

Anaconda-Deer Lodge County
Commission Work Session
6:00 p.m. Tuesday, August 11, 2015
Courthouse Courtroom

Present: Commission Chair Hart, Commissioner Mulvey, Commissioner Lux-Burt, Commissioner Vermeire, Commissioner Smith, CEO Ternes Daniels, and County Attorney Krakowka

Others Present: Julie Hoffman, Clerk of Commission and Kathie Miller, Anaconda Leader

Commission Chair Hart called the meeting to order at 6:03 p.m. and explained the Commission Rules of Procedure.

Public Hearing – Resolution No. 15-22, a Resolution to Amend Fund Budgets in Fiscal Year 2014-2015

Commission Chair Hart opened the public hearing at 6:04 p.m.

Joey Blodnick, Clerk and Recorder: Ms. Blodnick informed the Commission most of the amendments to the FY 2014-2015 budget were due to additional revenue. She stated there were no amendments to the general fund, although three general fund accounts went over:

- Clerk and Recorder due to the PERS Audit with Anderson Zurmuehlen;
- Juvenile Probation due to a few more child case transports. However, Juvenile Probation will recoup 95% of those costs from the State; and
- Public Health due to the combination of bringing Katherine Basirico on as a consultant during the transition of Linda Best retiring and the cash out of Linda Best's vacation and retirement.

Ms. Blodnick went over each line item in the Resolution and provided a brief explanation to the Commission.

Commission Chair Hart then called for public comment. After three calls for public comment and no public comment, Commission Chair Hart closed the public hearing at 6:13 p.m.

Item placed on the agenda.

Discussion – Solid Waste Agreement between Butte-Silver Bow County and Anaconda-Deer Lodge County for the period July 1, 2015 through June 30, 2016

CEO Ternes Daniels informed the Commission this is the annual agreement with Butte-Silver Bow. She stated it is the same as previous years' agreements. The current rate is \$52.00 per unit. However, Butte-Silver Bow expects the rate to significantly increase next year. CEO Ternes Daniels stated Deputy County Attorney, Michelle Sievers has reviewed the agreement and made a recommendation with regard to disputes involving payment, which she needs to review with Butte-Silver Bow County.

Item placed on the agenda.

Discussion – Letter of Agreement between Anaconda-Deer Lodge County and Omega Rail Management to Execute and Release License Agreement No. BA-ADC-07

Sarah Jones with Copper Environmental Consulting explained the purpose of this letter. Ms. Jones informed the Commission the County submitted a request to Omega in December for a permit to cross the railroad at the end of Tamarack Street for the waterlines project. At that time, the proper paperwork and fees were submitted. At this time, Omega is requesting the County sign a letter which could possibly place the County in the position of having to obtain permits for twenty-one (21) crossings that currently do not have permits. Ms. Jones stated the cost associated to permit the 21 crossings would be approximately \$36, 750.00. She stated the permitting process would be difficult as surveyed drawings may be difficult to do since some of the original lines were installed with the original system, especially the sewer system. In addition, there would be significant cost and time associated with searching for records of the original easements. Ms. Jones stated the implications of not signing the letter would be on the current waterlines project as the waterline is already in.

CEO Ternes Daniels stated these are not railroad extortionists but Omega Railroad extortionists. She stated the fees to obtain permits for the crossings at Mill Creek were astronomical. She stated many of these lines have been in the ground for 100 years and suddenly the railroad wants the County to go through this permitting process. CEO Ternes Daniels stated the County needs to review its options before signing the letter.

County Attorney Krakowka stated he would like the opportunity to review the County's options and talk about it with Michelle Sievers. He stated the problem is that the railroads are governed by federal law and the usual remedy of prescriptive easements does not apply to railroads.

CEO Ternes Daniels stated she would be interested to know the benefits the railroad receives from the County.

Commissioner Lux-Burt stated she would like the County to look into this issue further.

Commission Chair Hart suggested the County send a letter to Omega requesting additional time to do research before agreeing to the terms in the letter.

Sarah Jones requested putting language in the letter asking them to release this year's permit since the County has been trying to obtain it since December.

CEO Ternes Daniels stated she will work with the County Attorney's office to respond to Omega.

Commission Chair Hart made the recommendation on behalf of the Commission to proceed with the letter.

Discussion – Request by Robert and Nici Wallis for the Removal of Solid Waste Fees at 508 Cedar Street

Kaitlin Leary informed the Commission the Wallis' live in the next door property, 506 Cedar. The Wallis' recently demolished the structure at 508 Cedar Street and intend to use that lot to extend their yard. She stated that Resolution No. 31-01 allows for *"removal of solid waste fees for vacant lots used and included as part of an established residence."* She stated the Solid Waste Board reviewed this request at its July 23rd meeting and voted to recommend approval of the fee removal.

CEO Ternes Daniels stated the house has been demolished, and the only concern would be if the Wallis' built on the lot.

Commission Chair Hart recalled dealing with a similar issue in the past and stated although the lot is vacant, it may still generate solid waste in the form of lawn clippings, yard waste, etc.

Kaitlin Leary stated Planning Staff views the Resolution as being specific and agrees with the Solid Waste Board that the Wallis' property meets the standard set in Resolution 31-01.

Item placed on the agenda.

Discussion – Request by Stanley Opp for the Removal of Solid Waste Fees on Mobile Home Property

Kaitlin Leary informed the Commission that Mr. Opp owns a mobile home and the property on which it is situated. She stated the mobile home and the property are separated for tax purposes. Mr. Opp is requesting the solid waste fee be removed from the mobile home as it has been deemed unsound by the Department of Revenue. Ms. Leary informed the Commission the physical property does not have a solid waste fee assessed to it. She stated Planning Staff recommends removal of the solid waste fee assessed to the mobile home and one (1) solid waste fee be assessed to the property.

Commissioner Lux-Burt stated it makes sense to assess the fee to the land.

Commission Chair Hart stated it may be a good idea to reassess Resolution No. 31-01 and see how it squares up with any other documentation the County has for solid waste fees for other properties.

Item placed on the agenda.

Discussion – Appointment to the Hearst Free Library Board of Trustees (1 vacancy; 5-year term – Scott Swan has requested appointment)

CEO Ternes Daniels informed the Commission that Scott Swan submitted a brief letter requesting appointment. She stated he is a retired attorney and frequent patron of the library.

County Attorney Krakowka stated Mr. Swan is retired from the local bar association. He added that Mr. Swan spent most of his practice in China doing contract work and had a very interesting career. He stated Mr. Swan is at the library all of the time and believes he would be a vibrant library board member.

Commissioner Lux-Burt stated she does not know Mr. Swan but appreciated the recommendations.

Item placed on the agenda.

Discussion – Update on Goosetown Softball Tournament

Bill Hill informed the Commission he met briefly with CEO Ternes Daniels to discuss some of the complaints she received about Goosetown. Mr. Hill stated Goosetown has been going on for 43 years, and over that time it has brought in close to \$30 million in revenue to Anaconda. He stated each year he meets with the Fire Chief, Parks Director, Chief of Law Enforcement and Assistant Chief of Law of Enforcement to see what he can do to make the tournament better and he believes he's been

responsible in that regard. He understands the biggest complaint this year were fireworks. Mr. Hill proposed putting language in the rules of the tournament, posting on the Goosetown website, and addressing the issue directly with the teams that if teams/individuals are caught with fireworks they will not be allowed back in the tournaments. He realizes this may not be full proof as it is tough to control. Mr. Hill stated the number of complaints was significantly down this year compared to years' past. He stated the tournament brings in about 5,000 people with about half of those being from out of state. He stated he did not witness any fights and stated drinking is 90% contained to Washoe Park. Mr. Hill met with John Leo Sladich today and they discussed moving some of the heavier trailers to a different area of the park so as not to damage the sprinkler system. Mr. Hill stated John Leo stated there was "basically zero damage to Washoe Park." Mr. Hill stated if any damage occurs during Goosetown he has always paid to have it repaired.

CEO Ternes Daniels requested that any comments be specific and related to the issues. She stated Goosetown is an event that brings lots of folks into the community and it may get a bit rowdy. However, the County owns the facilities and would like to determine what steps can be taken to resolve the issues. She stated the State Men's and Women's softball tournament took place this past weekend and she did not receive any calls.

Bill Hill stated Anaconda is the only city its size that can have state tournaments. He stated lodging is not adequate for state tournaments and umpires had to stay in Butte for this past weekend's tournament. He added he rents out an entire motel for umpires during Goosetown.

Chief Tim Barkell informed the Commission law enforcement wrote a total of 17 citations during this year's tournament, down from 30 citations last year. He stated there were 5 MIPs and 1 DUI. The MIDAC unit was not available this year as it was in Browning. He stated he talked to officers who worked during Goosetown and they told him everything seemed normal at this year's event.

Assistant Chief Sather stated most of the people that play in the tournament are young kids in their 20's. He stated law enforcement tried to enforce the fireworks ban but it was difficult to do with the amount of people at Goosetown. He stated there were approximately 600 people in the park but they only received three noise complaints.

Mike Burt – 369 Highpark Way: Mr. Burt stated he likes Goosetown. However, he drove through Washoe Park on Friday with his grandkids and witnessed someone peeing in public. He went to the tournament on Sunday with his brother and witnessed someone throwing bottles, saw dogs running around and witnessed smoking in the stands. He stated Washoe Park is not a family site during that time. He added people were throwing M-80's into the duck pond and lifeguards had to spend the night at the pool to keep people from climbing the fence.

Rose Nyman – 121 E. 3rd: Ms. Nyman stated Goosetown has its issues as does Art in the Park. However, she stated she takes exception to comments about law enforcement. She stated she feels law enforcement has our backs and they deserve respect for that. Ms. Nyman asked how many officers were on duty during Goosetown and who paid for it. Ms. Nyman then asked Mr. Hill if he had an opinion about moving the camping from Washoe Park to another part of town as it seems camping at Washoe is part of the problem.

Mr. Hill stated relocating the camping would cause a bigger issue because people would be drinking and driving. He stated he paid for five (5) policemen at double time and a half. Ms. Nyman asked Mr. Hill if the camping fees assist with the clean-up effort. Mr. Hill stated he does not make money off of the

camping fees. He stated the fees are used to offset the clean-up. Ms. Nyman stated she feels this generation does not understand or respect boundaries.

Chief Tim Barkell informed Ms. Nyman and the Commission that 5 extra officers were on duty Friday night and 3 on Saturday night.

Commissioner Mulvey stated she lives next to Washoe Park and when Goosetown first started it was extremely noisy but had gotten better over the years. However, she stated this year it was extremely noisy throughout the night, especially with the fireworks.

Commissioner Lux-Burt stated she appreciates the people coming to Anaconda for Goosetown and appreciates it is an event that gathers people so they can have a good time. She informed Mr. Hill she received a few very serious complaints, most of them having to do with noise, fireworks and morality. She stated she appreciates the job the police force does. However, she does not like Goosetown being portrayed as the Woodstock of softball. She believes it needs to be reeled in some. She stated Anaconda and the people and families that live here deserve respect too. She stated she believes there should be a limit to how late the partying can go on because it disturbs the neighbors. She stated Anaconda is working hard to change the culture of drinking, and when people witness drinking contests, it goes against everything we have been working on all year long.

Commission Chair Hart stated he heard just a few complaints. He stated he spoke with one resident who was elated that there was "life in the park." Commission Chair Hart asked if there is a law enforcement presence in the park after 1:00 a.m.

Chief Tim Barkell stated after 1:00 a.m. only two officers cover the entire county.

Bill Hill stated no extra security is provided on Sundays as everyone is packing up and leaving and there are only about 100 people in the stands. He added he was at Washoe Park until 2:00 a.m. and never saw anyone throw bottles. He stated people were drunk but pretty well-behaved.

Commission Chair Hart suggested having private security or an additional officer at Washoe Park during the late hours to immediately address any issues that arise.

Commission Chair Hart stated no further action needed to be taken on this item and he thanked Mr. Hill for attending this evening's meeting.

Discussion – Special Event Permit – Job Corps Picnic hosted by the Chamber of Commerce

CEO Ternes Daniels stated this event has gone on for a long time in the community. She stated it is the Chamber's way, as well as the entire community's way, of saying "thank you" to Job Corps.

Commissioner Mulvey stated it is the least we can do for Job Corps.

Commissioner Lux-Burt stated the Chamber is really struggling, and she is in favor of waiving the fees for the Washoe Park and pool rentals. She stated Job Corps does so much for the County and the whole community.

Commission Chair Hart agreed with Commissioner Lux-Burt's statement and added that Job Corps does a fantastic job. He stated he certainly has no problem waiving both of those fees.

Item placed on the agenda.

Discussion – Special Event Permit – Kiwanis Bike Give Away

CEO Ternes Daniels stated this event is scheduled for September 12th from 12:00 to 1:00 p.m.

Item placed on the agenda.

Prior to adjourning for the Executive Session, Commission Chair Hart announced the agenda item, Miscellaneous, would be conducted first as there were some significant items to be addressed.

MISCELLANEOUS

Commissioner Lux-Burt informed the Commission she received an e-mail from a resident concerning Cable Road. The resident is concerned Cable Road is being used as a racetrack now that the potholes are gone. The resident would like to see the speed limit reduce to 25mph. Commissioner Lux-Burt stated this may not be a bad idea because of the number of deer, cyclists and people that walk on the road, especially during the summer.

Commissioner Mulvey asked for an update on the street signs, as well as an update on the status of the trees on the trail on Cedar Street and the beaver problem. CEO Ternes Daniels informed Commissioner Mulvey she will provide an update on both at the next meeting.

Commission Chair Hart stated he noticed a trailer and a truck parked next to the large tree at Kennedy Common today during the Community Market. CEO Ternes Daniels stated she will speak with John Leo Sladich and provide an update at the next meeting.

CEO Ternes Daniels presented the Commission with the following miscellaneous items to be placed on next week's agenda:

1. Resignation of Linda Sather from the Anaconda-Deer Lodge County Local Government Review Study Commission and Appointment of a New Member

CEO Ternes Daniels informed the Commission Linda Sather submitted her written resignation from the Study Commission. She informed the Commission that according to MCA 7-3-178 (3) *"a vacancy on a study commission, including an ex-officio member vacancy, must be determined in the same manner as a vacancy in municipal office as provided in 7-4-4111. A vacancy on a study commission must be filled by appointment by the governing body of the local government being studied by the commission. The appointment must be made within 30 days of the date the vacancy occurs."*

She stated ten people ran for Study Commission and there was quite an interest in it. She stated Milo Manning was one of the candidates and is present this evening because he is interested in filling the vacancy.

CEO Ternes Daniels informed the Commission some questions arose because the Charter states Commission vacancies are filled by the second highest vote getter. However, discussion with Dan Clark, Director of the Local Government Center at MSU, revealed that the Commission can

appoint whomever they want to fill the vacancy. However, CEO Ternes Daniels believes it may be a good idea to apply the concept of the second highest vote getter in this situation.

Commission Chair Hart stated that Milo Manning was the next highest vote getter after Terry Galle. He stated the Commission should consider appointing Mr. Manning as he certainly showed interest to run for the position and received a large number of votes.

Commissioner Lux-Burt stated the Commission advertised for its vacancy when Robert Pierce stepped down. However, the advertising and interview process takes well over 30 days. She stated Mr. Manning has shown an interest and took the time and effort to run for the position and was next in line. She stated it seems like a good way to fill the position.

Rose Nyman – 121 E. 3rd: Ms. Nyman stated she reviewed the MCA yesterday afternoon and did not see any requirements to advertise the vacancy. She stated it is responsible and ethical to appoint Mr. Manning as he was the next highest vote getter.

Milo Manning – 518 Hickory: Mr. Manning informed the Commission that Adam Vauthier phoned him yesterday afternoon and informed him there may be an opening on the Study Commission. Mr. Manning stated he is not sure what good he would be to the Study Commission because he was under the impression the final report was coming out this week. He stated he is glad to serve but is not sure it is really necessary.

Commission Chair Hart stated only the tentative report is being released this week and the Study Commission still has a lot of work to do and needs him to serve.

CEO Ternes Daniels informed the Commission her recommendation is to place this item on the agenda with the recommendation to appoint Milo Manning to the Study Commission.

Kathie Miller asked CEO Ternes Daniels the effective date of Linda Sather's resignation. CEO Ternes Daniels stated her letter does not give an effective date, but verbally the intent is immediately.

Item placed on the agenda.

2. Appointment to the Anaconda-Deer Lodge County Communications Board (1 vacancy, 3-year term; Marty Mavrinac, Sr. has requested appointment)

CEO Ternes Daniels informed the Commission that Mr. Mavrinac has requested appointment. She respectfully requested the Commission place this item on next week's agenda.

Commission Chair Hart stated Mr. Mavrinac would serve this board very well.

Item placed on the agenda.

3. Special Event Permit – Dead Ringer Horse Shoe League Picnic

CEO Ternes Daniels informed the Commission this event is scheduled for August 22nd at the horse shoe pits at Washoe Park. She stated the insurance certificate is in process and should be received in the office by tomorrow.

Item placed on the agenda.

CEO Ternes Daniels went on to congratulate Jessica Massey on her gold and silver medals. She informed the Commission she sent a letter on behalf of the County. In addition, CEO Ternes Daniels acknowledged that it was Anna Rose Shae's 100th birthday.

Executive Session to Discuss Matters Related to the Confidentiality Order Issued by the Honorable Sam E. Haddon in Cause No. CV-89-39-BU-RFC (which requires that settlement communications remain confidential)

Commission Chair Hart stated the Executive Session could take anywhere from a half-hour to an hour. He stated the Commission will adjourn and then call the meeting back to order for Public Comment, ADLC Public Meeting Dates, and Adjournment.

Commission Chair Hart adjourned the meeting at 7:30 p.m.

Commission Chair Hart called the meeting back to order at 8:55 p.m.

PUBLIC COMMENT

Carl Nyman, Superfund Coordinator: Mr. Nyman provided an update to the Commission regarding the assignment agreement for the East Yards. He stated Dan Manson completed a first draft on Friday and it was emailed to the developer. Mr. Nyman informed the Commission the original agreement states the County agrees to pay the broker a 6% commission on the sale of the land.

Dan Manson stated he spoke with a representative from Capital Growth who informed him the broker is aware of the pending sale and is expecting the 6% commission. Mr. Manson stated the County may want to consider an adjustment in the purchase price to make up for the 6% commission.

ADLC PUBLIC MEETING CALENDAR

Commission Chair Hart read the ADLC Public Meeting Calendar.

Meeting adjourned:

Commissioner Lux-Burt moved to adjourn the meeting. The meeting adjourned at 9:00 p.m.



Julie Hoffman
Clerk of the Commission



Kevin A. Hart
Commission Chair