

Deer Lodge, Montana

January 26, 2015

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

Brian Bender, County Planner, presented the monthly report. Roundhouse Repository has been removed. Brian Bender and Lewis Smith presented Gleason Subdivision Plats for Commissioners signatures.

Jody Walker, Clerk and Recorder, presented the correspondence.

County Attorney, Lewis Smith, reported that Diana Solle turned in her thirty day notice for leaving her job as Victim Advocate for Powell County.

Rural Fire District members Troy McQueary, Neil Swant, and Joe Dippold discussed filling the Gene Hughs trustee term. The Rural Fire District presented their recommendation from the letters of interest presented from Sherman Anderson and Dan McQueary. Commissioner Sager moved to fill position with the Board's recommendation, Dan McQueary. Commissioner Mannix seconded the motion. Motion passed for Dan McQueary to fill Gene Hughs term as trustee until the next election.

Commissioners approved the Council on Aging Transportation Grant Application.

Commissioner Sager attended Council on Aging board.

Mike Saylor was in to discuss the improvement plan Deer Lodge City – County airport Capital Improvement Plan 2015-2021. Mike updated Commissioners on what is going on with airport. Also in attendance was Pat Hansen, reporter.

Jody Walker, Clerk and Recorder, Jarita Neckels, and Ricki Bauer discussed the fees for Certificate of Surveys and Plats. Commissioners have agreed that we will require 2 Mylar's and 3 paper copies. A letter will be sent to all surveyors of what the new requirements are.

Helmville Fire District members were in to request for a voted Levy Election. Members present were; Kevin Ertl, Kyle Graveley, Cody Baker, Dan Pocha, and Bill Baker. Jody Walker and Jennifer Spring from the County were present to answer questions on mills and procedures. They need to increase mill for the department. At present it is \$7,845.76. Expenses are \$15,000. They want to have a mail ballot.

County Attorney, Lewis Smith, brought papers on cause #DV-14-56, Jimmy Aker vs Powell County, Cobra Insurance and John Does 1-5. The result of the case was in favor of the County.

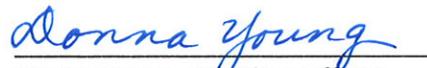
Fred Stadler of the Department of Natural Resources & Conservation (DNRC) called Commissioner Sager to inform the County that the DNRC is going through the process of Permitting pipe

lines for irrigation. The line noted was on Hoover Creek and crosses county road Hoover Creek Road. The line is currently owned by Angelo Cattle Company.

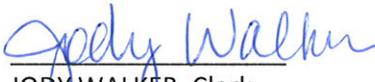
Commissioner Mannix reported that he attended the Powell Rural Disposal District (PRDD) Board meeting on January 22, 2015.

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

APPROVED:

  
Donna Young, Presiding Officer

ATTEST:

  
JODY WALKER, Clerk

Deer Lodge, Montana

January 27, 2015

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

Paul Thompson from Gilman Construction reported that Gilman Construction crushed at McKee Pit in Helmville and were to pay Department of Environmental Quality (DEQ) gravel tax. Mr. Thompson wanted to know what Commissioners wanted to do. Gilman will pay the County and then the County will pay DEQ. The pit is permitted by the County. The amount due to the State is \$469.38 for 18,775 yards crushed.

Jody Walker, Clerk and Recorder, presented the correspondence.

A letter of transmittal from Great West Engineering was signed by the Board for Treasure State Endowment Program (TSEP) funds #2 Project contest and Willow Road Bridges Project No. 1-09195 t.o. 42.

Powell County Study Commission requested a key to the Courthouse, Sheila Finco, representative. Commissioners felt that night and weekend use of the Courthouse is not encouraged. They are subject to open meeting laws. The Commissioners declined the request at this time.

Dwight O'Hara and Judge Dayton stopped in to visit.

Ken Hosford, District #1 Road Supervisor, came in to discuss a call he received from Sheriff's office on water hazard at Winchester and Buckskin road. They are not County roads and the County is not responsible for them. Commissioner Sager told Mr. Hosford to fix the problem this time as it could be a public safety issue. Road Supervisor will dump a load of road mix to build up the low spot.

The drawing of salary warrants #20877 - #920907 for Officers, Deputies, Foremen, Clerks and Appointees from various accounts for the month of January, 2015, were approved and a record of such is on file in the office of the Clerk and Recorder.

Commissioner Young went to Hospital Board meeting at 4:30.

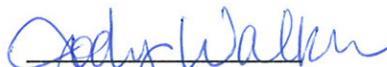
On motion, the meeting was adjourned at 5:00 o'clock P.M.

APPROVED:



RALPH E. MANNIX, JR., Presiding Officer

ATTEST:



JODY WALKER, Clerk

Deer Lodge, Montana

January 28, 2015

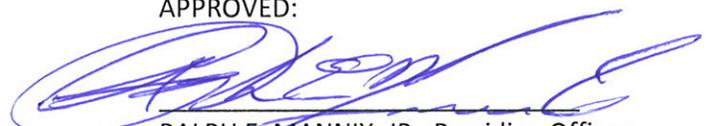
The Board of Commissioners for Powell County, Montana, met in regular session at 10:00 o'clock A.M. Present: Presiding Officer Donna Young, Members Ralph E. Mannix, Jr., and Daniel G. Sager.

Jody Walker, Clerk and Recorder, presented the correspondence.

Commissioner Sager attended New Employee Safety Training orientation.

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

APPROVED:



RALPH E. MANNIX, JR., Presiding Officer

ATTEST:

  
JODY WALKER, Clerk

Deer Lodge, Montana

February 2, 2015

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

Jody Walker, Clerk and Recorder, presented the correspondence.

The Commissioners reviewed letters submitted to remain on current boards. All Boards will remain the same except Airport and Deer Lodge Solid Waste Board, which have openings. Commissioner Mannix moved to accept boards as presented, Commissioner Sager seconded the motion. The Commissioners approved Bruce Anderson for a three year term on the Airport Board to fill the position of Bill Beehler, whose term expired.

Department of Public Health and Human Services task order – Contract # 15-07-4-31-135-0 was reviewed. Commissioner Mannix made a motion to accept the contract. Commissioner Sager seconded, motion passed.

The By-Laws of Powell County Rural Disposal District were presented. Commissioners reviewed them and it was moved and seconded to approve the By Laws as presented:

#### BY-LAWS OF THE POWELL COUNTY RURAL DISPOSAL DISTRICT

##### ARTICLE I: Name, Purpose

Section I: Name: The name of the Board shall be the Powell Rural Disposal District (PRDD).

Section II: Purpose: The PRDD Board shall oversee the budget and operation to efficiently manage the solid waste of the district.

##### ARTICLE II: Membership

Section I: Voting membership shall consist of six (6) members appointed by the Powell County Board of Commissioners and one (1) Commissioner from the Powell Rural Disposal District (PRDD) member shall reside in the school district that is served by the Powell Rural Disposal District.

##### ARTICLE III: Meetings

Section I: Meetings shall be held the fourth Thursday of each month at the Avon Club House at 7:00 P.M. Meeting dates may be altered with proper notice.

Section II: Special meetings may be called by the Chair and one (1) Board Member.

Section III: Notice of each meeting will follow the county noticing policy.

#### ARTICLE IV: Governing/Advisory Board

Section I: Board role, size, compensation. The Board is responsible for advising the County Commissioners about the operation and budget of the PRDD. The Board receives no compensation other than reasonable expenses.

Section II: Terms. The Board will consist of six (6) members serving staggered three (3) year terms with two (2) members coming up for appointment every year.

Section III: Quorum. A quorum consists of a majority of appointed board members and no business can be transacted, motions made or passed, without a quorum present.

Section IV: Officers and duties. There shall be three (3) officers of the Board consisting of a Chair, Vice Chair and Secretary. Election of officers shall be held yearly at the first regular meeting following the appointment of the Board.

The duties of the officers are as follows:

1. The Chair shall conduct all board meetings, appoint special committees and coordinate with the Secretary in preparing the agenda of the meeting.
2. The Vice Chair shall preside over the meeting in the absence of the Chair and will chair all special committees.
3. The Secretary shall keep records of board actions and recommendations, shall take minutes of all board meetings, inform members of board meetings and distribute copies of the agenda and minutes of each meeting.

Section V: Vacancies. When a vacancy on the Board exists, the Board may compile a list of nominations and a letter of intent for the Commissioners to consider.

Section VI: Resignations, terminations and absences. Resignations must be in writing and received by the Clerk and Recorder. A recommendation for removal from the Board may be given to the governing body when the board member has three (3) unexcused absences from board meetings in a year.

Section VII. Voting. The Chair may only vote to make or break a tie vote.

#### ARTICLE V: Committees

Section I: The Board may create committees as needed.

ARTICLE VI: Amendments

Section I: These By-laws may only be amended by a two-thirds majority of all voting members. Proposed amendments must be submitted to the Secretary to be sent out with regular board announcements.

These By-laws were approved by the Powell County Board of Commissioners on February 2, 2015.

BOARD OF POWELL COUNTY COMMISSIONERS

s/ DONNA YOUNG, Presiding Officer

s/ RALPH E. MANNIX, JR., Member

s/ DANIEL G. SAGER, Member

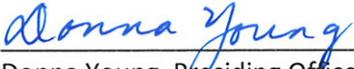
ATTEST:

s/ JODY WALKER, Clerk & Recorder

Commissioners reviewed Law Enforcement budget with Sheriff Scott Howard and Deputy Sheriff Pat George. The Commissioners voted to proceed with a mail in ballot for 7 mills for 5 years.

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

APPROVED:

  
\_\_\_\_\_  
Donna Young, Presiding Officer

ATTEST:

  
\_\_\_\_\_  
JODY WALKER, Clerk

Deer Lodge, Montana

February 3, 2015

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

Jody Walker, Clerk and Recorder, presented the correspondence.

Commissioner Mannix attended the Watershed Restoration Coalition meeting at 9:00 a.m.

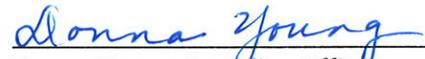
The Commissioners read the amendments for Powell County Rural Disposal Sites. It will be on the agenda February 17 to adopt these amendments.

Claims against the County were examined, approved and ordered paid by the Board of Commissioners for the month of February, 2015, warrant # 55059- # 55155 and payroll warrant #20908 were issued and a record of such is on file in the office of the Clerk and Recorder.

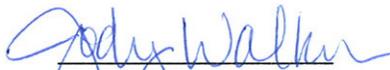
Pat Hanson was a visitor; she wanted to know more about the Public Safety Levy.

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

APPROVED:

  
Donna Young, Presiding Officer

ATTEST:

  
JODY WALKER, Clerk

Deer Lodge, Montana

February 4, 2015

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

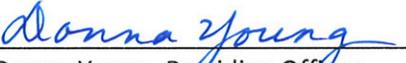
Duane Hoxworth came in with fuel contracts for District #2 and 3 and Rural Disposal truck \$235.9 delivered, \$241.9 at Pump in Missoula Cenex.

Commissioner Mannix and Road Foreman Hoxworth attended the Safety Meeting.

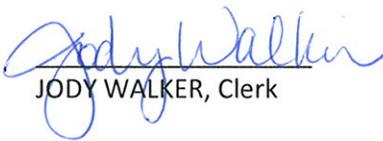
County Superintendent, Jules Waber, notified the Board that he would be attending the National Rural Education Advocacy Consortium meeting. He will be out of State from February 6<sup>th</sup> through February 10<sup>th</sup>.

County Treasurer, Lisa Smith was in to discuss office staffing.  
Jody Walker, Clerk and Recorder, presented the correspondence.  
On motion, the meeting was adjourned at 5:00 o'clock P.M.

APPROVED:

  
Donna Young, Presiding Officer

ATTEST:

  
JODY WALKER, Clerk

The Board attended the Montana Association of Counties (MACO) mid-winter meeting in Helena February 9<sup>th</sup> – 12<sup>th</sup>, 2015.

Deer Lodge, Montana

February 17, 2015

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

Jody Walker, Clerk and Recorder, presented the correspondence.

The Montana Department of Transportation sent a letter to inform the Board that the Montana Aeronautics Board has denied our request for Airport Aid FY16.

The lease agreement with Powell County Ambulance Service will be postponed till a later date.

Commissioner Sager attended the Airport Board meeting at 12:00 P.M.

Commissioner Young attended the Local Emergency Planning Committee meeting at 12:00 P.M.

The Commissioners moved and seconded to adopt Resolution 2015-9, the Powell Rural Disposal District (PRDD) ordinance. Motion passed in favor of 2015-9.

BOARD OF COUNTY COMMISSIONERS  
POWELL COUNTY, MONTANA

2015 – 9

RESOLUTION TO AMEND ORDINANCE BK18-167 TO RESTRICT USE OF COUNTY DISPOSAL SITES

The county commissioners of Powell County, Montana hereby adopt the following ordinance in accordance with the provisions of Section 7-5-103(3) MCA:

WHEREAS, the Deer Lodge Solid Waste District and the Powell County Refuse Disposal District operate and maintain refuse disposal sites in various locations in Powell County; and

WHEREAS, the refuse disposal sites are funded by assessments on the residents and landowners in the respective refuse disposal districts, and are intended for the sole use of the residents and landowners of the districts:

WHEREAS, use of the disposal sites by non-residents or those not authorized to dispose of refuse at the sites results in the overuse of the sites and poses a threat to the public health, safety, and welfare of the residents of Powell County, as well as a burden on the taxpayers and those assessed for the cost of operating the disposal sites; and

WHEREAS, the assessed fees cover only normal residential waste; and

WHEREAS, illegal dumping of construction and demolition materials without prior authorization or arrangements continues to be a financial burden and safety hazard; and

WHEREAS, posting the sites to discourage unauthorized use has not been effective, and the imposition of criminal sanctions is necessary to prevent the continuation of unauthorized dumping at the refuse disposal sites in Powell County.

NOW THEREFORE IT IS HEREBY RESOLVED:

1. That it shall be unlawful and punishable as provided herein for any unauthorized person, organization, or institution to discard or dispose of any solid waste or other refuse at any designated refuse disposal site in Powell County. Only those persons who are residents of the District or those organizations or institutions who have paid the fee assessed by the District for use of the disposal sites are authorized to discard or dispose of solid waste at the disposal sites.

2. That it shall be unlawful and punishable as provided herein for any unauthorized dumping of construction or demolition waste or other restricted items.

3. The Board shall develop a fee system and procedure for dumping construction or demolition waste or other restricted items.

4. That the Deer Lodge solid waste District and the Powell County Refuse Disposal District shall provide for posting of notice of this ordinance at all refuse disposal sites; and

5. That violation of this ordinance shall be punishable by a fine not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00), or by imprisonment in the County Jail for a term not to exceed ten (10) days, or by both such a fine and imprisonment, and

6. That this ordinance shall be effective thirty (30) days after passage and approval

Dated this 17<sup>th</sup> day of February, 2015

BOARD OF POWELL COUNTY COMMISSIONERS

s/ DONNA YOUNG, Presiding Officer

s/ RALPH E. MANNIX, JR., Member

s/ DANIEL G. SAGER, Member

ATTEST:

s/ JODY WALKER, Clerk & Recorder

County Planner, Brian Bender, presented the final report Certificate of Compliance for Milwaukee Roadhouse Voluntary Cleanup Plan Environmental Assessment Phase One Grant Agreement #RITP-12-0055.

Commissioners reviewed a Resolution to place a ballot issue on the April 28, 2015, Special Election to impose an additional mill levy and exceed the mill levy limit for Powell County Law Enforcement. Motion was made to approve the resolution by Commissioner Mannix, and seconded by Commissioner Sager. Motion passed in favor of 2015-10.

BOARD OF COUNTY COMMISSIONERS  
POWELL COUNTY, MONTANA

RESOLUTION TO PLACE A BALLOT ISSUE ON THE APRIL 28, 2015  
SPECIAL ELECTION TO IMPOSE AN ADDITIONAL MILL LEVY  
AND EXCEED THE MILL LEVY LIMIT FOR THE POWELL COUNTY  
PUBLIC SAFETY LAW ENFORCEMENT

RESOLUTION No. 10

WHEREAS, the Powell County Board of County Commissioners has the duty to preserve public safety in Powell County; and

WHEREAS, an additional Public Safety Law Enforcement levy of seven (7) mills per year will be required to fund the Powell County Law Enforcement fund; and

WHEREAS, the Powell County Public Safety Law Enforcement levy is in the best interest of the health, safety and welfare of the citizens of Powell County, and will further the social and economic progress of the County.

NOW, THEREFORE, BE IT RESOLVED:

1. That pursuant to Sections 7-6-2513, 15-10-420 and 15-10-425 MCA, the Board of County Commissioners for Powell County, Montana directs hereby that the question of imposing an increased seven (7) mills to fund the Powell County Public Safety Law Enforcement Fund shall be placed before the voters by mail ballot; and
2. That the question to be submitted to the voters shall be in substantially the following form:

Shall the Powell County Board of County Commissioners be authorized to levy seven (7) mills, being approximately \$101,668, for a period of five (5) years to fund the Powell County Public Safety (Law Enforcement) Fund. The fiscal impact on a home having a market value of \$100,000 is estimated to be \$9.16 each year of the levy and \$18.33 on a home having a market value of \$200,000.

\_\_\_\_\_ For the additional levy

\_\_\_\_\_ Against the additional levy

3. The Powell County Clerk and Recorder shall give notice of this Resolution and the ballot question as required by law.

Done this 17<sup>th</sup> day of February, 2015.

BOARD OF POWELL COUNTY COMMISSIONERS

s/ Donna Young, Presiding Officer

s/ Ralph E. Mannix Jr., Member

s/ Daniel G. Sager, Member

ATTEST:

s/ Jody Walker, Clerk

Michael Stafford from the Silver State Post was present to discuss the Powell County Law Enforcement Special levy.

Helmville Rural Fire District members, Kristi Baker, Martin Sackman, Pat Bignell, Tyrel Bignell, Brian Mannix, Bill Baker, were in attendance along with Michael Stafford from the Silver State Post. The Commissioners received a motion to resolve a Special Election to raise revenue for the Helmville Rural Fire District of an additional 25 mills. Motion was made by Commissioner Mannix to allow the special levy, motion seconded by Commissioner Sager. Motion passed.

Claims against the County were examined, approved and ordered paid by the Board of Commissioners for the month of January, 2015, warrant # 55156 - # 55168 were issued and a record of such is on file in the office of the Clerk and Recorder.

Brian Bender delivered a letter of transmittal for Soil Repository Removal #1-09195 to 43 for final pay application and change order. It was signed by Commissioner Young.

Commissioners signed letters of appointment for board appointments.

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

APPROVED:

  
DONNA YOUNG, Presiding Officer

ATTEST:

  
JODY WALKER, Clerk

Deer Lodge, Montana

February 18, 2015

The Board of Commissioners for Powell County, Montana, met in regular session at 10:00 o'clock A.M. Present: Members Ralph E. Mannix, Jr., and Daniel G. Sager.

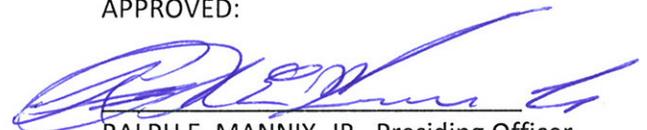
Jody Walker, Clerk and Recorder, presented the correspondence.

County Planner, Brian Bender, gave the monthly report. He informed the Commissioners that there are four (4) buildings in the flood plain. They are Avon shop, Deer Lodge shop, Community Center, and Main Street house.

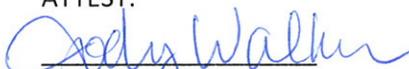
Brian Bender presented a letter for division of land by Curtis Family. Commissioner Sager excused himself from this matter. It will be readdressed next week when Commissioner Young returns.

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

APPROVED:

  
RALPH E. MANNIX, JR., Presiding Officer

ATTEST:

  
JODY WALKER, Clerk