

## Commissioners' Minutes March 2022

Deer Lodge, Montana

March 7, 2022

The Board of Commissioners for Powell County, Montana, met in regular session at 9:00 o'clock A.M. Present: Presiding Officer Ralph E. Mannix, Jr. and Member Daniel G. Sager

Jody Walker, Clerk and Recorder, presented the correspondence.

Coroner Heather Gregory was in to inform the Commissioners that the Deputy Coroner has resigned, effective immediately.

Kyla Johnson was in for the Airport Capital Improvement Plan changes that needed to be signed due to the \$159,000 Infrastructure Bill Funding for the next five years.

A request for reimbursement from Morrison-Maierle invoice #211340 and 220361 for the total amount of \$20,330.36, both approved by the airport board, was signed by the Commissioners.

Claims against the County were examined, approved and ordered paid by the Board of Commissioners for the month of February 2022, warrant #67470 - #67550 were issued and a record of such is on file in the office of the Clerk and Recorder.

Kathryn McEnery, County Attorney, was in for a confidential session.

The Commissioners attended the Public Health Board meeting in the Community Center.

On motion, the meeting adjourned at 4:00 P.M.

APPROVED:

RALPH E. MANNIX, JR., Presiding Officer

ATTEST:

JODY WALKER, Clerk

Deer Lodge, Montana

March 8, 2022

The Board of Commissioners for Powell County, Montana, met in regular session at 9:00 o'clock A.M. Present: Presiding Officer Ralph E. Mannix, Jr. and Members Daniel G. Sager and Doug Crachy

Jody Walker, Clerk and Recorder, presented the correspondence.

County Extension Agent Bo Walker was in to update the Commissioners on some of his projects. He has received \$2,000 funding from MSU Extension Business classes on Increasing Tourism Through Re-imagining Rural program. These classes are scheduled for next January. The 4-H backpacking program is funded. He will purchase camping gear to use for the program and to also have available for year-round checkout. He has funding to purchase fifteen nitrate sampling kits for 4-H students to use to sample nitrate levels in livestock forage. He is planning on 4-H leader training in April. Bo is also recommending

seeing if Sheila Finco, retired Extension Administrative Assistant, would be interested in a few hours per week training on a contract basis. The need for additional training is because of the time it took to get a new employee hired and Sheila's retirement date. We funded enough money to cover the requested contract time.

Zoom meeting on Roundhouse use of grant funding. Have \$1,000,000 available and are waiting for the Department of Environmental Quality (DEQ) to give approval and requirements needed for construction of buildings. Have developers interested, but they want DEQ ok on ability to construct buildings. Also discussed Brownfield's funds for Planning that are available. Attending the Zoom meeting was County Planner Amanda Cooley, Jonathan Weaver from Great West Engineering, Heidi Anderson Fohnagy, Michelle McNamee, and Jorri Dyer from DNRC, as well as Scott Owen and Jason Seyler from DEQ.

Jonathan Weaver and Justin Evertz with Great West Engineering were in office to discuss the Phase II contract change of the Old Yellowstone Trail contract. Contractor reduced amount due to obtaining cheaper fill material.

On motion, the meeting adjourned at 4:00 P.M.

Commissioner Crachy participated in the South West Regional Juvenile Detention Board meeting on February 24, 2022.

APPROVED:

RALPH E. MANNIX, JR., Presiding Officer

ATTEST:

JODY WALKER, Clerk

Deer Lodge, Montana

March 9, 2022

The Board of Commissioners for Powell County, Montana, met in regular session at 9:00 o'clock A.M. Present: Presiding Officer Ralph E. Mannix, Jr. and Members Daniel G. Sager and Doug Crachy Jarita Neckels, Deputy Clerk and Recorder, presented the correspondence.

Commissioner Mannix attended the Safety meeting.

District 2 Road Crew were in to visit after the Safety meeting.

Meeting to decide ballot language for marijuana excise tax to place on the primary ballot. Attending was County Attorney Kathryn McEnery, Justice of the Peace Melissa Gallagher, Clerk & Recorder/Election Administrator Jody Walker, Amanda Bohrer and City Planner Jordan Green. Resolution 2022-10 for placing Local Excise Tax on local marijuana sales on all marijuana and marijuana products sold in Powell County. Vote was 2 for and 1 against. Motion carried to place referendum on the primary ballot in June. Against vote thought question should be not all marijuana, but divided into two questions, one for recreational use and one for medical.

RESOLUTION 2022-10

RESOLUTION CALLING FOR ELECTION ON LOCAL EXCISE TAX ON LOCAL MARIJUANA SALES

WHEREAS, House Bill 701 passed by the 2021 Montana Legislature allowed for, beginning January 1, 2022, the operation of various categories of marijuana businesses and the taxation of marijuana retail sales in Montana counties in which a majority of voters in the November 3, 2020 election approved Initiative Measure I-90, which legalized possession and use of one ounce or less of marijuana or 8 grams or less of marijuana concentrate by persons over 21; and

WHEREAS, House Bill 701 provided that the electors of each county could authorize the imposition of a local-option marijuana excise tax up to 3% by an election; and

WHEREAS, the local-option marijuana excise tax would be a tax on the retail value of all adult-use marijuana and marijuana products (i.e., recreational), or medical marijuana and marijuana products sold at an adult-use dispensary and medical marijuana dispensaries within a county, or both; and

WHEREAS, if Powell County imposes a local-option marijuana excise tax:

- (a) 50% of the resulting tax revenue shall be retained by the county;
- (b) 45% of the resulting tax revenue must be apportioned to the municipalities on the basis of the ratio of the population of the city or town to the total county population; and
- (c) the remaining 5% of the resulting tax revenue must be retained by the department to defray costs associated with administering the tax; and

WHEREAS, based upon the above allocation, 50% of the tax revenue received from a local-option marijuana excise tax in the County will be retained by the County and 45% of the resulting revenue from such tax would be distributed to the town of Deer Lodge as it is the only municipality in Powell County; and

WHEREAS, the revenue of local-option marijuana excise tax may be used for any activity, undertaking, or administrative service that the municipality is authorized by law to perform, including costs resulting from the imposition of the tax or due to administrative burdens imposed on the municipality as a result of licensing or regulatory requirements, and;

WHEREAS, local governments have limited sources of revenue, and a new local-option marijuana excise tax would help diversify local government revenue generation in accordance with Montana law.

NOW, THEREFORE, BE IT RESOLVED:

1. The Council of Commissioners of Powell County, after due discussion and deliberation, find that it is in the best interest of Powell County to pass this Resolution of Intent providing notice of its intention to place a ballot question on the June 7, 2022 primary election ballot.
2. The qualified electors are requested to vote on one question of whether to impose a three percent (3%) local-option excise tax on the retail value of all marijuana and all marijuana products sold in the County of Powell, regardless of its recreational or medical use.

3. The tax, if it passes, will become effective October 1, 2022, which is no less than 90 days after the election.
4. The tax revenue will be used for public safety.
5. The ballot question referred to the qualified electors will read as follows:

LOCAL REFERENDUM

(VOTE IN ONE OVAL)

THE ELECTORATE OF POWELL COUNTY MUST DETERMINE WHETHER TO AUTHORIZE THE IMPOSITION OF A LOCAL-OPTION MARIJUANA EXCISE TAX WITHIN THE CORPORATE BOUNDARY OF POWELL COUNTY. THE RATE OF THE LOCAL-OPTION MARIJUANA EXCISE TAX WILL BE 3% ON ALL MARIJUANA SALES. IF THE TAX PASSES, IT WILL BECOME EFFECTIVE ON OCTOBER 1, 2022. THE TAX WILL BE USED FOR PUBLIC SAFETY PURPOSES.

FOR: To AUTHORIZE the imposition of a 3% local-option marijuana excise tax within the corporate boundary of Powell County on the sale of all marijuana and marijuana products.

AGAINST: To NOT AUTHORIZE the imposition of a 3% local-option marijuana excise tax within the corporate boundary of Powell County on the sale of all marijuana and marijuana products.

This Resolution shall be in full force and effect from and after passage and approval.

DATED this 9th day of March, 2022.

BOARD OF POWELL COUNTY COMMISSIONERS

s/ RALPH E. MANNIX, JR., Presiding Officer

s/ DANIEL G. SAGER, Member

s/ DOUG CRACHY, Member

ATTEST:

s/ JODY WALKER, Clerk and Recorder

Sandy Porter stopped in for a visit.

On motion, the meeting adjourned at 4:00 P.M.

APPROVED:

RALPH E. MANNIX, JR., Presiding Officer

ATTEST:

JODY WALKER, Clerk

Deer Lodge, Montana

March 21, 2022

The Board of Commissioners for Powell County, Montana, met in regular session at 9:00 o'clock A.M. Present: Presiding Officer Ralph E. Mannix, Jr. and Members Daniel G. Sager and Doug Crachy

County Planner Cooley was in to discuss new interest in the County Hospital property.

Jody Walker, Clerk and Recorder, presented the correspondence.

Renewed lease with the Powell County Literacy Program office space in the courthouse. They lease Suite 307 & 308 for \$150.00 per month. Lease is from January 1, 2022 to June 30, 2022 and will automatically renew on an annual basis.

Steve Flynn and Jim Buck representing the local golf course were in to see if the County could help them to improve their road. They are going to visit with the city also. They realize that the road will be replaced with the airport expansion, so repairs will need to be temporary.

Dwight Crawford stopped in for a visit.

Commissioner Sager attended City Planning board meeting as well as the Airport Board meeting.

Commissioner Sager called in to the Headwaters Resource Conservation & Development meeting on March 17, 2022.

On motion, the meeting adjourned at 4:00 P.M.

APPROVED:

RALPH E. MANNIX, JR., Presiding Officer

ATTEST:

JODY WALKER, Clerk

Deer Lodge, Montana

March 22, 2022

The Board of Commissioners for Powell County, Montana, met in regular session at 9:00 o'clock A.M. Present: Presiding Officer Ralph E. Mannix, Jr. and Members Daniel G. Sager and Doug Crachy

Jody Walker, Clerk and Recorder, presented the correspondence.

Claims against the County were examined, approved and ordered paid by the Board of Commissioners for the month of March 2022, warrant #67551 - #67619 were issued and a record of such is on file in the office of the Clerk and Recorder.

Signed an agreement between Powell County, owner, and Princeton Planning & Project Management, PLLC (P3M), contractor, to complete the Old Yellowstone Trail, Phase II construction. County Attorney has reviewed the agreement.

On motion, the meeting adjourned at 4:00 P.M.

APPROVED:

RALPH E. MANNIX, JR., Presiding Officer

ATTEST:

JODY WALKER, Clerk

Deer Lodge, Montana

March 23, 2022

The Board of Commissioners for Powell County, Montana, met in regular session at 9:00 o'clock A.M. Present: Presiding Officer Ralph E. Mannix, Jr. and Member Daniel G. Sager

Jody Walker, Clerk and Recorder, stated no correspondence.

County Treasurer Pam Reighard was in to discuss tax deed process. Pam will put together a resolution for next week to take tax deed on delinquent properties 2018.

Ruth Koehler was in with a Disaster an Emergency Services report. The state is going to fund Regional Pre-Disaster mitigation policies. Amanda Cooley will be the contact person.

Dr. Rees and Samantha Ray from the Public Health office were in to introduce Dr. Rees as Public Health Officer and give an update on the Public Health department. Also present was Ida Miller.

Rick Hirsch was in to talk about Racetrack Community Center funding.

On motion, the meeting adjourned at 4:00 P.M.

APPROVED:

RALPH E. MANNIX, JR., Presiding Officer

ATTEST:

JODY WALKER, Clerk

Deer Lodge, Montana

March 28, 2022

The Board of Commissioners for Powell County, Montana, met in regular session at 9:00 o'clock A.M. Present: Presiding Officer Ralph E. Mannix, Jr. and Members Daniel G. Sager and Doug Crachy Jody Walker, Clerk and Recorder, presented the correspondence.

Commissioner Sager attended the Area 5 Council on Aging Board meeting in Butte, Thursday March 24, 2022.

Heather Gregory, County Coroner was in to discuss interviews for Assistant Coroner.

The drawing of salary warrants #23600 - #23626 for Officers, Deputies, Foremen, Clerks and Appointees from various accounts for the month of March 2022, were approved and a record of such is on file in the office of the Clerk and Recorder.

Signed the Southwest Montana Drug Task Force Inter-Agency Memorandum of Understanding for FY-23. This MOU will be in effect from July 1, 2022 to June 30, 2023. It is basically the same MOU as executed for FY-22.

Commissioner Sager attended the Powell County Council on aging Board meeting.

On motion, the meeting adjourned at 4:00 P.M.

APPROVED:

RALPH E. MANNIX, JR., Presiding Officer

ATTEST:

JODY WALKER, Clerk

Deer Lodge, Montana

March 29, 2022

The Board of Commissioners for Powell County, Montana, met in regular session at 9:00 o'clock A.M. Present: Presiding Officer Ralph E. Mannix, Jr. and Members Daniel G. Sager and Doug Crachy Jody Walker, Clerk and Recorder, presented the correspondence.

County Extension Agent Bo Walker was in to update the Commissioners on the Spotted Dog Elk Study program.

Corinne Moore, PHR, Senior HR Consultant for WeStaff was in to discuss personnel issues with some county employees.

On motion, the meeting adjourned at 4:00 P.M.

APPROVED:

RALPH E. MANNIX, JR., Presiding Officer

ATTEST:

JODY WALKER, Clerk

Deer Lodge, Montana

March 30, 2022

The Board of Commissioners for Powell County, Montana, met in regular session at 9:00 o'clock A.M. Present: Presiding Officer Ralph E. Mannix, Jr. and Members Daniel G. Sager and Doug Crachy Jody Walker, Clerk and Recorder, presented the correspondence.

The Commissioners signed Notice to proceed for Princeton Planning & Project Management PLLC (P3M) to start work on the Old Yellowstone Trail - Phase II contract. P3M wants to start construction Monday April 4, 2022.

Lewis Smith was in to discuss and update Commissioners on equipment situation at the Landfill.

Audit exit for FY-21 with Bob Denning of Denning, Downing, & associates, PC. He stated audit had no significant findings. Received a clean opinion on both the State and Federal Audits.

On motion, the meeting adjourned at 4:00 P.M.

APPROVED:

RALPH E. MANNIX, JR., Presiding Officer

ATTEST:

JODY WALKER, Clerk