

***REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS
PONDERA COUNTY, MONTANA
Held in August, 2013***

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on August 7, 14, 21, and 28, 2013. Unless indicated, all Commissioners were present.

PUBLIC HEARING ON RESOLUTION TO ADOPT BUILDING FOR LEASE OR RENT APPLICATIONS AND REVIEW PROCESS – August 7, 2013

Attending: Commissioner Joe Christiaens, Commissioner Janice Hoppes, Commissioner Sandy Broesder, Clerk & Recorder Kody Farkell, Conrad Mayor Wendy Judisch, Ron Jones, and Buck Traxler, Editor of the Independent Observer.

The notice of the hearing was published in The Independent-Observer and The Valerian no less than 30 days prior to the hearing and was posted in five public places.

Commission Chair Christiaens called the hearing to order at 10:00 a.m. at the Pondera County Commissioners office, 20 4th Ave SW, Conrad. Christiaens stated the intent of the hearing is to hear public input and a decision would be made.

The 63rd Legislature and the Governor of Montana established a new review process applicable to buildings for lease or rent, effective September 1, 2013. Local governments must establish regulations that guide the application and review of the creation of four or more buildings for rent or lease on a single tract of land.

There were no written or oral comments for or against adopting Building For Lease or Rent application and review process.

No public comment was received.

RESOLUTION ADOPTING BUILDING FOR LEASE OR RENT APPLICATION & REVIEW PROCESS – August 7, 2013

PONDERA COUNTY, MONTANA

Resolution #5 – 2013/14

ADOPTING BUILDING FOR LEASE OR RENT APPLICATION & REVIEW PROCESS

Under the authority of Title 76, Part 8, MCA

WHEREAS, following the conclusion of the public hearing , consideration of public comments, and amendments to applicable findings, the Pondera County Board of County Commissioners passed a resolution to adopt the proposed regulations; and

WHEREAS, following the conclusion of the public hearing, consideration of public comments, and amendments to applicable findings, the Pondera County Board of County Commissioners passed a resolution to adopt the proposed regulations; and

WHEREAS, the 63rd Legislature and the Governor of Montana established a new review process applicable to buildings for lease or rent, effective September 1, 2013; and

WHEREAS, the new review process allows local governments to establish regulations that guide the application and review of the creation of four (4) or more buildings for rent or lease on a single tract of land, when not otherwise exempt pursuant to Section 76-8-102, MCA; and

WHEREAS, pursuant to Section 7-1-2121, MCA, the Pondera County Board of Commissioners noticed a public hearing on the proposed regulations governing review of buildings for rent or lease, posted not less than 30 days prior to the public hearing in at least five (5) public places throughout the jurisdiction, including but not limited to public buildings; and

WHEREAS, after publishing and posting such notice, the Pondera County Board of Commissioners held a public hearing on August 8, 2013, to consider comments from the public and there being none nor were any written comments received regarding the proposed regulations; and

WHEREAS, the final findings of fact in support of the adoption of the regulations governing review of buildings for lease or rent within the jurisdiction of the Pondera County Board of County Commissioners are attached hereto and specifically incorporated herein by this reference; and

NOW, THEREFORE, the Pondera County Board of County Commissioners hereby adopts, by supermajority vote, the regulations set forth in Exhibit A attached hereto and incorporated herein for the purpose of reviewing buildings for rent or lease in Pondera County pursuant to the provisions of Sections 76-8-101, *et seq.*, MCA.

Adopted this 7th day of August, 2013 as moved by Commissioner Hoppes, seconded by Commissioner Broesder, and passed on a 3-0 vote of the full board. Effective upon passage and approval.

BOARD OF COMMISSIONERS
Pondera County

/s/ Joseph Christiaens
Joseph Christiaens, Chairman

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

Attest: /s/ Kody L Farkell
Kody Farkell, Clerk & Recorder

/s/ Janice Hoppes
Janice Hoppes, Member

EXHIBIT A

Buildings for Lease or Rent Application & Review Process

1. Purpose

The following regulations are intended to provide an administrative process for the acceptance and review of applications for the creation of a building for rent or lease in Pondera. The rent or lease of a building on a tract of record may directly impact the property and its surroundings with regard to vehicular access, public health, safety, and general welfare, the provision of public services and utilities, and the physical environment. These regulations are adopted for the purpose of considering and mitigating potential impacts resulting from a building proposed for rent or lease on a single tract of record, ensuring protection of the public's health, safety and general welfare.

2. Authority & Administration

These regulations are adopted under the authority of Sections 76-8-101, *et seq.*, MCA. The designated Pondera County Commercial Building Inspector is designated by the Pondera County Board of Commissioners to administer these regulations.

3. Applicability

A. These regulations apply to all lands within the jurisdiction of the Pondera County Board of County Commissioners.

B. In their interpretation and application, the provisions of these regulations may be regarded as the minimum requirements for the protection of the public health, safety, and general welfare.

C. These regulations are not intended to abrogate or annul any building permit, subdivision approval, certificate of occupancy, variance, or other lawful permit issued before the effective date of these regulations.

D. These regulations are not intended to abrogate or annul any other regulations applicable to a tract of land, including but not limited to, zoning, building codes, private covenants, or floodplain or lakeshore regulations.

4. Definitions

A. *Administrator* – The individual designated by the governing body to carry out the terms of these regulations.

B. *Applicant* – The owner, or designated representative, of land for which an application for the creation of a building for rent or lease has been submitted.

C. *Building* – As defined in Section 76-8-101(1), MCA, a structure or a unit of a structure with a roof supported by columns or walls for the permanent or temporary housing or enclosure of persons or property or for the operation of a business. Except as provided in Section 76-3-103(15), MCA, the term includes a recreational camping vehicle, mobile home, or cell tower. The term does not include a condominium or townhome.

D. *Department* – As defined in Section 76-8-101(2), MCA, the department of environmental quality provided for in 2-15-3501.

E. *Governing body* – As defined in Section 76-8-101(3), MCA, the legislative authority for a city, town, county, or consolidated city-county government.

F. *Landowner* – As defined in Section 76-8-101(4), MCA, an owner of a legal or equitable interest in real property. The term includes an heir, successor, or assignee of the ownership interest.

G. *Local reviewing authority* – As defined in Section 76-8-101(5), MCA, a local department or board of health that is approved to conduct reviews under Title 76, chapter 4.

H. *Supermajority* – As defined in Section 76-8-101(6), MCA, a unanimous affirmative vote of the present and voting county commissioners in Pondera County.

I. *Tract* – As defined in Section 76-8-101(7), MCA, an individual parcel of land that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office.

5. Requirements for Buildings for Lease or Rent

A. In areas where zoning regulations are in effect that the governing body has determined contain the elements of Section 76-8-104, MCA, the construction of all buildings must meet the requirements of the applicable zoning regulations.

B. When applicable zoning regulations are not in effect, a building that is not created for rent or lease and is not or will not be served by water or wastewater facilities is exempt from these regulations.

C. A building that is created for lease or rent and is not or will not be served by water or wastewater facilities is exempt from these regulations when:

i. The building is one of three or fewer buildings for lease or rent that were in existence or under construction on the tract of record before September 1, 2013;

ii. The building is a facility as defined in Section 15-65-101, MCA that is subject to the lodging facility use tax under Title 15, Chapter 65, except for recreational camping vehicles or mobile home parks; or

iii. The building is for farming or agricultural purposes.

D. A building that is created for lease or rent and is or will be served by water and wastewater facilities must comply with the provisions of subsection (E) but is exempt from all other provisions of these regulations when:

i. The building is one of three or fewer buildings for lease or rent that

- were in existence or under construction on the tract of record before September 1, 2013;
- ii. The building is a facility as defined in Section 15-65-101, MCA that is subject to the lodging facility use tax under Title 15, Chapter 65, except for recreational camping vehicles or mobile home parks;
 - iii. The building is for farming or agricultural purposes; or
 - iv. The landowner records a notarized declaration with the Pondera County Clerk and Recorder stating that the proposed building will not be leased or rented. The declaration runs with the land and is binding on the landowner and all subsequent landowners and successors in interest to the property, and may only be revoked by written approval of both the landowner and the governing body in accordance with these regulations. The declaration must be executed by the landowner and the administrator, and must include:
 - a. The name and address of the landowner;
 - b. A legal description of the tract upon which the proposed building will be located; and
 - c. A specific description of the building on the tract of record.
- E. The first three (3) or fewer buildings for lease or rent proposed on a single tract of record and not otherwise exempt under subsections (A)-(E), require review and approval by the department or local reviewing authority for sanitation review if required by Title 76, Chapter 4, MCA, or to the local board or department of health if review is required by Title 50, MCA. If the department, local reviewing authority, or local board or department of health approves the application for sanitation review, the landowner shall record the certificate of approval and any conditions associated with the approval of the application with the Pondera County Clerk and Recorder.
- F. All other buildings for lease or rent on a single tract of record require review and approval by the governing body, pursuant to the provisions of Section 6.
- G. A landowner may voluntarily request a certificate of compliance from the Administrator to document that a building is exempt from these regulations. Such requests should be made in writing to the Administrator on the form provided by the Administrator. The burden of proof rests with the landowner to demonstrate how an existing or proposed building meets an exemption from these regulations. The landowner may record a certificate of compliance with the Pondera County Clerk and Recorder.
6. Application & Review of Building for Lease or Rent
- A. Application Submittal
- i. An application for the creation of a building for rent or lease shall be submitted to the administrator on the form provided by the administrator, and accompanied by the payment of any fees established for the review of same.
 - ii. The application shall include:
 - a. A copy of the deed or other legal description of the real property;
 - b. Evidence of the landowner's title and interest in the land for which the application is being made;
 - c. A site plan showing:
 - I. North arrow and scale bar (minimum scale of 1:20);
 - II. Property boundaries;
 - III. Existing and proposed onsite and adjacent offsite streets, roads and easements that will serve the proposal;
 - IV. Existing and proposed access to the subject property;
 - V. Pertinent geographic features of the subject property, including any significant topographical features and designated floodplain;
 - VI. Location of existing and proposed water, wastewater and solid waste facilities serving the subject property;
 - VII. The location of existing and proposed buildings or structures on the subject property.

- d. A detailed narrative of existing and proposed buildings and their location on the subject property, including the uses proposed for each and the approximate floor area and ground coverage of each building;
 - e. A detailed narrative of the proposed water, wastewater, and solid waste disposal facilities intended to serve the buildings for lease or rent;
 - f. A detailed narrative of the emergency medical, fire, and law enforcement services proposed to serve the buildings for lease or rent.
 - g. A detailed narrative describing the existing and proposed access to and from the site, as well as the onsite circulation providing access to the existing and proposed buildings for lease or rent.
 - h. A detailed narrative assessing the potential significant impacts on the surrounding physical environment or human population as a result of the proposed building for lease or rent, including a description of any proposed mitigation measures to avoid or minimize impacts anticipated.
- B. Review Process
- i. Upon receipt of an application along with all applicable fees, the administrator shall, within ten (10) working days, determine whether the application is complete and notify the applicant in writing.
 - ii. If the application is incomplete, the administrator shall identify, in writing, any missing materials or insufficient information necessary to conduct the required review.
 - iii. If the application is complete, the administrator shall complete review of the application and the governing body shall approve, conditionally approve, or deny the application within sixty (60) working days. The timeframe may be extended upon mutual agreement, in writing, by the applicant and the governing body. Review and approval, conditional approval, or denial of an application for the creation of buildings for lease or rent pursuant to this section must be based upon the regulations in effect at the time an application is determined to be complete.
 - iv. The governing body shall provide written notification to the landowner of the approval, conditional approval, or denial of the application within 60 working days after determining the application was complete.
- C. Governing Body Decision
- i. The governing body may approve or conditionally approve the proposed buildings for lease or rent upon finding:
 - a. The proposed buildings for lease or rent, as submitted or conditioned, comply with these regulations and other regulations applicable to the property, and avoid or minimize potential significant impacts on the physical environment and human population in the area affected by the buildings for lease or rent;
 - b. Adequate water, wastewater, and solid waste facilities are available to serve the buildings for rent or lease;
 - c. Adequate access to the site is provided to serve the buildings for lease or rent;
 - d. Adequate emergency medical, fire protection, and law enforcement services are available to serve the buildings for rent or lease; and
 - e. The buildings for lease or rent comply with any applicable flood plain regulations.
- D. Appeal
- i. Appeal of Sanitation Decision. An applicant who is aggrieved by a final decision of the department or the local reviewing authority made pursuant to Section 5(C) of these regulations may request a hearing as provided in Section 76-4-126(1), MCA. For purposes of this subsection, the contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, apply to the proceeding.
 - ii. Appeal of Local Governing Body Decision. An applicant or landowner

- with a property boundary contiguous to the tract on which buildings for lease or rent are proposed to be located who is aggrieved by a decision of the governing body pursuant to Section 6 of these regulations may, within 30 days of the date of the final decision of the governing body, appeal to the district court in the county in which the property involved is located.
- iii. For purposes of this section, "aggrieved" has the meaning provided in Section 76-3-625, MCA.

7. Enforcement and Penalties

- A. The administrator shall notify the landowner or any other responsible party of a violation of these regulations by certified mail and/or posting on the subject property. The notice shall describe the violation, cite the section of these regulations being violated, and request the responsible party to voluntarily comply within a minimum of 30 days.
- B. Any person who receives a notice of violation may, within the 30 days allowed, request inspection by the administrator to show that compliance has been attained or appeal the notice of violation to the governing body.
- C. If, after the minimum 30 days required for voluntary compliance has lapsed, compliance has not been attained or an appeal has not been filed, the administrator shall request the Pondera County Attorney begin legal action against the landowner or any other responsible party.
- D. Upon request by the administrator, the Pondera County Attorney may immediately commence any actions and proceedings available in law or equity to prevent the creation of a building for lease or rent in violation of these regulations; restrain, correct, or abate a building for lease or rent in violation of these regulations; or prevent the occupancy of a building for lease or rent in violation of these regulations.
- E. A fine not to exceed \$500 may be imposed for a violation of these regulations.

PUBLIC HEARING ON PETITION TO ABANDON ROAD CONDUCTED – August 7 2013

Attending: Commissioner Joe Christiaens, Commissioner Janice Hoppes, Commissioner Sandy Broesder, Clerk & Recorder Kody Farkell, Conrad Mayor Wendy Judisch, Ron Jones, and Buck Traxler, Editor of the Independent Observer.

The notice of the hearing was published in The Independent in July 24th and 31st, 2013 issues.

Commission Chair Christiaens called the hearing to order at 10:15 a.m. at the Pondera County Commissioners office, 20 4th Ave SW, Conrad. Christiaens stated the intent of the hearing is to hear public input and the matter and a decision would be made.

A petition was received for road abandonment on the Brady School property. Under MCA 7-14-2601 any 10, or a majority, of the freeholders of a road district taxable therein for road purposes may petition the board in writing to open, establish, construct, change, abandon, or discontinue any county road in the district.

Commissioners agreed Pondera County had never used the road and did not have any intention to do so. No public comment was received.

RESOLUTION ABANDONING COUNTY ROAD – August 7, 2013

**PONDERA COUNTY
RESOLUTION #6 – 2013/14
ABANDONING COUNTY ROAD**

WHEREAS, pursuant to Section 7-14-2601, Montana Code Annotated, the Board of Pondera County Commissioners received a petition signed by the required ten freeholders, including every owner affected by the proposed abandonment; requesting the abandonment of a county road described as:

a road on the Brady School property (3rd Ave North between block 19 and block 20 ending at Larson St; Larson St beginning at block 19 and ending on the north end of block 20; and one alley east and west through block 19); and

WHEREAS, the Board of Pondera County Commissioners caused a Notice Of Public Hearing to be published in The Independent Observer, weekly newspaper published in the

City of Conrad, in the July 25 and August 1, 2013 issues, as required by Section 7-14-2615(2), Montana Code Annotated; and

WHEREAS the Board of Pondera County Commissioners, conducted said hearing on Wednesday, August 7, 2013 at 10:00 a.m. in the Commissioner's Office, Courthouse, 20 4th Avenue SW, Conrad, Montana, and there were no parties appearing for or against said vacation, and there being no correspondence received for or against said vacation and permanent closure, and the Board of Commissioners having determined that said County road can be vacated without detriment to the public interest.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Pondera County Commissioners that the county road right-of-way described as:

a road on the Brady School property (3rd Ave North between block 19 and block 20 ending at Larson St; Larson St beginning at block 19 and ending on the north end of block 20; and one alley east and west through block 19);

be, and is hereby permanently abandoned and vacated pursuant to law, including all easements and rights of way previously granted to the county for purposes of providing a county road; and

NOW, THEREFORE IT IS HEREBY FURTHER RESOLVED THAT the Board of County Commissioners shall cause the petition for abandonment and this resolution to be entered into the official land records of Pondera County in the office of the Pondera County Clerk and Recorder.

ADOPTED this 7th day of August, 2013, as moved by Commissioner Broesder, seconded by Commissioner Hoppes and passed on a unanimous vote of the full board. Effective on passage and approval.

BOARD OF COMMISSIONERS

Pondera County

/s/ Joseph Christiaens
Joseph Christiaens, Chairman

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

Attest: /s/ Kody L Farkell
Kody Farkell, Clerk & Recorder

/s/ Janice Hoppes
Janice Hoppes, Member

ENCROACHMENT AGREEMENT APPROVED – August 7, 2013

Commissioner Hoppes moved to approve the Encroachment Agreement requested by North Central Montana Regional Water Authority (NCRMWA) to encroach upon the north side of Legacy Road approximately 120 feet east (NW ¼ NE ¼ of Section 13, T28N, R3W) for the purpose of providing access to a water boost station. Commissioner Broesder seconded. Motion carried.

FINAL APPROVAL OF FOSEN FIELDS FIRST MINOR SUBDIVISION- August 14, 2013

All conditions of the five lot minor subdivision preliminary approval of July 24, 2013 having been met, Commissioner Hoppes moved to give final approval to the Fosen Fields First Minor Subdivision creating five (5) residential lots. The property is described as 118.95 acres in total located approximately 2.5 miles southwest of the Town of Valier – west on Highway 44 to Frances Heights Road, south on Frances Heights Rd. approximately 1 mile, in between Frances Heights Rd. and Lake Frances. Commissioner Broesder seconded; motion carried. Also attending: Buck Traxler, Editor of The Independent-Observer

EMERGENCY DECLARATION RESOLUTION ADOPTED – August 15, 2013

Commissioner Hoppes moved and Commissioner Broesder seconded to adopt the following resolution, effective upon signing:

PONDERA COUNTY DECLARATION RESOLUTION
 RESOLUTION #7-2013/14

WHEREAS, the Brady County Water and Sewer District has lost the capability to provide potable water, sanitation water, and fire protection water due to a water main break and contamination of the entire water system has occurred within the County of Pondera and the unincorporated Brady community on or about August 10, 2013.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners that an emergency is hereby declared pursuant to Section 10-3-402 MCA and all provisions of the County Emergency Operations Plan are in effect.

BE IT FURTHER RESOLVED, that copies of this resolution be filed with the County Clerk and Recorder, County Assessor and the Montana Disaster and Emergency Services Division in Helena.

PASSED AND ADOPTED by the Pondera Board of County Commissioners this 15th day of August, 2013.



(SEAL)

ATTEST:

Barbara J. Noggan
 Deputy

Clerk and Recorder

[Signature]
 Chairman
[Signature]
 Commissioner
[Signature]
 Commissioner

HEARING CONDUCTED ON PRELIMINARY BUDGET - August 20, 2013

Attending: Commissioners Christiaens, Broesder, Hoppes, Clerk and Recorder Farkell

The notice of the hearing was published in The Independent-Observer and The Valerian in the August 7 and 14, 2013 issues.

The commissioners agreed to a 2.1% cost of living increase for employees (approximately \$0.42 per hour) and 2.1% increase for elected officials.

County Attorney Mary Ann Ries' request for a salary increase to be more in line with other county attorneys in the area was added to the budget. The increase (\$3,000 plus 2.1% cost of living increase) brings her salary to \$85,359. The Road Supervisor's annual salary was raised to \$48,090. An increase for the Road Department lead operator, housekeeping, and temporary employees were discussed.

The commissioners agreed to give \$3,000 to CASA from discretionary funds and pay Sweetgrass Development dues of \$2,000. Commissioners would like to visit with Port Authority before finalizing any county contributions.

Roof and door repairs will be budgeted at \$110,000 and commissioners would like to explore IT Contract services, budgeted at \$10,000. Vehicle purchase for the Extension Service as well as the Weed Department will be discussed further with the department heads.

The Clerk and Recorder will enter the changes into the budget program and the commissioners will review the impact. The hearing continues from day to day until the budget is adopted.

AUCTION FOR LOTS IN VALIER – August 21, 2013

The auction took place on the steps of the main entrance of the Pondera County courthouse at 11:00 a.m.

The notice of the auction was published in The Independent-Observer and The Valerian in the August 8 and 15, 2013 issues.

The following real property was to be sold:

Valier Original Townsite, Block 13, as described and valued by tax parcel:

496400: Lots 1-5 Value \$15,500

503500: Lots 6-8 Value \$10,650

503550: Lots 9-11 Value \$10,650

496450: Lots 12-16 Value \$15,500

No bids were made. The auction was closed.

SALE OF LOTS THROUGH PRIVATE NEGOTIATION – August 20, 2013

Per *MCA 7-8-2218*, if no bid or offer is made for any property offered for sale at public auction, the board of county commissioners may, at any time after the auction, sell the property at private sale and may, at the private sale, accept as the purchase price an amount not less than 70% of the appraised value of the property.

A written offer of \$13,950 was received from Sydney Kincaid for Parcel 496400, Lots 105, Valier Original Townsite, Block 13.

Commissioner Hoppes moved and Commissioner Broesder seconded to sell Valier parcel 496400, lots 1-5 to Sydney Kincaid for 90% of the appraised value, which totals \$13,950. Motion carried.

COOPERATING AGENCY WITH BUREAU OF LAND MANAGEMENT – August 20, 2013

The Lewistown Field Office of Bureau of Land Management (BLM) is beginning a land use planning effort. An Environmental Impact Statement will be developed to provide future direction in managing BLM lands. BLM has asked for interagency cooperation in preparing the Environmental Impact Statement to better reflect the policies, needs and conditions of the citizens they represent.

Commissioner Broesder moved for Pondera County to become a cooperator with Bureau of Land Management in creating a BLM land use plan. Commissioner Hoppes seconded the motion. Motion carried.

MINUTES APPROVED – August 20, 2013

Commissioner Hoppes moved to approve the official Minutes of the Commission for July 2013. Commissioner Broesder seconded. Motion carried.

APPROVAL FOR JUSTICE COURT CLERK JOB DESCRIPTION — August 28, 2013

Commissioner Hoppes moved to approve the job description for Justice Court Clerk position. Commissioner Broesder seconded. Motion carried.

Also attending was Mike Harding, resident and Buck Traxler, Editor of The Independent-Observer.

WIC CONTRACT AMENDMENT APPROVED – August 28, 2013

A revised section of the Women, Infant, and Children (WIC) grant contract with Teton County was received. The amendment outlined terms how a disagreement between the Pondera County and Teton County is to be handled.

Commissioner Broesder moved to approve the WIC Contract Amendment. Commissioner Hoppes seconded. Motion carried.

Also attending was Mike Harding, resident and Buck Traxler, Editor of The Independent-Observer.

ENCROACHMENT AGREEMENT APPROVED – August 28, 2013

Commissioner Hoppes moved to approve the Encroachment Agreement requested by Midway Colony to encroach upon county right-of-way at Healy Springs Road for the purpose of installing a 15" steel culvert. Commissioner Broesder seconded. Motion carried.

Also attending was Mike Harding, resident and Buck Traxler, Editor of The Independent-Observer.

MACO INMATE MEDICAL EXCESS INSURANCE PROGRAM POLICY – August 28, 2013

Montana Association of Counties provided a quote of \$0.88 per inmate per day for medical insurance for all inmates that the county is directly responsible for. The policy is a \$10,000 per inmate deductible plan which covers major medical claims, mental/nervous disorders, treatment for substance abuse, pregnancy, and treatment of HIV/AIDS.

Commissioner Broesder moved and Commissioner Hoppes seconded to accept the MACO Inmate Medical Excess Insurance Program Policy. Motion carried.

Also attending was Mike Harding, resident and Buck Traxler, Editor of The Independent-Observer.

APPROVED PAY REQUEST #2 FOR CONRAD AIRPORT IMPROVEMENTS PROJECT – August 28, 2013

Commissioner Hoppes moved and Commissioner Broesder seconded to accept payment request #2 for FAA Grant AIP 3-30-0018-005-2013 (Conrad Airport Improvement Project). Motion carried.

Also attending was Mike Harding, resident and Buck Traxler, Editor of The Independent-Observer.

CITY OF CONRAD CTEP FUNDS REQUEST – August 28, 2013

A letter was received from Conrad Mayor Wendy Judisch requesting County CTEP money to assist with funding the City's Pedestrian Lighting Project.

Commissioner Hoppes moved to acknowledge receipt of the request and table a decision until Commissioners have an opportunity to explore the county's own use of CTEP funds. Commissioner Broesder seconded the motion. Motion carried.

Also attending was Mike Harding, resident and Buck Traxler, Editor of The Independent-Observer.

DATE AND TIME SET FOR PUBLIC HEARING ON UPDATING COUNTY SUBDIVISION REGULATIONS – August 28, 2013

Commissioner Broesder moved and Commissioner Hoppes moved to set a public hearing on updating the county's Subdivision Regulations for September 17 at 10:00 am. Motion carried.

Also attending was Mike Harding, resident and Buck Traxler, Editor of The Independent-Observer.

RESOLUTION AUTHORIZING COST-OF-LIVING-ADJUSTMENTS – August 28, 2013

PONDERA COUNTY, MONTANA
RESOLUTION # 8 – 2013/14

AUTHORIZING COST-OF-LIVING SALARY ADJUSTMENTS

WHEREAS, the 2001 Legislature provided that County governing bodies create a county compensation board that shall prepare a compensation schedule for county elected officials for the succeeding fiscal year. The recommended compensation schedule shall be approved by a majority of the board including at least two commissioners, and

WHEREAS, the Commissioners appointed the County Compensation Board and the Board met during a public hearing called by the Commissioners on June 5, 2013 and discussed several suggested compensation schedules for elected officials for FY2013-14; and

WHEREAS, the County Compensation Board recommended that compensation for elected officials in Pondera County for FY2013-14 be increased by an amount up to a 2.1% cost-of-living adjustment; the recommendation was approved by the members of the Compensation Board, and

NOW, THEREFORE, BE IT RESOLVED that, effective August 26, 2013, the county will pay a cost-of-living salary adjustment of 2.1% for elected officials based on the Clerk and Recorder's base salary (equal to \$.42 per hour) to be added to the salaries of Pondera County elected officials; that part-time elected officials (Superintendent of Schools) will receive the appropriate pro-rated amount of 50% of the salary. Additional compensation of \$2,000 annually for Commissioners and Sheriff and \$200 for part-time Superintendent of Schools will remain at the statutory rates. Additional compensation of \$2,000 was approved for the Clerk and Recorder who also serves as Election Administrator (pursuant to 7-4-2503(d), MCA, effective October 1, 2005). Additional compensation of \$2,000 was approved for the Treasurer (pursuant to 7-4-2503(2)(e), MCA, effective July 1, 2009).

- Treasurer \$42,023.68
plus additional compensation of \$2,000 per year allowed under statute
- Clerk of Court \$42,023.68
- Clerk and Recorder \$42,023.68
plus additional compensation of \$2,000 per year allowed under statute for Election Administrator duties
- Commissioner \$44,023.68
includes additional compensation of \$2,000 per year required by statute
- Sheriff/Coroner \$44,920.36
includes additional compensation of \$2,000 per year required by statute (Sheriff) Deputies Sheriff/Coroner will receive \$50 per coroner call less than 8 hours in duration and/or \$100 per coroner call more than 8 hours in duration
- County Attorney/Public Administrator \$85,359.00
State of Montana will pay reimburse the County at a rate set by statute, pursuant to 7-4-2502, MCA (2007)
- Justice of the Peace \$42,023.68
- Superintendent of Schools \$21,211.84 (50% of full-time)
includes \$200.00 per year additional compensation required by statute

BE IT FURTHER RESOLVED that the Commissioners hereby set the gross base wages for deputies to elected officials and sheriff's deputies at 95% for the undersheriff, 90% for the chief sheriff's deputy and 86% for all other deputies and deputies to other elected officials. Sheriff's department longevity shall be calculated pursuant to state statutes.

The cost-of-living increase for hourly full-time and regular part-time employees is hereby set at an increase of \$.42 per hour.

Hourly rates will increase to \$8.85 per hour for temporary employees and part-time employees working fewer than 750 hours per year. Seasonal employees' hourly rates will not adjust until the beginning of the season in 2014.

Adopted this 28th day of August, 2013 as moved by Commissioner Hoppes, seconded by Commissioner Broesder, and passed on a 3-0 vote of the full board. Effective August 26, 2013.

BOARD OF COMMISSIONERS
Pondera County

 /s/ Joseph Christiaens
Joseph Christiaens, Chairman

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

Attest: /s/ Kody L Farkell
Kody Farkell, Clerk & Recorder

 /s/ Janice Hoppes
Janice Hoppes, Member

APPROVAL OF OVERTIME PAYOUT – August 28, 2013

Jackie Bonser, Pondera County Health Department Administrator, accumulated overtime hours assisting with the Brady Water Emergency. Commissioner Broesder moved and Commissioner Hoppes seconded to payout Bonser’s overtime hours, which will be submitted to the State for reimbursement with other expenses associated with the emergency. Motion carried.

Also attending was Buck Traxler, Editor of The Independent-Observer.

RESOLUTION APPROVING BUDGET FOR FISCAL YEAR 2013-14 – August 28, 2013

PONDERA COUNTY, MONTANA
RESOLUTION #9 – 2013/14
APPROVING FINAL BUDGET FOR PONDERA COUNTY
FOR FISCAL YEAR 2013/2014

WHEREAS, pursuant to Sections 7-6-4021, 7-6-4024 and 7-6-4030, MCA, the Board of County Commissioners of Pondera County, Montana, has held a public hearing and passed resolutions as applicable on the proposed budget of Pondera County for fiscal year 2013-14 as required by law; and

WHEREAS, Sections 7-6-4034 through 7-6-4036, MCA, provide for the fixing of various tax levies to raise funds sufficient to meet said expenditures authorized in the budget; and

WHEREAS, amendments to the final budget may be made throughout the fiscal year as provided in 7-6-4031; and

WHEREAS the Department of Revenue has provided the County with the certified value of a mill in each taxing jurisdiction in the County, as \$13,912 countywide and \$11,489 rural; and

NOW, THEREFORE, BE IT RESOLVED that the final county budget as set out below be, and the same is, hereby adopted as the final budget for fiscal year 2013-14 and that warrants be issued in accordance with laws appertaining thereto.

COUNTYWIDE

Assessed Valuation: 483,184,678
Tax Valuation: 13,912,063
1 Mill Yields: 13,912

FUND NO.	FUND NAME	BUDGETED EXPENDITURES	MILL LEVY	VOTED MILL LEVY
1000	GENERAL	1,602,781	57.06	
2130	BRIDGE	335,459	15.500	
2140	WEED	131,901	3.750	
2160	COUNTY FAIR	4,150	.250	
2190	COMP INSURANCE	254,069	11.000	
2220	COUNTY LIBRARIES (REGULAR LEVY)	47,001	1.000	
2230	AMBULANCE	30,868	2.050	
2235	COUNTY HOSPITAL	587,958	7.250	
2280	SENIOR CITIZENS	24,000	1.250	
2290	EXTENSION	130,476	6.700	
2300	PUBLIC SAFETY	1,122,662	32.000	
2370	RETIREMENT	193,911	9.800	
2371	GROUP HEALTH	288,285	12.670	
	TOTALS	4,753,521	160.28	

COUNTYWIDE VOTED LEVIES

Assessed Valuation: 483,184,678
 Tax Valuation: 13,912,063
 1 Mill Yields: 13,912

FUND NO.	FUND NAME	BUDGETED EXPENDITURES	MILL LEVY	VOTED MILL LEVY
2220	COUNTY LIBRARIES (VOTED LEVY)	114,419		8.230
2372	PERMISSIVE MEDICAL	86,394		6.210
3010	HOSPITAL DEBT SERVICE	288,651		11.000
7340	PORT AUTHORITY	79,772		4.000
	TOTALS	569,236		29.440

RURAL

Assessed Valuation: 397,198,547
 Tax Valuation: 11,489,757
 1 Mill Yields: 11,489

FUND NO.	FUND NAME	BUDGETED EXPENDITURES	MILL LEVY	VOTED MILL LEVY
2110	ROAD	982,506	36.750	
7200	RURAL FIRE (REGULAR LEVY)	168,600	5.760	
7200	RURAL FIRE (VOTED LEVY)	20,894		1.820
		1,172,000	42.510	1.820

SPECIAL DISTRICTS

CEMETERY DISTRICT #1 (VALIER)				
Assessed Valuation:		147,197,460		
Tax Valuation:		4,087,988		
1 Mill Yields:		4,087		
7203	CEMETERY DISTRICT #1	30,650	4.04	

CEMETERY DISTRICT #2 (CONRAD)				
Assessed Valuation:		335,987,218		
Tax Valuation:		9,824,075		
1 Mill Yields:		9,824		
7201	CEMETERY DISTRICT #2	134,264	7.710	

CONSERVATION DISTRICT				
Assessed Valuation:				
Tax Valuation:		6,715,992		
1 Mill Yields:		6,715		
7206	SOIL CONSERVATION	90,051	2.940	

NON-LEVIED FUNDS

FUND NO.	FUND NAME	BUDGETED EXPENDITURES
2150	PREDATORY ANIMAL	11,595
2170	COUNTY AIRPORTS	151,378
2260	EMERGENCY DISASTER	5,415
2262	EMERGENCY SNOW REMOVAL	2,943
2390	DRUG FORFEITURE	8,000
2393	RECORDS PRESERVATION	42,536
2401	BRADY LIGHTS	6,360
2800	ALCOHOL REHABILITATION	23,122
2811	DUI PREVENTION	11,778
2820	GAS APPORTIONMENT TAX	75,000
2830	JUNK VEHICLE	10,739
2840	NOXIOUS WEED	69,781
2850	911 EMERGENCY	146,880
2859	COUNTY LAND INFORMATION	11,095
2860	LAND USE PLANNING	9,736
2865	OIL & GAS P&A GRANT (DNRC)	99,989

2866	NORTHERN TRANSIT INTERLOCAL	46,685
2894	STATE ALLOCATED FED ROYALTY	47,017
2897	OIL & GAS ACCELERATED	15,500
2900	PILT	512,285
2902	FOREST RESERVE, TITLE III	44,042
2917	VICTIM & WITNESS ADV	3,716
2944	CDBG - BRADY CO WATER & SEWER	420,000
2955	BUCKLE UP MONTANA	25,524
2958	DES GRANTS	113,856
2962	HEALTHY CHILD	8,436
2968	BREAST/CERVICAL HEALTH	8,362
2971	WOMEN/INFANTS/CHILD	21,894
2973	MATERNAL/CHILD HEALTH	7,692
2976	IMMUNIZATION ACTION	3,875
2978	TOBACCO USE PREV GRANT	28,498
2979	NAPA GRANT	35,772
4009	PUBLIC SAFETY CAP IMP	188,468
4010	JUNK VEH CAP IMP	19,879
4011	AMBULANCE CAP IMP	62,336
4012	GEN FUND CAP IMP	140,000
4013	ROAD/BRIDGE CAP IMP	458,342
4014	WEED DISTRICT CAP IMP	39,189
7208	RURAL FIRE DISTRICT CAP IMP	45,000
8010	CEMETERY PERPETUAL CARE	0
	TOTAL	2,982,715

LEVIED FUNDS	\$ 6,749,722
NON-LEVIED FUNDS	<u>2,982,715</u>
GRAND TOTAL	\$ 9,732,437

BE IT FURTHER RESOLVED that the final budget may be amended throughout the fiscal year as provided in 7-6-4031, MCA.

Adopted this 28th day of August, 2013 as moved by Commissioner Hoppes, seconded by Commissioner Broesder and passed on a 3-0 vote of the board. Effective July 1, 2013.

BOARD OF COUNTY COMMISSIONERS

/s/ Joseph Christiaens
Joseph Christiaens, Chairman

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

ATTEST:

/s/ Kody L. Farkell
Kody L. Farkell, Clerk and Recorder

/s/ Janice Hoppes
Janice Hoppes, Member

CLAIMS APPROVED FOR PAYMENT – August 30, 2013

GENERAL	\$ 21,939.99
ROAD	28,101.33
BRIDGE	804.40
WEED	4,000.59
COUNTY FAIR	100.02
PREDATORY ANIMAL	0.00
AIRPORT	97,827.30
AMBULANCE	90.75
COMPREHENSIVE INSURANCE	0.00
COUNTY HOSPITAL & NURSING HOME	0.00
SENIOR CITIZENS	0.00
DEBT SERVICES HOSPITAL 95	0.00
LIBRARY	0.00
EXTENSION SERVICE	4,953.41

PUBLIC SAFETY (LAW ENFORCEMENT)	16,031.44
HEALTH INSURANCE - EMPLOYER CONTRIBUTION	474.63
RECORDS PRESERVATION	0.00
BRADY LIGHTS MAINTENANCE	331.85
NORTHERN TRANSIT INTERLOCAL	2,889.68
DUI PREVENTION	0.00
GAS APPORTIONMENT TAX	164.20
EMERGENCY DISASTER	346.72
911 EMERGENCY	5,071.29
PUBLIC SAFETY CAPITAL IMPROVEMENTS	0.00
LAND USE PLANNING	1,240.85
BUCKLE UP MT	75.00
VICTIM & WITNESS ADVOCATE	0.00
FEMA PDA GRANT	0.00
EMERGENCY PREPAREDNESS GRANT	90.05
BREAST & CERVICAL SCREENING	25.00
WIC GRANT	179.54
MATERNAL CHILD HEALTH	67.29
IMMUNIZATION ACTION PROGRAM	0.00
TOBACCO USE PREVENTION GRANT	827.91
NAPA GRANT	573.25
HEALTHY CHILD (LEAD POISONING) GRANT	0.00
JUNK VEHICLE GRANT	0.00
NOXIOUS WEED GRANTS	900.00
ROAD/BRIDGE EQUIP PURCHASE	32,585.00
REFUND FUND	2,859.79
<hr/>	
TOTAL CLAIMS	\$ 222,551.28
TOTAL PAYROLL	201,405.47

ADJOURNMENT

The meeting adjourned at 5:00 p.m. on August 30, 2013. Pondera County, Montana

Pondera County, Montana

Joseph Christiaens, Chairman

ATTEST:

Kody L. Farkell, Clerk & Recorder