

Deer Lodge, Montana

October 20, 2014

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

The Board received the following Viewers Report for Cross Road 1:

Viewers' Report

Re: Petition to Declare Cross Road No. 1, a county road in Sections 8 and 9, T7N, R9W, Powell County, Montana.

Monday, October 20, 2014

On October 6, 2014, the Board of Powell County Commissioners appointed Commissioner Pohle as the viewer to the above referenced road petition, and appointed the undersigned as the viewer to inspect the road which is the subject of the petition. I viewed the Road – Cross Road 1 – on October 8. The Great West surveyor was in the beginning process of his survey for Powell County on this road.

The road has been a public road access since at least 1964.

No documentation can be found that established the road as a county petitioned road.

This road has high Commercial usage.



Cele Pohle
Powell County Commissioner

Committee Reports:

Commissioner Young reported on the Blue Ribbon Pavilion meeting held October 8, 2014. She also attended the Spotted Dog Working Group meeting.

Commissioner Pohle attended the Area V – Council on Aging meeting.

Commissioner Young moved to enter into the Montana Association of Counties/CRS Inmate Medical Insurance Program Renewal for policy year 2014-2015. The motion was seconded by Commissioner Mannix and the motion carried.

County Attorney Lewis Smith presented Resolution 2014-19 for the County Attorney's salary. Commissioner Mannix moved to pass the Resolution. Commissioner Young seconded the motion and the motion carried.

BOARD OF COUNTY COMMISSIONERS
POWELL COUNTY, MONTANA

RESOLUTION 2014-19

WHEREAS, Section 7-4-2504, MCA requires the salary of the County Attorney to be adopted by Resolution, and

WHEREAS, the Powell County Salary Commission has made recommendations to the Board of County Commissioners as required by law, and

NOW THEREFORE, IT IS HEREBY RESOLVED, that the salary for the Powell County Attorney for fiscal year 2014-2015 shall be \$87,633.64, with no increase to the 2014-2015 salary.

WHEREAS, this salary is set in accordance with Montana Law, and shall be effective as of July 1, 2014.

DATED this 20TH day of October, 2014.

BOARD OF COUNTY COMMISSIONERS

s/ Cele Pohle, Chair

s/ Donna Young, Member

s/ Ralph E. Mannix, Jr., Member

ATTEST:

s/ Diane S. Grey, County Clerk

Discussion was held concerning the interlocal agreement. Commissioner Mannix moved to enter into an Interlocal Agreement for Floodplain Administrator Services for Fiscal Year 2014-15. A copy is on file in the office of the Clerk and Recorder.

Mike Blakeley and Amanda Stajcar presented a Letter of Engagement for 2014. Commissioner Young moved to enter into the Letter of Engagement with Newland and Co. to complete the 2014 audit for the county. Commissioner Mannix seconded the motion and the motion carried. The cost of the audit will be \$19,500.00.

Planner Brian Bender presented the September 2014 monthly report.

Concerning the court ordered division of the John R. Quigley Jr. property in the SE ¼ of Section 12, Township 12 North, Range 8 West, and after reviewing the recommendations of the County Planning Board and agreeing with said recommendations, Commissioner Mannix moved to accept the listed comments. The motion was seconded by Commissioner Young and the motion carried.

October 21, 2014

District Judge Mike Menahan

Montana First Judicial District
Broadwater & Lewis and Clark County District Court
228 Broadway St
Helena, MT 59601

Honorable Judge Menahan:

The Powell County Planning Board on October 9th exercised its responsibility to review a Court Ordered Division of Land submitted by the Estate of John R. Quigley JR., c/o John R. Quigley, III. The property is located in Zoning District #3 and approximately eight miles south of US Highway 12 via Little Blackfoot road, more specifically in the SE ¼ of Sec. 12, Township 12 North, Range 8W MPM. The action divides an 8.91-acre parcel into three lots of 3.20, 3.07 and 2.64 acres respectively. The Planning Board produced the following comments in reference to the County's Zoning and Development Regulations for the County Commissioner to consider.

1. The division is consistent with adjacent land uses despite creating lots less than 160-acres in Zoning District #3. (The Planning Board stressed their concerns that the lot sizes are significantly less than the requirement).
2. Any development on Lots A and D must comply with all applicable Powell County Regulations (such as submitting Development Certificates). The same applies to Lot B if construction occurs as well.
3. The County Sanitarian permits all septic improvements and /or installations.
4. Property owners take the necessary precautions since the property is in the Wildland Urban Interface.

The Planning Board also agree to the staff recommendation of making the applicant responsible to pay the Examining Land Surveyor fees.

The County Commissioners reviewed these comments October 20th and deemed them as appropriate. By accepting these comments, the County Commissioners advised myself to submit them to you for your evaluation.

If you have any questions regarding the comments contained in this correspondence or Powell County planning / zoning in general, please contact me by telephone at 406.846.9729, or by email at bbender@powellcountymt.gov.

Sincerely,

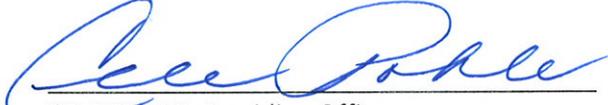
s/ Brian P. Bender
Brian P. Bender AICP, CEP, CFM
Planning Director

Cc: Amos Rogers Little, III
County Board of Commissioners
Lewis Smith, Powell County Attorney
Powell County Planning Board

The Board agreed to accept Grant 14-V01-91652 – Powell County Victim Assistance for 2014-2015 from the Board of Crime Control.

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

APPROVED:


CELE POHLE, Presiding Officer

ATTEST:


DIANE S. GREY, Clerk

Deer Lodge, Montana

October 21, 2014

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

Commissioner Young moved to adopt the By-Laws of the Blue Ribbon Pavilion Board. The motion was seconded by Commissioner Mannix and the motion carried.

The Board agreed by consensus to a modification to the Resource Advisory Council project to apply remaining funds from the North Blackfoot Road project to the Montana Road Project.

At 2:00 P.M., Commissioner Pohle opened up the Public Hearing regarding Cross Road 1.

Public Hearing on Cross Roads 1

October 21, 2014

Copies of the petition and a sign in sheet were passed out.

Those For making Cross Roads 1 a County road are as follows:

Anthony Colter
Sherman G Anderson
Richard Forson
Darlene Forson
Michael Rennfield

Those Opposed to making Cross Roads 1 a County Road: NONE

Those abstaining:

Ron Kelley
Michael Stafford from the Silver State Post

At 2:00 p.m. Presiding Officer Cele Pohle opened the public hearing to declare Cross Roads 1 a county road. She also mentioned the notice of the hearing had been published in the Silver State Post October 8, 2014 and October 15, 2014. Reason for the meeting is to listen to the pros and cons of making Cross Roads 1 a county road. Commissioner Pohle and a representative from Great West

Engineering , Inc. took a site tour.

Those in favor of making Cross Roads 1 a county road spoke first.

*Sherman Anderson of Sun Mountain Logging spoke first stating he had always it had been a county road. He said he believes it is the most trafficked road in the county with countless log trucks utilizing it and that is a major road for the sawmill. Having to go into town and down Kentucky St. would create issues with homeowners and be hard on the streets.

*Tony Colter of Sun Mountain Logging said it has been maintained as a county road for 50 years or so and asked as to the criteria for making a road a county road. County Attorney Lewis Smith gave a history of Cross Roads 1. Commissioner Mannix stated the road was never formally adopted as a county road. The process had been started but was never completed. Commissioner Pohle said the land owners knew this road was not a county road. Those land owners present concurred.

Next those opposed spoke. None were opposed. But Ron Kelley did speak saying he was neither opposed or in favor of making the road a county road. But he talked about road alternatives to benefit the airport. He suggested a road closer to town with railroad approval. Sherman Anderson spoke up saying numerous times he has approached the railroad about an alternative crossing, but was informed the railroad is not putting in new crossing but is looking to remove all the crossings it can.

Commissioner Pohle brought the meeting back on topic. She asked County Attorney Smith to detail the next steps in the process.

1. A survey needs to be completed.
2. Evaluation from the appraiser as the damages and benefits to the landowners.
3. Put on the Commissioners agenda to review along with comments from today's meeting.
4. Landowners will be notified within 10 days regarding compensation.
5. If there is no opposition, Cross Roads 1 becomes a county road.

There would be a permanent easement that could only be reversed by the road being abandoned and returned to the landowners.

There being no other comment, Commissioner Pohle closed the hearing.

Respectfully submitted,

s/ Jarita Neckels
Deputy Clerk & Recorder

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

APPROVED:


CELE POHLE, Presiding Officer

ATTEST:


DIANE S. GREY, Clerk

Deer Lodge, Montana

October 22, 2014

The Board of Commissioners for Powell County, Montana, met in regular session at 10:00 o'clock A.M. Present: Members Donna Young and Ralph E. Mannix, Jr. Commissioner Pohle was attending a Western Montana Mental Health meeting in Butte, Montana.

Duane Hoxworth, Road Foreman of District 2 and Eugene Wallace, Road Foreman of District 3 were in concerning road improvements on the lower end of Dalton Mountain Road. Ryan Price, District 2 road crew is currently filling in as the Powell Rural Disposal District driver. The district three crew is assisting the district two crew with ongoing projects.

Several Deer Lodge west side residents met with the Board to discuss ongoing flooding issues on the upper west side on Arizona, Maryland and Texas Streets. The Board will discuss with the city. County Attorney Lewis Smith also was in attendance.

Commissioner Pohle joined the meeting at 1:00 P.M. She reported that Western Montana Mental Health will be following legislative issues concerning funding.

Commissioner Mannix reported the water line at the fairgrounds to the weed office and trailer has been replaced. He also reported on the Weed Board meeting held yesterday evening. The Weed Board is exploring possible funding sources.

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

APPROVED:


CELE POHLE, Presiding Officer

ATTEST:


DIANE S. GREY, Clerk