

**REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
PONDERA COUNTY, MONTANA  
Held in December, 2011**

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on December 14, 21 and 28, 2011. Unless indicated, all Commissioners were present.

**ABATEMENTS/ADD-ONS 912 THROUGH 914 APPROVED-** December 14, 2011

Commissioner Christiaens moved to approve tax abatement 912-914 as follows:

<b>NUMBER</b>	<b>REASON</b>	<b>CANCEL</b>	<b>ADD</b>	<b>PARCEL #</b>
912	Property Tax Assistance Program y not property granted	172.04	0.00	525600
913	Combined to "parent" parcel no tax due on this parcel	40.20	0.00	533050
914	Market Value lowered after on-site review and income & expense data review	2,702.05	0.00	598500

Commissioner Broesder seconded; motion carried.

**PROMISSORY NOTE AND COLLATERAL SECURITY DOCUMENT APPROVED (CONRAD TV DISTRICT)** – December 14, 2011

The Commissioners were presented with a Promissory Note and Collateral Security document from Larcan USA Inc. The County has been asked to execute these documents on behalf of the Conrad TV District in order that the district can have Larcan install digital equipment to replace the analog equipment currently in place. The expenses will be reimbursable by a grant that Larcan will apply for on behalf of the District. The District has sufficient funds on deposit with the County to pay any matching funds required and the county is not obligated to repay the Promissory Note unless the grant funds are not received.

Commissioner Broesder moved to approve the Promissory Note and Collateral Security document. Commissioner Christiaens seconded; motion carried.

**CERTIFICATE OF SUBSTANTIAL COMPLETE AMENDED AND APPROVED (PONDERA CENTER)** – December 14, 2011

The Commissioners discussed the Certificate of Substantial Complete presented by Nelson Architects and on behalf of Pheasant Run Builders. The document, as presented, states a cost estimate of work that is incomplete or defective at zero dollars. The discussion among the commissioners was that there was at least \$5,000 in incomplete or defective work which the contractor, the county and the architect is aware of. Commissioner Christiaens moved to change the amount from zero to \$5,000.00 for incomplete or defective work and then to approve the document. Commissioner Broesder seconded; motion carried.

**PORT AUTHORITY BOARD OF DIRECTORS RE-APPOINTED** – December 14, 2011

The Commissioners received a letter from Cheryl Curry, Director of the Pondera Regional Port Authority, requesting the commissioners to re-appoint Beverly Widhalm and Del Styren to the Board of Directors. Commissioner Broesder moved to re-appoint Widhalm and Styren to the Pondera Regional Port Authority Board of Directors. Commissioner Christiaens seconded; motion carried.

**REQUEST TO ESTABLISH A CAPITAL IMPROVEMENT FUND FOR PONDERA COUNTY RURAL FIRE DISTRICT APPROVED-** December 14, 2011

The commissioners were presented with a copy of the Pondera County Rural Fire District minutes and resolution No. 2011-A whereby the District requests and authorizes a capital improvement account (fund) in the Pondera County accounting system for capital improvements in accordance with the County's capitalization policy. The fund will be funded by transfers from the District's operating fund. Commissioner Christiaens moved to approve the request and establish the fund via resolution. Commissioner Broesder seconded; motion carried.

RESOLUTION #13A – AMENDING BUDGET TO ESTABLISH CAPITAL IMPROVEMENT FUND (RURAL FIRE DISTRICT) – ADOPTED – December 14, 2011

**PONDERA COUNTY MONTANA**  
 RESOLUTION #13A - 2011/12  
AUTHORIZING BUDGET AMENDMENTS TO  
CREATE CAPITAL IMPROVEMENT FUND FOR  
PONDERA COUNTY RURAL FIRE DISTRICT

WHEREAS in Fiscal Year 2011-12, Pondera County Commissioners approved the budget for the Pondera County Rural Fire District in which an appropriation was budgeted to create and initially fund a capital improvement fund for the district; and

WHEREAS the Pondera County Board of Commissioners received a resolution of fire district board of trustees adopted at their meeting of November 14, 2011 “...authorizing a capital improvement account in the Pondera County accounting system. The funds for this account shall be transferred from capital transfer equipment/vehicle account #521000-820. This account is funded by operating fund transfer.”

WHEREAS Montana Code Annotated allows the establishment of a capital improvement fund (7-6-616) as follows:

**Capital improvement funds.** (1) A county, municipal, or special district governing body may establish a capital improvement fund for the replacement, improvement, and acquisition of property, facilities, or equipment that costs in excess of \$5,000 and that has a life expectancy of 5 years or more.

(2) A capital improvement fund must be formally adopted by the county, municipal, or special district governing body.

(3) The capital improvement fund may receive money from any source, including funds that have been allocated in any year but have not been expended or encumbered by the end of the fiscal year.

(4) Money in the capital improvement fund must be invested as provided by law, and interest and income from the investment of the capital improvement fund must be credited to the fund.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pondera County that the budget be amended to create a capital improvement fund for the Pondera County Rural Fire District as follows:

<u>Revenue</u>	<u>Description</u>	<u>Prior Amount</u>	<u>New Amount</u>
7208-371010	Investment Earnings	\$ 0.00	\$ 500.00
7208-383017	Transfer from 7200	\$ 0.00	\$55,930.00

  

<u>Expenditures</u>	<u>Description</u>	<u>Prior Amount</u>	<u>New Amount</u>
7208-204-420404-944	Vehicle/Equip Purchase	\$ 0.00	\$ 55,930.00

Adopted this 14th day of December, 2011 as moved by Commissioner Christiaens, seconded by Commissioner Broesder, and passed on a unanimous vote of the full board. Effective on passage and approval.

**PONDERA COUNTY COMMISSIONERS**

Pondera County, Montana

/s/ Cynthia A. Johnson

Cynthia A. Johnson, Chairman

ATTEST:

/s/ Janice Hoppes

Janice Hoppes, Clerk & Recorder

/s/ Sandra J. Broesder

Sandra J. Broesder, Member

/s/ Joseph Christiaens

Joseph Christiaens, Member

RESIGNATION OF WILLIAM J. MAY ACCEPTED- December 14, 2011

A letter from William J. May, elected Pondera County Public Administrator, has submitted his resignation to the Commissioners, effective December 1, 2011. May has served as the Public Administrator for 28 years. Commissioner Broesder moved to accept the resignation of William J. May as Pondera County Public Administrator.

RESOLUTION #14 - INTENT TO COMBINE THE OFFICE OF PUBLIC ADMINISTRATOR WITH THE OFFICE OF COUNTY ATTORNEY – ADOPTED – December 14, 2011

**PONDERA COUNTY MONTANA**

**RESOLUTION #14 - 2011/12**

NOTICING THE INTENT OF THE PONDERA COUNTY COMMISSIONERS TO CONSIDER CONSOLIDATING THE POSITION OF COUNTY PUBLIC ADMINISTRATOR WITH THE POSITION OF COUNTY ATTORNEY AND SETTING DATE, TIME AND PLACE FOR PUBLIC HEARING

WHEREAS the Montana Code Annotated, Part 23 of Chapter 4, Title 7, grants the Board of County Commissioners the power and authority to consolidate certain offices of the County after notice and opportunity of the public to comment on the proposed consolidation; and

WHEREAS the Pondera County Board of Commissioners believes it may be in the best interest of the County to consolidate the office of the Public Administrator with the office of the County Attorney of Pondera County; and

WHEREAS, the Pondera County Board of Commissioners will consider consolidating those two offices after conducting a public hearing pursuant to (7-4-2309, MCA.

NOW, THEREFORE, BE IT RESOLVED that the Pondera County Board of Commissioners, in accordance with Section 7-4-2305, MCA, hereby adopts this resolution of intent to consider the consolidation of the office of the Public Administrator with the office of the County Attorney for Pondera County; and

BE IT FURTHER RESOLVED that the Pondera County Board of Commissioners shall hold a public hearing on the proposed consolidation on Friday, the 30<sup>th</sup> day of December, 2011 at 10:00 a.m. in the office of the Commissioners in the Pondera County Courthouse, 20 4<sup>th</sup> Avenue SW, Conrad Montana, during which hearing any registered elector of Pondera County, Montana, shall have the right to appear and be heard upon the consolidation proposal; and

BE IT FURTHER RESOLVED that notice of the passage of this resolution and notice that a public hearing on the proposed consolidation of the office of the Public Administrator with the Office of the County Attorney of Pondera County is to be held, shall be published as required by Section 7-4-2307, MCA.

Adopted this 14<sup>th</sup> day of December, 2011 as moved by Commissioner Christiaens, seconded by Commissioner Broesder, and passed on a unanimous vote of the full board. Effective on passage and approval.

**PONDERA COUNTY COMMISSIONERS**

Pondera County, Montana

/s/ Cynthia A. Johnson

Cynthia A. Johnson, Chairman

/s/ Sandra J. Broesder

Sandra J. Broesder, Member

ATTEST:

/s/ Janice Hoppes

Janice Hoppes, Clerk & Recorder

/s/ Joseph Christiaens

Joseph Christiaens, Member

APPROVED HIRING OF PRIVATE COUNSEL FOR CLERK OF COURT IN DISTRICT COURT ACTION – December 14, 2011

The commissioners have been advised of a court action against Kara Thompson in her official capacity as Clerk of District Court. Thompson is entitled to a private attorney to defend her in this action and Commissioner Christiaens moved to hire William Bieler as defense counsel for Kara Thompson, Clerk of District Court. Commissioner Broesder seconded; motion carried.

VALIC SECTION 457(b) DEFERRED COMPENSATION PLAN ADOPTION AGREEMENT APPROVED- December 21, 2011

Commissioner Broesder moved to adopt the Agreement with Variable Annuity Life Insurance Company (VALIC) Section 457(b) Deferred Compensation Plan. This agreement brings the County's VALIC agreement allowing employees to participate in a retirement plan into compliance with recent federal tax legislation. Commissioner Christiaens seconded; motion carried.



purchased the building for the Pondera Center and paid all the delinquent and current taxes on the property. Fowler expressed the hope that the city would get a refund from the landfill for the 2010 taxes as the building was not occupied during the year.

Commissioner Christiaens called for question and the motion carried.

**CONTRACT FOR COMMERCIAL BUILDING INSPECTION SERVICES**

**APPROVED-** December 28, 2011

The Commissioner have been presented with a contract for commercial building inspection services by Kyle Harlan. Harlan is a former employee of the State of Montana as a commercial building inspector. Under the terms of the contract, Harlan would provide the same services at the State of Montana building inspectors and at the same fee rate. The County Attorney has reviewed the contract and is comfortable with the County entering into the contract as there is no compensation without services as the agreement is structured on an as needed basis.

Commissioner Christiaens moved to enter into the contract with Harlan. Commissioner Broesder seconded and called for discussion. Broesder asked if the county would have recourse to terminate the agreement based on "satisfactory performance" and who would determine "satisfactory". Commissioner Johnson responded that either party can terminate the agreement upon notice, with or without cause. The agreement pertains only to those properties outside the borders of the Blackfeet Reservation and the incorporated Town of Valier and City of Conrad and is only in effect for commercial structures.

Commissioner Broesder called for question and the motion carried.

**RESOLUTION #16 – ADOPTING STATE BUILDING CODES – ADOPTED –**

December 28, 2011

**PONDERA COUNTY MONTANA**

**RESOLUTION #16- 2011/12**

**A RESOLUTION PROVIDING FOR THE ADOPTION AND ENFORCEMENT OF THE "STATE BUILDING CODE," ESTABLISHING PROCEDURES FOR PRACTICE AND ENFORCEMENT AND PROVIDING FOR A BOARD OF APPEALS.**

BE IT RESOLVED BY THE PONDERA COUNTY, MONTANA COMMISSIONERS the following shall be adopted:

Section 1.

**ADOPTION OF CODES.** Those certain codes known as "The State Building Code" (referred to in Section 50-60-203 M.C.A.) are hereby adopted by the Pondera County for the purpose of regulating buildings in that portion of Pondera County outside of the Blackfeet Reservation and protecting the health and safety of the County's citizenry, which codes consist of:

- a. The International Building Code (hereinafter referred to as the "IBC"), 2009 Edition, as described in and amended by Section 24.301.131, 1 through 3, of the Administrative Rules of Montana (hereinafter referred to a "A.R.M.) and A.R.M 24.301.146, 1 and 2 and including IBC Appendix C (Group U- Agricultural Buildings) and Appendix H.
- b. The International Energy Conservation Code (hereinafter referred to as the " IECC") 2009 Edition, as amended by Section A.R.M. 8.70.204(1).
- c. Uniform Plumbing Code, 2009 Edition - Effective: July 29, 2010.
- d. International Mechanical Code, 2009 Edition – Effective: July 29, 2010.
- f. International Fuel Gas Code, 2009 Edition – Effective: July 29, 2010.

These codes are hereby adopted and incorporated herein as if fully set out in their entirety herein.

Section 2.

**BUILDING PERMITS.**

- a. Any person wishing to obtain a building permit shall submit a completed application to the building inspector.
- b. The building inspector shall specify the manner in which said application shall be completed.
  - i. A description of the land which it will affect;
  - ii. The present use of any existing structures;
  - iii. Plans and specifications indicating the entire scope of work.
- c. The applicant shall furnish such other documents as the building inspector deems relevant and necessary, in his discretion, for review of the proposed work.
- d. The building inspector may, in his discretion, waive any of the requirements hereunder when the proposed work is of an insubstantial nature or effect.

Section 3.

PLAN REVIEW

- a. The building inspector shall be responsible for coordination of building plan review and for issuance of building permits.
- b. Upon application by any person for a building permit, the building inspector shall review the plans for compliance with this code. The building inspector shall submit the plans to any other affected county departments for review and approval by the departments before issuing a permit.
- c. Building plan review shall be completed by the building inspector within sixty (60) working days of submission of a completed application.
- d. The building inspector may, in certain cases, request the building codes division, other state agencies or design professionals to aid in the plan review process. In such cases, the building inspector may lengthen the completion of time for review by twenty (20) working days when necessary.
- e. One such approved set of plans and specifications shall be retained by the building inspector as a public record, for a period of not less than ninety (90) from the date of completion of the work covered therein, and one set of approved plans and specifications shall be returned to the applicant, which set shall be kept on such building or work site at all times during which the work authorized thereby is in progress and shall be open to inspection by public officials. Such approved plans and specifications shall not be changed, modified or altered without authorization from the building inspector and all work shall be done in accordance with the approved plans

Section 4.

INSPECTIONS

Inspections shall be conducted by the building inspector. Where other departments require inspection, the building inspector shall ensure they are conducted within the time frame allowed. Final inspections and issuance of certificates of occupancy shall be conducted in accordance with the International Building Code.

Where applicable the work listed below must be inspected prior to covering. Request for an inspection must be made seventy-two (72) hours in advance.

- a. Footing.

- b. Foundation wall.
- c. Concrete slab.
- d. Under floor (crawl space).
- e. Frame (walls, trusses, rafters, floor, etc.).
- f. Energy efficiency (insulation, glazing, etc.).
- g. Wall board.
- h. Final – issue certificate of occupancy.
- i. Reroof/Reside – tear off, in-progress and final.

Written inspection reports or verbal communication will be conveyed to the contractor, job superintendent, design professional or owner with a copy or notation retained in the inspectors file should any discrepancies be observed.

Depending on the scope of work not all of the above inspections may be necessary. Circumstances may require additional site visits for consultation or discrepancy resolution.

Section 5.

INSPECTOR QUALIFICATIONS AND DUTIES.

- a. The building inspector shall possess adequate knowledge of the building trade and such other qualifications as may be prescribed by the city council from time to time.
- b. As building inspector, his duties shall include those set forth in the International Building Code and in Montana Code Annotated title 50, chapter 60, 2009, as now or hereinafter amended.

Section 6.

FACTORY BUILT BUILDINGS. Factory built buildings bearing an insignia issued by Montana building codes division, department of labor and industry, shall be subject to local government zoning, utility connections, building permit and subsequent inspections for foundations and appurtenance to the structure. (Landings, stairs, decks, covered porches and the like). Applications to the building official for the erection and utility connection shall be in accordance with the International Building Code.

Section 7.

PERMIT FEES. Building permit fees shall be set and established by the County Commissioners from time to time by appropriate resolution.

Section 8.

TERRITORIAL APPLICATION. The jurisdictional area of the building department of the county shall be commercial buildings and structures and permits therefor within the county boundaries (excluding that portion of the Blackfoot Reservation within the county boundaries).

Section 9.

BOARD OF APPEALS. In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of the International Building Code, there shall be and is hereby created a board of appeals, consisting of four (4) members, who are qualified by experience and training to pass upon matters pertaining to building construction. The building official shall be an ex officio member and shall act as secretary of the board. : The board of appeals shall be appointed by the county commissioners and shall hold office at their leisure. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings, in writing, to the building official, with a duplicate copy to the applicant. The board may recommend to the county commissioners such new legislation as is consistent herewith.

Section 10.

VIOLATIONS AND PENALTIES.

- a. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, raze, convert, demolish, equip, use, occupy or maintain any building or structure in the city, or cause or permit the same to be done, contrary to, or in violation of, any of the provisions of this chapter.
- b. Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day during which any violation of any of the provisions of this code is committed, continued or permitted an upon conviction of any such violation, such person shall be punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

Section 11.

COPY ON FILE. One copy of each of the codes mentioned above shall be on file with the Clerk and Recorder of Pondera County for inspection by the public.

Section 12.

EFFECT OF FUTURE AMENDMENTS TO THE "STATE BUILDING CODE". Each and every provision of this Resolution shall be amended by Pondera County within ninety (90) days of notification of changes adopted by the Department of Labor and Industry, Building Codes Bureau, when and as any future amendments are made to the codes referred herein above so as to conform to future amendments.

Section 13.

REPEAL OF CONFLICTING RESOLUTIONS. All former resolutions or parts thereof conflicting or inconsistent with the provisions of this resolution are hereby repealed.

Section 14.

SEVERABILITY. The Pondera County Commissioners declare should any section, paragraph, sentence, or word of this Resolution be declared invalid, for any reason, the portions of such resolution declared invalid shall be severed from the remainder of this Resolution, and the remainder of this resolution shall remain valid, independent of such severed provisions.

Section 15.

EFFECTIVE DATE. Pursuant to Section 7-5-123, M.C.A., 2011, this Resolution shall have full force and effect upon passage and approval by the Pondera County Commissioners.

Section 16.

AUTHORITY. Pursuant to the authority granted Pondera County in Section 7-15-4121, M.C.A., 2011, the above referenced building codes are hereby adopted and approved by the Commissioners.

Adopted this 28<sup>th</sup> day of December, 2011 as moved by Commissioner Christiaens, seconded by Commissioner Broesder, and passed on a unanimous vote of the full board. Effective on passage and approval.

PONDERA COUNTY COMMISSIONERS

Pondera County, Montana

/s/ Cynthia A. Johnson

Cynthia A. Johnson, Chairman

ATTEST:

/s/ Janice Hoppes

Janice Hoppes, Clerk & Recorder

/s/ Sandra J. Broesder

Sandra J. Broesder, Member

/s/ Joseph Christiaens

Joseph Christiaens, Member

COUNTY BOARD CITIZEN APPOINTMENTS- December 28, 2011

Commissioner Christiaens moved to re-appoint the following citizens to County Boards:

Name	Board	Term Ending
Dave Egan	Conrad Cemetery Board	2014
Joanne Gaylord	Valier Cemetery Board	2014
Gerald Bruner	Park	2014
Karla Breeding	Planning	2013
Vicky Henry	Tax Appeal Board	2014
Sharon Eisenberg	TV Board – Conrad	2014
Jody Field	Weed	2014

Commissioner Broesder seconded; motion carried.

PONDERA CENTER RESERVED AS POLLING PLACE FOR JUNE AND NOVEMBER 2012 FEDERAL ELECTIONS – December 28, 2011

Clerk and Recorder, Janice Hoppes, requested the use, at no cost, of the Pondera Center as the polling place for Precincts 24, 27 and 28 for the June 5, 2012 federal primary election and November 6, 2012 federal general election. The use of the Pondera Center will eliminate the need for the County to request days from the City of Conrad for the use of Norley Hall. Commissioner Christiaens moved to approve the request and designate the Pondera Center as the polling place, at no cost, for the June 5, 2012 and November 6, 2012 federal elections. Commissioner Broesder seconded; motion carried.

OCTOBER AND NOVEMBER MINUTES APPROVED - December 28, 2011

Commissioner Broesder moved to approve the October and November Minutes of the Commission. Commissioner Christiaens seconded; motion carried.

NEIGHBORHOOD STABILIZATION PROGRAM DRAW #9 APPROVED December 28, 2011

Commissioner Christiaens moved to approve the Neighborhood Stabilization Program #MT-NSP-018-01-001C, draw #9 in the amount of \$25,686.64 for additional expenditures at the two projects in Conrad. Commissioner Broesder seconded; motion carried.

PUBLIC HEARING CONDUCTED ON PROPOSED CONSOLIDATION OF THE PUBLIC ADMINISTRATOR POSITION WITH THE COUNTY ATTORNEY POSITION – December 30, 2011

Noticed in The Independent-Observer and The Valerian December 22 and 29, 2011  
Attending: Commissioners Johnson, Christiaens and Broesder, Clerk and Recorder Hoppes, County Attorney Ries and Buck Traxler. No other officials nor members of the public were in attendance. No written comments were received.

Chairman Johnson opened the hearing at 10:05 a.m. in the Pondera County Courthouse County Commission Office. Johnson stated there had been raised a question of compensation. In this situation, the Public Administrator does not receive a monthly salary and fees for services are set in Montana statute. There would be no additional compensation to the salary of the County Attorney but when there are services performed as public administrator, the compensation would be pursuant to statute and/or court order.

Johnson asked for clarification on the election process. Hoppes stated that if the office was not consolidated at least 7 days prior to the filing period for the 2012 elections (January 12, 2012) the public administrator position would need to be on the ballot for 2012. If, however, the office is consolidated into the County Attorney office, effective prior to 7 days preceding the beginning of filing, the office would first be on the 2014 ballot as the consolidated office.

There being no further questions or comments, Commissioner Christiaens moved to take the matter under advisement. Commissioner Broesder seconded; motion carried. The hearing was adjourned at 10:10 a.m.

CLAIMS APPROVED FOR PAYMENT – December, 2011

<i>FUND</i>	<i>AMOUNT</i>
GENERAL	\$ 21,116.09
ROAD	18,663.60
BRIDGE	8,722.50
WEED	622.78
PREDATORY ANIMAL	1,252.00
AIRPORT	313.07

LIBRARIES	76,614.51
AMBULANCE	195.47
EMERGENCY SNOW REMOVAL	20.85
SENIOR CITIZENS	12,000.00
EXTENSION SERVICE	2,605.04
PUBLIC SAFETY (LAW ENFORCEMENT)	10,177.72
HEALTH INSURANCE - EMPLOYER CONTRIBUTION	1,430.48
RECORDS PRESERVATION	3,455.01
BRADY LIGHTS MAINTENANCE	322.72
DUI PREVENTION	120.00
GAS APPORTIONMENT TAX	4,031.97
JUNK VEHICLE	87.54
BUCKLE UP MT	144.00
DES GRANTS	2,947.81
BREAST & CERVICAL SCREENING	292.88
WIC GRANT	91.88
MATERNAL CHILD HEALTH	134.13
IMMUNIZATION ACTION PROGRAM	96.46
TOBACCO USE PREVENTION GRANT	665.12
NAPA GRANT	579.12
DEBT SERVICE HOSPITAL 95	10,168.75
REFUND FUND	1,911.39
TOTAL CLAIMS	\$ 178,782.89
TOTAL PAYROLL	181,786.74
TOTAL CLAIMS AND PAYROLL FUNDS	<u>360,569.63</u>

**ADJOURNMENT**

The meeting adjourned at 5:00 p.m. on December 31, 2011.

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CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

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SECRETARY, BOARD OF COUNTY COMMISSIONERS  
PONDERA COUNTY, MONTANA