

**REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS
PONDERA COUNTY, MONTANA
Held in October, 2014**

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on October 1, 8, 15, 22, and 29, 2014. Unless indicated, all Commissioners were present.

HEARING CONDUCTED ON PROPOSED CLOSING OF COUNTY OFFICES ON THE DAY AFTER THANKSGIVING AND THE DAY AFTER CHRISTMAS 2014 - October 1, 2014

Attending: Commissioners Broesder, Hoppes, and Christiaens (by phone), Clerk and Recorder Farkell, and Buck Traxler, Editor of the Independent Observer.

The notice of the hearing was published in The Independent-Observer and The Valierian in the September 17 and 24, 2014 issues.

Commissioner Christiaens called the hearing to order at 10:05 a.m. at the Pondera County Courthouse. Commissioner Christiaens stated the intent of the hearing is to hear public input on the County offices closing the day after Thanksgiving, November 28, and the day after Christmas Day, December 26.

Commissioner Hoppes stated that one letter of support was received from a county employee.

County employees would use vacation time or compensatory time in order to be paid for that time.

The public hearing adjourned at 10:05 a.m.

RESOLUTION DESIGNATING COUNTY OFFICE HOURS – HOLIDAY CLOSINGS – ADOPTED – October 1, 2014

PONDERA COUNTY, MONTANA
RESOLUTION #8 – 2014/15

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 1, 2014 at 10:00 a.m. in the Pondera County Commissioners office. Notice of the hearing was published in the Independent Observer and The Valierian for two consecutive weeks on September 17 and 24, 2014 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 28, 2014 (day after Thanksgiving Day)

in addition to the Thanksgiving Day holiday on Thursday, November 28, 2014;

Friday, December 26, 2014 (day after Christmas Day)

In addition to the Christmas Day holiday of Thursday, December 25, 2014

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 1st day of October, 2014 as moved by Commissioner Broesder, seconded by Commissioner Hoppes, and passed on a 3-0 vote of the full board; Effective on passage and approval.

BOARD OF COUNTY COMMISSIONERS

/s/ Joseph Christiaen
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

LAND LEASE AGREEMENT WITH NEW SINGULAR WIRELESS APPROVED – October 1, 2014

New Singular Wireless asked the County to lease an area of approximately 25 square feet, including air space and ground space, at the Conrad Airport for installation and use of communication equipment. The term of the lease will be for 5 years. County Attorney Mary Ann Ries approved the lease agreement.

Commissioner Hoppes moved and Commissioner Broesder seconded to approve a 5-year land lease with Singular Wireless at a rate of \$200 per month. Motion carried.

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

DISCUSSION WITH DUPUYER RESIDENTS REGARDING NEW JONES PARK ENTRANCE AND FIRE DEBRIS CLEAN-UP – October 8, 2014

Dennis Williams updated on plans for a new entrance for Jones Park. The current sign is 12' x 16'. The plans include a sign 20' x 16', which would require the road going into the park to be extended. Commissioners will schedule a time with the Road Department to look at the entrance and determine what would need to be done.

Ted Beck was present to request an update on the County Attorney's correspondence with Peggy Utsler, Pierre's Bar owner, regarding clean-up from the building's fire in December 2013. The Commissioners advised him that County Attorney Mary Ann Ries plans to file a default in the suit against her in District Court, at which time a court date for the Judge to hear the default evidence and issue an order would be set by the Judge. Mr. Beck noted that he would like to see the County to pursue taking possession of the property and have it cleaned up. Commissioner Hoppes advised that there is no legal standing for the county take possession of a property and noted that the suit filed in District Court would be to require Mrs. Utsler to clean up the debris herself or allow the County access to the property in order to do the cleanup and add the cost as a lien on the tax bills for the property, not for the county to take possession of the property.

Also attending was Dennis and Nancy Williams and Buck Traxler, Editor of The Independent Observer.

RESOLUTION AUTHORIZING BUDGET AMENDMENTS TO PONDERA COUNTY BUDGET – ADOPTED – October 8, 2014

**PONDERA COUNTY MONTANA
RESOLUTION #9 - 2014/15**

AUTHORIZING BUDGET AMENDMENTS TO
PONDERA COUNTY BUDGET

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 during its regular budget approval process and errors in revenues and expenditures budget have been identified; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pondera County that the budget be corrected as follows:

Revenue	Description	Prior Amount	New Amount
2946-331023	Grant Revenue	\$0	\$7,218
Expenditure	Description	Prior Amount	New Amount
2946-501-470021-350	Rail Feasibility Study	\$0	\$7,218

Expenditure	Description	Prior Amount	New Amount
2300-208-420801-356	Evaluations/Autopsies	\$ 1,200	\$ 3,200
2300-208-521013-820	Capital Transfer	\$30,000	\$28,000

Expenditure	Description	Prior Amount	New Amount
2968-448-440110-110	Salaries & Wages	\$0	\$1,000
2968-448-440110-140	Payroll Benefits	\$0	\$ 500
2968-448-440110-210	Supplies & Materials	\$9,750	\$8,500

Adopted this 8th day of October, 2014 as moved by Commissioner Hoppes, seconded by Commissioner Broesder, and passed on a 2-0 vote of the board. Effective on passage and approval.

PONDERA COUNTY COMMISSIONERS
Pondera County, Montana

 Absent
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

COMMISSION REORGANIZATION – October 15, 2014
Commissioner Hoppes moved to appoint Commissioner Broesder as Chairman for the remainder of calendar year 2014. Commissioner Broesder seconded. Motion carried. Also attending was Buck Traxler, Editor of the Independent Observer

ENCROACHMENT AGREEMENT APPROVED – October 15, 2014
Commissioner Hoppes moved to approve an Encroachment Agreement requested by Diamond D Angus for an extension to an existing approach with 15” culvert on the Valier-Dupuyer Road. Commissioner Broesder seconded. Motion carried. Also attending was Buck Traxler, Editor of the Independent Observer.

RESOLUTION AUTHORIZING BUDGET AMENDMENT – BUCKLE UP MONTANA PROGRAM GRANT – ADOPTED – October 15, 2014

PONDERA COUNTY MONTANA
RESOLUTION #10 – 2014/15

AUTHORIZING BUDGET AMENDMENTS – BUCKLE UP MONTANA PROGRAM GRANT

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

WHEREAS the State of Montana Department of Transportation has notified Pondera County of grant funds for program year 2015 will total \$35,000 under the Buckle Up Montana Grant Program, and the Buckle Up Montana 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 October 15, 2014 and there were no objections; and NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pondera County that the budget for Fund 2955 Buckle Up Montana Program Grant, be amended to show the receipt and expenditures, as follows:

Revenue	Description	Prior Amount	New Amount
2955-331140	Grant Revenue	\$ 34,700	\$ 35,000

Expenditure	Description	Prior Amount	New Amount
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2955-403-440198	110	Salaries & Wages	\$ 15,905	\$ 15,548
2955-403-440198	140	Payroll Benefits	4,073	3,110
2955-403-440198	210	Supplies	5,925	7,924
2955-403-440198	219	Equipment < \$5,000	1,000	1,000
2955-403-440198	311	Postage	500	500
2955-403-440198	332	Ads/Dues/Subscriptions	0	1,500
2955-403-440198	345	Telephone/Communications	540	540
2955-403-440198	370	Travel & Per Diem	1,207	2,239
2978-403-440198	386	Public Education	2,900	0
2978-403-440198	530	Rent	900	900
2978-403-440198	501	Administrative Fee	1,750	1,739

Adopted this 15th day of October, 2014 as moved by Commissioner Hoppes, seconded by Commissioner Broesder and passed on a 2-0 vote of the board. Effective on passage and approval.

PONDERA COUNTY COMMISSIONERS
Pondera County, Montana

 /s/ Sandra J. Broesder
Sandra J. Broesder, Chairman

 /s/ Janice Hoppes
Janice Hoppes, Member

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

RESOLUTION IN MEMORIUM – ADOPTED - October 15, 2014

PONDERA COUNTY MONTANA
RESOLUTION #11- 2014/15

RESOLUTION IN MEMORIAM

WHEREAS, the members of the Board of County Commissioners of Pondera County, with great sorrow and a deep sense of loss, wish to remember and honor Joseph E. Christiaens who passed away on October 12, 2014; and

WHEREAS, for more than fifty (50) years, Joseph Christiaens rendered innumerable public services to Pondera County, to the State of Montana, and to the people thereof; and

WHEREAS, the absence of Joseph Christiaens is keenly felt as a great personal loss to his family, friends and colleagues.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Pondera County, this 15th day of October, 2014, that the County of Pondera does hereby pay tribute to the memory of Joseph Christiaens and, on behalf of its members and the citizens of the State of Montana, does hereby express gratitude for his achievements and contributions to the public good of Pondera County and to Montana.

Adopted this 15th day of October, 2014 as moved by Commissioner Hoppes, seconded by Commissioner Broesder, and passed on a unanimous vote of the board. Effective on passage and approval.

PONDERA COUNTY COMMISSIONERS
Pondera County, Montana

 /s/ Sandra J Broesder
Sandra J. Broesder, Chairman

 /s/ Janice Hoppes
Janice Hoppes, Member

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

RENEWAL OF INMATE EXCESS MEDICAL INSURANCE – October 22, 2014

Commissioner Hoppes moved, Commissioner Broesder seconded, to renew the Inmate Excess Medical Insurance with Correctional Risk Services, Inc. at the base rate of \$0.85

per inmate per day. Effective dates of coverage: November 1, 2014 to October 31, 2015.
Motion carried.

Also attending was Buck Traxler, Editor of The Independent Observer

**TENTH DRAWDOWN FOR BRADY COUNTY WATER & SEWER DISTRICT
CDBG APPROVED – October 22, 2014**

Commissioner Hoppes moved to approve the Drawdown #10 on the Community Development Block Grant (CDBG) #MT-CDBG-11PF-07 for the Brady County Water & Sewer District in the amount of \$37,600.14. Commissioner Broesder seconded. Motion carried.

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

AUGUST AND SEPTEMBER MINUTES APPROVED - October 22, 2014

Commissioner Hoppes moved to approve the August and September Minutes of the Commission. Commissioner Broesder seconded. Motion carried.

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

TREASURER'S SECURITIES REPORT – October 22, 2014



**DISCUSSION ON VACANCY ON BOARD OF COUNTY COMMISSIONER –
October 22, 2014**

With the recent passing of Commissioner Joseph Christiaens, the determination of how to fill his office for the remainder of his term was discussed. According to Montana Code Annotated 7-4-2106, whenever a vacancy occurs in the board of county commissioners during the last two years of the office the remaining county commissioners shall fill the vacancy by appointing a person from a list of up to 3 nominees submitted to the commission by the central committee of the political party of the vacant officeholder. The appointee would hold office until the next general election, in this instance, November 4th. Once the general election has been canvassed, the newly elected Commissioner shall be sworn in to complete the term. In this case, Tom Kuka, uncontested candidate for County Commissioner, will be able to take office after the November 4 election is certified and canvassed, anticipated to be completed by November 18. This will create a

vacancy in the Sheriff's position, in which case uncontested Sheriff candidate, Carl Suta, can be sworn as Sheriff for the remainder of the current term.
 Also attending was Buck Traxler, Editor of The Independent Observer.

ENCROACHMENT AGREEMENT APPROVED – October 29, 2014

Commissioner Hoppes moved to approve an Encroachment Agreement requested by Pondera Colony for placement of a sprinkler main line on the Valier-Dupuyer Road. Commissioner Broesder seconded. Motion carried.
 Also attending was Buck Traxler, Editor of the Independent Observer.

CLAIMS APPROVED FOR PAYMENT – October 31, 2014

<i>FUND</i>	<i>AMOUNT</i>
GENERAL	\$ 61,219.92
ROAD	16,275.51
BRIDGE	7,326.47
WEED	1,193.62
AIRPORT	410.66
PREDATORY ANIMAL	0.00
COMPREHENSIVE INSURANCE	0.00
AMBULANCE	68.67
LIBRARY	0.00
COUNTY HOSPITAL & NURSING HOME	14,372.54
EXTENSION SERVICE	4,793.46
SENIOR CITIZENS	0.00
COUNTY FAIR	0.00
PUBLIC SAFETY (LAW ENFORCEMENT)	9,846.61
HEALTH INSURANCE - EMPLOYER CONTRIBUTION	225.00
DRUG FORFEITURE	0.00
RECORDS PRESERVATION	0.00
BRADY LIGHTS MAINTENANCE	334.52
911 EMERGENCY	34,805.68
LAND USE PLANNING	52.08
GAS APPORTIONMENT TAX	0.00
NORTHERN TRANSIT INTERLOCAL	184.54
STATE ALLOCATED FEDERAL MINERAL	0.00
VICTIM & WITNESS ADVOCATE	441.00
NEIGHBORHOOD STABIL. GRANT	0.00
DUI PREVENTION	0.00
BUCKLE UP MT	675.00
NOXIOUS WEED GRANT	0.00
EMERGENCY PREPAREDNESS GRANT	441.15
PERFORMANCE MGT GRANT	19.04
HEALTHY CHILD (LEAD POISONING) GRANT	0.00
BREAST & CERVICAL SCREENING	1,299.70
IMMUNIZATION BILLING GRANT	19.04
WIC GRANT	552.35
MATERNAL CHILD HEALTH	19.18
IMMUNIZATION ACTION PROGRAM	19.04
TOBACCO USE PREVENTION GRANT	402.92
NAPA GRANT	166.99
JUNK VEHICLE GRANT	0.00
HOSPITAL DEBT SERVICE 95	0.00
GENERAL FUND CAPITAL IMPROV	41,008.00
ROAD/BRIDGE EQUIP PURCHASE	0.00
PUBLIC SAFETY CAP IMPROV	0.00
REFUND FUND	0.00

PAYROLL FUND		3,436.36
TOTAL CLAIMS	\$	199,609.05
TOTAL PAYROLL		<u>201,152.09</u>
TOTAL CLAIMS AND PAYROLL FUNDS		<u><u>400,761.14</u></u>

ADJOURNMENT

The meeting adjourned at 5:00 p.m. on October 31, 2014. Pondera County, Montana

Sandra J Broesder, Chairman

ATTEST:

Kody Farkell, Clerk & Recorder