

Deer Lodge, Montana

January 3, 2012

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

Commissioner Mannix moved and Commissioner Pohle seconded the motion to elect Commissioner Donna Young as Presiding Officer. The motion carried.

BOARD OF COUNTY COMMISSIONERS
POWELL COUNTY, MONTANA

RESOLUTION FOR COMMISSIONERS' PRESIDING OFFICE OF BOARD -2012

2012-1

WHEREAS, Section 7-4-2109 MCA requires the Commissioners to elect one of its members as presiding officer. The presiding officer shall preside at all meetings of the Board, and in case of the presiding officer's absence or inability to act, the members present shall select one of their number to act temporarily as presiding officer; and

WHEREAS, the Board of County Commissioners of Powell County, Montana have elected Donna Young as Presiding Officer, to preside over the County Commissioners' meetings for the calendar year 2012.

NOW, THEREFORE BE IT RESOLVED by this Board of County Commissioners that Donna Young shall be and is hereby elected as Presiding Officer for calendar year 2012.

This Resolution is effective January 1, 2012.

Done this 3rd day of January, 2012.

BOARD OF POWELL COUNTY COMMISSIONERS

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

ATTEST:

s/ Diane S. Grey, Clerk and Recorder

The Board passed the following Resolutions:

Commissioner Pohle moved and Commissioner Young seconded the motion for the following Resolution for County Office Hours. The motion carried.

BOARD OF COUNTY COMMISSIONERS
POWELL COUNTY, MONTANA

RESOLUTION FOR COUNTY OFFICE HOURS -- 2012

2012-2

WHEREAS, Section 7-4-102 MCA requires the Board of County Commissioners to set the office hours for the various county offices; and

WHEREAS, the Board of County Commissioners of Powell County, Montana, have determined that all county offices will be open from 8:00 A.M. to 5:00 P.M., Monday through Friday except during legal holidays as established by the Montana Association of Counties; and

WHEREAS, according to Section 7-4-102 MCA, the County Treasurer may, in the interest of the safekeeping of funds, securities, and records under their control, close their offices during the period from noon to 1:00 P.M. every day; and

WHEREAS, the Board of County Commissioners of Powell County, Montana, have determined that because Christmas 2012 falls on a Tuesday, they wish to close the Powell County Courthouse at 2:00 P.M. on Monday, December 24, 2012; and

NOW, THEREFORE, BE IT RESOLVED by this Board of County Commissioners that the Powell County Courthouse will be open Monday through Friday except during legal holidays as set forth by the Montana Association of Counties and will close on Monday, December 24, 2012 at 2:00 P.M. and that the County Treasurer may close their office from noon to 1:00 P.M. every day.

Dated this 3rd day of January, 2012.

BOARD OF POWELL COUNTY COMMISSIONERS

s/ Donna Young, Presiding Officer

s/ Ralph E. Mannix, Jr., Member

s/ Cele Pohle, Member

ATTEST:

s/ Diane S. Grey, Clerk and Recorder

Commissioner Pohle moved and Commissioner Young seconded the motion for the following Resolution for Commissioners' meeting dates and office hours. The motion carried with a nay vote from Commissioner Mannix.

BOARD OF COUNTY COMMISSIONERS
POWELL COUNTY, MONTANA

RESOLUTION FOR COMMISSIONERS' MEETING DATES AND OFFICE HOURS – 2012

2012-3

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 Monday, Tuesday and Wednesday of the month;

The third Monday, Tuesday and Wednesday of the month;

The last three working days of the month.

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

Meeting dates are subject to change.

WHEREAS, Section 7-4-102 MCA requires the Commissioners to set the office hours; and

WHEREAS, the Board of County Commissioners of Powell County, Montana have determined that the following office hours shall be set for meetings:

Office hours will be 10:00 A.M. to Noon and then 1:00 P.M. to 5:00 P.M., except during the months of May, June, July, August and September the hours shall be 9:00 A.M. to 12:00 Noon and then 1:00 P.M. to 4:00 P.M.

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

This Resolution is effective January 1, 2012.

Dated this 3rd day of January, 2012.

BOARD OF POWELL COUNTY COMMISSIONERS

s/ Donna Young, Presiding Officer

s/ Ralph E. Mannix, Jr., Member

s/ Cele Pohle, Memeber

ATTEST:

s/ Diane S. Grey, Clerk and Recorder

Commissioner Mannix moved and Commissioner Pohle seconded the motion for the following Resolution for per diem. The motion carried.

BOARD OF COUNTY COMMISSIONERS
POWELL COUNTY, MONTANA

RESOLUTION FOR PER DIEM/TRAVEL RATES – 2012

WHEREAS, it is recommended that counties adopt a Resolution establishing mileage and per diem rates for business travel; and

WHEREAS, the Powell County Board of Commissioners hereby set the following rates for mileage and per diem rates for business travel:

State rates will be adopted for travel expenses according to Sections 2-18-501, 2-18-502 and 2-18-503 MCA.

NOW, THEREFORE BE IT RESOLVED by this Board of County Commissioners that the above stated amounts shall be and are hereby adopted.

This Resolution is effective January 1, 2012.

Dated this 3rd day of January, 2012.

BOARD OF POWELL COUNTY COMMISSIONERS

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

ATTEST:

s/ Diane S. Grey, Clerk and Recorder

Commissioner Mannix moved and Commissioner Pohle seconded the motion for the following Resolution. The motion carried.

BOARD OF COUNTY COMMISSIONERS
POWELL COUNTY, MONTANA

RESOLUTION FOR RATE OF CREDIT FOR INCARCERATION

2012-5

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 3^d day of January, 2012.

BOARD OF POWELL COUNTY COMMISSIONERS

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

ATTEST:

s/ Diane S. Grey, Clerk and Recorder

Commissioner Pohle moved and Commissioner Mannix seconded the motion for the following Resolution. The motion carried.

BOARD OF COUNTY COMMISSIONERS
POWELL COUNTY, MONTANA

RESOLUTION SETTING TREASURER'S FEES

2012-6

WHEREAS, the Montana Legislature has provided in 7-6-4013 MCA 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 15-17-121 MCA (2011); and

WHEREAS, the County Treasurer has tracked the time it takes to do certain tasks defined in 15-17-121(2)(a) MCA 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 sales;
- (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
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Delinquent Tax Report \$35.00
Preparation and Filing of Tax Deed \$25.00; and

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

Dated this 3rd day of January, 2012.

BOARD OF POWELL COUNTY COMMISSIONERS

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

ATTEST:

s/ Diane S. Grey, Clerk and Recorder

Commissioner Pohle moved that in the absence of the Presiding Officer that Commissioner Mannix will preside until the presiding officer returns. Commissioner Young seconded the motion. The motion carried.

The Commissioners reviewed their committee assignments and corrections and additions were made to the list. Members will be added to the committees at a later date.

County Attorney Lewis Smith gave the Cottonwood Commons Request For Proposal the old hospital to the Commissioners. Bob Bonato was called to set up a meeting for his presentation to the Commissioners on January 27th at 10:00 A.M.

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

APPROVED:



DONNA YOUNG, Presiding Officer

ATTEST:



DIANE S. GREY, Clerk

Deer Lodge, Montana

January 4, 2012

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

Claims against the County were examined, approved and ordered paid by the Board of Commissioners for the month of December, 2011, and a record of such is on file in the office of the Clerk and Recorder.

Deer Lodge Mayor Mary Ann Fraley introduced the new city attorney Jana McGill.

Commissioner Pohle moved that Powell County enter into the contract with the State of Montana Department of Public Health and Human Services to provide enhanced Medicaid reimbursement for mental health center services. The cost will be \$6,620 for the period of July 1, 2011 through June 30, 2012. Commissioner Mannix seconded the motion and the motion carried.

Commissioner Pohle moved to subsidize the cost of Mental Health Professional Crisis Response Team. The Mental Health Professional subsidy of \$2,500.00 will be to Western Montana Mental Health Center. Commissioner Mannix seconded the motion. The motion carried. A copy of the contract will be forwarded to County Attorney Lewis Smith.

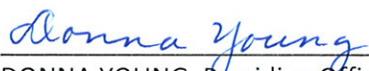
County Planner, Brian Bender, reviewed and recommended the Department of Natural Resource and Conservation (DNRC) Reclamation and Development Planning Grant Application.

Commissioner Pohle moved to enter into the Planning Grant Application for the Milwaukee Roundhouse Voluntary Cleanup Plan Environmental Assessment Phase I and Commissioner Mannix seconded the motion. The motion carried.

Planner Brian Bender discussed the revised Occupancy Permit process. He has been working with County Attorney Lewis Smith and will be working with Karen Laitala, Weed Supervisor, for comments and ideas. The concept of bonding for a large job, review after completion by the Road Supervisor and follow up for weed spraying will all be addressed in the new format.

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

APPROVED:


DONNA YOUNG, Presiding Officer

ATTEST:


DIANE S. GREY, Clerk

Deer Lodge, Montana

January 17, 2012

The Board of Commissioners for Powell County, Montana, met in regular session at 10:00 o'clock A.M. Present: Member, Cele Pohle. Commissioner Mannix is attending a Watershed Restoration Committee meeting and Commissioner Young is excused.

Custodian Fred Kuchinski reported that work would start on the Community Center Furnaces on the 20th of January. A work order was received and approved.

Neil Swant, Deer Lodge Rural Fire Department, reported that a fire truck that is newer than the current fire truck is being obtained from the West Valley Fire Department in Helena.

Commissioner Mannix and Commissioner Pohle opened the meeting officially.

Fred Staedler, Department of Natural Resource and Conservation (DNRC) briefed Commissioner Pohle on the Section 36, Township 7 North, Range 10 West gravel pit. District One has decided to close this pit. Mr. Staedler discussed the potential land exchange from DNRC to the Department of Fish, Wildlife and Parks in the Spotted Dog Wildlife Management Area. The approximate loss of income from the timber sales and grazing permits information had been requested by Commissioner Pohle.

Commissioner Pohle attended a training session with Public Health Emergency Preparedness (PHEP). Darryl Barton, Powell County PHEP, Delila Bruno, PHEP Manager and Art Bicsak PHEP Co-ordinator were also in attendance.

Acting Presiding Officer Mannix opened the public hearing on the request from Wayne Slaght for a road ordinance. Those in attendance were Wayne Slaght, Ben Slaght, John Kellogg, Brian Bender and Peggy Kerr. Mr. Slaght's intent is to subdivide his property with the addition of three new lots. The private sixty foot access road had been created from and on Certificate of Survey (COS) 159. Mr. Slaght had met with the Planning Staff for a pre-application meeting.

To: Powell County Planning Board
From: Peggy Kerr – Assistant Planner
Date: December 28, 2011
Subject: Variance from Powell County Subdivision Regulations and Road Standards (VAR-010512-02)

The Planning Department on November 17th met with Wayne Slaght and his agent, John Kellogg, for a pre-application meeting to discuss subdividing Slaght's 20-acre parcel into four lots. The parcel lies in the Ovando Rural Community District, which allows for 1-acre minimum residential lot sizes. Three of the lots

would be accessed via a 60-foot Public Road created from Certificate of Survey No. 159 and which has been used as a farm access as well as a driveway for the residence located behind Trixi's Saloon. The fourth lot would be accessed via Saragus Lane, an existing private road. Topography is uniformly flat (less than 1% grade) across the property and along the road easements.

The petitioner seeks relief from the Powell County Road Standards to install a road surface on a private road (as labeled on Certificate of Survey 159) having a minimum width of 15 feet and 4 inches of gravel over existing subgrade (see accompanying Cross Section and Plan). Section VI-I. Streets and Roads, of the Subdivision Regulations states "see Powell County Road Standards," which requires a 24-foot minimum surface width and 6 inches of gravel. Slaght states compliance with this standard would result in undue hardship, unnecessary cost and would not be essential to protecting the public welfare.

The petitioner told staff during the pre-application meeting that if they could not obtain permission to deviate from the Powell County Road Standards, he would not go forward with the subdivision.

External Reviewers

- The Ovando Fire District signed off on the Fire Department Subdivision Review Checklist, showing no concerns regarding the road.
- Chris Laity, engineer for Powell County, recommends the Variance be approved to reduce the width from 24 feet to 15 feet and the developer be allowed to place 4 inches of gravel. He states the depth of gravel is primarily a function of the existing soils and the amount of traffic and it is unlikely this subdivision would produce the amount of traffic that would necessitate a thicker section. Should the road surface show deformation under construction traffic, 6 inches of gravel would be required.
- The Petitioner has contacted MDT and is waiting for their comments and the eventual granting of an approach/encroachment permit, if necessary.

EVALUATION

Chapter XI of the Powell County Subdivision Regulations states the governing body may grant variances from the Design and Improvement Standards when, due to the characteristics of the land, strict compliance of the standards would result in undue hardship and would not be essential to the public welfare. A variance would not be granted if it would have the effect of nullifying the intent and purpose of the regulations.

Petition Checklist

Chapter XI-A. states the governing body shall not approve a variance unless it finds that:

- a. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.

Petitioner – The public health, safety or general welfare will not be harmed with this variance because we believe our proposed road improvement is appropriate for the expected low level of traffic on this local, private roadway. There are only three new lots that will use this roadway for access, so we are expecting less than 30 vehicle trips per day. As this is a short ($\pm 1,000'$) road, traffic speed should not be excessive, and the proposed narrower surface width will further encourage cars and trucks to go slower. The proposed roadway is within an existing private road easement that offers a second access to the adjoining tracts north and south of the Slaght property; improving this second access will certainly not be "injurious" to the adjoining owners, and granting the variance will discourage faster traffic speeds thereby minimizing any traffic noise or dust.

Staff Comments – Staff agrees the granting of the variance would not be detrimental to the public health, safety or general welfare, or injurious to other adjoining properties due to the expected low traffic volumes the proposed residential development would generate.

- b. Due to the physical surroundings, shape or topographical conditions of the property involved, strict compliance with the regulations will impose an undue hardship on the owner. Undue hardship does not include personal or financial hardship, or any hardship that is self-imposed.

Petitioner – The road is perfectly straight, and the land is flat, so there is no need for excessive road width to account for drivers being surprised by oncoming traffic around curves or over rises. Therefore, the fifteen-foot width is adequate for the expected use of the roadway. If the roadway were required to be built to a twenty-four foot surface, much of that surface would be overtaken by grass or weeds and would become an unnecessary burden on the future landowners to maintain.

Staff Comments – Staff agrees strict compliance with the regulations would impose undue hardship on the owner.

- c. The variance will not cause a substantial increase in public costs.

Petitioner – This road will be privately maintained, so there will be no “public” costs. Future costs for the homeowners will be minimized because the proposed road will be appropriately sized and built for the anticipated traffic.

Staff Comments – Staff agrees there will be no increase in public costs and the eventual granting of the request would promote residential growth in Ovando’s Rural Community District.

- d. The variance will not place the subdivision in nonconformance with any adopted zoning regulations.

Petitioner – This variance will not violate the Powell County Zoning Regulations.

Staff Comments – Staff agrees this variance will not violate the Powell County Zoning & Development Regulations since the request is a waiver from the Powell County Road Standards – a supplementary document to the Subdivision Regulations.

ASSESSMENT

Conclusion

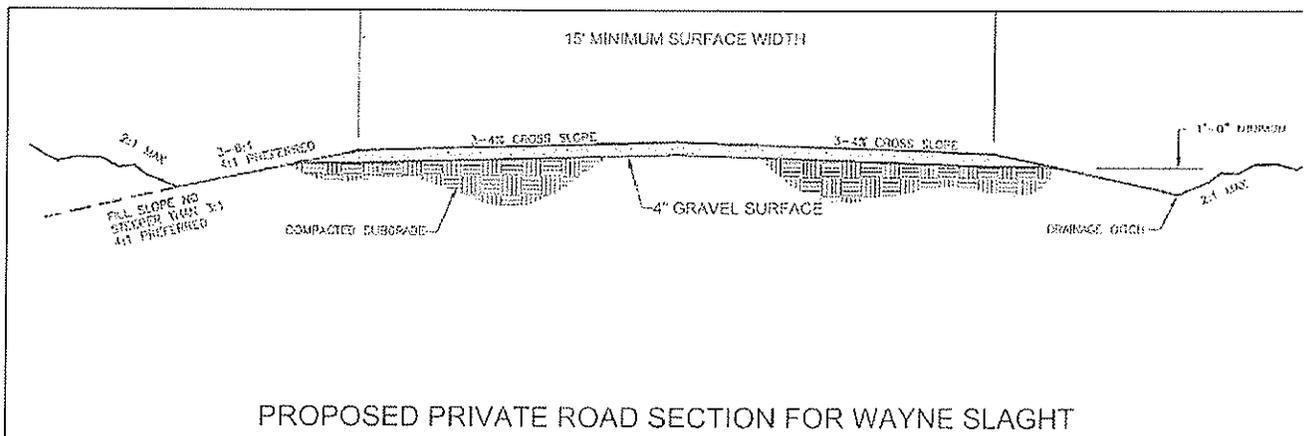
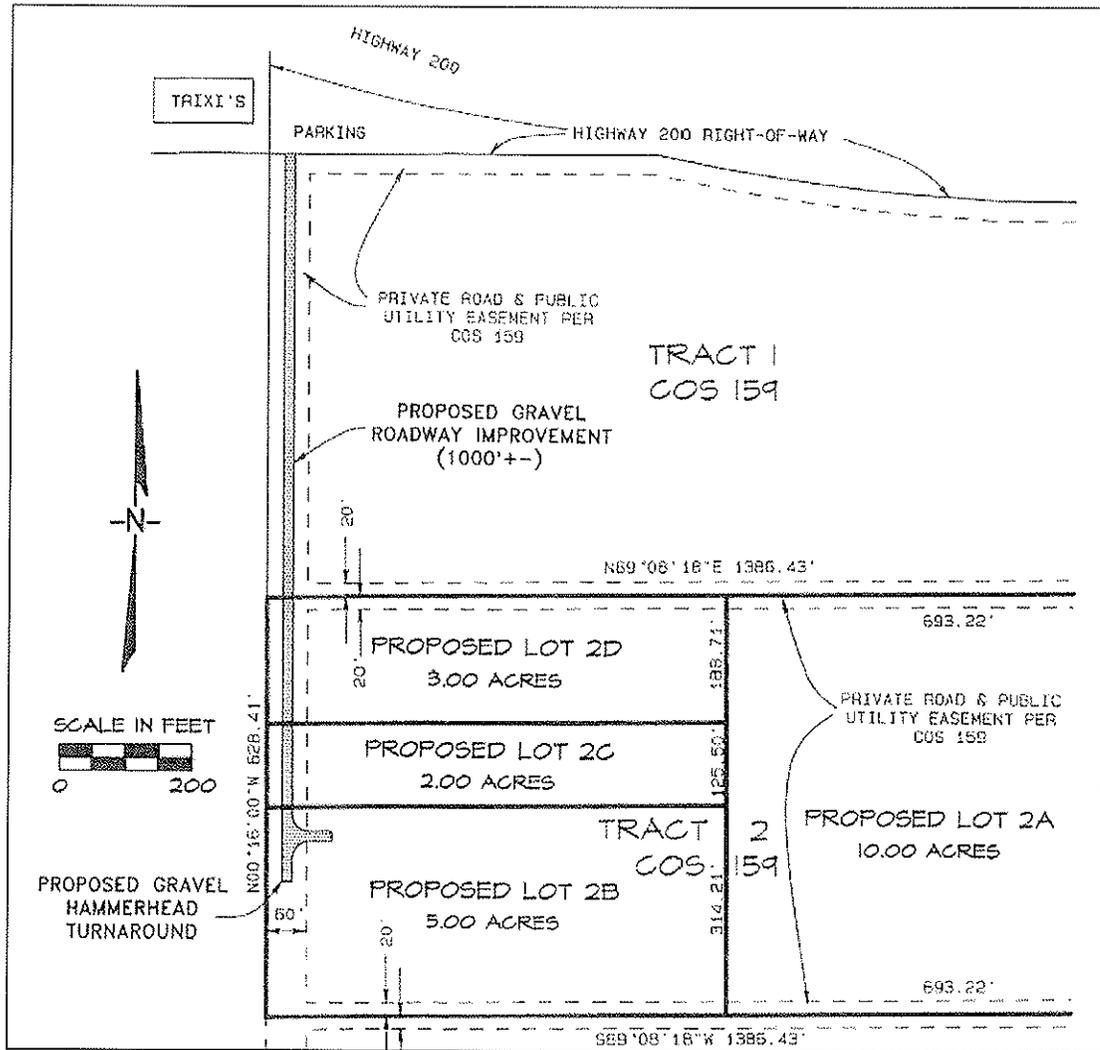
Staff considers the request as presented, is a reasonable deviation to accommodate small-scale residential development adjacent to Ovando. It is staff’s opinion that the request complies with the requirements relating to Chapter XI of the Powell County Subdivision Regulations. Therefore, staff supports the request as described by all the testimony and documentation submitted by the petitioner and his agent.

RECOMMENDATION

The Planning Board only has the authority to offer a recommendation to the County Commissioners. Since Staff review of the request revealed no unfavorable or perverse provisions, it supports the proposal and requests the Planning Board recommend to the County Commissioners to allow the variance with these conditions:

1. Should the road surface show deformation under construction traffic, 6 inches of gravel would be required.

2. Pay any remaining fees, including public hearing notice, notice to adjacent owners by certified mail or any consulting fees regarding the Variance application.



Discussion of the project occurred. Commissioner Pohle moved that a variance be granted on the private road on Tract 1 and 2 of COS 159 to have a minimum road width of seventeen feet and place at least four feet of gravel on the existing subgrade as depicted on Exhibit A. Commissioner Mannix seconded the motion and the motion carried.

Wayne Slaght explained his situation on the cattle petition. An extension of another year was granted.

Commissioner Pohle moved that Brian Bender be the designated Community Transportation Enhancement Program (CTEP) contact person to administer the CTEP program. Commissioner Mannix seconded the motion and the motion carried.

Acting Presiding Officer Mannix signed the Co-operative Agreement with the Montana Department of Public Health and Human Services and Board of Health Agreement.

The following letter was received from the Arrowstone Park Board President Sandy Salisbury:

January 6, 2012

Sandy Salisbury
President
Arrowstone Park Board
1479 Eastside Road
Deer Lodge, MT 59722

Powell County Commissioners
409 Missouri Ave., Suite 202
Deer Lodge, MT 59722

County Commissioners:

The purpose of this correspondence is to have the Powell County Commissioners intervene in the recent situation where Larry Rennfield decided to close a portion of Arrowstone Park by locking a gate and placing *no trespassing / private property* signage on the gate. The portion in question, lies on the east side of Main Street and contains the boat launch. As President of the Arrowstone Park Board, I strongly encourage the County Commissioners to have the lock and the offending signage removed. I like to remind the Commissioners you have the responsibility of ensuring Powell County has parkland available to accommodate a range of recreational opportunities. This selfish act by Larry Rennfield prevents residents and non-residents of Powell County to enjoy this wonderful community amenity. Simply, this act of self-serving publicity by one individual has the ability to erode years of dedication and hard work made by the Park Board to develop a park worthy of this delightful community. I strongly suggest, as the County Commissioners initiate a dialogue with Larry Rennfield to prevent future events like this, the Commissioners obtain a survey or some other form of documentation from him. Again, the premises of holding a community facility hostage for the sake of personal gain is unacceptable and counterintuitive to the principal of a public park held in common stewardship for the benefit of the public.

Please keep the Arrowstone Park advised of how the County Commissioners intend to solve this unnecessary interruption to the public's enjoyment of Arrowstone Park.

Sincerely,

s/ Sandy Salisbury
Arrowstone Park Board President

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

APPROVED:



RALPH E. MANNIX, JR., Acting Presiding Officer

ATTEST:



DIANE S. GREY, Clerk

Deer Lodge, Montana

January 18, 2012

The Board of Commissioners for Powell County, Montana, met in regular session at 10:00 o'clock A.M. Commissioner Mannix attended the Safety Meeting and Commissioner Pohle attended the Cottonwood Creek Advisory Committee.

Commissioner Cele Pohle met with Cole Peebles, Great West Engineering, at 1:00 P.M. The McKee and Murphy Pits were reviewed.

At 1:45 P.M., Commissioner Mannix returned and signed the applications for the Gravel Pits.

Rick Hirsch requested Commissioner Pohle to look into a 45 mile per hour on the paved roads in District One.

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

APPROVED:



RALPH E. MANNIX, JR., Acting Presiding Officer

ATTEST:



DIANE S. GREY, Clerk