

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

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on November 7, 15, 21 and 28, 2012. Unless indicated, all Commissioners were present.

HEARING CONDUCTED ON PROPOSED CREATION OF THE CONRAD COUNTY WATER DISTRICT - November 7, 2012

Attending: Commissioners Broesder and Christiaens, Clerk and Recorder Hoppes, County Attorney, Mary Ann Ries, Gerald R. Miller (Pondera County Canal and Reservoir Company – PCCRC) Monty Johnson (PCCRC), Gary Arnst (PCCRC), Robert Sill (PCCRC), Wendy Judisch (City of Conrad), Karla Breeding (City of Conrad) Troy Shirley (owner in proposed district), Barb Judisch (owner in proposed district), Sandy Shirley (owner in proposed district) Pat Becker (owner in proposed district) Jerry Hepp (owner outside proposed district), Don Bandow (owner outside proposed district), Wanda Bandow (owner outside proposed district), Cheryl Curry (Pondera Regional Port Authority)

The notice of the hearing was published in The Independent-Observer in the October 25 and November 1, 2012 issues.

Commission Vice-Chair Christiaens called the hearing to order at 10:00 a.m.

Troy Shirley spoke for the owners of property in the proposed district, stating the owners are currently using City of Conrad water by hauling it to their homes and at least four of the owners have water shares held by the Canal Company. The intent is to form a district to pursue grants for funding infrastructure to provide delivery directly to the properties in the district. The source of water has not been finalized but without infrastructure there would not be the possibility of direct delivery.

Monty Johnson and Gary Arnst spoke for the Pondera County Canal and Reservoir Company stating it has no objection to the formation of a district however, the Canal Company supplies water to the City of Conrad under municipal water shares. This use of shares is a concern to the Canal Company as the owners in the district have their shares as irrigation shares and the City of Conrad has their shares as municipal shares. Only the Canal Company can make changes in the use of shares. Johnson stated the Canal Company would like dialogue with the City of Conrad to resolve concerns as there is not guarantee by the Canal Company to provide water to the proposed district via the City of Conrad shares.

Jerry Hepp and Don Bandow stated they have no objection to the formation of the district. However, both landowners are concerned with potential impacts to their property in the future as both own property through which the infrastructure would potentially need to run and they do not want the infrastructure crossing their property.

City of Conrad Mayor Judisch voiced the support of the City of Conrad as a district would remove liabilities from the individual landowners and would be a positive factor in economic growth. Cheryl Curry of the Pondera Regional Port Authority also spoke in support of the creation of the district as a positive economic growth factor.

Commissioner Christiaens asked the County Attorney to comment. Ries stated the criteria to create the district have been met by the petitioners and creation of the district is the only topic to be decided by the commissioners.

There being no further comments to come before the hearing, it was closed.

Commissioner Broesder moved to take the matter under advisement.

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

AGRICULTURAL COVENANT APPROVED ON CERTIFICATE OF SURVEY - November 7, 2012

A Certificate of Survey creating two tracts in Section 18, T26N, R1W, was presented to the commissioners. The parties to the transaction have entered into a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes, pursuant to Montana Code Annotated, Section 76-3-207(1)(c).

Pursuant to the Administrative Rules of Montana, Commissioner Broesder moved to accept the certificate of survey with the exemption from Montana subdivision review because of the agricultural covenant. Commissioner Christiaens seconded; motion carried. (Commissioner Johnson absent)

SALE OF SURPLUS VEHICLES BY SEALED BID – November 7, 2012

The Commissioners requested sealed bids for the sale of several vehicles owned by the county but declared surplus. Bids received were opened at the meeting as follows:

1972 Ford F100 Pickup	Value: \$1,000.00 (minimum bid)
\$ 450.00	Pat Becker
\$ 351.26	Tom Kinyon
1971 International F1800 Truck	Value: \$ 500.00 (minimum bid)
No bids	
1994 Chevy ¾ Ton Pickup	Value: \$ 800.00 (minimum bid)
\$1,300.00	J. Hardman
1989 Chevy Pickup	Value: \$ 800.00 (minimum bid)
No bids	
1986 Chevrolet pickup	Value: \$ 500.00 (minimum bid)
\$ 555.00	Steve Kaphammer
\$ 552.54	Steve Hutton
\$1,350.00	Jessie Fuson

Commissioner Broesder moved to reject the bids for the 1972 Ford F100 pickup as the bids were below the minimum bid amount and to sell the 1994 Chevy pickup to J. Hardman and the 1986 Chevrolet pickup to Jessie Fuson. Commissioner Christiaens seconded; motion carried. (Commissioner Johnson absent)

SURPLUS VEHICLES TO BE SOLD BY SEALED BID – November 7, 2012

Commissioner Broesder moved to sell the three unsold vehicles, each with a value (minimum bid) of \$500.00, at public sale by sealed bid, to be opened on November 28, 2012, at 10:00 a.m., at the Commissioners' Office

1971 International F1800 Truck	Value: \$ 500.00 (minimum bid)
1972 Ford F100 Pickup	Value: \$ 500.00 (minimum bid)
1989 Chevy Pickup	Value: \$ 500.00 (minimum bid)

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

DISCUSSION REGARDING CTEP FUNDING – November 7, 2012

Counties and municipalities currently receive Community Transportation Enhancement Program (CTEP) from the State of Montana. If a county or municipality does not have a project qualifying for use of the funds, they may cooperate with a qualifying program in the county. City of Conrad Mayor, Wendy Judisch, met with the commissioners to request the county's partnership with the City of Conrad (if the County doesn't have a qualifying project) for their decorative street lights and/or safe routes to school programs. Cheryl Curry, Director of the Pondera Regional Port Authority, was in attendance and spoke in support of the City of Conrad's projects and a partnership between the City and the County. (Commissioner Johnson absent)

BID OPENING FOR PURCHASE OF EIGHT MOTOR GRADERS – November 8, 2012

Bids were opened for the lease of eight motor graders. The bids received were:

RDO	John Deere 2013 Model 870GP	\$1,935,200
	TRADE IN ALLOWANCE	<u>1,210,000</u>
	Net Bid	\$ 725,200
T&E	Caterpillar 2012 Model 160M2	\$2,108,672
	TRADE IN ALLOWANCE	<u>1,561,500</u>
	Net Bid	\$ 547,172

Commissioner Broesder moved to take the bids under advisement for further review of the details of the bids. Commissioner Christiaens seconded; motion carried. (Commissioner Johnson absent)

RESOLUTION #13 – CREATING FUND AND AUTHORIZING BUDGET

AMENDMENTS (NORTHERN TRANSIT INTERLOCAL) – ADOPTED – November 7, 2012

CREATING NORTHERN TRANSIT INTERLOCAL FUND AND
AUTHORIZING BUDGET AMENDMENT

WHEREAS the Montana Code Annotated, Section 7-6-4006(c), grants the Board of County Commissioners the power and authority to appropriate money received from the federal or state government, regardless of the time the money is received and, pursuant to Section 7-6-4006(4), to amend the budget during the fiscal year by conducting public hearings at regularly scheduled meetings; and

WHEREAS the county has entered into an agreement with the Northern Transit Interlocal to participate with other cities and counties in the area to provide bus transportation services for the general public in Pondera County;

WHEREAS Pondera County will incur expenditures for services to be reimbursed by the Interlocal through a state-shared Federal Transit Administration grant administered by the Northern Transit Interlocal; and

WHEREAS the Pondera County Commissioners conducted a hearing at their regularly scheduled meeting date on November 7, 2012 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 2866 be established to show the receipt and expenditures of the grant funds, as follows:

<u>Revenue</u>	<u>Description</u>	<u>Prior Amount</u>	<u>New Amount</u>
2866-331021	Grant Revenue	\$ 0.00	\$ 1,500
2866-383016	Transfer from PILT	\$ 0.00	\$37,500

<u>Expenditure</u>	<u>Description</u>	<u>Prior Amount</u>	<u>New Amount</u>
2866-101-430430-110	Wages	\$ 0.00	\$ 1,000
2866-101-430430-140	Benefits	\$ 0.00	\$ 200
2866-101-430430-210	Supplies	\$ 0.00	\$ 700
2866-101-430430-231	Gas, Oil, Fuel	\$ 0.00	\$11,000
2866-101-430430-335	Memberships	\$ 0.00	\$ 200
2866-101-430430-345	Telephone	\$ 0.00	\$ 500
2866-101-430430-360	Maintenance/Repair Svc	\$ 0.00	\$ 4,600
2866-101-430430-370	Travel	\$ 0.00	\$ 800
2866-101-430430-398	Contract Payments	\$ 0.00	\$20,000

Adopted this 7th day of November, 2012 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 & Recorder

/s/ Sandra J. Broesder

Sandra J. Broesder, Member

/s/ Joseph Christiaens

Joseph Christiaens, Member

CONRAD COUNTY WATER DISTRICT CREATED – November 15, 2012

After consideration of the information presented at the public hearing on November 7, 2012, Commissioner Christiaens moved to create the Conrad County Water District as presented by the petitioners. Commissioner Johnson seconded; motion carried. (Commissioner Broesder absent on County business) Buck Traxler and Troy Shirley also in attendance

TAX ABATEMENTS/ADD-ONS APPROVED – November 15, 2012

Commissioner Christiaens moved to approve tax abatement/add-ons 929 and 930 and to not approve abatement 931, pending further investigation, as follows:

<u>NUMBER</u>	<u>REASON</u>	<u>CANCEL</u>	<u>ADD-ON</u>	<u>PARCEL #</u>
929	Error in calculating taxpayer's decrease under Property Tax Assistance Program	174.34	0	525600
930	Administrative error (Dept of Revenue) – exemption was not applied	274.22	0	197651
931	Not approved at this time			

Commissioner Johnson seconded; motion carried. (Commissioner Broesder absent on County business) Buck Traxler also in attendance

DRIVER CONFIRMED FOR PONDERA COUNTY BUS (NORTHERN TRANSIT INTERLOCAL) – November 15, 2012

Pondera County has agreed to participate in the Northern Transit Interlocal to provide bus service to our citizens to Kalispell and Great Falls. Northern Transit Interlocal interviewed potential drivers of our bus under the agreement. The position was offered to Sandy Syvertson by the board of the Northern Transit Interlocal. Commissioner Christiaens moved to confirm the hiring and add Syvertson as a Pondera County's employee. Commissioner Johnson seconded; motion carried. (Commissioner Broesder absent on County business) Buck Traxler also in attendance

BID ACCEPTED FOR LEASE/PURCHASE OF EIGHT MOTOR GRADERS – November 15, 2012

Commissioner Christiaens moved to approve the lease/purchase bid of T&E for the lease/purchase of eight motor graders. Commissioners Johnson seconded; motion carried. (Commissioner Broesder absent on County business)

EMERGENCY MANAGEMENT PERFORMANCE GRANT APPROVED – November 15, 2012

Commissioner Christiaens moved to approve the FFY12 EMPG grant under which the County is reimbursed approximately one-half of the costs of the County Disaster and Emergency Services Department's expense. Commissioner Johnson seconded; motion carried. (Commissioner Broesder absent on County business) Buck Traxler also in attendance

OFF-SITE DATA BACKUP SERVICES RENEWAL APPROVED –November 15, 2012

Commissioner Christiaens moved to approve the Off-Site Data Backup Services Renewal with Morrison-Maierle Systems Corporation at the rate of \$75.00 per month. Commissioner Johnson seconded; motion carried. (Commissioner Broesder absent on County business) Buck Traxler also in attendance

RESOLUTION #14 – DESIGNATING ENVIRONMENTAL CERTIFYING OFFICIAL – ADOPTED - November 15, 2012

RESOLUTION #14 - 2012/13

DESIGNATING COUNTY SANITARIAN AS THE ENVIRONMENTAL CERTIFYING OFFICIAL

WHEREAS, in 2010 Pondera County, on behalf of the Brady County Water & Sewer District, applied for federal, state, and local and private funding for improvements to their water system; and

WHEREAS, all necessary funding has been received to permit the project to go forward; and

WHEREAS, an Environmental Certifying Official may be designated by formal resolution.

NOW, THEREFORE BE IT RESOLVED, that Corrine Rose, Pondera County Sanitarian, is designated as the Environmental Certifying Official to produce an Environmental Review Record; and

BE IT FURTHER RESOLVED that Pondera County ensure that it and all of its contractors or agents shall conduct all program matters in a non-discriminatory manner such that all persons regardless of race, gender, age, disability, or other protected class shall be treated equally and further each shall comply with the policies and procedures delineated in the 2012 Water System Improvements Management Plan, approved by the Montana Department of Commerce Community Development Block Grant Program.

Adopted this 15th day of November, 2012 as moved by Commissioner

Christiaens, seconded by Commissioner Johnson, and passed on a 2-0 vote of the full board. Effective on passage and approval.

PONDERA COUNTY BOARD OF COMMISSIONERS

/s/ Cynthia A. Johnson
Cynthia A. Johnson, Chairman

(absent)
Sandra J. Broesder, Member

ATTEST:

/s/ Janice Hoppes
Janice Hoppes, Clerk & Recorder

/s/ Joseph Christiaens
Joseph Christiaens, Member

CANVASS OF GENERAL ELECTION APPROVED – November 19, 2012

Commissioner Christiaens moved to approve the November 19th, 2012 canvass of the November 6, 2012 general election conducted by Commissioner Christiaens, Commissioner Johnson and Sheriff Thomas A. Kuka, and to direct the Clerk and Recorder to enter the official results in the records of the County. Commissioner Johnson seconded; motion carried. (Commissioner Broesder absent)

MEETING WITH COUNTY HEALTH NURSE – November 21, 2012

County Health Nurse, Cynthia Grubb, met with the commissioners to review the programs offered by the county health department. She also informed the commissioners that she conducted eleven off-site flu shot clinics and continues to administer flu vaccine daily. There is still time to get a flu shot for this season and she plans to open her office during the annual Conrad Christmas stroll so people can stop in and get the flu shot. Buck Traxler, Editor of the Independent-Observer, also in attendance

MEETING WITH EXTENSION OFFICE PERSONNEL- November 21, 2012

Wendy Wedum and Dan Picard, Extension Agents for Pondera County, met with the commissioners and presented their annual report of the programs they have conducted in the past calendar year. They also summarized their program plans for 2013 and invited the commissioners and the general public to submit topics of interest to the extension office. They have access to Montana State University personnel as well as the Extension Office personnel and will work with groups to present programs on topics of interest.

Wendy announced that Dan is a recipient of a Pure Gold Award from Montana State University for his outstanding leadership and service as an Extension Agent. Pure Gold provides an outlet to spotlight members of the MSU family and recognize their contributions to the MSU community. Buck Traxler, Editor of the Independent-Observer, also in attendance

MEETING WITH KARA THOMPSON, CLERK OF DISTRICT COURT – November 21, 2012

Kara Thompson, Clerk of District Court, met with the commissioners regarding the status of a written response to her letter to them of July 10. Commissioner Johnson stated the commissioners had requested a written response from the County Attorney and once that is received, Kara will be provided with a copy. Buck Traxle, Editor of the Independent-Observer, also in attendance

MEETING WITH AUDREY BROWN, JUSTICE OF THE PEACE - November 21, 2012

Audrey Brown, Justice of the Peace, met with the commissioners regarding the need for an employee to fill in for employees in the various departments of the County. Her office has had situations arise that required closing of offices or missed commitments due to lack of fill-in personnel. Commissioner Johnson stated the commissioners have had this discussion with other elected officials and will keep it on the table but no decision could be made today. Buck Traxler, Editor of the Independent-Observer, also in attendance

SALE OF SURPLUS VEHICLES POSTPONED UNTIL DECEMBER 5, 2012 – November 21, 2012

The commissioners had planned to sell, by sealed bid, the remaining three surplus vehicles at today's meetings. Before this can be done, however, publication of another notice to the public of the sale is required. The sale has been reset for December 5, 2012 at 10:00 a.m. and notice will be published. Buck Traxler, Editor of the Independent-Observer, also in attendance

TAX ABATEMENT APPROVED – November 21, 2012

Commissioner Christiaens moved to approve tax abatement 932 as follows:

NUMBER	REASON	CANCEL	ADD-ON	PARCEL #
932	This parcel was a centrally assessed parcel for an area of the MATL line that is no longer subject to tax and	50,037.33	0	661300

November 2012

the State of Montana has designated this as a parcel to be deactivated. Tax for 2011 was correctly assessed and paid but no tax is due in 2012.

Commissioner Broesder seconded; motion carried. Buck Traxler, Editor of the Independent-Observer, also in attendance

TAX ABATEMENTS/ADD-ONS APPROVED – November 21, 2012

Commissioner Christiaens moved to approve tax abatements/add-ons 933 through 935 as follows:

NUMBER	REASON	CANCEL	ADD-ON	PARCEL #
933	Administrative error; billed mailed to incorrect owner; new bill to be issued to correct owner	209.49	209.49	454350
934	Administrative error; billed mailed to incorrect owner; new bill to be issued to correct owner	38.51	38.51	40860
935	Administrative error; billed mailed to incorrect owner; new bill to be issued to correct owner	36.48	36.48	238450

Commissioner Broesder seconded; motion carried. Buck Traxler, Editor of the Independent-Observer, also in attendance

RESOLUTION #15 – AUTHORIZING BUDGET AMENDMENTS – ADOPTED – November 21, 2012

PONDERA COUNTY MONTANA
RESOLUTION #15 – 2012/13
AUTHORIZING BUDGET AMENDMENTS – BUCKLE UP
MONTANA 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 grant funds for program year 2013 will total \$35,000.00 under the MDOT Buckle Up Montana Grant Program (BUMT), 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 November 21, 2012 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 2955, Buckle Up Montana Program Grant, be amended to show the receipt and expenditures, as follows:

Revenue	Description	Prior Amount	New Amount
2955-331140	Grant Revenue	\$ 38,680.00	\$ 53,612.00

Expenditure	Description	Prior Amount	New Amount
2955-403-440198	110 Salaries & Wages	\$ 8,895.00	\$ 14,768.00
2955-403-440198	140 County Contributions	1,520.00	2,953.60
2955-403-440198	210 Supplies	5,243.00	4,973.63
2955-403-440198	219 Equipment < \$5000	674.00	1,000.00
2955-403-440198	311 Postage	350.00	450.00
2955-403-440198	345 Telephone	0.00	540.00
2955-403-440198	370 Travel & Per Diem	2,060.00	2,214.77
2955-403-440198	380 General Employee Training	1,000.00	1,000.00
2955-403-440198	386 Public Education	0.00	2,000.00
2955-403-440198	501 Admin Fee	0.00	4,200.00

2955-403-440198	530	Rent		900.00	900.00
			\$	20,642.00	\$ 35,000.00

Adopted this 21st day of November, 2012 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

Also attending: Buck Traxler, Editor of the Independent-Observer

RESOLUTION #16 – RESCINDING RESOLUTION #14 AND DESIGNATING COUNTY COMMISSIONER AS ENVIRONMENTAL CERTIFYING OFFICIAL – ADOPTED – November 21, 2012

RESOLUTION #16 - 2012/13
RESCINDING RESOLUTION #14 – 2012/13 AND
DESIGNATING COUNTY COMMISSIONER AS THE
ENVIRONMENTAL CERTIFYING OFFICIAL

WHEREAS, in 2010 Pondera County, on behalf of the Brady County Water & Sewer District, applied for federal, state, and local and private funding for improvements to their water system; and

WHEREAS, all necessary funding has been received to permit the project to go forward; and

WHEREAS, an Environmental Certifying Official may be designated by formal resolution, and the Montana Department of Commerce requires a County Commissioner be named as the Certifying Official.

NOW, THEREFORE BE IT RESOLVED, that County Resolution #14, adopted November 15, 2012, naming Corrine Rose, Pondera County Sanitarian, as the Environmental Certifying Official for this grant is hereby rescinded; and

BE IT FURTHER RESOLVED, that Pondera County Commissioner, Joseph Christiaens, is designated as the Environmental Certifying Official to produce an Environmental Review Record; and

BE IT FURTHER RESOLVED that Pondera County ensure that it and all of its contractors or agents shall conduct all program matters in a non-discriminatory manner such that all persons regardless of race, gender, age, disability, or other protected class shall be treated equally and further each shall comply with the policies and procedures delineated in the 2012 Water System Improvements Management Plan, approved by the Montana Department of Commerce Community Development Block Grant Program.

Adopted this 21st day of November, 2012 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 BOARD OF 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

Also attending: Buck Traxler, Editor of the Independent-Observer

REQUEST FOR PAYMENT FROM TOOLE COUNTY APPROVED - November 21, 2012

The commissioners received a letter from the Toole County Commissioners requesting reimbursement to Toole County for Hi-Line Recovery (funding source alcohol taxes for FY2010-11). Since the earmarked funds were received by Pondera County, Commissioner Broesder moved to approve the claim for payment. Commissioner

Christiaens seconded; motion carried by a vote of 2-1, with Commissioner Johnson voting no. Also attending: Buck Traxler, Editor of the Independent-Observer

OCTOBER MINUTES APPROVED - November 21, 2012

Commissioner Broesder moved to approve the September 2012, Minutes of the Commission. Commissioner Christiaens seconded; motion carried. Also attending Buck Traxler, Editor of the Independent-Observer

NEIGHBORHOOD STABILIZATION PROGRAM, TIER TWO, REVENUE PLAN APPROVED – November 28, 2012

Cheryl Curry, Executive Director of the Pondera Regional Port Authority, presented the Neighborhood Stabilization Program, Program Revenue Plan, to the commissioners for approval. The Port Authority administers the Neighborhood Stability Program which enables the refurbishing and selling of vacant and foreclosed homes to qualified buyers.

Commissioner Broesder moved to approve the Revenue Plan. Commissioner Johnson seconded; motion carried. (Commissioner Christiaens absent) Also attending: Cheryl Curry, Pondera Regional Port Authority, and Buck Traxler, The Independent-Observer.

TAX ABATEMENTS/ADD-ONS APPROVED – November 28, 2012

Commissioner Broesder moved to approve tax abatements/add-ons 936 and 937 as follows:

NUMBER	REASON	CANCEL	ADD-ON	PARCEL #
936	Transfer/split not processed correctly; buildings and garbage fees moved to parcel 199100	1,417.57		193100
937	Transfer/split not processed correctly; buildings and garbage fees moved from parcel 193100		1,422.79	199100

Commissioner Johnson seconded; motion carried. (Commissioner Christiaens absent) Also attending: Cheryl Curry, Pondera Regional Port Authority, and Buck Traxler, The Independent-Observer.

RESOLUTION #17 – AUTHORIZING BUDGET AMENDMENTS – ADOPTED- November 28, 2012

**PONDERA COUNTY MONTANA
RESOLUTION #17 - 2012/13**

AUTHORIZING BUDGET AMENDMENTS – WOMEN, INFANTS AND CHILDREN 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 final grant funds for program year 2012-13 of \$17,404.00 and under the Women, Infants and Children Grant Program (WIC), the Health Department will incur expenditures for said purpose not to exceed such funds to be paid from the revenue received and desires to revise the appropriations by object in the County FY12-13 budget, as amended; and

WHEREAS the Pondera County Commissioners conducted a hearing at their regularly scheduled meeting on November 28, 2012 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 2971, Women, Infants and Children (WIC) Program Grant, be amended to show the receipt and expenditures, as follows:

Expenditure	Description	Prior Amount	New Amount
2971-401-440171 110	Salaries & Wages	\$ 11,584.00	\$ 11,741.76
2971-401-440171 140	County Contributions	2,024.00	2,193.26

November 2012

authorized by the laws of the State to purchase, acquire and lease personal property for the benefit of the Governmental Entity and its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, in order to acquire such equipment, the Governmental Entity proposes to enter into a lease-purchase transaction pursuant to that certain Governmental Equipment Lease-Purchase Agreement (the "Agreement") with Caterpillar Financial Services Corporation, the form of which has been presented to the governing body of the Governmental Entity at this meeting;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED:

Section 1. Approval of Documents. The form, terms and provisions of the Agreement and all other schedules and exhibits attached thereto are hereby approved in substantially the form presented at this meeting, with such insertions, omissions and changes as shall be approved by counsel of the Governmental Entity or other members of the governing body of the Governmental Entity executing the same, the execution of such documents being conclusive evidence of such approval; and the persons holding the titles listed below or any other officer of the Governmental Entity who shall have the power to execute contracts on its behalf are hereby authorized and directed to execute, acknowledge, countersign and deliver the Agreement and all exhibits attached thereto, and the Secretary/Clerk of the Governmental Entity is hereby authorized to attest to the foregoing and affix the seal of the Governmental Entity to such documents.

Section 2. Other Actions Authorized. The officers and employees of the Governmental Entity shall take all action necessary or reasonably required by the parties to the Agreement to carry out, give effect to and consummate the transactions contemplated thereby and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Agreement.

Section 3. No General Liability. Nothing contained in this Resolution, the Agreement, or any other instrument shall be construed with respect to the Governmental Entity as incurring a pecuniary liability or charge upon the general credit of the Governmental Entity or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Agreement, or any other instrument or document executed in connection therewith impose any pecuniary liability upon the Governmental Entity or any charge upon its general credit or against its taxing power, except to the extent that the payments payable under the Agreement are special limited obligations of the Governmental Entity as provided in the Agreement.

Section 4. Authorized Signatories. Following are the true names, correct titles and specimen signatures of the incumbent officers referred to in the foregoing resolution:

Name (Print or Type)	Title (Print or Type)	Signature
Cynthia A. Johnson	Commissioner	<u>/s/ Cynthia A. Johnson</u>
Joseph Christiaens	Commissioner	<u>/s/ Joseph Christiaens</u>
Sandra J. Broesder	Commissioner	<u>/s/ Sandra J. Broesder</u>

Section 5. Effective Date. This Resolution shall be effective immediately upon its approval and adoption. This Resolution was adopted and approved on November 28, 2012.

Adopted this 28th day of November, 2012 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

(absent)
Joseph Christiaens, Member

ATTEST:

/s/ Janice Hoppes
Janice Hoppes, Clerk & Recorder

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

RESOLUTION #20 – DECLARING PROPERTY SURPLUS – ADOPTED – November 28, 2012

PONDERA COUNTY
RESOLUTION #20- 2012/2013

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:

Flink MBT Snowplow Serial # 063 Model: F0W10-30-53-6C Value: \$ 200.00

WHEREAS, the Commissioners have determined it is in the best interests of the County to sell the items at public sale by sealed bid, said bids to be opened on December 19, 2012, at 10:00 a.m., at the Commissioners' Office, Pondera County Courthouse, 20 Fourth Ave SW, Conrad, Montana; and

WHEREAS, Section 7-8-2217(2), MCA, requires that if the property is sold at public sale, notice must be given as 7-1-2121, MCA, i.e., published twice, with at least 6 days separating each publication.

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) sets the date for the sale, by public auction by sealed bid, to be December 19, 2012 at 10:00 a.m. at the Commissioners' Office, Pondera County Courthouse, 20 Fourth Ave SW, Conrad, Montana; and
- 3) directs that the County Clerk shall comply with the notice requirements of Section 7-1-2121, MCA, by publishing notice of sale in The Independent-Observer and The Valerian two times, with at least 6 days separating each publication i.e., December 6 and 13, 2012.

ADOPTED this 28th day of November, 2012, 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

(absent)

Joseph Christiaens, Member

/s/ Sandra J. Broesder

Sandra J. Broesder, Member

BRADY COUNTY WATER AND SEWER DISTRICT GRANT DOCUMENTS

APPROVED – November 28, 2012

Commissioner Broesder moved to designate Stockman Bank of Montana as the Depository for Direct Deposit of CDBG Funds and to certify Commissioners Johnson, Christiaens and Broesder and Clerk and Recorder Hoppes as the authorized signors for requests for payment of the CDBG grant funds for the Brady County Water And Sewer District. Commissioner Johnson seconded; motion carried. (Commissioner Christiaens absent) Also attending: Cheryl Curry, Pondera Regional Port Authority, and Buck Traxler, The Independent-Observer

CLAIMS APPROVED FOR PAYMENT - November 30, 2012

<i>FUND</i>	<i>AMOUNT</i>
GENERAL	\$ 64,093.49
ROAD	14,244.78
BRIDGE	5,406.60
WEED	2,444.47
AIRPORT	275.15
AMBULANCE	128.08
COUNTY HOSPITAL & NURSING HOME	14,225.76

November 2012

EMERGENCY SNOW REMOVAL	440.00
EXTENSION SERVICE	10,015.83
PUBLIC SAFETY (LAW ENFORCEMENT)	9,170.78
HEALTH INSURANCE - EMPLOYER CONTRIBUTION	1,193.38
BRADY LIGHTS MAINTENANCE	320.05
ALCOHOL REHABILITATION	2,577.00
GAS APPORTIONMENT TAX	2,000.00
NOXIOUS WEED GRANTS	936.04
911 EMERGENCY	2,639.50
LAND USE PLANNING	805.00
NORTHERN TRANSIT	20,000.00
BUCKLE UP MT	515.72
EMERGENCY PREPAREDNESS GRANTS	261.13
LEAD POISONING HEALTHY CHILD GRANT	237.13
BREAST & CERVICAL SCREENING	318.47
WIC GRANT	136.19
MATERNAL CHILD HEALTH	110.95
IMMUNIZATION ACTION PROGRAM	74.50
TOBACCO USE PREVENTION GRANT	529.60
NAPA GRANT	254.88
REFUND FUND	2,657.56
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TOTAL CLAIMS	\$ 156,012.04
TOTAL PAYROLL	192,702.53
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TOTAL CLAIMS AND PAYROLL FUNDS	\$ 348,714.57

ADJOURNMENT

The meeting adjourned at 5:00 p.m. on November 30, 2012.

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

SECRETARY, BOARD OF COUNTY COMMISSIONERS
PONDERA COUNTY, MONTANA