

**REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS
PONDERA COUNTY, MONTANA
Held in July 2021**

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on July 7, 14, 21, and 28, 2021.

JULY 7, 2021 REGULAR MEETING OF THE COMMISSION:

PRESENT: Commissioner Thomas Kuka, Commissioner Dale Seifert, Commissioner Jim Morren, Clerk & Recorder Kody Farkell, Deputy Clerk & Recorder Tammy Bartsch

RESOLUTION ON LOAN TO FUNDS HAVING NEGATIVE CASH BALANCES AT FISCAL YEAR END

PONDERA COUNTY, MONTANA
RESOLUTION #1 – 2021/22
LOAN TO FUNDS HAVING NEGATIVE CASH BALANCES
AT FISCAL YEAR END

WHEREAS, generally accepted standards for governmental accounting does not allow for negative cash balances in any fund, including reimbursable grant funds, at the close of the fiscal year; and

WHEREAS, five County funds,
Fund 2150 Predatory Animal Control (\$355.28)
Fund 2851, E-911 & GPS/GIS Grant (\$11,530.00)
Fund 2853, 911-CAD Program Grant (\$54,700.02)
Fund 2854, 911 Radio Purchase Grant (\$9,647)
Fund 2966, COVID-19 Mental Health Grant (\$2,057.89)

have negative cash balances as of June 30, 2021 due to the nature of the funds as reimbursable grant funds; and

WHEREAS, Pondera County General Fund has sufficient cash to loan the funds having negative cash balances on June 30, 2021 in order that the funds will not have a deficient cash balance; and

WHEREAS the funds shall repay the loan and interest at 0% per annum to the general fund from the revenue to be received, anticipated to be in July 2021

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pondera County that the Clerk and Recorder effect the loans to any and all funds having negative cash balances on June 30, 2021 from the county General funds and that the loans be repaid as stated above as soon as feasible.

Adopted this 7th day of July, 2021 as moved by Commissioner Morren, seconded by Commissioner Kuka, and passed on a 3-0 vote of the board. Effective upon passage and approval.

BOARD OF COMMISSIONERS
Pondera County, Montana

/s/ Dale J Seifert
Dale J Seifert, Chairman

/s/ Thomas A Kuka
Thomas A Kuka, Member

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

/s/ Jim Morren
Jim Morren, Member

RESOLUTION ON AUTHORIZING PROSECUTORIAL ASSISTANCE IN DISTRICT AND JUSTICE COURT CASES

PONDERA COUNTY MONTANA

July 2021

RESOLUTION #2- 2021/22
AUTHORIZING PROSECUTORIAL ASSISTANCE
IN DISTRICT AND JUSTICE COURT CASES

WHEREAS, the Pondera County Attorney has requested Special Counsel assistance periodically throughout the fiscal year because of her periodic absence from the county for vacations or training; and

WHEREAS, the Ninth Judicial District Court and the Pondera County Justice Court caseload has significantly increased from previous years, and it is appropriate that special counsel be appointed to assist manage the caseload needs of the Pondera County Attorney's Office in both criminal and civil matters; and

WHEREAS, Mont. Code Ann. Section 7-4-2705 authorizes the board of county 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, the Pondera County Attorney has requested that Special Counsel be appointed to prosecute or represent the County in the Ninth Judicial District Court, as well as, the Pondera County Justice Court; and

WHEREAS, Joe Coble, Teton County Attorney, has agreed to act as a Special Counsel when required and has authorized Jennifer Stutz, Deputy Teton County Attorney, to also act as Special Counsel;

THEREFORE, IT IS HEREBY RESOLVED:

That, Joe Coble, Teton County Attorney, and Jennifer Stutz, Deputy Teton County Attorney, shall be appointed as Special Counsel for Pondera County for the purpose of assisting in the prosecution of any criminal case or representing the County in any civil action that may arise from July 1, 2021 through June 30, 2022, and that they 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 fee will be charged for attorney time provided by the special prosecutor Joe Coble, however, mileage shall be paid to each for any travel expenses incurred during the prosecution of any matters at the current rate of \$0.56 per mile. Witness fees and expense, jury costs, and other normal costs associated with the prosecution will be the county's responsibility as with all other prosecutions.

Adopted this 7th day of July, 2021 as moved by Commissioner Kuka, seconded by Commissioner Morren, and passed on a 3-0 vote of the full board. Effective on passage and approval.

BOARD OF COUNTY COMMISSIONERS
 Pondera County, Montana

 Thomas A Kuka, Chairman

 Dale J Seifert, Member

Attest: _____
 Kody L Farkell, Clerk & Recorder

 Jim Morren, Member

COUNTY SUPERINTENDENT OF SCHOOLS CONTRACT APPROVED

Commissioner Kuka moved and Commissioner Morren seconded to approve the County Superintendent of Schools Agreement with Lynn C. Utterback for FY2021-22. Motion carried.

NOXIOUS WEED MANAGEMENT PLAN APPROVED

Commissioner Kuka moved to approve the Noxious Weed Management Plan for Pondera County 2021 as prepared by the Pondera County Weed District. Commissioner Morren seconded. Motion carried.

RESOLUTION ON PONDERA COUNTY STAGE 1 FIRE RESTRICTIONS

PONDERA COUNTY MONTANA

RESOLUTION # 3 – 2021/22

PONDERA COUNTY STAGE 1 FIRE RESTRICTIONS

WHEREAS, continued high temperatures and low precipitation have occurred within Pondera County during the months of June & July, 2021, resulting in dry fuel conditions and poor soil moisture conditions has contributed to a High wildland fire danger: and

WHEREAS the Pondera County Board of County Commissioners declares that all the private land not under the jurisdiction of the municipalities of state or federal agencies is a high fire hazard area.

IT IS HEREBY RESOLVED, by the Pondera County Commissioners that a County Stage I Fire Restrictions/Open Burning Ban is in effect for all lands in Pondera County, due to HIGH wildland fire danger. The following acts are prohibited until further notice:

1. Building, maintaining, attending or using a fire or campfire, unless noted and allowed in the exemptions stated below.
2. Smoking, except within an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least three (3) feet in diameter that is barren or cleared of all flammable materials.
3. All county-issued burning permits are suspended until further notice and no new burning permits will be issued.

EXEMPTIONS:

1. Persons using a device solely fueled by liquid petroleum or LPG fuels that can be turned on and off. Such devices can only be used in an area that is barren or cleared of all overhead and surrounding flammable materials within 3 feet of the device.
2. Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.
3. Any Federal, State or local officer or member of an organized rescue or firefighting force while in the performance of an official duty.
4. All land within a city or town boundary is exempted.

VIOLATIONS:

1. You could be fined up to \$5,000 individually or \$10,000 for an organization and imprisonment up to 6 months for violating restrictions and closures.
2. You can be held liable for all suppression costs and damages if you start a fire.

IT IS FURTHER RESOLVED that all activities that might potentially cause a fire shall cease immediately and be prohibited until further notice.

AN EXEMPTION DOES NOT ABSOLVE AN INDIVIDUAL OR ORGANIZATION FROM LIABILITY OR RESPONSIBILITY FOR ANY FIRE STARTED BY THE EXEMPTED ACTIVITY.

BE IT FURTHER RESOLVED, this resolution becomes effective immediately and shall remain in effect until such time as it may be amended or rescinded by the Board of the Pondera County Commissioners.

Adopted this 7th day of July, 2021 as moved by Commissioner Morren, seconded by Commissioner Kuka, and passed on a 3-0 vote of the board. Effective on passage and approval.

BOARD OF COMMISSIONERS
Pondera County, Montana

/s/ Dale J Seifert
Dale J Seifert, Chairman

/s/ Thomas A Kuka
Thomas A Kuka, Member

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

/s/ Jim Morren
Jim Morren, Member

TAX ABATEMENTS 1138-1139-APPROVED

Commissioner Kuka moved to approve the following abatement:

NUMBER	REASON	CANCEL	ADD	PARCEL NO
1138	DOR decision	5.00		1309150
1139	Market value decreased	0.00		1309160

Commissioner Morren seconded. Motion carried.

JULY 14, 2021 REGULAR MEETING OF THE COMMISSION:

PRESENT: Commissioner Thomas Kuka, Commissioner Dale Seifert, Commissioner Jim Morren, Clerk & Recorder Kody Farkell, Deputy Clerk & Recorder Tammy Bartsch

EMERGENCY MANAGEMENT PREPAREDNESS GRANT APPROVED

Commissioner Morren moved to approve the Emergency Management Preparedness Grant State and Local Agreement between the State of Montana Department of Emergency Services and Pondera County. Under the terms of this Agreement, Pondera County will be reimbursed approximately one-half (1/2) of the operating expense of the County Disaster and Emergency Services department, up to \$31,252.17 for the time period July 1, 2021-June 30, 2022. Commissioner Kuka seconded. Motion carried.

RESOLUTION TO REQUEST STATE OF MONTANA REIMBURSE PONDERA COUNTY

PONDERA COUNTY MONTANA
RESOLUTION #4 – 2021/22

RESOLUTION TO REQUEST STATE OF MONTANA REIMBURSE PONDERA COUNTY

WHEREAS, Section 15-23-101(2)(b),MCA directs the department (Montana Department of Revenue) to assess pipelines regulated by the public service commission or the federal energy regulatory commission

WHEREAS, Rocky Mountain Pipeline Montana LLC protested their 2020 property taxes per 15-1-402

WHEREAS, The Montana Department of Revenue entered into a settlement agreement with the Rocky Mountain Pipeline that resolves the company’s centrally assessed appeal for property tax year 2020, which reduced the market value by approximately 39.82%.

WHEREAS, according to the Montana Department of Revenue in its May 25, 2021 letter, based on the settled market values and revised valuation information, Pondera County is responsible for issuing a refund in the amount of \$56,172 for property tax year 2020.

WHEREAS, Mont. Code Ann. § 15-1-402(6)(D)(I)(a) provides that, if the final assessed value of a centrally assessed property is “less than 75% of the department’s original assessed value, the governing body may demand that the state refund from the general fund the protested taxes equivalent to the difference between the final determined assessed value and 75% of the original assessed value.”

WHEREAS, the amount Pondera County is entitled to demand from the Department of Revenue amounts to \$20,903.00 and the statute requires a counties take affirmative action for a portion of the protested taxes to be reimbursed from the general fund.

NOW, THEREFORE, BE IT RESOLVED BY THE Pondera County Board of Commissioners that the Pondera County Treasurer will demand of the Montana Department of Revenue \$20,903.00.

Adopted this 14th day of July, 2021 as moved by Commissioner Kuka, seconded by Commissioner Morren, and passed on a 3-0 vote of the board. Effective on passage and approval.

BOARD OF COMMISSIONERS
Pondera County, Montana

/s/ Dale J Seifert
Dale J Seifert, Chairman

/s/ Thomas A Kuka
Thomas A Kuka, Member

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

/s/ Jim Morren
Jim Morren, Member

EXPENDITURES IN EXCESS OF \$500-APPROVED –

Commissioner Morren moved to approve the expenditure of \$700 to be paid to DIS Technologies for turning TIF files into PDF files to be searchable in Square 9. Commissioner Kuka seconded. Motion carried.

JUNE COMMISSION MINUTES APPROVED

Commissioner Morren moved and Commissioner Kuka seconded to approve the June 2021 Minutes of the Commission. Motion carried.

TREASURER'S SECURITIES REPORT

The following are the investments as of June 30, 2021

STIP	\$6,002,000.00 @ .0977833%		
STOCKMAN BANK BALANCES	\$6,958,762.15		
	STOCKMAN BANK –Collateral Report		
912828WG1	\$ 845,000.00	FHLB 2001082	.19% 08/12/22
3130AHSR5	5,125,000.00	FHLB 2001017	1.63% 12/20/21
3133ELFR0	700,000.00	FFCB 2001022	1.63% 12/27/21
3133EL6R0	600,000.00	FFCB 2001064	.15% 09/09/22
33133EL3U6	400,000.00	FFCB 2001050	.18% 02/01/23

RAYMOND JAMES

14042RMS7	\$250,000.00	2.200%	Due 08/07/2023 (CD)
254672T24	\$250,000.00	2.000%	Due 11/23/2021 (CD)
38149MCZ4	\$250,000.00	2.15%	Due 07/18/2022 (CD)
61690UED8	\$250,000.00	2.850%	Due 02/14/2022 (CD)

INDEPENDENCE BANK

CDARS 1024617269	02/03/22	.44901%	\$500,000.00
CDARS 1024098768	08/12/21	.44901%	\$1,000,000.00
CDARS 1023886398	06/02/22	.80675%	\$500,000.00
CDARS 1024268574	10/07/21	.35%	\$500,000.00
CDARS 1024356902	11/04/21	.44901%	\$1,000,000.00
CDARS 1024356937	11/04/21	.3494%	\$1,000,000.00
CDARS 1024413973	12/02/21	.44901%	\$1,000,000.00

JULY 21, 2021 REGULAR MEETING OF THE COMMISSION:

PRESENT: Commissioner Thomas Kuka, Commissioner Dale Seifert, Commissioner Jim Morren, Deputy Clerk & Recorder Tammy Bartsch, Public- Collin and Morgan Johnson

PUBLIC COMMENT

Collin and Morgan Johnson were inquiring about leasing one acre of land at the Valier airport.

AMBULANCE LEASE WITH PONDERA MEDICAL CENTER-APPROVED

Commissioner Morren moved and Commissioner Kuka seconded to approve an ambulance lease agreement with Pondera Medical Center. Pondera County shall lease to PMC three ambulance vehicles. This lease shall become effective as of May 9, 2021 and continue in effect for a term of five years. Motion carried.

RESOLUTION ON AUTHORIZING PROSECUTORIAL ASSISTANCE IN JUSTICE COURT CASE

PONDERA COUNTY MONTANA
 RESOLUTION #5 – 2021/22
AUTHORIZING PROSECUTORIAL ASSISTANCE
IN JUSTICE COURT CASE

WHEREAS, the Pondera County Attorney has requested prosecutorial assistance in the case of State v. Scott Boyles, TK-665-2020-9688, and

WHEREAS, it is desired and deemed appropriate that a special deputy county attorney be appointed to assist in the prosecution of the aforementioned case, and

WHEREAS, Mont. Code Ann. Section 44-4-111 authorizes and contemplates that the training coordinator for county attorneys and the Chief of Prosecution Services Bureau (together with the deputies within said bureau) act as special counsel on request of the county attorney and upon the approval of the board of county commissioners, and

WHEREAS, Mont. Code Ann. Section 2-15-501(6) authorizes the Attorney General to provide assistance to county attorneys in the discharge of his or her duties.

IT IS HEREBY RESOLVED: That the attorneys assigned to the Prosecution Services Bureau of the Department of Justice are hereby appointed as special deputy county attorneys for Pondera County for the purpose of assisting in the prosecution of the aforementioned case and that any of said deputies can fulfill the functions set out in Mont. Code Ann. Section 44-4-103.

IT IS FURTHER RESOLVED: That under the terms of this agreement, no fee will be charged for attorney time provided by the Bureau based upon the fact that pursuant to the internal operational policies adopted by the Attorney General September 1, 1999, assistance in such cases is provided without an hourly fee. Witness fees and expenses, jury costs, and other normal costs associated with the trial will be the County's responsibility as with all other prosecutions.

Adopted this 21st day of July, 2021 as moved by Commissioner Kuka, seconded by Commissioner Morren, and passed on a unanimous vote of the full board. Effective on passage and approval.

BOARD OF COMMISSIONERS
 Pondera County, Montana

/s/ Dale J Seifert
 Dale J Seifert, Chairman

/s/ Thomas A Kuka
 Thomas A Kuka, Member

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

/s/ Jim Morren
 Jim Morren, Member

RESOLUTION ON AUTHORIZING PROSECUTORIAL ASSISTANCE IN DISTRICT COURT CASE

PONDERA COUNTY MONTANA
 RESOLUTION #6 – 2021/22
AUTHORIZING PROSECUTORIAL ASSISTANCE
IN DISTRICT COURT CASE

WHEREAS, the Pondera County Attorney has requested prosecutorial assistance

in the case of State v. Edward Kleinsasser, DC-21-15, and

WHEREAS, it is desired and deemed appropriate that a special deputy county attorney be appointed to assist in the prosecution of the aforementioned case, and

WHEREAS, Mont. Code Ann. Section 44-4-111 authorizes and contemplates that the training coordinator for county attorneys and the bureau chief of Prosecution Services Bureau (together with the deputies within said bureau) act as special counsel on request of the county attorney and upon the approval of the board of county commissioners, and

WHEREAS, Mont. Code Ann. Section 2-15-501(6) authorizes the Attorney General to provide assistance to county attorneys in the discharge of his or her duties.

IT IS HEREBY RESOLVED: That the attorneys assigned to the Prosecution Services Bureau of the Department of Justice are hereby appointed as special deputy county attorneys for Pondera County for the purpose of assisting in the prosecution of the aforementioned case and that any of said deputies can fulfill the functions set out in Mont. Code Ann. Section 44-4-103.

IT IS FURTHER RESOLVED: That under the terms of this agreement, no fee will be charged for attorney time provided by the Bureau based upon the fact that pursuant to the internal operational policies adopted by the Attorney General September 1, 1999, assistance in such cases is provided without an hourly fee. Witness fees and expenses, jury costs, and other normal costs associated with the trial will be the County's responsibility as with all other prosecutions.

Adopted this 21st day of July, 2021, as moved by Commissioner Kuka, seconded by Commissioner Morren, and passed on a unanimous vote of the full board. Effective on passage and approval.

BOARD OF COMMISSIONERS
Pondera County, Montana

/s/ Dale J Seifert
Dale J Seifert, Chairman

/s/ Thomas A Kuka
Thomas A Kuka, Member

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

/s/ Jim Morren
Jim Morren, Member

TERMINATION OF LAND LEASE

Commissioner Kuka moved and Commissioner Morren seconded of the request from Dennis and Sandi Chaney to terminate the land lease at the Valier airport. Motion carried.

PRE-PROPOSAL MEETING FOR AMBULANCE BARN

Ambulance Barn Request for Qualification-

Attendees:

Dale Nelson, Nelson Arch; Kelly Axtman, Slate Architecture; RG Dicky, Swank Enterprises; Kevin Forbes, Swank Enterprises; Matt Thompson, Ameresco; Autumn Lineweaver, Clausen Construction (did not attend but called in for meeting notes); Ruth Erickson, Pondera Co Ambulance; Fred Trafelet, Pondera Co Ambulance; Laura Erickson, PMC; Rob Cook, PRPA

JULY 28, 2021 REGULAR MEETING OF THE COMMISSION:

PRESENT: Commissioner Thomas Kuka, Commissioner Dale Seifert, Commissioner Jim Morren, Clerk & Recorder Kody Farkell, Deputy Clerk & Recorder Tammy Bartsch

TAX ABATEMENTS 1140-APPROVED

Commissioner Kuka moved to approve the following abatement:

NUMBER	REASON	CANCEL	ADD	PARCEL NO
1140	Already paid this portion A2-541	645.04		132590

July 2021

Commissioner Morren seconded. Motion carried.

CLAIM FOR INDIGENT BURIAL APPROVED FOR PAYMENT

Commissioner Morren moved to approve payment of \$750 each for two burials of indigent residents of the county. Commissioner Kuka seconded. Motion carried.

ENCROACHMENT AGREEMENT REQUESTED FROM CENTURY LINK

Commissioner Morren moved and Commissioner Kuka seconded to approve an encroachment agreement requested by Century Link for the purpose of new placement for fiber optic cable. Motion carried.

VALIER AIRPORT LAND LEASE APPROVED

Commissioner Kuka moved and Commissioner Morren seconded to approve an airport land lease one (1) acre with Collin & Morgan Johnson in the amount of \$25.00 per year for a period of three (3) years. Motion carried.

VALIER AIRPORT LAND LEASE BID APPROVED

Commissioner Kuka moved and Commissioner Morren seconded to approve the bid from Mark Richey for an airport land lease of 42 acres in the amount of \$33.00 per acre. Motion carried.

CLAIMS APPROVED FOR PAYMENT

Fund	Fund Description	
1000	GENERAL	34,798.02
2110	ROAD	62,733.29
2130	BRIDGE	6,294.58
2140	WEED	2,229.57
2170	AIRPORT	1,262.99
2230	AMBULANCE	479.33
2290	EXTENSION SERVICE	7,252.92
2300	PUBLIC SAFETY (LAW ENFORCEMENT)	15,111.26
2371	HEALTH INSURANCE - EMPLOYER CONTRIBUTION	177.49
2401	BRADY LIGHTS MAINTENANCE	291.43
2830	JUNK VEHICLE	13.15
2840	NOXIOUS WEED GRANT	54.90
2850	911 EMERGENCY	46.97
2853	911 CAD GRANT	53,819.00
2860	LAND USE PLANNING	1,653.00
2866	NORTHERN TRANSIT INTERLOCAL	152.20
2917	VICTIM & WITNESS ADV PROG	248.00
2958	EP (DES) GRANTS	1,463.80
2963	ORAL HEALTH SERVICES GRANT	170.00
2964	ALLIANCE FOR YOUTH	185.00
2966	COVID-19 MENTAL HEALTH GRANT	8,204.18
2973	MATERNAL CHILD HEALTH	255.18
2976	IMMUNIZATION ACTION GRANT	85.98
2978	CHRONIC DISEASE GRANT	1,121.40
2980	HEALTH CARE FOUND. GRANT	85.00
7920	REFUND FUND	203.00
TOTAL CLAIMS		198,391.64
TOTAL PAYROLL		\$ 198,391.64
TOTAL CLAIMS AND PAYROLL FUNDS		\$ 396,783.28

ADJOURNMENT

The meeting adjourned at 5:00 p.m. on July 30, 2021

Pondera County, Montana.


Dale J Seifert, Chairman

ATTEST:


Kody L. Parkell, Clerk & Recorder

