

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

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on March 2, 16 and 30, 2011. Unless indicated, all Commissioners were present.

HEALTH DEPARTMENT REPORT – March 2, 2011

County Health Nurse, Cynthia Grubb, reported she and Corrine are having problems with their cell phones and are eligible for upgrades which she will pursue. The cell phones are paid for from Emergency Preparedness grant funding.

Grubb showed the first breast feeding coalition newsletter which she prepared.

April 30th is the date set for the first national drug takeback day in the county. This is a national movement to properly destroy prescription drugs that are no longer being used by the patient to prevent abuse.

Flu has hit the county with schools noticing lots of absences.

Grubb has also developed a permission form for images which can be used in the event of video documentaries and/or website photos.

The DUI task force has approved grants of \$500 each to the Sheriff's office, County Attorney's office and the City Police Department for purchase of equipment needed in prosecution of DUI offenses.

EXCAVATION AGREEMENT APPROVED – March 2, 2011

Commissioner Christiaens moved to approve the Excavation Agreement requested by 3 Rivers Communications to engage in excavation on and under county roads described as Curry Lane, for the purpose of installing a fiber optic cable to the new AT&T cell site. Commissioner Broesder seconded; motion carried.

PURCHASE PROPOSAL FOR CASE 1070 TRACTOR APPROVED- March 2, 2011

Commissioner Broesder moved to approve the proposal of Gerald Bruner for the purchase of the Case 1070 tractor from the county for \$500.00. Commissioner Christiaens seconded; motion carried.

NAPA GRANT AGREEMENT APPROVED – March 2, 2011

Commissioner Broesder moved to approve the Nutrition And Physical Activity (NAPA) grant program Agreement. The county will receive \$15,000 to provide obesity prevention services to its residents from January 1-December 31, 2011. Commissioner Christiaens seconded; motion carried.

NATIONWIDE 457 PLAN DOCUMENT APPROVED- March 2, 2011

Commissioner Christiaens moved to approve the Nationwide Deferred Compensation Plan for Public Employees (457 Governmental Plan and Trust) Document as revised to conform to changes under federal law. Commissioner Broesder seconded; motion carried.

EXCAVATION AGREEMENT APPROVED – March 2, 2011

Commissioner Broesder moved to approve the Excavation Agreement requested by 3 Rivers Communications to engage in excavation on and under county roads described as Rocky Road, Miller Coulee Road and Frances Heights Road, for the purpose of installing a fiber optic cable. Commissioner Broesder seconded; motion carried.

NO MEETING MARCH 9, 2011 DUE TO LACK OF QUORUM (COMMISSIONERS JOHNSON AND BROESDER ATTENDING NATIONAL ASSOCIATION OF COUNTIES MEETINGS)

RESOLUTION #29 – DECLARING EMERGENCY – ADOPTED - March 11, 2011

PONDERA COUNTY DECLARATION RESOLUTION

RESOLUTION NO. 29 – 2010/11

WHEREAS, flooding is occurring within the County of Pondera on March 11, 2011.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners that an emergency is hereby declared pursuant to Section 10-3-402 MCA and all provisions of the County Emergency Operations Plan are in effect.

BE IT FURTHER RESOLVED, that copies of this resolution be filed with the County Clerk and Recorder, County Assessor and the Montana Disaster and Emergency Services Division in Helena.

PASSED AND ADOPTED by the Pondera Board of County Commissioners this 11th day of March, 2011.

/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

WEED DEPARTMENT SUPERVISOR JOB DESCRIPTION APPROVED – March 16, 2011

Commissioner Christiaens moved to approve the updated job description for the Weed Department supervisor position. Commissioner Broesder seconded; motion carried.

FIRST DRAW DOWN FOR COMMUNITY/SENIOR CENTER CDBG APPROVED – March 16, 2011

Commissioner Christiaens moved to approve the first draw down on the CDBG grant for the Conrad Community/Senior Center in the amount of \$16,247.82. Commissioner Broesder seconded; motion carried.

FIRST DRAW DOWN FOR COMMUNITY/SENIOR CENTER EECBG APPROVED – March 16, 2011

Commissioner Christiaens moved to approve the first draw down on the EECBG grant for the Conrad Community/Senior Center in the amount of \$91,604.53. Commissioner Broesder seconded; motion carried.

ROAD OPENING AND APPROACH AGREEMENTS FOR THE MATL PROJECT APPROVED– March 16, 2011

Commissioner Broesder moved to approve all of the road approach and opening agreements submitted by Montana Alberta Tie Line (MATL), as follows:

<u>ROAD AFFECTED</u>	<u>SEC, TOWNSHIP, RANGE</u>	
Loess	NE4, Sec 19 T28N, R3W	East & west sides of road; no culvert
Granite	SW4 Sec 20; T28N, R3W	North & south sides of road; no culvert
Healy Spring N	SE4 Sec 33, T28N, R3W	North side of road; no culvert
Midway W	SE4 Sec 34; T28N, R3W	North & south sides of road; if culvert exists, must be extended through additional approach
Overpass	N2 Sec 27, T27N, R2W	East & west sides of road; culvert not indicated
Chance	SE4 Sec 26, T27N, R2W	North & south sides of the road; north side ok; south side install 15” culvert
Circle S	SW4 Sec 31, T27N, R1W	East & west sides of the road; no culvert
Wiest	SE4 Sec 16; T26N, R1W	East & west sides of the road; no culvert
Armstrong	SW4 Sec 15, T26N, R1W	North & south sides of the road; north side ok; south side 15” culvert
Bullshead	NE4 Sesc 8, T30N, R4W	North & south sides of the road; no culvert

Willow Rounds	NE4 Sec 19, T31N, R4W	North & south sides of the road; no culvert
Christiaens	N2 Sec 12, T29N, R4W	North & south sides of the road; no culvert
Williams	N2 Sec 13, T29N, R4W	North & south sides of the road; no culvert
Dry Forks W	NW4 Sec 6, T28N, R3W	North & south sides of the road; no culvert
Dupuyer	NW4 Sec 7, T28N, R3W	North & south sides of the road; no culvert
Coalmine	NE4 Sec 19, T28N, R3W	North & south sides of the road; no culvert

Commissioner Christiaens seconded; motion carried.

TRICARE CORPORATE SERVICE PROVIDER CONTRACT APPROVED – March 16, 2011

Commissioner Christiaens moved to approve the TriCare Corporate Services provider contact. Tricare is an insurance provider which is used by some of the patients at the County Health Department. Commissioner Broesder seconded; motion carried.

INTERCAP LOAN APPLICATION APPROVED TO COVER COMMUNITY/SENIOR CENTER FUNDING SHORTFALL – March 16, 2011

Discussion was held on the fact that the current Intercap lending rate is 1.95% and that the projected shortfall of building funds for the Conrad Community/Senior Center is estimated to be \$106,106. Commissioner Broesder moved to apply for an Intercap loan not to exceed \$150,000 to finish Community/Senior Center building project. Commissioner Christiaens seconded; motion carried.

REQUEST FROM PORT AUTHORITY TO AMEND 2007 ITB CDBG CONTRACT APPROVED – March 16, 2011

The Pondera Regional Port Authority has submitted a request that due to the current economic conditions in the nation and our area, an amendment be made to the 2007 ITB CDBG-ED contract so that it addresses both job creation and job retention instead of the current language which is based solely on job creation.

Commissioner Christiaens moved to approve the Port Authority request for a language change that includes job retention in the 2007 ITB CDBG-ED. Commissioner Broesder seconded; motion carried.

MEETING WITH LANDOWNER REGARDING FLOOD PRONE DESIGNATION-
March 23, 2011

Greg Beck and Bill Roach met with the Commissioners and County Attorney, Mary Ann Ries, requesting a change in the flood prone (100 year flood) designation on Beck's property located at 1645 Sollid Road. Mr. Beck purchased the property and had Triangle Engineering run elevation settings and Salois Construction run perc tests on the property to document his assertion that the areas on the property are not flood prone. He also provided historical documentation from surrounding landowners regarding flood issues to their property. He has been working with the County Sanitarian, Commissioners and DES coordinator as well as state DEQ officials and resources available to him in other counties. The Commissioners took the matter under review and will follow-up.

MEETING REGARDING PUBLIC FACILITY USE INSURANCE – March 23, 2011

Pat Greany of North Montana Insurance met with the Commissioners regarding the availability of insurance for parties renting public facilities such as the community center once it is available for events. Greany will provide further information to the commissioners, after which there will be further discussion and decision.

CENTER FOR MENTAL HEALTH DESIGNATED PROVIDER OF SERVICES FOR ALCOHOL REHABILITATION- March 23, 2011

Commissioner Broesder moved to designate the Center For Mental Health as the County's provider of services for alcohol rehabilitation. The funding for these services

are earmarked funds paid to the County by the State of Montana. Commissioner Christiaens seconded; motion carried.

MEMORANDUM OF UNDERSTANDING (REGIONAL RECYCLING PROGRAM)
APPROVED- March 23, 2011

Commissioner Christiaens moved to approve the Memorandum of Understanding between the North Montana Joint Refuse Disposal District, the City of Shelby, City of Conrad and Pondera County wherein the entities will work cooperatively to seek funding and to initiate a regional recycling program for North Central Montana. The County agrees to transport paper and aluminum/tin recyclables to the NMJRDD from the Pondera County Recycling Coalition recycling building using the flatbed trailer purchased for hauling the Gaylord boxes in exchange for using the trailer for County business.

Commissioner Broesder seconded; motion carried.

EMERGENCY OPERATIONS PLAN APPROVED- March 23, 2011

Commissioner Christiaens moved to approve the Emergency Operations Plan (EOP) prepared by Disaster and Emergency Services Coordinator, LeAnn Hermance. Commissioner Broesder seconded; motion carried.

RESOLUTION #30 – AUTHORIZING BUDGET AMENDMENTS – EXTENSION FUND – ADOPTED- March 23, 2011

PONDERA COUNTY MONTANA
 RESOLUTION #30 – 2010/11
AUTHORIZING BUDGET AMENDMENTS –
EXTENSION FUND

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 Extension Services has notified Pondera County of additional program funds of \$150.00 for postage expense and the Extension Office will incur expenditures for said purpose not to exceed such funds to be paid from the revenue received;

WHEREAS the Pondera County Commissioners conducted a hearing at their regularly scheduled meeting on March 23, 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 2290, Extension Services, be amended to show the receipt and expenditures, as follows:

Revenue	Description	Prior Amount	New Amount
2290-362021	Misc revenue	\$ 750	\$ 900
Expenditure	Description	Prior Amount	New Amount
2290-504-450403-311	Postage (MSU)	\$ 750	\$ 900

Adopted this 23rd day of March, 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/ Joseph Christiaens
 Joseph Christiaens, Member

ATTEST:

/s/ Janice Hoppes
 Janice Hoppes, County Clerk & Recorder

/s/ Sandra J. Broesder
 Sandra J. Broesder, Member

RESOLUTION #31 – SETTING COSTS IN TAX LIEN SALES, ASSIGNMENTS, REDEMPTIONS AND TAX DEED SALES, AND OWNERSHIP AND INTEREST SEARCH BIDS – ADOPTED - March 23, 2011

PONDERA COUNTY, MONTANA
RESOLUTION NO. 31 - 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
 - processing refund to assignee
 - certified mail and/or publication costs
- Total, per parcel \$25.00

WHEREAS, Section 15-18-211, MCA, directs the county treasurer, upon receipt of all delinquent taxes, penalties, interest and costs, to grant the purchaser a TAX DEED for the property, and the costs shall be set as follows:

- preparation and postage for courtesy letters
 - identification and notification of interested persons
 - certified mail and/or publication costs
 - title search costs
 - publication of legal notices
 - recording fees
 - preparation of deed
- Total, per parcel \$300.00

WHEREAS, Section 15-18-212, MCA, directs notification to all persons considered interested parties in the property and the current occupant of the property, if any, that a tax deed may be issued to the county unless the property tax lien is redeemed prior to the expiration date of the redemption period, the County intends to contract for the services of a licensed title company to perform ownership and interest searches on all properties selected by the Board of County Commissioners. Inasmuch as there is only one licensed title company with its office in Pondera County, the Commissioners will

contract with said Pondera County Title Company for its services in determining interested parties and issuance of a Litigation Guarantee on each parcel. A request for cost for these services will be obtained from the Pondera County Title Company.

NOW, THEREFORE, BE IT RESOLVED by the Pondera County Board of Commissioners that the fees for the actual and administrative costs, assessed to a purchaser other than the County, are set as follows:

TAX SALE CERTIFICATE, PER PARCEL	\$ 25.00
ASSIGNMENT, PER PARCEL	\$ 25.00
REDEMPTION, PER PARCEL	\$ 25.00
TAX DEED SALE, PER PARCEL	\$300.00

BE IT FURTHER RESOLVED by the Pondera County Board of Commissioners that the Board of County Commissioners will contract with Pondera County Title Company for its services in determining interested parties and issuance of a Litigation Guarantee on each parcel. A request for cost for these services will be obtained from the Pondera County Title Company.

Adopted this 23rd day of March, 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/ Joseph Christiaens
Joseph Christiaens, Member

ATTEST:

/s/ Janice Hoppes
Janice Hoppes, County Clerk & Recorder

/s/ Sandra J. Broesder
Sandra J. Broesder, Member

NO MEETING MARCH 30, 2011 AS ALL COMMISSIONERS ATTENDING
CONFERENCE OF MONTANA ASSOCIATION OF COUNTY ROAD
SUPERVISORS

CLAIMS APPROVED FOR PAYMENT – March 31, 2011

<u>FUND</u>	<u>AMOUNT</u>
GENERAL	\$ 17,973.74
ROAD	24,559.82
BRIDGE	8,036.42
WEED	914.33
COUNTY FAIR	58.06
AIRPORT	327.20
AMBULANCE	266.71
EXTENSION SERVICE	4,733.88
PUBLIC SAFETY (LAW ENFORCEMENT)	6,784.96
HEALTH INSURANCE - EMPLOYER CONTRIBUTION	745.04
DRUG FORFEITURE	1,182.30
BRADY LIGHTS MAINTENANCE	318.00
DUI PREVENTION	1,697.45
GAS APPORTIONMENT TAX	641.45
LAND USE PLANNING	200.00
HOMELAND SECURITY EOP GRANT	423.45
CDBG - COMMUNITY CENTER	219,697.40
BUCKLE UP MT	53.29
DES GRANTS	609.11
WIC GRANT	753.48
MATERNAL CHILD HEALTH	251.03

IMMUNIZATION ACTION PROGRAM	52.00
TOBACCO USE PREVENTION GRANT	231.24
NAPA GRANT	1,296.07
ARRA ENERGY GRANT - COMMUNITY CENTER	43,273.00
PUBLIC SAFETY CAPITAL IMPROVEMENT	<u>30,485.68</u>
TOTAL CLAIMS	\$ <u>365,565.11</u>
TOTAL PAYROLL	<u>219,523.33</u>
TOTAL CLAIMS AND PAYROLL FUNDS	<u><u>585,088.44</u></u>

CLOSING REMARKS

Each Commissioner was in attendance or attending meetings both during the day or evening – 23 days. 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 March 31, 2011.

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

SECRETARY, BOARD OF COUNTY COMMISSIONERS
PONDERA COUNTY, MONTANA