

ANACONDA-DEER LODGE COUNTY
COMMISSION MEETING
6 P.M. TUESDAY, September 19, 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), County Attorney Ben Krakowka, and Clerk of Commission Seanna Zacher

Excused Absence: CEO Bill Everett

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 September 05,2023; and the Commission Meeting of September 12, 2023

Motion made by Commissioner Gallagher to take action to approve the Minutes from the Commission meeting of September 05, 2023; and the Commission Work Session Meeting of September 12, 2023; Seconded by Commissioner Huotte.

Motion Carried 5-0

Approval of Claims

Commissioner Hart – I would like to add that sixty three percent of that total is three claims; one totals \$236,000+ for Hoffmans R&M for the East Yards Phase II and the courthouse parking lot. The other is in the amount of \$221,256.00 for NW Playground Equipment for the work in Washoe Park. These total \$457,000.00+ on this claims period.

Motion made by Commissioner Huotte to take action to authorize the payment of claims numbered 142927 through 143041 in the amount of \$721,853.34; Seconded by Commissioner Gates.

Motion Carried 5-0

REPORTS OF BOARDS, COMMITTEES AND OFFICIALS

- **Commissioner Huotte** - Nothing to Report.
- **Commissioner Gates** – Nothing to Report.
- **Commissioner Gallagher** – The Greenway committee met. Unfortunately, I was sick, so I did not attend.
- **Commissioner Beausoleil** – Nothing to Report.
- **Commissioner Hart** – Nothing to Report.
- **CEO Everett** – Not Present.
- **CA Ben Krakowka** – There was a Fetal Infant Child Mortality Review, I was not able to attend but did receive an update from Deb at Public Health as to what the group’s feeling was towards that meeting. Thank you.

Public Hearing – Anaconda – Deer Lodge County Ordinance 273, An Ordinance to Address the Conduct of Members of the A-DLC Commission, Chief Executive Officer, and County Attorney

Public Hearing Open: 6:07

Sandi Wenger – Opportunity. Commission Chair, Commissioners and County Attorney, everyone here knows that I am a transplant from Minnesota. Minnesota is known as ‘Minnesota Nice’, I did not know nice until I moved to Anaconda and Montana. It puts Minnesota in second place. The time has come for this, it is necessary. It just makes me very sad that we have to legislate respect. I support the law, thank you.

J.H. Delaney – 1708 Copper Street. I would almost like that during a Work Session we go through each item. There have been things that I have seen which I never should have seen. Like Nancy was saying, nice is always good. One of the Commissioners had said “Good manners never go out of style”. I would like to approach this next week and really take a good look at this. Thank you.

Rose Nyman – I would like to express my appreciation to everyone involved with this Ordinance. The County Attorney reviewed this so it would not have to be re-done. I am also a Minnesota transplant, a well-kept secret. It is unfortunate that legislation has to come forward to govern the behavior of elected officials. Thank you.

Colleen Riley – 1906 Ogden Street. I would also like to express my support for this Ordinance. First of all, thank you for putting it together. It is unfortunate that we are here but many people, including those of you in front us right now, those people behind me have worked hard in the community to have positive things happen. The behavior demonstrated in recent Commission meetings is not reflective of the collaboration that goes on in this Community. I would appreciate your passing this. Thank you.

J.H. Delaney – What is the next process? How many times will you be listening to this Ordinance?

- **Commissioner Hart** – This is the Public Hearing right now and our first item of Unfinished Business will be to vote on this.
- **J.H. Delaney** – Tonight? I will say that even prior to the two commissioners coming, I have seen unwelcoming behavior pointed out from people on the panel. It’s unfortunate. I think you should wait and really discuss this amongst yourselves. I think that the public should be part of this and just not a right now vote on it. I am also one of those people that don’t like when you decide things in one night and then vote on it. Thank you.
- **Commissioner Hart** – I will say that the first reading of this was done two weeks ago, and it was advertised in the paper that this public hearing was going to take place. This Ordinance has been available for public examination in the library and at the Courthouse.
- **J.H. Delaney** – I was here last week. I am still going item by item because actually then people know exactly where they stand. I remember, it was in February, someone came up and they were passionate about their speech, and they were not listened to. Then someone in the audience yelled out, Point of Order. Things like this need to be really considered, it’s something that everyone should have grown up learning. Thank you.

Public Hearing Closed: 6:13

UNFINISHED BUSINESS

Anaconda – Deer Lodge County Ordinance 273, An Ordinance to Address the Conduct of Members of the A-DLC Commission, Chief Executive Officer, and County Attorney

Commissioner Gates – We are voting to basically govern ourselves. You did a really nice job putting this together. It’s too bad that it had to come to this, but I do support it.

- **CA Krakowka** – The purpose of this Ordinance is the County Commission’s step in governing itself. The County Commission is permitted by law to set down rules for governing themselves and conduct at meetings. As far as issues with the audience and members of the public who attend, these parts of the meeting are governed by

Robert's Rules and can be addressed as they come up. I would urge the Commission to seriously consider passing this Ordinance and take that step to governing itself and behavior during the meetings. Thank you.

- **J.H Delaney** – I think two of the items, 17 and 20 really need to be looked at. Thank you.

Motion made by Commissioner Huotte to take action to approve the A-DLC Ordinance 273, An Ordinance to Address the Conduct of Members of the A-DLC Commission, Chief Executive Office, and County Attorney; Seconded by Commissioner Beausoleil.

Motion Carried 5-0

NEW BUSINESS

Letter to US Fish and Wildlife Service Regarding the Conservation Area for the Missouri Headwaters

Commissioner Gallagher – Mr. Chair, I am familiar with conservation easements; I am not a fan of them because of their permanent nature and we are kind of dictating the way future generations are going to be. There is no better time than right now with recent tax appraisals to set land aside. Private property can benefit greatly by extremely generous tax credits in properly established conservation easements. If it is in agricultural use, a benefit can be retained. You value what the property would be worth if it was fully developed. So, we are talking eight thousand lots, five lots to an acre, with today's appraisal prices, that's a lot of broker able tax credits. If we are going to do this, now is the time to do it.

Scott Laird – Commissioners, Mr. Chairman, Mr. County Attorney, my name is Scott Laird from Lolo, MT. I am the Montana Representative for the Theodore Roosevelt Conservation Partnership. The sporting communities support this effort as well. Many conservation and sporting groups submitted a letter of support to the Director of the U.S Fish and Wildlife Service. Amongst those groups are Backcountry Hunters and Anglers, Montana Wild Sheep Foundation, Montana Wildlife Federation, the National Deer Association, National Wildlife Federation, North American Grouse Partnership, Theodore Roosevelt Conservation Partnership, the Anaconda Sportsmen are here today in support of this, and Ben Gillis from the U.S. Fish and Wildlife Service is here to answer any questions.

Ben Gillis – Good evening, gentlemen. I live in Great Falls, Montana. I want to provide you with a quick overview of the proposed conservation area and answer any questions you may have. This started as a grass-roots land-owner driven effort. The Nature Conservancy has an easement program that already exists in southwest Montana, but they are limited by funding availability and match requirements. We were approached by landowners who wanted to know if there was a way to do a Fish and Wildlife Service conservation easement in Montana. Without establishing a conservation area there is not a way for us to do that. Based on the feedback we received we began looking into this proposal, we've met with folks like you in Madison County, Beaverhead County, and numerous landowners and we received quite a bit of interest. Essentially, what it would be is we have a restricted conservation easement program, it's not prescriptive, we don't tell landowners how to manage their land or prescribe what they do with it. The major points are don't subdivide it, don't build Wal-Marts, and its Native grass indigenous to the prairie, don't plan corn. The program is funded through land and water conservation dollars, that is tax revenue from the offshore oil revenue, not a cost to the taxpayer. Unlike some other easement programs, if the landowner approaches us, we get a federal appraisal and we pay one hundred percent of the appraisal value, so there is no match requirement. I do have a map here and a fact sheet that I can provide for you all. We have a pretty large boundary but within that boundary we'd be looking to acquire over, it would take decades to get there, 250,000 acres of easements. This is with willing sellers; we realize that our program is not for everyone. It is a tool that does work for some people. So that's what we are proposing, it's very early in the process. We will officially put our website out tomorrow and a fact sheet with more information. We will also be soliciting public comment in which we take very seriously and incorporating that into the covenants if we move forward. I would be happy to answer any questions or provide clarification if needed. Thank you.

- **Commissioner Hart** – If you could please provide the Clerk with one of the maps and fact sheets that would be great.

Chris Marchon – I am here representing myself and the Anaconda Sportsmen’s Club. We have a long history of land purchases and this deals with conservations. Their sole purpose is to protect lands for habitat and public uses. It is really a nice tool for private landowners to be able to draw value out of their land and continue to do what they want to do with their land. Unique circumstances that happen a lot of times is we are so proud of our agricultural operations that have been passed from generations to generations, we want to continue to see land passed from generation to generation. Conservation easements provide that vehicle where some members of the family want to take over, and some don’t but everyone wants their value out of it. This is a really good tool; I am glad we are doing this. It’s good now that we have permanent LWCF funds and so this is great. None of this happens without the landowner’s agreement to be involved with this process, we do not have any force over the private landowner. The conservation community also has to support this as well, if a landowner comes to us wanting to do an easement but if there isn’t real value for the money that we are going to make there won’t be much support. We never pay more than the appraised value, in this market it’s hard for us to do things and by the time you get to the finish line the price has changed. We have been very successful in this county; I appreciate this Commission and past Commissions; we have had their support. I am hopeful that you will support this, thank you.

Commissioner Gallagher – Conservation Districts require a steward, who will that be, it can’t be the State.

- **Ben Gillis** – To administer the easement? Is that what you mean? The Fish and Wildlife Service would administer the easement as the easement holder. I will add that if you look at the map, the boundary is large. As you know Montana private lands are checkerboarded and we try to encompass an area that didn’t leave anyone out, that is subject to feedback during our comment period. We are very open to other options as we move forward.

Motion made by Commissioner Beausoleil to take action to approve the Letter to US Fish and Wildlife Service Regarding the Conservation Area for the Missouri Headwaters; Seconded by Commissioner Gates.

Motion Carried 5-0

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

Commissioner Huotte – I would like to point out that the change is regarding the Debt Service Levy for the school.

- **Commissioner Hart** – It appears that this is the only change, correct?
- **Commissioner Huotte** – Correct.

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

Motion Carried 5-0

Resolution 23-23, A Resolution Establishing the Boundaries of the A-DLC Voting Precincts

Toni Hofland, Elections Administrator – The Commissioners have the maps that I am proposing in their packets. The recent redistricting of the A-DLC County Commission Districts and the passage of Bill 86, which limits the number of registered voters in each precinct to 2500, presents an opportunity to review and adjust the voting precincts in A-DLC. Currently, A-DLC has 5,613 registered voters split between fifteen precincts. With the recent state redistricting and the passage of Senate Bill 86, I would like to decrease that number to six precincts. The new precincts will follow the same lines as our current Commission Districts with the exception of Commission District 5. Commission District 5 will need to be split into two precincts to allow for the differing House and Senate Districts. The decreased precincts will reduce the cost of elections by reducing ballot printing and processing costs, requiring fewer staff at polling locations, and the programming required to operate our voting machines will require less data entry. It will also enable us to close the polling location at Fred Moodry Middle School and combine that location with the AHS Administration Building. As Election Administrator, I have fielded parent and teacher concerns over having the school unlocked during the Elections. As a parent, I appreciate and support these concerns, I do not believe this will cause an undue hardship on our voters as the distance between the two locations is less than two miles. During the 2022 Federal General Election, 4,013 ballots

were cast in total. Only 667 of these were cast at a polling location. Eighty four percent of the voters in A-DLC voted Absentee. The numbers were similar during the primary. I am recommending the following precincts and polling locations:

<u>PRECINCT</u>	<u>POLLING LOCATION</u>	<u>POPULATION</u>
1-71	AHS ADMIN BLDG	1858
2-71	AHS ADMIN BLDG	1901
3-71	AHS ADMIN BLDG	1887
4-71	OPPOR COMM CTR	1882
5-71	AHS ADMIN BLDG	1706
5-76	AHS ADMIN BLDG	187

Commissioner Hart – I would just like to thank Toni for taking care of this, it has been a large task. Redistricting by the State was required. Reducing the number of voting precincts is very beneficial and will help with the costs of elections. Toni, thank you for putting this together.

Motion made by Commissioner Gates to take action to approve Resolution 23-23, A Resolution Establishing the Boundaries of the A-DLC Voting Precincts; Seconded by Commissioner Gallagher.

Motion Carried 5-0

Resolution 23-24, A Resolution Establishing the Polling Places for the 2024 Deer Lodge County Federal Primary and General Elections

Toni Hofland, Elections Administrator – My previous comments were my reasoning behind my request, are there any questions regarding that?

- **Commissioner Beausoleil** – It looks good to me.
- **Commissioner Hart** – Again, I feel that this is very beneficial, it does reduce it down to two polling places but will still keep the Opportunity Community Club open for the voters down there. It will keep the in person voting to just the School Administration building down across from Stokes. I think that it is very important to not have the schools open to voting when the school should be secured.

Motion made by Commissioner Huotte to take action to approve Resolution 23-24, A Resolution Establishing the Polling Places for the 2024 Deer Lodge County Federal Primary and General Elections; Seconded by Commissioner Beausoleil.

Motion Carried 5-0

Special Event – 2023 Homecoming Parade, September 29, 2023

Jaycee Jette – 809 E 7th Street. I am the new Kiwanis Key Club representative as of October 1st. The parade will start here at the Courthouse, head down Main Street, to Park, over to Cedar and then head back up to the Courthouse. We did get the permit from the State for use of Park Street. Thank you.

- **Commissioner Hart** – I will note all required signatures are attached, and the insurance seems to be in order.
- **CA Krakowka** – Thank you, Jaycee, hopefully it won't be snowing.
- **Rose Nyman** – I was unable to read this permit and I wonder if traffic control issues were addressed. I saw some very scary things last year during the Homecoming Parade. These were mature drivers not teenagers. I saw one SUV head straight at the band on 3rd Street, and another number of issues. I am concerned for the safety of the students. Thank you.

Motion made by Commissioner Beausoleil to take action to approve the Special Event – 2023 Homecoming Parade, September 29, 2023; Seconded by Commissioner Gallagher.

Motion Carried 5-0

Resignation of Katherine Basirico from the Anaconda Housing Authority Board

Motion made by Commissioner Gallagher to take action to approve the Resignation of Katherine Basirico from the Anaconda Housing Authority Board; Seconded by Commissioner Huotte.

Motion Carried 5-0

MISCELLANEOUS

- **Commissioner Huotte** – No Miscellaneous.
- **Commissioner Gates** – No Miscellaneous.
- **Commissioner Gallagher** – No Miscellaneous.
- **Commissioner Beausoleil** – No Miscellaneous.
- **Commissioner Hart** – No Miscellaneous.
- **CEO Everett** – Not Present.
- **CA Ben Krakowka** – No Miscellaneous.

PUBLIC COMMENT

J.H. Delaney – I am just curious as to what will be going on with Dwyer Elementary. I feel it would still be a great place for children. Children's voices are so joyful.

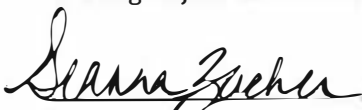
- **Commissioner Hart** – It is not known at this point. When the County acquired that there were hopes that Head Start would end up there through a grant but that did not materialize. I think Bill is still working on what might be able to be done with that property. The County will make sure that it is something that will be beneficial to that neighborhood.
- **J.H. Delaney** – I am just saying it would be lovely if Head Start or whoever could get a great rent deal.

ADLC MEETING DATES AND TIMES

Commissioner Hart - Read the meeting dates and times.

ADJOURNMENT

Meeting Adjourned at 6:42 p.m.



Seanna Zucker
Clerk of Commission



Kevin Hart
Commission Chair