

Deer Lodge, Montana

April 26, 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 the Board with correspondence.

The Board agreed to support the grant application for the Southwest Montana Drug Task Force. The Board mailed a letter of support for future funding of the Southwest Montana Drug Task Force using the Byrne Formula Grant Program funds. A copy is on file in the Clerk and Recorder's office.

Otis Elevator Representative, Ryan Haught, presented the options for the elevator hydraulic cylinder replacement. The replacement has an estimated life of approximately thirty years. Commissioner Young moved and Commissioner Mannix seconded a motion to replace the cylinder for \$49,863.00 proposal #GALIIo413131650. Commissioner Mannix requested that Otis check the guides and other moving parts for wear. A repair order was signed and mailed.

At 4:00 P.M. Presiding Officer Cele Pohle opened a public hearing for an Ordinance for proposed revisions to the zoning and development regulations for Powell County, to correct inconsistencies in the Regulations with the Montana State Statutes. Attendees were: County Attorney Lewis Smith, County Planner, Brian Bender and members of the public Gary Aitken of Ovando and Sara Boyett of Ovando. Commissioner Pohle closed the hearing at 5:00 P.M.

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 27, 2011

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

Sheriff Howard met with the Board concerning the Collective Bargaining Agreement between the County and the Powell County Sheriff's Employees Association. The Sheriff is satisfied with the current contract and recommends extending it until June 30, 2013. The Commissioners noted a couple of minor language clarifications. Board action will be taken on May 3, 2011.

Commissioner Young moved and Commissioner Mannix seconded a motion to issue a Road Use Permit to the Deer Lodge Snowmobile Club for a portion of Boulder Road. This permit shall expire April 1, 2013. The motion carried.

BOARD OF COUNTY COMMISSIONERS
POWELL COUNTY, MONTANA

ROAD USE PERMIT

Pursuant to Section 23-2-631 MCA (2001), the Board of County Commissioners of Powell County, Montana, hereby issued the permit for the operation of snowmobiles on a portion of a county road:

1. Snowmobiles may be operated on, the Boulder Road in Powell County, Montana from the Spring Creek/Emory Junction to the Forest Service Boundary. The road shall be closed to all other vehicles.

2. Snowmobiles may only be operated on the described road in accordance with the provisions of Sections 23-2-632 and 23-2-633 MCA (2001) and when equipped with head and tail lights and registered as required by law.

3. Operators of snowmobiles on the county road pursuant to this permit are required to have a valid motor vehicle driver's license, and must obey all existing laws pertaining to motorized vehicles. Whenever possible, snowmobiles must travel in single file on the extreme right hand side of the road, at a speed no greater than 15 miles per hour.

4. The Snowmobile Club shall erect and maintain a roadside sign advising the public of the restrictions on the use of the road. The sign shall be placed at the Spring Hill –Emory Road Junction.

This permit shall expire April 1, 2013.

Done this 26th day of April, 2011.

DEER LODGE SNOWMOBILE CLUB

s/ David Scully, President

BOARD OF COUNTY COMMISSIONERS
POWELL COUNTY, MONTANA

s/ Donna Young, Member

s/ Ralph E. Mannix, Jr., Member

s/ Cele Pohle, Presiding Officer

ATTEST:

s/ Diane S. Grey, Clerk

Commissioner Mannix moved to adopt Resolution #13 concerning changes in the Powell County Planning Zoning and Ordinance Policy regarding makeup and duties of the Board of Adjustments. Commissioner Young seconded and the motion carried.

BOARD OF COUNTY COMMISSIONERS
POWELL COUNTY, MONTANA

RESOLUTION

2011-13

WHEREAS the Powell County Planning Department and County Attorney have recommended a change in the membership and duties of the Powell County Board of Adjustment to comply with state statutes; and

WHEREAS the current Powell County Board of Adjustment calls for two members of the Planning Board to also sit on the Board of Adjustment; and

WHEREAS the current Powell County Board of Adjustment is also tasked with hearing appeals of decisions of the Powell County Planning Board, which creates a perception of conflict of interest and is not provided for by state statutes; and

WHEREAS the Powell County Planning Board has reviewed the proposal and has recommended that one member of the Planning Board remain on the Board of Adjustments for purposes of continuity between the two boards and to convey issues with the Planning Boards regulations back to the Planning Board; and

WHEREAS the current Powell County Board of County Commissioners has considered the request of the Powell County Planning Board and believes that the Planning Department can fill the role played by the Planning Board member on the Board of Adjustments and the need for separation due to potential conflicts of interest can best be eliminated by separation of the two Boards.

The Powell County Board of County Commissioners proposes to amend the Powell County Zoning and Development Regulations as follows:

1. Section 11-4 is to be amended as follows:

II-C Board of Adjustment – The Powell County Board of Adjustment shall hear and act on appeals of actions of the Planning Department or other administrative personnel.

2. Chapter IX is to be amended as follows:

IX-A Board of Adjustment – A Board of Adjustment has been established in accordance with 76-2-221 through 76-2-228, MCA. The County Commissioners shall appoint five members to the Board, each for a term of two years except that in the initial appointment, two members were appointed for a term of one year, and three

members for terms of two years each. Members of the Board may be removed from office by the County Commissioners for cause upon written charges and after public hearing. Vacancies on the Board shall be filled by resolution of the County Commissioners for the unexpired term of the member affected.

- IX-B-1 To hear and decide appeal where it is alleged that there is an error in any order, requirement, decision or determination made by the Planning Department or other administrative personnel in the enforcement of these regulations.
- IX-F. Procedures for Hearing and Acting on Appeals of Actions of the Planning Department or other Administrative Personnel
 - IX-F-1. Any person or any officer of the county government may file a notice of appeal of a decision made by the Planning Department or other administrative personnel within 60 days of the date of the date the subject decision was made. The notice of appeal, submitted to the Planning Department, must comply with the rules adopted by the Board of Adjustment.
 - IX-F-2. The Planning Department shall within 14 working days transmit to the Board of Adjustment the notice of appeal and all papers constituting the record of the subject decision.
 - IX-F-3. No later than 30 working days after the filing of the appeal, the Board of Adjustment shall hold a hearing on the appeal, give public notice of the hearing at least seven days prior to holding a public hearing and shall notify adjacent owners and the applicant by certified mail, all at the applicant's expense.
 - IX-F-4. At the hearing any party may appear in person or be represented by agent or attorney, and give comment, written or oral.
 - IX-F-5. The Board of Adjustment may reverse, affirm wholly or in part, or modify the order, decision or action appealed and may make such order, decision or action as deemed necessary.
- 1. Chapter IV is to be amended as follows:

Chapter IV – Conditional Use Permit required

- IV-I. Appeals of Planning Board Decisions – Any person or persons, jointly or severally, aggrieved by any decision of the Planning Board may present to the District Court a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. The Court shall receive the petition within 30 days after the filing of the decision by the Planning Board.

Done this 27th day of April, 2011.

BOARD OF POWELL COUNTY COMMISSIONERS

s/ Cele Pohle, Chair

s/ Ralph E. Mannix, Jr., Member

s/ Donna Young, Member

ATTEST:

s/ Diane S. Grey, Clerk and Recorder

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 28, 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.

The drawing of salary warrants for Officers, Deputies, Foremen, Clerks and Appointees from various accounts for the month of April, 2011, were approved and a record of such is on file in the office of the Clerk and Recorder.

Greg Lane, Rock Creek LLC, met with the Board regarding the letter of credit held by the County for subdivision development. Mr. Lane will make a request by letter at a later date.

The Board met with Planner, Brian Bender and Chris Laity, Great West Engineering for an update on the Department of Natural Resource and Conservation (DNRC) Grant for the Phosphate Plant property clean up. The Board agreed to continue the clean up with the remaining grant dollars.

Marwan Saba and Deputy Hans Schlueter were in to review minor wording clarifications in the Collective Bargaining Agreement between Powell County and the Powell County Sheriffs' Employees' Association. The language changes were agreed upon between the Board of Commissioners and the Bargaining Unit. Paperwork will be completed at a later date.

The Board met with Karen Laitala, Weed Coordinator, and Jim Stone, Weed Board Chairman, for an update on Department activities.

Gary Habutzel, Employee Benefit Management Services (EBMS) met with the Board of Commissioners to present renewal options for the county health insurance. The Board will take under consideration.

The Board met with Greg Lane and Planning Office staff concerning Rock Creek Cattle Company Phase 3 and Willow Creek Improvement Guaranties. Commissioner Young moved and Commissioner Mannix seconded a motion to accept the planning staff recommendation to eliminate the 10% retainage from Phase 3 and reduce the bond to a 101 per cent contingency for both Willow Creek and Phase 3 subdivisions. There is no requirement on completion data. No formal bids are required as long as Great West Engineering verifies the costs. The motion carried.

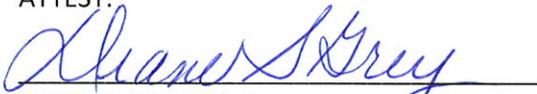
On motion, the meeting was adjourned at 5:00 o'clock P.M.

APPROVED:



CELE-POHLE, Presiding Officer

ATTEST:



DIANE S. GREY, Clerk

Deer Lodge, Montana

May 2, 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. County Attorney Lewis Smith presented Resolution 2011-14.

RESOLUTION 2011-#14

Whereas, the Powell County Attorney has requested prosecutorial assistance in the case of State v. Robert Lewis, and

Whereas, it is desired and deemed appropriate that a special deputy county attorney be appointed to assist in the prosecution of the aforementioned case, and

Whereas, Mont. Code Ann. 44-4-111 authorized and contemplates that the training coordinator for county attorneys and the bureau chief of Prosecution Services Bureau (together with the deputies within said bureau) act as special counsel on request of the county attorney and upon the approval of the board of county commissioners, and

Whereas, Mont. Code Ann. 2-15-501(6) authorizes the Attorney General to provide assistance to county attorneys in the discharge of his or her duties.

It Is Hereby Resolved:

That the attorneys assigned to the Prosecution Services Bureau of the Department of Justice are hereby appointed as special deputy county attorneys for Powell County for the purpose of assisting in the prosecution of the aforementioned case and that any of said deputies can fulfill the functions set out in Mont. Code Ann 44-4-103.

It Is Further Resolved:

That under the terms of this agreement, no fee will be charged for attorney time provided by the Bureau based upon the fact that pursuant to the internal operational policies adopted by the Attorney General September 1, 1999, assistance in such cases is provided without an hourly fee. Witness fees and expenses, jury costs, and other normal costs associated with trial will be the County's responsibilities as with all other prosecutions.*

Dated this 2nd day of May, 2011.

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

ATTEST:

s/ Diane S. Grey, Clerk & Recorder

*Due to the fact this matter includes 2 other counties and the District Court Judges as victims we will bill any costs associated with this prosecution to the Court Administrator's Office.

Commissioner Young moved and Commissioner Mannix seconded a motion to adopt Resolution 2011-14 to request assistance of the Attorney General's office for State v. Robert Lewis. The motion carried.

Commissioner Pohle signed a Letter of Transmittal for WTR Consulting Engineers for the contract for the Sheriff's Office Energy Retrofit.

The Board signed an Order to implement the Resource Advisory Council (RAC) project for the surfacing of the North Fork Blackfoot Road for the United States Department of Agriculture Forest Service, Lolo National Forest. A copy is on file in the Clerk and Recorder's office.

The Board held a meeting for parties interested in acquiring or leasing the old hospital. Janet Cornish presented options. There were no potential bidders. Also attending were: Planner, Brian Bender, Chris Laity with Great West Engineering, County Attorney Lewis Smith, PJ Wright with the Silver State Post and Pat Hanson with the Montana Standard.

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

May 3, 2011

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

The Board met with Chris Edwards, Environmental Protection Agency (EPA) for an update on the EPA's role in the Clark Fork River Corridor cleanup. Also attending was Planner Brian Bender and Weed Management Coordinator, Karen Laitala and EPA Supervisor Joe Vranka and Weed Board Chair, Jim Stone.

Commissioner Young will be out of the state from May 5 through the 12th, 2011.

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

May 4, 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.

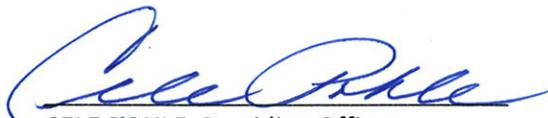
The Board discussed the Findings of Fact; Conclusions of Law; and Recommended Order by the Board of Personnel appeals in the Matter of Union Determination No. 3-2011: Teamsters Local #2 Petitioner vs. Powell County Road Department. The Board of Commissioners agreed to not respond to these findings. A copy is on file in the Clerk and Recorder's office.

The Board inspected Cottonwood Creek Corridor through Deer Lodge. They were joined by Powell County Attorney Lewis Smith and Planner, Brian Bender.

Visitor: Sheriff Scott Howard.

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

May 16, 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 the Board with correspondence.

The Board received a letter of resignation from Connie Stevens, Courthouse receptionist.

Kohrs Memorial Library Director, Khyrs Suckow, met with the Board of Commissioners with a financial update of the library. She will send a letter of request for the 2011-12 budget.

Brian Bartkowiak, Department of Environmental Quality, updated the Board on the Clark Fork Cleanup.

Disaster and Emergency Service Coordinator, Bernard Barton, updated the Board on flooding potentials.

The Board met with Gary Chilcott concerning his Lease Agreement for the Platten Press building. The Agreement is nullified due to lack of payment. The Board asked County Attorney Lewis Smith to notify Mr. Chilcott asking him to remove his equipment. Also attending was Kristi Rydeen and five Junior Rotarian members.

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

May 17, 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.

The Board held a bid opening for gravel crushing in the McKee and Two Creek Ranch pits in north Powell County. In attendance were Duane Hoxworth, District 2 Foreman and Ron Kelly. One bid was received from Deer Lodge Asphalt. The bid offered was:

McKee Pit – 30,000 yards @ \$6.49 per yard

Murphy Pit (Two Creek Ranch) – 20,000 yards @ \$7.17 per yard

If both bids are accepted, a deduction of \$7500 will be made. The Board will take under consideration.

County Attorney Lewis Smith and Planner Brian Bender presented a GIS Data Release Agreement. The Board of Commissioners agreed to forward data set requests to the Planning Department. The planning department is authorized to determine appropriate fees.

County Attorney Lewis Smith, requested authorization to request prosecutorial assistance from the Attorney General because of a conflict of interest. He will present a Resolution at a later date.

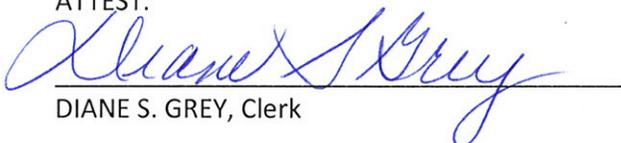
The Board of Commissioners held a conference call with Darrin Miller of Mr. Wizard computing concerning internet and email services.

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

May 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.

A tour of the new hospital has been rescheduled. The Board toured the Platten Press building and asked the County Attorney to notify Gary Chilcott by letter to remove his property by June 15, 2011.

The Board met with Financial Officer Jennifer Spring for the monthly financial update.

Commissioner Young moved and Commissioner Mannix seconded a motion to accept the bid from Deer Lodge Asphalt for the gravel crushing at the McKee Pit – 30,000 yards at \$6.49 per yard for \$194,700 and the Murphy Pit (Two Creek Ranch) – 20,000 yards at \$7.17 for \$143,400 minus \$7,500 deduction for awarding both for a total of \$330,600.

Nancy Nelson, Public Health Nurse, met with the Board to discuss staffing and budget.

Disaster and Emergency Services Coordinator, Bernard Barton, met with the Board to discuss his budget.

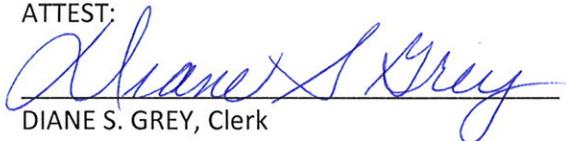
On motion, the meeting was adjourned at 5:00 o'clock P.M.

APPROVED:



CELE POHLE, Presiding Officer

ATTEST:



DIANE S. GREY, Clerk