

## **August 2022 Powell County Commission Minutes**

**Deer Lodge, Montana**

**August 1, 2022**

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

Jody Walker, Clerk and Recorder, presented the correspondence.

Commissioner Crachy moved and Commissioner Sager seconded the motion to approve Powell County Resolution 2022-14 and City of Deer Lodge Resolution 2022-R-12 referring a vote of the people at the General Federal Election, November 8, 2022 to prohibit or approve marijuana business categories in the city limits. Motion carried.

### **POWELL COUNTY RESOLUTION 2022-14 CITY OF DEER LODGE RESOLUTION 2022-R-12**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER LODGE REFERRING TO A VOTE OF THE PEOPLE AT AN ELECTION TO BE HELD ON NOVEMBER 8, 2022 WHETHER TO PROHIBIT EACH OF THE MARIJUANA BUSINESS CATEGORIES WITHIN CITY LIMITS THAT ARE IDENTIFIED IN 16-12-301(1(D), MCA.

WHEREAS, the Initiative Measure 190 (I-190) passed by popular vote on November 2, 2020, statewide, in Powell County, Montana, and in the City of Deer Lodge, Montana, legalizing adult-use marijuana and providing for approval of certain marijuana businesses within the State of Montana; and

WHEREAS, the 2021 Montana Legislature passed House Bill (HB) 70-1, with most sections effective January 1, 2022, extensively changing provisions of the I-190 and the Montana Medical Marijuana Act; and

WHEREAS, HB 701 provides an option for the electors of the City of Deer Lodge to consider prohibition of any or all of the seven categories of marijuana businesses defined in the I-190, HB 701, and 16-12-301(1(d), MCA within the City of Deer Lodge; and

WHEREAS, the categories identified are: (1) cultivator, (2) manufacturer, (3) medical marijuana dispensary, (4) adult-use dispensary, (5) combined-use marijuana licensee, (6) testing laboratory, and (7) marijuana transporter facility; and

WHEREAS, for clarification category (4) adult-use dispensary can be commonly referred to as a recreational-use dispensary and category (5) combined-use marijuana licensee can be commonly referred to as a combination of any of the above business categories in one location; and

WHEREAS, the City Council of the City of Deer Lodge wishes to submit the issue whether to permanently prohibit each of the above categories of marijuana businesses to the electors of the City of Deer Lodge as provided by HB 701; and

WHEREAS, a majority of the electors voting on these questions must prohibit the above marijuana business categories for them to be permanently prohibited within the city limits of the City of Deer Lodge; and

WHEREAS, the final determination of the majority vote of the electors will be respected and the City Council of the City of Deer Lodge will incorporate said determination into the Official Code of the City of Deer Lodge, Montana; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Deer Lodge to place the following form of ballot to a vote of the people at an election to be held November 8, 2022:

FORM OF BALLOT: The form of the ballot shall be as provided by law and as follows:

Summary: Initiative Measure 190 (I-190) was approved by the electors of the City of Deer Lodge in the general election held November 3, 2020, legalizing possession and use of marijuana for adults over the age of 21 as well as legalizing certain marijuana businesses. The Montana Legislature passed House Bill 701 in 2021 and modified provisions of I-190 providing an option for electors to consider prohibition of the seven categories of marijuana businesses. This ballot measure asks voters to approve or disapprove each of these seven categories of marijuana businesses within the city limits of Deer Lodge. The use and possession of marijuana for adults over the age of 21 will not be impacted by this vote.

Proposal: The City of Deer Lodge City Council has proposed to the electors the opportunity provided by law to prohibit the following marijuana business categories: (1) cultivator, (2) manufacturer, (3) medical marijuana dispensary, (4) adult-use dispensary, (5) testing laboratory, (6) marijuana transporter facility, and (7) combined-use marijuana licensee

(1) Shall cultivators of marijuana products be permitted within the limits for the City of Deer Lodge?  
FOR permitting cultivators of marijuana products within the limits of the City of Deer Lodge.

AGAINST permitting cultivators of marijuana products within the limits of the City of Deer Lodge.

(2) Shall manufacturers of marijuana products be permitted within the limits for the City of Deer Lodge?

FOR permitting manufacturers of marijuana products within the limits of the City of Deer Lodge.

AGAINST permitting manufacturers of marijuana products within the limits of the City of Deer Lodge.

(3) Shall medical marijuana dispensaries be permitted within the limits for the City of Deer Lodge?

FOR permitting medical marijuana dispensaries within the limits of the City of Deer Lodge.

AGAINST permitting medical marijuana dispensaries within the limits of the City of Deer Lodge.

(4) Shall adult-use marijuana dispensaries, commonly known as recreational marijuana dispensaries be permitted within the limits for the City of Deer Lodge?

FOR permitting adult-use marijuana dispensaries within the limits of the City of Deer Lodge.

AGAINST permitting adult-use marijuana dispensaries within the limits of the City of Deer Lodge.

(5) Shall testing laboratories be permitted within the limits for the City of Deer Lodge?

FOR permitting testing laboratories within the limits of the City of Deer Lodge.

AGAINST permitting testing laboratories within the limits of the City of Deer Lodge.

(6) Shall marijuana transporter facilities be permitted within the limits for the City of Deer Lodge?

FOR permitting marijuana transporter facilities within the limits of the City of Deer Lodge.

AGAINST permitting marijuana transporter facilities within the limits of the City of Deer Lodge.

(7) Shall combined-use marijuana licensees, commonly known as a combination of any of the above marijuana business categories, be permitted within the limits for the City of Deer Lodge, so long as the business categories to be combined are also permitted?

FOR permitting combined-use marijuana licensees within the limits of the City of Deer Lodge.

AGAINST permitting combined-use marijuana licensees within the limits of the City of Deer Lodge.

CERTIFICATION: The City Clerk shall certify this resolution to the Powell County Election Official as provided by law.

EFFECTIVE DATE: The effective date of Resolution 2022-R-12 is March 21, 2022.

Passed and approved by the City Council of the City of Deer Lodge, Montana on first and final reading at a regular Council meeting this 21st day of March 2022.

MAYOR

s/ JAMES JESS, Mayor

ATTEST:

s/ CYNDI THOMPSON, City Clerk

Adopted by the Powell County Board of County Commissioners this 1<sup>st</sup> day of August, 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

Commissioner Sager moved and Commissioner Crachy seconded the motion to accept and sign contract with Denning, Downey & Associates P.C. for doing Powell Counties audit for FY22, FY23, and FY24 for \$26,400 per year. Motion carried.

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

APPROVED:

RALPH E. MANNIX, JR., Presiding Officer

ATTEST:

JODY WALKER, Clerk

**Deer Lodge, Montana**

**August 2, 2022**

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

Jody Walker, Clerk and Recorder, presented the correspondence.

Commissioner Crachy attended school bus mileage meeting.

Commissioners signed Change Order No 5 to Old Yellowstone Trail Phase II which increases amount by \$9,155.08 and` increases completion by two days.

Commissioners signed renewal contract for Square 9 Softworks from Oct. 14, 2022 to Oct. 13, 2023 for \$979.04.

Signed pay order No 4 for Old Yellowstone Trail Phase II.

Julie Schroder, Mike Blakeley and Bridgett Herrick of the Chamber of Commerce were in to solicit funds. They are requesting \$10,000 from the county. Commissioner Crachy moved and Commissioner Sager seconded the motion to donate \$10,000 to the Chamber. Motion carried.

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

APPROVED:

RALPH E. MANNIX, JR., Presiding Officer

ATTEST:

JODY WALKER, Clerk

**Deer Lodge, Montana**

**August 3, 2022**

The Board of Commissioners for Powell County, Montana, met in regular session at 9:00 o'clock A.M. Present: 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 July 2022, warrant #68283 - #68349 were issued and a record of such is on file in the office of the Clerk and Recorder.

Treasurer Pam Reighard was in to present Resolution 2022-15 to issue tax deeds on two properties. Commissioner Crachy moved and Commissioner Sager seconded. Motion carried. Resolution on file in the Clerk & Records office.

County Attorney Kathryn McEnery was in to discuss Old Hospital and other legal matters.

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

APPROVED:

RALPH E. MANNIX, JR., Presiding Officer

ATTEST:

JODY WALKER, Clerk

**Deer Lodge, Montana**

**August 15, 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 Doug Crachy

Jody Walker, Clerk and Recorder, presented the correspondence.

Approved to advertise for an interim Public Administrator. The position is primarily a volunteer position, and will start Jan. 1, 2023.

Signed renewal of MOU with Gallatin County for Southwest Region Juvenile Detention Board. Term is from July 1, 2022 through June 30, 2023.

The Commissioners agree with County Attorney to open a position for a part time Deputy County Attorney. The term will be Dec. 1, 2022 through June 30, 2023. Additional time may be available. Position is 10-16 hours per week at \$25.00 per hour.

County Attorney Kathryn McEnery in to discuss options we can consider for the Old Hospital building. Luke Ulatowski also in attendance.

Commissioners signed letter acknowledging acceptance of Glacier Financial Consulting for other Postemployment Benefits (OPEB) in accordance to GASB Statement No 75 from information you provide for FY22.

Ken Beck was in to discuss Old Hospital building. Need to have re-appraisal, then auction sale. County Attorney and Luke Ulatowski of the Silver State Post also attended.

County Attorney Kathryn McEnery was in for a closed session.

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

APPROVED:

RALPH E. MANNIX, JR., Presiding Officer

ATTEST:

JODY WALKER, Clerk

**Deer Lodge, Montana**

**August 16, 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 Doug Crachy

Jody Walker, Clerk and Recorder, presented the correspondence.

Treasurer Pam Reighard, Finance Officer Charlene Shaul, and Assistant Planner Ann O'Toole were in to discuss budget.

Signed budgets for Ovando and Deer Lodge Elementary Schools. Deer Lodge Elementary budget is \$3,325,394.37 and Ovando Elementary general budget is \$162,451.88.

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

APPROVED:

RALPH E. MANNIX, JR., Presiding Officer

ATTEST:

JODY WALKER, Clerk

**Deer Lodge, Montana**

**August 17, 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 Doug Crachy

Jody Walker, Clerk and Recorder, presented the correspondence.

Jody Walker and Ann O'Toole were in to discuss possibility of getting a new plotter printer from Kelley Connect in Butte and cancel maintenance contract with Selbys in Billings on the current plotter that doesn't work anymore.

Commissioner Mannix attended the Weed Board meeting on Aug. 16, 2022.

Claims against the County were examined, approved and ordered paid by the Board of Commissioners for the month of August 2022, warrant #68350 - #68407 were issued and a record of such is on file in the office of the Clerk and Recorder.

County Planner Amanda Cooley was in to discuss broken bench at Arrowstone Park and the need to replace it. Department of Environmental Quality (DEQ) clean-up at the park was also discussed. Covered the final walkthrough of Old Yellowstone Trail Phase II and signed Certificate of Substantial Completion.

County Attorney Kathryn McEnery and county Planner Amanda Cooley were in to conference call with Jonathan Weaver from Great West Engineering concerning the survey of Willow Bridge in Elliston. Will work on getting easements from Joe Pennington and Vickie Lynn to have the needed property of the planned bridge.

Dodie Rennfield and Connie Terenes were in to discuss Action Inc., and their involvement in Powell County. They state there are 72,000 people in the six-county area, half in Silver Bow. 30% are under 200% of the poverty level. One in seven are using SNAP. Six houses in Powell County get weatherization assistance, 132 houses are on the Low-Income Energy Assistance Program (LIEAP), 12 receive Energy Share and 17 in Deer Lodge get Water Fill assistance.

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

Commissioner Crachy attended Parks Board meeting at 5:00 pm.

APPROVED:

RALPH E. MANNIX, JR., Presiding Officer

ATTEST:

JODY WALKER, Clerk

**Deer Lodge, Montana**

**August 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 Member Daniel G. Sager, Commissioner Crachy met with FWP in Elliston in the am, was in office in the pm

Jody Walker, Clerk and Recorder, presented the correspondence.

The drawing of salary warrants #23741 - #23767 for Officers, Deputies, Foremen, Clerks and Appointees from various accounts for the month of August 2022, were approved and a record of such is on file in the office of the Clerk and Recorder.

Leonard and Kim Grove were in to determine ownership of the railroad bed at Phosphate where the load out was located. They were told the Rail Road Right-of-Way is owned by Powell County.

Finance Officer Charlene Sahul, Treasurer Pam Reighard, and assistant Planner Ann O'Toole were in for preliminary budget discussion. Commissioner Sager moved and Commissioner Crachy seconded to approve preliminary budget. Motion carried.

On motion, the meeting adjourned at 4:20 P.M.

APPROVED:

RALPH E. MANNIX, JR., Presiding Officer

ATTEST:

JODY WALKER, Clerk

**Deer Lodge, Montana**

**August 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.

Sheriff Roselles was in to discuss training, communication, and radio needs and upgrades. He is in the process of getting new radios that will communicate with the prison and have future capabilities to talk to the state radio systems.

Kathy McCafferty and Theresa Mannix in office for 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**

**August 31, 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.

Gary Chilcott in to discuss a housing development he is working on with the city and the prison.

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

APPROVED:

RALPH E. MANNIX, JR., Presiding Officer

ATTEST:

JODY WALKER, Clerk