

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

November 14, 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.

Commissioner Mannix reported on a Montana Broadband Planning Program he attended on November 9, 2011.

Clerk and Recorder Diane Grey presented correspondence.

At 11:00 A.M., Presiding Officer Cele Pohle opened the Public Hearing for abandonment of the Red Angus Lane, a county road near Helmville in Road District Two. County Attorney Lewis Smith presented Resolution #2011-27. Commissioner Young moved to adopt the Resolution. The motion was seconded by Commissioner Mannix and the motion carried. Also in attendance was Planner Brian Bender. Commissioner Pohle closed the public hearing at 11:15 A.M.

RESOLUTION NO. 2011-27

BOARD OF COUNTY COMMISSIONERS
POWELL COUNTY, MONTANA

RESOLUTION TO ABANDON THE COUNTY ROAD KNOWN AS RED ANGUS LANE BETWEEN ITS TWO INTERSECTIONS WITH THE RIGHT OF WAY FOR THE OVANDO – HELMVILLE ROAD IN SECTIONS 20 AND 21, TOWNSHIP 13 NORTH, RANGE 11 WEST, P.M.M., POWELL COUNTY, MONTANA

The Board of County Commissioners of Powell County, Montana, have received a Petition to Abandon a County Road (Exhibit A and B) from the Meyer Company Ranch located in Sections 20 and 21, Township 13 North, Range 11 West, P.M.M., in Powell County, Montana, as shown on the attached Exhibit B. The petition was signed by five of the freeholders residing in the Road District #2 wherein the proper lies and has been agreed to by the owners of all of the lots on the portion of the county road located in Sections 20 and 21, Township 13 North, Range 11 West, P.M.M., in Powell County, Montana, affected by the road abandonment petition as required by Section 7-14-2616 MCA. The Powell County Planning Department met with the County Commissioners to review the request on July 18, 2011 and provided them with a map (Exhibit C) showing the location of Red Angus Lane. Specifically, Red Angus

Lane is a gravel thoroughfare having an approximate width of 16 feet, a length of 4,856 feet, and is 2.2 miles west of Helmville. The road proposed for abandonment was viewed by Commissioner Mannix and reviewed by the County Contract Engineer/Surveyor, Chris Laity, with neither seeing any reason to oppose the abandonment. The road does not access any public land and does not provide access to any property except the Meyer Company Ranch. The County Commissioners received comments from Bill Baker, Duane Hoxworth, and Chris Laity acknowledging the proposed road abandonment is not an encumbrance upon the public safety and welfare. The public hearing on the petition was scheduled and notice of the hearing was published as required by Section 7-14-2616(3) by publication in the Silver State Post on October 26 and November 2, 2011.

A public hearing on the petition to abandon the County Road located in Sections 20 and 21, Township 13 North, Range 11 West P.M.M., located in Powell County, Montana was conducted by Powell County Commissioners at the Office of the Powell County Commissioners, Powell County Courthouse, 409 Missouri Ave., Deer Lodge, Montana on November 14, 2011 at 11:00 a.m. Presiding Officer of the County Board, Cele Pohle conducted the hearing. County Attorney Lewis K. Smith and County Planner Brian Bender were in attendance. No one appeared in favor of or opposed to the issue of the road abandonment as requested in the petition. It was determined by Commissioner Pohle that abandonment of Red Angus Lane posed no detriment to the public interest. The Public Hearing was then closed.

Thereafter on November 14, 2011, during a regularly scheduled session of the Board of County Commissioners of Powell County, Montana Commissioner Donna Young moved and Commissioner Ralph Mannix seconded that the petition be granted to abandon the county road known as Red Angus Lane between its two intersections with the right of way for the Ovando – Helmville Road located in Sections 20 and 21, Township 13 North, Range 11 West P.M.M. in Powell County, Montana, as shown on Exhibit B. The motion passed on a 3-0 vote. On the basis of the foregoing:

IT IS HEREBY RESOLVED, that Red Angus Lane located in Sections 20 and 21, Township 13 North, Range 11 West, P.M.M., according to the map thereof on file with the Clerk and Recorder for Powell County, Montana shall be modified and the portions of the right of way as shown on the attached Exhibit B are hereby abandoned in accordance with the provisions of Section 7-14-2616 MCA. The County Attorney is directed to prepare and deliver a quit claim deed conveying the easement to Wales Brothers Co., dba Meyer Company Ranch.

Done this 14th day of November, 2011.

BOARD OF POWELL COUNTY COMMISSIONERS

s/ Cele Pohle, Presiding Officer

s/ Ralph E. Mannix, Member

s/ Donna Young, Member

ATTEST:

s/ Diane S. Grey, Clerk and Recorder

Disaster and Emergency (DES) Coordinator Bernard Barton reported that two Federal Emergency Management Agency (FEMA) checks are expected in the next two weeks from the June flood damage. He will make copies of project worksheets for Road District to document progress on projects.

County Attorney Lewis Smith and Planner Brian Bender met with the Board to present an update of the possible purchase by the County for easements passing through State lands. County Attorney Lewis Smith will pursue this project.

At 1:00 P.M. Commissioner Pohle canvassed the city election ballots for the Deer Lodge Municipal Mail Ballot Election held on November 8, 2011 with Clerk and Recorder/Election Administrator Diane Grey. Following are the results of the canvass:

<u>NAME OF CANDIDATE</u>	<u>OFFICE</u>	<u>NUMBER OF VOTES</u>
David L. Austin	Alderman – Ward 1	86
Mark Hathaway	Alderman – Ward 1	39
John J. Molendyke	Alderman – Ward 2	138
Tom I. Goddard	Alderman – Ward 3 (4 year term)	182
Jack A. Hinkle	Alderman – Ward 3 (2 year term)	157
Allen R. Walters	Alderman – Ward 3 (2 year term)	43
Rex Anderson	Alderman – Ward 4	140
Total Number Registered:	1318	
Total Number Voted:	629	
Percentage of Turnout:	48%	

APPROVED:


CELE POHLE, Presiding Officer

ATTEST:


DIANE S. GREY, Election Administrator and Clerk of the Board of County Canvassers of Powell County, Montana

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

APPROVED:


CELE POHLE, Presiding Officer

ATTEST:

DIANE S. GREY, Election Administrator and Clerk of the
Board of County Canvassers of Powell County, Montana

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

November 15, 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.

Commissioner Young moved to appoint Commissioner Pohle as the county representative to the City Planning Board per Section 76-1-223, MCA. Commissioner Mannix seconded the motion and the motion carried.

The Board attended a presentation and tour by the Department of Environmental Quality (DEQ) concerning the tressle and cleanup of the Clark Fork River.

Planner Brian Bender and County Attorney Lewis Smith met with the Board to discuss Kirk Engineering Consulting services concerning the Roundhouse cleanup. Commissioner Mannix moved to terminate the services of Kirk Engineering for the Roundhouse cleanup project and requested copies of electronic and paper documents. The motion was seconded by Commissioner Young. The motion carried. County Attorney Smith will compose a termination letter.

The Board met with Clerk and Recorder Diane Grey, County Attorney Lewis Smith and Planner Brian Bender concerning Commissioner Districts. Based on the population and land mass, the Board agreed that county residents are best served by the current Commissioners' district configuration. County Attorney Lewis Smith will write a letter for Judge Dayton to sign per Section 7-4-2102 MCA.

November 16, 2011

Honorable Ray J. Dayton
District Court Judge
Third Judicial District Court
800 Main St.
Anaconda, Montana 59711

Re: Re-Districting of Powell County Commissioner Districts

Dear Judge Dayton:

Section 7-4-2102, Montana Code Annotated, requires that following each federal decennial census, the Board of County Commissioners shall divide their respective county into commissioner districts as compact and equal in population and area as possible. Further, the state requires that the district judge of the county shall review the action of the commissioners to determine whether or not such action meets the requirements of Section 7-4-2102 MCA.

Pursuant to Section 7-4-2102 MCA, the Powell County Commissioner directed the County Clerk and Recorder and County Planner to examine the matter and see if better options than the current alignment that has been in place since 1929 could be devised. The Commissioners met with County Clerk and Recorder, County Planner and County Attorney at a posted meeting on November 15, 2011, and reviewed census maps, and other land maps to see if a better plan could be accomplished. The end result was a motion to maintain the status quo for the following reasons.

Powell County is unique in that over one half of the population lies in the bottom one-third of the county. This is further compounded by the shape of Powell County and the fact that the northern one-third of the county lies in the Bob Marshall and Scape Goat Wilderness Areas. The attached maps show the census data by Tracts and Blocks of population. The second map shows the past and proposed alignment of the three commissioner districts. While this alignment does not equally divide the population equally among the three commissioners, it does have a sense of reason to our madness. We looked at whether any sort of pie chart or vertical division could be made which would equally divide the population among the three districts. Any such attempt becomes unworkable due to the length and irregular shape of the county. It further could end up concentrating the seat of power in Deer Lodge to the detriment of the people in the rural areas. The historic division of one commissioner representing Deer Lodge, on the central band of unincorporated towns and one the northern of Highway 200 corridor has worked well in the past to equalize the representation for the county residents. Currently the central district includes a portion of the northern part of the City of Deer Lodge, giving the city which includes roughly half of the population half of the commissioner interests as well. While the northern district has lesser population, it also has the majority of the land mass and the special issues that go with that as well. The road districts follow the commissioner districts with some exceptions such as the Garrison/Gold Creek area being in the southern district.

In summation, the Board of County Commissioners has met and reviewed the issues and has elected to maintain the existing structure until the time for the next review. We request that the Court review our decision and approve the existing districting.

Sincerely,



s/ Cele Pohle

Presiding Officer

Powell County Board of County Commissioners

CP/sl

REVIEWED AND APPROVED, pursuant to Section 7-4-2102 MCA, this ____ day of November, 2011.

RAY J. DAYTON, DISTRICT COURT JUDGE

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

November 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 Member Ralph E. Mannix, Jr.

At 11:00 A.M. Commissioner Mannix attended the DUI Task Force meeting.

At 1:00 P.M. Liz Burk, Director, and Amber Gill, Joshua Reynolds and Brett Witt, Participants of the Youth Forest Monitoring Program presented a report on their activities. Commissioner Mannix moved to commit \$10,000.00 for the 2011-2012 budget year for the Youth Forest Monitoring Program. Commissioner Pohle seconded the motion and the motion carried. These funds will come from Title III of Secure Rural Schools monies.

Commissioner Mannix reported on the DUI Task Force meeting that he attended. He reported that social hosting by parents is becoming a problem with underage drinking.

The following letter was sent to Kirk Engineering.

November 16, 2011

Mr. Scott Payne
Kirk Engineering
P. O. Box 63
Sheridan, Mt. 59749

Re: Contract for Professional Services, Milwaukee Roundhouse Project

Dear Scott:

The Powell County Board of County Commissioners met on Tuesday, November 15, 2011, and discussed the status of the County's contract with Kirk Engineering and the issues which have arisen on the Roundhouse Project. Following discussion on the Project, a motion was made, seconded and passed to terminate the Contract with KirK Engineering regarding engineering services for the Milwaukee Roundhouse Project. The termination is pursuant to the convenience language in Section 5.B. Please provide an invoice for any services performed to date which have not been billed.

The County is requesting a copy of all documents, correspondence, test results, electronic data, and work product related to the Milwaukee Roundhouse site, whether prepared by KirK Engineering or others. The reason for this request is due to the transition in the County's Planners during the course of this project and the number of entities that have been involved with the site in the past. As we move forward, we want to insure that we have everything that exists on this property to avoid the duplication of testing and efforts. Please provide an estimate of the cost of duplicating this information to Brian Bender in the County Planning office.

Please contact myself 846-9788, Brian Bender 846-9795, or County Attorney Lewis Smith 846-9790, if you have any questions. Thank you for your past services on this project.

Sincerely,

Cele Pohle
Presiding Officer

CP/sl

cc: Brian Bender

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

APPROVED:


CELE POHLE, Presiding Officer

ATTEST:


DIANE S. GREY, Clerk