

**NOXIOUS WEED CONTROL BOARD  
BUTTE-SILVER BOW  
155 W. GRANITE STREET – COURTHOUSE  
BUTTE, MT 59701  
497-6460**

**WEED BOARD MEETING**

December 1, 2009  
Tuesday – 7:00 P.M.  
Courthouse – Weed Dept.

**Members Present:**

Carl Johnson, Mark Kambich Greg Ebner, Scott Haeffner and Doug Butori.

**Others Present:**

Diane Ericson, Gene Jense, John Moodry, Mark Wilcox, Chris Chebul and Linda Raiha.

# M I N U T E S

**1. Approval of October 6, 2009 Minutes:**

Chairman, Mark Kambich, opened the meeting by requesting any corrections to the October 6<sup>th</sup> Minutes. There being none, the minutes were approved as submitted.

**2. Public Comment:**

John Moodry introduced Gene Jense. John explained Mr. Jense is here to protest the charges put on his 2009 taxes for non-compliance work done on his property located on West Porphyry. Mr. Jense felt the charges were excessive for the small piece of property involved (approximately 20x81). John explained the charge is \$200/hour whether it takes ten minutes or the full hour to mow and spray the property involved. After a lengthy discussion, the following motion was made:

**Motion:** A motion was made by Doug Butori to keep the charge of \$382.76 for non-compliance work done on Mr. Gene Jense's property in 2008 on his 2009 taxes. The motion was seconded by Greg Ebner and approved unanimously.

In conjunction with the above matter, John introduced a letter he has received and had sent copies to the Board from Crystal and Reno Chase regarding their property located at 1817 Adams. They have charges of \$387.76 in 2008 and \$497.50 in 2009. Mr. Chase claimed they were never contacted as they live out of the state. John showed receipts that registered letters had been signed for, as required by the ordinance. The 2008 charges were paid on tax statement, but they did not take care of property, so we again did non-compliance work in 2009 reported John. After reviewing Mr. Chase's letter and a short discussion, the following motion was made:

**Motion:** A motion was made by Scott Haeffner and seconded by Carl Johnson not to reduce the charges for the property at 1817 Adams owned by Crystal Chase. The motion passed unanimously.

### **3. Subdivisions:**

**A. Weed Management Plan** – None.

**B. Bonding & Bond Releases** – See below,

John reported that he has several weed bonds which need to be addressed and approved by the Board, they are:

- **Butte Ski Club** – John reported this subdivision is owned by Art Dick and he has sprayed every year and the property looks good. John recommended Bond A & B for \$2,400 be released.
- **Petritz Minor Subdivision** – John reported that this subdivision also looks good and we did release Bond A for \$100 and John recommended that Bond B - \$100 be released also.

- **Edmore Minor Subdivision** – John advised the Board that Bond A for \$150 had been released in 2006 and he recommends Bond B for \$150 also be released at this time.
- **Brown Minor Subdivision** – John reported this subdivision is owned by Bill Brown and he is in compliance. We released Bond A in 2007 for \$100 and John recommends at this time to release Bond B for \$100.
- **Northern Pacific Minor Subdivision** – John advised the Board that this subdivision is owned by Marty Salusso and Bond A for \$50 was released in 2007 and we now need to refund Bond B for \$50.
- **Lakeshore Addition No. 6 Major Subdivision** – John reported that this subdivision is owned by Jack Burke and he has complied with every request we make of him. We released Bond A - \$450 in 2007 and since he is in compliance with his weed plan John recommends we release Bond B \$450 also.
- **Wixsten Minor Subdivision** – John also recommends that this subdivision bond B be refunded to Marvin Wixsten for \$100. Mr. Wixsten is also in compliance.
- **Carruthers Minor Subdivision** – John advised the Board that this subdivision is owned by Al Carruthers and is located in the Rucker area. We refunded Bond A - \$100 in 2007 and John recommended releasing Bond B for \$100 at this time.
- **J & R Rentals** – This subdivision is owned by Rex Leipheimer. John stated this bond should have been released in 2008, but was overlooked. This is Bond A - \$150.00. John recommended Bond A now be released.
- **RML Minor Subdivision** – This subdivision is also owned by Rex Leipheimer and the bonds were paid at the same time the bonds for J & R Rentals was paid. This bond amount is \$300 and John recommends Bond A for \$300 be released also.

- **Fleecer View Subdivision** – John advised the Board that this subdivision is owned by Dale Carpenter and Dale phoned John to request that his bond be held over for Phase III of his subdivision. Rather than refund his bond and then have him pay another bond in the same amount for Phase III, Dale felt it would just be better to keep his bond and transfer to Phase III. John advised the Board that he is bringing it before the Board for their approval. John reported that he has no objection to doing this as the Phase III acres are approximately the same as Phase II. Dale is spraying and re-seeding and is in compliance and John was going to refund the bond, but this would be just as easy reported John.

After discussion on all of the above subdivisions, the following motion was made:

**Motion:** A motion was made by Scott Haeffner and seconded by Greg Ebner to approve all of the above subdivision refunds as recommended to the Board by John Moodry. The motion passed unanimously.

- **Vigilante Major Subdivision** - In conjunction with bond releases, John advised the Board that per their instructions he went out and inspected the area where this subdivision is located and he now rescinds his recommendation to refund the bond. John stated that the whole area is in really bad shape, not just the Vigilante subdivision. He reported that a bunch of landowners in the area are in non-compliance. The Board instructed John to inspect and send letters to all landowners in this area and request weed management plans from them.

#### **4. Landowner Coordination:**

##### **A. State & Federal:**

- **MDOT** – John stated that they have finished up the highways and sent them a bill and we have received a check from them already. So we are basically done with highways until next spring, 2010.

- **BLM** – The bill was sent to BLM and we have received the money back already. Everything going well. We sent in a request for next year's funding of \$8,000 for Challenge Gant for Big Hole and \$5,000 for other areas. There will also be an extra \$6,000 left over from BLM funding they will give to us to spray their lands.
- **Fish, Wildlife & Parks** – Fred King has announced that he will be retiring soon; no date has been given yet nor has anyone been named to replace him. John felt this will be a big loss for everyone. John will keep the Board updated on when he will retire and replacement.

**B. Private:**

John introduced Diane Ericson, who attended the Weed Board meeting to find out what has been done in her area. Mrs. Ericson told the Board that she had attended the July, 2009 meeting to request that the Board look into the Buxton area at a few landowners who were doing nothing to take care of their land. They have done no spraying and have a lot of knapweed and spurge. She reported that this is very unfair as the majority of landowners have weed management plans and are spending a lot of money to control weeds on their properties. When you have a few doing nothing, it is very hard the property owners who are complying with the laws. She stated she had attended the July meeting with the same request and she knows that other landowners have come to the Board with the same request. She now wants to know what the Board has decided to do about the situation. She also wanted to know what the possibility of getting some cost-sharing for chemicals would be. Mark Kambich explained that the Weed Board budget is not large enough to do any type of cost-sharing. The only possibility for that would be a grant in the area. The Board recommended John Moodry look into that possibility for the Buxton area. After a long discussion, the following motion was made:

**Motion:** A motion was made by Scott Haeffner and seconded by Doug Butori that the Board recommend that John Moodry go out and inspect all properties in the Buxton area and this spring send letters to all landowners about the weeds on

their property and request they submit weed management plans to the Board. The motion passed unanimously.

- **Flint Creek** – John is still working with Stacy Knapp in trying to do a grant for this area. John felt he will have to stay on this area to keep doing weed control and will be talking to landowners again this spring.

## 5. **Progress Reports:**

### A. – **Noncompliance:**

- John explained that Mark has updated the good guy letter to be sent out next spring (a copy was given to the Board members).
- Mark reported he has 261 files he would like to put in storage with the Board's permission. He will still be able to proceed with non-compliance on these properties at any time they are in non-compliance, but so far they have been excellent in replying to letters and complying with any needed work on their properties.

**Motion:** A motion was made by Doug Butori to close 261 good guy property files and put into storage and this motion was seconded by Scott Haeffner. The motion was passed unanimously.

Mark also requested the Board's approval when doing non-compliances and when requesting landowners to take care of their properties, he would like to do alleys. Mark explained that landowners are responsible for their properties, which includes from the middle of the alley in back of their property to the middle of the road in front of their property. After discussion the Board recommended Mark to do this, but not take on more than he can handle.

**B. General – Weed Department** – John explained that it is time to send in money for pesticide license renewals for himself, John Chebul, Chris Chebul and Mark Wilcox. Also the Weed Board members will be put under John Moodry's license.

- Motion:** A motion was made by Scott Haeffner and seconded by Carl Johnson to approve paying for license renewal for Weed employees and pay to put Board members under John Moodry's license. The motion passed unanimously.
- **Melrose** – John advised the Board that the town Melrose has sent a letter of complaint stating they are not getting services such as police protection and weed control that they pay for in their taxes. John is just making the Board aware of this letter.

**6. Other Business:**

- A. Old Business** – John reported that he has received invoices for annual dues for two groups, they are: RC&D Headwaters and MWCA Southwest Weed Control Association. John felt that both these organizations do basically the same thing. The following motion was made:

**Motion:** A motion was made by Doug Butori and seconded by Greg Ebner to pay the \$100 dues for the MWCA Southwest Weed Control Association, but not the RC&D Headwaters Association. The motion was passed unanimously.

- B. New Business – Meeting Times & Quorums** – Doug Butori felt there needs to be a bigger effort to reschedule meetings the following week when we are unable to get a quorum for a regular scheduled meeting. He stated it is unfair to weed employees and also to anyone who has been scheduled to appear at the meeting for non-compliance or whatever reason they attend meetings. After a long discussion, it was decided to hold this over for January's meeting.

Along those same thoughts, Mark Kambich stated we need to get people who want to come to a weed meeting to protest their non-compliance actions on the agenda and give the Board an

opportunity to study any materials that the Weed employees may send. This will give the Board an opportunity to be more prepared to discuss issues and not have complaints just dropped on them. Mark stated that this should become just the policy for all non-compliances from now on.

The next meeting will be on January 5, 2010.

Respectfully submitted,

Linda Raiha  
Secretary