

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

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on May 1, 8, 15, 22, 29, 2013. Unless indicated, all Commissioners were present.

**TAX ABATEMENTS/CANCELLATION APPROVED** – May 1, 2013

Commissioner Broesder moved to approve tax abatement/cancellation 940. Commissioner Hoppes seconded. Motion carried.

<b>NUMBER</b>	<b>REASON</b>	<b>CANCEL</b>	<b>ADD-ON</b>	<b>PARCEL #</b>
940	New Property Tax Assistance Program applicants	211.48		2009700

Commissioner Hoppes moved to approve tax abatement/cancellation 941. Commissioner Broesder seconded. Motion carried

<b>NUMBER</b>	<b>REASON</b>	<b>CANCEL</b>	<b>ADD-ON</b>	<b>PARCEL #</b>
940	New Property Tax Assistance Program applicants	8.97		2033200

Also present was Buck Traxler, Editor of the Independent Observer.

**CONTRACTOR RECOMMENDATION TO FEDERAL AVIATION  
ADMINISTRATION (FAA) FOR AIRPORT PAVING PROJECT** – May 1, 2013

Commissioner Hoppes moved and Commissioner Broesder seconded recommend Z & Z Seal & Coating, Inc – Billings, MT to the FAA as contractor for the Conrad Airport Paving Project. Motion carried.

Also present was Buck Traxler, Editor of the Independent Observer.

**RIGHT-OF-WAY FORAGE REMOVAL AGREEMENTS APPROVED** – May 1, 2013

Commissioner Broesder moved to approve the Right-Of-Way Forage Removal Agreement requested by Ray Denney for the north and south sides of the Pondera Coulee Road, between Price Road and Moulton School Road. Commissioner Hoppes seconded. Motion carried.

Also present was Buck Traxler, Editor of the Independent Observer.

**BOARD APPOINTMENT – CENTRAL MONTANA TOURISM BOARD** – May 1, 2013

Commissioner Broesder moved to re-appoint Rita Christiaens to the Central Montana Tourism Board of Directors. Commissioner Hoppes seconded. Motion carried. Also present was Buck Traxler, Editor of the Independent Observer.

**UPDATE SUBDIVISION REGULATIONS** - May 1, 2013

Commissioner Hoppes moved to contract with Stahly Engineering to update Pondera County Subdivision Regulations sharing the cost of with Toole County and Teton County. The cost per county is approximately \$1,800, which will be lower if Glacier and Liberty Counties also decide to participate. Commissioner Broesder seconded. Motion carried.

**REQUEST TO EXTEND TIME TO USE EXCESS VACATION APPROVED**- May 1, 2013

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

Sheriff Kuka requested the Commissioners approve an extension of time for Carl Suta to use his excess annual leave hours due to staff shortages and Clerk and Recorder Kody Farkell requested the Commissioners approve an extension of time for Angela Brown to use her excess annual leave hours due to staff shortages on her scheduled working days. Commissioner Hoppes moved to grant an extension of time to use excess

leave hours to Carl Suta and Angela Brown. Commissioner Broesder seconded. Motion carried.

Also present was Buck Traxler, Editor of the Independent Observer.

TREASURER'S SECURITIES – May 1, 2013

April 25, 2013

Pondera County Commissioners  
20 4<sup>th</sup> Ave SW  
Conrad, MT 59425

Dear Commissioners,

The following are the investments as of March 31, 2013

STIP \$2338.05 @ .2437835%

STOCKMAN BANK BALANCES \$10,984,559.34

STOCKMAN BANK –Collateral Report

313374Y61 \$6,955,000.00 FHLB 2000608 .50% Matures 8/28/13  
313374Y61 \$4,905,000.00 FHLB 2000618 .50% Matures 8/28/13

RBC WEALTH

3136G0CM1 150,000.00 .50% Due 10/30/2015  
3136G0CX7 300,000.00 1.250% Due 4/26/2017  
3134G3US7 180,000.00 1.100% Due 05/22/2017

Jeanne Moon, Treasurer

APRIL MINUTES APPROVED – May 8, 2013

Commissioner Hoppes moved to approve the April 2013 Minutes of the Commissioners. Commissioner Broesder seconded. Motion carried.

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

PRELIMINARY PLAT APPROVAL - RUSSELL MINOR SUBDIVISION PLAT –

May 15, 2013

**BEFORE THE  
PONDERA COUNTY COMMISSION  
PONDERA COUNTY, MONTANA**

**IN THE MATTER OF THE APPLICATION  
OF MARVIN RUSSELL PRELIMINARY  
PLAT APPROVAL FOR THE RUSSELL  
MINOR SUBDIVISION**

**FINDINGS OF FACT  
AND ORDER**

PURSUANT to the Montana Subdivision and Platting Act, Section 76-3-101 through 76-3-614, Montana Codes Annotated, and the Pondera County Subdivision Regulations, the Pondera County Commission (Commission) reviewed the proposed preliminary plat for a low impact minor subdivision, “Russell Minor Subdivision”, as submitted by the applicant together with the required supplementary information, to determine if the information submitted meets the requirements of the Montana Subdivision and Platting Act and the Pondera County Subdivision Regulations. The Commission considered the subdivision administrator’s recommended written Findings of Fact pursuant to 76-3-608 MCA, submitted May 9, 2013.

THEREFORE, with completion of the review, the Commission being fully advised of all matter presented to it regarding this application makes the following Findings of Fact:

**FINDINGS OF FACT**

**I.**

The final application and plat for preliminary plat approval was submitted on May 7, 2013. On May 8, 2013, the Pondera County subdivision administrator submitted review recommendations and requirements. On May 9, 2013, applicant re-submitted a revised plat and sufficient responses to the review.

## II.

The Commission found that the property consists of 30.00 acres (Tract 1) and remaining surrounding farm ground of 160+ acres. The property is described as being in the SE1/4, Gov't Lots 5 & 6 of Section 6, Township 28 North, Range 1 West, P.M.M., Pondera County, Montana. In general, the property is located approximately 8 miles northeast of Conrad near the intersection of Pondera Coulee and Liberty School Roads.

## III.

The Commission found the subdivision would create one (1) residential lot (proposed Tract 1) currently used for that purpose and a remainder planned for continued farming practices. Proposed Tract 1 was found to be developed with a house, garage and outbuildings.

## IV.

The Commission evaluated the physical and natural characteristics of the property and found the proposed subdivision would not have adverse effects on the natural environment.

## V.

The Commission found that property owners will be responsible for weed management.

## VI.

The Commission found that access to the subdivision is provided by existing accesses from Pondera Coulee Road.

## VII.

The Commission found that domestic water supply is served by Tiber Public Water Supply and wastewater disposal is currently inadequate, however, will be rebuilt to County Standards by July 30, 2013, which has been approved and described on Certificate of Subdivision Plat Approval, Pondera E.Q. #05/09/13 Russell. The Commission found that the solid waste disposal site will be the North Montana Joint Refuse Disposal District.

## IX.

In accordance with Section 76-3-608 M.C.A., the Commission weighed the following criteria as a basis of approval, conditional approval, or disapproval of the Russell Minor Subdivision, and found as follows:

### 1. Primary Criteria:

Agriculture: The proposed subdivision property has been utilized as farm land and one single family residence. No change in use is planned.

Agricultural Water User Facilities: Applicant states that there are no agricultural water user facilities within the proposed subdivision.

#### Local Services:

*Fire Protection.* The proposed subdivision is served by the Pondera County Rural Fire Department.

*Law Enforcement.* Law enforcement is provided by the Pondera County Sheriff's Department.

*Emergency Medical.* Emergency medical service is provided by the Pondera Medical Center.

Natural Environment: The Commission determined the subdivision would not create any adverse impacts on the natural environment.

Wildlife: The Commission determined the subdivision would not create any adverse impacts on area wildlife.

Wildlife Habitat: The Commission determined the subdivision would not create any adverse impacts on area wildlife and wildlife habitat.

Public Health and Safety: Fire and emergency services have been addressed. The Commission found the subdivision does not appear to be subject to potential man-made hazards such as high voltage power lines, high pressure gas lines, nearby industrial or mining activities, or high traffic volumes, etc.

- 2. Compliance with the survey requirements of the Montana Subdivision and Platting Act:** The subdivision final plat meets the requirements of the Montana Subdivision and Platting Act.
- 3. Compliance with local subdivision regulation and review process of the regulations:** The commission found the subdivision complies with the Pondera County Subdivision Regulations.
- 4. The provision of easements for the location and installation of any utilities:** The Commission found that there are no new utilities being installed that require new easements.
- 5. The provision of legal and physical access to each parcel within the subdivision:** The Commission found legal and physical access is provided to the property from Pondera Coulee Road.

#### **XI.**

The Commission found the preliminary plat application mitigated all impact on the primary review criteria of the Montana Subdivision and Platting Act, with suggested conditions. They also found the proposed subdivision complied with the design standards of the Pondera County Subdivision Regulations.

Commissioner Hoppes moved to approve the Preliminary Plat. Commissioner Broesder seconded. Motion carried.

#### **ORDER**

IT IS HEREBY ORDERED that the preliminary plat for the Russell Minor Subdivision is approved, subject to the conditions listed below. Final plat approval shall be contingent upon completion and compliance with these conditions:

1. A certificate of a title abstractor showing the names of the owners of record of the land to be subdivided and the names of any lien holders or claimants of record against the land and the written consent to the subdivision by the owners of the land, if other than the subdivider, and any lien holders or claimants of record against the land must appear on the face of or accompany the approved final plat when it is presented to the County Clerk and Recorder for filing. The Certificate of Abstract must be dated not more than 30 days from the application date.

Preliminary plat approval of the Russell Minor Subdivision shall be in force for two (2) calendar years. At the end of this period the governing body may, at the request of the applicant, extend its approval for no more than three calendar years. The governing body may, however, extend its approval for a period of more than three years if that approval period is included as a specific condition of a written subdivision improvements agreement between the governing body and the subdivider (Section II.C.4).

A party, as defined by 76-3-625 M.C.A., who is aggrieved by a decision of the Commission may, within thirty (30) days after this decision, appeal to the Pondera County district court.

DATED this 15th day of May, 2013.

PONDERA COUNTY COMMISSIONERS

May 2013

/s/ Joseph Christiaens  
Joseph Christiaens, Chairman

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

ATTEST:

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

/s/ Janice Hoppes  
Janice Hoppes, Member

FINAL PLAT APPROVAL FOR THE RUSSELL MINOR SUBDIVISION- May 15, 2013

Commissioner Hoppes moved to give final approval to the Russell Minor Subdivision which was given preliminary approval by the commission on May 15, 2013. The additional information, the certificate of a title abstractor and Landowner Certification, has been received by the County Clerk and Recorder. Commissioner Broesder seconded. Motion carried.

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

APPROVAL FOR AIRPORT MANAGER JOB DESCRIPTION — May 15, 2013

Commissioner Broesder moved to approve the updated job description for the Conrad Airport Manager position. Commissioner Hoppes seconded. Motion carried.

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

VALIER LAW ENFORCEMENT AGREEMENT APPROVED – May 15, 2013

Agreement between the Town of Valier and Pondera County to provide law enforcement services was approved by Town of Valier. Agreement includes sum of \$56,000 per year, paid on a quarterly basis (\$14,000 per quarter) in September, December, March, and June; beginning September 2013 and expiring June 2015.

Commissioner Broesder moved to approve the Valier Law Enforcement Agreement. Commissioner Hoppes seconded. Motion carried.

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

HIRING OF SUMMER OFFICE FILL-IN EMPLOYEE – May 15, 2013

Commissioner Hoppes moved to hire Erica Grubb as a temporary summer office fill-in employee at a rate of \$10/hour. Commissioner Broesder seconded. Motion carried.

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

DESIGNATION OF COMMISSIONER AS VOTING DELEGATE FOR NORTHERN TRANSIT INTERLOCAL – May 15, 2013

Commissioner Hoppes moved to designate Hoppes as Pondera County's voting delegate for the Northern Transit Interlocal Board with Commissioners Christiaens & Broesder as alternates. Commissioner Broesder seconded. Motion carried.

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

YEARLY COMMITMENT FOR NORTHERN TRANSIT INTERLOCAL'S COORDINATION PLAN – May 15, 2013

Commissioner Hoppes moved to commit \$5,000 for the FY 2013-14 year to support Northern Transit Interlocal's Coordination Plan. Commissioner Broesder seconded. Motion carried.

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

BOARD APPOINTMENT – NORTHCENTRAL AREA ON AGING – May 22, 2013

Commissioner Hoppes moved to appoint Penny Douglas to the Northcentral Area on Aging board to complete the unexpired term of Joyce Copenhaver. Commissioner Christiaens seconded. Motion carried.

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

Commissioner Broesder was absent.

NATIONAL ASSOCIATION OF COUNTIES VOTING DELEGATE NAMED – May 22, 2013

Commissioner Hoppes moved to designate Commissioner Broesder as the County's voting delegate to the National Association of Counties' convention to be held in Tarrant County, Texas. Commissioner Christiaens seconded. Motion carried. Also attending was Buck Traxler, Editor of The Independent-Observer. Commissioner Broesder was absent.

**RESOLUTION AMENDING BUDGET FOR TOBACCO USE PREVENTION GRANT**  
 – May 22, 2013

**PONDERA COUNTY MONTANA**  
**RESOLUTION #33 – 2012/13**

**AUTHORIZING BUDGET AMENDMENTS – TOBACCO USE PREVENTION 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 \$28497.50 under the Montana Tobacco Use Prevention Grant Program, and the Montana Tobacco Prevention Program 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 May 22, 2013 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 2978 Montana Tobacco Use Prevention Program Grant, be amended to show the receipt and expenditures, as follows:

Revenue	Description	Prior Amount	New Amount
2978-331140	Grant Revenue	\$ 26150.00	\$ 28497.50

  

Expenditure	Description	Prior Amount	New Amount
2978-403-440191	110 Salaries & Wages	\$ 16,843.00	\$ 16,843.00
2978-403-440191	140 Payroll Benefits	2,703.00	2703.00
2978-403-440191	210 Supplies	2,412.00	3959.50
2978-403-440191	311 Postage	75.00	75.00
2978-403-440191	332 Ads/Dues/Subscriptions	1883.00	2483.00
2978-403-440191	345 Telephone/Communications	300.00	300.00
2978-403-440191	350 Professional Services	100.00	100.00
2978-403-440191	370 Travel & Per Diem	1134.00	1134.00
2978-403-440191	530 Rent	700.00	900.00

Adopted this 22<sup>nd</sup> day of May, 2013 as moved by Commissioner Hoppes, 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

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*/s/ Joseph Christiaens*  
 Joseph Christiaens, Chairman

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*absent*  
 Sandra J. Broesder, Member

ATTEST: \_\_\_\_\_  
*/s/ Kody L Farkell*  
 Kody L Farkell, Clerk and Recorder

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*/s/ Janice Hoppes*  
 Janice Hoppes, Member

**RESOLUTION AMENDING BUDGET FOR MATERNAL AND CHILD HEALTH BLOCK GRANT** – May 22, 2013

PONDERA COUNTY MONTANA  
RESOLUTION #34 – 2012/13

AUTHORIZING BUDGET AMENDMENTS – MATERNAL & CHILD HEALTH  
BLOCK GRANT PROGRAM

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 \$7,958.00 under the Maternal & Child Health Block Grant Program, and the Montana & Child Health Block Grant Program 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 May 22, 2013 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 2973 Maternal & Child Health Block Grant Program, be amended to show the receipt and expenditures, as follows:

Revenue	Description	Prior Amount	New Amount
2973-331143	Grant Revenue	\$ 7,702.00	\$ 7,958.00

  

Expenditure	Description	Prior Amount	New Amount
2973-406-440191	110 Salaries & Wages	\$ 2,344.00	\$ 2,600.00
2973-406-440191	140 Payroll Benefits	636.00	636.00
2973-406-440191	210 Supplies	4,422.00	4,422.00
2973-406-440191	345 Telephone/Communications	0.00	0.00
2973-406-440191	370 Travel & Per Diem	0.00	0.00
2978-403-440191	530 Rent	300.00	300.00

Adopted this 22<sup>nd</sup> day of May, 2013 as moved by Commissioner Hoppes, 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

/s/ Joseph Christiaens  
Joseph Christiaens, Chairman

absent  
Sandra J. Broesder, Member

ATTEST: /s/ Kody L Farkell  
Kody L Farkell, Clerk and Recorder

/s/ Janice Hoppes  
Janice Hoppes, Member

No official business conducted on May 29, 2013.

CLAIMS APPROVED FOR PAYMENT – May 30, 2013

<i>FUND</i>	<i>AMOUNT</i>
GENERAL	\$ 22,024.63
ROAD	23,860.90
BRIDGE	23,604.59
WEED	376.98
COUNTY FAIR	0.00
AIRPORT	4,647.32
AMBULANCE	154.15
COUNTY HOSPITAL & NURSING HOME	0.00
EXTENSION SERVICE	5,217.54
PUBLIC SAFETY (LAW ENFORCEMENT)	10,547.87
COMPREHENSIVE INSURANCE	0.00

HEALTH INSURANCE - EMPLOYER CONTRIBUTION	435.44
RECORDS PRESERVATION	168.70
BRADY LIGHTS MAINTENANCE	330.34
DUI PREVENTION	0.00
GAS APPORTIONMENT TAX	0.00
LAND USE PLANNING	600.00
911 EMERGENCY	5,188.75
NORTHERN TRANSIT INTERLOCAL	312.97
VICTIM & WITNESS ADVOCATE PROGRAM	0.00
NOXIOUS WEED GRANT	1,628.00
EMERGENCY PREPAREDNESS GRANTS	648.02
HEALTHY CHILD (LEAD POISONING) GRANT	0.00
BREAST & CERVICAL SCREENING	0.00
WIC GRANT	61.03
MATERNAL CHILD HEALTH	10.45
IMMUNIZATION ACTION GRANT	156.62
TOBACCO USE PREVENTION GRANT	154.93
NAPA GRANT	86.71
REFUNDS	20,952.72
ROAD/BRIDGE EQUIP PURCHASE	0.00
PUBLIC SAFETY CAPITAL IMPROVEMENT	4,531.38
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TOTAL CLAIMS	\$ 125,700.04
TOTAL PAYROLL	162,595.38
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TOTAL CLAIMS AND PAYROLL FUNDS	\$ 288,295.42
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**ADJOURNMENT**

The meeting adjourned at 5:00 p.m. on May 31, 2013. Pondera County, Montana

Pondera County, Montana

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Joseph Christiaens, Chairman

ATTEST:

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Kody L. Farkell, Clerk & Recorder