

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

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on October 1, 7, 14, 21, and 28, 2015. Unless indicated, all Commissioners were present.

ROAD ISSUES LISTENING MEETINGS - CONRAD – October 1, 2015

A listening session regarding road issues was held at the Courtroom in the Pondera County Courthouse on October 1st. Attending were Commissioners Broesder, Hoppes and Kuka, John Stokes and Mark Fitzgerald, County Road Department Supervisor and Lead Operator, Monte Fauque and Tyler Krause, United Grain Corporation, and Douglas Banka, Roger Keith, Juanita Prewett, Ron Prewett, Mitch Kellogg, Don Mecham, LaVon Walston, Joan Walston, Tom Buffum and Shelba Buffum.

Topics discussed centered on controlling dust, particularly on the roads leading to and from the United Grain facility (Conrad), speed limits on county roads and dust abatement. There have been numerous complaints of the dust from the roads leading to and from United Grain. Even though there is more traffic because of the elevator, there is increased traffic on the same roads by others hauling gravel and other loads.

Discussed was whether or not a speed limit would help; lowering the speed limit on any county roads results in compliance and enforcement issues and even slow moving vehicles kick up lots of dust, particularly in dry years such as we have had. Teton County has reduced speed limits on some of their county roads because of major safety issues with dust control as a secondary factor. Flathead County restricted speeds on their roads but found enforcement to be an issue and is considering removing the slower speed restrictions.

Magnesium Chloride could be applied to the roads but it is expensive and criteria would have to be established as to what roads have excessive traffic to warrant the cost. Mag Chloride would have to be applied annually with the potential to skip a year now and then if the road quality warranted it.

Other options presented were watering the roads which is not effective as it would have to be a continual watering; recycled asphalt application which is difficult to obtain and cannot be planned. The suggestion of paving the Midway Road to the elevator was discussed but at a cost of approximately a million dollars a mile, this does not seem to be a viable option. Traffic studies will be conducted on several roads in the county. A suggestion to change the stop signs to yield signs on Manta Road and Healy Springs Road was discussed and follow up will be made. Perhaps with yield signs on Manta and Healy Springs Roads traffic could be equalized with use of both roads, as the truckers do not like to stop and if the sight distance is sufficient, a yield sign may be just as effective.

HEARING CONDUCTED ON PROPOSED CLOSING OF COUNTY OFFICES ON THE DAY AFTER THANKSGIVING AND THE CHRISTMAS EVE 2015 - October 7, 2015

Attending: Commissioners Broesder, Hoppes, and Kuka, and Clerk and Recorder Farkell.

The notice of the hearing was published in The Independent-Observer and The Valerian in the September 23 and 30, 2015 issues.

Commissioner Broesder called the hearing to order at 10:05 a.m. The intent of the hearing is to hear public input on the County offices closing the day after Thanksgiving, November 27 and Christmas Eve, December 24.

No public comment was received and no public was in attendance. County employees would use vacation time or compensatory time in order to be paid for that time.

The public hearing adjourned at 10:15 a.m.

RESOLUTION DESIGNATING COUNTY HOLIDAY HOURS-HOLIDAY CLOSINGS – ADOPTED – October 7, 2015

PONDERA COUNTY, MONTANA

RESOLUTION #11 – 2015/16

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 7, 2015 at 10:00 a.m. in the Pondera County Commissioners office. Notice of the hearing was published in the Independent Observer and The Valerian for two consecutive weeks on September 23 and 30, 2015 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 27, 2015 (day after Thanksgiving Day)
in addition to the Thanksgiving Day holiday on Thursday, November 26, 2015;

Thursday, December 24, 2015 (Christmas Eve)
In addition to the Christmas Day holiday of Friday, December 25, 2015

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 7th day of October, 2015 as moved by Commissioner Kuka, 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/ Sandra J Broesder
Sandra J Broesder, Chairman

/s/ Janice Hoppes
Janice Hoppes, Member

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

/s/ Thomas A Kuka
Thomas A Kuka, Member

CAPITAL IMPROVEMENT PLAN FOR CONRAD AIRPORT APPROVED – October 7, 2015

The FAA has requested an updated capital improvement plan for the Conrad Airport. Projects undertaken for the capital improvement plan are funded by federal funding and county matching funds.

Commissioner Kuka moved to approve the capital improvement plan projects as follows:

for federal fiscal year 2016	No projects planned	
for federal fiscal year 2017	No projects planned	
for federal fiscal year 2018	Rehabilitate Runway	\$123,000
	Rehabilitate Taxiways	\$ 8,000
	Rehabilitate Apron	\$ 34,000
for federal fiscal year 2019	Acquire Snow Removal Equipment	\$265,000
	Construct Snow Removal Equipment Building	\$138,000
for federal fiscal year 2020	No projects planned	
for federal fiscal year 2021	Conduct Environmental Assessment	\$ 41,200
	Acquire Land for Development	\$ 36,600
	Acquire Land for Approaches	\$242,000
For federal fiscal year 2022	Construct 500' runway	\$465,000
	Install Runway Lighting	\$ 62,000
	Install/Relocate PAPI Guidance Syst.	\$ 51,500
	Install Perimeter System	\$315,000
	Conduct Instrument Approach Survey	\$103,000
	Update Airport Layout Plan	\$ 25,000

Commissioner Hoppes seconded. Motion carried.

COMMISSIONER VOTE FOR CHANGES TO SCHOOL DISTRICT #10 AND SCHOOL DISTRICT #1 BUS ROUTES – October 7, 2015

Based on recommendations by the Conrad School District #10 and Heart Butte School District #1’s transportation directors, Commissioner Hoppes moved and Commissioner Kuka seconded to give the County approval to make adjustments to the existing bus routes to better accommodate the riders. Motion carried.

MINUTES APPROVED – October 7, 2015

Commissioner Hoppes moved to approve the official Minutes of the Commission for August and September 2015. Commissioner Kuka seconded. Motion carried.

COPIER PURCHASE – October 14, 2015

Commissioner Hoppes moved to purchase one (1) Minolta BizHub454e copier from Davis Business Machines, Inc. to replace the current copier on the second floor of the courthouse. Commissioner Kuka seconded. Motion carried.

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

ADDENDUM TO LAND LEASE AGREEMENT WITH CINGULAR WIRELESS APPROVED – October 14, 2015

Cingular Wireless asked for a modification to the lease 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, originally signed October 1, 2015, will be for five years beginning the first day of the month following construction completion.

Commissioner Kuka moved and Commissioner Hoppes seconded approve the modification to the contract. Motion carried.

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

RESOLUTION AUTHORIZING BUDGET AMENDMENTS TO PONDERA COUNTY BUDGET – ADOPTED – October 14, 2015

**PONDERA COUNTY MONTANA
RESOLUTION #12 - 2015/16
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
2130-362005	Insurance Claim Payment	\$0	\$4,765
2140-362005	Insurance Claim Payment	\$0	\$4,765
2230-362005	Insurance Claim Payment	\$0	\$4,765
2300-362005	Insurance Claim Payment	\$0	\$4,765
4013-362005	Insurance Claim Payment	\$0	\$10,500
2811-335025	Drivers License Reinstatement	\$1,300	\$12,250

Adopted this 14th day of October, 2015 as moved by Commissioner Kuka, seconded by Commissioner Hoppes, and passed on a 3-0 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 & Recorder

/s/ Thomas A Kuka
 Thomas A Kuka, Member

TAX ABATEMENTS APPROVED – October 21, 2015

Commissioner Hoppes moved to approve tax abatements/cancellation #986-991

<i>NUMBER</i>	<i>REASON</i>	<i>CANCEL</i>	<i>ADD</i>	<i>PARCEL #</i>
986	Appraisal Review		\$16.84	595000
987	Appraisal Review	\$29.96		629100
988	Appraisal Review	\$138.56		591400
989	Appraisal Review	\$85.28		617900
990	Appraisal Review	\$85.74		564100
991	Appraisal Review	\$300.05		522800

Commissioner Kuka seconded. Motion carried.

APPOINTMENT OF EMPG AGENT – October 21, 2015

Commissioner Kuka moved and Commissioner Hoppes seconded to appoint LeAnn Hermance as Agent for the 2015-16 Emergency Management Performance Grant. Motion carried.

TREASURER'S SECURITIES AND INVESTMENTS REPORT – October 21, 2015

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

Dear Commissioners,
 The following are the investments as of Sept. 30, 2015

STIP \$2338.05 @ .2570049%
 STOCKMAN BANK BALANCES \$3,885,229.58
 STOCKMAN BANK –Collateral Report
 3133EDYQ9 \$7,00,000.00 FFCB 2000842 .75% Matures 01/20/17
 3133EDXT4 \$6,000,000.00 FFCB 2000819 .84% Matures 04/17/17

RBC WEALTH
 02587DTY4 200,000.00 2.100% Due 09/26/2018 (CD)
 06740KHN0 250,000.00 1.700% Due 07/30/2018 (step up)
 3130A3ZC1 250,000.00 1.25% Due 02/26/2020

RAYMOND JAMES
 795450QY4 \$250,000.00 1.3000% Due 10/31/2016 (CD)
 40434AUW7 \$200,000.00 1.0000% Due 5/20/2020 (step)
 05573JVV3 \$250,000.00 1.250% Due 02/25/2019 (step up)
 38147JL42 \$200,000.00 2.05% Due 6/25/2019 (CD)
 06740KHS9 \$250,000.00 2.1000% Due 08/13/2019 (CD)
 3130A3UV4 \$300,000.00 1.250% Due 1/30/2020 (step up)

INDEPENDENCE BANK
 CDARS 1017158925 Maturity 10/15/15 .6479% 3,500,000.00
 CDARS 1017339202 Maturity 12/10/15 .49876%
 500,000.00
 CDARS 1017430765 Maturity 01/07/16 .49876% 500,000.00
 CDARS 1017545422 Maturity 02/11/16 .49876%
 500,000.00
 CDARS 1018173146 Maturity 08/18/16 .59822% 1,000,000.00

Jeanne Moon, Treasurer

TAX ABATEMENTS APPROVED – October 28, 2015

Commissioner Hoppes moved to approve tax abatements/cancellation #992-999

<i>NUMBER</i>	<i>REASON</i>	<i>CANCEL</i>	<i>ADD</i>	<i>PARCEL #</i>
992	Appraisal Review	\$52.82		544900
993	Appraisal Review	\$127.28		193600

994	Appraisal Review		\$21.54	207250
995	Appraisal Review		\$30.63	561600
996	Appraisal Review		\$186.03	557200
997	Appraisal Review		\$129.97	524900
998	Settlement agreement w/DOR		\$105.35	659900
999	Appraisal Review		\$114.06	547200

Commissioner Broesder seconded. Motion carried.
 Commissioner Kuka was Absent.

PRELIMINARY PLAT APPROVAL FOR THE GEIGER MINOR SUBDIVISION –
 October 28, 2015

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

IN THE MATTER OF THE APPLICATION OF JAMES E. AND MARGERY GEIGER FOR PRELIMINARY PLAT APPROVAL FOR THE GEIGER 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) review the proposed preliminary plat for a 1-Lot first minor subdivision, "Geiger Minor Subdivision", as submitted by the developer 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 notes, dated October 27, 2015 and the Subdivision Administrator's recommendation dated October 27, 2015

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:

I) FINDINGS OF FACT

A) Project Summary

1) Proposal

James and Margery Geiger are proposing a 1-lot subdivision of 19.98 acres (figure 1). The lot currently has a home and outbuildings which will remain. The lot has access onto Trails End Road. The subdivision is located approximately 8 miles Southwest of Valier, MT (figure 2).

Figure 1. Lot Layout

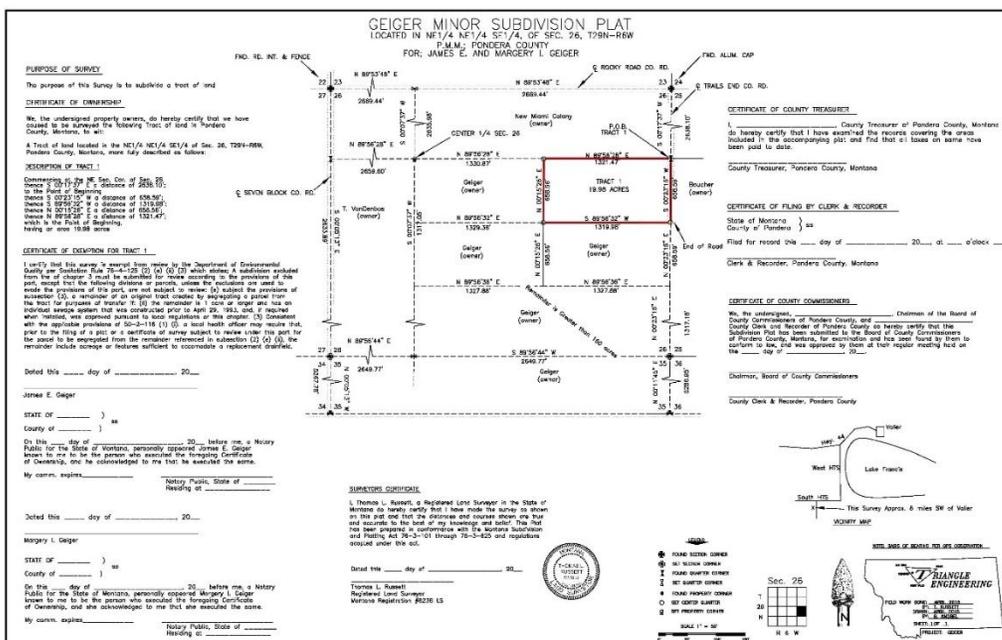
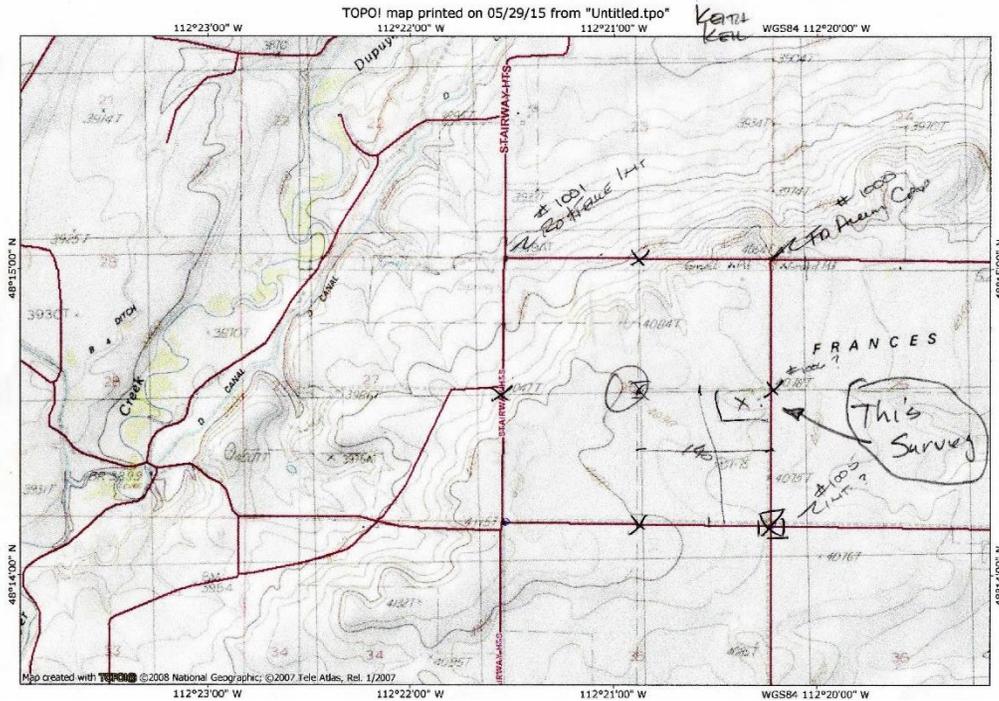


Figure 2. Vicinity Map



Project Characteristics

- Size: 19.98
- Present Land Use: Agricultural home and outbuildings
- Access:
- Utilities: Trails End Road
Electric provided by Sun River Electric, Telephone provided by 3 Rivers Telephone
- Water/Sewer: Individual well and septic-previously approved by County Sanitarian
- Adjacent land uses: Agricultural/farmland
- Zoning: None
- Covenants: None proposed
- Special Improvement Dist: None

A) Findings based on Relevant Review Criteria (Sections III-A-4 and III-A-6)

The recommended findings of the reviewer are stated below and based on the subdivision application materials and preliminary plat provided by the surveyor and in accordance with the 2013 Pondera County Subdivision Regulations.

1) Compliance with the 2013 Subdivision Regulations and 76-3-608(3)(b)(ii) MCA

The application has been reviewed according to Section II-A (General Procedures) and Section III-A (Minor Subdivisions) of the Pondera County Subdivision Regulations. The application substantially complies with these sections. The final plat should be reviewed by the Examining Land Surveyor and Subdivision Administrator prior to approval to ensure it complies with the Montana Uniform Standards for Final Subdivision Plats.

2) Compliance with applicable zoning regulations

The subject property is not zoned.

3) Compliance with the Montana Subdivision and Platting Act, including but not limited to 76-3-608(3)(a), as delineated in Section III-A-6 of the Subdivision Regulations.

(a) Impact on Agriculture

A large portion of the surrounding property is in agricultural production, the only portion that was not previously is where the existing home is located. The adjacent property to the North, South, West, and East is in agricultural production. There is very low potential for noxious weed issues due to there being no new proposed development.

(b) Impact on Agriculture Water User Facilities

According to the applicant and as seen in the title report there are no water rights on the subject property and no water user facilities will be affected by this land division.

(c) Impact on Local Services

There may be some impacts to local services that could require mitigation. The following is a list of potential impacts, and a description of mitigation if needed.

Roads: The property has direct access to Trails End Road.

Conclusion 1: The impact to access can be mitigated by showing Trails End Road on the final plat.

Solid waste: The existing home is currently being served by a previously approved system.

Mail delivery: The existing home is currently being served by mail delivery.

Law Enforcement/EMS/ Fire Suppression: Estimated response time for the Volunteer Fire Department and Pondera County Sheriff's Department are pending.

Addressing: Addresses are critical in order for emergency services to locate homes or businesses when necessary. The applicant will need to verify address information for the current structure in the final plat application.

Conclusion 2. The impacts to local services from addressing can be mitigated by verifying the address of the current structure.

Parkland: Not applicable due to this being a minor subdivision.

Utilities: No utility easements were shown on the preliminary plat. A 15' utility easement is recommended along all lot lines unless otherwise specified by utility companies as per VI-M(f).

Conclusion 3. There are little to no impacts to utilities because the existing home is currently being served by all of the necessary utilities. A 15' utility easement is recommended along all lot lines.

Education: There is an existing home currently on the property, which is served by the Valier School District.

Sewer and Water: The property has an individual well and septic system that was previously approved by the Pondera County Sanitarian.

Conclusion 4. The impacts on sewer and water can be mitigated by providing the County Sanitarian's approval.

(a) Impact on the Natural Environment

Potential impacts of this proposal on the natural environment could be from or to noxious weeds, ground water and storm water runoff. Listed below is a description of the potential impacts, and any mitigation if needed:

Weeds: The spread of noxious weeds is not a concern at this time as there is no new development proposed.

Ground water: The subdivision is exempt from DEQ due to there being no new development.

Storm water: The subdivision is exempt from DEQ due to there being no new development.

Conclusion 5. The impacts to the natural environment from weeds and ground water contamination are not present at this time due to there being no new development on the property.

(b) Impacts on Wildlife and Habitat

The property is located in an area that already has some development but is highly farmed. The area is not in or near an area known as a key wildlife area.

The subject property is in an area that is already somewhat developed and is highly farmed. There is already an existing home on the property, and there is no new development proposed.

Conclusion 6. The impact on wildlife and wildlife habitat would be acceptable because the subdivision is located in an area that already has development and is highly farmed.

(c) Impact on Public Health and Safety

There may be some impacts to health and safety that could require mitigation. The following is a list of likely impacts, and a description of mitigation if needed.

Existing potential man-made hazards (e.g., high pressure gas lines, lack of fire protection, cumulative impacts): There are no known existing potential man-made hazards on the subdivision.

Roads: The subject tract has access to Trails End Road via graveled driveway.

Emergency Services: Emergency service providers were contacted, but did not provide any comments

Conclusion 7. There are no significant impacts on public health and safety as the subject tract has an existing home with an installed driveway and no new development is proposed.

2) Compliance with the Montana Subdivision and Platting Act, including but not limited to 76-3-608(3)(b)

(a) Compliance with survey requirements

The preliminary plat substantially complies with Pondera County's preliminary plat survey requirements. The final plat must be modified to comply with the Uniform Standards for Final Subdivision Plats and would be reviewed by Pondera County's Examining Land Surveyor and Subdivision Administrator prior to final approval.

Conclusion 8. The proposal would be in compliance with the Uniform Standards for Final Subdivision Plats because the County's Examining Land Surveyor and the Subdivision Administrator would review the final plat prior to approval.

(b) Compliance with the subdivision review procedure of the Pondera County Subdivision Regulations

- Preliminary plat application submitted: 09/23/2015
- 1st Element Review completed: 09/29/2015
 - *Application found complete*
- 1st Sufficiency Review began: 09/30/2015
- 1st Sufficiency Review completed: 10/19/2015
 - *Application found sufficient*
- Commissioners' decision on preliminary application *TBD*
- End of 35-working day review period: 12/09/2015

The preliminary plat review has met all statutory procedural requirements and if approved by the governing body, would be valid for three years from the date of approval.

Conclusion 9. The preliminary plat has met all procedural requirements and if approved, would be valid for three years from the date of approval.

3) Prerequisites to Approval (Sections III-A-6 of the subdivision regulations) and compliance with the Montana Subdivision and Platting Act, including but not limited to 76-3-608(3)(c) and (d)

The governing body may not approve or conditionally approve a subdivision application and preliminary plat unless the proposed subdivision:

- (a) Provides easements for the location and installation of any planned utilities, both on and off site.

There are no planned utilities.

- (b) Provides legal and physical access to each parcel within the subdivision and the notation of that access on the applicable plat and any instrument transferring the parcel.

The preliminary plat does not show access to Trails End Road; however further research determined that there is an already existing graveled driveway.

Conclusion 10. The final plat should show all access from the subject tract to Trails End Road.

- (c) Assures that all required public or private improvements would be installed before final plat approval, or that their installation after final plat approval would be guaranteed as provided by Section II-B-4 of the Subdivision Regulations.

The property has no planned public or private improvements planned, as a structure is currently existing.

- (d) Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Section VI-O of the Subdivision Regulations have been considered and would be accomplished before the final plat is submitted.

The applicant has stated that there are no known water rights on the subject property.

- (e) Assures that the requirements of 76-3-504(1)(k) regarding have been considered and would be accomplished before the final plat is submitted.

The applicant has stated that there are no irrigation easements on the subject property.

SUMMARY OF CONCLUSIONS

This summary is a list of the important findings identified in this report and made in accordance with 76-3-608 MCA. The summary is the basis for the recommendation and recommended conditions in accordance with 76-3-608(4) MCA.

Conclusion 1: The impact to access can be mitigated by showing Trails End Road on the final plat.

Conclusion 2. The impacts to local services from addressing can be mitigated by verifying the address of the current structure.

Conclusion 3. There are little to no impacts to utilities because the existing home is currently being served by all of the necessary utilities. A 15' utility easement is recommended along all lot lines.

Conclusion 4. The impacts on sewer and water can be mitigated by providing the County Sanitarian's approval.

Conclusion 5. The impacts to the natural environment from weeds and ground water contamination are not present at this time due to there being no new development on the property.

Conclusion 6. The impact on wildlife and wildlife habitat would be acceptable because the subdivision is located in an area that already has development and is highly farmed.

Conclusion 7. There are no significant impacts on public health and safety as the subject tract has an existing home with an installed driveway and no new development is proposed.

Conclusion 8. The plat would be in compliance with the Uniform Standards for Final Subdivision Plats because the County's Examining Land Surveyor and the

Subdivision Administrator would review the final plat prior to approval.

Conclusion 9. *The preliminary plat has met all procedural requirements and if approved, would be valid for three years from the date of approval.*

Conclusion 10. *The final plat should show all access from the subject tract to Trails End Road.*

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 Geiger Minor Subdivision.
Commissioner Broesder seconded.
Commissioner Kuka was Absent.

ORDER

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

1. The final plat and plans shall be in substantial compliance with the preliminary plat and plans reviewed and approved by the governing body, except as modified by these conditions. [*Pondera County Subdivision Regulations (PCSR) II-B-1*]
2. The final plat and supplements shall comply with the Uniform Standards for Final Subdivision Plats and shall be reviewed by Pondera County's Examining Land Surveyor and Subdivision Administrator prior to final approval. [*PCSR II-B-2, MCA 76-3-402 and MCA 76-3-611*]
3. Prior to filing of the final plat, the subdivider shall:
 - a. Provide proof that all real property taxes and special assessments assessed and levied on the property are paid for the current tax year; including any past delinquencies; [*MCA 76-3-611(1)(b),*] and,
 - b. Provide a certificate of a title abstracter showing the subdivider is the lawful owner of the property with the apparent authority to subdivide the same, and showing the names and written consent of lien holders or claimants of record. [*MCA 76-3-612,*]
4. The approval period for the preliminary plat is three years. All conditions of preliminary approval shall be met within three years or the preliminary plat approval is null and void. The final subdivision plat must be filed and recorded with the Pondera County Clerk and Recorder within the three year approval period. [*PCSR III-A-6(f)*]
5. The final plat shall include an exemption from DEQ certified by Pondera County. [*PCSR VI-I(a)*]
6. All driveways shall be shown on the final plat. [*PCSR VI-H(a.) and MCA 76-3-608(8)(a), effect on public health and safety*]
7. If applicable, in addition to showing the location of utility easements on the plat with dashed lines, the following statement shall be on the final plat:

"The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water, or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their line and other facilities, in, over, under and across each area designated on this plat as 'Utility Easement' to have and to hold forever." [PCSR VI-M(h)]
8. The applicant shall provide documentation regarding the address of the current home located on the subject property. [*76-3-608(8)(a), effect on local services and public health and safety*]
9. All proposed easements shall be identified as to purpose, dimensions and recipients of the dedication, if any. [*PCSR II-A-5 Requirements for Final Plat Approval*]

Preliminary plat approval of the Geiger Minor Subdivision shall be in force for three (3) 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 28th day of October, 2015

PONDERA COUNTY COMMISSION

/s/ Sandra J Broesder
Sandra J Broesder, Chairman

/s/ Janice Hoppes
Janice Hoppes, Member

Attest:

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

Absent
Thomas A Kuka, Member

PRELIMINARY PLAT APPROVAL FOR THE PETERSEN HOMESTEAD MINOR SUBDIVISION – October 28, 2015

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

IN THE MATTER OF THE APPLICATION OF JOE AND DEBBY PERRY FOR PRELIMINARY PLAT APPROVAL FOR THE PETERSON HOMESTEAD MINOR SUBDIVISION	<u>FINDINGS OF FACT AND ORDER</u>
---	--

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) review the proposed preliminary plat for a 1-Lot first minor subdivision, “Peterson Homestead Minor Subdivision”, as submitted by the developer 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 notes, dated October 26, 2015 and the Subdivision Administrator’s recommendation dated October 26, 2015.

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:

I) FINDINGS OF FACT

A) Project Summary

1) Proposal

Joe and Debby Perry are proposing a 1-lot subdivision of 3.58 acres (figure 1). The lot currently has a home and outbuildings which will remain. The lot has access onto Hog Johnson Road via Peterson Lane. The subdivision is located approximately 15.3 miles Northeast of Brady, MT (figure 2).

Figure 1. Lot Layout

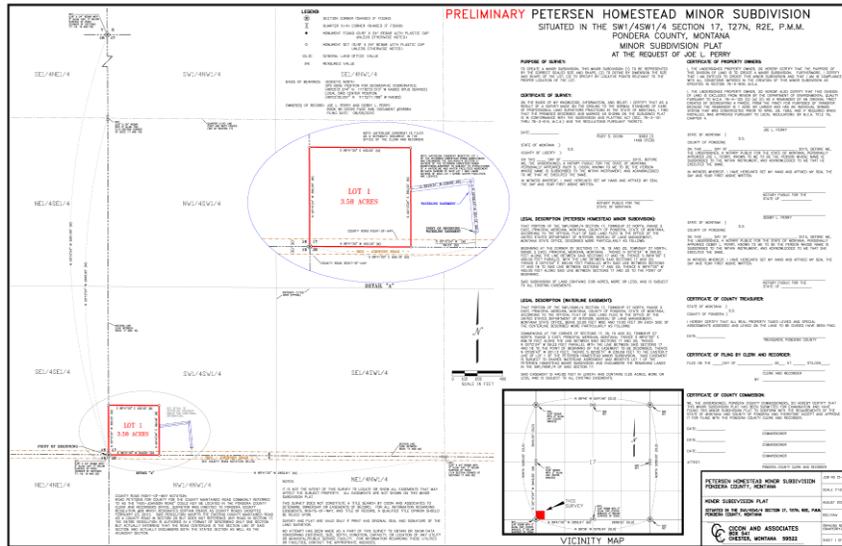
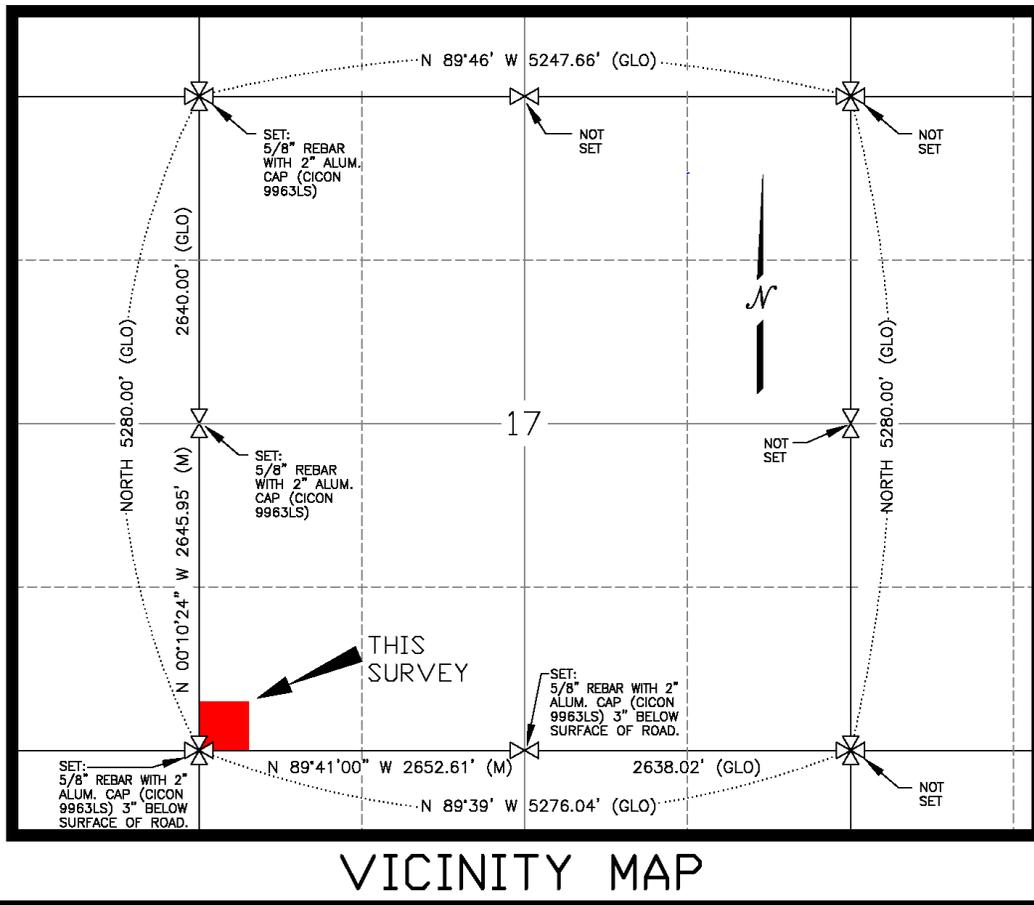


Figure 2. Vicinity Map



Project Characteristics

Size: 3.58
 Present Land Use: Agricultural home and outbuildings
 Access: Utilities: Hog Johnson Road via Petersen Lane

Unknown (none shown on preliminary plat or addressed in the preliminary plat application)

Water/Sewer: Individual septic system and service connection to the Tiber County Water District

Adjacent land uses: Agricultural

Zoning: None

Annexation: None proposed

Covenants: None proposed

Special Improvement Dist: None

A) Findings based on Relevant Review Criteria (Sections III-A-4 and III-A-6)

The recommended findings of the reviewer are stated below and based on the subdivision application materials and preliminary plat provided by the surveyor and in accordance with the 2013 Pondera County Subdivision Regulations.

1) Compliance with the 2013 Subdivision Regulations and 76-3-608(3)(b)(ii) MCA

The application has been reviewed according to Section II-A (General Procedures) and Section III-A (Minor Subdivisions) of the Pondera County Subdivision Regulations. The application substantially complies with these sections. The final plat should be reviewed by the Examining Land Surveyor and Subdivision Administrator prior to approval to ensure it complies with the Montana Uniform Standards for Final Subdivision Plats.

2) Compliance with applicable zoning regulations

The subject property is not zoned.

3) Compliance with the Montana Subdivision and Platting Act, including but not limited to 76-3-608(3)(a), as delineated in Section III-A-6 of the Subdivision Regulations.

(a) Impact on Agriculture

A large portion of the surrounding property is in agricultural production, the only portion that was not previously is where the existing home is located. The adjacent property to the North, South, West, and East is in agricultural production. There is very low potential for noxious weed issues due to there being no new proposed development.

(b) Impact on Agriculture Water User Facilities

According to the applicant and as seen in the title report there are no water rights on the subject property and no water user facilities will be affected by this land division.

(c) Impact on Local Services

There may be some impacts to local services that could require mitigation. The following is a list of potential impacts, and a description of mitigation if needed.

Roads: The property has direct access to Hog Johnson Road via Peterson Lane.

Conclusion 1: The impact to access can be mitigated by showing Peterson Lane on the final plat.

Solid waste: The existing home is currently served by the Northern Montana Joint Refuse Disposal District.

Mail delivery: The existing home is currently served by the Brady Post Office

Law Enforcement/EMS/ Fire Suppression: Estimated response time for the Volunteer Fire Department and Pondera County Sheriff's Department are pending.

Addressing: Addresses are critical in order for emergency services to locate homes or businesses when necessary. The applicant will need to verify address information for the current structure in the final plat application.

Conclusion 2. The impacts to local services from addressing can be mitigated by verifying the address of the current structure.

Parkland: Not applicable due to this being a minor subdivision.

Utilities: No utility easements were shown on the preliminary plat. A 15' utility easement is recommended along all lot lines unless otherwise specified by utility companies as per VI-M(f).

Conclusion 3. There are little to no impacts to utilities because the existing home is currently being served by all of the necessary utilities.

Education: There is an existing home currently on the property, which is served by the Valier School.

Sewer and Water: The property has a service connection to the Tiber County Water District, along with an individual well that was installed prior to 1993 and therefore exempt from DEQ review.

Conclusion 4. The impacts on sewer and water can be mitigated by providing the County Sanitarian's approval.

(f) Impact on the Natural Environment

Potential impacts of this proposal on the natural environment could be from or to noxious weeds, ground water and storm water runoff. Listed below is a description of the potential impacts, and any mitigation if needed:

Weeds: The spread of noxious weeds is not a concern at this time as there is no new development proposed.

Ground water: The subdivision is exempt from DEQ due to there being no new development.

Storm water: The subdivision is exempt from DEQ due to there being no new development.

Conclusion 5. The impacts to the natural environment from weeds and ground water contamination are not present at this time due to there being no new development on the property.

(g) Impacts on Wildlife and Habitat

The property is located in an area that already has some development but is highly farmed. The area is not in or near an area known as a key wildlife area.

The subject property is in an area that is already somewhat developed and is highly farmed. There is already an existing home on the property, and there is no new development proposed.

Conclusion 6. The impact on wildlife and wildlife habitat would be acceptable because the subdivision is located in an area that already has development and is highly farmed.

(h) Impact on Public Health and Safety

There may be some impacts to health and safety that could require mitigation. The following is a list of likely impacts, and a description of mitigation if needed.

Existing potential man-made hazards (e.g., high pressure gas lines, lack of fire protection, cumulative impacts): There are no known existing potential man-made hazards on the subdivision.

Roads: The subject tract has access to Hog Johnson Road via Peterson Lane.

Emergency Services: Comments from emergency service providers did not indicate any specific issues that would require mitigation.

Conclusion 7. There are no significant impacts on public health and safety as the subject tract has an existing home with an installed driveway and no new development is proposed.

4) Compliance with the Montana Subdivision and Platting Act, including but not limited to 76-3-608(3)(b)

(a) Compliance with survey requirements

The preliminary plat substantially complies with Pondera County's preliminary plat survey requirements. The final plat must be modified to comply with the Uniform Standards for Final Subdivision Plats and would be reviewed by Pondera County's Examining Land Surveyor and

Subdivision Administrator prior to final approval.

Conclusion 8. The proposal would be in compliance with the Uniform Standards for Final Subdivision Plats because the County's Examining Land Surveyor and the Subdivision Administrator would review the final plat prior to approval.

(b) Compliance with the subdivision review procedure of the Pondera County Subdivision Regulations

- Preliminary plat application submitted: 09/23/2015
- 1st Element Review completed: 09/29/2015
 - *Application found complete*
- 1st Sufficiency Review began: 09/30/2015
- 1st Sufficiency Review completed: 10/19/2015
 - *Application found sufficient*
- Commissioners' decision on preliminary application *TBD*
- End of 35-working day review period: 12/09/2015

The preliminary plat review has met all statutory procedural requirements and if approved by the governing body, would be valid for three years from the date of approval.

Conclusion 9. The preliminary plat has met all procedural requirements and if approved, would be valid for three years from the date of approval.

5) Prerequisites to Approval (Sections III-A-6 of the subdivision regulations) and compliance with the Montana Subdivision and Platting Act, including but not limited to 76-3-608(3)(c) and (d)

The governing body may not approve or conditionally approve a subdivision application and preliminary plat unless the proposed subdivision:

- (a)** Provides easements for the location and installation of any planned utilities, both on and off site.

There are no planned utilities.

- (b)** Provides legal and physical access to each parcel within the subdivision and the notation of that access on the applicable plat and any instrument transferring the parcel.

The preliminary plat does not show access to Hog Johnson Road; however through further investigation it was determined that the parcel has access via Peterson Lane.

Conclusion 10. The final plat should show all access from the subject tract to Hog Johnson Road.

- (c)** Assures that all required public or private improvements would be installed before final plat approval, or that their installation after final plat approval would be guaranteed as provided by Section II-B-4 of the Subdivision Regulations.

The property has no planned public or private improvements planned, as a structure is currently existing.

- (d)** Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Section VI-O of the Subdivision Regulations have been considered and would be accomplished before the final plat is submitted.

The applicant has stated that there are no known water rights on the subject

property.

- (e) Assures that the requirements of 76-3-504(1)(k) regarding watercourse and irrigation easements as set forth in Section VI-N have been considered and would be accomplished before the final plat is submitted.

The applicant has stated that there are no irrigation easements on the subject property.

SUMMARY OF CONCLUSIONS

This summary is a list of the important findings identified in this report and made in accordance with 76-3-608 MCA. The summary is the basis for the recommendation and recommended conditions in accordance with 76-3-608(4) MCA.

Conclusion 1. The impact to access can be mitigated by showing Peterson Lane on the final plat.

Conclusion 2. The impacts to local services from addressing can be mitigated by verifying the address of the current structure.

Conclusion 3. There are little to no impacts to utilities because the existing home is currently being served by all of the necessary utilities.

Conclusion 4. The impacts on sewer and water can be mitigated by providing the County Sanitarian's approval.

Conclusion 5. The impacts to the natural environment from weeds and ground water contamination are not present at this time due to there being no new development on the property.

Conclusion 6. The impact on wildlife and wildlife habitat would be acceptable because the subdivision is located in an area that already has development and is highly farmed.

Conclusion 7. There are no significant impacts on public health and safety as the subject tract has an existing home with an installed driveway and no new development is proposed.

Conclusion 8. The proposal would be in compliance with the Uniform Standards for Final Subdivision Plats because the County's Examining Land Surveyor and the Subdivision Administrator would review the final plat prior to approval.

Conclusion 9. The preliminary plat has met all procedural requirements and if approved, would be valid for three years from the date of approval.

Conclusion 10. The final plat should show all access from the subject tract to Hog Johnson Road.

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 and Commissioner Broesder seconded to approve the Preliminary Petersen Homestead Minor Subdivision. Motion carried. Commissioner Kuka was Absent.

ORDER

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

II) RECOMMENDATION

The Reviewer recommends approval of the preliminary plat application for the Peterson Homestead Minor Subdivision, subject to the conditions below. After each condition in parentheses are the regulations and statutes that were used as a basis for the imposition of the conditions. All conditions are based on the findings and conclusions identified in this

report and are recommended according to 76-3-608 MCA.

Recommended Final Plat Requirements

1. The final plat and plans shall be in substantial compliance with the preliminary plat and plans reviewed and approved by the governing body, except as modified by these conditions. [*Pondera County Subdivision Regulations (PCSR) II-B-1*]
2. The final plat and supplements shall comply with the Uniform Standards for Final Subdivision Plats and shall be reviewed by Pondera County's Examining Land Surveyor and Subdivision Administrator prior to final approval. [*PCSR II-B-2, MCA 76-3-402 and MCA 76-3-611*]
3. Prior to filing of the final plat, the subdivider shall:
 - a. Provide proof that all real property taxes and special assessments assessed and levied on the property are paid for the current tax year; including any past delinquencies; [*MCA 76-3-611(1)(b),*] and,
 - b. Provide a certificate of a title abstracter showing the subdivider is the lawful owner of the property with the apparent authority to subdivide the same, and showing the names and written consent of lien holders or claimants of record. [*MCA 76-3-612,*]
4. The approval period for the preliminary plat is three years. All conditions of preliminary approval shall be met within three years or the preliminary plat approval is null and void. The final subdivision plat must be filed and recorded with the Pondera County Clerk and Recorder within the three year approval period. [*PCSR III-A-6(f)*]
5. The applicant shall submit the certification of exemption from DEQ prior to final plat approval. [*PCSR VI-I(a)*]
6. The applicant shall submit a wastewater treatment system approval for the replacement septic system prior to final plat approval. [*PCSR VI-L*]
7. The final plat shall include an exemption from DEQ certified by Pondera County. [*PCSR VI-L*]
8. All driveways and access roads shall be shown on the final plat. [*PCSR VI-H(a.) and MCA 76-3-608(8)(a), effect on public health and safety*]
9. In addition to showing the location of utility easements on the plat with dashed lines, the following statement shall be on the final plat:

"The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water, or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their line and other facilities, in, over, under and across each area designated on this plat as 'Utility Easement' to have and to hold forever." [PCSR VI-M(h)]
10. The applicant shall provide documentation regarding the address of the current home located on the subject property prior to final plat approval. [*76-3-608(8)(a), effect on local services and public health and safety*]
11. All proposed easements shall be identified as to purpose, dimensions and recipients of the dedication, if any. [*PCSR II-A-5 Requirements for Preliminary Plat*]
12. In accordance with the Montana Land Reliance in their letter dated June 29th, 2015 each of their conditions shall be satisfied prior to final plat approval. [*76-3-504(1)(i) MCA*]

Preliminary plat approval of the Peterson Homestead Minor Subdivision shall be in force for three (3) 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 28th day of October, 2015

PONDERA COUNTY COMMISSION

/s/ Sandra J Broesder
Sandra J Broesder, Chairman

/s/ Janice Hoppes
Janice Hoppes, Member

Attest:

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

Absent
Thomas A Kuka, Member

WOMEN, INFANTS, & CHILDREN (WIC) CONTRACT APPROVED – November 28, 2015

Commissioner Hoppes moved to approve the WIC Contract with Teton County Health Department for October 2015 – September 2016. Total amount of the contract is \$23,603. Commissioner Broesder seconded. Motion carried.

Commissioner Kuka was Absent.

REALLOCATED FUNDS FOR WIC APPROVED – October 28, 2015

Commissioner Hoppes moved to approve the reallocation of \$840.80 from Teton County to the Pondera County WIC Program. Commissioner Broesder seconded. Motion carried.

Commissioner Kuka was Absent.

CLAIMS APPROVED FOR PAYMENT – October 30, 2015

FUND	AMOUNT
GENERAL	\$ 44,001.84
ROAD	21,962.16
BRIDGE	3,914.85
WEED	706.12
AIRPORT	361.20
COMPREHENSIVE INSURANCE	-0.16
AMBULANCE	114.43
EXTENSION SERVICE	5,050.66
PUBLIC SAFETY (LAW ENFORCEMENT)	4,904.12
HEALTH INSURANCE - EMPLOYER CONTRIBUTION	824.86
BRADY LIGHTS MAINTENANCE	338.95
911 EMERGENCY	1,326.61
LAND USE PLANNING	924.84
NORTHERN TRANSIT INTERLOCAL	151.56
STATE ALLOCATED FEDERAL MINERAL	7,500.00
VICTIM & WITNESS ADVOCATE	555.38
DUI PREVENTION	5,755.03
EMERGENCY PREPAREDNESS GRANT	1,028.73
PERFORMANCE MGT GRANT	30.21
BREAST & CERVICAL SCREENING	1,212.85
WIC GRANT	163.49
MATERNAL CHILD HEALTH	101.23
IMMUNIZATION ACTION PROGRAM	146.80
TOBACCO USE PREVENTION GRANT	718.80
NAPA GRANT	30.21
HEALTH CARE FOUNDATION GRANT	71.00
JUNK VEHICLE GRANT	991.30
REFUND FUND	1,725.67

TOTAL CLAIMS	\$	104,612.74
TOTAL PAYROLL		<u>213,091.93</u>
TOTAL CLAIMS AND PAYROLL FUNDS		<u><u>317,704.67</u></u>

ADJOURNMENT

The meeting adjourned at 5:00 p.m. on October 30, 2015. Pondera County, Montana.

Sandra J Broesder, Chairman

ATTEST:

Kody Farkell, Clerk & Recorder