

Deer Lodge, Montana

January 4, 2011

The Board of Commissioners for Powell County, Montana, met in regular session at 10:00 o'clock A.M. Present: Ralph E. Mannix, Jr., Cele Pohle and Donna Young.

The Board held the election for the Presiding Officer. Commissioner Pohle was elected Presiding Office for 2011.

Claims against the County were examined, approved and ordered paid by the Board of Commissioners for the month of December, 2010, and a record of such is on file in the office of the Clerk and Recorder.

Tom Gilebrand of Montana State Prison met with the Board regarding a possible project for the Montana State Prison fire crew.

Tony Pfaff, Airport Board, met with the Board to discuss a fire truck for the airport.

Dave Bluford, Rural Fire Chief, is pursuing a grant through Volunteer and Rural Fire Assistance Program for communications equipment for the rural fire departments.

The Board passed the following Resolutions:

BOARD OF COUNTY COMMISSIONERS
POWELL COUNTY, MONTANA

RESOLUTION FOR COMMISSIONERS MEETING DATES 2011

2011-1

WHEREAS, Section 7-5-2122 MCA requires the Commissioners to set the dates of their meetings;
and

WHEREAS, the Board of County commissioners of Powell County, Montana, have determined that the following dates shall be set for meetings:

The First Tuesday, Wednesday and Thursday after the First Monday of the Month;

The Third Weed of the Month on Monday, Tuesday, Wednesday

The Last 3 Working Days Before the Last Working Day of the Month.

Office hours will be 10:00 a.m. to 12:00 noon and then 1:00 p.m. to 5 p.m., except that during the months of June, July and August the hours shall be 9:00 a.m. to 12:00 noon and then 1:00 p.m. to 4:00 p.m.

If a legal holiday falls on a Monday, the meeting days will be adjusted to Tuesday and Wednesday of the affected week.

NOW, THEREFORE BE IT RESOLVED by this Board of County Commissioners that the meeting dates for the Powell County Commissioners shall be and are hereby adopted as reflected above.

This Resolution is effective January 1, 2011.

Done this 4th day of January, 2011.

BOARD OF POWELL COUNTY COMMISSIONERS

s/ Cele Pohle, Presiding Officer

s/ Donna Young, Member

s/ Ralph E. Mannix, Jr., Member

ATTEST:

S/ Diane S. Grey
Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS
POWELL COUNTY, MONTANA

RESOLUTION

2011-2

SET PER DIEM AND TRAVEL RATES

WHEREAS, the Powell County Commissioners have provided for compensation of County Employees for per diem and travel rates in its Personnel Manual in Policy 29.00.

WHEREAS, the Powell County Personnel Policy Manual provides for rates for mileage, lodging and transportation in County service; and

WHEREAS, the rates for reimbursement for County travel in some instances have been tied to the State of Montana and Federal rates for reimbursement, which can be subject to change; and

WHEREAS, modification of the State of Montana and Federal rates for reimbursement change periodically and it is the desire the County Commissioners to tie some of the rates for the County to certain State of Montana and Federal rates.

NOW THEREFORE BE IT RESOLVED,

1. That the amount of reimbursement for lodging shall be the actual single room rate cost of lodging at the conference site.
2. Mileage reimbursement shall be tied to the rate allowed by the Federal Internal Revenue Service for mileage reimbursement.
3. The rate of per diem reimbursement for meals shall be tied to the rates state in Mont. Code Ann. 2-18-501(1).

Done this 4th day of January, 2011.

BOARD OF POWELL COUNTY COMMISSIONERS

s/ Cele Pohle, Presiding Officer
s/ Ralph E. Mannix, Jr., Member
s/ Donna Young, Member

ATTEST:

s/ Diane S. Grey, Clerk and Recorder

Resolution Three was for the setting of rates for service for processing civil papers and mileage. Commissioner Mannix moved to adopt with correction, Commissioner Young seconded the motion and the motion carried.

BOARD OF COUNTY COMMISSIONERS
POWELL COUNTY, MONTANA

PROPOSED RESOLUTION

2011-3

SHERIFF'S SERVICE OF PROCESS FEE INCREASE

WHEREAS, the Montana Legislature has provided in Mont. Code Ann. 7-6-4013 that the County Commissioners shall set fees for costs for Court Offices by resolution; and

WHEREAS, the County Sheriff's Office is permitted to charge fees as approved by the governing body for the costs of civil service of process and other civil papers as defined in Section 7-32-2141 MCA (2009); and

WHEREAS, the Powell County Sheriff has determined that the majority of civil process servers in Powell County are charging \$25.00 per service, plus mileage, and has made recommendations to the County Commissioners to increase the set fee for service of civil process at \$25.00, plus mileage; and

WHEREAS, the County Commissioners of Powell County, Montana have examined the fee proposals from the Powell County Sheriff and their underlying basis and have determined that the flat fee of \$25.00 per civil service of process, and other civil papers as defined in Section 7-32-2141(1) (a through l)MCA (2009), plus mileage, is a fair fee for the services performed by the Sheriff's Office in the service of process and other civil papers, and preparation of documentation of the services; and

WHEREAS, the County Commissioners of Powell County, Montana, have directed the County Attorney to prepare proposed resolution and the appropriate notices to adopt said fees and the appropriate notices.

WHEREAS, notice of a public hearing on the fees was published in the Silver State Post on December 22 and 29, 2010, for the public hearing held on January 4, 2011 at 1:00 p.m.

NOW, THEREFORE, it is hereby resolved by the County Commissioners of Powell County Montana as follows:

The Office of the Powell County Sheriff shall charge a flat fee of \$25.00 per civil service of process and other civil papers as defined in Section 7-32-2141(1) (a through l) MCA (200{}), plus mileage to the public and taxpayers. A list of mileage rates to the various communities in Powell County is attached.

Done this 4th day of January, 2011.

BOARD OF POWELL COUNTY COMMISSIONERS

s/ Cele Pohle, Presiding Officer
s/ Donna Young, Member
s/ Ralph E. Mannix, Jr., Member

ATTEST:

s/ Diane S. Grey
Clerk and Recorder

Powell County Commissioners
Civil Paper Services Fees Resolution
Date January 4th, 2011

Civil Paper Service Fee: 25.00

Plus Mileage Fees:

Deer Lodge:	10.00
Montana State Prison:	10.00
Racetrack:	25.00
Garrison:	15.00
Gold Creek:	25.00
Avon:	25.00
Elliston:	30.00
Helmville:	50.00
Ovando:	60.00

This hereby came effective on January 4th 2011, by the Powell County Commissioners Resolution Sheriff's Service of Process Fees Number 2011-03.

NOTE: Last Resolution Sheriff's Service of Process Fees – Dated January 1992

Presiding Officer Pohle opened a public hearing for Resolution Four concerning the Treasurer's fee and for tax assignments and other fees for delinquent taxes. The Hearing closed.

BOARD OF COUNTY COMMISSIONERS
POWELL COUNTY, MONTANA

PROPOSED RESOLUTION
2011-4

WHEREAS, the Montana Legislature has provided in Mont. Code Ann. 7-6-4013 that the County Commissioners shall set fees for costs for County Offices by resolution; and

WHEREAS, the County Treasurer's Office is permitted to charge fees for the costs defined in Section 15-17-121(2)(a) and has made recommendations to the County Commissioners for the average time and costs to perform the following tasks on a routine basis:

- (i) Preparing the list of delinquent taxes;
- (ii) Preparing the notice of pending tax lien sale;
- (iii) Conducting the tax lien sale;
- (iv) Assigning the county's interest in a tax lien to a third party;
- (v) Identifying interested persons entitled to notice of the pending issuance of a tax deed;
- (vi) Notifying interested persons;
- (vii) Issuing the tax deed; and
- (viii) Any other administrative task associated with accounting for or collecting delinquent taxes; and

WHEREAS, the County Commissioners of Powell County, Montana have examined the fee proposals from the County Treasurer and their underlying basis and comparable fees from other counties and have determined that the following are fair fees for the services performed by the Treasurer's Office in the preparation of documentation of delinquent taxes and the process of assigning the county's interest in the property and in issuing the tax deed(s):

Assignment Fee	\$25.00
Delinquent Tax Report	\$35.00
Preparation and Filing of Tax Deed	\$25.00

; and

WHEREAS, the County Commissioners of Powell County, Montana have directed the County Attorney to prepare a proposed resolution and the appropriate notices to adopt said fees and the appropriate notices;

WHEREAS, notice of a public hearing on the fees was published in the Silver State Post on December 22 and 29, 2010, for the public hearing held on January 4, 2011 at 1:00 p.m.

NOW, THEREFORE, it is hereby resolved by the County Commissioners of Powell County, Montana as follows:

The Office of the Powell County Treasurer shall charge the following fees to the public and taxpayers:

Assignment Fee	\$25.00
Delinquent Tax Report	\$35.00
Preparation and Filing of Tax Deed	\$25.00

Done this 4th day of January, 2011.

BOARD OF POWELL COUNTY COMMISSIONERS

s/ Cele Pohle, Presiding Officer
s/ Donna Young, Member
s/ Ralph E. Mannix, Jr., Member

ATTEST:

s/ Diane S. Grey
Clerk and Recorder

Commissioner Young moved and Commissioner Mannix seconded the motion and the motion carried.

BOARD OF COUNTY COMMISSIONERS
POWELL COUNTY, MONTANA

RESOLUTION

2011-5
RATE OF CREDIT FOR INCARCERATION

WHEREAS, the Montana Legislature has directed all Counties to annually set the rate for credit for incarceration of inmates while awaiting trial or sentencing pursuant to 46-18-403 MCA; and

WHEREAS, the County Commissioners have consulted with the Powell County Sheriff and the Justice of the Peace and learned that they believe the proper amount to give as credit for each day spent in jail against the person's fines is the sum of \$65.00 per day, based upon the costs to the County for the inmates' incarceration, supervision, medical costs and food; and

WHEREAS, the amount to be credited should not exceed the amount of the fine.

NOW THEREFORE IT IS HEREBY RESOLVED,

That the amount of credit for an inmate at the Powell County Jail shall be the sum of \$65.00 per day up to the amount of the fines levied for the offense upon which the inmate was incarcerated.

Done this 4th day of January, 2011.

BOARD OF POWELL COUNTY COMMISSIONERS

s/ Cele Pohle, Presiding Officer
s/ Ralph E. Mannix, Jr., Member
s/ donna Young, Member

ATTEST:

s/ Diane S. Grey
Clerk and Recorder

Commissioner Mannix moved and Commissioner Young seconded the motion regarding the Big Rig Shipments. The motion carried.

BOARD OF COUNTY COMMISSIONERS
POWELL COUNTY, MONTANA

RESOLUTION NO. 2011-6

WHEREAS, a vibrant and robust economic landscape in Montanan is essential to the success of our business and workers, the quality of our schools, the funding of public services and the welfare of our families;p and

WHEREAS, local counties and communities must stand in firm support of new projects and opportunities that will benefit our regional economy and provide jobs for our residents; and

WHEREAS, allowing commercial traffic to use public roads is a crucial component of any area's ability to attract and maintain a viable business community; and

WHEREAS, traffic associated with the proposed big rig shipments has been carefully considered and meticulously structured to safely travel on Montana highways without inordinately disturbing local residents or endangering the environment; and

WHEREAS, proposed shipments will:

- Enrich the Montana economy by \$67 million;
- Provide our regional highway systems with \$35 million in new roads and turnouts, without cost to taxpayers;
- Generate \$30 million in local spending on contracting, trucks, drivers, law enforcement and security escorts; and

WHEREAS, oversize shipments are already a commonplace occurrence in our region and allowing outside interferes to unfairly single out traffic associated with proposed shipments would not only deprive our area of a significant economic boost, but also set a dangerous precedent that could be used to stifle other local business activity in the future; and

WHEREAS, the Oil Sands will not only improve our local economy, but also provide the United States with an important new supply of much needed energy, reducing our reliance on foreign fuels from other continents.

NOW, THEREFORE, BE IT RESOLVED, that we, the undersigned, urge Governor Brian Schweitzer and all other state officials to continue their support for proposed big rig shipments through Montana to Canada and to ensure that no highway user is discriminated against, but is allowed the full and free use of our roads and highways;

BE IT FURTHER RESOLVED, all Montana residents, business owners, and county and community leaders stand firmly together on the importance of protecting free and open access for all industries, and loudly voice our combined support for this valuable project.

Done this 4th day of January, 2011.

BOARD OF POWELL COUNTY COMMISSIONERS

s/ Cele Pohle, Presiding Officer
s/ Donna Young, Member
s/ Ralph E. Mannix, Jr., Member

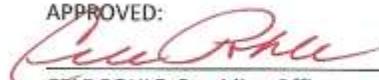
ATTEST:

s/ Diane S. Grey
Clerk and Recorder

The Board sent letters of appointment to Dr. Martin Krautter, Park Board and Ruth Koehler, Fair Board.

On motion, the meeting was adjourned at 5:00 o'clock P.M.

APPROVED:



CELE POHLE, Presiding Officer

ATTEST:



DIANE S. GREY, Clerk

Deer Lodge, Montana

January 5, 2011

The Board of Commissioners for Powell County, Montana, met in regular session at 10:00 o'clock A.M. Present: Presiding Officer, Cele Pohle, and Members, Donna Young and Ralph E. Mannix, Jr.

Bill Fliener, Disaster and Emergency Services Coordinator from Broadwater County and also representing Interoperable Public Safety Communications System, met with the Board of Commissioners. He is asking for a pledge to continue the system through 2011. Commissioner Mannix moved to provide a pledge of \$3,000.00. The motion was seconded by Commissioner Young. The motion was amended to state the \$3,000.00 will come from radio/communications budgets of the Sheriff. The amendment passed. The vote on the motion carried.

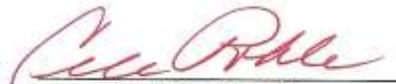
Charlene Bucha-Gentry, Deerlodge Forest Ranger, met with the Board with forest service updates. Mark Esienbiel from the Silver State Post also attended. County Attorney Lewis Smith joined the group.

The Board toured Heliworks at the City-County Airport.

Commissioner Young will be out of the state from January 7 through the 24th.

On motion, the meeting was adjourned at 5:00 o'clock P.M.

APPROVED:


CELE POHLE, Presiding Officer

ATTEST:


DIANE S. GREY, Clerk

Deer Lodge, Montana

January 6, 2011

The Board of Commissioners for Powell County, Montana, met in regular session at 10:00 o'clock A.M. Present: Presiding Officer, Cele Pohle, and Members, Donna Young and Ralph E. Mannix, Jr.

Chris Laity, Great West Engineering, reported on the progress of the repair to the Cottonwood Creek Floodwall. The Board agreed to accept the recommendation to postpone the floodwall repair.

Landowners near the Spotted Dog Weed Management Area (WMA) met with the Board to ask the status of the county road through the Spotted Dog WMA. Attendees were given County Attorney Opinion 2010-1, Jake Creek Road. The consensus of the group was to continue meeting on road issues. Attendees were: Mick McGraw, Jim Tomlinson, PJ Wright-Silver State Post, Pat Hanson-Montana Standard, Brian Bender-County Planner, Bill Mosier, Dave Johnson, Shawn Curtis, John Beck, Hank Kertula and Josh McGraw.

The Board met with Marwan Saba and Hans Schlueter of the Powell County Sheriff's Association to clarify the Agreement language regarding overtime pay.

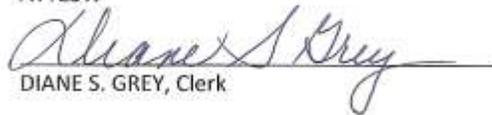
Visitor: Duane Hoxworth

On motion, the meeting was adjourned at 5:00 o'clock P.M.

APPROVED:


CELE POHLE, Presiding Officer

ATTEST:


DIANE S. GREY, Clerk