

**REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
PONDERA COUNTY, MONTANA  
Held in September 2023**

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on September 6, 13, 20, and 27, 2023.

**SEPTEMBER 6, 2023 REGULAR MEETING OF THE COMMISSION:**

PRESENT: Commissioner Jim Morren, Commissioner Tom Kuka, Clerk & Recorder Kody Farkell

RESOLUTION FOR LIFTING STAGE 1 FIRE RESTRICTIONS  
PONDERA COUNTY MONTANA  
RESOLUTION #6 – 2023/24  
LIFTING STAGE 1 FIRE RESTRICTIONS

WHEREAS, Pondera County routinely issues burning permits for the open burning of yard debris, stubble, grass, weeds and other miscellaneous wood/lumber products which can result in large planned fires; and

WHEREAS Pondera County issued Stage 1 Fire Restrictions effective July 26, 2023 due to extremely dry weather conditions; and

WHEREAS these conditions have lessened due to increased moisture and cooler temperatures in Pondera County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pondera County that:

1. All open burning permits may be issued;
2. Open burning is permitted in the county;
3. The fire restrictions may be reinstated, effective immediately, upon weather conditions

Adopted this 6<sup>th</sup> day of September, 2023, as moved by Commissioner Kuka, seconded by Commissioner Morren, and passed on a 2-0 vote of the board. Effective on passage and approval.

BOARD OF COUNTY COMMISSIONERS  
Pondera County, Montana

/s/ Jim Morren  
Jim Morren, Chairman

/s/ Thomas A Kuka  
Thomas A Kuka, Member

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

Absent  
Zane Drishinski, Member

RESOLUTION ON AUTHORIZING PROSECUTORIAL ASSISTANCE IN CARLOS GUERRA MATTER

PONDERA COUNTY  
MONTANA  
RESOLUTION #7 – 2023/24  
AUTHORIZING PROSECUTORIAL  
ASSISTANCE IN CARLOS GUERRA MATTER

WHEREAS, the Pondera County Attorney has requested prosecutorial assistance in the matter of Carlos Guerra, Pondera County Justice Cause No. CR-671-2023-13; and

WHEREAS, Mont. Code Ann. Section 7-4-2705 authorizes the board of county

**September 2023**

commissioners to employ Special Counsel to assist in the prosecution of any criminal case pending in the County or to represent the County in any civil action in which the county is a party; and

WHEREAS, Daniel Jones, Attorney for the City of Conrad has agreed to act as a Special Counsel for this matter

THEREFORE, IT IS HEREBY RESOLVED:

That, Daniel Jones, Attorney for the City of Conrad shall be appointed as Special Counsel for Pondera County for the purpose of assisting in the prosecution of Carlos Guerra, Pondera County Justice Cause No. CR-671-2023-13;; and that he can fulfill the functions and duties of the Pondera County Attorney's Office as set out in Mont. Code Ann. Section 7-4-2711 *et seq.*

IT IS FURTHER RESOLVED:

That under the terms of this agreement, no compensation will be due or owing except reasonable expert fees, mileage and witness fees.

Adopted this 6<sup>th</sup> day of September, 2023 as moved by Commissioner Kuka, seconded by Commissioner Morren, and passed on a 2-0 vote of the full board. Effective on passage and approval.

BOARD OF COUNTY COMMISSIONERS  
Pondera County, Montana

/s/ Jim Morren  
Jim Morren, Chairman

/s/ Thomas A Kuka  
Thomas A Kuka, Member

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

Absent  
Zane Drishinski, Member

**SECOND DRAWDOWN FOR FEDERAL AVIATION ADMINISTRATION PROJECT PAYMENT**

Commissioner Kuka moved to approve drawdown #2 for the Federal Aviation Administration Project for the Pondera County Airport in the amount of \$41,250.00 for engineering services (runway repaving) as well as \$5,410 for purchase of equipment. Commissioner Morren seconded. Motion carried.

**SEPTEMBER 13, 2023 REGULAR MEETING OF THE COMMISSION:**

PRESENT: Commissioner Jim Morren, Commissioner Tom Kuka, Clerk & Recorder Kody Farkell, Deputy Clerk & Recorder Tammy Bartsch, Road/Bridge Superintendent Steve Kaphammer

**REGULAR MEETING SEPTEMBER 27, 2023 CANCELLED**

Commissioner Kuka moved and Commissioner Morren seconded to cancel the regular meeting of the Commissioners scheduled for September 27, 2023. Commissioners will be attending the MACO Annual Conference in Butte. Motion carried.

**ENCROACHMENT AGREEMENT REQUESTED BY VIRGIL PEDERSEN**

Commissioner Kuka moved to approve an Encroachment Agreement for Virgil Pedersen on Swift Dan Road. Commissioner Morren seconded. Motion carried.

**AIRPORT RUNWAY RECONSTRUCTION GRANT**

Commissioner Kuka moved and Commissioner Morren seconded the approval of a reconstruction grant for the Conrad Airport. The amount is for \$4,784,937.00. Motion carried.

**AUGUST COMMISSION MINUTES APPROVED**

Commissioner Kuka moved and Commissioner Morren seconded to approve the August 2023 Minutes of the Commission. Motion carried.

**September 2023**

EXPENDITURES IN EXCESS OF \$500-APPROVED

Commissioner Kuka moved to approve the purchase of a transmission for a 1992 John Deere loader for Pondera County Road/Bridge Department in the amount of \$20,000.00. The funds for this purchase will come out of the Road/Bridge Capital Improvement. Commissioner Morren seconded. Motion carried.

**SEPTEMBER 20, 2023 REGULAR MEETING OF THE COMMISSION:**

PRESENT: Commissioner Jim Morren, Commissioner Tom Kuka, Commissioner Zane Drishinski, Clerk & Recorder Kody Farkell, Deputy Clerk & Recorder Tammy Bartsch

NOTICE TO PROCEED WITH AIRPORT PROJECT

Commissioner Kuka approved and Commissioner Drishinski seconded to sign and accept the Notice to Proceed received by Schellinger Construction Co. Inc. Motion carried. Schellinger Construction Co. Inc will complete all contracted construction at the Conrad Airport using 90 calendar days. Final date for completion is October 1, 2024.

AGREEMENT FROM FRONTLINE AG

Commissioner Kuka moved and Commissioner Drishinski seconded the statement from Frontline Ag. Stating a cashier check will be issued for 30,000.00 for the airport equipment. Motion carried.

RESOLUTION ON UPDATING COSTS IN TAX ASSIGNMENT CERTIFICATES

PONDERA COUNTY, MONTANA

RESOLUTION #8 – 2023/24

RESOLUTION UPDATING COSTS IN TAX ASSIGNMENT CERTIFICATES

WHEREAS, Section 15-17-121(2)(a), MCA, defines “Costs” incurred by the county as a result of a taxpayer’s failure to pay taxes when due, including but not limited to any actual out-of-pocket expenses incurred by the county plus the administrative costs; and the county costs collected may be deposited in the county General Fund, pursuant to Section 15-17-322, MCA; and

WHEREAS, Section 15-17-323, MCA, directs the county treasurer, upon receipt of all delinquent taxes, penalties, interest and costs, to prepare an ASSIGNMENT certificate of the county’s interest in property in which the county is listed as the purchaser and the costs to an assignee, shall be set as follows:

preparation of Assignment Certificate		
recording fees		
distribution of payment		
	Total, per parcel	\$100.00

NOW, THEREFORE, BE IT RESOLVED by the Pondera County Board of Commissioners that the fees for the actual and administrative costs, assessed to a purchaser other than the County, are set as follows:

ASSIGNMENT, PER PARCEL	\$ 100.00
------------------------	-----------

Adopted this 20<sup>th</sup> day of September, 2023 as moved by Commissioner Drishinski, seconded by Commissioner Kuka, and passed on a 3-0 vote of the board. Effective on passage and approval.

BOARD OF COUNTY COMMISSIONERS

Pondera County, Montana

/s/ Jim Morren  
Jim Morren, Chairman

/s/ Thomas A Kuka  
Thomas A Kuka, Member

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

/s/ Zane Drishinski  
Zane Drishinski, Member

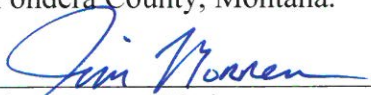
CLAIMS APPROVED FOR PAYMENT

Fund	Fund Description	
1000	GENERAL	26,115.76
2110	ROAD	31,489.30
2130	BRIDGE	131.61
2140	WEED	2,908.61
2170	AIRPORT	429.51
2230	AMBULANCE	186.48
2290	EXTENSION SERVICE	7,254.07
2300	PUBLIC SAFETY (LAW ENFORCEMENT)	12,655.36
2401	BRADY LIGHTS MAINTENANCE	351.39
2830	JUNK VEHICLE	3,012.89
2850	911 EMERGENCY	15,266.01
2860	LAND USE PLANNING	42.75
2862	PONDERA CO GROWTH POLICY	3,024.00
2866	NORTHERN TRANSIT INTERLOCAL	404.21
2958	EP (DES) GRANTS	5,808.61
2961	PERFORMANCE MTG GRANT	245.00
2963	ORAL HEALTH SERVICES GRANT	170.00
2964	ALLIANCE FOR YOUTH	2,264.11
2971	WIC GRANT	125.47
2973	MATERNAL CHILD HEALTH	148.19
2976	IMMUNIZATION ACTION GRANT	141.50
2978	CHRONIC DISEASE GRANT	1,176.49
2995	ARPA	226,788.28
4009	PUBLIC SAFETY CAPITAL IMP	255,271.80
TOTAL CLAIMS		595,411.40
TOTAL PAYROLL		\$ 321,922.91
TOTAL CLAIMS AND PAYROLL FUNDS		\$ 917,334.31

ADJOURNMENT

The meeting adjourned at 5:00 p.m. on September 30, 2023

Pondera County, Montana.

  
 \_\_\_\_\_  
 Jim Morren, Chairman

ATTEST:

  
 \_\_\_\_\_  
 Kody L Parkell, Clerk & Recorder

