

Deer Lodge, Montana

March 28, 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 Member Ralph E. Mannix, Jr. Commissioner Pohle was at a Western Montana Health Board meeting.

The drawing of salary warrants for Officers, Deputies, Foremen, Clerks and Appointees from various accounts for the month of March, 2012, were approved and a record of such is on file in the office of the Clerk and Recorder.

At 1:00 P.M., the Board met with Newland & Company. Mike Blakeley reviewed the Audit Report with the Commissioners and county staff. Those present were: Ashley Brown, Mike Johns and Mike Blakeley with Newland & Company, Superintendent of Schools Jules Waber, Treasurer Lisa Smith, County Attorney Lewis Smith and Financial Officer Jennifer Spring.

At 2:00 P.M., Commissioner Pohle reported on the following:

1. Comprehensive Economic Development Strategy meeting held on March 22. Kathie Weaver, the Economic Development Planner from Headwaters Resource, Conservation & Development facilitated the meeting.
2. A meeting was held with the Department of Transportation and City Officials on the subject of the Main Street Bridge on Monday, the 26<sup>th</sup> of March.
3. The Redistricting Meeting for the State of Montana was held in Butte at 7:00 P.M. on the 22<sup>nd</sup>. Commissioner Pohle gave testimony on behalf of the Commission. Following is her testimony:

March 27, 2012

Butte Redistricting Commission Meeting

Commissioners,

My name is Cele Pohle. I am a commissioner from Powell County. At your March 13 meeting in Missoula, Commissioner Conner from Granite County testified to our Joint Resolution.

I bring the same message. I have been involved with the Census and Redistricting since 1970 as a census taker and then with various roles in county government. This is the first time in my memory that we have met the criteria and are able to request that Powell and Granite Counties be combined into one legislative district. As a county commissioner and having been active in this process for forty years, I take great pride in being able to present this concept to you.

The support has been positive because we share so many similar characteristics. Our Joint Resolution speaks to our customs and culture that we share because of our rural setting.

We support and endorse the subdivision plan that would achieve the goal of combining Powell and Granite Counties into one legislative district.

Thank You for your time and commitment to the State of Montana.

s/ Cele Pohle  
Powell County Commissioner

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

March 29, 2012

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

At 10:00 A.M., the Board met with Darryl Barton, Public Health Emergency Preparedness Coordinator, Kari Hogan and Chris Bogers, Director of Nursing for the Deer Lodge Medical Center and P.J. Wright with the Silver State Post. Discussion of the scope Public Health was held.

Clerk and Recorder Diane Grey presented correspondence.

Dawn Wagner requested signage for Dempsey Lake Road by Prison Ranch Two. County Attorney Lewis Smith will research what type of signage could be made available to slow the traffic down in that area.

The following letter was received from Mary Ann Fraley, City of Deer Lodge Mayor:

March 28, 2012

Powell County Commissioners:  
Ralph Mannix  
Cele Pohle

Donna Young  
409 Missouri Ave  
Deer Lodge MT 59722

Re: Contract with Rural Fire District

Dear Commissioners:

I am writing this letter on behalf of the City to remind you that the contract between the City of Deer Lodge and the Deer Lodge Rural Fire District will be up for renewal on June 30, 2012.

There are some areas of concern in the existing contract that the Deer Lodge City Volunteer Fire Department feels should be addressed prior to a new contract being signed.

If you would like to have a meeting at City Hall with myself, the city attorney, city officials and members of the Rural Fire District board to discuss this contract, feel free to contact me to arrange a date and time that will work for all parties.

Respectfully,

s/ Mary Ann Fraley  
Mayor

Cc: Jana McGill, City Attorney  
Lewis Smith, County Attorney  
Sandy Porter, Fire Chief  
Dan McQueary, City Asst Fire Chief  
Neil Swant, Rural Fire Board  
Gene Hughes, Rural Fire Board  
Dean Lawson, Rural Fire Board  
Richard Weaver, Rural Fire Board  
Gary Weer, Rural Fire Board

The Commissioners' response to Mayor Fraley's letter is as follows:

March 29, 2012

Mayor Mary Ann Fraley  
City Council Members  
300 Main Street  
Deer Lodge, MT 59722

Re: Contract with Rural Fire District

Dear Mayor Fraley and City Council Members:

This is in response to your March 28, 2012 letter concerning the contract between the City of Deer Lodge and the Deer Lodge Rural Fire District.

There seems to be some confusion as to the role of the county regarding this contract. The County is not a party to the contract. As stated in Section 1 of the contract "a fire district organized by

the Powell County Board of Commissioners” was authorized by Section 7-33-2101 MCA. This statute refers to the authorization of Commissioners to establish a fire district. The Deer Lodge Rural Fire District was formed by petition and trustees were appointed to manage and govern the district. This is a separate taxing jurisdiction and is not under the direction or authority of the Powell County Commissioners.

We hope the parties will be able to resolve concerns for the safety of the community.

Respectfully,

POWELL COUNTY COMMISSIONERS

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

cc: Earl Hall, Powell County Fire Warden  
Jana McGill, City Attorney  
Lewis Smith, County Attorney  
Sandy Porter, City Fire Chief  
Dan McQueary, Asst City Fire Chief  
Neil Swant, Rural Fire Board  
Gene Hughes, Rural Fire Board  
Dean Lawson, Rural Fire Board  
Richard Weaver, Rural Fire Board  
Gary Weer, Rural Fire Board

At 1:00 P.M., Commissioner Mannix moved and Commissioner Pohle seconded the motion to adopt the following Resolution. The motion carried.

COMMISSIONERS’ RESOLUTION  
FOR  
ROAD EASEMENT APPLICATION AND ACCEPTANCE

TO: USDA-Forest Service  
Kevin Riordan, Forest Supervisor  
Helena National Forest  
2880 Skyway Drive  
Helena, Montana 59601  
Attn: Matthew McGiffin

FROM: Board of County Commissioners  
Powell County  
Powell County Courthouse  
409 Missouri Ave  
Deer Lodge, Montana 59722  
Attn: Powell County Planner

Powell County hereby applies for a Public Road Easement from the United States, to be granted under authority of the National Forest Roads and Trails Act (FRTA, Pub. L. 88-657, 10/13/64), by and through



WHEREAS, the citizens of Powell County, Montana, rely on the United States Postal Service (Postal Service) to deliver items timely, six-days per week to conduct commerce and to obtain goods and information not available locally, and

WHEREAS, many of our citizens, including the chronically ill, senior citizens, the disabled, and veterans rely on the Postal Service for timely delivery of medical supplies necessary for survival, and

WHEREAS, rural areas are being required to shoulder a disproportionate burden in an attempt to balance the Postal Service's budget.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF COMMISSIONERS OF THE COUNTY GOVERNMENT OF POWELL STATE OF MONTANA:

1. Oppose relaxing or changing current postal service standards, closing post offices, and consolidating mail processing centers that will adversely affect our citizens.
2. Oppose the Postal Service's proposal to eliminate quality jobs in our communities and recognize the efforts of our local postal workers.
3. Request the Postal Service, Postal Regulatory Commission and our Congressional Delegation provide detailed, transparent information that shows the true and accurate cost savings of changing/relaxing service standards, closures, and consolidations.

Dated this 29<sup>th</sup> day of March, 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

The above Resolution was sent to the Montana Association of Counties and the State of Montana Congressional members.

Carroll College nursing students Rebecca Case, Thomas Murgel, Jake Orrino and Sara Mihalth interviewed the Commissioners on different aspects of their varied responsibilities.

At 4:00 P.M., Presiding Officer Donna Young opened the Second Hearing on Willow Road and Center Street Bridges for the Treasure State Endowment Program (TSEP) Grants. Jonathan Weaver with Great West Engineering introduced himself and discussed the Center Street Bridge to those present. Roni Wangerin questioned whether the elevation would be the same as on the existing Center Street Bridge. Concerns were expressed on the height in relationship to high water. Clearance would be and remain the same. The following letter from Roni Wangerin was received:

March 29, 2012

Questions I have related to the county's proposal for replacing the current bridge on Center Street in Deer Lodge:

1. What is the current weight limit on the bridge? Is it sufficient for cars and pickups and light trucks? When can we expect the bridge to open if the current weight limit can safely carry light vehicles? In the past, only one car could cross the bridge at a time and the neighborhood people have dealt with this "one car at a time" traffic pattern and feel it keeps traffic moving more reasonably for neighborhood with small children. We have lived at the Center Street Bridge area for 23 years.
2. With the current modifications the county just completed on the north footings of the Center Street Bridge, what is the timeline we can expect of these modifications to hold up under use? Was foam used on the small rocks under the footing of the bridge just a stop gap until the county gets the grant they are seeking? What happens with high water this spring when we get rushing water against the berm of rocks placed against the north footing? What about the rocks piled into the center of the creek as a dike diverting water into the south bank of the creek to a lower edge of the creek, possibly endangering the property of the Stav's, an elderly and disabled couple who would have difficulty evacuating in a timely fashion in case of a flash flood like we had last year?
3. Any change in the height of any new bridge should be no lower than the bottom of the current bridge! Any changes at the bridge site should not narrow the creek bed or drainage as has been done in the past along the creek. There should not be girders hanging down into the high water line of the Center Street Bridge if you decide to install a new bridge. The two most recent bridges the county had engineered and installed, had girders that hung down below the high water levels, dammed up debris from upstream and created more flash flooding than necessary, creating an emergency in town. What assurances can the county make with the landowners and neighbors in the Center Street bridge area that the county does not accept a substandard, lower bridge or narrow the creek bed?

Submitted by: Ronda L. Wangerin  
219 Center Street  
Deer Lodge, Montana

The hearing was closed at 4:45 P.M.

The following letter of support for the Southwest Montana Drug Task was sent to the Montana Board of Crime Control.

March 29, 2012

Montana Board of Crime Control  
3075 N Montana Ave  
PO Box 201408  
Helena, MT 59620-1408

RE: Southwest Montana Drug Task Force

Dear Ladies and Gentlemen:

This letter is in support of future funding for the Southwest Montana Drug Task Force (SWMDTF) using the Byrne Formula Grant Program funds.

We have seen the benefit of the SWMDTF to our community and can imagine what the impact of the loss of the task force would be. I know that very few, if any, of the participating agencies would be able to continue the concentrated effort to curtail or hinder dangerous drug violations within their jurisdictional boundaries without the assistance of the SWMDTF. This area of the

state is sparsely populated and covers a large geographical area. These factors alone hamper individual agencies in drug trafficking violations, which are normally multijurisdictional in nature. The SWMDTF provides a cohesive tie to all of the participating agencies, which enhances the interagency coordination of investigations and efforts to stem the flow of dangerous drugs within our communities.

Sincerely,

Powell County Board of Commissioners

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

At 6:00 P.M., the Second Hearing for the Willow Road Bridge was held at the Race Track Community Center. Presiding Officer Donna Young opened the Hearing with Commissioners Pohle and Mannix in attendance. Others attending were Michael Blair, Norman Anderson, Jules Waber, Lee Jacobson, Elmer McGhee and Billy Lowery. Jonathan Weaver, Great West Engineering, presented the design elements for the bridge. Jules Waber and Bill Lowery voiced their support of both projects.

The meeting adjourned at 6:45 P.M.

APPROVED:

  
DONNA YOUNG, Presiding Officer

ATTEST:

  
DIANE S. GREY, Clerk

Deer Lodge, Montana

March 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 10:00 A.M., Commissioner Pohle moved and Commissioner Mannix seconded the motion to adopt the following Resolution. The motion carried.

BOARD OF COUNTY COMMISSIONERS  
POWELL COUNTY, MONTANA

RESOLUTION TO CANCEL UNCLAIMED WARRANTS

2012-11

WHEREAS, the Montana Legislature has provided in 7-6-2607 of the Montana Code Annotated (MCA) that the Board of County Commissioners shall cause to be canceled all county warrants that have remained uncalled for one year or more;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Powell County, that the warrants specified in "Exhibit A" be canceled in compliance with the above noted MCA.

Done this 30<sup>th</sup> day of March, 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

Exhibit "A"

Powell County  
Warrants Outstanding for One Year or More  
As of March 30, 2012

Warrant No.	Warrant Date	Payee	Amount
<u>General Fund (1000)</u>			
29755	12/31/2001	AYA MONTANA	\$1,680.00
30446	5/16/2002	DON McDERMID	12.00
30642	5/31/2002	SANDRA WITT	25.00
31043	7/31/2002	RICK KRAEMER	100.00
31507	10/31/2002	SPANISH TRIP FUND	69.00
32066	1/31/2003	RANDY MANNIX	36.72
32299	3/31/2003	STEPHANIE FORBES	12.00
32319	3/31/2003	ALLEN JOHNS	12.00
32331	3/31/2003	LISAC TIRE	251.76
34348	3/31/2004	RICK'S TUNE UP	73.95
36179	12/30/2004	TERA LAUGHLIN	35.25
36317	12/20/2004	LISA WIRTH	12.00
36962	4/29/2005	CAROL JETTE	12.00
39367	6/30/2006	TERRI VANELSBERG	25.00
41287	6/29/2007	POWELL COUNTY SHERIFF	121.50
42675	3/31/2008	EDITH M. BAKER	67.50
42989	4/30/2008	TERRI VANELSBERG	12.00
43755	9/30/2008	JILL J PETERSON	12.00
44065	11/17/2008	JEANNE M SENEAL	78.50
45703	8/31/2010	JOLENE GOMEZ	10.00
47513	8/31/2010	LYNDEL MEIKLE	25.00
			<u>2,683.18</u>
<u>Road Fund (2110)</u>			
44854	3/31/2009	GRAVELEY CONSTRUCTION	150.00
			<u>150.00</u>
<u>Weed Fund (2140)</u>			
44441	1/30/2009	DEAN DUTTON	24.20
47529	8/31/2010	MOUNT OVANDO 4-H CLUB	100.00
			<u>124.20</u>
<u>Parks Fund (2210)</u>			
40497	1/31/2007	POWELL COUNTY MUSEUM & ARTS FOUNDATION	520.00
			<u>520.00</u>
<u>Planning Fund (2250)</u>			
48113	12/30/2010	JOHN HOLLENBACK	20.00
			<u>20.00</u>
<u>Law Enforcement Fund (2300)</u>			
37383	7/9/2005	RICK KRAEMER	100.00
47561	8/31/2010	RICK KRAEMER	68.86
			<u>168.86</u>

<u>Conservation District (7350)</u>			
48113	12/30/2010	JOHN HOLLENBACK	<u>540.17</u>
			<u>540.17</u>
<u>Ref. Revolving Fund (7920)</u>			
44234		WASHINGTON MUTUAL	<u>493.00</u>
			<u>493.00</u>
		Grand Total	<u>\$4,699.41</u>

Financial Officer Jennifer Spring was present.

The following letter was received from Undersheriff Mike Grey regarding excess vacation.

March 30, 2012

Powell County Commissioners  
 409 Missouri Avenue  
 Deer Lodge, MT 59722

Re: Excess vacation time

Dear Commissioners:

I would like to request additional time in which to use my excess vacation time. I have thirty-one hours left that must be used by March 31<sup>st</sup>, 2012. If you would let Jennifer use my vacation time for the next few weeks instead of my comp time, I would really appreciate it.

Sincerely,

s/ Mike R. Grey  
 Powell County Undersheriff

The following letter is the Commissioners response.

March 30, 2012

Mike R. Grey  
 710 Pennsylvania Ave  
 Deer Lodge, MT 59722

Re: Excess Vacation Time

Dear Mike:

We have granted you an extended time in which to use your thirty-one hours of excess vacation time. Jennifer will use any hours of time off as vacation time until you have used all of these hours. Please use this time wisely and clean out your garage and basement and help your sweet little wife with any chores she may find for you.

Sincerely,

POWELL COUNTY COMMISSIONERS

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

s/ Cele Pohle, Member

cc: Jennifer Spring

Commissioner Pohle moved and Commissioner Young seconded the motion to permit the Right of Way Occupancy ID No. 02-12ROW. The Blossburg road inspection was completed by Commissioner Young, Road Foreman Eugene Wallace and NorthWestern Energy. The motion carried.

Commissioner Pohle moved and Commissioner Young seconded the motion to permit the Right of Way Occupancy ID No. 14-12ROW. The Snowshoe Creek road inspection was completed by Commissioner Young, Road Foreman Eugene Wallace and Blackfoot Telephone Co-op. The motion carried.

Commissioner Pohle moved and Commissioner Young seconded the motion to permit the Right of Way Occupancy ID No. 15-12ROW. The Three Mile Creek road inspection was completed by Commissioner Young, Road Foreman Eugene Wallace and Blackfoot Telephone Co-op. The motion carried. Planner Brian Bender stated that it is acceptable that it is in the flood plain.

Troy McQueary was appointed to the Blue Ribbon Pavilion by consensus. His term will be effective until December 31, 2014. Mr. McQueary accepted the position.

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

April 2, 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 Member Ralph E. Mannix, Jr. Commissioner Pohle was home with it coming out of both ends.

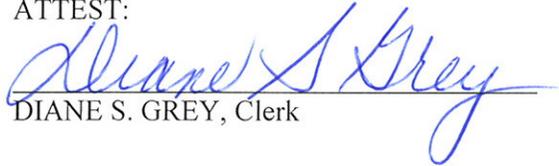
Claims against the County were examined, approved and ordered paid by the Board of Commissioners for the month of March, 2012, and a record of such is on file in the office of the Clerk and Recorder.

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

April 3, 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.

The Board signed the Southwest Montana Drug Task Force State and Local Task Force Agreement for Fiscal Year 2013. A copy of the Agreement is on file in the Clerk and Recorder's office.

At 3:00 P.M. Commissioner Young returned from a meeting with Darryl Barton and Chris Bogers regarding our Public Health Program.

The correspondence was reviewed from Kenneth Connors from Connor Law Firm. The consensus from the Commissioners conveyed to Lewis Smith, County Attorney, was to contract with Kenneth Connors to pursue deeds with the State for the relocation of boundaries for the airport.

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

April 4, 2012

The Board of Commissioners for Powell County, Montana, met in regular session at 10:00 o'clock A.M. Present: Member Cele Pohle.

At 10:30 A.M., Commissioner Mannix returned from the Road District One shop.

At 10:45 A.M., Commissioner Young returned from her meeting at the Hospital to discuss the Public Health Program.

The Board signed a Commercial Lease with Kevin and Randy Perrault as Tenants regarding the commercial property at 311 Montana Avenue, Deer Lodge, MT. Maintenance Supervisor Fred Kuchinski

conducted the walk through on the building condition. The evaluation is attached to the Lease. A copy of the Lease is on file in the Clerk & Recorder's office.

The Commissioners appointed Doug Crachy to the Powell Rural Disposal District Board. The term will expire on December 31, 2014.

The Commissioners appointed Dennis Abbott to the Deer Lodge Landfill District Board. The term will expire on December 31, 2014.

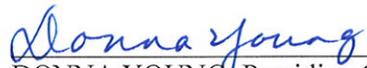
Dave Whitney was in to discuss the railroad right of way in Garrison. He had put in a claim for three years – 2010, 2011 and 2012. It was denied as it was not authorized from the Supervisor of Road District No. 1 or the Commissioners.

Ed Scharf, from the Road Advisory Board, reported to the Commissioners on the findings of the Board. The committee would find no record of an abandonment of the Spotted Dog Road. County Attorney Lewis Smith also attended the meeting. The Board will meet with Mr. Smith to pursue the road issues on Spotted Dog.

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

The Board attended the meeting at the Community Center at 5:30 P.M. regarding the Cottonwood Creek Plan.

APPROVED:

  
DONNA YOUNG, Presiding Officer

ATTEST:

  
DIANE S. GREY, Clerk