

**ANACONDA-DEER LODGE COUNTY  
COMMISSION WORK SESSION MEETING  
6:00 P.M. TUESDAY October 10, 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 Ed Beaudette, CEO Bill Everett, County Attorney Ben Krakowka and Clerk of Commission Seanna Zacher

Members of the Press: James Rosien, Anaconda Leader

**Commissioner Hart** – Please let's welcome Commissioner Beaudette to his first meeting with the A-DLC Commission.

**Appointing the new Chief Financial Officer for Anaconda Deer Lodge County**

**CEO Everett** – Yes, some great news. We had advertised for probably about a month looking for a CFO. We were very fortunate to have this one applicant. Mike Huotte is a CPA, he has extensive government and county experience, he knows what we are doing, he has been involved in these projects for the last five years. His personality fits into the courthouse absolutely fantastically. We are really excited to have Mike join our team.

- **Mike Huotte** – Commissioners and CEO I would like to thank you for this opportunity. I look forward to getting to work and learning from Mr. Sholey and carrying on with tradition. Thank you.
- **CA Krakowka** – I am looking forward to working with you in your new capacity.
- **Commissioner Hart** – I think Mike will be a fine fit for that office, with his knowledge and expertise it will be a seamless transition.

Place on Agenda

**Resolution 23-25, A Resolution to Apply and Issue Tax Deeds on Tax Deed Eligible Properties for the 2019 Tax Year to Anaconda-Deer Lodge County**

**Eric Hoiland, Treasurer** – Mr. Chairman, members of the Commission, before is you a Resolution for the properties to proceed to tax deed. We started with roughly sixty properties; we have narrowed it down to six. CEO Everett recommended bringing this before you for debate.

- **CEO Everett** – This list is pretty short compared to what we were dealing with, Eric how would you describe these properties to someone who wanted to purchase. Are they land locked?
- **Eric Hoiland** – Yes, they are land locked. They were speculation parcels, and they are on a very steep grade. The company that owns the land around it has it land locked. They are undevelopable properties. They are more of a burden; the county should step in to prevent something down the road. There is nothing there, they are on a steep grade and completely land locked on the A Hill.
- **Commissioner Beaudette** – Eric, these are holdings within other holdings, is that correct?
- **Eric Hoiland** – There is a section that Sunrise Resources owns, these are the six within it that is surrounded by them. It is a holding company within a holding company that consolidated all of these.
- **Commissioner Beaudette** – What is the status on the taxes?
- **Eric Hoiland** – That one is paid, that is a lot bigger parcel too.
- **Commissioner Beaudette** – Are they maybe half the section?
- **Eric Hoiland** – I would have to take a look at it but that would be a close guess.

Place on Agenda

## Request to Advertise for Bids for a 2024 Ambulance 4 x 4 Emergency Vehicle Fire Rescue Prep Package

**CEO Everett** – I am going to let Chief Brittain explain this one. We have budgeted for this; the money is there out of our long-term capital project.

- **Erick Brittain, Fire Chief** – Good evening, Commissioners. When we were discussing our strategic plan for the Fire Department, we were prioritizing our needs. Our biggest need is a new ambulance due to the fact that we do about eighty-five percent medical in this community. Going back and forth to Missoula, basically all over the State two of our ambulances have over 100,000 miles. The normal replacement for an ambulance is five years or 100,000 miles. With the chassis the way they are, and the shortage due to Covid, we are about eighteen months out on an ambulance build. We are going to go to a Dodge chassis, we have used Ford in the past. This will make it cumbersome with our limited staffing to get these to normal service appointments. We will be able to bid this Dodge chassis which will be able to be serviced here in town, this will be a tremendous savings for us and the taxpayers. Are there any questions?
- **CEO Everett** – I would just like to add that it's a lot of money, you will have sticker shock when you see \$250,000.00 and it doesn't say Lamborghini. It is needed, it is absolutely essential. It will have four-wheel drive, and every feature we could possibly need. It is a solid piece of equipment and an upgrade for our department.
- **Commissioner Beaudette** – Chief, are you in the process of developing a replacement rotation? Could you outline those parameters?
- **Erick Brittain** – Yes, sir. Normally it's about five years or 100,000 miles for the ambulances. The thought with that is once they get out of warranty, we put them into a reserve status. The fire apparatuses are a different story. We went through the whole fleet which has been neglected for the last decade. We upgraded everything we possibly could, to the tune of about \$10,000.00. We maintain it as much as we can, but our demographics don't allow for a lot of maintenance. We don't have an in-house person to work on the fire trucks, so we have to outsource that. Yes, we are adopting an apparatus replacement program.
- **CEO Everett** – Another thing is that an EMT got hurt in an ambulance a couple of years ago by a piece of faulty equipment, an airbag went off while he was driving down the highway. We want to ensure that we have the best possible equipment on the road for these guys. The biggest constraint is financial, we only have so much money to work with. This is something that is a need, not a want.
- **Commissioner Gallagher** – Since we have two vehicles that have met the five-year, 100,000-mile mark, and it's an eighteen-month lead time, why are we looking at one instead of two?
- **Erick Brittain** – If we were to go with two, one would have to be a used piece of apparatus. We would like to stay away from that, we have purchased used in the past and those are just nickeling and diming us to death. You see one of our ambulances in the shop getting worked on at least once a month. We just simply don't have it in the budget without going after an AFG grant or something similar, this is in the works as well. However, the Federal Government tends not to give smaller departments federal funding. We don't want to buy another lemon, and only spend \$250,000.00 and not \$500,000.00.
- **Commissioner Hart** – If I'm not mistaken the last time we bought an ambulance, we bought one and then received a grant, so we got two for the price of one, it was a good deal.

Place on Agenda

## A-DLC Head Start Non-Competing Continuation Application for Grant Period February 1, 2024; through January 31, 2025

**Heidi Ungaretti, Head Start Director** – Commissioners, CEO, thank you. I have given you a lot of information to look at, this is what I will be submitting November 1<sup>st</sup> as part of our grant. Currently we are funded to serve 66 students, we are looking at converting our program to 48 students. We will have 32, 3-5-year-olds and 16 infants and toddlers. I resubmitted the grant today with the three corrections they requested. I am asking that you look at the information and provide a board letter from Chairman Hart and the issuance filled out. If I submit this by November 1 and they don't have a government shutdown, I should be ok. Thank you.

- **CEO Everett** – Heidi you did a great job, it's confusing as heck. What you did is phenomenal. Having them reject it is to be expected, I would resubmit it immediately because they could come back with more corrections. The Head Start facility is very friendly and they are setting you up to win.

- **Heidi Ungaretti** – For Head Start Region 8 we will have three individuals stopping by on October 31, we will be planning meetings then, thank you.
- **Commissioner Beaudette** – This is a continuation grant, the follow up?
- **Heidi Ungaretti** – This is our fourth year.
- **Commissioner Beaudette** – Are there other grants that will come after this that go towards specific activities or is this the overall grant?
- **Heidi Ungaretti** – This is our big grant, and we will be looking at a COLA grant in the next few months. You are all invited to stop by anytime for lunch and art and reading. Commissioner Beausoleil is the only one to take us up on that so far and Commissioner Gates did stop by for a Policy Council Meeting. Thank you.

Place on Agenda

### **Parcel Reconfiguration and Modification of Restrictive Covenants and Related Deed Provisions (Golf Course and Hotel Parcels)**

**Carl Nyman, Superfund Coordinator** – What we simply wanted was a revised document stating condominiums can be built there, it previously allowed for a hotel to be built. Atlantic Richfield came back with this document that is about twelve pages long plus attachments. As some of you may recall we awarded this condominium project to Jay Fortune and his partners last January. In follow up to that the CEO, Planning Director and the late great Mike Grayson helped out a great deal with this project. Mike and I particularly worked close together on this one. We got this to a point where Atlantic Richfield demonstrated what they needed out of this and then we met with the developers to make sure it was something that would work with them. They had a few changes they wanted to see; Atlantic Richfield made those changes. It is a somewhat convoluted document, that draws in a lot of history, terms, and revised terms. I am happy to walk through that to the best of my ability. I will try to go the simple route. We have a parcel that is approximately three acres just west of the Clubhouse. In the early 2000's we were trying to get a hotel built there that had separate units. As a result, there are three foundations that don't require any soil disturbance, utilities are there, there will be some soil disturbance with three or four new foundations. There will be some utility trenches, a parking lot, sidewalks, landscaping on the existing soil cover. All of these are EPA approved modifications to a soil cover. We have to make sure we put the dirt back the way we found it, there is mine waste under the golf course parcel. Anything that doesn't go back into the hole will go to the repository. We can't reimburse those costs, a fine point put into the covenants. We were able to negotiate in some Superfund Incremental Cost Fund so that if people ran into contaminated soil or mine waste, they could take it to the repository, and we could reimburse them for their travel time. In this case it is not allowed, Atlantic Richfield has made some concessions in agreeing to provide that and in lieu of allowing the condominium development. They want the county or developer to haul that material to the repository as they would normally have to do but we can't reimburse for that cost. If we don't perform, this document says that Atlantic Richfield has the right to come in and fix any violation that may be occurring, did we put the soil back in the hole, did we leave any mine waste exposed and they can charge us for that. Now we have funding source from the Golf Course, from Atlantic Richfield, we have our economic development funds, they can withhold portions of those funds if we don't perform, we will perform. We are working with the Fortunes, they are outstanding to work with and they have very high standards. This is a test the waters sort of project, and we feel really good having them as our partners. We have to continue to enforce the development permit system. What is going to happen on this parcel because it is a waste management area, any excavation of any size the developer will create a homeowner's association which is detailed in this document. The homeowner's association will govern the common areas, all the outdoor areas. They will decide if they are going to make any improvements that require soil disturbance. If the association approves of that, they will allow the developer to submit a development permit application to the County, and as part of the institutional controls program will write the soils handling plan. We have to continue to do what we are funded to do, what we agreed to do, what we are mandated to do and what our ordinances say we are going to do. What happens here is the parcel that was originally for the hotel was right up against the Clubhouse, instead it will move west and will be 7/10 of an acre larger. That is the parcel reconfiguration that is referenced here. The covenant modifications, not sure why they did this but what you see is a layer of restrictive covenants that goes back to the original Golf Course Deed that says these revisions are being made here then you go to the next section, and you've got the reconfigured golf course parcel. The golf course was envisioned to be a certain boundary but when it was built it shifted here and there and it was never captured in a survey until 2019. So that's why it is referred to as the reconfigured golf course parcel. They are pretty much restating what has been said

over the years but now they will allow condominium owners to encumber that portion of the parcel through their financing. We have what is referred to as the hotel parcel, it's got its own section of details. Atlantic Richfield wants to be notified if we are modifying the remedy. They have the right to review and approve that. It details the process for modifying the covenants in the future, this was detailed in the 1994 conveyance. Things have changed a little over the years, they have been wanting to restate some of these things to make sure we are aware of them. Making sure that information is carried forward to all future owners in one fashion or another. We have had a really good history with redeveloping these properties. This has been a long process to get this here to you tonight. If you approve then Atlantic Richfield will also sign, then it will go through EPA and DEQ for review and approval. We feel we have that basis covered. The foundation is being laid so we can get this started soon. Thank you.

- **CEO Everett** – That was pretty thorough, you did an excellent job.
- **CA Krakowka** – Thank you for the information.
- **Commissioner Beaudette** – The homeowners association, will there be any oversight from the County? Developments are done, homeowners associations are started and usually controlled by the developer. The developer sells and disappears and then roads don't get fixed, and you have all sorts of problems. What is built into this agreement to prevent that?
- **Carl Nyman** – That was also Mr. Grayson's concern, we have talked internally about it, that we will be a part of drafting whatever the association is. It is right there on the golf course, the county is there, the management company is there, things will be noticeable if things are happening.
- **Commissioner Beaudette** – Could you provide me with a clean copy of the survey? Also, I need a copy of the agreement with Fortune so I can familiarize myself with it.
- **Carl Nyman** – Yes, what I have got is the RFP that went out and their proposal. We need to get the covenants modified before we transfer the parcel because we were trying to do that while we still had ownership. There may be some sort of development agreement between us in the transfer of the parcel that may capture some of these items, especially the homeowner's association, but nothing to date that I am aware of.
- **CEO Everett** – Everything we have signed, the Commission has copies of. You guys have seen everything, there will be another formal agreement once we get through these modifications.
- **Carl Nyman** – I will get you the RFP, the proposal, and the stuff that we are looking at now, so you can see what the others have seen.
- **Commissioner Beaudette** – I have a lot to catch up on, it's a steep learning curve.
- **Commissioner Gallagher** – Mr. Chair, there is a lot of language in this that shifts financial obligations from Atlantic Richfield to A-DLC. In the attached exhibits, permanent residential living was specifically prohibited from use at the hotel parcel. There is a lot of concern about irrigation. My experience with environmental sites in the past; this makes a lot of sense. A hotel is a day-to-day operation while residential occupancy is permanent, which means you are exposed for one day versus an indefinite length of time. This is built on the mine tailings, there was no remediation other than encapsulation, water makes heavy metals move. In a previous session, where I got a little emotional on this issue, there was language that said we could shift that obligation on to the contractor, the contractor could subsequently shift that obligation on to the purchasers, but I don't see that language in this. What I see is that the county becomes the responsible party. I am really curious to see if the Fortunes are willing to accept financial responsibility. We don't know what is under the ground until we open it up. In a nutshell, this is a \$30,000.00 land deal that could potentially expose us to millions of dollars in liability. I just don't see how it works given the additional information I now have. If anything, it makes me question the wisdom of this deal, if we put a hotel there all the liability remains with ARCO. Perhaps we should be looking at another hotelier. Growth starts with the visit, we have The Forge, the golf course is an excellent amenity to the community, its risk reward, I see a lot of risk. Unless we can move that risk onto subsequent parties, I see very little reward. Maybe I missed it, can point out where we can transfer the obligations. It was very clear in the previous stuff that was approved.
- **Carl Nyman** – There is a provision that does allow assignment on page 11, number 8, Developers Assignment, developer may assign its obligations and rights under this modification agreement to the association. I want to let you know that we are not taking Atlantic Richfield's superfund liability. Just as anyone else takes a piece of property, we are agreeing to not make it any worse. We are not going to exacerbate the conditions, if we do, we are liable for that. Atlantic Richfield will always be liable for any mine waste and residual contamination. What we will transfer is some of these obligations through this agreement. Atlantic Richfield has the right to transfer

their obligations, EPA allows them to do that, they did that with us in 1994. A certain snippet of obligations if you will. We can also transfer those obligations, if the developer doesn't perform Atlantic Richfield is going to look to us, if we don't perform the EPA will look to Atlantic Richfield, that's just the way the chain goes. I don't think you're wrong that there could be potential liability, I think it's fair to worry. It's really important to keep it in the context of the footprint of this and what we are doing and what we are disturbing and how it will be maintained in the future. I have been working with this stuff for a very long time, I feel comfortable with this because I have been there. I have seen the process, if something gets sideways, we fix it. I think you bring up valid points.

- **Commissioner Gallagher** – My concern is Part C on page 7, section ii, it clearly states A-DLC and NOT the Grantor shall be responsible for any additional remediation which may be necessary to accommodate the future development of the reconfigured hotel parcel. Commissioner Beaudette may not be familiar but a couple months back paperwork showed that if ARCO sees us doing something wrong, they are going to go in and fix it and ding us dollar for dollar in the Economic Opportunity money, they are not going to ask permission. They will do it their way, which may not be the most reasonable cost-effective way, we will have no say. That is a subsequent agreement that the Commission has already approved. The language I cited is a little more specific as to pointing liability in our direction than item 8 on page 11 where it says the developer may assign. May is a very weak word, especially when it comes to legal documents.
- **Carl Nyman** – Keep in mind that this is something that Commissioner Beaudette is very familiar with because it was part of every single deed that was part of the '94 conveyance. If additional remedy is needed it's the responsibility of the County or the future landowner, that was just one of the provisions. They are stating it more clearly here because we are doing this on the golf course. It really doesn't change what we agreed to thirty years ago. As far as taking more liability, yes, it is saying that if we don't perform, they can withhold some of the funding for the golf course. This is a tremendous incentive for us to perform and make sure the Fortunes are performing. We can rectify an issue along the way before it comes back to something of that measure. In my twenty years of experience, I have not seen that happen. I feel like the system works. The institutional controls program, the modifications to the development permit system, all of this is working really well. It is protecting other people from superfund liability, and it protects us as well.
- **CEO Everett** – We have oversight of everything that goes on, every time dirt is moved, someone calls for a location, our IC program is in the loop. If you start digging our crew is right there, and they have the ability and authority to stop the project. We have never had an issue. All of our crews work together. Every time you move forward, you are taking a risk. The hotel and Murdochs were way bigger risks. We ran into contaminants there but we quickly moved it out and brought in fresh stuff. The EPA was impressed with our process. Anaconda needs to move forward. If land is never developed, then ARCO has no liability. They said we couldn't do the East Yards, look at it now. This project is two percent of that scale. This will set the framework for future projects. The safety factor is as close to a ten as possible. There are no superfund features on this piece of property. There are so many things going for us here to simplify this project. Moving forward there will be projects that are a lot more complicated. This is a project I have complete confidence in, other areas will be more complicated. The EPA guy was here last week, and he was impressed by the simplicity of the project. It's part of moving forward otherwise our land will never develop. We have our industrial complex in the triangle and that has its own set of challenges. We were about ninety percent there with the hotel this is just the last ten percent to get us there. It will be a showcase for Anaconda and create value for the whole atmosphere of the golf course. We are in pretty good shape. I would appreciate it if we moved this forward.

Place on Agenda

**Replacement for Commissioner Huotte's seat on the Health Board, Job Corp Community Relations Council, and SW Regional Juvenile Detention Committee. Commissioner Beausoleil has requested an appointment to the Health Board.**

**Commissioner Hart** – Commissioner Beausoleil has already been able to attend some of the Health Board meetings. These are three of the boards that Commissioner Huotte sat on.

- **CEO Everett** – Commissioner Beausoleil would be a perfect fit for the Health Board. He shows up for everything. This board has a lot of meetings. Commissioner Beausoleil is a very active Commissioner.

- **Commissioner Beaudette** – If there is an opportunity, I would like to work on the Job Corp Relations Council.
- **Commissioner Hart** – I have no problem with Commissioner Beausoleil having an interest in the Health Board, as for the other two boards my thoughts were that you would take those on. On an annual basis we go through all the boards and make sure everyone is happy and do some shuffling if needed.
- **Commissioner Beaudette** – Good, thank you.

Place on Agenda

**Replacement for Commissioner Huotte's seat on the Economic Development Board, ending January 03, 2027.  
Commissioner Gates has requested an appointment to the Economic Development Board**

**CEO Everett** – I believe Commissioner Gates showed interest in this board when it was established, I think he would be a perfect fit.

Place on Agenda

**Replacement for Commissioner Huotte's seat on the Old Works Golf Course Authority Board, ending  
November 02, 2026**

**CEO Everett** – I know Commissioner Beaudette expressed interest in serving on this board.

- **Commissioner Beaudette** – That is correct. I set up the Authority Board so I would like to see how it's working now.

Place on Agenda

**Miscellaneous**

**Commissioner Ed Beaudette:** I was able to get in contact with the West Valley Fire Department and they will be rescheduling their meeting due to Covid. I will attend when rescheduled.

**Commissioner Steve Gates:** No Miscellaneous.

**Commissioner Tom Gallagher:** No Miscellaneous.

**Commissioner Mike Beausoleil:** We had a golf course meeting last night; we will be starting on the budget next month.

**Commissioner Mike Hart:** Next week it will be on the agenda to appoint a Vice Chair to finish out the year.

Commissioner Beausoleil has expressed interest in that.

**CEO Everett:** Has anyone heard of NASPO? The government has it set up, so we don't have to go out for RFPs on our bid process. There is a national bid process that takes place where price is established on many of the items that most counties and states purchase. It saves a lot of time and money, and we are guaranteed to get the best price. We used this once before when we were purchasing paper for the whole courthouse, the savings were pretty substantial. Approved in the budget was to put up new communication towers. The police and fire department can attest to the dead spots we have here in Anaconda. It is very dangerous. We have been working with Dunne on this and the numbers have come in at about \$105,000.00. This price was determined through NASPO. We have the option to put this out and request for bids. I don't want to do that, there is only one company that is fully integrated with our communications system and that's Dunne. This will be our test pilot. We are moving forward with this, there will be a contract for you to approve. I also spent some time at the splash park today, it is really coming together. I strongly suggest that you all go take a look. I am really proud. Right now, we are trying to figure out the outside features such as a parking lot and restrooms. I am excited about this. Last, as you know, our goal is to increase tourism in Anaconda. We have accomplished that for summer, every room is full and our businesses flourish. We have discussed options for a new hotel. Our tourism is very low in the winter, we are working on ways to increase winter travel. The Department of Commerce has opportunities for tourism grants that have been turned down from Bozeman, Kalispell, Missoula, the West Yellowstone, and Gardiner areas. They have more tourism than they want, and they will not take free money to promote tourism. We are trying to be in line to be the recipient for the Southwest Montana grant. We want to show them a winter adventure land. I am working with Ciche Pitcher and Mike Johnson, we are trying to set up an agenda for things we can do. One request, more than any, is for cross-country skiing. We worked with the Missoula golf course who keeps cross country skiing on their course for

four months. We are purchasing a snow mobile and the groomer accessory and this winter we will have cross country skiing on the golf course. It will help keep the bar and restaurant thriving at the golf course. It puts us in line for these big tourism grants that perhaps could give us other avenues for other winter features. One feature we are looking at is a sledding hill behind Murdochs. We also need a place to play hockey. These are all things that could be viable, if we can show them the first step. If we can get the occupancy rates up in the winter at the hotel, then we will be looking at building another hotel. I think there may be more cross-country skiers in Anaconda than golfers.

**CA Ben Krakowka:** I had a chance to go down and look at the splash park, it looks great.

#### **PUBLIC COMMENT**

**Chief Brittan** – I would just like to commend the CEO for discussing and dealing with the communication issues here in Anaconda. It is scary at times.

**Rose Nyman** – I was glad to hear the CEO's comments on tourism because I have been wondering about the Marketing Committee that was formed several years ago. In Philipsburg they have an official 'U Turn' site, we could do one by thrifty drug. I noticed so many vehicles with out of state plates and everyone was purchasing something, we are missing out on that. Also, we are lacking places to have breakfast, we need another full-service restaurant. Breakfast on a Sunday morning is important in Anaconda and there aren't many choices. Hockey should be pursued; all last winter they were out at the commons every weekend. Looking at historical facts, down by the green grass there was a field for curling stones, this might be a choice for a hockey field. It is good to see our youth burning up energy and being outside. I dealt with numerous tourists, and I always asked, 'What brought you to Anaconda?' Thank you.

**CEO Everett** – I would just like to add that the tower that we are putting up is not going to cost the taxpayers anything. The reason we have so much money sitting in the Communications account is due to Mike Grayson. He renegotiated every one of our towers and now we bring in around \$65,000.00 a year. Communication should never be an issue in Anaconda. Mike Grayson was truly phenomenal.


#### **Meeting Dates**

**Commissioner Hart** – Read the meeting dates and times.

#### **Adjournment**

Meeting Adjourned at 7:09 p.m.

  
Seanna Zacher  
Clerk of Commission

  
Kevin Hart  
Commission Chair