

Deer Lodge, Montana

January 27, 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.

At 10:15 A.M., Commissioner Young re-opened the old Hospital Building bid process. The Commissioners reviewed the proposal by Cottonwood Commons Assisted Living Facility (ALF). Bob Bonato was not present, as contact person for the Cottonwood Commons ALF. County Attorney Smith and PJ Wright from the Silver State were present. According to page 9 of the Development Packet, the Commissioners cannot review an incomplete package. Cottonwood Commons ALF's proposal was deemed incomplete due to the lack of a Section 501(c)(3) letter from the Internal Revenue Service (IRS). The hearing was extended.

At 11:00 A.M., Chris Laity, Great West Engineering, conducted a conference call. Brian Bender also attended. Mr. Laity described the Treasure State Program. The bridges that will be placed on the program are the Center Street Bridge and the Willow Road Bridge. The Spotted Dog Bridge will be reviewed.

At 1:00 P.M., Commissioner Young opened the hearing on the Sheriff's Fees. As there was no public comment, Commissioner Mannix moved that Resolution 2012-07 be adopted. Commissioner Pohle seconded the motion, and the motion carried.

BOARD OF COUNTY COMMISSIONERS
POWELL COUNTY, MONTANA

RESOLUTION SETTING SHERIFF'S SERVICE OF PROCESS FEE

2012-7

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 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 7-3-2141 MCA (2011); and

WHEREAS, the Powell County Sheriff's Office is permitted by law to charge fees for other services; and

WHEREAS, the Powell County Sheriff has made recommendations to the County Commissioners to increase the set fee for service of civil process at \$70.00 per service (includes mileage); and has established a schedule of fees for other services provided by the Sheriff's Office; 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 \$70.00 per civil service of process and other civil papers as defined in Section 7-32-2141(1)(a through n) MCA (2011) and the other fees is a fair fee for the services performed by the Sheriff's Office; and

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 \$70.00 per civil service of process and other civil papers as defined in Section 7-32-2141 (1) (a through n) and that the Powell County Sheriff's Office shall charge the fees stated on the attached Fee Schedule.

Dated this 27th day of January, 2012.

Board of 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

At 1:30 P.M., Mike Saylor, Airport secretary, reported that the Airport was successful in their Grant Application.

Presiding Officer Donna Young signed the following:

1. Task Order #3: Deer Lodge City-County Airport – Primary Surface Grading and Road Relocation Design A.I.P. 3-30-0021-010-2012.
2. Federal Aviation Association (FAA) Grant Application for 2012 Projects.
3. Sponsor Certifications for Grant Applications.

At 3:00 P.M., Ruth Koehler, Deputy Disaster and Emergency Service coordinator reviewed the process for training for the Local Emergency Planning Committee (LEPC) and Emergency Operation Center EOC designated process.

At 3:30 P.M., County Planner Brian Bender was authorized to attend the National Conference of Planners in Los Angeles, California.

County Attorney Lewis Smith briefed the Commissioners on the developments with Arrowstone Park and the locked gate. Larry Rennfield and the County have a Land Use Agreement. County Attorney Smith had contacted Mr. Rennfield on behalf of the Park Board and Commissioners to set up a meeting and time for discussion of the locked gate and the Land Use Agreement. Mr. Rennfield declined the meeting.

At 4:00 P.M., County Attorney Lewis Smith, met with the Commissioners and requested that Granite County Attorney, Chris Miller, assist with the prosecution of alleged criminal violations.

RESOLUTION NO. 2012-08

Whereas, the Powell County Attorney has requested prosecutorial assistance in a case involving possible criminal violations by the Deer Lodge Mayor and a Council person(s), and the County Attorney may be a witness to the matter alleged; and

Whereas, it is desired and deemed appropriate that a special Deputy County Attorney be contracted with to assist in the prosecution of the aforementioned case; and

Whereas, MCA 7-4-2708 authorizes the County Attorney to employ or contract with licensed attorneys to act as special counsel on request of the County Attorney and upon the approval of the Board of County Commissioners; and

Whereas, the Granite County Attorney, Christopher G. Miller, has agreed to assist with that investigation and possible prosecution;

It Is Hereby Resolved:

That Christopher G. Miller is hereby appointed as Special Deputy County Attorney for Powell County for the purpose of assisting in the prosecution of the aforementioned case.

It is Further Resolved:

That under the terms of this agreement, no fee will be charged for attorney time provided by Mr. Miller. Travel expenses for Mr. Miller, witness fees and expenses, jury costs and other normal costs associated with trial will be the County's responsibility, except to the extent such charges are statutorily allowed to be passed through to the Department of Justice or Supreme Court Administrator's Office, as with all other prosecutions.

Dated this 27th day of January, 2012.

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

ATTEST:

s/ Diane S. Grey, Clerk and Recorder

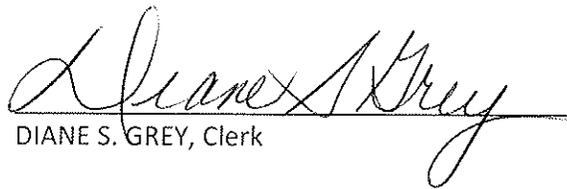
On motion, the meeting was adjourned at 5:00 o'clock P.M.

APPROVED:



DONNA YOUNG, Presiding Officer

ATTEST:



DIANE S. GREY, Clerk

Deer Lodge, Montana

January 30, 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.

At 10:05 A.M. the Board met with Peggy Kerr regarding personnel matters.

Clerk and Recorder/Assessor Diane Grey met with the Board regarding correspondence. The following letter was received from Sandra Salisbury regarding Arrowstone Park:

January 30, 2012

Powell County Board of Commisisoners
409 Missouri Avenue
Deer Lodge, Montana 59722

Dear Commissioners;

In regards to the portion of Arrowstone Park that is owned by Larry Rennfield, I have gathered the following information:

- a. Mr. Rennfield stated in an article in the January 25, 2012, issue of the *Silver State Post* that he is paying the taxes on the property in question. The subject of property taxes or the abatement thereof is not addressed in the 1996 Land Use Agreement. According to the Powell County Tax Assessor's office, the property used for the Park is considered a part of the property owned by Mr. Rennfield that extends from the Clark Fork River on the north to the interstate exchange on the south. It is assessed as a single piece of property as "tract" land. As of July 1, 2008, the assessed value is \$54,400. Taxes paid by Mr. Rennfield in 2011 were \$409.93. This property is in the designated flood plain.
- b. For comparison purposes, the property on the east side of the Clark Fork River is in the designated flood plain, is categorized as "unbuildable" and is assessed as such. Powell County has not category for recreation or park land.

s/ Sandra Salisbury
President Arrowstone Park Board

Cc
Powell County Planner
Powell County Attorney

Clerk and Recorder/Assessor Diane Grey brought in information on two seminars that should be attended. Commissioner Young will attend the February 3, 2012, conference in Helena. Commissioner Mannix will coordinate the Webinar for the Road Crews on February 22, 2012.

At 1:00 P.M. Commissioner Young reported that the Arrowstone Park was unlocked.

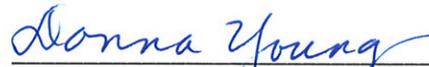
At 1:30 P.M. Commissioner Young attended a meeting off site.

At 2:00 P.M. County Planner Brian Bender reported for his monthly update. The Planning Department goals were reviewed that were established for 2011. The 2012 department goals were reviewed and discussed and direction was given for the Planning Department.

Susie Johnson, secretary for the Deer Lodge Valley Conservation District and the North Powell Soil Conservation District presented the Board with two grants. HB223 Grant Applications for both districts were signed by Presiding Officer Donna Young.

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 31, 2012

The Board of Commissioners for Powell County, Montana, met in regular session at 10:00 o'clock A.M. Present: Acting Presiding Officer Ralph E. Mannix, Jr. and Cele Pohle, Member. Commissioner Young was attending a meeting at Blossburg with Northwest Energy and Road District #3 Supervisor Eugene Wallace.

At 11:00 A.M., Gary Sullivan, State Coordinator of the United States Fish and Wildlife Service and Kevin Ertl, Lands Manager of the Benton Lake Wetland met with the Board. US Fish & Wildlife Service presented two acquisition proposals that will occur in 2012. The Patrick Mullan Separate Property Trust consists of 160 acres. This acreage would be added to the existing 1713 acres of the Blackfoot Wildlife Management Association (WMA). The second parcel of land is 119.21 acres at Upsata Lake. The land has a lodge which could be used for hosting public meetings and offering office space for other local agencies or organizations.

The Refuge Revenue Sharing Payment based on Congressional appropriations for both properties would be approximately \$3,000.00.

At 1:00 P.M., Commissioner Young returned from her meeting. Commissioner Mannix was excused for the afternoon.

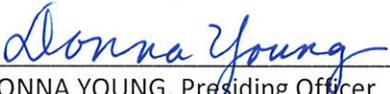
The Road District #1 crew stopped in for a visit, Supervisor Gary Larson and road crew members John Kent and Donald Glisson.

Maureen Conner, Granite County Commissioner, stopped in to visit about redistricting.

Jim Hadley commented about the condition of the Eastside Road.

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

APPROVED:



DONNA YOUNG, Presiding Officer

ATTEST:



DIANE S. GREY, Clerk