

**Anaconda-Deer Lodge County  
Commission Meeting  
6:00 p.m. August 18, 2015  
Courthouse Courtroom**

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

Others Present: Julie Hoffman, Clerk of the Commission

Commission Chair Hart called the meeting to order at 6:02 p.m. and the Pledge of Allegiance was recited.

Commission Chair Hart explained the Commission Rules of Procedure.

**Approval of Minutes from the Commission Special Meeting of July 28, 2015 the Commission Meeting of August 4, 2015 and the Commission Work Session of August 11, 2015**

Commissioner Lux-Burt stated Julie Hoffman did a great job on the minutes.

Commissioner Lux-Burt moved to approve the minutes from the Commission Special Meeting of July 28, 2015, the Commission Meeting of August 4, 2015 and the Commission Work Session of August 11, 2015; seconded by Commissioner Mulvey.

Motion carried unanimously.

**Approval of Claims**

Commission Chair Hart noted \$121,000 was paid out of Superfund budget and approximately \$200,000 was paid out for the West Valley Sewer project.

Commissioner Vermeire moved to authorize the payment of claims numbered 120279 through 120384 in the amount of \$586,841.56; seconded by Commissioner Smith.

Motion carried unanimously.

**Reports of Boards, Officials, Committees, etc.**

**Parks and Recreation Board – Blake Hempstead, Chair**

Mr. Hempstead informed the Commission that the Parks and Recreation Board is fully staffed. He stated the Board has been focused on a proposal to hire a Recreation Coordinator and stated a recreation presence is needed in the community. He stated CEO Ternes Daniels has listened to the Board in this regard and thanked her for doing so. Mr. Hempstead also informed the Commission the Board is recommending the County partner with Old Works Golf Course to provide weed control services to the parks, specifically Charlotte Yeoman fields. He stated it would save the County money as the County currently spends \$18,000 per year by contracting with TruGreen. Mr. Hempstead stated Josh Thurner from Old Works has the expertise to get the job done and the cost of materials and labor would not come close to what TruGreen charges. He added that Anaconda has the nicest softball complex in the state and it is important to take care of it.

County Attorney Krakowka thanked Mr. Hempstead for the work he is doing on the Board. He stated his daughter is playing soccer on the field located next to the football stadium and was concerned because the bathroom was locked and there was no other available bathroom facility. Mr. Hempstead stated he did not know why the bathroom was locked and suggested it is something that John Leo Sladich should know about.

Commission Chair Hart stated in addition to Josh Thurner's expertise is the fact that it would be a local business providing the service. He also stated with proper maintenance, the turf at Kennedy Common may not have the continued issues due to the ice in the winter. Commission Chair Hart also announced that Ed Dulaney stepped down as the recreation coordinator at the school. He stated if and when the County hires a recreation coordinator, it will be important to have that person collaborate with the schools. Commission Chair Hart thanked Mr. Hempstead and the rest of the Parks and Recreation Board members for stepping up and stated the Board has had some very good meetings.

CEO Ternes Daniels stated she is excited about the enthusiasm of this Board. She stated it has become apparent about the need for a Recreation Coordinator. CEO Ternes Daniels informed the Commission she and Joey Blodnick have been working on the budget and are proposing the Recreation Coordinator position. In addition, she stated it makes sense to share some staff and resources within the community with regard to maintenance of the parks and softball fields.

Commissioner Lux-Burt stated she was glad to see Mr. Hempstead at the meeting and added she did not believe the Commission had ever had a report from the Parks and Recreation Board. She stated she loved the idea of using Josh Thurner and Old Works.

#### **Carl Nyman, Superfund Coordinator**

Mr. Nyman informed the Commission that the Assignment Agreement is ready for Commission review. He proposed having a Special Meeting on August 25<sup>th</sup> to approve the agreement. He stated Dan Manson was able to negotiate up the sale price by \$10,000.00. Commission Chair Hart informed Mr. Nyman the Commission plans to address the agreement at the Work Session and vote on it at a Special Meeting immediately following the Work Session. CEO Ternes Daniels informed Mr. Nyman and the Commission that the agreement was received on Friday afternoon after packets went out. She had a conversation with Dan Manson who felt holding off until August 25<sup>th</sup> for approval would not be an issue.

#### **Commissioners/CEO/County Attorney**

Commissioner Smith attended the Greenway Service District Board Meeting and the Old Works Golf Course Authority Board Meeting.

Commissioner Lux-Burt attended two West Valley Sewer construction meetings. She stated the project is proceeding along but is slightly behind schedule. She stated her daughter lives in the West Valley and they found a gas line behind her house they were not aware of and Northwestern Energy had to be called in to deal with it. In addition to the above, Commissioner Lux-Burt also attended a Georgetown Lake Homeowner's Association meeting.

Commissioner Mulvey attended the DUI Task Force Meeting.

Commission Chair Hart attended the Parks and Recreation Board Meeting and the Study Commission Meeting.

CEO Ternes Daniels attended the Parks and Recreation Board Meeting. She stated she has been busy negotiating contracts and putting the final touches the budget.

County Attorney Krakowka attended the DUI Task Force Meeting, an Elder Protection Meeting, and a Child Abuse Prevention Meeting.

## **UNFINISHED BUSINESS**

### **Resolution No. 15-22, a Resolution to Amend Fund Budgets in Fiscal Year 2014-2015**

Commission Chair Hart stated this item was pretty well covered last week.

CEO Ternes Daniels stated Joey Blodnick did a great job and this Resolution cleans up FY 2014-2015 budget issues.

Commissioner Smith moved to approve Resolution No. 15-22, a Resolution to Amend Fund Budgets in Fiscal Year 2014-2015; seconded by Commissioner Mulvey.

Motion carried unanimously.

### **Resignation of Linda Sather from the Anaconda-Deer Lodge County Local Government Review Study Commission**

Commission Chair Hart stated Linda Sather resigned because of some medical issues.

Commissioner Lux-Burt stated Linda Sather has done an excellent job and is sorry to see her step down.

CEO Ternes Daniels stated she is sorry to see Linda Sather stepping down but believes all of us have to pay attention to our health.

County Attorney Krakowka stated he enjoyed working with Linda and is sorry to see her step down.

Commissioner Lux-Burt moved to approve the resignation of Linda Sather from the Anaconda-Deer Lodge County Local Government Review Study Commission; seconded by Commissioner Mulvey.

Motion carried unanimously.

### **Appointment of a Member to the Anaconda-Deer Lodge County Local Government Review Study Commission (Milo Manning was the next highest vote recipient)**

Commissioner Lux-Burt stated Milo Manning would do a very good and conscientious job on the Study Commission. She stated she believes it would be a good thing for him to be offered the opportunity.

Commission Chair Hart advised Montana State Statute directs that vacancies to the Study Commission are by appointment by the local governing body, even though members are initially elected.

CEO Ternes Daniels stated Milo Manning would be a great addition to the Study Commission as he has a lot of knowledge and history of the County. She stated he would be a great asset to the Study Commission.

Commissioner Mulvey moved to appoint Milo Manning to the Anaconda-Deer Lodge County Local Government Review Study Commission; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

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

CEO Ternes Daniels informed the Commission the agreement is the same as it has been for several years. She stated Michelle Sievers reviewed the agreement and had an issue regarding any potential disputes. CEO Ternes Daniels stated this has not been an issue in the past. She stated to make any changes to the agreement it would have to go through Butte-Silver Bow legal review and its Council procedures as well. CEO Ternes Daniels stated Ms. Sievers does not believe it is absolutely essential to make the change at this time. CEO Ternes Daniels also stated she expects the solid waste fees to increase by at least 15-20% next year.

County Attorney Krakowka stated he was not made aware of any issues by Michelle Sievers and has no comment one way or the other.

Commission Chair Hart proposed placing this on next week's Work Session and then voting on it at the Special Meeting in order to resolve the issue regarding potential disputes. CEO Ternes Daniels stated it is not a critical issue and again pointed out it would have to go back to Butte-Silver Bow for legal review. She stated it has not been a problem in the past but we would have a problem if we cannot take our garbage to Butte.

Commissioner Lux-Burt stated the Commission should proceed.

Commissioner Lux-Burt moved to approve the Solid Waste Agreement between Butte-Silver Bow and Anaconda-Deer Lodge County for the Period July 1, 2015 through June 30, 2016; seconded by Commissioner Mulvey.

Motion carried unanimously.

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

Commission Chair Hart stated he was still unsure whether this should be allowed given that the Commission has held others to different standards. He stated if the properties were adjoined by the legal process then no additional fee should be assessed. However, this is not the case and each individual lot can generate fees (i.e., grass clippings). He does not feel the language in the Resolution is very clear.

Commissioner Lux-Burt stated she believes the Wallis' definitely qualify to have the fees removed. She stated she is in favor of tightening up the Resolution. She informed the Commission she drove by the lot today and it is not a big lot, the old house is gone and it costs a lot of money to demo a house and the Wallis' have done that.

CEO Ternes Daniels stated the Solid Waste Board recommended the fees be removed.

Kaitlin Leary, Planner I stated that in the past sewer fees and other fees have not been removed. However, Resolution 31-01 specifically allows for solid waste fees to be removed in this type of situation. Also, the Wallis' have demolished the house and will only be using the lot as yard space. She stated the lots in the east end of

Anaconda are very small and it is not much different than having a large lot in the West Valley with a home and a large yard.

Rose Nyman – 121 E. 3<sup>rd</sup>: Ms. Nyman stated she is familiar with this block. She stated the structure could possibly have been rehabilitated but there was also knapweed and appliances on the property. She stated she applauds them for cleaning it up and believes it should be approved.

Commissioner Smith moved to approve the request by Robert and Nici Wallis for the removal of Solid Waste Fees at 508 Cedar Street; seconded by Commissioner Vermeire.

Motion carried unanimously.

**Request by Stanley Opp for the Removal of One (1) Solid Waste Fee on Mobile Home Property and Assess One (1) Solid Waste Fee to the Physical Property (per Planning Staff and Solid Waste Board Recommendations)**

Commissioner Lux-Burt stated it makes sense for the fee to be based on the property and not the mobile home.

CEO Ternes Daniels stated Kaitlin Leary did a great job preparing the report. She reiterated that the Solid Waste Board recommended placing the fee on the land and not the mobile home.

Commissioner Vermeire moved to approve the request by Stanley Opp for the removal of one (1) solid waste fee on the mobile home property and assess one (1) solid waste fee to the physical property per Planning Staff and Solid Waste Board recommendations; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

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

Commissioner Lux-Burt commented that Mr. Swan is present at this evening's meeting.

CEO Ternes Daniels stated she is happy that Mr. Swan has shown an interest in serving on the board. She stated he is a very good patron of the library and certainly hopes the Commission appoints Mr. Swan to the board.

County Attorney Krakowka stated Mr. Swan will make an excellent addition to the Library Board.

Commissioner Mulvey moved to appoint Scott Swan to the Hearst Free Library Board of Trustees for a five (5) year term; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

**Appointment of a Member to the Anaconda-Deer Lodge County Communications Board (1 vacancy; 3-year term – Marty Mavrincac, Sr. has requested appointment)**

Commissioner Lux-Burt stated Mr. Mavrincac knows a lot about communications and believes he will make an excellent board member.

Commission Chair Hart stated Mr. Mavrincac will make a great member of the board.

CEO Ternes Daniels acknowledged that Mr. Mavrinac was in the audience and stated he will be great on the board.

County Attorney Krakowka stated Mr. Mavrinac will do an excellent job.

Commissioner Mulvey moved to appoint Marty Mavrinac, Sr. to the Anaconda-Deer Lodge County Communications Board for a three (3) year term; seconded by Commissioner Vermeire.

Motion carried unanimously.

#### **Special Event Permit for Job Corps Picnic Hosted by the Chamber of Commerce**

Commissioner Lux-Burt reminded the Commission they discussed waiving the fees for the pavilion and pool at last week's Work Session and asked Commission Chair Hart if that should be part of the motion.

Commission Chair Hart confirmed that it should be part of the motion.

CEO Ternes Daniels stated she was concerned about the pool being available as the lifeguards are heading back to school. She stated she will find out if the pool will be available.

Commissioner Smith moved to approve the Special Event Permit for the Job Corps Picnic hosted by the Chamber of Commerce and approve waiving the \$20.00 fee for the rental of the Washoe Park Pavilion and the \$40.00 fee for the rental of the Washoe Park Pool; seconded by Commissioner Mulvey.

Motion carried unanimously.

#### **Special Event Permit for the Kiwanis Bike Give Away**

CEO Ternes Daniels informed the Commission this event will take place on September 12<sup>th</sup> from 12:00 p.m. to 1:00 p.m. at Kennedy Common.

Commissioner Mulvey moved to approve the Special Event Permit for the Kiwanis Bike Give Away; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

#### **Special Event Permit for the Dead Ringer Horse Shoe League Picnic**

CEO Ternes Daniels exclaimed, "Horseshoes are great!"

Commissioner Lux-Burt moved to approve the Special Event Permit for the Dead Ringer Horse Shoe League Picnic; seconded by Commissioner Mulvey.

Motion carried unanimously.

#### **NEW BUSINESS**

No new business.

## MISCELLANEOUS

Commission Chair Hart announced the road work on Park and Commercial has come together very well and the striping is getting done. He also stated the duck pond in Washoe is coming along and thanked everyone that has worked so hard on the project.

CEO Ternes Daniels read two letters she received expressing appreciation for Jerold Forkan and the Cemetery Department.

## PUBLIC COMMENT

Rose Nyman – 121 E. 3<sup>rd</sup>: Ms. Nyman inquired as to whether the County issued an air quality alert due to the heavy smoke in the area on Saturday and Sunday. CEO Ternes Daniels informed Ms. Nyman the County did not. Ms. Nyman asked if there was a reason the County did not despite the fact many of our citizens suffer from respiratory ailments and many of our citizens are young children. She stated she checked the website several times over the weekend and did not see any alerts.

Jim Priestly – 715 Chestnut: Mr. Priestly informed the Commission he has been experiencing flooding problems in the alley behind his house. He handed out photographs to the Commission and CEO Ternes Daniels for reference. He stated the flooding has been going on for years but has gotten progressively worse. He stated most of the residents on Chestnut do not have access to their garages anymore. Mr. Priestly stated he talked to Larry Sturm a few years ago but nothing ever happened. He stated the flashfloods that have occurred over the past 2-3 weeks have made the situation worse. In addition, a commercial lawn care company is dumping debris so it smells like compost and sewage. Mr. Priestly stated he is getting frustrated because no one from the County is assuming responsibility for the problem so he is presenting the issue to the Commission because they are the “head honchos” and can do something about it.

CEO Ternes Daniels informed Mr. Priestly Mr. Sturm does not work for the County anymore and this is the first she is hearing of the problem. She asked Mr. Priestly to supply his contact information to Julie Hoffman so that the road supervisor can contact him and come take a look at his property.

## ADLC PUBLIC MEETING DATES

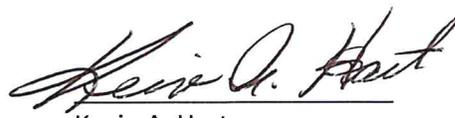
Commission Chair Hart read the ADLC Public Meeting dates.

## ADJOURNMENT

Commissioner Lux-Burt made a motion to adjourn the meeting. The meeting adjourned at 7:15 p.m.



Julie Hoffman  
Clerk of the Commission



Kevin A. Hart  
Commission Chair