

**REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
PONDERA COUNTY, MONTANA  
Held in August, 2015**

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on August 5, 12, 19, and 26, 2015. Unless indicated, all Commissioners were present.

**REQUEST FOR SPEED LIMIT RADAR SIGNS - August 5, 2015**

Ted Beck of Dupuyer visited with the Commissioners seeking assistance to acquire two Speed Limit Radar Signs for Dupuyer, one at each end of town. Commissioner Broesder pointed out that the road through Dupuyer is a Montana Secondary highway and is under the jurisdiction of the Montana Department of Transportation. Commissioner Kuka stated he had been in contact with the Department of Transportation and is waiting for a response. The Commissioners are in agreement to support this project by a letter of support and working with the community. Also in attendance were LeAnn Hermance, County DES Coordinator, Mary Ann Ries, County Attorney, Dan Cobb and Buck Traxler, Editor of The Independent-Observer.

**SECOND READING OF PROPOSED ORDINANCE TO CONTROL COMMUNITY DECAY – ADOPTED - August 5, 2015**

The Ordinance was read; then discussed among the commissioners, County Attorney, Dan Cobb and Ted Beck. Mr. Cobb was concerned the provisions of the ordinance were not quantifiable as it seemed people with a vendetta against another would use the ordinance to lash out. The duties, process and enforcement provisions were discussed and Mr. Cobb stated he was satisfied that safeguards were in place in the ordinance. Commissioner Kuka moved to adopt the Ordinance to Control Community Decay as read, effective September 5, 2015. Commissioner Hoppes seconded and motion carried.

Also in attendance were LeAnn Hermance, County DES Coordinator, Mary Ann Ries, County Attorney, Ted Beck, Dan Cobb and Buck Traxler, Editor of The Independent-Observer.

**AN ORDINANCE TO CONTROL COMMUNITY DECAY  
CAUSED BY ACCUMULATION OF RUBBLE, DEBRIS, JUNK OR REFUSE WITHIN  
PONDERA COUNTY  
AND ESTABLISHING PROCEDURES FOR ITS ENFORCEMENT**

Ordinance No. 1 – 2015/16  
**CONTROL OF COMMUNITY DECAY**

WHEREAS, MCA Section 7-5-2111, authorizes counties to adopt an ordinance to control, regulate and prohibit conditions that contribute to community decay on or adjacent to any public roadway; and

WHEREAS, the Pondera County Commissioners have determined there is a continuing need to control community decay in Pondera County; and

WHEREAS, the Pondera County Commissioners desire to define the prohibited nature of conditions that contribute to community decay; and to define the role of the County Sanitarian, the Pondera County Sheriff's Office or other designated agency in serving notices to appear on those who violate this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF PONDERA COUNTY, STATE OF MONTANA:

It shall be a violation of this ordinance to own or maintain any public nuisance or community decay on or adjacent to any public roadway within the unincorporated, platted town boundary areas of Pondera County, having more than 200 lots platted currently the platted areas of Brady and Dupuyer.

### Definitions

1. (a) **"Agency"** means the Pondera County Sanitarian, the Pondera County Sheriff's Office or other designated agent;
- (b) **"Community decay"** means a public nuisance created by allowing rubble, debris, junk or refuse to accumulate resulting in conditions that are injurious to health, indecent, offensive to the senses or obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property. "Community decay" as used in this ordinance may not be construed or defined to apply to normal farming, ranching or other agricultural operations, or to a farm, ranch, or other agricultural facility, or any appurtenance thereof, during the course of its normal operation.
- (c) **"Person"** means an individual, firm, partnership, company, association, corporation, city or town, or any other entity, whether organized for profit or not.
- (d) **"Public nuisance"** is defined at MCA 27-30-102 and means a nuisance which affects, at the same time, an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted on such individuals may be unequal.
- (e) **"Public view"** is defined at MCA 75-10-501(8) and, *for the purposes of junk vehicles only*, as any point 6 feet above the surface of the center of a public road from which the community decay can be seen.
- (f) **"Shielding"** is defined at MCA 75-10-501(9) and, *for the purposes of junk vehicles and metal items only*, refers to the fencing or other man-made barriers to conceal facility from public view. It also refers to natural barriers. Any shielding barrier must conform to all local zoning, planning, building, and protective covenant provisions. Any shielding is to be of sufficient height that none of the violation on the premises is visible to public view.
- (g) **"Tract of record"** means an individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the Pondera County Clerk and Recorder's Office.
- (h) **"Violation"** means community decay occurring on each tract of record which is on or adjacent to any public roadway.
- (i) **"Abatement"** means physical removal of all community decay.

### Duties of Private Property Owners

2. It shall be unlawful for any person who is an owner of property to allow rubble, debris, junk or refuse to accumulate resulting in conditions that are injurious to health, indecent, offensive to the senses or obstructive of free use of property as to interfere with the comfortable enjoyment of life or property and so constitute community decay on such property which is on or adjacent to any public roadway.

### Powers and Duties of the Agency

3. The county governing board hereby designates the Pondera County Sanitarian, the Pondera County Sheriff's Office or other designated agent as the agencies which shall have the following powers and duties:
  - (a) The duty to inspect when there has been a written complaint by more than one member of the public that "community decay" is present on either public or private property which is on or adjacent to any public roadway.
  - (b) The power to determine whether or not this ordinance applies after an inspection of the property.
  - (c) The duty to serve a written notice of violation to the owner(s) of the property in violation of this ordinance.
  - (d) The duty to initiate actions, through the County Attorney, in Court for the purpose of enforcing this ordinance and the power, upon obtaining a Court order, to enter upon the property for the specific purpose of abating the violation.
  - (e) The duty to assess, upon order of the Court, the property owner for the actual costs of an abatement made by the Agency or by a third party on behalf of the Agency. Where the Agency is not capable of performing the abatement itself, the Agency shall obtain "quotes" and shall engage the party who submitted lowest "quote".

#### **Notification**

4. (a) When the agency receives a signed complaint by more than one person that a public nuisance has been created by allowing rubble, debris, junk, or refuse to accumulate resulting in conditions that are injurious to health, indecent, offensive to the senses, or obstruct the free use of property, the agency shall inspect the property alleged to be in violation of this ordinance. Upon inspection, the agency shall determine whether there is a violation of this ordinance.
  - (b) If there appears to be a violation of this ordinance, the agency shall notify the owner of the property in writing of the violation. This notice shall be sent by certified mail or by personal service as prescribed by Rule 4 of the Montana Rules of Civil Procedure. This notice shall include a statement specifically describing the violation. The notice shall also state that each violation of this Ordinance can subject the owner to a fine of up to \$500, pursuant to MCA 7-5-109.
  - (c) The notice of violation to the owner shall specify that the owner has thirty (30) days from receipt of such notice within which to become in compliance with this ordinance by means of removal or shielding of the conditions.
    - (i) The owner may, after notification of violation, submit a plan of abatement to the agency which shall include: 1) Type of abatement or shielding; 2) Date for commencement of work; and 3) Reason, if appropriate, why abatement cannot be completed within the thirty (30) days. The agency, in its sole discretion, may accept such plan and defer further proceedings under this ordinance pending abatement.
  - (d) After thirty (30) days from receipt of the Notice, or the date agreed to by owner and agency not to exceed 90 days from receipt of the Notice, the agency shall determine whether the violation has been abated by the owner.
  - (e) If the Agency rejects the owner's(s') plan of abatement or in the event the owner has failed to abate the nuisance within the thirty (30) days after the notice of violation has been received by the owner(s), the Agency, through the County Attorney, may file an action in Court against the owner(s) for the purpose of enforcing this ordinance.

(f) If, after a show cause hearing, the owner has not complied with the court-ordered abatement, the agency may send written notification by certified mail and allow ten (10) days further to complete abatement. Ten (10) days after receipt of notice by owner, the agency may enter upon the owner's property with the specific purpose of abating or shielding the violation, whichever the agency deems appropriate.

(g) The agency may assess the property owner for the actual costs incurred by the Agency if the Agency is compelled to perform the abatement.

(h) Nonpayment of the assessment by the agency may be taken as a lien upon the property and is enforceable as are nonpayment of property taxes.

**Jurisdictional Area**

- 5. This ordinance applies solely to the unincorporated, platted areas of Pondera County having more than 200 lots platted, currently the platted areas of Brady and Dupuyer.

**Effective Date**

- 6. This ordinance shall be in full force and effect thirty (30) days after final passage and adoption by the Pondera County Commissioners.

**Severability**

- 7. If any provision of this ordinance is declared invalid by any court or tribunal, the remaining provisions of this ordinance shall not be affected thereby.

PASSED on first reading this 22nd day of July, 2015, by the Board of Commissioners, County of Pondera, State of Montana.

/s/ Sandra J. Broesder

Sandra J. Broesder, Chair

/s/ Janice Hoppes

Janice Hoppes, Member

/s/ Thomas A. Kuka

Thomas A. Kuka, Member

Attest:

/s/ Kody L. Farkell

Kody L. Farkell

Pondera County Clerk and Recorder

PASSED on second and final reading this 5th day of August, 2015, by the Board of Commissioners, County of Pondera, State of Montana.

/s/ Sandra J. Broesder

Sandra J. Broesder, Chair

/s/ Janice Hoppes

Janice Hoppes, Member

/s/ Thomas A. Kuka

Thomas A. Kuka, Member

Attest:

/s/ Kody L. Farkell

Kody L. Farkell  
Pondera County Clerk and Recorder

SECOND READING OF PROPOSED ORDINANCE TO CONTROL LITTER – ADOPTED -  
August 5, 2015

The Ordinance was read; there was no discussion. Commissioner Kuka moved to adopt the Ordinance to Control Litter as read, effective September 5, 2015. Commissioner Hoppes seconded and motion carried.

Also in attendance were LeAnn Hermance, County DES Coordinator, Mary Ann Ries, County Attorney, Ted Beck and Buck Traxler, Editor of The Independent-Observer.

Ordinance No. 1 – 2015/16

CONTROL OF LITTER

**AN ORDINANCE TO CONTROL LITTER  
WITHIN PONDERA COUNTY**

**AND ESTABLISHING PROCEDURES FOR ITS ENFORCEMENT**

WHEREAS, MCA Section 7-5-2109, authorizes counties to adopt an ordinance for the control of litter within the county; and

WHEREAS, the Pondera County Commissioners have determined there is a continuing need to control litter in Pondera County; and

WHEREAS, the Pondera County Commissioners desire to define the prohibited nature of littering; and to define the role of the County Sanitarian, the Pondera County Sheriff's Office or other designated agency in serving notices to appear on those who violate this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF PONDERA COUNTY, STATE OF MONTANA:

**Definitions**

1. (a) **"Agency"** means the Pondera County Sanitarian, the Pondera County Sheriff's Office or other designated agent
- (b) **"Litter"** means any quantity of uncontained or openly stored:
  - SOLID WASTE** as defined by MCA 75-10-203(11) means all putrescible and nonputrescible wastes, including, but not limited to, garbage, rubbish, refuse, ashes, sludge from sewage treatment plants, water supply treatment plants, or air pollution control facilities; construction and demolition wastes, dead animals, including offal; discarded home and industrial appliances; and wood products or wood byproducts and inert materials.
- And/Or**
  - JUNK VEHICLES AND COMPONENT PARTS** as defined at MCA 75-10-501
  - (2) "Component part" means any identifiable part of a discarded, ruined, wrecked or dismantled motor vehicle, including but not limited to fenders, doors, hoods, engine blocks, motor parts, transmissions, frames, axles, wheels, tires, and passenger compartment fixtures. and
  - (4)(a) "Junk vehicle" means a motor vehicle, including component parts:
    - (i) that is discarded, ruined, wrecked or dismantled;
    - (ii) that, except as provided in subsection (4)(b), is not lawfully and validly licensed; and
    - (iii) that remains inoperative or incapable of being driven.

**August 2015**

(4)(b) If a vehicle is permanently registered under 61-3-562 and meets the criteria for a junk vehicle under subsection (4)(a), the vehicle is a junk vehicle.

(c) **“Uncontained”** means not properly confined to a garbage can or dumpster and not covered with a properly fitting lid.

(d) **“Openly stored”** means litter which is kept, accumulated, or otherwise held such that it is readily visible by the public from any public location.

(e) **“Person”** means an individual, firm, partnership, company, association, corporation, city or town, or any other entity, whether organized for profit or not.

(f) **“Public View”** means any point 6 feet above the surface of the center of a public road from which litter can be seen.

(g) **“Violation”** means littering by any person on any county road or other land, public or private, within the County. Each day the violation exists is a separately punishable offense.

2. **Duties of Private Property Owners, Lessee, Occupants**

It shall be unlawful for an owner, lessee or occupant of private property to allow litter on his or her property in public view. It shall also be unlawful for any person to scatter litter on public property, including public roads.

**Powers and Duties of the Agency**

3. The Agency has the following powers and authority:

(a) The power to inspect when there has been a signed complaint by more than one person that litter is present in an area.

(b) The power to determine whether or not this ordinance applies after an inspection of the property or area.

(c) The duty to serve a written Notice to Appear and Complaint on the person who owns, leases or occupies the property on which litter is present or who scatters litter on public property, and the duty to file the Notice and Complaint in Justice Court.

(d) The duty to provide the County Attorney with sufficient documentation to enable him or her to prosecute the violation as a misdemeanor.

4. **Penalty**

(a) Any violation of the provisions of this ordinance shall constitute a misdemeanor punishable by a fine not to exceed \$200.00 per violation. Violation of this ordinance may not be punishable by imprisonment. Each day the violation exists is a separately punishable offense.

(b) For the purpose of enforcing this ordinance, the county governing body may provide that, after giving due notice, in writing, of violation and upon the failure of the property owner to comply with the ordinance, officers, employees, and designated agents of the county may enter upon the property for the specific purpose of abating the violation of the ordinance and may assess the property owner for the actual costs for the abatement. Nonpayment of such an assessment becomes a lien upon the property and is enforceable in the same manner as the nonpayment of property taxes is enforced.

**Jurisdictional Area**

5. This ordinance applies solely to the unincorporated, platted town areas of Pondera County, having more than 200 platted lots, specifically the communities of Brady and Dupuyer.

**Effective Date**

- 6. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the Pondera County Commission.

**Severability**

- 7. If any provision of this ordinance is declared invalid by any court or tribunal, the remaining provisions of this ordinance shall not be affected thereby.

PASSED on first reading this 22nd day of July, 2015, by the Board of Commissioners, County of Pondera, State of Montana.

          /s/ Sandra J. Broesder            
 Sandra J. Broesder, Chair  
          /s/ Janice Hoppes            
 Janice Hoppes, Member  
          /s/ Thomas A. Kuka            
 Thomas A. Kuka, Member

Attest:

          /s/ Kody L. Farkell            
 Kody L. Farkell  
 Pondera County Clerk and Recorder

PASSED on second and final reading this 5th day of August, 2015, by the Board of Commissioners, County of Pondera, State of Montana.

          /s/ Sandra J. Broesder            
 Sandra J. Broesder, Chair  
          /s/ Janice Hoppes            
 Janice Hoppes, Member  
          /s/ Thomas A. Kuka            
 Thomas A. Kuka, Member

Attest:

          /s/ Kody L. Farkell            
 Kody L. Farkell  
 Pondera County Clerk and Recorder

**REQUESTS FOR PROPOSAL ACCEPTED – MAPPING SOFTWARE FOR DISPATCH CENTER – ACCEPTED - August 5, 2015**

LeAnn Hermance, Disaster and Emergency Services Coordinator, advised the Commissioners that since the County has implemented a dispatch management program that does not have a satisfactory mapping program, proposals were requested for a stand-alone mapping system that is compatible with the program. Two proposals were received:

GeoCom	\$12,063.00
Zuercher	\$14,685.00

Toole County uses the GeoCom software and Teton and Glacier Counties utilize the Zuercher software. The Dispatchers visited the other counties and saw the programs in action.

Commissioner Hoppes moved to accept the proposal of GeoCom in the amount of \$12,063, to be paid from the 9-1-1 Fund. Commissioner Kuka seconded; motion carried. Also in attendance were Mary Ann Ries, County Attorney, and Buck Traxler, Editor of The Independent-Observer.

**REQUEST FOR LETTER OF SUPPORT TO BE INCLUDED IN THE PRE-DISASTER MITIGATION GRANT APPLICATION - August 5, 2015**

LeAnn Hermance, Disaster and Emergency Services Coordinator, met with the Commissioners regarding the mandatory update of the Pre-Disaster Mitigation Plan. When the Plan was drafted, Pondera and Glacier Counties jointly applied for a grant to fund 75% of the cost. The two counties would again like to partner in this grant application and a letter of support from the Commissioners was requested to be included with the grant application. Commissioner Hoppes moved that the Commissioner draft a letter of support for this grant application. Commissioner Kuka seconded; motion carried.

Also in attendance were Mary Ann Ries, County Attorney, and Buck Traxler, Editor of The Independent-Observer

**COUNTY ATTORNEY REPORT – AUGUST 5, 2015**

Mary Ann Ries advised the Commissioners that the 2015 Montana Legislature created a Commission on Sentencing with the duty to review district court sentences throughout the state with regard to discrimination. Governor Bullock has appointed Mary Ann Ries to the Commission on Sentencing.

County Attorney Ries also advised the Commissioners that we have already had 18 dependent neglect cases filed in District Court since the first of the year. Normally, Pondera County sees an average of 5 of these cases over an entire year. Teton County has a deputy county attorney that is contracting with Toole County to handle the investigation of dependent neglect cases and she may also be in need of these contracted services.

Also in attendance were Donna Wheeler, Ken Shauf and Buck Traxler, Editor of The Independent-Observer.

**JOINT APPLICATION FOR PROPOSED WORK IN MONTANA'S STREAMS, WETLANDS, FLOODPLAINS, AND OTHER WATER BODIES APPROVED – August 12, 2015**

Susan McNeal of U.S. Fish and Wildlife Service – Partners for Fish and Wildlife Program, met with the commissioners regarding the erosion of the bank and the appearance of a partially submerged car body creating a safety hazard in the Dupuyer Creek. Ms. McNeal stated that since the 2008 and 2011 flooding events of Dupuyer Creek, the rocks along the bank have shifted along the bank causing a decrease in stability of the bank. The car body (or car parts) create a safety hazard because of the sharp edges. Ms. McNeal presented a drawing of the proposed reconfiguration of the rocks to again stabilize the bank. Any proposal to remove the car body/parts will have to be finalized during the process, depending on the impact to the stability of the Creek and bank.

The funding for the project would be from U.S. Fish and Wildlife Service and the County would be able to provide matching funds via volunteer labor and/or materials.

Commissioner Hoppes moved to approve the Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplains, and Other Water Bodies. Commissioner Kuka seconded; motion carried.

Also in attendance was LeAnn Hermance, County Disaster & Emergency Services Coordinator and Buck Traxler, Editor of The Independent-Observer

INTERCAP LOAN DRAW #7 FOR PONDERA MEDICAL CENTER APPROVED – August 12, 2015

Commissioner Kuka moved to approve Draw #7 for the Pondera Medical Center InterCap Loan in the amount of \$27,540.91. Commissioner Hoppes seconded; motion carried.

Also in attendance was LeAnn Hermance, County Disaster & Emergency Services Coordinator and Buck Traxler, Editor of The Independent-Observer

MEETING WITH PONDERA MEDICAL CENTER - August 12, 2015

Bill O'Leary, CEO of Pondera Medical Center, and JoAnn Cobb, Life Enrichment Director of Pondera Medical Center Extended Care, met with the commissioners, John Stokes, Road Department Supervisor, and Mark Fitzgerald, Road Department Lead Operator, regarding a paved access road to the Hall 3 entrance of the PMC Extended Care. The State of Montana safety survey has noted the lack of a stable surface at that entrance as a problem to be rectified. In addition, providing a paved road to the entrance/exit door will provide the residents with a safe and stable surface in case of the need to evacuate the building and to board the bus for excursions. It would allow residents to use an entrance/exit directly from the Extended Care Facility rather than having to use the main entrance to PMC reception area.

Mrs. Cobb has visited with the Mayor of the City of Conrad and the City is willing to donate some preparation time and/or materials such as gravel. The County will also provide some donated labor and/or materials and will seek grant funding on behalf of Pondera Medical Center for this project.

Also in attendance was LeAnn Hermance, County Disaster & Emergency Services Coordinator and Buck Traxler, Editor of The Independent-Observer

HEARING CONDUCTED ON PRELIMINARY BUDGET - August 19, 2015

Attending: Commissioner Broesder, Commissioner Hoppes, Commissioner Kuka, Clerk & Recorder Farkell, and Buck Traxler, Editor of The Independent Observer.

Commissioner Broesder called the hearing to review the proposed County budget to order at 10:00 a.m. There was no public in attendance and no written comments were received.

The County intends to remain at the prior fiscal year levels plus an inflationary amount allowed by State law. The budget was prepared with a salary increase of \$.50 per hour for all regular employees. The bond for the Pondera Medical Center was paid off in July of 2015 but the voted levy for Pondera Medical Center capital purchases goes into effect with this budget making it essentially neutral. The Commissioners and Clerk and Recorder will continue to review the budget with probable adoption at the August 26, 2015 meeting.

Commissioner Hoppes moved to approve a \$.50 per hour cost of living adjustment/salary increase for all elected officials and regular employees. Commissioner Kuka seconded. Motion carried.

Hearing closed at 10:30 a.m.

MONTANA TOBACCO USE PREVENTION PROGRAM SUBCONTRACT APPROVED – August 19, 2015

Commissioner Hoppes moved to approve the Montana Tobacco Use Prevention Program Subcontract with Teton County as Administrative Site for fiscal year 2015-16. The County will

receive \$28,900 to provide use prevention of tobacco products. Commissioner Kuka seconded. Motion carried.

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

AGREEMENT WITH STAHLY ENGINEERING FOR UPDATE OF COUNTY SUBDIVISION REGULATIONS APPROVED – August 19, 2015

Commissioner Kuka moved to approve the Professional Services Agreement with Stahly Engineering for updating the County Subdivision Regulation for \$700. Pondera County will join several other participating counties, saving all counties money. Commissioner Hoppes seconded. Motion carried.

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

EMERGENCY MANAGEMENT PLANNING GRANT AND FEMA FUNDING FOR DES OPERATIONS APPROVED – August 19, 2015

Commissioner Hoppes moved to approve the Emergency Management Planning Grant for fiscal year 2015-16. The County will receive \$30,922 in reimbursement funding from the State and Federal governments for this program. Commissioner Kuka seconded. Motion carried.

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

FIBER OPTICS CABLING TO COUNTY OWNED PROPERTY IN BRADY APPROVED – August 19, 2015

Commissioner Kuka moved to approve a 3 Rivers Communication route for fiber optic cabling to County owned property in Brady. Commissioner Hoppes seconded. Motion carried.

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

MEMBERSHIP DUES TO MONTANA GAS, OIL, AND COAL COUNTIES ASSOCIATION APPROVED – August 19, 2015

Commissioner Kuka moved to approve membership dues to Montana Gas, Oil and Coal Counties Association in the amount of \$660.94. Commissioner Hoppes seconded. Motion carried

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

JULY MINUTES APPROVED – August 19, 2015

Commissioner Kuka moved to approve the July minutes of the Commission. Commissioner Hoppes seconded. Motion carried.

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

FINAL CLOSEOUT CERTIFICATION FOR PONDERA REGIONAL PORT AUTHORITY CDBG-EDPG APPROVED – August 26, 2015

Commissioner Hoppes moved to approve the Final Closeout Certification for the Community Development Block Grant – Education Planning Grant (CDBG-EDPG) #MT-CDBG-EDPG13-06 for the Pondera Regional Port Authority Rail Feasibility Study. Commissioner Kuka seconded. Motion carried.

Also in attendance was Buck Traxler, Editor of The Independent Observer.

COUNTY SANITARIAN JOB DESCRIPTION APPROVED — August 26, 2015

Pondera County Commissioners, Teton County Commissioners, and County Sanitarian Corrine Rose reviewed the job description for County Sanitarian. Sanitarian will be a full time

position shared between Pondera and Teton counties, with the Sanitarian being an employee of Pondera County. Each county will contribute equally to the County Sanitarian salary.

Commissioner Kuka moved to approve the job description County Sanitarian. Commissioner Hoppes seconded. Motion carried.

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

AGREEMENT BETWEEN MSU EXTENSION SERVICES AND PONDERA COUNTY APPROVED – August 26, 2015

Commissioner Hoppes moved and Commissioner Kuka seconded to approve an agreement with MSU Extension Services for County Agent salaries. Pondera County will pay \$28,667.42 per year for Wendy Wedum and \$28,667.42 per year for Shaelyn Meyer, which is equal to 65% of Pondera County’s Clerk & Recorder salary. Motion carried.

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

RESOLUTION AUTHORIZING COST-OF-LIVING-ADJUSTMENTS ADOPTED – August 26, 2015

PONDERA COUNTY, MONTANA  
RESOLUTION #6 – 2015/16

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 July 1, 2015 and discussed several suggested compensation schedules for elected officials for FY2015-16; and

WHEREAS, the County Compensation Board recommended that compensation for elected officials in Pondera County for FY2015-16 be increased by an amount up to a 2.4% 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, 2015, the county will pay a cost-of-living salary adjustment of 1.6% and a raise of 0.8% for elected officials based on the Clerk and Recorder’s base salary (equal to \$.50 per hour) to be added to the salaries of Pondera County elected officials. Additional compensation of \$2,000 annually for Commissioners and Sheriff 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).

Treasurer/Superintendent of Schools	\$47,687.76
Clerk of Court	\$44,103.71
Clerk and Recorder	\$44,103.71
plus additional compensation of \$2,000 per year allowed under statute for Election Administrator duties	
Commissioner	\$46,103.71

includes additional compensation of \$2,000 per year required by statute

Sheriff/Coroner \$47,253.60  
 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 \$92,732.50  
 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 \$44,103.71

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 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 and raise for hourly full-time and regular part-time employees is hereby set at an increase of \$.50 per hour.

Airport manager salary will remain at \$150 per month.

Seasonal employees’ hourly rates will remain the same.

Temporary employee hourly rates will remain unchanged at \$8.85 per hour.

Adopted this 26th day of August, 2015 as moved by Commissioner Kuka, seconded by Commissioner Hoppes, and passed on a 3-0 vote of the full board. Effective August 26, 2015.

**BOARD OF COMMISSIONERS**  
**Pondera County, Montana**

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

/s/ Janice Hoppes  
 Janice Hoppes, Member

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

/s/ Thomas A. Kuka  
 Thomas A Kuka, Member

**DELEGATION OF AUTHORITY – ROCKY MOUNTAIN RANGER DISTRICT FIRE INCIDENTS – August 28, 2015**

**Delegation**

We hereby delegate to you the authority for management of the Benchmark Wildland Fire Incident, the Sheep Mountain Fire, the Moose Ridge Wildland Fire Incidents, and the Family Peak Wildland Fire Complex on the Rocky Mountain Ranger District, Helena-Lewis & Clark National Forests (H-LC NF). This delegation of authority will commence at 1800 hours, Friday, August 28, 2015. The Benchmark fire is currently under jurisdiction of the USDA Forest Service, the Lewis and Clark County Sheriff, and the Augusta Rural Fire District. This fire is located on the Lewis & Clark National Forest and adjacent private land under the fire protection responsibility of Lewis and Clark County. The fire is located 20 air miles west of Augusta on National Forest System land. The fire is currently active on all sides. The Sheep Mountain Fire is currently under

jurisdiction of the USDA Forest Service, the Lewis and Clark County Sheriff, and the Augusta Rural Fire District. The Moose Ridge Wildland Fire Incidents and Family Peak Complex are under the jurisdiction of the Rocky Mountain Ranger District, H-LC NF.

You have been delegated the authority to manage the Benchmark Creek Fire and Sheep Mountain Fire in unified command with the Lewis and Clark County Sheriff's Office, and Lewis and Clark County. A general fire strategy has been completed, and the completion of a WFDSS and subsequent decision for the fire is currently in progress. There are currently area closures to public access, in effect, and restricted flight zones and airstrip closure over the fire area along with cabin residence evacuations. The Benchmark Fire is being managed under a zone suppression strategy with the main goal being firefighter and public safety and protection of the values at risk within the Benchmark Corridor; the Sheep Mountain Fire is being managed under a zone suppression strategy with the main goal being firefighter and public safety and protection of the values at risk adjacent to Gibson Reservoir.

You have been delegated the authority to manage the Moose Ridge Fires and the Family Peak Complex. A long term plan, WFDSS and subsequent decisions for these fires have been completed. There are currently trail closures to public access in effect as well as Temporary Flight Restrictions. Both the Moose Ridge Fires and the Family Peak Complex are being monitored and managed under a long term plan that provides for specific fire management actions only when management action points are approached. These fires are being managed with the priority goals being minimal risk to firefighters and public safety by taking only the actions necessary to keep them contained within the National Forest, and specifically within the planning area (PA) delineated by the long term plans.

### Event/Incident Summaries

The Benchmark Fire was discovered August 25th, 2015 at approximately 1300 hrs and grew to the north, east and west. Due to heavy fuel loading and extreme fire behavior the initial attack response was unsuccessful and ground resources focused on structure protection while aerial firefighting resources worked the main fire edge. The fire continues to threaten numerous structures in the Benchmark corridor and the Benchmark Airstrip.

Operations related to the fire's activity have been directed toward public safety, minimizing firefighter exposure, including using aviation resources and keeping the fire away from values at risk.

The Sheep Mountain Fire was discovered August 26th, 2015 at about 1500 hours. At the time of discovery it was 50 acres and growing on all sides. Due to heavy fuel loading and extreme fire behavior the initial attack response was unsuccessful and limited to aviation response due to resource shortages. The fire is five miles from the head of Gibson Reservoir and the 40 acre K-Lin holding and Montana Fish, Wildlife and Parks Special Use Permit Cabin; there are multiple subdivisions on the east side of the 5 mile long reservoir. If allowed to grow without suppression action in this zone, the fire will threaten these values at risk.

The Moose Ridge Fires were discovered August 14, 2015 at 1845 hours. These fires are located in the unburned Moose Ridge Area surrounded by numerous previous burns. These fires pose little threat to any values at risk and are located 11-13 miles from the forest boundary. The Forest has enacted trail closures and implemented structure protection on the Rock Creek, Gates Park, and Cabin Creek Administrative Cabins. Operations have been to monitor the fires; as well as the development of a long term plan that minimizes risk to firefighters and prevents the fire from leaving the Bob Marshall Wilderness.

The Family Peak Complex (the Spotted Eagle, Mount Poia and Muskrat Fires) were discovered on 8/12/2015. All of these fires are in high alpine timbered basins largely surrounded by rocky outcrops in the Badger-Two Medicine portion of the Rocky Mountain Ranger District directly north of the Bob Marshall Wilderness. The Forest has enacted trail closures and implemented structure protection on the Badger Administrative Cabin. Operations have been to monitor the fires; as well as the development of a long term plan that minimizes risk to firefighters and prevents the fire from leaving the National Forest.

### Expectations

Contingency actions will likely need to be identified for National Forest System (NFS) land in the fire area to include evacuation and structure (point) protection.

**August 2015**

An Emergency Response Plan for RMRD (E-Plan) and Community Wildfire Protection Plan for the fire area has been developed and coordinated with local resources. The plan addresses the location and condition of structures on National Forest System lands and adjacent private and State lands. The Plan should be referenced and utilized in addressing or completing any necessary structure protection plans; or coordinating with local sheriffs for pre-evacuation warnings or evacuation purposes.

### Concerns

Concerns are primarily related to firefighter risk exposure, public safety, and the Benchmark and Sheep Mountain fires' potential to move east towards additional values at risk.

### Responsibility

You have full authority and responsibility for managing activities associated with the Benchmark and Sheep Mountain incidents, within the framework of law, policy, and direction provided in the WFDSS. Your primary responsibility is to plan, organize, direct and coordinate your assigned and ordered resources for safe, efficient and effective suppression of the Benchmark and Sheep Mountain Incidents. You have been given the authorization to utilize mechanized saws and pumps within the designated wilderness areas. You are accountable to the Forest Supervisor of Helena - Lewis & Clark National Forests (Agency Administrator), the Lewis and Clark Sheriff, and Lewis and Clark County. The Forest Supervisor of the H-LC NF will serve as the approving official of the WFDSS. Upon approval of the WFDSS, you will become accountable to the Forest Supervisor. The District Ranger (RMRD - Mike Munoz) will serve as the designated Agency Representative for the H-LC NFs. Resource Advisors are Kraig Lang and Ian Bardwell (RMRD).

You have full authority and responsibility for managing activities associated with the Moose Ridge Fires and Family Peak Complex incidents, within the framework of law, policy, and direction provided in the WFDSS(s). Your primary responsibility is to plan, organize, direct and coordinate your assigned and ordered resources for safe, efficient and effective monitoring and if necessary, fire management actions to slow and redirect spread and/or fire intensity of the Moose Ridge and Family Peak Incidents. The RMRD will continue to maintain and implement trail, road or area closures in coordination with you. You are accountable to the Forest Supervisor of Helena - Lewis & Clark National Forests (Agency Administrator), the Lewis and Clark Sheriff, and Lewis and Clark County. The Forest Supervisor of the H-LC NF will serve as the approving official of the WFDSS. Upon approval of the WFDSS, you will become accountable to the Forest Supervisor. The District Ranger (RMRD - Mike Munoz) will serve as the designated Agency Representative for the H-LC NFs. Resource Advisors are Kraig Lang and Ian Bardwell (RMRD).

Financial considerations will be consistent with the best approach to achieve fire suppression and fire monitoring objectives of the Benchmark, Sheep Mountain, Moose Ridge and Family Peak Complex Fire Incidents, in due consideration of values at risk, with the foremost considerations being firefighter and public safety.

Specific direction for these incidents includes the following management and environmental concerns as listed:

1. Safety of fire personnel, aviation resources and the public is the highest priority in planning and implementing appropriate fire management response strategy and tactics. Follow the 10 Standard Fire Orders, mitigate the 18 Watch Out Situations and maintain LCES at all times. Assess situation awareness and exposure to risks before engaging in field operations.
2. Any accidents and/or injuries need to be reported and discussed with District Ranger or representative in a reasonable timeframe.
3. You are assigned responsibility to ensure all personnel assigned to the incident comply with the Food Storage Special Order, LC\_IO\_DI\_OI, in effect for the Northern Continental Divide Ecosystem (NCDE). Critical grizzly bear habitat and use areas exist throughout the fire area on the RMRD. Management actions and incident support facilities must consider the presence of bears and the need to minimize contacts with humans. Failure for an individual or crew to comply with the Special Order could result in dismissal from the fire incident and potentially further disciplinary action, including issuance of citations to the individual(s).

4. All fire management actions in wilderness should be compatible with wilderness values and objectives. Minimum Impact Suppression Tactics (MIST) should be utilized where appropriate and always in regards to fire personnel and aviation resource safety. Critical natural resource habitat should be given appropriate consideration in planning and implementation of strategy and tactics. Use the direction provided by the 2011 Fire Retardant EIS avoidance areas to ensure any retardant applied does not impact avoidance areas.
5. Primitive tools are preferred for all operations in wilderness where their use does not compromise safety of fire management resources, the public or administrative sites. For management actions needed on the incident you are authorized to conduct necessary helicopter landings for personnel and equipment transport, water drops with buckets, as well as additional logistical support for the incident. Additional requests need to be made to the District Ranger.
6. Depending on availability, it is my expectation that you consider the use of traditional stock packing support for equipment hauling and transport in the wilderness when safety and time constraints allow. District personnel could be available to support the use of traditional stock for transport; or consider the use of contracted outfitters.
7. You are authorized to utilize chainsaws, fire line explosives (FLE), fire retardant and water pumps for re-directing, reducing the intensity, and/or slowing the spread of fire and for the protection of structures/historic sites.
8. You will document the tracking and reporting of all helicopter landings and sling-loads occurring in the wilderness; and the use of chainsaws, water pumps, fire line explosives (FLE) and fire retardant. Provide GPS locations of all activities occurring in wilderness for the Forest's tracking purposes.
9. All assigned fire personnel have the authority to take management action with mechanized equipment and/or transportation related to life threatening and/or imminent personal safety situations related to the fire. Continue to ensure tracking protocol is followed.
10. Precautions must be taken to prevent the introduction and subsequent spread of noxious weeds. This includes the pre-treatment and post-treatment of vehicles and helicopters utilized to support the incident to reduce the continued spread of noxious weeds to and from the fire area (FSM RI Supplement 2081.2, Effective 5/14/01).
11. Precautions must be taken to prevent the introduction and subsequent spread of aquatic nuisance species or pathogens. This includes pre-treatment and post-treatment of buckets, snorkels, and other apparatus utilized for water delivery operations during the incident.
12. Your assigned personnel need to become familiar with the Emergency Plan (E-Plan) and the Community Wildfire Protection Plan developed for the Rocky Mountain Ranger District and lands adjacent to the National Forest for use of the plan to coordinate any potential pre-evacuation and evacuation procedures with county authorities, as well as coordination of fire management activities with other agency partners.
13. At this time, the H-LCNF will initial attack new fire starts that are not associated with the Incidents; forest and district fire staff will coordinate specific IA boundaries with your Operations staff to avoid conflicts with your management of these incidents. However, given the current conditions and fire situations, your organization and resources may be requested to assist initial attack efforts beyond these boundaries in the near future. This will also be coordinated between your operations staff and forest and district fire staff. Requests will be coordinated through the Interagency Dispatch Center in Great Falls, Montana.
14. I authorize you to take every opportunity to provide trainee assignments throughout all levels of positions to your incident command team, including the opportunity for existing, qualified wildland fire personnel, to promote exposure and experience with wildland fire incidents in wilderness areas.
15. You are expected to effectively manage the fire incident tactics commensurate with the over-all strategy and objectives developed in the published decision of the WFSS. I expect you to consult with the District Ranger or representative regarding the periodic assessment for revalidation of the published decision in

WFDSS. Specifically, the Benchmark Fire is being managed under a zone suppression strategy with the goal of keeping the fire out of the Benchmark Corridor while letting it move into previous wildfire burn areas to the north, west and south; the Sheep Mountain Fire is being managed with a zone suppression strategy with the goal of keeping the fire from entering the Gibson Reservoir corridor; the Moose Ridge Fire and Family Peak Complex are being managed with a monitoring strategy with fire management actions being taken as necessary when the long term plan management action points are approached; with the goals of keeping the fires contained within the Bob Marshall Wilderness Complex and the Lewis and Clark National Forest, respectively.

- 16. You are delegated responsibility for the timely update, completion and submittal of the ICS-209, to the Great Falls Interagency Dispatch Center.
- 17. Continue to keep public and government representatives informed of fire behavior and management actions. Public information meetings, fact sheets, press releases and news media relations for the fire incident will be coordinated between you, the team's fire information officer and the Forest Supervisors or the District Ranger. The Districts have established an in-depth protocol to keep people informed and squelch the spread of misinformation. We expect your team to continue the high level of public and media engagement in fire information we have established.

In addition, for the Moose Ridge and Family Peak Complex Fires, the following specific direction applies:

- 1. As opportunities arise, document any modified fire behavior that occurs as the fire enters either previously wildfire burned areas or prescribed fire areas.

We are honored and privileged to have your assistance in addressing these fire incidents. Please share with me how my staff or I may contribute to your safe and successful assignment. This delegation of authority is effective at end of operational shift, Friday, August 28, 2015.

/s/ William Avey

William Avey, Forest Supervisor

/s/ David Bales

David Bales, IC T2

/s/ Leo Dutton

Lewis & Clark Co. Sheriff

/s/ Susan Good Giese

Lewis & Clark Co. Commissioner

Cc: Mike Munoz, Mitzkus, Kendal Wilson

/s/ Carl Suta

Pondera Co. Sheriff

/s/ Sandra J Broesder

Pondera Co. Commissioner

PONDERA COUNTY DECLARATION RESOLUTION (SWIFT DAM FIRE) –

ADOPTED – August 29, 2015

PONDERA COUNTY, MONTANA  
RESOLUTION #7 – 2015/16

PONDERA COUNTY DECLARATION RESOLUTION

WHEREAS, wildfires are and have been occurring within the County of Pondera during the month of August 2015, and

WHEREAS, weather conditions are promoting extreme fire behavior with extended drought, gusting winds and no significant moisture predicted, and

WHEREAS, due to the extraordinary fire season all across the western region of the United States, there is an extreme demand for fire resources, and

WHEREAS, the community of Heart Butte and surrounding areas have been evacuated, and

WHEREAS, Pondera County has exhausted local resources, and

WHEREAS, Blackfeet Tribal resources are also limited in being able to address the situation,

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 29th day of August, 2015.

BOARD OF COMMISSIONERS

Pondera County, Montana

          /s/ Sandra J Broesder          

Sandra J Broesder, Chairman

          /s/ Janice Hoppes          

Janice Hoppes, Member

Attest:   /s/ Jaynie Gollehon, Deputy  

Kody L Farkell, Clerk & Recorder

          /s/ Thomas A Kuka          

Thomas A Kuka, Member

DNRC ADDENDUM - August 30, 2015

To : DNRC

There are wildfires burning within the exterior boundary of Pondera County. Also Pondera has exhausted its resources to stop these fires. Pondera County is formerly requesting assistance from DNRC through our County COOP agreement to fight these fires.

Dated this 29th Day of August, 2015

          /s/ Sandra J Broesder          

Sandra J Broesder, Chairman

          /s/ Janice Hoppes          

Janice Hoppes, Commissioner

          /s/ Thomas A Kuka          

Thomas A Kuka

CLAIMS APPROVED FOR PAYMENT – August 31, 2015

<u>FUND</u>	<u>AMOUNT</u>
GENERAL	\$ 39,562.94
ROAD	43,650.75
BRIDGE	1,076.48
WEED	3,929.68
AIRPORT	353.65
AMBULANCE	111.61
EXTENSION SERVICE	4,944.58
COUNTY FAIR	33.94
PUBLIC SAFETY (LAW ENFORCEMENT)	12,268.22
HEALTH INSURANCE - EMPLOYER CONTRIBUTION	824.86
BRADY LIGHTS MAINTENANCE	338.39
911 EMERGENCY	13,864.97
LAND USE PLANNING	403.00
NORTHERN TRANSIT INTERLOCAL	12,703.97
DUI PREVENTION	500.00
BUCKLE UP MT	18.01
NOXIOUS WEED GRANT	1,049.68
EMERGENCY PREPAREDNESS GRANT	703.72
PERFORMANCE MGT GRANT	89.01
BREAST & CERVICAL SCREENING	70.00
WIC GRANT	334.77
MATERNAL CHILD HEALTH	29.11
IMMUNIZATION ACTION PROGRAM	354.50
TOBACCO USE PREVENTION GRANT	103.10
NAPA GRANT	18.01
HEALTH CARE FOUNDATION GRANT	71.00
JUNK VEHICLE GRANT	184.00
REFUND FUND	17,770.20
TOTAL CLAIMS	\$ 155,362.15
TOTAL PAYROLL	<u>220,066.69</u>
TOTAL CLAIMS AND PAYROLL FUNDS	<u><u>375,428.84</u></u>

ADJOURNMENT

The meeting adjourned at 5:00 p.m. on August 31, 2015. Pondera County, Montana.

\_\_\_\_\_  
Sandra J Broesder, Chairman

ATTEST:

\_\_\_\_\_  
Kody Farkell, Clerk & Recorder

