

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

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on October 5, 12, 19 and 26, 2011. Unless indicated, all Commissioners were present.

PUBLIC HEARING ON PROPOSED CLOSING OF COUNTY OFFICES ON FRIDAY, NOVEMBER 25, 2011 – October 5, 2011

Commission Chair Johnson opened the public hearing on the proposed closing of the courthouse and county offices on the day after Thanksgiving, November 25, 2011 at 10:00 a.m. The hearing was noticed in The Independent-Observer and The Valerian on September 28 and October 5, 2011. No members of the public attended and there were no written comments.

Discussion of the impact on citizens needing county office services on that date and the proposed closing were discussed.

Commissioner Christiaens moved to close the courthouse and county offices on Thursday, November 25, 2011. Commissioner Broesder seconded; motion carried.

The hearing was closed at 10:10 a.m.

RESOLUTION NO. 8 – DESIGNATING COUNTY OFFICE HOURS – ADOPTED – October 12, 2011

PONDERA COUNTY, MONTANA

RESOLUTION NO. 8– 2011/12

DESIGNATING COUNTY OFFICE HOURS – HOLIDAY CLOSINGS

WHEREAS, Section 7-4-102, MCA, grants the Board of County Commissioners the power and authority to set office hours of the County offices (by formal resolution after a public hearing and if consented to by any affected elected county officer); and

WHEREAS, it is the intent of the Pondera County Commissioners to provide its employees availability for a long week-end when certain holidays fall on a Tuesday or Thursday; and

WHEREAS a public hearing on this resolution was conducted on Wednesday, October 12, 2011 at 10:00 a.m. in the office of the Pondera County Commissioners. Notice of the hearing was published in the Independent Observer and The Valerian for two consecutive weeks on September 29 and October 5, 2011 and no elected county officer nor any members of the public objected to the proposed office hours ;

WHEREAS, employees will need to use compensatory time accrued and/or vacation hours to receive pay for the hours normally worked. Employees wishing to work during the affected hours and/or employees who do not have vacation and/or compensatory hours to apply to the benefit hours may work the hours.

NOW, THEREFORE, BE IT RESOLVED by the Pondera County Board of Commissioners that the Pondera County offices will be closed:

Friday, November 25, 2011 (day after Thanksgiving Day)
in addition to the Thanksgiving Day holiday on Thursday, November 24, 2011;

BE IT FURTHER RESOLVED that employees will need to use compensatory time accrued and/or vacation hours to receive pay for the hours normally worked. Employees wishing to work during the affected hours and/or employees who do not have vacation and/or compensatory hours to apply to the benefit hours may work.

Adopted this 12th day of October, 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

/s/ Cynthia A. Johnson

Cynthia A. Johnson, Chairman

ATTEST:

/s/ Janice Hoppes

Janice Hoppes, Clerk & Recorder

/s/ Sandra J. Broesder

Sandra J. Broesder, Member

/s/ Joseph Christiaens

Joseph Christiaens, Member

DISCUSSION OF VACANCY IN COUNTY EXTENSION OFFICE – October 12, 2011

Dan Picard, Extension Agent, and Dave Phillips of MSU Extension met with the commissioners regarding the job agent position in the County Extension office. The deadline for applications is October 21st and a committee will be appointed to interview. The interview date was set for the morning of October 28. Commissioners were asked to submit names of community members to sit on the interview committee to Dan Picard.

MEETING REGARDING MAINTENANCE TO PARKING LOT AT PONDERA MEDICAL CENTER- October 19, 2011

David Doran, Financial Officer at Pondera Medical Center, and John Ringdahl, Plant Operations Manager for Pondera Medical Center, met with the commissioners regarding the needed maintenance of the parking lot to the east side of the Pondera Medical Center. The county owns the property and the parking lot has several large pot holes and break up of the clay surface. The PMC has requested the county fill in the pot holes and fix the clay surface in the parking lot and the county has verbally agreed to do so. However, the county’s insurance carrier and county attorney have advised the commissioners they need to have an agreement in place prior to doing any work. The agreement would outline the responsibilities and liabilities of each party as well as the compensation to the county for the requested work. Doran will pursue getting such an agreement in place and provide it to the county commissioners for review by the county attorney and commissioners.

ABATEMENTS/ADD-ONS 905 AND 906 APPROVED- October 19, 2011

Commissioner Christiaens moved to approve tax abatement 904 as follows:

NUMBER	REASON	CANCEL	ADD	PARCEL #
905	Per county treasurer request & commissioner directive (Tax years 1986-1998)	86.76	0.00	315750
906	Per county treasurer request & commissioner directive (tax years 1985-1990)	98.91	0.00	331250

Commissioner Broesder seconded; motion carried.

TASK ORDER TO MASTER CONTRACT (EMERGENCY PREPAREDNESS & TRAINING GRANT) APPROVED - October 19, 2011

Commissioner Broesder moved to approve Task Order No. 12-07-6-11-038-0 to the Master Contract for Emergency Preparedness & Training Grant (MEP for fiscal year 2011-12. Under this grant, the County will receive \$25,653 for emergency health services. Commissioner Christiaens seconded; motion carried.

APPROACH AGREEMENT APPROVED- October 19, 2011

Commissioner Christiaens moved to approve the Approach Agreement requested by Primary Petroleum Company to encroach upon the Pondera County Right of Way described as the Conrad-Dupuyer Road (SE4SE4, Section 16, T28N, R4W) for the purpose of installing an approach on the north side of the road, with a 16” culvert. Commissioner Broesder seconded; motion carried.

ANNUAL REPORT FOR FISCAL YEAR 2010-11 FROM PORT AUTHORITY – October 19, 2011

Cheryl Curry, Director of the Pondera Regional Port Authority, presented the commissioners with the report of activities of the Port Authority for fiscal year 2010-11. No action was needed and she will follow-up with a request of the loan from the County of the annual rental payment for the Blue Sky Villa from the City of Conrad in the amount of \$14,962.50.

INTERCAP LOAN DRAW #3 APPROVED – October 19, 2011

Commissioner Christiaens moved to approve Draw #3 under the terms of the Loan Agreement with the Board of Investments’ InterCap Loan for the Community Center in the amount of \$28,280.00 to pay for Heartland Mechanical for work at the community center. Commissioner Broesder seconded; motion carried.

DISCUSSION REGARDING THE BACK PARKING LOT BY THE COMMUNITY CENTER- October 19, 2011

Pat Greany of Northern Montana Insurance Services visited with the commissioners about the insurance agency's parking area situated on the south side of the community center building. People who park in that area have complained of sharp metal objects in the lot from the remodeling project at the building. Commissioner Johnson stated that, even though the county doesn't own the parking area, Ron Moon went through the area with a heavy duty magnet to pick up any metal objects and that the Road Department will put in gravel. The county will also install concrete barriers along the building but only as a protection for the building. The actual parking lot for the building is in the front of the building (facing north). Pat will have an agreement drawn up by their attorneys stating the liability and maintenance obligations of both the county and the insurance agency and bring it in for the commissioners to sign, after review by the County Attorney.

PROPOSAL FOR CONSTRUCTION WORK AT THE WEED DEPARTMENT SHOP APPROVED- October 19, 2011

The commissioners received a proposal for construction work on the weed shop building from Corey Townsend Construction. The proposal is to fix and repair leaks around pipes on the roof, replace all clear skylights on the roof, repair holes on the west side of the building, fix and screw trim on the east side of the building, tear out ceiling tile in office, replace with sheetrock and mud and tape all seams and screws, including all materials and labor for \$1,500.00.

Commissioner Broesder moved to approve the proposal, contingent upon proof of the contractor's workers' compensation status. Commissioner Christiaens seconded; motion carried.

LETTER OF SUPPORT FOR PORT OF NORTHERN MONTANA WRITTEN – October 19, 2011

The commissioners received a request from the Port of Northern Montana (Shelby) to write a letter of support for the Ports Multimodal Hub Center TIGER III grant application. The Port has applied for \$9,998,910 in TIGER III grant funding to build a multimodal facility to facilitate the export of agricultural commodities and manufactured products for export delivery to world markets. Commissioner Broesder moved to write the letter of support as the project would be beneficial for the entire area. Commissioner Christiaens seconded; motion carried.

GRAVEL LOADING FOR INDIVIDUAL'S POLICY RESCINDED – October 19, 2011

Commissioner Broesder moved to rescind the County's Policy adopted June 22, 1992 which allowed for loading gravel for non-County use by private individuals at gravel pits where the County holds the permit. Commissioner Christiaens seconded; motion carried.

DEQ OPENCUT MINING (GRAVEL) POLICY ADOPTED – October 19, 2011

Pondera County will continue to adhere to the State of Montana Department of Environmental Quality regulations and policies regarding opencut Mining (gravel). The website for DEQ regulations and information is <http://deq.mt.gov/opencut/default.mcp>. Commissioner Broesder moved to rescind the 1992 Pondera County gravel distribution policy. Commissioner Christiaens seconded; motion carried.

COMPENSATION FOR AIRPORT MANAGEMENT DUTIES APPROVED – October 19, 2011

Since the resignation of Steve Becker from county employment at the end of February, 2011, there has been no one hired to do the airport management portion of Becker's position. Since March 1st, Sheriff's Deputy, Ed Erickson, has performed the duties. Commissioner Christiaens moved to pay Erickson \$1,000.00 for his services from March 1 through October 19th. This compensation is equal to the amount Becker would have made for the same time period. Commissioner Broesder seconded; motion carried.

COMPENSATION TO PHEASANT RUN BUILDERS FOR REPAINTING CENTER APPROVED- October 19, 2011

The Commissioners met with Damon Carroll, owner of Pheasant Run Builders, and Dale Nelson and Mark Blom of Nelson Architects, to discuss the final payment to Pheasant Run Builders for construction work at the community center. Pheasant Run had sub-contracted the priming and painting portion of the job and the paint is not sticking to the walls, requiring a repaint. Carroll stated that he could do the repainting at a cost of \$26,268.00 minus a credit of \$5,500.00 for a door that was not needed, or \$20,768.00. It was later brought to the attention of the commissioners that there was not credit of \$5,500 available as previously thought. Commissioner Broesder moved to pay Pheasant Run Builders one-half of the \$20,768.00 or \$10,384.00 for repainting the center. Commissioner Christiaens seconded; motion carried.

APPROVED PAYMENT OF HI-LINE RECOVERY DEFICIENCY BILLING – October 19, 2011

July 1, 2008, Pondera County, along with several other counties in the area, contracted for alcohol and substance abuse rehabilitation services with Hi-Line Recovery. Due to an error by Hi-Line Recovery, the contractor received duplicate Medicaid payments in error which had to be paid back. Due to the inability of the contractor to repay duplicate funds (which had been spent by the contractor), Toole County, one of the participating counties, paid the liability from their county funds with the expectation that they would be reimbursed a proportionate amount by the other participating counties. Commissioner Broesder moved to pay Pondera County's prorated share in the amount of \$13,545 to Toole County from the County's discretionary cash in the State Allocated Federal Mineral Royalties Fund. Commissioner Christiaens seconded; motion carried.

BUCKLE UP MONTANA PROGRAM GRANT (BUMT) APPROVED – October 26, 2011

Commissioner Broesder moved to approve the Montana Department of Transportation Standard Agreement State Highway Traffic Safety Office. This grant will provide \$20,000.00 during federal fiscal year 2011-12 to reimburse expenses of the Pondera, Toole & Teton Counties Buckle Up Montana program. Commissioner Christiaens seconded; motion carried.

APPROACH AGREEMENT APPROVED- October 26, 2011

Commissioner Broesder moved to approve the Approach Agreement requested by Dale Seifert to encroach upon the Pondera County Right of Way described as the Bullhead Road (SE4SW4, Section 9, T30N, R3W) for the purpose of installing an approach with a 15" culvert. Commissioner Christiaens seconded; motion carried.

APPROACH AGREEMENT APPROVED- October 26, 2011

Commissioner Christiaens moved to approve the Approach Agreement requested by Vance Raines to encroach upon the Pondera County Right of Way described as the Bullhead Road (NW4NW4, Section 7, T30N, R4W) for the purpose of installing an approach on the south side of the road, with a 15" culvert. Commissioner Broesder seconded; motion carried.

PONDERA CENTER NAMED – October 26, 2011

Commissioner Christiaens moved to name the new building at 311 S Virginia Street in Conrad the Pondera Center. Commissioner Broesder seconded; motion carried.

RESOLUTION #9 – LOAN TO PORT AUTHORITY FUND – ADOPTED- October 26, 2011

PONDERA COUNTY, MONTANA
RESOLUTION #9 - 2011/12
LOAN TO FUND 7380 PORT AUTHORITY FUND

WHEREAS, Pondera County receives an annual payment from the City of Conrad for the Blue Sky Villa, currently in the amount of \$14,962.50; and

WHEREAS, the Commissioners have entered into an agreement with the Port Authority to loan the fiscal year 2010-11 and 2011-12 payments to the Port Authority to

be used for Port Authority revolving loan funds to small businesses within Pondera County and/or as operating funds; and

WHEREAS, the County has received the fiscal year 2010-11 payment in the amount of \$14,962.50 and has entered into a loan agreement with the Port Authority; and

WHEREAS, the funds shall be subject to repayment and/or forgiveness under the terms of the annual loan agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pondera County that the Clerk and Recorder effect the loan of \$14,962.50 from the County General Fund to the Port Authority Fund and that the loan be repaid and/or forgiven under the terms of the October 26, 2011 loan agreement.

Adopted this 26th day of October, 2011 as moved by Commissioner Broesder, seconded by Commissioner Christiaens, and passed on a unanimous vote of the full board. Effective upon passage and approval.

BOARD OF COUNTY COMMISSIONERS

/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

TREASURER'S SECURITIES PRESENTED – October 26, 2011

Treasurer Jeanne Moon presented the report of investments as of June 30, 2011, as follows:

STIP \$2338.05 @.2550127%

STOCKMAN BANK

COUNTY REPURCHASE collateralized in the amount of \$8,177,433.42

FHLB 1.75	3133XVNT4	\$1,576,071.00	\$119,590.52	7.5878 %
		\$1,550,000.00	12/14/2012	1.7500 %
FHLB 1.50	3133XWYL7	\$1,014,070.00	\$1,014,070.00	100.0000 %
		\$1,000,000.00	11/30/2012	1.5000 %
FFCB .45	31331KLN8	\$4,200,126.00	\$4,200,126.00	100.0000 %
		\$4,200,000.00	11/23/2012	.4500 %
FNMA 384731	31377RLL2	\$492,532.03	\$492,532.03	100.0000 %
		\$439,965.01	01/01/2020	6.9300 %
FHLB 5L-2015-1	3133XRCT5	\$1,971,781.78	\$1,971,781.78	100.0000 %
		\$1,861,541.30	05/20/2015	4.4800 %
GN439077	36207QXE2	\$987,234.09	\$461,117.52	46.7080 %
		\$907,275.87	02/15/2039	4.5000 %

Stockman Banks Accounts totaling \$503,799.11

3133XULE1 \$725,000.00 FHLB 2000484 1.63% Matures 12/14/11

RBC WEALTH Cusip

3136FRZN6	\$250,000.00	2.250%	Due 07/18/2016
313374NR7	250,000.00	1.500%	Due 07/28/2016
3136FR2Z5	200,000.00	1.000%	Due 09/26/2016
3134G2G48	200,000.00	1.350%	Due 09/28/2016

CLAIMS APPROVED FOR PAYMENT – October 31, 2011

FUND	AMOUNT
GENERAL	\$ 29,879.57
ROAD	17,352.48
BRIDGE	19,135.36
WEED	1,664.09
AIRPORT	3,046.64
AMBULANCE	98.42
EXTENSION SERVICE	6,376.35
PUBLIC SAFETY (LAW ENFORCEMENT)	4,721.18
HEALTH INSURANCE - EMPLOYER CONTRIBUTION	1,430.48
BRADY LIGHTS MAINTENANCE	323.39

DUI PREVENTION	354.92
GAS APPORTIONMENT TAX	1,239.25
LAND USE PLANNING	500.00
VICTIM & WITNESS ADVOCATE	571.00
FEMA PDA GRANT	6,004.80
WILDLIFE EXTENSION GRANT	560.00
BUCKLE UP MT	50.00
DES GRANTS	1,461.51
BREAST & CERVICAL SCREENING	826.90
WIC GRANT	147.47
MATERNAL CHILD HEALTH	792.24
IMMUNIZATION ACTION PROGRAM	462.81
TOBACCO USE PREVENTION GRANT	329.16
ROAD/BRIDGE CAPITAL IMPROVEMENT	13.14
TOTAL CLAIMS	\$ 97,341.16
TOTAL PAYROLL	<u>186,004.26</u>
TOTAL CLAIMS AND PAYROLL FUNDS	<u>283,345.42</u>

ADJOURNMENT

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

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

SECRETARY, BOARD OF COUNTY COMMISSIONERS
PONDERA COUNTY, MONTANA