

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

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on January 5, 19 and 26, 2010. Unless indicated, all Commissioners were present.

COMMISSION REORGANIZATION – January 5, 2011

Commissioner Christiaens moved to appoint Commissioner Johnson as Chairman of the Commission for calendar year 2011. Commissioner Johnson seconded. Motion carried.

Commissioner Broesder moved to appoint Commissioner Christiaens as Vice Chairman of the Commission for calendar year 2011. Commissioner Johnson seconded. Motion carried.

RESOLUTION #18 - PROVIDING FOR PUBLIC PARTICIPATION – ADOPTED – January 5, 2011

**PONDERA COUNTY
RESOLUTION #18 - 2010/11
PROVIDING FOR PUBLIC PARTICIPATION**

WHEREAS Section 2-3-103(1), Montana Code Annotated, requires that the Board of County Commissioners develop procedures for permitting and encouraging the public to participate in decisions of the Board of County Commissioners that are of significant interest to the public, and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pondera County that

1. Prior to making a final decision that is of significant interest to the public, the Board of County Commissioners will afford reasonable opportunity for public participation;
2. To assure adequate notice and assist public participation before a final decision is made or final action is taken on any matter that is of significant interest to the public, the Board of County Commissioners will post its weekly agenda on the main hallway bulletin board in the Pondera County Courthouse;
3. The weekly agenda will be posted no later than 5:00 p.m. on Friday of the previous week. Matters that require statutory notice by publication or posting will be complied with as the particular statute may require.
4. If county business requires, the Board of County Commissioners will hold a regular meeting from 10:00 a.m. to 12:00 noon on Wednesday of each week for the purpose of taking final action on any matter of significant interest to the public involving the adoption of any rule or resolution, determining a contested case, entering into or awarding a contract or any other matter of significant interest to the public.

Prior to taking final action on any matter of significant interest to the public, the chairman or presiding commissioner of the Board will provide reasonable time for any person present to submit data or comments either orally or in writing regarding final action that may be taken by the Board;

5. On the 3rd Wednesday of each month the Commissioners will hold a listening session for the purpose of meeting with any and all citizens regarding matters brought to the session by the public. Should any matters brought before the listening session need official action, the matter will be added to the agenda for the next regular business meeting. The listening sessions will commence at 5:30 p.m. in the office of the Commissioners in the Pondera County Courthouse and will end at 6:00 p.m.(if there is no public present) or until participation by those in attendance ends.

6. The office of the Board of County Commissioners is open for business from 9:00 a.m. to 12:00 noon and 1:00 p.m. to 4:00 p.m., Monday through Thursday. The office will be open for business on Friday by appointment. No notice will be given of routine matters or impromptu discussions with county employees, vendors or other citizens. All meetings of the County Commissioners are open to the public unless closed as provided by statute.

Adopted this 5th day of January, 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.

BOARD OF 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

RESOLUTION #19 – SETTING MILEAGE ALLOWANCE, LODGING AND PER
DIEM REIMBURSEMENT RATES – ADOPTED – January 5, 2011
RESOLUTION #19– 2010/11

SETTING MILEAGE ALLOWANCE, LODGING AND PER DIEM
REIMBURSEMENT RATES

WHEREAS Sections 2-18-501 through 2-18-503, and Section 7-4-2108, Montana Code Annotated, provide that persons who may be entitled to mileage, lodging and per diem reimbursement paid from public funds when using their own automobiles, incurring costs for lodging and per diem, in the performance of official duties are entitled to collect mileage for the distance actually traveled by automobile at a rate equal to the mileage allotment allowed by the Internal Revenue Service for the preceding calendar year; and

WHEREAS the mileage rate for state and local government employees has been established for calendar year 2011 by the Internal Revenue Service as 51 cents per mile for the first 1,000 miles of travel within each month and the rate for mileage over 1,000 miles per month at 48 cents per mile (3 cents less per mile, per 2-18-503(b), Montana Code Annotated)

WHEREAS the State of Montana has established the lodging and per diem rates for state and local government employees as follows:

In-state lodging reimbursement rate is \$70.00 plus tax for all communities except for Big Sky/ West Yellowstone – Gallatin County, Butte-Silver Bow County, Helena – Lewis & Clark County, Missoula – Missoula County, Polson, Lake County, and Kalispell – Flathead County, which communities are considered high cost areas;

In-state lodging in high cost areas reimbursement at actual cost including tax;

<u>Per Diem Rates</u>	In-State	Out-of-State
Morning Meal	\$ 5.00	\$ 7.00
Mid-Day Meal	\$ 6.00	\$ 11.00
Evening Meal	<u>\$ 12.00</u>	<u>\$ 18.00</u>
Totals	\$ 23.00	\$ 36.00

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pondera County that the mileage allotment allowed to Pondera County employees during calendar year 2011 shall be 51 cents per mile (up to and including 1,000 miles) and 48 cents per miles (over 1,000 miles) during each calendar month; and

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Board of County Commissioners of Pondera County that the in-state lodging reimbursement and per diem rates shall be

In-state lodging reimbursement rate is \$70.00 plus tax for all communities except for Big Sky, Butte, Helena, Missoula, Polson, Kalispell and West Yellowstone, which communities are considered high cost areas;

In-state lodging in high cost areas reimbursement at actual cost including tax; and

<u>Per Diem Rates</u>	<u>In-State</u>	<u>Out-of-State</u>
Morning Meal	\$ 5.00	\$ 7.00
Mid-Day Meal	\$ 6.00	\$ 11.00
Evening Meal	<u>\$ 12.00</u>	<u>\$ 18.00</u>
Totals	\$ 23.00	\$ 36.00

Adopted this 5th day of January, 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

RESOLUTION #20 – SETTING COSTS IN TAX LIEN SALES, ASSIGNMENTS, REDEMPTIONS AND TAX DEED SALES, AND OWNERSHIP AND INTEREST SEARCH BIDS – ADOPTED – January 5, 2011

**PONDERA COUNTY, MONTANA
RESOLUTION NO. 20 - 2010/11**

RESOLUTION SETTING COSTS IN TAX LIEN SALES, ASSIGNMENTS, REDEMPTIONS AND TAX DEED SALES, AND OWNERSHIP AND INTEREST SEARCH BIDS

WHEREAS, Section 15-17-121(2)(a), MCA, defines “Costs” incurred by the county as a result of a taxpayer’s failure to pay taxes when due, including but not limited to any actual out-of-pocket expenses incurred by the county plus the administrative costs; and the county costs collected may be deposited in the county General Fund, pursuant to Section 15-17-322, MCA; and

WHEREAS, Section 15-17-212, MCA, directs the county treasurer, upon receipt of all delinquent taxes, penalties, interest and costs, to prepare a TAX SALE CERTIFICATE and the costs to a purchaser other than the County, shall be set as follows:

- preparation of list of delinquent taxes
 - preparation of notice of pending tax sale
 - conducting the tax sale
 - preparation of the tax sale certificate
- Total, per parcel \$25.00

WHEREAS, Section 15-17-323, MCA, directs the county treasurer, upon receipt of all delinquent taxes, penalties, interest and costs, to prepare an ASSIGNMENT certificate of the county’s interest in property in which the county is listed as the purchaser and the costs to an assignee, shall be set as follows:

- preparation of Assignment Certificate
 - recording fees
 - distribution of payment
- Total, per parcel \$25.00

WHEREAS, Section 15-18-113 and Section 15-18-114, MCA, directs the county treasurer, upon receipt of all delinquent taxes, penalties, interest and costs, to process the REDEMPTION of the County’s or assignee’s interest in the property redeemed and the refund to the assignee, shall be set as follows:

- processing redemption
- distribution of payment

Christiaens	Airport Pondera Medical Center Pondera County Community Service Park
Broesder	Health Planning Weed Park

Regional and State Boards

Johnson	Opportunities, Inc, Center For Mental Health Pondera Regional Port Authority Sweet Grass Development MACo Board of Directors MACo Tax & Finance Committee MACo Economic Development Committee NACo Board of Directors
Christiaens	Northcentral Regional Detention Center MACo Transportation Committee Russell Country Tourism Board
Broesder	Hi-Line Recovery Northern Montana Joint Refuse Disposal District North Central Rural Conservation and Development MT Tobacco Use Prevention Board as MACo representative MACo IT & Interoperability Committee MACo Energy Committee NACo IT Steering Committee NACo Energy & Land Use Steering Committee

COMPUTER MONITOR DONATED TO PONDERA REGIONAL PORT
AUTHORITY- January 5, 2011

The commissioners had previously declared a computer monitor (county ID #6482) as surplus property and today donated the monitor to the Pondera Regional Port Authority.

APPROVED INCREASE IN PAYMENT FOR REVIEW OF SURVEYS- January 5,
2011

Dan Stahly of Stahly Engineering & Associates has been providing review of Certificates of Survey for the county. He has requested approval of an increase in his fee for these reviews from \$45 to \$55 per survey. Commissioner Broesder moved to approve the increase. Commissioner Christiaens seconded; motion carried.

CLAIM FOR INDIGENT BURIAL APPROVED FOR PAYMENT- January 5, 2011

Commissioner Christiaens moved to approve the claim of the Pondera Funeral Home for payment of the burial of an indigent resident of the county. The law governing indigent burial expense has changed to allow (rather than require) counties to pay part or all of the burial costs of an indigent resident of the county. In this case, the commissioners allowed payment of \$750.00 towards the burial costs. Commissioner Johnson seconded; motion carried.

CONSTRUCTION MEETING – COMMUNITY CENTER – January 5, 2011

A construction conference was held at the office of the Pondera County Commissioners on Wednesday, January 5, 2011, at 11:00. In attendance were: Mark Blom, of Nelson Architects; Cyndi Johnson, Sandra Broesder, and Joe Christiaens, Pondera County Commissioners; Ron Moon, Pondera County; Cheryl Curry, Pondera Regional Port Authority, and Janice Hoppes, Pondera County Clerk and Recorder.

Mark Blom reviewed the status of the project and discussed with the Clerk in which phase of the project certain tasks belonged. There is no Davis Bacon monitoring yet on Phase 3.

Kronebusch Electric is currently finishing the contract work first started under the HB645 grant. Part of this work may qualify for payment under Tasks 10 and 11 of the Energy grant; the remaining work being payable under the CDBG.

There was discussion of the ventilation holes left in the roof by Treasure State Roofing when that project was thought to be completed in 2009. Treasure State has since stated that he was directed to leave the ventilation holes in the roof by the then architect for the project, Thomas, Dean and Hoskins. The question has arisen over whether the closing of the ventilation holes at this time would be part of, or in addition to, the original contract terms and payment. Mark stated he would check with TD&H for clarification.

Focus is on completion of Phase 2, to get the senior citizens into their space then complete the office space representing Phase 3.

Mark will meet with Cheryl and Janice next Wednesday, January 12, in the Commissioner's office at 11:00 and they also set a meeting for 11:00 on January 26. There will be no meeting on January 19.

ANNUAL AGREEMENT FOR IMMUNIZATION ACTION PLAN (IAP) APPROVED-
January 19, 2011

Commissioner Christiaens moved to approve the Immunization Action Plan, DPHHS Task Order 11-07-4-31-034-0 for \$3,916. Commissioner Broesder seconded; motion carried.

APPOINTMENT TO THE PONDERA REGIONAL PORT AUTHORITY – January 19, 2011

Commissioner Christiaens moved to appoint Harold Olson and Shawn Sullivan to five-year terms on the Pondera Regional Port Authority Board. Commissioner Broesder seconded; motion carried.

RESIGNATION OF STEVE BECKER, WEED COORDINATOR – January 19, 2011

Commissioner Broesder moved to approve letter of resignation from Steve Becker from his position as Weed Coordinator for the Pondera County Weed District, effective March 1, 2011. Mr. Becker has been with the County for 31 years. Commissioner Christiaens seconded; motion carried.

TRAFFIC CONTROL ON MIDWAY WEST AND HEALEY SPRINGS ROADS INTERSECTION – January 19, 2011

Mike Koenig brought safety concerns for the Midway West and Healy Springs intersection. Road Supervisor Stokes participated in the discussion by phone; discussion was held on various traffic control measures. Supervisor Stokes will meet Mr. Koenig at the intersection and come back with a recommendation.

PROGRESS ON REMODEL OF THE CONRAD COMMUNITY/SENIOR CENTER – January 19, 2011

Discussion was held on progress on the Community/Senior Center. There is a holdup on plumbing and heaters which is becoming problematic.

DECLARING PROPERTY SURPLUS – January 19, 2011

Commissioner Christiaens moved to declare the plate glass removed from the windows of the Conrad Community/Senior Center as county surplus. Commissioner Broesder seconded; motion carried.

RESOLUTION #21 – DECLARING PROPERTY SURPLUS AND SETTING SALE – ADOPTED – January 19, 2010

PONDERA COUNTY
RESOLUTION #21 – 2010-11
DECLARING PROPERTY SURPLUS AND SETTING SALE

WHEREAS, pursuant to Section 7-8-2211, MCA, Authorization to sell and exchange county property, the Board of Pondera County Commissioners declares the following personal property belonging to the County as surplus property which is not necessary to the conduct of county business or the preservation of its property:

One four and one-half foot by eight foot (4-1/2ftx8ft) 1/4" plate glass window removed from the Community Center	Value \$ 7.00
One four and one-half foot by eight foot (4-1/2ftx8ft) 1/4" plate glass window removed from the Community Center	Value \$ 7.00
One three foot by eight foot (3'x8') 1/4" plate glass window removed from the Community Center	Value \$ 7.00
One three foot by eight foot (3'x8') 1/4" plate glass window removed from the Community Center	Value \$ 7.00
One three foot by seven foot (3'x7') glass door removed from the Community Center	Value \$10.00
One three foot by seven foot (3'x7') glass door removed from the Community Center	Value \$10.00

and

WHEREAS, the Commissioners have determined, pursuant to Section 7-8-2217, MCA, Procedure or sale of property of lesser value, it is in the best interests of the County to sell the above-listed surplus property by private sale for the values listed above for each item.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners:

- 1) hereby declares the property listed above as surplus property which is not necessary to the conduct of county business or the preservation of its property,
- 2) agrees to sell the property by private sale for the values listed above for each item, pursuant to Section 7-8-2217, Montana Code Annotated.

ADOPTED this 19th day of January, 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

ABATEMENTS/ADD-ON 890 APPROVED- January 26, 2011

Commissioner Broesder moved to approve tax abatements/add-on 890 as follows:

NUMBER	REASON	CANCEL	ADD	PARCEL #
890	Taxed twice in error	298.21		PP00049200

Commissioner Christiaens seconded; motion carried.

NOVEMBER MINUTES APPROVED- January 26, 2011

Commissioner Broesder moved to approve the November 2011 Minutes of the Commission. Commissioner Christiaens seconded; motion carried.

TREASURER'S SECURITIES – January 26, 2011

Treasurer, Jeanne Moon, presented the following report of investments as of December 31, 2010

STIP \$2338.05 @ .2723781%

STOCKMAN BANK

COUNTY REPURCHASE \$9,210,836.17 @.72 Collateralized by the following

DESCRIPTION	CUSIP #	MARKET VALUE PAR AMOUNT	AMT OF USED MATURITY DATE	SECURITY % COUPON RATE
FHR 2931 DE	31395MZ51	\$6,095,252.28 \$5,862,000.00	\$4,592,086.16 02/15/2020	75.3387 % 4.0000 %
GN439077	36207QXE2	\$226,714.57 \$219,124.06	\$226,714.57 02/15/2039	100.0000 % 4.5000 %
FNMA 2006-128FH	31396PEZ0	\$778,652.45 \$779,180.94	\$778,652.45 01/25/2037	100.0000 % .7718 %
FHR 3545 LA	31398E3H5	\$2,190,708.10 \$2,167,086.85	\$2,190,708.10 12/15/2016	100.0000 % 2.1200 %
GNMA 2009-16 NR	38374XPT6	\$2,968,364.42 \$2,952,186.44	\$1,514,783.25 10/20/2037	51.0309 % .7225 %

TOTAL MARKET VALUE..... \$12,259,691.82
 TOTAL COLLATERAL VALUE... \$9,302,944.53
 INTEREST RATE..... .6500 %

STOCKMAN BANK ACCOUNTS TOTALING \$575,211.38

3133XF5T9 \$1,045,000.00 FHLB 2000476 5.00% Matures 9-9-11

RBC WEALTH \$250,000.00 @1.500% due 10/19/2012
 \$250,000.00 @2.14% due 11/20/2013
 \$200,000.00 @2.00 due 7-7-2015
 \$200,000.00 @1.500% due 7-22-2010
 \$200,000.00 @1.000% due 11-25-2015 (step up)
 \$300,000.00 @1.625 Due 12-16-2015 (step)

FUND	AMOUNT
GENERAL	\$ 25,743.59
ROAD	16,073.50
BRIDGE	5,562.66
WEED	792.34
COUNTY FAIR	113.50
AIRPORT	331.80
AMBULANCE	211.70
COUNTY HOSPITAL & NURSING HOME	24,559.87
EXTENSION SERVICE	4,597.55
PUBLIC SAFETY (LAW ENFORCEMENT)	9,775.62
HEALTH INSURANCE - EMPLOYER CONTRIBUTION	745.04
BRADY LIGHTS MAINTENANCE	311.41
DUI PREVENTION	120.00
GAS APPORTIONMENT TAX	1,552.96
JUNK VEHICLE	43.02
911 EMERGENCY	22,506.18
LAND USE PLANNING	200.00
VICTIM & WITNESS ADVOCATE	410.00
HOMELAND SECURITY EOP GRANT	2,047.54
CDBG - GROWTH POLICY	1,153.80
BUCKLE UP MT	730.97
DES GRANTS	1,713.18
WIC GRANT	661.17
MATERNAL CHILD HEALTH	63.77
IMMUNIZATION ACTION PROGRAM	267.84
TOBACCO USE PREVENTION GRANT	1,593.91
NAPA GRANT	492.29
ARRA ENERGY GRANT - COMMUNITY CENTER	650.00

REFUND FUND	31,555.34
TOTAL CLAIMS	\$ 154,580.55
TOTAL PAYROLL	202,405.54
TOTAL CLAIMS AND PAYROLL FUNDS	<u>356,986.09</u>

CLOSING REMARKS

Each Commissioner was in attendance or attending meetings both during the day or evening – 21 days and 1 holiday. Meetings were held during the month with various citizens, taxpayers, vendors, board members and employees.

ADJOURNMENT

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

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

SECRETARY, BOARD OF COUNTY COMMISSIONERS
PONDERA COUNTY, MONTANA