

**Anaconda-Deer Lodge County  
Commission Meeting  
6:00 p.m. January 5, 2016  
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 K. Pooley, Clerk of the Commission

Commission Chair Hart called the meeting to order at 6:00 p.m. and the Pledge of Allegiance was recited.

Commission Chair Hart explained the Commission Rules of Procedure.

**Appointment of a Chairman to the Anaconda-Deer Lodge County Board of Commission for Calendar Year 2016**

Commissioner Lux-Burt and Commissioner Vermeire were in agreement that Commissioner Hart does a great job as Chair and asked him if he would like to continue.

Rose Nyman has no problem with the way Commissioner Hart has chaired over the past two years. However, she feels someone else should step up to the plate and get some experience.

Commissioner Smith moved to appoint Commissioner Hart as Chair to the Anaconda-Deer Lodge County Board of Commission for Calendar Year 2016; seconded by Commissioner Mulvey.

Motion carried unanimously.

**Appointment of a Vice-Chair to the Anaconda-Deer Lodge County Board of Commission for Calendar Year 2016**

Commissioner Mulvey moved to appoint Commissioner Vermeire as Vice-Chair to the Anaconda-Deer Lodge County Board of Commission for Calendar Year 2016; seconded by Commissioner Smith.

Motion carried unanimously.

**Approval of Minutes from the Commission Meeting of December 15, 2015 and the Commission Work Session of December 22, 2015**

Commissioner Lux-Burt noted some minor grammatical corrections to the December 22, 2015 Work Session minutes which were emailed to Julie Pooley. Ms. Pooley informed the Commission she made the changes.

Commissioner Smith moved to approve the minutes from the Commission Meeting of December 15, 2015 and the Commission Work Session of December 22, 2015 with the corrections noted by Commissioner Lux-Burt; seconded by Commissioner Mulvey.

Motion carried unanimously.

## **APPROVAL OF CLAIMS**

CEO Ternes Daniels informed the Commission claim #121343 is an invoice from BETA for Alden Beard's work for the NRD Groundwater Project and the CIP. Mr. Beard did some additional work beyond the amount that was agreed upon in the contract; a total of \$1,336.41. Although, he is not seeking payment for this amount, CEO Ternes Daniels respectfully requested the Commission approve this amount for payment.

Commissioner Vermeire moved to approve claims numbered 121272 through 121371 in the amount of \$259,116.12, plus the balance owed to BETA; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

## **REPORTS OF BOARDS, OFFICIALS, COMMITTEES**

Commissioner Mulvey attended the Library Board Meeting.

CEO Ternes Daniels announced that Whitney Nyman, daughter of Carl Nyman and granddaughter of Mrs. Nyman, held her wedding in the courthouse prior to Christmas.

Commissioner Lux-Burt attended the courthouse Christmas party.

## **PUBLIC HEARING – MDP 15-06, an Application for a Major Development Permit Submitted by Pintler Vista Homeowner's Association to Allow for Extension of Their Existing Docks at Georgetown Lake**

Commission Chair Hart opened the hearing for public comment at 6:13 p.m.

Doug Clark, Planning Director informed the Commission the Pintler Vista Homeowner's Association is requesting to extend two docks in the common use area for a total of 32 docks. The Planning Board is recommending approval with four conditions, which were discussed at last week's Work Session.

Lorry Thomas, 2 Cherry: Mr. Thomas asked if there was a limit on how far the docks can be extended. Doug Clark informed him the standard for privately owned docks is sixty (60) feet. However, homeowners can request a variance because typically the water is shallow. Any docks or marinas for common or commercial use must go through the MDP process.

Commission Chair Hart called for public comment three additional times. After no additional comments, the public hearing was closed at 6:18 p.m.

## **UNFINISHED BUSINESS**

### **Resolution No. 16-01, a Resolution Establishing Anaconda-Deer Lodge County Commission Meeting Dates for Calendar Year 2016**

Commissioner Vermeire moved to approve Resolution No. 16-01; seconded by Commissioner Mulvey.

Motion carried unanimously.

**Appointment of Commission Representatives to the Anaconda-Deer Lodge County Boards and Committees for Calendar Year 2016**

Commissioner Lux-Burt announced that she will be the Commission representative for the Head Start Policy Council and Commissioner Vermeire will be the Commission representative for the Health Board.

Commission Chair Hart read aloud the list of Commission Representatives to ensure its accuracy.

CEO Ternes Daniels pointed out that some Commissioners serve as board members and may be up for reappointment this calendar year.

Commissioner Lux-Burt moved to appoint Commission Representatives to the Anaconda-Deer Lodge County Boards and Committees for Calendar Year 2016 as listed; seconded by Commissioner Mulvey.

Motion carried unanimously.

**MDP 15-06, an Application for a Major Development Permit Submitted by the Pintler Vista Homeowner's Association to Allow for Extension of Their Existing Docks at Georgetown Lake**

Commissioner Lux-Burt moved to approve MDP 15-06 with the four (4) conditions as set forth by the Anaconda-Deer Lodge County Planning Board; seconded by Commissioner Vermeire.

Motion carried unanimously.

**Declaration of Protective Covenants between Ueland Ranches, Inc. and Anaconda-Deer Lodge County**

Doug Clark, Planning Director, informed the Commission a minor change was made to item 5 under *Provisions*. In addition, a land transfer took place between the Uelands and another farmer prior to the end of the year for tax purposes. An affidavit from the Anderson Farm Limited Partnership has been signed indicating that once the covenant is signed, the land will be deeded back to the Uelands.

Commissioner Smith moved to approve the Declaration of Protective Covenants between Ueland Ranches, Inc. and Anaconda-Deer Lodge County; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

**CDBG Public Facilities West Valley Sewer Extension Project – Project Management Plan (Including Budget and Implementation Schedule)**

CEO Ternes Daniels informed the Commission this is one of several documents necessary in order for this project to move forward.

Commissioner Mulvey moved to approve the CDBG Public Facilities West Valley Sewer Extension Project – Project Management Plan (including budget and implementation schedule); seconded by Commissioner Vermeire.

Motion carried unanimously.

**CDBG Public Facilities West Valley Sewer Extension Project – Authorization to Advertise the Request for Qualifications for Utility Contractor Services**

Commissioner Lux-Burt is glad to see this moving forward as homeowners are anxious to choose contractors for the project.

CEO Ternes Daniels noted that using qualified contractors is very good for the County's infrastructure.

Commissioner Vermeire moved to authorize the CDBG Public Facilities West Valley Sewer Extension Project advertising for the Request for Qualifications for Utility Contractor Services; seconded by Commissioner Mulvey.

Motion carried unanimously.

**Contract between Anaconda-Deer Lodge County and Montana Department of Commerce for Community Development Block Grant (CDBG) Contract #MT-CDBG-ED-1405 (TIG Welding Lab Project)**

Commissioner Lux-Burt is very supportive of this project. She informed the Commission and CEO she attended a Garden Club meeting this afternoon and scholarships were discussed. It was determined to add vocational scholarships in addition to the scholarships the Garden Club already offers.

CEO Ternes Daniels informed the Commission and the public this project is a partnership between Job Corps, Highlands College and Anaconda-Deer Lodge County. The amount of the award is \$225,000 and the funds can only be administered through a local government.

Commissioner Mulvey moved to approve the contract between Anaconda-Deer Lodge County and Montana Department of Commerce for Community Development Block Grant (CDBG) Contract #MT-CDBG-ED-1405 (TIG Welding Lab Project); seconded by Commissioner Lux-Burt.

Motion carried unanimously.

**CDBG Economic Development TIG Welding Lab Project – Authorization to Advertise the Invitation to Bid for a Portable Construction Trailer for the TIG Welding Lab**

CEO Ternes Daniels informed the Commission the following three bids are for the implementation of the TIG Welding Lab at the Anaconda Job Corps.

Commissioner Lux-Burt moved to authorize the CDBG Economic Development TIG Welding Lab Project – advertising for the Invitation to Bid for a Portable Construction Trailer for the TIG Welding Lab; seconded by Commissioner Mulvey.

Motion carried unanimously.

**CDBG Economic Development TIG Welding Lab Project – Authorization to Advertise the Invitation to Bid for Welding Equipment and Supplies for the TIG Welding Lab**

Commissioner Vermeire moved to authorize the CDBG Economic Development TIG Welding Lab Project – advertising for the Invitation to Bid for Welding Equipment and Supplies for the TIG Welding Lab; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

**CDBG Economic Development TIG Welding Lab Project – Authorization to Advertise the Electrical Services for the TIG Welding Lab**

Commissioner Lux-Burt noted the addition of the requirement for a Licensed Master Electrician.

Commissioner Mulvey moved to authorize the CDBG Economic Development TIG Welding Lab Project – advertising for the Electrical Services for the TIG Welding Lab; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

**Authorization to Call for Bids to Furnish a 16 Metric-Ton Class Excavator for the Anaconda-Deer Lodge County Road Department**

The excavator for the Road Department has been on the top of the list for a long time and both Commissioner Lux-Burt and CEO Ternes Daniels are both glad to see it moving forward.

Commissioner Vermeire moved to authorize the call for bids to furnish a 16 Metric-Ton Class Excavator for the Anaconda-Deer Lodge County Road Department; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

**Task Order No. 16-07-4-31-112-0, DPHHS Immunization Program Grant**

CEO Ternes Daniels informed the Commission that Katherine Basirico, Public Health Director, was present in the audience and may have further comments on this item.

Katherine Basirico informed the Commission this grant helps reduce the burden of preventable diseases in the community for children, adolescents and adults. The grant runs from January 1, 2016 through December 31, 2016.

Commissioner Mulvey moved to approve Task Order No. 16-07-4-31-112-0, DPHHS Immunization Program Grant; seconded by Commissioner Lux Burt.

Motion carried unanimously.

**Proclamation for the 2016 United Way of Butte and Anaconda Fundraising Campaign Kick-Off**

Commission Chair Hart read the proclamation aloud.

Julie Crnich, United Way Director, thanked the Commission for issuing the proclamation. She informed them the United Way assists four (4) non-profits in Anaconda and may begin assisting a fifth.

Commissioner Vermeire moved to proclaim January 6<sup>th</sup>, 2016 as the 2016 United Way of Butte and Anaconda Fundraising Kick-Off; seconded by Commissioner Mulvey.

Motion carried unanimously.

**Appointment of a Member to the Anaconda-Deer Lodge County Parks and Recreation Board to Fill the Remainder of Blake Hempstead's Term through April 1, 2018**

CEO Ternes Daniels stated both Mr. Marker and Ms. Mitchell are both very interested in serving on the board.

Commissioner Lux-Burt believes it would be beneficial to have a member of the public on this board as the County is well represented with Commissioner Hart serving on the board and John Leo Sladich and Tracy Thompson attending the meetings.

Thomas

Commissioner Lux-Burt moved to appoint Aimee Mitchell to the Anaconda-Deer Lodge County Parks and Recreation Board to fill the remainder of Blake Hempstead's term through April 1, 2018; seconded by Commissioner Mulvey.

Motion carried unanimously.

**Appointment of a Member to the Tri-County Fair Board to Fill the Remainder of Will Pauley's Term through January 7, 2017**

Commissioner Lux-Burt and CEO Ternes Daniels noted that Ms. Young seems to have a lot of interest and enthusiasm for the fair. She is involved in 4H and will be a good fit on the board.

Commissioner Mulvey moved to appoint Laurie Young to the Tri-County Fair Board to fill the remainder of Will Pauley's term through January 7, 2017; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

**Resignation of Keith Lopez, LAC, from the DUI Task Force and Authorization to Advertise the Vacancy for a Licensed Addiction Counselor to Fill the Remainder of Keith Lopez's Term through May 19, 2018**

Commissioner Mulvey serves on the DUI Task Force with Mr. Lopez and informed the Commission he is very knowledgeable and that it has been a pleasure to work with him.

CEO Ternes Daniels informed the Commission she will send Mr. Lopez a letter of thanks for his service.

County Attorney Krakowka has worked with Mr. Lopez on the DUI Task Force as well as several cases. His reputation and expertise is impeccable. Mr. Krakowka wished him luck in his new position.

Commissioner Mulvey moved to accept the resignation of Keith Lopez, LAC from the DUI Task Force and authorized the advertising of the vacancy for a Licensed Addiction Counselor to fill the remainder of Keith Lopez's term through May 19, 2018; seconded by Commissioner Lux-Burt.

Motion carried unanimously.

**NEW BUSINESS**

**CEO Ternes Daniels**

CEO Ternes Daniels informed the Commission that as part of the CDBG Public Facilities West Valley Sewer Extension Project, a public hearing on the floodplain process needs to be held. She requested the Commission

authorize the advertising of a public notice and set a public hearing on January 26, 2016. She was unsure if the Commission needed to take a formal vote.

Commission Chair Hart asked for a motion.

Rose Nyman interjected and stated the item had not been vetted to the public.

Commission Chair asked for public comment. After no public comment was received, Commission Chair Hart asked for a motion.

Commissioner Lux-Burt moved to authorize the advertising the public notice and set a public hearing for the floodplain process on January 26, 2016; seconded by Commissioner Mulvey.

Motion passed unanimously.

## **MISCELLANEOUS**

### **County Attorney Krakowka**

County Attorney Krakowka informed the Commission he met with Doug Clark, Planning Director to discuss the decay ordinance. The primary issue with the ordinance is that it contains policy language. Mr. Krakowka hopes to have something before the Commission in the next one to two sessions.

## **PUBLIC COMMENT**

Katherine Basirico, Public Health Director informed the Commission the Environmental Workforce Development and Free Job Training Program will be holding classes at the Job Service February 22<sup>nd</sup> through March 4<sup>th</sup>. Classes are offered to the underemployed/unemployed ages 18 and older. The program offers free environmental job training and certifications in the construction industry.

Dale Shafer, 408 Stewart: Mr. Shafer appeared before the Commission on behalf of Anaconda Sportsmen, Skyline Sportsmen and Public Lands/Water Access Association, Inc. to file a formal complaint under MCA 7-14-2615 with regard to Dry Gulch Road. He informed the Commission the Montana Supreme Court re-affirmed that Dry Gulch Road is a county road and asked the Commission to address the length of Dry Gulch Road to determine where it ends. Mr. Letica has placed a locked gate on Dry Gulch Road without contacting the county and Mr. Shafer believes this may be an illegal obstruction on a county road. He suggested finding someone to decipher the 1889 petition to determine the boundaries of the road.

Commission Chair Hart questioned which side of the pond the gate is on, and Mr. Shafer clarified the pond is installed on the existing road of the lower branch. In addition, DNRC authorized the pond to be installed for fire suppression only for use three weeks out of the year.

Mr. Shafer would ultimately like the county to come to an agreement with Mr. Letica wherein the county "trades" Dry Gulch Road for the upper portion of Modesty Creek Road so the public can access forest service land.

County Attorney Krakowka was not able to provide a recommendation at tonight's meeting and advised coming up with a comprehensive plan prior to taking any action. He also suggested approaching Mr. Letica in a "neighborly" fashion. Mr. Krakowka informed the Commission and Mr. Shafer he is preparing for two major

trials over the next two weeks and will not be able to focus on this issue until these trials are complete. He noted that nuances are always prevalent in legal opinions and he would like to go back and read the Modesty Creek opinion again. He would like to take the time to review everything and formulate a plan so the county can proceed accordingly.

Mr. Shafer suggested adopting an ordinance that would put a procedure in place for landowners who want to close a road or a public right of way.

Doug Clark, Planning Director, applauded Mr. Shafer and his group for coming to the meeting tonight and offering solutions. Too many times, the county receives requests and demands but no solutions. He does not feel the county should cut the lock. Mr. Clark read Judge Kruger's 72 page decision as well as the MT Supreme Court decision and agreed with County Attorney Krakowka with regard to all of the nuances contained within the decisions. It seems the major point of dispute is where Dry Gulch is actually located and that still remains to be determined. Mr. Clark agrees with Mr. Krakowka that the county needs to have a calculated, measured plan to provide a clear path to move forward.

Monica Anderson, 12 Upper Racetrack Rd: Ms. Anderson asked what the benefit will be for Mr. Letica for trading portions of the road. Doug Clark noted the public would not have to cross his land in order to reach Forest Service land.

Lorry Thomas agrees with the County Attorney's plan but believes demanding Mr. Letica to unlock the gate until this is settled could be used as a bargaining chip.

Rose Nyman is tired of seeing the Commission order a lock cut off a gate. She believes both her and Commissioner Lux-Burt urged caution with the last County Attorney in this regard. However, she does not feel Mr. Letica is correct and she agrees with the Planning Director that the county should not cut the lock at this time.

The County Attorney will meet with Mr. Shafer and his group immediately after tonight's meeting to come up with a game plan and plan on moving forward after his trials are complete.

Rose Nyman had raised several concerns before the Commission:

- She informed the Commission that a barrage of fireworks were lit off on New Year's Eve and went on for hours. She has no objection to fireworks within a reasonable hour. She inquired into the status of the fireworks ordinance. Commission Chair Hart stated the consensus felt the existing ordinance was sufficient if large parties of fireworks were contained. However, it may still need to be addressed.
- A great number of people were coming and going to her house over the holidays and some did a lot of ice skating. One of her guests asked if the person in the warming shack was a volunteer and Ms. Nyman thought perhaps it was a county employee. The person in the warming shack "snarled" at her guest when she asked what time the warming shack was closing. Ms. Nyman is concerned that visitors and potential residents of Anaconda are being treated in this manner.
- The streets are like quicksand.
- Ms. Nyman attended the Library Board meeting where it was stated the bylaws were "CEO drafted." She is under the assumption that everything that was lined out was deleted. CEO Ternes Daniels informed Ms. Nyman that when the ordinance was re-done, Kurt Wyant was quite concerned about the building and artifacts, both of which ADLC owns. The notion was to protect the building and artifacts with the change in the ordinance. Ms. Daniels informed Ms. Nyman and the Commission that the last

set of bylaws were adopted in May 2013 and signed off by Dick Verstraete who was Chair at the time. CEO Ternes Daniels made some changes to the bylaws in accordance with the ordinance- most of which were semantic changes (CEO v. City Manager), marked it as a draft and brought them before the Library Board.

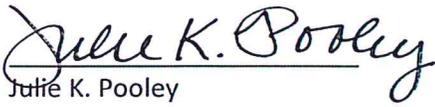
- Many of the 2014 Commission Minutes are missing from the website and she had to go to the library to do her research. Julie Pooley, Clerk of Commission stated the minutes were on the website and she would go to her office after the meeting to verify this.
- Ms. Nyman thanked Mr. Krakowka for working on the decay ordinance.

#### ADLC PUBLIC MEETING DATES

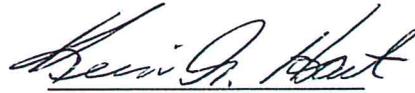
Commission Chair Hart read the ADLC Public Meeting Dates.

#### ADJOURNMENT

Commissioner Lux-Burt made a motion to adjourn the meeting. The meeting adjourned at 7:56 p.m.



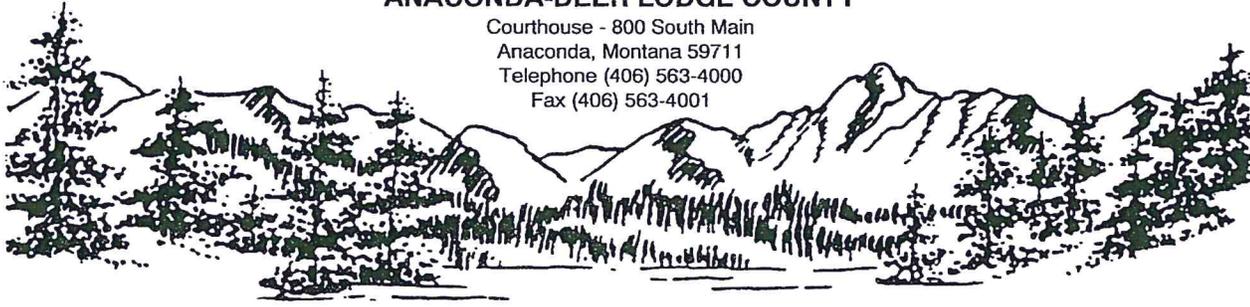
Julie K. Pooley  
Clerk of the Commission



Kevin A. Hart  
Commission Chair

## ANACONDA-DEER LODGE COUNTY

Courthouse - 800 South Main  
Anaconda, Montana 59711  
Telephone (406) 563-4000  
Fax (406) 563-4001



### COMMISSION REPRESENTATIVES TO ANACONDA-DEER LODGE COUNTY BOARDS CALENDAR YEAR 2016

BOARD	COMMISSION REPRESENTATIVE
Airport Board	Commissioner Vermeire
DUI Task Force	Commissioner Mulvey
Greenway Service District	Commissioner Smith
Head Start Grantee Board	All Commissioners
Head Start Policy Council	Commissioner Lux-Burt
Headwaters RC&D Board	Commissioner Lux-Burt
Health Board	Commissioner Vermeire
Human Resources Council District XII	Commissioner Vermeire
Old Works Golf Course Authority Board	Commissioner Smith (Ex-Officio Member)
Opportunity Mosquito Control Board	Commissioner Smith
Parks and Recreation Board	Commissioner Hart
Solid Waste Board	Commissioner Vermeire
Weed Board	Commissioner Mulvey
Finance Committee	Commissioners Hart, Lux-Burt & Smith
Land Use Committee	Commissioners Hart, Smith & Vermeire
CDBG Revolving Loan Committee	Commissioner Hart
Job Corps Community Relations Council	Commissioners Mulvey & Lux-Burt
Local Emergency Planning Committee	All Commissioners
Study Commission	Commissioner Hart
Superfund Negotiations Team	Commissioners Lux-Burt & Vermeire
SW Regional Juvenile Detention Committee	Commissioner Mulvey
Western Montana Mental Health Board	Commissioner Mulvey