

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

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on June 1, 8 and 22, 2011. Unless indicated, all Commissioners were present.

GROUP HEALTH INSURANCE PROPOSAL - June 1, 2011

Pam Walling of the Montana Association of Counties Health Care Trust presented a proposal and summary plan descriptions for group health insurance for county employees. After discussion and review with the Walling, Commissioner Broesder moved to take the matter under advisement. Commissioner Johnson seconded; motion carried. (Commissioner Christiaens absent)

NUTRITION AND PHYSICAL ACTIVITY (NAPA) GRANT AGREEMENT APPROVED – June 1, 2011

Commissioner Broesder moved to approve the Subaward Agreement Amendment #1 with Montana State University Sponsored Programs, Number G151-11-W3300, under which the County will receive an additional \$5,000 for nutrition and physical activity (NAPA) services through June 30, 2011. Commissioner Johnson seconded; motion carried. (Commissioner Christiaens absent)

RESOLUTION #35 – AMENDING BUDGET FOR CDBG ITB FUND – ADOPTED – June 1, 2011

**PONDERA COUNTY MONTANA
RESOLUTION #35 – 2010/11**

AUTHORIZING BUDGET AMENDMENTS – CDBG GRANT (ITB) FUND

WHEREAS the Montana Code Annotated, Section 7-6-4006(4), grants the Board of County Commissioners the power and authority to amend the budget during the fiscal year by conducting public hearings at regularly scheduled meetings; and

WHEREAS the County has actually incurred expenses in an amount in excess of the budgeted amount for expenditures; and

WHEREAS Pondera County will pay such expenditures in excess of the budgeted amount with additional funds received or to be received from the Community Development Block Grant, Grant No. MT-CDBG-ED07-021ITB and/or revenues previously anticipated for the fund.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pondera County that the budget for Fund 2942, CDBG – ITB, be amended to appropriate revenue and expenditures of \$4,621.14, as follows:

Revenue	Description	Prior Amount	New Amount
2942-331010	Grant Revenue	\$ 0.00	\$ 4,621.14

Expenditure	Description	Prior Amount	New Amount
2942-501-470310	501 Administration Fees	\$ 0.00	\$ 4,621.14

Adopted this 1st day of June, 2011 as moved by Commissioner Broesder, seconded by Commissioner Johnson, and passed on a 2-0 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

(absent)
Joseph Christiaens, Member

RESOLUTION #36 - AMENDING BUDGET FOR GASB 54 – ADOPTED – June 1, 2011

PONDERA COUNTY, MONTANA
RESOLUTION #36– 2010/11
ADOPTING RESOURCE CATEGORIES AND EXPENDITURE
ORDER FOR RESOURCE CATEGORIES

FOR ALL GOVERNMENTAL AND PROPRIETARY FUNDS (GASB 54)

WHEREAS, the Governmental Accounting Standards Board (GASB) has issued its Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, requiring, among other things, all state and local governmental entities to adopt a policy regarding spending priorities of fund balance in governmental and proprietary funds; and

WHEREAS, Pondera County receives inflows of revenue and other financing sources for use in governmental and proprietary funds; and

WHEREAS, governmental and proprietary funds will expend those resources; and

WHEREAS, it is the intent of the Board of County Commissioners to adopt this resolution to affirm that the fund balance resources of the County’s governmental and proprietary funds will be categorized according to Generally Accepted Accounting Principles (GAAP) for state and local governments, to identify the expenditure order of resource categories for all governmental and proprietary funds and to designate the County Clerk and Recorder and/or the Board of County Commissioners, individually and/or collectively, as having authority to express assignments in the County’s governmental and proprietary funds.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pondera County that the fund balance resources of the County’s governmental and proprietary funds will be categorized as follows:

RESOURCE CATEGORIES

- Nonspendable Resources not in spendable form (ex: inventory) or those legally required to be maintained intact (ex: principal portion of permanent trust funds)
- Restricted: Constraint is externally imposed by third party (grantor, contributor, etc.), State Constitution or by enabling legislation by the State Legislature
- Committed : Constraint is internally imposed by local government by resolution
- Assigned: Constraint is internally expressed intent by government body or authorized official through budget approval process;
- Unassigned: no constraints

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Board of County Commissioners of Pondera County that the expenditure order of resource categories for all governmental and proprietary funds, when restricted, committed, assigned and unassigned are available, be as follows:

EXPENDITURE ORDER FOR RESOURCE CATEGORIES

- First: Restricted
- Second: Committed
- Third: Assigned
- Fourth: Unassigned

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Board of County Commissioners of Pondera County designates the County Clerk and Recorder and/or the Board of County Commissioners, individually and/or collectively, as having authority to express assignments in the County’s governmental funds.

Adopted this 1st day of June, 2011 as moved by Commissioner Broesder, seconded by Commissioner Johnson, and passed on a 2-0 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

(absent)

Joseph Christiaens, Member

NATIONWIDE 457 PLAN ADDITIONAL PRODUCTS AND SERVICES

AUTHORIZED- June 1, 2011

Commissioner Broesder moved to approve the additional products and services to participants in the Nationwide 457 retirement plan. This approval allows Nationwide to contact its Pondera County participants of the availability of a Roth 457(b) plan and enhanced participant assistance. Commissioner Johnson seconded; motion carried. (Commissioner Christiaens absent)

RENEWAL OF GROUP HEALTH INSURANCE PLAN APPROVED – June 1, 2011

Commissioner Broesder moved to approve option #4 for the group health insurance renewal proposed by Joint Powers Trust administered by EBMS. Under option 4, the premium will be reduced by 4% and the county committed to a three year renewal and 50% of the plan participants are required to attend the annual education and wellness presentations. Commissioner Johnson seconded; motion carried. (Commissioner Christiaens absent)

RESOLUTION #37 – AUTHORIZING BUDGET AMENDMENT TO COUNTY HOSPITAL FUND – ADOPTED – June 1, 2011

PONDERA COUNTY MONTANA
RESOLUTION #37- 2010/11
AUTHORIZING BUDGET AMENDMENTS TO
COUNTY HOSPITAL FUNDS

WHEREAS the Montana Code Annotated, Section 7-6-4006, grants the Board of County Commissioners the power and authority to amend the budget during the fiscal year by conducting public hearings at regularly scheduled meetings; and

WHEREAS Pondera County Commissioners budgeted for \$41977 in the County Hospital and Nursing Home Fund for reimbursement to Pondera Medical Center for medical equipment and such appropriation has not been necessary but Pondera Medical Center has incurred or will incur operating costs to repair and maintain the elevator serving the facility, pursuant to 7-6-2512, MCA.

WHEREAS the State of Montana Department of Public Health and Human Services has notified Pondera County of the availability of fiscal year 2011 Intergovernmental Transfer (IGT) funds in the amount of \$352,749.56 for the benefit of Pondera Medical Center as the result of Medicaid audit for at risk county affiliated nursing facilities; and

WHEREAS, upon receipt of a Pondera County warrant in the amount of \$221,141.34 (matching funds), Pondera Medical Center will receive, from the State of Montana Department of Public Health and Human Services, a check in the amount of \$352,749.56 for said IGT payment; and

WHEREAS the Pondera County Commissioners conducted a hearing at their regularly scheduled meeting on June 1, 2011 and there were no objections; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pondera County that the budget for Fund 2235 (County Hospital and Nursing Home Fund) to be used as reimbursement for operating costs, as follows:

Revenue	Description	Prior Amount	New Amount
2235-362025	Miscellaneous Revenue	\$ 95,000	\$ 221,142

Expenditures	Description	Prior Amount	New Amount
2235-402-440210-210	Supplies & Materials	\$ 25,000	\$ 0
2235-402-440210-351	Medical & Dental Svc	\$ 95,000	\$ 221,142
2235-402-440210-360	Maintenance & Repair	\$ 0	\$ 66,977
2235-402-440210-946	Medical Equipment	\$ 41,977	\$ 0

Adopted this 1st day of June, 2011 as moved by Commissioner Broesder, seconded by Commissioner Johnson, and passed on a 2-0 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

(absent)
Joseph Christiaens, Member

RESOLUTION #38 – AUTHORIZING BUDGET AMENDMENT TO NAPA GRANT FUND – ADOPTED – June 1, 2011

PONDERA COUNTY MONTANA
RESOLUTION #38– 2010/11
AUTHORIZING BUDGET AMENDMENT – NUTRITION AND PHYSICAL ACTIVITY PROGRAM GRANT

WHEREAS the Montana Code Annotated, Section 7-6-4006, grants the Board of County Commissioners the power and authority to amend the budget during the fiscal year by conducting public hearings at regularly scheduled meetings and to appropriate money received from the federal or state government, regardless of the time the money is received; and

WHEREAS the State of Montana Department of Public Health and Human Services has notified Pondera County of additional grant funds for program year ending June 30, 2011 of \$5,000.00 under the Montana State University Nutrition And Physical Activity (NAPA) Program, and the Health Department will incur expenditures for said purpose not to exceed such funds to be paid from the revenue received; and

WHEREAS the Pondera County Commissioners conducted a hearing at their regularly scheduled meeting on June 1, 2011 and there were no objections; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pondera County that the budget for Fund 2979, NAPA Grant, be amended to show the receipt and expenditures, as follows:

Revenue	Description	Prior Amount	New Amount
2979-331149	NAPA Grant	\$ 0.00	\$ 25,000.00

Expenditure	Description	Prior Amount	New Amount
2979-448-440101-	110 Salaries and Wages	\$ 2,500.00	\$ 7,500.00
2979-448-440101-	140 Payroll Benefits	232.00	1,350.00
2979-448-440101-	210 Supplies & Materials	0	9,470.00
2979-448-440101-	311 Postage	0	65.00
2979-448-440101-	332 Ads/Dues/Subscriptions	0	100.00
2979-448-440101-	335 Memberships & Registration Fees	0	1,515.00

Adopted this 1st day of June, 2011 as moved by Commissioner Broesder, seconded by Commissioner Johnson, and passed on a 2-0 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

(absent)
Joseph Christiaens, Member

ABATEMENTS/ADD-ON 893 APPROVED- June 8, 2011

Commissioner Christiaens moved to approve tax abatements/add-on 893 as follows:

NUMBER	REASON	CANCEL	ADD	PARCEL #
893	Farm equipment valued in error	748.84		1016600

Commissioner Broesder seconded; motion carried.

EXCAVATION AGREEMENTS APPROVED- June 8, 2011

Commissioner Broesder moved to approve the Excavation Agreement requested by 3 Rivers Communications to engage in excavation on and under Crestview Road

(T29N, R4W), Lot 4) for the purpose of installing copper and fiber telephone cable for service area upgrade. Commissioner Christiaens seconded; motion carried.

CONFERENCE CALL REGARDING DRIVERS EXAMINER OFFICE – June 8, 2011

The commissioners participated in a telephone conference call with Floyd Stiffler, Regional Manager of the MT Drivers License Bureau (Northern Region) concerning the changes in service dates and on site storage of camera equipment at the travel sites. Conrad is a travel site in the region with the base site in Cut Bank. The Commissioners agreed to allow the storage of the camera equipment at the courthouse in Conrad which will facilitate more hours for the Conrad office as the examiner will not have to set up the equipment nor take it down to be moved to the next site. Pondera County will be served by an examiner from the Great Falls office on all Wednesdays and on the fourth Tuesday, resulting in more hours available for our citizens. The office used by the drivers' examiner will still be shared with the Montana Job Service and the Montana Veteran's Affairs officer.

ROAD MAINTENANCE REQUEST – June 8, 2011

Mike Hogan visited with the Commissioners concerning the road fill that has sloughed off the Belgium Hill Road between his place and DeBoo's. Realizing that repairs will not be done until the rains end, he offered to remove his fence to facilitate the work and that he would re-install the fence after the road was fixed. Commissioner Christiaens advised him that the commissioners would let the road department supervisor know of Hogan's offer and that the road will be repaired.

NO MEETING JUNE 15, 2011 DUE TO LACK OF QUORUM

ABATEMENTS/ADD-ONS 894-898 APPROVED- June 22, 2011

Commissioner Broesder moved to approve tax abatements/add-ons #891 as follows:

NUMBER	REASON	CANCEL	ADD	PARCEL #
894	Per settlement agreement with State of MT 4/4/11	1,236.79		653150
895	Per settlement agreement with State of MT 4/4/11	2,620.86		653160
896	Per settlement agreement with State of MT 4/4/11	1,101.28		652150
897	Property tax assistance granted	28.88		2011800
898	Property tax assistance granted	358.11		2029700

Commissioner Christiaens seconded; motion carried.

MODIFICATION 1 TO DEQ CONTRACT APPROVED - June 22, 2011

Commissioner Broesder moved to approve Modification 1 to Department of Environmental Quality Contract #210141 wherein the State of Montana made a change to the required match amount for the grant. Commissioner Christiaens seconded; motion carried.

REIMBURSEMENT SERVICES AGREEMENT WITH AFLAC APPROVED - June 22, 2011

Commissioner Christiaens moved to approve the Reimbursement Services Agreement with American Family Life Assurance Company (AFLAC) providing for a change in the service fee for the IRS qualified Section 125 account benefit. Commissioner Broesder seconded; motion carried.

RESOLUTION #39 – COMMITTING FUND BALANCE RESOURCES (GASB 54) ADOPTED – June 22, 2011

PONDERA COUNTY, MONTANA
RESOLUTION #39 – 2010/11
COMMITTING FUND BALANCE RESOURCES
FOR SPECIAL REVENUE FUNDS (GASB 54)

WHEREAS, the Governmental Accounting Standards Board (GASB) has issued

its Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, requiring, among other things, all state and local governmental entities to adopt a policy (Resolution) committing fund balance resources for special revenue funds; and

WHEREAS, Pondera County receives inflows of property tax, State Entitlement share, investment earnings, grant funding and other revenues including but not limited to certain lease revenue and fee and permit revenue for expenditures on the specific purpose (function) of certain Special Revenue Funds; and

WHEREAS, it is the intent of the Board of County Commissioners to adopt this resolution to restrict and commit the fund balance resources of special revenue funds in accordance with Generally Accepted Accounting Principles (GAAP) and GASB 54, and intends to continue to allocate and report the activity of the specific purpose in Special Revenue Funds.

NOW, THEREFORE, BE IT RESOLVED by the Board of Pondera County Commissioners that it commits allocated general tax, State Entitlement, grant revenue and interest earnings for expenditure on the specific function of the Special Revenue funds; and

BE IT FURTHER RESOLVED that the specific amount formally committed will be determined by the Clerk and Recorder, in conjunction with the Board of County Commissioners by means of the following: (1) review fund balance as of June 30th each year (2) determine necessary cash/reserve to be maintained in the fund, and (3) determine if excess fund balance will be retained in the fund as a commitment for the specific purpose or transferred to the General Fund.

Adopted this 22nd day of June, 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 #40 – ADOPTING THE PROPOSED 2011 GROWTH POLICY – ADOPTED – June 22, 2011

PONDERA COUNTY, MONTANA

RESOLUTION NUMBER 40 - 2010/11

ADOPTING THE PROPOSED 2011 GROWTH POLICY.

WHEREAS, 76-1-604 MCA, authorizes the Board of County Commissioners to adopt or revise a growth policy; and

WHEREAS, the Board of County Commissioners requested the County Planning Board to prepare a growth policy, as authorized in 76-1-106, MCA; and

WHEREAS, the Pondera County Planning Board prepared a growth policy in accordance with Title 76, Chapter 1, Part 6, M.C.A.; and

WHEREAS, the proposed growth policy was made available for review at Pondera County Courthouse, Conrad Library, and on the Pondera Regional Port Authority website; and

WHEREAS, the Planning Board noticed and held a public hearing on the proposed growth policy in accordance with 76-1-602, MCA; and

WHEREAS, in accordance with 76-1-603, MCA, the Planning Board considered comments, recommendations and suggestions elicited at the public hearing held on April 27, 2011 as well as written comment received through the comment period ending April 27; and

WHEREAS, the Planning Board made a recommendation to adopt the growth policy with revisions; and

WHEREAS, the Board of County Commissioners agenda was posted for the May 11, 2011 Board of County Commissioners meeting and the agenda included the growth policy resolution of intention; and

WHEREAS, the Board of County Commissioners considered public comment received at that meeting (no comments) or received in writing (none) prior to the meeting;

WHEREAS, in accordance with 76-1-604, MCA, the Board of County Commissioners adopted a resolution of intention to adopt the Pondera County Growth Policy as recommended by the planning board on May 11, 2011; and

WHEREAS, the Board of County Commissioners' agenda was posted for the June 1, 2011 Commission meeting and the agenda included the adoption of the growth policy;

WHEREAS, the Board of County Commissioners considered public comment received at that meeting or received in writing prior to the meeting;

NOW, THEREFORE BE IT RESOLVED that the Pondera County Board of Commissioners hereby adopts the growth policy as recommended by the planning board and as identified in the resolution of intention.

Adopted this 22nd day of June, 2011 as moved by Commissioner Broesder, seconded by Commissioner Christiaens, 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 #41 - PROVIDING FOR THE RE-ORGANIZATION OF THE
PONDERA COUNTY WEED DISTRICT BOARD – ADOPTED - June 22, 2011**
PONDERA COUNTY, MONTANA
RESOLUTION #41– 2010/11

**PROVIDING FOR THE RE-ORGANIZATION OF THE PONDERA COUNTY
WEED DISTRICT BOARD**

WHEREAS, the Legislature of the State of Montana enacted Sections 7-1-201 through 7-1-203, MCA, allowing the BOARD OF COUNTY COMMISSIONERS to establish certain administrative boards, districts, and commissions by adoption of resolutions; and

WHEREAS, the BOARD OF COUNTY COMMISSIONERS has determined it is appropriate and desirable to provide the Pondera County Weed District with clarification as to the organization, membership, terms, authority, rules and responsibilities of the Pondera County Weed District Board, setting for the same pursuant to 7-1-201 through 7-1-203, MCA, and 7-22-2101 through 7-22-2153, MCA; and

WHEREAS, 7-22-2103, MCA authorizes the appointment of a District Weed Board, subject to the provisions of 7-1-201 through 7-1-203, MCA.

NOW THEREFORE BE RESOLVED AS FOLLOWS:

1. The Pondera County Weed District shall encompass all unincorporated land located within Pondera County, exclusive of the Blackfoot Reservation.
2. The Pondera County Weed District Board shall consist of seven (7) members. Members of the Board shall be appointed by the County Commissioners and will try to represent as many different areas of the county as possible. The Pondera County Extension Agent and a County Commissioner shall serve as ex-officio members of this Board.
3. The terms of the Pondera County Weed District Board members shall commence on the 1st day of January. The members shall serve staggered three (3) years terms

- on the board so that no more than two (2) terms expire in any given year. Pursuant to this resolution, members appointed in 2011 will be appointed for one, two, and three years of service in order to establish this staggered pattern.
4. Weed Board Members shall be entitled to mileage and expenses in accordance with established Pondera County rates for attendance at Board Meetings and for conducting official Weed District business.
 5. Weed Board Members shall be residents of Pondera County and have demonstrated a commitment to and an intent to participate fully in weed management of the county. Members must be willing to attend meetings and other functions related to weeds and invasive plant species.
 6. Members must be appointed by the BOARD OF COUNTY COMMISSIONERS. The Commissioners shall post prospective membership vacancies.
 7. The BOARD OF COUNTY COMMISSIONERS shall maintain a register of appointments to the Weed District Board.
 8. Upon a recommendation from the Weed District Board, the commissioners may appoint a weed coordinator.
 9. The Weed District Board is hereby assigned the responsibility for the administration of the Weed Department District as provided by law and is subject to change from time to time.

POWERS AND DUTIES OF BOARD

In addition to any powers or duties established in the resolution creating a District Weed Board, the board may:

1. Supervise a coordinator and other employees and provide for their compensation; within the guidelines of the Pondera County Personnel Policy and administered by the Board of Pondera County.
2. Purchase chemicals, materials, and equipment and pay other operational costs as it determines necessary for implementing an effective weed management program. The costs must be paid from the noxious weed fund.
 1. Facilitate agreements with the Department of Agriculture for the control and eradication of any new exotic plant species not previously established in the State which may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial use if the plant species spreads or threatens to spread into the State; and
 2. Facilitate agreements with commercial applicators, as defined in 80-9-102, MCA, for the control of noxious weeds.
 3. Every two years Commissioners shall approve, approve with revisions, or reject a weed management plan that has been approved by the Weed District Board as submitted pursuant to 7-22-2121.
 4. Implement management standards for noxious weeds as designated by the Montana Department of Agriculture; and
 5. Perform other activities relating to weed management.
3. The District Weed Board shall:
 - a. Administer the District's noxious weed management program.
 1. Establish management criteria for noxious weeds on all land within the district.
 2. Make all reasonable efforts to develop and implement a noxious weed program covering all land within the district owned or administered by a federal agency.
 - b. The Pondera County Weed District Board will provide for public comment on the County Weed Management Plan.
 - c. A majority of the members of the Weed District Board constitutes a quorum for the purpose of conducting business and exercising powers and responsibilities; action may be taken by a majority of members present and voting.
 - d. The Weed District Board shall organize by electing one of its members as chair of the Board.

- e. The Weed District Board shall provide by rule for the date, time and place of all regularly scheduled meetings and file the information with the County Commissioners.
- f. The Weed District Board shall provide for the keeping of written minutes, including the final vote on all actions.
- g. A person may be removed from the Weed District Board for cause by having three consecutive unexcused absences from the regularly scheduled meeting, no longer residing in designated area representing, or engaging in conflicts or incidents which may be deemed adverse to the duties set by the BOARD OF COUNTY COMMISSIONERS. A Board member serves at the pleasure of the Board of County Commissioners.
- h. The Weed District Board will maintain records pertinent to operation of the District, prepare and present an annual budget and execute any record keeping requirements specified by the BOARD OF COUNTY COMMISSIONERS.

Adopted this 22nd day of June, 2011 as moved by Commissioner Christiaens, seconded by Commissioner Broesder, and passed on a 3-0 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

COMMUNITY/SENIOR CENTER EECBG DRAW #4 APPROVED – June 22, 2011

Commissioner Broesder moved to approve the EECBG grant draw #4 for the Conrad Community/Senior Center in the amount of \$10,462.19. Commissioner Christiaens seconded; motion carried.

PRELIMINARY PLAT APPROVAL FOR THE KELLOGG RANCH, INC. MINOR SUBDIVISION- June 22, 2011

**BEFORE THE
PONDERA COUNTY COMMISSION
PONDERA COUNTY, MONTANA**

**IN THE MATTER OF THE APPLICATION
OF KELLOGG RANCH, INC.
PRELIMINARY PLAT APPROVAL FOR
THE KELLOGG RANCH, INC. MINOR
SUBDIVISION**

**FINDINGS OF FACT
AND ORDER**

PURSUANT to the Montana Subdivision and Platting Act, Section 76-3-101 through 76-3-614, Montana Codes Annotated, and the Pondera County Subdivision Regulations, the Pondera County Commission (Commission) reviewed the proposed preliminary plat for a low impact minor subdivision, “Kellogg Ranch, Inc. Subdivision”, as submitted by the applicant together with the required supplementary information, to determine if the information submitted meets the requirements of the Montana Subdivision and Platting Act, and the Pondera County Subdivision Regulations. The Commission considered the subdivision administrator’s recommended written Findings of Fact pursuant to 76-3-608 MCA, submitted June 13, 2011.

THEREFORE, with completion of the review, the Commission being fully advised of all matter presented to it regarding this application makes the following Findings of Fact:

FINDINGS OF FACT

I.

The final application for preliminary plat approval was submitted on June 13, 2011. On June 13, 2011, the Pondera County subdivision administrator submitted review recommendations for the Commission.

II.

The Commission found that the property consists of 157.57 acres (Lot 1) and 2.01 acres (Lot 2) for a total of 159.58 acres. The property is described the NE1/4 of Section 25, Township 28 North, Range 5 West, P.M.M., Pondera County, Montana. In general, the property is located at the southwest corner of Coal Mine Road and Hawkeye Road, approximately 1-1/2 miles north of the County Line corner with Teton County and 2-1/2 miles south of the intersection of Dupuyer-Conrad Road and Federal Lane.

III.

The Commission found the subdivision would create one (1) residential lot (proposed Lot 2) currently used for that purpose and one (1) lot planned for continued farming practices (proposed Lot 1). Proposed Lot 2 was found to be developed with two houses, various outbuildings and water/wastewater facilities serving the existing houses.

IV.

The Commission evaluated the physical and natural characteristics of the property and found the proposed subdivision would not have adverse effects on the natural environment.

V.

The Commission found that Tract owners will be responsible for weed management.

VI.

The Commission found that access to the subdivision is provided by existing accesses from Hawkeye Road.

VII.

The Commission found that domestic water supply is served by an existing well and wastewater disposal is served by an existing septic system.

IX.

In accordance with Section 76-3-608 M.C.A., the Commission weighed the following criteria as a basis of approval, conditional approval, or disapproval of the Kellogg Ranch Minor Subdivision, and found as follows:

1. Primary Criteria:

Agriculture: The proposed subdivision property has been utilized as farm land and one single family residence. No change in use is planned.

Agricultural Water User Facilities: Applicant states that there are no agricultural water user facilities within the proposed subdivision.

Local Services:

Fire Protection. The proposed subdivision is served by the Pondera County Rural Fire Department.

Law Enforcement. Law enforcement is provided by the Pondera County Sheriff's Department.

Emergency Medical. Emergency medical service is provided by the Pondera Medical Center.

Natural Environment: The Commission determined the subdivision would not create any adverse impacts on the natural environment.

Wildlife: The Commission determined the subdivision would not create any adverse impacts on area wildlife.

Wildlife Habitat: The Commission determined the subdivision would not create any adverse impacts on area wildlife and wildlife habitat.

Public Health and Safety: Fire and emergency services have been addressed. The Commission found the subdivision does not appear to be subject to potential man-made hazards such as high voltage power lines, high pressure gas lines, nearby industrial or mining activities, or high traffic volumes, etc.

- 2. Compliance with the survey requirements of the Montana Subdivision and Platting Act:** The subdivision final plat must meet the requirements of the Montana Subdivision and Platting Act.
- 3. Compliance with local subdivision regulation and review process of the regulations:** The commission found the subdivision complies with the Pondera County Subdivision Regulations.
- 4. The provision of easements for the location and installation of any utilities:** The Commission found that there are no new utilities being installed and no new easements being created.
- 5. The provision of legal and physical access to each parcel within the subdivision:** The Commission found legal and physical access is provided to the property from Hawkeye Road.

XI.

The Commission found the preliminary plat application mitigated all impact on the primary review criteria of the Montana Subdivision and Platting Act, with suggested conditions. They also found the proposed subdivision complied with the design standards of the Pondera County Subdivision Regulations.

Commissioner Christiaens moved to approve the Preliminary Plat. Commissioner Broesder seconded; motion carried.

ORDER

IT IS HEREBY ORDERED that the preliminary plat for the Kellogg Ranch, Inc. Minor Subdivision is approved, subject to the conditions listed below. Final plat approval shall be contingent upon completion and compliance with these conditions:

1. A certificate of a title abstractor showing the names of the owners of record of the land to be subdivided and the names of any lien holders or claimants of record against the land and the written consent to the subdivision by the owners of the land, if other than the subdivider, and any lien holders or claimants of record against the land must appear on the face of or accompany the approved final plat when it is presented to the County Clerk and Recorder for filing. The Certificate of Abstract must be dated not more than 30 days from the application date.
2. Pondera County Clerk and Recorder must receive a signed and notarized Landowner Certification confirming that the subdivision meets Pondera County Subdivision Regulation criteria for a Low Impact Minor Subdivision.

Preliminary plat approval of the Kellogg Ranch, Inc. Minor Subdivision shall be in force for two (2) calendar years. At the end of this period the governing body may, at the request of the applicant, extend its approval for no more than three calendar years. The governing body may, however, extend its approval for a period of more than three years if that approval period is included as a specific condition of a written subdivision improvements agreement between the governing body and the subdivider (Section II.C.4).

A party, as defined by 76-3-625 M.C.A., who is aggrieved by a decision of the Commission may, within thirty (30) days after this decision, appeal to the Pondera County district court.

DATED this 22nd day of June, 2011.

PONDERA COUNTY COMMISSION

/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

COUNTY COMPENSATION BOARD APPOINTMENT- June 22, 2011

Commissioner Broesder moved to re-appoint John McFarland to the County Compensation Board. The term is for three years, ending June 30, 2014. Commissioner Christiaens seconded; motion carried.

DATE AND TIME SET FOR PUBLIC HEARING OF COUNTY COMPENSATION BOARD- June 22, 2011

Commissioner Christiaens moved to set July 13, 2011 at 9:30 a.m. in the Commissioners' office for a public hearing of the County Compensation Board. The County Compensation Board is established in law to review the compensation to elected County officials and to recommend a salary schedule for the coming fiscal year. Commissioner Broesder seconded; motion carried.

PONDERA MEDICAL CENTER BOARD MEMBERS APPOINTED – June 22, 2011

Commissioner Christiaens moved to re-appoint Bernard Ries and Bret Gaylord to the Pondera Medical Center Board of Directors, each for a three year term, beginning July 1, 2011. Commissioner Broesder seconded; motion carried.

RUSSELL COUNTRY TOURISM BOARD MEMBERS APPOINTED – June 22, 2011

Commissioner Christiaens moved to re-appoint Judy King to the Russell Country Tourism Board of Directors. Commissioner Broesder seconded; motion carried.

NO MEETING JUNE 29, 2011 DUE TO LACK OF QUORUM

CLAIMS APPROVED FOR PAYMENT- June 30, 2011

<i>FUND</i>	<i>AMOUNT</i>
GENERAL	\$ 20,185.70
ROAD	46,088.18
BRIDGE	44,091.70
WEED	7,182.63
PREDATORY ANIMAL	1,613.50
COUNTY FAIR	120.00
AIRPORT	483.70
LIBRARIES	74,331.00
AMBULANCE	7,383.09
COUNTY HOSPITAL & NURSING HOME	290,580.34
SENIOR CITIZENS	12,000.00
EXTENSION SERVICE	11,882.64
PUBLIC SAFETY (LAW ENFORCEMENT)	8,639.52
HEALTH INSURANCE - EMPLOYER CONTRIBUTION	1,430.48
DRUG FORFEITURE	1,516.89
RECORDS PRESERVATION	148.43
BRADY LIGHTS MAINTENANCE	316.63
ALCOHOL REHABILITATION	9,263.00
DUI PREVENTION	440.11
GAS APPORTIONMENT TAX	25,872.43
JUNK VEHICLE	3,677.00
911 EMERGENCY	4,241.25
LAND USE PLANNING	700.00
HOMELAND SECURITY EOP GRANT	570.17
CDBG - GROWTH POLICY	1,403.79

CDBG - COMMUNITY CENTER	27,454.08
BUCKLE UP MT	2,191.60
DES GRANTS	15,544.99
BREAST & CERVICAL SCREENING	5,726.49
WIC GRANT	729.77
MATERNAL CHILD HEALTH	7,135.74
IMMUNIZATION ACTION PROGRAM	1,332.42
TOBACCO USE PREVENTION GRANT	1,500.75
NAPA GRANT	4,685.86
ARRA ENERGY GRANT - COMMUNITY CENTER	10,753.28
DEBT SERVICE HOSPITAL 95	300.00
GENERAL FUND CAPITAL IMPROVEMENT	24,601.04
REFUND FUND	<u>46,226.77</u>
TOTAL CLAIMS	\$ 722,344.97
TOTAL PAYROLL	<u>216,955.90</u>
TOTAL CLAIMS AND PAYROLL FUNDS	<u>\$ 939,300.87</u>

ADJOURNMENT

The meeting adjourned at 5:00 p.m. on June 30, 2011.

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

SECRETARY, BOARD OF COUNTY COMMISSIONERS
PONDERA COUNTY, MONTANA