

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

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on November 3, 9, 16, 23 and 30, 2011. Unless indicated, all Commissioners were present.

EXCAVATION AGREEMENT APPROVED- November 3, 2011

Commissioner Christians moved to approve the Excavation Agreement requested by Kingsbury Colony to engage in excavation on and under Kingsbury Colony Road for the purpose of installing water line. Commissioner Broesder seconded; motion carried.

ROAD DEPARTMENT PURCHASE OF EXCAVATOR APPROVED- November 3, 2011

Commissioner Christiaens moved to approve the purchase of a used 2002 John Deere 160C excavator with 4508 hours from Doug Miller of Kalispell for \$49,500.00. Commissioner Broesder seconded; motion carried.

DISCUSSION OF RENTAL CHARGES FOR PONDERA CENTER - November 3, 2011

The commissioners discussed lease charges for the common area of the Pondera Center when used by the public for functions. Agreements for the common areas, including the dining room, large meeting space and kitchen will be available prior to occupancy by the North Central Area Agency on Aging.

PURCHASE OF PARKING SIGNS APPROVED – November 3, 2011

Commissioner Broesder moved to purchase two parking signs for handicap parking for Pondera Center from Cope Graphics at a total cost of \$184.50. Commissioner Christiaens seconded; motion carried.

ABATEMENTS/ADD-ONS 907 THROUGH 911 APPROVED- November 9, 2011

Commissioner Broesder moved to approve tax abatement 904 as follows:

NUMBER	REASON	CANCEL	ADD	PARCEL #
907	Property Tax Assistance Program not properly granted	57.92	0.00	360800
908	Property Tax Assistance Program not properly granted	115.79	0.00	122900
909	Double assessed	34.99	0.00	1044253
910	Being valued as centrally assessed property	827.23	0.00	612415
911	Mobile home totally destroyed by fire	116.46	0.00	2016300

Commissioner Christiaens seconded; motion carried. (Commissioner Johnson absent)

INTERCAP LOAN DRAW #4 APPROVED – November 9, 2011

Commissioner Broesder moved to approve Draw #4 under the terms of the Loan Agreement with the Board of Investments' InterCap Loan for the Community Center in the amount of \$48,530.96 to pay for Pheasant Run Builders \$31,038.26 (final payment on contract) and \$5,222.70 for re-painting and 3 Rivers Telephone \$12,270.00 for internal network and wiring at the community center. Commissioner Christiaens seconded; motion carried. (Commissioner Johnson absent)

SCANNING AGREEMENT APPROVED- November 9, 2011

Commissioner Broesder moved to approve the Scanning Agreement of November 3, 2011 with Digital Scanning & Imaging Inc. for scanning services of the land records in the Clerk and Recorder's office. The project will be a joint venture between the county and First American Title Company. The cost to the county will be approximately \$11,000.00. Commissioner Christiaens seconded; motion carried. (Commissioner Johnson absent)

RESOLUTION #10 – AUTHORIZING FORGIVENESS OF LOAN TO PORT AUTHORITY – ADOPTED – November 9, 2011

PONDERA COUNTY, MONTANA
RESOLUTION #10– 2011/12

AUTHORIZING FORGIVENESS OF REPAYMENT OF INTERFUND LOAN

WHEREAS, the Board of County Commissioners has, from time to time, determined it to be in the best interests of the County to authorize loans from one fund to another at a reasonable rate of interest; and

WHEREAS, the Board has determined that the interfund loan (for FY2010-11 funds) from the General Fund to the Port Authority Fund, authorized under Resolution #9 – 2011/12, be forgiven under the terms of the October 26, 2011 Loan Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pondera County that the Clerk and Recorder effect the forgiveness of repayment of the above-described loan, in the amount of \$14,962.50, principal, and all interest that would have accrued; treating the same as a transfer from the General Fund to the Port Authority Fund.

Adopted this 9th day of November, 2011 as moved by Commissioner Broesder, seconded by Commissioner Christiaens, and passed on a 2-0 vote of the full board. Effective on passage and approval.

BOARD OF COUNTY COMMISSIONERS

(absent)

Cynthia A. Johnson, Chairman

ATTEST: _____
/s/ Janice Hoppes

Janice Hoppes, Clerk and Recorder

/s/ Joseph Christiaens

Joseph Christiaens, Member

/s/ Sandra J. Broesder

Sandra J. Broesder, Member

RESOLUTION #11 – DECLARING PROPERTY SURPLUS AND SETTING SALE – ADOPTED – November 9, 2011

PONDERA COUNTY
RESOLUTION #11 - 2011-12

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:

Two (2) 12' cattle guards appraised fair market value: \$ 150.00 per ton
and

WHEREAS, the Commissioners have determined it is in the best interests of the County to sell the item to the public, pursuant to Section 7-8-2217, Montana Code Annotated,

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 “as is” to the public, pursuant to Section 7-8-2217 Montana Code Annotated, at a public auction on the front steps of the County Courthouse at 10:00 a.m., Wednesday, November 30, 2011.

ADOPTED this 9th day of November, 2011, as moved by Commissioner Broesder, seconded by Commissioner Christiaens, and passed on a 2-0 vote of the full board. Effective on passage and approval.

PONDERA COUNTY COMMISSIONERS

Pondera County, Montana

(absent)

Cynthia A. Johnson, Chairman

ATTEST: _____
/s/ Janice Hoppes

Janice Hoppes, Clerk and Recorder

/s/ Joseph Christiaens

Joseph Christiaens, Member

/s/ Sandra J. Broesder

Sandra J. Broesder, Member

WIC PROGRAM SUBCONTRACTOR AGREEMENT APPROVED – November 9, 2011

Commissioner Broesder moved to approve the Special Supplemental Nutrition Program agreement with Teton County as Lead Agency for the Women, Infants and Children (WIC) grant. The county will receive \$21,286.00 for federal fiscal year 2001-12. Commissioner Christiaens seconded; motion carried. (Commissioner Johnson absent)

TASK ORDER TO MASTER CONTRACT (IMMUNIZATION ACTION PROGRAM GRANT) APPROVED - November 16, 2011

Commissioner Broesder moved to approve Task Order No. 12-07-4-31-034- the Master Contract for the Immunization (Action) Program Grant (IAP for calendar year 2012. Under this grant, the County will receive \$1,958.00 for immunization services. Commissioner Johnson seconded; motion carried. (Commissioner Christiaens absent on county business)

CANVASS OF MUNICIPAL GENERAL ELECTION – November 16, 2011

Commissioners Johnson and Broesder met with the Clerk and Recorder, Janice Hoppes, and canvassed the November 8, 2011 Municipal General Election Returns. Commissioner Broesder moved to approve the canvassed returns and direct the Clerk and Recorder to enter the official results in the Clerk and Recorder’s records. Commissioner Broesder seconded; motion carried. (Commissioner Christiaens absent on county business)

PRELIMINARY PLAT APPROVAL FOR THE SEIFERT MINOR SUBDIVISION- November 23, 2011

Commissioner Christiaens moved to give preliminary approval to the Seifert Minor Subdivision. The signed plats and the certificate of a title abstractor have yet to be furnished to the County Clerk and Recorder. Commissioner Broesder seconded; motion carried.

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

**IN THE MATTER OF THE APPLICATION
OF SEIFERT PRELIMINARY PLAT
APPROVAL FOR THE SEIFERT 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, “Seifert Minor 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 November 10, 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 November 8, 2011. On November 10, 2011, the Pondera County subdivision administrator submitted review recommendations for the Commission.

II.

The Commission found that the property consists of 21.358 acres (Tract A). The property is described as being in the SE1/4 of the SW1/4 of Section 9, Township 30 North, Range 3 West, P.M.M., Pondera County, Montana. In general, the property is

located approximately 11-1/2 miles northeast of Valier; 2-1/2 miles west on Bullhead Road from the Westside Frontage Road. The site is north of Bullhead Road and south of Schultz Coulee.

III.

The Commission found the subdivision would create one (1) residential lot (Tract A) currently used as pasture land.

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 will be provided from Bullhead Road.

VII.

The Commission found that domestic water supply and wastewater disposal will be served in accordance with Pondera County Certificate of Subdivision Plat Approval # Seifert 10-19-11.

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 Seifert Minor Subdivision, and found as follows:

1. Primary Criteria:

Agriculture: The proposed subdivision property has been utilized as pasture land. The Commission determined the subdivision would not create any adverse impacts on agriculture.

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 that require easements.
- 5. **The provision of legal and physical access to each parcel within the subdivision:** The Commission found legal and physical access will be provided to the property from Bullhead 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 Seifert 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.

Preliminary plat approval of the Seifert 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 23rd day of November, 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

REALLOCATION OF SPACE ON COMPUTER SERVER APPROVED – November 23, 2011

Morrison-Maierle has requested the reallocation of space on the county's computer server C: drive at a cost of \$320.00. Commissioner Broesder moved to accept the proposal. Commissioner Christiaens seconded; motion carried.

PUBLIC AUCTION CONDUCTED (CATTLE GUARDS) – November 30, 2011

At 10:00 a.m. the public auction of two 12' cattle guards was conducted. There was only one bidder and the two cattle guards were sold, as is, to Jeff Elings who bid \$110.00 each.

DISCUSSION OF VENDOR REQUEST TO SELL FOOD AT PONDERA CENTER DURING CONRAD CHRISTMAS STROLL – November 30, 2011

The Commissioners discussed the request of a vendor to sell tacos in a bag as a fundraiser at the Pondera Center during the Conrad Christmas Stroll on December 2nd. The discussion revolved around the counties liability for allowing the sale of food not prepared on-site as well as the extra cleaning it could create. The commissioners decided to discuss their concerns with the county sanitarian and county liability insurance carrier before contacting the vendor.

DISCUSSION REGARDING UNITED PARCEL SERVICE PROPOSAL – November 3, 2011

The Clerk and Recorder advised the commissioners that she was contacted by a representative of UPS proposing the County create an account for county shipping needs through the State of Montana's contract with the carrier. There would be no cost to the county but a substantial rate savings could be realized. The Commissioners authorized the Clerk and Recorder to pursue setting up an account under the State of Montana contract.

DISCUSSION OF PROPOSED VALIER RECREATION COMPLEX- November 30, 2011

Tom Hoover of Valier met with the Commissioners and again requested the County execute the Lease agreement with the Town of Valier in order that the baseball complex recreational project could move forward. The complex would be situated on County-owned property on the edge of the airport. Commissioner Johnson stated that the description is incorrect in the Lease agreement and they had notified Mayor Graye and have not received a correct agreement. Johnson stated she would follow-up and contact Mayor Graye for a corrected agreement.

Commissioner Broesder moved to approve the Lease agreement, pending correction of the description and final approval by the Pondera County Attorney. Commissioner Christiaens seconded; motion carried.

DISCUSSION REGARDING PROPOSED BUILDING INSPECTION SERVICES IN COUNTY- November 30, 2011

Kyle Harlan met with the Commissioners regarding his proposal to provide building inspection services for commercial buildings in the county, excluding the incorporated areas. The Commissioners still had questions and asked Harlan to research and report back whether the Blackfeet Reservation would be included in his contract or excluded and handled by the State of Montana. No action was taken at this time.

INTERCAP LOAN DRAW #5 APPROVED – November 30, 2011

Commissioner Broesder moved to approve Draw #5 under the terms of the Loan Agreement with the Board of Investments' InterCap Loan for the Community Center in the amount of \$15,105.47 to pay for Kronebusch Electric invoices for electrical work. Commissioner Christiaens seconded; motion carried.

RESOLUTION #13 – ADOPTING PRE-DISASTER MITIGATION PLAN – ADOPTED – November 30, 2011

PONDERA COUNTY, MONTANA
RESOLUTION NO. 13- 2011/12
ADOPTING PONDERA COUNTY
PRE-DISASTER MITIGATION PLAN

WHEREAS, in October of 2000 the President of the United States signed into law the "Disaster Mitigation Act of 2000" (PL 106-390) to amend the "Robert T. Stafford Disaster Relief and Emergency Act of 1988" which, among other provisions, requires local governments to adopt a Pre-Disaster Mitigation Plan in order to be eligible for hazard mitigation funding; and

WHEREAS, Pondera County, Montana has worked closely with Pondera County Disaster and Emergency Services to develop a county-wide Pre-Disaster Mitigation Plan that will serve the needs of Pondera County; and

WHEREAS, Pondera County supports the Pondera County Pre-Disaster Mitigation Plan as a logical means toward protecting people and property from the potential devastating effects of natural and man-made hazards.

NOW, THEREFORE, BE IT RESOLVED that the Pondera County Board of Commissioners adopt, by way of this resolution, the "Pondera County, Montana Pre-Disaster Mitigation Plan" as approved by the Montana Department of Emergency Services and the Federal Emergency Management Agency.

Adopted this 30th day of November, 2011 as moved by Commissioner Christiaens, seconded by Commissioner Broesder, and passed on a unanimous vote of the full Board. Effective upon 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

EMPLOYEE REQUEST FOR REMOVAL OF DISCIPLINARY ACTION FROM PERSONNEL FILE DENIED- November 30, 2011

The Commissioners were presented with a letter from a county employee requesting that disciplinary action letters be removed from the employee's personnel file or, in the alternative, the letters be sealed from access by every one other than the Commissioners, county legal counsel or current department head and to be kept confidential unless released by written consent of the employee.

The commissioners discussed the request and the County's personnel policy, Section I., Access to Personnel Files, which states as follows:

Pondera County maintains a personnel file on each employee. The personnel file includes only job related information such as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases and other employment records.

Personnel files are the property of Pondera County, and access to the information they contain is restricted. Internal access to personnel files is limited to in-line supervisors, who have a legitimate reason to review information in a file, and County Commissioners of Pondera County. External access to personnel files, except to authorized agents such as law enforcement and/or regulatory enforcement officials, will only be provided upon the written consent of the employee. It is the intent of Pondera County that the files will be secured in the office of the County Commissioners and may be reviewed only in the presence of two (2) Commissioners. Timesheets are kept in the office of the Clerk & Recorder.

Employees who wish to review their own file should contact the Office of the County Commissioners. With reasonable advance notice, and at reasonable intervals, employees may review their own personnel files in the presence of two (2) Commissioners during regular business hours. The right of inspection does not apply to records relating to an investigation relating to a possible criminal offense or to letters of reference. Employees may make copies of documents in their file bearing their signature. Requests to make a change to the file must be in writing. A written memo may be placed in the file if the request for a change is denied. A notation will be made in the file describing any action taken.

Commissioner Christiaens moved to deny the employee's request to remove the disciplinary letters from the personnel file as the current policy of the County is being followed and access is restricted in conformance with the letter alternative stated in the request. Commissioner Broesder seconded; motion carried.

REQUEST FOR GRAVEL DISCUSSED- November 30, 2011

Mike S. Kleinsasser, Joe S. Kleinsasser and Joe Wurz of the Kingsbury Colony met with the commissioners in the office and Road Department Supervisor, John Stokes, by speaker phone, regarding the need for gravel on the Kingsbury Road. The road is a county road and has not been graveled in quite some time. There is substantial travel on the road and during last spring's heavy rains and flooding, the road took a lot of impact. The commissioners asked Stokes if the road was scheduled for gravel and Stokes replied that currently it was not and there are other roads that have a greater need at this time and that the gravel would have to be hauled as the gravel needed for this road is not located in the immediate area. Stokes did say he would take a look at the road and the schedule and get back to the commissioners. The Colony does have gravel they would sell to the county to do the road. The commissioners advised the delegation they would get back to Mike after follow-up.

<i>FUND</i>	<i>AMOUNT</i>
GENERAL	\$ 142,181.05
ROAD	21,904.00
BRIDGE	356.48
WEED	1,170.08
COUNTY FAIR	6.00
AIRPORT	354.40
AMBULANCE	103.01
COUNTY HOSPITAL & NURSING HOME	14,225.11
EXTENSION SERVICE	2,437.29
PUBLIC SAFETY (LAW ENFORCEMENT)	11,670.18
HEALTH INSURANCE - EMPLOYER CONTRIBUTION	1,430.48
RECORDS PRESERVATION	3,000.00
BRADY LIGHTS MAINTENANCE	323.08
DUI PREVENTION	10.00
GAS APPORTIONMENT TAX	61.98
JUNK VEHICLE	302.93
STATE ALLOCATED FEDERAL MINERAL ROYALTIES	13,545.00
FEMA PDA GRANT	1,584.00
BUCKLE UP MT	265.62
DES GRANTS	6,421.22
WIC GRANT	123.92
MATERNAL CHILD HEALTH	193.30
TOBACCO USE PREVENTION GRANT	199.76
ARRA HUB & SPOKE DEQ GRANT	5,925.00
ROAD/BRIDGE CAPITAL IMPROVEMENT	137,701.56
REFUND FUND	<u>2,085.57</u>
TOTAL CLAIMS	\$ 367,581.02
TOTAL PAYROLL	<u>188,275.55</u>
TOTAL CLAIMS AND PAYROLL FUNDS	<u><u>555,856.57</u></u>

ADJOURNMENT

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

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

SECRETARY, BOARD OF COUNTY COMMISSIONERS
PONDERA COUNTY, MONTANA