

**REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
PONDERA COUNTY, MONTANA  
Held in May, 2012**

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on May 2, 9, 16, 23 and 30, 2012. Unless indicated, all Commissioners were present.

**LEASE AGREEMENT FOR VALIER AIRPORT PROPERTY APPROVED-** May 2, 2012

Commissioner Broesder moved to approve the Lease Agreement with Kevin J. and Heidi D. Forbes for the following parcels at the county-owned Valier Airport:

**PARCEL NO. 1**

Commencing at the intersection of Minnesota Avenue and Fifth Street then South along the centerline of Fifth Street 34.6 feet to the point of beginning, then East 36.0 feet to the Northeast corner, then South 136.8 feet to the Southeast corner, then West 32.1 feet to the Southwest corner, then North 96.5 feet, then West 8.0 feet, then North 40.3 feet, then East 4.1 feet to the point of beginning, containing 4713.7 square feet.

**PARCEL NO. 2**

Commencing at the intersection of Minnesota Avenue and Fifth Street, then North along the centerline of Fifth Street 44.6 feet to the south side of the building and the point of beginning, then East 36.5 feet to the Southeast corner, then North 28.0 feet to the Northeast corner, then West 40.5 feet to the Northwest corner of the building, then South 28.0 feet to the Southwest corner, then East 4.0 feet to the point of beginning, containing 1134.0 square feet.

**PARCEL NO. 3**

Commencing at the intersection of Fifth Street and Minnesota Avenue, then North 61.6 feet along the centerline of said Fifth Street, then West 33.0 feet to the Southeast corner to the Ag Chemical Complex and the point of beginning, then continue West 50.2 feet, then North 9.7 feet, then West 32.0 feet, then North 32.0 feet, then East 32.0 feet, then North 18.0 feet, then East 50.2 feet, then South 20.7 feet to the loading dock, then East 9.0 feet, then South 24.0 feet, then West 9.0 feet, then South 15.0 feet to the point of beginning, containing 4236.9 square feet.

Commissioner Christiaens seconded; motion carried.

**PLANNING BOARD MEMBER APPOINTED** – May 2, 2012

Commissioner Christiaens moved to appoint Terri VandenBos, representing the Brady area, to the County Planning Board, for a term ending December 31, 2013. Commissioner Broesder seconded; motion carried.

**ABATEMENT 920 APPROVED-** May 9, 2012

Commissioner Broesder moved to approve tax abatement 920 as follows:

<b>NUMBER</b>	<b>REASON</b>	<b>CANCEL</b>	<b>ADD</b>	<b>PARCEL #</b>
920	Value adjusted per AB-26 on mobile home, porch and shed	83.38	0.00	2040100

Commissioner Christiaens seconded; motion carried.

**EXCAVATION AGREEMENT APPROVED-** May 9, 2012

Commissioner Christiaens moved to approve the Excavation Agreement requested by Prewett Excavating & Construction Inc. to engage in excavation on and under Showdown Rd on section line between sections 5 and 6, T29N, R3W for the purpose of installing an 8" PVC irrigation pipe running east and west, .21 miles south of Valier Highway.

Commissioner Broesder seconded; motion carried.

**TEMPORARY BRIDGE CROSSING APPROVED** – May 9, 2012

Commissioner Christiaens moved to approve the following Wingina Road Bridge Crossing Work Statement requested by Probst Electronics on behalf of the MATL :



MATL Project



Wingina Road Bridge Crossing Work Statement

May 8, 2012

Need Statement – The Montana Alberta Tie Line (MATL), project is in the process of constructing a 230kV Transmission line from Lethbridge (Alberta, CA), to Great Falls MT. The Right of way for this line crosses Wingina road near Bullhead road in Valier MT (Pondera Co.). The only access to a small section of this project site is between two separate culvert bridges both posted with 10 ton limitations. As such, the project is respectfully requesting to set up a temporary bridge structure that will span over one of the existing 10 ton culvert bridges in order to gain the needed access. Once construction activities for this section of Transmission line structures is complete, the temporary bridge structure will be removed and Wingina road restored to its pre-project condition. Basic work process is stated below:

1. Overview – There is an existing 10 ton weight limit bridge on Wingina Road in Pondera County Montana, approximately 750 yards south of the intersection with Bullhead Road. Probst Electric, working on behalf of the MATL project, needs to reinforce this existing bridge to be able to drive heavy equipment over for transmission line construction. The heaviest vehicle is approximately 150,000lbs.
2. Task – Reinforce the existing 22' bridge span with a mobile bridge. The weight of the mobile bridge will not rest on the existing 22' bridge span or allow weight of passing equipment to rest on the span. Pictures will be taken by the project and provided to show existing conditions of the bridge before any activities occur.
3. Traffic Control – Signs alerting the public will be placed North and South of the bridge. The signs will read "Utility Work Ahead," "Be Prepared To Stop," "One Lane Bridge." The MATL Project assumes responsibility for any traffic accidents that may happen due to the temporary bridge.
4. Timeline – The bridge will be installed around May 14<sup>th</sup> and will be removed on or around May 28<sup>th</sup>.
5. Follow-up Responsibilities – Should any structural damage occur to the 10 ton bridge on Wingina Road, being spanned be deemed caused by this activity, the project group agrees to work with Pondera County (structurally and financially), to make repairs to the 10 ton bridge to restore it to its pre-existing condition.

Signed:

Allen Crawford  
Site Superintendent  
RES-Americas

Eric Frazer  
SR. Project Manager  
Probst Electric

Commissioner Broesder seconded; motion carried.

#### DATE, TIME AND PLACE SET FOR WATER WORKSHOP- May 9, 2012

Commission Johnson stated that May 23, 2012 at 1:00 p.m. at the Pondera Center in Conrad is the date, time and place set for the "Private Reservoirs or Ponds; Can Water Be Sold For Development?" workshop.

#### JOB DESCRIPTION FOR SEASONAL WEED DISTRICT WORKERS APPROVED- May 9, 2012

Commissioner Broesder moved to approve the job description for seasonal weed district workers as presented by Supervisor, Pam Converse. Commissioner Christiaens seconded; motion carried.

#### APRIL MINUTES APPROVED - May 9, 2012

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

#### MEETING WITH JOHN SHEVLIN ON BEHALF OF THE PONDERA SHOOTING SPORTS – May 9, 2012

John Shevlin, representing the Pondera Shooting Sports, met with the commissioners regarding the possibility the group will be able to acquire surround land

May 2012

for parking and target range areas. Part of the proposed expanded parking area would bring the area approximately 160' closer to the Conrad Airport runway. The commissioners reviewed the maps with Shevlin and will contact the FAA regarding the clear zone area.

RENEWAL OF COUNTY'S GROUP HEALTH INSURANCE COVERAGE FOR FISCAL YEAR 2012-13 – May 9, 2012

Commissioner Broesder moved to approve the renewal of the county's group health insurance plan with Joint Powers Trust (JPT), administered by Employee Benefit Management Services (EBMS). Commissioner Christiaens seconded; motion carried.

The premium will increase by approximately 9%, however the County can receive a 3% decrease in the premium if it agrees to an additional one-year commitment and 70% of the employees on the plan participate in wellness education sessions. With the 3% credit, the premium for employee-only coverage will increase from \$425.47 to approximately \$450 per month.

DISCUSSION - COUNTY CONTRIBUTION TOWARD EMPLOYEE GROUP HEALTH INSURANCE- May 9, 2012

Commissioner Johnson raised the subject of the County's contribution toward health insurance under the County's group plan. Pondera County's contribution is significantly lower than the contributions of neighboring counties. In addition, should there be an oil and gas boom here, the amount of the contribution by the County may be a factor in keeping our employees. The commissioners will be discussing these and other factors regarding the county's contribution amount, including the potential to impose a permissive mill levy which is allowed under Montana law to fund an increase in the county's contribution toward the employee's insurance premium.

REQUEST TO EXTEND TIME TO USE EXCESS VACATION APPROVED- May 16, 2012

State law allows a public employee to accumulate annual vacation leave totaling not more than two times the maximum number of days earned annually. Hours in excess of the two year allowable accrual are forfeited by the employee unless used by March 31<sup>st</sup> or an extension of time to use the excess is granted.

Sheriff Kuka requested the Commissioners approve an extension of time for Eddy Erickson to use his excess annual leave hours due to staff shortages. Commissioner Broesder moved to grant an extension of time to use excess leave hours to Eddy Erickson. Commissioner Christiaens seconded; motion carried. (Commissioner Johnson absent)

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES MASTER CONTRACT APPROVED – May 23, 2012

Commissioner Christiaens moved to approve the Master Contract from the Montana Department of Public Health and Human Services For The Provision of Public Health Services by Pondera County. The Master Contract is entered into every seven years and during the term of the Contract, Task Orders and grant awards are made for public health nutritional and prevention grants. Commissioner Broesder seconded; motion carried.

UPDATED ENCROACHMENT AGREEMENT - May 23, 2012

John Stokes, Road and Bridge Departments Administrator, combined the separate road opening agreements into one agreement titled Encroachment Agreement. The county attorney has reviewed the agreement and the Commissioners want it noted in the minutes that the consolidated Encroachment Agreement will be the established form for permitting. The form will be loaded on the County website, [www.ponderacountymontana.org](http://www.ponderacountymontana.org) and will also be available by hard copy and email.

MEETING WITH RAYMOND STOETZEL REGARDING ROAD OPENING PERMIT MODIFICATION – May 23, 2012

The Commissioners and John Stokes, Road and Bridge Departments Administrator, met with Raymond Stoetzel regarding the Excavation Agreement approved by the Commissioners on April 11, 2012. The area where Stoetzel was approved to install an irrigation system was in conflict with the culvert flow of Tony

Fowler. Stoetzel agreed to change the path of the installation to not conflict with Fowler's culvert.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM – EDUCATION SUPPORT AGREEMENT – May 30, 2012

Commissioner Broesder moved to approve the Supplemental Nutrition Assistance Program – Education Support Agreement between Montana State University Extension Service and the Montana Department of Public Health and Human Services. The program provides federal funding for salary, benefits, training, education materials and travel costs for nutritional education services provided via the Extension Office. The DPHHS office of public assistance will collaborate to identify SNAP recipients and SNAP applicant audiences. Commissioner Christiaens seconded; motion carried.

LEASE AGREEMENT OF MAY 12, 2012 RESCINDED AND AMENDED LEASE AGREEMENT FOR VALIER AIRPORT PROPERTY APPROVED- May 30, 2012

On May 2, 2012, the Commissioners approved a lease Agreement with Kevin J. and Heidi D. Forbes on three parcels at the county-owned Valier Airport. Forbes notified the commissioners that only two parcels should have been included in the lease.

Commissioner Christiaens moved to rescind the May 2, 2012 approval (3 parcels) and to approve the amended lease Agreement with Kevin J. and Heidi D. Forbes on the following two parcels:

PARCEL NO. 1

Commencing at the intersection of Minnesota Avenue and Fifth Street then South along the centerline of Fifth Street 34.6 feet to the point of beginning, then East 36.0 feet to the Northeast corner, then South 136.8 feet to the Southeast corner, then West 32.1 feet to the Southwest corner, then North 96.5 feet, then West 8.0 feet, then North 40.3 feet, then East 4.1 feet to the point of beginning, containing 4713.7 square feet.

PARCEL NO. 2

Commencing at the intersection of Fifth Street and Minnesota Avenue, then North 61.6 feet along the centerline of said Fifth Street, then West 33.0 feet to the Southeast corner to the Ag Chemical Complex and the point of beginning, then continue West 50.2 feet, then North 9.7 feet, then West 32.0 feet, then North 32.0 feet, then East 32.0 feet, then North 18.0 feet, then East 50.2 feet, then South 20.7 feet to the loading dock, then East 9.0 feet, then South 24.0 feet, then West 9.0 feet, then South 15.0 feet to the point of beginning, containing 4236.9 square feet.

Commissioner Broesder seconded; motion carried.

APPROACH AGREEMENT APPROVED- May 30, 2012

Commissioner Christiaens moved to approve the Approach Agreement requested by Justin VanDyke to encroach upon the Pondera County Road Right of Way described as Pondera Coulee Road for the purpose of installing an approach on the north side of the road, with a 15' culvert. Commissioner Broesder seconded; motion carried.

EXCAVATION AGREEMENT APPROVED- May 30, 2012

Commissioner Christiaens moved to approve the Excavation Agreement requested by Justin VanDyke to engage in excavation on and under Pondera Coulee Road for the purpose of installing underground electrical wire. Commissioner Broesder seconded; motion carried. Commissioner Broesder seconded; motion carried.

ENCROACHMENT AGREEMENT APPROVED – May 30, 2012

Commissioner Christiaens moved to approve the Encroachment Agreement requested by Greg Orcutt to encroach upon the Pondera County Right of Way of Derby Drive (T28N, R3W, Section 29) for the purpose of widening an existing approach for use when moving agricultural equipment (no culvert required). Commissioner Broesder seconded; motion carried.

ENCROACHMENT AGREEMENT APPROVED – May 30, 2012

Commissioner Christiaens moved to approve the Encroachment Agreement requested by Ray Stoetzel to encroach upon the Pondera County Right of Way of Spur Road for the purpose of installing a water line across Spur Road, approximately 500'

south of 100 Spur Road driveway. This agreement replaces the agreement approved on April 11, 2012. Commissioner Broesder seconded; motion carried.

LEASE AGREEMENT FOR SHORT-TERM RENTERS OF PONDERA CENTER APPROVED – May 30, 2012

Commissioner Christiaens moved to approve the Lease Agreement (for short-term renters) of Pondera Center and the Cleaning Guidelines and Checkout list for Pondera Center. Both the Agreement and the checkout list will be available at the Commissioners' office in the courthouse and on the county website. Commissioner Broesder seconded; motion carried.

BOARD APPOINTMENT – RUSSELL COUNTRY TOURISM BOARD – May 30, 2012

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

DATE, TIME AND PLACE SET FOR PUBLIC HEARING REGARDING POSSIBLE PERMISSIVE LEVY FOR COUNTY CONTRIBUTION INCREASE TO GROUP HEALTH INSURANCE PREMIUM – May 30, 2012

The Commissioners are considering an increase in the county's contribution to employees' health insurance premium and the possibility of imposing a permissive levy in order to fund an increase. Montana law (Section 2-9-212, Mont Code Ann) requires a hearing on the levy proposal.

Commissioner Broesder moved to set Wednesday, June 20, 2012 at 5:30 p.m.in the courtroom of the Pondera County Courthouse as the date, time and place for the public hearing. Commissioner Christiaens seconded; motion carried.

DATE, TIME AND PLACE SET FOR PUBLIC HEARING OF COUNTY COMPENSATION BOARD– May 30, 2012

Commissioner Broesder moved to set Wednesday, June 20, 2012 at 10:00 p.m.in the Commissioner's office at the Pondera County Courthouse as the date, time and place for the 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 Christiaens seconded; motion carried.

RAILROAD UTILIZATION FEASIBILITY STUDY GRANT APPLICATION – May 30, 2012

The Pondera Regional Port Authority is applying for a Community Development Block Grant for Economic Development and possibly a match with Big Sky Trust Grant funding to do a feasibility study of railroad utilization in the county for on/off loading of rail containers, lumber, bulk commodities, pelletized products, oil equipment and construction materials, wind generators, far equipment, etc. The study would look at the existing rail facilities and make recommendations for improvements to the rail infrastructure to accommodate rail deliveries. Conrad, Valier, Brady and Ledger are points of interest.

The application will need to be applied for under the name of the county but will be managed by the Port Authority. The county will not be providing the matching funds and the Port Authority will need to secure local matching funds from sources other than the county.

Commissioner Christiaens moved to approve the application(s) for the Pondera Regional Port Authority, pending the Port Authority's identification of local matching funds from sources other than Pondera County. Commissioner Broesder seconded; motion carried.

CLAIMS APPROVED FOR PAYMENT - May 31, 2012

	<i>FUND</i>	<i>AMOUNT</i>
GENERAL		\$ 37,774.06
ROAD		16,646.57
BRIDGE		2,466.06
WEED		1,027.69
COUNTY FAIR		2,542.00
AIRPORT		3,444.76

AMBULANCE	132.05
EXTENSION SERVICE	5,254.07
PUBLIC SAFETY (LAW ENFORCEMENT)	8,933.17
HEALTH INSURANCE - EMPLOYER CONTRIBUTION	1,126.15
BRADY LIGHTS MAINTENANCE	317.10
GAS APPORTIONMENT TAX	4,000.00
911 EMERGENCY	177.75
BUCKLE UP MT	525.00
EMERGENCY PREPAREDNESS GRANTS	1,009.16
LEAD POISONING HEALTHY CHILD GRANT	2,458.00
BREAST & CERVICAL SCREENING	340.00
WIC GRANT	677.60
MATERNAL CHILD HEALTH	197.19
IMMUNIZATION ACTION PROGRAM	1,059.46
TOBACCO USE PREVENTION GRANT	591.52
NAPA GRANT	828.41
ARRA HUB & SPOKE DEQ GRANT	14,875.00
PUBLIC SAFETY CAPITAL IMPROVEMENT	32,986.52
REFUND FUND	8,216.86
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TOTAL CLAIMS	\$ 147,606.15
TOTAL PAYROLL	183,558.04
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TOTAL CLAIMS AND PAYROLL FUNDS	\$ 331,164.19
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**ADJOURNMENT**

The meeting adjourned at 5:00 p.m. on May 31, 2012.

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CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

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SECRETARY, BOARD OF COUNTY COMMISSIONERS  
PONDERA COUNTY, MONTANA