

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

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on October 3, 9, 17, 24 and 31, 2012. Unless indicated, all Commissioners were present.

**HEARING CONDUCTED ON PROPOSED ORDINANCE PROHIBITING
IRRIGATION WATERING ON COUNTY ROADS** - October 3, 2012 (8:00 a.m.)

Attending: Commissioners Broesder, Johnson and Christiaens, Clerk and Recorder Hoppes, John Stokes, Road Department Supervisor, Mary Ann Ries, County Attorney, and Tex Crawford, John Majerus and Keith Brophy.

The notice of the hearing was published in The Independent-Observer and The Valerian in the September 20 and 27, 2012 issues.

Commission Chair Johnson called the hearing to order at 8:10 a.m. at the Valier Civic Center.

Tex Crawford has 13 pivots and concerns about the occasional incident or acts of nature. Commissioners reassured those in attendance that each incident will be considered individually and investigated prior to any action. Commissioner Johnson commented on the difference between purposeful or negligent permitting of irrigation water. The County Attorney, Mary Ann Ries, commented that evidence of mitigation of an irrigation incident is sufficient defense for those folks who have pivots or side roll irrigation systems..

Commissioner Christiaens reminded those present that a negative response to a complaint, such as telling the Sheriff's office or the Commissioners to "go fly a kite", can't be dealt with favorably. Significant liability exists for those who refuse to try to solve the problem.

Commissioner Broesder commented on the burden of proof of purposeful or negligent placement of irrigation water on County Roads.

Public Comment indicated a desire to include language that dealt with those infrequent incidents or acts of nature.

County Attorney suggested adding the phrase "Pursuant to the policy established by the Pondera County Commissioners" to the last sentence of the Ordinance.

Commissioner Johnson inquired if changing the language would change the time line of the ordinance process. County Attorney felt the only change would be to hold a second First Reading as Amended and push back the second reading date but not require an additional Public Hearing.

Keith Brophy inquired whether this ordinance would apply to those roads abandoned by the county but still considered public roads. Much discussion ensued regarding maintenance of county roads.

Tex Crawford asked if repeat offenders had been contacted by the Sheriff's office? Yes.

Commissioner Johnson assured those producers present, the Commissioner's office would contact them prior to the adoption of policy related to this proposed ordinance. They agreed to comment and participate in the process.

There being no further comments to come before the hearing, hearing closed at 8:40 a.m.

(Commissioners remained at the site to allow the public to visit about unrelated issues)

HEARING CONDUCTED ON PROPOSED GRAVEL PAYMENT INCREASE –
October 3, 2012

Attending: Commissioners Broesder, Johnson and Christiaens, Clerk and Recorder Hoppes, John Stokes, Road Department Supervisor, and Roger Keith and Ramsey Offerdal.

The notice of the hearing was published in The Independent-Observer and The Valerian in the September 20 and 27, 2012 issues.

Commission Chair Johnson opened the hearing at 10:00 a.m.

Commissioner Johnson stated commissioners have been discussing the amount the county pays to venders for gravel for use on the County's roads. Currently the price is \$.75 per cubic yard. If the county buys gravel from the State of Montana pits, the fee is \$1.00 per cubic yard and the proposed fee to private venders would be at par with the State, or \$1.00 per cubic yard. Commissioner Christiaens stated he felt if we want gravel

we will need to increase what we pay and Commissioner Broesder agreed. Commissioner Johnson stated the fees in the state vary from approximately \$5.00 per cubic yard in Flathead County to free in the eastern counties. Ramsey stated he was paid \$1.25 the last time the missile roads were graveled. Commissioner Johnson state that the price of \$1.25 was due to the federal contract rates. John Stokes, Road Department Supervisor, stated he thinks the rate should be the same for non-government vendors as what is required to be paid to the State. No objections to the proposed increase were expressed nor received in the mail

Commissioner Christiaens moved to increase the amount paid for gravel from \$.75 per cubic yard to \$1.00 per cubic yard. Commissioner Broesder seconded; motion carried.

The hearing closed at 10:10 a.m.

HEARING CONDUCTED ON PROPOSED CLOSING OF COUNTY OFFICES ON THE DAY AFTER THANKSGIVING AND CHRISTMAS EVE, 2012 - October 3, 2012

Attending: Commissioners Broesder, Johnson and Christiaens, Clerk and Recorder Hoppes, John Stokes, Road Department Supervisor, Roger Keith and Ramsey Offerdal.

The notice of the hearing was published in The Independent-Observer and The Valerian in the September 20 and 27, 2012 issues.

Commission Chair Johnson opened the hearing at 10:12 a.m.

Commissioner Johnson stated commissioners had been discussing the possible closing of the county offices on the day after Thanksgiving and Christmas Eve. Pondera County has closed the county offices on these days in the past and has not had complaints.

Commissioner Johnson began the discussion of closing on those dates in lieu of other holidays such as Columbus Day and/or Veteran's Day. The pros and cons of reassigning holidays were discussed. No objections were received by mail or in person at this hearing.

Commissioner Christiaens moved to close the County Offices the day after Thanksgiving, Friday, November 23, 2012, and Christmas Eve, Monday, December 24, 2012. Commissioner Broesder seconded.

Commissioner Johnson raised the question of assigning other holidays as work days in lieu of the closure days. The other commissioners stated that could be considered in future years.

The motion passed on a 2-1 vote which Commissioner Johnson voting no, as she did not feel this was a benefit to the employees when they needed to use vacation or compensatory time in order to be paid for the day off.

The hearing was closed at 10:35 a.m.

ROAD MAINTENANCE REQUEST – October 3, 2012

Ramsey Offerdal requested road maintenance on the South Christensen Road. There is a portion of the road with a soft base and it needs work. John Stokes, County Road Supervisor, will take a look at the road but did state that as soon as the guys can get on the roads after today's moisture they will be maintaining all the county roads. Also attending: Roger Keith and Buck Traxler

TEMPORARY LIFT OF THE OPEN BURNING BAN FOR AGRICULTURAL PURPOSES – October 3, 2012

In view of the moisture received during the last 24 hours, agricultural producers have been requesting to burn even though the county is under an open burning ban at this time. The commissioners discussed the moisture and the needs of the producers.

Commissioner Broesder moved to temporarily lift the open burning ban for agricultural purposes only and with the additional requirements that the person intending to burn get a permit and activate it by calling the sheriff's office. Commissioner Christiaens seconded.

Roger Keith stated there would be some upset fire boards and chiefs as they do not want the open burning ban lifted even though there has been recent moisture. The risk is still substantial. The Commissioners responded that the needs of the agricultural producers needed to be considered and they felt the temporary lift could be in place and should the area again be designated as a red flag area the ban would again be in place. Motion carried. Also attending: Ramsey Offerdal, Roger Keith and Buck Traxler

REQUEST TO AMEND BUDGET – RURAL FIRE DISTRICT – APPROVED –

October 3, 2012

Clerk and Recorder Hoppes asked permission to amend the budget for the Rural Fire District as the prepared budget contains entries from the prior year’s budget rather than the current year. Commissioner Christiaens moved to approve the amendments to the Rural Fire District budget. Commissioner Broesder seconded; motion carried. Also attending: Roger Keith and Buck Traxler

RESOLUTION #8 – AUTHORIZING BUDGET AMENDMENT – RURAL FIRE DISTRICT – ADOPTED – October 3, 2012

PONDERA COUNTY MONTANA
RESOLUTION #8- 2012/13
AUTHORIZING BUDGET AMENDMENTS TO
PONDERA COUNTY RURAL FIRE DISTRICT FUND

WHEREAS the Montana Code Annotated, Section 7-6-4006(4), 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

WHEREAS Pondera County Commissioners approved the appropriations budget for the Pondera County Rural Fire District during its regular budget approval process and errors in the expenditure budget have been identified; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pondera County that the budget for Fund 7200, Pondera County Rural Fire District be corrected as follows:

Expenditure	Description	Prior Amount	New Amount
7200-204-420404-110	Salaries and Wages	\$ 3,600	\$ 4,200
7200-204-420404-510	Insurance	\$12,500	\$ 19,000
7200-204-420404-941	Vehicle Purchase	\$17,353	\$ 20,000

Adopted this 3rd day of October, 2012 as moved by Commissioner Christiaens, seconded by Commissioner Broesder, and passed on a unanimous vote of the full board. Effective on passage and approval.

PONDERA COUNTY COMMISSIONERS
Pondera County, Montana

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

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

ATTEST:

/s/ Janice Hoppes
Janice Hoppes, Clerk & Recorder

/s/ Joseph Christiaens
Joseph Christiaens, Member

Also attending: Roger Keith and Buck Traxler

COOPERATIVE PURCHASING MEMORANDUM OF UNDERSTANDING WITH STATE OF MONTANA APPROVED – October 3, 2012

Commissioner Broesder moved to name Sheron Curry as the contact person for the State of Montana Central Supply procurement office and to approve the Cooperative Purchasing Memorandum of Understanding with the Montana Department of Administration. Commissioner Christiaens seconded; motion carried. Also attending: Roger Keith and Buck Traxler

MUTUAL AID AGREEMENT – DISASTER ASSISTANCE BETWEEN COUNTIES – APPROVED – October 3, 2012

Commissioner Christiaens moved to approve the Mutual Aid Agreement between Chouteau County and Pondera County for disaster and emergency assistance. Commissioner Broesder seconded; motion carried. Also attending: Roger Keith and Buck Traxler

RESOLUTION # 9 – DECLARING PROPERTY SURPLUS – ADOPTED – October 3, 2012

RESOLUTION #9 - 2012-13
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:

- | | |
|--|--------------------------------|
| One (1) small “dorm-size” refrigerator | minimum market value: \$ 50.00 |
| Six (6) industrial ceiling fans | minimum market value: \$ 0.00 |
| One (1) desk | minimum market value: \$ 0.00 |

and

WHEREAS, the Commissioners have determined it is in the best interests of the County to sell the items 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 or private sale.

ADOPTED this 3rd day of October, 2012, as moved by Commissioner Christiaens, seconded by Commissioner Broesder, and passed on 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: Roger Keith and Buck Traxler

DISCUSSION AND DETERMINATION TO SOLICIT BIDS FOR EIGHT ROAD MAINTAINERS - October 3, 2012

The Commissioners met with John Stokes, County Road Department Supervisor, about the feasibility of entering into a new lease agreement for the eight county road maintainers. The usage of the machines is reaching the level of hours used when returning them and entering into a lease on new machines. The proper procedure is to solicit bids from venders of these machines. The commissioners determined it is in the best interests of the County to solicit bids from venders for new equipment lease. John Stokes will prepare the specifications for the bid documents and follow-up will be after preparation of the specifications. Also attending: Roger Keith and Buck Traxler

FINAL APPROVAL OF BELLAMY MINOR SUBDIVISION- October 3, 2012

All conditions of the low-impact minor subdivision preliminary approval of June 6, 2012 having been met, Commissioner Christiaens moved to give final approval to the Bellamy Minor Subdivision creating a 12.27 acre parcel (Tract 1) residential parcel currently used for that purpose and one lot (Tract 2) planned for continued farming practices. The property is described as being in the N2NE4 of Section 23, Township 28 North, Range 2 West, P.M.M., Pondera County, Montana. In general, the property is located approximately 5-1/2 miles east of Conrad at 5984 Sollid Road (MT Highway 218). Commissioner Broesder seconded; motion carried. Also attending: Roger Keith and Buck Traxler

LETTER TO REDISTRICTING COMMITTEE FOR CHANGE IN PROPOSED PLAN APPROVED – October 3, 2012

Commissioner Christiaens moved to send the following letter to the State of Montana Redistricting and Apportionment Committee requesting a change in the proposed plan:

It has come to our attention that the newly proposed boundary between HD 26 and HD 17 removes Senator Llew Jones from his home community of Conrad by the length of his residence's driveway. What makes this omission particularly confusing is that the new boundary leaves the city of Conrad substantially whole, while linking Senator Jones' residence with a population area (Choteau) over 25 miles away. Additionally, the proposed boundary removes the local airport, golf course, and shooting club from the district containing Conrad's population. As you are aware, Senator Jones has a long history of distinguished public service in the Golden Triangle region. He has served the cities of Conrad, Shelby, Valier, and Cut Bank as their Representative for three terms and, with the addition of Chester, Big Sandy, and Fort Benton, as their Senator for one term.

We understand that the commission's constitutionally defined priority is to equalize the population in each new house district. In support of this requirement, it is important to note that there are fewer than six individuals who would be impacted by the boundary change we are proposing. Therefore, the commission should find that neither the inclusion nor the exclusion of the proposed geographical area will appreciably alter the final population statistics in either of the affected house districts.

Furthermore, while we agree that the location of a boundary should not be based upon the residence of any existing legislator, we do believe that the commission should be especially cognizant of a boundary's impact in rural districts. A rural legislator does not share the same advantage as an urban legislator in regards to the location of their home. This occurs because an urban legislator can often run in any legislative district within their county of residence, while a rural legislator can only run in the district in which they actually reside. The debilitating potential of this inequality requires that the commission be particularly careful when locating a boundary in rural areas.

The commission's proposed boundary, when viewed within the framework of the residency statutes controlling rural districts, stands to completely exclude Senator Jones from participation in the 2014 legislative elections. By accepting the minor change we are proposing, the commission would at least be providing the Senator with an opportunity to run for the House seat that contains the communities he has served so well in the past.

As elected officials and community leaders, we recommend that the commission accept our change to the proposed boundary. We are certain that this change best represents the needs and desires of the Golden Triangle region, as well as, those of the state of Montana.

Commissioner Broesder seconded; motion carried.

RESOLUTION #10 – DESIGNATING COUNTY OFFICE HOURS – HOLIDAY CLOSINGS – ADOPTED – October 3, 2012

PONDERA COUNTY, MONTANA
RESOLUTION NO. 10– 2012/13
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 3, 2012 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 20 and 27, 2012 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 23, 2012 (day after Thanksgiving Day)
in addition to the Thanksgiving Day holiday on Thursday, November 22, 2012;
and
Monday, December 24, 2012 (Christmas Eve)
in addition to the Christmas Day holiday on Tuesday, December 25, 2012

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 3rd day of October, 2012 as moved by Commissioner Christiaens, seconded by Commissioner Broesder, and passed on a 2-1 vote of the full board; Commissioner Johnson voting no. Effective on 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

HEARING CONDUCTED ON PROPOSED ORDINANCE PROHIBITING IRRIGATION WATERING ON COUNTY ROADS - October 3, 2012 (7:00 p.m.)

Attending: Commissioners Broesder, Johnson and Christiaens, Clerk and Recorder Hoppes, John Stokes, Road Department Supervisor, Mary Ann Ries, County Attorney, Ed Erickson and Shannon Gabbard, Sheriff's Deputies, and Zane Drishinski, Julie and Darryl Gernaat, Don Bandow and, Buck Traxler for The Independent-Observer.

The notice of the hearing was published in The Independent-Observer and The Valerian in the September 20 and 27, 2012 issues.

The Public Hearing was called to order at 7:00 p.m. Commissioner Johnson summarized the proposed ordinance and called for public comment.

Zane Drishinski commented he didn't feel there was a need for an ordinance. "More local government". Commissioner Broesder explained the liability issues and the burden of proof of negligence lies with the county, in the event of an incident.

Gernaats didn't really have an opinion either way. They drive the Conrad-Dupuyer Road several times a day and do not consider the irrigation water on the road a hazard.

Don Bandow has a problem with the proposed ordinance because he doesn't have state of the art equipment that would allow him to reprogram his pivot. He also felt the complaints were coming from people who are new to the area.

John Stokes talked about situations where hazards are caused by irrigation in the County Road rights of way. Commissioner Broesder explained Pondera County is not the only county using this solution to this problem.

Other comments included situations where hazards have been experienced due to irrigation water on both county and state roads.

Commissioners assured the members of the public present they would be included in the policy development process through personal contact either by phone or e-mail.

Commissioner Broesder moved to take the testimony received at both Public Hearings regarding irrigation under advisement. Commissioner Christiaens seconded and motion carried.

There being no further business to come before the Hearing, Hearing was closed at 7:42 p.m.

DISCUSSION ON HEARING INPUT REGARDING PROPOSED ORDINANCE PROHIBITING IRRIGATION WATER ON COUNTY ROADS- October 9, 2012

Commissioners Johnson and Christiaens discussed the input received at the two public hearings regarding the proposed ordinance prohibiting irrigation water on county roads. The public voiced concern as to how enforcement be handled. As stated at the hearings, the commissioners indicated they would establish a policy to include enforcement of the ordinance. The public, law enforcement, county attorney and others will be included in the policy formation.

The proposed ordinance will be amended by adding language to the enforcement phrase, as follows: "This Ordinance shall be enforced by the Pondera County Sheriff Department, pursuant to the irrigation water on county roads' policy as prepared by the Pondera County Commissioners". The amended resolution will be published as required by Montana law. Another hearing is not required and the first reading of the amended ordinance will be conducted at today's regular meeting.

RESOLUTION #11 – NOTICING INTENT TO ADOPT IRRIGATION WATER ON COUNTY ROADS PROHIBITED ORDINANCE - ADOPTED – October 3, 2012

PONDERA COUNTY, MONTANA
RESOLUTION NO. 11 - 2012/13

SECOND NOTICE OF INTENT TO ADOPT PONDERA COUNTY IRRIGATION WATER ON COUNTY ROADS PROHIBITED ORDINANCE

Ordinance No. _____

IRRIGATION WATER ON COUNTY ROADS PROHIBITED

RECITAL

WHEREAS, the Pondera County Commissioners have the authority to make rules necessary and convenient to protect the roadways under the care and control of the Pondera County Commissioners; and

WHEREAS, the Pondera County Commissioners have the authority to provide penalties for the violation of said rules;

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE PONDERA COUNTY COMMISSIONERS, as follows:

It is unlawful to permit water from any irrigation ditch or irrigation sprinkler system to be on a county road and that it shall be a violation of this Ordinance as follows;

A person commits the offense of PERMITTING IRRIGATION WATER ON A COUNTY ROAD if he purposely, knowingly, or negligently permits water from an irrigation ditch or irrigation sprinkler system to flow or spray onto a county road, thereby damaging the road or rendering the road unsafe for vehicular passage or obstructing or preventing the use of the road by vehicles.

A person convicted under this Ordinance shall be fined not to exceed \$100 or be imprisoned in the county jail for any term not to exceed 30 days, or both. Restitution shall be considered by the Court. Each day of violation of this ordinance shall constitute a separate offense.

This Ordinance shall be enforced by the Pondera County Sheriff Department, pursuant to the irrigation water on county roads' policy as prepared by the Pondera County Commissioners.

STATEMENT OF AUTHORITY: Sections 7-14-2101, 7-14-2102, 7-5-103(4), 7-5-105, 7-5-107, MCA.

First Reading: _____ October 9, 2012
Second Reading: _____ October 31, 2012

READ AND ADOPTED BY THE PONDERA COUNTY COMMISSIONERS at its regular meeting held on the _____ day of _____, 2012.

AYES: _____
NAYS: _____
ABSENT: _____

Adopted this 9th day of October, 2012 as moved by Commissioner Christiaens, seconded by Commissioner Johnson, and passed on a 2-0 vote of the full board. Effective upon passage and approval. (Commissioner Broesder absent on County business)

BOARD OF COUNTY 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

BURNING BAN RESTRICTIONS LIFTED – October 9, 2012

In view of the moisture received during the past week and forecast to continue into winter, Commissioner Christiaens moved to lift all open burning restrictions in the county. Commissioner Johnson seconded; motion carried. (Commissioner Broesder absent on County business)

MEETING WITH CONRAD CHAMBER OF COMMERCE BOARD REGARDING HOLIDAY LIGHTING DISPLAY- October 17, 2012

The commissioners met with Laurie Eisenzimer, Barbie Killion, Gerald Miller and Mike Harding, all members of the Conrad Chamber of Commerce Board, and Ron Moon, County Building Maintenance Supervisor. The Chamber Board would like to work with the County in creating a larger display of holiday decorations on the courthouse lawn and/or building. The commissioners agreed to allow the decorations and work with the Chamber members for a festive display. Also present was Buck Traxler, Editor of The Independent-Observer

PROPOSED WATER DISTRICT PETITION ACCEPTED AND HEARING SET – October 17, 2012

On August 29, 2012, a Petition to Create County Water District within T28N, R3W (north and west of Conrad) was received for consideration. The Petition has been reviewed by the County Attorney and since it is signed by all property owners to be included in the district no election to create the district needs to be conducted.

A hearing is required to be held on the petition, however, before it can be incorporated as a district. Commissioner Broesder moved to set Wednesday, November 7, 2012 at 10:00 a.m. in the commissioners' office as the date, time and place for the hearing on the petition to create a water district. Commissioner Christiaens seconded; motion carried. Also present was Buck Traxler, Editor of The Independent-Observer

NON-AUDIT ACCOUNTING SERVICES AGREEMENT APPROVED- October 17, 2012

Denning, Downey & Associates, the auditors for the County, submitted a letter and proposed services for fiscal years 2012, 2013 and 2014. Commissioner Christiaens seconded; motion carried. Also present was Buck Traxler, Editor of The Independent-Observer

TREASURER'S SECURITIES SUBMITTED – October 17, 2012

September 30, 2012
Pondera County Commissioners
20 4th Ave SW
Conrad, MT 59425

Dear Commissioners,

The following are the investments as of September 30, 2012

STIP	\$2338.05 @ .2908778%
STOCKMAN BANK BALANCES	\$9,617,438.37
STOCKMAN BANK –Collateral Report	
313374Y61	\$8,385,000.00 FHLB 2000608 .50% Matures 8/28/13
31331X3S9	\$ 475,000.00 FFCB 2000573 4.50% Matures 10/17/12
313374Y61	\$1,700,000.00 FHLB 2000618 .50% Matures 8/28/13
RBC WEALTH	
3136G0CM1	150,000.00 .50% Due 10/30/2015

October, 2012

3136FTVF3 250,000.00 1.000% Due 12/28/2016
3136G0CX7 300,000.00 1.250% Due 4/26/2017

Also present was Buck Traxler, Editor of The Independent-Observer

CANCELLATION OF DELINQUENT TAX BILL – October 17, 2012

Treasurer, Jeanne Moon, submitted a request to cancel the tax bill for personal property tax parcel 2020300, pursuant to 15-16-701, Montana Code Annotated. The parcel has been inactive since 2002 and the mobile home is no longer in the County. Commissioner Broesder moved to cancel the tax bill on parcel 2020300. Commissioner Christiaens seconded; motion carried. Also present was Buck Traxler, Editor of The Independent-Observer

RESOLUTION #12 – DECLARING PROPERTY SURPLUS AND SETTING SALE – ADOPTED – October 17, 2012

PONDERA COUNTY
RESOLUTION #12- 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:

1972 Ford F100 Pickup VIN F10ARN80681; Value: \$1,000.00
1971 International F1800 Truck VIN 456080H163787 Value: \$ 500.00
1994 Chevy 3/4 Ton Pickup VIN 1GCGK29K3RE257923; Value: \$ 800.00
1989 Chevy Pickup VIN 2GCGK39N8K1242986; Value: \$ 800.00

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 November 7, 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 November 7, 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., October 25 and November 1, 2012.

ADOPTED this 17th day of October, 2012, as moved by Commissioner Christiaens, seconded by Commissioner Broesder, and passed on a unanimous vote of the full board. Effective on passage and approval

PONDERA COUNTY COMMISSIONERS

Pondera County, Montana

/s/ Cynthia A. Johnson

Cynthia A. Johnson, Chairman

/s/ Sandra J. Broesder

Sandra J. Broesder, Member

ATTEST:

/s/ Janice Hoppes

Janice Hoppes, Clerk & Recorder

/s/ Joseph Christiaens

Joseph Christiaens, Member

DATE, TIME AND PLACE SET FOR OPENING BIDS FOR EIGHT MOTOR GRADERS APPROVED – October 17, 2012

The commissioners reviewed the specification for the lease/purchase of 8 motor graders for the county road department. Commissioner Christiaens moved to advertise for bids and set Thursday, November 8, 2012 at 10:00 a.m. in the Commissioners' office of the Courthouse as the date, time and place for opening bids.

SEPTEMBER MINUTES APPROVED - October 17, 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

STORAGE ROOM ASSIGNED – October 17, 2012

Justice of the Peace, Audrey Brown, requested the use of the third floor storage room as storage area for her office as the room can be locked. Commissioner Broesder moved to approve the request. Commissioner Christiaens seconded; motion carried.

AMENDED LEASE AGREEMENT WITH PONDERA SHOOTING SPORTS APPROVED- October 31, 2012

Commissioner Broesder moved to approve the amended Agreement with Pondera Shooting Sports for the lease of 4.859 acres (increased from 2.1 acres), contingent upon the filing of the Certificate of Survey with the office of the Clerk and Recorder. Commissioner Johnson seconded; motion carried. (Commissioner Christiaens absent) Also attending: Buck Traxler, Editor, The Independent-Observer; Cheryl Gresczyk

SECOND READING OF PROPOSED ORDINANCE PROHIBITING IRRIGATION WATER ON COUNTY ROADS –October 31, 2012

Ordinance No. _____

IRRIGATION WATER ON COUNTY ROADS PROHIBITED

RECITAL

WHEREAS, the Pondera County Commissioners have the authority to make rules necessary and convenient to protect the roadways under the care and control of the Pondera County Commissioners; and

WHEREAS, the Pondera County Commissioners have the authority to provide penalties for the violation of said rules;

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE PONDERA COUNTY COMMISSIONERS, as follows:

It is unlawful to permit water from any irrigation ditch or irrigation sprinkler system to be on a county road and that it shall be a violation of this Ordinance as follows;

A person commits the offense of PERMITTING IRRIGATION WATER ON A COUNTY ROAD if he purposely, knowingly, or negligently permits water from an irrigation ditch or irrigation sprinkler system to flow or spray onto a county road, thereby damaging the road or rendering the road unsafe for vehicular passage or obstructing or preventing the use of the road by vehicles.

A person convicted under this Ordinance shall be fined not to exceed \$100 or be imprisoned in the county jail for any term not to exceed 30 days, or both. Restitution shall be considered by the Court. Each day of violation of this ordinance shall constitute a separate offense.

This Ordinance shall be enforced by the Pondera County Sheriff Department, pursuant to the irrigation water on county roads' policy as prepared by the Pondera County Commissioners.

STATEMENT OF AUTHORITY: Sections 7-14-2101, 7-14-2102, 7-5-103(4), 7-5-105, 7-5-107, MCA.

First Reading: _____ October 9, 3012 _____

Second Reading: _____ October 31, 2012 _____

~~READ AND ADOPTED~~ BY THE PONDERA COUNTY COMMISSIONERS at its regular meeting held on the 31st day of October, 2012.

AYES: 2

NAYS: 0

ABSENT: 1

/s/ Cynthia A. Johnson
Cynthia A. Johnson, Chairman
(absent)

Joseph Christiaens
Sandra J. Broesder

Sandra J. Broesder

Also attending: Buck Traxler, Editor, The Independent-Observer; Cheryl Gresczyk

DELAYED ADOPTION OF ORDINANCE PROHIBITING IRRIGATION WATER ON COUNTY ROADS – APPROVED - October 31, 2012

The requirements for adopting an ordinance have been met with publication, two required readings and the public hearing. The proposed ordinance could have been adopted after the second reading held this date, however, the commissioners intend to include the affected citizens in drafting of enforcement policy. Therefore, Commissioner Broesder moved to delay adoption of the Ordinance until the enforcement policy has been drafted. Commissioner Johnson seconded; motion carried. (Commissioner Christiaens absent) Also attending: Buck Traxler, Editor, The Independent-Observer; Cheryl Gresczyk

EXECUTIVE ELECTED POSITION WITH MONTANA WEED CONTROL ASSOCIATION ENCOURAGED- October 31, 2012

Pam Converse, Weed Department Coordinator, met with the commissioners regarding her nomination to an executive, elected position within the Montana Weed Control Association Board. Converse explained that the Association requests the nominees to discuss the potential position and time commitment with the county's commissioners prior to accepting the nomination.

Commissioner Broesder moved to encourage Pam Converse to pursue an executive, elected position with the Montana Weed Control Association, a four year commitment. Commissioner Johnson seconded; motion carried. (Commissioner Christiaens absent)

CLAIMS APPROVED FOR PAYMENT - October 31, 2012

<i>FUND</i>	<i>AMOUNT</i>
GENERAL	\$ 51,275.28
ROAD	4,806.21
BRIDGE	1,082.36
WEED	871.17
COUNTY FAIR	30.40
AIRPORT	330.10
COMPREHENSIVE INSURANCE	-0.14
AMBULANCE	82.86
EXTENSION SERVICE	735.56
PUBLIC SAFETY (LAW ENFORCEMENT)	14,762.75
HEALTH INSURANCE - EMPLOYER CONTRIBUTION	1,193.38
BRADY LIGHTS MAINTENANCE	320.00
GAS APPORTIONMENT TAX	13,683.17
LAND USE PLANNING	350.00
VICTIM & WITNESS ADVOCATE	1,280.00
EMERGENCY PREPAREDNESS GRANTS	1,187.51
LEAD POISONING HEALTHY CHILD GRANT	192.42
BREAST & CERVICAL SCREENING	617.42
WIC GRANT	61.35
MATERNAL CHILD HEALTH	44.03
IMMUNIZATION ACTION PROGRAM	454.35
TOBACCO USE PREVENTION GRANT	865.16
NAPA GRANT	824.27
HOMELAND SECURITY - NARROWBAND	705.20
REFUND FUND	26.48
TOTAL CLAIMS	\$ 95,781.29
TOTAL PAYROLL	198,258.92
TOTAL CLAIMS AND PAYROLL FUNDS	\$ 294,040.21

ADJOURNMENT

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

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

SECRETARY, BOARD OF COUNTY COMMISSIONERS
PONDERA COUNTY, MONTANA