

Deer Lodge, Montana

April 18, 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. Clerk and Recorder, Diane Grey presented correspondence.

The Board received notice of approval for required permits for work on bridges and Cottonwood Floodwall maintenance.

Notice was received from Reintegrating Youthful Offenders (RYO) of an increase in per diem rates from \$231.13 to \$235.75, effective July 1, 2011. A copy is on file with the Financial Officer.

The Commissioners received a letter requesting the appointment of Dan Masee to the Ovando Fire District Board of Directors. Commissioner Pohle moved and Commissioner Young seconded the motion to appoint Mr. Masee to the Board of Directors. The motion carried.

The Board requested claims data from Vern Petersen of the Joint Powers Trust.

Disaster and Emergency Service (DES) coordinator Bernard Barton will be out of state from April 22 through the 27th, 2011. Notice is on file.

Commissioner Young and County Attorney, Lewis Smith attended the Avon School Board meeting on April 13, 2011, to request that the Board consider granting a road easement to the County from the Avon Clubhouse to Highway 141. County Attorney Smith will proceed with plats and will seek Board approval at a later date.

Allen Murphy with the Deer Lodge Snowmobile Club was in to ask the cooperation of the County in an Agreement. He will present the finalized document on April 26, 2011.

The Board attended a Wellness Seminar by TwoMedicine at the Community Center.

County Planner, Brian Bender, presented the Planning Department monthly report.

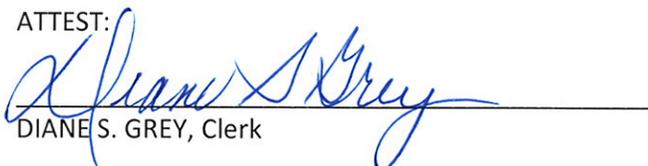
Visitor: Steve Wagoner, Silver State Post.

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

April 19, 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.

A letter was received from County Attorney Lewis Smith concerning the portion of North Boulder Road (previously known as Upper Boulder Road) on the north side of I-90 at Deer Lodge, from the NE Interchange to intersect with Emery Road. According to the research, the fifty foot strip of land was purchased by the State of Montana to accommodate cattle movement in the area. A copy of the letter was mailed to Marty Dippold.

April 13, 2011

Mr. Lewis K. Smith
Powell County Attorney
409 Missouri Avenue
Deer Lodge, MT 59722

Subject: North Boulder Road

Dear Mr. Smith:

Upon receipt of your March 31, 2011 letter, I asked the Department's Land Section to review the letter and research any records MDT might have that would help answer your question.

The Lands Section Supervisor has provided me copies of correspondence dating back to December of 1959, as well as plan sheets depicting the construction that occurred when the interstate highway was built. I have reviewed all of that information and can provide you the following:

The original planned construction of the Interstate Highway (I-90) on the east side of Deer Lodge did not include any direct east-side access to the south, from the Interchange on the north end of Town. By letter dated December 29, 1959, the Powell County Commissioner requested the Department to construct a "frontage road" running from the NE Interstate exit to run in a southern direction (parallel to the Interstate) to a point of intersection with Emery Road, a county road. The requested "road" was to be approximately $\frac{3}{4}$ to 1 mile in length.

The County request, according to the letter, was for the specific purpose of allowing ranchers a route to run cattle south along the east side of the Interstate to the intersection with Emery Road. This, according to the county, would permit the cattle of ranches on the east side of the Interstate, to be moved from pasture to pasture without having to be moved through town along Main Street from the North I-90 Interchange south to Milwaukee Street and back out to the east side of the Interchange.

For its part, the Highway Department, in a January 1960 letter from the Department Engineer Quinn to the County Commissioners, pointed out that the construction of the Interstate did not

alter the existing and historic manner of moving cattle and did provide access with the bridges that were constructed. In other words, the Interstate maintained the status quo. However, in the same letter, Mr. Quinn advised that the Department would consider the request to see if some accommodation could be made to the ranching interests. Thereafter, the Highway Department and the Highway Commission agreed to purchase a 50' strip of land on the east side of the new Interstate running north to south from Station 370 to 384+55 which was specifically referred to as a "stock lane" and agreed to purchase it solely for the purpose of accommodating the County request to assist the local cattle ranches. With the needed fencing, the cost of the strip of land for the stock land was around \$2,000.00. In several places, the communication by the Department to the County was clear that this was a "stock lane". The as-build construction plans also refer to the strip acquired as a "stock lane".

In sum, it appears that the acquisition by the state was for the limited purpose of accommodating the area ranchers to move cattle from pasture to pasture without having to use the local streets.

Your letter refers to concerns from local area residents who apparently have opted to use the stock lane as a residential route to homes which have no doubt been constructed and approved by the County. The use of the stock lane as a residential access was never a consideration, nor part of any request or agreement between the Department and the County. This short strip of land is not a frontage road of the Interstate. It is a stock lane acquired by the state to assist the County and local ranchers to move cattle. The Department has never maintained it, nor was it ever intended to be maintained for residential development access or use.

I hope I have answered your questions. If you have any additional questions, please feel free to contact me or Jeff Ebert, the Butte District Administrator, who is responsible for MDT property in Powell County. Jeff can be reached at MDT's Butte Office, 3751 Wynne St, Butte, MT 597025, telephone no. (406) 494-9600.

Sincerely,

s/ Timothy W. reardon
Chief Legal Counsel
406-444-6302

Copies: Jeff Ebert, District Administrator, Butte
Shane Mintz, MDT Lands Section\

/rdw

Hospital Chief Executive Officer, Alan Bird, and Foundation Director, Mark Anderson, met with the Board. There will be a revision in the Foundation By-laws due to severing of ties between the two entities. The Board responded in writing. A copy of the memorandum is on file in the Clerk and Recorder's office.

The Board acted on Resolution No. 12 for budget amendment as follows:

BOARD OF COUNTY COMMISSIONERS

POWELL COUNTY, MONTANA

RESOLUTION FOR AMENDMENT
OF FISCAL YEAR 2010-2011
BUDGET

2011-12

WHEREAS, the Board of County Commissioners of Powell County, Montana, have determined that the budget for fiscal year 2010-2011 requires amendment; and

WHEREAS, Section 7-6-4006(3)(c) MCA permits the adjustment of appropriations according to procedures authorized by the governing body for any fund for federal, state, local, or private grants and shared revenue accepted and approved by the governing body; and;

WHEREAS, the Disaster and Emergency Services (DES) Fund number 2260 has received a Volunteer & Rural Fire Assistance Grant of \$20,000 and a Pre-Disaster Mitigation Planning Grant of \$10,001. The DES Fund needs to be amended to allow additional expenditures of \$30,001 and a transfer of budgeted expenditures from outlay to the operating supplies and professional services line items in the amount of \$2,222 and \$3,333, respectively;

WHEREAS, Fund number 4990 needs to be created to account for the American Recovery and Reinvestment Act Department of Environmental Quality (ARRA DEQ) Grant. Corresponding revenue and expenditure authorizations of \$199,989.50 each are needed.

WHEREAS, the foregoing amendments to the 2010-2011 fiscal year budget for Powell County are authorized by Sections 7-6-4006(3)(c) MCA.

NOW THEREFORE BE IT RESOLVED by this Board of County Commissioners that the 2010-2011 fiscal year budget for Powell County Montana shall be, and is, hereby amended as follows:

1. The DES Fund number 2260 revenue and expenditure budgets are each increased by \$30,001 and budget authority of \$5,555 is transferred from outlay to the operating supplies and professional services line items in the amounts of \$2,222 and \$3,333, respectively.
2. Fund number 4990 is created to account for the ARRA DEQ Grant. Related revenues and expenditures of \$199,989.50 each are authorized.

Done this 19th day of April, 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 a motion to adopt the Resolution. The motion carried.

Commissioner Mannix reported for the Weed Board. Joe Dippold was hired to maintain the equipment for the season. Lonnie Murphy was hired as an Administrative Assistant.

Clerk and Recorder Diane Grey mailed over thirty courtesy letters to delinquent taxpayers as part of the tax deed process began by the Board on March 29, 2011.

The Board met with Planner Brian Bender and County Attorney Lewis Smith to discuss the future of the Roundhouse project. The Board directed the Planner to coordinate activities between the agencies and the County.

Public Health Nurse Nancy Nelson updated the Board on the Health Department.

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

April 20, 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.

Mayor Mary Ann Fraley and Dick Bauman, Deer Lodge City Planning Board, met with the Board to request the services of Planner Brian Bender for technical assistance in completion of the city Zoning and Ordinance document over the next couple of months. Commissioner Young moved to allow Planner Bender to review and refine the existing draft of the City Planning document. Commissioner Mannix

seconded the motion. Commissioner Pohle abstained from voting because she is a member of the City Planning Board. The letter of request is on file in the Clerk and Recorder's office.

Assistant Planner Peggy Kerr presented information on Rock Creek Cattle Company Phase 4 Improvements guarantee. Also attending was Mike Stenberg, Hyalite Engineers, Isaac Farabaugh and Brian Bender, Planner. Commissioner Young moved and Commissioner Mannix seconded a motion to accept staff recommendation with the exception of the letter of credit of 101% of the guarantee, as follows:

Recommendation

Staff recommends the Commissioners continue in this manner: no one-year requirement on completion; no formal bids as long as Great West Engineering verifies the costs; and allowing the letter of credit be in the amount of 101% of the guarantee, for Phase 4.

Kristi Rydeen, Program Director for the DUI Task Force to address underage drinking, presented a Memorandum of Understanding with Butte Silver Bow. Commissioner Young moved and Commissioner Mannix seconded a motion to enter into the Agreement. The motion carried.

Memorandum of Understanding

Powell County Commissioners

And

Butte Community Health Center

The Butte Community Health Center has established a collaborative relationship with the Powell County Commissioners, Powell County Courthouse, Deer Lodge, MT., and Butte Silver Bow County designed to reduce underage drinking and in particular, binge drinking, among youth and young adults up to the age of 21,

This agreement shall be in force for a one year term and may be renewed each year thereafter by a written agreement of the involved parties. The Powell County Commissioners do not obligate Powell County for any financial commitment under this MOU, beyond expenditure of Grant Monies secured for these purposes, administered through the DUI Task Force. The partnership between the Powell County and Butte Community Health Center will allow evidenced-based programs to be run in order to address underage alcohol use, and programs that serve as a deterrent to lifelong problems due to alcohol addiction.

The Powell County Commissioners, through the DUI Task Force, will offer guidance and support in addressing these population problems by:

1. Providing collaborative efforts on youth-specific alcohol issues;
2. Assist with implementation of agreed upon policies, practices, or procedures that advance the goal of reducing underage drinking in Southwest Montana.

Powell County Board of Commissioners

s/ Cele Pohle 4/20/11
s/ Donna Young 4/20/11
s/ Ralph E. Mannix, Jr. 4/20/11

Butte Community Health Center

This MOU is not a binding contract

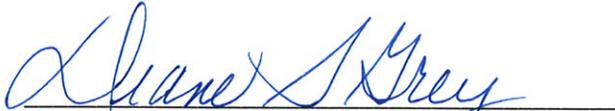
On motion, the meeting was adjourned at 5:00 o'clock P.M.

APPROVED:



CELE POHLE, Presiding Officer

ATTEST:



DIANE S. GREY, Clerk