would not be fiscally responsible, proceeding like this but knowing that we will receive a couple of million dollars from the benefit of that Mill Creek, we think we can proceed very cautiously but very financially responsible in this matter as well. This will be one year we have to be really tight. If anyone has any questions, I would love to answer them for you. I would like to discuss a few highlights of our budget. One of our big ones always the Road Department, Road Capital Out Lay, we have \$2.5 million in that. One of the biggest expenses coming out of that is the \$1 million for the Mill Creek Highway. On this project they insisted that the first \$1 million to be spent is ours. After that they will provide \$19.6 million match, it's an amazing win for the county but it does put a dent in the local budget for the first year. This project will be a five-year project, even though we are spending \$1 million right off the bat you will not see progress for a couple years. Other projects that we are going to finish with our capital budget is Ash Street. We drove around town and decided that was the worst out of many roads that need repair. Another area we will start working on is West 5th Street. We are not sure how many blocks we will be able to proceed on, but we are going to start at the far west end moving east. Other projects we are looking at is Lost Creek Road, the last couple of years I have pushed really hard on that, we are not going to do any work on that next year. As I dealt with our Representative John Fitzpatrick, he told me to hold off. He still thinks that we can get State money to help with that project. We don't want to use our local resources for a project we believe we can get State funding for. Another project road that we see, and we know needs some help is the golf course road. I don't know a better name for that, it is out in Opportunity. Even though this road does not lead to anyone's residence it's a huge traffic pattern for the residents of Opportunity and for those who use the golf course. We are looking at what our options may be on this one. We are also looking at a planning grant for Opportunity as a whole. We can't go in and start working on those Opportunity Roads until we have the whole town surveyed. What we found in the past is that a lot of the road is in people's yards, and people's yards were not where the surveys showed. Its going to be a very complicated feature, its going to take probably a couple of years. We will first have it surveyed, have it

understood with landowners and then maybe some land swaps going on. The other thing is, you hear me say that we are basically debt free. We do have a little bit of debt left; it is on the lighting fund. This is an enterprise fund basically, so we can't use general funds to pay that off. Otherwise, we have plenty of cash to pay it off, it's a separate account. As the County operates, we are one hundred percent debt free other than that. Last year we had a service of about \$1.6 million in debt, this year we will have income from interest of nearly \$1 million. That is a \$2.6 million swing. It's moves like that they made this even possible what we are able to do for our residents. When these bills come out you are going to see a lot of other counties and cities, their residents are going to be absolutely destroyed. You see the fear in the headlines, its real, its going to smack people. I am proud to say that we have taken the most aggressive cuts than anyone. You're still going to feel it but it will be minimal. Everyone will feel it a little bit. It's not the school district, it's not the local county, it's State. All I can hope is the next legislature does some adjustments, property taxes need reform in the State of Montana. If there are any questions, my team or I would be happy to help you. Thank you.

Public Hearing – Establishing the A-DLC Budget for Fiscal Year 2023-2024

Public Hearing Opened: 6:16

No Comments Given.

Public Hearing Closed: 6:17

UNFINISHED BUSINESS

Resolution 23-21, A Resolution Establishing the Mill Levy for A-DLC for Fiscal Year 2023-2024

John Sholey, CFO – This is a formality that has to be done and sent to the State by October 1st, 2023.

Commissioner Gallagher – Mr. Chair, I am still lost on the mill levy for the TIFID due to the Opportunity Fire District. I am still trying to reconcile the fact that in 2019 the district received \$80,000 and now it only receives \$55,000.00. There has not been a mill reduction. In 2020, 2021, and 2022 it received a pittance. When your expenses exceed your revenues, you're headed in the wrong direction. Hence my concern about bankrupting. I have watched that fire department go from a position of being able to buy new equipment with cash to now having to finance a seven and a half percent loan. Equipment that could have been bought ten years ago for \$120,000.00 is now \$400,000.00. So, I am trying to reconcile what happened to the money, why the drastic decrease. It received its portion of the increment but that only bumped it up to \$55,000.00 still far from the \$80,000.00 it was receiving in 2019 before the valuations went through the roof. I do know the source of that money is a power plant, I have a rough idea of the market value of the power plant. Power plants also appreciate. I have been asking this question and I would like an answer.

Motion made by Commissioner Gates to take action to approve Resolution 23-21, A Resolution Establishing the Mill Levy for A-DLC for Fiscal Year 2023-2024; Seconded by Commissioner Beausoleil.

Motion Carried 5-0

Resolution 23-22, A Resolution to Adopt a Budget for A-DLC for Fiscal Year 2023-2024

J.H Delaney – 1708 Copper. Are you going to be going over this once again, like a second hearing?

- **Commissioner Hart** – We will be voting on this item this evening.
- **J.H Delaney** – May I suggest that you give more than a few seconds because I was going to come up here earlier, actually twice. On the notes, I was going to say I disagree with the notes. I just wanted to say that, thank you.

Motion made by Commissioner Gates to take action to approve Resolution 23-22, A Resolution to Adopt a Budget for A-DLC for Fiscal Year 2023-2024; Seconded by Commissioner Huotte.

Motion Carried 5-0

Preliminary Plat Approval for the A&A 2-Lot Subdivision at 312/314 Van Buren Street

Commissioner Hart – With the preliminary plat there is recommendations from the Planning Board, and my hopes are that they follow through. The property needs to be a little more presentable, its right next to the park, right next to Fourth Street, and right next to the State Park for the stack. They were able to acquire a couple of lots further down Smelter Road to take care of some of the vehicles that have been there for quite a while. I am hoping that will be cleaned up to look more appropriate and one of the recommendations is landscaping/fence; I am certain that these will take place before final plat approval.

- **Commissioner Beausoleil** – Mr. Chairman, are we going to put a timeline on when this needs to be done.
- **Commissioner Hart** – I believe the recommendation from the Planning Board is to have this completed before final plat approval.

Motion made by Commissioner Gallagher to take action to approve the Preliminary Plat for the A&A 2-Lot Subdivision at 312/314 Van Buren Street; Seconded by Commissioner Beausoleil.

Motion Carried 5-0

Chronic Disease Prevention and Health Promotion Program Subcontractor Agreement

Motion made by Commissioner Huotte to take action to approve the Chronic Disease Prevention and Health Promotion Program Subcontractor Agreement; Seconded by Commissioner Gates.

Motion Carried 4-1
Commissioner Gallagher – Dissenting Vote

Contract between Pintler Pets and A-DLC – David Josephson, Animal Control

Motion made by Commissioner Beausoleil to take action to approve the Contract between Pintler Pets and A-DLC; Seconded by Commissioner Gallagher.

Motion Carried 5-0

Resignation of Stormi Crisler from the Tax Appeal Board(Letter Attached)

Motion made by Commissioner Gates to take action to approve the Resignation of Stormi Crisler from the Tax Appeal Board; Seconded by Commissioner Gallagher.

Motion Carried 5-0

NEW BUSINESS

Resignation of Commissioner Mike Huotte from the Board of Commissions effective October 4, 2023

Motion made by Commissioner Beausoleil to take action to approve the Resignation of Commissioner Mike Huotte from the Board of Commissions effective October 4, 2023; Seconded by Commissioner Gates.

Motion Carried 5-0

Special Event – Wildlife Art Expo, Downtown, September 22-24, 2023 (Pending Certificate of Insurance)

Alicia Morley – The Art Expo will be September 22-24; we would like to close down Main Street on Saturday 10-4. We are going to have some events at Durston Park. We will have fish from the Fish Hatchery, the bear trailer, the bear dogs, a presentation with the bear dogs. We will have fly fishing and archery demos. There will be art displayed throughout downtown Anaconda with a reception at Glacier Bank on Friday night. We will have a wild game feed at the Elks on Saturday night, which is going to be really fun, you should all come. Does anyone have any questions?

- **CA Krakowka** – Sounds like a great event.

Motion made by Commissioner Huotte to take action to approve the Special Event – Wildlife Art Expo, Downtown, September 22-24, 2023; Seconded by Commissioner Gallagher.

Motion Carried 5-0

The Naming of a Privately Maintained Road Extending from Geary Gulch Road

Greg Bahr, Planning Department – This gentleman purchased some property up on Stucky Ridge, he is requesting the name of Mary Mo Drive. As you see, he has two choices but would prefer Mary Mo Drive. Research showed that this name will not conflict with anything else in the County. I would recommend approval for this as Mary Mo Drive.

Motion made by Commissioner Gallagher to take action to approve the Naming of a Privately Maintained Road Extending from Geary Gulch Road as Mary Mo Drive; Seconded by Commissioner Gates.

Motion Carried 5-0

Introduction/First Reading – Set Public Hearing Date for Ordinance 273, An Ordinance to Address the Conduct of Members of the A-DLC Commission, Chief Executive Officer, and County Attorney

Commissioner Beausoleil – Mr. Chairman, my personal feeling is that this can wait until the new Commissioner takes his seat. I think waiting a month is not that big of a deal.

- **Commissioner Gallagher** – Is that a motion to table?
- **Commissioner Hart** – A motion has not been made. I don't think it's necessary to wait on this item, it will take thirty days after passage for it to become effective.
- **Commissioner Gallagher** – I will second Commissioner Beausoleil's motion to table.
- **Commissioner Hart** – We do not have a motion yet.
- **CEO Everett** – I have read through the proposed ordinance; it was written very well. I appreciate your time and effort; this is definitely needed for the level of professionalism that A-DLC deserves.
- **CA Krakowka** – Commissioner Hart, thank you for bringing this to me for review. Commissioner Beausoleil is suggesting that we wait until we have a new commissioner but the professionalism and polite and appropriate conduct at a commission meeting never goes out of style. Having rules in place, regardless if the new commissioner has been selected yet is still appropriate.
- **J.H Delaney** – 1708 Copper. Am I understanding that this is for the entire panel?
- **Commissioner Hart** – Yes.
- **J.H Delaney** – A suggestion, it could be all verbal but also some non-verbal that is included in this.
- **Colleen Riley** – 1906 Ogden Street. I urge the Commission to take action on this item tonight. Thank you.
- **Rose Nyman** – For about twenty-five years I have been told that county boards, committees, subcommittees are an extension of the arm of the Commission. All the rules and regulations that apply to the Commission apply to the county boards. So, I am asking for clarification on one item in this proposed ordinance, page three, item number eight. I sat in board meeting where I saw a person throw a temper tantrum over this issue, to me it makes absolute sense. If you are personally involved, you abstain. For the record, I would like to know if that applies to boards, committees, and subcommittees.

- **Commissioner Hart** – I would have to say that is something that we need to discuss. It possibly could go into that part but that may be something that we would probably have to address in a separate ordinance that will be forthcoming soon on organizational boards. This is specific to Commissioners and conduct at Commission meetings and in public as well as the public's conduct. What you are alluding to is best handled in a separate ordinance that will be a main ordinance for all boards and their structures.
- **Rose Nyman** – This issue comes up fairly frequently. If you want it covered in another ordinance, I don't have a problem with that, but it needs to be covered. I think it is absolutely necessary to have this ordinance in place. I appreciate the work that went into it, thank you.
- **J.H. Delaney** – For clarification, Mr. Hart, you are saying that this would be the umbrella for other things to come underneath.
- **Commissioner Hart** – This is specific to the conduct of the Commission, Commissioners in meetings and in public. It does also include the CEO and County attorney when we are in a meeting.
- **J.H. Delaney** – So just people in general?
- **Commissioner Hart** – Right.
- **J.H. Delaney** – Thank you.

Motion made by Commissioner Huotte to take action to Set Public Hearing Date for Ordinance 273, An Ordinance to Address the Conduct of Members of the A-DLC Commission, Chief Executive Officer, and County Attorney for September 19, 2023; Seconded by Commissioner Gates.

Motion Carried 3-2

Commissioner Beausoleil and Commissioner Gallagher – Dissenting Votes

MISCELLANEOUS

- **Commissioner Huotte** – No Miscellaneous.
- **Commissioner Gates** – No Miscellaneous.
- **Commissioner Gallagher** – No Miscellaneous.
- **Commissioner Beausoleil** – No Miscellaneous.
- **Commissioner Hart** – No Miscellaneous.
- **CEO Everett** – The Montana Department of Transportation has agreed to oversee the management of the Mill Creek project. That is a huge win for us as they have a much larger staff and professionals and experience. Very appreciative of them assisting.
- **CA Ben Krakowka** – There are many District Court trials coming up, I will try to let the Commission know as soon as possible if the court room will be tied up with those.

PUBLIC COMMENT

Jessica Wicks – 219 W. Third Street. I serve as the Commander of the Search and Rescue. We realized the area where our building is at is being developed and we are an eyesore. We have done some work to the building; we repaired windows and did some work to the interior. We have received two bids, one contractor out of Stevensville bid of around \$46,000.00 and one out of Bozeman for \$28,868.00. Plans are to remove the metal, which is attached by rivets, proper disposal of barn doors. Our windows had been installed improperly, so they will fix that. They did take paint sample test and it came back positive for lead; this increased the bid by \$6,424.00. They will have to remove the rivets by chiseling instead of grinding them off and properly dispose of them. This brings the total bid to \$35,292.00. We have mill levies and we are able to fund this just not all at once. I am here asking for a loan that we can repay over two years with interest to the County. We could get this done before snow flies with your approval.

- **CEO Everett** – We did get the contract drawn up today, it will be ready for the Commission next week. We are really trying to clean up the eyesore properties. Working with Jess, we agree that it needs to be done. We can loan them the money to be repaid over the next two years. There is no extra cost to the taxpayers. The folks at Search and Rescue will end up with a beautiful building down there. You guys will see that next week.

- Commissioner Hart – It is a county building?
- CEO Everett – Yes, it is a county building. We are just putting our money with Search and Rescue but it's coming right back to us. Thank you.

J.H Delaney – My only suggestion would be longer pauses in between transition into the next subject matter.

ADLC MEETING DATES AND TIMES

Commissioner Hart - Read the meeting dates and times.

ADJOURNMENT

Meeting Adjourned at 6:48 p.m.


Seanna Zacher
Clerk of Commission


Kevin Hart
Commission Chair